

MINUTES

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

June 17, 2013

7:00 p.m.

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

ROLL CALL: Present: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Chair Evans
Absent: None

SALUTE TO FLAG: Led by Commissioner Gordon

STAFF PRESENT: Planning Director White
Assistant Planner Horrisberger

SPECIAL ORDER OF BUSINESS:

Assignment of terms
Planning Director White explained that they had a slightly different agenda due to the recent appointments made to the Commission and the need to take care of some administrative business. The first part will be to “draw lots” to decide the terms of each Commissioner. Once they have drawn the slip of paper and put their name on it, he would read the term assignments into the record. Then they will follow with the reorganization which is typically done after the election of new commissioners and will have the election of the chair and vice chair.

The terms were assigned as follows:

Josh Gordon – 2015
Jeffrey Cooper – 2014
Sue Vaterlaus – 2016
John Nibbelin – 2017
Rich Campbell – 2016
Chuck Evans – 2015
Mike Brown – 2014

Election of Chair and Vice Chair.

Commissioner Vaterlaus nominated Commissioner Evans as Chair; Commissioner Nibbelin seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Evans
Noes: None

Commissioner Campbell nominated Commissioner Brown as Vice Chair; Commissioner Evans seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Evans
Noes: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 24, 2013:

Planning Director White stated that, at this point in time, he did not believe there were any Planning Commission items on the agenda, adding that he would contact the Chair if that changes.

**APPROVAL OF
MINUTES:
May 6, 2013**

Planning Director White explained that, due to the fact that they theoretically did not have a quorum to approve the minutes and he suggested that they table the minutes for now, adding that it was possible that the minutes will be in Draft form indefinitely, but he will consult with the City Attorney to see if there is an alternative. If so, he would bring this item back at the appropriate time.

**APPROVAL OF ORDER
OF AGENDA**

Commissioner Nibbelin moved approval of the Order of Agenda; Commissioner Gordon seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Chair Evans
Noes: None

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

CDP-337-13 COASTAL DEVELOPMENT PERMIT to construct a new single-family residence of approximately 2,100 square feet on a vacant lot on Olympian Way, Pacifica (APN 023-039-060). This project is located in the Coastal Zone. Recommended CEQA status: Exempt.

Assistant Planner Horrisberger presented the staff report.

Commissioner Cooper had a question regarding the drainage. He noticed in the storm runoff that it was going to the vegetated areas but, on the plans, it looked like there was a downspout on the roof that went directly to the street. He was also concerned with the amount of runoff to the adjacent residents because all the retaining walls seemed sloped toward the residents on the east.

Asst. Planner Horrisberger stated that will be detailed as part of the building permit review and the project consistency with the approval would be verified at that time. If there were questions about the technical drainage aspects, the applicants would be able to address that better than she could.

Commissioner Vaterlaus stated that it says to replace the trees but it doesn't indicate what type of tree or how large, and she asked if they are given that later.

Asst. Planner Horrisberger stated that there was no specific requirement related to tree replacement. Historically, sometimes the commissioners have opted for the 24-inch box size tree and other times have left it to the discretion of the Planning Director. She stated that it was up to them if they want to be more specific but generally it was just a tree for a tree.

Commissioner Vaterlaus stated that Conditions of Approval 21 and 27 were identical.

Asst. Planner Horrisberger responded that we only need one of them. Condition #27 was removed.

Commissioner Nibbelin referred to the enforcement mechanisms of item 7 related to the maintenance of landscaping. He asked if there was a process in place for ensuring the ongoing compliance with that particular condition if necessary.

Planning Director White stated that it would be part of the property maintenance regulations and handled through code enforcement.

Commissioner Cooper asked if there was any home owner development association or group associated with this area.

Planning Director White responded that there was not.

Brad Wahrlich, applicant, stated that he was present with his wife, Julie, and their two daughters. He appreciated the Commission taking the time to review this application. He gave the background on their search to find a home in Pacifica. When they found the lot, they were excited about being a part of the community and they love living on the Point. He stated that he

gave that background to point out that the home was designed to be a forever home and not as an investment. He explained that they wanted to be consistent with current designs because they love the area as it is and they took the various neighbors into consideration by talking to them before they submitted the plans to the Commission. He stated that one thing they did for the neighbors as well as themselves was to maximize privacy between the homes and not obstruct the views at all, mentioning that they slanted the house so the neighbor's view would be maximized. He then pointed out one design showing windows on the westward side, and stated that they should not be there because they were the master bedroom and one of the children's bedrooms and were opposite the neighbor's kitchen, and they don't want to look into their kitchen or them to look into their bedrooms. He was open to questions.

Commissioner Campbell thanked him for the renderings. He did appreciate the no windows for privacy and he asked if they looked at the windows to create some design feature instead of a blank wall.

Mr. Wahrlich stated that they were looking at a flowering vine which was traditional with the Mediterranean style to break up the space.

Commissioner Cooper was concerned about the runoff from the back of the house and how he was going to take it from the back of the house and keep it from going into the street or the neighbor's property.

Mr. Wahrlich stated that he had his designer, Mr. Brinkman, who will probably be able to speak better to that.

Brian Brinkman, contractor, stated that it will be designed at the building level. He stated that all the retaining walls will have drainage behind it.

Commissioner Cooper asked where they were going to discharge that water.

Mr. Brinkman stated that they were going to keep as much of it on site as they can. He stated that there wasn't anything on the plan showing pipes to the street.

Commissioner Cooper stated that he was looking at the front rendering where there was a drain spout coming off the building into the street. He was concerned with that and moss and everything that gathers with the water coming off, as well as the retaining wall sloping down to the neighbor's property. He was concerned that he didn't overwhelm his neighbor's kitchen.

Mr. Brinkman reiterated that they were going to try to collect it all and/or send it to landscaped areas.

Mr. Wahrlich commented that the topography of where the house was located was slightly inward and a lot of the drainage was not going to the seaward side and he thought the slope of the lot slants slightly toward their house and would also be consumed in the landscaping itself.

Chair Evans referred to their plans to retain the water and he asked if they were going to have a retention tank or reservoirs on site.

Mr. Brinkman stated that would be the first design option they would look at and they would have to deal with the calculations necessary to determine how big it would need to be.

Chair Evans assumed that it was open to them.

Mr. Brinkman responded affirmatively.

Chair Evans stated that he read the report for the stabilization of the hill and lot and he assumed they would be following that very closely. He stated that he lives on a steep lot and knew it was a big issue on following and finding the bedrock.

Mr. Brinkman stated that they have worked with technical engineers and they will follow that.

Chair Evans assumed they would be retaining them for the job.

Mr. Brinkman responded affirmatively.

Commissioner Cooper stated that the landscaping seems to go into the street and he asked how they will keep the silt off the street. He asked if they were planning on a curb to keep it back.

Mr. Wahrlich asked what drawing he was looking at.

Commissioner Cooper stated that it was looking from the porch with the landscaping coming down, and he asked if there was a curb planned that would prevent the silt from coming down and going into the storm drains.

Mr. Wahrlich thought there will probably be a planter box to contain the water and the landscaping will be contained in itself. He didn't think there will be anything to run into the street. He stated there will be some means of capturing the dirt and silt to keep it from going into the street.

Commissioner Cooper just wanted them to be aware of it because it was important and they don't want silt into the storm drains. He stated that, according to the provisions, it says that the applicant will be responsible to repair and replace all of the existing curb that was there and he thought he would bring that up.

Mr. Wahrlich didn't think there was an existing curb currently there. He thought it was just an asphalt road that was in poor condition.

Commissioner Cooper wondered if they would have to replace all that, all the way to the other side of the street.

Chair Evans opened the Public Hearing.

Ila Homsler, 155 Olympian Way, is across the street from the proposed development. She wasn't opposed to the new development and felt it was a lovely design that will enhance the neighborhood but she was concerned about two things. One was the condition of the road and the traffic that new construction generates and the second issue was the drainage that was mentioned already. She stated that, regarding the traffic, when tearing down a hillside, there was going to be

a lot of dirt being moved and a lot of concrete and materials being brought in. She stated that, in the past, with construction on the street, they allowed very large trucks to bring everything in and out, and it not only tears up their road but even Grand Avenue will take a beating as happened the last time. She suggested that they might want to put a condition requiring smaller trucks that will be used to bring the materials in and out. She stated that after the last construction project, they had mud holes everywhere and, even with the patching, she didn't think the road has recovered from that. She asked again that they look at having conditions on the size of the vehicles bringing the materials in and out. She did think that drainage was a big issue, not just for this construction but any construction on the Point, since they do not have curbs and gutters. They have open drains, and when we have large rainstorms, the water does spill out to the road even more and during new construction, they need to take that into account and make sure that is part of the planning. She understands that they have ideas about that, but she was looking to the City to build that into the plan and approval process before they get too far down the road. She stated that in her 23 years of residence, she has seen quite a bit of erosion take place. She referred to the large Spanish style house that was built, and stated that there was some potholes made and they didn't require paving because there was some work done on additional drainage. She asked that potholes not be made. She thinks paving and drainage is important.

Chair Evans closed the Public Hearing.

Mr. Wahrlich stated that apparently he missed one of his neighbors. He thanked her for the comment, adding that they were conscientious about the impact they will be having on the neighbors which was why they talked with the various neighbors. He stated that they will be living with them for a long time and they want to be good neighbors and make sure everyone is happy and are good neighbors in the future. He would let Mr. Brinkman address it.

Mr. Brinkman stated that they will look into one or multiple retention basins on the site to retain as much runoff as possible. He stated that there was an existing corrugated drainage inlet and he spoke with Public Works and they weren't totally sure where the inlet led to. He stated that they would not touch that and let the drainage continue as it currently does, with going into that inlet as all the other properties are doing.

Chair Evans thought, with him living there, it will bring a lot of light upon him for a while and he will be conscious of it.

Commissioner Nibbelin asked if there was anything in the best management practices that would address any of the concerns raised by the member of the public, such as the size of the trucks involved in construction.

Planning Director White stated there was nothing specific on the size of the trucks, and he would be reluctant to condition something like that. From an enforcement standpoint, he thought it would be very difficult. It also may end up resulting in more traffic rather than less if you have smaller trucks. He was sympathetic to the comments on the road conditions and drainage conditions which are not optimal at Pedro Point. He stated that sometimes larger capacity trucks may be the better way.

Commissioner Cooper asked if there was any policy in place, as the resident brought up, for potholes that are created because of the projects. He asked if it was the responsibility of the contractor.

Planning Director White stated that, to the extent capable, they try to identify damage done by construction project. Sometimes it was not easy. If it is directly adjacent to the property it was simple, but if it happens to be a block or more away, it was hard to say who was responsible for that new pothole. While it could be the responsibility of a heavy truck going by, you almost have to catch them in the act in order to mitigate that. It was something that was worthwhile from the public standpoint to keep the City advised. He thought they might be able to put something together.

Commissioner Gordon asked for enlightenment of what was required for the green building portion of the staff report, what was required and what the applicant was proposing.

Asst. Planner Horrisberger stated that the requirement was certification through one of the green point rating systems, either LEED or Green Point Rated. In order to obtain certification, the applicant chose to use Green Point Rated which is strictly for residential. They have to attain a certain amount of points in a variety of categories which has to total up to 50 points. In this case, the applicant has indicated well over the minimum amount of 50, at 120, and that allows them some flexibility. She reiterated what was required was the certification.

Commissioner Gordon commended Asst. Planner Horrisberger on the staff report. He stated that it was incredibly well done and thorough, reinforced by her own due diligence. He stated that it was nice to know what the average height and square footage was. He asked if those were from Pedro Point or on the coast.

Asst. Planner Horrisberger stated that those were specifically on Olympian Way.

Commissioner Gordon thought that was even more relevant. He reiterated that it was a job well done and very informative. He stated that he was in favor of the project. The design was very nicely done. He commended the applicant for reaching out to the neighbors and taking into account their views. He stated that, sometimes, they get projects where there was no discussion at all with the neighbors and it was almost like a brawl during discussion. He thanked him for all that "homework" in advance. He thought the design was an upgrade to the neighborhood. He acknowledged that there was no impediment to any views. He thought it looked like most of the property will remain in its natural state, with the lot coverage way below what was required. He thought they would handle the tree issue by making the condition of approval following the arborist's report with removal of all the trees.

Asst. Planner Horrisberger clarified that it was the trees mentioned in the report. There were two on the neighbor's property that they do not have any control over.

Commissioner Gordon stated, in terms of homes recently approved, this was very consistent with prior projects approved and he was in favor. He was also open to views and comments of his commissioners.

Commissioner Brown commended the city staff for a package that was well put together. For every question he came up with, there was eventually an answer and that made it easy to go through it. He stated that the applicant was well within the limits and well within what was conforming to the neighborhood and he felt that made it an easy decision to vote for the project.

Commissioner Campbell was in favor of the project. He felt that it was nice to see a project come forward that was not out of proportion with the neighborhood and the designs being consistent. He was inclined to vote for this. He stated that he would like to bring up afterwards the subject of the road damage by construction work. He has heard of this concern in other projects and by neighbors as to what we do with damage from heavy trucks on older streets. He asked if there are any weight limits, mentioning that some cities have weight limits on certain streets. He asked if that was available to us, adding that it might be worth discussing this sometime in the future. He didn't want to burden the applicant with that today because they were not prepared for it and it wasn't a preexisting requirement but, going forward, it might be worth some discussion.

Planning Director White thought it might be worthwhile having that conversation and having the Public Works and Engineering staff present as well. He mentioned that this was similar to an item that came up recently at a Planning Commission meeting about the standard condition to replace the street frontage. He had a report on that but it was not related to this project and he would save it for later on in the agenda. He stated that, if the Commissioners were interested in such a discussion with staff, he will be happy to arrange that.

Chair Evans also thanked staff for an excellent report for all the previous reasons stated. He thought it was very well done and a lot of helpful information for them to work with. He also thought the project was very good, in good taste and modest in size. He mentioned again that he lives on the side of a hill and they have to keep that in mind. He thought the applicant kept that in mind to a good degree. He repeated to be aware of your neighbors. He thanked the applicant for that. He was inclined to approve it also.

Commissioner Nibbelin moved that the Planning Commission find that the project is exempt from CEQA and **APPROVE** CDP-337-13, subject to conditions 1 through 26, and **ADOPT** findings contained within the June 17, 2013 staff report, and incorporate all maps and testimony into the record by reference; Commissioner Gordon seconded the motion.

The motion carried **7-0**.

Ayes: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Chair Evans
Noes: None

Chair Evans 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:

None

COMMISSION COMMUNICATIONS:

Commissioner Gordon welcomed the new commissioners. He commented that, from the questions posed, he felt they were going to be a great addition. He congratulated the incumbent commissioners for being spared the ax. He also thanked the commissioners who were not reappointed, Celeste Langille and Tom Clifford, who will be missed. Their work on the commission was appreciated. He stated that they had been on the Commission as long as he was and someone like Tom Clifford was going to be hard to replace with his expertise since he was a contractor. He would also miss Leo Leon who resigned. He thanked them again.

Commissioner Brown referred to the new rate schedule for services, and stated that he didn't remember seeing the rates and economic analysis behind them. He applauded the effort, and as he was asked his opinion by a City Councilmember on this, he thought it would be nice if, before they go to the City Council, they schedule a review session on the thinking and economics behind making a proposal like that. He thought it was a way to help them explain it. He understood that they were making up for rates that haven't changed in quite some time. He didn't mean to impede progress but, next time, he thought they could have a review of those. Regarding damage created by large, heavy trucks, he agreed there was a tradeoff between more trucks. He stated that in neighboring communities, where people want to put in new basements and move a lot of dirt, they have raised their fees significantly on dirt removal, and maybe there is some recovery mechanism, based on the weight of the materials going in and out, with an assessment that could go toward Public Works. He agreed that, unless they catch them making the pothole, who can say what really caused it.

Commissioner Campbell welcomed the new commissioners, and as Commissioner Gordon mentioned, they will miss the old commissioners and they valued what they did over the years.

Commissioner Nibbelin thanked the incumbent commissioners for their welcome and he was honored by the opportunity to make a contribution going forward. He acknowledged that he had a lot to learn and was looking forward to working with them.

Commissioner Vaterlaus concurred with everyone's comments.

Chair Evans congratulated the three new commissioners and he promised he will get to know their names better. He will also miss the commissioners that they had in the past along with their knowledge and information but we move on in a positive way.

STAFF COMMUNICATIONS:

Planning Director White also welcomed back the reappointed commissioners as well as the new commissioners. While the veterans know this, to the new commissioners, he assured them that he and his staff were readily available to them as a resource, such as a comment, need for more information, etc. He stated that they will try to accommodate them in any way they can. He stated that he can't take credit for the additional work that was done on this agenda item about digging back in the records to find comparable types of projects. He stated that it was a

suggestion of Commissioner Nibbelin who called him last week and asked that question. Those were exactly the kind of things they were looking for. If there is something they can put into the staff report that helps them make informed decisions, that was what they want to do. While he felt they do a pretty good job most of the time, there may be a question they have and he encouraged them to let them know about it. He then referred to a gentleman who came to a Planning Commission meeting with a concern relative to the pavement replacement, adding that it was regarding a Rosita house project. He stated that he had promised that he would inquire with Public Works and Engineering to find out how they figure out what sort of conditions to apply to projects. He was told that they do consider them on a case by case basis. If the street had been replaced recently and there was a minimal intrusion relative to a new project, they probably would not require the entire street to be repaved. In the case of Rosita, there were three new trenches cut into the street as part of the project and that was the justification to require the section to be replaced. He thinks they have a connected but different issue about pavement damage that isn't directly adjacent to the project but goes beyond the project. He agreed that it was a worthwhile conversation. He thinks Commissioner Brown's comment was right on the money. It is impact from a development and there might have been an opportunity, and maybe Public Works did take the opportunity into the fees that were adopted the other night but he wasn't part of that conversation. They can talk about it and find out. He thought that was the process that needs to take place rather than to try to do it incrementally on a case by case basis.

ORAL COMMUNICATIONS:

Chris Ranken, Pacifica, stated that he was a Pacifica Planning Commissioner for eight years, and now he was chairman of the San Mateo County Planning Commission. He was present to welcome the new members. He was happy to see this particular Commission. He has known most of them for a number of years and thinks very highly of them. He stated that he has heard a lot of good things about the ones he didn't know. He sees a group of people with a variety of perspectives but he knows they all share intelligence, clear thinking, open-mindedness and respect for each other. Because of that, the Commission can be one of the best, at least since he was up there. He urged them to embrace the differences in perspectives and embrace the respect. He stated that, doing that, he thought they could make this Commission something special and a great asset to Pacifica. He was looking forward to their time together and he wished them all the best.

Chair Evans thanked him, stating that, coming from him, that was quite a compliment.

ADJOURNMENT:

There being no further business for discussion, Commissioner Nibbelin moved to adjourn the meeting at 7:50 p.m.; Commissioner Cooper seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Cooper, Gordon, Campbell,
Nibbelin, Vaterlaus and Chair Evans
Noes: None

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Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director White