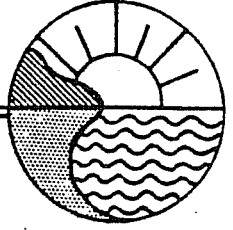


AGENDA

Planning Commission – City of Pacifica



DATE: March 21, 2011
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: February 22, 2011

Designation of Liaison to City Council Meeting of: March 28, 2011

CONSENT ITEMS:

PUBLIC HEARINGS:

OTHER AGENDA ITEMS:

1. PV-496-08 EXTENSION OF PERMIT to exceed the Hillside Preservation District lot coverage limitation, for the construction of a bed and breakfast inn, at 130 Dardenelle, Pacifica (APN 018-113-060). Proposed Action: Grant extension request
2. CDP-302-08 EXTENSION OF PERMITS for construction of a single-family residence above an attached garage with a new
PSD-770-08 three car detached garage on a property with an existing dwelling at 134 Paloma Avenue, Pacifica (016-022-
UP-988-08 040) Proposed Action: Grant extension request

COMMUNICATIONS:

Commission Communications:

Staff Communications: Memo regarding Pedro Point Shopping Center

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: March 21, 2011

TO: Planning Commission

FROM: Christina Horrisberger, Assistant Planner

SUBJECT: **Agenda Item No. 1:** Extension of Variance, PV-496-08, to exceed the Hillside Preservation District lot coverage limitation at 130 Dardenelle, Pacifica (APN 018-113-060).

Background: On December 15, 2008, the Planning Commission approved a Variance to exceed the Hillside Preservation District lot coverage limitation for the construction of a bed and breakfast inn at 130 Dardenelle. The permits became effective on December 26, 2008, following the expiration of the City's required appeal period. Details of the project are contained in the attached staff report and Planning Commission meeting minutes dated December 15, 2008 (attachment a).

The Variance was due to expire on December 26, 2009; however, a renewal (extension) was requested on December 8, 2009. On January 4, 2010 the Commission extended the permit for one year until December 26, 2010 (attachment c).

Extension Request: On January 4, 2011 (nine days after the permit extension had expired) the applicant requested a second extension (attachment e). Although documentation associated with the first extension indicates that the permit was due to expire on December 26, 2010, the applicant indicated that he was under the impression that the permit would expire one year from the January 4, 2010 meeting where the extension was granted. Also, the request was for a three year extension.

Staff Analysis: Pacifica Municipal Code (PMC) Section 9-4.3407 states that extension requests for variances must be submitted while the permit is still effective, but does not establish whether expiration dates for extensions should be based on the original expiration date of the permit, or on the date the extension is granted. To date the City has used the permit expiration date associated with the original permit when granting extensions (e.g. the subject permit was due to expire on December 26, 2009 and was extended to December 26, 2010, rather than extending it to January 4, 2011—one year from the hearing date). Although documentation associated with the previously granted extension for this permit is clear in terms of the expiration date, staff can understand how extension expiration dates could lead to confusion in circumstances where original permit expiration dates and Commission meeting dates where extensions are granted do not coincide. The above type of confusion/association could result in a permit expiring before the necessary extension request can be filed by the applicant, as occurred in this case. In staff's opinion, it is not unreasonable to believe that an applicant may associate the date their permit/extension became effective with the impending expiration date of that permit/extension.

One way to avoid such confusion would be to associate extension expiration dates with Commission action dates rather than original permit expiration dates. If such were the case it could be considered that the subject Variance had not expired prior to January 4, 2011. It could then be concluded that the applicant did

not miss the deadline to request the extension and an extension until March 21, 2012 could be granted. Conversely, if the Commission believes that permit extension expiration dates should be associated with original permit expiration dates, the permit would have been expired prior to submittal of the extension request. Accordingly, the request should then be considered invalid and the extension could not be granted. It should be noted that in some cases, depending on when an extension request is submitted and what is scheduled for Planning Commission review, using Commission action dates may result in permit extension expiration dates being slightly more or less than one year from the original permit expiration date.

The Code does not place a limit on how many permit extensions may be granted. However; the Commission has requested that only first extension requests be placed on the agenda as consent items; with subsequent requests placed on the agenda as consideration items. 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 to the project, property or surrounding area that would indicate the extension should not be granted have taken place.

Concerning the request for a three year extension, PMC section 9-4.3407 allows the Commission to grant a one year extension.

Conclusion: Staff is unaware of any potential problems associated with using Planning Commission action dates when determining permit extension expiration dates. Further, it may be less confusing to use Commission action dates for permit extensions since that is when extensions become effective.

Recommendation: Staff recommends that the Commission direct staff to use Commission action dates for all future permit extension expirations and that the Commission determine that the extension request under consideration is valid. Staff further recommends that the Commission grant the extension for one year, until March 21, 2012.

COMMISSION ACTION

Move that the Planning Commission **EXTEND** Variance, PV-496-08, to exceed the Hillside Preservation District lot coverage limitation at 130 Dardenelle for one year, to March 21, 2011.

Attachments:


- a. December 15, 2008 Planning Commission staff report and meeting minutes
- b. Grant letter with conditions of approval
- c. January 4, 2010 Planning Commission agenda memo and meeting minutes
- d. Extension grant letter
- e. January 4, 2011 request for an extension

CITY OF PACIFICA

AGENDA MEMO

DATE: March 21, 2011

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner 

SUBJECT: Agenda Item No. 2: Second Extension of Coastal Development Permit, CDP-302-08, Site Development Permit, PSD-770-08 and Use Permit, UP-988-08, for Construction of a Dwelling at 134 Paloma Avenue (APN 016-022-040)

On March 16, 2009, the Planning Commission conditionally approved a Coastal Development Permit, Site Development Permit and Use Permit to construct a two-story single family dwelling of approximately 1,200 square feet with an attached one-car garage of approximately 200 square feet and a detached three-car garage of 600 square feet on a lot with an existing dwelling. Details of the project are contained in the attached agenda memo, minutes and grant letter from the Planning Commission meeting. The applicant is required to obtain a building permit and start construction within one year from the Planning Commission approval of the project.

On March 26, 2010, the applicant submitted a request for a one year extension of the planning permits due to the inability to obtain project financing. On April 5, 2010, the Planning Commission granted the applicant's request for a one year extension.

On March 14, 2011, the applicant submitted a second request for a one year extension for the project and the extension request is attached. According to the applicant's statement, the property owner is seeking financing for the proposed dwelling and the applicant is close to obtaining a building permit.

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 REQUESTED

Move that the Planning Commission **EXTEND** CDP-302-08, PSD-770-08 and UP-988-08 to March 27, 2012.

Extension Request 134 Paloma Avenue

March 21, 2011

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Attachments:

1. Letter from Applicant Dated March 14, 2011
2. Agenda Memo and Minutes from Planning Commission Meeting March 16, 2009
3. Letter with Conditions of Approval March 27, 2008


CITY OF PACIFICA AGENDA MEMO

DATE: March 21, 2011

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner

SUBJECT: Staff Communications: Status of Parking Lot Improvements for Northern Half of Pedro Point Shopping Center



At the Planning Commission meeting on February 22, 2011 during review of the Club Annabees dog daycare project at 5400 Coast Highway, the Planning Commission requested that staff discuss the overall condition of the parking lot with the property owner, Hong Chen. Mr. Chen owns the northern half of the Pedro Point Shopping Center with eight tenant spaces currently filled and another entity owns the southern half of the shopping center which contains the new market called "Fresh and Easy". Staff was unable to contact property owner prior to the February 22nd meeting due to the fact that Mr. Chen was traveling out of state. Staff is providing this information because the Planning Commission requested an update at a future date.

Upon returning to Pacifica, Mr. Chen spoke with staff March 1, 2011 regarding the current condition of the parking lot and other issues on his property. Mr. Chen will comply with the condition of approval for Club Annaabees requiring seven parking spaces to be restriped near the business, and Mr. Chen is aware that the fire hydrant and handicapped parking areas need to be better identified. Additionally, Mr. Chen will be implementing further improvements to the parking lot by July of this year. Improvements to the northern half of the Pedro Point Shopping Center have been completed in stages with the first stage being a new roof, then the improved façade treatment currently under construction along the east wall of the shopping center and facing the parking lot, while the final stage will be the parking lot improvements planned for this summer.