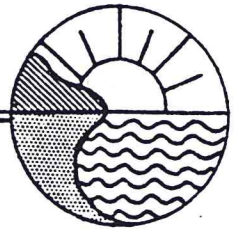


# AGENDA



## Planning Commission – City of Pacifica

DATE: July 2, 2012  
LOCATION: Council Chambers, 2212 Beach Boulevard  
TIME: 7:00 PM

### ROLL CALL:

### SALUTE TO FLAG:

### ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: May 21, 2012

Designation of Liaison to City Council Meeting of: July 9 & 23

### CONSENT ITEM:

None

### PUBLIC HEARING:

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

### CONSIDERATION ITEM:

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

### COMMUNICATIONS:

#### Commission Communications:

#### Staff Communications:

#### Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

### ADJOURNMENT

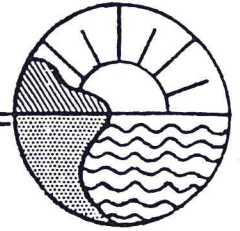
Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

***NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.***

# STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



**DATE:** July 2, 2012

**ITEM:** 1

## **PROJECT SUMMARY/RECOMMENDATION AND FINDINGS**

Notice of Public Hearing was published in the Pacifica Tribune on June 6, 2012 and 52 surrounding property owners were notified by mail.

**FILE:** GPA-88-12  
UP-023-12  
PSD-782-12

**APPLICANT and OWNER:** Michael O'Connell, 275 Juanita Avenue, Pacifica, CA 94044

**LOCATION:** 900 Rosita Avenue (APN 023-190-090)

**PROJECT DESCRIPTION:** Construct a three-story 34 foot tall single-family residence of approximately 2,200 square feet and an attached second unit of 500 square feet, an attached and a detached two car garage for a total of four garage spaces, and one open parking space on a 10,000 square foot lot located at 900 Rosita Road.

General Plan: Public Facilities/Linda Mar School  
Zoning: A/B-5 (Agricultural/Lot Size Overlay)

**RECOMMENDED CEQA STATUS:** A Mitigated Negative Declaration has been prepared stating that with mitigation, project will have no significant adverse effect on the environment.

**ADDITIONAL REQUIRED APPROVALS:** Council approval of the General Plan Amendment.

**RECOMMENDED ACTION:** Approval as conditioned.

**PREPARED BY:** Kathryn Farbstein, Assistant Planner

**ZONING STANDARDS CONFORMANCE:**

<u>New Single-Family Residence</u>	<u>Max/Min</u>	<u>Proposed</u>
Lot Size	1 acre	10,000 sf existing
Minimum Lot Width	150'	89' existing
Maximum Coverage (B-5)		
Impervious Surface	30%	25 %
Lot Coverage	30%	16%
Front Setback	25'	25'
Rear Setback	25'	25'
Side Setback	20'	N/A*
Proposed Living Area of Second Unit	750 sf	500 sf
Height	35'	34'
Landscape	20%	23%
Parking Spaces	2 car garage	4 car garage
Second Unit	1 uncovered	1 uncovered in front yard setback

\* The side yard setback does not apply due to the unique configuration of the lot which resembles a half circle. Only a front and rear setback have been applied which results in a smaller developable area.

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Project Description:** The project consists of the construction of a three story single-family dwelling with a second unit, a two-car garage on the ground level and the upper floors contain the primary unit. In addition, a detached two-car garage is also proposed. Additional information has been provided by the applicant in the attached letter dated March 12, 2012 (Attachment d). The primary unit will contain approximately 2,200 square feet of floor area and the second unit will contain 500 square feet of floor area. The attached garage space next to the second unit is approximately 500 square feet and the detached garage space is 400 square feet. In addition to the four garage spaces, proposed is an open one car parking space on the east side of the subject site and near the entrance to the second unit. This space will be screened by a 6 foot gate in front of the open parking space and fencing along the side of the property as required by section 9-4.2808 (5) c of the Pacifica Municipal Code (PMC). It should be noted here that State law preempts local ordinances regarding second units and if the second unit meets all the development standards as is the case here, no additional requirements can be added.

The three story building containing the second unit, primary unit and two-car garage will be approximately 34 feet in height. The detached two-car garage will be approximately 12 feet in height. The siding on the lower and middle level of the dwellings, and the siding on the detached garage is proposed as painted horizontal board. The siding on the upper floor of the dwellings is

proposed as painted fiber cement shingles. Composition asphalt shingles are the material proposed for all the roof areas.

The broad side of the main building is oriented to maximize southern exposure which increases the amount of natural light and passive solar energy thereby reducing energy costs. The dwellings are placed on the subject site to allow views of Montara Mountain, the newly constructed bridge to Devil's Slide tunnel from the southern and western sides, and views of the hills from the northern and eastern facing windows.

From Rosita Road, the subject site appears to be part of the Linda Mar School property but is in fact a separate parcel that was never owned by the Pacifica School District (PSD) although it is likely that it was used for access and parking by people visiting the former school site. The applicant and the adjacent property owner, PSD agreed upon an easement area of 12 feet in width for ingress and egress as well as for placement of utilities. The proposed dwellings and detached garage will not project into the easement area and will allow access to the PSD's parking lot to the rear of the former school buildings.

**3. General Plan, Zoning, and Surrounding Land Use:** The project site, as described in the City of Pacifica 1980 General Plan, is designated Public Facilities/Linda Mar School and it is currently zoned as Agricultural/B-5 (A/B-5) as shown in Attachment a. The A/B-5 designation supports a variety of uses, including agricultural, animal husbandry and small livestock farming, crop and tree farming and single-family with second unit residential uses upon approval of a Use Permit and Site Development Permit, which conflicts with the 1980 General Plan designation of Public Facility/Linda Mar School. As a result, a General Plan Amendment will be necessary. The site will be designated to Low Density Residential from Public Facility/Linda Mar School, thereby making the project consistent with the General Plan. The General Plan designation is Low Density to the north, south and east, and to the west of the subject site, the designation is Public Facilities/Linda Mar School. The zoning designation is the same for the subject site (A/B-5) as the properties to the west. The properties to the south, east and north of the subject site are zoned R-1 (Single Family Residential). The R-1 zoned properties are developed with multi-story single family dwellings.

**4. Municipal Code:** The proposal to construct a single-family dwelling with a second unit is consistent with the zoning of the site. In Section 9.4.1901 (d) (1) of the PMC, a dwelling is conditionally permitted use on a lot zoned for agricultural use upon approval of a Use Permit and a Site Development Permit. Thus, approval of a Use Permit and Site Development Permit is necessary for the proposed single-family dwelling. State law preempts the PMC because it prohibits discretionary review of second units; and therefore, the proposed second unit does not require approval of a Use Permit and a Site Development Permit.

**5. CEQA Recommendation:** A Mitigated Negative Declaration (MND) was prepared by staff and made available to the public for comments from June 12 through July 2, 2012 (see Attachment b). Notice of the public comment period for the MND was placed in the local newspaper and mailed out to the property owners within a 300 foot radius. Any comments from the public on the MND that are submitted after the staff report has been completed will be addressed by staff during the Planning Commission meeting. However, no comments have been

submitted in time for staff to include a response in this report. The MND determined that the project will not have any significant adverse effects on the environment including any adverse effect, either individually or cumulatively on wildlife resources.

**6. General Plan Amendment:** As part of this project, a General Plan Amendment is proposed as allowed by PMC Section 9-4.3502 of the Code. The project cannot be approved unless the City Council approves the General Plan Amendment. Government Code Section 65358(a) provides that the City Council may amend the General Plan if it deems the amendment "to be in the public interest."

**7. Site Development Permit:** Pursuant to Section 9-4.3204, a Site Development Permit cannot be issued if the Commission makes any of the following findings that the project would have one or more of the briefly summarized following negative impacts:

1. Potential traffic hazards
2. Parking accessibility problems
3. Insufficient landscape areas
4. Restricted light and air on the property or other surrounding properties
5. Creation of a substantial detriment to an adjacent residential district
6. Excessive damage to the natural environment
7. Insufficient site and structural design variety

**8. Use Permit:** In Section 9-4.3303, the Planning Commission shall grant approval of a Use Permit to allow residential use on the subject site when all of the following findings are made:

1. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
2. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
3. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

**9. Ordinance No. 771-C.S. (Megahome):** This ordinance adopted in May of 2010 requires that new single-family dwellings that exceed a threshold, established by a calculation based on lot size, are required to obtain a Site Development Permit. In this case, the larger lot size of 10,000 square feet allows a total floor area of 3,652 square feet for both units. The proposed floor area of both units plus the additional garage space over 650 square feet resulted in a total of 3,057 square feet as determined by PMC Section 9-4.3201 (d) which is 595 square below the threshold; and therefore, the Megahome ordinance does not apply in this case.

**10. Native Tribe Consultations:** The City of Pacifica complied with Government Code Section 65352.3 which requires consultation with Native American Tribes. Four tribes were notified regarding this project on February 2, 2012 and copies of the MND were sent prior to the comment period starting on June 12<sup>th</sup>. All requests for maps, clarification on the notifications and other project information requests from the Native Tribal representatives have been satisfied. The Cultural Resource section in the MND on page 13 and 14 contains information regarding the impacts to Native Americans and a mitigation measure has been identified to ensure that no Native American archeological resources are impacted at the site.

**11. Green Building:** If approved, the project must comply with Ordinance No. 779-C.S. by incorporating green building requirements into the construction of the project. This is a Level 3 residential project because each unit is less than 2,800 square feet of floor area and the project is valued at more than \$200,000. Prior to building permit final, the project must be certified under Green Point Rated or Leadership in Energy Efficient Design by a qualified professional. In addition, construction and demolition waste shall be diverted from landfills and proof of this required prior to accepting the project as complete.

**12. Staff Analysis:**

Environmental Impact – Staff completed a MND that determined no significant impacts would occur with the proposal to build a single-family dwelling and a second unit on the subject site. As discussed previously, one mitigation measure was identified in the Cultural Resources section of the MND that requires Native American and archeological monitors to watch over any ground disturbing activities during construction. The monitors will ensure that no Native American artifacts or archeological resources are harmed during the construction of this project. All the other environmental issues analyzed regarding the project in the Initial Study and Checklist (see attachment b) have been determined to have less than significant impact or no impact.

General Plan Amendment – The General Plan Amendment is necessary to allow residential use on the site, and in addition, the current General Plan designation of Public Facilities/Linda Mar School is inconsistent with the zoning. The proposed General Plan designation of Low Density Residential would allow the project to be completed as proposed and would result in the General Plan designation being consistent with the zoning. The subject site has always been a separate lot, under separate private ownership, from Linda Mar School but appears to have been informally used as part of the former school site and utilized to provide access to the rear parking lot behind the school. Access to this parking area will be maintained by an easement across the subject site. In this case, the General Plan Amendment is appropriate to allow the subject site to be developed as a single-family dwelling with a second unit which is consistent with the surrounding residential development. In particular, the site has always been under different ownership from the adjacent Linda Mar School site; therefore, it is a separate parcel.

Site Development Permit – The proposed residential project will not result in any potential traffic hazards because the site has direct and safe access from Rosita Road. In addition, five parking spaces are provided onsite that exceed the minimum number of required parking spaces and that satisfy all the other development standards for onsite parking. The landscape requirements at 23% of the lot area also exceed the minimum amount required for the site. As discussed in the Aesthetic and Land Use/Planning sections of the MND, and in the applicant's letter (Attachment d), this project will not restrict light and air on the property or the surrounding neighbors. The closest residential building is 40 feet away and the Linda Mar School buildings are 140 feet away. No substantial detriment to the neighborhood or excessive damage to the natural environment will be created by this project as determined by the MND. The last finding regarding insufficient site and structural design variety will be addressed below under the Design section.

Use Permit – The establishment of a single-family dwelling with a second unit will not, under the circumstances of this particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. Proposed is a residential use that is consistent with the surrounding residential neighborhood and will not conflict with the adjacent former Linda Mar School site which is being used as commercial space. The proposed development is consistent with the applicable provisions of the PMC, including the Zoning designation and will be consistent with the General Plan designation upon approval of the General Plan Amendment by the City Council. All development standards have been satisfied for both the primary dwelling and second unit, and several requirements have been exceeded such as the number of parking spaces required and the amount of landscaping needed. Consistency with the City's adopted Design Guidelines will be discussed below.

Design – The Design Guidelines recommend that new structures be in character with the existing buildings, details are used to create a sense of human scale and materials are compatible throughout the design. The proposed building design, which appears to be an oversized two-story building due to the large cross gable roof on the front elevation, is in character with the neighborhood in that many of the residences in the surrounding area are two-story dwellings. In addition, the adjacent school buildings are oversized and located on a higher grade; therefore, the proposed dwelling does not appear to be out of scale with the surrounding properties.

The second unit is located on the ground level with the two car garage and the primary dwelling consists of the two upper floors. A portion of the second unit containing the kitchen, closet and entryway and the detached garage are both one-story, resulting in one story structures close to the buildings on either side of the project. The middle level has a deck that provides access to the back yard and a balcony on the upper level which adds visual interest to the rear façade. The front of the building has three dormers that break up the mass of the oversized roof area and both entryways to the dwellings have peaked roof projections to designate the separate entrances to each unit. The proposed dwelling including the second unit has horizontal siding, a deck and peaked roofs with dormers, which is similar to many nearby dwellings, and the materials used are consistent throughout both structures. Details such as the dormers, the deck and balcony, and the varied roofline create a sense of human scale. The varied roofline reduces the overall mass of the dwelling. Also, the dwelling will be setback 25 feet from Rosita Road while most of the neighboring homes have a front yard setback of 15 feet.



The scale of the dwelling at less than 3,100 square feet of living area for the project is larger than some and smaller than other dwellings in the neighborhood. The proposed dwelling meets all the setbacks, height and other restrictions for a B-5 Zoned property. The subject site is one of the largest lots in the neighborhood at 10,000 square feet in size and therefore, can accommodate these structures.

**13. Summary:** The proposed single-family dwelling with a second unit on a 10,000 square foot lot is an appropriate use for the site. The MND has determined that the all the environmental impacts are less than significant or have no impact except for Cultural Resources and the impact as identified in the Cultural Resources section of the MND can be mitigated to less than significant. The mitigation measure is listed in the Mitigation Monitoring and Reporting Plan (MMRP) and must be implemented during grading and other earth disturbing activities of the project. Thus, findings can be made to adopt the MND, approve the Site Development Permit and Use Permit, and recommend approval of the General Plan Amendment to the Council. Staff believes that the project is compatible with the existing neighborhood and has provided a motion to approve the project.

### **RECOMMENDATION AND FINDINGS**

#### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission **ADOPT** the MND, including the MMRP; **APPROVE** PSD-753-06, PE-146-08, and UP-960-06, and **RECOMMEND APPROVAL** to the City Council of the General Plan amendment for a single-family dwelling and a second unit at 900 Rosita Road, subject to the following conditions:

#### **Planning Department**

1. Development shall be substantially in accord with the plans entitled "New Single-Family Residence with 2<sup>nd</sup> Unit 900 Rosita Road," consisting of ten (10) sheets, dated March 10, 2012, except as modified by the following conditions.
2. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. The applicant shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. The landscape plan shall show each type, size, and location of plant materials. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of

fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.

4. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
5. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
6. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.
7. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable on all building elevations.
11. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter

“City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant’s project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

12. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction prior to approval of a building permit.

#### **Wastewater Division of Public Works**

13. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter. New storm drain inlets shall be protected from being blocked by large debris to the Public Work Director’s satisfaction.

#### **Building Department**

14. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. The applicant shall implement Best Management Practices during all phases of construction for the project.

#### **Engineering Division of Public Works**

15. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.
16. Applicant shall overlay existing asphalt with minimum 2 inch AC to the street centerline across entire property frontage.
17. No debris box or equipment shed is allowed in the street or sidewalk.

18. Add a note on the Site Plan that says, “Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
19. Add a note on the Site Plan that says, “Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
20. Upon submittal of plans for building permit, applicant shall submit a Drainage Plan to include all existing and proposed drainage improvements at the project site. Drainage improvements shall show how runoff from the property will be directed to the new drainage facilities. Applicant shall submit hydrology calculations based on 100-year storm, and determine the impact of this development to the existing city system. All drainage improvements and upgrades to mitigate any impact to the existing system shall be installed to the satisfaction of the City Engineer.
21. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

**C. FINDINGS:**

1. **Findings for Approval of the Site Development Permit:** The Planning Commission finds that the size, location, and intensity of the proposed dwelling with a second unit will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood; that sufficient landscaped areas have been provided; that the new structures will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, nor will it hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof; that the project is not substantially detrimental to the character or value of the surrounding residential district and former school site being used as commercial space; that the new buildings will not excessively damage or destroy natural features of the site; that the design of the project is compatible with other development in the neighborhood, thereby making it consistent with the City’s adopted Design Guidelines; and that the project is consistent with the General Plan, upon approval of the General Plan Amendment by the Council, and other applicable laws of the City. Specifically, the Planning Commission finds that although the project may be one of the larger buildings proposed in the neighborhood due to the inclusion of a second unit, it has greater setbacks than surrounding properties and has design features such as dormers and decks, and a variety of siding materials that establishes a human scale and creates visual interest for the proposed buildings.

2. **Findings for Approval of the Use Permit:** The Planning Commission finds that the proposed dwelling with a second unit, as conditioned, is an appropriate use for the site. Specifically, the establishment, maintenance, or operation of the buildings applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. The Commission further finds that the request is consistent with the City's adopted Design Guidelines. In particular, the site is a large vacant lot zoned for residential use and within a neighborhood of single family dwellings, and the design includes decorative elements to create visual interest as recommended in the Design Guidelines.

### **COMMISSION ACTION**

#### **D. MOTIONS:**

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

#### Attachments for Planning Commission Only

- a. Land Use and Zoning Exhibit
- b. Mitigated Negative Declaration Dated June 12, 2012
- c. Resolutions
- d. Applicant's Letter Dated March 12, 2012
- e. Plans

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** July 2, 2012

**TO:** Planning Commission

**FROM:** Kathryn Farbstein, Assistant Planner

**SUBJECT:** Agenda Item No. 2: Extension Request for Specific Plan, SP-144-08 to construct 29 condominium residential units known as “The Prospects”, a subterranean parking garage and other amenities at 801 Fassler Avenue, Pacifica (APN 022-083-020 & 030).

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On August 20, 2007, the Planning Commission certified the EIR, and adopted the Mitigation Monitoring and Reporting Plan and CEQA findings for the project known as “The Prospects” at 801 Fassler Avenue. In addition, the Planning Commission approved the Transfer of Residential Development Rights (TDR) to allow transfer of 28 units from the easterly portion of the site with a General Plan designation of Low Density Residential to the westerly portion of the lot with a General Plan designation of Open Space Residential.

On August 18, 2008, the Planning Commission conditionally approved a Specific Plan and Tentative Subdivision Map for the second phase of the project. Details of the project are contained in the attached staff report dated August 18, 2008. Also attached are the minutes and the grant letter with conditions of approval from the Planning Commission meeting. Additional information is available upon request. The applicant is required to obtain a building permit and start construction within two years of the approval date granted by the Planning Commission.

The permits were due to expire on September 2, 2010; however, on July 26, 2010, staff received an extension request. The first extension request for two years was granted by the Commission on August 2, 2010.

On May 30, 2012, staff received a second extension request for two years as detailed in the attached letter from Nadia Holoher, an attorney representing the new owner. The extension request is several months prior to the deadline and the extension will be from the expiration date of September 2, 2012. Based on information provided by Ms. Holoher, the original applicant could not develop the project; and therefore, the project reverted back to the lenders and the lenders need time to develop or market the project.

Effective July 26, 2011, the Governor automatically extended for an additional 24 months all unexpired Tentative Maps which results in a new expiration date of September 2, 2014 for Subdivision, SUB-214-08 associated with this project. However, the Specific Plan permit must also be extended and staff believes that a two year extension is reasonable in this case because the two year extension for the Tentative Subdivision Map has already been granted by the Governor and the ownership of the project has changed.

It is not unusual for the applicant to request an extension for approved permits. Extensions are generally granted unless there have been significant changes in the conditions or circumstances affecting the property or area. Staff believes that no changes have occurred and is therefore recommending that the Commission grant the extension for two years.

**COMMISSION ACTION REQUESTED**

Move that the Planning Commission **EXTEND** SP-144-08 to September 2, 2014.

Attachments:

- a. Letter Nadia Holober, Attorney Dated May 30, 2012
- b. Staff Report and Planning Commission Meeting Minutes from August 18, 2008
- c. Grant Letter with Conditions of Approval Dated September 2, 2008