

## MINUTES

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

May 6, 2019

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Berman, Rubinstein, Nibbelin, Bigstyk and Chair Clifford  
Absent: Commissioners Campbell and Kraske

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

**STAFF PRESENT:** Planning Director Wehrmeister  
Sr. Planner Murdock  
Asst. City Attorney Bazzano  
Contract Planner Aggarwal  
Sr. Civil Engr. Donguines

**APPROVAL OF ORDER OF AGENDA** Commissioner Bigstyk moved to change the Order of Agenda to put the consideration item first on the agenda; Commissioner Nibbelin seconded the motion to approve the order of agenda as so amended.

Chair Clifford stated that they had a lot of staff for Item #3, the CIP, and he thought they could change the order of agenda and put #3 as #1 and allow staff to leave sooner.

The motion carried **5-0**.

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

**APPROVAL OF MINUTES: APRIL 1, 2019** Commissioner Nibbelin moved approval of minutes of April 1, 2019; Commissioner Bigstyk seconded the motion.

The motion carried **5-0**.

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

### **DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF May 13, 2019:**

Chair Clifford stated that he knew he has to be there as the Chair of the Planning Commission and he recommended that any commissioner who is available be there.

### **ORAL COMMUNICATIONS:**

None

**CONSIDERATION ITEMS:**

3. Review of the 2019-2024 Capital Improvement Program (CIP) for Consistency with the General Plan and Coastal Land Use Plan (LCLUP).

Sr. Planner Murdock presented the staff report.

There were no public comments.

Commissioner Berman moved that the Planning Commission Adopt the Resolution included in Attachment A finding that the proposed 2019-2024 Capital Improvement Program is Consistent with the General Plan and the Local Coastal Land Use Plan; Commissioner Bigstyk seconded the motion.

The motion carried **5-0**.

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

**NEW PUBLIC HEARINGS:**

- 1. PSD-829-18  
CDP-395-18  
UP-94-18  
PV-522-18  
SUB-237-18**                      **File No. 2018-006 – Site Development Permit PSD-829-18, Coastal Development Permit CDP-395-18, Use Permit UP-94-18, Variance PV-522-18 and Vesting Tentative Subdivision Map SUB-237-18** for construction of seven “town home” style residential units in two buildings, and subdivision of airspace to create condominiums on a 19,476 square foot (447 acre) vacant parcel at 1567 Beach Boulevard (APN 016-011-190). Recommended CEQA Action: Class 32 Categorical Exemption, CEQA Guidelines Section 15332.

Contract Planner Aggarwal presented the staff report. She then turned over the presentation to Sr. Civil Engr. Donguines for more detailed information on the sea wall.

Sr. Civil Engr. Donguines continued the staff report.

Chair Clifford referred to his mention of failures, saying it was the brute force and energy of the waves that caused the failure, and he asked if the failure had nothing to do with the straps or the underlying reasons. He thought the straps didn't fail per se but the whole wall failed.

Sr. Civil Engr. Donguines stated that the same consultant noted that the force of the wave pushed one of the tiles in and created a void and the water started to take away the material behind the wall and creating a domino effect where all the other tiles fell.

Chair Clifford wanted clarification that they were talking about a sea wall, but the portion going north was not a sea wall.

Sr. Civil Engr. Donguines agreed, stating that it was an earth retaining wall.

Chair Clifford understood, and just wanted to be clear on the definitions as he hears the use of “sea wall” and he knows that particular section, by definition, was not a sea wall.

Commissioner Bigstyk stated that on going through the Cotton Shires & Associates report, one sentence which mentions that a portion of the sea wall failed north of 1567 Beach Boulevard in 2016. He wasn't sure if it was written incorrectly.

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

Commissioner Bigstyk stated that it was on the top of page 132 of the packet in the Cotton Shires & Associates report where it mentions that the seawall failed north of 1567 Beach Blvd. in 2016.

Sr. Civil Engr. Donguines thought it should be north of the pier instead of north of 1567.

Commissioner Bigstyk stated that it specifically says north of 1567 Beach.

Chair Clifford stated that it would have been south of 1567.

Commissioner Bigstyk stated that was what he expected which was why he was following up.

Sr. Planner Murdock stated that, before they ask more questions, their engineering colleagues have a few more points to raise regarding some of the public comments received.

Sr. Civil Engr. Donguines continued the staff report.

Contract Planner Aggarwal completed the staff report.

Commissioner Bigstyk asked confirmation that, since 2016, every month Council reaffirms that there is a local emergency of the Coastline from Westline Drive to the end of Beach Blvd.

Planning Director Wehrmeister responded affirmatively.

Commissioner Bigstyk asked confirmation that they are talking about Westline to the southern end of Beach Blvd.

Planning Director Wehrmeister responded affirmatively.

Commissioner Bigstyk asked how close to the driveway leading into the development were the sink holes on the promenade, and how close the sink holes were to Paloma in 2016.

Sr. Civil Engr. Donguines stated that it was adjacent to the intersection along the walking path at Paloma.

Commissioner Bigstyk recalled the fencing being there while the repairs were being done, and he asked if there was a substantial amount of Beach Blvd., cut off from through traffic by cars.

Sr. Civil Engr. Donguines stated that at the time of the breach in 2016, the intersection of Beach Blvd. and Santa Maria was closed off for approximately six months.

Commissioner Bigstyk asked, when wave overtopping events take place, if Beach Blvd. floods a bit and when the flooding occurs is the access to Beach Blvd. cut off.

Sr. Civil Engr. Donguines stated that was not the main reason why Beach Blvd. was closed but they may close it for the safety of travelers and people doing wave watching and they make it for residents only.

Commissioner Bigstyk asked, as a resident wanting to go to or from his house during flooding, whether it was reasonable to get his car to or from his house.

Sr. Civil Engr. Donguines stated that the flooding will occur on the street and if the storm drain system on the street is clogged up. He stated that the curb was only six inches tall and that is where the water will be ponding. He stated that, if it goes over that, it will go over the seawall.

Commissioner Bigstyk stated that he first looked at the property in the evening and the fence on the south side of the property between the property and alley way, he didn't think that avenue was incorporated and he questioned whether it could be incorporated if there was an idea that there could be a secondary way off the property.

Sr. Planner Murdock stated that precise issue was raised by staff with the project applicant early in the review process and staff was suggesting that it could or should serve as the primary access to the site and they could improve and make the front of Beach Blvd. more pedestrian friendly and more integrated with the promenade already there. He stated that applicant had informed city staff that he was not able to reach an agreement with the property owners along that alley. He stated that accessing the two buildings to the south of the project site was not legally feasible as a result of not being able to reach an agreement for easement and staff found no basis to require that or otherwise exert government control to make that happen for the project.

Commissioner Bigstyk stated that he was trying to conceptualize the building and thought that in the 2a unit in the northeast corner the third story balcony could be a privacy issue for the property directly to the northeast. He wondered, if they passed this project, whether there could be a condition where the privacy from the third floor vantage point in the 2a unit could be mitigated for the sake of the privacy of the property behind the project.

Contract Planner Aggarwal stated that there were two units numbered 2a.

Commissioner Bigstyk stated it was the one to the far north.

Sr. Planner Murdock asked which property was his concern was regarding privacy.

Commissioner Bigstyk stated that it was directly northeast of the property, right over the fence, in the building with the two stories and the balcony.

Sr. Planner Murdock stated that often those kinds of modifications can be made, but there can be conflicts with the interior floor plans or structural designs and it was difficult to do that on the fly. He suggested he ask the applicant during the question period for his team and they may be able to address that point.

Commissioner Berman referred to mention in the staff report that the previous owner was unable to develop and they kept requesting extensions and she wondered if it was publicly known why they could not develop on the site.

Planning Director Wehrmeister thought there were many reasons that are not publicly known, but the plan check process was taking quite a while, they were slow to respond and perhaps they were having some funding difficulties and it went on long enough where staff did not think another continuance was appropriate for various reasons, including that the city had adopted inclusionary housing requirements which the project would have been subject to and new clean water requirements, and things had also changed in terms of the hazard considerations. Staff was not saying it was not developable but that it would be appropriate to study matters further and it should not be continued.

Commissioner Berman referred to report mentioning the retaining wall's life was 40 years, and she asked if there was a maintenance agreement set up with the developer to assist with the maintenance of the wall in the future, mentioning a situation with a person having a 30-year mortgage and may want to resell but the wall's life is diminishing and the value of the property might be reduced.

Sr. Civil Engr. Donguines stated that there is no agreement and the wall is in the city right-of-way and the city is tasked with maintaining it.

Commissioner Berman thought it was convenient to have the CIP on this meeting's agenda, and she asked if they anticipated that to be on one of the capital improvement projects.

Sr. Civil Engr. Donguines stated that there was a current capital improvement project in the disaster fund. He stated that the city has applied for grants for initial studies for replacing the wall and making it more robust.

Commissioner Berman understood the each unit had a two-car garage and a guest spot, one being ADA. She didn't think there was parking allowed on Beach Blvd but with the new curb and sidewalk fronting the development, she asked if street parking was planned for the area such as for guests.

Sr. Civil Engr. Donguines stated that street parking was not a requirement and they will not allow street parking. He mentioned that the travel way would have a minimum of a 26-foot width or a 13-foot travel lane in each direction. He stated that it will be red curbed and become a fire lane.

Commissioner Berman understood that access on the private property will be a fire lane but she asked if parking will be allowed along the access parallel with Beach Blvd.

Sr. Civil Engr. Donguines stated that it will not.

Commissioner Berman concluded that guests of the property owners would be expected to find street parking in the neighborhood and just walk.

Sr. Civil Engr. Donguines stated that, if the two spots are taken, the only alternative would be on Paloma or the adjacent streets.

Commissioner Nibbelin concluded that this project didn't have an affordable requirement and affordable component to it, and asked if that was because of the number of units involved.

Sr. Planner Murdock responded affirmatively, explaining that the city's below market rate inclusionary zoning ordinance kicks in at 8 or more units.

Chair Clifford asked, during the inspection of the straps and bolts, whether the bolts were actually tested. He stated that they had pictures of very corroded surfaces, although the measurements on the straps seem to be holding. He asked if anyone tried to undo any of the bolts.

Sr. Civil Engr. Donguines stated that they had David Shire from Cotton Shire & Associates.

Mr. Shire stated that the bolts were not tested, just observed.

Chair Clifford explained that he asked the question because he was in construction and have had to loosen foundation bolts that were in that area and his experience has been that, although they look perfectly fine, they tend to fail along the threads inside between the washers and straps as in this case. He stated that, when you take the nut off, you wind up with a pencil point on the bolt

and that leads him to be concerned that they weren't tested. He stated that they have a lynch pin and how they appear to be put in is that, if they snap off, they drop out.

Mr. Shire stated that the manufacturer's specification indicates that the installation should be as he described it so the flathead is underneath and the nut is on top, but it appears that they were installed in reverse and the flathead was dropped in and the nut is below. He reiterated that the bolts weren't tested. They didn't try to unscrew them and he didn't think the straps were stress tested either.

Chair Clifford asked the applicant to present and advised that they would have ten minutes.

Ciyavash Moazzami, applicant, stated that he has lived in Pacifica for five years and involved in the development of two projects, townhomes on Santa Rosa and five townhomes across the street on Pacifica Walk where he resides. He thanked staff for the thorough review of the projects and concurs and supports staff's presentation. He stated that he is accompanied by his architect Scott Prickett, Civil engineer Mike O'Connell, structural engineer Peter Yu, geotechnical engineer Dan Dyckman, land use and coastal attorney David Goldberg. He stated that two of the engineers were at the test bit exploration sessions and they can dig deeper if necessary. He stated the project was located at the end of Beach Blvd. where there was a 71-unit apartment complex on Seapoint to the east, as well as multi and single family homes to the south and single family homes to the north. He stated that he has read the neighborhood comment letters. He stated that, compared to other properties, they were at the minimum of the units allowed. He thought this was a better project, with the elimination of the underground garage, zoning compliant and they give the neighbors to the north a better view opportunity, road with a 30-foot setback. He mentioned the variance that provides a greater setback. He stated that they help the city meet housing goals and they support local businesses as well as improving the tax base for the city and meeting all the various requirements by the city including shore protection, etc. He referred to a question by Commissioner Berman and stated that they would be happy to monitor the site but he thought that was a Public Works project. He also reached out to all the adjacent property owners but could not get an agreement as mentioned by Sr. Planner Murdock. He stated that the previous developer had financial issues and had reached out to sell the site to them, but they didn't want to build the old project and bought the site once the entitlement expired. He was sorry he didn't give his architect a chance to speak.

Chair Clifford stated that they might call him up with some questions later.

Commissioner Bigstyk referred to his previous question about the 2a unit to the east where the third story balcony or any window could look into the adjacent neighbor's backyard and he asked if there were any mitigation measures they could apply.

Mr. Moazzami pointed out a unit and asked confirmation that it was the unit he was referring to.

Commissioner Bigstyk confirmed that it was.

Mr. Moazzami stated that the previous project didn't have the street and was not set back and they felt they had somewhat addressed privacy.

Commissioner Bigstyk asked if there would be a balcony off the third floor on the eastside specifically.

Mr. Moazzami acknowledged that there was a balcony and he thought the architect could do something with the balcony.

Commissioner Bigstyk stated that was the one part of the project where he was concerned about the privacy of the neighbors because it was a very easy gaze into the backyard and he thought he would not want anyone being able to look into his backyard that easily.

Mr. Moazzami stated that he would have to talk to their architect and the property owner but thought they could address that.

Chair Clifford asked the Cotton Shire representative, David Schrier, regarding the inspection of the seawall where the report had a limitation paragraph and was based on a limited review of the existing site and was prepared solely for Cotton Shire. He read that paragraph and asked if it was an accurate statement that there were several things that could not be assessed. He stated that he was having a hard time thinking that 40 years was an accurate number when other failures have not been from the straps failing but the actual impact of waves against tiles which couldn't be inspected.

Mr. Schrier stated that, with the structural engineering firm they hired, the inspection was focused on what was observed in the four test pits that were excavated and he thought the 40-year estimate was based on the width and thickness of the straps as originally installed versus what was remaining after corrosion was observed and measured with an extrapolation on the rate of corrosion since construction in 1984 to date and what had occurred and extrapolated under similar conditions and what would be left.

Chair Clifford stated that it was almost entirely focused on the straps and not on the tiles themselves.

Mr. Schrier stated that was correct.

Chair Clifford thought the 40 years was based on what was expected for the straps to still have some function but does not touch at all on whether the wall can be breached.

Mr. Schrier stated that was correct.

Asst. City Attorney Bazzano asked Chair Clifford to state for the record from what page of the agenda packet he was reading.

Chair Clifford stated that he was reading from agenda packet page 135.

Mr. Moazzami asked if they were allowed to address that question.

Chair Clifford stated that they just had an engineer address it.

Mr. Moazzami stated that they had two engineers who were there.

Planning Director Wehrmeister stated that they would have an opportunity for rebuttal after public comments.



Chair Clifford opened the Public Hearing.

Cheryl Henley, Pacifica, stated she is adjacent to the property. She thought this location was dangerous and she and her neighbors were appalled that the site was even under consideration. She felt climate change and sea level rise were real threats to the area but none of these threats can be mitigated by producing a myriad of engineering reports and a thumbs up from the city and none of the threats were considered in their analysis. She stated that, in 2008, executive order policy stated to begin considering sea level rise in reviewing development projects. San Mateo County issued a sea level rise vulnerability assessment in 2017 and Pacifica's sea level rise adaptation plan in 2018 all say this is a serious issue. But, in the city's effort to get this through, they were relying on the city's 1980 LCP. She stated that the city knows this is a serious threat and decides to turn a blind eye in this case and she is wondering why. She stated that the Coastal Commission Review of the project cites many concerns that the city dismisses and calls misguided. She stated that the Coastal Commission is not misguided but understands future threats from sea level rise and recommends that an analysis should be performed to take this into consideration but she thought none of the reports on the site factor in sea level rise. She stated that one primary concern of the Coastal Commission is that there was a singular point of access to the site. She stated that she and her neighbors know this stretch of road was extremely treacherous during certain times of the year. She stated that things are only going to get worse due to changing climate and she felt turning a blind eye to potential threats and disregard the safety of future residents was criminal. She stated that the real possible problems of developing in this high risk location include a retaining wall breach or sink hole that may make the road impassable, dangerous wave run up and overtopping and has already impacted residents with weather and ocean conditions that make it dangerous for residents to reach their home and may prevent emergency vehicles from reaching the site and even stranding people from getting to and from their property. She felt the project was not the appropriate scale or character for their neighborhood but was bringing seven luxury townhomes with up to five bedrooms and three bathrooms to their neighborhood of small bungalow homes and small apartments and does not meet the stated goal of the city to provide affordable housing and maintain the character of their neighborhood. She stated that she had put her thoughts in a letter to the Commission and she hopes they have read it or will read it. She urged them to delay a vote to do further evaluation of ignored long term risk associated with the project.

Sue Elderedge, Pacifica, stated she was speaking on behalf of Nancy Merchant who mentioned in a previous letter that her biggest concern about the project was impact to public safety and felt staff report did not provide the information requested by the Coastal Commission nor does it mention the frequency of road closures on Beach Blvd. during the winter due to flooding and overtopping. She stated that this would be the largest development ever built along the north section of Beach Blvd. with only one way in and out that was unreliable according to the Army Corp of Engineers' study of the seawall in 2017. She stated that the seawall was listed as being in a state of progressive failure and completely unsafe for new residents in these luxury townhouses, adding that she hopes they don't have a medical emergency such as a heart attack or onset of child birth as the road closures also endanger emergency responders. She stated that Hazard 45 of the LCP was completely ignored and the site was not safe for wave runoff, flooding and other coastal hazards now or in the future. She stated that the frequent road closures impact traffic and parking as well as creating a hazard for emergency vehicles since Paloma is a congested one-way street with little opportunity to turn vehicles around. She gave an example during repairs to the collapsed section of the seawall of witnessing a fire truck and ambulance under siren go west on

Paloma, south on Beach Blvd. and realized they could not get through and had to turn around and return to Palmetto before making their way back to Beach Blvd., south of the obstruction and wasting precious minutes. She asked if they have given thought to access for the excavators to perform maintenance required by the CDPs for both the Seashore View and Beach Blvd. revetments. She stated that the history avoids along the promenade suggestions that there might be impacts to the seawall infrastructure underneath Beach Blvd. or adjacent homes. She thought Planning Department was supposed to perform due diligence to ensure safe projects and she thought the staff report seemed to bend over backwards to ignore the tasks. She asked what the point was of the sea level rise and adaptation plan and updated LCP if the knowledge isn't being used to guide their decisions.

Lauren Black, Pacifica, stated that she lives on Shoreview Avenue, the property Commissioner Bigstyk was referring to. She stated that one of her biggest concerns was movement of soil from the back to the front of the lot. She thought excavating sand and moving it to the front could potentially affect the stability of her lot which is all sand and can very easily move and shift and questioned what issues might occur in the event of an earthquake. She stated that she would like to know how these issues will be addressed and mitigated. She stated that, as others have mentioned, she was also urging the Commission to seriously consider the impact of sea level rise now and in the future as the city will be responsible for addressing any breaches with the current seawall which as was recalled took the city over a year to fully repair that break and sink hole near ChitChat on Beach Blvd. She stated that she watches the waves break over the wall almost every day during winter and frequently during other times of the year. She stated that the waves were dangerous and would most likely close the only driving access to the new condos. She thought it will cause severe problems for the new condo residents and existing homeowners in the surrounding area. She stated that parking on Paloma and surrounding streets will be untenable. She then addressed an item called building location on packet page 44, item B, reading a portion of it, and stated that the new condos do not take those issues into consideration as they relate to her and her neighbors' properties as they will block all the light coming into their home from the south, block her ocean view and mountain views from her backyard and deck and severely impact her privacy. These factors, along with soil concerns, will negatively affect all of their property values. She felt the buildings were not to scale for the neighborhood and not typical of any other buildings along Beach Blvd. and do not fit with the look and feel of the neighborhood. She stated that she has lived in her house for seven years, raising two boys, and while they love Pacifica, this development will dramatically change the experience of living in her home.

Steven Clark, Pacifica, stated his home was also adjacent to the proposed development. He stated that he spoke out in opposition to the previous proposed condo development at the site and he stated that the Commission denied the extension of the permits for the project as they determined that the project could be detrimental to the health, safety and welfare of the neighborhood and city. He asked them what has changed as he thought very little. He acknowledged that there was no underground parking but everyone but the previous property owner thought that was a bad idea and because of fewer units, they do not have to provide any affordable housing. He thought it was still pretty similar. He stated that, in denying the prior development, the Commission cited changed circumstances such as sea level rise, wave overtopping and seawall damage in 2016, and he felt these concerns very real and even more critical today. He felt the big issue is public safety. He agreed with his neighbors who previously spoke, stating that they were very concerned. He felt the planning staff has seriously underestimated the potential impact of sea level rise, wave overtopping and the seawall condition. He mentioned that the Coastal Commission commented on the issues and have been largely ignored. They note the increased

likelihood of wave overtopping and site flooding and as a resident he has witnessed this. He hears the waves crashing and his neighbor at 1 Paloma was pinned up against her building in January 2017 and on the local news. He stated that the decks at 1 Paloma and 1581 Beach Blvd. were destroyed by waves that same month. He stated that his primary concern was that the access was so restricted and the Coastal Commission recommended that the current applicant be required to provide alternative access to the site. He stated that he has tried to do that but it was not possible, adding that he and his neighbors did not want a driveway going along the side of their houses. He questioned what will happen when Beach Blvd. is closed and people need to get in or out. He also thinks the traffic issues are being downplayed. He mentioned that he didn't know what 4 am and 4 pm peak hour trips mean, but CEQA said there will be 41 daily trips in all and he thought traffic and parking will be a nightmare. He stated that he has lived here five years and loves his neighborhood. He stated he was not opposed to all development, just inappropriate development. He agreed they need more affordable housing but questioned whether we need seven luxury condos on a site with severely restricted access, major environmental concerns. He felt the site is very risky and this development is not right for all Pacificans.

Jonathan Mizraki, Pacifica, stated he lived on Monterey and he thought what was unique about the project is that they need to bring in more development. He stated that their taxes are going towards new city services or the lack of city services. He stated that the parks are finally getting upgraded one by one, but families would like them to not be broken. He thought the city lacked the money to take care of it and seven new property tax payers would boost the funding. He felt that, although it was a small amount, we are supposed to be getting up to 413 housing units and were moving forward toward that direction. He thought we were dragging our feet compared to the rest of the state and the state mandating on us and he felt it was time to start moving forward proactively instead of reactively in trying to get new development.

Jeff Dam, Pacifica, stated he was standing up for his fellow, existing tax paying property owners who have a lot of value in their homes and love their property and privacy. He stated that his structure will have a major environmental impact on a lot of people to make a person cry. He stated that he didn't mind a custom townhome or maybe 3 for the size of the lost with standard setback, etc. He did not approve of a megastructure as the tax base will not be worth the extra housing. He stated that there will be seven cars, furnaces, washers, dryers, BBQs packed into the big megastructure. He stated that they will have wind current problems and it will change the venting in the existing homes, and questioned the problems with pets, visitors, mold, ventilation, etc. He stated that it was a fundamental quality of life that they have to appreciate from the tax paying individuals who have been in the area for over 25 years. He referred to "if you build it they will come" and stated that they don't want them to come.

Kieffer Katz, Pacifica, stated he was a renter but he was opposed to the project and thinks it was bad for Sharp Park and Pacifica as a whole. He stated that he moved to Pacifica almost two years ago because it doesn't feel like other Bay Area towns but welcoming, inclusive, a real place. He stated that they can see that from the 1980 Local Coastal Plan which says that West Sharp Park was the primary location of low and moderate income households in the city. He stated that it was crazy because this would be like Malibu in LA. He stated that this project would undermine that. He stated that the current Local Coastal Plan states its objective to protect the existing availability of low income housing in the coastal zone. He didn't have a comprehensive overview of real estate prices in Sharp Park, but he knows rents have gone up since 1980 in a city without rent control and home prices are out of reach for anyone making a median income, and after this project and the other pending project along Beach are approved, 22 luxury condos will have been

approved and built in Sharp Park since 2013. He stated that, even with the housing crisis in the Bay Area, no affordable units to even moderate income levels have been added to Sharp Park. He thought the lot was a great opportunity to change that and could accommodate more than seven units. He thought, in the neighborhood where they have great access to transits running straight to BART, it would be a great place to provide housing for renters who don't need to use up all the parking spaces or add to traffic and just want to go to the city, do their jobs and come home. He stated that they have opted for luxury condos that he assumes are priced comparatively to ones on the beach at \$2 million or more and they are building 7 which is just under the amount that would require anything inclusionary which he didn't think was a coincidence or out of their desire to keep things small. He stated that he admits there are safety issues but he would like to have housing there and meet people whom he doesn't know but he didn't think this project will do that but make Pacifica more like everything else that isn't so great about this whole region lately.

Tiffany Zammit, Pacifica, stated she is a resident of 34 years and was happy to make a few notes on the project. She appreciated that the project does have new setbacks as well as fire access which wasn't addressed with the prior project. She stated that the most recent construction has created a resurgence. She stated that as an educator, they weren't a basic aids school district and rely on the FTES to keep the teachers funded. They support the growth of families with children in the area and children to take part in a school system that doesn't have a teacher shortage and the continuing cuts that have to be made in the districts that are not basic aid. She referred to NIMBYism and stated that she does live across the street in the Montecito townhomes. She welcomed the growth with the new people coming to Pacifica to enjoy everything she has enjoyed. She stated that they were slated to look at a hotel across the street and she lives across the street and welcomes it blocking her views as we are in the next generation and she would like to see others enjoy everything she has enjoyed in Pacifica all her life. She thought this project was taking into consideration some of the other components and the safety issues. She felt it would support the community at large as well as small businesses. She stated that she has friends who own things in Pacifica and the only thing that supports those businesses were people living here to support them.

Joel Silver, Pacifica, stated that he lives across the street. He stated that this is his first city meeting ever. He was present because he loves Pacifica and he cares about the project. He was not for development in general, and seeing negative attributes associated with his hometown of Santa Cruz, but he thought this project and the one on Palmetto are carefully planned out and do bring benefits and address the housing crisis. He stated that he works nearby at a company and he tries to recruit young families to come to Pacifica but there is no housing they can find. He felt this project fills a need and will improve a lot of Beach Blvd. traffic and pedestrian and he felt this was an excellent opportunity for the city.

Beth Lemke, Pacifica, stated that she was a business owner in Pacifica and a 13-year resident. Her property is on Santa Maria and between both projects. She was present to support both of the projects. She stated that she has known the applicant for about a year and was familiar with the projects he has worked on that are very well done. She stated that she has heard the term luxury a few times and, if that is the same thing as saying that they are attractive, well built and will bring needed funds to the city through property taxes, she thought it was part of the diversity of Pacifica. She found interesting in living in Pacifica and interacting with people through her business was that it was a huge Catch 22 with regard to people wanting the services in town and benefits of living in a big city but they want to maintain their charming small town which she

understands, adding that it has to be funded. She stated that this was not a huge development and she thought they have jumped through all the hoops and are very open to making changes. She felt they needed funds for such things as maintaining the seawall. She supported it and felt there was room for all sorts of development but she agreed they need affordable housing but this was just one piece in a very large puzzle.

Nick Langhoff, Pacifica, stated that he grew up in Pacifica, nearly 38 years, and he owns a four-unit building directly south of the proposed project. He inherited it from his father, mentioning that previous speaker Kieffer Katz lives there. He stated that he has a number of concerns with the project along with what his neighbors have brought up. He was present two years ago to speak about the proposed development under the last owners. He stated that some of the same concerns he voiced then were also mentioned by the Commission. He would address his largest concern of the singular access through Beach Blvd. He stated that the Planning Commission has asked a number of good questions earlier, but he has not found the answers from engineering not satisfactory and not thorough, but estimations that are hard to make with any level of confidence. He was the chair of the engineering and computer science department at Skyline College with an advanced degree in engineering. He professionally did not find the engineering very thorough at all and had concerns. He stated that the single access through Beach Blvd., whether from tying straps failing that have not been assessed very clearly as visual inspection is not a very thorough analysis or from wave up that they know is going to happen. He referred to his neighbor, Steve Clark that his decks and fence were demolished two years ago by a wave that came up in 2017 and sent property down the alley way destroying things. He stated that he sees no reason to believe that the seawall isn't going to washout, and the single access point for safety and was a major concern for people who live in that property. He stated that, regarding tides, wave overs, the proposed property was putting in a revetment wall that he fears might divert water onto his property. He stated that, regarding wave over and rainfall runoff into his property, the infill of the proposed development was not well detailed in the plans but puts the proposed property at an elevated level above his property and he was seriously concerned about the water running off into that area and affecting residents and making larger concerns. He didn't think it fits in aesthetically or in scope with the neighborhood and he felt they cannot take the step of not putting the safety of Pacificans based on visual inspections and theoretical models directly in conflict over observations they have had over the last decades.

David Zimmer, Pacifica, stated that he just moved to Pacifica in January and rents on Montecito. He ruled them out as they looked like luxury townhomes but when he moved that was all that was available so he took it. He stated that his kids play with others in the building and it was a great sense of community. They love the city, the schools and he wants to stay but he doesn't want to rent forever. He wants to buy but there was not a lot available now. He looks at this as an opportunity for other young families to have a place to move and enjoy Pacifica. He thought the experts have done their work and, not being an expert, he will leave it to experts. He thought he has planned the project well above the rest of the properties and it seems safer. He was in support of the project. He acknowledged that they looked like luxury but were just nice to bring more families and more money in.

Erin Macias, Pacifica, stated that she is a Linda Mar resident and enjoy Beach Blvd. almost as much as her dog. She stated that she is a fire wife of over 20 years and her husband has performed ocean and cliff rescues and fighting California wildfires for decades. She assured them that there is no natural or manmade barrier that will prevent our committed highly skilled first responders from protecting and serving the public in the area. They recognized that, in living

in a coastal zone, the ocean has an impact on our environment, both predictable and unpredictable. She didn't think anyone was attempting to negate or undermine climate change and its impact on the area. She thought that the engineers and property owner have performed due diligence regarding the site and regarding parking they were seeing an increase in ride sharing and the uncomfortable debut of driverless cars and she didn't see this as an issue. Regarding the need for housing units, she stated that the Assn. of Bay Area governments has made it clear that we have to do our part and that property owner is a local with a vested interest in his own community and after watching the presentation, she thought it was apparent that it was a lower density project that was consistent with sustainability and housing goals and contributes to the tax base. She acknowledged that no one likes change in their neighborhood but as a community we have to adapt to the need for incremental growth in Pacifica and our state. She felt the project was consistent with the neighborhood and adds a different level of diversity that is not quite welcome in Pacifica. She added that we need to fund our city, schools, and support local businesses with a lot of in-need residents who need the income resources to contribute to those services. She felt this would enhance the area and provide needed housing and asked that they approve it.

Craig Joyner, Pacifica, stated that he presented a letter outlining his concerns regarding the project covering storms and king tides, design and scale, traffic, soil stability. He lives north of this project. He stated that his elevation is higher than this property and he sent photos from January 2017 when a wave came over and took out a fence dividing his and his neighbor's property and shoved his neighbor's patio furniture all over. He stated that every year they have at least one wave like that. He acknowledges that he is in danger living there and would not want to put other people in danger. He didn't think it made sense that Pacifica would move forward with a building of this size and scope and endanger our reputation as Pacificans, mentioning that friends still comment on the apartments that fell into the ocean. He mentioned a retaining wall that he stated could erode and blow out and it has nothing to do with waves overtopping but a constant force of the waves coming in and out. He urged them to vote against the project.

David Leal, Pacifica, stated that he thought it was a great project and will bring much needed housing to Pacifica and increase our tax base and bring in seven households with a vested interest in improving West Sharp Park. Regarding luxury housing, he agreed with several others that this not luxury but market rate housing in the Bay Area and the prices are what they are. He felt the project was very nice and would improve the aesthetics of the neighborhood. He stated that, for West Sharp Park and Fairway Park, having more invested neighbors who care about the seawall was good for the entire neighborhood and he wanted more people invested in the neighborhood. He referred to mention of 40 and 75 years mentioned in several reports, and he thought they should look at the range as 40 was the low in terms of the seawall life. He thought the city's plan was to upkeep the north and south seawall and the berm further south. He thought the project should move forward but he would like to see one condition removed regarding the relocation of the first floor bedroom. He felt there was no issue having a bedroom on the first floor so he didn't think it needed to be a condition.

Brian O'Flynn, Pacifica, stated he owns a property on Beach Blvd. for 20 years. He thanked them for their service. He stated that often the objections to the project are from the immediate neighbors to the project. He understood that a neighbor would prefer no development next to them because of their views, etc. but he stated that it was important that we are living in a community and not in the country so we have to share. He stated that the majority of the neighbors are recent arrivals to Pacifica and he encouraged them to welcome new arrivals. He

thought it was a well-studied, well-designed project. He also thought they have to stay focused on the science and expertise in terms of staff and top coastal engineers. He was concerned about the maintenance of the seawall and talked with the engineers and was satisfied. He mentioned one engineer mentioned having a cost effective plan for supporting the seawall. He felt it was scale appropriate and he encouraged them to support staff's recommendation.

Scott Frazier, Pacifica, stated he was a 41-year-resident of the coastside, and have owned 2017 Palmetto since 2005. He came to support the second agenda item but after listening to the speakers, he thought it was important that he offer support of both projects. He stated that they need a clear sign the redevelopment and upward progress are going to happen in the area, stating that he had to rehabilitate a building where his former tenants were not good stewards of the property and he needs to gauge how far and how quick to go and how we are going to grow and service the rest of the community. He stated that, since we are planning on running a family operated hospitality business, he thought it was possible that they were inviting and welcoming new families to the community, who are upwardly mobile and will contribute to local businesses and cost of continuing to improve the community. He stated that we need a lot more growth. He stated that we are not the rest of the Bay Area but we compete for goods and trades in the Bay Area and need to see the most upward progress since we have to pay the same rate to repair buildings, for food, etc. He hoped they can find balance to bring more families and more people to the area who can contribute.

Robine Runneals, Pacifica, stated she is a 43-year resident of the neighborhood. She met the applicant on various projects and this is a quality developer. He supports the community and provides needed housing. She felt it was beneficial to see projects like this. She stated that the ones he has on Montecito were amazing and that it can bring families into the neighborhood and they can benefit from the quality of the schools. She felt this was an opportunity they should embrace. She stated that the project was a vast improvement over what was being proposed before and incorporates a form of its own type of seawall as a protection for that property. She stated that building this project will enhance the protection and strength of Beach Blvd. and do what the city was saying which is to protect the neighborhood. She referred to all the various protections in place now that need to change to create adequate protection for the neighborhood and maintain the quality neighborhood with families and schools. She felt this project was additive to the overall project of what they want to do for the neighborhood and adds to Palmetto's plans and the vision will continue. She supports both the projects, adding that they need a good restaurant and the second project will bring that in.

Chair Clifford asked the applicant for rebuttal.

Mr. Moazzami stated that he will have Dan Dyckman, Peter Yu and Michael O'Connell, engineers, as well as David Goldberg to provide rebuttal and/or clarification on some points brought up.

Dan Dyckman stated that he did the geotechnical work for both the buildings as well as the retaining wall above the rock riprap. They looked at the retained materials which was a high granular material that in some cases was so well compacted even after 40 years and they had a hard time driving in the pin to take the density test. He stated that, absent the waves hitting the raw dirt itself, it would hold up itself without a retaining wall and was in very good shape. From a geotechnical perspective, this was a very strong wall that will hold up for any traffic on top or behind it.

Peter Yu stated he was a structural engineer for 25 years. He has done a lot of retaining structures, including a seawall project in the San Francisco waterfront. He was present twice on this project when the test pit was open and their primary focus was locating the structural portion of exposed straps and connection to the wall. He stated that some of the bolts were upside down or the other way around. He did a high tech test and they were in pretty good shape. He tried to find the corrosion effect on the bolts. He stated that this wall was in very good shape. He understood concerns expressed regarding the invisible integrity of the wall and they have to destructive testing and this wall is in really good shape.

David Goldberg, Armbruester, Goldsmith and Delvac, stated that staff report and consultants' analysis did not ignore sea level rise but factored into each report. Staff also did not ignore Coastal Commission's comments and included responses. He stated that the three primary comments on sea level rise, secondary point of access and parking were addressed, concluding that the decisions were per codes, etc. He stated that the property was zoned for high density and the project was consistent with that zoning. While they understand some neighbors have concerns regarding living in proximity to property that bears that zoning but it is consistent and not out of scale, within height limits and density and parking per code with traffic consistent with other developments of a similar density. He understood they all want things to stay the same but there is no view protection ordinance in the city and the project was sensitively designed, and they would request approval of the project.

Chair Clifford closed the Public Hearing and brought the item back to the Planning Commission for deliberations.

Commissioner Bigstycyk thanked everyone in attendance. He stated that comments were equally for and against the project. He was left with the same conclusion he had when he walked into the meeting. He was pro development and understood that the city needs housing and money. He was inclined to believe what is in the staff report. He referred to comments from direct experience and makes him want to take a second look at some of the things in the report and consider it more deeply. He acknowledged that he was not a civil engineer, in construction, not aware of all legal aspects, but is a storyteller. He stated that he had two stories which help him with his process. His short story is that he has memories of his early youth living on Santa Rosa, when his parents took him to his grandparents' home at the top of a hill because of a tidal wave and was his first experience of living on the coast. He acknowledged that waves were inevitable on the coast and, if no liability to the city, anyone who wants to move in to a residence next to the ocean probably has an understanding that a wave will introduce itself. He thought it was a good idea to not put a bedroom on the first floor but if someone wants to take that risk in their personal space with no liability to the city, he didn't have a problem. He disagrees with the Coastal Commission on thinking in terms of no protection whatsoever. He was willing to give the benefit of the doubt to the idea that the retaining wall could survive another 40 years then he heard the term of brute force causing the retaining wall to fail, and it came into question and he was less likely to believe that the retaining wall will be as successful as possible. He stated that, if there was a seawall instead of a retaining wall, he would be more inclined to agree that the property was a good idea. He agreed with the Coastal Commission in his longer story. He stated that in 2013 he did something dumb. He cut himself and thought a professional should look at it. He then had to conclude that he was either driving himself to the emergency room as no one was present then, or he was calling an ambulance as a cab wouldn't be quick enough pre-Lyft and Uber, and he decided to hop in his car as he thought he wouldn't bleed out, then he had to choose



a direction at several segments of the drive until he arrived at Seton. They stitched him and sent him on his way able to drive himself home. He stated that he was happy that he lived at the top of a hill where a wave was not a consideration, although a deer darted out in front of his car on Fassler. He then thought about this property having only one way out and likely that the alley way behind the joint property can't be accessed by the property and was why it was not part of the discussion. He then thought about him being in his emergency situation if there was some over topping and flooding and he has to second guess his ability to drive through water or second guess an ambulance's ability to drive through water which would be a drag. He stated, if staff said he could successfully get through that water in that moment in time, but in already having an emergency situation, he didn't know if his state of mind would allow him to successfully navigate it. He now is thinking in terms of seven residences and not knowing the ages of all residents or the seriousness of the over topping or the seriousness of the person's emergency, and he agrees with the Coastal Commission analysis that, if there was a second way out of that property, he thought there was a serious safety concern and was inconsistent with the General Plan as he understands it as he thought someone's life could be put at risk if the second way out was not there. He thought, if there was a way out through that alley way, he might be inclined to vote in terms of it, then when he heard mention of brute force, he was even less inclined to vote in favor of the project. He looked forward to hearing if his fellow commissioners wished to sway him of the notion that, as it stands, there was a serious safety concern that shows an inconsistency with the General Plan.

Commissioner Berman agreed with a lot of what Commissioner Bigstycck mentioned. She thought it was a good opportunity for housing which the city needs and a good opportunity for the city and neighbors to work with the development team to help prevent erosion on a vacant lot, and concerns for public infrastructure in the right-of-way and retaining wall. She realized there were existing properties in which people are living and are subject to the safety hazards that Commissioner Bigstycck mentioned for access as well as wave over topping. She thought it was a good opportunity to have more voices and funds to hopefully upgrade the area. She referred to issues brought up in comments that were outside the developer's control or the current property owners, and thought it was hard to subject the development on the property based on some of those concerns.

Commissioner Nibbelin appreciated the opportunity to hear all the concerns shared and he mentioned that he met with Mr. Moazzami a few months ago and they did discuss this project. He stated that, recognizing that there are important concerns that have been discussed, he was in favor of the project. He stated that it was a high density area by General Plan and zoning and seven units is the minimum density anticipated in the General Plan area and he didn't view it as being out of scale but the scale contemplated by the General Plan. He agreed that there are hazards and they have been looked at closely by staff and consultants and, on balance, he was satisfied that those hazards have been addressed and mitigated to the extent they can be as there are tradeoffs. He referred to access to the site with only one way in, and diligent efforts appear to have been made to identify a means of addressing that. He understood from the city engineer that the maximum ponding they would be dealing with would be six inches of water on the street and given the curb is six inches, they would be looking at six inches of ponding.

Sr. Civil Engr. Donguines stated that, at the low spot, the ponding would be contained within the travel way of the street. When the water overtops the curb, it will generally drain over the seawall into the ocean.

Commissioner Nibbelin stated that they had a lot of development in the area and the city is committed to defending the development. He stated that it was a challenging development but they were going to defend the area and putting infill in an area they plan to defend strikes him as the right thing to do.

Chair Clifford stated that his first comment is that they have a condition to have a structural engineer look at this project and come back with recommendations but they didn't see any structural as they did on the last project. He stated that the structural he was looking to see would include at least the front building being able to survive on its own regardless of whether the walls are there or not, as that was how he looked at the last one and how he would like to look at this one. He was concerned that the engineering wasn't present for this project as this was a big part of what was going to be built there. He thought it could significantly change the actual project. When reading the condition, he did not see any peer review included in the structural engineering that was going to be done, and he would like to see that peer review on any structural engineering done for this project. He stated that he wanted to see a project that can survive whether or not that retaining wall is there. He stated that, with a 75-year-life span anticipated for the project and the biggest number that the retaining wall can survive as is would be 40 years and they then have 35 years that it would not necessarily be there. He stated that the failure rate wasn't necessarily tiled to the 40 years because it has failed before, but not due to the straps failing but impact, washout, etc. He preferred that they look at the project from the standpoint that they not consider the retaining wall and they can't consider a seawall that might be built there. He wants the project to be structurally engineered so the first building can survive any impacts including a tsunami and he thought it would need piers, 4-foot thick pad and will have some breakaway on the first floor so the water can go through and not just lift the building off. He didn't see that they could do it at this meeting, but he would like the applicant to come back with his structural engineer drawings so the Commission can review them and see that they actually appear to be safe.

Planning Director Wehrmeister thought he was referring to Condition #8 which speaks to the tsunami hazard and part of his comments and stated that when staff was discussing this condition with the applicant, they had drafted it to state that the building would be a steel frame building and it would have breakaway walls. The applicant requested some flexibility in case their structural designers could come up with a different mechanism. She stated she was just giving him the history and she didn't know if he would like the applicant's architect or engineers to speak to it more fully. She acknowledges that the rest of the Commission has to weigh in on the request to have some analysis as if the wall is not there in terms of potential erosion and she understood his comment. She stated that the draft adaptation policies adopted by the city were not policies yet but staff has been directed to include them in the LCP update they are preparing. She was very specifically focused on protection and the city's policy and intention was to continue to maintain the wall and protect the neighborhood as it protects not only the right-of-way but also utilities that need protection regardless of the project. She would like to hear from the Commission if that is something they would like staff to study.

Chair Clifford thanked her, adding that he was not insisting that there be break away walls but he personally would like to see it. He stated that he definitely wants to see any structural plan which was where his comfort level will be in being able to vote for this project so he would like to continue this until they can see that kind of data.

Commissioner Nibbelin referred to his request regarding more information about the structural engineering, and he thought it was a reasonable request. He wanted clarification that in the normal course, that level of detail would be prepared and provided and it would be a significant expense involved in developing that sort of information. He thought it might be more commonly done after the entitlements are actually in hand.

Planning Director Wehrmeister agreed, stating that they would usually review that material at the time of building permit. She stated that there may be something short of that which can be prepared with more information for the Commission.

Commissioner Nibbelin stated that there might be something short of the full data and it might be satisfactory.

Chair Clifford thought it was possible. He sees that this is of benefit to the applicant in terms of him being able to see whether or not this is going to pencil out once he sees what his structural requirements are going to be to get it done.

Commissioner Nibbelin stated that his ordinary bias would be toward having a greater level of detail at a later point in the process where staff would typically be looking at that. He then refers to Planning Director's comment to the extent they should be analyzing the building closest or furthest west without the presence of the retaining wall, and he didn't personally see that as an exercise necessary for his own comfort because his view was that the wall was going to be there. He stated that there are other things they are protecting that are significantly important to the city that are reliant on that wall and it will be the stated policy of the city that the wall will be there.

Sr. Planner Murdock stated that staff encouraged the applicant to bring as much as his team as he could and his structural engineer is in attendance and, if it is the Commission's will, they can query him for more information about what considerations went into the structural design and how he believes it would likely be robust enough to meet the site conditions. He stated that on the points of the structural details, the project that came before them previously at 2105 Beach Blvd. which was the project he assumed Chair Clifford was referring to, and it was an anomaly in the sense that the project had made it nearly all the way to obtaining a building permit and had been engineered and designed to that level of detail and as has been stated that is the exception and not the rule for projects.

Chair Clifford stated that he will want to talk to the structural engineer but first he was going to allow Commissioner Bigstyk to comment.

Commissioner Bigstyk was planning on following up on his comment on thinking in terms of there being no wall. He agreed with Commissioner Nibbelin that there will be a retaining wall that they will continue to maintain until they get a seawall there. He stated that, if they are thinking in terms of no retaining wall, he couldn't vote for the project at this time, although he would be interested in casting a vote after there was a seawall but they are talking about years. He clarified that, on talking about his concerns on getting out from the one-way area, not only flooding but sink holes because when hearing the term that brute force was the cause of retaining wall failure, it says that if there are substantial sink holes anywhere on the retaining wall because of brute force, that was a problem if needed to drive in or out. He stated that he would be happy to vote in favor of a continuance if that is the Commission's pleasure.

Chair Clifford stated that he would like to bring up the structural engineer to ask a few questions.

Michael O'Connell stated that he was the civil engineer for the applicant.

Chair Clifford asked if there was a structural engineer for the applicant.

Mr. O'Connell asked if he was asking about the tsunami hazard as he would speak about that.

Chair Clifford asked who is going to do the actual structural engineering drawings when and if this project moves forward.

Mr. O'Connell didn't think it was determined yet, stating that Peter Yu was hired to look at the seawall. He would like to speak on the tsunami hazard condition and why the applicant requested flexibility.

Chair Clifford agreed that he could make his comments.

Mr. O'Connell stated that the original condition read that they will not have structural wood framing on the lower floor and they requested flexibility with that condition based on their experience at 535 San Pedro Avenue project where they were approved with a condition of no structural wood framing on the lower floor because it was in the tsunami inundation zone and they hired a tsunami engineering expert who did a detailed study and said they were on the edge of the tsunami inundation zone and they would anticipate six inches to one foot of water in there and there was no reason to do anything special with the structural design as long as they have a one foot tall concrete curb around the building. He stated that, because of having a very specific condition that said no structural wood framing on the lower floor, they had to pivot to a steel frame building or go back to the Commission and request that change. The applicant requested flexibility in that condition because it was hard to determine the anticipated water level at the site at this time as there were different inundation maps. He referred to the SAFRR map which was an area before informing the decision about the structural design of the building, the applicant would like to have more information on anticipated water level. If it was eight feet, they were in a position where they need to have piers and breakaway walls and concrete columns and if the water level is less it is a different design. He stated that was the nexus being requesting flexibility on that condition. He thought staff did a good job crafting that condition to provide flexibility but addressing the potential tsunami hazard.

Chair Clifford referred to the level stated which was the level based on tsunamis that might come down from Alaska.

Mr. O'Connell agreed.

Chair Clifford stated that the other potential levels are from anything that might happen out in the Pacific from a close earthquake to a small asteroid strike in the middle of the ocean. He stated that with the height of the actual tsunamis there has to be some kind of a range.

Mr. O'Connell understood that there is and there were differences between the maps. He stated that the CalOES map is every possible situation that you could ever imagine happening and that was the inundation line. He stated that map was used for evacuation planning. He stated that the sapphire map which stands for science application of risk reduction is hypothetical but plausible

inundation limit based on an earthquake that happens off the coast of Alaska which is where we have historically experienced tsunamis in California. He stated that inundation line just touches the front of the site and it doesn't necessarily mean there is eight feet of water and then it stops because you would not have a vertical column of water as the end of the inundation line was essentially 0 inches of water as there is a range and the applicant will be doing more detailed study of the range before forming the structural design of the building.

Chair Clifford concluded that he has not hired the structural engineer who is going to actually investigate and do the planning for that.

Mr. Moazzami didn't think so but he thought the intent of the condition was to have the structural engineer design the first floor of the building to make it tsunami resistant. He stated that typically CDs and structurals come after their planning approval and they don't have a structural engineer to design the building but they believe their structural engineer and the city's building department will do a great job making sure that the building is tsunami resistant and he thought it was up to the discretion of the Planning Director to ultimately approve the design. He stated that, as Mr. O'Connell pointed out, the tsunami inundation line proclaims inches of water at the front of their site. He stated that they think they are going above and beyond but that step is later in the process.

Chair Clifford asked, if they make a change to that particular condition that their structural engineer also has to be peer reviewed, if they would object to that or willing to go along with that.

Mr. O'Connell stated that the applicant doesn't object to that which is consistent with what staff has required on other projects, mentioning that the 535 project had similar language in the condition. He also pointed out that he thought it says tsunami resistant assuming a tsunami level of the substantial height of the first floor. He asked Sr. Planner if he agreed.

Sr. Planner Murdock stated that it talks about the recommendation being based upon a potential tsunami inundation of a substantial portion of the first floor and shall be focused on preventing the collapse of the structure due to tsunami forces and shall be incorporated into the design and construction of the west building, building No. 1. It was from Condition #8 in packet page 87. He added that there was importance or some purpose served by an additional peer review, but whatever the design proposal is will be ultimately reviewed by the city's technical experts through the building review process and he acknowledged that there could be another level of peer review inserted into this but it was not as though the applicant's recommendations will go unevaluated by the city's technical experts.

Mr. Moazzami stated that, in San Mateo County unincorporated areas along the coast, they have prescriptive guidelines which would lend themselves to this, but those included such as drill pier foundation, concrete columns on the ground floor, etc. and it was a possibility. It was just an option as there are other ways to design the building to resist the tsunami forces.

Commissioner Nibbelin had a question for both Mr. Moazzami and Mr. O'Connell. He stated that the other part of the condition they discussed dealt with the first floor bedroom or the moving of the first floor bedroom and they had some comment on that from the public. He asked if they had a particular position with respect to that condition or okay with agreeing to it whether he thought it was warranted or not.

Mr. O'Connell asked if he was asking if they were okay with that condition.

Commissioner Nibbelin responded affirmatively.

Mr. O'Connell stated that they were okay with it.

Commissioner Nibbelin asked the city attorney that, with respect to the bylaws as they don't have a full complement what constitutes a sufficient number of votes to carry a measure.

Asst. City Attorney Bazzano stated that it was a straight majority.

Commissioner Nibbelin asked if it was a straight majority of those present.

Asst. City Attorney Bazzano responded affirmatively.

Chair Clifford confirmed that the public hearing had been closed and the item was with the Planning Commission for deliberation.

Commissioner Nibbelin moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVES Site Development Permit PSD-829-18; Coastal Development Permit CDP-395-18; Use Permit UP-94-18; Variance PV-522-18; and Vesting Tentative Subdivision Map SUB-237-18 by adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A of the resolution and INCORPORATES all maps and testimony into the record by reference.

Contract Planner Aggarwal stated that on Condition #1, staff would like to change the plans entitled Palmetto Avenue to plans entitled 1567 Beach Blvd.

Commissioner Nibbelin asked what change she was suggesting.

Contract Planner Aggarwal stated that it says that development shall be substantially in accord with the plans entitled currently it says Palmetto Avenue and it should say 1567 Beach Blvd.

Commissioner Nibbelin stated that he will change his motion with respect to the conditions to incorporate that change: Commissioner Rubenstein seconded the motion.

The motion as amended carried **3-2**.

Ayes: Commissioners Berman, Rubenstein, Nibbelin.  
Noes: Commissioner Bigstyk and Chair Clifford

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

Chair Clifford asked staff if this project was also appealable to the Coastal Commission.

Sr. Planner Murdock responded affirmatively.

- 2. DA-1-18 PSD-834-18 CDP-397-18 UP-107-18 PE-184-19 SUB-242-19 Heritage Tree Removal Authorization**      **File No. 2018-035 – Development Agreement DA-1-18, Site Development Permit PSD-834-18; Coastal Development Permit CDP-397-18, Use Permit UP-107-18, Parking Exception PE-184-19, Vesting Tentative Subdivision Map SUB-242-19 and Heritage Tree Removal Authorization**, for construction of a new, two-to-three-story mixed-use building consisting of 993 square feet (sf) of ground floor commercial space and three residential units and subdivision of airspace to create condominiums on a 5,446-sf vacant parcel located in the vicinity of 2100 Palmetto Avenue (APN 016-182-370 and 016-182-390). Recommended CEQA Action: Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

Contract Planner Aggarwal presented the staff report.

Commissioner Bigstyk asked if it was possible to stick a bike rack in front of the business. He understands they need to defer the other spaces for the time being but he was interested as to whether there has been discussion of where they would put that and he figured that was part of the bigger picture and they can look at that at a further date. He stated that he understands how they need to find a spot for 36 fair feet, but again asks if it is possible to stick a bike rack in front of the business so if they are two bikes they can put the bikes there and continue making it bike friendly.

Sr. Planner Murdock stated that there are a number of considerations related to placement of the bicycle parking spaces. He stated that from the plans, the site was rather constrained based on the proposal and applicant's attempts to comply with as many of the development standards as possible and the city's zoning requirements. He didn't know if it was possible to place it on site even towards the front of the site. He stated that, if he is referring to the area in the public right-of-way in front of the site, the sidewalk is not particularly wide and probably not a suitable location for installing a bicycle rack. He stated that to the south of Montecito and Palmetto but close to the site there was a bump out in the street for a bicycle rack and they believe that type of solution is probably most appropriate for the Palmetto commercial area in the Sharp Park District more broadly. Staff believes that, through the specific plan process, that would be the best time to determine those locations and the method of that installation and through part of the development agreement there would be funds available for that planning process.

Chair Clifford stated that what he meant to do on the last project before them, and it is owned by the same company, was to make a point of the fact that his company, named Phoenix Remodeling, has absolutely nothing to do with Phoenix Capital and he has no financial interest in this project whatsoever.

Asst. City Attorney Bazzano thanked Chair Clifford and further clarified that it was two different entities, one Phoenix Capital LXV and the other one is Phoenix Capital XV LLC, thus two different LLCs.

Chair Clifford reaffirmed that he has no connection with either one. He had some questions, the first being the parking exception of off street vehicle parking. He gets that they can't put it in without removing the entire restaurant but he referred to the parking district they are discussing and asked staff for confirmation that it doesn't exist yet. He asked if there was a site "eyeballed"

for this and what they are thinking of in terms of where the parking district will actually find parking for this area.

Sr. Planner Murdock stated that he was touching on one of the fundamental issues with the types of infield development they are hoping to achieve in this part of town along Palmetto and other parts of town where they have a very small lot pattern from historic subdivisions which do not reflect the types of sites you would hope to have for many types of modern commercial development since the advent of the automobile. He stated that, with the sites being subdivided in most cases in the early 1900s, automobile parking in the form of off street parking lots was not contemplated. He stated that, with that in mind, they have to make the best they have and he was correct that the parking district has not been formed. They believe there is a reasonable expectation that it will ultimately be formed for this neighborhood as part of the Sharp Park Specific Plan process. When staff brought the contract for preparation of the Sharp Park Specific Plan to City Council in January 2019, one of the optional tasks presented to Council for consideration was the study of the creation of a Sharp Park Parking District. He stated that Council supported that concept and funded the task as part of the contract. Staff believes that there is at least initial conceptual support for this, adding that the devil can be in the details and determining sites, number of spaces, form of parking are most appropriate to be done through the Sharp Park Specific Plan process similarly to Commissioner Bigstyk's questions about where and in what form should the bicycle parking take. Staff thinks the Palmetto area commercial district as it functions today and in the future should be comprehensively assessed and the best balance of facilities be decided as part of a thorough planning process.

Chair Clifford stated that his other question was around the proposal for five years plus two which was out of the normal way of doing things as it is generally a year later and the Planning Director decides that and beyond that it would come to the Planning Commission for renewal of the permits. He stated that they were talking seven years out and he was disturbed by that as he didn't want to see it wait seven years to get done. He was curious about the length of time being asked for.

Sr. Planner Murdock stated that he will offer a couple of observations and the Planning Director and/or Asst. City Attorney can comment further. He stated that the period of permit approvals being sought was much longer than their normal one year approval term for projects in the coastal zone. He stated that under state law, approvals including subdivisions are automatically allowed to be approved for two years and may often be extended for another year. He thought the fair comparison was 3-5 years and the extension bears on the seven-year term as he cited it. He suggested that the applicant has every financial incentive to pursue the project as quickly as possible as they don't make money from a vacant site and he thought they were in the business of making money. He believed they will pursue the project as aggressively as the market conditions will allow. He stated that, having a term of 5+ 2 years may make the project more likely to be ultimately constructed in the sense that with two short permit terms, small fluctuations in the market can result in inevitable delays due to financing and other reasons that cause project entitlements to lapse and with the heightened scrutiny of annual permit renewals, he thought having a greater certainty would allow the applicant to weather any short period of economic turmoil and ultimately come back and construct the project without expired entitlements and would present a high bar to any future applicant or even this owner returning to re-entitle the project. He thought it was a strength for providing some certainty and robustness to the approvals. If the Commission believes this is the best project for this site on Palmetto and, in staff's assessment, it was a quality project befitting an approval as conditioned.



Planning Director Wehrmeister added that the applicant has expressed that they were very interested in getting started in the current market and they might want to ask this question of the applicant and he can speak to it.

Commissioner Bigstycyk referred to page 282, attachment D of the development agreement, and he referred to the tax section and he got a sense that it was there so as things are being constructed the maximize the tax coming into the city, but he acknowledged that he didn't understand the language to the extent that he was confident in his interpretation and he asked for clarification on the exact meaning of how that works.

Asst. City Attorney Bazzano stated that he was exactly correct that it was to allow the city to maximize the sales tax within the city limits.

Commissioner Bigstycyk asked if the idea was that things were mostly purchased in town and contracted in town if possible.

Asst. City Attorney Bazzano read provision 5.3 and stated that it was to the extent that they use their good faith efforts to comply with that provision.

Chair Clifford asked the applicant to present and advised they would have ten minutes.

Chris Hall, architect, stated that he works with the firm specializing on unique in-fill development for residential areas. He was happy to take on the challenge and nuances that are endemic in having to design around a tight context. He stated that they have been working closely with the city and thought they have a design that addresses the situation. He did a slide presentation showing the development and how they are orienting the residential development towards the filtered views but they get a snippet of water and a view of Mori Point, as well as a description of the type of designs for the residential as well as business frontage, etc.

Ciyavash Moazzami, applicant, stated that the city has had a vision for Palmetto and he thought one thing they need is housing, as well as retail. He stated that their project brings bodies to the neighborhood and the townhomes will be for families which will contribute to the area. He stated that the housing also subsidizes the retail. He stated they should thank the property owner, John Hansen, for agreeing to pay \$60,000 for a parking exception which was above the city's requirement and contributed \$30,000 towards the economic development of Palmetto to help the city in whatever way it decides to move forward with parking, etc. They had community outreach with a neighborhood meeting at the Grape in the Fog and notified adjacent property owners. He stated that most people who showed up were interested in the beach but they talked to all the adjacent property owners and they had a lot of supporters for this project but most wrote letters.

Chair Clifford asked him to touch on the need for reducing the driveway from the standard 20 feet to the 11 feet.

Mr. Moazzami thought the architect or civil engineer better suited to answer the safety of the reduced driveway with but they thought it was feasible and they thought by widening it they would be compromising the retail space. He stated that it was a challenge to get a restaurant and food use and diminishing the space and making it narrower would pose more of a challenge.

Commissioner Berman referred to delivery service for a restaurant and a proposed deck for the studio unit, and she asked if they thought delivery service could still access under the deck or would it conflict with the resident's parking or do they anticipate delivery service for the street.

Mr. Moazzami asked if she was referring to the deck on top of the drive out.

Commissioner Berman responded affirmatively.

Mr. Moazzami asked if she was referring to take out.

Commissioner Berman stated for the restaurant delivery of supplies, food or even collection of garbage, etc.

Mr. Moazzami stated that he would let the architect address that one.

Commissioner Berman stated that she wondered because it was a mixed use area.

Mr. Hall thought it would be served off the street typically and there was a trash room on the alley and he anticipated that they would be wheeling trash out from the passageway, but not that the truck or van backs in and blocks the residential location. He thought it was common in more urban situations and small retail frontage that it is just front loaded service.

Chair Clifford opened the Public Hearing

Erin Macias, Pacifica, stated that this low density project was consistent with the plan for Palmetto and she briefly supported the proposed project. She also mentioned adding bike lanes and mixed use development and thought they were increasing walkability and bike scores which will eventually result in an increase in our transit scores as well and it was a good plan for Pacifica to promote this type of sustainable development. She stated that we need to fund our city and it was a beautiful plan and will add a nice restaurant and low density housing.

David Leal, Pacifica, stated he was a resident of West Sharp Park and lives closer to this project than the previous one. He was in favor of the project. He thought it was a tough site and we need to infill to keep up the momentum of the development of Sharp Park. They did the Palmetto streetscape and they were trying to change the neighborhood for the better. He thought this project was one of many currently going on to keep the momentum in the neighborhood, bringing in housing and commercial space which is much needed in Pacifica. He agreed the site was tough. He was a pessimist on what they could do on the site and when he first saw the plans, he was pretty impressed with what they can get on that site which fits in with the other development adjacent to the property and hopefully on the site across the street. He referred to the parking and he commended the developer on the proposal to provide \$60,000 for parking study which is needed in West Sharp Park. He didn't see parking being a concern for this project but they did need to assess the parking situation as more infill lots are filled as it may become an issue. He would like to see this project move forward and hoped they approve the project.

Chair Clifford asked the applicant if they had any rebuttal or wanted to respond.

Mr. Moazzami stated that they have addressed issues and can answer questions but they were fine with their presentation.

Chair Clifford closed the Public Hearing.

Contract Planner Aggarwal stated that Condition # 36 in the packet needs to be replaced with a condition that she would like to read into the record, i.e., “if the utility connections are already stubbed out of the property or along the existing sidewalk, then pavement restoration along Palmetto Avenue shall not be required. If trenching other access beneath the pavement of Palmetto Avenue is needed to access utility connections, then applicant shall restore the existing street and slurry seal to the limits of all trenching or to the street’s underline, whichever is greater across the entire property frontage. If in the opinion of the city engineer, damage to the pavement during construction is more extensive, the applicant may be required to slurry seal a larger area. Applicant shall replace all pavement markings and markers in kind.” This is in replacement to Condition No. 36 on packet page 246.

Sr. Planner Murdock explained that they don’t know how the deliberations will go but, in the event of a project approval, they realized after they published the report that their standard condition related to restoration of pavement after trenching for utilities and it needed some better clarification to reflect the site specifics of this project site in the sense that the Palmetto Avenue streetscape is a relatively recent public improvement. He stated that typically there is a three-year moratorium from excavations into the public right-of-way following a significant pavement project and they wanted to have the appropriate conditional language to meet the circumstances where the moratorium is in effect now and they believe the utilities may be stubbed out but in case they are not and they need to go into the street they have the bases covered.

Chair Clifford thanked them for the explanation and they will make sure they reflect that.

Commissioner Bigstycyk stated that something he didn’t say about the last item was that he enjoyed the architecture which looked pretty and he likes the design of this one also and he felt it fits in well with the neighborhood and exactly the sort of development that was intended when the Palmetto streetscape phase 1 came to pass. He was eager for the Sharp Park Specific Plan so when things come down the pike in the future it will be easy to say it clearly fits in. He acknowledged that he is a nitpicker and could nitpick the bike rack. He very much favors this one and would like to make a motion when the time comes to approve.

Chair Clifford stated they would give the commissioners an opportunity to speak.

Commissioner Nibbelin shared Commissioner Bigstycyk’s feelings about this project. He did have the opportunity to meet with Mr. Moazzami and thought they discussed this project at that time.

Commissioner Berman was ready to second Commissioner Bigstycyk’s motion.

Commissioner Rubinstein stated that he also liked the project and felt it was a good infill project for this location. He mentioned that it was next door to a marijuana use project they approved.

Chair Clifford stated he also was happy with the project. He stated that, with it being next to the marijuana project, the restaurant food service might look toward snackies which might be appropriate.

Commissioner Bigstyk moved that the Planning Commission FINDS the project is exempt from the California Environmental Quality Act; RECOMMENDS City Council approval of Development Agreement DA-1-18; APPROVES Site Development Permit PSD-834-18; Coastal Development Permit CDP-397-18, Use Permit UP-107-18; Parking Exception PE-184-19, Vesting Tentative Subdivision Map SUB-242-19; and AUTHORIZES removal of a heritage tree by adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A of the resolution; and INCORPORATES all maps and testimony into the record by reference with Condition #36 amended as suggested; Commissioner Berman seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Rubinstein, Nibbelin, Bigstyk  
and Chair Clifford

Noes: None

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

Chair Clifford stated that, because it was in the coastal zone, they have the right to appeal to the Coastal Commission.

Sr. Planner Murdock stated that this site was not in the appeals jurisdiction for the coastal zone. He added that it was a bit uncommon for them to have projects which include project permits as well as an ordinance component as part of the development agreement such as in this project, and they would see what happens with the ten-day appeal period and they will consider the appropriate timing of scheduling this item for a public hearing at the City Council on introduction of the ordinance to enact the development agreement.

**COMMISSION COMMUNICATIONS:**

Commissioner Bigstycyk stated that he attended the City Council meeting on April 22 as the liaison as they were voting on the amendments to the cannabis ordinance. He stated that there was very little discussion and was passed unanimously. He also attended a seminar on 21 elements. He thought it was designed primarily for new planning commissioners. He attended and Commissioner Berman also attended. He stated that although it was intended for new commissioners, he sat next to a Half Moon Bay commissioner who was serving his fourth term and the representative from Millbrae who also sat next to him has been doing this for five years. He stated that the topic was designing our future and current issues on housing, mostly about affordable housing, which our city was dealing with and discussing thoroughly. He felt there were a lot of interesting things, such as making ADUs work for affordable housing, increasing density and minding the environment. He was hopeful for the future as they make affordable housing a reality.

Commissioner Berman stated that she had nothing to add as Commissioner Bigstycyk summed it up well. She stated that Pacifica is working to build more affordable housing. She encouraged the community to be involved with the outreach and be educated for the need of affordable housing.

Chair Clifford thanked staff for all their efforts at this meeting and he was pleased on how they turned out.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister was reminding them of a few dates. Monday, May 13, is the commission and committee annual reports to City Council starting at 5:45. She hoped they will be there if they can make it. They have the next Home for All community convening to talk about housing on Tuesday, May 21, at IBL Middle School starting at 6:00 p.m. She stated that on Tuesday, May 28, Council will consider the final conceptual design for the library project.

Commissioner Nibbelin asked if the Home for All community convening format would be similar to the format on the Saturday meeting a few weeks ago.

Sr. Planner Murdock stated it would, adding that the balance might shift slightly more to informational presentation in the sense that they were following up on some of the housing solutions the community identified but it will be a small group with roundtable facilitated discussions just like last time. He thought people found it valuable to share their opinions and perspectives on housing.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 10:19 p.m.; Commissioner Bigstycyk seconded the motion.

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister