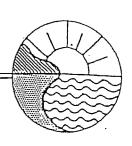
AGENDA

Planning Commission - City of Pacifica



DATE:

Monday, October 5, 2009

LOCATION:

Council Chambers

2212 Beach Boulevard

TIME:

6:00 p.m.

PLANNING COMMISSION STUDY SESSION

AGENDA

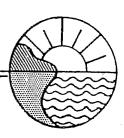
1. Outdoor Storage of Trucks, Containers and Other Vehicles at 1116 Palmetto Avenue (APN 009-291-060)

The purpose of a study session is to offer an opportunity for informal discussion with the Planning Commission. Any statements made by a Commissioner or staff member at a study session are informal only and are not to be considered commitments or guarantees of any kind.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7300). 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.

STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



DATE:

October 5, 2009

LOCATION:

Council Chambers, 2212 Beach Boulevard, Pacifica

TIME:

6:00 p.m.

ITEM#:

- 1

STUDY SESSION

APPLICANT:

N/A

LOCATION:

1116 Palmetto Avenue (APN 009-291-060)

PROJECT

DESCRIPTION:

Legalize an Existing Trucking Business Located Along the Bluff that

Stores Large and Heavy Trucks, Containers and Other Equipment

General Plan: Commercial

Zoning: C-3/CZ (Service Commercial/Coastal Zone)

CEQA STATUS:

To be determined after submittal of a completed formal application.

REQUIRED APPROVALS:

Planning Commission approval of Coastal Development

Permit and Use Permit. Other permits may be necessary

depending upon project details.

ADDITIONAL REQUIRED APPROVALS:

City Council, if project is appealed and

Coastal Commission.

RECOMMENDED ACTION:

None

Prepared by: Kathryn Farbstein, Assistant Planner

DISCUSSION

1. <u>Background</u>: On September 18, 2000, the Planning Commission denied an application for a two story office and research building on the subject property. The project was denied due to geologic concerns.

Approximately three years ago, a complaint was filed regarding as alleged illegal use at the site. Code Enforcement staff in consultation with Planning Department staff determined that McNamara Transport, Inc was operating a business that stored vehicles, containers and other heavy items on the bluff above the ocean without approval of a Use Permit and Coastal Development Permit. Both the property owner and applicant (operator of the business) were notified several times by Code Enforcement requesting that either a Planning Application be filed to legalize the use of the property as an outdoor storage area or the use could be discontinued.

The applicant filed a Planning Application in 2007 that was incomplete and the material necessary to complete the formal application has yet to be submitted. In the interim, staff has had numerous meetings with the applicant and employed a variety of methods to attempt to get the use properly permitted or discontinued. Finally, in July of 2009, the applicant and his agent agreed to apply for a study session before pursuing formal permits.

However, in spite of staff's repeated requests the applicant has yet to file an application for a study session. Therefore, because the project originated from a complaint and because the applicant appears to be unable to complete the Planning application in a timely manner, staff decided to proceed with a study session even though the applicant did not file for a study session. As noted above, the applicant expressed a willingness to pursue a study session before completing the application already filed. The attached letter from the agent and site plan is the most recent information staff has to provide to the Planning Commission (see Attachment b).

- 2. <u>Existing Conditions</u> The subject site is a flag shaped parcel with access provided along the narrow portion of the property and the large vehicles, containers and other heavy items stored in the larger portion of the property. This results in the containers, vehicles and other heavy items being stored along the edge of the bluff above the ocean.
- **3. Project Summary:** The applicant is proposing to legalize his trucking business that utilizes the property to store large containers, vehicles and other heavy equipment. Staff believes that McNamara's Transport business supplies a variety of trucks for hire to move debris, supplies or other material for clients during normal business hours as well as on the weekends as needed on an emergency basis. Staff does not have a complete description of the business; however, the applicant may be able to provide additional information during the meeting or at a later date during the application process.

4. General Plan, Local Coastal Plan, Zoning, and Surrounding Land Use: The General Plan and Local Coastal Plan designate the site as Commercial. The zoning for the subject site is C3 (Service Commercial), CZ (Coastal Zone). All the surrounding properties have the same General Plan designation and zoning as the subject site. The site is bounded by the Pacific Ocean on the west. A mobile home, a single family dwelling, some other buildings and a fenced parking lot with trucks apparently stored are located on the property to the east. A mobile home court exists to the south. On the north, a single-family dwelling and the French Patisserie Bakery exists.

The General Plan and Local Coastal Land Use Plan identify the subject neighborhood as the Northern Commercial Area. Both documents state that service commercial uses such as warehouse and storage facilities, welding and machine shops, auto-related uses and other light industrial uses are appropriate for the area. Visitor-serving uses that would complement the nearby RV Park are also appropriate. The documents recognize that geotechnical stability can be a problem for the bluff-top properties on the west side of Palmetto Avenue. Accordingly, review of geotechnical stability is required for new development in the area. The documents also state that consideration should be given to visibility and scenic resources. The proposed use is consistent with the uses prescribed for the area but the geotechnical suitability of the site is uncertain. This is discussed in a subsequent section of this report.

- 5. <u>Municipal Code and Regulatory Standards:</u> As stated in Section 9-4.1202 of the Zoning Code, all uses must be conducted inside a building unless approval of a Use Permit is obtained. The subject site is located in the Coastal Zone and qualifies as development defined in Section 9-4.4302 (z) (1) of the Zoning Code as the placement of any solid object on a site. Therefore, approval of a Coastal Development Permit is necessary to allow the applicant to store vehicles and other equipment on the site.
- **6.** CEQA and Environmental Review: Due to the location of the project along the edge of the bluff above the Pacific Ocean, staff cannot determine the project exempt from CEQA. Thus, environmental review for the project will be necessary. However, staff would determine what type of environmental review would be necessary once the formal application has been determined complete. Potential environmental issues could include geology/soils, hydrology, and aesthetics.
- 7. <u>Discussion:</u> Although staff typically does not present a project to the Planning Commission for preliminary feedback until a study session application is submitted; in this case, staff believes that there is enough information for the Commission to provide input. Furthermore, the applicant has been unable to complete even the minimal submittal requirements for a study session.

When staff determined that approval of a Use Permit and Coastal Development Permit was necessary to allow McNamara Transport, Inc to continue operating at the subject site, the

applicant had two choices. The applicant could relocate the business to another zoned appropriately site that had a warehouse building to store the vehicles and other equipment or the applicant could seek approval from the Planning Commission for the Use Permit to allow the equipment to be stored outdoors. Due to the location within the Coastal Zone, approval of a Coastal Development Permit is also necessary. However, in order to present the formal application to the Commission, environmental review is required due to the sensitive location along the bluff above the ocean. In order to conduct environmental review, a geotechnical report and other documents need to be provided by the applicant. In addition, the applicant would be paying for an environmental consultant to complete the environmental review. Therefore, staff encouraged the applicant to obtain preliminary feedback from the Commission at a study session prior to investing additional money and effort into obtaining the necessary reports and environmental review.

In staff's opinion, the collection of containers, vehicles and other items utilized for the operation of this business is not visually appealing, which is one reason why the Zoning Code requires that storage of items be contained within an enclosed structure. Although it is difficult to view this business from Palmetto Avenue, some of the equipment is visible from the beach at the base of the bluff. However, the business is located in the light industrial area of the City and due to the flag lot configuration, the containers, vehicles and other items are not visible from Palmetto Avenue.

It should be noted here that even if the applicant were to construct a building to enclose the items utilized by the business, a Site Development Permit and other approvals would be necessary even though a Use Permit would not be necessary. In addition, environmental review would be conducted for the proposed building whenever a Planning application is processed.

As indicated above, a previous application for a use on the subject site was denied due to geotechnical concerns. It is possible that a new analysis of the site geology could preclude continued use of the site as proposed, or it may conclude that the proposed use is appropriate, but this will not be known until the required study is submitted.

8. <u>Summary</u>: Staff seeks comments from the Planning Commission regarding granting a Use Permit and Coastal Development Permit to continue operation of a business that involves storing containers, vehicles and other equipment on a lot without enclosing these items within a structure. As described previously, this project application is in a preliminary stage. If the Commission is supportive of legalizing the current use of the property, the applicant would be responsible for completing the application process, including undergoing and funding the environmental review. If the Commission is not supportive of the project, the applicant may decide to withdraw his project and relocate his business.

Specifically, staff requests that the Commission comment on the following:

- 1. Would the Commission support approval of a Coastal Development Permit and Use Permit to store large containers, heavy vehicles and other items along the bluff of the ocean?
- 2. Are there any other areas of concern the Commission would like to address?

Attachments:

- a. Land Use and Zoning Exhibit
- b. Aerial Photo
- c. Letter from Agent with Preliminary Plans