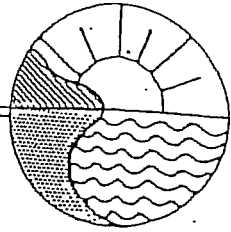


AGENDA



Planning Commission – City of Pacifica

DATE: March 16, 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 17, 2009

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

CONSENT ITEMS:

PUBLIC HEARINGS:

1. CDP-302-08 UP-988-08 COASTAL DEVELOPMENT PERMIT and USE PERMIT, filed by the agent, Brian Brinkman, on behalf of the owner, Pete Lommori to construct a single-family dwelling with an attached garage and a detached garage on a lot containing an existing single-family dwelling at 134 Paloma Avenue, Pacifica (APN 016-022-040). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned (Continued from February 2, 2009)
2. UP-996-08 PV-495-08 CDP-309-08 USE PERMIT, VARIANCE, and COASTAL DEVELOPMENT, 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: Approval as conditioned (Continued from February 2, 2009)
3. CDP-311-09 UP-999-09 COASTAL DEVELOPMENT PERMIT and USE PERMIT, filed by the agent, Phillip Thomas, on behalf of the applicant, AT&T Mobility and the owner, AIMCO Avenue Apartments LLC., to install a new wireless communication facility on an existing penthouse and an indoor equipment area at 380 Esplanade Avenue, Pacifica (Assessor's Parcel Number 009-131-060). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue to April 6, 2009 (Continued from February 2, 2009)

OTHER AGENDA ITEMS:

4. SP-121-01 PV-431-01 EXTENSION OF PERMITS for the construction of a single-family residence on the northwest portion of Gypsy Hill Road (APN 016-421-120). Proposed Action Grant extension request

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: March 16, 2009

TO: Planning Commission

FROM: Kathryn Farbstein
Assistant Planner 

SUBJECT: Agenda Item No. ~~2~~ 1: Construct Single Family Dwelling Including a One Car Garage with a New Detached Three Car on the Site with an Existing Two-Story Single-Family Dwelling; CDP-302-08, and Use Permit, UP-988-08 (APN 016-022-040)

Background: This project was continued from the Planning Commission meeting on November 17, 2008 to allow the applicant to incorporate the comments from the Planning Commission and redesign the project. The applicant submitted revised plans on February 25, 2009. Due to the cancellation of the Planning Commission meeting on March 2, 2009, a public hearing notice was sent out to the neighbors on March 16, 2009. Details of the original proposal are contained within the attached staff report dated November 17, 2008 (see Attachment b) and the attached reduced set of plans (see Attachment d).

Revised Proposal: In response to the Planning Commission's concerns regarding tandem parking and the design of the dwelling (see Attachment c Planning Commission Meeting minutes), the applicant has redesigned the project. Essentially, the applicant has separated the project into two buildings consisting of a dwelling unit with a garage space and a three car garage, instead of one long structure containing the dwelling unit and two garage spaces with two tandem spaces as originally proposed. The new front (north elevation) of the dwelling would be cantilevered five feet for approximately half the frontage of the building while the entire rear (south elevation) would remain cantilevered. The original proposal had five feet of cantilevered area across the entire front and rear elevation; however, the current proposal is now for half the front of the building to have five feet of cantilevered floor area and a one foot increase to six feet of cantilevered floor area across the rear. The floor area of the proposed unit would increase by 26 square feet because floor area is now proposed on the ground floor next to the garage space but the number of bedrooms and bathrooms remains the same at two each. The amount of garage space proposed initially has been reduced from 877 square feet to 758 square feet or a reduction of 14%. In addition, although the lot coverage has increased from 34% to 43.4%, the amount of proposed landscaping has increased from 27.6% to 35.2%. Due to the change in configuration of the garage spaces which increases the length of the driveway, the amount of paved area has been increased from 6.3% to 21.4%.

Analysis:

Coastal Development Permit - The City of Pacifica's Local Coastal Program indicates that infill residential development should be located in close proximity to existing development, and it should be designed and scaled for compatibility of surrounding uses (Coastal Act Policy #23). On page C-106 of the Local Coastal Program Land Use Plan, it states that "In West Sharp Park, design review shall be required for new development and major remodeling (more than 50%) that is subject to discretionary review." Therefore, the new development proposed in this project consisting of a single-family dwelling over a one car garage with a three car detached garage must also undergo design review and this issue will be discussed further in this report. The proposed dwelling would be located on a larger lot with an existing single-family dwelling and with 13 other single-family dwellings in the neighborhood, placed on smaller lots; therefore, the project is in close proximity to existing development.

The project will be designed with appropriate drainage and with minimal grading needed because the site has little slope. Because it is an infill site with an existing dwelling, the site appears to be geotechnically suitable for development. However, during the plan check phase of the project, as is standard with all projects, the Building Official will determine if further geotechnical information is needed, and will ensure that any recommendations from the geotechnical report and peer review geotechnical consultants will be implemented.

The subject site is not located between the nearest public road and the shoreline; therefore, the public recreation policies of Chapter 3 do not apply.

Use Permit – If this project were completed, two main buildings would exist on the subject site. One building would contain the existing single-family unit and the other main building would contain the proposed single-family dwelling above a garage. Thus, two separate main buildings on one lot require approval of a Use Permit. If the proposed new dwelling were attached to the existing dwelling, it would be considered a two-family dwelling and approval of a Use Permit would not be necessary.

As listed previously in the staff report, three findings to satisfy in order to warrant approval of a Use Permit. The first finding states that the use of the building should not be detrimental to the neighborhood or the welfare of the City. In this case, the proposed single-family dwelling will not be detrimental to the neighborhood or the welfare of the City because the neighborhood primarily consists of single-family dwellings. The use of the building is also consistent with the General Plan, the Local Coastal Plan and other applicable laws of the City because the proposal is allowed by the General Plan and Zoning designation as shown on Attachment A, included in the attached staff report dated November 17, 2008. The project is consistent with the development regulations for an R-2 zoned property. The final finding to be addressed is whether the use or building applied for is consistent with the City's adopted Design Guidelines. Staff will discuss this issue in the section entitled "Design" of this staff report.

Parking Exception – Each dwelling is required to have a two-car garage with an interior dimension of 18 feet in width and 19 feet in depth. The existing two car garage met this requirement but has to be removed in order to construct the proposed detached garage. In the previous submittal, the applicant provided a two car garage and two tandem spaces on the lower floor of the proposed building but this parking configuration did not satisfy the standards for required parking, and therefore, approval of a Parking Exception was required. However, with the current proposal, the one car garage attached to the dwelling and three car detached garage satisfy the parking

requirements, including providing a 25 foot backup space. Thus, approval of a Parking Exception is no longer needed for this application.

Design – The subject site is located between two developed properties and in a neighborhood of developed properties with single-family homes predominant. Commercial businesses are located at either end of the block of Paloma Avenue because both Palmetto Avenue and Francisco Boulevard are zoned for Neighborhood Commercial activities. Three of the commercial businesses have two stories and two of the four commercial businesses are mixed use buildings with apartments above. One of the residential buildings has three apartment units. Of the 15 residential properties along the block, two of the dwellings or 13% have 2 stories, including the apartment unit.

The plans indicate that the existing dwelling on the subject site is a one-story building although due to its height of 21 feet, and the two cupolas facing the street and located on the upper portion of the structure, it resembles a two-story building. The property owner has indicated that unfinished space exists upstairs in the existing dwelling. The current proposal has reduced the overall length of the building by 20 feet and the overall floor area and garage space from approximately 1,900 square feet to 1,200 square feet because a detached garage is now proposed that will contain three parking spaces. In addition, only half of the upper floor will be cantilevered on the front of the building. The deck, proposed in the previous project, extended across the front of the building and which cantilevered five feet out, has been removed. However, the size of the dwelling has increased by 26 square feet or 3% from the original proposal because floor area is now proposed on the ground level. (It should be noted here that the minimum size of a single-family dwelling is 850 square feet.) A peaked roof overhang is now provided to demarcate the entrance to the proposed unit, which matches the cupola above and the garage setback provides visual interest. The cupola on the proposed unit matches the cupolas on the existing dwelling. The proposed lap and shingle siding break up the massing of the proposed two story structure and the lap siding will be similar to the siding placed on the existing dwelling. The proposed three car garage will be set back more than 65 feet from the street, and have lap siding similar to the existing dwelling. In staff's opinion, the current design does result in a smaller main building closer to the street, and with design features proposed such as the cupola and the lap siding that are similar to the features found on the existing dwelling; thus, the project is now consistent with the Design Guidelines.

Summary: As conditioned, staff believes that the proposed single-family residence and detached garage is well designed, aesthetically pleasing and is appropriate for the neighborhood. Specifically, the design of the dwelling with its smaller size, varied siding and front entrance emphasized with a roof overhang, creates a visually interesting building and helps to reduce the overall massing of the structure. Staff believes that the project as conditioned satisfies all the Code requirements and it is consistent with the Design Guidelines. In addition, the findings can be made to grant the Coastal Development Permit and Use Permit. Thus, staff recommends approval of the project subject to the conditions listed below.

CONDITIONS AND FINDINGS

CONDITIONS

Planning Department:

1. Development shall be substantially in accord with the plans entitled "New Garage/2nd Dwelling Unit at 134 Paloma Avenue," consisting of seven (7) sheets, dated February 25, 2009 except as modified by the following conditions.

2. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. The applicant shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. The landscape plan shall show each type, size, and location of plant materials. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. Of this native plant requirement, the species shall be historically or currently present at site or similar sites with the same conditions. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.
4. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an enclosure to the Planning Director's satisfaction. 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.
5. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation 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. 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.
7. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated

with the building style, materials and colors, and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.

11. 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.
12. 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.

Wastewater Division of Public Works

13. 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.

Engineering Division of Public Works

14. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
15. Applicant shall overlay existing asphalt with minimum 2 inch AC the whole street width across entire property frontage.
16. All recorded survey points, monuments, railroad spikes, pins, 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 point/s 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.
17. No debris box or equipment shed is allowed in the street or sidewalk.

18. Add a note on the Site Plan that says, "Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project."
19. Add a note on the Site Plan that says, "Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer."
20. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.
21. A sidewalk agreement must be signed for unimproved streets.

FINDINGS

Findings for Approval of Coastal Development Permit: The Planning Commission finds that the proposed dwelling and detached garage on a site that contains a single-family dwelling conforms to the Local Coastal Program. Specifically, the project as designed and conditioned will be compatible with the surrounding properties in the Sharp Park neighborhood. The project will not block any public coastal views nor will it substantially block any neighbor's views or sunlight. The project has distinctive architectural features such as the use of varied siding materials, a roof overhang above the front door and a cupola to match the existing dwelling that will create visual interest in the structure.

Findings for Approval of Use Permit: The Planning Commission finds that the proposed dwelling and detached garage on a site that contains a single-family dwelling, as conditioned, is an appropriate use for the site. Specifically, the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. The Commission further finds that the request is consistent with the City's adopted Design Guidelines, in particular the proposed dwelling and detached garage will result in buildings that are consistent with the neighborhood and have similar features to the existing single family dwelling.

COMMISSION ACTION

Move that the Planning Commission find that the project is exempt from CEQA and APPROVE CDP-302-08 and UP-988-08 subject to conditions 1 through 21 and adopt findings contained in the March 16, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments (Planning Commission Only)

- a) Project Information (Enlarged Table Provided by Applicant)
- b) November 17, 2008 Staff Report and Attachments
- c) Planning Commission Meeting Minutes from November 17, 2008
- d) Reduced Set of Plans with Original Design Dated March 23, 2009
- e) Half Sheet Size Set of Revised Plans with Current Proposal

CITY OF PACIFICA

AGENDA MEMO

DATE: March 16, 2009

TO: Planning Commission

FROM: Lily Lim, Planning Intern (L)

SUBJECT: Agenda Item No. ²~~7~~: Continuance 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 single-family residence at 61 Elder Lane, Pacifica, (APN – 016-315-190)..

On November 17, 2008 the Planning Commission considered 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. Details of the project are contained in the attached staff report dated November 17, 2009. 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 majority of the Commissioners felt that the proposed home was too massive for the size of the lot. The Commission also requested a 3D rendering of the proposed third story in the revised plans. There was also a suggestion that the applicant take this opportunity to correct the existing nonconforming west side setback.

The applicant has submitted revised plans, a 3-D rendition, and a "shadow study" showing the impact on light for adjacent neighbors. The height of the building was reduced by approximately 4 feet; however a 2 foot chimney was added. In addition to the decrease in height, the size of the third story bonus room was reduced from 467 square feet to 344 square feet, resulting in a decrease of 123 square feet. In order to reduce the appearance of the mass and bulk of the building, the applicant has changed one of the two roof top decks to have glass guardrails, increased the number of windows and added other architectural features. Additionally, the northward facing deck has been changed to have glass guardrails as well.

The revision was mainly focused on the third floor, specifically the bulk of the original design. Previously, the third floor was mostly hidden due to the proposed flat roof over the third story; however, the revised plan has eliminated the flat roof to allow a more open, less massive structure. Because of the decrease in square footage of the third story, the third story side setbacks have increased from the original 4 feet (west) and 18 feet (east) to the revised 11 feet (west) and 21 feet (east). The increased east side setback will lessen the towering effect of the proposed home. The overall placement of the third floor is closer to the west side of the existing

structure where the existing adjacent structures are similar in height; however, the proposed project will still be higher than the two residences on the west side. Further, the decrease in square footage of the third story subsequently reduces the square footage of the entire house.

Staff believes that revised plans address the Commissions' main concerns regarding the bulk and scale of the third story. The revised plans do not address the nonconforming setback on the west side because no exterior alterations to the first floor were proposed. However, the applicant reduced the height and altered the design of the third story to help minimize potential impacts on neighboring properties. The project includes horizontal and vertical elements to break up the bulk as recommended in the Design Guidelines. Staff believes that findings can be made for approval of the project, subject to the conditions listed below, and is recommending approval of the project.

CONDITIONS AND FINDINGS

CONDITIONS:

Planning Department

1. Development shall be substantially in accord with plans entitled, "Seagren Residence, 61 Elder Lane, Pacifica, CA," consisting of nine (9) sheets, dated March 6, 2009 except as modified by the following conditions.
2. Prior to issuance of a building permit, the applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. The applicant shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. The landscape plan shall show each type, size, and location of plant materials. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. Of this native plant requirement, the species shall be historically or currently present at site or similar sites with the same conditions. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.
4. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director's satisfaction. 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.

5. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation 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. 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.
7. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building style, materials and colors, and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.
11. 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.
12. 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.

Waterwater Division of Public Works

13. The applicant shall provide a video of the sewer lateral line. Depending upon the condition of the existing sewer line, if there are any visible signs of leakage, the applicant shall replace parts or the whole sewer line to current specification and codes to the satisfaction of the City Engineer.

FINDINGS

1. **Findings for Approval of Coastal Development Permit:** The Planning Commission finds that the proposed project at 61 Elder, 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 project are compatible with the surroundings in the Pedro Point neighborhood and it will not have negative visual impacts or negatively impact access to existing coastal recreation facilities. It will not 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 cumulatively, on coastal resources. No commercial activities will be impacted because the site is located entirely within a residential zone.
2. **Findings for Approval of Use Permit:** The Planning Commission finds that the establishment, maintenance, or operation of the proposed rear setback would not under and circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or the persons working in the neighborhood or to the general welfare of the City. Lastly, the use or building applied for is consistent with the applicable provisions of the City's adopted Design Guidelines and other applicable laws of the City.
3. **Findings for Approval of Variance:** The Planning Commission finds that the requested Variance would 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 circumstances of the particular case, be materially detrimental to the public welfare or injurious to the property or improvements in the area. Lastly, staff feels that the proposal of the attached garage is consistent with the City's Design Guidelines.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA, **APPROVE** Use Permit, UP-996-08, Variance, PV-495-08 and Coastal Development Permit, CDP-309-08, subject to conditions 1 through 13 and adopt findings contained in the March 16, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. November 17, 2008 Staff Report and Attachments
- b. Planning Commission Meeting Minutes from November 17, 2008
- c. Reduced Set of Original Plans Dated November 12, 2008
- d. Revised Plans and Elevations (Planning Commission only)

CITY OF PACIFICA

AGENDA MEMO

DATE: March 16, 2009

TO: Planning Commission

FROM: Lily Lim, Planning Intern



SUBJECT: **Agenda Item No. 3:** Coastal Development Permit, CDP-311-09 and Use Permit, UP-999-09 to install a new wireless communication facility with six (6) roof mounted antennas and an indoor equipment area at 380 Esplanade Avenue, Pacifica (APN – 009-131-060).

The proposed project was scheduled and noticed for Planning Commission review on February 2, 2009 and was continued to March 16, 2009; however, the applicant has informed staff that additional time will be needed to work out the details of the proposal. Therefore, a continuance to the Planning Commission meeting on April 6, 2009 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** CDP-311-09 and UP-999-09 to the Planning Commission meeting on April 6, 2009, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE: March 16, 2009

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Agenda Item No. 4: Extension of a Specific Plan and Variance for the construction of a single-family residence on the northwest portion of Gypsy Hill Road (APN 016-421-120).

On August 18, 2008, the Planning Commission considered a six (6) month extension of a Specific Plan and Variance for the construction of a single-family residence on Gypsy Hill. After much deliberation, the Commission decided to extent the permits to three (3) months provided the applicant demonstrated progress obtaining the building permit. If the applicant demonstrated progress then another three (3) months would be granted. The applicant did address all outstanding issues and was granted the additional three (3) months on November 17, 2008. Attached are the minutes of the November 17, 2008 Planning Commission meeting.

After the applicant addressed all of the outstanding issues associated with the building permit review process, the Building Official required a peer review of the geotechnical report by an outside City consultant. On February 13, 2009 the City received comments from the consultant that need to be addressed by the applicant.

The permits were to expire on February 22, 2009. The applicant was unable to respond to the consultant's comments by the expiration date. On February 11, 2009 the City received an extension request from the applicant to allow sufficient time to address the requirements of the geotechnical peer review. This is the applicant's seventh (7th) extension request. Staff is requesting that the applicant be granted two (2) months to address the consultant's comments.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** SP-121-01 and PV-431-01 to April 22, 2009.

Attachments:

1. Planning Commission Minutes, 11/17/08
2. Letter from applicant, dated 2/10/09