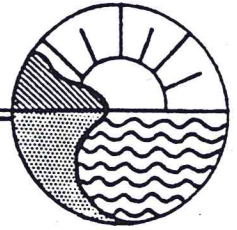


# AGENDA



## Planning Commission – City of Pacifica

**DATE:** August 20, 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: July 2, 2012

Designation of Liaison to City Council Meeting of: None

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

None

**CONSIDERATION ITEM:**

- 1 UP-963-06 EXTENSION OF PERMITS for construction of a single-family residence with an attached garage at 200  
PSD-755-06 Berendos Avenue, Pacifica (APN 022-330-150) Proposed Action: Grant extension request  
PV-491-07  
PE-146-08
- 2 UP-882-01 EXTENSION OF PERMITS for the construction of 43 residential units (19 single-family detached homes and 24  
PSD-699-01 townhouses) at the 4000 block of Palmetto Avenue, Pacifica (APN 009-402-250, & -260) Proposed Action:  
CDP-203-01 Grant one (1) year extension

**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.***

# CITY OF PACIFICA

## MEMORANDUM

**DATE:** August 20, 2012

**TO:** Planning Commission

**FROM:** Kathryn Farbstein  
Assistant Planner 

**SUBJECT:** Agenda Item No. 1: Request to Extend Site Development Permit, PSD-753-06, Parking Exception, PE-146-08, Variance, PV-491-07 and Use Permit, UP-960-06 for One Year at 200 Berendos Avenue (APN 022-330-150)

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On June 2, 2008, the Planning Commission adopted the Mitigated Negative Declaration including the Mitigation Monitoring and Reporting Plan, and approved Site Development Permit, PSD-753-06, Parking Exception, PE-146-08, Variance, PV-491-07 and Use Permit, UP-960-06 to construct a single family dwelling on the vacant lot near the creek. The agenda memo with attachments and meeting minutes are attached (see Attachment A).

On July 6, 2009, the Planning Commission reviewed and approved a request to extend approval of the Planning permits to construct a single-family dwelling on 200 Berendos Avenue. On June 15, 2009, the Planning Commission reviewed the extension request and continued the item to the July 6, 2009. On July 6, 2010, the current owner of the property and project, David Blackman received approval of a second request for an extension from the Planning Commission. On June 6, 2011, David Blackman requested a third extension on this project and it was granted by the Planning Commission on July 18, 2011. On July 18, 2012, Dave Blackman requested another extension due to the continuing downturn in the economy.

The Planning Commission requested that second extension requests and beyond, such as this request, be placed on the agenda as a consideration item. Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the property or area. In staff's opinion, no changes have occurred that would indicate the extension should not be granted. Therefore, staff recommends that the Commission grant the extension for one year.

**COMMISSION ACTION**

Move that the Planning Commission **EXTEND** PSD-753-06, PE-146-08, PV-491-07 and UP-960-06 for the dwelling at 200 Berendos Avenue for one year to August 20, 2013.

Attachments:

- A. Planning Commission Agenda Memo and Meeting Minutes from June 2, 2008
- B. Letter Extension Request Dated July 18, 2012



# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** August 20, 2012

**TO:** Planning Commission

**FROM:** Lee Diaz, Associate Planner

**SUBJECT:** Agenda Item No. 2: Extension of Use Permit, Site Development Permit, and Coastal Development Permit to August 12, 2012 for the development of 43 residential units (19 single-family detached homes and 24 townhouses) at the 4000 block of Palmetto Avenue (APN: 009-402-250, & -260)

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On July 15, 2002 the Planning Commission approved (4-3) the subject permits, including a Vesting Tentative (Condominium) Map, subject to conditions of approval. On July 25, 2002, an appeal of the July 15, 2002 Planning Commission decision to approve the planning permits for the subject project was submitted. The City Council heard the appeal on August 12, 2002 and upheld the Planning Commission decision to approve the permits subject to certain conditions of approval.

On July 7, 2003, the Planning Commission approved (5-1, 1 absent) one (1) year extensions of the above referenced permits (Vesting Tentative (Condominium) Map, Site Development Permit, Use Permit and Coastal Development Permit). The Vesting Tentative (Condominium) Map was originally set to expire on August 12, 2004, and the other three (3) permits were set to expire on August 12, 2003. With this act, the Site Development Permit, Use Permit and Coastal Development Permit were extended to August 12, 2004, and the Vesting Tentative (Condominium) Map was extended to August 12, 2005.

On September 3, 2003 the Planning Commission considered a "litigation stay" request for the Vesting Tentative (Condominium) Map and approved it for up to a five (5) year period. As the result of a combination of the litigation stay and operation of state law, the map was due to expire on August 12, 2010.

As mentioned above, the Use Permit, Site Development Permit, and Coastal Development Permit were extended for one (1) year and were scheduled to expire on August 12, 2004. The Vesting Tentative (Condominium) Map was granted an extension of up to five (5) years because of the litigation stay pursuant to the Government Code sections 66452.6(c) and 66463.5(e). On December 18, 2003, staff received five extension requests for the Use Permit, Site Development Permit and Coastal Development Permit, one after another in order for the next 5 years from the applicant. The Planning Commission approved the request on January 4, 2004. This was the applicant's second extension request.

On August 3, 2009 the Commission approved a third extension of the permits (Use Permit, Site Development Permit, and Coastal Development Permit) to coincide with the expiration date of the Vesting Tentative (Condominium) Map, August 12, 2011. On August 1, 2011 the Planning Commission approved a fourth extension of the permits.

The Vesting Tentative (Condominium) Map was extended to 2011 by operation of law due to the enactment of Government Code Section 66452.21 by the California Legislature in 2008. The Governor then signed AB 333, which extended the life of the existing Vesting Tentative (Condominium) Map by an additional 24 months pursuant to new Government Code Section 66452.22. Thus, the applicant's Vesting Tentative (Condominium) Map will now expire on August 12, 2013. However, the new legislation did not affect the life of the ancillary permits.

The Use Permit, Site Development Permit, and Coastal Development Permit were due to expire on August 12, 2012. On July 18, 2012 staff received the attached extension request. The request is being made because the project approval included the Vesting Tentative (Condominium) Map and the accompanying Use Permit, Site Development Permit and Coastal Development Permit. The applicant is requesting that the permits be extended until August 12, 2014.

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project or area. There have not been any changes that would indicate that the extension should not be granted. Staff recommends that the Use Permit, Site Development Permit, and Coastal Development Permit be extended until August 12, 2013. The Commission has approved most permit extension requests for only one (1) year.

### **COMMISSION ACTION REQUESTED**

**Move** that the Planning Commission **EXTEND** Use Permit, UP-882-01, Site Development Permit, PSD-699-01, and Coastal Development Permit, CDP-203-01, for the development of 43 residential units at the 4000 block of Palmetto Avenue (APN 009-402-250, & -260) to August 12, 2013.

Attachments:

1. Letter from Applicant, 07/18/12