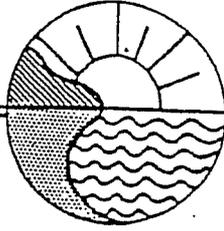


# AGENDA



## Planning Commission – City of Pacifica

DATE: Monday, October 6, 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: September 15, 2008
- Designation of Liaison to City Council Meeting of: October 13, 2008

### CONSENT ITEMS:

1. UP-978-07  
PSD-763-07      **EXTENSION OF PERMITS** for the construction of one single-family residence with a second residential unit south of Fassler Avenue and east of Roberts Road (APN: 022-150-030) Proposed Action: Grant extension request

### PUBLIC HEARINGS:

2. 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 (Continued from September 15, 2008)
3. CDP-306-08      **COASTAL DEVELOPMENT PERMIT, SPECIAL USE PERMIT, and PARKING EXCEPTION**, filed by the agent, Shirlee Gibbs, on behalf of the applicant, the Pacifica Historical Society, to restore and reopen an historical building, the Little Brown Church, for use as a museum and meeting center at 1850 Francisco Boulevard, Pacifica (APN: 016-042-320). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned

### 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.

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** October 6, 2008

**TO:** Planning Commission

**FROM:** Lee Diaz, Associate Planner <sup>LD</sup>

**SUBJECT:** Agenda Item No. 1: Extension of Use Permit and Site Development Permit for the construction of one single-family residence with a second residential unit south of Fassler Avenue and east of Roberts Road (APN: 022-150-030)

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On October 15, 2007, the Planning Commission conditionally approved a Use Permit and Site Development Permit for the development of one-single family home with a second residential unit on the south side of Fassler Avenue east of Roberts Road. The project was part of the Harmony @ one 14 lot subdivision that was also approved by the Planning Commission and City Council. Details of the proposal are contained in the attached staff reported dated October 15, 2007. Also attached are the minutes of the Planning Commission meeting.

The subject permits were due to expire on November 26, 2008. On September 9, 2008, staff received the attached extension request, dated September 7, 2008. This is the applicant's first extension request. The applicants need a 12 month extension because the road that would provide access to their subject property has not yet been constructed.

As the Commission may recall, a study session was also held on September 2, 2008 to consider plans for a 2 lot subdivision and construction of 2 detached single-family homes. Subsequently, the applicants decided to withdraw their application to subdivide the subject property.

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.

### COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** UP-978-07 and PSD-763-07 to November 26, 2009.

Attachments:

1. Letter from Applicant, 09/07/08
2. Planning Commission Staff Report, 10/15/07 (without attachments)
3. Planning Commission Minutes, 10/15/07
4. Land Use and Zoning Exhibit

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** October 6, 2008

**TO:** Planning Commission

**FROM:** Christina Horrisberger, Assistant Planner

**SUBJECT:** Agenda Item No. 2: Continuance 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 103 Essex Way (APN 023-036-190).

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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. Specifically, the Commission was concerned that the proposed home was out of scale with the lot size, that the massing of the home should be broken up more, the proposed design modified the topography to accommodate the home instead of creating a home that was subordinate to the topography, that all of the Heritage Trees were to be removed, that the proposed home may block light to the neighboring homes on Kent Road, that site drainage and energy consumption could be better managed and that the raised grade would create an unattractive expanse of concrete retaining wall. Concern about the size, height and necessity of the proposed basement was also expressed. The Commission further indicated that better visual aides and a landscape plan were needed to assist in their review of the project. A light study was also requested and staff was directed to check with the Engineering Division to ensure that they have no concerns about site drainage.

The applicant has submitted revised plans, improved renderings and an explanation concerning the light movement in the project vicinity. The size, massing and bulk of the home remain unchanged and no additional setbacks were incorporated into the design. However, the roofline has been modified to include more variation. Specifically, the roof over the western section of the home has been dropped by one foot and some of the gabled roofs have been changed to hip roofs, which angle down toward the building edges. The 2 foot deep window bench projection in the master bedroom has been changed to an 18 inch deep fireplace and the window has been relocated to the eastern side of the building. No other changes in setbacks were noted by staff. The basement size has been reduced by roughly 500 square feet. Energy efficient windows, a 5,000 gallon rain water catchment cistern, radiant heat, solar shingled roofing on the existing garage and recycled copper roofing placed over the entry way and the adjacent eave are also proposed. The basement would house battery cells for the new solar shingled roofing, the radiant heating equipment (manifolds, boiler, etc.) and high efficiency tankless hot water heaters. The recaptured rain water would be used for the landscaping. According to a narrative submitted by the applicant, the reduced basement size reduces the "cut at the

rear” from 8 feet to 3 feet, but staff was unable to distinguish any difference in the exterior appearance of the building on the elevation drawings. The retaining walls have been broken up to eliminate the unbroken expanse of concrete wall. A revised landscape plan was also submitted. The turf has been removed and more trees and shrubs are now proposed to help screen the retaining walls. Further, the applicant is now proposing to retain three of the seven Heritage Trees and to replace the four that are still proposed for removal. The exterior of the detached garage will be resided with stucco to match the home. Engineering staff was consulted about site drainage and it was indicated that there are no drainage concerns.

In lieu of a light study, the applicant submitted an explanation of their observations concerning light penetration and added more photos to the plans for the Commission’s review. The observations were noted during late summer/early fall and concluded that the nearby hill and trees create a shadow on the northern neighbors by 3:00 pm. Concern that the home may appear to tower over the neighboring homes to the north on Kent Road has not been addressed. The applicant has submitted improved illustrations to address neighborhood compatibility, but none of the renderings include the view from Kent Road. The photo in the lower left corner of sheet A1.3 of the plans depicts this aspect of the property. The home is currently most visible from this perspective (although the proposed home would be more visible from all perspectives). The retaining wall would also be visible from this aspect. However, the renderings do include views from Essex Way, where the home would be two stories, and the “zoomed in” view from the Linda Mar Beach parking lot. The revised design has not addressed the Design Guideline objective that development should be subordinate to topography. A 10.5 foot raise in the finished grade is still proposed.

Staff believes that the revised proposal addresses some of the Commission’s concerns to varying degrees, while not addressing others at all. The variation in the roofline is more in line with the Design Guidelines, but staff believes that more variation would help offset the overall height, bulk and massing of the building. The window removal and reduced size of the master bedroom projection reduces visual interest on the southern building facade. However, relocating the window adds a bit more interest to the eastern facade. No new setbacks to the various levels of the home are proposed and the improved renderings highlight the lack of facade variation on the Essex Way side of the proposed structure. The Commission’s concerns about energy consumption and site drainage have been addressed. The applicant has also addressed the concern about Heritage Tree preservation, by proposing to retain three of the trees and replace the other four. The revised landscape plan and tiering of the concrete retaining wall would help obscure the visual impacts of the wall. However, the overall raise in the finished grade has not been revised and the proposed design still subordinates the topography and natural surroundings to the design. Further, the Commission’s concern about scale and site suitability has not been addressed because the overall height, bulk and size of the proposed home are unchanged. Accordingly, the possibility of the home towering over neighbors has also not been addressed. Moreover, the submitted renderings do not depict the vantage where this impact could be greatest. The renderings show that the existing home is only minimally visible from many aspects, while the proposed home would dominate the area because it is much larger than the homes to the east and north and it would be situated at a higher level than other downslope homes on the same block. Lastly, the landscaped area intended to obscure the visual impacts of the wall would not do much to soften the appearance of the home because of the difference in ground level between the landscaping and the lowest level of the home.

Staff believes that the revised design is still out of conformance with the Design Guidelines and that the bulk, massing, scale (neighborhood and lot) and lack of subordination to topography could be further addressed. Varying the setbacks and roofline more and reducing the raise in grade would help the structure to blend better with the neighborhood while still allowing the applicant to improve the property. Accordingly, staff is recommending a further continuance to provide the applicant with the opportunity to meet the objectives of the Design Guidelines, However, findings for approval and conditions of approval are also provided in case the Commission feels that their concerns have been fully addressed and wishes to approve the project.

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 (17) sheets, dated September 24, 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. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
4. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
5. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
6. 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.

7. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
8. 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.
9. All recommendations identified in the arborist's report shall be implemented as specified in the arborist's report.
10. 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**

11. 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**

12. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
13. 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.

14. 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.
15. 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."
16. 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."
17. A sidewalk agreement must be signed for unimproved streets.
18. No debris box or equipment shed is allowed in the street or sidewalk.
19. 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**

20. 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 October 20, 2008 for further revisions or adoption of findings for denial.

**OR**

**MOTION FOR APPROVAL:**

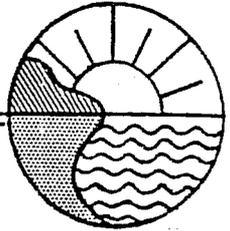
Move that the Planning Commission find the project exempt from CEQA, **APPROVE** Coastal Development Permit, CDP-305-08, subject to conditions 1 through 20 and adopt findings contained in the October 6, 2008 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. September 15, 2008 Staff Report
- b. Plans and Elevations (Planning Commission and City Council only)
- c. Illustrative renderings (Planning Commission and City Council only)
- d. Applicant's explanation of revisions (Planning Commission and City Council only)

# STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



**DATE:** October 6, 2008

**ITEM:** 3

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on September 24, 2008. 45 surrounding property owners and 3 residents were notified by mail.

**FILE:** UP-993-08  
CDP-306-08  
PE-149-08

**APPLICANT:** Pacifica Historical Society  
P.O. Box 752  
Pacifica, CA 94044

**AGENT:** Shirlee Gibbs  
404 Brighton  
Pacifica, CA 94044

**OWNER:** City of Pacifica  
170 Santa Maria  
Pacifica, CA 94044

**LOCATION:** 1850 Francisco Blvd., Pacifica, CA (APN: 016-042-320)

**PROJECT DESCRIPTION:** Proposal to restore and reopen an historic building, the Little Brown Church, for use as a museum, gift shop and meeting center.

**General Plan:** Public Facility  
**Zoning:** Zoning: P-F/CZ

**CEQA STATUS:** Exempt Section 15331

**ADDITIONAL REQUIRED APPROVALS:** None

**RECOMMENDED ACTION:** Approval as conditioned

**PREPARED BY:** Christina Horrisberger, Assistant Planner

## **PROJECT SUMMARY**

### **A. STAFF NOTES**

**1. Project Description:** The applicant, the Pacifica Historical Society (PHS), is proposing to restore and reopen an historic building, the Little Brown Church, for use as a coastal era museum, gift shop and meeting center. The building was formerly used as a church and police station but has been vacant for several years. The property is owned by the City of Pacifica. The current proposal includes restoring the interior of the building to accommodate a 1,084 square foot meeting room, 316 square foot meeting room, 105 square foot gift shop, 97 square foot warming kitchen, two storage areas and two restrooms on the ground level. A 613 square foot museum, 218 square foot archive/workroom and a 121 square foot office are planned for the rear of the upper level. The fore of the upper level is open to provide a high ceiling over the first floor meeting room. The uses of each space are described in more detail on the provided floor plans. Repair and maintenance activities are planned for the exterior of the building, but no changes to the appearance of the building are planned. The Building Division had comments concerning some aspects of the interior construction and these were conveyed to the applicant during the application process. The applicants also plan to improve the on-site landscaping in the future, but that is not part of this proposal. The 5,850 square foot lot currently includes 1,708 square feet of landscaped area, 1,407 square feet of paving and the remainder is occupied by the building. There is no on-site parking and none is proposed. The proposed hours of operation would be as needed, but generally not begin until 9:00 am or end after 11:00 pm.

There is one Heritage Tree on-site but it would not be impacted by the project because construction activities would generally take place inside of the building. Some minor repair and maintenance activities would take place outside, but not beneath the tree canopy.

**2. General Plan, Zoning and Surrounding Land Use:** The General Plan and zoning designations for the subject site are both Public Facilities and the site is located in the Coastal Zone. The site is on a corner and is surrounded by the parking lot for City Hall, and related City buildings, on the north and west sides. Across the street to the south are residences and a City owned parking lot. To the east is Francisco Boulevard and Highway 1.

**3. Municipal Code and Regulatory Standards:** Section 9-4.2306(a) of the Pacifica Municipal Code allows for certain uses to take place in any zoning district and General Plan designation. One of the listed uses is "Institutions of a philanthropic or charitable nature." The proposed use of the subject site would provide a cultural resource and meeting place for the community and any funds generated would allow for the ongoing operation of the facility and the PHS. As such, the proposed use could be considered philanthropic. Further, the uses proposed are consistent with those outlined in Section 9-7.404(b) which specifically concerns appropriate uses of the Little Brown Church. There

are no development regulations set forth for the Public Facilities District to provide for setbacks, building coverage, etc; the regulations are determined by the process of permit approval. City parking standards would require a minimum of 43 parking spaces, however no parking is located on-site. Thus, a Parking Exception would be required in order to approve the project. Lastly, a Coastal Development Permit is needed because the applicant is proposing improvements to the structure that will change the nature of its current use as a vacant building.

**4. Special Use Permit:** A Special Use Permit may be granted by the Commission only if the proposal conforms to all of the following criteria and to any special conditions which may be applied:

1. That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic;
2. That the proposed development will enhance the successful operation of the community or will provide a service to the community;
3. That particular attention is given to the provision of buffering of uses from the surrounding neighborhood;
4. That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and
5. That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.

The proposed use under consideration would take place within an existing building that is a City designated historic landmark. Therefore, the building size, design, bulk, scale and coverage were deemed appropriate by the City when this designation was made. Further, there are no setback, coverage, landscaping, or other zoning regulations related to the district within which the property is located and no changes to the exterior of the building are proposed. The regulations would be determined by permit approval. Since this building is already in existence and the City has elected to preserve it as is and promote its restoration, it follows that the lot development is site appropriate. The surrounding parking areas and civic buildings buffer the site from most of the residential uses. These currently include mixed residential, commercial and civic buildings. Given the site's proximity to the Sharp Park Library and beach, cultural and recreational uses are also present within the general neighborhood. The proposed use is complementary to all of the aforementioned uses.

With respect to noise, it should be noted that the nearby residences on Salada may experience some noise impacts related to meeting events if the project is approved. This impact would be intermittent and could be minimized by limiting the meeting event hours somewhat. Currently proposed is a closing time of 11:00 pm including the time it would take the user to clean and pack up after an event. Staff recommends a closing time of

10:00 pm and has included a condition of approval to this effect. Traffic is not expected to be an issue, but street parking will be impacted at times. This will be discussed below.

Proposed uses should maintain consistency with the goals and policies of the General Plan, Local Coastal Plan and the adopted Design Guidelines and provide a community service. PMC Section 9-7.404(b) states that the building should not remain vacant and encourages the following uses: "Museum, gallery or other public display space...public or private meeting and event space; housing of historic archives; and office, kitchen, and gift shop uses ancillary to the other, primary uses permitted by this article." The proposed project is consistent with this provision, and with all City policies except for the minimum parking requirement. Parking will be discussed in the following section of this report. Further, a museum and meeting place would provide a cultural amenity to the community and to visitors. As stated above, no exterior changes are currently proposed. Even so, staff believes that the building is attractive and provides visual interest in the neighborhood. Thus, there are no concerns about the scale, design, size, etc. of the existing building.

**5. Parking Exception:** In the event of practical difficulties or unusual hardship, the Planning Commission may grant a Parking Exception only when findings can be made that the establishment, maintenance, and/or conducting of off-street parking facilities, as proposed, are as nearly in compliance with the requirements set forth in Article 28 (Off-street Parking and Loading) of the City's Zoning Code as is reasonably possible. According to the City's Parking Ordinance, the proposed project would require 43 off-street parking spaces, two of which should be accessible by disabled persons. The subject site has no off-street parking. The lot is City owned and a City initiated lot line adjustment eliminated all on-site parking in 2004. Before the adjustment there were some on-site spaces, but not enough to meet the parking requirement. Consequently, a practical difficulty and unusual hardship does exist, through no fault of the applicant. Accordingly, the project does meet the Code requirement to the extent that it is "reasonably possible," in that it is not possible to provide any on-site parking. It should be noted that there is a City owned parking lot across the street, on the corner of Francisco and Salada, that has 32 spaces. Staff has observed that most of the spaces in this lot are usually unoccupied. Further, there is plenty of street parking on both Francisco and Salada. Since most of the nearby residences and restaurant have on-site parking, street parking is usually available. This is particularly true on weekends and at night when the neighboring civic buildings are closed. Since this is also the time that the most intensive of the proposed activities, the meeting events, at the Little Brown Church would take place, sufficient public parking should be available to accommodate the proposed use.

**6. 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 Local Coastal Program for the West Sharp Park neighborhood states that new development should be compatible with surrounding development. The proposed change of use would not impact the appearance of the structure. Therefore, the structure would continue to be compatible with surrounding development and no visual impacts would be created by the project. As stated above, the proposed use is complementary to the residential, commercial, civic, cultural and recreational uses in the area.

The site is not located between the nearest public road and the shoreline

**7. California Environmental Quality Act (CEQA):** Staff recommends that the Planning Commission find this project is exempt from CEQA pursuant to Section 15331 which exempts certain types of projects as follows:

“Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.”

The proposed project entails the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of an historic building and, according to information provided by the applicant, it is consistent with the above referenced Federal standards.

**8. Conclusion:** The proposed project would rehabilitate a City designated historic landmark and provide a valuable cultural resource to the community and to visitors. In addition, it would provide a community meeting place and make use of an unutilized building. Staff believes that the project is consistent with the character and uses present in the surrounding neighborhood. Further, except for the lack on-site parking, the project is consistent with all City policies and regulations. Concerning the parking situation, staff believes that a practical difficulty exists at the subject site and that enough public parking is available to service the proposed use of the Little Brown Church. Accordingly, it appears that the findings can be made to support all of the requisite permits.

Staff's only concern is that a closing time of 11:00 pm may subject nearby residents to increased noise levels later than is necessary at times when meeting events take place. However, this could be remedied by limiting the hours of operation to 9:00 am until 10:00 pm and a condition of approval to this effect has been included in this report. Staff

recommends approval of the project subject to the standard conditions listed below and with the added condition concerning the hours of operation.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Special Use Permit, UP-993-08, Parking Exception, PE-149-08, and Coastal Development Permit, CDP-306-08, to restore and reopen an historic building, the Little Brown Church, for use as a coastal era museum, gift shop and meeting center with no on-site parking at 1850 Francisco Blvd. subject to the following conditions:

#### **Planning Department**

1. Development shall be substantially in accord with the plans entitled "Rehabilitation of the Historic Little Brown Church," consisting of seven (8) sheets, received by the Planning Department, in part, on July 9, 2008 and, in part, on September 2, 2008, except as modified by the following conditions.
2. The applicant shall ensure that all aspects of the project are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. The applicant shall ensure that the building exterior is not modified, during the repair and maintenance activities, in such a way that the overall appearance and/or character of the building would be altered without first obtaining necessary permits.
4. The hours of operation shall be limited to 9:00 am until 10:00 pm including the cleaning and packing time needed for users to prepare for an event and to vacate the building.
5. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
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. If any exterior lighting is included in the building permit application, a detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of permit. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building

style, materials and colors, and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.

8. 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.
9. 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.

#### **Building Division**

10. 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.

#### **Wastewater Division**

11. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.
12. If any food preparation besides warming and serving is to take place on-site, the facility shall have a sink or other area for cleaning floor mats, containers, and equipment that is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a covered area outdoors; both areas must be plumbed to the sanitary sewer. The applicant shall contact the Wastewater Division with jurisdiction for specific connection and discharge requirements.

13. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to a grease removal device prior to discharging to the sanitary sewer. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

## C. FINDINGS

1. **Findings for Approval of a Special Use Permit:** The Planning Commission finds that the restoration and reopening of an historic building, the Little Brown Church, for use as a coastal era museum, gift shop and meeting center would provide a service to the community, is compatible with the surrounding area in terms of scale and design and is adequately buffered from surrounding development.

2. **Parking Exception:** The Planning Commission finds that the proposal to provide no on-site parking is as nearly in compliance with the requirements set forth in Article 28 as is reasonably possible. Specifically, the Commission finds that the local public parking is sufficient to accommodate the proposed use.

3. **Findings for Approval of Coastal Development Permit:** The Planning Commission finds that the proposed restoration and reopening of an historic building, the Little Brown Church, for use as a coastal era museum, gift shop and meeting center, as conditioned, is in conformity with the City's Local Coastal Program. Specifically, the design, scale and use of the property are compatible with the surroundings in the West Sharp Park neighborhood.

## COMMISSION ACTION

### D. MOTION FOR APPROVAL

Move that the Planning Commission **APPROVE** UP-993-08, PE-149-08, and CDP-306-08 to restore and reopen an historic building, the Little Brown Church, for use as a museum, gift shop and meeting center at 1850 Francisco Blvd., subject to conditions 1 through 15, based on the findings contained within the October 6, 2008 staff report and that all maps, documents, and testimony be incorporated herein by reference.

#### Attachments:

- a. Land Use/ Zoning Exhibit
- b. Project Description Provided by the Applicant
- c. Plans (Planning Commission and City Council only)