

## MINUTES

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

June 19, 2017

7:00 p.m.

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

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

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

**STAFF PRESENT:** Planning Director Wehrmeister  
Asst. City Attorney Doherty  
Asst. Planner Smith  
Contract Planner Gnos

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

The motion carried **4-0**.

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

**APPROVAL OF MINUTES:  
MAY 15, 2017  
JUNE 5, 2017** Planning Director Wehrmeister stated that they didn't have the required number of Commissioners present to approve the minutes and stated they would bring them back to a future meeting.

### **DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 26, 2017:**

Chair Nibbelin asked if this was the meeting where there would be consideration of the marijuana ordinance.

Planning Director Wehrmeister stated that it was, adding that they were typically asked to be present for appeals but, because of the time they spent on the process, she thought it would be helpful to have someone to represent the Commission.

Chair Nibbelin asked if anyone was available and willing to attend.

Commissioner Clifford volunteered to attend.

Chair Nibbelin thanked him for volunteering, adding that he agreed that it would be helpful for the Council to have a Commissioner present to articulate their process.

**ORAL COMMUNICATIONS:**

None .

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

- 1. UP-82-17  
SP-162-17**                      **USE PERMIT UP-82-17; AND SPECIFIC PLAN SP-162-17**, filed by Tracy Lum on Behalf of T-Mobile, for Relocation of Six (6) Pole Mounted Panel Antennas from an Existing Freestanding Sign, and Installation of Three (3) Additional Pole Mounted Panel Antennas, Within an Alternate Freestanding Sign; and Installation of Rooftop Equipment in Two Areas, Each Measuring 16'-10" in Length by 10'-6" in Width by 8'-8" in Height, Atop an Existing Shopping Center Building at 709 Hickey Boulevard (APN 009-440-120).

Asst. Planner Smith presented the staff report.

Commissioner Cooper referred to the sign appearing to be two feet taller than the original permit, and asked why they wanted the taller height.

Asst. Planner Smith thought it might be the structure of the sign on top of the pole, so it may be a good question for the applicant.

Commissioner Cooper mentioned that, in the previous shopping center, they had a signage guideline to look at, and he asked if there was any restriction on the square footage on the face of the sign which appears to have been bigger than the current sign.

Asst. Planner Smith stated that the master sign program sets the requirements for signs in shopping centers and this sign was submitted through the building permit. He stated that the original sign, when submitted, was approved by an amendment to the master sign program in 1998. He stated that, when the new sign was submitted, it was reviewed as

part of the building permit process and the planner deemed that due to the amended location outside of the Caltrans right-of-way and the minor nature of the changes, these were de-minimus changes.

Commissioner Cooper asked if we had an understanding of the square footage for the existing sign and what increase they will have with the larger sign.

Asst. Planner Smith stated that the proposed sign was 20' tall by 20' wide.

Commissioner Cooper commented that he didn't like huge signs, and this seemed to be much bigger than the current sign. He was curious if it was allowed, and he questioned why they allowed a larger sign than was there currently.

Planning Director Wehrmeister stated that the sign was approved prior to current staff and was therefore a little different than the analysis of the sign at the previous meeting. They were dealing with a sign staff already approved and were adding the wireless facility to it. She understood the question but they don't have all the background as to the analysis for the previously approved sign.

Commissioner Cooper commented that the existing sign had wireless in it now.

Commissioner Baringer thought the sign was bigger to accommodate the 5g antennas which are larger. He stated that, on looking at the face of the sign, it was smaller than the physical structure. He thought they were trying to create a box for the antennas to be placed. He didn't know if the face of the sign was bigger than what was on the other side. He felt it was hard to compare.

Tracy Lum, applicant, stated he was present on behalf of Kimco Realty. He explained they were relocating six existing signs from the existing pylon in the Caltrans property and relocated it to a new pylon on the Kimco property. He stated that six will be moving over and three will be added for T-Mobile.

Commissioner Clifford asked if there was anyone present from T-Mobile and any of the cell companies. When maintenance is carried out on the antennas would they continue to be transmitting and receiving, and asked if there was any signage or protection that lets workers on the sign know that the antennas need to be shut off before they go up and work on the sign.

Commissioner Baringer stated that these warning signs are required by law.

Commissioner Clifford stated that he didn't see them on the plans and he wanted to be sure that aspect was taken care of so workers were protected and safe.

Mr. Lum stated that they could add a sign at the bottom of the pole.

Commissioner Baringer stated that by law that you have to make sure that workers are aware they have to shut the cell towers off if they are going to work on them.

Mr. Lum stated that it was on the sign face and you don't see the antennas.

Commissioner Clifford referred to a possible situation during a storm when the sign breaks, and someone needs to know they have to shut them off before they go up to fix them.

Commissioner Cooper asked if this was a standard Kimco sign, adding that it seems boring.

Mr. Lum stated that was what they were proposing.

Commissioner Cooper referred to the sign structure on the outside, stating that area gets a lot of wind, and he suggested they be careful on how they put their sign fixings on the pole.

Mr. Lum stated that they can engineer it to take all the wind.

Commissioner Cooper stated that he liked that they incorporated the antennas within the signs and he doesn't have to see the antennas. He thought that was important. He thought the width seemed thicker than the other sign, but he looked at the configuration of the antennas and they seemed to cram the antennas within four feet.

Mr. Lum responded affirmatively.

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

Commissioner Clifford expressed his disappointment that no one was present from T-Mobile or the other cell companies who are having the new cell towers installed. He thought they should have been available for questions.

Chair Nibbelin noted his comment.

Commissioner Baringer agreed that they should have had a representative to handle that part of it. He stated that he worked in that industry and probably could answer most of the questions but he didn't think he should be doing that on behalf of the applicant. He liked the project, adding that he felt it was always good when you can stealth a telecommunication facility. He stated that the next one he would love to see stealthed is the one at Sharp Park and Skyline. He stated that they are ugly but he understood that the ordinances at that time did not require a stealth. He thought they should visit that the next time they need a mod. He thought that was the right way to do it. He felt it was a good project and he supported it.

Chair Nibbelin thought the staff report did a good job of laying out the issues and was easy to follow. He doesn't work in the industry and he has less of that background but he could still track the issues. He lives in that area and felt the sign looked fine. He didn't have any issues with the size as contemplated and he was in support of the project. He agreed that it would have been nice if someone from one of the cell phone companies was present to talk about it but he planned to support the project.

Commissioner Clifford moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVES Use Permit UP-82-17 and Specific Plan SP-162-17; by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporates all maps and testimony into the record by reference; Commissioner Cooper seconded the motion.

The motion carried **4-0**.

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

**2. RIA-1-16**

**RENT INCREASE APPLICATION RIA-1-16**, filed by Applicant, Law Offices of Mark Haesloop, Pursuant to Pacifica Municipal Code Section 9-4.2455(E), to Increase the Rent by 25 Percent or to Market Rate, Whichever is Lower, Upon the Expiration of Each Tenant's Term at 435 Gateway Drive (APN 009-540-160 and 009-540-170) in Pacifica, the Site is a Multi-Family Apartment Complex Approved for a Condominium Conversion. Recommended CEQA status: Class 1 Categorical Exemption, CEQA Guidelines Section 15301 and Section 15061(B)(3).

Contract Planner Gnos presented staff report.

Commissioner Cooper referred to part of the requirement that it was to remain affordable for 45 years, asking when that started, at the time of the conversion or when they built the units.

Contract Planner Gnos stated that it was a condition of the sale.

Commissioner Cooper concluded that it was 45 years after the conversion was applied for.

Contract Planner Gnos stated that it was after the units sold.

Chair Nibbelin stated that none have sold so the 45 years would run from the time that the property is sold to an individual unit owner.

Commissioner Cooper referred to the percent increase seen from 2008 to 2017, a 3% and 3.5%, and he asked what the real estate has been doing from 2008 to 2016 as far as the annual increase. He knew rents have increased, but he asked if the sales have increased more than the rents or less than the rents as far as the value of property prices.

Contract Planner Gnos stated that she did not have that data.

Commissioner Cooper referred to Attachment F which he understood was for sales, and it stated that the city intends to contract with an outside agency which shall be responsible for selection and qualification of buyers in accordance with city approved guidelines for the BMR restrictions. He asked if they had any oversight in that or did they rely upon the property owner to do those BMR qualifications or does the city provide them.

Planning Director Wehrmeister stated that, for the for-sale units, the city uses a housing contractor. She stated that they do income qualify prior to sale.

Commissioner Cooper asked about the rent, referring to the differential between a qualified candidate below market value rents and market rents. He asked who does that qualification.

Planning Director Wehrmeister stated that, if she understands the question, there was an agreement set in place for affordable sales.

Commissioner Cooper thought he offered the status that does not qualify for BMR units and D1 is applicant to pay in housing fund should an unqualified BMR unit occupant stay in the unit. He asked who determines what that value is.

Planning Director Wehrmeister stated that staff was proposing, as outlined in the resolution, that the city enter into a formal agreement with the property owner, similar to the for-sale agreement, and that agreement will stipulate who does what in the BMR compliance.

Commissioner Cooper referred to other ordinances, and he stated that he was offering things that he has seen in other cities and counties, but one thing he has not seen was whether he was offering relocation assistance for those who cannot afford it or moving expense to those tenants who no longer can afford the rents.

Contract Planner Gnos did not think he did. She thought it was only related to BMR units and their relocation.

Commissioner Cooper concluded that he hasn't offered that.

Commissioner Baringer stated that on a number of things they have approved, they will put a sunset on them if they haven't commenced with the transition or construction if the

rights granted to them expired. He stated that he didn't see that in any of the material, and he asked if it was buried.

Planning Director Wehrmeister stated that the subdivision itself, the condo conversion, has been recorded.

Commissioner Baringer asked if being recorded meant just the plat map.

Planning Director Wehrmeister stated that the map is recorded.

Commissioner Baringer asked about the other associated documentation in connection with the condo, and asked if that has been recorded.

Planning Director Wehrmeister referred to the CC&Rs.

Commissioner Baringer mentioned the CC&Rs, the HOA agreement, bylaws, and asked if any of that has been done.

Planning Director Wehrmeister stated that she has looked for that, and she has not seen that it has been completed.

Commissioner Baringer asked if there was a sunset if they haven't commenced it, or does it go on forever.

Planning Director Wehrmeister stated that, now that the condo map is recorded, they exist.

Commissioner Baringer stated that they were not really a condo. He acknowledged that he recorded a map, but it was not really a condo, as there is no association, no bylaws, no CC&Rs, just a plat map. He asked how that operates, stating that he didn't know if he has an entity that is registered with the state to do business. He thought there were a lot of technical things that he was not seeing. He wondered what their real intentions are, which is where he was headed with these questions.

Planning Director Wehrmeister stated that she would defer to the City Attorney.

Asst. City Attorney Doherty stated that her understanding was that a condo was created and exists once it was recorded as such. In this case, they have a sole owner of the various 860 condos in the complex and there may or may not be an association agreement, but irrespective of whether there is, the condo exist by virtue of having been recorded as such.

Commissioner Baringer stated that he wasn't sure the Bureau of Real Estate agrees with that, but assuming that is correct, he asked when they were going to identify the BMR units and record the deed restrictions on them. He didn't think that has been done.

Planning Director Wehrmeister stated that it would be done at the time of sale.

Commissioner Baringer disagreed, stating that it would be recorded in advance of the sale as they have to identify them before they can qualify people for them. He stated that we want them to be identified as a condition of the deal, because in theory he can sell them and state that he forgot to record them as BMR units.

Contract Planner Gnos stated that the units themselves are called out in the agreement.

Commissioner Baringer asked if that has been recorded against their deed.

Asst. City Attorney Doherty stated that the agreement has not been recorded so the answer is no.

Commissioner Baringer stated that his thought is that if he wants to be in the condo business, he should be in the condo business and if he wants to be in the apartment rental business, he should be in the apartment rental business. He stated that he has spent a lot of time going over this and he has every tenant on a month to month lease which you would think would make business sense if you were contemplating a condo conversion, but he thought it has been like that for quite some time. The Planning Commission are taking time to talk about a rent control issue when he thought they probably should be spending their time on land use issues, not policy issues.

Commissioner Clifford had a lot of questions, some revolving around whether the condo conversion has met all of its requirements. He stated that he was one of the commissioners who approved the condo conversion in 2008. He stated that the anticipation of what they expected was that they would actually be converted and sold, but it never happened or didn't happen until 2014 which was not what they expected. He referred to conditions of approval and stated he was not sure they have ever been met. He referred to power hookups for electric cars, etc., and he didn't see that they have happened.

Planning Director Wehrmeister stated that she cannot speak to things that don't need a building permit such as energy star appliance upgrades, but for everything on the list that would need a building permit, there is no record that they have completed those improvements.

Commissioner Clifford concluded that nothing that requires a building permit has been done yet.

Planning Director Wehrmeister responded affirmatively.

Commissioner Clifford felt there was a cloud over this whole thing, part of it being the amount of time since the original decision to allow the condo conversation. He stated



that he has issues with that. He then asked if the Planning Commission can change the rate of increase and the timing of increase which have been laid out, if the Commission feels they are not correct.

Planning Director Wehrmeister stated that she would let the City Attorney address the percentage increase. Regarding the concept of the prospective rent increases, she stated that this condo conversion ordinance was written under the assumption that the condo conversion will be completed and the units will be sold. She thought that complicates this hearing. She stated she was not comfortable recommending approval of prospective rent increases as she cannot say that the three factors that the Planning Commission must determine for a rent increase are going to be valid a year or two from now. She stated that staff's recommendation was for the single rent increase that would happen now, not for prospective rent increases.

Asst. City Attorney Doherty stated that, regarding the question of changing the rate proposed, they would not be able to do that today but return to the applicant and ask him to come back with a new proposal given the direction received from the Planning Commission. She stated that the resolution and application before them would not allow them to change the proposed rate of increase in the decision before them at this time.

Commissioner Clifford assumed that, if they came to that conclusion, they would have to continue with directions.

Asst. City Attorney Doherty responded affirmatively, adding that this was their opportunity to provide direction to the applicant now on what rent increase they may or may not think is appropriate, and the applicant can return with an altered application that does or does not reflect their direction.

Commissioner Clifford asked if the Commission could change the tenants over 62 to read "at the date of adoption" instead of August 14, 2014 or was that a similar answer that they would have to continue and give direction.

Asst. City Attorney Doherty responded affirmatively.

Commissioner Clifford referred to the BMRs, and stated that there was a heading for low income and moderate income, but he didn't see anything for very low income or extremely low income, in terms of the rental agreement. He asked how they handle that.

Planning Director Wehrmeister stated that HUD has definitions for extremely low and very low income, but the ordinance, the city's guiding document in this deliberation, does not provide for units that are addressing those income categories. She stated that the analysis was done based on low and moderate as described in the ordinance.

Commissioner Clifford asked if they will have to look at the ordinance again and have it reflect these other levels of income.

Planning Director Wehrmeister stated that, if they need to change the ordinance in order to consider different policy procedures, it would need to be amended.

Commissioner Clifford wanted to know who will be responsible for the cost of vetting of the BMR units. He asked if it was part of an agreement not written yet.

Planning Director Wehrmeister responded affirmatively.

Commissioner Clifford referred to how the complex was in terms of marketability or livability, and he asked if there was a possibility of doing a tour of both the complex and some individual units.

Planning Director Wehrmeister understood that the applicant can take individuals on a tour. She stated that, if all the units are occupied, getting into them is not necessarily able to be done unless there was a tenant that was willing to open their unit.

Commissioner Clifford stated that they have several letters in which they are complaining of mold, mice, rats, and equipment not currently functioning, and he would like to see that if it exists. He stated that they will have to leave that for discussion.

Chair Nibbelin mentioned that the letter from Legal Aid Society came on the 19<sup>th</sup>, and he wondered if the City Attorney's office had an opportunity to think through the points raised, such as reference to the Ferguson/Williams, et al., case of Merrymount Gateway and he was trying to get his thinking around the arguments raised as to whether requisite steps for the condominium conversion have actually taken place or whether Judge Weiner's order spoke to that. He wondered if they had any comment or whether it made any difference in terms of staff's analysis or recommendation at this point.

Asst. City Attorney Doherty stated that she received the letter when she sat down at this meeting and has not done a thorough, in depth analysis, but her initial reaction was that, with respect to the portion citing Section 94.2455, and the Michael Ferguson case, what was before them at this time was the application for the rent increase, not the condo conversion. She stated that what was articulated in the letter was that some of the findings made in approving the conversion may not have been appropriately made. She stated that this question was not before them, and the conversion had been approved and recorded and the statute of limitations for challenging that condo conversion has lapsed and, with respect to the question as to whether notice was served, the opportunity to challenge has passed with statute of limitations. What is before them at this meeting does not hinge on notification for approval of the condo conversion.

Chair Nibbelin stated that, if Ms. Gibson has anything else to say, she can share it with them. He appreciated the staff report being laid out in a user friendly way for a complicated matter, and he was curious as to whether, from a legislative intent perspective, this was taking them back to 2008 and he was thinking about the discretion

which they have to look at how big a change this constitutes. He thought that 25% strikes him as a pretty big bite at one time, although going back to 2008, he thought it might not be. However, he was thinking of the economic realities of what that means to the various people. He was curious if, at the time the ordinance was prepared, there was any insight as to how that factor ought to be construed. He thought it was unfortunate that so much time has passed as they are looking at it. He thought 25% may reflect some reality but he felt it was a lot in a short time frame.

Planning Director Wehrmeister stated that she can only answer it indirectly, which is that she feels that, in reading the ordinance and how they are applying it now to a condo conversion that happened so long ago, this situation they find themselves in was not contemplated and the ordinance probably contemplated a rent increase that would happen one time, fairly close after the condo conversion was approved.

Chair Nibbelin referred to the condition of the unit, stating that he has worked with the housing department and it was concerning to him that it was one of the units that was on the work plan that the Department of Housing put together with respect to inspecting environmental health. He questioned the particular conditions of how this particular complex compares to other complexes that were looked at to develop the market rent and whether it was appropriate to use market rates, unless it was within the broad range of average conditions.

Planning Director Wehrmeister stated that it was a good question, stating that they can come back with information on the various developments in the survey and see if they are on the county's list and how the inspections went.

Chair Nibbelin thanked her, adding that he felt it would be a useful thing for him as he thinks about that third factor in particular.

Chair Nibbelin opened the public comments.

Gary Meyers, Pacifica, stated that he spoke to them in 2007 when they originally asked for the application to convert to condos. He stated that all the things they were supposed to do to get it to be a condo that required permits were all done. He stated that the star appliances were intended to be replaced at the time of the sales so the new owners would get all new appliances. He stated that they have replaced stoves, etc., but that was the reason they haven't all been done. He understood that they have done all the things required to make it a condo, which includes the articles of incorporation that have been approved by the state and the CC&Rs approved by the state. He didn't know what questions they have, but he might have an answer.

Commissioner Cooper stated that, with some of the conditions he has seen with other agencies, rental agreements, etc., one has to do with relocation should a tenant not be able to afford the rent increase. He asked if he has considered that with the existing tenants.

Mr. Meyers stated that the original agreement does call for them to give relocation assistance and would still be in effect, but he didn't remember what it was.

Commissioner Cooper stated that, if they aren't going to convert it to a sale, then they were talking about increasing the rents and the tenant cannot afford the increase and has to move out. He asked if they have considered that.

Mr. Meyers stated that it was 25% and he didn't know if the legality is whether they should or should not, or are required or not with rental people.

Commissioner Cooper stated that it wasn't a matter of a legal requirement, but have they considered that as an owner to their tenants.

Mr. Meyers stated that he was one of the owners, and he stated that they will give it some serious consideration.

Commissioner Clifford referred to his statement that they have done all the work requiring permits to meet the conditions of approval, but the Planning Director stated that it was not the case. He was confused and he asked if he installed hook ups for electric cars in the garage which was one of the conditions of approval.

Mr. Meyers stated that they have put them in. He stated that they are not in every garage, as it was not a requirement. The requirement was that they have outlets for electric cars. He misunderstood as he thought that everything that required permits were done.

Commissioner Clifford stated that it was not what he heard. He stated that he was on the Commission at that time, and he was not clear that they didn't want at least one in each garage.

Mr. Meyers stated that they would have to look at it.

Commissioner Clifford asked the Planning Director what other issues required permits on the condition of approval as he was hearing a conflict and he would like it resolved.

Planning Director Wehrmeister stated that she was starting with the ordinance and then move on to conditions of approval. She stated that a CofO is required to complete the condo conversion which was the method to confirm all of the things she is going to list, and it has not been done. She stated that would confirm the first requirements that all units, as well as the common ownership facility shall be brought into compliance with all applicable state and local zoning building, housing, mechanical, fire codes, etc., which has gone through several code updates. She stated that each dwelling unit shall be served by gas and electrical services completely within the lot lines or ownership of space of each separate unit, no common gas or electrical connection service, each unit shall have separate metering, laundry area shall be provided for each unit, or if common laundry areas are provided, the complex shall meet minimum machine to unit ratios, and

depending on how they choose to comply could require a building permit. There are various minimum one-year warranties on various common things in the home such as a hot water tank. If it is an older water tank, and they can't provide a one-year warranty, that would need a building permit. All main building structures, etc., will be refurbished and restored to achieve a high standard of appearance, quality and safety.

Chair Nibbelin asked if these items are predicate to the particular item they were considering at this time.

Planning Director Wehrmeister stated that they would be required prior to completion of the condo conversion and prior to sale. She mentioned wiring for plug in vehicles in the new parking area and carports wherever feasible and various water runoff conditions of approval that the city would at least inspect to ensure that they are designed correctly.

Commissioner Clifford concluded that there was still some work before the condo conversation is actually complete.

Planning Director Wehrmeister agreed, the city's permit history shows that the improvements have not been completed.

Commissioner Clifford stated that, if they are before the Planning Commission, they shouldn't be doing any work without a permit. He asked how many electrical outlets they put in for cars.

Mr. Meyers stated that he cannot answer that, but thought there were six or eight put in the parking area.

Chair Nibbelin asked the audience to allow the Commission and speaker to comment without background noise, adding that they will have the opportunity to speak in due course.

Mr. Meyers stated that he understood what the Planning Director said was that some of the things that haven't been done are things that they would want to do at the time they put them on the market, not now.

Commissioner Baringer asked the Planning Director to walk him through the mechanics. He asked, when they make the decision, if it was a one-time situation and they don't have to deal with it again or will it continually come back to them to adjudicate it.

Planning Director Wehrmeister stated that, on the initial recommendation, she didn't feel comfortable with a prospective rent increase as there was no way to know that the three factors they must consider are still applicable in the future. She thought, if the Commission wanted to direct staff to craft an approval that indicated some sort of review by staff in the future, they could do that if that was their direction. She stated that, with this initial recommendation, she did not feel comfortable with a prospective approval.

Commissioner Baringer asked the applicant what his intentions are, is he going to be a condo guy or an apartment owner.

Mr. Meyers stated that it was a business decision when they put them on the market. He stated that they have gone to considerable expense to get it qualified to be a condo and, if they intended to keep them as rental for the next 30 years, he didn't think they would have gone to that expense. He stated that when they decide to put them on the market was really a business decision that he, as a minority owner, would make in conjunction with the rest of the owners. He felt that responding by saying they will be condo owners or not would be a guess on his part. He reiterated that they didn't go to this expense and trouble to make them condos if that wasn't their ultimate goal.

Commissioner Baringer understood taking it to the extreme to make the point, but he asked if it was reasonable to assume that sometime in the next 2-3 years they might consider converting it.

Mr. Meyers stated that he had a hearing problem and he couldn't hear him.

Commissioner Baringer asked if it would make sense for them to consider it sometime in the next 2-3 years. He stated that, he understood it will not be next week, but he would like some reasonable input on when he think they might do it.

Mr. Meyers thought three years would be a logical conclusion, and he cannot speak for the entire ownership group, but he would consider that reasonable.

Commissioner Baringer asked if he would be willing to live with the restriction that it has to be converted or the approvals go away.

Mr. Meyers thought they would not. He stated that the situation is that they have been under rent for many years and it was hard to maintain the property in A1 condition if they are getting such low rents. He thought, if they had been able to raise rent 3% a year, they would be getting more money than they are proposing. He stated that 25% or market seems huge, but he asked that they understand that their loyal tenants have had a break for a good number of years.

Commissioner Baringer understood, adding that he was not taking him to task for how long it has taken them to do this, but he understands that there are some tenants who think they are getting ready to buy a unit from them which he stated was mentioned in a number of the letters they received. They are continuing to rent and nothing was happening, and he understood their frustration. He stated that there are four commissioners and this was not what they were supposed to be doing at this time, talking about rent control issues, but rather about land use. He stated that they have decided the land use but, through a quirk of something drafted a long time ago, they are talking about how much rent they should charge and he didn't think it is something that any of the

commissioners think they should be talking about. He stated that was why he asked the question of their intention to be a condo developer which would make him feel more comfortable with going through dealing with this at this time.

Mr. Meyers stated that it was their goal but the time frame was what he cannot commit to.

Commissioner Clifford asked, if he wanted to tour the facilities, whether someone would be available to take him through.

Mr. Meyers responded affirmatively.

Gwen Aponte, Pacifica, stated that she was representing Marymount Gateway and Summit Apartments. She stated that she was the property manager. She stated that she has been at Marymount since November 16, 2016 and she manages 170 units, two in house maintenance workers and numerous vendors in order to make the property run efficiently. She stated that they have paid \$19,332 in maintenance supplies to address every issue that arises. She stated that they do annual inspections, explaining that she has a list for the past two years. She stated that approximately 35% of the tenants have had to have smoke alarms and carbon monoxide detectors replaced because the tenant removed them. She stated that their concern was to be compliant and they replaced them. She stated that they have a heated pool and spa but for that luxury they pay \$3,300 a year. She stated that this past winter was so harsh that it tore off the shingles on the roofs. She stated that to fully repair over each unit, it cost \$1,800 and they have 85 upper units. She stated that, if they were fixing roofs over every apartment, they are talking about \$150,000. She stated that they are waterproofing exterior walls to prevent the effects of the harsh winter and, if they were an affected tenant, they took care of the cost to repair and/or clean the damage to the apartment. She stated that water, sewer and trash was included in the rent and those fees continue to be increased. She stated that 90 days ago, the water bill was \$1,700 and the previous month it was \$20,000 and on July 1 there will be another increase. She stated that the trash bill was a constant \$18,000 per month. She stated that to keep up with the high cost of energy, they want to replace all the exterior lights with energy efficient lamps. The electric bill is approximately \$13,000 per month. She stated that, since the opening of the 7/Even, they have had to upgrade the pest control package. She stated that they have tenants who have lived there over ten years and are getting newer, energy efficient appliances. They are upgrading onsite washers and dryers to newer energy efficient ones. She stated that the numbers are astounding, with 170 units, and 116 tenants pay under \$2,000 per month, and 60% of those pay under \$1,600 and have lived there over seven years without an increase in rent, but to maintain the property the costs have doubled. She researched the market value of the apartments in the community and what they have is larger apartments and below market rents. She stated that she has a list of people who wanted to come who are in favor of the rental increase but to save time, they have a signed document. She stated that she has her inspection report of people where she had to replace a lot of the fixtures they had because they remove them, at no cost to the tenant.

Chair Nibbelin asked if she intended to give the information and list of names to staff.

Ms. Aponte stated that she will give them the whole thing.

Leo Leon, Pacifica, stated that he was on the Commission when they approved the project. He stated that it would be worth the time to review the minutes of the meetings because the tenor of the applicant at the time and the need for affordable housing by the conversion of the condos was a major selling point in the approval, along with the conditions, including storm water runoff. He stated that they were supposed to be bioswales installed prior to approval as well as the condition, along with downspouts redirected away from the paved areas onto the bioswales. He stated that there were important things for the number of roof they have, but he felt the main issue was that they entered into a condo conversion agreement and that agreement has not happened or fulfilled by the applicant. He stated that his opinion is that they should hold the conditions of those condo conversions to hold them firm. They shouldn't be talking about rent but talking about the condo conversion that was approved at the urging of the applicant. He stated that the applicant had the entire residency of those buildings at the meeting clamoring to buy those places. He stated that, from the regional housing allotments where we fall short is in affordable housing, these below market rate was exactly what they need to be doing. He didn't know what latitude staff and the attorney has but he felt we need to get thinking about the condo conversion. He stated that, from looking at the paperwork, it appears that some of the rents are extraordinarily high. He didn't think they were that high in 2008. He asked, if increases in rent are supposed to come to the Planning Commission for approval, whether that happened. He suggested that they might want to see the rent history is since 2008. He agreed about the language for rent control, but he thought that anything that changes should be thoroughly vetted and he cannot believe that they have 26 units that people have to qualify for and no one has a clue as to whether they qualify or not and they need those units for a population that is not being served.

Marcelino Robles, Pacifica, stated he was one of the tenants who signed and so far they have not heard about it. He stated he got the rent increase, but they were expecting all that condominium stuff they told them. He stated that, if they have the rent increase, it will hurt him and his family because of that sudden increase, making them relocate somewhere and have a tremendous burden to commute to work. He asked that the Commission disapprove this request.

Kristin Corbin, Pacifica, stated that she has been a tenant between 13 and 14 years in these apartments. She stated that, when she moved here, the biggest draws to her was laundry facilities and storage. She stated that, when they started the condo conversion, they took away her storage unit and now was stacked up in her living room. She didn't like guests because of that as she looks like a hoarder. She stated that they also took away the tennis court which her daughter enjoyed and it was changed to a parking lot. She stated that they haven't made improvements in her apartment for the years she has



been there, such as paint, carpets cleaned, etc. She was willing to have city members come to see where she lives. She stated she sleeps at night with the lights on because they have rats. She sleeps with a ruler next to her because it was not only unnerving but unsanitary. She referred to the BMR and stated that, with the rent increase, her family would be homeless and she went to the Pacifica Resource Center. They told her about BMR and she needed to get the application from the owners but the owner said they don't have applications for BMR and her unit was not one of the BMR units and she is stuck. She stated that the only appliance she has is one that PG&E gave her free when they replaced her stove from another unit, so it is an old stove. She has a constant leak in her bathtub and they say it is unfixable because the building is old, and the pipes are in the wall and they can't stop the running of the leak and she cannot keep water in her bathtub because it constantly drains out. She felt there are major issues that are not addressed.

Michelle Pollard, Pacifica, stated that she has been renting for several years and she was distressed about the condition of the units, specifically the garbage recycling which is always overflowing. She stated that hearing about tenants that have rats and mice was very concerning. She has seen roaches and ants. She stated that they talk about repairs for the winter, but when you drive behind the apartment unit you can see where the damage has occurred from the rain, and part of the fence is coming down. The tenants are concerned that, with additional heavy rains, there will be damage to their cars with the fence coming down. She stated that she has pictures to see the garbage on the floor. She stated that clothes she has washed smell moldy with she get them out of the washing machine because they never fix them. She stated that she has called management and asked them about the washing machines and they say they are having problems with whomever installed them, and the tenants have to go across the street to wash their clothes. She stated that appliance are never repaired. She stated that everything was old and she has complained about the dishwasher because the water doesn't drain and it has not been repaired. She stated that they moved to the community to have the opportunity to enjoy the amenities of the community, and units across the street are painted beautifully and have green grass.

Teresa Tolibas, Pacifica, stated that her family has lived in that complex for over 13 years, and she disagrees on its status as a condominium as they feel they have done nothing to communicate to the tenants their plans to turn it into a condominium, no marketing. She referred to Commissioner Clifford's mention of the 2014 compliance agreement, and she said it said within 90 days of the agreement, they had to supply the city with the description of its marketing sales. She didn't know if they have given it to the city, but they have not communicated with the tenants. She stated that, on the attached agenda, they sent a list of the current rents. She stated that her unit's information is incorrect, as it was listed as \$750 above what she was paying now and she hoped they are not going to use that incorrect rate to set the 25% increase. She asked that they doublecheck the list and don't take everything they provide. She stated that there are no electrical outlets anywhere in the complex. She stated that the condition of her unit, similar to everyone else's, has not been renovated or upgraded in 13 years. She stated that drywall is coming off the window ledges, with mold and there was no regular

maintenance person unless it is trash day. She stated that the trash is all over the place where the garbage bins are, with no regular maintenance. She stated that they said they have informed new tenants that they are going to convert to condos. She has spoken to newer tenants and that was not true. They have not been told that they are going to be converting to condos. She referred to the question asked by Commissioners Clifford and Baringer, are they going to be a condo or apartments. She stated that they don't have any plans of selling any units and haven't marketed anything or sold anything. She felt they can't have their cake and eat it too.

Edgardo Ceron, Pacifica, stated that he has had the pleasure of growing up in Pacifica. He attended Sunset Ridge, IBL and Terra Nova High School. He knows all the streets and people. He goes to Skyline College and increasing the rent would be devastating to his family. He would have to take less classes, work more, as well as his sister, with less money for necessities as their luxuries are already tight. He stated that, hearing the stats regarding rent and market, and the break they have had for many years, they talk about their lives as they are statistics. He stated that there are a lot of factors that go into a family. He is trying to better his situation and transfer to UC Berkeley. He should not be dealing with factors of someone proposing a 25% increase on an apartment complex. He stated that there are over 138 apartments that are under market value. If the rent is increased by 25%, it would not be market value, speaking to what an oasis this is. He feels that, if the rent is increased, he will be forced to move to the East Bay which is the only place almost affordable. He feels that it appears to be corporate greed. He stated that there are a lot of things that have not been done with a lot of he said/she said and he feels this is a ridiculous request and an attack on the tenants.

Bruce Sadreddin, Pacifica, stated he has been living in the apartment complex for the past three years. He stated that, from the beginning, he realized how rundown the apartment was. He stated that they moved from Oregon for a job and it was so fast that he didn't have much of a chance to do a walkthrough. The previous manager requested cash to move in. They paid the cash, and moved in to discover the oven was broken, the bathtub wasn't ready, the dishwasher didn't work, and he told him that they will fix it in two weeks. So, he got a hotel for two weeks. He stated that, for the past three years, they have had three managers. He stated that she is new and she was here as an investigator and realizing how rundown the apartment complexes are. He didn't think the owners were ready to turn the apartment complex to a condominium because they realized the rent is a sweeter deal. He stated that she was telling them it was bad and they need a lot of money and they want to fix it using the tenant's rent increase. He stated that it was not fair. He was proud to hear that Pacifica is looking into rent control. He stated that the owner was talking about the three person per year, but those are for the luxury apartments. He stated that they haven't done anything. He stated that you can't even have your dresser by the wall or you will have mold. Their oven is not always working. For two weeks they had no laundry room, then they painted the wall but the machines are 50 years old. He stated that anytime it rains they have flooding. He stated that, if they come to see the facility, they should not be fooled by the one they fixed but come to the ones that haven't been fixed.

Sara Sadreddin, Pacifica, stated that, as her dad said, there are so many problems with it. She stated that, when they washed their dishes, they don't get washed, and they wash and clean them by hand before they put them in the dishwasher so they can get cleaned. The laundry rooms have not been fixed. She stated that their clothes are not washed and they won't be dry. She stated that they put a sticker when you call to ask that the machines be fixed and it says that the machine has been fixed with a smiley face but it hasn't been fixed and does not work at all. She stated that when they wake up and walk into the bathroom, there are animals like bugs, spiders, etc., and nothing has been fixed. She stated that sometimes they turn on their water and it will be brown. When PG&E comes to try and fix it, it lets out pieces of black stuff out of the water pipes. She stated that they should not have their rents increased so their apartments are liveable.

Bridget Duffy, Pacifica, stated that she was trying to understand why they are coming before the Planning Commission to ask for rent increases. She knows there are lots of apartment buildings that have increased the rent more than 25%. She stated that there are always two sides to a story. She stated that there are remedies to some of the problems, and they can be remedying the cost of owning a big apartment building with all of its problems like mold in different ways that lower the cost, if they were smart about it. She was encouraging them, but as a citizen, she asked that they not approve a rent increase at this point. She stated that the working class community of Pacifica has experienced a mass eviction. She stated that there has been an opening in Safeway's deli department for three spots for over eight months. She stated that teachers at Terra Nova High School have had a 35% turnover directly related to the rent problem Pacifica is experiencing. She stated that any responsible person working in government in Pacifica today has to be aware of these things. She stated that we need something to happen but the tenants are the most vulnerable. She didn't know why they have to ask for the rent increase but she would like to find out.

Tyson Redenbarger, San Francisco, stated that he represents some of the tenant at the property. He was involved in the ongoing lawsuit that is currently happening. He stated that, at this point, the building is not a condo but an apartment complex and, in Pacifica, there is a moratorium on rent increases for apartments and it would be improper to raise the rent since it was subject to that. He stated that Commissioner Cooper asked whether the owners would be willing to give moving expenses to people who are displaced by the raised rent. He stated that there was a letter submitted by another attorney on behalf of the owners indicating that they would not. He asked that they look at that letter. He stated that 138 tenants are eligible to have their rent increased and many of them will be increased 25% which will likely result in displacement. He stated that one of the purposes of the condo conversion code was to prevent that exact type of displacement. He requested that they consider that. As many have mentioned the conditions are not up to standard, and many of them would be happy to show Commissioner Clifford the conditions that they are complaining about. He stated that the BMR scheme the owners came up with was not workable. If a tenant lives in what has been designated a BMR unit, they have to move from that unit and completely away from the property if there

isn't another unit available. He stated that the procedure was not workable. He stated that many of the tenants anticipated that they might be able to buy a property, however, now if their rent is increased, their ability to buy that property that they were promised was hurt. He stated that paying more rent while not being able to purchase the property for which they have been waiting, would be a shame.

Planning Director Wehrmeister asked if the chair was going to allow the applicant to make a rebuttal.

Chair Nibbelin invited the applicant to respond to anything that has been said.

Mr. Meyers stated that he didn't want to disagree with anyone but there were some statements made that he felt were not true. He stated that they do have maintenance staff, Felipe, who does the maintenance. He would not expect the tenants to be in favor of a 25% or market rate increase, but he felt they have to look at that they have to have money to maintain the property. He stated that they have been below market for a substantial amount of time and he asked them to consider that.

Chair Nibbelin closed the public hearing.

Commissioner Cooper thanked everyone for speaking. He felt it was important that their concerns are addressed in a public forum. He stated that part of the Commission's job was to guide City Council on land use issues, as well as zoning and ordinance issues. He stated that it was unfortunate that they have an issue before them that deals with rent increase which is more of a policy decision than it is a Planning Commission issue. He stated that the reason they are addressing this is that the ordinance says that, when reviewing an application for rent increases, the Planning Commission shall consider three elements listed under the ordinance, that is, prevailing rents for similar units, residential rent components of the Bay Area cost of living and the condition of the unit. He stated that it was not whether or not there was a rent increase but how they establish the rent increase. He stated that he finds it unfortunate the expectation that some of them had for wanting to purchase a unit after they were renters. He thought that may have been a false expectation and it was very unfortunate. He struggles with all the issues the public brings up regarding the conditions of the unit and not having a rent increase for such a long period of time. He was perplexed on how they think things are going to get better without a rent increase. He stated that the Planning Commission does not serve that purpose but was another venue. He cannot do much as a Planning Commissioner to make their lives and their apartment any better. He stated that his decision was coming down to looking at what was before them at this time which was taking these elements from the ordinance and looking at how he would apply them to the issues before them. He was not there to argue over whether the conversion was a legal conversion. He stated that it was past and he was there to look at what was being asked of him, which is to say there is a rent increase proposed and he should evaluate on the three criteria, which is his purview as a Planning Commissioner. He understood where they were coming from, and as a Planning Commissioner, it was difficult to listen to some of the conditions, but he

was not sure this was the right venue for it. He was happy that they were expressing their frustrations in a public forum so they can get their information out there, but he will be looking at the provision in front of him.

Commissioner Clifford stated that, on the matter of the conditions of the unit, he thought it was one-third of what they have to look at. He has heard several people say that they would be willing to let him look at their individual units, and he was willing to do that. He stated that he can't make a decision at this meeting and do that. He felt it was important that they verify that the units being rented reflect the cost asked for them. If they are not in good condition, they should not be paying market rate for them. He would like to look at the possibility of, if not changing the actual rate of increase, being sympathetic to a 25% bump in cost, and he would like to see that spaced out over a little more time. He would also like to verify that 25% is applicable for the apartments for which they are talking. He was heading to the suggestion that they continue this so that they can possibly get a subcommittee, him and another commissioner, to look at the units and report back to the Commission on what they see, and move on from there on the other issues.

Commissioner Baringer stated that his concerns are that he agrees with Commissioner Cooper in that they are theoretically limited to three items that they are supposed to take into consideration for the purposes of making their decision. He cannot get away from the fact that those items were included in a document that was drafted in clear consideration of a project moving forward at a reasonable process and reasonable timing, none of which has happened. He stated that they are almost ten years later having to deal with that outcome. He had some strong opinions on the fact that this is not their purview and they should not be doing this. He stated that it was a function of a document that was drafted in consideration of certain things that have not happened. He looked at that as an opportunity to possibly reset how they go forward on this. They may not be able to do that. He thinks that they should have an opportunity to look at it. He was sure that the study cost a lot of money to have that performed and they are paying for that. He also felt there was no assurance that they won't be back in another year or two doing this again. He felt they need to look at the conditions of the unit because they are clearly able to take that into consideration. He stated that he would be willing to do that with Commissioner Clifford. He thought the applicant should return with a proposal on how he intends to go forward. He stated that, if they continue it, they can give both parties an opportunity to rethink their position.

Chair Nibbelin stated that the idea of a continuance makes some sense, but he had a couple of observations. He stated that, what they have at this point, by way of the filing of the subdivision map, legally existing condominiums but he was interested by the comment by Mr. Redenbarger as to whether these were actually apartments versus condominiums. He didn't know if the City Attorney would have anything more to say about that, but he thought that people who own property ought to be able to charge what the property is worth to people who are occupying it. He stated that the ordinance imposes upon them the obligation to consider some factors, and it is their charge whether

they like it or not. He does have some concerns applying the factors in this case with respect to the proposal that has been brought to them. He was not comfortable with the notion of applying the residential rent component of the Bay Area cost of living index. He thought, under the circumstance, and to the extent it lies within their jurisdiction and on him, he didn't think a 25% increase at any one time is fair to honor the expectations of people as they sit. He stated that, the property owners, over a reasonable period of time ought to be able to capture the value of the property. He would like to get a sense of that, and he would like to understand how the conditions of these units track up with the conditions of the units that were used to build market rates. He recognized that, as Commissioner Cooper stated, you have to have money to pay for a decent place to live and nothing like what they are talking about to make things better is going to be free. He stated that a lot of things were going on and a lot of concerns need to be balanced. He felt they needed to do that work. He thought the notion of a subcommittee sounds like a good idea, and perhaps a special meeting of the Commission as a whole on site to take a look around, maybe noticing a special meeting at a time when they could do that. He was happy to defer to a subcommittee but maybe they would benefit from "laying eyeballs on it" together to the extent that they want to discuss what they are seeing in real time, and he might give that to staff and the City Attorney to think about.

Commissioner Cooper stated that, if you look at the table that was provided to them in the packet, they were looking at a 46% rent increase for some of the lower units to make up the difference between the market condition and what the current rates are. He stated that, if you take a third of that off, you were still looking at about a 30% increase, and the landlord was asking for 25%. He didn't think it was that unreasonable. He stated that, for people on a limited income, that was a bold statement, and it was what was affordable for the place in which they are living. He stated that there are other resources. He felt it was unfortunate that they didn't have more resources for the Pacifica Resource Center. He was a proponent of the facility on Oddstad to develop it for teachers and public staff. He felt it needs to be affordable, and there were other ways to supplement that. He stated that, from the Planning Commission's standpoint it was not with this board and, from the Commission's perspective, it was what was reasonable in this case, and 25% to him, as much as it is unreasonable for people who are on very limited income, looking at it overall, it was still very affordable compared to the other apartments that are out there. Again, he felt they needed more information on the condition of the units, and he felt that was a great suggestion, but he also felt the expectations need to be reasonable as well. He asked if the Commission was thinking that they set it to a special meeting with the notion that they have a subcommittee go out and take a look. He stated that there was nothing to stop them going by on their own, if they want to just look at the common areas.

Commissioner Clifford stated that, in terms of a special meeting, he was not opposed to it, but he had a question about flexibility or how quickly they can make that happen with all of the commissioners and the noticing requirements in terms of having a meeting other than in the Council chambers. He asked how the meeting would function, and he thought staff would have to work that out. He stated that a subcommittee could go fairly quickly.

He stated that he heard tenants willing to allow the people in, but he wasn't sure they want all seven of them in their apartment.

Chair Nibbelin stated that he was not wedded to the concept. He felt that was fine if that is the direction of the Commission.

Commissioner Baringer thought that, at a bare minimum, they need to inspect the condition of the units as that was one of the issues they were supposed to undertake, whether they go en masse or two of them. He stated that, if some of the people in the audience would give their names and addresses to staff so they could have that, and if they were willing to allow them to briefly inspect their unit, they would want to get that out of the way right away. He thought they could take that information and apply it to the calculus of the weighted average for rents because that was one of the things that popped in his mind when he was reviewing this. He didn't know if they were comparing like units in this case, and he understood that was difficult to do. He felt it would be helpful in terms of having an informed opinion on what the rent should be. He stated that they can argue about how they get to the rent.

Commissioner Cooper stated that he was not necessarily sure that he needs to see the units. He would like to have an impartial inspector or someone from the city that compares these. He stated that they all have opinions and he didn't think it was fair to get the opinion of a person who was disgruntled with their unit or happy with their unit, but get someone who can look at it impartially.

Planning Director Wehrmeister stated that was why they chose to contact the county's residential rent inspection program. She thought that the chair made a good point that they were missing that little extra bit of information about how they compare to the other buildings on the survey.

Commissioner Cooper stated that he would be happy with that report rather than the Commissioners going individually to see the unit but have someone a little more in tune with what is out there. He stated that he didn't visit apartments every day.

Chair Nibbelin thought it sounds like the outlines of a motion of continuing to a date to be determined or a date certain with some staff work in the interim with respect to whether or not there are some material portions of the apartments that were identified or used in the study that ultimately came up with the market rents. He wondered if there were a significant number of them that have similar issues going on with the county housing department or the county environmental health department. He asked if there were other things that they thought were appropriate to include by way of direction.

Commissioner Cooper stated that, from a direction standpoint, he felt that if they took the lower percentage increase as the base, rather than the 3.5, take 3%. He thought the lower figure was the better figure to use as a base model and from there they can do the determination as far as the units and what they look like and go from there.

Commissioner Clifford referred to Commissioner Cooper's question of expertise. He stated that he does have more than a little bit of expertise in maintenance of buildings and, if his understanding is correct, Commissioner Baringer not only lives in a condo complex but is also a member of their board and would also have detailed knowledge of maintenance issues in that environment. He thought the two of them could come back with a non-partial, non-biased report on what was happening there.

Commissioner Baringer stated that, if they want to have it corroborated by a third party, he would not have a problem with that. He thought they need to validate the rent roll as he heard a comment that the rent that was on the chart was not the rent that they were paying. He felt they need to have that certified and they need to tell them that those are the actual rents so that, when they are applying the calculus to it, they know they are working with the real numbers.

Chair Nibbelin thought about whether they need to appoint a subcommittee that, under the Brown Act that the two of them could go and do what they wanted to, without any formal action by the Commission, and he was happy supporting a motion to appoint the two of them to be a subcommittee to do whatever investigation they think is warranted and bring back any information they think is warranted. He didn't know if there were four votes for that, but he would be in support of it. He stated that he would also be interested in seeing the staff report for the continued item. He was interested in the concept of staging over time a rent increase and whether or not that might be possible to discuss with the applicant about the possibility of staging this so it rolls out over some period of time and people have more ability to adjust to a changing economic reality.

Commissioner Clifford stated that he would also support that approach and, with whatever rent increase they wind up with, he would like to see it rolled out over time versus an all at once hit.

Chair Nibbelin asked if a motion is in order if someone feels that they can frame one.

Commissioner Cooper moved that the Planning Commission continue this item until the July 17, 2017 Planning Commission meeting and appoint Commissioners Clifford and Baringer to do a study and report back to the Commission, along with the report from the housing on comparable units and from there make a determination.

Commissioner Clifford seconded the motion with the addition that they have a verified rent chart for the existing rents.

Chair Nibbelin asked if Commissioner Cooper was okay with that amendment to that motion.

Asst. City Attorney Doherty asked what he said.



Chair Nibbelin referred to a verified rent roll.

Commissioner Cooper felt it was a waste of city funds.

Asst. City Attorney Doherty asked if that was a motion that the applicant returned with a verified rent roll.

Commissioner Clifford responded affirmatively.

Chair Nibbelin stated that it was not consistent with the original motion and asked if there was a second to the original motion which did not include the rent roll.

Commissioner Baringer seconded the motion.

The motion carried 4-0.

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

**3. CDP-364-16**

**COASTAL DEVELOPMENT PERMIT CDP-364-16, Filed**

by

Applicant Carissa Savant and Owner CRP/PSE Seaside

Pacifica

Owner LLC, for the Renovation of an Existing 93-Unit Mobile  
Home Park Commonly Known as "Pacific Skies Estates"

Located at

1300 Palmetto Avenue, Pacifica (APN009-291-020).

Chair Nibbelin stated that the recommended action was to continue this item and it will be renoticed. He asked if there was anything else they needed to deal with on this item.

Planning Director Wehrmeister responded that they did not.

Chair Nibbelin asked if it required action for the Commission to continue it.

Planning Director Wehrmeister stated that she would say they should continue it but it was not to a date specific.

Commissioner Cooper moved that the Planning Commission continue this item;  
Commissioner Clifford seconded the motion.

The motion carried 4-0.

Ayes: Commissioners Baringer, Clifford, Cooper and  
Chair Nibbelin

Noes: None

**COMMISSION COMMUNICATIONS:**

None.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister stated that they did release the EIR for the Fassler condo project and the Commission received a hard copy. She stated that there will be a community meeting later this month.

Chair Nibbelin asked if it was a formal study session or just a community meeting.

Planning Director Wehrmeister stated that it was a community meeting intended for the city to receive comments on the EIR and was not a Planning Commission meeting.

Chair Nibbelin asked if it was followup to the study session they had a long time ago.

Planning Director Wehrmeister asked if it was on the Fassler project.

Chair Nibbelin responded affirmatively.

Planning Director Wehrmeister stated that then it probably was. She then stated that she met with the developer late last week about a potential project on Oddstad to include about 24 or 26 attached single family homes. They had a community meeting this evening from 6:00-8:00 at Terra Nova and they may have seen something on social media or may have received a postcard. She was just letting them know it was happening but there was no application submitted, as they are just starting to get some community input about a potential project in the future.

Commissioner Clifford asked if that was the work force housing for the school.

Planning Director Wehrmeister stated that it was not, but the location of the former Oddstad assisted living facility behind the shopping center.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Cooper moved to adjourn the meeting at 9:00 p.m.; Commissioner Clifford seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Baringer, Clifford, Cooper and  
Chair Nibbelin

Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister

DRAFT