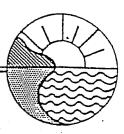
AGENDA

Planning Commission - City of Pacifica



DATE:

Monday, December 1, 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: November 17, 2008

Designation of Liaison to City Council Meeting of: December 8, 2008

SPECIAL ORDER OF BUSINESS:

1.

ELECTION of CHAIR and VICE CHAIR

CONSENT ITEMS:

PUBLIC HEARINGS:

CDP-305-08

COASTAL DEVELOPMENT PERMIT, filed by the agent, Brian Brinkman, on behalf of the applicant, Andy Anderson, and owners, Larry and Sandra Anderson, to demolish an existing 2,150 square foot single family home and replace it with a new 4,300 square foot home, and raise the existing detached garage at 103 Essex Way Pacifica, CA (APN 023-036-190). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. <u>Proposed Action</u>: Approval as conditioned or continue for further redesign (Continued from November 3, 2008)

3. UP-994-08 PV-494-08 PSD-773-08 USE PERMIT, VARIANCE, and SITE DEVELOPMENT PERMIT, filed by the agent, Leah Hernikl, on behalf of the applicant, Metro PCS, to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at 1220 Linda Mar Blvd., Pacifica (APN: 023-281-130). Recommended CEQA status: Exempt. <u>Proposed Action</u>: Continue to December 15, 2008 (Continued from November 17, 2008)

4. UP-996-08 PV-495-08 CDP-309-08 USE PERMIT, VARIANCE, and COASTAL DEVELOPMENT PERMIT, filed by the agent, Mark Bucciarelli, on behalf of the owner, Karl Seagren, to add a second and third story to an existing single-family residence at 61 Elder Lane, Pacifica (APN 016-315-190). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. <u>Proposed Action</u>: Continue to December 15, 2008 (Continued from November 17, 2008)

OTHER AGENDA ITEMS:

5. SP-129-02 PV-458-02 **EXTENSION OF PERMITS** for the construction of a single-family residence on the southeast portion of Gypsy Hill Road (APN 016-421-060). *Proposed Action*: Grant six month extension

6. PSD-730-04

EXTENSION OF PERMIT for the construction of a single-family residence on the southwest portion of Oddstad Way and Troglia Terrace (APN 022-071-210 & -240). *Proposed Action:* Grant one year extension

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

MEMORANDUM

DATE:

December 1, 2008

TO:

Planning Commission

FROM:

Michael Crabtree, Planning Director

SUBJECT:

Agenda Item No. 1: Special Order of Business – Election of Chair and Vice Chair

Article IV of the Commission by-laws calls for an annual meeting of the Planning Commission in December for the purpose of electing a new Chair and Vice Chair. The new Chair presides at the first meeting in January.

A suggested format for the election process follows:

a) Election of Chair

Chair Leon will take nominations for the new Chair. Each nomination must be seconded. After all nominations have been made and seconded, a motion must be made and seconded to close the nominations. If the motion to close the nominations carries, Chair Leon will call for a separate vote on each of the nominees. The nominee with the most "yes" votes becomes the new Chair.

b) Election of Vice Chair

Chair Leon will take nominations for the new Vice Chair. Each nomination must be seconded. After all nominations have been made and seconded, a motion must be made and seconded to close the nominations. If the motion to close the nominations carries, Chair Leon will call for a separate vote on each of the nominees. The nominee with the most "yes" votes becomes the new Vice Chair.

c) Comments by Chair Elect and Vice Chair Elect (Optional)

CITY OF PACIFICA AGENDA MEMO

DATE: December 1, 2008

TO: Planning Commission

FROM: Christina Horrisberger, Assistant Planner

SUBJECT: Agenda Item No. 2: Coastal Development Permit, CDP-305-08, to demolish an existing 2,157 square foot home and replace it with a new 4,263 square foot home on a raised grade, and raise the existing detached garage by 7 feet at 103 Essex Way (APN 023-036-190).

On September 15, 2008 the Planning Commission continued consideration of Coastal Development Permit, CDP-305-08, to demolish an existing 2,157 square foot home and replace it with a new 4,315 square foot home on a raised grade, and raise the existing detached garage by 7 feet. At the hearing the Commission expressed concern that the project was not consistent with several elements of the Design Guidelines. On October 6, 2008 the Commission reviewed a revised proposal. The modified project addressed many of the Commission's concerns, however, some concerns were still outstanding. Specifically, the applicant had improved energy and water efficiency, broken up the large retaining wall, modified the roofline, revised the proposed landscaping and provided illustrative renderings, but the applicant had not provided a professionally prepared light study, broken the massing and bulkiness of the building by providing varied setbacks, modified the structure to be appropriately scaled for the lot and neighborhood or addressed the Design Guideline/Local Coastal Land Use Plan (LUP) objective that development should be subordinate to topography. The Commission continued consideration of the requested permit a second time to give the applicant the opportunity to further modify the proposed design of the home. The applicant was unable to submit a revised proposal in time for the October 20, 2008 meeting and review of the project was again continued, although further comments regarding the project's lack of compliance with the Design Guidelines were offered. The applicant submitted a modified design for review at the November 3, 2008 meeting. The Commission reiterated their concerns about scale and topographical issues, noted that they had not been addressed and further continued review of the project. The applicant has submitted a revised proposal for the Commissions' review.

The revised design includes several modifications (lowered basement floor, reduced floor to ceiling heights on the various levels of the home and a reduced roof pitch) to lower the overall height of the building. The new proposed building height is 31 feet 7 inches from the finished grade to the top of the roof, whereas 34 feet 7 inches was previously proposed. The finished grade surrounding the structure would still be raised, but not to the extent that was previously proposed. The result is a structure that reaches 3 feet 5 inches higher than the existing structure instead of almost 11 feet higher, as was previously proposed. It should be noted that the existing

103 Essex Way December 1, 2008 Page 2 of 6

structure, as measured form the grade where it now sits, is 36 feet 3 inches when 35 feet is the height limit. Nonetheless, the applicant has decreased the topmost point of the proposed structure by several feet. This change helps the structure to fit in better with the neighborhood and reduces the extent of retaining walls needed to support the design. However, one retaining wall that spans the length of the structure on the north side is still proposed. The wall would be of a graduated height ranging from almost 10 feet at the rear to slightly over 2 feet at the front of the building. The proposed wall and increased height of the detached garage remains unchanged.

Another issue raised by the Commission was that the proposed home is out of scale with the lot and neighborhood. The reduction in height partly addresses this, but no reduction in the bulk or massing of the building has been proposed. Because the overall height is still greater than what currently exists, the size of the upper floors of the home have a prominent visual impact. The existing top floor (3rd level, not including the basement) is 694 square feet and the proposed top floor is 1,308 square feet. The existing main level (2nd floor) is 769 square feet and the proposed main level is 1,702 square feet. It was previously indicated that more setback variation on the upper levels would reduce the bulk and massing of the home and help it to blend better with the varied topography of the surrounding neighborhood. This would also better complement the lot in terms of scale and minimize the possibility of a towering appearance when compared to neighboring homes on Kent Road. The revised design includes more window detail, and the exterior appearance of the building is enhanced by the change, but the scale issue is not addressed by the added windows.

Staff believes that the applicant has made a substantial effort to address the Commission's concerns about minimizing the topographical alterations to the lot and reducing the height of the proposed home. The scale of the home, with reference to the lot and neighborhood, has also been partly addressed by modifying the proposed elevation and height of the home. However, without reductions to the mass and bulk of the upper levels of the building, the home may still appear somewhat out of scale and loom over the neighboring residences on Kent Road. In conclusion, it appears that the Commission's concerns have been largely, but not fully, addressed. Staff believes that additional modifications to address the bulk and mass of the structure would further improve the project. A motion for continuance is provided in addition to a motion and findings for approval. Should the Commission approve the project, the following conditions are recommended:

Planning Department:

- 1. Development shall be substantially in accord with the plans entitled "Anderson Residence Teardown/rebuild," consisting of seventeen (16) sheets, dated November 8, 2008 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 and drought-tolerant. Native plants shall be incorporated whenever possible. 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 be required to obtain a certificate of survey from a licensed surveyor at the first footing inspection of the building. The certificate shall certify that both setbacks and elevations are as specified on the approved plans to the satisfaction of the Building Inspector.
- 4. 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.
- 5. All transformers, HVAC units, backflow preventer and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
- 6. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
- 7. All vents, gutters, downspouts, flashing and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
- 8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
- 9. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure to the Planning Director's satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger.
- 10. All recommendations identified in the arborist's report shall be implemented as specified in the arborist's report.

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.

Wastewater Division

12. 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.

Engineering Division

- 13. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
- 14. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.
- 15. In lieu of overlay existing asphalt to street centerline across entire property frontage, applicant shall overlay existing asphalt with minimum 2 inch AC the whole street width across entire property frontage along Essex Way.
- 16. 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."

- 17. 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."
- 18. A sidewalk agreement must be signed for unimproved streets.
- 19. No debris box or equipment shed is allowed in the street or sidewalk.
- 20. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

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.

FINDINGS

1. Findings for Approval of Coastal Development Permit: The Planning Commission finds that the proposed home at 103 Essex Way, as conditioned, is in conformity with the City's Local Coastal Program and Public Recreation Policies of Chapter 3 of the California Coastal Act. Specifically, the design and scale of the project are compatible with the surroundings in the Pedro Point neighborhood and it will not have negative visual impacts or negatively impact access to existing coastal recreation facilities. 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 cumulatively, on coastal resources. Because the site is located entirely within a residential zone, no commercial activities will be impacted.

COMMISSION ACTION

MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** consideration of CDP-305-08 to the next Planning Commission meeting on December 15, 2008 for further revisions or adoption of findings for approval or denial.

OR

103 Essex Way December 1, 2008 Page 6 of 6

MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA, APPROVE Coastal Development Permit, CDP-305-08, subject to conditions 1 through 21 and adopt findings contained in the December 1, 2008 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Illustrative renderings (Planning Commission only)
- b. Explanation of changes provided by applicant
- c. November 3, 2008 Staff Report and Minutes.
- d. October 20, 2008 Staff Report
- e. October 6, 2008 Staff Report and Minutes
- f. September 15, 2008 Staff Report and Minutes
- g. Plans and Elevations (Planning Commission and City Council only)



CITY OF PACIFICA AGENDA MEMO

DATE:

December 1, 2008

TO:

Planning Commission

FROM:

Christina Horrisberger, Assistant Planner

SUBJECT: Agenda Item No. 3: Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at 1220 Linda Mar Blvd. (APN: 023-281-130).

On October 20, 2008 the Planning Commission continued consideration of Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at the Pacifica Center for the Arts. At the hearing the Commission asked the applicant to meet with tenants of Pacifica Center for the Arts to address their concerns and to prepare better renderings of the equipment enclosure. On November 17, 2008 a further continuance was granted because the applicant was still working on gathering the requested information and working with the tenants.

The applicant has informed staff that coordination with Pacifica Center for the Arts tenants is still underway and possible project revisions are still pending. Therefore, a continuance to the Planning Commission meeting on December 15, 2008 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** UP-994-08, PV-494-08, and PSD-773-08 to the next Planning Commission meeting on Monday, December 15, 2008, with the public hearing open.

CITY OF PACIFICA AGENDA MEMO

DATE:

December 1, 2008

TO:

Planning Commission

FROM:

Lily Lim, Planning Intern \(\mathcal{L} \)

SUBJECT: Agenda Item No. 4: Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing single-family residence, at 61 Elder Lane, Pacifica, (APN – 016-315-190).

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

The applicant has notified staff that they are making a revision to the original plans, but that more time will be needed to address Commission concerns. Therefore, a continuance to the Planning Commission meeting on December 15, 2008 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** UP-996-08, PV-495-08, and CDP-309-08 to the next Planning Commission meeting on Monday, December 15, 2008, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE:

December 1, 2008

TO:

Planning Commission

FROM:

Lee Diaz, Associate Planner

SUBJECT:

Agenda Item No. 5: Extension of Site Development Permit for the construction of a

three-story single-family residence at the southwest portion of Oddstad Way and Troglia

Terrace (APN 022-071-210 & -240).

The Planning Commission approved an amendment to a Site Development Permit on November 20, 2006 for the construction of a three-story single-family residence on a 33,750 square foot vacant lot located at the southwest portion of Oddstad Way and Troglia Terrace in the Rockaway Beach neighborhood. Details of the proposal are contained in the attached staff report dated November 20, 2006. Also attached are the minutes of the Planning Commission meeting.

The amended Site Development Permit was due to expire on November 20, 2007. At the request of the applicant, the Planning Commission granted a one (1) year extension for the Site Development Permit on December 17, 2007. At that time, the final documents for the building permit were still being reviewed by the Planning and Building Department. Since the extension request was filed, the building permit is ready to be issued once all required fees are paid to the City.

The Site Development Permit was due to expire on November 20, 2007. On November 3, 2008 staff received the attached extension request. This is the applicant's second extension request. According to the applicant, due to the financial crisis regarding loans, he is still in the process of obtaining a loan.

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. Since this is a second extension request, this item is presented 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** PSD-730-04 to November 20, 2009.

Attachments:

- 1. Planning Commission Staff Report, 11/20/06 (without attachments)
- 2. Planning Commission Minutes, 11/20/06
- 3. Letter from Applicant, received 11/03/08

CITY OF PACIFICA

AGENDA MEMO

DATE:

December 1, 2008

TO:

Planning Commission

FROM:

Lee Diaz, Associate Planner

SUBJECT:

Agenda Item No 6: Extension of a Specific Plan and Variance for the

construction of a single-family residence on the southeast portion of Gypsy Hill

Road (APN 016-421-060).

On October 21, 2002, the Planning Commission certified a Mitigated Negative Declaration, recommended (6 to 0) City Council adoption of a Planned Development with a Hillside Preservation District (P-D/HPD), Rezoning and Development Plan and approved the relevant planning permits (Specific Plan and Variance), subject to 16 conditions, for the construction of a two-story four bedroom single-family residence on the southeast portion of Gypsy Hill Road. On November 25, 2002, the City Council conducted a public hearing and certified the Mitigated Negative Declaration (5-0) and adopted the Mitigation Monitoring and Reporting Program, and Introduction of the Ordinance Rezoning property to P-D/HPD with a Development Plan for the construction of the residence. Details are contained in the Agenda Summary Report dated November 25, 2002. Also attached are the minutes of the November 25, 2002 City Council meeting.

The Specific Plan was valid for two years and was originally due to expire on November 25, 2004. The Development Plan runs with the land and has no expiration date. The Variance was originally due to expire on November 25, 2003. At the request of the applicants, the Planning Commission granted a one (1) year extension for the Variance on November 3, 2003. According to the applicants, family health problems interfered with their ability to focus on the various decisions required in the development of the residence. On September 21, 2004 the Commission approved a second extension of the Variance and Specific Plan because the family health problems had not been abated. On November 7, 2005 staff received a third extension request. Additional time was needed to work out an agreement with the Endangered Species Division of the Fish and Wildlife Service relating to the protection of lupine plants that exist on the site. A fourth extension was approved by the Commission on September 18, 2006. The applicants were waiting for a response from the Endangered Species Division of the Fish and Wildlife Service as to the adequacy of an agreement that would satisfy a required mitigation measure for the protection of lupine plants. A fifth extension was granted by the Commission on November 5,

Gypsy Hill -- Griggs SFR (Sixth extension request) December 1, 2008 Page 2 of 2

2007 because the applicant required additional time to complete the structural design for the single-family home which was contingent on the decision of the Endangered Species Division of the U.S. Fish & Wildlife Service.

The Specific Plan and Variance were due to expire on November 25, 2007. On October 27, 2008 staff received the attached extension request. This is the applicant's sixth extension request. According to the applicants, the building plans have been completed by the structural engineer and architect and have been submitted to the Planning and Building Department for review. The building plans were submitted on October 28, 2008 and are currently being reviewed by the Planning and Building Department. Additional time is being requested to complete the building permit review process. It should also be noted that the applicants have incorporated "green" building elements into the design of the single-family residence (see attachment).

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. Since this is a sixth extension request, this item is presented 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-129-02 and PV-458-02 to May 25, 2008.

Attachment:

- 1. Agenda Summary Report, November 25, 2002
- 2. City Council Minutes, November 25, 2002
- 3. Letter with attachments from Applicants, dated 10/24/08
- 4. Green Building Design Considerations