

DATE: Monday, August 18, 2008
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: July 21, 2008

Designation of Liaison to City Council Meeting of: August 25, 2008 (cancelled)

CONSENT ITEMS:

PUBLIC HEARINGS:

1. **SP-144-08** **SPECIFIC PLAN and SUBDIVISION**, filed by the owner, Rick Lee, Pacifica Quarry Homes, to develop an 11.2 acre parcel with 29 condominium units ("The Prospects") at 801 Fassler Avenue (APN 022-083-020 & 030). The City Council approved the Development Plan, Transfer of Residential Development Rights, and Rezoning for the project on September 24, 2007. A Final EIR has been certified stating that the project will not have a substantial adverse effect on a scenic vista and scenic resource. Proposed Action: Approval as conditioned
SUB-214-08

OTHER AGENDA ITEMS:

2. **SP-121-01** **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 six month extension
PV-431-01

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.

DATE: August 18, 2008

ITEM NO: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on August 6, 2008. 44 surrounding property owners and residents were notified by mail.

FILE: SP-144-08
SUB-214-08

APPLICANT and PROPERTY OWNER: Rick Lee, Managing Member
Pacifica Quarry Homes, LLC
P.O. Box 260
Pacifica, CA 94044

LOCATION: 801 Fassler Avenue (APN 022-083-020 & 030)

PROJECT DESCRIPTION: Specific Plan and Subdivision Map for 29 condominium residential units known as “The Prospects”, a subterranean parking garage, and other amenities at 801 Fassler Avenue. The Development Plan was previously approved.

General Plan: Open Space Residential/Low Density Residential
Zoning: PD with a Development Plan/HPD

CEQA STATUS: On September 24, 2008, the City Council certified the EIR.

ADDITIONAL REQUIRED APPROVALS: None.

RECOMMENDED ACTION: Approval with conditions

Prepared By: Kathryn Farbstein, Assistant Planner

Zoning Conformance Standards:

<u>Project</u>	<u>Max/Min</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size (PD)	5 acres	11.2 acres	No Change
Maximum Allowable Site Coverage (HPD)	11%/53,060 sf		11%/53,060 sf
Lot Width (Entire Property)	50'	1,200	No Change
Front Setback (Entire Property)	15'		20'
Rear Setback (Entire Property)	20'		75'
Side Setback (Entire Property)	5'		5'
Height	35'		35'
Landscape (Including Natural Vegetation)	20%		97%
Usable Open Space	21,750 sf		23,410 sf
Private Open Space	150 sf per unit		150 sf per unit min.
Parking Spaces for 12 Detached Units	2 car garage plus 2 spaces that may be uncovered		48 total garage spaces
Parking Spaces for 17 Attached Units	2 car garage plus 0.5 spaces that may be uncovered		43 total garage spaces
Guest Parking	3		3
Total Parking Spaces Required	94		94
Distance from Parking to Units	100 feet maximum		17 units have parking spaces beyond 100 feet and an Exemption has been granted.

PROJECT SUMMARY

A. STAFF NOTES:

1. Background: On August 20, 2007, the Planning Commission unanimously voted (5 to 0 with one abstention and 1 absence) to certify the EIR, and adopt the Mitigation Monitoring and Reporting Plan and CEQA findings for the project known as “The Prospects” at 801 Fassler Avenue. In addition, the Planning Commission approved the Transfer of Residential Development Rights (TDR) to allow transfer of 28 units from the easterly portion of the site with a General Plan designation of Low Density Residential to the westerly portion of the lot with a General Plan designation of OSR, and an Exemption to allow seventeen of the units to have parking spaces more than 100 feet away from the dwelling units. The project includes four

affordable units in compliance with the Inclusionary Zoning Ordinance. The Planning Commission conducted three public hearings and twenty-nine people spoke regarding this project during the last public hearing.

2. Site Description: The approximately 11.2-acre project site is located in the southwest portion of the City just south of the Rockaway Beach neighborhood and is bounded by Fassler Avenue on the west and south, and vacant land to the north and east. The project site consists of the following two parcels identified by the Assessor's Parcel Numbers: 022-083-020 and 022-083-030. The proposed project site consists of hilly terrain and generally slopes from a peak in the southeast portion (approximately 440 feet above mean sea level [msl]) of the site to a low point in the northwest region (240 feet above msl) of the project site. The average slope from the highest to lowest point on the project site is approximately 17.7 percent. An approximately 50-foot high ridge exists in the middle portion of the property, roughly parallel to Fassler Avenue.

3. Project Summary: Previously, a Development Plan and Transfer of Residential Development Rights with an Exemption were approved for the 29 units. The location of the units, parking garage and other community areas such as the gardens and recreational areas was established in the Development Plan. However, details such as the design of each of the buildings were not addressed in the previous review of the project. The applicant is now seeking approval of the more detailed Specific Plan and Subdivision Map along with minor revisions that will be discussed below.

The applicant submitted a letter (see Attachment b) describing some of the refinements to the project and providing an explanation as to why these refinements are incorporated into the Specific Plan and Subdivision. These include a sidewalk along the street frontage, extending the trail, a community garden playground, more extensive landscape plans, living roofs for some of the buildings, recycling areas and a utility plan that incorporates the use of recycled water. In addition, the Specific Plan and Subdivision further refine the types and uses of open/recreational space. The maximum allowable site coverage (lot disturbance) as required in the HPD Code section has not changed from the approved amount of 53,060 sf. The architect submitted Appendix A (see Attachment c) which consists of charts listing the revisions to recreational space and useable open space. 26,663 square feet or approximately 20% more recreational space is being provided under the current proposal than was originally approved with the Development Plan. The final proposed private yard space results in a decrease of 155 square feet or approximately 3% reduction from the previously approved project. The proposed shared open space for the Specific Plan is 1,310 square feet or approximately 7% less than the approved project. Although the usable open space has decreased from the approved project, the Specific Plan provides 1,660 square feet or 8% more than required by the Municipal Code and does not result in any additional lot disturbance.

The applicant is proposing to utilize a variety of building shapes and sizes as shown by the elevations. The building exterior finishes include fiber cement, wood shingles and wood siding, clay tile roofs, building integrated photovoltaic roofing, and painted fiberglass doors and windows.

4. General Plan, Zoning, and Surrounding Land Use: The General Plan designation of the site is Open Space Residential (7.6 acres) and Low Density Residential (3.6 acres). The City Council has approved the TDR to allow the 28 units to be transferred from the easterly to the westerly portion of the subject site. The General Plan designation remains unchanged; however, additional units cannot be added to the project unless the Development Plan is amended. The site has been rezoned to a PD with a Development Plan of 29 units.

Land uses in the area are comprised primarily of residential and open space. The approximately 11.2-acre project site is located in the southwest portion of the City in the Rockaway Neighborhood and is bounded by Fassler Avenue on the west and south, the SeaCrest condominiums to the east and vacant land to the north, south (across Fassler Avenue) and west.

The SeaCrest Condominium project of 46 units is located to the east of the subject site and on the same side of Fassler Avenue. The units were constructed in the 1980's. On the opposite (south) side of Fassler and also located to the east of the subject site, 90 single-family dwellings on Driftwood Circle were developed in the mid-1990's on a former school site. These two developments are the closest developed area to the subject site. The project across Fassler Avenue and identified as Harmony @1 has been approved for the construction of 14 units.

5. Municipal Code and Regulatory Standards: The applicant chose to process this project in two phases. The first phase consisted of the conceptual Development Plan and TDR with an Exemption to construct 29 units, a parking garage and other amenities. The second phase and current proposal consists of a Specific Plan and Subdivision Map for the 29 condominium units. More detailed information has been provided such as elevations to indicate the design of the dwellings and a landscaping plan.

The project complies with the Municipal Code Section 10.803 which requires .68 acres of recreational area. The project provides 3.6 acres of recreational area.

6. CEQA Status: An Environmental Impact Report (EIR) was completed by Christopher A. Joseph & Associates and the Draft EIR was distributed for comments from December 22, 2006 through February 12, 2007. The Final EIR was available for comment on April 6, 2007. The Planning Commission conducted three public hearings before approving the EIR on August 20, 2007. The City Council certified the EIR on September 24, 2007. The EIR concluded that with adoption of the proposed mitigation measures there were no significant environmental impacts for the project. Since certification of the EIR there has been no new information, changed circumstances or changes to the project that would create any new significant environmental impacts that were not already evaluated in the EIR, or that would increase the severity of any previously identified significant impacts. Therefore, no supplemental EIR is needed.

7. Specific Plan: Section 9-4.2208 of the Municipal Code states that all new development within a P-D (Planned Development) Zoning District shall require Specific Plan approval by the

Planning Commission. Section 9-4.2209 states that the Commission shall approve a Specific Plan upon making the following findings:

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

7. Subdivision: Section 10-1.407 (c) of the Municipal Code states that the Planning Commission may approve a tentative map if it finds that the proposed subdivision "is consistent with the General Plan, any Specific Plan, the Local Coastal Program, and the zoning provisions." In this case, the subdivision will be for the 29 condominium units.

8. Staff Analysis:

Open/Recreational Space - Section 3 above describes the refinements proposed for the open/recreational space for the current proposed Specific Plan and Subdivision. The increase in recreational space will provide greater opportunities for the future tenants of the project. The decrease in the amount of usable open space at 1,310 square feet is minor and is more than offset by the increase of 26,663 sf of additional recreational space.

Design – The proposed design of the buildings has a contemporary look with a variety of shapes, rooflines and materials as suggested by the Design Guidelines. The design theme is consistent throughout the project as recommended in the Guidelines, and therefore, the design of both the detached and attached dwelling units create a cohesive style. However, in staff's opinion, there is sufficient design variety by utilizing different building shapes and rooflines to create a visually interesting group of buildings as recommended in the Design Guidelines for multi-unit developments such as this project. The location of the buildings on the site is such that many of the dwellings will have sweeping views of the ocean or hillsides as also encouraged in the Guidelines.

9. Summary: Based upon the above discussion, staff believes the findings necessary to grant the Specific Plan and Subdivision can be made and has determined that the proposal, as conditioned, is consistent with the Design Guidelines and the Zoning Code. This project is compatible with the 46 SeaCrest condominiums to the east and it will preserve approximately 9 acres as open space which is consistent with the surrounding areas. In staff's opinion, this project does not appear out of character with the surrounding community.

RECOMMENDATION AND FINDINGS

B. Recommendation:

Staff recommends that the Planning Commission APPROVE Specific Plan (SP-144-08) and Subdivision Map (SUB-214-08) to construct 29 condominium units at 801 Fassler Avenue, subject to the following conditions:

Planning Department

1. Development shall be substantially in accord with the plans entitled “The Prospects,” consisting of thirty four (34) sheets, dated June 27, 2008 except as modified by the following conditions.
2. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
3. All the conditions of approval required by the Development Plan and TDR with an Exemption, and all the mitigation measures required by the Mitigation Monitoring Program for this project shall be completed to the satisfaction of the Planning Director.
4. As a condition of the Subdivision Map, the applicant 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 or its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision SUB 144-08. Pursuant to this condition, the City of Pacifica shall promptly notify the applicant of any claim, action or proceeding regarding the subdivision, and the City shall cooperate fully in the defense of such claim, action or proceeding.
5. As a condition of the Specific Plan, 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.
6. Prior to approval of the Final Map, applicant shall enter into a Zoning Compliance Agreement with the City for the four affordable units consistent with the City’s Inclusionary Zoning Ordinance.

7. The applicant shall construct the four affordable units prior to occupancy of the fifteenth (15th) market rate residence.
8. 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, common areas, utility areas within common areas, landscaping and building signage, sanitary sewer, private storm drain and other features. Maintenance of the 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 #8) 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.

l) The Declaration shall include the provisions required to be included in the CCR's by the Mitigation Monitoring Program (MMP). The MMP from the Environmental Impact Report requires provisions to be included in the MMP when it requires the applicant to provide evidence of continuing maintenance or other responsibility of the HOA or other similar entity.

Engineering Division of Public Works

9. 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.
10. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked onto Fassler Avenue. Dust control and daily road cleanup will be strictly enforced.
11. 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.
12. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica (subject to the approval of the City Attorney and City Engineer) 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. Should the applicant desire to obtain final map prior to completion and acceptance of improvements, any necessary bonds and fees 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.
13. 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 are not limited to:

- a. All plans and reports must be signed and stamped by a California licensed professional.
- b. Plan, profile and cross sections of the proposed driveways. The proposed driveway shall not exceed the maximum grade of 18%.
- c. Curb ramps on both sides of the driveways.
- d. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the driveways and retaining wall.
- e. 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.

14. 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.
15. 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.
16. All utilities shall be installed under ground.
17. 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.
18. All proposed sanitary sewer system and storm drain system including detention basins up to their connection to the existing mains shall be privately maintained.
19. To comply with the current requirements of the California Regional Water Quality Board and the San Mateo Countywide Storm Water Pollution Prevention Program, prior to building permit issuance applicant shall submit both electronic and hard copy of the report produced using Bay Area Hydrology Model (BAHM) software that analyzes the hydromodification effects of land development and sizing solutions to mitigate the increased runoff of the project.
20. 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.

21. Applicant shall slurry seal whole street width of Fassler Avenue across entire property frontage. All pavement markers, markings and striping shall be replaced in kind or according to the proposed plans.

22. There shall be no construction vehicles parked along Fassler Avenue.

C. FINDINGS:

1. Findings of Approval for Specific Plan: The Planning Commission finds that the construction of 29 dwelling units as designed at 801 Fassler Avenue is consistent with the approved Development Plan. Specifically, the project will not exceed the maximum allowable site coverage, the buildings are the same type and located in the same place as previously approved, and the structures along with the other amenities as placed on the site satisfy all the development standards including the height limit. The slight decrease in the amount of usable open space will be offset by the large increase in recreational area. The Commission further finds that the proposal is consistent with the City's adopted Design Guidelines, the General Plan and all applicable City Codes.

2. Findings for Approval of Subdivision Map: The Planning Commission finds that the proposed subdivision is consistent with the General Plan and Zoning Ordinance of the City of Pacifica. In particular, the sites are 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 the subdivision of the subject parcel. The proposed Subdivision Map, which will create 29 condominium units, is compatible and consistent with the adjacent and immediately surrounding properties.

COMMISSION ACTION

D. MOTION FOR APPROVAL

Move that the Planning Commission APPROVE the Specific Plan and Subdivision Map, and ADOPT the attached resolution for The Prospects project at 801 Fassler Avenue, subject to conditions 1 through 22, and adopt findings contained in the August 18, 2008 staff report, and incorporate all maps and testimony into the record by reference.

ATTACHMENTS:

Planning Commission Only:

- a. Land Use and Zoning Exhibit
- b. Applicant's Letter Dated April 15, 2008
- c. Appendix A Modifications from the Master Plan Submittal Provided by Greg VanMechelen, Architect
- d. Reduced Set of Approved Plans for Development Plan and TDR with Exemption
- e. Planning Commission Agenda Memo August 20, 2007
- f. Planning Commission Meeting Minutes from August 20, 2007
- g. Planning Commission Resolution No. 833 Certifying EIR and Including the Mitigation Monitoring Plan
- h. Planning Commission Resolution No. 834 Approving TDR with Exemption
- i. Planning Commission Resolution No. 835 Recommending Approval of the Rezoning and Development Plan
- j. Council Agenda Summary Report for September 24, 2007
- k. Council Meeting Minutes of September 24, 2007
- l. Council Resolution No. 50-2007 Certifying EIR
- m. Council Ordinance Reclassifying the Site
- n. Revised Conditions of Approval Dated October 23, 2007
- o. Proposed Planning Commission Resolution for the Specific Plan and Subdivision Map
- p. Full size set of plans

CITY OF PACIFICA

AGENDA MEMO

DATE: August 18, 2008

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Agenda Item No. 2: 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 April 16, 2001, the Planning Commission approved permits and a Mitigated Negative Declaration for the construction of a three-story eight bedroom single-family residence on the northwest portion of Gypsy Hill Road. On May 29, 2001, the City Council considered an appeal that sought to compel the applicant to prepare a full environmental impact report (EIR). On June 11, 2001 the City Council upheld the appeal and required a Limited Environmental Impact Report that focused on aesthetics (visual), geology, and biology. On June 10, 2002 the Council certified the EIR and on July 22, 2002 the Council approved a reduced scale project that would consist of a two-story structure instead of a three-story home as originally proposed. Details are contained in the Agenda Summary Report dated July 22, 2002. Also attached are the minutes of the July 22, 2002 City Council meeting.

The Specific Plan was valid for two years and was originally due to expire on July 22, 2004. The Development Plan runs with the land and has no expiration date. The Variance was originally due to expire on July 22, 2003. At the request of the applicant, the Planning Commission granted a one (1) year extension for the Variance on March 17, 2003. According to the applicant, the requirement placed by the City to improve Gypsy Hill Road placed a significant burden on the owner/applicant to execute the building permits before July 22, 2003. In addition, the proposed roadway improvements would have to be acceptable to all the adjacent property owners, the City and the utilities companies. An acceptable road maintenance agreement would further be required before building permits can be secured. On July 6, 2004 the Commission received a second extension of the Variance and Specific Plan because no agreement had been reached between the seller and buyer about the proposed road improvements. On July 6, 2005 staff received a third extension request. Additional time was needed by the project engineers to complete the final phase of proposed project. A fourth extension was requested by the applicant on June 26, 2006. The applicant required additional time to complete the building permit review process. A fifth extension was granted by the

Commission on August 6, 2007 because the applicant required additional time to complete the building review process.

The Specific Plan and Variance were due to expire on July 22, 2008. On July 15, 2008 staff received the attached extension request. This is the applicant's sixth (6th) extension request. The applicant applied for building permit on June 26, 2006 for the construction of the residential structure. Although completion of the building permit process has been slow, the applicant is currently making progress addressing all the outstanding issues associated with the building permit review process. Final plans are currently being reviewed by the Planning and Building Department. It's anticipated that the building permits will be finalized within the next three (3) months. Additional time is being requested to complete the building permit review process.

Although it is rare that a project requires multiple extensions, extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project or area. There have not been any changes that would indicate that the extension should not be granted. The Commission previously directed that all extension requests, other than the first request, be agendaized for consideration. Since this is a sixth extension request, this item would have to be taken under consideration by the Commission. If the Commission decides to deny the extension then this item must be continued for a public hearing.

COMMISSION ACTION REQUESTED

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

Attachments:

1. Letter from Applicant, Received July 15, 2008
2. Council Agenda Summary Report, 7/22/02 (without attachments)
3. Council Minutes, 7/22/02