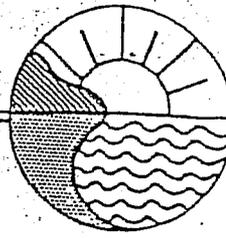


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, September 15, 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: August 18, 2008

Designation of Liaison to City Council Meeting of: September 22, 2008

CONSENT ITEMS:

PUBLIC HEARINGS:

1. UP-991-08
CDP-304-08 USE PERMIT and COASTAL DEVELOPMENT PERMIT, filed by the applicant, James Nofziger, on behalf of the owner, Rod Muscio, to operate a wine bottling plant at 901 Palmetto Avenue (APN 009-244-010). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
2. UP-992-08 USE PERMIT, filed by the applicant and owner, Patricia Kremer, to extend a nonconforming side yard setback for a dwelling at 5 Eastlake Avenue (APN 016-382-240). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
3. 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. Proposed Action: Continue for redesign

OTHER AGENDA ITEMS:

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

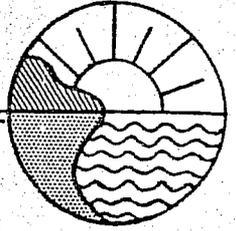
Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered 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.

STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



DATE: September 15, 2008

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on September 10, 2008 and 18 surrounding property owners and occupants were notified by mail.

FILE: UP-991-08
CDP-304-08

APPLICANT: James Nofziger, 901 "B" Palmetto Avenue, Pacifica, Ca 94044

OWNER: Rod Muscio, 901 "D" Palmetto Avenue, Pacifica, CA 94044

LOCATION: 901 Palmetto Avenue

APN: 009-244-010

PROJECT DESCRIPTION: The applicant proposes to operate a wine bottling business in an existing commercial space that already contains a book binding business.

General Plan: Commercial

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

RECOMMENDED CEQA STATUS: Exempt Section 15303 (c)

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval as conditioned

PREPARED BY: Kathryn Farbstein, Assistant Planner

ZONING STANDARDS CONFORMANCE:

<u>Standards (C-1)</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	5,000 sf	6448 sf	No Change
Lot Width	50'	120'+	No Change
Landscaping	10%	7% approx.	No Change
Maximum Height	35'	20'	No Change
Parking	4 spaces	4 spaces	No Change

PROJECT SUMMARY

A. STAFF NOTES:

1. **Background:** The applicant has operated a book binding business at this location for 20 years within an existing commercial space of approximately 1,250 square feet (Unit 2 on the plans); however, the applicant has been operating a book binding business in the City of Pacifica for a total of 30 years with 10 years spent at another location. The subject tenant space is within a building that has three other tenants and a total square footage of approximately 5,720. The other tenants are in construction related businesses.

2. **Project Description:** Proposed is the conversion of 225 square feet or 18% of the existing tenant space into an area for bottling wine. The book binding business would continue in the remaining tenant space which is approximately 1,025 square feet. The applicant has provided plans obtained from the original building permit records and a floor plan to show the proposed improvements. The applicant has provided a statement describing how the proposed wine bottling operation would work, including some background information (See Attachment b). The applicant will be making the wine at home and bringing it to the tenant space to bottle and store. The bottled wine will be sold via the Internet or at the Pacifica Farmer's Market in Rockaway Beach; therefore, no customers will be coming to the site. No additional employees will be needed because all the work will be handled by the applicant/owner of the business. As stated in the attached letter, it is anticipated to be a low volume business.

3. **General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Commercial and the zoning designation is C-3, Service Commercial District and CZ for Coastal Zone. The properties to the south and west across Palmetto Avenue from the subject site have the same zoning and General Plan designations as the subject site. Highway 1 forms the property boundary on the north and east side of the site.

4. **Municipal Code and Regulatory Standards:** The Municipal Code Section 9-4.1001 (b) (1) requires that "processing, manufacture or assembly plants or plants or plants for the production of goods or the performance of services for wholesale distribution" in the C-3 zone must obtain approval of a Use Permit. The type of operation proposed is most similar to this commercial designation in the Municipal Code although the applicant is not proposing wholesale distribution of the wine. However, because the applicant is not proposing to use the space as a retail space

and the applicant is proposing to process wine by putting it into bottles, staff believes that this designation is the most appropriate. The site is in the Coastal Zone and is an intensification of a use of land; therefore, approval of a Coastal Development Permit is also necessary.

5. **CEQA Recommendation:** The following excerpt is from the California Environmental Quality Act under Article 19. Categorical Exemptions:

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The project is an existing approximately 225 square foot commercial space being converted into another commercial use; thus, it is exempted from undergoing environmental review.

6. **Use Permit:** The Planning Commission shall grant approval of a Use Permit only when all of the following findings are made.

- a. That the establishment, maintenance, or operation of the use or 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 of 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; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

7. **Coastal Development Permit Findings:** Section 9-4.4304(k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

- a. The proposed development is in conformity with the City's certified Local Coastal Program.
- b. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

8. Analysis:

Coastal Development Permit – The project is proposed within a commercial area, and therefore, complies with Coastal Act Policy #23 that states new development shall be located within or contiguous to an existing developed area that is able to accommodate it. There is a mix of commercial uses within close proximity to the site. In staff's opinion, the proposed wine bottling business is located in an area with commercial uses and the applicant will be able to fully utilize the tenant space by creating a space to bottle the wine.

As described in the Local Coastal Program on page C-33, the West Sharp area is one of the few areas available for service commercial uses. As discussed above, commercial uses in the neighborhood consist of light industrial and auto related uses. The Local Coastal Program states that service commercial uses such as the proposed wine bottling operation are consistent with the existing development pattern, meet an important community need; and therefore, the proposed use would be an appropriate use for this site.

Because the subject site is not located between the nearest public road and the shoreline, the project does not need to conform to the public recreation policies of Chapter 3 of the California Coastal Act. In conclusion, staff believes that the proposed commercial project meets the overall intent of the Local Coastal Program.

Use Permit – Staff believes that the proposed change of use to a wine bottling operation would not 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. Specifically, the applicant is proposing wine bottling operation in 18% of his existing tenant space which will not increase the number of employees (applicant is owner operator of existing book binding and proposed wine bottling businesses) or on site customers.

9. Summary: In light of the foregoing, staff recommends that the Planning Commission approve the Use Permit, UP-991-08 and Coastal Development Permit, CDP-304-08 to allow a wine bottling operation at 901 Palmetto Avenue. In staff's opinion, there are sufficient findings to approve the permits for this project because the proposed use will have minimal impact to the existing and surrounding commercial businesses, and it may encourage additional visitors to the Pacifica Farmers Market.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** UP-991-08 and CDP-304-08 for a wine bottling business within an existing commercial space at 901 Palmetto Avenue, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "Palmetto Tradesman's Storage" consisting of three (3) sheets, dated May 12, 2008, except as modified by the following conditions.
2. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director's satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger.
3. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
4. 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.
5. The applicant shall 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 relating to applicant's project including, but not limited to, any Proceeding for personal injury, property damage, or death, or 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, but excluding any approvals governed by California Government Code Section 66474.9. 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.

C. **FINDINGS:**

1. **Findings for Approval of the Use Permit:** The Planning Commission finds that the proposed change of use for a portion of an existing commercial space would not 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. Specifically, the applicant is proposing to convert 225 square feet of an existing commercial space into a wine bottling operation to be conducted by the owner and operator of the existing business. Thus, the proposed business will not create the need for customer parking and it will not impact the adjacent construction related businesses.

2. **Findings for 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 proposed wine bottling operation will be conducted by the owner and operator of the existing business and will not create the need for additional parking. In addition, the wine produced will be sold at the Pacifica Farmers Market in Rockaway Beach and the Internet; therefore, no need for additional customer parking. 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.

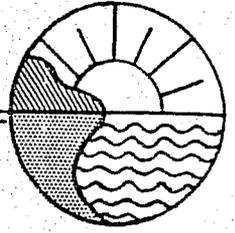
D. **MOTION FOR APPROVAL:**

Move that the Planning Commission find that the project is exempt from CEQA, and **APPROVE** UP-991-08 and CDP-304-08, subject to conditions 1 through 5, based on findings contained within the September 15, 2008 staff report and incorporate all maps, documents, and testimony into the record by reference.

Attachments: (Planning Commission only)

- a. Land Use and Zoning Exhibit
- b. Letter from Applicant Dated January 29, 2008
- c. Plans and Elevations (3 pages – 8 1/2 by 11 Inches)

STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

DATE: September 15, 2008

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on September 10, 2008 and 15 surrounding property owners were notified by mail.

FILE: UP-992-08

APPLICANT and OWNER: Patricia Kremer, 5 Eastlake Avenue, Pacifica, Ca 94044

LOCATION: 5 Eastlake Avenue

APN: 016-382-240

PROJECT DESCRIPTION: The applicant proposes to extend the southern nonconforming side yard setback of 2.5 feet on either side of the chimney for the second floor only.

General Plan: Low Density Residential
Zoning: R-1 (Single Family Residential District)

RECOMMENDED CEQA STATUS: Exempt Section 15301(e)

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval as conditioned

PREPARED BY: Kathryn Farbstein, Assistant Planner

ZONING STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sf	12,900 sf	No Change
Coverage	40% max.	10%	11%
Height	35' max.	20'	22'
Landscaping	20% min.	80% approx.	80% approx.
Setbacks			
-Front yard	15'	56'	No Change'
-Garage	20'	56'	No Change
-Interior side	5'	4.5'	2.5'*
-Rear	20'	132'	126'
Parking	2 car garage	2 car garage	No Change

*Approval of a Use Permit to extend nonconforming side yard requested.

PROJECT SUMMARY

A. STAFF NOTES:

1. Project Description: Proposed is the extension of a legal nonconforming side yard setback of on either side of the chimney located on the south side of an existing single-family dwelling. The setback proposed is 2.5 feet and the addition will be approximately 6 feet in length on either side of the chimney. The overall width of the second floor wall that extends into the setback is approximately 17 feet, including the width of the existing chimney. The projection into the setback will only occur on the upper level of the dwelling and not on the ground floor. The owner has submitted information regarding the project in the attached letter (see Attachment b) and the architect, Ann Edminster submitted a memo with additional information on the project (see Attachment c).

2. General Plan, Zoning, and Surrounding Land Use: The General Plan designation is Low Density Residential for the subject site and the surrounding properties. The Zoning for the subject site and the surrounding properties is also R-1 (Single-Family Residential District). It should be noted here that the adjacent property to the south, and closest to the projection of the upper floor, is owned by the City and County of San Francisco.

3. Municipal Code and Regulatory Standards: Section 9-4.3002(c) (2) (i) regarding Nonconforming Lots, Structures, Uses states that "No physical change, enlargement, extension, or remodeling which increases the extent of nonconformity shall be made without first securing a use permit." The existing side yard setback is approximately 4 feet, which is nonconforming because a 5 foot setback is required. In this case, the second floor addition on the south side of the dwelling and located on either side of the chimney would result in a new setback of 2.5 feet. This will increase the extent of the nonconforming side yard setback from approximately 4 feet

to 2.5 feet. Thus, increasing the nonconformity would be allowed for this project only upon approval of a Use Permit.

4. CEQA Recommendation: Staff recommends that the Commission find the proposed addition categorical exempt from CEQA based on the following section of the California Environmental Quality Act:

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less;

The project consists of an addition of approximately 125 square feet to an existing dwelling of approximately 1,700 square feet. The increase in living area is 7%, which is significantly less than the 50% limitation listed above.

5. Use Permit: The Planning Commission shall grant approval of a Use Permit only when all of the following findings are made.

- a. That the establishment, maintenance, or operation of the use or 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 of 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; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

6. Analysis:

Use Permit – Staff believes that the proposed extension of the southern side yard setback on the upper floor would not 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. Specifically, the applicant is

proposing to extend the nonconforming southern side yard setback for the upper floor to better insulate the chimney area and to provide better structural support of the original stone masonry chimney. The proposed bump out on the south elevation will have consistent siding and will result in this portion of the building being integrated into the design of the dwelling instead of resulting in a tacked on addition.

7. Summary: In light of the foregoing, staff recommends that the Planning Commission approve the Use Permit, UP-992-08 to allow a reduced side yard setback for the upper floor addition on the south side of the existing single-family dwelling. In staff's opinion, there are sufficient findings to approve the permit for this project because the proposed use will have minimal impact to the use of the adjacent property on the south.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** UP-992-08 to allow a nonconforming side yard setback to be extended at 5 Eastlake Avenue, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "Residential Remodel for Jim and Pat Kremer" consisting of three (3) sheets, dated June 9, 2008, except as modified by the following conditions.
2. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director's satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger.
3. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
4. 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.
5. The applicant shall 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 relating to applicant's project including, but not limited to, any Proceeding for personal injury, property damage, or death, or 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, but excluding any approvals governed by California Government Code Section 66474.9. 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.

C. FINDINGS:

1. **Findings for Approval of the Use Permit:** The Planning Commission finds that the proposed extension of the nonconforming side yard setback would not 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. Specifically, the applicant is proposing to increase the nonconforming side yard setback on the south side of the upper floor to allow the chimney structure to better insulated and structurally supported. The negative impact will be minimal in that the property to the south of the subject site is owned by the City and County of San Francisco with no plans to develop the area. Finally, the façade on the south elevation will be covered with consistent siding, which will improve the appearance of the wall.

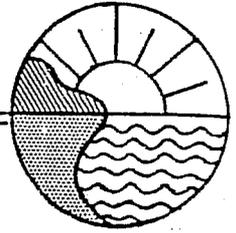
D. MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA, and **APPROVE** UP-992-08, subject to conditions 1 through 5, based on findings contained within the September 15, 2008 staff report and incorporate all maps, documents, and testimony into the record by reference.

Attachments: (Planning Commission only)

- a. Land Use and Zoning Exhibit
- b. Letter from Applicant Dated July 21, 2008
- c. Memo from Ann Edminster of Design Avenues Dated August 4, 2008
- d. Plans and Elevations (3 pages – 14 by 20 Inches)

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: September 15, 2008

ITEM: 3

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on September 3, 2008. 65 surrounding property owners and 14 residents were notified by mail.

FILE: CDP-305-08

AGENT: Brian Brinkman
648 Navarre Drive
Pacifica, CA 94044

APPLICANT: Andy Anderson
421 Athenian
Pacifica, CA 94044

OWNER: Larry & Sandy Anderson
4 Yellowstone Way
Pacifica, CA 94044

LOCATION: 103 Essex Way

APN: 023-036-190

PROJECT DESCRIPTION: Proposal to demolish an existing 2,157 square foot home and replace it with a new 4,315 square foot home, and raise the existing detached garage by 7 feet.

GENERAL PLAN: Low Density Residential
ZONING: R-1 (Single-Family Residential)/ CZ (Coastal Zone)

RECOMMENDED CEQA STATUS: Exempt Section 15303 (a)

ADDITIONAL REQUIRED APPROVALS: None.

RECOMMENDED ACTION: Continue for redesign.

PREPARED BY: Christina Horrisberger

ZONING STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 s.f.	6,170 s.f.	No Change
Coverage	40%	20.2%	38.4%
Height	35' Max.	36'3"	34'7"
Landscaping	20%	55%	38.5%
Setbacks			
-front	15'	40'+	15'+
-side (north)	5'	10'+	5'+
-side (south)	10'	1'	10'
-rear	20'	20'+	20'+
Decks			
-front deck (front & side)	9', 4'	40'+, 2.5'	9', 4'+
-rear deck (rear and north side)	14', 4'	20'+, 4' +	20'+, 5'
-side decks/landing (north and south side)	4', 4'	4'+, 4'+	5', 4'
Parking	2 car garage	1 car garage	2 car garage
Front setback to garage	20'	NA	20'
Driveway Width			
-New garage (2-car)	20'	NA	18'
-Existing detached garage (1-car)	12'	12'	No Change
Retaining wall height	6' (from finished grade on high side of wall)	All under 6'	1'

PROJECT SUMMARY

A. STAFF NOTES:

1. Existing Site Conditions: The subject property is an irregularly shaped lot of 6,170 square feet located at the corner of Essex Way and Kent Road. It slopes upward from the northern corner of the Kent Road frontage toward the south side and rear lot lines, on the Essex Way frontage and bordering the neighboring properties. On the Essex side of the property, the building site is generally several feet below street level. The existing 2,157 square foot home is 36'3" tall. It includes three stories, not including the crawl space and partial basement. On the lowest habitable level of the home are two bedrooms and bathrooms. A kitchen, dining room, bathroom and living room are located on the main (second) level and a master bedroom and bathroom are located on the top level. The two upper levels include decking and the third level is notably smaller than the two lower levels. The detached garage is roughly rectangular in shape and is 487 square feet, but is considered a one-car garage because it is narrow and does not provide enough space for 2 side by side parking stalls. The garage is located on the property line and a small portion encroaches over the lot line.

In addition to the existing home and garage, the lot is developed with a large amount of paving, including concrete pads used for parking and narrow, uneven concrete stairways and walkways. There are also several sculptures and an abundance of overgrown vegetation on the lot. The effect of the vegetation is that the view of the home is obscured from many angles. There are seven mature trees located in the project area; three appear to be on the public right of way, three are located entirely on the subject property and one is located on the north side lot line.

2. Project Description: The applicant is proposing to demolish the existing home and construct a new 4,315 square foot home. The proposal also includes raising the existing detached garage by seven feet, raising the finished grade of the lot near the residence and garage and removal of the seven Heritage Trees.

The proposed home would include an unfinished basement on the lowest level. An internal stairway would connect the basement with the garage on the first habitable level of the home, the "lower level." The lower level would consist of a 2-car garage, laundry room, office, family/theatre room and two bedrooms and bathrooms. An elevator and stairs to connect the three habitable levels of the home are also planned. The second (main) level would include the kitchen, a living room, dining room, great room and half bathroom. Decking that wraps around most of this level is also proposed. The portion of the decking at the entryway on Essex Way would be covered. The third (upper) level would include a master suite with two closets, a 2 foot deep window bench without floor area, a master bathroom and a balcony. Also proposed for this level is a second office with a large closet; staff would technically consider this to be a bedroom due to the en-suite closet. A bathroom and closet in the common area of this level is also proposed and a portion would be open to the floor below to provide a high ceiling above the living room. The overall height of the new home would be 34 feet 7 inches as measured from the new finished grade. The raised finished grade would immediately surround the home and the increase would be over 10 feet. The proposed exterior materials are tan stucco and natural cedar siding for the home, and glass railing around the decks.

Part of the proposal also includes raising the height of the existing detached garage by seven feet. The structure is 10'6" tall and the applicant has not indicated any change to the location or exterior appearance of this structure. The change in grade would bring the garage floor roughly to street level. Staff recommends a condition of approval that would require the garage exterior be modified to match the new home. The new landscaping that is proposed would include two concrete patios (one would also function as a walkway); one on each street frontage. Two new lawn areas are proposed; also with one on each street frontage and native shrubs, flowers and groundcovers are proposed for other areas on the property. An expansive retaining wall is also proposed where the grade would be raised around the home and garage.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject property is Low Density Residential and the zoning classification is R-1/CZ/Appeals Area (Single-Family Residential / Coastal Zone). The surrounding properties on all sides have the same General Plan and Zoning designations. These properties are generally developed multi-story single family residences on sloped lots.

4. **Municipal Code and Regulatory Standards:** Approval of a Coastal Development Permit is required because the modified structure would be over two stories and the addition would result in an increase of more than 10% in height, bulk and floor area and is located in the appeals area of Coastal Zone. With the change in finished grade, the project would meet all development regulations for the R-1 District.

5. **Coastal Development Permit:** Section 9-4.4304(k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program.
2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

The project is consistent with the above policies in most respects. The Community Scale and Design conclusions section of the City's certified Local Coastal Program Land Use Plan (LUP) states that design review is required for all discretionary permit approvals in the appeals area of the Coastal Zone. It further states that development should be attractive, appropriate and "compatible yet subordinate" to shoreline topography and that architectural style, scale and site use should be considered. Also, the Coastal Act policies state that permitted development should be compatible with the character of surrounding areas and that new development shall minimize energy consumption.

Staff is concerned that the proposed design is not fully compatible with the surrounding area in terms of scale or design. A detailed analysis of the project design is provided in the following section of this report. Additionally, the overall size of the home, vaulted ceilings, elevator and large expanses of windows on the north side, rather than south side, of building are not generally consistent with an intent to minimize energy consumption. This is also a design issue, in staff's opinion. However, staff acknowledges that improvement of the property would enhance the overall appearance of the neighborhood and believes that, with a revised design, the above criteria could be met.

6. **Design:** The Design Guidelines encourage designs that complement the positive aspects of surrounding neighborhoods in terms of height, bulk, style and materials. The current mix of homes in the Pedro Point neighborhood includes an assortment of architectural styles, of various sizes, that utilize a variety of materials including wood, stucco and shingle siding. Most are over one story and are equipped with large windows and decking. The more attractive homes in the area blend with the streetscape, are comparable in scale to neighboring homes and include architectural detailing and design elements to provide visual interest. Many include varied setbacks that minimize visual impacts of massing and bulkiness, and help structures blend in with the uneven topography of the neighborhood. The proposal under consideration includes use of appropriate materials, in the form of tan stucco and cedar siding. The home would also include several windows, a large amount of decking and some small projections on the second and third

levels of the home. In addition, the building is set at an odd angle and includes unusual angles as part of the design, which would add visual interest to the structure. On the Essex frontage the building would appear to be 2 stories and the raised garage would be roughly 10'6" above street level. In staff's opinion, this side of the building may blend with the neighborhood, but could be improved by incorporating architectural features beyond the window bench, entryway and roof overhang. Varying the roof line and setbacks, and retaining or replacing the Heritage Trees on Essex Way may improve the appearance.

However; there are aspects of the proposed home that staff believes do not blend well with the surroundings. Specifically, the home would be 34'7" and sit atop a raised finished grade that is more than 10 feet higher than the existing grade. The property is already at a higher elevation than the other homes on the same side of Kent Road, and it appears much taller than the other homes when viewed from the north. Staff is concerned that the raised grade, even with the 1'6" decrease in structure height, and 654 square feet added to the top floor would create a towering effect and dominate the streetscape on Kent Road. In addition, it may block southern sun to the northern neighbors during winter. The Design Guidelines recommend avoidance of designs that negatively impact neighbors' sunlight and/or privacy. Reducing the building height by minimizing floor to ceiling heights, roof pitches and spans and having the building height step down toward building edges is also encouraged. The current design proposal does include slight variations in the roof design, but it does not vary in height or pitch or step down toward the building edge. Further, the Design Guidelines discourage flat facades and encourage vertical and horizontal building recessions and projections. The front and north side of the home would both be visible from Kent Road and while variations in wall angle, and some small projections and variations in setbacks have been incorporated into the design, the building facades are generally flat. The exception is the north side of the home, which has a recessed area that is in keeping with this guideline. Lastly, the Guidelines encourage use of landscaping to soften the appearance of buildings. This proposal would remove seven Heritage Trees that currently obscure the visual impact of the existing home, and no replacement of the trees is proposed. Requiring replacement trees is encouraged by the Design Guidelines and, in this case, that would be highly desirable even if the design is revised. The surrounding neighborhood has many mature trees that provide visual appeal and impart a natural element to the neighborhood.

It should be noted that staff has conducted the above analysis based mainly on site visits and the drawings included in the plan set. Perspective renderings were requested but not provided, and staff has found it difficult to visualize the future appearance of the site and its impacts on the neighboring homes because the change would be substantial. An added difficulty in assessing design compatibility was that some of the surrounding homes appear somewhat large (although not as tall as the proposed building), while many do not. Staff conducted a cursory review of Coastal Development Permits issued since 1990 for new homes and additions for properties located on Essex Way, Kent Road and Blackburn Terrace in an attempt to further investigate neighborhood compatibility. The majority of the homes were between 1,600 to 2,500 square feet. However, there was one home that was approved at 4,000 square feet on a 16,000 square foot lot on Blackburn Terrace. It should be noted that some of the larger homes blend with the topography, while others do not. Those that blend well appear less conspicuous and fit in better with the neighborhood.

7. **Heritage Trees:** Of the seven Heritage Trees slated for removal, the arborists report recommends removal of the tree on the north property line and one of the trees near the Kent Road property line. The other tree near the Kent Road frontage could be preserved with trimming. The report concludes that the three trees on Essex Way and the tree in the front yard, near the existing residence, could be protected. The tree in the front yard is on the proposed building site, so it does not appear feasible to preserve that tree. The report also concludes that no changes in grade should occur. Since the applicant is proposing to remove all of the trees, this point may be irrelevant. However; if the Commission has any issues with the proposed tree removal, the change in grade would also need to be considered. The City Arborist was consulted on the matter of the proposed tree removal and indicated that he had no concerns; however, as indicated above, staff believes that retaining or replacing some of the trees would improve the project and enhance the appearance of the home.

8. **California Environmental Quality Act:** Staff recommends that the Planning Commission find this project is exempt from CEQA pursuant to Section 15301 (e) of the California Environmental Quality Act which states:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

“(e) Additions to existing structures provided that the addition will not result in an increase of more than:

...(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.”

The proposal is for a residential addition that would be less than 10,000 square feet and the subject lot is located in an area where all public services and facilities are available to allow for the maximum development permissible in the General Plan. Further, it is not located in an environmentally sensitive area.

7. **Conclusion:** The proposed design would nearly maximize the building coverage and height allowances and the overall visual affect may be that too much house is proposed for the lot, given the site location and topography. Moreover, the design elements incorporated into the project design could be improved to relate better with the surroundings, create a more cohesive feel in the neighborhood and minimize impacts to sunlight blockage and the possibility of a towering appearance as it concerns the nearby properties on Kent Road. Staff believes that the

property is in need of improvement and the neighborhood would be enhanced by appropriate changes to the subject lot. A new home appears to be an appropriate solution if the scale and design elements are compatible with, and complement, the surrounding neighborhood. Staff believes that this could be achieved if the applicant is willing to consider a revised proposal that better incorporates the elements set forth in the Design Guidelines and reduces the building height. In particular, more variation in the roof line and setbacks would be appropriate and the applicant could reconsider the new basement and change in grade as a way to address the building height. The reduced height would better satisfy the pertinent elements of the LUP, with respect to subordination to topography, and the Design Guidelines with respect to light blockage, scale and neighborhood compatibility. Also, preserving the trees on Essex Way and replacing the other trees that are proposed for removal would help to minimize any visual impacts generated by the project, and help link the property with other properties in the area. To address the project elements that do not facilitate energy conservation, the applicant may want to consider incorporation of building techniques that would offset the added energy requirements of the proposed design.

Based on the above, staff is recommending a continuance to allow the applicant to address design issues.

B. RECOMMENDATION:

Staff recommends that the Planning Commission **CONTINUE** consideration of Coastal Development Permit (CDP-305-08) to demolish an existing single family residence and construct a new single family residence at 103 Essex Way to the October 6, 2008 meeting.

C. MOTION TO CONTINUE:

Move that the Planning Commission **CONTINUE** CDP-305-08 for further consideration, and/or adoption of findings for approval or denial, to the next meeting on October 6, 2008.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Plans and Elevations (Planning Commission only)
- c. Letters from neighbors