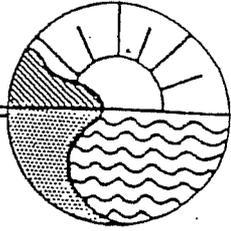


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, December 6, 2010
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM

ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: November 15, 2010

Designation of Liaison to City Council Meeting of: December 13, 2010

SPECIAL ORDER OF BUSINESS:

1. **ELECTION of CHAIR and VICE CHAIR**

CONSENT ITEMS:

2. CC-05-10 **EXTENSION OF PERMITS** to convert 170 existing apartment units into condominium units at 435 Gateway Drive, Pacifica (APNs 009-540-110, 120, 130, 140, 150, 160 and 170) Proposed Action: Grant extension request
PE-148-08
UP-987-08

PUBLIC HEARINGS:

3. CDP-326-10 **COASTAL DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, and VARIANCE**, filed by the applicant, Peter Rockwell, on behalf of the owner, Jenny Chau, to demolish an existing dwelling and construct a new two story single-family dwelling at 43 Birch Lane, Pacifica (APN 016-294-520). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned (Continued from November 15, 2010)
PSD-781-10
PV-506-10

OTHER AGENDA ITEMS:

4. PSD-739-04 **EXTENSION OF PERMITS** for the construction of a single-family residence on the southwest portion of Oddstad Way and Troglia Terrace, Pacifica (APN 022-071-210 & -240). Proposed Action: Grant extension request
5. UP-978-07 **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, Pacifica (APN 022-150-030). Proposed Action: Grant extension request
PSD-763-07
6. CDP-330-10 **EMERGENCY COASTAL DEVELOPMENT PERMIT**, filed by Van Ocampo, City Engineer, to install a drainage pipe within the Esplanade right-of-way from Bill Drake Way to West Manor Drive and across 400 Esplanade, Pacifica. (APN 009-131-030) Recommended CEQA status: Exempt Proposed Action: None. Information Only

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

CITY OF PACIFICA

MEMORANDUM

DATE: December 6, 2010

TO: Planning Commission

FROM: Michael Crabtree, Planning Director 

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

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

A suggested format for the election process follows:

a) Election of Chair

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

b) Election of Vice Chair

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

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

CITY OF PACIFICA

AGENDA MEMO

DATE: December 6, 2010

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner



SUBJECT: Agenda Item No. 2: Extension of Condominium Conversion, CC-05-08, Parking Exception, PE-148-08, and Use Permit, UP-987-08, to Convert an Existing Apartment Complex into Condominiums at 435 Gateway Drive (APN 009-540-110, 120, 130, 140, 150, 160 and 170).

On December 15, 2008, the Planning Commission approved the Condominium Conversion, Parking Exception, Tentative Condominium Map and Use Permit to convert a 170 unit existing apartment complex into individually owned condominium units at 435 Gateway Drive. Attached is the staff report, Planning Commission meeting minutes and the grant letter with the conditions of approval.

The permits are due to expire on December 31, 2010. On November 24, 2010, the applicant submitted an extension request (attached) for a year to December 31, 2011. In the request, the applicant stated that additional time is needed to resolve issues with another agency regarding the water system that would be necessary for the condominiums.

The Governor signed AB 333 in March of 2010 which automatically extended the life of the existing Tentative Maps, including Tentative Condominium maps, with approvals that have not expired by July 15, 2009 and that will expire before January 1, 2012. The extension is for two years as stated in Government Code Section 66452.22. However, the remaining Planning permits will expire unless an extension is granted by the Planning Commission.

It is not unusual for the applicant to request an extension for approved permits. Extensions are generally granted unless there have been significant changes in the conditions or circumstances affecting the property or area. Staff believes that no changes have occurred and is therefore recommending that the Commission grant the extensions for the Condominium Conversion, Parking Exception and Use Permit for one year as requested by the applicant.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** CC-05-08, PE-148-08 and UP-987-08 to December 31, 2011.

Attachments:

- a. Letter from Applicant Dated November 23, 2010
- b. Staff Report and Planning Commission Meeting Minutes from December 15, 2008
- c. Grant Letter with Conditions of Approval Dated December 31, 2008

City of Pacifica

Agenda Memo

DATE: December 6, 2010

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner 

SUBJECT: Agenda Item No. 3: Demolish Existing Dwelling and Replace with a New Single-Dwelling on a Substandard Lot at 43 Birch Lane, Site Development Permit, PSD-781-10, Variance, PV-506-10; and Coastal Development Permit, CDP-326-10 (APN 016-294-520)

Background: This project was continued from the Planning Commission meeting on October 18, 2010 to November 15, 2010 to allow the applicant to address concerns raised by the Commission regarding the height and mass of the proposed project. On November 2, 2010, the applicant requested a continuance to the meeting tonight because the applicant did not have enough time to prepare the plans. During their review of the project in October, a majority of the Commission believed lowering the height of the project and stepping the upper floors back, among other things, will help bring the project into scale with the surrounding neighborhood. The staff report and the minutes of the October 18, 2010 meeting are attached.

Revised Plans Submitted: The applicant has submitted revised plans and two letters of explanation (see Attachment #4) in an attempt to address the concerns expressed by the Commission at the previous meeting when this project was first reviewed. The design has been altered in several ways and the most striking change is the elimination of one level. The original proposal contained three levels and the redesigned project contains only two levels, which results in the overall height being lowered by 6 feet from 34 feet to 28 feet. However, the portion of the first level of living area is raised to allow room for a cistern to collect storm water runoff; therefore, the height of the proposed building has only been lowered 6 feet instead of a full floor level which would lower the height at least 8 feet. Another change is that the garage has been relocated from the west side of the subject site to the east side, meaning that the proposed driveway is no longer directly opposite the existing driveway for the single-family dwelling located to the south across Birch Lane. The size of the dwelling has decreased by 33 square feet from 2,570 to 2,537 square feet. Also, the lot coverage has increased from 30% to 41% due to the removal of one floor and expansion of the first floor.

Approval of a Parking Exception is not necessary with the revised project because the garage has been redesigned to be 18 feet in width and almost 20 feet in depth as required by Zoning Code Section 9-4.2817. However, the front setback to the living area has been decreased from 11 feet to 8 feet for a 3 foot reduction and the front setback for the garage has decreased from 15 feet to 13 feet for a loss of two feet. The reductions in the setback for the redesigned project were necessary, in part, to create a standard sized garage. The rear setback remains at 5 feet with the revised design; thus, three variances for the reduced front setbacks to the garage and living areas, plus the reduced rear yard setback are still necessary with the redesigned project.

A larger deck has been added to the upper floor which has increased the western side setback from 25 feet to 34 feet. The deck will allow the occupants to have a view of the ocean while reducing the mass of the proposed dwelling when viewed from the corner of Birch Lane and Beach Boulevard. The lot coverage has increased from approximately 30% to 41% but the Zoning Code does allow up to 60% lot coverage for this R-2 zoned lot. Due to the footprint increasing, the amount of landscaping has been reduced from 50% to 45% of the lot area but the amount of landscaping proposed with the redesign still exceeds the required 20%.

CEQA: As discussed in the October 18, 2010 staff report, staff is recommending that the project be exempt from CEQA based on Section 15303 (a).

Discussion:

Site Development Permit – As described previously, the vehicular access for the project has been redesigned to offset the two nearby driveways on Birch Lane, which is a narrow road, in order to prevent the situation where a vehicle backing up from the proposed driveway on the north side of Birch Lane would encounter a vehicle backing up from the existing driveway on the south side of Birch Lane. The driveway for the subject side was relocated eastward and the new location is a safer alternative. No potential hazards will be caused by the addition of a two-car garage on Birch Lane. The redesigned garage does satisfy code requirements and it is easily accessible; and therefore, no parking accessibility problems will be created. Also, there is additional public parking along Beach Boulevard. Sufficient landscaping of 45% of the lot area or 1,800 square feet is provided.

In response to additional findings required for the granting of a Site Development Permit, the subject site is surrounded by commercially zoned property currently owned by the City of Pacifica that will eventually be developed. A 12 foot tall concrete fence exists on the adjacent property to the north and east of the subject site. The placement of the proposed dwelling will not impact light and air for adjacent properties and the proposed side setbacks of more than 10 feet will ensure enough light and air for the proposed dwelling as well as provide ground level private space for the occupants.

The subject site is within a residential neighborhood with a variety of dwellings although single family dwellings predominate along Birch Lane; therefore, construction of a single-family dwelling is consistent with the surrounding properties and would not be a substantial detriment to the neighborhood. Development of the subject site would not impact the natural environment because the lot has already been developed with a dwelling and proposed is a replacement dwelling. In staff's opinion, the revised design of the project results in the dwelling being in scale and compatible with the adjacent neighborhood.

Variance – The project as redesigned needs approval of three different Variances. Based on the definition of front lot line in Section 9-4.254 and front setback in Section 9-4.269 of the Municipal Code, the front setback of 15 feet applies to the entire 100 feet of property fronting onto Birch Lane. With the revised design, the applicant is proposing to have a front setback of 8 feet to the dwelling instead of 15 feet (required in Section 9-4.502(d)) which is a reduction of 7 feet. In addition, the setback to the garage with the new design is proposed as 13 feet instead of 20 feet (required in Section 9-4.502(d)) which is also a reduction of 7 feet. Finally, the rear setback proposed at 5 feet remains the same with the redesign but it is short by 15 feet because the required setback is 20 feet (required in Section 9-4.502(f)).

The subject site does have a unique configuration in that the wider portion of the subject site fronts onto the street instead of the narrower portion of the property. Typically, the narrower portion of the property fronting onto a street would contain the front setback and the wider portions of the property would contain the side setbacks but in this case, due to the strip of City land, the narrow portion of the subject site does not front onto Beach Blvd. The front setback of 15 feet along the south side (Birch Lane) and 20 feet for the rear setback along the north side of the subject site result in a developable portion of the site being reduced to a 5 foot by 90 foot strip of land, when including the 5 foot side setbacks. There are few lots in the City of Pacifica with a depth of 40 feet which is the case for the subject site.

Staff believes that there are grounds to support all three Variances which are: 1) a 7 foot reduction for the front setback to the dwelling, 2) a 7 foot reduction for the front setback to the garage and 3) a 15 foot reduction for the rear setback. The Variances may be supported because, as mentioned previously, the 40 foot depth of the lot with the setbacks as required is inadequate space to allow development of a dwelling. The proposed design of the project would increase the front setback from Birch Lane because the existing vacant dwelling has less than a 5 foot front setback. The 20 foot setback required for a garage is to allow space for temporary parking in the driveway. In this case, smaller cars can park in the 13 foot long driveway but there is public parking nearby along Beach Blvd which would be available as guest parking. In addition, the garage has been redesigned to meet development standards and two cars can be parked within the proposed garage. In staff's opinion, the revised proposal would locate the dwelling on the subject site to allow the best use of the property.

Coastal Development Permit – The City of Pacifica’s Local Coastal Program indicates that infill residential development should be located in close proximity to existing development (Coastal Act Policy #23), and it should be designed and scaled for compatibility of surrounding uses (Coastal Act Policy #24). Although the adjacent City owned lot is currently under utilized and may be developed with additional buildings and uses in the future, the other surrounding properties are primarily developed with single-family and multiple family dwellings. The revised design of two stories, which has lowered the height of the building by 6 feet, results in a dwelling that is more compatible with adjacent two story structures. In addition, the expanded second story deck on the west side of the building further reduces bulk and massing of the project, especially when viewed from the corner of Beach Blvd. and Birch Lane.

The subject site is not located between the nearest public road and the shoreline; therefore, the public recreation policies of Chapter 3 do not apply.

Design – The contemporary design of the project is distinctive and many interesting architectural features are incorporated as recommended in the Design Guidelines. Stucco and wooden veneer composite cladding are proposed on the exterior of the walls with large view windows placed along the western elevation. Clear glass is proposed along the balconies and decks. Several long narrow windows with clear and spandrel glass are proposed on the north and south elevations.

As discussed previously, the redesigned project has eliminated one level and now a two story dwelling is proposed instead of a three story dwelling; however, the lot coverage (footprint) of the building has been increased from the original design by 11%. The proposed lot coverage of 41% is significantly lower than the 60% lot coverage allowed on an R-2 zoned property. The redesigned project does result in a lower and wider building that blends in better with the surrounding dwellings and neighborhood, which is encouraged in the Design Guidelines. In staff’s opinion, the revised project design is a better alternative and it is more compatible with the neighborhood.

Summary: As conditioned, staff believes that the revised proposal for the replacement single-family dwelling is well designed, aesthetically pleasing and is now more in scale with the other buildings in the neighborhood. Specifically, the reduced height of the project to 28 feet from the original proposal of 34 feet, an increase in the second story deck and the contemporary design of dwelling with large view windows along the western elevation and long narrow windows on the north and south elevations, creates a visually interesting building and helps to reduce the overall massing of the structures. Staff believes that the redesigned project as conditioned satisfies all the Code requirements and it is now consistent with the Design Guidelines. In addition, the findings can be made to grant the Variance, Coastal Development Permit, and Site Development Permit. Thus, staff recommends approval of the project subject to the conditions listed below.

Should the Planning Commission so desire, staff provided an alternative motion for project continuance for redesign or adoption of findings for denial.

CONDITIONS AND FINDINGS

CONDITIONS:

Planning

1. Development shall be substantially in accord with the plans entitled "Chau Family Beach House," consisting of 8 (eight) sheets, dated November 17, 2010 except as modified by the following conditions.
2. 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.
3. 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, drought tolerant and shall be predominantly native. Of this native plant requirement, the species shall be historically or currently present at site or similar sites with the same conditions. 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.
4. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. 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 Recology. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
5. 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.

6. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.
7. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable on all building elevations.
11. The applicant shall 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, 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.

12. 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.

Wastewater Division of Public Works

13. 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.
14. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter. New storm drain inlets shall be protected from being blocked by large debris to the Public Work Director's satisfaction.

Engineering Division of Public Works

15. 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.
16. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented. Drainage inlets shall be stenciled in thermoplastic "No Dumping Drains To Ocean."
17. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked onto Beach Boulevard. No material storage along Beach Boulevard. Dust control and daily road cleanup will be strictly enforced.
18. An Encroachment Permit must be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.
19. All utilities shall be installed underground.
20. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer.

21. Applicant shall grind and repave a minimum of 2 inches of asphalt across the whole street width of Birch Lane across entire property frontage. All pavement markers, markings and striping shall be replaced in kind or according to the proposed plans. Red Fire Lane striping shall be replaced along both sides of the pavement.
22. Applicant shall submit hydrology calculations based on a 100-year storm for the design of the proposed storm drain system and its appurtenances, which must be signed and stamped by a registered civil engineer. These improvements must be designed and constructed as determined by the hydrology calculations. If the hydrology calculations show that the proposed drainage system will impact the existing drain system that it is connecting to, the applicant must mitigate this impact. The hydrology calculations as submitted, and the design, construction and maintenance of the storm drain system shall be to the City Engineer's satisfaction. Drainage system shall be directly connected to the existing drainage inlet at the intersection of Birch Lane and Beach Blvd.

FINDINGS:

1. **Findings for Approval of the Site Development Permit:** The Planning Commission finds that the size, location, and intensity of the redesigned proposed dwelling will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood; that sufficient landscaped areas have been provided; that the new dwelling will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, nor will it hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof; that the residential project is not substantially detrimental to the character or value of the adjacent R district and existing dwellings; that the new building will not excessively damage or destroy natural features of the site; that the design of the project is compatible with other development in the neighborhood, thereby making it consistent with the City's adopted Design Guidelines; and that the project is consistent with the General Plan, Local Coastal Plan and other applicable laws of the City. Specifically, the Planning Commission finds that the project is a residential use that is in scale with the surrounding residential neighborhood as encouraged in the Design Guidelines, and that the revised contemporary design of the dwelling has sufficient design variety.
2. **Findings for Approval of the Variances:** The Planning Commission finds that because of special circumstances applicable to the property due to the size and shape of the lot, the strict application of the provisions of the development standards for the R-2 zoned property relating to front and rear yard setbacks would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The Commission finds as follows:

Front Setback: Due to special circumstances applicable to the property including the substandard size of 4,000 square feet and unique shape of the lot which is 100 feet wide by 40 feet deep, the strict application of the provisions of the development standards for the R-2 zoned property for the front setback would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Specifically, the 15 foot front yard setback across the frontage of Birch Lane required for the subject site results in a lot depth of 25 feet available for development. The developable area is further reduced by the other setbacks that apply to the subject site; therefore, the remaining developable area of this substandard and uniquely configured lot is insufficient in size to support a single-family dwelling and requires a reduction in the front yard setback.

Garage Setback: Due to special circumstances applicable to the property including the substandard size of 4,000 square feet and unique shape of the lot which is 100 feet wide by 40 feet deep, the strict application of the provisions of the development standards for the R-2 zoned property for the front setback would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Specifically, a 20 foot setback for the garage across the frontage of Birch Lane required for the subject site results in a lot depth of 20 feet for that portion of the property containing the garage. The developable area is further reduced by the other setbacks that apply to the subject site; therefore, the remaining developable area of this substandard and uniquely configured lot is insufficient in size to support a single-family dwelling, necessitating a reduction in the required front setback.

Rear Setback: Due to special circumstances applicable to the property including the substandard size of 4,000 square feet and unique shape of the lot which is 100 feet wide by 40 feet deep, the strict application of the provisions of the development standards for the R-2 zoned property for the rear setback would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Specifically, a 20 foot rear setback across the northern property line required for the subject site results in a lot depth of 20 feet. The developable area is further reduced by the other setbacks that apply to the subject site; therefore, the remaining developable area of this substandard and uniquely configured lot is insufficient in size to support a single-family dwelling, justifying a reduction in the required rear yard setback.

In summary, applying the front setbacks for the living area and garage, and the rear setback would result in a strip of land less than 90 feet wide and 5 feet deep for the subject site, making development of the site with a reasonably sized single-family dwelling extremely difficult. The three reductions as proposed in the front and rear setbacks are reasonable in this case and would allow the substandard property to be developed with a single-family dwelling similar to the adjacent properties. In addition, the redesigned dwelling as proposed is now consistent with the Design Guidelines and it

is compatible with the surrounding neighborhood. The granting of the variances as proposed will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under circumstances of the particular case, be materially detrimental to the public welfare or injurious to the property or improvements in the area.

3. **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 design and scale of the project is compatible with the surroundings in the Sharp Park neighborhood. 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.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA and APPROVE PSD-781-10, PV-506-10, and CDP-326-10 subject to conditions 1 through 22, and adopt findings contained in the December 6, 2010 Agenda Memo, and incorporate all maps and testimony into the record by reference.

-OR-

MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** consideration of PSD-781-10, PV-506-10, and CDP-326-10 to construct a replacement dwelling at 43 Birch Lane to the meeting on December 20, 2010 for redesign or preparation of findings for denial.

Attachments (Planning Commission Only)

- 1) Staff Report from October 18, 2010
- 2) Planning Commission Meeting Minutes from October 18, 2010
- 3) Reduced Plans with Original Design from Applicant Dated September 16, 2010 (10 pages)
- 4) Letters from Architect and Owner
- 5) Full Size Revised Plans Dated November 17, 2010

CITY OF PACIFICA

AGENDA MEMO

DATE: December 6, 2010

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Agenda Item No. 4: Extension of Site Development Permit for the construction of a three-story single-family residence at the southwest portion of Oddstad Way and Troglia Terrace (APN 022-071-210 & -240).

The Planning Commission approved an amendment to a Site Development Permit on November 20, 2006 for the construction of a three-story single-family residence on a 33,750 square foot vacant lot located at the southwest portion of Oddstad Way and Troglia Terrace in the Rockaway Beach neighborhood. The amendment to the Site Development Permit was due to a discrepancy between the originally approved topography map and the new topographic survey prepared by the applicant. The original application for the Site Development Permit was by a different property owner. Details of the proposal are contained in the attached staff report dated November 20, 2006. Also attached are the minutes of the Planning Commission meeting.

The amended Site Development Permit was due to expire on November 20, 2007. At the request of the applicant, the Planning Commission granted a one (1) year extension for the Site Development Permit on December 17, 2007. At that time, the final documents for the building permit were still being reviewed by the Planning and Building Department. On December 1, 2008 the Commission considered a second extension request but voted (7-0) to continue the extension request for a public hearing. The applicant had requested the extension due to problems obtaining a home loan. Some of the Commission members had questions about the history of the project and others had concerns about the road maintenance agreement that was required as a condition of approval. On January 5, 2009 the Commission held a public hearing and approved the second extension of the Site Development Permit (see attached minutes). At the applicants request the Commission approved a third extension on December 7, 2009.

The Site Development Permit was due to expire on November 20, 2010. On November 16, 2010 staff received the attached extension request dated November 12, 2010. This is the project's fourth extension request. The applicant is requesting the permit extension due to the financial crisis with the banking industry. The building permit is ready to be issued once all required fees are paid to the City.

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project or area. In staff's opinion, there have not been any changes that would indicate that the extension should not be granted. Since this is a third extension request, this item is presented as a consideration item.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** PSD-730-04 to November 20, 2011.

Attachments:

1. Planning Commission Staff Report, 11/20/06 (without attachments)
2. Planning Commission Minutes, 11/20/06
3. Planning Commission Minutes, 01/05/09
4. Letter from Applicant, received 11/16/10

CITY OF PACIFICA

AGENDA MEMO

DATE: December 6, 2010

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Agenda Item No. 5: 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)

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. At the request of the applicant, the Planning Commission granted a one (1) year extension of the permits on October 6, 2008. The road that would provide access to the subject property had not been constructed. On November 16, 2009 the Commission approved a second extension of the permits because the access road had yet not been constructed.

The Use Permit and Site Development Permit were due to expire on November 26, 2010. On October 7, 2010 staff received the attached extension request. This is the applicant's third extension request. The applicant is requesting the permit extension because the road that would provide access to their subject property has still not been constructed.

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. Because this is the applicant's third extension request, this item is presented as a consideration item.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** UP-978-07 and PSD-763-07 to November 26, 2011.

Attachments:

1. Letter from Applicant, 10/07/10
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: December 6, 2010

TO: Planning Commission

FROM: Kathryn Farbstein , Assistant Planner 

SUBJECT: Agenda Item No. 6: Emergency Coastal Development Permit, CDP-330-10, Issued to Install a Drainage Pipe within Esplanade Right of Way from Bill Drake Way to 400 Esplanade and Across City Property (APN 009-131-030)

An Emergency Coastal Development Permit, CDP-330-10, was issued by the Planning Director on November 8, 2010 to allow Van Ocampo, City Engineer and applicant, on behalf of the City of Pacifica, property owner, to install approximately 900 linear feet of drainage pipe in the street from Bill Drake Way to 400 Esplanade and across the City lot. The work would be within the City's permit jurisdiction because it is on top of the bluff and away from the beach. An Emergency CDP is necessary because there has been substantial bluff loss due to this year's winter storms which has compromised the City's outfall pipes.

Proposed is the installation of 900 linear feet of drainage pipe along Esplanade from Bill Drake way to 400 Esplanade and across City property to the ocean. The portion of the project extending from the storm drain box 4 to the bluff has been submitted to the Coastal Commission for processing of an Emergency Coastal Development Permit because it is within the Coastal Commission's jurisdiction. Although a building permit is not necessary, the Building Official has reviewed and approved the plans.

The Zoning Code requires that within 30 days of issuance of an emergency CDP (by December 8, 2010), the applicant apply for a regular CDP to make the emergency work permanent. As usual, a public hearing would be held and the Planning Commission will have an opportunity to review the proposal and approve, deny or modify the proposal. The Code also requires that, upon issuance of an Emergency CDP, the Planning Director submit an informational report explaining the granting of the permit to the California Coastal Commission and the Planning Commission at their next scheduled meetings. This memo satisfies this requirement. No Commission action at this time is necessary.

C: City Council Members
Coastal Commission