

MINUTES

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

December 6, 2010

7:00 p.m.

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

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

SALUTE TO FLAG: Led by Commissioner Campbell

STAFF PRESENT: Planning Director Michael Crabtree
Assistant Planner Kathryn Farbstein

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

The motion carried **5-0**.

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

**APPROVAL OF
MINUTES:
November 15, 2010** Commissioner Gordon moved approval of the
minutes of November 15, 2010; Commissioner Langille
seconded the motion.

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

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF DECEMBER 13, 2010:

Planning Director Crabtree stated that there was one item that would be coming to the Planning Commission but they haven't yet looked at it. He explained that it was the proposed moratorium on payday lenders and, if it is adopted, it would be handed to the Planning Commission for some sort of action. He reiterated that it was his way of saying that there was something of interest on the agenda to the Planning Commission.

SPECIAL ORDER OF BUSINESS:

1. Election of Chair and Vice Chair.

Chair Clifford stated that he was ready to take nominations for the new Chair.

Commissioner Gordon nominated Vice Chair Campbell as Chair, Commissioner Langille seconded the motion.

Chair Clifford asked if there were any further nominations and stated, if there were none, he would call for the vote.

Planning Director Crabtree explained that they technically needed to vote to close nominations.

Commissioner Evans moved to close nominations; Commissioner Langille seconded the motion.

The motion carried **5-0**.

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

Chair Clifford then called for the vote to elect Vice Chair Campbell as Chair.

The motion carried **5-0**.

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

Vice Chair Campbell stated that he was honored.

Vice Chair Campbell nominated Commissioner Gordon as Vice Chair; Commissioner Langille seconded the motion.

Commissioner Evans moved to close nominations; Commissioner Langille seconded the motion.

The motion carried **5-0**.

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

Chair Clifford then called for the vote to elect Commissioner Gordon as Vice Chair.

The motion carried **5-0**.

Ayes: Commissioners Gordon, Campbell, Langille, Evans and
Chair Clifford

Noes: None

Commissioner Gordon stated that he was honored.

CONSENT ITEMS:

2. **CC-05-10 EXTENSION OF PERMITS to convert 170 existing apartment**
 PE-148-08 units into condominium units at 435 Gateway Drive, Pacifica
 UP-987-08 (APNs 009-540-110, 120, 130, 140, 150, 160 and 170).

Commissioner Evans moved that the Planning Commission **APPROVE** the consent calendar;
Commissioner Langille seconded the motion.

The motion carried **5-0**.

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

PUBLIC HEARINGS:

3. **CDP-326-10 COASTAL DEVELOPMENT PERMIT, SITE DEVELOP-**
 PSD-781-10 MENT PERMIT and VARIANCE, filed by the applicant, Peter
 PV-506-10 Rockwell, on behalf of the owner, Jenny Chau, to demolish an
 existing dwelling and construct a new two story single-family
 dwelling at 43 Birch Lane, Pacifica (APN 016-294-520).
 Recommended CEQA status: Exempt.

Assistant Planner Farbstein presented the staff report.

Jenny Chau, owner, presented the Commission with photos of the redesigned project. She then thanked the neighbors, the Planning Commission and Assistant Planner Farbstein for their consideration of the redesign of the project. She stated that, based on the comments of October 18, she had redesigned the project and felt she had met most of their concerns. She stated that the height was lowered by 7 feet by designing a split level, making it only slightly taller than her neighbor. She described the other specific changes, i.e., setback, garage location and overall scale, including a new rain water harvest system and upper story window changes. She concluded by expressing her hope that they found she had alleviated their concerns.

Chair Clifford opened the Public Hearing.

David Chamberlin, 2305 Beach Blvd., stated that he was a resident in the area and was somewhat reluctant to speak up and give the wrong impression to the new owners. He felt it was not the Planning Commission's responsibility to be arbiters but it was their responsibility to hold the vision of Pacifica's future and how they want it to look, especially with coastal properties. His concerns were that the style was out of place with its surroundings which was exacerbated by its size. He felt that, if either size or style was different, the effect would not be so pronounced. He also felt there was a visual problem with this large project being situated next door to a bungalow. He was pleased with the revised plan and appreciated the effort put in to accommodate the suggestions, although he questioned the added height of the first floor due to the cistern being added on the revised plan. He asked that the first floor be changed back to the original location. He also asked about the status of the sewer line.

Chair Clifford closed the Public Hearing.

Ms. Chau responded that she had not included the rain water harvesting system until they had talked about green design and concerns about the storm water drainage. She added the cistern to alleviate those concerns and was unsure that digging down, which was more costly, was even feasible and chose to raise the first floor instead. She also stated that she redesigned it to allow the master bedroom and living room to face the ocean.

Vice Chair Campbell asked if she had any remarks on the speaker's comments on the status of the sewer.

Ms. Chau explained that they had hired civil engineers to look into that and, in the Commissioners' package, there was a drawing of the sewer line. She thought the line up to the middle of the lane was her responsibility. She stated that she would not build a house that would cause problems for other people. She then stated that, regarding the bungalow, it was not

adjacent to her side of the lot, but between a 2-1/2 story and a two-level cape cod style, and she didn't see her project as having an impact on it.

Commissioner Evans stated that he liked the new plans, but asked why she had a six-foot high solid fence across the front.

Ms. Chau explained that it was acting as a needed supporting wall for the living room section.

Commissioner Evans understood, adding that he asked because most were 2-4 feet in height and he had wondered if there was a way for her to lower the wall.

Ms. Chau stated that part of the reason for that specific height was because it coincided with her adjacent neighbor's six-foot high wall. She added that her wall would actually be seen less from Beach Blvd. because of existing six-foot tall plantings.

Commissioner Evans acknowledged that she also had to deal with a 12-foot wall but he had just wondered about the need of the six-foot wall.

Ms. Chau stated that it was also six-foot because of the project being split level and she was trying to be sure there was an ocean view from the living room.

Commissioner Langille thanked the applicant for her work addressing their concerns. She thought the project as redesigned was aesthetically pleasing and had addressed her specific concerns. She was interested in the other Commissioners' thoughts, but thought she did a great job addressing all their concerns in her redesign.

Commissioner Gordon thought they had come a long way since the last time they saw the project. He thought the consensus originally was that it was three stories against the ocean and too massive, and the new project had addressed all their concerns by eliminating an entire floor. He agreed with the speaker saying that they weren't arbiters of taste and style, but he felt this was one of the most beautiful designs he has seen. He acknowledged that it was an odd shaped lot and he was in support of all the variances and in favor of approval.

Vice Chair Campbell stated that his comments at the previous meeting were to bulk and massing and, from his perspective, those concerns were addressed. He was sensitive to what neighbors say about projects, but he didn't feel the design and style was incompatible with the area. He was inclined to approve the project as recommended.

Commissioner Evans apologized for not being at the original meeting, adding that he had looked at the original plans and felt that she had done an excellent job in downsizing the house. He noted Mr. Chamberlin's concerns, but he didn't believe it was too much different in size to Mr. Chamberlin's house. His only concern had been the six-foot wall, but he understood her reasons for it. He felt the redesign was very nice and he was inclined to be in favor of it.

Chair Clifford also liked the project. He thought it was an eclectic neighborhood and felt the house fit in. He added that his own home was an elevated rancher and he had added features that made it look like a pseudo Victorian. He was in favor of the variances which made sense with this lot and he would be voting for the project.

Commissioner Gordon moved that the Planning Commission find that the project is exempt from CEQA and **APPROVE** PSD-781-10, PV-506-10 and CDP-326-10, subject to conditions 1 through 22, and adopt findings contained in the December 6, 2010 Agenda Memo, and incorporate all maps and testimony into the record by reference; Commissioner Langille seconded the motion.

The motion carried **5-0**.

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

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

OTHER AGENDA ITEMS:

4. PSD-739-04 EXTENSION OF PERMITS for the construction of a single-family residence on the southwest portion of Oddstad Way and Troglia Terrace, Pacifica (APN 022-071-210 and -240).

Associate Planner Diaz presented the staff report.

Vice Chair Campbell asked when the un-amended project was first proposed.

Associate Planner Diaz stated that this one was in 2006, but it probably goes back to 2004. He explained that there was an original owner who had proposed a home. Subsequently the new owner had to come back for final approval.

Vice Chair Campbell thought it was for a lot line adjustment.

Associate Planner Diaz stated that there were some height inconsistencies and the new applicant had to return to address that.

Commissioner Evans stated that he had read about the original date of 2004 but everything was referring to 2006 and he was also wondering when it was originally brought forward. He asked if they normally extend permits this long.

Associate Planner Diaz stated that there was no limit in the extension of permits. He mentioned that one permit had been extended six times.

Commissioner Evans stated that he wasn't on the Commission when it first came forward, but his concern was about it being such a huge home. He assumed they would give the extension, but he would love to see it come back to them before it goes forward.

Associate Planner Diaz asked if he meant for review.

Commissioner Evans responded affirmatively.

Associate Planner Diaz explained that it was already approved for a site development permit, and all it needs is a building permit to be issued.

Vice Chair Campbell stated that they had a homes of a certain size ordinance passed in the interim, and he asked if that would justify a reopening of this file.

Planning Director Crabtree explained that any project which received approval prior to that ordinance going into effect would not be subject to that ordinance. He clarified that all the ordinance actually did was require Planning Commission review and it would not be applicable to this particular project.

Vice Chair Campbell stated that he asked specifically to get that on the record because he was asked by citizens.

Commissioner Langille stated that her concern was with extending the permits out by six or four years following passing of a green building ordinance, and she asked confirmation that an approved project would not be subject to the green building ordinance.

Planning Director Crabtree stated that it would if the applicant had not already begun the building permit process, clarifying that the Commission's approval was for planning review not building review. He added that, in this case, the applicant had already submitted a request for a building permit and, as Associate Planner Diaz indicated, the building permit was ready to be issued, therefore, the green building ordinance did not apply to this particular project.

Chair Clifford commented that he would be voting against the extension which was in line with what he had done in the past because he had voted against the project initially. He clarified that the project itself was not flawed, but the roadway leading to the project was flawed, in his opinion, because it was a substandard road. He reiterated that it had nothing to do with the approvals, but he never voted for it and would not vote for the extension.

Planning Director Crabtree pointed out that the applicant was present and may like to have the opportunity to address the Commission.

Pete Patel, owner, stated that the property had a long history, including some of it from the previous owner. He explained that, after he acquired the property, he had come before the Planning Commission to redesign the house, based on their comments. He tried to take in all comments in redesigning the house to make it better. He stated that the financial crisis has put him behind and was the reason for the need for an extension. He requested that they extend the permit for another year to give him the opportunity to build his project.

There were no public comments.

Vice Chair Campbell recalled all the controversial public comment from several years back. He didn't have an opportunity to debate or discuss this project which occurred before his time, but he thought he would have had the same concerns the Chair and Commissioner Leon had about the substandard road which probably would have led him to vote no also. He was confused about the entitlement process legally. He asked if the issuance of the building permit triggered the entitlement or just the commencing of the process. He explained that he had read cases either way and wasn't sure. He wished the City Attorney could comment on that.

Planning Director Crabtree stated that he wasn't sure what Vice Chair Campbell was asking.

Vice Chair Campbell stated that he was asking about the legality of when a project came forward and when a new city ordinance such as the large home ordinance did not apply. He reiterated that he was asking that the City Attorney comment on when a new property owner did not have to take into consideration any new laws. He knew it was tied to the building permit, but asked if it was at the time of actual issuance of the building permit.

Planning Director Crabtree stated that it varied, depending on the issue. He explained that, for some regulations, there was an application for a vesting tentative map which locked in the process. He referred to the mega home ordinance, stating that they discussed it with the City Attorney who indicated that any project that was applied for prior to the ordinance going into effect would not be affected by the ordinance. He stated that he was not even talking about a

building permit, but merely someone filing for a planning permit which locks them in. In this project, it would definitely not apply, particularly since this project had already been approved by the Planning Commission.

Vice Chair Campbell stated that he was asking to nail that down. He felt that, since he would have voted no if he had been on the Commission, he didn't feel comfortable voting yes now, which left him in an awkward position and he would probably choose to abstain in the vote.

Commissioner Evans stated that he was also not on the Commission at the time this project came through; however, he had read the packet. There were a lot of comments, but as he stated at their previous meeting, he didn't feel they could change horses in the middle of the stream. He was starting to feel that way on this since this project has been approved and it was not the applicant's fault that the economy was the way it was. He stated that whether he would have voted for it or not if he was on the Commission originally was not the question. He felt it was before him now and it was like the towers he had the last time, they have to vote on what was there when it was approved. He wished he had been on the Commission back then, but he wasn't.

Commissioner Langille agreed with Commissioner Evans and, given those circumstances, she was ready to make a motion.

Commissioner Langille moved that the Planning Commission **EXTEND** PSD-730-04 to November 20, 2011; Commissioner Evans seconded the motion.

The motion carried **4-1**.

Ayes:	Commissioners Gordon, Campbell, Langille and Evans
Noes:	Chair Clifford

Vice Chair Campbell stated that he changed his mind.

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

5. **UP-978-07 EXTENSION OF PERMITS for the construction of one single-
 PSD-763-07 family residence with a second residential unit South of Fassler
 Avenue and East of Roberts Road, Pacifica (APN 022-150-030).**

Associate Planner Diaz presented the staff report.

Bill Husson, owner, stated that he hoped this was a cursory approval process. He explained that they were dependent upon the construction of the road which was a partnership requested by the Planning Commission and they were waiting on the road construction which had the financing still pending.

Chair Clifford asked, if the road isn't constructed, whether the applicant had explored putting a road in himself. He commented that originally the projects were separate then they were tied together. He thought the applicant was originally putting the road elsewhere in the project.

Mr. Husson agreed that, when they purchased the property, it was with plans for a road and then with the existence of Harmony at One, the Planning Commission requested that they partner with Harmony at One to have one road instead of two roads. They have looked into road options and costs and it was reasonable for them to do that.

There were no public comments.

Commissioner Gordon moved that the Planning Commission **EXTEND** UP-978-07 and PSD-763-07 to November 26, 2011; Commissioner Campbell seconded the motion.

The motion carried **5-0**.

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

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

6. **CDP-330-10 EMERGENCY COASTAL DEVELOPMENT PERMIT, filed by Van Ocampo, City Engineer, to install a drainage pipe within the Esplanade Right-of-way from Bill Drake Way to West Manor Drive and across 400 Esplanade, Pacifica (APN 009-131-030).**

Assistant Planner Farbstein presented the staff report.

Chair Clifford thanked Assistant Planner Farbstein for the report and indicated that no action by the Commission is necessary.

COMMISSION COMMUNICATIONS:

Commissioner Gordon asked if this was the last Planning Commission meeting for 2010.

Planning Director Crabtree stated that they have no items scheduled for the next regular meeting so he thought this was the last Planning Commission meeting for 2010.

Commissioner Gordon asked if this would be the last Planning Commission meeting attended by Michael Crabtree.

Planning Director Crabtree responded affirmatively.

Commissioner Gordon stated that it has been great having Mr. Crabtree guide them through the hills and valleys. He felt there were big shoes to fill. He appreciated his service, wisdom and humor. He would definitely miss him.

Vice Chair Campbell stated that he was definitely going to miss Mr. Crabtree's presence as he takes over as Chair, saying that he needed a lifeline. He felt Michael had steered them in the right direction so many times and gotten them out of sticky situations over the years. He appreciated him, and felt he approached the meetings with good humor. He was always approachable, and he would definitely miss his presence. He thanked him for serving for so long.

Commissioner Langille echoed everything said by Commissioners Gordon and Campbell. She thought they were big shoes to fill. They definitely appreciated his sense of humor, as well as his width and breadth of experience. She thought it was sad, and they would have to make do. She suggested that they keep his cell phone number. She also thanked him for his service to Pacifica.

Commissioner Evans stated that he had mentioned this before when Mr. Crabtree first announced his retirement, but he was fortunate to be the novice he helped on the Open Space Committee, GGNRA and the Planning Commission. He felt words were not there to express the appreciation for what Michael has done and been for him, as well as the rest of the Commission. He hoped whoever takes his place is halfway as strong and as good a person. He will really miss him. He didn't belittle him for retiring as he also was retired, but he didn't get to vote on this one.

Chair Clifford thanked Planning Director Crabtree for all of the help he had given him over the years with the Planning Commission, Open Space Committee and other committees, adding that Michael was always open to seeing him anytime of the day to talk. He stated that, in his opinion as a general contractor, he ran a good ship at the planning department. He stated that he would definitely be missed. He stated that maybe he will be able to buy him a drink and talk about stuff they can't talk about now. He appreciated him and would miss him.

Commissioner Evans added that he had a cell phone number to confirm.

STAFF COMMUNICATIONS:

Planning Director Crabtree thanked them for their comments. He stated that there was a great staff at the department. He stated that the Commission did a great job. While he didn't always agree with their decisions, he appreciated the work they put into it. He felt, as long as they have

such a Planning Commission, the integrity of the planning process in Pacifica will remain strong and they will do the citizens proud. He thanked them very much.

ORAL COMMUNICATIONS:

None.

ADJOURNMENT:

Vice Chair Campbell first thanked the Chair for serving so well for the past year, and he also thanked the Public Meeting Stenographer for taking notes for the past year.

There being no further business for discussion, Commissioner Campbell moved to adjourn the meeting at 8:00 p.m.; Commissioner Langille seconded the motion.

Commissioner Langille also thanked Chair Clifford for his great work.

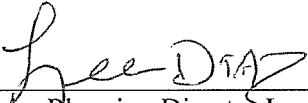
The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:



Interim Planning Director Lee Diaz