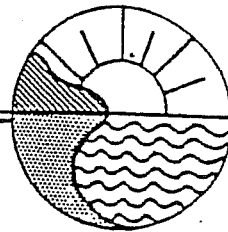


AGENDA



Planning Commission – City of Pacifica

DATE: Tuesday, September 7, 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: August 2, 2010

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

CONSENT ITEMS:

1. UP-012-10 EXTENSION OF PERMITS to extend the existing police station monopole and add wireless communications antennas and two GPS antennas with associated equipment at 2075 Coast Highway, Pacifica (APN 018-051-050). Proposed Action: Grant extension request
PV-504-10
2. UP-005-9 EXTENSION OF PERMITS for construction of a restaurant at 4627 Coast Highway, Pacifica (APN 022-150-170). Proposed Action: Grant extension request

PUBLIC HEARINGS:

OTHER AGENDA ITEMS:

3. PRESENTATION OF GREEN BUILDING ORDINANCE 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: September 7, 2010

TO: Planning Commission

FROM: Lily Lim, Planning Intern *ll*

SUBJECT: Agenda Item No. 1: Extension of Use Permit, UP-006-09 and Variance, PV-500-09, to extend the existing police station monopole and add nine (9) wireless communications antennas and two (2) GPS antennas with associated equipment at 2075 Coast Highway, Pacifica, (APN 018-051-050).

On September 8, 2009 the Planning Commission conditionally approved a Use Permit and Variance to extend the existing police station monopole and add nine wireless communications antennas and two GPS antennas with associated equipment located at the Pacifica Police Station at 2075 Coast Highway. Details of the project are contained in the attached staff report dated September 8, 2009. Also attached are the minutes and grant letter from the Planning Commission meeting. The applicant is required to obtain a building permit and start construction within one year of the approval date from the Planning Commission.

The permits are due to expire on September 21, 2010. On August 3, 2010, staff received the attached extension request. This is the applicant's first request for an extension and a copy of the request has been attached to this memo. According to the applicant's statement, they were unable to apply for a building permit in the amount of time given due to project funding.

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 extension to December 31, 2010.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** UP-006-09 and PV-500-09 to December 31, 2010.

Attachments:


- a. Letter from Applicant Dated August 3, 2010
- b. Agenda Memo and Planning Commission Meeting Minutes from September 8, 2009
- c. Grant Letter with Conditions of Approval Dated September 23, 2009

City of Pacifica

MEMORANDUM

DATE: September 7, 2010

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner 

SUBJECT: Agenda Item No. 2: Request to Extend Use Permit, UP-005-08 for One Year at 4627 Coast Highway for The Surf Spot (APN 022-150-170)

On August 3, 2010, the Planning Commission approved a Use Permit to operate a new restaurant called The Surf Spot at 4627 Coast Highway by constructing approximately 1,900 square foot kitchen addition to an existing commercial building of 1,800 square feet located near Sea Bowl. Details of the project are contained in the attached agenda memo, minutes and grant letter from the Planning Commission meeting. The applicant is required to obtain a building permit and start construction within one year from the Planning Commission approval of the project. Planning permit approval was due to expire on August 17, 2010.

The applicant submitted the attached request dated August 16, 2010 for a one-year extension of the planning permit and the extension request is attached. According to the applicant's statement, the project is taking longer than anticipated due to the economic downturn; however, the project is currently undergoing plan check by the Building Department.

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the property or area. In staff's opinion, no changes have occurred that would indicate the extension should not be granted. Therefore, staff recommends that the Commission grant the extension for one year.

COMMISSION ACTION

Move that the Planning Commission **EXTEND** UP-960-08 for the project at 4127 Coast Highway for one year to August 17, 2011.

Attachments:

1. Letter from Applicant Dated August 16, 2010
2. Staff Report and Minutes from Planning Commission Meeting August 3, 2009
3. Letter with Conditions of Approval Dated August 17, 2009

CITY OF PACIFICA

AGENDA MEMO

DATE: September 7, 2010

TO: Planning Commission

FROM: Christina Horrisberger, Assistant Planner

SUBJECT: **Agenda Item No. 3:** Presentation and discussion of a green building ordinance establishing local standards for residential, non-residential and City-sponsored construction projects.

Background: On May 27, 2008, the City Council authorized the creation of a Green Building Task Force (GBTF) for the purpose of developing green building regulations for the City. The GBTF members were subsequently appointed and the group held regular meetings from November 2008 through August 2010. A green building ordinance was ultimately produced by the GBTF, for presentation to the City Council. The draft ordinance is attached for the Commission's review. The following section of this report contains a description of the main features of the ordinance along with a brief explanation of each section.

Proposed Ordinance: According to the definition agreed upon by the GBTF, "Green building shall mean a whole systems approach to design, construction, location and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of construction, demolition and renovation of buildings. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and promote a healthy, productive indoor environment." The purpose of the green building ordinance is to encourage the conservation of natural resources, reduce waste generated from construction projects, increase energy and water efficiency, decrease energy and water usage, reduce the operating and maintenance costs for buildings, promote the health and productivity of residents, workers and visitors to the City, promote healthier indoor environments, and implement Smart Growth measures into project design.

Regulations were established for residential, non-residential, mixed-use and City-sponsored construction projects. The requirements are based on project valuation, and would require that more resource intensive (higher valuation) projects incorporate a higher degree of green building measures than less resource intensive (lower valuation) projects. The ordinance would also require that all construction projects implement measures to divert construction and demolition waste from landfills. In addition, the ordinance would establish a higher degree of required green building measures as time progresses. In general, the ordinance would require third party green building certification through the United States Green Building Council's, Leadership in Energy Efficient Design (LEED®) and Build It Green's Green Point Rated (GPR) systems; however, the ordinance would also allow for alternative methods of compliance in circumstances where a project meets the intent of the

ordinance, but may not be eligible for formal certification through an acceptable green building rating system. Further, in cases where a project related hardship exists, the ordinance would allow for the granting of exceptions to the provisions of the ordinance. An appeal procedure is also established in the ordinance. Lastly, the ordinance sets forth voluntary green building measures that all applicants are encouraged to consider when designing construction projects.

Applicability: The proposed ordinance would apply to residential, non-residential, mixed-use and City-sponsored construction projects. See Section 4 under the Summary section below for more details.

Summary: Below is a summary of the various sections of the proposed ordinance.

Section 1. Findings. Section 1 states the findings that the GBTF determined necessitated the formation of green building regulations for Pacifica. Examples include the findings that green building preserves and enhances the environment, that Pacifica's General Plan seeks to preserve the natural and built environment, that building demolition and construction impacts efficient resource usage and generates pollution and that energy conservation resulting from the proposed ordinance will have regional benefits. Finding "h" specifically describes local factors, attributable to Pacifica's situation and natural setting, which make it reasonably necessary for the City to take measures to protect the community from the impacts of global warming by minimizing greenhouse gases associated with building construction.

Section 2. Purpose. Section 2 states that the purpose of the green building ordinance is to encourage the conservation of natural resources, reduce waste generated from construction projects, increase energy and water efficiency, decrease energy and water usage, reduce the operating and maintenance costs for buildings, promote the health and productivity of residents, workers and visitors to the City, promote healthier indoor environments, and implement Smart Growth measures into project design.

Section 3. Definitions. Section 3 defines key terms used throughout the ordinance. Specifically, project valuation, project categories and acceptable third party green building rating systems are identified. The GBTF opted to recommend use of the LEED and GPR systems when green building certification is required. The "Green Building Compliance Official," who will be charged with the main oversight of green building compliance, is also defined in this section.

Section 4. Standards for Compliance. Section 4 contains a table that sets forth categories of project applicability and mandatory levels of compliance over time. The first column, labeled "Project Type," categorizes construction projects into three types: City Sponsored, Non-residential and Mixed-use, and Residential. The Non-residential/Mixed-use and Residential categories include subcategories ("levels") based on the project valuation. The second column ("Applicable Projects") sets forth the valuation ranges that the levels are based upon. The last three columns state the minimum requirements for projects that are approved during years 1-3 following ordinance adoption.

Except for City Sponsored projects, the lower project valuation levels require fewer compliance measures. Except for Residential projects, the degree of green building measures required for

projects becomes higher over time. For instance, during year 1 a Level 1 (valued at less than \$100,000.00) Non-residential/Mixed-use or Residential project would only need to include the applicable LEED or GPR checklist on the plans. On the other hand, a Level 3 Non-residential/Mixed-use or Residential project would need to attain LEED or GPR certification during year 1. The same Level 1 Non-residential/Mixed-use project that would have been required only to include the LEED checklist during year 1, would require LEED certification id approved during year 2 and attainment of the LEED Enhanced Commissioning (EC) credit if approved during year 3. The LEED EC confirms that the building is operating as designed, post-construction. City Sponsored projects would also be subject to a higher level of compliance over time, with LEED Silver required for project approved during year 1, LEED Gold certification during year 2 and attainment of the Enhanced Commissioning credit in year 3. More intensive requirements for year 2 and 3 Residential projects were not established, but are anticipated as part of an annual review to be recommended by the GBTF to the City Council.

The last component of the table mandates that all construction projects engage in responsible waste diversion practices. Documentation indicating compliance with this provision will be required.

Section 5. Submittal and review of Green Building Documentation. This section describes acceptable documentation to be submitted to the Green Building Compliance Official and establishes a procedure for review of the documentation.

Section 6. Final Certification. This section states that a Certificate of Occupancy will not be issued for a building unless the project has complied with the ordinance.

Section 7. Voluntary Actions. This section sets forth voluntary green building measures (e.g. renewable energy production, rainwater harvesting, water reuse, site design measures, etc.) that all applicants are encouraged to consider when designing construction projects.

Section 8. Alternative Compliance. This section allows the Green Building Compliance Official to accept alternate methods of complying with the ordinance, when those methods meet the intent of the ordinance and are consistent with the extant of green building measures required by the ordinance.

Section 9. Exceptions. Section 9 allows the Green Building Compliance Official to grant an exception to the provisions of the ordinance in cases where an applicant has a verifiable, project-related, hardship that prevents him/her from fully meeting the ordinance requirements. The request must be made in writing and the project must comply with the ordinance as much as is reasonably possible.

Section 10. Appeals. This section allows anyone to appeal a decision made by the Green Building Compliance Official.

Section 11. Severability. This section allows for changes to any part of the ordinance, should it come to light that that section, subsection, sentence, clause, phrase or portion become invalid.

Impact on Planning Commission Review Process: The requirements of the proposed ordinance would be implemented during the building permit process. However; in order to appropriately design their project, applicants will need to determine where their project falls within the Project Applicability Table in Section 4 of the ordinance during the planning phase of project development. Green building applicability levels and measures for specific projects may be presented to the Commission as part of the staff report in cases where Planning Commission approvals are required.

Planning Commission Role in Ordinance Review: Although the Commission is not being asked to make a formal recommendation regarding this ordinance, Commission feedback is welcome and any comments or concerns will be forwarded to the City Council for consideration.

Environmental Review: The California Environmental Quality Act, Section 15061(b)(3) allows an exemption from the environmental review process when there is no possibility that an ordinance will have a significant negative impact on the environment. Section 15308 exempts actions taken by regulatory agencies for the enhancement and protection of the environment. The subject ordinance meets both of the above exemption requirements.

State Requirements: In addition to local adoption of the green building ordinance, the California Energy Commission (CEC) must also approve the ordinance in order for it to be legally enforceable. The CEC will review the ordinance for approval once it has been introduced at a City Council meeting. However; the CEC may also conduct a pre-review of the ordinance and offer feedback about specific language/provisions. This pre-review is intended to enable to formal approval process to run more smoothly. The City has submitted the ordinance to the CEC for pre-review and is awaiting feedback at this time. Any suggested language modifications will be presented to the City Council when the ordinance is introduced. The ordinance must also be filed with the California Building Standards Commission (BSC); however, no BSC approval is required.

COMMISSION ACTION REQUESTED

None. This memo is for informational purposes.

Attachment: Green Building Ordinance