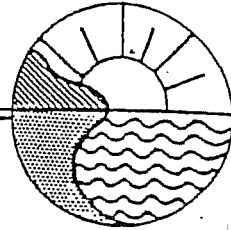


AGENDA



Planning Commission – City of Pacifica

DATE: October 5, 2009
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 8, 2009
Designation of Liaison to City Council Meeting of: October 12, 2009

CONSENT ITEMS:

PUBLIC HEARINGS:

1. TA-99-09 **ADOPTION OF RESOLUTION** recommending that the City Council adopt miscellaneous amendments to the Pacifica Municipal Code. Recommended CEQA status: A Draft Negative Declaration has been prepared that concludes that the project will not have any significant adverse affects on the environment. Proposed Action: Adopt resolution

OTHER AGENDA ITEMS:

2. CDP-319-09 **ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT**, filed by the owner, Steve Salisbury to legalize a third story roof access at 1750 Francisco Boulevard, Pacifica (APN 016-041-100). The project is located in the Coastal Zone. 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

AGENDA MEMO

DATE: October 5, 2009

TO: Planning Commission

FROM: Lee Diaz, Associate Planner 

SUBJECT: Item No.1 : **Adoption of a Negative Declaration and Resolution
Recommending that the City Council Adopt Miscellaneous Amendment to
the Pacifica Municipal Code**

On January 7, 2008 and at a previous study session the Commission considered several Pacifica Municipal Code modifications. On February 17, 2009 the Commission adopted a Resolution of Intention recommending adoption of an Ordinance amending sections of the Pacifica Municipal Code relating to fence heights, barbed wire fences, setbacks for accessory buildings, definition of attached buildings, subdivision signs, pet care and sales establishments, submittal of specific plans, and bed and breakfast inns.

Specifically, the proposed Zoning Code amendments/additions would involve; 1) increasing the maximum height of fences within the required front yard setback of residentially zoned properties; 2) amend section 9-4.2311. Barbed wired fences. The amendment would change the title from Barbed wired fences to Fences and would include a description of fencing material; 3) clarifying Section 9-4.402 (d) of the R-1 (Single-Family Residential) development regulations relating to the minimum front setbacks for garages and accessory buildings; 4) adding a definition to Section 9-4.2704 (a) (1) relating as to when a building is considered attached to another building; 5) excluding subdivision signs and other signs (as listed in Section 9-4.2903(k)) permitted by state law; 6) allowing pet care sales establishments, including boarding and grooming in the C-1, Neighborhood Commercial District, Section 9-4.1001 (b) (13); 7) requiring a Specific Plan application to be submitted simultaneously with an application to classify a parcel to Planned Development District, Section 9-4.2208 (k); and 8) amend section 9-4.462. Bed and breakfast defined. Amend section 9-4.463 (c) (1) of the bed and breakfast development regulations that would require a use permit and site development permit in any residential and commercial district including projects located within the Hillside Preservation District (HPD). Amend section 9-4.2306 (a) to eliminate subsection (12) bed and breakfast inns from the special use permit allowable uses.

These changes/additions to the Pacifica Municipal Code are intended to provide further code clarification or memorialize current policies and practices. Pet care and sales establishment, including boarding and grooming would require the approval of a Use Permit. The proposed changes/additions are described below. Text in double underline format denotes text to be added:

Proposed Amendment

Section 9-4.2502 Fences, hedges, walls, and plantings (a) (b)

“(a) No fence, hedge, wall, or screen planting of any kind shall be constructed or grown to exceed six (6’) feet in height (unless otherwise required by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard; nor exceed three (3’) feet in height within the required front yard of any dwelling, or, for corner lots, within twenty-five (25’) feet of a street corner measured at the property line. Fences or walls limited to three (3’) feet in height may be vertically extended up to four (4’) feet with open work fence material, as defined in subsection (b) of this section, subject to approval of the Planning Director, who shall consider the compatibility of the fence design with its site and surrounding uses. Commercial fences may not exceed six (6’) feet in height, unless additional height is allowed with a site development permit.”

(b) When there is a difference in the ground level on opposite sides of a retaining wall or fence, height shall be measured from the higher ground level, however, any portion of a fence above the maximum allowable height as measured from the lower ground level may be required by the Planning Administrator to be an open work fence. An “open work fence” means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60%) percent of the total surface area of the fence. In addition, the height of fences or walls which are located within the front setback, parallel to the front property line, or within twenty-five (25’) feet of a street corner, shall be limited to three (3’) feet in height as measured from the side of the fence facing the street.

Proposed Amendment

Section 9-4.2311. Fences.

(a) Barbed wire fences. It shall be unlawful for any person to place, or allow to be placed, or to maintain a fence made wholly or partially of barbed wire in any district.

~~Exception. If approved by the Animal Advisory Commission, Barbed wire may be used in fencing when necessary to contain horses and other livestock. This exception shall only apply to fences constructed in accordance with the approval of the Animal Advisory Commission or the Building Official for animal control purposes.~~

(b) Fencing material. Fencing material shall be either solid or of other substantial construction including but not limited to wood, chain link, wire (non-barbed), or other similar material.

Exception. Plastic mesh fencing and/or canvas tarp fencing material or similar material shall be allowed only on a temporary basis during construction.

Proposed Amendment

Section 9-4.402 (d) R-1 Development regulations

“(d) Minimum front setback: fifteen (15’) feet; however, the minimum front setback to a garage entrance shall be twenty (20’) feet. The minimum setback entrance on the street side of a corner lot shall be twenty (20’) feet. (For nonconforming lots, see Sec. 9-4.3002 and for garages as accessory buildings, see Sec. 9-4.2704.)”

Proposed Amendment

Section 9-4.2704 (a) (1) Accessory buildings

“(1) All portions of the accessory building shall be located at least five (5’) feet from any building existing or under construction on the same lot; a building is considered attached to another building when there is a common wall, common roof or a horizontal connection 30 inches above grade such as a deck. Retaining walls and/or decking between buildings that are less than 30 inches above grade are not considered a connection.”

Proposed Amendment

Section 9-4.2903 (k) Prohibited signs

“(k) Off-site signs, excluding real estate A-frames, and also excluding subdivision signs and other signs permitted by State law;”

Proposed Addition

Section 9-4.1001(b) of the C-1, Neighborhood Commercial District shall be amended to allow the following as a conditional use:

A “conditional use” under the zoning provisions of the Code. “(13) Pet care and sales establishments, including boarding and grooming.”

Proposed Addition

Section 9-4.2208 Specific Plans: Submission (P-D) shall be amended to include the following:

“(k) “A Specific Plan application shall be submitted concurrently with the Development Plan application. A Specific Plan application may be submitted subsequent to approval of the

Development Plan if the Planning Commission finds that the later submittal will provide for the implementation of the Development Plan and is warranted in terms of the proposed development, or units thereof, in accordance with the regulations and limitations set forth in this article. As part of the Specific Plan application, the owner or applicant shall submit the following:

Proposed Amendments

Section 9-4.462. Bed and breakfast inn defined.

“As stated in this article, “bed and breakfast inn” shall refer to any structure containing not more than twelve (12) guest bedrooms, which may be occupied by no more than twenty-four (24) persons, which are intended to be let to transient guests for compensation. A “guest bedroom” is a room primarily intended for sleeping and contained in the primary structure, which may contain furnishings, but may not lawfully contain any kitchen equipment. Bath facilities may be shared or may be separate for each guest bedroom. An inn is a conditional use in all residential and commercial zoning districts. An inn shall provide guest bedrooms and breakfast for transient guests.”

Section 9-4.463 Development standards; Permits required (c) (1).

“(c) (1) A ~~special~~ use permit and site development permit must be approved by the Planning Commission for any inn proposed in any district Residential or Commercial ~~with the exception of the Commercial Districts. In the Commercial Districts, only a site development permit must be approved by the Commission.~~ If located in the Hillside Preservation District (HPD), the HPD regulations shall be followed; however, a ~~special~~ use permit and site development permit shall also be required;”

Proposed Amendment

Section 9-4.2306. Special use permit procedures (a).

“(a) Purpose. The purpose of this section is to prescribe the procedure for the accommodation, in any zoning district and General Plan designation, of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. For the purposes of this section, a special use shall include the following:

- (1) Heliports;
- (2) Convalescent homes and nursing homes;
- (3) Hospitals and convalescent hospitals;

- (4) Institutions of a philanthropic or charitable nature;
- (5) Sanitary landfill sites, solid waste transfer stations, and materials recovery facilities;
- (6) Organized off-road vehicle parks;
- (7) Ambulance facilities;
- (8) Lodges and clubhouses;
- (9) Churches;
- (10) Civic Center facilities;
- (11) Mortuaries and cemeteries; and
- ~~(12) Bed and Breakfast inns; and~~
- ~~(13)~~(12) Wastewater treatment and reclamation facilities.”

Environmental Review (CEQA)

A Draft Negative Declaration has been prepared and circulated. The Draft Negative Declaration was available for public review and comment for 30 days, beginning August 12, 2009, and ending September 11, 2009. No comments were received. Based on the findings of the Initial Study, as prepared for the project, it has been determined that the project could not have a significant impact upon the environment. Therefore, a Negative Declaration has been prepared and attached for adoption (see attachment).

FINDINGS (CEQA)

Findings for Adoption of Negative Declaration: The Planning Commission finds that on the basis of the Initial Study and Checklist/Negative Declaration and the whole record before it, that there is no substantial evidence that the amendments to the Pacifica Municipal Code will have any significant adverse impacts on the environment. The Commission also finds that the Negative Declaration reflects the Commission’s independent judgment and analysis.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

Move that the Planning Commission **ADOPT** the attached Resolution entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA ADOPTING THE NEGATIVE DECLARATION FOR AMENDMENTS TO THE PACIFICA

MUNICIPAL CODE” and **ADOPT** the resolution entitled “A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF PACIFICA RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING SECTIONS OF THE PACIFICA MUNICIPAL CODE RELATING TO FENCE HEIGHTS , BARBED WIRE FENCES, SET BACKS FOR ACCESSORY BUILDINGS, DEFINITION OF ATTACHED BUILDINGS, SUBDIVISION SIGNS, PET CARE AND SALES ESTABLISHMENTS, SUBMITTAL OF SPECIFIC PLANS AND BED AND BREAKFAST INNS.”

ATTACHMENTS:

- a. Resolution (Adoption of Negative Declaration) and Negative Declaration
- b. Resolution (Recommending Adoption of Ordinance Amending Sections to the Pacifica Municipal Code)

CITY OF PACIFICA

MEMORANDUM

DATE: October 5, 2009

TO: Planning Commission

FROM: Michael Crabtree, Planning Director



SUBJECT: **Agenda Item No. 2:** Administrative Coastal Development Permit to legalize a partial third story for roof access at 1750 Francisco Boulevard, Pacifica (APN 016-041-100), CDP-319-09.

The applicant proposes to legalize an existing third story for roof access on a commercially zoned building. Previously, the roof was accessed by a 6 square foot hatch door located on the roof of the building. A new roof access and landing pad has been constructed without the necessary permits. The new roof access is 5 feet 2 inches in height and has an area of 30 square feet. A landing pad is located outside of the north facing exit door. Because there is an existing parapet on the roof, the overall height of the new roof access increased by 4 feet 2 inches.

Although the new roof access is visible from public roads, the view impact will be minimal due to its location on the roof and surrounding landscaping. It is situated in such a way that the view from public roadways will not change. Additionally, the new third story roof access will not impede views of the coast or the coastal panorama from public roadways because the increase in height and bulk will be minimal. Staff believes that the new third story roof access is consistent with Pacifica's Design Guidelines as well as the Coastal Program Land Use Plan. The addition is unobtrusive and has minimal visual impacts. Lastly, the size of the third story roof access does not overwhelm the positive aspects of the existing structures in the surrounding area.

Per Section 9-4.4306, a Coastal Development Permit would be required; however, staff has determined that the project is minor in nature; therefore, an Administrative Coastal Development Permit is appropriate for this project. 50 surrounding property owners and 9 surrounding residents were notified of this approval. According to Section 9-4.4306 (g) (1), "If three (3) members of the Planning Commission so determine, the issuance of an administrative permit shall be declared invalid, but may, if the applicant wishes to pursue the application, be resubmitted as a coastal development permit application, subject to all provisions of Section 9-4.4304, Coastal Development Permit Procedures and Findings."

In making this approval, the Planning Director finds as follows:

1. The proposed development is in conformity with the City's certified Local Coastal Program; and
2. Where the Coastal Development Permit is issued for any 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.

As previously stated, the new third story roof access is in conformity with the City's certified Local Coastal Program Land Use Plan and with the public recreation policies of Chapter 3 of the California Coastal Act.

Lastly, pursuant to Section 15301 (e) of the California Environmental Quality Act (CEQA), projects consisting of the "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," may be found exempt from CEQA provisions providing the project will not cause a significant adverse impact on the environment. Staff believes that the project meets the above listed criteria and should be found exempt from CEQA provisions.

As previously stated, if three members of the Planning Commission so determine, the issuance of an administrative permit shall be declared invalid, otherwise, no Commission action is necessary.

COMMISSION ACTION REQUESTED:

None. Information only.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans