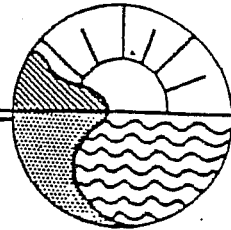


# AGENDA



## Planning Commission – City of Pacifica

DATE: Tuesday, January 20, 2009  
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: January 5, 2009

Designation of Liaison to City Council Meeting of: January 26, 2009

### CONSENT ITEMS:

### PUBLIC HEARINGS:

1. UP-994-08  
PV-494-08  
PSD-773-08  
**USE PERMIT, VARIANCE, and COASTAL DEVELOPMENT PERMIT**, filed by the agent, Mark Bucciarelli, on behalf of the owner, Karl Seagren, to add a second and third story to an existing single-family residence at 61 Elder Lane, Pacifica (APN 016-315-190). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue to February 2, 2009 (Continued from December 15, 2008)
2. CDP-307-08  
**COASTAL DEVELOPMENT PERMIT**, filed by the owner and applicant, Arno Rohloff, to repair an existing stairway at Shelter Cove located at the intersection of Blackburn Terrace and Kent Road, Pacifica (APN 023-730-230). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
5. PV-498-08  
RZ-189-08  
DP-71-08  
SP-145-08  
**VARIANCE, REZONING, DEVELOPMENT PLAN, and SPECIFIC PLAN**, filed by Bob DeLouche, applicant/agent for David "Wally" Wilcox, to construct a two story single family home on a 3.76 acre vacant lot located to the southwest of Gypsy Hill Road, Pacifica (APN 016-421-080). Recommended CEQA status: A Draft Mitigated Negative Declaration has been prepared stating that the project will have no adverse effect on the environment. Proposed Action: Approval as conditioned

### OTHER AGENDA ITEMS:

### 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

## AGENDA MEMO

**DATE:** January 20, 2008

**TO:** Planning Commission

**FROM:** Lily Lim, Planning Intern

**SUBJECT:** **Agenda Item No. 1:** Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing single-family residence at 61 Elder Lane, Pacifica, (APN – 016-315-190).

---

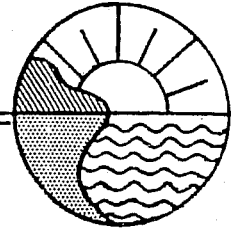
On November 17, 2008, December 1, 2008 and again on December 15, 2008 the Planning Commission continued consideration of Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing nonconforming single-family residence on a nonconforming lot at 61 Elder Lane. During the hearing on November 17, 2008 the Commission expressed concerns relating to the project's lack of consistency with the Design Guidelines, specifically relating to the scale and bulk of the proposed structure.

The applicant has been working with Staff to address the design concerns expressed by the Commission, but a complete set of revised plans have yet to be submitted for review. Therefore, a further continuance to the Planning Commission meeting on February 2, 2009 is requested.

### **COMMISSION ACTION REQUESTED**

Move that the Planning Commission **CONTINUE** UP-996-08, PV-495-08, and CDP-309-08 to the next Planning Commission meeting on February 2, 2009, with the public hearing open.

# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** January 20, 2009

**ITEM:** 2

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on January 7, 2009. 158 surrounding property owners and residents were notified by mail.

**FILE:** CDP-307-08

**APPLICANT and OWNER:** Arno Rohloff, P.O. Box 750, Pacifica, Ca 94044

**LOCATION:** Shelter Cove Stairway near the intersection of Blackburn Terrace and Kent Road (APN 023-730-230)

**PROJECT DESCRIPTION:** Repair an existing on grade stairway that provides access to the Shelter Cove property.

General Plan: Special Area

Zoning: R-3 (Multiple-Family Residential)/CZ (Coastal Zone)

**CEQA STATUS:** Exempt Section 15301 Class 1

**ADDITIONAL REQUIRED APPROVALS:** None. The project is appealable to the City Council and Coastal Commission.

**RECOMMENDED ACTION:** Approval with conditions.

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

**ZONING STANDARDS CONFORMANCE:** This report does not include an analysis of the setback, height and other development standards for this project because it is an on grade stairway as permitted in the Municipal Code Section 9-4.2703.

### **PROJECT SUMMARY**

#### **A. STAFF NOTES:**

**Project Description:** An Emergency Coastal Development Permit, CDP-307-08 was issued by the Planning Director on October 13, 2008 to allow the property owner and applicant to make repairs to the existing stairway that provides sole access to the Shelter Cove property. Shelter Cove is a unique and isolated property that contains 22 rental cottages along a sheltered beach with limited access. By issuing an Emergency CDP, the City concluded that most of the repairs would be completed prior to the winter storms arriving, and safer access for the tenants of Shelter Cove could be provided. Attached is a letter from the applicant's engineer dated September 29, 2008 stating why repairing the stairway constituted an emergency situation (see Attachment b). As a follow up to receiving an Emergency CDP, the applicant filed a Coastal Development Permit application on November 13, 2008 as required by Municipal Code Section 9-4.4307(c)4. Although the applicant originally believed that the stairway would be completed by January 15, 2009, the applicant has indicated that the stairway improvements are taking longer to complete and the project will not be finished until February 15, 2009. The construction of the stairway has taken longer than anticipated due to the need for ongoing stairway access to be maintained for the tenants.

Proposed is the repair of the existing on grade stairway that extends from the intersection of Blackburn Terrace and Kent Road, starting at the top of the bluff, and ending at the Shelter Cove residences. A portion of the stairway extends onto public right of way as described by the land surveyor in the attached letter (see Attachment c) and an Encroachment Permit has been issued. Currently, the stairway provides the only access for the Shelter Cove residents because the pathway at the end of Danmann Road washed out.

**3. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject site is Special Area and the Low Density Residential designation applies to all the surrounding properties. The project site has a zoning designation of R-3/CZ and the surrounding lots have a zoning classification of R-1/CZ. The properties in the area have been developed with multi-story single-family residential homes.

**4. Municipal Code and Regulatory Standards:** Because the project is located within the appeal area of the Coastal Zone, approval of a Coastal Development Permit is necessary.

**5. CEQA Recommendation:** Staff recommends that the Commission find the proposed project categorical exempt from CEQA under the following section of the California Environmental Quality Act Guidelines:

**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

In addition, the following example, provided in CEQA Guidelines section 15301 further illustrates why the proposed addition is exempt from CEQA:

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

The project consists of repairing an existing stairway to bring it into compliance with the current building codes in order to provide safer access for the tenants at Shelter Cove. Although the stairway is in poor condition, in staff's opinion, the damage is not substantial and did not result from a landslide or other natural disaster.

**6. Coastal Development Permit Regulations and Findings:** The Coastal Development regulations apply to all new development within the Coastal Zone to address a variety of special conditions as described in Zoning Code Section 9-4.4300. In this case, the stairway is an existing structure that will be improved to provide safer access for the occupants of Shelter Cove.

Section 9-4.4304(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 shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

**7. Staff Analysis:**

Coastal Development Permit – Although the project involves repair and improvement of an existing structure, it falls within the definition of development in the City's Coastal Development regulations as described in Municipal Code Section 9-4.4302(z) which defines development as: "The placement or erection of any solid material or structure." Under the City's regulations, improvements to existing structures other than single-family residences or public works facilities involving a less than ten (10%) percent increase in building height, bulk or floor area are

generally exempt from Coastal Development Permit requirements (see Municipal Code Section 9-4.4303(h)(3)). However, the location of the stairway on top of the bluff and within close proximity to the beach results in the need for approval of a Coastal Development Permit as stated in Municipal Code Section 9-4.4303(h)(3)(i)(iv). The Local Coastal Program also allows existing structures to be repaired without obtaining Coastal Development Permits, as stated in Section 9-4.4303(h)(6)(viii) of the Municipal Code, as long as the height, bulk and floor area is not increased, however, in this case, the project will increase the bulk of the existing facility by adding railings and substituting a more substantial stair structure. The bulk of the existing stairway will increase slightly, but improvements will be made to make the stairway safer to use for the tenants of Shelter Cove.

Coastal Act Policy #3 requires that public access be provided in new development projects unless it is: 1) Inconsistent with the public safety, military security needs, or the protection of fragile coastal resources; 2) Adequate access exists nearby; or 3) Agriculture would be adversely affected. In this case, the stairway is not new development since it has existed as a trail and stairway for many years. Rehabilitating the stairway will not intensify private development near the coast or constrain public coastal access. Safe public access to the coast and adequate parking is provided nearby at the Pacifica State Beach. No agriculture uses exist at the site or nearby; therefore item #3 is not an issue. The applicant has also provided his explanations as to why the City lacks the necessary nexus to require public access as a condition of approval for the stairway project in the attached letter (see Attachment d).

**8. Summary:** The proposal to improve an existing stairway to bring it into compliance with the current building codes and to provide safer access for the Shelter Cove tenants is consistent with the Local Coastal Plan. In addition, the findings can be made to grant the Coastal Development Permit. Thus, staff recommends approval of the project subject to the conditions listed below.

### **RECOMMENDATION AND FINDINGS**

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

Staff recommends that the Planning Commission **APPROVE** Coastal Development Permit CDP-307-08 for the repair of the existing stairway near the intersection of Kent Road and Blackburn Terrace at Shelter Cove, subject to the following conditions:

#### **Planning Department:**

1. Construction shall be substantially in accord with the plans entitled "Emergency Access Path Improvements," consisting of six (6) sheets, dated November 5, 2008 except as modified by the following condition.
2. The applicant shall hereby agree to 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. 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.

**C. FINDINGS:**

**1. Findings for Approval of Coastal Development Permit:** The Planning Commission finds that the improvements to the existing stairway conform to the Local Coastal Program. Specifically, the project is the repair of an existing stairway that will result in safer access for the occupants of Shelter Cove and currently, it is the only access for the residents of Shelter Cove.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

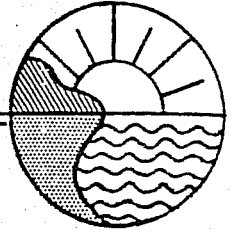
Move that the Planning Commission find that the project is exempt from CEQA and APPROVE CDP-307-08 subject to conditions 1 and 2, and adopt findings contained in the January 20, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Letter Dated September 29, 2008 from Mesiti-Miller Engineering Regarding Need for Emergency Permit
- c. Letter Dated September 30, 2008 from Wilsey Ham Land Surveyors regarding private property boundaries
- d. Letter from Applicant Dated January 5, 2009 regarding Coastal Land Use Plan issues
- e. Plans and Elevations (Planning Commission only)



# STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

DATE: January 20, 2009

ITEM: 3

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on January 9, 2009 and 6 surrounding property owners were notified by mail.

**FILE:** PV-498-08  
RZ-189-08  
DP-71-08  
SP-145-08

**APPLICANT/  
AGENT:**

Bob DeLouche  
189 Kent Road  
Pacifica, CA 94044

**OWNER:**

David "Wally" Wilcox  
125 Santa Rosa Avenue  
Pacifica, CA 94044

**LOCATION:**

Southwest of Gypsy Hill Road (APN 016-421-080)

**PROJECT**

**DESCRIPTION:**

Construction of a single family residence.

**Zoning**

Current - R-1/B-10/HPD, Single-Family Residential with A B-10 and Hillside Preservation District Overlay

Proposed - PD, Planned Development/Hillside Preservation District

**General plan**

Current - Open Space Residential

Proposed - No Change

**CEQA STATUS:**

A Mitigated Negative Declaration has been prepared for adoption.

**ADDITIONAL REQUIRED APPROVALS:** City Council Approval of Rezoning and Development Plan

**RECOMMENDED ACTION:** Approval as conditioned.

**PREPARED BY:**

Lee Diaz, Associate Planner

**NEW SINGLE FAMILY DWELLING**

**ZONING STANDARDS CONFORMANCE:**

| <u>Standards</u>            | <u>Required</u>       | <u>Existing</u> | <u>Proposed</u>          |
|-----------------------------|-----------------------|-----------------|--------------------------|
| Lot Size                    | 5 Acres               | 3.76 Acres      | No Change                |
| Lot Width                   | 150'                  | 437'            | No Change                |
| Coverage (HPD)              | 0%                    | N/A             | 4.48%*                   |
| Impervious Surface Coverage | 25% (min.)            | N/A             | 4.48%                    |
| Height                      | 35 feet (max)         | N/A             | 35'                      |
| Landscaping                 | 20% (min.)            | 100% (natural)  | 95%                      |
| Setbacks                    |                       |                 |                          |
| - front yard                | 25 feet (min.)        | N/A             | 27.5'                    |
| -Garage                     | 20 feet (min.)        | N/A             | 27.5'                    |
| - side yards                | 20 feet (min.)        | N/A             | 20'/340'                 |
| -rear                       | 25 feet (min.)        | N/A             | 274 feet                 |
| -parking                    | 2 covered/2 uncovered |                 | 3 covered<br>3 uncovered |

\*Variance required

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Project Description:** The applicant proposes to develop a 3.76 acre vacant parcel with a two-story single-family residence at the southwest portion of Gypsy Hill Road in the East Sharp Park neighborhood. The residence will cover approximately 4.48% of the lot (includes driveways, walkways, and uncovered parking areas) and reach a maximum height of approximately 35 feet. The proposed single-family residence would be situated on the northwestern corner of the 3.76 acre lot.

The 5 bedroom, 5-1/2 bath single-family residence would contain approximately 5,594 square feet of floor area, exclusive of an 864 square foot attached three-car garage, and 874 square feet of patios and decks. The 2,067 square foot ground floor will feature three bedrooms, three bathrooms, a family/game room, unfinished space (storage), and two patio areas. The 3,527 square foot main floor (second level) will accommodate a great room, kitchen/dining area, two bedrooms, two and a half bathrooms, entry way, laundry facilities, two deck areas, and the 864 square foot three-car garage. The proposal also includes uncovered parking for 3 spaces along the northeast side of the proposed home.

Additionally, the residence would employ a solar hot water system and a photovoltaic system to generate energy. The solar hot water system is anticipated to reduce natural gas consumption by at least 50 percent. The residence's photovoltaic system is estimated

to reduce the residence's electricity consumption by at least 80 percent, because the structure would have substantial south-facing exposure to the sun.

Existing Conditions: The vacant parcel is located upon the northwestern portion of a larger landform commonly known as Gypsy Hill. Gypsy Hill comprises five parcels totaling approximately 59.2 acres and is located east of Highway 1 in the East Sharp Park neighborhood. It is bounded on the west by Francis Avenue, to the south by the Sharp Park Golf Course, to the east by Sharp Park Road, and to the north by Clarendon Road. The General Plan designates Gypsy Hill for residential and commercial development. The site is also located in an area occupied by four other residential sites built on large lots between 30 and 50 years ago. The property is fairly steep, it has a south-facing slope covered with native coastal scrub vegetation, Monterey Pine and eucalyptus trees and some patches of non-native grasses. Access to the property is through an existing 50-foot wide access road easement that runs from Sharp Park Road to the site. The private road is shared by the other property owners and is approximately 2,300 linear feet from Sharp Park Road to the subject site. The road surface, which combines dirt, gravel, and pavement sections, is severely deteriorated. As a condition of approval, the project includes improvements to the approximately 2,300-linear-foot stretch of Gypsy Hill Road. The road, which is heavily rutted, would be paved with asphalt to improve access and decrease dust. The road would be expanded to a width no less than 20-feet and would feature dissipaters spaced at various points along the roadway to channel and slow stormwater runoff. Street lighting would not be installed.

**2. General Plan, Zoning and Surrounding Land Use:** The General Plan designation for the subject property is Open Space Residential. The zoning classification is R-1/B-10/HPD, Single-Family Residential with a B-10 and Hillside Preservation District overlay, which permits single-family residential construction with a lot size requirement of more than 5 acres and larger than typical setbacks for the R-1, Single-Family Residential District. The Hillside Preservation District designation requires properties for development to be reclassified to a Planned Development District and have a Development Plan and Specific Plan approved. The five (5) acre minimum standard for the Planned Development District does not apply to the Hillside Preservation District.

Surrounding Land Uses and Setting: All surrounding properties have the same General Plan and Zoning designations, R-1/B-10 with the exception of the properties to the south and east. The property to the south is zoned P-F, Public Facilities and the property to the east of the site is designated commercial by the General Plan and zoned C-2, Community Commercial. Surrounding land uses include four single-family residences, two to the west, one to the northwest, and one to the east of the proposed development. A two-story single-residence for the Coptic Church to the northwest of the subject property, and a two-story single family residence to the east of the site, have been approved and are currently in the building permit approval process. The property directly to the south is a downslope lot owned by the North Coast County Water District. The site contains a large 168-foot in diameter water tank, cellular antennas and associated equipment. Access to the North Coast County Water District property is through a 15-foot wide road easement

located to the east of the subject property. In addition, vacant property exists to the north, east and west of the subject site. The existing four single-family residences on Gypsy Hill are also located within the Hillside Preservation District.

**3. Municipal Code and Regulatory Standards:** The project meets most of the applicable zoning ordinance regulations for single-family residential development including landscaping, building setbacks, parking and structure height.

The Hillside Preservation District Ordinance regulates coverage based on the average slope of the property. As the slope increases the amount of coverage allowed decreases. In addition, the ordinance expands the definition of coverage to include all disturbed land. This includes paving, grading, and buildings. Because the subject site has an average slope of approximately 55.3%, the maximum allowable lot coverage would be 0 square feet. The proposed project would cover approximately 4.48%. Therefore, a Variance would be required.

The Hillside Preservation District regulations also require two covered and two uncovered parking spaces for each single-family residence. The applicant is complying with this requirement by proposing three covered and three uncovered spaces.

Additionally, as mentioned above, properties proposed for development in the Hillside Preservation District must be rezoned to Planned Development, and have a Development Plan and Specific Plan approved. In order to grant a Specific Plan, the Commission must find:

- a) That the Specific Plan is consistent with the approved development plan; and
- b) That the Specific Plan is consistent with the City's adopted Design Guidelines.

**4. Environmental Review (CEQA):** A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the City's environmental consultant, Michael Brandman Associates, and circulated for public comments. A copy of the IS/MND has been previously distributed for Commission consideration. Written comments were also accepted until November 5, 2008 when the 30-day public comment period on the Draft IS/MND ended. There were no comments received.

Based on the findings of the Initial Study including the attached Mitigation Monitoring and Reporting Program, as prepared for the project, it has been determined that the project could have a significant impact upon the environment regarding air quality, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, noise, and utilities and service systems but with implementation of the proposed and agreed-upon mitigation measures the potential impacts will be avoided or reduced to less than significant levels. Therefore, a Mitigated Negative Declaration has been prepared and attached for adoption (see attachment b & c). Below is a summary of

some of the pertinent environmental issues (biological resources, geology, and hydrology) associated with the proposed project:

a) Biological - As mentioned earlier, the project site consists of northern coastal scrub vegetation, a eucalyptus grove, and non-native grassland. In addition, Monterey pine trees appear to have been planted throughout the site. Vegetation along Gypsy Hill Road consists of non-native grassland species, coastal scrub species, and some planted Monterey pines. One small patch of less than 40 silver lupine plants was found along Gypsy Hill Road.

Seven special-status animal species were determined to have some potential to occur onsite. These are the California red-legged frog, San Francisco garter snake, monarch butterfly, San Francisco dusky-footed woodrat, saltmarsh common yellowthroat, Mission Blue butterfly, and fringed myotis bat. The California red-legged frog, San Francisco garter snake, and Mission Blue butterfly are subject to the federal Endangered Species Act and have low potential to occur onsite.

The California red-legged frog was recorded in Sharp Park near Laguna Salada, approximately 0.4 mile from the project site. Because the California red-legged frog has been documented so close to the project site and because dispersing juvenile California red-legged frogs could potentially travel through the Gypsy Hill area to reach open space to the north or south, a mitigation measure would be implemented to avoid any potential impacts to California red-legged frogs that may be present in the project vicinity.

Laguna Salada supports a known population of San Francisco garter snake, and three construction ponds east of the project site provide potential habitat for this species. Additionally, the site does contain upland habitat, and there is a low potential for San Francisco garter snake to use the site. A mitigation measure would be implemented to avoid any potential impacts to the San Francisco garter snake.

One San Francisco dusky-footed woodrat house was found on the project site during the site visit but did not appear to be active. The woodrat house is located at the base of a eucalyptus tree downslope of the project footprint. Because much of the scrub onsite was too dense to walk through, it is likely that more woodrat houses are present on the property, but they were not found during the site visit.

If present in the vicinity of the project, the fringed myotis bat may forage over the project site. However, project activities would not impact roosting habitat for this species because it is known to roost in caves, rock crevices, and old buildings and these are not present onsite. Therefore, only a small amount of potential foraging habitat would be lost because of project implementation.

The project site, including areas along Gypsy Hill Road, does not contain suitable habitat for any rare plant species. The project site supports trees such as eucalyptus and Monterey pine that provide nesting habitat for birds. Some of the mature eucalyptus trees

on the site have thick branches with dense canopies that appear strong enough to support a raptor nest. However, the Monterey pines are unlikely to support nesting raptors because they are all relatively young trees no taller than 35 feet and have small canopies with small-diameter branches. Implementation of Nesting passerines, if present, would most likely be found within some of the denser shrub area in the southeastern corner of the property that contain coyote bush, poison oak, and California blackberry. Although the saltmarsh common yellowthroat may forage and/or nest on the project site, particularly within the densely vegetated swale, it is unlikely that individuals would nest within the project footprint because grassland is not their preferred nesting habitat. Monarch butterflies have the potential to use eucalyptus trees onsite as a winter roost. If trees are removed during the winter while monarchs are roosting, a mitigation measure would be implemented to ensure that impacts to monarch butterflies are less than significant.

The small patch of silver lupine found on the south side of Gypsy Hill Road is located near the driveway of the residence located at #3 Gypsy Hill Road. Silver lupine is one of the three required host plants of the Mission Blue butterfly, a federally listed endangered species. Because of a known population of Mission Blue butterflies within 0.25 mile of the silver lupine occurrence and because of a lack of significant barriers, it is possible for Mission Blue butterflies to travel to and use the silver lupine plants along Gypsy Hill Road. Therefore, to protect Mission Blue butterflies, all silver lupine plants along Gypsy Hill Road will be avoided during construction. To avoid impact to Mission Blue butterflies and their habitat, the proposed alignment for paving Gypsy Hill Road has been modified to completely avoid all lupine plants. Measures such as placement of safety fencing should be implemented to protect silver lupine plants from being crushed by heavy equipment.

In terms of trees, the City of Pacifica defines a heritage tree as any tree, exclusive of eucalyptus, which has a trunk with a circumference of 50 inches or more, approximately 16 inches in diameter or more, when measured 2 feet above natural grade. In addition, the City Council may designate any tree or grove of trees of special historical, environmental, or aesthetic value as a Heritage Tree. Removal, substantial trimming, and new construction within the drip-line of a Heritage Tree require review and approval by the City.

Because of their value to the City of Pacifica, Heritage Trees may not be removed, destroyed, or damaged beyond repair without a Heritage Tree Permit. Because the City of Pacifica Heritage Tree Ordinance specifically states that all eucalyptus trees are excluded from any protection, up to 19 eucalyptus trees can be removed from the project site without obtaining a permit from the City of Pacifica. If more than 19 eucalyptus trees need to be removed from the site, then the proposed project would be considered a logging project and would require permitting and consultation with the City of Pacifica.

An arborist report was prepared for the road improvement component of the proposed project by Mayne Tree Expert Company, Inc., in January 2008. The proposed project

would require that two to three eucalyptus trees, two small Monterey pine trees (approximately 8 inches in diameter), and a small Monterey cypress (approximately 13.5 inches in diameter) be removed. The Monterey pine trees and the Monterey cypress are not considered heritage trees and would also not require a tree removal permit. The conceptual roadway plans also shows that very few trees, if any, would have to be removed for the improvement of Gypsy Hill Road. Although 16 heritage trees are located near the road, the project would not require the removal of any of them. The Monterey pines that would be removed are infected with pine pitch canker disease and are recommended for removal. To protect healthy remaining trees from construction impacts, a mitigation measure is proposed.

b) Geotechnical Suitability: The applicant submitted a geotechnical report (dated April 2007), which concluded that the site is suitable for the proposed single-family residence construction, provided the recommendations presented in the geotechnical report are incorporated in the project design and construction. In addition, the geotechnical investigation indicated that no known landslides at or adjacent to the subject site exist. No fault traces are mapped through the site, and therefore, ground surface rupture is not likely at the subject site. The geotechnical report states that at this site, the soils underlying the project site consist of generally well-consolidated brown silty sand and siltstone bedrock layer. These soils do not possess significant shrink-swell potential; therefore, the proposed project would not be subject to hazards associated with expansive soils. Moreover, all proposed residential structures on the site would be constructed according to Uniform Building Code requirements and based upon the observed geologic conditions of the site.

c) Hydrology - Development of the proposed project would involve ground-disturbing activities that could potentially result in erosion on- or offsite. The proposed project would be required to comply with the erosion control requirements stipulated in the National Pollutant Discharge Elimination System (NPDES) Permit issued to the San Francisco Bay Regional Water Quality Control Board. These requirements include the preparation and implementation of an SWPPP that contains BMPs designed to control erosion from construction sites. Typical BMPs include sand bags, detention basins, silt fencing, landscaping, hydroseeding, storm drain inlet protection, street sweeping, and monitoring of water bodies. This has been incorporated into the proposed project as mitigation.

Development of the project would result in an increase in the amount of impervious surface on the site that would consequently change the absorption rates and drainage patterns on the site. However, this change is consistent with the surrounding neighborhood and is not expected to create a significant hydrology impact. The proposed project would provide an onsite drainage system. Two dry drainages (intermittent) run from Gypsy Hill Road downslope across the property to a larger drainage swale just outside the southern boundary that runs from east to west. The drainage swale near the southern boundary drains water from the southern half of Gypsy Hill. The project has been designed so that all grading at the site would be completed in a manner that would

prevent ponding of water during or after construction. Areas adjacent to tops of slopes would be graded to direct runoff away from the slope and into the established drainage patterns. In general, the soils at the site are cohesionless and are prone to erosion. Erodible surface materials may be exposed locally. A mitigation measure would require the establishment of slope vegetation before the next rainy season after grading. The project includes valleys or swales behind the open retaining walls, which would be filled, and includes subdrains to collect and discharge the subsurface seepage flow. The subdrains would be connected at their low points to a storm drainage system or to other approved discharge points. All ground surfaces, including pavements and sidewalks, would slope away from the structures as defined in the Geotechnical Site Investigation prepared for the proposed project. Surface runoff would be controlled by a system of swales and catch basins, and then conveyed off the property to an existing discharge facility. In summary, the drainage system would capture runoff and pipe it to a dissipater, which would slow it down and minimize the potential for downstream erosion and sedimentation.

Two dry drainages run from Gypsy Hill Road downslope across the property to a larger drainage swale just outside the southern boundary that runs from east to west. The drainage swale near the southern boundary drains water from the southern half of Gypsy Hill. The proposed project would not alter the course of a stream or river. The proposed project would provide an onsite drainage system that would dissipate runoff and eliminate the potential for downstream flooding. Furthermore, a Drainage Plan would be required as a mitigation measure to ensure that runoff is minimized.

**5. Variance (Coverage):** The Code allows the Planning Commission to grant a Variance to development regulations when the following findings are made:

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- b. That the granting of the variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular improvements in the area; and
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

On the basis of such findings, the Commission may grant, conditionally grant, or deny the application for a Variance.



Staff believes that the topography of the 3.76 acre parcel results in a lot coverage problem for the proposed single-family residence. As mentioned earlier, the Hillside Preservation District zoning regulates lot coverage, including buildings, paving, and grading through the use of "allowable coverage" calculations based on the average slope and size of the site. The entire parcel must be included in the lot coverage calculations regardless of how much of the site is to be left undeveloped. Based on the lot coverage calculations, the allowable coverage would be 0 square feet. The slope of the property, which is approximately 55.3%, limits the ability to construct a reasonable single-family residence without avoiding potential lot coverage problems. Given the topography constraints, staff believes the proposed Variance for the lot coverage is warranted. The proposed single-family residence is well designed and compatible with the existing neighborhood in the immediate vicinity, which consists predominately of large two-story homes on large lots. The proposal would only exceed the lot coverage requirement by 4.48%.

**6. Design Guidelines:** The Guidelines specify that the "style and design of new buildings should be in character with that of the surrounding neighborhood." There are several residences of similar scale, and various architectural styles within the vicinity, including the two single-family residences that have been approved. Staff believes that the style and design of the new home would be in character with that of the surrounding neighborhood.

The craftsman style home would feature composition shingle roofing, horizontal wood siding, veneer cultured stone, cedar shingles, and vinyl windows. The home is well designed; it is well scaled and employs some interesting architectural elements that give it visual interest.

The maximum height of the proposed family home would be 35 feet. Views of the upper portion of the proposed home from the south, such as from Highway 1, would be extremely limited or non-existent, due to distance and intervening topography and vegetation. Views of the proposed home from the west, in the direction of the beach and Sharp Park Golf Course, would be screened by the existing trees on the project site. The proposed home would not be visible from viewing locations due north or east of the project site because of intervening topography and vegetation. Although the scenic vista located off Sharp Park Road is located approximately 0.5 mile northeast of the project site, the residence would be only faintly visible from the scenic vista because of the distance between the vista and the project site, as well as surrounding vegetation and intervening topography.

As mentioned earlier, the residence would also employ a solar hot water system and a photovoltaic system to generate energy. The solar hot water system is anticipated to reduce natural gas consumption by at least 50 percent. The residence's photovoltaic system is estimated to reduce the residence's electricity consumption by at least 80 percent, because the structure would have substantial south-facing exposure to the sun.

The Design Guidelines also specify landscaping as an important aspect of site design. The applicant plans to retain much of the project site's natural vegetation and would replant disturbed areas following the completion of the construction.

7. **Summary:** Based upon the above discussion, staff believes the findings necessary to grant the Variance, Rezoning, Development Plan and Specific Plan for the proposed project can be made, and that the proposal is consistent with the General Plan, and other applicable policy documents. Staff also believes that the proposed rezoning is appropriate. The proposed single-family residence, as conditioned, preserves and enhances the character of the neighborhood, and provides additional housing opportunities in the area. In addition, the proposed single-family residence would not be detrimental to surrounding uses. It would be situated on a 3.76 acre lot and allow a large portion of the site to remain in its natural state.

## RECOMMENDATION AND FINDINGS

### B. Recommendation:

Staff recommends that the Planning Commission APPROVE Variance (PV-498-08), Rezoning (RZ-189-08), Development Plan (DP-71-08), and Specific Plan (SP-145-08), and to construct a two-story single family residence at the southwest portion of Gypsy Hill Road, subject to the following conditions:

#### Planning Department:

1. Development shall be substantially in accord with the plans titled "WILCOX RESIDENCE, GYSPY HILL ROAD, PACIFICA, CALIF., 94044, (A.P.N. 016-421-080)" as prepared by Robert J. DeLouche, consisting of nineteen (19) sheets revised on June 16, 2008, except as modified by the following:
2. All project-related easements, including drainage easement shall be to the satisfaction of the City Engineer, City Planner and City Attorney, and shall be recorded prior to issuance of building permits.
3. 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 Coastside Scavenger. 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 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.

4. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.
5. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the building 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. Building permit drawings and subsequent construction shall substantially conform to the approved planning application drawings. Any modifications shall be reviewed by the Planning Director, who shall determine whether the modifications require additional approval by the Planning Commission.
7. The applicant shall hereby agree to 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. 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.
8. 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.
9. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program adopted as part of the Mitigated Negative Declaration and attached to the Resolution Adopting the Mitigated Negative Declaration. Prior to building permit approval, the project applicant must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the MMRP.

10. 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.
11. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
12. Aesthetic design of all fences and retaining walls shall be subject to the approval of the Planning Director. All visible retaining walls shall include decorative texture to soften their visual impact to the satisfaction of the Planning Director.
13. The applicant shall incorporate into the building all the recommendations listed in the geotechnical site investigation for the proposed two-story single-family residence prepared by J. Yang and Associates, dated April 5, 2007.
14. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

Fire Department:

15. The road between Sharp Park Road and the proposed residence must be improved with an all weather surface (asphalt or concrete paving), 20-foot minimum width.
16. All road surfaces greater than 15% shall be concrete grooved and meet access (fire) road requirements. The turnaround shall not exceed 5%.

Public Works Department/Engineering Division:

17. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
18. All recorded survey points, monuments, railroad spikes, pines, 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 points 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.

Public Works Department/Wastewater Division:

19. Applicant shall provide a detailed plan of the proposed sewer line prior to the

issuance of a building permit, subject to review and approval of the Wastewater Division.

### C. FINDINGS:

**1. Findings for Approval of Variance (Lot Coverage):** The Planning Commission finds: 1) that because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of Chapter 4, Zoning Code, deprives such property of the privileges enjoyed by the other property in the vicinity and under an identical zoning classification; 2) that the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area; and 3) the project is consistent with the City's adopted Design Guidelines regarding single-family residential development.

In particular, the topography of the 3.76 acre parcel results in a lot coverage problem for the proposed single-family residence. The Hillside Preservation District zoning regulates lot coverage, including buildings, paving, and grading through the use of "allowable coverage" calculations based on the average slope and size of the site. The entire parcel must be included in the lot coverage calculations regardless of how much of the site is to be left undeveloped. Based on the lot coverage calculations, the allowable coverage would be 0 square feet. The slope of the property, which is approximately 55.3%, limits the ability to construct a reasonable single-family residence without avoiding potential lot coverage problems. The proposed single-family residence and site improvements would be covering only 4.48% of the 3.76 acre parcel.

**2. Findings for Approval of Development Plan:** The Planning Commission finds that the proposed land use is consistent with the General Plan and will not be detrimental to the present or potential surrounding land uses. In addition, the Planning Commission finds that the project design within a Planned Development District will have a beneficial effect that cannot be achieved through other districts. The estimated traffic generation from the single-family residence will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The Planning Commission further finds that the proposed single-family residence is compatible with the surrounding neighborhood. The Commission finds that the development is consistent with the City's adopted Design Guidelines, Zoning Code, and other applicable laws of the City.

**3. Findings for Approval of Specific Plan:** The Planning Commission finds that the construction of a single-family residence at the southwest portion of Gypsy Hill Road is consistent with the approved Development Plan. The Development Plan specifies the type of use and general building site configuration. All zoning standards of the R-1/B-10 District, including building setbacks, landscaping, and structure height are met by the project. The Commission further finds that the proposal is consistent with the City's

adopted Design Guidelines, the General Plan and all applicable City Codes.

## **COMMISSION ACTION**

### **D. MOTION FOR APPROVAL:**

Move that the Planning Commission **ADOPT** the attached Resolution entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR A SINGLE-FAMILY RESIDENCE AT THE SOUTHWEST PORTION OF GYPSY HILL ROAD (APN 016-421-080)” and **ADOPT** the resolution entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA RECOMMENDING RECLASSIFICATION OF PROPERTY AT THE SOUTHWEST PORTION OF GYPSY HILL ROAD (APN 016-421-080).” and **APPROVE** Variance, PV-498-08, Rezoning, RZ-189-08, Development Plan, DP-71-08, and Specific Plan, SP-145-08, subject to conditions one (1) through nineteen (19) and adopt the findings contained in the January 20, 2009 staff report and incorporate all maps and testimony into the record by reference.

#### Attachments:

- a. Land Use and Zoning Exhibit
- b. Mitigated Negative Declaration
- c. Resolution (Adoption of Mitigated Negative Declaration) and Mitigation, Monitoring and Reporting Plan
- d. Resolution (Rezoning)
- e. Plans and Elevations (Planning Commission only)