

**MINUTES**

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

January 6, 2014

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Cooper, Campbell, Nibbelin, Vaterlaus  
and Chair Brown  
Absent: Commissioners Gordon and Evans

**SALUTE TO FLAG:** Led by Commissioner Cooper

**STAFF PRESENT:** Planning Director White  
Asst. Planner Horrisberger

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

The motion carried **5-0**.

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

**APPROVAL OF  
MINUTES:  
DECEMBER 16, 2013** Commissioner Cooper moved approval of the  
minutes of December 16, 2013; Commissioner Vaterlaus  
seconded the motion.

The motion carried **5-0**.

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

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF January 13, 2014:**

None.

**CONSENT ITEMS:**

None.

**PUBLIC HEARINGS:**

**CDP-341-14 COASTAL DEVELOPMENT PERMIT, CDP-341-14, filed by the applicant/agent, Daniel Ewald, on behalf of owners, David and Catherine Dwares, to construct a new 3-story single-family residence of approximately 2,600 square feet on a vacant lot at 1375 Livingston Avenue (APN 023-017-090). Recommended CEQA status: Exempt.**

Asst. Planner Horrisberger presented the staff report.

Commissioner Cooper stated that his one comment had been addressed, referring to conditions for approval, item #17, regarding “existing sidewalks and streets” which there wasn’t. He referred to past conversation of revising requirements to address this issue but, in this case, there were none so they were not in the plans.

Chair Brown referred to the impervious surface which required one LID measure at greater than 2500 square feet and stated that what was proposed in the project seemed to be less than that at 2154 square feet. He asked what that measure was about.

Asst. Planner Horrisberger stated that, per the stormwater management regulations, they have to make sure that any resident who replaces or adds 2500 square feet of impervious surface does a low impact development measure, such as rainwater harvesting, adding pervious pavement, redirecting down spouts, and in this case, they showed that the impervious surface was less but they incorporated more measures than needed even if it had exceeded the threshold.

Commissioner Nibbelin asked confirmation that she was saying that, because of the amount of impervious surface, they didn’t need to include an LID but they did anyway.

Asst. Planner Horrisberger responded affirmatively.

David Dwares, owner, thanked everyone for having them. He stated that he and his wife, Catherine, were thrilled to be present. He mentioned that they had been living in the city, off and on, for 15 years, and he had lived on the Point in Pacifica from 2000 to 2004, which was why he was familiar with the neighborhood. He stated that they had their first and only child a couple of years ago. They both agreed that they wanted to get out of the city. He grew up by the water in Rhode Island and he knew that he wanted to return to Pacifica, so they looked for something between Pacifica and Half Moon Bay for a year. When his wife saw this property for sale, they jumped on it. They have tried to get to know the neighborhood. He mentioned that his wife was more nervous than he was since he knew some of the people, but they were renting on the point already and, during their three months, had met more people than they did in three years when living in Bernal Heights in the city. He mentioned all the Pacifica events they have been attending. They were “stoked” to be here, looked forward to getting the project approved and start work on it right away and put their roots down. He felt the staff report summed up their process so far. He stated that they intentionally set their house further back than necessary because they did not want to obstruct the views of the house above, adding that they had bought the property from her. He also felt that the landscaping was planned to be a softer feel for their neighbors as well as themselves.

Daniel Ewald, architect, stated that this proposal was for a moderately sized home and it was not about maxing out the site, referring to a previous permit on the property for a larger home. He reiterated that it was set back to respect the primary views of the uphill neighbor, as well as narrower than allowed to respect the views of the neighbors to the east. He stated that the proposal included a large amount of natural materials, such as wood and stone and incorporating a natural color scheme. He stated that the proposal also exceeds all the green building requirements and includes rain water retention, living roof and mostly permeable surfaces. He stated that they were available for any questions.

Commissioner Cooper appreciated the design and felt it was a wonderful design and layout, as well as a beautiful home. He then mentioned that it looked like there was quite a bit of excavation that will be taken from the site, and he asked how much off haul they would be doing from the site.

Mr. Ewald stated that they were still working through it with the civil engineer but there wasn't going to be much off hauling as what was excavated would be used on the site.

Commissioner Cooper stated that the site seemed to slope down all the way to the back corner, and he asked how they were handling the run off to protect the neighbors. He referred to a proposed rain barrel, asking where the water goes when it overflows.

Mr. Ewald stated that there were rain water retention measures and, if there is an overflow, it goes back into the rear yard. He stated that there was enough area to distribute the water into the land, adding that most of the land was permeable.

Commissioner Cooper asked what would happen if we get a heavy rain and the roof drains.

Mr. Dwares stated that they had a basin in the back also, buried underground. He stated that the whole backyard area was going to be trees and grass.

Commissioner Cooper stated that he was concerned about the runoff from the roof and other areas of the home.

Mr. Dwares stated that the garage has a living roof and that should minimize the runoff, adding that it won't always capture all of it. He stated that the runoff from the upper and lower roof first goes into the catch system and then redistributes into the catch basin in the rear.

Commissioner Cooper asked what his schedule was for the project.

Mr. Dwares stated that he was a contractor so he will be the owner and builder, adding that they have a home in the city which he is fixing and would be putting on the market in about a month. He stated that he would like to get going soon, and if approved, he would turn it over to Building and, when they approved, he would be thrilled to start by March 1.

Commissioner Cooper stated that he would be concerned about moving that much dirt in March.

Mr. Dwares stated it was terrible for the environment, but the lack of rain might benefit him in the short term.

Commissioner Cooper reiterated that he would be concerned.

Mr. Dwares stated that his first idea was to submit to Planning by December 1, but being in the business, he understood that things take time. He stated that he purchased the property in the summer and he knew they would be coming up to the winter and, even if ready in December, he knew they may not be able to go. That was the reason why he says hopefully by March 1, but he was not wedded to it.

Mr. Ewald added that they were aware, if they got started that early, there were standards and measures that needed to be taken until April 20.

Commissioner Cooper stated that he had another concern, mentioning a home that was approved six months previously. He stated that they were concerned about the roads as that area does not have a lot of good pavement, and suggested that they take all the precautions necessary to minimize the traffic and heavy equipment on the road.

Mr. Dwares stated that they would, adding that they would probably have to dig up in the front. He stated that there was a sewer line in the back of the lots. He mentioned that a recent new home on Livingston repaved the whole front of the house across the entire road, and he was planning on doing that. He mentioned that was how he got to his present rental on Sterling.

Commissioner Cooper stated that he had already addressed his other question, referring to the mention of talking to the neighbors.

Mr. Dwares stated that the seller was concerned and made him sign a document with the same conditions as the City, such as the 35-foot limit. He stated that it could be the same for any neighborhood to which you move, but he had an appreciation for the historical nature of Pedro Point within Pacifica. He knew it was a small community and he appreciated the charms, stating that they didn't want to come in and "stick fingers in people's eyes," such as building fences. They didn't come to be sequestered, but to be part of the community.

Chair Brown opened the Public Hearing.

Robert Holden, Pacifica, stated he lives at 1416 Grand Avenue, parallel to Livingston on the eastern side. He had several concerns. He stated that the Pacifica building code allowed a 35-foot height building which was the equivalent of three stories. He acknowledged that there were already homes that high but he felt it was too high. He stated that Pacifica did not have a view ordinance, and between the height and lack of a view ordinance, there have been several houses on Livingston that were huge and had an impact on traffic, as well as light and air flow. He urged the Planning Commission to consider the appropriateness of the height. He referred to the location of the setback, stating that the setback toward the eastern side gave the view to the house above, but it had an impact to the neighbors on the back side. It created a monster 35-foot wall. He stated that, the way the ground is, he didn't have an understanding of where the 35-foot limit starts on the property. He would like to see the approval delayed until the plan for the excavation of the property was finalized so they can figure out where the 35-foot line starts so the neighbors don't end up looking at huge massive walls which can be 45 feet with respect to the grading and the size of the wall. Since he didn't understand the grading, he didn't understand how the 35 feet would sit on the property.

Dennis McDevitt, Pacifica, stated that he was at 1364 Grand Avenue, opposite the proposed property. He welcomed them but he had some concerns, such as receiving the notice during the holiday, because some of his neighbors did not receive any notification. He acknowledged that a 35-foot height was legal in Pacifica. He stated that he had the same roof line, but he had a peaked roof which did not go back to front but transversely. He stated that his first floor came up 10-12 feet, then the roof goes in another direction for 45 degrees until the middle of the house and the peak of his roof would be 50 feet from the edge of the wall. He felt that made quite a difference on impact. He wondered if they could postpone this to another meeting until the neighbors had the information and could formulate questions.

Claire Ervin Lee, Pacifica, also welcomed the new neighbors. She lives at 1433 Grand Avenue. She stated that the mention of a fire pit in the backyard caught her eye. She explained that she was not aware, until she moved into the neighborhood and met Mr. McDevitt's wife, Tina, that burning in the area could cause severe problems for people with conditions like Tina's who has chronic bronchitis and pulmonary edema. She felt the pit, if in use, would make her housebound. She stated that she had a wood-burning stove that she doesn't use because of Tina. She mentioned the many spare the air days and wondered if something could be negotiated with the fire pit to save her and other neighbors with problems breathing that air.

Mr. Dwares thanked the neighbors for their comments and concerns. He referred to the fire pit, stating that it was a gas fire pit and there would be no issues of wood burning or smoke. He stated that the height was within the allowable height. He explained that it was necessary to take advantage of one of the values of the property, which was the view. He felt the setback mitigated that and they considered all neighbors' primary views. He stated that the building was half the width of the lot and was one of the measures taken to mitigate this issue.

Mr. Ewald stated that the 35-foot height was from the lowest point which started at the back of the house, mentioning that they would be coming into the house on the second floor. He stated that it was not going to be overall 50 feet, figuring maybe only a foot in the back yard if that.

Chair Brown closed the Public Hearing.

Commissioner Nibbelin asked staff for clarification on where the 35 feet was measured, such as the lowest site on the lot or some other place.

Asst. Planner Horrisberger stated that the definition and requirement was to measure from the lowest point of the structure at finished grade to the topmost point of the roof, specifically the very bottom to the very top.

Commissioner Nibbelin then asked about the requirements of notice for the project, such as when they went out and what was required to be done.

Asst. Planner Horrisberger stated that some of the notices went out early because of the holiday. Notices were sent to all property owners within 300 feet of the property and all residents within 100 feet of the property, 10 days in advance of the hearing. The site was posted with three notices, notices went to the public library 11 days in advance, and a notice was published in the newspaper on December 24.

Commissioner Vaterlaus appreciated that the applicant talked to the neighbors, and even with no view ordinance, that they respected the view of the neighbors regarding how they placed the house on the lot. She also thought the living roof was a great addition to the project. She liked the project.

Commissioner Campbell referred to the mega home ordinance, and asked an explanation as to whether this comes close to the trigger or not.

Asst. Planner Horrisberger stated that the trigger was 2800 square feet on a lot that was 5000 square feet or greater and would prevent applicant from constructing it without the requirement of an additional permit, and the Commission would have an opportunity to review a site development permit.

Commissioner Campbell asked for confirmation that the garage was not included in that 2800 feet.

Asst. Planner Horrisberger stated that it was not, adding that the threshold for the garage was 650 square feet and this one was a little over 400.

Commissioner Campbell referred to the applicant stating that he could have built a larger house with the size of the lot and asked how much larger it could have been.

Asst. Planner Horrisberger assumed that he may be referring to the 2800 square feet which would require an additional layer of review; however, he could conceivably go beyond that if the Planning Commission were willing to approve it.

Chair Brown asked if staff knew the rear setback and the ridgeline height for the property below and above on Livingston.

Asst. Planner Horrisberger stated that she did not have that information but the applicant might.

Chair Brown asked if she had a suggestion on how to handle Commissioner Cooper's concerns about the wording on condition 17 to reflect that there was nothing to replace.

Planning Director White stated that they had noted the change. He stated that it was a standard condition from Public Works. Rather than stating existing sidewalk, they say new sidewalk will need to be constructed pursuant to the same standards.

Chair Brown thought he saw something that stated they were required to pave the road 18 feet out, and wondered if he had missed it. He thought that was a standard condition.

Planning Director White stated that it was condition #14.

Commissioner Campbell asked when they had approved the 4000 square foot home.

Asst. Planner Horrisberger stated that she didn't know the exact year but it was shortly before she started working for the City of Pacifica, which was in 2005 or around that time and prior to the mega home ordinance.

Commissioner Nibbelin moved that the Planning Commission find that the project is exempt from **CEQA**; **APPROVE** Coastal Development Permit, CDP-341-14 by **ADOPTING** the attached resolution for the proposed single-family dwelling at 1375 Livingston Avenue, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference.

Commissioner Campbell commented that he appreciated the applicant's green building and plans which were thorough, and he also appreciated the neighbors' comments. He felt they had a home that appeared to meet all the requirements, didn't trigger the mega home ordinance, and he wasn't seeing any engineering concerns. He added that we didn't have a view ordinance but might want to consider thinking about that, especially on the point, although he wasn't hearing that views were being wiped out by this home. He was mindful of the neighbors' concerns as well as mindful that they had a home which met all the requirements. He felt that it was difficult for the Commission to deny a project when they don't have good grounds to do so. He also thought it was a nice looking home and he was in favor of it.

Commissioner Vaterlaus seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Cooper, Campbell, Nibbelin, Vaterlaus  
and Chair Brown

Noes: None

Chair Brown 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:**

There were none. Chair Brown then wished everyone a Happy New Year.

**STAFF COMMUNICATIONS:**

Planning Director White had nothing to communicate and also wished everyone a Happy New Year and looked forward to a productive year with them all.

**ORAL COMMUNICATIONS:**

None.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Cooper moved to adjourn the meeting at 7:40 p.m.; Commissioner Vaterlaus seconded the motion.

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director White