

MINUTES

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

July 2, 2012

7:00 p.m.

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

ROLL CALL:

Present: Commissioners Brown, Clifford, Langille,
Campbell, Leon, Evans and Chair Gordon
Absent: None

SALUTE TO FLAG:

Led by Commissioner Langille

STAFF PRESENT:

Planning Director White
Assistant Planner Farbstein

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Leon moved approval of the Order
of Agenda; Commissioner Evans seconded the motion.

The motion carried 7-0.

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

Commissioner Clifford stated that he was going to have to abstain because he wasn't at the meeting, and he added that his name also needed to be deleted from the vote for adjournment.

**APPROVAL OF
MINUTES:
MAY 21, 2012**

Commissioner Evans moved approval of the
minutes of May 21, 2012; Commissioner Langille
seconded the motion.

The motion carried 6-0-1.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETINGS OF JULY 9 and 23, 2012:

Planning Director White stated that no liaison was required for July 9, but the General Plan amendment to the assisted living facility project was being heard on July 23. He stated that the resolution the Commission passed regarding project extension amendment request was also scheduled, and he mentioned that Commissioner Clifford was designated as the liaison for the assisted living facility and, if he was comfortable with it, he could be the liaison for both items.

Commissioner Clifford stated that, although he was not present for the vote on the amendment, he was interested in seeing that move forward, so he didn't have any philosophical problems supporting the Commission's decision and was happy to be the liaison for that item as well.

Mayor Gordon asked and concluded that no one objected to Commissioner Clifford as liaison for both.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- 1. GPA-88-12 UP-023-12 PSD-782-12** **GENERAL PLAN AMENDMENT, USE PERMIT and SITE DEVELOPMENT PERMIT, filed by the owner and applicant, Mike O'Connell, to construct a three-story single-family dwelling of approximately 2,200 square feet, a second unit of 500 square feet, an attached and detached two-car garage, and an open parking space at 900 Rosita Road (APN 023-190-090. Recommended CEQA status: MND prepared.**

Assistant Planner Farbstein presented the staff report.

Commissioner Langille was familiar with the area because of the community garden and thought part of the access to the garden was on the owner's property.

Asst. Planner Farbstein acknowledged that there was an easement providing access across the subject site to the rear of the school building which was providing access to the parking lot as well as the community garden, adding that it has been resolved between the applicant and school.

Commissioner Langille was wondering where the exact location was.

Asst. Planner Farbstein thought it was alongside the property between the subject building site and the school site, on the west side of the odd irregular lot.

Commissioner Langille assumed the road will curve.

Asst. Planner Farbstein reiterated that the easement access was across the subject site and they would be able to get access to the back of the school property. She again stated that the school worked it out with the applicant.

Commissioner Clifford referred to the public facility designation, assuming that it was done erroneously when they set up the last General Plan.

Asst. Planner Farbstein stated that they had done some research and they did believe that it was possibly an oversight. She stated that, technically, it has always been under separate ownership and separate from the Linda Mar School property so it made sense to designate it under low density residential rather than public facilities.

Commissioner Leon thought there were two adjacent lots directly behind this site, cut off by a fence, and he asked if there was access to those properties. He asked if those were developable parcels as well.

Asst. Planner Farbstein thought the owner was better able to address the access issue but she thought it would be the same access used by the school. She concluded that they were developable lots. Although she had not done a lot of research, if someone came in they would do the research and let them know. She thought there were probably issues in trying to develop them, but they were separate from the potential for development.

Commissioner Leon stated that he found the gate and chain link fence at the edge of the access road. He thought it was an unusual shaped lot and he was trying to get as many references as possible.

Asst. Planner Farbstein stated that they were notified but she has not heard from either owner.

Commissioner Evans referred to the master bathroom in the plans where the door of the water closet was opening to the toilet. He was guessing that the toilet was supposed to be on the other side of the water closet or the door was. He didn't want the plans going forward with that on them if they approved the item.

Asst. Planner Farbstein deferred that to the applicant.

Mike O'Connell, owner and applicant, stated that he would fix the bathroom design issue. He thanked the Commission and staff for having a meeting during a holiday week. He stated he had reviewed all the conditions of approval and found them all acceptable, and he was ready to answer any questions.

Commissioner Leon mentioned that there was a lot of pavement showing on the plans and he wondered about pavers.

Mr. O'Connell stated that they intended to use pervious pavers. He stated that the slope of the property was very flat and it was suitable for letting water infiltrate into the pavers and native soil before entering the storm drain system.

Commissioner Leon referred to the landscaping with flowers and shrubs, and he asked if he was agreeable to suggestions for larger shrubs or trees.

Mr. O'Connell thought it was a good idea and he talked to staff about using street trees, adding that he didn't know if there was a preference on the type of tree but he would like to have a couple of large trees on the frontage on Rosita.

Commissioner Brown referred to Commissioner Langille's question regarding access, mentioning that, in addition to the garden, there was 4-H also, and he thought the previous development on the school property had blocked access and was limited to that one small service road. He referred to a 12-foot ingress/egress easement and he asked if that was part of the negotiation with the school so those community organizations can continue to access their areas.

Mr. O'Connell responded affirmatively, adding that there was a gas meter on the site plan with a curb adjacent, and from the corner of the curb to his property line was approximately ten feet. He also has worked out a 12-foot easement with the school district so they have a 22-foot road to get to the back.

Commissioner Brown asked confirmation that the school has agreed to build a road there for access.

Mr. O'Connell stated that the road was existing and they agreed to the easement in exchange for some other things. He stated that the access easement was larger and he negotiated with the school to reduce the size of the easement so that he has more developable area. He will be

providing the school with a better, improved driveway approach to the service road, as well as installing a new sewer lateral. He stated that he has a letter of intent from the school district outlining that.

Commissioner Evans stated that, in addition to the bathroom door, he had a question regarding the rebuttal letter from the neighbor suggesting a two-story instead of a three-story. He asked the applicant's reasoning for going with a three-story instead of a two-story with a wider footprint.

Mr. O'Connell referred to the site plan, explaining that the setbacks were maxed out and that left room for about a 25-foot wide house. He felt the option to go with a larger footprint was not there.

Commissioner Evans thought as much, but wanted to get it out for public record.

Chair Gordon asked if he had a chance to read the letter submitted by the neighbor.

Mr. O'Connell responded that he did.

Chair Gordon stated that the letter made a number of points such as the height and massing not being consistent with the neighboring properties, which were one-story and a few two-story. He wanted to give the applicant a chance to talk on it.

Mr. O'Connell stated that he did read the letter from the neighbor. He stated that they prepared a shadow study with additional elevations. He passed the pictures to the Commission members, stating he would address the impacts to shade and light. He pointed out the setback between the existing structure and the proposed structure, varying between 40 and 46 feet to a single story section of the house and between 50 and 57 feet from the third story of the proposed development to the existing structure, adding that there was quite a bit of space. He felt it was evident on the rendering and, on the street elevation, they can see how much space there was between the two homes. He stated that it wasn't as though they were building a three-story structure between two Linda Mar ranchers with a five-foot setback on either side.

Chair Gordon asked that he bear with them as they distribute the material, adding that there were a lot of seasons represented.

Mr. O'Connell stated that they wanted to be thorough. He started with the elevation which showed the daylight plans, which was not required in Pacifica but was used in other cities, by drawing a 10-foot vertical line at the property line and a 45 degree angle, and not encroach into that space which will help preserve the light and shade between the two structures. He stated that they had such a large setback to the neighbor on the side and they don't encroach on the daylight. They started the shadow study in June at 6 p.m., 7:00 p.m. and 8:00 p.m., explaining that at 6:00 p.m. there wasn't much of a shadow cast on the neighbor's house, just a little on the side yard. At 7:00 p.m., the shadow does begin on the west wall and at 8:00 p.m., the shadow covers the west wall and part of the rear wall. However, he pointed out that there were no existing windows on the west wall and, by the time the shadow gets to the rear portion, it was already 8:00 p.m. with less than 45 minutes of daylight left. He referred to the neighbor's concern about protecting passive solar energy, but on looking at the site plan, it is the broad side of the proposed development and the existing structure next door faces south which was where all the passive solar energy would come from.

Commissioner Campbell referred to the sheet showing the view of the adjacent home to the east where there were no windows facing the subject property, and he asked if that was the side to which they were referring.

Mr. O'Connell responded affirmatively. He added that the neighbor's house actually cast a shadow on his parcel in the morning hours and on the winter shadow study, between 8:00 and 11:00 a.m., he was actually in the shade also. He concluded that he was in the shade in the morning, the neighbor was in the shade in the afternoon but they were all in the sun for most of the day.

Commissioner Langille asked if these took into account that the sun was behind the ridgeline at a certain point already.

Mr. O'Connell confirmed that it was behind Pedro Point and Montara Mountain in the winter. He stated that he didn't take that into account because that was an advanced shadow study.

Commissioner Langille concluded that he already lost direct sunlight by a certain time.

Mr. O'Connell wasn't sure but it happened sometime in the late afternoon or early evening. He stated that they also evaluated it during the spring and autumn equinox and there wasn't much of a shadow cast on the neighboring property at all, adding that it was cast from the fence and not the proposed development. He then pointed out the shadow study done for July at 7:00 and 8:00 p.m., to indicate how much shadow was lost between the summer solstice and one month later. He thought it was a small window of time when the proposed development would cast any kind of significant shadow on the neighboring parcel, a small window during the calendar year and during daylight hours.

Chair Gordon thanked him for the shadow studies which preempted his request.

Chair Gordon opened the Public Hearing.

Bill Feyling, 964 Rosita, stated that he was the author of the letter to which they referred. He appreciated the Commissioners asking about some of the concerns he mentioned. He appreciated the shadow study which eased some of his concerns on the passive solar portion of his home. He then stated that he still objected to issuance of a use permit and a site development permit. He reviewed the design guidelines by Pacifica and he felt this project failed to meet the guidelines on several issues, which were outlined in his letter. He mentioned that it was an infill project and he felt the three-story structure was not in character with, and completely out of scale with, the surrounding neighborhood. He felt that, at 35 feet, it would be a third taller than the Linda Mar gymnasium on the nearby structure. He also felt that, at 2,800 square feet and five bedrooms, with a four-car garage, it was out of character with the Linda Mar ranchers and most units in the surrounding neighborhood, all typically in the 1,000 to 1,500 size, with 2,200 feet as the largest in the neighborhood. He thought the second story living space changed the dynamics of the neighborhood and privacy, especially on his property. He felt the living space on the first floor could be easily accomplished by limiting the garage space. He felt the project could be stretched out, questioning the requirement of a 30-foot setback between his property and the subject property. He felt it could be stretched out, dropped down and be more in character. He also felt that the decks and dormers used to mitigate the third story admitted that the third story was a

problem in the neighborhood. He felt that the decision was groundbreaking, mentioning that in the past 20 years, he has walked and driven in the neighborhood and has never seen any three-story structures on the valley floor. He mentioned that even the apartments on Adobe are two stories. He felt it was the wrong decision and he asked that they ask the applicant to return with a two-story design.

Chair Gordon closed the Public Hearing.

Mr. O'Connell pointed out some inconsistencies in the letter, specifically his project being referred to as a multi-unit development which implied that it was similar to an apartment complex but it was a single family home with a second residential unit, helping Pacifica meet the state mandate for affordable housing. He stated that the project was not 35 feet tall but rather 33 feet 9 inches tall. The project did not have 2,800 square feet of living space but 2,381 square feet of living space. The lot was also not substandard, with 191 feet of frontage on Rosita and was almost 98 feet wide at its widest point. He referred to scale, suggesting that they compare apples to apples. He stated that the house was on a 10,000 square foot lot with a lot coverage of only 16%, while a typical Linda Mar rancher has a footprint of about 1,500 square feet on a 5,000 square foot lot for a lot coverage of 30%. He concluded that this development had half the lot coverage of a typical lot in Linda Mar. He also mentioned that the proposed development has a smaller footprint than many of the two and three story houses in the neighborhood on Higgins and Adobe. He also pointed out that Section 1c of the initial study indicates that the project would have a less than significant impact on the existing visual character or quality of the site and its surroundings. He also mentioned that Mr. Feyling had made several visits to the Planning Department. He was notified after those visits, and he did reach out to Mr. Feyling by leaving his business card at his house but he was never in contact with him to discuss these issues ahead of time. He also did not believe they were setting any dangerous precedent because they took a lot of thought and consideration in the design by preserving the light and shade for the neighbor. It was also a small footprint and reduces the impervious area of the site by almost 50% and he thought that would be a good precedent to set. He mentioned that all the other houses in Linda Mar didn't need to come to the Planning Commission to build any house they would like.

Commissioner Evans asked staff about the report mentioning that the scale of the project was less than 3,100 square feet of living area for the project, and was larger than some and smaller than others in the neighborhood. He assumed that it meant in square footage, mentioning that across from the school, there were two streets of new development that looked pretty large, although none three-story. He was asking confirmation that there were other homes that were larger.

Asst. Planner Farbstein agreed, adding that it was the case along Adobe as well. She stated that the new homes tend to be larger.

Commissioner Evans acknowledged that the older ones weren't, but the newer ones across from the school looked new and quite large with hardly any setbacks. He commended the setbacks on this project which would help in the design with that large of a structure. He thought it has one foot up being next to the school which was a large building with a big footprint. He thought, if this lot were among residential all around it, he would think twice about it.

Commissioner Langille had some concerns about the scale of the house. She acknowledged that there was a school next door, but on looking at the height and narrowness, she felt that it could stick out like a sore thumb when built. She did acknowledge that there was a lot of diversity in

the neighborhood and she was tempering that with the school but having a hard time with the position and nothing behind it. She didn't think the school was that close to it. She reiterated her concerns about three-story homes in that area, with the closest three-story houses up on the hill which changes the nature of the visual and her concern was more with the height, not the size.

Commissioner Clifford asked if there was anything which would preclude the Linda Mar ranchers from adding on and becoming larger homes.

Planning Director White explained that the surrounding residential neighborhood could all potentially be remodeled to be similar to the building before them. He stated that the only difference was that they would not be required to go through any discretionary approval process and could do it with only a building permit.

Commissioner Campbell appreciated the public comment and the attention to the design guidelines which he felt were important to consider. He mentioned that the lot was 10,000 square feet and the applicant was building a house that was smaller than what would be allowed on a standard size 5,000 square foot lot in Linda Mar. He referred to the fact that they have fought for scaling back homes as big as this on standard lots and have asked for things like daylight planes and shadow studies which they haven't gotten in the past, yet the houses were built. He thought the size of the lot would give the applicant some wiggle room to build this house. He stated that he was looking at the mega home ordinance which stated that, in this case, the larger lot size of 10,000 square feet would allow a total floor area of 3,600 square feet and the applicant did not do that. He mentioned that a lot of times, applicants come in large and then scale back, but this applicant came in without playing the game which was nice to see. He stated that he could lower it and stretch it out, but they could easily say that they would be arguing for him to squish it and put it up. He didn't want to minimize the concerns of the neighbor and, if it were a standard size lot and going up next to the neighbor in Vallemar or Linda Mar, he thought they would have a longer meeting. He referred to possibly a 2,200 square foot house in the area, and felt that, being 2,400 square feet of living space, it seems like a reasonable use of the land.

Commissioner Brown thanked staff for an excellent detailed report and the owner as well, especially the last minute shadow drawings, adding it was nice to see completed work of such high quality presented to the Commission.

Commissioner Leon visited the site and he was struck by the location. He thought it seemed to be on the edge of the neighborhood with the school and Shamrock Ranch entrance on one side and the transition to a couple of private streets with larger two-story homes across the street. Because of the width and size of the lot, and the second residential unit figuring into the living space as well, he thought the size was reasonable. His concerns have to do with landscaping; that is, trees for vertical elements working with the building on three sides, which he thought would go a long way into softening the vertical appearance of the building. He referred to three-story projects where they used different materials to break up the mass of the lower two floors, and he thought some different type of treatment by the stairwells might go a long way into breaking that appearance in the front. He thought the average construction for new homes was 2,500 square feet which he thought was a reasonable size, concluding that 2,200 square feet on a 10,000 square foot lot, even with the second residential unit, was under the standard, and assuming that they were looking at a 500 square foot second residential and the standard was 750 or 800, they were well under their standards. He tended to look at projects critically and on this one, he was looking critically at landscaping and some treatments to the façade. He thought that if this house

was planted in the middle of a block of one-story Linda Mar houses on a 5,000 square foot lot, it might be a different take, but the location and size around the parcel and the proximity to the rest of the neighborhood was in a transition area. He also asked staff earlier about the easement going to two other lots directly behind this, and he could see someone coming in and, instead of having two vacant lots owned by the same person, they could put a development in there. He didn't know what they would put in there, but he could see where someone might want to put something in there. He thought the point was that the lots were buildable with access and we can expect some reasonable development will take place. He thought the applicant might be able to comment for the record regarding the landscaping with trees on three sides to the satisfaction of the Planning Director, given the concerns mentioned. He commented that one picture had trees on it, but they weren't on the actual plan.

Mr. O'Connell agreed with his concern, and pointed out that both of his concerns were imbedded in the conditions of approval from the Planning Department, mentioning condition #2 states that prior to issuance of a building permit, the applicant will submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director which speaks to his thoughts of breaking up the façade with different materials. The third condition was that the applicant shall file a landscaping plan prior to issuance of a building permit.

Commissioner Leon stated that he would like to see trees around the three sides which would take care of street views from critical points. He asked about using a contrasting material or color to break up the mass appearance in the front, especially with the landing and stairs going up.

Mr. O'Connell stated that they can explore that, mentioning having some different siding material on the dormers on the back of the house, plus some other possibilities.

Commissioner Leon asked if he was amenable to that.

Mr. O'Connell responded affirmatively.

Commissioner Leon asked how staff would come to an agreement on that.

Planning Director White thought they could talk about that once they get to that point of making recommendations, but while there are general conditions, from staff's perspective, if there were some specific outcomes desired, he preferred that the language be included in the condition so that, when the building permit comes in, they can refresh their memory about what was intended.

Commissioner Leon stated that those were his feelings and the other Commissioners can weigh in. He would like to see the project go through with those changes. He heard the applicant say the paving was going to be permeable and he would like that to be a condition.

Chair Gordon thanked the applicant for being extremely prepared. He appreciated the shadow studies which addressed a major concern that he had. He also appreciated all the comments by Commissioners which raised everything he had on his mind. He stated that this was an interesting project because if this application was in a different location in Linda Mar or other areas, he would have a harder time with it. He did a site visit and he looked hard for some three-story homes but couldn't find any unless going above Higgins. He sees the neighbor's point about it being out of character and he can appreciate Commissioner Langille's comments that it would stick out, both with the view from the neighbor and school, as well as from behind or the

south. He acknowledged that it would be big in terms of height, but he also thought it was a very unique location, with a large lot which was in a transitional area and which was the beginning of the residential area, adding that it wasn't in the middle of ranchers. He appreciated that, while it was tall, there were some modest elements to it, such as sight setbacks and not maxing out the lot. He thought that, in different circumstances, he would have a hard time with it but, on this lot and location, he thought it would be an upgrade to the neighborhood. He had high hopes that it will be a beautiful project that will bring value to the area and he would be in favor of the project.

Commissioner Clifford asked if the permeable pavers were already conditioned or would they have to do that.

Planning Director White stated that they just double checked and they were not in the plans, merely indicated as pavers. If they want it to be clear, they should indicate an additional condition that the hard surfaces, driveway and patio are going to be permeable.

Commissioner Clifford stated that he would be in favor of that, as well as the other commissioners. He was impressed with the setbacks and shadow studies, and he was pretty sure that he would be voting for it. He felt it would be an upgrade for the neighborhood in the long run.

Commissioner Langille stated that she would also be in favor of the permeable pavers. Her comment regarding the house sticking out was looking at the unusual location with a certain amount of traffic going to the site in the rear. It was an unusual lot with traffic to the side and rear. In addition to the comment about trees, she thought landscaping would definitely help to soften up the look. She appreciated the shadow studies but, in looking at one at the back of the house, she was imagining landscaping since it will be seen from the rear by the public. She thought the addition of perimeter trees in the rear of the house would soften the look and provide privacy for the occupants and she would like the rear landscaping, such as trees, added as a condition.

Commissioner Evans appreciated the detailed report. He asked for confirmation of the statement on page 6 that it was in character with the neighborhood, since many residences in the surrounding area were two-story dwellings. He asked if they were comfortable.

Asst. Planner Farbstein stated that, the way the roof line was designed with the dormers, and at least two different types of materials being used, with setbacks as well, she felt it was compatible with the neighborhood.

Commissioner Evans also commended the applicant for the very good paperwork and the last minute shadow studies. He agreed with Commissioner Brown that this was the first time he has seen such detail in a house study. He would be leery of this in a different area, in the middle of ranchers or two-stories, but he agreed that this was on the border of the very large school lot. He was more likely to not have a problem with the height. He also referred to the A1.1 drawing which indicated that the footprint was smaller than the house next door. He didn't see a problem with the footprint and agreed with all the commissioners' ideas about the permeable pavers and surrounding borderline landscape coverage. He concluded that he didn't have anything in front of him to say no to and he didn't see any major glaring issues. He acknowledged that the neighbor may not agree, and he apologized. He understood his concerns and would probably also be concerned, but he didn't see anything that they could say no to.

Commissioner Campbell referred to Commissioner Langille's perimeter tree idea, and while he appreciated her comment, he wanted to be sure they didn't end up requiring privacy trees or trees that the neighbor may not want.

Planning Director White stated that he had the same thought. He thought they could craft some language that would require perimeter trees with a caveat being that the trees adjacent to the neighbor's property be coordinated with the property owner regarding location, size, type, etc.

Commissioner Clifford referred to the trees, stating that he thought they had some ordinance that they can't make a fence out of trees so he wanted to sure they don't go that far.

Planning Director White stated that the ordinance was more about bushes and shrubs so they don't act as a fence and become taller than a fence. Trees generally don't fall in that category, although he thought they could if they were close enough together, but that wasn't what he was hearing.

Commissioner Clifford reiterated that he wanted to be careful that they don't tell him he has to have them every ten or five feet.

Planning Director White stated that he was not suggesting that level of detail. He felt they could leave the landscape plan to the landscape planner but try to craft language that would indicate the Commission's intention regarding trees as well as coordinating with the adjacent property owner to make sure it was not a concern to him because of issues about sunlight and solar access.

Commissioner Clifford agreed, stating that they didn't want to create a problem at the same time as they are trying to solve one.

Chair Gordon thought, for the most part, they had support for the project with some additional ideas regarding landscaping and façade treatment. He wondered if anyone would like to try a motion or do they need to flush out the ancillary items further.

Commissioner Leon asked for staff's input on coming up with a reasonable equation as far as spacing and size, mentioning that there was a big push for selecting native trees for obvious water reasons.

Planning Director White didn't know if they wanted to get too specific about the spacing. He felt it was hard to say what works on the site and he would leave that to the landscape designers, but he thought their idea was that they wanted to have a certain number of trees that will mature soon on the perimeter of the site, street frontage and rear property line. The one caveat was that any trees proposed on the eastern neighbor's property line would be coordinated with that neighbor to make sure any issues regarding sunlight, etc., were resolved. He thought the City had adopted a tree list and the applicant could use that as a starting point, while agreeing that native drought tolerant trees were the way to go. He didn't know what the exact language was; maybe adding language to condition #3 was a fairly simple matter. He also heard an interest in language about permeable pavers, suggesting that they could add language to condition #2 which talks about general finishes and colors, or create a new condition which says something such as all driveways and patios shall be permeable pavement which would not limit them to pavers. He stated that there was a comment about breaking up the building in terms of designs, colors, materials, etc., and that was something they dealt with on an ad hoc basis because it was hard to craft a condition

to break up the exterior since they aren't quite sure what design will be created. They can allow them to do it, rather than limit them too much. They can also review the minutes and refresh their own memory. He stated that, if the Commission was comfortable with that, staff was comfortable with that. If they want more detail, then they can probably come up with something.

Commissioner Leon thought that if they did something effective with the landscaping and tree placement, he thought it would go a long way. He reiterated that it was a concern on his list, having it all homogenous in the front. He stated that the applicant came up with a few suggestions of his own, and asked if that was something staff was comfortable working with.

Planning Director White responded affirmatively.

Commissioner Leon asked if they would put that in as a condition.

Planning Director White stated that it could be either way. They can put a condition that gives them flexibility to play with external materials that was fine.

Commissioner Leon asked where that would go.

Planning Director White thought it would be under condition #2 also, because that now says that part of the issuance of a building permit would be for the applicant to submit information on the exterior finishes, including colors, materials, etc. He thought it seemed logical to put it in that condition.

Commissioner Clifford stated that he was trying to remember the size of the pot they usually ask for, stating it has been a long time since they requested trees. He thought they used to ask for a 50-gallon box.

Planning Director White stated that it was a 24-inch box which held a mature landscape tree.

Commissioner Clifford stated they would want to see that when they were crafting the language.

Planning Director White stated that there might be some trees smaller than that but these trees would be a minimum of a 24-inch box.

Commissioner Brown stated that he was a little uncomfortable specifying size and location of trees on the project, and was also uncomfortable specifying materials for the driveway and siding of the house other than what was covered in the General Plan and already in the package. He felt it was starting to border on personal taste and, while he agrees that the design would look better with trees, he happened to know how much 24-inch box trees cost and he felt it would be putting an economic burden on the developer of the site. He also knew that permeable pavers are more expensive than regular pavers, adding that they weren't very common in the City. He didn't think the pavers had a large coverage of the lot. He agreed that they would be beneficial and he would encourage their use, but he was hesitant within the bounds of what they have been asked to do in approving a site development permit and a use permit to get much more specific than what was already being presented. He reiterated that he was not challenging the perspective, and agreed with some of the comments, but was not comfortable going so far as to make those requirements additional to what was already covered.

Commissioner Leon respectfully disagreed with Commissioner Brown's comments. He explained that, because of the unique quality of the design, the trees were becoming an essential solution to erasing concerns regarding the height of the building and its location. He felt it worked in everyone's interest, most of all the neighbor's and the neighborhood. He felt that having a potentially pleasing landscape plan where you can see physical evidence that there was going to be some softening of the building went a long way. He wasn't for adding extra expense, but what he thought they were doing was improving the visual aspects of the project and one way to do that was with trees. He didn't see another solution and, if there was, he would like to hear it, other than to leave the site bare of trees and let the building stand alone. On the issue of permeable pavers, he felt it was absolutely essential to keep as much water on the property as possible and not add to water runoff onto the streets of Linda Mar, adding that they already had a problem with storm drains. He felt, the more problems they push onto the streets of Linda Mar, the bigger problem they will have with storm drains. He reiterated that he wasn't there to add extra costs with permeable pavers, but he saw a direct benefit by having them on the project property. He did not see these items as being superfluous but as an essential requirement. That was his opinion and he hoped it was the opinion of the majority of commissioners.

Commissioner Campbell referred to condition #11 regarding green building, which stated that the project must comply with Ordinance 779-CS by incorporating green building requirements in the construction of the project. He asked if the applicant was already going to be implementing green building items.

Planning Director White stated that the green building ordinance did give points for permeable surfaces, etc. He knew there were other ways to comply with the ordinance as well but this was one way. His point was that, if they want a particular outcome, they were better off putting it in the condition rather than assuming the green building ordinance would somehow make it happen. He felt that, if they want permeable pavement which he didn't think was unreasonable, they should ask for permeable pavement which can be concrete, and if they want trees, ask for trees. He reiterated that he would defer to the Commission on whether they want those things. If they do, he suggested they add it to the condition.

Commissioner Campbell was torn because they did pass the green building ordinance to facilitate green building and ease the planning process for builders and applicants as they can use the ordinance. He felt that it was difficult to add more when you have the green building ordinance. He saw Commissioner Leon's point, and he was torn, as they did pass the green building ordinance to get at this.

Planning Director White explained that, if they condition it for permeable pavements, they get points for that in the green building ordinance so it was not lost. It was just a specific requirement of the Commission.

Chair Gordon was willing to add the conditions for permeable pavers and for the tree planting. He thought several commissioners' comfort level with the project would be dramatically increased with one or both of those conditions. He thought this house would stick out tremendously because of the height from all directions and he was in favor of trees. He thought a tree perimeter with mature trees was a very good idea and would go a long way to softening what could be a project with the potential to stick out. He was in favor of being more explicit.

Commissioner Clifford was also comfortable with going ahead and doing the two conditions. He thought it would improve the project. He agreed that they get points for the permeable surfaces and might be able to trade them for points elsewhere which might be more expensive to get and would not be a loss in that case.

Commissioner Evans asked if it was appropriate to ask the applicant a question. He asked how the applicant felt about their discussions about his project.

Mr. O'Connell stated that, for the storm water issue, he thought there was a condition from the engineering department that required a hydraulic analysis so, one way or another, they needed to reduce the peak runoff and that would be either through permeable pavers or a dry well or two, and he felt that the issue for storm water would be resolved within the current conditions of approval. Regarding the perimeter trees, he liked the idea of the perimeter trees in the front and potentially the rear, but on the side that was common with the neighbor at 964 Rosita, he felt the tree would cast a shadow on his property and, as such, he might be hesitant to commit to anything there. He would be happy to commit to 4-6 street trees placed along the front or rear of the property, depending on the landscape designer and planning staff, maybe four in front and two in back. He felt they were more for screening for the occupants of the building than it was for making the building seem less tall.

Commissioner Evans asked if he has heard anything from the Commission that he would object to about trees or pavers.

Mr. O'Connell thought that, one way or another; the project would reduce the peak runoff rate with a condition from the engineering department aimed at reducing the peak runoff rate by either permeable pavers or a dry well. He didn't think they needed to commit to permeable pavers but rather commit to reducing the peak run off rate which was the desired result.

Commissioner Evans agreed with him on that point. He felt they should let the design take care of itself at that point.

Chair Gordon stated that he heard the applicant say that, in terms of pavers, the current condition as written will take care of the issue one way or another. He asked Commissioner Leon if he was comfortable letting that one go.

Commissioner Leon stated that they were talking about reducing peak runoff onto the streets and they were going beyond pavers and talking about other solutions such as dry wells. He didn't know who would be making those determinations. He concluded that the goal was to reduce the runoff into the storm drains from the property, and his concern was how they accomplish that goal, i.e., who makes the determination and what do they rely on to say what was preferable.

Planning Director White explained that, when the applicant submits for the building permit, there was a set of plans that would have to comply with all of the conditions of approval that were within the approval. Part of that process meant that the plans would get circulated to the engineering department who will check the engineering plans in terms of the runoff. It would either comply with the intention of their condition or it wouldn't. He stated that happens on every set of building plans where hard landscaping is proposed. He stated that the applicant was correct that there was a number of ways to get there. He thought the concern was both aesthetic and philosophical about what it would look like and how it worked. If it was just a matter of making

sure that the runoff was consistent with the City standards for the storm drain system, then the condition as written would be sufficient. If they wanted something more than that, they might want to be specific about their intent.

Commissioner Leon concluded that they would have an inhouse review.

Planning Director White responded that it would be by the engineering staff.

Commissioner Leon stated that he was comfortable with the issue as presented on the plans with a lot of pavement going in. He saw a lot of mitigation needing to take place if that pavement was going to be causing runoff. For him, they seemed to be addressing them with permeable surfaces, but the goal was to comply with the runoff onto the streets and he was comfortable with that. He reiterated that we have an inhouse engineering staff that would review it and the solution would be based on their calculations.

Chair Gordon thought it sounded like the applicant agreed to some perimeter trees. He asked if the Planning Director could offer some language to condition #3.

Planning Director White thought condition #3, after sentence 2, should say that the landscape plan should include, at a minimum, perimeter trees. He questioned whether they wanted to specify size, adding that they talked about a 24-inch box or they can leave to the applicant. He stated that, if there was a number for the frontage and elsewhere on the property, they could add the number. The applicant had mentioned 4-6 or 8. He stated that was the location where the language should exist.

Chair Gordon stated that he was trying to strike a balance between Commissioner Brown's concerns around flexibility and the desire to be explicit enough to give everyone direction.

Planning Director White thought they should make it clear that, if there were any trees proposed for the rear of the property, particularly adjacent to the resident on Rosita, those trees would have to be coordinated with that property owner.

Chair Gordon thought it was universal.

Planning Director White thought it wasn't necessarily universal if they didn't put it into the condition, adding that anyone can plant a tree anywhere on their property and don't have to coordinate with their neighbor but, in this case, at least initially that coordination could take place. He concluded that they might determine that they don't want a tree.

Chair Gordon meant to say that, wherever a tree was going to be planted in proximity to a neighbor, he should be consulted about it.

Planning Director White thought that was being a good neighbor but, sometimes, the condition strengthens it a bit.

Chair Gordon agreed that it was a good place to be explicit.

Commissioner Brown stated that his preference for the language around perimeter trees would be to leave as much leeway as possible and, if there was a condition as to the location, that the only

specific location be the street front. He thought that putting trees between his house and the next house interrupted the view corridor, as well as cast shadows on 964 Rosita and putting trees behind the house limits their view to Montara Mountain. He was sensitive to infringing upon the vision of the owner and landscape architect for how best to utilize the site. He felt, if the concern was to minimize how much this stands out, the public space was all to the front of his house and he would be amenable to some language saying perimeter trees but only so far as they're on the street front. Everything else should be per the landscape architect's plans. He was not a fan of specifying size of trees, adding that with certain types of trees, the smaller they are, the faster they grow.

Commissioner Langille stated that she wouldn't make a motion because she didn't have Commissioner Leon's points on #2, but she respectfully disagreed that the public space was only in the front of the house. She felt that, with the community garden in the back and public meeting places in the back, the back of the house, while not as public as the front, was a point of concern as there will be traffic going to the back of the house.

Chair Gordon stated that it was consistent with what the applicant was suggesting, four in front and two in back.

Planning Director White stated that they were trying to adhere to all of the different viewpoints. He stated that they could have a very generalized condition, just the desire for perimeter trees, a certain number along the frontage to be determined by the applicant and landscape architect and a certain number in the rear to be determined again by the landscape architect with the caveat that the trees planted in the area adjacent to the next door property should be coordinated with that property owner and leave it at that without specifying size, exact location or anything else.

Chair Gordon stated that it sounded good but too loosey goosey. He asked what would prevent them from saying one shrub total.

Planning Director White agreed that there was always the chance that someone, not this applicant necessarily, but someone might want to do the bare minimum that complies with that condition. That was always the danger if you were not specific. If you want to be more generalized, you leave it to staff to remember what your intent was and, hopefully, implement that through the approval of the building permit plan. Staff was willing to do it both ways, stating that it was up to the Commission.

Chair Gordon asked if he meant that, even using that open ended language, there would still be some enforcement mechanism.

Planning Director White stated that typically when the permit was submitted, they would go back and look at the minutes of the meeting and try to look at what the intent of the condition was. If it wasn't specific, and there was some back and forth with the landscape architect, they would have that conversation, adding that they would do that either way.

Chair Gordon would be in favor of giving the discretion to the planning department.

Commissioner Evans was also in favor of leaving the discretion to the planning department since they already have on record the applicant's statement of how many trees he was willing to put up. He thought that said something, specifically four in front and two in back, and depending on the

neighbor, how many if any they want. He felt that was stated in the record. He was comfortable with what staff has recommended.

Commissioner Campbell stated that he would be willing to make a motion based on what staff recommended, and he didn't think they needed to repeat it verbatim.

Commissioner Campbell moved that the Planning Commission **ADOPT** the attached resolutions: (1) **ADOPTING** the Mitigated Negative Declaration and **ADOPTING** the MMRP, (2) **APPROVING** the Site Development Permit and Use Permit; and (3) **RECOMMENDING APPROVAL** of the General Plan Amendment to the City Council for the single-family dwelling with a second unit at 900 Rosita Road; and subject to conditions 1 through 21 with the additional language proposed by Planning Director White regarding the tree scaping, based on the findings contained within the July 2, 2012 staff report and all maps, documents and testimony be incorporated herein by reference; Commissioner Evans seconded the motion.

Commissioner Leon stated that the previous year they talked about scheduling visits to projects they had previously approved to see if anything can be learned from the decisions they made on the projects that have been completed. He stated, as they vote on this project, which he will vote for, this was one of the projects they should put on the list when they start to do that process which they talked about doing.

The motion carried **7-0**.

Ayes: Commissioners Brown, 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.

CONSIDERATION:

2. **SP-144-08** **EXTENSION OF PERMIT for the construction of 29 Condominium residential units known as "The Prospects," a subterranean parking garage and other amenities at 801 Fassler Avenue (APN 022-083-020 & 030).**

Assistant Planner Farbstein presented the staff report.

Commissioner Clifford stated that he has to be absolutely certain that Mr. Rick Lee was no longer involved in this project and he asked the applicant if that was true.

Nadia Holober stated that he was no longer an owner. She stated that whether at some point he would be brought in for some purpose she could not say yes or no. He was not an owner and it has reverted back to the lenders on the property of which he was not one. She apologized that she had not answered his voice mail but she just drove back from Southern California.

Commissioner Clifford acknowledged that he had called too late. He stated that, before, he had to recuse himself because of Mr. Lee's involvement, but if he was not involved, he can stay there.

Nadia Holober, applicant/representative, stated that, at this point he was not an owner. If Mr. Lee were asked for his opinion on an idea, she didn't think that would be the kind of situation that would preclude Commissioner Clifford's participation.

Commissioner Evans asked staff to explain a little bit about the Governor's decision.

Asst. Planner Farbstein stated that, apparently, because of what was happening with the economy, the Governor stepped in and automatically granted extensions for tentative subdivision maps within certain time frames. They continued to be extended by the Governor and was why they were keeping it consistent with what the Governor has already done on the tentative subdivision map which was a two-year extension.

Commissioner Evans assumed that was the reason for this two-year request.

Asst. Planner Farbstein responded affirmatively, adding for the remaining planning permit, specific plan.

Commissioner Leon mentioned that they had another extension from an applicant and he believed that one had prompted some new language regarding extension periods. He recalled that, because the applicant had never taken out a building permit and the time to act on building permits had expired, when the applicant did take out a building permit, it would be under new regulations, such as green building, mega homes, etc., and he wanted to see if there was a similar situation on this project since it had been so many years and a building permit had not been taken out.

Planning Director White agreed that it was the same situation. If and when a building permit was applied for, they would be subject to any of the new regulations that have come into being since the application was originally approved.

Commissioner Leon assumed it had nothing to do with the tentative map.

Planning Director White stated that it was a separate issue, which was a statutory extension that was granted by the State of California and nothing to do with the City. The City has to abide by it, but it has nothing to do with the City's authority. The City's authority was over the permits and approvals they gave originally.

Asst. Planner Farbstein clarified that this applicant has not submitted any plans for plan check at all.

Commissioner Leon assumed that, when they do, whatever was on the books now would be applicable.

Asst. Planner Farbstein agreed, adding that it will be treated like any other plan check with all the building codes being satisfied.

Chair Gordon opened public comments.

Nadia Holober, applicant/representative, stated that it came to her attention today that one Commissioner spoke to staff regarding the gate being down. She stated that they were not aware that the gate was down and they would definitely fix it. She would be interested in any other questions they might have.

Commissioner Clifford stated that the site has been used as a dumping place for wood chips, which was not the Commission's intent when they approved the development of the site. He thought there were also other items that have been deposited on the site and left there. He didn't know all of them, but he thought one Commissioner had done an inventory and would probably speak to that. He would like to see the site cleaned up again.

Ms. Holober didn't remember when the wood chips were there or if they were there at the time of approval, and she didn't know if the EIR had any conditions of approval or any requirement for distributing them. They would follow the conditions of approval in the EIR. She mentioned that there were wood chips in the front of the present building and they looked nice. She stated that environmentally, if they were there originally, it was best to keep the site as is rather than move it on to some other site.

Commissioner Clifford stated that he was certain that the wood chips were not there originally but were deposited in the interim.

Commissioner Leon stated that he walked the site on the old road that runs through the property, mentioning that there were quite a bit of construction materials there, adding that he didn't know if they were stored or dumped there, such as 100 chain link sections, scaffolding, etc. He stated that, during the initial review and approval process, quite a bit of stucco and concrete debris had been dumped in the upper slopes. He stated that he had asked the Planning Director about unpermitted uses taking place there. He wasn't sure if Code Enforcement would go out but there was quite a bit of material.

Planning Director White stated that, technically, that was a violation, dumping, storing materials, etc., but they would probably make contact with the new owner, investigate what was out there and make every effort to get it cleaned up.

Ms. Holober stated that perhaps she didn't walk as far as he did because she only saw one thing. She did see the chain link near the street and did alert the property owner to that.

Commissioner Leon stated that he walked the entire slope and the upper region had quite a bit of concrete and stucco. He stated that it was obvious that someone had barrelled through the fence since he saw it knocked over and bent. He didn't think it looked like it was legally accessed.

Ms. Holober acknowledged that it had been a problem before and they understood that also.

Chair Gordon closed public comments.

Commissioner Evans stated that he can't go against the state and he didn't see any problem with the extension request. He would not go against the state in doing that.

Commissioner Leon asked if it was written in law that the extension was two years and 2014 was a hard date.

Planning Director White asked if he was talking about the tentative map, statutory extension.

Commissioner Leon responded affirmatively.

Planning Director White stated that it was two years in addition to the time that they originally had on their map.

Commissioner Leon asked if the date given was what date was required.

Planning Director White responded that it was from the original approval date.

Commissioner Leon moved that the Planning Commission **EXTEND** SP-144-08 to September 2, 2014; Commissioner Clifford seconded the motion.

Commissioner Clifford clarified that our approvals did not have to be tied to the two years and they could have approved it for any time which was traditionally a year. He stated that the two years were coming from the state for the tentative map, but that had nothing to do with our permits. He reiterated that he was seconding the motion but he wanted the Commission to be clear that the two were not necessarily linked and they could approve for less time.

The motion carried 7-0.

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

COMMISSION COMMUNICATIONS:

Commissioner Leon stated that he would like to schedule, at their next meeting, a discussion of possible dates of when they could conceivably start the process of going out and visiting the projects they approved. He thought they had difficulty scheduling that.

Planning Director White stated that he assumed they all received an email recently from staff looking for conflicts by the Commission on when they might be available to do the tour. He didn't know what the response was, but Tina in the planning department has been trying to coordinate it. He would make sure that he gets that to him, adding that he didn't know why he didn't get it. They were looking for some time in the fall because the weather should be good then. He confirmed that everyone else had received the email.

STAFF COMMUNICATIONS:

Planning Director White alerted the Commission to a public meeting taking place. He read some information in a letter from ABAG and the Coastal Sediment Management Work Group. They were looking for public input for a coastal erosion plan, CRSMP, San Francisco to Pacifica. He stated that it was being undertaken by the Army Corp of Engineers through ABAG. The consultant doing the work was by Bob Vitalia of PWA, Pacifica resident, studying the coastline from Ft. Point to the jurisdictional boundary of Pacifica to make recommendations on how to deal with coastal erosion sedimentation. They were moving fast and were looking for public input. There were two meetings, Thursday, July 12, in San Francisco, and the second one on Thursday, July 19, in the Pacifica Council Chambers. He urged anyone interested in the topic to attend one of the meetings. He stated that he would forward it to them by email, adding that if they don't get it, let him know. He added that it would be posted on the website and sent out to their email list to let the public know that this was happening.

Commissioner Evans asked clarification that it was the same meeting but just two different times.

Planning Director White stated that they said it was the same meeting, but his guess was that the one in San Francisco would attract people with an interest in the San Francisco coastline and the one here would attract people having an interest in the coastline in Pacifica. He thought they would probably present the same materials in both, but the discussion would probably be different at each one.

Commissioner Evans added that they wouldn't have to travel as far.

ORAL COMMUNICATIONS:

Todd Bray, Pacifica, complimented the Commission on stellar deliberations on the last two items. He was present because of a recent complaint filed regarding all the signage on Highway 1, and the City was asking people to take them down and apply for permits. He stated that he did a sign for the Boys and Girls Club for their weekly fundraising bingo game at Ingrid B. Lacey but it didn't fit into the ordinances because it wasn't a once a year event or a one-time event. It was actually advertising a weekly event. He asked Council at their meeting and he was present to the Commission to ask both to consider rewriting or updating the language for non-profit signs in town. He had a copy of the sign in question. Since it was advertising a weekly event, there was no way for them to permit it and he would like to have the language changed to allow something

like this to be permitted. He asked if a couple of Councilmembers and Commissioners wanted to get together for about an hour to create some language. Whether he hears from them or not, he would be pursuing this further and write up some suggestions and come back again during orals.

ADJOURNMENT:

There being no further business for discussion, Commissioner Langille moved to adjourn the meeting at 8:55 p.m.; Commissioner Clifford seconded the motion.

The motion carried **7-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director White