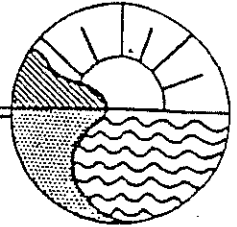


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, May 18, 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: May 4, 2009
Designation of Liaison to City Council Meeting of: May 26, 2009

CONSENT ITEMS:

PUBLIC HEARINGS:

1. PSD-775-09 SITE DEVELOPMENT PERMIT, filed by the owner, John Curley, to add a two car detached garage with swing type parking at 436 Rockaway Beach Avenue, Pacifica (APN 022-035-270). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned (Continued from May 4, 2009).
2. UP-002-09 USE PERMIT, filed by the agent, Michael Gorman, on behalf of the applicant, Dave Mercurio, to conduct a 4-day carnival, June 4 through 7, 2009, in the Sea Bowl parking lot at 4625 Coast Highway, Pacifica (APN 022-150-170 and -440). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
3. PSD-774-08 SITE DEVELOPMENT PERMIT, USE PERMIT, TENTATIVE SUBDIVISION MAP, COASTAL
UP-998-08 DEVELOPMENT PERMIT, VARIANCE, and PARKING EXCEPTION, filed by the agent, Lorin Hill, on behalf of
SUB-217-08 the applicants/owners, Jama and Monica Houmam, to construct a mixed use building with 3 one-bedroom
CDP-310-08 condominium units above 2 commercial spaces at 2270 Palmetto Avenue, Pacifica (APN 016-294-570). The
PV-497-08 project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as
PE-152-08 conditioned

OTHER AGENDA ITEMS:

4. ADOPTION OF RESOLUTION Certifying that the 2009-2014 Capital Improvement Program is Consistent with the General Plan. Proposed Action: Adopt resolution

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: May 18, 2009

TO: Planning Commission

FROM: Lily Lim, Planning Intern *ll*

SUBJECT: Agenda Item No. 1: Continuance of Site Development Permit, PSD-775-09, to Convert existing one car garage into living space and construct a new two car detached garage with swing type parking at 436 Rockaway Beach Avenue, Pacifica (APN – 022-035-270).

On May 4, 2009 the Planning Commission considered a Site Development Permit, PSD-775-09, to convert an existing one car garage into living space and construct a new two car detached garage with swing type parking at 436 Rockaway Beach Avenue. Details of the project are contained in the attached staff report dated May 4, 2009. During the hearing on May 4, 2009 the Commission expressed concerns relating to the Heritage Tree and liability issues. The Heritage Tree is located on the City's right-of-way; however, the applicant proposes to construct the detached garage within the dripline of the tree.

The Commission has asked staff for additional information, including a copy of the arborist's report (see attachment a) to confirm the health of the tree as well as protection measures outlined by the arborist. One of the guidelines outlined in the arborist report states that if any roots greater than 6 inches are uncovered, a Certified Arborist or some other qualified person should cut and clean the roots and cover them with wet burlap. The tree protection plan states there will be a 10% root loss because the construction area is around the outer fringe of the root zone area.

Staff has spoken with the City Arborist and he believes that no significant roots will be discovered. However, should any significant roots be discovered, the applicant shall follow the guidelines stated in the tree protection plan. The City Arborist also stated that the applicant should hand dig the project site to prevent any root damage. In addition, the City Arborist suggested that the applicant submit photos of the trenching.

Staff has informed the applicant of the Commission's concerns and has requested that the arborist be present during the next Planning Commission meeting or a written statement from the arborist with additional information.

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 the plans entitled “Curley Residence, 436 Rockaway Beach Ave., Pacifica, California, 94044, APN 022035270” consisting of five (5) sheets dated February 5, 2009 except as modified by the following conditions.
2. 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.
3. The applicant shall comply with all protection guidelines in the Heritage Tree protection plan.
4. The applicant shall hand dig the project site and provide photos of the trenching prior to construction of the garage.
5. 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.
6. 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.

Engineering Department:

7. Applicant shall overlay existing asphalt pavement with minimum 2 inch AC to street centerline across entire property frontage.
8. Applicant shall continue existing sidewalk, curb, and gutter from adjacent property and install a driveway approach ramp per City standards 100, 101A and 102.
9. Applicant shall install a decompose granite walkway per City standard 101B with AC Curb from the driveway to the southern property line.
10. 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.”
11. 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.”
12. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
13. 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.

FINDINGS:

1. Findings for Approval of a Site Development Permit: The Planning Commission finds that the location size and intensity of the proposal to convert existing one car garage into living space and construct a detached two car garage with swing type parking would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The Commission finds that the off-street parking areas are accessible and will not create a hazardous or inconvenient condition to adjacent and surrounding uses. In addition, the Commission finds that the proposal has sufficient landscaping, design variety and will not unreasonably restrict light or air on the property or other

property in the neighborhood, nor discourage appropriate development or use of land in the area. Specifically, the Commission finds that the project is consistent with the General Plan, meets all Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

COMMISSION ACTION

MOTION FOR APPROVAL:

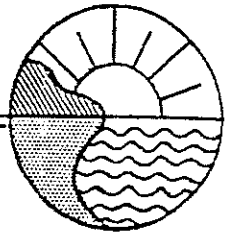
Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Site Development Permit, PSD775-09, subject to conditions 1 through 13 and adopt findings contained in the May 18, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Arborist Report
- b. May 4, 2009 Staff Report
- c. May 4, 2009 Meeting Minutes (already included in packet)

STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



DATE: May 18, 2009

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on May 6, 2009 and 60 surrounding property owners were notified by mail.

FILE: UP-002-09

APPLICANT: Dave Mercurio
P.O. Box 551
Pacifica, CA 94044

AGENT: Michael Gorman
Butler Amusements
P.O. Box 2210
Fairfield, CA 94533

OWNER: David Szeto
4625 Coast Highway
Pacifica, CA 94044

LOCATION: 4625 Coast Highway, Pacifica, CA (APN: 022-150-170 and -440)

PROJECT DESCRIPTION: The applicant is seeking approval of a Use Permit to hold a 4-day carnival from Thursday, June 4, 2009 through Sunday, June 7, 2009.

General Plan: Commercial
Zoning: C-1 (Neighborhood Commercial District)

CEQA STATUS: Exempt Section 15304 (e)

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval as conditioned

PREPARED BY: Christina Horrisberger, Assistant Planner

PROJECT SUMMARY

A. STAFF NOTES

1. Project Description: The applicant is proposing to sponsor a four day carnival, held by Butler Amusements, Inc., to benefit Pacifica Tigersharks POP Warner Football and Cheer. The event would be held in the western section of the Sea Bowl Parking lot on a partially vegetated area. According to information provided by the applicant the carnival would have between 12-15 amusement rides, roughly 10 game concessions, one food concession and an office. Dumpsters and portable toilets would also be provided. The event would be staffed by 40 employees housed off-site at the San Mateo County Fairgrounds. Parking attendants during peak hours and security personnel hired from a private security firm are also planned for the event. The carnival would be open for operation on Thursday, June 4th from 4pm-10pm, Friday, June 5th from 4pm-11pm, Saturday, June 6th from 11am-11pm and on Sunday June 7th from noon-10pm. In addition to the event dates, three days would be needed to set up for the event and one day would be needed to tear down. The overall time spent at Sea Bowl by Butler Amusements, Inc would be 7 days beginning on Monday, June 1st, 2009 and ending on Monday, June 8th, 2009. Approximately 500 visitors are expected per day, with 200 of those visitors attending during peak hours. The applicant received approval for, and held, a similar event last spring, and has indicated a desire to hold similar events in the future.

In addition to the security provided by Butler Amusements, Inc, Pacifica Police Department is requiring that two police officers be retained on-site throughout the operational hours of the event. This would function to provide additional security and assistance with parking. Staff has provided a condition of approval requiring that Butler Amusements arrange the aforementioned police service. Approval from the Finance Department and North County Fire Authority will also be needed and conditions regarding those approvals have also been included. Planning staff has been informed that these approvals have already been requested and are currently in process.

2. Existing Site Conditions: The subject site consists of two adjacent lots, under the same ownership, at/near the intersection of Highway 1 and Sea Bowl Lane. One is equipped with a bowling alley and large parking lot while the other is occupied by a smaller, vacant commercial building and parking lot. The former lot is the smaller of the two at roughly ½ an acre and the latter is several acres. The bowling alley structure is located in the eastern section of the larger property with the parking lot and a vegetated area to the west. Over 100 parking spaces are supplied on site and access is provided via Sea Bowl Lane at the north of the site. Sea Bowl Lane may be accessed from either Highway 1 or Fassler Avenue. The smaller lot is located southwest of the Sea Bowl property and is accessed through the Sea Bowl parking lot.

3. General Plan, Zoning and Surrounding Land Use: The General Plan designation for the subject site is Commercial. Highway 1 is adjacent to the site to the west. The properties to the northeast are zoned R-1 and designated at Low Density Residential in

the General Plan. These lots are developed accordingly; however, the adjacent roadway provides a buffer between the subject property and the residential neighborhood. The remaining surrounding properties are undeveloped and zoned for commercial use with a General Plan Designation of Commercial.

4. Municipal Code and Regulatory Standards: Pursuant to Section 9-4.2302 (b) of the Pacifica Municipal Code a carnival may be established in any C District, on any public street or facility, or in isolated or undeveloped areas of any district provided a Use Permit is first secured.

5. Use Permit: Pursuant to the provisions of the Zoning Code, the Commission may grant the Use Permit for this project only upon making all of the following findings:

- (a) That the establishment, maintenance, or operation of the use of building applied for will not, under the circumstances of the 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.
- (b) That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.

The proposed event would be a temporary use and not have any permanent effects on the land or on the surrounding properties. There is no reason to believe that the carnival or its related set up and tear down activities would be detrimental to the health, safety, and welfare of local commercial activities or nearby residents. Further, the subject site is an appropriate location for the proposed event and no conflict with the General Plan, Zoning Code, or other applicable laws of the City would result from approving the carnival.

6. Parking: As previously stated, the event would be held on a partially vegetated area in the northwestern section of the site. The paved parking area east of the event area and west of the bowling alley is large and accommodates well over one hundred vehicles. According to information submitted by the applicant, roughly 40 cars are expected during peak carnival attendance. Provided this is an accurate estimate, over 60 spaces would remain available for use by bowling alley patrons. Because the bowling alley is on the opposite side of the property from the proposed carnival location, any visitors who only want to use the bowling alley should be able to park close to its entrance. However, it is reasonable to assume that visitors using the parking area would attend both venues and that adequate parking would be available even if more vehicles than expected are generated by the carnival. Furthermore, since the proposed event is temporary in nature, any negative impacts on parking would be of short duration and would not have a lasting impact on the community. As previously stated, police officers will be retained onsite, in part to ensure that parking operations run as smoothly as possible. Lastly, peak attendance should not occur during commute hours and, since access to the site is not reliant upon use of Highway 1, any increased traffic congestion should be insignificant.

7. Discussion and Summary: The proposed carnival would occupy an underutilized parking lot, while providing a temporary, family-oriented, amusement for the community. Any negative impacts on the surrounding neighborhood, including noise, traffic and increased outdoor activity, would be minor and of a transitory nature. It should be noted that the subject site is also used seasonally for the sale of Christmas Trees and pumpkins and no negative impacts are known to occur. In addition, private security and police officers will be present during hours of operation to ensure optimum safety and ease of parking operations. Staff does not believe that the event will generate negative impacts that would be detrimental to the health, safety, and welfare of the community and it appears that the findings can be made to grant approval of the requested Use Permit. Lastly, since the applicant has expressed a desire to hold similar events in coming years, staff is recommending that the Commission direct staff to utilize the provisions outlined in PMC Section 9-4.2302(a) to process the necessary permit administratively. The aforementioned provisions would require that the applicant request permission from the City at least 30 days prior to the proposed event and that all property owners within 300 feet of the property be notified of the proposal by mail. However; no public hearing would be required unless the administrative approval is appealed. Conditions of approval would be associated with administrative approval. Should the Commission wish to allow such approval via the aforementioned process in 2010 and 2011, a condition of approval has been provided to address this.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Use Permit, UP-002-09, to allow a 4-day carnival, from June 4th through 7th, 2009, and its related activities at 4625 Coast Highway subject to the following conditions:

Planning Department

1. The carnival layout and related activities shall be substantially in accord with the site plan and project description received by the Planning Department on April 7, 2009 except as modified by the following conditions.
3. All materials, staff, trash and carnival equipment shall be removed from the subject properties by June 8, 2009.
4. Approval from North County Fire Authority shall be granted before the carnival opens for operation.
5. Prior to opening for operation, all facilities shall be inspected by the Fire and Building Departments to insure the safety of carnival patrons and the surrounding residents.

6. Two police officers shall be retained on-site throughout the operational hours of the event, to the satisfaction of the Pacifica Police Department, to provide additional security and assistance with parking.
7. Approval from the Finance Department shall be obtained before the carnival opens for operation.
8. The disposal of any solid or liquid waste into the curb/gutter/storm drain system shall be strictly prohibited. The applicant shall be responsible for guaranteeing that any such wastes generated by the event, including those by food vendors, shall be properly disposed of.
9. 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. Storm drain inlets shall be protected from being blocked by large debris to the Public Work Director's satisfaction.
10. Adequate, accessible, and convenient recycling and trash receptacles shall be provided and signs clearly identifying all such receptacles shall be posted. Recycling receptacles shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be located adjacent to the solid waste collection areas.
11. 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.
12. If the applicant proposes an event substantially similar in size and nature at 4625 Coast Highway in 2010 and/or 2011, approval may be granted via the administrative approval process described in Section 9-4.2302(a) of the Pacifica Municipal Code.

C. FINDINGS

1. **Findings for Approval of the Use Permit:** The Planning Commission finds that the proposed carnival will not be detrimental to the health, safety, and welfare of the surrounding community or the City and no conflicts with the General Plan, Zoning Code, or other applicable laws of the City would arise from project approval.

COMMISSION ACTION

D. MOTION FOR APPROVAL

Move that the Planning Commission **APPROVE** Use Permit, UP-002-09, to allow a 4-day carnival, from June 4th through 7th, 2009, and its related activities at 4625 Coast Highway subject to conditions 1 through 12, based on the findings contained within the May 18, 2009 staff report and that all maps, documents, and testimony be incorporated herein by reference.

Attachments:

- a. Land Use/ Zoning Exhibit
- b. Project Description and Plans
- c. April 21, 2008 Planning Commission Meeting Minutes

**CITY OF PACIFICA
AGENDA MEMO**

DATE: May 18, 2009
TO: Planning Commission
FROM: Christina Horrisberger, Assistant Planner

SUBJECT: Agenda Item No. 3: Reconsideration of Site Development Permit, PSD-774-08, Use Permit, UP-998-08, Tentative Subdivision Map, SUB-217-08, Coastal Development Permit, CDP-310-08, Variance, PV-497-08 and Parking Exception, PE-152-08; revised proposal to construct a mixed use building with 3 one-bedroom condominium units above 2 commercial units at 2270 Palmetto Avenue, Pacifica (Assessor's Parcel Number 016-294-570).

On January 5, 2009 the Planning Commission approved the above referenced permits by a vote of 5 to 0. Commissioners Leon and Cicerone were absent. The project approval was subsequently called up for City Council review by Councilmember DeJarnatt and it was also appealed by a neighbor. City Council consideration of the appeal and councilmember call-up was originally scheduled for the February 9, 2009 meeting. At that meeting, the Council continued consideration of the project to the March 9, 2009 meeting, per the appellant's request, because the appellant was out of town and unable to attend the meeting. At the March 9, 2009 meeting the Council considered the project and remanded it to the Planning Commission for consideration of a revised proposal. The attached staff reports provide a detailed analysis of the project and the attached minutes relay the discussions that took place at the meetings. It should be noted that new public notices were provided for tonight's hearing of the proposed project, including a legal notice published in the Pacifica Tribune and mailing of the hearing notice to residents within 100 feet and property owners within 300 feet of the property. Following is a brief description of the direction given by the City Council, the revisions that were made to address their concerns and staff's analysis of the revised proposal.

After hearing public testimony and engaging in a discussion about how the project would fit with the neighborhood and what sort of impacts it could have on the adjacent home to the north, the Council provided direction concerning project revisions to the applicant, staff and Planning Commission. The main concern with respect to the neighborhood was scale, while the main concern with respect to the northern neighbor was restricted light, air and privacy. Staff was advised to expedite further processing of the application and the applicant was directed to provide a north side setback of at least three (3) feet. The Council also stated that relocating the driveway and reorienting the building could be considered by the applicant, but neither was considered necessary for project approval. The Commission was advised to be flexible with respect to the Parking Exception and any Variances that might be needed in order to maintain the same general function and viability of the originally proposed development. It was further

indicated that the building size was acceptable but should not be enlarged and that no reduction in landscaped area should occur.

The applicant has provided a detailed description (attached) of how the above issues have been addressed/considered during the redesign process. To summarize, reorienting the building was considered but disregarded as a viable option. Such an extensive redesign would be costly, reduce the viability of the commercial spaces, reduce natural light to the proposed residences and expose the parking area to the street. Exposing parking areas to the street is discouraged by the City's Design Guidelines. Staff notes that such a reorientation may also necessitate a reduction in usable and private open space; this is also inconsistent with the Design Guidelines. Relocation of the driveway was also considered and disregarded as an option. Placing the driveway on the north side of the building would not fully address the Council's concerns about light reaching the neighboring property because the two upper stories of the building would still be present (albeit with a three (3) foot side setback), along with a six (6) foot fence that is already present along the side lot line at ground level. The net effect would be similar to simply providing the three foot north side setback. Accordingly, the applicant has opted to provide the side setback as directed by the Council. The redesign has resulted in minor changes to the overall project. Specifically, the landscaped area has been increased to roughly 11% of the total lot area, the decking and balconies have been setback three (3) feet from the north side lot line, a door and windows have been added to the north side of the building and the driveway width has been reduced by almost two (2) feet. Further, the size of residential units, usable and private open space and garage square footage has been reduced slightly, while the commercial square footage has been slightly increased. The overall building coverage has been decreased by 93 square feet. The exit stairs to the rear of the building are proposed in the same location without a north side setback and the number of proposed parking spaces has not changed.

Impacts of the proposed changes are expected to be minor. To ensure privacy, the new door and windows on the north side of the building have been placed such that they will not align with the windows of the neighboring structure. The additional three (3) foot wide landscaped area gained on the north side of the building would provide more ground area for rain infiltration, but not provide usable open space because it is too narrow. It would also bring the project into conformance with the City's landscaping requirement. The three (3) foot side setback to the decks and balconies reduces the project's private and usable open space by 47 square feet. The City's requirement of 130 square feet of private open space per unit would still be met. A variance to the usable open space requirement of 450 square feet was previously granted and would still be needed. The original design provided an average of 403 square feet per unit and the current design would provide roughly 387 square feet per unit. Each residential unit has been reduced in size by 62 square feet, from 1,144 square feet to 1,082 square feet. The floor plans are nearly identical to the original proposal, but each is a bit narrower. This is also a result of the new setback. The interior configuration of the ground floor has been modified somewhat. The garages and trash and recycling areas are smaller than what was previously proposed and the commercial spaces are slightly larger; roughly 20 square feet combined. There is no size requirement for the trash and recycling area and the garages would continue to meet the City's

size requirements and provide the three (3) required covered parking spaces for the residential units. The second story rear exit stairs would not be relocated and would still include the 15 foot high fire wall. The stairs are generally located adjacent to the rear yard of the neighboring residence, there is a six foot fence along the side lot line and the wall would help to promote privacy.

Staff believes that the applicant has complied with the specific direction given by City Council, as well as with their expressed desire to see the applicant return with a viable project that reaches a compromise with the concerns brought forth by the adjacent neighbor to the north. The revised project still requires the need for approval of variances and the findings can still be made to support them, but the specific variances have changed somewhat. The variance for landscaped area is no longer needed. The usable open space variance is slightly larger; however, the same circumstance exists as before. Specifically, the location is conducive to use of nearby public open space and ample private open space would still be provided on-site. The variance from the north side setback requirement for decks, landings and outside stairways is also still needed, but the decks and balconies are now three (3) feet from the side lot line, when four (4) is required. The variance is now for a one foot deviation from the Code requirement, instead of a four (4) foot deviation. The variance for the second story rear exit stairs would still be needed. The exception to the parking regulations would still be needed for one (1) parking space and an exception to the driveway width would be added. The required width is 20 feet and the proposed width is slightly over 18 feet. Engineering and Building staff were consulted and did not express any concerns about the driveway dimensions. The status of the remaining permits is unchanged. Staff believes that the findings can be made to approve all of the above mentioned permits.

RECOMMENDATION AND FINDINGS

RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** Site Development Permit, PSD-774-08, Use Permit, UP-998-08, Tentative Subdivision Map, SUB-217-08, Coastal Development Permit, CDP-310-08, Variance, PV-497-08 and Parking Exception, PE-152-08, to construct a mixed use building with 3 one-bedroom condominium units above 2 commercial spaces, with 8 parking stalls, at 2270 Palmetto Avenue subject to the following conditions:

Planning

1. Development shall be substantially in accord with the plans entitled "Mixed-Use Building, Jama & Monica Houman," consisting of eight (8) sheets, dated April 2, 2009, except as modified by the following conditions.
2. The applicant shall submit a current title report prior to final map approval.

3. 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.
4. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to Recycling Areas. Areas adjacent to Recycling Areas shall be adequately protected from any adverse impacts associated with Recycling Areas by means of measures such as adequate separation, fencing and landscaping. Recycling Areas shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the locations where solid waste is collected and loaded.
5. Allowed commercial uses shall be limited to those that require one parking space for each 300 square feet of gross leasable space, or less. Such uses shall include those listed as permitted uses in the C-1 District and that are "visitor-serving" as defined in Section 9-4.4302 (av) of the Pacifica Municipal Code.
6. Declaration of Covenants, Conditions & Restrictions (CC&Rs). Prior to issuance of a building permit, the developer/owner shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions & Restrictions and Equitable Servitude's which shall run with the land and be binding on all future owners and occupants of each unit within the subject property and their successors, heirs and assigns, and shall be approved as to form and content by the City Attorney and Planning Director, which accomplishes the following:
 - a. The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
 - b. There shall be a Homeowners Association to manage the project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of the building exteriors, exterior lighting, parking areas, driveway, common areas, utility areas within common areas, landscaping and building signage, sanitary sewer, private storm drain and other features. Maintenance of any private storm drain shall be the responsibility of the applicant and property owners.
 - c. The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, of all building exteriors, exterior lighting, parking, landscaping, signage, sanitary sewer, private storm drain, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
 - d. The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for

- the purpose of financing the maintenance, repair and replacement of the building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.
- e. The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.
 - f. Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
 - g. Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.
 - h. The Declaration shall establish procedures for designating a project "Manager," if different than the "Agent," who shall at all times be responsible for security and/or maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.
 - i. The Declaration shall include a provision that the provisions relating to this condition (Condition #5) shall not be amended without prior approval in writing from the City of Pacifica.
 - j. The Declaration shall specify that the owners of each of the residential units on the subject property shall comply with all other applicable conditions of approval for the project.
 - k. The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs.

7. Landscape Conditions of Approval:

- a. 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 and drought-resistant. 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.
- b. Prior to building occupancy, the landscape architect responsible for preparing the required plans or his/her designee, or landscape contractor shall visit the site and, thereafter, provide to the Planning Director a written statement confirming

- compliance with the approved plans and materials. All landscaping and irrigation shall be completely installed prior to building occupancy.
- c. 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.
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. 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.
 10. The applicant shall submit an application and plans for all signs, and obtain all City approvals, therefore, prior to installation of any signs.
 11. The property owner(s) shall keep the property in a clean and sanitary condition at all times.
 12. All applicable fees associated with the processing of this project shall be paid prior to issuance of a building permit.
 13. As a condition of the Tentative (Condominium) Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-217-08. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.
 14. As a condition of the Coastal Development Permit, Site Development Permit, Use Permit, Parking Exception and Variance, 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.

15. No new building permit shall be issued until a Growth Management Ordinance allocation for each of the new residential units has been granted.

Wastewater Division of Public Works

16. 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.
17. 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.

Fire Department

18. Fire flow data shall be required per Fire Code, prior to issuance of a building permit and subject to City approval.
19. Fire sprinklers and fire alarms are required, per Fire Code, and compliance shall be indicated on the plans, subject to City approval, prior to issuance of a building permit..
20. Prior to issuance of a Building Permit, illustrate path of egress from rear of structure to "Public Way," subject to approval by the North County Fire Authority.

Building Department

21. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. The applicant shall implement Best Management Practices during all phases of construction for the project.
22. Roof drains shall discharge and drain away from the building foundation to an unpaved area whenever practical to the Building Official's satisfaction.

Engineering Division of Public Works

23. Drainage inlets shall be stenciled in thermoplastic "No Dumping Drains To Ocean." Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
24. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Palmetto Avenue. Dust control and daily road cleanup will be strictly enforced.
25. The applicant shall submit a final map to the Engineering Division for approval by the City Engineer. All required monumentation shall be shown on the map and set prior to recordation of the map. Prior to approval of these maps, a Subdivision Improvement Agreement must be executed and all necessary fees and bonds associated with this agreement had been paid by the applicant.
26. Should the applicant desire to record the final map prior to completion and acceptance of improvements, a bond in an amount determined by the City Engineer must be provided. The bond maybe in the form of cash, instrument of credit or surety bond. In addition, an improvement agreement shall be executed to guarantee that the work will be done in accordance with the approved plans.
27. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the final map.
28. Prior to the execution of the Subdivision Improvement Agreement, applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but not limited to:
 - a. All plans and reports must be signed and stamped by a California licensed professional.

- b. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
29. Prior to approval of the final map, the applicant shall verify that all public and private utilities have been provided to serve the subdivision. Approvals and/or agreements shall be obtained from all utilities.
30. An Encroachment Permit must be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.
31. All utilities shall be installed under ground.
32. 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 occupancy of the first unit.
33. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
34. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project

C. FINDINGS:

1. **Findings for Approval of the Site Development Permit:** The Planning Commission finds that the size, location, and intensity of the mixed use development will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood; that sufficient landscaped areas have been provided; that the new structure will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, nor will it hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof; that the mixed use project is not substantially detrimental to the character or value of the adjacent R district and existing dwellings; that the new building will not excessively damage or destroy natural features of the site; that the design of the project is compatible with other development in the neighborhood, thereby making it consistent with the City's adopted Design Guidelines; and that the project is consistent with the General Plan, Local Coastal Plan and other applicable laws of the City. Specifically, the Planning Commission finds

that the project is a blend of commercial and residential use that is compatible with a mixed use neighborhood, and that the has sufficient design variety.

2. **Findings for Approval of the Use Permit:** The Planning Commission determines that the proposed mixed-use development, as conditioned, is an appropriate use for the site. Specifically, the establishment, maintenance, or operation of the 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 proposal is consistent with the City's adopted Design Guidelines. In particular, the proposed use includes ground floor commercial spaces with three units above that will be compatible with the surrounding neighborhood.
3. **Findings of Approval of the Coastal Development Permit:** The Planning Commission finds that the proposed project, as conditioned, is in conformity with the City's Local Coastal Program and Public Recreation policies of Chapter 3 of the California Coastal Act. Specifically, the design and scale of the project is compatible with the surroundings in the Sharp Park neighborhood. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources.
4. **Findings of Approval of Tentative Map:** The Planning Commission finds that the required findings can be made for granting approval of a subdivision to create condominiums in that the proposed subdivision is consistent with the General Plan and Zoning Ordinance of the City of Pacifica. In addition, the site is physically suitable for the type and density of development, no substantial environmental damage will be caused by the project, and no public health problems will result from development of the subject property. The proposed Tentative Map, which will create condominiums for the residential and commercial spaces, is compatible and consistent with the adjacent and immediately surrounding properties that contain both commercial and residential uses.
5. **Variance:** The Planning Commission finds that a special circumstance concerning the location and surroundings of the site applies to the subject property which necessitates a Variance from the usable open space requirement, side setback requirement for decks and balconies and the elimination of the side setback for the proposed rear stairs. Specifically, the location of the property and its surroundings are conducive to mixed use projects, other projects in the vicinity are developed with mixed uses and the requested variances are necessary to allow the construction of the proposed mixed use project. The strict application of the Zoning Code could impose unreasonable limitations at this property and the strict application of the provisions of the chapter could deprive the property of privileges enjoyed by other property in the vicinity and under an identical

zoning classification. The project would be consistent with the Design Guidelines and be compatible with neighboring structures. The Commission finds the project standards set forth in the Municipal Code have been met to the furthest extent possible.

6. **Parking Exception:** The Planning Commission finds that the establishment, maintenance, and conducting of the off-street parking facilities, as proposed, are as nearly in compliance with the requirements set forth in Article 28 as are reasonably possible. Specifically, the Commission finds that the eight proposed parking spaces and 18 foot wide driveway are sufficient to accommodate the proposed development.

COMMISSION ACTION

D. MOTION TO APPROVE:

Move that the Planning Commission find that the project is exempt from CEQA and **APPROVE** PV-497-08, PE-152-08, SUB-217-08, UP-998-08, CDP-310-08 and PSD-774-08, subject to conditions 1 through 34, based on the findings contained within the May 18, 2009 staff report and all maps, documents, and testimony be incorporated herein by reference.

Attachments:

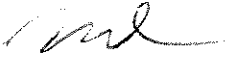
- A. Letter from Lorin Hill, dated April 2, 2009
- B. March 9, 2009 City Council Staff Report with attachments and Meeting Minutes (includes January 5, 2009 Planning Commission Staff Report and Meeting Minutes)
- C. Additional items submitted for City Council review at the March 9, 2009 Meeting
- D. February 9, 2009 City Council Meeting Minutes
- E. Plans and Elevations (Planning Commission only)

CITY OF PACIFICA

MEMORANDUM

DATE: May 18, 2009

TO: Planning Commission

FROM: Michael Crabtree, Planning Director 

SUBJECT: **Agenda Item No. 4:** Adoption of Resolution Certifying that the 2009-2014 Capital Improvement Program is Consistent with the General Plan

Government Code Section 65103(c) requires that the Planning Commission review the City's Capital Improvement Program (CIP) and certify that it is consistent with the City's adopted General Plan. Last year the Commission adopted a resolution regarding the 2008-2013 CIP. Attached hereto is a copy of the City's 2009-2014 CIP.

The Planning Commission's role is limited to certifying the consistency of the CIP with the General Plan, not to approve or disapprove of any particular project within the CIP.

Most of the projects in the CIP are carried over from last year. However, there are a number of new projects, and their titles are listed below. As usual, project implementation will depend upon funding, prioritization, and other factors.

Proposed	Various Federal-Aid Street Pavement Rehabilitation Project	09-29
Proposed	Chester Storm Drain Replacement	16-3
Proposed	Rockaway Beach Drain Extension	16-5
Proposed	Fire Station Building Repairs	22-23
Proposed	Crespi / Highway 1 – Landscaping Project	22-25
Proposed	Fire Station 71-71 Carpeting	22-27
Proposed	Fire Station 71-71 Painting	22-29
Proposed	Fire Station 71-71 Lighting	22-31
Proposed	Montecito Landscape Plan	22-33
Proposed	Ocean Shore Portable Replacement	22-35
Proposed	Rockaway Beach Showers	22-37
Proposed	Rockaway Beach Extension Trail North Lot	22-39
Proposed	Police Dept. Additional Parking	22-41
Proposed	City Wide Landscaping Plan	22-43
Proposed	Skate Park Landscape Restoration	22-45
Proposed	Fire Station Showers	22-47
Proposed	Community Center Pathway	22-49
Proposed	Coastal Trail Maintenance	22-51

Proposed	Laguna Salada Recovery Plan	22-53
Proposed	Police Station Remediation	22-55
Proposed	Frontierland Park Picnic Area	22-57
Proposed	Frontierland Park Lower Restrooms	22-59
Proposed	Fire Station 71 New Generators	22-61
Proposed	Capistrano Fish Passage Project Monitoring	22-63
Proposed	Linda Mar Culvert Fish Passage	22-65
Proposed	Dog Park	22-67
Proposed	IT Infrastructure Replacement	22-71
Proposed	Skate Park Landscape Restoration	27-13
Proposed	Bike Park	27-15
Proposed	Community Center Marquee	27-17
Proposed	Oceana Pool Remodel	27-19
Proposed	Edgemar Park Upgrade	27-21
Proposed	Palmetto Mini Park Upgrade	27-23
Proposed	Fairmont West Field Improvements	27-25
Proposed	Sanchez Field and Park Improvements	27-27
Proposed	Talbot Sewer Main	34-55
Proposed	Plant Overflow Bypass Project	34-57
Proposed	Sharp Park Removal of Effluent Pumps	34-59
Proposed	City Hall Generator Panel Transfer Switch	34-65
Proposed	UV Replacement Project	34-69
Proposed	Excavator	34-71
Proposed	Impellers for Sharp Park Pump	34-73
Proposed	Old County Road Parking	90-1

Staff has reviewed these new projects against the General Plan policies and finds that they, along with the projects carried over from last year's CIP, are consistent with the City's General Plan. Each Planning Commissioner has a copy of the complete General Plan, but staff has attached a copy of the "Goals, Policies and Action Programs" section of the General Plan for Commission convenience.

COMMISSION ACTION

Move that the Planning Commission **ADOPT** the attached resolution entitled, "A Resolution of the Planning Commission of the City of Pacifica Certifying that the Proposed 2009-2014 Capital Improvement Program is Consistent with the General Plan".

Attachments:

1. Commission Resolution
2. 2009-2014 Capital Improvement Plan
3. "Goals, Policies and Action Programs" from the General Plan