

MINUTES

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

March 19, 2012

7:00 p.m.

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

ROLL CALL: Present: Commissioners Clifford, Langille,
Campbell, Leon, Evans and Chair Gordon
Absent: Commissioner Brown

SALUTE TO FLAG: Led by Commissioner Evans

STAFF PRESENT: Planning Director White
Assistant Planner Farbstein

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

The motion carried **6-0**.

Ayes: Commissioners Clifford, Langille, Campbell, Leon,
Evans and Chair Gordon
Noes: None

**APPROVAL OF
MINUTES:
February 21, 2012** Commissioner Leon moved approval of the
minutes of February 21, 2012; Commissioner Clifford
seconded the motion.

The motion carried **4-0-1**.

Ayes: Commissioners Clifford, Langille, Leon and Evans
Noes: None
Abstain: Commissioner Campbell and Chair Gordon

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF MARCH 26, 2012:

Planning Director White stated that the Council will be considering the extension of the Growth Control Ordinance which the Planning Commission had deliberated upon and it would be appropriate to designate a liaison.

Commissioner Evans volunteered to be the liaison.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- 1. CDP-334-12 COASTAL DEVELOPMENT PERMIT, filed by the owner and applicant, Mike O'Connell, to construct a three-story single-family dwelling of approximately 2,600 square feet with an attached three-car garage of approximately 700 square feet at 240 Stanley Avenue (APN 023-019-200). Recommended CEQA status: Exempt.**

Assistant Planner Farbstein presented the staff report.

Commissioner Leon referred to the notice and the discovery that a mega-home site permit was now required, and asked if there was an issue with the notice since the mega-home site permit was not mentioned.

Planning Director White first clarified what the mega-home ordinance called for, and stated that they had neglected to factor in the garage which was larger than 650 square feet, but the home was under the threshold. Staff was suggesting that, prior to the issuance of any building permit, the applicant will demonstrate that they were in compliance with both thresholds, which the applicant has agreed to do. He added that how they came up with those numbers would be up to the designer, either shrink the house or the garage. With the condition being proposed, the applicant will not need a site development permit to construct the home and, therefore, the notice was still applicable.

Commissioner Leon agreed, but stated that, as submitted, the application was within the realm of the mega-home ordinance.

Planning Director White reiterated that it was not known, and the applicant thought they had designed the home that did not require a site development permit pursuant to the mega-home ordinance. It came to the attention of staff that it was not the case, and they were recommending a condition to correct that.

Commissioner Leon asked if it would be the applicant that would say he is proposing to build a mega-home.

Planning Director White again stated that while the applicant can speak for himself, in this case, the applicant was cognizant of the mega-home ordinance and they thought they had designed a home that was below the threshold.

Commissioner Leon stated that he assumed that any footage over the 650 square foot garage applied to the size of the home.

Planning Director White responded affirmatively. He thought it was a misunderstanding. While it had been in effect for a while, they have not had an opportunity to use the ordinance, and he thought that was part of the confusion. Rather than stopping the proceeding and renotice for the additional square footage, they consulted with the applicant who was agreeable to reducing the square footage below the threshold.

Commissioner Leon was concerned about having an issue with the noticing, but it has been addressed

Planning Director White didn't believe they would, but the applicant can confirm that there was an agreement to reduce the home.

Commissioner Clifford stated that his understanding was that the storage area would also be incorporated into the floor area, and he concluded that it was the garage and storage area. He stated that he came up with figures of about 238 square feet that need to be compensated for.

Planning Director White stated that they came up with a similar number. He felt that what would have to happen is, assuming the home is approved, the applicant will need to redesign and submit new plans to show the scale of all the different floor areas to verify that it was within the limits.

Commissioner Evans asked that staff explain the procedure, and asked if the applicant agreed to reduce the size to become compliant, whether they could approve the project at this meeting.

Planning Director White stated that, subsequent to approval of any new home, there was a building permit process so the applicant would be required to submit for building permit approval to ensure that they are compliant with all codes and regulations. At that time, the planning staff would review the plans to ensure that they were consistent with the approval, and in this case, the additional condition would necessitate that they demonstrate that they were under the square footage of 2,800 and 650 square foot as required by the mega-home ordinance.

Commissioner Campbell stated that he spoke to the applicant earlier about this potential redesign. He understood that it was not going to be a major redesign but some tweaking of the garage and shaving some square footage off the main house.

Planning Director White agreed, stating that there were a number of ways to accomplish the reduction of the square footage, possibly only internal to the house such as eliminating the storage room. He was not aware of how they were planning to do that, adding that the applicant may explain when he makes his remarks. He reiterated that it would be staff's job to ensure, whatever the design was, that it met that standard.

Commissioner Campbell stated that it was his understanding as well.

Commissioner Langille stated that she spoke with some of the neighbors who had concerns about the geotechnical aspects and, with the recent rains, she wondered if the geotechnical surveyor report was complete.

Assistant Planner Farbstein stated that she had talked to the building official about that issue and he explained that, when it goes through for a building permit, they will be reviewing that issue with the structural. She stated that they had done a peer review in the past, but they have people on staff who will review to ensure all the geotech issues are addressed in plan check.

Commissioner Langille acknowledged that there was no view ordinance, and was looking over the findings that mentioned that the project will not block any public or private coastal views, and she wondered about that.

Assistant Planner Farbstein stated that, based on the renderings submitted by the applicant, staff felt that the private view would not be blocked or very minimally. She personally didn't think the views would be blocked by the neighbors above or minimally, because the house was located toward the street while the previous project was located further up the hillside and did impact the neighbors' views.

Commissioner Langille asked if it was possible to change the findings to reflect that there was a possibility that the view might be blocked.

Assistant Planner Farbstein thought they could change the findings to say minimally if at all.

Planning Director White stated that there were ways to address the findings if she would like them to.

Chair Gordon stated that this was an odd situation. He understood that the proposed refinements would be minor but, as a matter of principle, he didn't think it was a good idea to deliberate on a design that they know will not be the final product. He agreed that, in this situation it was probably not a big deal, because it sounded as though it would be minor modifications, but as a general principle, he would be more comfortable with the process if they added a condition that memorializes that the design of the project was one of the material conditions that staff gave for recommending approval. He would like to feel that there was going to be some kind of review on staff's part to ensure that the design approved will ultimately be the final product.

Planning Director White agreed that it was a fair request. He acknowledges that there is going to be a modification, which they believed would be slight, but he thought it was fair to add a condition that states that, prior to any building permit issuance, staff will review the ultimate design to make sure it was consistent with the approval of the Planning Commission, added to the condition offered or to a separate condition.

Commissioner Clifford asked for confirmation that, in the local coastal plan, they can consider view impacts.

Planning Director White agreed that they can consider them, but the comment was that there was no ordinance preserving views in the city.

Commissioner Evans mentioned that he had seen in the report that the city had no provisions for the protection of private views, so staff answered that question. He then referred to Condition 22, and asked for an explanation of the car turnout requirement.

Assistant Planner Farbstein stated that they were more common on Farallon but it was a way to carve out a parking place in an area with very narrow streets for the public. She stated that it was required by the Engineering division and they would regulate it.

Commissioner Evans asked if it was a single parking spot for the public.

Assistant Planner Farbstein responded affirmatively.

Commissioner Evans clarified that, with the three-car garage, you also had three spots in front of the garage for a total of six cars.

Assistant Planner Farbstein agreed, stating that it was three in the garage and three on the driveway apron.

Mike O'Connell, applicant, first referred to the issue of the overall square footage of the house. He explained that it was not their intent to be above the threshold, but they had a misreading of the code. He stated that the total living area was 2,792 which was shy of the maximum allowed, and they would comply with the additional requirements of the garage. They did some quick calculations, and they were probably looking at shrinking the house for about a foot on two or three sides on all three levels, which he thought would bring them below the threshold. He didn't think they would see much of a change in the design of the house. He then referred to the views, stating that the previous project included a detached garage in the front of the property and beyond that was the main structure which was higher than the garage. On this project, they were trying to keep the house as close to the street as possible with a minimal front setback with the objective of keeping the house low so as not to impact views of the neighbors on the street above them. He then mentioned the parking turnout, stating that it was a tough street to park on, which was why they designed a three-car garage. He stated that they had talked to staff about a potential pervious driveway, but decided that the slope of the driveway would prevent that use since they wouldn't get much benefit on slopes greater than 5%. They were trying to get as many cars off the street as possible.

Commissioner Clifford asked if he was planning on shrinking the house approximately one foot on possibly three sides. He asked what that would do to the garage, and whether it would still be in compliance.

Mr. O'Connell agreed, explaining that the total width in the front was 38 feet and, for a three-car garage, they were required to have 27 feet. He stated that they have plenty of room in the garage.

Commissioner Clifford asked if they had room to shrink the garage but still have a three-car garage. He didn't want to approve a three-car garage and then after approval find that they have a two-car garage and storage. He asked the height of the ground levels to the bottom of the floor rafters for the crawl space.

Mr. O'Connell stated that the code required 18 inches minimum but it could be taller.

Commissioner Clifford asked how tall it was.

Mr. O'Connell stated that it wasn't going to be much taller than 18 inches because it would slope with the hill, going from more than 18 inches then 18 inches in the back.

Commissioner Clifford stated that he wanted to be clear on how they were planning it.

Mr. O'Connell stated that they might not have a crawl space but use slab on grade depending on how the grade works out, but it wouldn't change the elevation of the house at all, as it would use slab instead of floor joists.

Commissioner Leon asked if it would be a huge imposition to ask him to update the plans and then bring them back for review.

Mr. O'Connell stated that he wouldn't be opposed to that, but he would like to submit the building plans as soon as possible.

Commissioner Leon stated that it was an easy task, he stated that their agendas have been very light with meetings cancelled for lack of items, and he thought they could accommodate him very quickly. He would feel more comfortable seeing what he was approving.

Mr. O'Connell stated that they were very schedule driven, and they would like to submit the plans as quickly as possible. He stated that the plans were pretty much ready to be turned in.

Commissioner Leon asked if they were actually ready to turn in now.

Mr. O'Connell explained that he could turn in the plans for a building permit on the next day.

Commissioner Campbell stated that, generally, they would want to see plans when they were changing. He thought, if there was a material or substantial change coming he would be more interested in seeing the final plan, but he didn't necessarily see that process as having to come back to add value, considering the minor tweaking. He didn't feel it would be necessary. He was expressing his views to show the applicant that there was an alternate viewpoint.

Mr. O'Connell stated that the house was a 40 x 40 box, and they have 160 feet of perimeter, and if they take a foot off on one floor, they would be at 160 square feet and, on two floors, it would be 320 square feet and they would be complying with the ordinance. It would be a foot maximum, which he thought was small given the overall scale of the house.

Commissioner Clifford asked if he was ready to submit the plans tomorrow after finding out about making the change today.

Mr. O'Connell confirmed that it was correct. He explained that they would still need to make the change later this evening, but they would have them ready to be turned in on the following day.

Commissioner Evans understood that there was a front door, but he didn't see how to get to it.

Mr. O'Connell stated that the stairs were on the northern side of the property.

Commissioner Evans stated that he was guessing it was behind the trees and would be going up to the door.

Mr. O'Connell acknowledged that it was hidden in the rendering but they could see it on the site plan.

Commissioner Evans stated that he was only guessing that it was behind the trees.

Mr. O'Connell acknowledged that it was hidden on the rendering, but they could see it on the site plan.

Commissioner Evans reiterated that he questioned it because none of the plans addressed how the entrance was to get to the door.

Mr. O'Connell stated that they planned on having some landscaping screening on the front, mentioning that there were several homes with similar entrances on Stanley.

Chair Gordon opened the Public Hearing.

Alice Whealey, 216 Stanley Avenue, stated that the proposed development was out of character with the neighborhood on two aspects. An enormous amount of the lot was covered by paving to accommodate a three-car garage and had very little landscaping in front. She felt the photo provided to neighbors was misleading because the large shrubs and trees give the impression that there was adequate landscaping, but the grounds plan submitted indicated how much of the lot was paved over rather than landscaped. She felt this was bad for runoff and drainage which was already a problem on Stanley Avenue and was out of character with the current surrounding homes which devote much less of their front lot space to garages and pavement and much more to greenery. She stated that the outside entrance does not face the street, and was not the same as having a side entrance in which the door still faces the street. The door on this development does not face the street but rather the side, and she felt this presents a highly unfriendly façade to the street and a bad development in terms of security and neighborhood relations and give an apartment like institutional aspect to the development. She stated that you do not improve the parking situation by adding another household. She added that you may have zero impact if everyone within the household always parked in their garages but since no one else can use them, you do not improve the situation at all. She stated that people still park in the street even though they have garages and use the garages for storage. She was not surprised to learn that the overall bulk of the building, including the garage, has led it to being a possible mega-house. She felt the building significantly exceeds that of the neighbors and adds to the apartment-like aspect of the building. She concluded that the house was currently designed with no front yard space, no street front entrance and a small amount of street front devoted to landscaping and looked more like a multi-unit or institutional structure than a single unit house in a residential neighborhood. She saw all those features as part of a strategy of converting it to a multi-unit building.

Mr. O'Connell stated that he had nothing further to add.

Chair Gordon closed the Public Hearing.

Commissioner Leon mentioned reading in the staff report that, because of the slope of the property, he was precluded from using permeable surfaces in his concrete work.

Mr. O'Connell responded affirmatively.

Commissioner Leon asked if that was referring to all areas, including the back patio area in the rear of the house.

Mr. O'Connell stated that the rear of the house would be level and they were not precluded from using it there.

Commissioner Leon asked what he was using in the back.

Mr. O'Connell stated that the current plan was concrete.

Commissioner Leon asked if it was going to be pervious.

Mr. O'Connell responded that it was not.

Commissioner Leon asked if it was going to put too much water in the soil behind the structure.

Mr. O'Connell stated that they would not be putting any water in the soil behind the structure. They would have yard drains and foundation drain. He added that they were open to making that area pervious but he stated that they cannot do it on a steep driveway otherwise the water will not infiltrate and there is no benefit to having pervious.

Commissioner Leon asked if he has calculated the amount of runoff they will generate off the site.

Mr. O'Connell responded that they hadn't, adding that a standard 50 x 100 lot it was very minimal, probably less than one cubic foot per second.

Commissioner Leon stated that, according to the plan, they were going to have 1145 square feet of paved area, which includes driveway and rear yard, along with 1500 square feet of roof, which will be 2600 square feet of impervious surface on a 5000 square foot lot. He read in the staff report was that they were going to comply with the San Mateo County Storm Water Pollution Prevention Plan.

Assistant Planner Farbstein stated that there was erosion control measures and other things, stating that they would be complying all the measures.

Commissioner Leon stated that there were other projects where hydrology has been an issue on hillsides with water coming off, and he thought it looked like over half the lot was going to be impervious surfaces, and he wondered if staff felt we had enough hydrology information.

Assistant Planner Farbstein stated that there would be information submitted for the plan check. She added that, as part of the building permit, there would be additional information such as the lot not being allowed to drain onto adjacent properties, and it will have to be collected. Because of green building features, they may need to collect the runoff water in cisterns or landscaped areas.

Commissioner Leon stated that the numbers of square footage total weren't addressed in the staff report in regard to any type of analysis. He felt those would be significant numbers to consider about where the water will be going. He didn't know if there were storm drains or all surface runoff onto the street.

Assistant Planner Farbstein asked him if he was asking about storm drains, but thought it was a question better answered by the Engineering Department.

Mr. O'Connell thought he might be referring to our storm water treatment requirements and water quality regarding the pervious and impervious areas. He stated that the state requirement for storm water treatment in detached single family homes with an impervious area of less than 5000 square feet are exempt from any kind of treatment requirements, and that was why there were no specific treatment measures in this plan.

Commissioner Leon stated that on the Pedro Point area, there were some streets that have no storm drains and the water is running down the streets. They had testimony in the past regarding concerns over that and there were some problem areas where culverts were put in with substantial work done by the city to help move water in a manageable fashion. He stated that it was a concern of his.

Commissioner Langille asked if there was a plan to put solar on the roof.

Mr. O'Connell stated that there was not at this time.

Commissioner Evans referred to Commissioner Leon's question regarding the roof and paved surfaces, and asked for confirmation that from the site plan it appears that almost half of the driveway will be covered by the roof or the deck.

Mr. O'Connell stated that there was a little bit of overhang but not very much.

Assistant Planner Farbstein stated that there was a 9-1/2 foot overhang on the second floor that would go over the driveway.

Commissioner Langille stated that she was familiar with the project because her sister lives on the street and she visits frequently but she didn't know if there was a storm drain system on the street, but it was a pretty much a mess as far as drainage and she would agree with the other Commissioners who brought up the issue of storm water runoff. She didn't know if the condition needed to be changed or added, but looking at the amount of impervious surfaces it is a concern on that street and neighborhood. She feels it needs a close look in some way. She didn't see a need to bring the project back to the Commission, because she thought the change was not substantial and she felt they could look at the plans and deduce what the minimal change will do to the design but she didn't think it would be a large impact. She thought there was a hodge-podge of houses on the street. She thanked the neighbor for showing up and making her comments, but she felt that, while bringing the house closer to the street changed the look of it, taking the upper hill neighbors' views was important as well, and she felt that was a good thing to bring it closer to the street. She also assumed that the applicant will use their parking to take parking off the street because there is impacted parking on the street. She thought the three-car garage was a good thing. She mentioned that the Commission comments on design, going into detail about what they think about the design based on their own aesthetic and opinion. She stated that this was not her favorite design, but because the neighborhood was a hodge-podge of different designs, she thinks it does fit in. She thought it was a bit bulkier, but she felt it fits within the design guidelines. She thought they should take a close look at the runoff and drainage.

Planning Director White clarified that Condition No. 21 was actually a condition that relates to drainage and runoff, and was a standard condition that Engineering applies to most new single family homes but it was an opportunity to examine it in a detailed way. He stated, if there was an interest in adding language, this would be the appropriate place.

Commissioner Langille thought they could add to the end of the condition that all site drainage shall be discharged onto the street but there may or may not be an existing storm drain which would change how drainage discharged onto the street would run.

Commissioner Clifford stated that there were no storm drains on that street and it was a mess when it rains, so it will need to be carefully worked on in terms of what to do with the runoff. In terms of the roof overhang, it was the same whether it does or does not hang over, and they would wind up with the same amount of square foot coverage. He was a little uncomfortable with voting for this project. He didn't dislike the project, but he was uncomfortable voting for

something that he was not actually seeing. He would like to see what the intended changes really map out on the plans as opposed to what they were being told.

Commissioner Evans stated that he liked the design and commented that there were no two houses the same in that area. He thought it would be a nice fit, adding that it was not as boxy as an adjacent house. He stated he can go either way as far as having the applicant bring the plans back. He felt, if the Director and staff are comfortable with reviewing them, he would be fine. He was torn on the drainage. He was up there and thought the lot was a complete mess. He was surprised that they haven't had mud slides as it is and he would like to see something in the plans to control some of that. He asked where the rain goes from any of the houses, in the street, or in the ground, and we cannot control that. He didn't think there was any place for the applicant to store that kind of runoff and he didn't think it would be right to ask him to store that kind of runoff. He agreed that we need to control it, but he thinks the control needs to be in the street area rather than into the house because it was going downhill no matter what they say. He was in favor of the design. He appreciated the neighbor coming forth and expressing her concerns. He liked the house and didn't think the side door was an issue, adding that half the houses in town were side doors.

Commissioner Campbell stated that he was mindful of the design aspects of the home and he appreciated the public concern. He thought it was a nice looking house and the side door entrance was something he sees a lot of. He didn't see that as a reason to deny the project. He was mindful of the argument that it could be subdivided in the future, but if this house had the duplex look or design, maybe they could talk about it, but there was only one kitchen in it and they have to take the plans as they are, and it didn't seem like it would be susceptible to carving up in the interior. He felt it was a decent fit. He acknowledged that we had a drainage issue up there, but it seemed unfair unless they have a moratorium on construction up there. He felt the "horse was out of the barn" on that one. He thought we need a larger look at what was going on with the drainage, and he thought that might be something worthwhile for the Commission or Council to look at. He felt this was an incremental drop in the bucket type of issue. He thought they had cut projects loose where they had to design things to the city's specifications pursuant to conditions in the past that have been bigger in scope and scale than this. He thought it was curious that they would bring this one back for a one foot shave off the sides as opposed to other projects that they have cut loose. He was interested in further comments from his fellow Commissioners.

Chair Gordon referred to Condition 21, which was standard language, and the fact that conditions in the area were not ideal, and he asked staff if they would suggest any tweaks to that condition.

Planning Director White stated that he would not, and was merely responding to the discussion they were having. He stated that, given the circumstances that they essentially have conceptual plans, and until they have the technical plans, it would be difficult for the engineering department to review anything. That was why they had these conditions to set the wheels in motion so they can review the technical plans to determine if the project is in compliance with all the applicable regulations for state and city. Short of having construction plans before them, he was not sure how else they could do it. He mentioned some sensitivity to reducing impervious surfaces and he thought that would logically reduce the runoff, and he was thinking along the lines of adding language about pervious surfaces. Beyond that, he wasn't sure what they could do before the Engineering Department had the opportunity to review the construction plans.

Chair Gordon was fine with the design. Although it would not be his first choice, he didn't think it was a place for them to impose their own aesthetics on the plans. He thought they contributed to the aesthetics of the neighborhood. He was also not concerned about the side door issue. He also agreed with Commissioner Langille's comment that the applicant has brought the home as close as possible and maxed out the front setback but there was a valid reason for that in terms of minimizing the impact on the views of the neighbors above him. He was torn on the subject of bringing it back a second time. He was sensitive to the comments of Commissioners Clifford and Leon regarding being uncomfortable to deliberating on a project that really isn't the project in front of you. He didn't think it was best practices, but under these circumstances, the applicant says he is going to take off a foot off of each side on two levels, and that does not seem like a big deal or that it will be a total redesign. He concluded that he was comfortable in making the decision based on the plans before him, given that the modifications are minor. He would like to see the condition to include that the Director review the plans to ensure that they are substantially consistent with the design that was approved.

Commissioner Leon stated he was softening on the plan if they can make a condition that, when the revised plans comes in, if it was anything other than a one foot shrinking as discussed by the applicant and heard by the Commission, then that plan will come back, and that will do it for him. He was still uncomfortable with the amount of impervious surfaces, and he was interested in anything that will slow down the water, whether it is rain water planters, rain barrels, etc., to keep the acceleration from hitting the street and gaining further acceleration, reused or managed into the runoff. He would suggest that a specialist who could advise the applicant as far as some strategies would be his preference because over half the property is now impervious and that is significant. He thought, if it was a mess now with the property receiving the water and charging the soil, all of that 2500 square feet plus will run on to the street unless some type of strategy is put in place. His suggestion is that there be a condition for a specialist consultation and those recommendations be incorporated into the project. He added that he was not trying to tell him what to do but have an expert work with the staff and applicant and come up with something. He thinks doing nothing was the least desirable outcome. He felt that we should do what we can to help until something of a bigger scale happens. He cannot speak on the design, acknowledging that there was every kind of design up there. His last remaining issue would be the condition on the design and a recommendation for an expert to work with staff to come up with strategies to slow down the water that was going to be coming off, mentioning something allowing the water to come through the hard surfaces. He hasn't seen anything that offers this audit was the only alternative, which was to pave and let the water run off. He felt they were not doing the area a service unless they take a stronger look at that.

Commissioner Clifford liked the condition about the one foot shaving, that if it was anything other than that it has to come back to the Commission. He could vote for that. He stated that he heard the applicant say he would use permeable surfaces on the patio area if we wanted that to happen and he would like to make that a condition since that is something they can do right now in terms of the water runoff. He also liked the idea of asking for an expert to come in and consult with the applicant in planning.

Chair Gordon referred to the suggestion of a condition if the changes were anything but a one-foot shave off, and he acknowledged that was the plan now but mentioned that on construction projects ideas change. He was not in favor of that proposal because he liked the idea of giving the applicant a chance to figure out what the best redesign is, given the target he has to achieve and then giving the discretion to the Director to figure out if that was consistent with the design

they approved or not. He stated that he didn't want to put a straight jacket on the applicant. Even though he didn't want him to vary from the design, he wanted to give them as much flexibility as possible to come up with a creative outcome. He understood where Commissioner Leon was coming from but he was not in favor of that. Regarding the runoff situation, he asked staff if that would be a modification of Condition 21 to require a consultation with an expert.

Planning Director thought it was a different condition because Condition 21 was really from Engineering to look at the technical aspects of the drainage. He thought, if they were interested in crafting language pursuant to their discussion, it would be a separate condition along the lines of Commissioner Clifford requiring the rear patio to be permeable and, in addition, having the applicant engage the services of some sort of professional landscaper, architect, and hydrologist to look at additional techniques to reduce runoff from the site. He thought the trick in crafting condition language was trying to identify the measurable outcome so that they can enforce the condition. He thought that, in some cases, the language is sort of encouraging somebody to do something and not necessarily looking for a measurable outcome. He thought this might be a combination of those two things, making the patio permeable and to encourage additional work to see if there are other ways to reduce the runoff from the site without having a measurable objective. He was comfortable with that as long as it was clear. He also thought the applicant would have to weigh in on how comfortable they were with that sort of unmeasurable objective.

Chair Gordon asked the applicant on his thoughts on that as an additional condition.

Mr. O'Connell stated that, fortunately for him, he was the expert, explaining that he is a licensed civil engineer and they can accommodate looking at ways to decrease the peak runoff rate from the site, whether increasing the pervious area or using some kind of cobble energy feature before water gets to the street and they can find a solution for that.

Chair Gordon wondered if it was a conflict of interest to engage himself. He asked if he was comfortable with where they were coming from with that.

Mr. O'Connell responded affirmatively.

Commissioner Campbell was agreeable to the permeable patio. He gets the concerns regarding wanting to see the plans as they are going to be built. His sense is that it was a self-executing shrinkage because if he doesn't shave it down, he will be hitting the mega-home ordinance and be in a place he does not want to be. He is going to have to scale it down. It seems that, as a practical matter, it was not going to cause a radical redesign of the project. He felt he was going to shrink it down by a foot and it was going to look like what they have in front of them but just a little smaller and he did not see that as a reason to be looking at it again, but he was comfortable with the permeable patio condition.

Commissioner Langille wondered if they should ask the applicant if there is a definite commitment to shrinking it one foot in each direction to make everyone feel that there is clarity on that and there isn't going to be a different design, and they can trust the director to look at it and determine that it complies with what the Planning Commission approved.

Commissioner Clifford was willing for the applicant to come up and answer that question. He also had further questions related to that.

Mr. O'Connell stated that he threw out a foot because it was a nice round number and it was to illustrate that, if the house was a 40 x 40 foot box there was 160 foot perimeter and taking a foot off of that would be losing 160 square feet, and doing that at two levels would be 320 square feet and you would be at the threshold. The house was not a perfect box, but had variation along the exterior. He didn't know if it would be a foot, or nine inches or 13 inches, but it was going to be just enough to get within the threshold.

Commissioner Clifford asked for confirmation that he was hearing him say that he was absolutely going to be shaving the house down.

Mr. O'Connell stated 100%.

Commissioner Clifford assumed it would not make a difference to him if they conditioned that because that was what he was going to do.

Mr. O'Connell responded affirmatively.

Commissioner Clifford reiterated that it would not be a problem to put such a condition on this project.

Mr. O'Connell responded affirmatively.

Commissioner Clifford asked if he would be comfortable with a condition that the patio be permeable.

Mr. O'Connell responded affirmatively.

Commissioner Clifford concluded that neither of those conditions would be a problem.

Commissioner Campbell stated that the condition before him was that it was going to be a foot.

Commissioner Clifford stated that he was talking about shaving it down other than some other option. He thought he would go into the computer.

Mr. O'Connell agreed, stating that they will go into the computer and scale it by an appropriate scale factor, such as .95 or .98, just enough to get under that threshold and it may be an odd number but would be in the threshold.

Commissioner Clifford states that they will go with a condition that he is going to reduce the outside dimensions by whatever it takes to get him under the threshold, and asked if that was a condition he can live with.

Mr. O'Connell responded affirmatively.

Commissioner Leon thought the applicant said it very well and he was in agreement.

Commissioner Langille asked that the findings be included to reflect that there may be a minimal impact on private coastal views but it won't block any public coastal views.

Commissioner Clifford asked staff to read back the conditions they proposed and number them for the Commission so they know what they were proposing and voting on.

Planning Director White was not sure he could read them back because there were a lot of ideas, but he thought there were two additional conditions. He felt they could add to the condition that they suggested originally which was about making sure they comply with the mega-home ordinance. He thought they could say on that one, which was the new Condition #23, was that prior to the submittal of plans for a the building permit, the applicant shall demonstrate by reducing the volume and exterior dimensions of the home to be in full compliance with the mega-home ordinance which was reflected in the condition read previously. The new Condition #24 would be, prior to the issuance of a building permit, to submit plans to show that the rear patio was a permeable surface. He asked if they wanted to include the language to engage with an appropriate professional to look for additional techniques to reduce runoff from the site. He was open to additional language on the last part.

Commissioner Clifford stated that he wasn't sure if the applicant is a structural engineer, and that it follows that he is a hydrologist. He asked for clarification.

Mr. O'Connell stated that he was a civil engineer, not a structural engineer, although he does practice both. He has done several similar hydrology studies for property in Montara, Half Moon Bay and El Granada and he knows the routine.

Commissioner Clifford concluded that he was capable and would be considered a qualified expert in this field.

Mr. O'Connell responded affirmatively.

Commissioner Clifford was comfortable with him dealing with it as long as he knows it has to be done.

Chair Gordon stated that the patio was going to be permeable.

Planning Director White stated that, since there was comfort with the applicant providing this level of professional analysis, the applicant shall provide a study of additional techniques for reducing runoff from the site prior to issuance of a building permit. He thought they could ask him to engage a certified professional and it wouldn't make any difference. It wouldn't matter if it was him or someone else. He stated it was whatever the Commission was comfortable with.

Chair Gordon asked how they know that it was done.

Planning Director White thought that was one of the difficulties with this sort of condition. They were not identifying a measurable outcome, just saying look into it and see if there are additional techniques they can use to reduce runoff and let staff know what they find. He was not sure that they can craft a condition that they can enforce any better. It is an encouragement.

Commissioner Leon stated that it was a given that the permeable patio was going to provide reduction in the runoff. They have a qualified professional in the applicant and he will do an analysis on his project and come forward with recommendations. He mentioned that, in the past,

they have deferred to the satisfaction of the Planning Director and it would include the possibility, if the Planning Director so chooses, to go outside and seek an opinion.

Planning Director White assumed it would be either outside the organization or use additional resources within the organization. He thought, if they would get a drainage plan that was going to incorporate these new techniques, we would want our own Engineering staff to review this as well.

Commissioner Leon stated that simply, to the satisfaction of the Planning Director, would include all of those possibilities. He was comfortable with that.

Commissioner Leon moved that the Planning Commission **APPROVE** CDP-334-12, subject to conditions 1 through 24, with condition #23 to reduce the volume of the plan to below the threshold of the mega-home ordinance and condition #24 to incorporate a permeable patio in the rear where concrete paving now exists and the applicant shall provide professional assessment of water runoff strategies to the satisfaction of the Planning Director, with both tied to prior to the issuance of a building permit, and adopt findings contained in the March 19, 2012 staff report, and incorporate all maps and testimony into the record by reference; Commissioner Campbell seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Clifford, Langille, Campbell, Leon,
Evans and Chair Gordon
Noes: None

Chair Gordon 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.

COMMISSION COMMUNICATIONS:

Commissioner Clifford thanked staff for the results of the research of how other cities allow planning permit extensions and he would also like to find out how quickly they can agendize this so they can discuss what they might like to do.

Planning Director White stated that it was up to the Commission. If they direct staff to agendize it for the next available Planning Commission agenda, that would be sufficient.

Commissioner Clifford stated that he would like to see that happen.

Planning Director White stated for that purpose, they would need a motion, a second and a vote.

Planning Director White stated that, to discuss it at all, it has to be on the agenda. He stated that they could just want to discuss the findings that they made. At that point, they may want to discuss how they want to proceed if at all on potentially different arrangements for extensions in the future and that may be the appropriate time to talk about things like study sessions and other things. However, until it was on the agenda, as they know from the Brown Act training in the past, they cannot talk about it at all. Their best bet is to get it on the agenda for the purpose of discussing it and getting further direction.

Commissioner Clifford moved that they place on the agenda for discussion the results from the research of how nearby cities allow planning permit extensions and, as part of that discussion, to be able to discuss what we might also want to do, not limiting it to the discussion of the items on the report; seconded by Commissioner Langille.

The motion carried **6-0**.

Ayes: Commissioners Clifford, Langille, Campbell, Leon,
Evans and Chair Gordon
Noes: None

STAFF COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

None.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 8:30 p.m.; Commissioner Langille seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Clifford, Langille, Campbell, Leon,
Evans and Chair Gordon
Noes: None

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Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director White