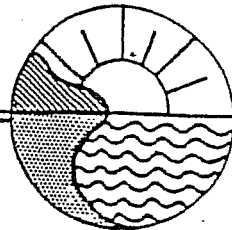


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, October 4, 2010

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: September 7, 2010

Designation of Liaison to City Council Meeting of: October 11, 2010 -

CONSENT ITEMS:

PUBLIC HEARINGS:

1. CDP-327-10 COASTAL DEVELOPMENT PERMIT, filed by the owner, John Bagley, to construct a second story deck at 2061 Beach Boulevard, Pacifica (APN 016-181-340). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned.

OTHER AGENDA ITEMS:

2. CDP-328-10 EMERGENCY COASTAL DEVELOPMENT PERMIT, filed by Robert Anderson of RJR Engineering, on behalf of the owner, FPA/BAF Lands End Associates, LLC, to construct upper bluff pile stabilization at 100 Esplanade, Pacifica (APN 009-023-070). Recommended CEQA status: Exempt. Proposed Action: None. Information only.

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.

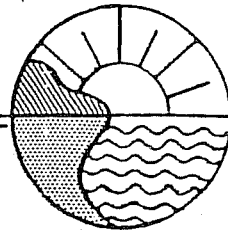
ADJOURNMENT

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: October 4, 2010

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on September 24, 2010, and 68 surrounding property owners and tenants were notified by mail.

FILE: CDP-327-10

OWNER: John Bagley, 2061 Beach Boulevard, Apt. #3, Pacifica, CA 94044

LOCATION: 2061 Beach Boulevard (APN 016-181-340)

PROJECT DESCRIPTION: Construction of a second story deck of approximately 180 square feet attached to an existing multi-family unit at the corner of Beach Boulevard and San Jose Avenue.

General Plan: High Density Residential
Zoning: R-3/CZ (Multiple-Family Residential)

RECOMMENDED CEQA STATUS: Exempt Section 15301 (e)

ADDITIONAL REQUIRED APPROVALS: None. Appealable to the City Council and Coastal Commission.

RECOMMENDED ACTION: Approval as conditioned.

PREPARED BY: Kathryn Farbstein, Assistant Planner

ZONING STANDARDS CONFORMANCE for Duplex

<u>Mixed Use Project</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sq. ft.	6,975 sq. ft.	No Change
Minimum Lot Width	50'	77.5'	No Change
Front Setback for Deck Projection	9'	29'	17'
Side Setback for Deck	4'	28' and 17'	16' and 17'

PROJECT SUMMARY

A. STAFF NOTES:

1. Project Description: The applicant is proposing to construct a second story deck addition to an existing deck of a three unit apartment building located on the southeast corner of Beach Boulevard and San Jose Avenue. The existing deck is narrow and primarily serves as access to the two upper floor apartments. The expansion of the deck will allow the applicant to better utilize the space for seating, placement of a barbeque and other recreational uses. The increased deck area faces west and people using the decks will enjoy an uninterrupted ocean view. A deck will be expanded by approximately 140 square feet on the north side for use by Unit #3 and approximately 40 square feet on the south side for use by Unit #2.

The new deck surface will be constructed of tan composite plank decking and the entire deck area will be resurfaced with this material. The new railing will be stainless steel pipe posts and metal cable systems similar to the railing along Esplanade to the west of the subject site.

2. General Plan, Zoning, and Surrounding Land Use: The General Plan designation is High Density Residential and zoning classification is R-3/CZ (Multiple-Family Residential/Coastal Zone). On the west, the subject site is bounded by Beach Boulevard and the Pacific Ocean beyond. The properties to the south and east of the subject site have the same General Plan and zoning designations. The property to the north (across San Jose Avenue) has a General Plan classification of Medium Density Residential and an R-2/CZ Zoning designation. The other properties in the neighborhood are developed with a variety of dwellings, ranging from single story beach cottages to three story apartments.

3. Municipal Code: Section 9-4.4303 (a) of the Zoning Code requires development in the Coastal Zone to obtain approval of a Coastal Development Permit. The subject site is within the appeal area of the Coastal Zone due to its location within 300 feet of the ocean and west of Highway 1. Although minor in nature, the project is not exempt from obtaining approval of a Coastal Development Permit due to the project's location within 300 feet of the ocean.

4. CEQA Recommendation: Staff recommends that the Planning Commission find the project exempt from CEQA per Section 15301 (e) (1) which states:

“15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; “

In this case, there is no additional floor area being proposed because it is a deck expansion; and therefore, the project is exempt from CEQA. This is an infill lot surrounded by a variety of residentially developed properties and the proposed deck expansion is consistent with other second story decks in the neighborhood, particularly along Beach Boulevard, in order to take advantage of the ocean views.

5. Coastal Development Permit: Section 9-4304(k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program.
2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

6. Staff Analysis:

Coastal Development Permit – The proposal is minor in nature and has been designed to take advantage of the ocean view. Because the subject property is a corner lot and the proposed deck addition is on the west side of the existing building, the closest neighbor that may be impacted by the deck is the two story dwelling to the south. The building to the south also has a second story deck and in staff's opinion, this neighbor would not be impacted by the proposed deck expansion. Many of the two story residences along Beach Boulevard have a second story deck or balcony to ensure an uninterrupted ocean view that would not be possible on the ground floor. Therefore, the project is in keeping with the established pattern of the neighborhood. In addition,

the proposed construction is located entirely on private property and will not impact public recreation activities.

7. **Summary:** In staff's opinion, the project satisfies all the Zoning Code development standards and staff believes that the findings necessary to approve the project can be made.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** CDP-327-10 for an addition to an existing deck at 2061 Beach Boulevard, subject to the following conditions:

Planning Department

1. Development shall be substantially in accord with the plans entitled "2061 Beach Boulevard," consisting of 6 (six) sheets, dated September 2, 2010 except as modified by the following conditions.
2. 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.

Wastewater Division of Public Works

3. 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.

C. FINDINGS:

1. **Findings for Approval of the Coastal Development Permit:** The Planning Commission finds that the proposed project, as conditioned, is in conformity with the City's Local Coastal Program and Public Recreation policies of Chapter 3 of the California Coastal Act. Specifically, the design and scale of the proposed second story deck expansion is compatible with the other second story decks along Beach Boulevard in the West Sharp Park neighborhood. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources.

COMMISSION ACTION

D. MOTION TO APPROVE:

Move that the Planning Commission find that the project is exempt from CEQA and **APPROVE** CDP-327-10, subject to conditions 1 through 3, based on the findings contained within the October 4, 2010 staff report and all maps, documents, and testimony be incorporated herein by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Colored Photos (Planning Commission only)
- c. Plans and Elevations (Planning Commission and City Council only)

City of Pacifica

Agenda Memo

DATE: October 4, 2010

TO: Planning Commission

FROM: Kathryn Farbstein , Assistant Planner 

SUBJECT: Agenda Item No. 2: Emergency Coastal Development Permit, CDP-328-10, Issued to Construct Upper Bluff Stabilization between the Bluff and Lands End Apartments at 100 Esplanade Avenue (APN 009-023-070)

An Emergency Coastal Development Permit, CDP-328-10 was issued by the Planning Director on September 28, 2010 to allow Rob Anderson of RJR Engineering, applicant, on behalf of FBA/BAF Lands End Associates, LLC, property owner to construct upper bluff stabilization between the edge of the bluff and the apartment buildings at 100 Esplanade Avenue. The work would be within the City's permit jurisdiction because it is on top of the bluff. An Emergency CDP is necessary because there has been substantial bluff loss due to this year's winter storms and it has continued during the dry season. For example, in some areas along the bluff in front of the Lands End apartments, up to 12 feet of bluff has eroded just between the months of May through July of this year. The foundation for one of the apartment buildings is now within approximately 40 feet of the edge of the bluff according the owner's geotechnical consultant. In addition, the work can be completed in the next few months before the winter storms start.

Proposed is the installation of a line of piles and a grade beam of approximately 500 feet in length. The piles and grade beam would be underground. A walkway would be placed on top of the structure to provide safe public access. A building permit was also issued by the Building Official on September 28, 2010 and the project under went peer review by the City's geotechnical consultant.

The Zoning Code requires that within 30 days of issuance of an emergency CDP (by October 27, 2010), the applicant apply for a regular CDP to make the emergency work permanent. The Coastal Commission may review the regular CDP if it is part of a project to provide protection along the base of the bluff. As usual, a public hearing would be held and the Planning Commission or Coastal Commission will have an opportunity to review the proposal and approve, deny or modify the proposal. Environmental review will also be conducted. The Code also requires that, upon issuance of an emergency CDP, the Planning Director submit an informational report explaining the granting of the permit to the California Coastal Commission and the Planning Commission at their next scheduled meetings. This memo satisfies this requirement. No Commission action at this time is necessary.

C: City Council Members
Coastal Commission