

MINUTES

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

October 3, 2016

7:00 p.m.

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

ROLL CALL: Present: Commissioners Baringer, Campbell, Clifford, Nibbelin, Cooper and Chair Gordon
Absent: Commissioner Evans

SALUTE TO FLAG: Led by Vice Chair Nibbelin

STAFF PRESENT: Planning Director Wehrmeister
Assoc. Planner Murdock
Asst. City Manager Hines
Asst. City Attorney Matthew Visick
Asst. Planner Smith
Contract Planner Gnos

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

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Clifford, Nibbelin, Cooper and Chair Gordon
Noes: None

APPROVAL OF MINUTES: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF OCTOBER 10, 2016:

Planning Director Wehrmeister stated that they would not need a liaison.

ORAL COMMUNICATIONS:

Dan Stegink, Pacifica, stated that he was going to talk about the library on Beach Blvd. He referred to the ballot argument for Measure N which stated that they vetted Measure N to ensure the library was safe from flooding and sea level rise. He stated that, when he asked the Coastal Commission if it was true, they wrote a letter mentioning what was required to build a multi-use development which includes the library. It stated that it was not accurate to say it has been vetted absent the analysis laid out in the letter. He referred to a letter from the district manager, which omitted mention of coastal hazard risks, such as flooding. He then quoted from the letter which addressed the need for reliance on shoreline protective devices. He then stated that neither the City nor Moffitt & Nichols have done the required analysis if the sea wall does not exist, which the Coastal Commission requires.

CONSENT ITEMS:

- 1. CDP-336-13** **EXTENSION OF PERMITS**, filed by Neil Kopping to extend Coastal Development Permit CDP-336-13 to construct a 400 square foot addition to an existing three-story single family residence at 111 Kent Road, Pacifica (APN 023-032-070).

Vice Chair Nibbelin moved that the Planning Commission grant a one-year extension of the permit; Commissioner Campbell seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Clifford, Nibbelin,
 Cooper and Chair Gordon
Noes: None

PRESENTATION:

- 2. Presentation of Fiscal Year 2016-17 City of Pacifica Operating Budget.**

Asst. City Manager Hines presented the staff report.

Commissioner Clifford referred to the Maintenance Worker II promotions, and asked if there were now two positions open at Maintenance Worker I level.

Asst. City Manager Hines stated that there are currently eight Maintenance Worker I positions and those who want to compete and make it through the recruitment process will be promoted and the I's will become II's.

Commissioner Clifford concluded that we don't have II's currently.

Asst. City Manager Hines responded affirmatively.

Commissioner Clifford asked where the public can look to see where the maintenance money was allocated, adding that he didn't see it in the budget.

Asst. City Manager Hines stated that you would go to the budget document and look under the General Fund summary section that leaves out all the department details and go to the Public Works budget.

Commissioner Clifford asked if it would have all the maintenance money in it.

Asst. City Manager Hines stated that it would only be the maintenance Public Works budgets, but there was also maintenance on the Waste Water budget and stated there may be maintenance costs in the other department budgets as well.

Commissioner Clifford concluded that, if someone wanted details, they would need to look at every department.

Asst. City Manager Hines responded affirmatively.

Commissioner Cooper asked if we recognize any TOT tax from the AirBnB's in Pacifica.

Asst. City Manager Hines stated not to his knowledge.

Commissioner Cooper asked if the City was looking at that.

Asst. City Manager Hines stated that they will be looking at it.

Commissioner Cooper stated that we didn't have any additional tax revenue, but were going to get busier during the summer holiday. He thought there was a lot of parking that needs to be taken care of. He asked if they have thought about doing any metered parking anywhere besides at the beaches.

Asst. City Manager Hines stated that one of the funds was the beach parking fund #35, and they have recently increased the meter parking at the beach parking lots, going from \$4 for 4 hours to \$5 for 4 hours and \$8 for the whole day to \$9 for the whole day. He stated that they were making sure they understood the demand.

Commissioner Cooper stated that they returned the operation of the waste water treatment plant to Public Works, and he asked how that adds a position instead of savings on consolidating the organizations.

Asst. City Manager Hines stated that they have added two deputies and taken Public Works Director half in General Fund and half in waste water. He stated that he would have to come back with more details.

Commissioner Cooper thought, in general, there would be a saving if they are consolidating.

Asst. City Manager Hines stated that it was a small increase, but he could not remember how that was generated.

Commissioner Cooper thought the presentation was clear and he thanked him for putting the numbers together and he understood it from a presentation standpoint. He referred to the net surplus, and asked if they were projecting any for a rainy day.

Asst. City Manager Hines stated that he had budgeted conservatively.

Commissioner Clifford referred to mention of the fees at the beach, and he wanted to check on whether his memory was correct. He stated that the agreement that the Coastal Commission gave them in allowing to charge for parking was that they could only charge enough to cover the cost at the beach, and he asked if the money was going back into it.

Asst. City Manager Hines referred to a slide that indicated that the other funds were nondiscretionary. He stated that all of the funds collected in the beach parking fund have to be used for the maintenance of the parking lot and replacement of the meters and repavement of the lot, which are not cheap and goes into the maintenance.

Commissioner Clifford added that it was also people who patrol the beach and keep the peace.

Asst. City Manager Hines agreed.

Commissioner Clifford asked again if they were considering parking meters elsewhere in town.

Asst. City Manager Hines stated that not to his knowledge, adding that they haven't seen the need for that. If the need arises, they would look into it.

Chair Gordon thanked him for the wonderful presentation, adding that they appreciated it.

PUBLIC HEARINGS:

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| 3, CDP-369-16
PSD-810-16
UP-74-16
PE-167-16
S-120-16 | COASTAL DEVELOPMENT PERMIT CDP-369-16; SITE DEVELOPMENT PERMIT PSD-810-16; USE PERMIT UP-74-16; PARKING EXCEPTION PE-167-16 and SIGN PERMIT S-120-16 , filed by Michael O'Connell to construct a mixed use development of 1,937 sq. ft. of commercial floor space at first floor level and three residential units (two units of two bedrooms and one studio unit) within two buildings at 195 Carmel Avenue (APN 016-022-120) in Pacifica. A Parking Exception is required to reduce the required number of off-street parking spaces by two spaces. The project site is located within the Coastal Zone and the application was filed on April 26, 2016. Recommended CEQA status: Class 32 Categorical Exemption, Section 15332. |
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Asst. Planner Smith presented the staff report.

Commissioner Cooper stated that, on the plans, there was still a driveway on Francisco, and he thought they got rid of the driveway. He asked if there was a reason for the driveway access to still be there.

Asst. Planner Smith stated that the driveway has been removed and replaced by permeable pavers.

Commissioner Cooper stated that he was looking at the plans and he still sees a driveway. He asked if he was not looking at it right, referring to Sheet C3.01, where it still shows a driveway cut.

Asst. Planner Smith asked for the drawing number.

Commissioner Cooper stated it was C3.01. He added that the curb has been constructed all the way through, but he still sees a driveway cut. He stated that he saw a fellow commissioner with a plan showing the driveway removed but in his package he still sees the driveway cut. He will assume that it's the more recent plan of C2.01.

Asst. Planner Smith confirmed that C2.01 was the revised site plan which includes the amended details.

Commissioner Cooper concluded that he had an old plan.

Asst. Planner Smith explained that there were two sets of drawing within the staff report, old version followed by the new version.

Commissioner Clifford asked for the reasons why staff wasn't recommending a condition for a live/work unit in the separate building.

Asst. Planner Smith stated that applicant identified that the number of potential tenants to take that space would be reduced because they would be looking for an individual who would be able to use both sets of accommodations and would narrow the focus of potential tenants and it would potentially reduce the usability of the commercial floor space in terms of range of uses that could potentially be used and if the commercial space isn't able to be occupied by the possible tenant then, by default, the residential floor space would have to subsidize the commercial floor space.

Planning Director Wehrmeister added that the summary by Mr. Smith was a summary of the applicant's reasons for not wanting to restrict the rear building to a live/work unit. She stated that staff heard that the Commission was split on whether or not the unit should be combined. If not combined, it can be difficult for staff to monitor whether the whole building was rented to a single tenant. They left it open for discussion, and if the Commission would like to add a specific condition, staff can assist them with it. She stated that the applicant may have some thoughts on it as well.

Commissioner Baringer stated that he wasn't sure if they were split, but there was discussion and he wasn't sure they reached a consensus regarding the live/work issue. He thought they were asking for a parking exception because they have a parking issue. He felt one way to reduce the impact of that parking exception was to have it be live/work space. He understood that there will be challenges in terms of finding the perfect tenant, but the alternative could be to not build the building at all and they wouldn't have any parking exception problems to worry about. He thought, if you do that, the live/work option was something they can use in our community. He thought, trying to create a separate commercial use and a residential exacerbates the parking problem and doesn't help it. He felt they should try to do anything they can do to make the parking more efficient. He agreed that it limits the likely tenants, but he thought there would be a smaller number of tenants who are going to want to lease the space anyway due to lack of exposure to major thoroughfares. He saw the live/work option as a viable option for that space. He reiterated that he didn't think they were unanimous on that subject.

Michael O'Connell, applicant, stated that they appreciated the feedback and adjusted the plans accordingly. He stated that they were happy with all the conditions and he didn't have much to say. Regarding the live/work, he understood that it was tricky, but some commissioners expressed an interest in the smaller studio space being less expensive to rent. He was comfortable with either one. He wasn't worried about being able to lease out the small commercial space because it was in the back and off the beaten path. He thought it would just be a different kind of tenant. He was interested in their thoughts on the live/work versus flexibility and potential to have it less expensive.

Vice Chair Nibbelin referred to live/work and stated that he liked the idea of having some flexibility with respect to the studio as housing stock available as an affordable option for folks,

and not necessarily tied to the need to lease the commercial space. He also recognized the need for parking, even on weekends and he saw the need for a balance.

Commissioner Cooper referred to the north elevation along the new pedestrian way, and asked if there was a door there before.

Mr. O'Connell thought there was a door to the storage room under the stairs. He stated that the door for the tenant was on Francisco.

Commissioner Cooper stated that he had wondered about the door.

Chair Gordon opened the Public Hearing and, seeing no one, closed the Public Hearing.

Commissioner Cooper referred to the discussion on the live/work unit, and he liked the flexibility of the live/work unit. He agreed that it was important to offer as much flexibility as they can and wasn't in to a condition tying them together.

Chair Gordon asked if his preference was not to have a live/work designation.

Commissioner Cooper responded affirmatively.

Commissioner Campbell agreed, stating that he didn't see tying up the flexible nature of that unit with a condition that he didn't see how it would work out. He asked staff if there was an update on the parking signage on the parking lot south of this project as he saw that as an issue for the local commercial businesses.

Planning Director Wehrmeister stated that she brought it up, but didn't have an update on revised or better signage for that area.

Commissioner Campbell asked if she brought it up to the Council.

Planning Director Wehrmeister clarified that she brought it up at the executive team meeting with the City Manager and Public Works Director.

Commissioner Campbell asked if there was no interest.

Planning Director Wehrmeister stated that they were interested, but she didn't get a response in any detail.

Chair Gordon asked confirmation that Commissioner Campbell was not into the live/work designation.

Commissioner Campbell responded that he was not.

Commissioner Clifford stated that he was going on record in favor of the live/work condition but he also stated that it was not a deal killer and he was able to go either way.

Commissioner Baringer admired his flexibility. He didn't want to deny the project as, overall, it will be a great benefit to the community. However, he stated that, from past experience, if you

don't tie them together, you will force parking onto the street as you are increasing at least one car, maybe two, and there aren't enough spaces on site to accommodate that and they will go on the street. He stated that, as long as they are all okay with that, he considered it a tradeoff. He agreed it was more of a challenge and he also thought it would be a smaller number of likely candidates, but the developer was getting the benefit of increased lot coverage and some increased revenue as to no building at all. He stated that, if it weren't for the parking exception, he would be in favor of having whatever flexibility the applicant wished to pursue. He did conclude that he won't kill the deal over it, as he thought it was a good project and will benefit the community. He reiterated that there will be some parking impact and the neighbors in the area will have to deal with that.

Chair Gordon asked where Vice Chair Nibbelin was on that issue.

Vice Chair Nibbelin stated that he would be in favor of approving it without a live/work combination.

Chair Gordon concluded that there were two in favor of no live/work designation. He didn't have strong feelings either way. He felt it was a great project. He acknowledged that Commissioner Baringer made good points about parking, but he liked the flexibility of keeping the pool of applicants as broad as possible to ensure it gets rented out.

Vice Chair Nibbelin thought the material in front of them didn't reflect a live/work condition, and he was prepared to make a motion.

Planning Director Wehrmeister agreed.

Vice Chair Nibbelin moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-369-16; Site Development Permit PSD-810-16; Use Permit UP-74-16; and Parking Exception PE-167-16, and Sign Permit S-120-16; by adopting the attached resolution, including conditions of approval in Attachment A; and incorporates all maps and testimony into the record by reference; Commissioner Cooper seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Clifford, Nibbelin,
Cooper and Chair Gordon

Noes: None

- 4. CDP-364-16** **COASTAL DEVELOPMENT PERMIT CDP-364-16**, filed by Applicant, Carissa Savant, and owner, CRP/PSE Seaside Pacifica Owner LLC, for the renovation of an existing 93-unit mobile home park commonly known as “Pacifica Skies Estates” located at 1300 Palmetto Avenue, Pacifica (APN 009-291-020). Recommended California Environmental Quality Act (CEQA) status: Class 2 Categorical Exemption, Section 15302 and Class 4, Section 15304.

Planning Director Wehrmeister introduced Cindy Gnos, a consulting planner, who will be presenting the staff report.

Contract Planner Gnos presented staff report.

Commissioner Clifford questioned using the term renovation on the project. He stated that everything was being completely removed, utilities, sewer lines, etc., and he sees it as a new project. He was puzzled by staff bringing it forward as a renovation. He felt that, from the Coastal Commission letters, they also view this as a new project. He asked why staff was using the term renovation.

Planning Director Wehrmeister stated that staff made this determination in 2013 and signed off on the HCD permits for the project. She stated that, after discussion with the Coastal Commission, the applicant has decided under protest to process the Coastal Development Permit.

Commissioner Clifford read portions of an email from the Coastal Commission received earlier in the day, which he interpreted as being the Coastal Commission’s opinion that this was not a renovation but a new project, and he agreed with that opinion.

Commissioner Baringer asked if there were any technical criteria used to differentiate between a “renovation” and new construction that the city can lean on rather than common sense, adding that he thought it looks like a new project. He was also struggling with the renovation issue. He asked if there was a technical differentiation and does it make any difference in terms of them considering this project.

Asst. City Attorney Visick stated that the issue of whether this is renovation or new construction was relevant to the question of whether or not a CDP would be required. He stated that, since what was before them was an application for a CDP, he didn’t see the distinction between renovation and new construction here. He felt the question was whether the Commission can make the findings required for issuance of a CDP that are under the city’s local coastal program.

Planning Director Wehrmeister explained the city has discretion over the land use and, in this case, the use was not changing, although being completely renovated, and staff determined that there wasn’t additional discretionary review necessary at the time they signed off on the HCD permits, as there wasn’t a substantial change of use. It would still be a 93-unit mobile home park which was what the previous entitlements allowed. The new building permits for the activities within the park are issued by HCD.

Commissioner Baringer asked if they have the flexibility to talk about the buffer between the row of homes proposed to be ocean front and the setback in the context of this meeting or set by the Coastal Commission no matter what the city wants.

Commissioner Baringer stated that, on his review of the paperwork, there seemed to be some discussion and disagreement between the experts as to how much of a buffer was safe. He stated that these weren't really mobile homes but modular homes and they can't be moved quickly if there was an emergency, and he thought to wait until there was water 15 feet away and they have to move them was being short-sighted. He also didn't think they were looking at 5 feet per year of bluff erosion. He stated that they haven't seen that recently and, with the technology, he thought they could mitigate a large amount. He thought it needed to be more than the amount proposed by the developer, and he thought the developer would lose some of those units along the ocean front. He concluded that they have the ability to talk about that if they choose to do so.

Vice Chair Nibbelin thought that, whether it was new construction or renovation, it was development within the meaning of the Act.

Vice Chair Nibbelin thought that, assuming a CDP is needed, it didn't matter how they characterize it. He asked if staff agreed with that.

Planning Director Wehrmeister agreed.

Vice Chair Nibbelin referred to the staff report's mention of the exemption of the CDP based on an understanding that the improvements were repairs and maintenance and that the CDP was submitted under protest, and asked if the city has any position as to whether or not an exemption from the CDP remains appropriate.

Planning Director Wehrmeister stated that she has to respect the decision made in 2013, which was that this was an exempt project under the city's ordinance.

Chair Gordon thought this was confusing.

Commissioner Campbell agreed that it was confusing, stating that they have a circular argument as to whether they consider it a reconstruction or new project and irrelevant if they believe that a CDP is proper, but they only believe a CDP is proper if they discount the erosion rate that the CCC has brought up. He stated that, on looking at the Coastal Commission's issue, they probably have a reduction of units on the coast side. He stated that he gets confused because, on reading the report, the applicant indicated 48 feet of retreat and the Coastal Commission said 160 feet. He thought the first row of 15 homes would have to be taken out.

Asst. City Attorney Visick clarified that, while it may not be obvious, one difference in the way the city has analyzed the project and the exchange between the Coastal Commission and the applicant was that the Coastal Commission was pursuing an analysis of what would happen, in terms of the erosion rate, if the currently existing revetment was no longer there. He stated that the analysis in those communications was what would happen if they took the revetment away, but the revetment was there. He stated that the city has analyzed the project as though the revetment was there. He stated that the city's typical practice if there was to be a lot of erosion would be to institute code enforcement as has been done in other locations in the city when erosion becomes an issue. He stated that it was not the city's standard practice to analyze the project as though a coastal protection device was no longer present. He stated that the erosion rates mentioned were hypothetical rates if the revetment was gone.

Commissioner Campbell thought it was helpful.

Chair Gordon asked why the CCC used that approach, as it was resulting in a big gap in metrics.

Planning Director Wehrmeister stated that she could not speak as to why they are requesting that analysis. She suggested that the applicant may have more information.

Commissioner Clifford thought the staff report may point in a direction that answers that question. He stated that the revetment was approved and constructed in 1984 to protect the existing mobile home park after the winter storms of 1983 caused the loss of up to 80 feet of bluff plus damaging the former revetment that was already there. He concluded that there was a history of at least one incident where 80 feet plus a revetment was gone and had to be replaced. He concluded that you cannot count on revetments no matter how well built they are, adding that there can be an end run which was part of what was happening now. He stated that the properties on either side were further in than where the revetment was and it was making an end run around the revetment.

Commissioner Campbell thanked Commissioner Clifford, and then asked staff why no seismic stability analysis was performed or was one performed. He concluded from the Coastal Commission letter that one was not performed and he asked if they were right on that.

Planning Director Wehrmeister stated that the applicant should be able to answer that question.

Carol McDermott, applicant, stated that she was the representative, had a power point presentation and hoped to answer a number of questions raised and further questions, as well as a rebuttal after public testimony. She clarified that the comments were coming from Coastal staff and not the Commission which she felt was a big distinction. She pointed out the approved site plan sheet granted by HCD and presented to staff originally to indicate consistence with LCP and land use planning requirement of Pacifica, with the revised layout which included the increased setback from the bluff and city review opportunity was consistent with the HCD requirements. She stated that they worked extensively with the city with street improvements and with the Coastal Commission regarding revetment walls four years ago. She showed the timeline; i.e., Coastal Commission revetment wall approval in 2009 followed by several years to reinstall, enhance and strengthen. Then, they worked with the city on signoff, following HCD procedure, regarding requirements from the various departments, with exemption determination in 2013 with no appeal made, surviving the statute of limitations. HCD approval was finalized in 2013, and the project was permitted and construction commenced. She then stated that they are now in a state of limbo, adding that the homeowners remain patient. She then gave some of the details and explanations of their process to this point. She showed some of the new proposals and city stipulations and policies, with which they were in agreement and will provide the protection the Coastal staff was looking for as well as the city, mentioning that the Coastal Commission acknowledged that the city was the deciding agency in the process, not the Coastal Commission. She referred to the affordable housing issue which was not the purview, but she mentioned that 15% of their housing will remain low income, at \$500-\$1000/month because the renters were protected by the rent stabilization ordinance, 13% at moderate income level, approximately \$2,700. She referred to other concerns expressed which they were addressing, such as wave crashing, etc. She asserted that they have followed all requirements appropriately.

Commissioner Clifford asked that she go back to the affordable housing slide, and he concluded that the 15% of affordable housing were those who own their own home.

Ms. McDermott stated that the only rent stabilization in the city applies to the homeowners in the park, 13 in total. She referred to criticism of their request for rent increases under that ordinance, but they were allowed to add the improvement expenses and have a judge decide if a rent increase was allowed within certain limits.

Commissioner Clifford stated that he had not finished with the question. He asked if the rent was for the space because they own the home.

Ms. McDermott responded affirmatively.

Commissioner Clifford concluded that he has no idea if it was low income because they were renting a piece of land with no idea what additional costs were to them.

Ms. McDermott stated that, for six of the owners, they bought the owners' old home and sold them a new or newer home at no cost to them and gave them the opportunity to have that home available at no cost and their expenses were limited to utilities and remains an affordable opportunity.

Commissioner Clifford referred to the people who were evicted, and asked if they have the option of coming back.

Ms. McDermott stated that they voluntarily worked with the city to have a financial relocation program even though they were not closing the park. She stated that it was accepted by all but one of the tenants, with a first right of refusal to come back in the park at a point in the future when they could produce the housing. Because of the delay, very few were in a position to want to move back in as some relocated to Oregon, etc., but they have to meet income requirements. They have various model sizes and it will depend on needs, requirements and financial status. She stated that only one resident registered a desire to do so, but they would consider it if someone came back.

Commissioner Clifford asked if they accept Section 8 housing.

Ms. McDermott responded that they do not.

Commissioner Campbell referred to the question of a lack of a seismic slope stability analysis by the Coastal Commission, and he asked why it wasn't performed.

Ms. McDermott stated that they did that and submitted what they felt met those requirements. She stated that their geologist takes a position that is very oppositional to what their experts have said. She pointed out that they have invested a lot of money and done everything to ensure safety and hoped the Coastal staff will agree or at least the Coastal Commission.

Commissioner Campbell appreciated that sentiment, stating that they probably heard the same thing from the apartment owners on the north side of town.

Ms. McDermott asked if he asked them that when they built it.

Commissioner Campbell stated that he wasn't around but the Planning Commission got that same sentiment and it fell into the ocean and they want to make sure all the t's are crossed and i's dotted.

Ms. McDermott appreciated that. She stated that the beauty of their proposal was that they have new technology and did borings with the geologist on site, adding that they were criticized by one of the residents for doing the borings that the Coastal Commission asked them to do. She stated that they believe they have been asked to take it to a greater level of investigation than was done when the apartments on Esplanade were built, and were comfortable with that.

Vice Chair Nibbelin referred to the bullet point that 13% of the new units will be at the moderate income level per the affordable table of San Mateo County, approximately \$2,700/month. He asked what the mechanism would be to insure that the rents stay at the moderate income level, such as deed restriction.

Ms. McDermott stated that on mentioning the approximate level, the affordability table was complicated with a compilation of information, adding that there was no requirement in the city to impose a standard that would restrict them. She stated that the point was that the types of units they will be renting and their size would continue to fall under that level.

Vice Chair Nibbelin understood that there won't be a formal mechanism for locking rents but with that information, the rents will be on that level.

Ms. McDermott stated that, the closer to the bluff, the more expensive they will be.

Commissioner Cooper referred to the Coastal Act policies, such as low income housing, but the others deal with public access, etc. He enjoys public access along the frontage of all these developments. He acknowledged that it costs a lot of money to maintain the walls, and he asked how long the permit allows them to close the public trail to do maintenance on that bluff wall.

Ms. McDermott stated that it doesn't close the access, explaining that they have an easement down 6th and one down 5th, but there was no active easement in front of those houses. They have to move the houses back and create the trail. She stated that people walk dogs on the paved roadway, which doesn't get closed, and nothing prohibits them from using that area when maintenance was occurring. She stated that the trailer comes down the end and goes to the sand, and nobody goes down the bluff to use the sand, which was only available at low tide anyway. She reiterated that nothing prohibits them from using 5th or 6th to walk along the paved access in front of the houses, but the irony of the revetment wall approval was that they need to provide the offer to dedicate which they did with no timeframe to construct the bluff top trail. They couldn't do that until they move the houses and they can't move the houses until they get this approval, stating that there was a lot of Catch 22 involved.

Commissioner Cooper referred to the presentation of protection of the public from the bluff wall. He assumed they would put a fence so someone can't climb down on the bluff.

Ms. McDermott responded affirmatively.

Commissioner Cooper mentioned that, during storms, they have waves that crash over. He asked if someone was in the mobile home park who was responsible for barricading it during high storms so no one gets hurt or dragged into the ocean.

Ms. McDermott asked if he meant to protect the homes or the walkway.

Commissioner Cooper stated that he was looking at the public access when the trail opens, adding that people are unaware of the ocean and its power. He stated that he could see waves breaking over the road, even though they did the revetment improvements. He was concerned that there would be occasions where the trail would be blocked off, but he didn't know if they considered that.

Ms. McDermott didn't believe they had. She stated that some comes from experience in maintaining something. She stated that, if fully operational, they would have full time maintenance. When they had a full park, they had a full time manager on the property. When there were storm warnings during El Nino, the property manager helped residents and put plywood covers over the windows. There was wind damage, and then the property manager helped protect some of the other units and removed damaged materials and enclosed one of the units, which were close to the bluffs and they will relocate.

Commissioner Cooper referred to Coastal Act Policy #5, and he asked if they were charging to go on the trail.

Ms. McDermott responded that they would not do that, and it would be inconsistent with the Coastal Act.

Commissioner Clifford referred to the 13% being an approximate average of \$2,700/month, and he asked what size the units were.

Ms. McDermott thought it was a complicated answer, and mentioned the factors were the size, the number of residents in the unit and it could be a variety of factors, including where it was located and if it was new or refurbished, that would make a difference as to how it would work.

Commissioner Clifford asked if she could give him an idea of what a studio would cost, second row back from the bluffs. He stated he was trying to get a sense of how they arrived at the average. He looked at the San Mateo County chart which mentions that, for a medium two-bedroom, a person should not be paying more than \$2,766, and doesn't take into account access to the bluff. He asked what a studio, one row back.

Ms. McDermott stated that a studio would be about \$2,100.

Chair Gordon opened the public hearing.

Shanti Davidson, Pacifica, referred to the regional housing needs allocation set forth by California, and stated that Pacifica has built 8% for the very low income 2007-2014, and from 2014 onward they were about 0%. For the low income, they were about 2% of RHNA. He thought that was pretty bad. He stated that they were proposing to remove a lot of low income housing in Pacifica. He stated that he heard this was not a conversion, but if they check with HCD, it considers the park to be low income. He stated that he was a previous tenant and was not

in the low income section, paying above market value. He stated that the majority was low income, and he was appalled by the numbers he was hearing from Ms. McDermott. He stated that, as a previous tenant, he was offered right of first refusal and he checked with their leasing office, and the number of \$2,700 was nothing near what was quoted, but was far above and beyond that for the ocean front unit, which was what he was in. He stated that, without deed restrictions, he can assure them that the numbers they were hearing were completely inaccurate. He stated that while they lived there, they were put through hell with the existing construction project and for a year were given a weekly notice, apologizing and mentioning all the new amenities and when it was done, they got their 60-day notice. He stated that he has a real estate license and, in California, this was called fraud, explaining that if you ask them to leave you can't guarantee them that they will have a house when the construction was completed. He asked that they take it into account, especially the RHNA. He stated that, in Pacifica, they should be moving forward, not backwards. He stated that the basic decision was whether they were going to sideline the Coastal Commission. He thanked those who stated it was not a renovation but starting from the ground up, and they were setting a dangerous precedent, asking what they will do when another coastal landowner decides they were going to remove the house and every building on the premise. He asked if they will also be exempt from the Coastal Commission permit, adding that if they allow it to happen today, they will set the legal precedent that anyone who wants to remove all structures from their property can do so and sideline the Coastal Commission. He asked that they let the Coastal Commission do their job as they were setting a dangerous precedent if they vote yes on this.

John Nardello, Pacifica, stated he lived in the park for 33 years, and he supported the approval of the CDP. He stated that the owners worked with them despite the main delays he faced, and he asked that they approve this and the owners can move forward and they can get into the new homes they were promised.

Debra Mallan, Pacifica, stated that she has lived on 6th Avenue in the Pacific Skies Mobile Home Park for 28 years. She did not know why the Coastal Commission has requested the park owners to go through the Coastal Development Permit process with Pacifica when Housing & Community Development oversees and inspects all mobile home parks within California. She surmised that either the park owners or Pacifica has upset someone at the Coastal Commission with the result of the public hearing. She believes this has wasted the time of the park owners, as well as Pacifica's planning staff and the Commission. She understood that their role was to review the project but, even if approved, they can't issue a building permit. She was present to say that she has disagreed with the park owners on many issues in the past but she wholeheartedly supports this plan. She stated that there are 12 homeowners left in the park and six have signed ten-year leases and agreed to trade their older homes for newer homes in the park, relocated to the new homes once the renovations of 1st and 2nd avenues are completed. She stated that a former homeowner was now on a lifetime rental lease, and the remaining six owners, have chosen to remain in place while renovations occur around them. She stated that at least 7 existing homes will be remaining in their current positions in the park. She supports the upgraded utilities and welcomes the peace of mind received after the 2010 San Bruno gas line disaster. She agreed that homes need to be relocated further back from the bluff and the elimination of traffic going down 4th Avenue. She stated that it will greatly reduce the stress currently on the sea wall. She would be pleased to see older units in substandard condition removed from the park with newer units brought in. She felt this, along with proposed landscaping, will make the park more desirable to live. She asked that they approve the plans so the Coastal Commission can check off one more

item on the list, and this project can get going after being in a holding pattern for more than a year and a half.

Shirley Gibson, Pacifica, referred to the affordability question, stating that Pacifica Skies Estates was to be applauded for eventually coming to the conclusion that the homeowners' affordable rents should be preserved. She noted that rent control protections were per tenancy and without regard to the income levels of the individuals in the tenancies. While the Commission looks to filling affordability requirements for low and moderate income households, those rent control tenancies would not be applicable to that standard. She stated that the mobile home residency law allows mobile home residents who are homeowners to exempt themselves from rent control which she suspects has been the case for the homeowners who have signed ten-year leases as long term leases tend to be exempt from rent control. She stated that the Coastal Act policy obligates the city to protect low and moderate income housing opportunities for low and moderate income households should be its own enforceable standard backed by an agreement with this developer.

Gloria Stofan, Pacifica, stated that one of her concerns was the risk of life and property and she felt that the commissioners have a responsibility, as well as the city, to work with the developer and make sure this will not occur as what occurred with the apartments on Esplanade. She felt the Coastal Commission was going through a major transition but she felt it was important to work with them as close as possible. She understood the delay for those who own their mobile homes with the plan being set forth with the developer, but her concern was of risk of property, as that area has lost a street years ago and now it was getting shorter and smaller. She felt it was a big problem area. She then mentioned rent control and affordability of housing. She didn't think Pacifica wants to go through another mass eviction. She felt it affected many tenants. She acknowledged that many were not homeowners because they were disabled or were on a fixed income. Some were veterans and were not treated as respectfully as some hoped they would. She was glad Commissioner Clifford brought this up and was into the affordability issue. She asked that they make sure this developer maintains that.

Dan Stegink, Pacifica, referred to all utilities replaced, all trailers replaced, roads moved, sea wall replaced, wiped to a parking lot, and questioned calling this repair and maintenance necessary for ongoing operation. He stated that the Coastal Commission would not call it that. He said that 342 days ago when the room was full of disabled veterans, people in wheelchairs, people in the park for 25 years and they are not present now, and the realtors were not present either. He stated two are not present because they died unnatural deaths since then. He stated that Coastal Commission and coastal staff was an inaccurate distinction. He referred to Planner Gnos stating that the Pacifica Skies Estates acquired a permit from HCD to demolish the clubhouse, and stated that it was inaccurate. He questioned it when it happened. The city told him they had no authority over it, and as it was during the holidays, he could not get ahold of anyone from HCD. He drove up there and they had no record for any permit for that and were unaware it was happening. He referred to the comment that they didn't have a record of 5 feet of coastal erosion in that area, but 32 feet north they had 10 feet of coastal erosion in six months, and their new clubhouse was north of that. He stated that whether it was a requirement for the CDP was relevant. He stated that the letter from the Coastal Commission was clear in stating having concerns and advised the applicant to redo their supplemental analysis. He stated that they weren't going to pass this. He suggested that they save Pacifica money and not approve this. He stated that they should send this back and make them responsive to the Coastal Commission demands and do it the right way.

Boyd Hill, stated that he was the attorney for the project applicant. He stated that this process began with his call to senior staff counsel to the Coastal Commission, Alex Halpern. He stated that they had dealt with a similar after the fact application in Laguna Beach. He stated that Mr. Halpern asked them not to pursue the hearing set before the Commission on the exemption as the Commission has never litigated the issue of statute of limitations and didn't want to litigate it. They saw the benefit of getting a permit on an after the fact scenario without spending the money on litigation but spending it on a permit and getting the entitlement underway. He also clarified that the Commission staff liked the project, never voicing opposition because they liked what it would do for the city, improving the existing homes. He stated that their concern was to make sure the project was safe and issues under the Coastal Act were addressed. He stated that one thing that has not been emphasized and needs to be was that the revetment permit was in existence under the Coastal Commission's original jurisdiction and was for the life of the revetment works which their engineer has said was at least 75 years. He stated that the revetment permit was not for the life of the project but the life of the works, which were in place and strong. He stated that the Commission explained that for pre-coastal act developments protected by revetment works scheduled for redevelopment, there was a policy that under their original jurisdiction, they have to look at it as if the revetment work does not exist but they will permit such redevelopments if there are trigger points that satisfy their safety concerns. He stated that the main focus of their discussions was to be sure there was an analysis about the worst case would be without the revetment, which they gave the city, and the main focus was the appropriate trigger points to protect the safety of the project and persons. He referred to the discussion of what the project was, and he mentioned that there was a Port of Oakland case under the Coastal Act that says the project was not the individual facilities, and the Port was replacing several facilities but was considered a single development of an existing project, not a new development. He understood that the Coastal Commission wants to protect their original jurisdiction and not concede that but this project was the redevelopment of the existing mobile home itself, and not a change in use or new development. He stated that after they received the Coastal Commission's letter and they prepared their additional materials, but the Coastal Commission did not want to discuss the setback.

Commissioner Campbell stated that he was addressing the point of whether this was a redevelopment or a new project. He saw the City of Oakland case which dealt with commercial property. He asked if there was some precedent for complete teardown of a residential neighborhood and rebuilding that.

Mr. Hill stated that the only precedent was the Oakland case on that issue. He stated that the Commission has been trying to push that issue. He stated that there was a project in San Clemente but there has been no precedent either way.

Commissioner Clifford asked if the Port of Oakland project was commercial or residential and apparently it was commercial. He did not see the nexus there.

Mr. Hill stated that the issue was whether it was a project or not.

Asst. City Attorney Visick stated that Mr. Hill went over by about 3 minutes and, because they have exceeded the time limit by him in public comment, he thought it would be appropriate to extend to the other people who made comments during public comment an additional 3 minutes if they would like.

Chair Gordon stated that, going forward, it would be good to keep the timer on so they know when the 3 minutes are up. He then asked if anyone who already spoke wanted to come back for 3 more minutes.

Dan Stegink, Pacifica, stated that he wanted to address the last minute amendments that supposedly address the Coastal Commission demands. He stated that several may be familiar with the Sharp Park Golf Course, owned by San Francisco. He stated that the Parks and Rec Department spent 90 days getting a Coastal Development Permit to put a 10-ton bulldozer to pick up a 2600 pound whale and bury it 32 feet away. He stated that the idea of moving houses out of harms' way in an emergency was not borne out by reality. He stated that the garages were fixed to the ground, the houses would require a crane that would require a coastal permit, 90 days, and he thought more than half of the packet was extraneous items from 1997. He stated that a lot of the coastal permits to work on the revetment were emergency permits that were reversible. He suggested that they go to Pacifica Skies Estates, walk to the northern most point and look 32 feet to the right and look at the bluff and the erosion and with their new clubhouse the concrete was undercut by 8 feet or 5 feet, railing was falling into the ocean. He stated that there were serious things happening and he asked that they have a serious fix. He stated that the Coastal Commission was asking for something specific and the applicant has not met that burden. He asked that they send it back and have them be responsive to that and then approve it. He stated that the Coastal Commission was telling them that this wasn't going to pass.

Chair Gordon closed the public hearing.

Chair Gordon stated that the applicant has a 5-minute rebuttal.

Mr. Hill stated that he was going to conclude his comments by addressing the coastal analysis and it would do as if it was under the Coastal Commission's original jurisdiction. He stated that this project was under the LCP and the Coastal Commission only has appellate jurisdiction which was bound by the terms of the LCP policies. He stated that there was only one expert opinion on what should be the appropriate setback under the LCP which was the one by Skelly. He stated that the Planning Commission cannot consider the CCC discussion of what should be the setback under the Coastal Commission's original jurisdiction. He stated that it was helpful to see what the worst case scenario would be and helpful to develop the trigger conditions as discussed between Coastal staff and applicant, it was not to be a substitute setback and in the email between applicant and Commission, the Commission conceded that they were not going to do the setback which was up to the city to determine.

Commissioner Clifford stated that, since it was up to the city to establish the setback, based on their attorney's comments, he was in favor of a setback of 100 feet, not 35 feet.

Chair Gordon asked counsel about the last speaker's comment that they were not to consider evidence submitted to them by the Coastal Commission discussing the problems they had with the setback, concerns and recommendations. He stated that it didn't sound right to him that they were not allowed to consider that since it was submitted to them.

Asst. City Attorney Visick stated that all the evidence in the records was evidence they can consider in making their decision. He stated that the important thing was to ground their decision in the analysis required by the city's LCP. He stated that the evidence before them at this time, in terms of comments submitted and made at the podium was all evidence they can consider.

Chair Gordon stated that, in terms of grounding it in the context of the LCP, the LCP speaks about safety issues.

Planning Director Wehrmeister agreed that it does speak to safety issues.

Chair Gordon concluded that a conversation about the proper setback would be in reference to what the Commission considers was safe.

Planning Director Wehrmeister agreed, adding that the difference was that the LCP does not distinguish between pre-Coastal Act development or post-Coastal Act development or analysis as if an existing coastal revetment was not there. They have the existing revetment and the geotechnical analysis indicates that it was structurally sound. She stated that they have the applicant who modified their project to set the buildings back, as well as to impose triggers on themselves within their project description for movement if failures were to occur. She stated that they feel comfortable that, if they were going to need to move forward with any code enforcement action in the future, that condition will help bolster the authority the city already has under their code to make sure that life and safety was preserved within the development.

Vice Chair Nibbelin was looking through the staff report, stating that there were a number of Coastal Act policies that were cited in the staff report, but he didn't see one specific to safety. He was concerned that they make a determination that they require a setback of 100 feet to address safety issues if that was not one of the policies they evaluated at length in the staff report. He would like more information on that before he moved in that direction. He saw a discussion of the 35-foot setback but not more than that.

Asst. City Attorney Visick thought it was an astute comment. He thought, if the Commission's inclination was to move in the direction of analyzing whether a different setback would be appropriate, staff would ask that they give them a chance to analyze those issues. He stated that the setbacks in the staff report were setbacks that the applicant imposed upon itself by amending its application to respond to Coastal Commission's comments about what would be appropriate in the absence of the revetment that was currently there. He stated that city staff did not work up a corresponding analysis. He felt, if that was the Commission's inclination, he thought it would be appropriate to give staff a chance to work up that analysis and bring it back to them.

Vice Chair Nibbelin stated that he would want to know how that ties into whatever safety related policies they were talking about to be sure there was a safety related concern in the LCP that warrants that kind of action. He also thought it was important to note that, to the extent that they were talking about a setback of 100 feet, it would possibly impact the number of units they would end up with at the end of the day. He stated that he couldn't imagine tacking that much additional setback and not losing some lots, and he thought that was something that needs to be weighed and considered in the context of all of this.

Commissioner Campbell stated that Vice Chair Nibbelin got at the heart of one item he wanted to mention, which is that none of them are qualified to give geotechnical advice or determine a buffer, but he thought part of the issue was that they have a war of the experts, Coastal Commission versus applicant's expert. They were not sure who was right. He appreciated the notion that the city has code enforcement authority that might resolve that with the proper trigger points, and they had a dispute over the proper trigger points in the record about which he did not

want to make a determination at this time. He thought that, when it comes to a risk to human health and safety, they should make sure they get it right. He appreciated the applicant's expressed assurance that they want to protect their investors and not build something that will fall into the ocean. He stated that, having worked in the real estate industry for several years, that was true but there were changes of hands, developers who sell their entitlements and leave, and you can't always rely on that type of assurance. He would like to see that explored a little bit more. He asked counsel about the CEQA exemption 15302, and whether this was a replacement or reconstruction of an existing facility. He stated that he was having a problem with that because, if this were a residential subdivision, which he thought it qualified as that under California law, if you tore down a residential subdivision along the coast and rebuilt it, he questioned whether that would fall under CEQA 15302.

Asst. City Attorney Visick stated that he wasn't able to give a clear answer on what would happen if you were to tear down a residential subdivision, but in this case, it was not a direct analogy between this and a residential subdivision in the sense that you have a community that exists within a discrete area, partly because of the regulatory jurisdiction of HCD versus the city. He stated that the project was the park and not a whole series of individual lots as in a residential subdivision. He stated that the city's position was that it was exempt from CEQA under this exemption with substantial evidence to support that conclusion. He stated that other aspects of the project were also exempt under the exemption in the staff report. He stated that one important thing to consider was what the before and after condition of this development was. He thought, comparing that to a residential subdivision, such as the Linda Mar subdivision constructed in the 50s, there was a real distinction between the two.

Commissioner Campbell asked if that was a factual distinction that they have to take as a matter of law at this time, or can they say they don't believe it was a replacement or reconstruction of an existing facility of the same purpose and capacity.

Asst. City Attorney Visick stated that this was another situation where, if the Commission's inclination was to go in a different direction than what staff has brought in the staff report, they would ask, rather than making that analysis on the fly, that they give staff a chance to work up an analysis, look at the record to see what evidence would support a different conclusion and bring it back at another meeting.

Commissioner Campbell thought that was wise counsel.

Commissioner Baringer agreed with his fellow commissioners. He thought, whether the bluff setback should be 100, 30 or 50 feet, he would be more comfortable if they had some corroboration of the technical presentations made to them. He stated that, at the end of the day, he wasn't going to predict what the Coastal Commission would or would not approve. He felt this was our city and our project, and he felt they owed it to the community to get a firm understanding as to what the setback would be, as they were trying to predict the future, and he felt the technical expertise was there to give them better direction than whether they think it should be 35, 50 or 100. He stated that, assuming they move off the 35, staff could do some research and bring this back to reconsider once they have that information. He thought they would be prepared to make a more informed decision, and that was what they want to do. He stated that, with how that plays out with the Coastal Commission, they can do that battle down the road. He felt they need to look at this as how they want it to be in our community. He understood that was naïve to some extent, but he thought that was not a bad approach. He also

thought that, if there was going to be an affordable housing component, then it needs to be an affordable housing component and there needs to be criteria as a deed restriction because, in his experience, you can't trust that it was going to be affordable. If this was prime ocean front property, he thought it was naïve to assume that this was going to continue to be "affordable," whatever that means. He stated that he has done a lot of affordable housing in his experience with Habitat for Humanity, and there were very extensive means tests that were in place for that. He felt, if they have the ability to do that, and the Commission's pleasure was that they should do that, they should move forward on it. He wasn't sure they had the legal right to do that, but if they do and the commissioners would like to see that and they are coming back, he thought they could get information on whether they can do it, and if they can, what it would look like. He was thinking that they should continue this. He didn't know what date it would be, but he would support a continuance to give time for this additional information to be developed and brought forward.

Commissioner Clifford stated that they were talking about safety and he wanted to note that the California Department of Housing's mission statement includes health and safety and its purpose states that health and safety was a big issue. He stated that the legislator enacted both the mobile home parks act and special occupancy parks act for the benefit of the parks' residence and users to assure safety and general welfare, to provide them a decent living environment and to protect their investment in their manufactured homes, mobile homes, etc. He stated that health and safety was by legislation of the State of California an issue for mobile home parks and he thought they were well within their rights to consider it.

Commissioner Campbell stated that, if they make a motion to continue this, he thought the park needs to get rehabilitated, and there was a lot of good things about what has been proposed at this time, but he wanted to be sure it was done procedurally correct with the findings needed to approve it. He stated that, with affordable housing, he wasn't sure it falls within what they can do as a Commission. He wasn't going to say don't look at it, but he was wary of their ability to do it. He thought it was worth staff exploring it but he wasn't hopeful. He stated that he would make a motion to continue.

Commissioner Cooper stated that he had a different opinion. Whether it was 30 feet or 100 feet, he stated that there was an engineer who designed the wall and it was safe for the purpose. He would like a before and after picture, stating that, if he chose to build a 200-foot setback, that would be a feasibility issue as there would probably only be six homes that can fit there. He felt there was a balance between what they have now versus what they could have 2-10 years from now. He stated that, if the bluff erodes, there will be no housing there. He compared it to an apartment complex on a bluff, and if 15 years prior, he chose to do a riprap wall in front of it, someone has to pay for the cost as it was not cheap to do something like that. He thought it was unfortunate, which was why they strive for all the smaller units in smaller areas to provide some affordable areas. He stated that sometimes homes along the coast with an ocean view, when they come to a dilapidated point where they need to be renovated, they are going to be not affordable anymore as it was not feasible. He thought that was one thing they see in the Coastal Commission language, where it was feasible but when do they say they want 100 feet back and want to increase the riprap wall three times, where the costs are not feasible anymore. He looked at what he sees today and what the developer was willing to do for the residents to protect as much housing as possible and provide the coastal intent which was to provide access to the majority of the people who can get to the beach. He didn't think it has to be the safest as possible, but it has to be as safe as possible. He stated that now, it was not very safe. They have

residents living there, but he didn't want to get to a point where nothing was done and no one can live there, because that was not safe for him. He felt it would become a blight that was not acceptable to him. He looked at the safety component but in a grander scale of what was feasible that they can do as a Commission. He didn't go into all the other issues such as was it a renovation, as the same issues will come back to them regardless of whether it was a renovation or development with the standard provisions. He thought that, maintaining a mobile home park, it doesn't have all of the aspects that it had before but it was certainly a large improvement to what they have today.

Chair Gordon asked, in terms of the second issue Commissioner Baringer mentioned about affordable housing, whether it was in their purview to give direction to staff to come back. He asked if it was within their jurisdiction to rule on.

Planning Director Wehrmeister stated that the City Attorney will correct her if she is wrong, but she didn't believe they have the ability to require a housing affordability deed restriction on the property. She thought the affordability that they hear the applicant speak of was relative affordability or natural affordability, but she would not want to publicly characterize it as deed restricted permanent affordable housing because that is not what is proposed.

Asst. City Attorney Visick stated that she was entirely correct, and he would add a couple of things. He did not think that was within the Commission's purview to direct staff to bring back a particular kind of resolution when it comes to affordability. He referred to two findings in the staff report as to what the Commission was looking at, one dealing with the project's consistency with the local coastal program and the local coastal program has a number of policies, some of which staff called out as being most relevant to their analysis, such as preserving affordable housing in the coastal zone. He felt it was reasonable to ask staff to look at that. He stated that it was his sense that the Commission was probably going to vote to continue this item, and if they do, it would be reasonable to ask staff to work up more analysis on that point and come back to them with more to look at than what was in the staff report now.

Chair Gordon thought they were grappling with the battle of the competing experts in terms of the proper setback. He stated that the applicant has provided information showing that a 35-foot setback was the right way to go and they have a letter from the California Coastal Commission seriously questioning that and stating that there were a lot of unanswered questions and they had concerns about the approach and analysis. He stated that the Commission was at sea and that was why they were hoping to get inhouse expertise about it so the Commission needs some guidance. He thought Commissioner Baringer's suggestion of a continuance to get more information from staff about what they recommend would help the Commission a great deal, given the conflict that exists currently.

Commissioner Clifford stated that he was going to support the idea of coming back with more information about affordable housing and how that was affected.

Commissioner Campbell wanted to be sure Commissioner Cooper knows where he was coming from. He stated that it was not that any of them wants to substitute their own ideas about geotechnical review or what was affordable, but he felt they have the California Coastal Commission with a different idea of what was safe. He stated that he has not heard clearly that it was right or wrong, and he wanted more on that. He was also concerned about the precedent they were setting with the CEQA exemption. He stated that they were providing them the privilege of

building 90 homes in eight acres, which are not classic mobile homes but nice looking modulars. He stated that, being on the California coast line 15 minutes from San Francisco, they were going to do okay. He stated that, as far as the affordability of what they were building, he saw in the report that the very high CCC retreat rate would result in a large setback that would unduly restrict land use so as to make the mobile home park no longer economically viable. He asked where the cost benefit analysis that supports that was. He was willing to accept that, but he asked where it was, as there was no finding made. He would want to make sure that they have the proper experts with some definitive viewpoints opining on this before it comes back to the Commission again.

Vice Chair Nibbelin stated that Commissioner Cooper did a good job of articulating where he sits with this. He thought, if continuing the matter will move things forward, then he would vote in favor of that. He did think it was important that, if they continue it and see supplemental analysis from staff, he would expect and want it to be tied specifically to LCP elements or LCP policies that were relevant. He stated that there were lots of things they could be discussing in the context of all this, but their jurisdiction was about whether or not to approve a CDP. He thought there may be philosophical perspectives as to whether this was a good or bad idea, but parsing the language of the CDP will be important to him in understanding, if it was a safety issue, what safety policies were implicated and why they need a specific setback. He wasn't sure they have a battle of experts, mentioning that they have experts that have been brought forward and made available by the applicant and the Coastal Commission has offered some views but their experts weren't available to them, other than through secondhand references and letters received. He acknowledged that they were important, but weighing the evidence they have was important.

Commissioner Cooper agreed, but he didn't have any problem continuing it for commissioners to get more information to make an analysis. He would reiterate what Vice Chair Nibbelin said as to what they can take into their purview with the provisions contained within the language. He asked if safety, affordable housing or cost benefit analysis were things they can consider. He concluded that they want more guidance on what they should be considering and what they were allowed to consider when making this decision. He can postpone his vote until everyone gets more information.

Chair Gordon stated that those are some very basic jurisdictional questions. He stated that, even before they ask staff to give them more information about what proper setbacks should be an affordable housing. He asked if those were proper inquiries for them.

Planning Director Wehrmeister responded affirmatively. She stated that this will require analysis by experts they don't have in house, and they will need some time to put it together, and she asked that the motion continue the item to December 5 which was the first Monday in December. She stated that they will renote even though they were continuing to a date specific, which she thought was appropriate given the length of time.

Commissioner Cooper moved that the Planning Commission continue this item until the December 5, 2016 Planning Commission meeting; Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Clifford, Nibbelin,
Cooper and Chair Gordon
Noes: None

CONSIDERATION:

None

COMMISSION COMMUNICATIONS:

Commissioner Cooper stated that he received emails during the applicant during the week, attempting to want to discuss but he did not return any emails or have any conversations.

Commissioner Campbell disclosed that as well, but he had a communication with the applicant for the mobile homes.

Commissioner Clifford stated that he also was contacted by the mobile home people. He listened to what they had to say but did not communicate anything.

Vice Chair Nibbelin stated that he had a conversation with the applicant.

Commissioner Baringer received a voice mail from the applicant on Sunday but did not return the call.

Chair Gordon stated that he received an email from the applicant which he responded to and he did receive a phone call from the applicant but he did not talk to her.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister reported that the sea level rise study session on Tuesday was well attended. She estimated there were 50-60 people in attendance. The Council will be receiving a summary and report on the coming Monday. She stated that the Library Advisory Committee will meet next Wednesday.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 9:36 p.m.; Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Campbell, Clifford, Nibbelin,
Cooper and Chair Gordon
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

Planning Commission Minutes

October 3, 2016

Page 24 of 24

APPROVED:

Planning Director Wehrmeister