

MINUTES

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

March 7, 2016

7:00 p.m.

Chair Campbell called the meeting to order at 7:05 p.m.

ROLL CALL: Present: Commissioners Vaterlaus, Gordon, Nibbelin and Chair Campbell
Absent: Commissioners Evans and Cooper

SALUTE TO FLAG: Led by Commissioner Gordon

STAFF PRESENT: Assoc. Planner Murdock
Assist. Planner Farbstein
Asst. City Attorney Matthew Visick

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

The motion carried **4-0**.

Ayes: Commissioners Vaterlaus, Gordon, Nibbelin and Chair Campbell
Noes: None

**APPROVAL OF MINUTES:
FEBRUARY 16, 2016** No quorum

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 14, 2016:

Assoc. Planner Murdock stated that a liaison was not required.

ORAL COMMUNICATIONS:

Tom Clifford, Pacifica, stated that he had a question regarding the closed session. He stated that they did not announce if anyone wanted to speak before the closed session and the city has always had that option.

Asst. City Attorney Visick stated that it was an oversight and added that, if he would like to speak on an item in the closed session, he expected the Commission would be happy to allow him to speak now.

Mr. Clifford stated that his concern was that he wanted to make sure the procedure was followed and it wasn't at this time. He then stated that he was waiting to hear about the conditions of approval and how they can be changed without coming before the Planning Commission. He mentioned that there were a couple of projects where the conditions of approval were changed and both the public and Planning Commission haven't had any input with the changes between staff and the applicant. He felt it was disingenuous, adding that the public was also a stakeholder in any project that gets approved. He didn't think that was how it should be happening, and was asking to hear an explanation as to why this happens.

CONSENT ITEMS:

None.

STUDY SESSION

- 1. Discussion of policy options related to development on Parcels designated Very Low Density Residential (VLDR). The majority of the study area is located in the Rockaway Neighborhood along the northern and southern boundaries of Rockaway Valley in Pacifica. This item was continued from February 16, 2016.**

Asst. Planner Farbstein presented the staff report.

Assoc. Planner Murdock added that it would be great to hear where the Commission would like to pick up the discussion as they had talked about a number of ways to approach this, such as going down the list.

Chair Campbell thought going down the list would be good, adding that it might be for the benefit of the audience. He asked if staff wanted him to do it.

Assoc. Planner Murdock agreed, adding that staff would support it in any way that was helpful.

Chair Campbell referred to previous comments that there was value in addressing the issue comprehensively regarding all affected properties in Rockaway Valley rather than a project by project basis.

Commissioner Nibbelin thought that it was consistent with the comments he had when they discussed it previously. He stated that on page 2 there were some bullet points.

Chair Campbell agreed with that after reading the staff report and previous minutes. He referred to a suggestion for standards being developed for lots that do not meet the minimum size requirements of the VLDR designation but meet the intent while allowing some type of development on the lots, adding that he thought it was a possibility.

Assoc. Planner Murdock stated that it was helpful to understand what this was leading to. He referred to a lot of at least a half-acre and thought it would result in a structure proportionally small compared to the surrounding land area, and a smaller lot may be bound by a more restricted floor area ratio or greater setbacks that limit the amount of lot coverage and results in a structure retaining a similar type of proportional relationship to the land area and smaller visual impacts on the property. He thought there were likely areas that would develop from that if the Commission thinks it was the right approach for addressing the smaller lots.

Commissioner Nibbelin thought it was sensible and was consistent with things they talked about at the last session, adding that there was a minimum below which you can't go and have a feasibly developable parcel.

Assoc. Planner Murdock thought it would result in a structure not being below a certain square footage, whatever they determine.

Chair Campbell thought it was worth pursuing. He thought eventually they will have to look at it anew but thought it was one approach they should consider.

Commissioner Nibbelin thought the values and goals of the VLDR should not be lost as they try to figure out how to move towards development.

Chair Campbell agreed with the concept to keep close to the VLDR they have now.

Commissioner Gordon thought you have to find a middle road. He thought, if they impose the VLDR rules to a lot under a half acre, nothing happens on it, and he thought that was too extreme. He stated that the other option would be to treat it as a regular lot with normal restrictions, adding that, if you do that, you lose what the VLDR is trying to accomplish and you don't want that. He thought there has to be a way to allow for some development but try to create some ratios and rules to graft the spirit and intention of the VLDR rules on to the smaller lots.

Assoc. Planner Murdock then asked the Commission if they had a sense of what they might be more inclined to support in terms of the regulations. He gave an example of developing a floor area ratio standard, such as a .1 floor area, which allows only 10% of the lot area in structural floor area, adding that it could be done in one single story structure spanning 10% of the lot coverage or a multi-story structure with decreasing

footprint. He stated that the tradeoff to that is height and bulk versus smaller scale but greater lot coverage. He asked whether the Commission would prefer to retain more natural lot coverage with the tradeoff being greater structure height and bulk or have lower profile development that may result in greater lot coverage.

Chair Campbell stated that he didn't have a sense yet, and was looking forward to hearing from the public before he starts to venture that way.

Commission Nibbelin agreed that any thoughts were premature. He was interested in planning staff's perspective as to what would look the most aesthetically reasonable, such as a small footprint going up versus something more normal and typical and might involve a little more encroachment with respect to lot coverage.

Assoc. Planner Murdock thought there was no sense to rule out one of those alternatives at this point.

Commissioner Nibbelin agreed that there was not from his thinking.

Commissioner Vaterlaus thought the slope would make a difference as to how the footprint or height would make a difference.

Commissioner Gordon referred to Commissioner Vaterlaus' point, stating that the problem with a floor area ratio was that, while it works in some circumstances, it was not very flexible in other circumstances. He wondered if there was a tool where the touchstone wasn't necessarily the floor foot print but the square footage of the building. He asked if there was a ratio that allows them more flexibility.

Assoc. Planner Murdock thought it was a combination. They have to think through the scenarios of what a purely floor area ratio scenario would allow, what a purely lot coverage scenario would allow, and what a purely setback driven scenario would allow, then start tinkering with them. He didn't think there was a formula that staff could use to have a perfect solution but thought they could give examples of potential outcomes with emphasis on various factors and then the Commission can weigh those values and determine what they might be inclined to support.

Commissioner Vaterlaus stated that the staff report mentioned that the properties in Vallemar that were zoned R-1-H have a low density residential General Plan designation and in Rockaway they made them a very low density residential. She asked why they did it differently.

Asst. Planner Farbstein thought she was asking why they designated some areas as very low density and others nearby as low density residential. She explained that, if they look at the setup, they kept the valley floor of Rockaway as R-1 zoning with low density residential General Plan designation and as they start on either side of the area, the very low density designation was used as a transition area into where the hillsides are. She

stated that, beyond that, there was open space residential which was one unit per more than five acres.

Commissioner Vaterlaus thought there weren't any paper streets in Vallemar that aren't developed.

Assoc. Planner Murdock stated that, in the northern section of Vallemar in a largely undeveloped area, there was a similar situation with very low density residential which, as Asst. Planner Farbstein pointed out, can serve as a transitional land use designation, concluding that there was a parallel between the two.

Chair Campbell referred to the option of requesting more specificity around other possible General Plan policies that could address development of VLDR lots that do not meet the minimum size requirements.

Commissioner Gordon referred to the staff report from February 16 and stated that they listed four policies they drew from the narrative on Rockaway from the General Plan. He thought those four seemed to provide good direction as to what they were trying to accomplish or ideals to keep intact as they move away from the VLDR strictures, mentioning the specifics listed.

Assoc. Planner Murdock agreed, adding that he didn't think anyone was proposing that they throw those out. He thought they were very valuable and provide a foundation, adding that there was a lot of ground to cover from those to something workable for people with smaller lot sizes which was where staff needed the Commission's guidance as they go through the process, getting more specificity in terms of what that looks like and how you turn those concepts into implementable zoning standards that they can follow and actually build something.

Chair Campbell thought they requested information regarding application of the city's transfer of residential development rights ordinance.

Assistant City Attorney Visick thought that, at the last meeting, the question came up as to whether or not transfer of development rights could provide one way that the city could allow economically beneficial use of the parcels in a manner that wouldn't involve development of them or mix lower impact development together with some sort of transferable development right. He stated that, if the city were to apply that notion, it could work as a way to address the problem. He stated that it would depend on how that transferable development right program worked, giving an example which would be a way for people to use the lots. It would come down to how it was put together and not a turnkey solution but take some figuring out.

Commissioner Nibbelin concluded the meaning was that someone would transfer the development rights that would otherwise adhere to the properties they are talking about to allow more dense development somewhere else than would otherwise be allowed and

agree to possibly impose a conservation easement on the particular parcel in this area. He asked confirmation that he was accurate.

Assistant City Attorney Visick stated that, generally, that was the idea of transferable development rights. You would take development rights from one parcel and move them to another with the receiving parcel allowed to develop more intensely, with greater height or lot coverage than they would normally not be allowed to develop. He thought they would have to determine where they would want to transfer the development rights to and whether it would be equitable. He stated that it was one way to come at this situation and staff asks if that was an issue that the Commission would be interested in studying further as a way to address this problem or stick to questions of how to allow development on specific parcels identified in the staff report.

Commissioner Nibbelin referred to some discussion in the staff report regarding lot mergers, and he asked if they could share their thinking about how that might be useful in the context of their specific discussion. He thought more information about that would be useful.

Assistant City Attorney Visick stated that the issue of lot mergers could provide one way to address the situation with parcels in common ownership when merged together were more than half an acre and in the VLDR designation. He thought that the expectation would be that the city would be providing an incentive, such as someone who had four substandard lots but, if merged together into one, you would have a lot developable under the General Plan designation and they would be offering some incentive for that person to merge the lots together and solve the problem as to the four lots.

Commissioner Nibbelin thought it made sense to consider these two things together as possible ways to take some lots out of the mix.

Chair Campbell thought that was a good approach. He referred to the transfer of residential development rights ordinance, and he would be interested in the transfer of development rights that facilitates in fill development as opposed to green fill development, and thought they could look at it, as he thought it would not be trading one problem for another problem, but facilitating some solutions.

Assistant City Attorney Visick thought it would work for staff. He thought another possible way to come at it was to take the city's existing TDR program and try to see how that might work in this situation. He thought the recipient lots for the transferable development rights would be infill lots where you would be adding density rather than height.

Commissioner Nibbelin stated that he would be interested in both mandatory and voluntary lot merger analysis.

Chair Campbell added that he would also be interested.

Commissioner Vaterlaus stated that you have to own both properties in the transfer of rights, and she thought that would be a more complicated issue.

Chair Campbell thought there were members of the public who own both types. He thought, if you can take a couple of lots off, it won't solve the problem but it was in the bundle.

Commissioner Nibbelin asked if it was a right you could market to someone else, even if you didn't own a receiving lot.

Assoc. Planner Murdock thought it would be marketable and he was not aware of a prohibition on marketing those rights or requirement to own the donor and receiver site.

Asst. City Attorney Visick thought staff was looking to try and get an idea of what issues strike them as being worthy of more investigation, recognizing that staff resources are limited and they are trying to make sure they are careful in expending time. Trying to look at how many lot mergers might work takes a fair investment of time to figure out how many lots are in common ownership to get a sense of whether that would make a meaningful difference in this problem. Getting an idea of what was more interesting than others would be helpful.

Commissioner Nibbelin thought a report might make some sense before a lot of time was invested to get a sense of whether this would make a major dent in what they are trying to accomplish. If the answer is no, then they may decide that doesn't make a lot of sense to spend time on, but if it might yield something useful, they can make another decision down the road as to whether to invest the additional time.

Chair Campbell agreed with that. He then referred to expressed concerns regarding infrastructure capacity, adding there was a lot of public comment on that at the previous study session. He agreed that sewer service, water service, storm drainage, roadway system and impacts to the roadway system are a big concern. He added that fire was a huge concern, and making sure that emergency vehicles can get in and out was a paramount concern to him, and they would want to look at that, as well as impacts to roadways as they are looking at 83 potential new developments.

Commissioner Gordon thought this was the most troubling one for him of all the various bullet points. He asked confirmation that there were 83 parcels that are affected in Rockaway.

Asst. Planner Farbstein thought there were approximately 83, adding that she was doing the best estimates she can, based on information she has. She reiterated that there were approximately 83 undeveloped lots that could be built on in the area, but there were few that meet the half acre and there were 79 lots that were less than half an acre in size.

Commissioner Gordon thought that complicates things, adding that if they came up with a good compromise and staff came up with a magic formula to apply a certain kind of ratio that would carry the VLDR restrictions over to that context and limit the building. He thought, even if they achieve that, they would be looking at building dozens of homes where it seems, as things currently stand, the infrastructure was going to be stretched to the maximum. He stated that, as the Commission members, he felt bad about putting a stamp of approval on a long term vision that was not going to create a good situation. He felt their dilemma was to come up with something that was going to respect the VLDR but allow for development and not strain the systems already strained. He stated that this was the hardest bullet point for him. He asked what other communities do in similar contexts.

Assoc. Planner Murdock stated that the existing infrastructure was unlikely to accommodate the scale of new development and would require substantial infrastructure upgrades and following that would be the cost of the infrastructure upgrades and how the city institutes a process to adequately and fairly fund the infrastructure. He acknowledged that it was a very difficult question to answer and will be the subject of great study as part of this, depending on how this progresses. Staff was aware it was a key question and intends to address it appropriately but it is a challenge.

Chair Campbell thought it speaks to the need for a comprehensive approach before they start looking at projects on an ad hoc basis and it gets ahead of them, adding that it will be death by a thousand cuts if they don't do something and get ahead of it. He stated that the last bullet point was requesting information on the width of streets, right-of-ways versus improved widths.

Asst. Planner Farbstein stated that the staff report addressed that the right-of-way in the Rockaway Valley area was 40 feet and was the amount of public right-of-way. She stated that the area actually improved by paving that varies between 20 and 25 feet. She thought most of the area doesn't have sidewalks and the streets are also in poor condition. She got that information from the engineering division. She stated that, while there was still 40 feet of right-of-way, most of the areas in Rockaway Valley have not used the full amount of right-of-way for improvements, such as no paving or sidewalks on either side but is available for right-of-way improvements.

Assoc. Planner Murdock thought a nuance to the discussion was that there was a baseline deficiency with certain aspects of the infrastructure in the neighborhood. He referred to public comment in the previous study session regarding the Rockaway Valley fire, stating that there were conflicts between those trying to evacuate and emergency responders under the existing condition. He stated that, if you think about adding new development, it compounds the problem and makes it more challenging. He thought understanding the deficiency as well as the need to address the infrastructure moving forward was important to consider.

Chair Campbell opened public comments.

Tom Clifford, Pacifica, stated that it was a real shame that there was no one from engineering, wastewater and/or city finance when talking about how they are going to accomplish the infrastructure improvements that need to be made. He thought it should have been an inclusive study session. He referred to the density transfer, and thought it was a later issue. He thought that the way things stand now there was no development right, as it was a very low density, the lots are too small and nothing can be developed on them and they have nothing to transfer. He stated that, once they solve that, they can consider transferring density someplace else. He also felt they need to make sure the roads are sufficient to get people out of there and the road plan needs to be very comprehensive in terms of egress at the same time as emergency vehicles needing to get into the area. He thought it needed to include other ways to get out to Highway 1 rather than just at the bottleneck where Rockaway hits Fassler. He thought there were options but he didn't hear anyone talking about anything but the roads within Rockaway.

Ron Maykel, Pacifica, stated that he was looking at the reference in the report to infrastructure capacity and cumulative growth, such as water service, etc., and stated that they were major problems now, such as water everywhere with the constant rains. He was mentioning how vacation cottages became homes and were grandfathered in, adding that there wasn't much they could do about that. He felt the area was stressed out and he would like to see how they are going to handle it from a General Plan standpoint in terms of a big picture. He stated that they had similar problems in other areas, such as Vallemar, Pedro Point and east Sharp Park, with substandard streets grandfathered in. He would like to look at it from a big picture and take time so the right thing gets done. He stated that it was zoned very low density and he would like to see that maintained until they come up with some solutions.

Chaya Gordon, Pacifica, stated that when the lots were originally subdivided a lot of the houses were built as vacation homes and were very small, and people were not using them as all year residences and didn't have the number of cars people typically have now. She stated that, while they were thrilled about the rain, at the end of her back yard there was the creek and on the other side was a beautiful waterfall and she stated that was where people proposed to build the houses. Her neighbors who have lived there for their entire life, they chose not to build on the hillsides because they were unstable and wet because of underground springs and no access. She cannot understand how they can develop those lots because they would have to put in a new street or there would be no access to the lots and she didn't think there was room to put in the street. She stated that, unless she was misunderstanding things, that was an additional problem that she has not heard being addressed. She referred to earlier discussions regarding huge problems with the infrastructure, and stated that, even in the summer, there was water flowing down Rockaway Beach Avenue from the streams. She concluded there are very serious problems and she can't imagine why the city was disinterested in addressing them now. She commented that the streets have been bad since she lived there, and she cannot walk on the street because of the bad repairs. She felt they needed to respect the General Plan and the VLDR designation and not let more building create a disaster.

Deni Asnis, Pacifica, stated that she was going to echo what she said at the previous study session and the issues the neighborhood was concerned about. Her main point was to urge them to stay with the very low density situation in place. She reiterated the comments that the infrastructure was being taxed above its limits. She referred to the new potholes created since the rains, stating that she has learned to drive around the existing potholes and now she is going into new potholes. She understood the city was hard pressed to have the funds to make those repairs in terms of having more development in the area. She thought it was unfathomable that it would work in a way that would respect people's needs, the land and the area and would be what the city wants. She echoed the safety concerns, recalling the situation during the fire, and the concerns of getting out safely while emergency vehicles were getting in. She referred to staff's concern about the amount of money involved in creating any additional infrastructure, especially with all the needs Pacifica has, and urged them to stay with the very low density.

Carol Fregly, Pacifica, thanked them for giving the Rockaway residents the opportunity to address what was important to them. She asked if it would be possible for a survey to distribute to the Rockaway residents asking them about their concerns and that may give them the information they need to make their decisions. She stated that they love where they live and are very concerned about growth. They understand that Pacifica needs to be identified as a livable and wonderful community and they don't want to keep that from happening and prevent people from moving here, but they want it not to be out of control and destroy the reason why most live in Pacifica. She referred to construction, new and rebuilding, with massive equipment. She didn't know if it was possible, but if they can charge a fee to everyone who was doing construction on the street, put the money into an escrow account and grow interest. She mentioned that, since she moved there in 1994, there has been no pavement repair done by the city. She asked and the city can't be responsible because it was a substandard street. She thought the residents would be willing to put money in and have the street repaved every few years. She thought it was a great opportunity to make it livable. She didn't know if anyone has thought about the suggestions of the survey or an escrow account and if they would work. She stated if there was something the neighbors could do to help staff do their job better, she would like to have that happen.

Gloria Stofan, Pacifica, stated that many have talked about the stresses in Rockaway Beach. She stated that she has lived there since 1971 and her home was built in 1939 as a one room cottage. She referred to another speaker mentioning that they were built for people who lived in places like Sacramento could come down and fish, and stated that in 1999, the empty lots began to fill in Rockaway with larger homes with some considered mini-mansions. She came to go on record to ask the Commissioners to consider the low versus high density of land use in Rockaway and how it impacts the neighborhood, especially the creek area. She stated that the creek dries up about June and July but does fill up in wet winter months and is like a rapid river flowing down the creek. She stated that the safety issues have been discussed by all of them because there was only one way

to get in or out. She asked that they consider the safety issues and the runoff during weather. She stated that she liked the survey idea and thought it may be doable.

Susan Magrini, Pacifica, stated that she wasn't exactly in Rockaway but they were her neighbors and friends and anything that happens to them happens to her. She stated that she feels better after hearing all of them discuss this very in depth problem they are trying to fix. She thanked them for the effort. She asked how many live in Rockaway. She stated that, during the fire, she lived on a hill and looked at the roadway and she was never so scared because the fire trucks could not get up and the residents couldn't budge. She didn't envy them, but this was one that they may be able to get ahead of. She stated that the coyotes were after her chihuahua, adding that there were so many things they have to live with because they love it here.

Stephanie McAuliffe, Pacifica, thanked the Commissioners for their service. She gave an example of what life was like with her neighbors having concerns about storm water coming down to their houses due to inadequate construction over the last few years. She stated that the city came and put sandbags around the storm drain, adding that it looks like a disaster area but was effective. She stated that several years ago, during a wet winter, the hill slid from a paper road or fire road and pushed the creek closer to her house and she was concerned that, when they start building behind her, it will push the creek closer to her yard.

Chris Coppola, Pacifica, stated that she lives in one of the beach cottages. She remembered the amount of mud, when she first moved into Rockaway, so everyone wore high boots and rain slickers and owned a pickup truck. She thanked Planning staff for the work they have done on their report and felt it was a very good start. She would like to see the issue of private development of public right-of-ways addressed in more detail, etc. She mentioned that no matter how small a house is, it will have at least two cars attached to it so the infrastructure issues will continue. She referred to geology and water, and mentioned that she used to find it beautiful to see waterfalls after the rains and it quickly became not so pretty when they became muddy and blocked the stream and eventually people to the east lost their backyards. She stressed the importance of a full plan that was integrated into the General Plan before they do any development.

Karen Rosenstein, Pacifica, asked why they were deciding the future direction of neighborhoods in an arena where no decisions can be made and citizens most impacted by the changes were limited to just three minutes to discuss the ways this topic impacts them and their properties. She appreciated this requested session on paper streets, but commented that the Planning Department was not bound by the residents' comments, adding that the residents' concerns can be ignored and the Planning Department can do what it chooses with no accountability to those impacted. She felt, if they were interested in taking an active role in planning what was left of Pacifica they should be doing this at a General Plan meeting with consultants, staff, Commission, Council and residents and not a study session. She mentioned all the problems they were facing now, such as sewers, streets and inability to safely exit in case of a fire. She has been involved in

Pacifica's land issues over the years and she has her doubts that the Planning Department will do what is right for Rockaway, giving the example of the recent approval of a house behind her residence. She stated that the residents had shared their concern about the street and were told "too bad." She felt that with each house added, they destroy what they value there. She again asked why they don't have the discussion where decisions can be made and citizens impacted can have their voices heard. She asked that paper streets be made a topic for a General Plan level meeting in the near future and work out the details.

John Anderson, Pacifica, stated that they were talking about the east side of Rockaway, adding that there was a Santa Cruz and he asked if the count of 79 or 83 included the north side of the mountain. He asked if they were talking about the Oddstad addition or if there was over 100 if Santa Cruz was developed.

Chair Campbell asked if they can answer that.

Asst. City Attorney Visick stated that, during public comment, it was just a one way.

Chair Campbell stated that they might ask about that at the end.

Asst. City Attorney Visick stated that they can hold it at the end.

Mr. Anderson asked what he said.

Chair Campbell explained that they will ask at the end of public comment.

Norina Tang, Pacifica, stated that she and her family moved to Copeland Street three years ago. She stated that they moved from San Francisco for affordability, natural beauty as well as the functionality in terms of its proximity to San Francisco and Silicon Valley. She reiterated her concern about the infrastructure which she felt must be addressed for safety reasons and functionality. She didn't think it made sense to build anymore if you cannot support the current density. She stated, although she hasn't lived in Pacifica for a long time and wasn't opposed to increasing density, but would be opposed if the infrastructure was not in place to support it. She stated that, during rush hour, it takes her a long time to get out of her street onto Fassler to get to work and added that building 83 homes would double her waiting time from ten minutes to 20 minutes, she would be very unhappy and would consider leaving the neighborhood as a result. She stated that she was welcomed and would like to welcome new neighbors but only if they can coexist and live happily together. She then referred to talk about limits in terms of height and spread of new development and asked if they can incorporate the idea of the existing character of the neighborhood and asked what the highest, lowest, narrowest, widest developments would be.

Ted Garber, Pacifica, stated that he lives near the top of Rockaway and wasn't excited about developing on the street. He asked if the developer was responsible for providing

the services of upgrading streets, etc., and have they done their due diligence as they are planning developments.

Joanne Wilson, Pacifica, commended the Planning Director and staff for developing a list of potential policies and seeking the Commission's feedback. She felt that shows that they have listened to the community. She thought the list of potential policies and actions reflects a thoughtful approach and acknowledgement of the complexity of the issue and the need to devote adequate resources to resolve it. She thought the lot merger program sounds promising, adding that all the potential policies merit further study. She strongly supports the development of a specific plan for Rockaway Valley and was interested in the inclusion of substandard lots under a transfer of residential development rights which she thought could be a useful tool in preserving the riparian corridor, etc. She thought that, even if Rockaway were widened to 40 feet, there were physical barriers that create a bottle neck, mentioning some of the specifics. She urged a moratorium on new development of the very low density residential areas in Rockaway Valley until the potential policies have been studied and appropriate ones adopted. She wondered about whether all of the lots in the low density residential area were at least 5000 square feet or if there were some less than that and how they would be addressed in potential policies.

Ellen Ron, Pacifica, thanked them for opening this up to hear the residents' comments. She mentioned that she spoke at the previous session about the impact of many years from the streets on Rockaway and she acknowledged that they heard them in taking it into consideration. She stated that people have wanted to build on their lots on the paper street and they have tried to do this by proposing long driveways and the neighbors have communicated that they should have to improve the street and not just extend the driveway. She added that throwing more traffic onto Rockaway wasn't workable and she thought any new development would have to have its own street that would not throw traffic onto Rockaway.

Chair Campbell closed public comments.

Commissioner Nibbelin asked staff what their thoughts were regarding the next step following the comments and feedback.

Assoc. Planner Murdock stated that, to undertake a specific plan type of activity, it was an intensive process in terms of staff resources, financial resources, etc. He stated that, at this point, the city was not budgeted for this specific plan development undertaking. They were trying to harness other processes that might be in place that they can build on instead of initiating a new process. He thought staff would be in favor of trying to integrate this into the broader General Plan update process as this was an issue that has come up since that process started and trying to fold it in if possible. He acknowledged that there were other pressures that may alter the timeline but he thought that was the most realistic and something for which staff would advocate. He stated that, if the Commission felt there was a greater priority, they would have to evaluate those options

and come back to them. At this point, while they have heard general thoughts from the Commission, they would like to get the Commission's final thoughts or guidance.

Commissioner Nibbelin referred to the mention of a survey, and he thought it could be a useful planning tool in some context. He asked if staff had any thoughts on the subject.

Assoc. Planner Murdock thought there may be a role for such a community engagement tool at some point when they have some preliminary ideas to further focus their efforts. He stated that they will keep that in mind as they progress in their work.

Chair Campbell stated that they had a factual question about Oddstad versus paper street on Santa Cruz and he asked if there was any clarification on that.

Asst. Planner Farbstein stated that these were approximate numbers, but the 83 lots were those designated very low density residential in the General Plan and includes all of Rockaway Valley, both the southern area, including Oddstad Way, and the northern area was Santa Cruz, and the 83 figure included all of them. She then added another street, Calera Terrace, which was an unimproved street along the northern boundary of Rockaway Valley.

Commissioner Vaterlaus thought it was a very difficult issue because all of the people who spoke own their homes already and many people who bought the lots want to live and enjoy homes on those parcels also. She understood the dilemma of the safety issues, street issues, etc. She stated that she asked about the width of the street at the previous session and had that answered, mentioning that the right-of-way was still 40 feet, although it was not available now. She thought there could be other options down the line, suggesting a bond measure for those who live there to make the street wider. She mentioned that generally those who build on paper streets would have to build their streets and infrastructure. She thought it was a very heavy issue.

Assoc. Planner Murdock thought she touched on an important concept that was sort of hidden in this discussion. He stated that staff was not talking about proposing a new subdivision for new development, adding that this was an existing subdivision that has been approved for decades but was never developed. They were trying to figure out an orderly way to account for it and not let something haphazard happen there that leads to unintended consequences. He agreed that there were some challenging sites and many don't jibe with what the current land use structure is with very low density residential and they weren't in a position to say no development. He wasn't suggesting that she said that, but the city was in a tough place and they have to figure out a solution, as no solution was not an option for the city. They will put the best minds together and work out of this situation in the best way.

Commissioner Gordon thanked the public for coming and giving their feedback. He thought it was fascinating and he appreciated it considering the weather. He acknowledged how important it was to them because in a normal situation they wouldn't

have many people present. He stated that he made notes from their comments. He found the mention of the fire as very concerning. He acknowledged that it was a valid point and there was a safety issue with the current state of the buildout in the area. He felt it was unnerving when thinking they would be approving more development in the area when the current state was of questionable safety. He referred to a comment about the extent to what they can transfer infrastructure costs onto new applicants who want to build there. He thought that was a good idea and would be interesting to incorporate. He referred to mention of folding this process into the General Plan amendment process and he thought it was great. However he added that they can't wait for guidance from that process because of the timeline, stating that there will probably have been applications coming through and they need something sooner rather than later to guide them. He thought a combination was a good idea, pushing the General Plan concept but also pushing for some guidelines so they can avoid an ad hoc approach. He thought Tom Clifford raised an interesting point. He referred to there being only one way out of that valley and the geography was forbidding, but he wondered if there were any other ways to develop another route out of that valley. He thought that was worth pursuing.

Chair Campbell thought he heard that fire, safety, traffic were the issues they will need to deal with, in addition to the other issues of storm water runoff, sewer, and how they grapple with those long term as the city doesn't have a budget for this. He thought they need to find a way to get this on the front burner with the city because, if they see development proposals sooner than later, he could see it getting ahead of them and he felt ad hoc planning was not going to work. He felt they had to get purse strings open and planning on it, but wasn't sure how they do that. He asked if staff had enough to move forward with the next step.

Assoc. Planner Murdock thought so. He was hearing, among other ideas as potential alternatives, to redesignate the whole area to low density residential and there was not support to do that from the community or the Commission. He stated that keeping the existing designation was what he was hearing and they want a comprehensive approach, not an ad hoc approach where each person was coming up with their own solution and that makes sense to him. He also heard that they want to keep a development pattern as close as possible to what they would expect of a very low density residential development pattern with minimal disturbance, proportionate structures to lot size, trying to maintain view corridors where they may exist, respect natural resources and having sensitive development, having appropriately developed streets as some have said they don't want large new streets and some saying individual driveways extending from the right of way to a small new development don't always work, so striking a balance of street design with materials that are reflective of the natural character and functionally adequate for the needs in the neighborhood. If there was more he was missing, it would be good to hear it now.

Chair Campbell mentioned talk about if they have another public hearing on the specific plan or a study session that they include engineering, wastewater, maybe the fire marshall and they can ask questions.

Assoc. Planner Murdock thought it made a lot of sense, when they have more tangible items to discuss, to get their functional expertise. He thought with the present level of brainstorming it was difficult for them to weigh in from a technical perspective because the discussions are so general. He thought, as they narrow it down on moving forward, getting their input would be a part of the process.

Chair Campbell thanked the community who came out. They have been taking notes and he assured them that they will be kept apprised of what was going on. He suggested they keep their eyes on future Planning Commission agendas. He called a short break and then resumed the meeting.

PUBLIC HEARINGS:

- 2. CDP-348-15
UP-70-16** **COASTAL DEVELOPMENT PERMIT CDP-348-15,
and USE PERMIT UP-70-16, filed by Eric Jacobsen, agent
for property owners, Samuel Casillas and Andrea Masters,
to construct a 993 square feet (sq. ft.) addition to an
existing 1,962 sq. ft. lawful nonconforming single-family
residence at 135 Stanley Avenue (APN 023-035-040) in
Pacifica. The project site is located within the Coastal
Zone. Recommended California Environmental Quality
Act (CEQA) status: Categorical Exemption.**

Assoc. Planner Murdock presented the staff report.

Commissioner Gordon mentioned that they got detailed comments from the public in a letter referenced, specifically Dave Blackman, who raised some points. He asked if he would not mind going through them and telling them what he thinks.

Assoc. Planner Murdock agreed, stating that Mr. Blackman identified several points. He stated he would identify them by headings and he thought they would be self-evident and asked that they let him know if they need more detail. He stated that Mr. Blackman identified circumventing the height limit. He stated that there was not only a slope at the back of the lot but a mild cross slope as well. He stated that looking from the rear of the lot at the proposed addition, one side was higher and the applicant proposed some minor grading to create a level building pad at the rear of the project. He stated that Mr. Blackman's letter alleges that it was an attempt to circumvent the zoning but staff's opinion was different, explaining that grading to create a level building site was a common part of many projects. He thought the applicant could have excavated to create the level building site but opted to perform fill as part of the grading. Staff didn't see that as an attempt to evade the height limits but people have different opinions of that. He stated that there was no explicit standard in the city zoning code that says you may or may not. It was a discretionary application and, if there was some concerning facet of

that, the Commission can discuss it and arrive at a conclusion with a condition of approval or take other action, if they feel it is necessary. He then referred to his comment regarding ignoring the tree protection plan. He explained that there was a tree protection plan prepared and he provided a copy to the Commission. He explained that the arborist identified several heritage trees on the property, two of which would have construction within their driplines and was a de facto area of concern regarding the city's heritage tree ordinance. He stated that the arborist attempted to address and he thought the arborist was aware of the type of work being performed which included the grading and potentially some trenching and need to cut roots. He mentioned that the tree protection plan includes having the arborist on sight during work within the protection zones and cutting roots appropriately and taking measures to protect the trees. He stated that the alternative would be to advocate removal of the trees but he thought the project can be achieved without removal and he thought it would be overbearing to require removal of the trees when there was the ability to have them remain for years to benefit the site. He stated that the applicant's architect could speak to the amount of coordination undertaken between the architect and arborist to integrate the plans.

Associate Planner Murdock then referred to Mr. Blackman's belief that a variance was required under the zoning code to account for the alterations in the front yard that does not meet the setback, but staff's conclusion was different and believe the municipal code and zoning regulations call for consideration and approval of a use permit to modify nonconforming structure. He stated that the applicant was not proposing that there was a hardship in relation to some peculiarity with the lot but saying that they want to modify the nonconforming structure that, as it stands, does not meet the zoning code. He stated that the provision for that in the zoning code was with consideration and approval of a use permit, not a variance. Mr. Blackman claims that the project constitutes a wholesale demolition of the existing structure and needs to be rebuilt in accordance with the city's existing zoning standards. He explained that the city did not have an adopted definition of what constitutes tear down versus remodel and that is considered on a case by case basis, adding that the architect could explain the significant amount of existing structure that remains despite the substantial replacement and renovations required as part of the project. He added that the significant areas being proposed for removal were at the rear of the property and not in front where the setback and zoning conformance was really a question. Staff's opinion was that the project was appropriately considered as a remodel and not as a teardown. He stated that, should there be a teardown of the site, it was likely that the applicant would return to the Commission for a consideration of a variance given the significant downslope of the property, although they have not analyzed it to determine if there was a basis for the findings for that. He stated that the applicant was present for discretionary consideration by the same body for the same type of proposal. Staff feels that the adequate level of review and treatment has been given to the project.

Associate Planner Murdock then referred to Mr. Blackman contending that there was a different degree of change in the footprint to the project, stating it was between 80 and 116% of the existing footprint. He hasn't confirmed the figures but, in terms of areas on the lot that have new development that may be the case, but those improvements that staff

traditionally considers in lot coverage were accurately reflected in the staff report. He added that it was not material to zoning conformance in this case. The lot was over 11,000 square feet and, even if the figures were correct, it would not necessarily impact the Commission's ability to approve the project. He stated that Mr. Blackman concluded that the house should honor the setbacks of the zoning district and not use fill to circumvent the height limit and respect the neighbors' views. He hoped that adequately addressed his points.

Chair Campbell stated that it was a lot to digest. He had a question that might have been answered, but he needed to address it to be sure he understood it. He referred to the height exceeding 35 feet with the two chimneys, and asked if the chimneys were the issue or was there more to it than that.

Assoc. Planner Murdock stated that the height proposed and defined in the zoning standards was measured from the lowest point covered by the building at finished grade and comes into play with Mr. Blackman's concerns about the grading. He stated wherever the grading ends up becomes the finished grade on the site and the zoning standard for measuring height was not from natural grade but from finished grade, and was measured from finished grade to the top of the roof in the City's definition of building height. He stated that where the finished grade would result if approved by the Commission was 34 feet, 11 inches and was one inch below the height standard of 35 feet. He thought, beyond that, the figure was 37 feet for one chimney and 38 feet for another, but the zoning allows for the Commission to consider exceeding the 35 foot height limit for specific types of improvements and chimneys are one of the very few types of improvements, adding that there was no prescribed height limit but what the Commission feels is appropriate. He understood that the building regulations of Pacifica require at least a two-foot vertical separation between any portion of the roof and the opening for the chimney. He stated that they were already arriving at about 36-37 feet for that.

Chair Campbell stated that he hasn't read that part of the code recently, and asked what was included in addition to chimneys.

Assoc. Planner Murdock stated that he can get it in a minute and they can come back to that.

Commissioner Vaterlaus mentioned a clock tower.

Chair Campbell referred to the monster home ordinance and he asked if this was a monster home.

Assoc. Planner Murdock responded that it was not a monster home, mega home, etc., under the city's definition of those types of structures. He stated that the baseline for the city's mega home ordinance was a requirement for the site development permit upon a certain threshold size which varies depending on the size of the lot under consideration.

He stated that, with 5,000 square feet being the default lot size in the city's zoning standards for most zoning districts, the mega home ordinance kicks in at slightly over 2,800 square feet of floor area and this project as proposed would not trigger that. He stated that the formula in the city's zoning standards provides for additional floor area proportional to the size of the lot, and they could go significantly larger with a proposed residence than the applicant has proposed and still not trigger the site development permit requirement of the so-called mega home ordinance. He then referred to Article 25 of the zoning regulations, reading the specific items that may exceed the height limits for the district with approval from the planning administrator who is the Planning Director. Since this was already coming before the Commission, the Planning Administrator has deferred her review to the Commission.

Eric Jacobsen, architect, gave a brief overview and reserved the balance of his time to respond and clarify issues raised during public comment. He stated that this was a remodel and addition to an existing structure built in 1938. He stated that the setbacks have evolved over time and when the street improvements, etc. occurred, this building was already there. He stated that they were working with what they can work with and did do an extensive examination of what was viable to retain to confirm if it was a teardown or a remodeling and addition they were proposing. He referred to a description about the existing structure and the addition made to it in the 1970s which was not a quality of construction that would stand the test of time, adding that the original structure does and was in relatively good shape and they were using most of it. They had a study session over a year ago, presenting things to the Planning Commission and based on how the study session went, they formalized their drawings and submitted it for the present project.

Commissioner Gordon asked what percentage of the structure was being retained versus being demolished.

Mr. Jacobsen stated that they were retaining about two-thirds of the structure, with one-third that was not very good. He stated that about 25% of the structure was the addition made in the 1970s and none of it can be retained as it has suffered quite a bit of water damage and dry rot and needs to come out. He stated that a little bit from the original structure that takes it from 25% to 30% of what needs to be remediated in some way.

Commissioner Nibbelin referred to staff's recommendations regarding their changes in parts of the project as proposed. He asked if he had any comments in respect to the comments.

Mr. Jacobsen thought staff was making three different conditions of approval, one being landscaping that they would want to have happen at the time of the building permit. He thought it would not be an issue and would enhance the project. The other two have to do with the proposed project as it fronts on Stanley, with the inclusion of a bay window in the dining room that projects beyond the current face of the structure and the other being the entry porch with a roof covering on it and the outrigger beams project beyond

the fascia line and they didn't want that to go forward. He stated that the craftsman type architecture of the project was an inherent part of the project and the beam extensions would normally be associated with those kinds of roof treatments and they would like to see it retained but they understand the issues they have to deal with. He responded to the question that he would like to see it kept as part of the project, but if they were able to move forward if they cut it back, that was something they could accept.

Commissioner Vaterlaus asked, in the teardown, if they were going to leave the front of the building on the front of the street.

Mr. Jacobsen stated that, if she looks at the plans, the entry was wider and deeper and there was a portion of the front of the façade that will go away such as the doors will be moved but the wall stays where it is but will get modified.

Chair Campbell opened the Public Hearing.

Tom Clifford, Pacifica, stated that the advantages of getting here early was that he gets to be first. He was concerned about the fact that it was being called a remodel and not a teardown and replacement. He stated that they were literally taking the foundations out and he felt that, if you have to replace the foundation, you were doing more than remodeling. He stated that, if there was a fire and more than 50% had to be replaced, the whole building would have to come up to current codes. He thought the municipal codes were fuzzy on the issue of what percentage was a remodel and what was a complete rebuild. He thought the local Coastal Plan was more specific. He would like an independent report of the percentages rather than assume that the architect was giving them correct percentages. He was also concerned about a 1938 retaining wall that holds up the street and was not going to be replaced. He thought it was at the end of its life. He recommended that the owner replace it, adding that he would not put a major remodeled building in front of a retaining wall built almost 70 years ago as it wouldn't be good practice.

Joanne Gold, Pacifica, stated that her house was about five houses down from the proposed remodel and she stated that, as a member of the community and directly on the street, it was a wonderful improvement project. She stated that, with all due respect to the former property owner, the house was in a state of disrepair over the years due to circumstances beyond his control. She stated that the neighborhood has been looking forward to having the property remodeled. She thought the plans in place were unlike the more recent building in the Pedro Point community and was not a McMansion. She understood that the allowable square footage for building on the property was like 4,000 square feet and this plan was 2,900 square feet and a much smaller footprint and she appreciates that. She wasn't what the motivations were for the objections but as someone who lives in the neighborhood, she wants to see people who take care of their home and put in a property consistent with the character of the community and she thought the project meets all those objectives and she hopes they approve it.

Dena Micheletti, Pacifica, stated that she walks her dog past the back of this property on a regular basis, and felt that it was an eyesore in its current state. She was excited about the proposal to revitalize the building. She thought it will improve the neighborhood and was much needed. She was happy that the owners have resisted the temptation to build an oversize house on the lot even though they can. She was thrilled that they aren't putting an in-law unit in as it could lead to another AirBnB which they don't need in Pedro Point. She felt the footprint respects the aesthetics of the neighborhood and the house was consistent with the homes around it and was going to be a beautiful remodel. She was looking forward to seeing it and the housewarming party. She hoped they approve the project.

Philippe Roth, Pacifica, stated that he lived three houses down and across the street, and he felt it was a fantastic project. He stated that it has been an eyesore for about five years and they were looking forward to a beautiful structure. He felt they have done a great job taking care of the trees, opening up the views. They were looking forward for this project to go forward.

Robert Keating, Pacifica, stated that he was directly across the street from the property. He gave this history of the property, adding that he built his home in 1966. He stated that the owner remodeled his home after he built his home. He thought this would be an excellent improvement when built with the proper setbacks and will confirm with all the homes on the north side of Stanley. He stated that building any artificial raising of the starting point was improper. He mentioned the two remaining trees and the concern about building too close to them, and stated that the owners removed 19 trees and every tree benefitted him with much more light in his home and has a view he lost for 30 years. He hoped that they do not perpetuate any online properties to be remodeled in Pacifica. He stated that all the homes on that side of the street were in conformity as to height and this will be the only street that will be two stories high on that side of the street. He thanked them for their time.

Dave Colt, Pacifica, stated that there were a few situations with the project, setbacks, over the height limit, the back wall where he has the fill and starting his low point and there was no off street parking. He stated that Shelter Cove has numerous cars parked on Stanley and no one can get through there because the street was not wide enough. He stated that the owner wanted the setback and the height to get a view. It was blocking the houses above. He stated that the house was nice but needs to be brought down where it was supposed to be. He stated that the drip system has been cut back, and the arborist says the house was supposed to be 28 feet away from the trees and it was not. He mentioned some of the other problems he was concerned about, and the California building code talks about the height of the building which refers to the grade plane. He didn't object to the project but was concerned about the way the staff has interpreted things. He stated that he would love to see the place get fixed up. He was sure it will be very nice and everyone seems to be happy with it.

Therese Langille, Pacifica, stated that she lives on Stanley Avenue. While she was sad to see the former occupant leave that house, she will not be sad to see the house torn down and see something new and beautiful built in its place and she was present to support that.

Carlos Sanchez, Pacifica, stated that he lived above Stanley. He learned a lot by coming to the meeting. He stated that the two trees mentioned were on his property. He stated that they need poles to show how high the building will be. He didn't have a problem with them building on that house. He knew the house was nice and he knew the lady and he couldn't understand why they want to tear it down and build something else.

Eric Jacobsen stated he could respond to specific questions regarding what was expressed during public testimony or just globally.

Chair Campbell closed the Public Hearing.

Commissioner Gordon stated that there were quite a few objections regarding the zero front setbacks. He asked for his response to that.

Mr. Jacobsen stated that they weren't considering tearing down the structure and use the structure that was there, and it includes the proximity of the front walls. He didn't know where they can go with that since they want to use the existing building. He stated that they were putting a floor above it and trying to keep that so they can take care of the loads as they trace them to the foundation. He stated that they have pushed the third floor away from Stanley as much as they can. He stated that the stair going up to it was where the current stairs were going from the main floor to the lower floor and was now going to the upper floor. He stated that it was close to the front wall. They were trying to respect stepping back the upper floor as much as they can, adding that it was relatively narrow and they project out over the current portion of the house which projects toward the bay. He then referred to comments regarding the retaining wall.

Commissioner Nibbelin asked about the setback, and stated that it wouldn't be a zero setback but a two foot, one inch setback.

Assoc. Planner Murdock stated that he was correct. He stated that the applicant had proposed certain improvements such as the bay window, outrigger architectural elements and a covered porch that encroached further into the front yard. He stated that staff's condition would prohibit that and prevent any new additions beyond the existing line of the front setback. He stated that there was a four foot front setback to the stairway for the upper story addition but was a relatively narrow component to the new addition. He stated that there was an infill of a small gap between the home and the garage which will be in line with the two foot, one inch existing front setback, but he wasn't sure where the zero setback discussion was coming from.

Commissioner Gordon asked staff about the comment that this was a nonconforming lot where this particular plan was going to make it more nonconforming. He asked if there was any accuracy to that.

Assoc. Planner Murdock stated that it depends on how you look at the project and your perspective was. He stated that they have an existing structure that, as built, does not comply with the front setback requirement. He stated that, to the extent the project was creating an addition to modify the structure without complying with the 15-foot front setback, it was arguably enhancing the degree of nonconformity of the front setback. He stated that it wasn't completely conforming with the addition and not 15 feet from the front property line. He stated that, to address the condition while enlarging and altering an existing nonconforming structure, the procedure and process for that was identified in the zoning regulations as consideration of a use permit. He stated that his analysis and opinion was that they were reviewing and considering the right entitlement and it was up to the Commission to take all the information and facts and figure if they can make the findings that are in the resolution and required.

Commissioner Gordon referred to comments about the impacts on the view shed of neighbors.

Mr. Jacobsen stated that they were putting a third floor on the structure that will appear as a second floor from Stanley. They have a setback to deal with. He stated that it raises the ridge line from what is currently on the existing house to what is going to be on the upper floor by about five feet. He stated that the current roof for the existing structure does have a normal pitch of 4 in 12. They were proposing a relatively short floor to plate height on the upper floor such that it was only 7 foot, 4 inches instead of the normal 8 and they go up at a 3 and 12 pitch such that they can keep the ridge lower. He acknowledged that it increases the height of the structure as viewed from Stanley by about five feet. He added that they were trying to keep that as a minimal amount and why the plate height was as low as it is and why the shallow pitch was the way it is.

Commissioner Gordon clarified that there was not a view ordinance restriction rule where impacting someone's view was a basis for denying.

Assoc. Planner Murdock stated that the city didn't have a view protection ordinance per se like some communities do and the story poles that some members of the public mentioned that are installed to portray a potential building outline were commonly associated with view preservation ordinances. He stated that they don't have that on the books in Pacifica which was why they don't routinely see the use of story poles. He stated that, in the city's coastal regulations, there was discussion and consideration as part of the Coastal Development Permit to preserve scenic coastal views, but his opinion was that they were intended more broadly for large view corridors from highways and city streets, not narrow views from individual private residences and they don't have an issue related to view preservation with the project. He added that, as indicated by the architect, they have gone to great lengths in designing the project to be sensitive to the height of the

project and comply with the zoning foremost and change the roof pitch and other design elements to result in a net height increase of about five feet. He didn't think it was a towering new upper story that they might see in another project that on its face would present concerns about blocking views. He stated that the houses on the other side of Stanley tend to be on much higher lots and feature the continuous downslope from higher up in the headlands and the orientation of those homes that, in his opinion, this project doesn't present a significant issue with respect to views.

Chair Campbell stated that he wanted to be clear on the setbacks. He stated that this was a nonconforming lot and they have the front of the house as it exists now. He asked if the new house was extending out into the setbacks more than what was there now.

Assoc. Planner Murdock stated that the house would not extend further into the front setback based on the conditions recommended by staff to be imposed on the project by the Commission. He stated that, as depicted on the site plan, there were several features up to the front property line and some, depending on the drawing, potentially encroaching beyond the front property line into the right of way. They were concerning to staff and they don't think that was a direction they want to support and why this condition was recommended but, as conditioned, there wouldn't be any improvements that were encroaching further than what was there.

Chair Campbell concluded that it was basically grandfathered in.

Assoc. Planner Murdock didn't always like that term, but they were not looking to support anything moving further to the front property line.

Chair Campbell mentioned that there was a house in Vallemar where they had a similar issue with a nonconforming lot and definitely not meeting the setbacks but it was not extending beyond the historical setbacks and in layman's terms it was grandfathered in. He stated that it seems the practice he has seen in Pacifica and might be up for debate later one. When you go up from that old setback it can be disconcerting, especially if you go up three stories.

Assoc. Planner Murdock understood, adding that was why there was the discretionary process when the thresholds are met for consideration whether it was appropriate. He stated that the applicant appears to have gone to lengths to push this back as far as they could.

Chair Campbell referred to a comment about the grading to get to a level field of play as to whether to cut or fill and they decided to fill instead of cut. The comment stated that was an unprecedented way to level out a pad for a home in Pacifica, and he asked what he thought about that comment.

Assoc. Planner Murdock stated that he can't speak to every permit that the Planning Commission has approved or for city staff has issued a building permit for since

incorporation. He thought it was understood that there was undulating topography in Pacifica and very few lots are perfectly flat. He thought it was a common practice but he can't point to specific addresses or permit numbers that have done a specific amount of grading, but what is proposed in this project did not seem out of the ordinary in terms of the extent and quantity of grading.

Commissioner Vaterlaus said that she had a few concerns such as height from the back which she thought was extreme and was seen from the street down below and they did need to have a landscaping plan for the back. She understood from the neighbors that they appreciated that there weren't large trees now. When she looks at the A1, the houses on either side are set back from the street. She assumed they had the same topography as this lot and those houses are set back and she was surprised that this house can't be set back, although she wasn't paying attention to the side houses when she looked at the house. She acknowledged that it was in decrepit condition and the plan was much better. She was concerned about the fill and leveling as she agreed that, if someone says they filled four feet, the next person can do 10 or 12 feet. She agreed with the staff that they should have no bay window or no additional encroachment with the beams that are part of the design, but she didn't think they should allow a right-of-way encroachment because of a design factor.

Chair Campbell stated that they were still in Q&A.

Commissioner Vaterlaus stated that she would stop.

Chair Campbell referred to the structural analysis of the existing house that was prepared at the request of the building department. He assumed it has been reviewed, and he asked if they had any issues with it, mentioning a comment about an independent review of this analysis. He asked if the department felt it was worthwhile.

Assoc. Planner Murdock stated that it was not something staff was advocating at the moment, and they were of the opinion that the materials submitted were adequate to make the findings that the Commission would need to make to approve the permits.

Chair Campbell asked if the Planning Department made a determination of whether it was a tear down or not, mentioning other instances where they take out the foundation.

Assoc. Planner Murdock stated that it was a great question, and added that there was not a bright line for them to follow as the city doesn't have a definition like many cities do where, if a certain percentage of exterior perimeter walls are removed, it constitutes a demolition or a certain percentage of the foundation is removed. He stated that it was more of a subjective analysis in terms of the extent of the demolition being performed. It was staff's assessment on this project that enough remained to qualify as a remodel and evidence indicated that the structural components in the front of the property were remaining in place, notably the retaining wall and the front property line and front setback were the issues in question with respect to the demolition teardown. He stated

that it wasn't clear to him what material effects that question would have on the application of the permits and findings to this project.

Commissioner Vaterlaus stated that the items she brought up were supposed to be questions. She asked if the applicant would consider having no bay windows, no poles sticking out and adding the landscape plan.

Mr. Jacobsen stated that he can respond to that. He stated that earlier he had mentioned that a landscape plan would not be an issue at all and they would welcome it. The porch over the entry does exhibit some of the characteristic craftsman style elements and is something they would like to retain, however, if the project cannot move forward with those as they have them, to pull them back so they don't project any further than the existing eave line was something they were willing to work with. With respect to the bay window, if that cannot be supported by the Commission, they can live with that as well. He asked if they would give him time to address the structural analysis. He stated that he prepared the structural analysis and has been doing that for the last 40 years and he felt he could speak to it. He asked if that was something they would be willing to hear.

Chair Campbell agreed to that.

Mr. Jacobsen stated that they did have the retaining wall examined and x-rayed to find the field pattern of reinforcing in it. He stated that it was a reinforced concrete structure. He stated that concrete has a tendency to cure over time and if it was kept in a relatively good, dry condition, it tends to get stronger with age. He stated green concrete when poured only comes to a certain level of its compressive strength and that compressive strength will only increase as the concrete gets older. He examined the wall and he has a very high level of confidence in that retaining wall which was expressed in the report. He stated that there were portions of the report that were presented that were taken out of context and he responded to that. He stated that there was a mention of sheet S1 which was the foundation plan he prepared, stating all the foundations were being removed and replaced with new. He stated it wasn't an accurate statement at all. He stated that, with the existing house that was originally built in 1938, the foundation around the perimeter of that entire structure was being kept. He stated that the foundation that was of poorer quality from the 1970s addition to it was something that they were looking at getting rid of because there wasn't much to salvage. He stated that they are underpinning portions of the existing foundation so that it can take the additional loads they are putting on it due to adding the third floor. That was common when you are adding a floor above an existing house. You underpin portions of the foundation where the loads are actually falling. They are doing that in this case, but they were not raising the house or redoing the foundations in their entirety. He stated that there was a greater perimeter they were adding because currently the deck on the second floor cantilevers out from the framing and was not very sound. They were looking at replacing the joisting in that area and putting a wall under it. The wall will be sitting on a new foundation that was not there yet. He stated that there is more to the foundation than is currently there because they were handling things differently and providing a deck off the garage on the downhill

slope which has a foundation under it, and it adds to the visual impact of what appears to be foundation work. It is there but they are keeping the entire existing foundation for the original house.

Chair Campbell referred to talk about a grade plane and how they measure when they are filling to raise the grade or cutting. He asked his take on that.

Mr. Jacobsen stated that there were jurisdictions to find how they are going to look at height limits in various ways. He stated it was very, very common for a jurisdiction to take a look at what the existing grade is and that it is normally sloped in at least one if not both directions. The plane from which you take your height limit is not level and tends to follow the slope of the terrain below it. He stated that was not what Pacifica does. If they were doing something like that, they could have a higher height. Pacifica uses the lowest grade that occurs and they were dutifully following that and using the 35 feet from the very lowest. Other jurisdictions in San Mateo County will take the average of the four corners of the structure. If they were to do that, they would get the benefit of the height grade along Stanley and that was not the approach that Pacifica uses and he wouldn't advocate that they change it.

Chair Campbell asked staff's comment on that.

Assoc. Planner Murdock stated that the public comments were referring to a method in the building code for determining height and he wasn't prepared to address that. He stated that the applicable standard for this project was the zoning regulations' definition of height and was found in Section 9-4.243 of the Municipal Code, height of buildings and talks about measuring from the lowest point of finished grade, not natural grade, and that leaves it to be interpreted and altered as part of the project, not restricted to natural grade or grade plane but finished grade and there are no adopted zoning guidelines to determine when it is or is not appropriate for someone to change the finished grade of the property.

Chair Campbell asked if they have recently encountered any home building where they have basically put 5, 6 or 10 foot retaining walls to finish grade up to level.

Assoc. Planner Murdock stated that nothing comes to mind at the moment, adding that very few projects approach the height limit, but from staff's perspective, the height limit is the limit and anything at or below the limit is permissible from a zoning perspective. Whether it was appropriate from a discretionary standpoint was a question for the Commission. He stated that it was staff's opinion that the project is appropriate and is desirable and recommends approval.

Commissioner Gordon stated that following Chair Campbell's question, he thought the concern among the commissioners was the precedent. He understood that they didn't feel it was being abused in this situation, but asked if there was a circumstance where they could see it being abused in terms of the quantity of the excavation.

Assoc. Planner Murdock acknowledged that there was a scenario under which the grading would be excessive and inappropriate and harmful to the character of the neighborhood and public safety. He could see a scenario where the grading was too steep and perhaps created storm water and drainage issues that were difficult to manage or the infrastructure improvements required to accommodate would be detrimental to the neighborhood or undesirable. He agreed that there was a point where it becomes inappropriate and undesirable. He stated that they don't have an adopted standard to help guide them in that decision. He felt it would be arbitrary for him to say any grading was inappropriate without a standard. In this case, it was a minor amount and he didn't believe it would be detrimental to the neighborhood and he thought it was important, adding that maybe Mr. Jacobsen can address the impact to the project to avoid the grading. He understood it wouldn't be yes or no to the project but could result in a change to the exterior decks and maybe that was a question for him to address. He didn't think you would stop the project by prohibiting the grading.

Commissioner Nibbelin asked how much they were talking about.

Assoc. Planner Murdock stated he would ask Mr. Jacobsen if he has calculated the volume of grading required for the project.

Commissioner Nibbelin asked in the cubic feet, as he was less concerned about that but was concerned about how much additional height they were talking about.

Assoc. Planner Murdock asked him to repeat his question.

Commissioner Nibbelin was trying to get a sense of how much additional height if they were looking at finished versus natural grade.

Assoc. Planner Murdock thought the point at which the applicant was measuring the grade was at a height of 87.15 feet and at the corresponding opposite side of the lot, the height was anywhere between 85 to 87 feet. At that point where the height was being measured was a couple of feet different. It was not his opinion that there was an extraordinary attempt to evade the zoning limits but an attempt to level off the site. The decision to fill is advantageous to the applicant. If he had chosen to cut down to that lower point, the new upper story might not have been feasible. He wasn't seeing the line of reasoning that this was some great attempt to pull one over on the city in this particular case.

Chair Campbell stated that he didn't see any more lights and they can segue into deliberation. He thought they were done questioning the applicant but there was a possibility that they can bring him back up. He thought this project raises some interesting concerns that he has had about some of the developments that have occurred in the city over the years. He thought it was interesting that it comes up in this context. He stated that one was the tear down versus remodel. He asked if the city has

encountered this before. He stated that they have in Vallemar where there was a lot of this. He thought the consistent city attitude towards tear down versus remodel has been, if there was a retaining wall left that has some structural integrity, it was a remodel. He has seen it again and again. He felt that has been the consistent practice of the city. Right or wrong, it highlights the need for a relook at that but it is the pattern and practice in the city that he has seen.

Assoc. Planner Murdock stated that in his earlier response he was trying to think of relevant discretionary permits. He thought that the vast majority of the Planning Department's work involves non-discretionary ministerial building permit reviews and does come up from time to time. He stated that Vallemar was the neighborhood that has many older homes that are on smaller lots with nonconforming conditions and there were folks who try to game the system and those who despite their best efforts end up in a situation where they need to modify the structure. There are other impacts beyond zoning with respect to impact fees and whether someone has to pay or not, whether a remodel or new construction scenario. It was something staff was keenly aware of and was on their list of many things they hope they can address in the future to create a clear standard so everyone is playing by the same rules and they have a measuring stick they can use in these situations.

Chair Campbell stated that, as it stands, there is no real measuring stick and it is the pattern and practice of the city. He thought the setback issue was interesting. He was not seeing a zero setback and he gets the fact that you buy a house, it comes out in a setback when it was built and you have a reasonable investment back expectation and you are not going to have to pull it back. He thought that would take a lot of homeowners by surprise throughout Pacifica. He also has seen homes on nonconforming lots where they are in to the setback already but they were a single story house and then they go up three stories and it was another issue that probably should be on the list of things to consider, particularly with backyard setbacks or rear setbacks. With the front, you're not in someone's face but in the backyard you're looming over them and they lose privacy. He thinks that is where he sees it come up over and over again. He stated that here they don't seem to have the problem in the back, but more in the front. He thought it was something that meets code. He stated that they were present to see if the project meets code and the planning and zoning requirements, and this one does. It also meets the setback requirements unless he is not understanding the rationale. He sees the concern. He still has a question about the trees, asking if they are going to bury the root structure of the trees. He asked if the trees were meant to survive for a few years until they die or like a real life ongoing proposition.

Assoc. Planner Murdock stated that, as required by the Municipal Code, the applicant prepared a tree protection plan by a qualified arborist. He stated that the arborist has been involved intimately with the architect in development of the project. The tree protection plan, as he reads it, does not conclude that the trees are sentenced to death by the project. He thought a casual observer could look and say that there may be impacts to the trees. He thought there was a scenario where they allow the arborist to make his best

effort to minimize the impact on the trees which are already old and perhaps are not in the greatest condition but there was some value to the property owner and the community to keeping the trees. He suggests they let the arborist make his best effort to minimize the impact and let the trees remain in place. He thought the alternative was to remove them and he thought it was too early to do that when there may be a chance for several years of useful life for them to remain.

Chair Campbell stated that he was going to approach that issue like he does with geotechnical reports. He is not an arborist and he was not going to second guess what an arborist says in his report. He never second guesses what geotechnical reports say on the projects because he was not that person. They were looking at codes and planning and zoning regulations. He can't base a decision on going contrary to the arborist's report.

Commissioner Nibbelin thinks the use permit process was the right way to go. They have heard arguments and looked at some considerations regarding whether or not they should be talking about a variance instead, but he thought the use permit was what they were talking about. He was generally in support of the project as conditioned by staff. There were concerns raised but he has heard enough to satisfy him that they have been adequately addressed. He stated that view sheds are obviously of concern but they aren't protected by ordinances and it sounds like the applicant has made some reasonable measures to mitigate the impacts. He didn't think the decision to fill was an attempt to game things and the decision seems perfectly rational, cut or fill, and a reasonable way to go was to cut. He didn't believe that they should be doing anything more with respect to encroaching in the setbacks. Whatever minimal setbacks remain should be preserved as conditioned by staff. He was overall in support.

Chair Campbell stated that they don't have a view ordinance, but it makes an impact when the neighbors come out and have concerns about their views. He didn't hear that at this time. He took the comments from Robert Keating seriously because he was across the street, but it didn't seem like it was so much the views as the massing of the building off the existing setback and he has raised his concerns about that and he felt they needed to look at that citywide.

Commissioner Gordon stated that his views were generally in concurrence with those of both Commissioner Nibbelin and Chair Campbell. He stated that something pretty unanimous among the public comments was the plans are a definite upgrade and the neighborhood will benefit from a nicer building being placed there. He thought this satisfies that need, as the building as designed was quite nice. He mentioned that they could have built larger and didn't, and in terms of the height issue, a five foot change in height doesn't raise alarm bells. He wasn't concerned about a dangerous precedent being set in terms of the grading as he felt they hashed that out. If a project comes along and it was apparent that they were playing games, he thought they would be able to spot that and address it, and he wasn't concerned about a precedent being set. He agreed that a use permit was the way to go here. He stated that they covered most of what he was

going to say and he was ready to make a motion but he would like to give Commissioner Vaterlaus a chance.

Commissioner Vaterlaus thought that some of her questions were answered as they went on. She appreciated that they only went five feet higher than the existing home because it preserves the surroundings for the neighbors. She felt her biggest concern was the setbacks but staff has addressed that to the best that they can.

Commissioner Gordon reiterated what Chair Campbell said in terms of it not being fair to think someone was going to buy a home that was nonconforming and was very close to the curb and upon buying it you need to pull the whole thing back. He thought that didn't seem like a reasonable expectation and he didn't think it was fair.

Commissioner Gordon moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; **APPROVE** Coastal Development Permit CDP-348-15 and Use Permit UP-70-16 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference; Commissioner Nibbelin seconded the motion.

The motion carried 4-0.

Ayes: Commissioners Vaterlaus, Gordon, Nibbelin and
Chair Campbell

Noes:

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

CONSIDERATION:

None

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Assoc. Planner Murdock stated that the department's recruitment for a new assistant planner was progressing. He stated that the Planning Director and he reviewed the 50 applications received and narrowed it down to eight candidates for an interview and will be conducting the interviews the following Monday. He mentioned that one applicant was so enthusiastic about working here that he showed up today for his interview.

ADJOURNMENT:

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

The motion carried **4-0**.

Ayes: Commissioners Vaterlaus, Gordon, Nibbelin and
Chair Campbell
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister