

MINUTES

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

November 5, 2012

7:00 p.m.

Chair Gordon called the meeting to order at 7:00 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
Asst. Planner Farbstein
Assoc. Civil Engineer Rogers

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

The motion carried 7-0.

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

**APPROVAL OF
MINUTES:
OCTOBER 15, 2012** Commissioner Clifford moved approval of the
minutes of October 15, 2012; Commissioner Leon
seconded the motion.

Commissioner Clifford pointed out that, on page 5, the sentence beginning, "The point he was trying to make ..." was inadvertently repeated, and he thought the second sentence made more sense at that point. He stated that, on page 10, there was another sentence, beginning "He thought she observed ...," that was inadvertently repeated, and he thought the sentence also made more sense at the second point.

Commissioner Evans stated that he would be abstaining from voting because he was not present at the meeting.

Commissioner Leon referred to Commissioner Clifford's comment regarding page 5, and clarified that they could delete from line 8 down to line 11, which encompassed the complete first sentence.

The motion carried 6-0-1.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF NOVEMBER 13, 2012:

Planning Director White stated that on November 13, the City Council would be holding a public hearing on the housing element which the Commission reviewed on October 15, and he thought it would be helpful to have a representative from the Planning Commission.

Commissioner Leon volunteered to be the liaison.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

Amendment to CDP-334-12 **AMENDMENT to COASTAL DEVELOPMENT PERMIT, filed by the owner and applicant, Randy Berend, to change the siding materials and driveway entrance for a three-story single-family dwelling currently under construction at 240 Stanley Avenue (APN 023-019-200).**

Asst. Planner Farbstein presented the staff report, then introduced Assoc. Civil Engineer Rogers who was present to answer any questions.

Commissioner Clifford asked if he was correct in assuming that they didn't have any plans that actually show in detail what the proposed retaining wall was, adding that it sounded like they didn't have sufficient documents.

Assoc. Civil Engr. Rogers agreed, adding that the site plan shows a layout of the proposed retaining wall and that was all.

Commissioner Clifford asked if he saw a reason why there should be a retaining wall in the right-of-way.

Assoc. Civil Engr. Rogers stated that the development of the property has caused the slopes to be cut in order to develop it, and the retaining walls could be moved back outside the right-of-way on the property or could be within the right-of-way, however, no encroachment permit would be required for it within the right-of-way.

Commissioner Clifford assumed that he felt they could be at the property line and not encroaching, from an engineering standpoint.

Assoc. Civil Engr. Rogers responded affirmatively.

Commissioner Clifford referred to the existing retaining wall which they were proposing to link up to, and asked if that had an encroachment permit.

Assoc. Civil Engr. Rogers stated that they could not find any permit in Engineering.

Commissioner Clifford assumed that what they were planning to couple up to was not approved.

Assoc. Civil Engr. Rogers agreed with his assumption.

Commissioner Brown asked how often they allowed retaining walls to be built in the public right-of-way and what additional considerations were required when someone wanted to build into the public right-of-way.

Assoc. Civil Engr. Rogers stated that there are retaining walls within the City's right-of-way, but it was generally on a case by case basis. He stated that, for extra requirements, they would want to see structural calculations and detailed plans as well as a geotechnical report if necessary.

Commissioner Brown asked if this precluded the repaving or renovation of the road. He mentioned seeing other situations where the road deteriorates because so many people have encroached on it and he heard the City was not willing to repave it until the encroachments were removed. He asked if that was the situation in this case.

Assoc. Civil Engr. Rogers stated that, with most of the new developments of in fill lots, there was usually a requirement to repave in front of the property such as in this case where it includes the entire width of the street which will receive a two-inch overlay.

Commissioner Leon assumed that, at a minimum, we would need an encroachment permit in the City right-of-way.

Assoc. Civil Engr. Rogers responded that he was correct for a proposed retaining wall in the right-of-way.

Commissioner Leon thought that, absent an encroachment permit, they couldn't act in lieu of not having one.

Assoc. Civil Engr. Rogers agreed.

Commissioner Leon referred to talking about an Allan block gravity wall, and asked if that was what the adjacent neighbor has.

Assoc. Civil Engr. Rogers responded affirmatively.

Commissioner Leon stated that, on visiting the site today, he noticed a concrete reinforced structure, not a block wall. He was wondering if there was a discrepancy in the description from what was actually there to what was said in the cover sheet, which was proposing a new Allan block gravity wall but was in fact steel reinforcement bars that had been chopped back on the concrete to expose the rebar. He asked if that met the description of an Allan block gravity wall.

Assoc. Civil Engr. Rogers stated that it didn't, and it was a reinforced concrete wall.

Planning Director White thought the confusion was that the wall they constructed without authorization is still in place but the wall they are seeking after discussions with engineering is the gravity wall. He stated that they have changed their design, adding that the applicant might be able to clear up exactly what they were trying to do.

Commissioner Leon assumed the description refers to the part that remained within the property setback and asked if that was a gravity wall.

Planning Director White was not clear on that but he thought it was partly in the public right-of-way.

Commissioner Leon explained that he noticed the word block and there were blocks on the neighbor's, but this was not a block.

Planning Director White agreed that it was confusing but he thought it was because they changed their mind about the design of the wall since they built the one without authorization.

Commissioner Leon concluded that they have a revision that proposes a block wall, but what was actually there was not a block wall.

Planning Director White responded affirmatively.

Commissioner Evans asked if the neighbor's wall was in the right-of-way.

Assoc. Civil Engr. Rogers stated that it was.

Commissioner Evans asked if they had any idea when it went up.

Assoc. Civil Engr. Rogers stated that they didn't know because they didn't have a permit for it.

Commissioner Evans understood the reason for wanting to tie up to it. He referred to the portion of the curvature of the new wall, stating that he assumed that it would have to come down if they approve the block wall.

Planning Director White responded affirmatively.

Commissioner Evans asked if the curvature was built and then portions of it torn down or just not finished being built.

Assist. Planner Farbstein stated that the wall was constructed or almost finished, and when the City stopped the work because it wasn't permitted, they started to take it down. She thought the applicant could explain why they stopped.

Commissioner Campbell stated that he had spoken to some neighbors about the wall but he hadn't heard any complaints about the placement or aesthetics of it. He asked if they have heard from the neighbors.

Planning Director White stated that they have heard nothing formally but maybe some are present at this meeting.

Commissioner Clifford asked if the City had a way to have it removed later, if necessary, after they approved the placement of the block wall in the right-of-way. He asked, if they get an encroachment permit, was it permanent and they essentially owned the City's right-of-way.

Assoc. Civil Engr. Rogers stated that they didn't own the right-of-way, explaining that if the City came in to widen the streets, it could be taken out. He stated that the Allan block walls were considered removable but a reinforced concrete wall was not considered removable.

Commissioner Clifford asked if that was in the encroachment agreement that the wall can be taken down by the City.

Assoc. Civil Engr. Rogers did not think it would be in the encroachment permit.

Commissioner Clifford asked where it was documented that it could happen.

Assoc. Civil Engr. Rogers did not know.

Commissioner Clifford assumed that there was no documentation.

Assoc. Civil Engr. Rogers agreed that there was none that he was aware of.

Commissioner Clifford assumed there could be a legal battle if the City wanted to reclaim its right-of-way.

Assoc. Civil Engr. Rogers stated that it could potentially be true.

Chair Gordon asked if it was correct that the wall could be built within the existing property lines or could be built encroaching into the public right-of-way.

Assoc. Civil Engr. Rogers thought it was somewhat right. If it was built within the property, there would still be a gap between the applicant's property along the right-of-way and the neighbor's unpermitted wall. He stated that the site plan shows a curved Allan block wall. If the retaining wall was placed along the front property line, there might be a need for a retaining wall in the right-of-way because of having a 3+ foot elevation in the right-of-way that would not have a retaining wall holding it up.

Commissioner Clifford thought he was describing a reversed L where their wall would be on their property line and a small brick retaining wall would be placed at a right angle down to the retaining wall that was there illegally.

Assoc. Civil Engr. Rogers agreed that the neighbor's wall was illegal, adding that his description of the perpendicular L shape would be correct.

Commissioner Clifford assumed that would be easier to remove than a whole retaining wall running all the way around.

Assoc. Civil Engr. Rogers agreed.

Commissioner Clifford asked if there were any notices going to the neighbor to see if they can correct their encroachment into the City's right-of-way.

Assoc. Civil Engr. Rogers stated not at this time.

Commissioner Clifford asked who would be doing that if that was done.

Assoc. Civil Engr. Rogers stated that, typically, they would go through code enforcement.

Commissioner Clifford asked if we had a code enforcement person at this time.

Planning Director White stated that we have a code enforcement function. He stated that it was news to him at this time that it was not a permitted wall. He stated that, if Public Works notified them formally, they would contact the property owner. He stated that, as he looks at it, there were two choices, one was to remove the wall in the public right-of-way or try to obtain an encroachment permit through the encroachment process. He wasn't sure how difficult the second part would be.

Chair Gordon asked, in terms of evaluating whether they want construction into the right-of-way, whether there were considerations of what the City was taking into account in terms of the width of the street or certain conditions that make it an important issue or not.

Assoc. Civil Engr. Rogers stated that, at Pedro Point, they were always looking to get as much street width as possible, given the restrictions there. He added that it can be a challenge given the existing dimensions of the roadway and configurations, etc. He stated that, in a few remodels, they have asked for additional paving to go back further to widen the street where possible.

Chair Gordon asked if that consideration applied to this section of Stanley Avenue.

Assoc. Civil Engr. Rogers thought it would be an area where they would ask for additional area. He stated that the reason for the retaining walls was because of cut slopes in the area which allows for additional paving.

Randy Berend, applicant, referring to the stucco change from siding and shingles, stated that it came down to an aesthetic issue. He referred to the first level design, stating that it had more of an old world Tuscan feel which was what they were shooting for. Their idea was to try and get back to that look, which they thought would be to have a four-part stucco system with two color coats, etc., ultimately ending up with an old world finish with a shadowed or mottling effect which would look like brushed suede. They felt it would give it a softer feel on that street, because any houses built into an uphill side tend to be overbearing and this will give them a more natural, softer look and they felt it fits better with the planned landscaping. Regarding the retaining wall, he stated that it was a mistake on their part to meet the other retaining wall. He stated that they had planned to put a closure in and it wasn't communicated by him to his contractor. When they were informed that they were in the setback, they immediately began to tear it out on a Saturday and were asked to stop by the neighbors because of all the noise. They then decided to just work to come up with something because there was presently a 2-foot section of unsupported earth that needed something. They decided to take it to engineering and planning and come up with a fix that would please all parties. He stated that engineering was in favor of an Allan block wall because it was removable. He stated that they were in favor of it because it ties in with the neighbor's. He stated that, whether they cut it into the property line as mentioned by Commissioner Clifford or keep a soft radius which they thought would look better, they weren't going to fight over it.

Commissioner Evans referred to plans for meeting the other wall, and asked, if they didn't want the square and wanted to use the stone or brick, whether they could concave the curve into the hillside instead of having it convex out to the driveway. He added that it would be removable at that point. He understood the problem because of having another wall sticking out in the middle of nowhere.

Mr. Berend acknowledged that they had a wall that came down on the property line.

Commissioner Evans saw that, as well as the neighbor's wall just out there.

Commissioner Campbell understood that they do have to have the two retaining walls meet otherwise they will have dirt sloughing off.

Mr. Berend agreed that it would be an issue, especially with the approaching rains.

Commissioner Campbell agreed that they did need to connect them.

Mr. Berend agreed that something needs to be put there.

Commissioner Leon stated that, aside from the public right-of-way issue, he thought it tied in logically and he saw the value in that and the retention from land and water runoff standpoints. He mentioned that an encroachment permit was required, and he thought they would have to tie the two walls somehow, and even coming forward, they would still be coming into the public right-of-way whether it was concave or some other configuration. He then asked the applicant if he was agreeable to submitting an encroachment permit and take it from there.

Mr. Berend stated that they already have to get an encroachment permit because of utilities that they will have to tie into and they also have to do paving, which also requires an encroachment permit so they have no issues with extending the present one or getting a new one.

Commissioner Leon thought it was understood, per Mr. Rogers, that, at some point in the future, if the City did require the improvement of that street, then the property owners in the encroachment would be required to set back. He just wanted to be sure there were no surprises as to what the possibilities were with encroaching in the right-of-way.

Mr. Berend agreed that they would have to disclose that upon sale of the house, adding that the neighbor did a good job because he actually created a parking spot that he uses. He did wish he had put it at the property line which would have made it easier.

Commissioner Leon felt he covered his concerns, adding that the engineering, planning, etc., have their duties to perform regarding this encroachment. He thought they could move forward at this meeting.

Chair Gordon stated that he was confused about the chronology of events. His understanding was that the applicant had submitted plans for the retaining walls and, while the plans were pending, they started construction on the wall on which they were deliberating. He asked if that was correct.

Mr. Berend wasn't sure whether that was right.

Planning Director White stated that it was correct.

Mr. Berend stated that, when they got to the property line, they were to shut off closure and leave it, then resubmit for the change they wanted which was what was before the Commission now. He stated that the message was either miscommunicated by him or his foreman didn't understand it. He stated that he was out of town the following day and got a phone call after it happened.

Chair Gordon commented that they were used to getting the proposal and application to review and approve and then the work begins. With this case, they were taken aback since the work began before they approved it and the work wasn't even what was proposed. He asked if he had the chronology correct.

Planning Director White stated that he was correct.

Chair Gordon commented that it wasn't how it was supposed to happen.

Mr. Berend agreed and was racking his brain to figure out where the disconnect was.

Chair Gordon suggested that it was good to follow the process of the applicant submitting plans and waiting for the approval before starting work on it because sometimes staff has feedback that was important and they might have headed off the right-of-way issues with better communication. He stated that this was the third meeting, and it takes up a lot of their time to sort through what was going on.

Commissioner Clifford asked about the chronology, concluding that the applicant literally started building the retaining walls before he had the approval from the Planning Commission for the changes he asked for and went ahead and actually built something he didn't ask for at all.

Mr. Berend agreed, stating that they had started retaining walls with the project simultaneously. He stated that they should have stopped at the point where everyone was on the same page. He admitted that it was their mistake to continue.

Commissioner Clifford asked what happened in terms of the original proposal and what he actually built and was now proposing, regarding the timeframe which didn't get communicated to Planning.

Mr. Berend stated that the original plans had the driveway edges turning in, which was the opposite of what they were now discussing. He stated that it didn't make an inviting approach and they thought it would look better turning the opposite way and create an upper planting box and a lower planting area to hide the wall. With the original plan, they didn't feel they would have enough room to put a lot of landscaping in front because there was more paved area. He stated that, while retaining walls can be nice, he felt they looked better with a lot of plants in front of them. They were interested in creating a two-tier planting area and, with the edges of the driveway flaring out, it would look softer, nicer, etc.

Commissioner Clifford asked when they were going to communicate that to the Planning Department and then to the Planning Commission. He stated that what they were going to look at was something entirely different than what they were now looking at.

Mr. Berend stated that he would have to talk with his partners on that because he didn't know the exact dates of how it happened chronologically.

Commissioner Clifford assumed that communication was going to get better between his team and Planning.

Mr. Berend acknowledged that it would be a whole lot better.

Chair Gordon opened the Public Hearing.

Alice Whealey, Stanley Avenue, stated that there were three issues. On the façade, she felt the building was extremely bulky compared to the houses in the neighborhood, especially from the street level, adding that it looked like an apartment. She stated that the other houses were wood, flatboard type houses. She mentioned that the entire bottom floor was a garage and very

institutional. She thought clapboard and shingle would make it look more residential and less institutional, and possibly break up the bulky front more. She objected to the change. She felt it was at the maximum level of bulk and making it stucco will make it worse. She was confused regarding the driveway entrance and found it difficult to comment on it. She asked for an explanation, adding that she would also like to see more landscaping at the street level. She was also confused about the legal issues on the retaining wall, but was concerned because it was a narrow street and dangerous. Knowing about the homes that have gone into the public right-of-way, she was concerned about a situation where the City would have a legal battle over the public right-of-way.

Mr. Berend referred to the comment about the front looking flat and apartment like, and stated that there was a deck that would break up the one dimension look and with the proposed arches and the garage doors recessed, he felt it would soften the whole look. He then referred to their plans to create large planter areas in front of the retaining wall to hide the walls, as close to street level as possible with plants at the top to drape over the wall.

Commissioner Leon asked if approval of a resolution was necessary.

Planning Director White stated that this was an amendment to an existing approved project and he didn't think it was necessary to have another resolution but just decide yes or no to the material changes. He thought that, if they supported the retaining wall and public right-of-way, it would go through the encroachment permit process and the mechanism by which that would be approved.

Commissioner Leon assumed that they weren't going to deal with that at this meeting.

Planning Director White thought it would be in concept only, and they would appreciate the comments and would like to know which ideas they support and that would be reflected in the minutes and the submittal for the encroachment permit.

Commissioner Leon concluded that they will be dealing with the original agenda and with the siding changes.

Planning Director White added that it would also be the retaining wall on the property.

Commissioner Leon concluded that they would hopefully give direction on the wall. He wanted to be clear on that. He reiterated that they would deal only with the siding change and the finish and the applicant will have to comply with the requirements as specified in the staff report.

Chair Gordon asked if the applicant could respond to the speaker's concerns about the driveway entrance because she appeared to be confused about what was proposed.

Mr. Berend stated that he thought they got a copy of what was being proposed.

Chair Gordon thought she was asking whether it was flat or at grade.

Mr. Berend stated that there was a slight grade going up the driveway from the street. Then, at the entrance on the west side, they were proposing a soft radius coming off the wall and tying into the neighbor's to the west.

Planning Director White stated that, for the Commission's edification, this was depicted on the plans dated October 17 and was in the packet.

Commissioner Campbell asked the applicant if he had any pictures or illustrations on what the front was supposed to look like which they could pass around and look at them.

Mr. Berend stated that they submitted renderings and pictures of a house they were trying to mimic in some respects.

Chair Gordon referred to the encroachment of the right-of-way which was taking away space that could be used for pedestrians and, if a car was parked there, they would have to walk in the street.

Mr. Berend stated that as the street was set up now, it didn't have sidewalks, just an asphalt street with concrete swales and mentioned that the next door neighbor had parking in front of the wall with enough room between the swale and their Allan block wall for a car to park. They were mimicking that but creating more of an open space field than previously proposed. If they build at the property line and connect for that extra two feet, he didn't think they were taking more of the street than what was there already taken by the neighbor to the west.

Chair Gordon closed the Public Hearing.

Commissioner Evans asked if the driveway design has been changed since they originally saw it.

Assoc. Civil Engr. Rogers responded that it had.

Commissioner Evans asked if the change was the curvature.

Planning Director White asked if he had the plans dated October 17.

Commissioner Evans responded that he had the ones in the packet.

Planning Director White stated that was the most recent set of plans submitted to them.

Commissioner Evans asked for an explanation for the public on how the driveway dimension varied from the original plan.

Asst. Planner Farbstein stated that there were four different versions and it was hard to keep track of what happened but in the original plans in March, the retaining walls were perpendicular and followed the property line and no retaining walls beyond into the public right-of-way but, since then, there has been different curves and shapes, but the original retaining walls didn't extend beyond the property lines, with one straight and one curved.

Commissioner Evans stated that what he was looking at was the upside down bell-shape of the driveway.

Asst. Planner Farbstein stated that was the original in the March plans, with a U-shape with the base of the U being on the property line.

Commissioner Evans concluded that the upside down bell shape was what he was asking for now, giving more plans.

Asst. Planner Farbstein stated it had a flare on the side, curving outward onto the public right-of-way towards the neighbor with the existing Allan block wall, definitely with a slope on the property.

Commissioner Evans asked if the area on each side of the driveway was planting area.

Asst. Planner Farbstein assumed they were looking at the October 17 submittal, and that was correct. She clarified that they were referring to retaining walls, adding that there was also the driveway area. There was planting between the paved driveway area and the retaining walls, and she asked if that was the shape to which he was referring.

Commissioner Evans stated that was what he was looking at.

Asst. Planner Farbstein reiterated that in the latest proposal of October 17, there would be landscaping on the inside of each retaining wall and also on the outside portion. She explained that they reduced the amount of paved area for the driveway.

Commissioner Evans stated that was what he was referring to, adding that he didn't remember it being like that. He thought there appeared to be a smaller amount of paving than what the original was with more actual landscaping. He stated that, if he were to stop with the wall at the property line, there was no encroachment into the public right-of-way like the neighbor's wall.

Asst. Planner Farbstein agreed, reiterating that there would be no encroachment into the public right-of-way if they stopped at the private property, but adding that it existed in the neighbor's property.

Commissioner Evans understood the plight of trying to tie the two together, adding that he lived on a hill also and everything goes down with gravity. He didn't have a problem with siding change unless someone came up with something. He liked the idea of less paved driveway and more planting area. He thought they were getting into what the neighbor was asking for to make it look more natural and thought the applicant was trying to do that. He was not in favor of a concrete wall on the right-of-way. He thought the idea of taking the concrete wall to the property line and doing some kind of connection with a Allan wall was the way to go, but was not sure of the angle. He understood that they needed some kind of connection or the neighbor's property would come down into the street, adding that there was enough of that in all the other houses and they didn't need the mud flow on that.

Commissioner Leon referred to the October 17 drawing of the driveway at the property line and stated that a substantial part of the driveway appeared to be in the public right-of-way and he asked if that was subject to an encroachment permit.

Assoc. Civil Engr. Rogers responded affirmatively, adding that they did have an encroachment permit for that portion of the right-of-way.

Commissioner Leon then referred to the discussion about the front side of the non-conforming wall regarding the use of landscaping, and he asked if landscaping in the public right-of-way

between Stanley Avenue to the radius of the wall was subject to encroachment permitting. He thought he heard the applicant say that there would be planting on front of the wall and on top of the wall, and he thought that meant there would be planting in the public right-of-way. He asked if that was a permitted use or if they have to specify it in an encroachment plan.

Asst. Planner Farbstein stated that she would let Mr. Rogers handle the issues of landscaping in the public right-of-way. Her understanding was that the landscaping was going to be on private property because the width of the driveway at the front property line was going to be reduced and there was space between the paved driveway and the retaining wall so those areas will be landscaped but would be on private property. She had not heard the applicant mention landscaping on the public right-of-way, and what was mentioned was available for landscaping because of reducing the width of the driveway.

Commissioner Leon asked if staff would be requiring a landscaping plan.

Asst. Planner Farbstein confirmed that it would actually be a revision to the landscaping plan which they already have in place.

Commissioner Leon was clarifying this because of the discussion regarding landscaping on top and in front of the wall, adding that the area between the wall and driveway could be construed as in front of the wall versus the street and the wall. He then thought that meant that there was a second encroachment permit exclusive of the wall and just dealing with the driveway.

Assoc. Civil Engr. Rogers stated that they would actually put it all under a single permit that will include the street paving, driveway approach, as any work in the right-of-way goes under one permit. He stated that they have an existing permit for most of their work, and the changes to the retaining wall will require either a new permit or an amendment to the existing permit.

Commissioner Leon stated that, while he wasn't familiar with the permit, he thought, with a general building permit, they would have certain items that are approved after inspected, and he assumed you could have approved items and items waiting for approval, such as the wall with work taking place in separate areas under the same encroachment permit.

Assoc. Civil Engr. Rogers responded affirmatively.

Commissioner Clifford asked if engineering was looking for a recommendation from the Commission on the retaining wall, adding that he thought that was part of what they were doing but he didn't hear that in his answer to Commissioner Leon. He reiterated his question as to whether they were looking for a recommendation from them.

Planning Director White referred to Commissioner Leon's previous question and stated that, technically, the mechanism for any encroachment to a public right-of-way was approached through engineering; however, given the circumstances in this project, he thought Engineering would agree with Planning that they would find it very helpful to understand whether the Commission supported the encroachment into the right-of-way and, if so, did they have a preference for the various designs discussed. He thought that would inform the process that Engineering would go through in reviewing the encroachment permit.

Commissioner Clifford stated that he was not in favor of the retaining wall encroaching on the right-of-way and would like to see something done about the other wall that was encroaching on the right-of-way because of his concern for public safety. He explained that the street was very narrow with cars parked on both sides. He stated that, when going in his truck to look at the site, it was one way for him and, in terms of emergency vehicles or anyone else, they or he would have to back up until they find a way to pull out. He thought, if those encroachments were removed, the road becomes wider and easier for cars and especially for emergency vehicles to pass. He reiterated that he was adamantly not in favor of any encroachments on Stanley.

Commissioner Brown appreciated the intent of the siding and, with a house this size, having different and lighter materials would make it less imposing and he was in favor of the amendment for the siding. He also agreed with Commissioner Clifford on parking, mentioning that he didn't see a single one on the south side of the culvert and crossed the culvert to effectively make it a one-way street. He appreciated their effort to tie in with the existing wall, but the existing wall was illegal and encroaches. He didn't think any more encroachments should be allowed on Stanley. He stated that, if he was outvoted by fellow commissioners, he would want to make a clear statement that the wall has to be removed within a specifically designated time at the expense of the owner not the City. His reasoning was that at some point they would make the streets conforming to the code. With the present multiple encroachments, you get streets that never get paved and sooner or later, a truck will get stuck up there. He reiterated that he was not in favor of encroaching on the public right-of-way but, if it was allowed, it should definitely be removable at no burden to the City in a timely fashion.

Commissioner Campbell thanked the applicant for bringing the samples. He was comfortable with the siding and thought it would not be flat and monolithic looking. He didn't believe it violated any design guidelines. He understood why the applicant did the retaining wall which made a lot of sense at first. However, he was concerned about public safety and agreed that they needed to move it back. He thought the 90-degree angle was okay although not the preferred way. He thought, if they go with that, they might get the next door neighbor's retaining wall to conform. Since this was a public safety issue, he would hate to approve it and have something happen. So, he thought getting it to the 90-degree angle would be the way to go.

Commissioner Langille was also in favor of the siding material change and the driveway entrance change. She thought, for the amendment of the CDP, there was a mish-mash of designs in the neighborhood and she thought the stucco could soften up the bulk of the house. She was familiar with the encroachment permit because her sister lives on the street, but she thought Pedro Point was a mish-mash of designs, the streets are in poor condition and parking is all over the place. She didn't think they would want to create a precedent and continue the encroachment even if it might look nicer. She agreed that they should keep the retaining wall on the applicant's property and, if there was any way to soften the 90-degree angle with some design, maybe with landscaping.

Chair Gordon was fine with the proposed siding. He shared Commissioner Clifford's concerns about building the retaining wall into the right-of-way. He didn't think it was a good idea from a planning perspective to build into the public right-of-way so he was in favor of keeping the retaining wall at the property line.

Commissioner Clifford stated that he had not chimed in on the siding or driveway. He approved of the change to the driveway but on the siding he didn't like going with that much stucco and he

thought that would change the apparent appearance of the building. He would prefer the original design they approved.

Commissioner Leon asked if the design guidelines come into play and were in conformance with the neighborhood.

Asst. Planner Farbstein asked if he was referring to the retaining wall or the driveway.

Commissioner Leon meant the finish that was being proposed.

Asst. Planner Farbstein agreed with Commissioner Langille that there were a lot of different siding materials in the neighborhood and, once they knew the proposed finish was high quality, they supported the siding change and she thought it conformed to the design guidelines.

Commissioner Leon stated that he was undecided on the siding change. He visited the site today and he sees a lot of doors on the garage and detailed work on the windows and roofline. He stated that there did not appear to be a lot of stucco jumping out at him from the street view. He didn't put this in the same category as a free standing 35-foot high rectangular all stucco building. He was kind of torn but gave the applicant the leeway on that. After listening to the comments, he was now convinced that the retaining wall should remain on private property and, if possible, the neighboring property. He got caught today trying to turn around and he could see the benefit to the street with some additional width.

Chair Gordon asked if staff was getting the feedback they needed.

Planning Director White stated that they were. He thought there was consensus on the Planning Commission but he thought it would be helpful if someone would attempt to put that into the form of a motion relative to the siding and driveway change, and the direction about the wall being moved back to the property line. He thought that would give them what they need.

Chair Gordon thought it sounded like two motions were a good idea.

Planning Director White stated that one was related to the change to the approved project and the other was direction to staff on the location of the retaining wall.

Chair Gordon asked if Commissioner Campbell cared to make a motion. He then asked if the Planning Director would like to give them some guidance as to how the motion might sound.

Planning Director White stated there were two parts to the first motion of the amendment to the CDP which was the change from the siding originally approved to the stucco presented at this meeting, and then the physical changes to the driveway design on the property.

Commissioner Clifford stated that he would like two motions.

Commissioner Campbell moved that the Planning Commission **APPROVE** amendment to CDP-334-12, and adopt the findings contained in the October 1, 2012 staff report with regard to stucco and incorporate all maps and testimony into the record by reference; Commissioner Evans seconded the motion.

The motion carried **6-1**.

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

Commissioner Campbell moved that the Planning Commission **APPROVE** amendment to CDP-334-12, and adopt the findings contained in the October 1, 2012 staff report with regard to the driveway approach at the proposed dwelling at 240 Stanley Avenue and incorporate all maps and testimony into the record by reference; Commissioner Clifford seconded the motion.

The motion carried **7-0**.

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

Commissioner Campbell moved that the Planning Commission direct staff to approve location that maintains the retaining wall within the property lines of the proposed property at 240 Stanley Avenue and insures that there will be no additional encroachment into the public right-of-way; Commissioner Leon seconded the motion.

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.

COMMISSION COMMUNICATIONS:

Commissioner Clifford urged everyone to vote on Tuesday, adding that it was not only your right but your duty.

STAFF COMMUNICATIONS:

None.

ORAL COMMUNICATIONS:

Roger Medler, Pacifica, stated that he has concerns about Seaview Tire and Brake.

ADJOURNMENT:

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