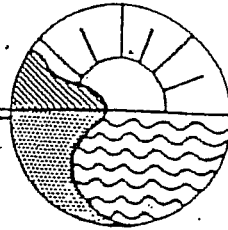


AGENDA



Planning Commission – City of Pacifica

DATE: Tuesday, February 17, 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: February 2, 2009

Designation of Liaison to City Council Meeting of: February 23, 2009

CONSENT ITEMS:

PUBLIC HEARINGS:

1. PV-498-08 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: Continue to April 16, 2009 (Continued from January 20, 2009)
RZ-189-08
DP-71-08
SP-145-08
2. RESOLUTION OF INTENTION to recommend adoption of an ordinance amending the Pacifica Municipal Code relating to timing for deciding appeals. The proposed amendment would change the timing for the City Council to act on appeals of Planning Commission decisions from sixty (60) days after the filing of the appeal to ten (10) days after the City Council hearing on the appeal. Proposed Action: Adopt resolution (Continued from February 2, 2009)
3. RESOLUTION OF INTENTION to recommend adoption of an ordinance amending sections of the Pacifica Municipal Code relating to Bed And Breakfast Inns, Fence Heights, Set Backs for Accessory Buildings, Definition of Attached Buildings, Pet Care And Sales Establishments, Subdivision Signs, and Submittal of Specific Plans. Proposed Action: Adopt resolution

OTHER AGENDA ITEMS:

4. REPORT TO CITY COUNCIL Regarding Proposed Changes to Draft Ordinance Requiring Planning Commission Review of Single-Family Residences over a Certain Size Proposed Action: Issue Report to City Council

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: February 17, 2009

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Item No. 1: Variance, PV-498-08, Rezoning, RZ-189-08, Development Plan, DP-71-08, and Specific Plan, SP-145-05 to develop a 3.76 acre vacant lot with a two-story single-family home southwest of Gypsy Hill Road, Pacifica (APN 016-421-080).

The Planning Commission, at their January 20, 2009 meeting, continued the public hearing for a Variance, Rezoning, Development Plan and Specific Plan, and Mitigated Negative Declaration for a proposed two-story single-family residence located southwest of Gypsy Hill Road. The proposal consisted of 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. Details of the proposal are contained in the attached staff report dated January 20, 2008. Also attached are the minutes of the Planning Commission meeting.

The Commission's discussion of the project centered on the location of the proposed residence. The majority of the Commissioners felt that the proposed single-family home could be relocated to a less visually prominent portion of the subject site. Some of the Commissioners were also concerned about the proposal not being reviewed by the Open Space Committee. The Commission voted 6-0 to continue the public hearing to allow the applicant to address the Commission's concerns about the location of the proposed residence and to present the proposal to the Open Space Committee.

As directed by the Commission, the applicant has presented his proposal to the Open Space Committee on February 11, 2009, but has not completed the process of addressing the Commission's concerns about the placement of the proposed single-family residence. Therefore, a continuance to the Commission meeting of April 20, 2009 is requested.

COMMISSION ACTION

D. MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** PV-498-08, RZ-189-08, DP-71-08, SP-145-08, and consideration of a Mitigated Negative Declaration for the proposed construction of a single-family residence at the southwest of Gypsy Hill Road to April 20, 2009, for further deliberations and/or preparation of project revisions, findings for approval or denial.

ATTACHMENTS:

- A. Planning Commission staff report, January 20, 2009 (without attachments)
- B. PC Minutes – January 20, 2009

CITY OF PACIFICA

MEMORANDUM

DATE: February 17, 2009

TO: Planning Commission

FROM: Michael Crabtree, Planning Director 

SUBJECT: **Agenda Item No. 2:** Adoption of Resolution of Intention to Recommend that the City Council adopt an Ordinance Amending Certain Municipal Code Provisions Relating to Timing for Deciding Appeals

This item was continued from the February 2, 2009 meeting to allow staff to clarify the timing for presenting appeals of Planning Commission decisions to the City Council. The current language in the Municipal Code specifies thirty (30) days, and no change is being proposed. The proposed ordinance that is the subject of this Resolution of Intent concerns the timing for City Council to take action on the appeal. Details are contained in the attached memo from the City Attorney.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **ADOPT** the attached resolution entitled, "A RESOLUTION OF INTENTION BY THE PLANNING COMMISSION OF THE CITY OF PACIFICA TO RECOMMEND ADOPTION OF AN ORDINANCE AMENDING THE PACIFICA MUNICIPAL CODE RELATING TO TIMING FOR DECIDING APPEALS"

Attachments:

1. Memo from City Attorney, 2/02/09
2. Resolution
3. Draft Ordinance

CITY OF PACIFICA

MEMORANDUM

DATE: February 17, 2009
TO: Planning Commission
FROM: Michael Crabtree, Planning Director



SUBJECT: **Agenda Item No. 3:** Adoption of a Resolution of Intention Recommending Adoption of an Ordinance Amending Sections of the Pacifica Municipal Code relating to Bed And Breakfast Inns, Fence Heights, Set Backs for Accessory Buildings, Definition of Attached Buildings, Pet Care And Sales Establishments, Subdivision Signs, and Submittal of Specific Plans

Background – The Planning Commission recently discussed potential changes to the Pacifica Municipal Code relating to Bed and Breakfast Inns (B&B's). The Commission has also discussed changes to the fence height regulations, and staff has noted other areas in the Code requiring modification to provide clarification or better meet the intent of the City's goals and policies. The attached Resolution of Intention sets out the Commission's intention to recommend that a number of changes be made to the Municipal Code to address these issues.

Discussion - Following is a discussion of each proposed change, arranged by Section number in the attached draft ordinance.

Section 1. The section would alter the existing code language that allows B&B's as a conditional use in any zoning district to a conditional use in all residential and commercial zoning districts. While B&B's would seem to be appropriate land uses for residential and commercial districts, the Commission has agreed with staff that such uses may not be appropriate in other zoning districts such as Public Facilities (P-F) and Open Space (OS). The proposed change would ensure that B&B's obtain discretionary permits in all commercial and residential zones. B&B's could still be located in other zoning districts, but a zoning change would be required.

Section 2. This section addresses the "loop" in the code that staff discussed in the attached memo of January 5, 2009. This proposed change ensures that a Use Permit and Site Development Permit will be required even if a B&B is proposed in the Hillside Preservation District.

Section 3. This section would remove B&B's from the uses allowed under the "Special use permit procedures" of the Municipal Code. As stated in the attached memo of January 5, 2009, staff does not believe that inclusion of B&B's as a special use is consistent with the intent of the "Special use permit" section of the Code.

Section 4. This section increases the permitted height of fences located within the front yard setback from 3 feet to 4 feet, provided the additional height consists of “open work” material. This change is consistent with direction provided by the Commission some time ago.

Section 5. This section refers the reader to the appropriate Code section where setbacks for accessory buildings and garages may be found.

Section 6. This section provides a definition for “attached building”. This issue becomes particularly important when a project involves a detached vs. attached garage, or when the height of buildings is in question. The Municipal Code specifies that building height should be measured at the finished grade, between the lowest point on the site covered by any portion of a building to the topmost point of the roof, and the proposed definition will help clarify whether a given project includes one building (where overall height is measured) or multiple buildings (where a series of height measurements is required).

Section 7. This section brings the sign ordinance into consistency with State law regarding subdivision signs and other signs regulated by the State.

Section 8. This section adds pet care and sales establishments as a conditional use in the C-1 zoning district. Such uses seem to be growing in popularity, and there is no reason they should not be permitted, subject to Commission review and approval, in the C-1 commercial district. This change is consistent with direction provided by the Commission some time ago.

Section 9. This section modifies the Planned Development regulations to require submittal of a Specific Plan concurrently with a Development Plan. Staff believes the original intent of the ordinance was to allow subdivision projects that involved multiple large tracts of land to obtain overall approval of the subdivision (e.g. lot and street layout, etc.), and then submit additional details (architecture, landscaping, etc.) for each area or sub area of the project at a later date in phases. Such an approach does make sense for very large projects, but for small or midrange projects, staff believes it is important for the Commission to see architecture, landscaping and other project details up front in order to better judge the merits of the particular subdivision. In many cases approving a subdivision without knowing what the project will look like (and, hence, what aesthetic impacts might result) leaves a great deal of uncertainty. The proposed amendments to the Code would still allow an applicant to submit a Specific Plan at a later date if the Commission determines that it is warranted and would result in a better project.

Conclusion – If the Commission adopts the attached Resolution of Intention, staff will incorporate any changes requested by the Commission and return a formal resolution recommending adoption of the Code changes by the City Council.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **ADOPT** the attached resolution entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE RELATING TO BED AND BREAKFAST INNS, FENCE HEIGHTS, SET BACKS FOR ACCESSORY BUILDINGS, DEFINITION OF ATTACHED BUILDINGS, PET CARE SALES ESTABLISHMENTS, SUBDIVISION SIGNS, AND SUBMITTAL OF SPECIFIC PLANS”

Attachments:

1. Resolution
2. Draft Ordinance
3. Planning Commission memo, 1/05/09

CITY OF PACIFICA

MEMORANDUM

DATE: February 17, 2009

TO: Planning Commission

FROM: Michael Crabtree, Planning Director 

SUBJECT: **Agenda Item No. 4:** Report to City Council Regarding Proposed Changes to Draft Ordinance Requiring Planning Commission Review of Single-Family Residences over a Certain Size

Background - On November 17, 2008, the Planning Commission adopted a resolution recommending that the City Council adopt an ordinance that would require Planning Commission review of new single-family residences over a certain size or additions to existing single-family residences that cause them to exceed a certain size. On January 12, 2009, the City Council considered the Commission's recommendation. The City Council suggested changes to the draft ordinance and remanded it to the Commission for review of the proposed changes and issuance of a report. The minutes from the City Council meeting of January 12, 2009 are attached. Council's proposed changes to the draft ordinance are discussed below.

Discussion - For reference, staff has attached the Planning Commission memo dated December 17, 2007 that explains the ordinance recommended by the Commission in detail. In summary, the ordinance recommended by the Commission starts with a cap of 3,000 s.f. of floor area for a 5,000 s.f. lot, or an FAR (floor area ratio) of 60%. A new home that exceeds that amount, or an addition to an existing home that causes it to exceed that amount, would trigger a requirement for Planning Commission review and approval of a Site Development Permit at a public hearing. (Substandard lots, or lots smaller than 5,000 s.f., are already governed by an FAR formula in the Nonconforming Lot section of the Zoning Code.) For lots that are larger than 5,000 s.f., a formula was developed to give "credit" or a "bonus" amount of floor area that would be allowed before the Commission review requirement becomes effective. All garage area in excess of 800 s.f. would be counted as floor area; garage area up to 800 s.f. would not be included in the floor area formula. The ordinance also contains a provision requiring the erection of story poles at least fifteen (15) days prior to the Planning Commission hearing date. It should be noted that the Commission recommended that the City Council remove the story pole requirement from the ordinance

At the January 12, 2009 hearing, the City Council suggested that two changes to the draft ordinance be made. First, the Council requested that the floor area threshold for triggering Commission review be reduced to 2,750 square feet. Second, the Council requested that the

Commission review be reduced to 2,750 square feet. Second, the Council requested that the maximum garage size to be allowed before counting toward the total floor area be reduced to 650 square feet. The Council did not agree to remove the story pole requirement.

Regarding the floor area threshold, there has been some question that the Planning Commission subcommittee research did not accurately reflect local conditions regarding average home sizes. The subcommittee concluded the average home size nationally was approximately 2,500 s.f., exclusive of garages. Staff has reviewed all new homes or home additions approved or constructed in Pacifica over the two year period from January 2007 to January 2009 and found that the average size home in Pacifica, exclusive of garages, was 2,550 s.f. Therefore, the Planning Commission subcommittee's research is valid for local conditions. The average garage size was significantly smaller than the 800 s.f. threshold, at 471 s.f. (just under the size of a 3 car garage, which is 513 s.f.).

Following are examples of s.f. limits on lots of various sizes, using both the originally suggested 3,000 s.f. threshold, and the Council recommended 2,750 s.f. threshold. As the examples show, the change to 2,750 s.f. reduces the threshold by 250 s.f.

Lot Size in Square Feet	Maximum Floor Area in Square Feet (Without Triggering Planning Commission Review) 3,000 s.f. threshold	Maximum Floor Area in Square Feet (Without Triggering Planning Commission Review) 2,750 s.f. threshold
5,000	3,000	2,750
5,500	3,268	3,018
6,000	3,379	3,129
6,500	3,465	3,215
7,000	3,537	3,287
7,500	3,600	3,350
8,000	3,657	3,407
8,500	3,710	3,460
9,000	3,759	3,509
9,500	3,805	3,555
10,000	3,849	3,599
20,000	4,470	4,220
40,000	5,244	4,995
43,560 (1 acre)	5,356	5,106

The 3,000 s.f. threshold for the formula was chosen because the Planning Commission felt that average-size or near-average-size houses should not be subject to the proposed ordinance. The proposed change suggested by the City Council would accomplish this same purpose, although instead of triggering review for homes that are approximately 20% larger than the average size home, the 2,750 s.f. threshold would trigger review for homes that are approximately 10% larger than the average size home on a standard size lot. As seen in the attached Council minutes, the Council majority felt that review should occur for homes that are closer to the average size.

The Planning Commission agreed that an 800 s.f. garage should be allowed before counting toward floor area because it would permit construction of a three car garage with room for extra storage. The Municipal Code establishes a minimum area per parking space of 171 s.f., or 513 s.f. for a three car garage. Of course, additional space for door swings, appliances, etc. is often required. The Council suggested limit of 650 s.f. would also allow for three car garage, although there would be less space for storage. This limit would still exceed the average garage size for recently approved or constructed homes (471 s.f.).

Regarding the story pole requirement, it may be argued that one of the underlying assumptions of the proposed ordinance is that projects that fall within the ordinance's parameters are assumed to have the potential for additional aesthetic impacts which should be studied. This could be considered rationale for requiring story poles in this case where in other instances they are not required.

Environmental Review – The City Council's proposed revisions do not result in any new, avoidable significant effect, and the Negative Declaration prepared for the proposed ordinance does not need to be recirculated.

Conclusion - The Commission may report back to the Council that it concurs with the Council's recommended changes, that it continues to support its original recommendations, or that it recommends further changes. Staff has provided alternative motions below. The motions may be altered to accommodate variations in the recommendations. The Commission may also include another recommendation regarding story poles.

COMMISSION ACTION REQUESTED

Motion to recommended adoption of proposed changes

Move that the Planning Commission report to the City Council that it has considered the Council's suggested changes to the proposed ordinance requiring Planning Commission review of single-family dwellings over a certain size and that it concurs with the suggested changes and recommends that the proposed ordinance be amended to reduce the threshold for Planning Commission review to 2,750 square feet of living area, and reduce the allowable area for the garage before counting toward floor area to 650 s.f.

-OR-

Motion to recommend adoption of ordinance as originally proposed

Move that the Planning Commission report to the City Council that it has considered the Council's suggested changes to the proposed ordinance requiring Planning Commission review of single-family dwellings over a certain size and that it does not concur with the suggested changes and continues to recommend that the proposed ordinance contain a threshold for Planning Commission review of 3,000 square feet of living area, with up to 800 s.f. of garage area allowed before counting toward floor area.

Attachments:

1. Planning Commission Memo, 12/17/07
2. City Council minutes of 01/12/09
3. Draft ordinance