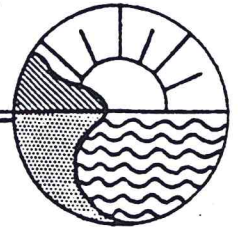


AGENDA



Planning Commission – City of Pacifica

DATE: December 2, 2013
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 4, 2013
- Designation of Liaison to City Council Meeting

CONSENT ITEMS:

None

PUBLIC HEARINGS:

- 1 UP-031-13 PV-510-13 USE PERMIT, UP-031-13 and VARIANCE, PV-510-13, filed by the applicant, Chris Coones, to install nine AT&T cellular antennas on a new 38 foot tall tree-pole at a North Coast County Water District property, at 1186 Fassler Avenue (APN 022-330-070). Recommended CEQA status: Exempt. Proposed Action: Approve as conditioned.
- 2 PSD-785-13 CDP-339-13 UP-029-13 SUB-222-13 SITE DEVELOPMENT PERMIT, PSD-785-13, COASTAL DEVELOPMENT PERMIT, CDP-339-13, USE PERMIT, UP-029-13 and SUBDIVISION, SUB-222-13, filed by the applicant and owner, Ciyavash Moazzami, Pacific Crest Builders, to construct two three-story condominium units (four units total) on two separate vacant lots at 10&16 and 20&26 Santa Rosa Avenue (APN 016-182-020&030). Recommended CEQA status: Exempt. Proposed Action: Approve as conditioned.

CONSIDERATION ITEM:

- 3 CC-05-10 PE-148-08 UP-987-08 EXTENSION OF PERMITS to convert 170 existing apartment units into condominium units at 435 Gateway Drive (APN 009-540-110, 120, 130, 140, 150, 160 and 170) Proposed Action: Grant one (1) year extension request.

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

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

ADJOURNMENT

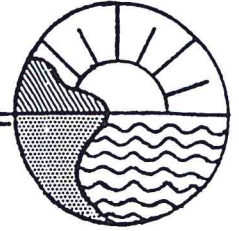
Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered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

environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

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

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

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

~~DATE: December 2, 2013~~

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in
The Pacifica Tribune on November 20, 2013.
1 surrounding property owner was notified by
mail.

FILE: UP-031-13
PV-510-13

APPLICANT: Chris Coones
1330 N. Broadway, Ste. 202
Walnut Creek, CA 94596

OWNERS: North Coast County Water District (NCCWD)
P.O. Box 1039
Pacifica, CA 94044

LOCATION: 1186 Fassler Avenue

APN: 022-330-070

PROJECT DESCRIPTION: Proposal to install a new 38 foot tall tree-pole with nine AT&T cellular antennas and construct an enclosure to house related ground equipment.

General Plan: Open Space Residential/Prominent Ridgeline

Zoning: A/B-5/HPD (Agricultural District/B-Lot Size Overlay
District/Hillside Preservation District)

**RECOMMENDED
CEQA STATUS:** Exempt Section 15303 (d)

**ADDITIONAL
REQUIRED
APPROVALS:** None

**RECOMMENDED
ACTION:** Approval as conditioned

PREPARED BY: Christina Horrisberger, Assistant Planner

ZONING STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Setback to residential properties	50' min.	NA	≥100'
Setback to property lines	25' min.	NA	≥25'
Support Structure (treepole) Height	35' (Max.)	NA	38'

PROJECT SUMMARY

A. STAFF NOTES:

1. Site Description and Background: The subject site is approximately 8,500 feet in size and contains a water tank with related equipment and a T-Mobile cellular facility. The water tank is approximately 25 feet high and the existing antenna support structure is slightly less than 40 feet in height. The property is located on a sloped lot, approximately 585 feet from the end of Fassler Avenue and is accessible via an existing dirt road. The site is surrounded by the City-owned Cattle Hill property, which is adjacent to the Golden National Recreation Area, and provides hiking trails and access to parklands.

2. Project Description: The applicant proposes a new wireless communication facility consisting of nine (9) panel antennas mounted to a 38-foot high “treepole” (a monopole camouflaged as a tree), a 10-foot high equipment shelter of 230 square feet, and a propane generator. The treepole and ground equipment would all be located on disturbed portions of the property, with the equipment areas located behind existing fencing. There are several tree stumps near the proposed treepole, but no Heritage Trees are present within the immediate project vicinity.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject property is Open Space Residential/Prominent Ridgeline and the zoning designation is A/B-5/HPD (Agricultural District/B-Lot Size Overlay District/Hillside Preservation District). The lot is surrounded by undeveloped land on all sides.

4. Municipal Code and Regulatory Standards: AT&T is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to Pacifica Municipal Code (PMC) Section 9-4.2606(c) (1), a Use Permit is required for all new ground mounted wireless communication facilities. Pursuant to PMC Section 9-4.2608(d) (1), approval of a Variance is required because the 35-foot height limit for ground mounted antenna structures would be exceeded by the proposed 38-foot high structure.

5. Use Permit: The Planning Commission shall grant approval of a Use Permit for a wireless communications facility only when all of the following findings are satisfied:

- a. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety,

and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;

- b. That the use or building applied for is consistent with the applicable provisions of the General plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.
- d. That the project will not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception.
- e. That the information submitted proves that a feasible alternate site that would result in fewer visual impacts does not provide reasonable signal coverage.
- f. That the application meets all applicable requirements of Section 9-4.2608 of the Pacifica Municipal Code.

6. Variance: The Code allows the Planning Commission to grant a Variance to development regulations for wireless communications facilities when the following findings are made:

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.
- b. That the granting of such variance 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 the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. That the strict application of the ordinance prevents or imposes unreasonable limitations on the provision of wireless communication services.
- e. That the standards as set forth in this Chapter have been met to the maximum extent feasible.

7. California Environmental Quality Act: The Planning Commission may find this project is exempt from CEQA pursuant to the following section of the California Environmental Quality Act:

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

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.”

8. Analysis:

Use Permit: According to the Radio Frequency (RF) Report (attachment c) submitted by the applicant, the maximum RF exposure level for the proposed and existing facility together would be well under the limit established by the FCC. Except for the height limit, the applicant is proposing to locate a facility that meets the City’s site development and design standards. The applicant has requested approval of a variance to exceed the 35-foot height limit by 3 feet. With approval of the requested Variance and Use Permit, all applicable provisions of the General Plan and other applicable laws of the City would be met. Provisions of the Local Coastal Plan are not applicable to this application because the project is not within the Coastal Zone. The applicant has provided a statement indicating that the proposed antennas will not cause localized interference with television, radio or other signal transmission or reception. Based on coverage maps submitted by the applicant (attachment d), installation of the new facility is needed to improve signal coverage to AT&T users in the area. Specifically, there are currently several areas where coverage is only available outside of buildings and the proposed facility would address that issue. Attachment e describes the site selection process. Of the 2 sites considered, this site was chosen because it was available to lease, is farther from residential properties and would have a lesser impact on neighbors than the Royce Water Tank property at 4700 Fassler. The equipment area would not be visible from adjacent rights-of-way, and the new treepole would be visually integrated with the surrounding trees and hillside. Also, when viewed from the end of Fassler Avenue, the proposed treepole would camouflage the antennas already located on the property. When viewed from other nearby residential areas, the treepole would help screen the water tank. In staff’s opinion, the applicant has proposed to place the facility in the location that best suits their needs and results in little to no negative visual impacts. Project design will be further discussed in the following section of this report.

Design-Related Standards: The Design-Related Standards specify that “all wireless communications facilities shall be screened to the fullest extent possible and located to minimize visibility from surrounding areas and right-of ways.” Further, “the use of colors and facility designs shall be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.” The proposed antennas would be designed to look like a tree and mimic surrounding vegetation in the area. Close up, the mock tree would likely be distinguishable from the other trees, but from a distance should blend well with the surrounding area (see attachment c). Moreover, the treepole would provide additional screening for the existing cellular facility and water tank. The proposed equipment enclosure would not be visible from adjacent rights-of-way. Nonetheless, the 10 foot high shelter would be painted green to blend with its surroundings.

Variance: The maximum allowable height for ground mounted antenna structures is 35 feet. The applicant proposes to construct a treepole reaching a maximum of 38 feet in height. The 35 foot antenna height is needed due to site topography to provide adequate signal coverage, and could be permitted without the need for a variance. The additional 3 feet is needed to accommodate

upward extending “tree” branches intended to make the structure appear more authentic and better conform to the City’s design-related standards. PMC Section 9-4.2608(b) requires that all wireless facilities be screened to the fullest extent possible and that facility visibility from adjacent rights-of-way be minimized. The Code also requires applicants to choose sites with the fewest visual impacts when planning wireless facility locations. In this case, the site with the fewest visual impacts that could best meet PMC requirements is the site that was chosen, but in order to provide both adequate screening and signal coverage, the excess height is needed. It does not appear that allowing the additional height would, 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 the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area. The City’s Design Guidelines do not specifically address wireless facilities. Staff believes that imposing the strict application of the height limit would impose an unreasonable limitation on the applicant by not allowing them to situate a facility in an area without adequate coverage, while creating the least amount of visual impacts. In addition, in 1996 the Commission allowed a 40 foot high monopole for the existing facility located on the subject property, and has granted similar variances for similarly situated cellular facilities in various zoning districts throughout the City. Accordingly, denial of the variance would deprive the applicant of privileges extended to other cellular facilities within the City. Lastly, the project meets all other applicable PMC provisions; this satisfies the last finding that requires the applicant to meet the City’s wireless regulations to the maximum extent feasible.

CEQA: Cellular companies offer utility services regulated by the CPUC. The proposed project is for a single, small, new, utility facility. Such development meets the criteria for the previously cited CEQA exemption. Further, no significant negative impacts are expected to occur as a result of the project.

9. Conclusion: Based on the information the applicant has provided, it appears that the construction of a wireless communications facility at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Moreover, it appears that the Code requirements relating to maximum height limits cannot be met if adequate signal coverage and screening are to be achieved. Also, the site would be well camouflaged and the City’s design standards for wireless facilities would be met by the project. Accordingly, it appears that the findings to approve the requested Use Permit and Variance can be made.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission approve Use Permit, UP-031-13, and Variance, PV-510-13, to construct a new wireless communications facility at 1186 Fassler Avenue, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled “Fassler Water Tank” consisting of nine (9) sheets, received by the City on July 28, 2011, except as modified by the following conditions.
2. All outstanding and applicable fees associated with the processing of this application shall be paid prior to the issuance of a building permit.
3. 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.
4. Prior to final approval of the building permit, verification that all Fire Department standards are met is required.
5. 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 this use permit, variance application, , approval or authorization, including, but not limited to, 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.

C. FINDINGS:

1. Findings for Approval of a Use Permit: The Planning Commission finds that the proposal to install a wireless communications facility at 1186 Fassler Avenue would not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or the general welfare of the City. The Commission finds that the proposal is consistent with the applicable provisions of the General Plan and other applicable laws of the City. Specifically, the Commission finds that the project meets all applicable Zoning Code requirements and provisions of the Design Guidelines.

2. Findings for Approval of a Variance: The Planning Commission finds that a special circumstance applies to the subject property which necessitates a Variance for the ground mounted antenna structure to exceed the 35 foot height limit by 3 feet. The strict application of the Zoning Code imposes unreasonable limitations on the provision of wireless communications at this property. Because of the surrounding topography it is necessary to locate antennas at the proposed height, which necessitates an excess 3 feet to provide adequate screening as required

by the City. The Commission further finds that the proposal will not adversely affect the health or safety of the residents or people working in the area. The new antennas will not affect future improvements to the area. Finally, the Commission finds that the standards set forth in the Municipal Code have been met to the furthest extent possible.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA, **APPROVE** Use Permit, UP-031-13, and Variance, PV-510-13, subject to conditions 1 through 5, and the adopt the attached resolutions and findings contained in the December 2, 2013 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

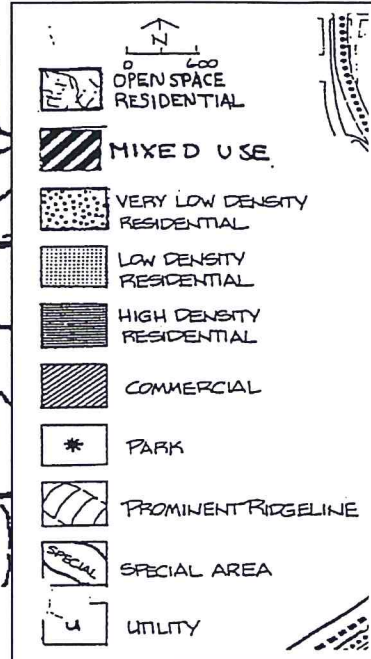
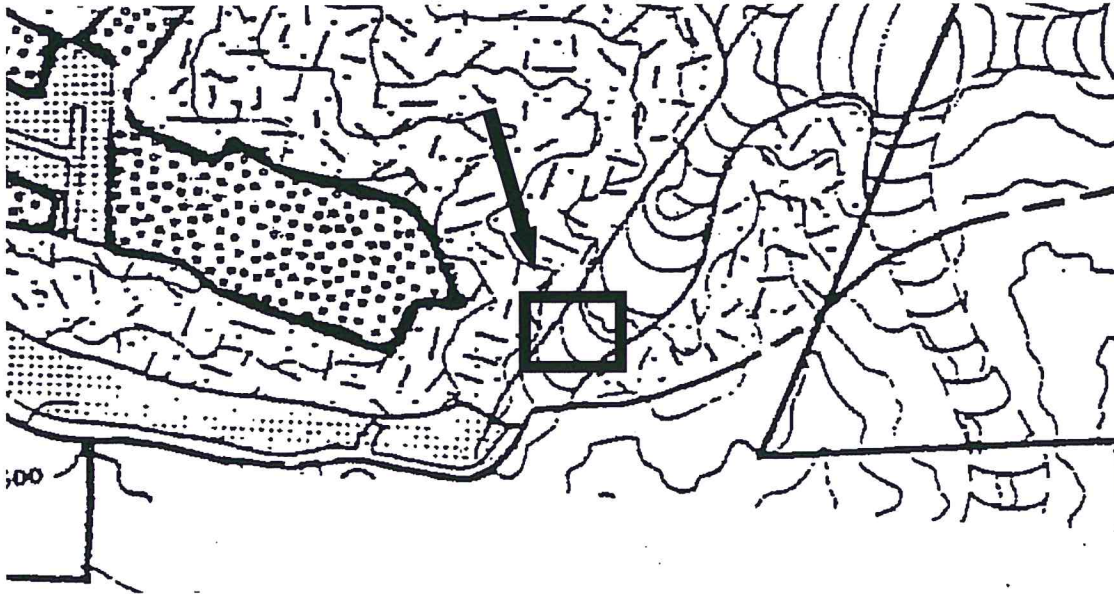
- a. Land Use and Zoning Exhibit
- b. Photos and Photo Simulations
- c. RF Report
- d. Coverage maps
- e. Site selection description
- f. Resolutions
- g. Exhibit A - Conditions of Approval
- h. Plans (Commission and City Council only)

Zoning & Land Use Exhibit
 City of Pacifica
 Planning & Economic Development Department



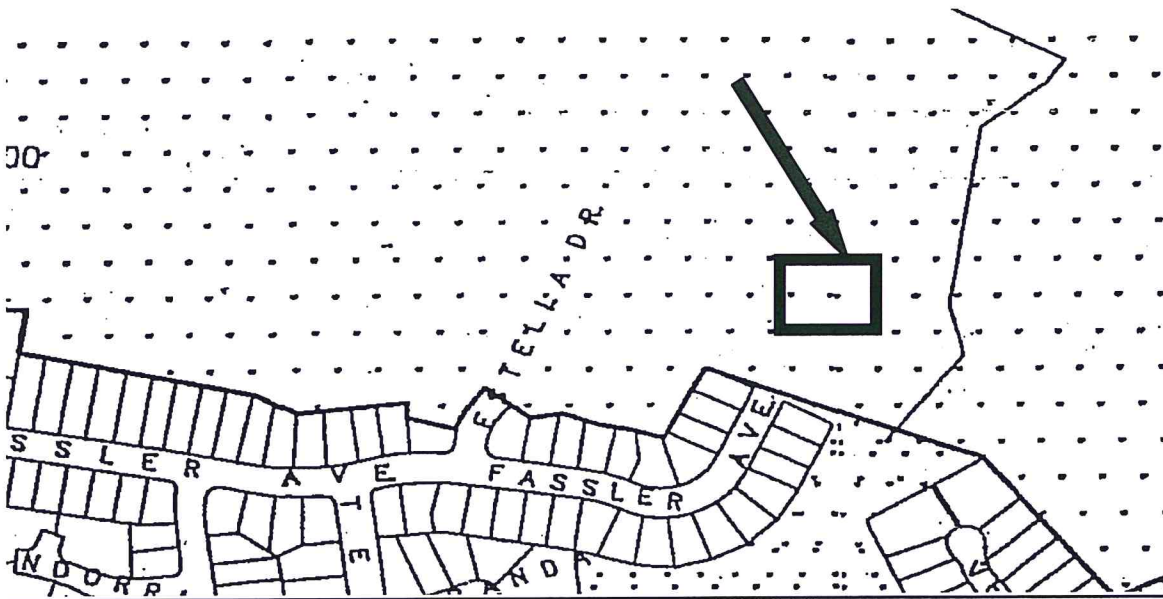
General Plan Diagram

Neighborhood: Rockaway
 Land Use Designation: Open Space Residential/Prominent Ridgeline



Zoning Map Diagram

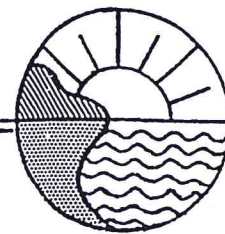
Existing Zoning District: A/B-5/HPD (Agricultural District/B-Lot Size Overlay District/Hillside Preservation District)



North ↑
 Scale: N.T.S.

STAFF REPORT

PLANNING COMMISSION-CITY OF PACIFICA



DATE: December 2, 2013

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on November 20th and 90 surrounding property owners and tenants were notified by mail.

FILE: PSD-785-13
CDP-339-13
UP-029-13-
SUB-222-13

APPLICANT and OWNER: Ciyavash Moazzami, Pacific Crest Builders, 2109 East Street, Concord, CA 94520

LOCATION: 10 & 16 and 20 & 26 Santa Rosa Avenue (APN 016-182-020 & 030)

PROJECT DESCRIPTION: Construct two three-story condominium duplexes (four units total) of approximately 2,900 square feet each including two garage spaces per unit on two separate vacant lots.

General Plan: High Density Residential
Zoning: R-3/CZ (Multiple-Family Residential)

RECOMMENDED CEQA STATUS: Exempt Section 15303 Class 3 (b)

ADDITIONAL REQUIRED APPROVALS: None. Appealable to the City Council and Coastal Commission.

RECOMMENDED ACTION: Approval with conditions.

PREPARED BY: Kathryn Farbstein, Assistant Planner

ZONING STANDARDS CONFORMANCE for #10 and #16 Santa Rosa Avenue Duplex

<u>Development Standards</u>	<u>Max/Min</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sf.	4,500 sf.	4,500 sf.
Minimum Lot Width	50'	50'	50'
Height	35'	NA	29'
Front Setback to Living Area	15'	NA	15'
Front Setback to Garage	20'	NA	20'
Interior Side Setback	5'	NA	5'
Rear Setback	20'	NA	20'
Lot Coverage	60%	NA	44%
Landscape Area	20%	NA	21%
Usable Common Open Space (includes private open space)	1,500 sf.	NA	1,552 sf.
Private Open Space	150 sf unit	NA	Unit 10=445 sf. Unit 16=493 sf.
Deck Projection - Front & Rear Yard*	6'	NA	6'
Number of Parking Spaces per Duplex	4	NA	4

ZONING STANDARDS CONFORMANCE for #20 and #26 Santa Rosa Avenue Duplex

<u>Development Standards</u>	<u>Max/Min</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sf.	4,500 sf.	4,500 sf.
Minimum Lot Width	50'	50'	50'
Height	35'	NA	29'
Front Setback to Living Area	15'	NA	15'
Front Setback to Garage	20'	NA	20'
Interior Side Setback	5'	NA	5'
Rear Setback	20'	NA	20'
Lot Coverage	60%	NA	45%
Landscape Area	20%	NA	21%
Usable Common Open Space (includes private open space)	1,500 sf.	NA	1,552 sf.
Private Open Space	150 sf per unit	NA	Unit 20=445 sf. Unit 26=493 sf.
Deck Projection – Front & Rear Yard*	6'	NA	6'
Number of Parking Spaces per Duplex:	4		4

***Balconies projecting into the front yard containing enclosed storage area will be redesigned to be open as shown in the attached revised floor plans, Attachment c.**

PROJECT SUMMARY

1. Background: In 2003, the Planning Commission approved a Tentative subdivision Map, Modification to Subdivision Regulations and Coastal Development Permit to subdivide one parcel of approximately 9,000 square feet into two equal sized lots.

On January 4, 2010, the Planning Commission approved a similar condominium duplex project on the same two lots. However, the previous project of four units had a different architect and different property owner. The previous owner and applicant never submitted for building permits and the Planning Commission approval expired several years ago.

2. Project Description: The applicant is proposing to construct a duplex on each vacant lot currently overgrown with ice plant and other vegetation.

All four condominium units proposed would have the same floor plans for the first floor plan containing the garage spaces. However, the space behind the enclosed space between the garage parking and rear yard area can be utilized as either a workshop as shown in Unit 1 or floor area with a bathroom as shown in Unit 2. In addition, the applicant is showing different garage entry configurations. In the garage entry shown with the full floor plan, the door width is 11 feet and the width of the opening beyond the garage door is 13 feet – this is the applicant's preferred design. The Alternate Garage & Entry shown with a partial floor plan specifies a garage door width of 14 feet and an opening beyond the garage door of 15 feet. Unit 1 has a floor area of 81 square feet (just the foyer) while Unit 2 has floor area of 313 square which includes the foyer and the optional flex space where a bathroom is proposed. The parking area for Unit 1 is 901 square feet and the parking area for Unit 2 is 689 square feet. All the garage spaces would satisfy the minimum interior dimensions of 18 feet in width and 19 feet in length for a two car garage.

The first level as specified on the plans comprising approximately 1,049 square feet of floor area contains the living/dining area, kitchen, a bathroom and flex space that can be utilized in different ways which will be described by the applicant. Each of the units at this level would contain a balcony at the front and open deck area to the rear.

The second and top floor contains two bedrooms and two bathrooms with a total floor area of 838 square feet. All the units are proposed to have a balcony at the front of the units for the upper two levels.

The floor area for the upper two levels of the front of both duplexes will extend a maximum of five feet beyond the facade of the garages on the ground level. In addition, the balconies will project a maximum of 6 feet into the front yard setback. However, the balconies in the front of the buildings will be revised by removing the wall with the doorway and eliminating the enclosed storage space as shown in the revised floor plans attached (see Attachment c). The proposed building height is 29 feet.

The materials proposed for the exterior of both buildings are exterior stucco, horizontal siding, vinyl frame double glazed windows, decorative metal railing and sliding glass doors.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation is High Density Residential and zoning classification is R-3/CZ (Multiple-Family Residential/Coastal Zone). The properties surrounding the subject site have the same General Plan and zoning designations. The vacant lot to the west on Beach Boulevard filed a Planning application several years ago but the application remains incomplete. The other nearby properties are developed with a variety of dwellings ranging in size from three story apartments to single story beach cottages.

4. Municipal Code: Section 9-4.4303 (a) of the Zoning Code requires development in the Coastal Zone to obtain approval of a Coastal Development Permit. The subject site is within the appeal area and the Coastal Zone due to its location within 300 feet of the ocean and west of Highway 1. Section 9-4.2403 (a) of the Zoning Code requires approval of a Use Permit and Site Development Permit for all condominium projects: approval of a Tentative Parcel Map for the condominium subdivision is also necessary. Section 9-4.3201 (a) of the Zoning Code also requires approval of a Site Development Permit for all new construction within the R-3 zone.

5. CEQA Recommendation: Proposed is the construction of four dwelling units; therefore, Class 3 (b) as defined below applies to the project:

15303. New Construction or Conversion of Small Structures

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

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

In this case, two duplexes comprising four dwellings total is proposed in an urbanized area where up to six dwelling units can be exempt from CEQA.

6. Site Development Permit: Pursuant to Section 9-4.3204, a Site Development Permit cannot be issued if the Commission makes any of the following findings that the project would have one or more of the briefly summarized following negative impacts:

- a. Potential traffic hazards
- b. Parking accessibility problems
- c. Insufficient landscape areas
- d. Restricted light and air on the property or other surrounding properties
- e. Creation of a substantial detriment to an adjacent residential district

- f. Excessive damage to the natural environment
- g. Insufficient site and structural design variety
- h. Inconsistent with the City's adopted Design Guidelines
- i. Inconsistent with the General Plan, Local Coastal Plan, or other laws of the City

7. Use Permit: The Planning Commission shall grant approval of a Use Permit to allow residential use above commercial only when all of the following findings are made:

- a. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
- b. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

8. Coastal Development Permit: Section 9-4304(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.

9. Tentative Map: Section 10-1.407 (b) of the Municipal Code states that the Planning Commission may approve a Tentative Parcel Map for the condominium subdivision of four units if it finds that the proposed subdivision "is consistent with the General Plan, any Specific Plan, the Local Coastal Program, and the zoning provisions." In this case, the subdivision will be for four condominium units.

10. Staff Analysis:

Site Development Permit – Vehicular access for both duplexes will be from Santa Rosa Avenue which is a one-way street in the east bound direction. The multiple family dwellings located on Santa Rosa Avenue have the same access from garage and carports fronting the street. No potential hazards will be caused by the addition of four more garage spaces on Santa Rosa Avenue. All four garage spaces satisfy code requirements and are accessible; and therefore, no parking accessibility problems will be created although staff will make a recommendation on the garage entry in the Design section of this staff report. Some street parking spaces will be removed for the driveway access; however, additional public parking is available one block south

in the City Council Chambers parking lot and along Beach Boulevard. Sufficient landscaping of 21% of the lot area or 1,000 square feet per lot is provided on both lots.

In response to additional findings required for the granting of a Site Development Permit, a 20 foot rear yard setback for the dwellings on the subject site will ensure that there are no light and air impacts to the two one-story single-family dwellings to the south (rear) of the site. The lot to the west is vacant but as previously discussed, a three-story duplex is proposed on the adjacent lot. However, the rear yard of the lot to the west will be adjacent to side yard for proposed duplex Unit 10; and therefore, a 25 foot separation will be created between the proposed duplex and any future development on the adjacent lot. The proposed duplexes will have a 10 foot separation between the two buildings which is enough space to allow sufficient light and air for duplex Unit 16 and Unit 20. The two story dwelling to the east of Unit 26 (30 Santa Rosa Avenue) will be the most impacted in terms of restricted light and air. A five foot side yard setback is provided between duplex Unit 26 and the property line for the adjacent residence to the east. With the side yard setback of approximately 3 feet for the existing dwelling to the east and the 5 foot side yard setback proposed for the duplex, the 8 foot separation between Unit 26 and the existing dwelling at 30 Santa Rosa Avenue is sufficient to allow light and air to flow between the buildings.

The subject site is within a residential neighborhood with a variety of dwellings from beach bungalows to multi-story apartments; therefore, construction of two duplexes is not inconsistent 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 is located in an urbanized area and is overgrown with invasive plants. Although both duplexes have the same floor plan, additional design elements have been utilized to differentiate between the units, which will be discussed further in the Design section of this report. The two units within each duplex are offset by two feet which creates a visual interest and breaks up the massing of the buildings. Consistency with the zoning requirements, General Plan, Local Coastal Program and Design Guidelines are discussed below. In staff's opinion, the design of the project results in both buildings being in scale with the adjacent neighborhood.

Use Permit – The General Plan and zoning designation allow the proposed duplex buildings and multiple-family use for each lot. The site is surrounded by single-family and multiple family dwellings. Some of the older dwellings are one-story beach cabins while the newer development tends to be two-story multiple-family dwellings. Due to the subject site's proximity to the ocean, dwellings with ocean views and within easy walking distance of the beach are very desirable. This would be one of the taller buildings in the area; however, the height is 29 feet which is lower than the 35 feet allowed and there are balconies on the upper two levels of all the units to help reduce the massing of the buildings as viewed from the street. Therefore, staff believes that the project as proposed is compatible with the neighborhood and consistent with the Design Guidelines.

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), it should be designed and scaled for compatibility of surrounding uses (Coastal Act Policy #23), and it should provide replacement plantings as needed (Coastal Act Policy

#26a). The subject site and adjacent lot to the west are vacant; but the other surrounding properties are developed with single-family and multiple family dwellings. Although the project is taller and taller than other dwellings in the Sharp Park neighborhood which are primarily two stories, the proposed height at 29 feet is 6 feet less than the allowed height of 35 feet and still compatible with the surrounding neighborhood in that there are a few three story buildings. The existing vegetation is invasive and would be replaced with native species if the project is approved.

Tentative Map – As described previously in this staff report, the proposed two duplexes are consistent with the General Plan, the Local Coastal Program, development standards and the Design Guidelines. Specifically, the proposed buildings at 29 feet in height are similar in scale with the other residential buildings which are primarily two stories and approximately 25 feet in height; and multiple family residential projects such as the proposed two condominiums are an allowed use on the subject site.

Design – The style of the project appears to be modern due to the clean lines and simple shapes of the buildings; however, the architect describes it as “nautical coastal” with diagonal ocean views from the decks, and horizontal siding, metal railings and large view windows. Architectural features are incorporated as recommended in the Design Guidelines such as balconies, decks and view windows to take advantage of the project’s location near the ocean. The flat roof design allows a three story building with the lowest height possible of 29 feet. Different sidings of horizontal board and stucco are utilized for each duplex and each dwelling unit will be painted different colors as encouraged in the Guidelines. Units 10 and 20 are setback 2 feet which adds visual interest to the structures.

The applicant will provide an additional rendering for the Planning Commissioners to review at the meeting. The rendering to be presented at the meeting will show the adjacent building to the east at 30 Santa Rosa Avenue as well as the two proposed duplexes.

On Page 3 of the plans, the applicant shows a garage entry of 11 feet for the garage door and 13 feet of width for the opening between the garage walls. The alternate garage and entry (shown as a partial floor plan) would have 14 feet of width for the garage door and 15 feet between the garage walls at the entrance. Although the applicant shows how a small car could maneuver through the narrower garage opening, staff would recommend that the alternate garage and entry option be utilized because future owners of the condominiums may have larger cars that need more space to maneuver the cars into the garage. Thus, staff is recommending condition #2 to require the alternate garage and entry design for both duplexes.

As described earlier, the enclosed storage space as shown on all four balconies, which is not allowed as a projection into the front yard setback area, will be removed by eliminating the wall with the doorway for each balcony. Code required private storage space of 200 cubic feet of enclosed area can be provided in the flex space on any level of the project which will be confirmed by staff prior to a building permit being issued.

Heritage Tree – A heritage tree exists on the adjacent property to the east at 30 Santa Rosa Avenue. The Monterey Cypress tree is approximately 15 feet tall and has a 25 foot wide canopy

according to the arborist report prepared by James Duncan, Certified Arborist and provided by the applicant. The report is included as Attachment b. Three recommendations have been identified by the arborist to protect the heritage tree during construction. Thus, staff is recommending condition of approval #12 that would require all the recommended measures be implemented to protect the existing heritage tree on the neighbor's property.

Green Building Requirements – The project will be required to be certified under the Green Building Ordinance adopted by the City at the time of the building permit submittal. The applicant has submitted a checklist that indicates enough points can be obtained to be certified under the Green Point Rating system.

11. Summary: In staff's opinion, as conditioned, the project satisfies all the Zoning Code development standards and it is consistent with the Design Guidelines. The R-3 zoning allows the proposed use of a duplex on each vacant lot. Different materials for the siding and colors will help differentiate the two buildings and the offset design of each unit within the duplex adds visual interest while breaking up the massing of each building. Thus, staff recommends approval of the project subject to the conditions below.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA; APPROVE PSD-785-13, UP-029-13, CDP-339-13 and SUB-222-13 by ADOPTING the attached resolutions for the duplexes at 10&16 and 20&26 Santa Rosa Avenue; and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Arborist Report prepared by James Duncan, Certified Arborist dated September 17, 2013
- c. Revised Floor Plans – Removed the Enclosed Storage Space on Front Balconies
- d. Resolutions
- e. Exhibit A for Resolutions – Conditions of Approval
- f. Bound Plans and Elevations (Planning Commission only)

CITY OF PACIFICA

AGENDA MEMO

DATE: December 3, 2013

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner

SUBJECT: Agenda Item No. 3: Extension of Condominium Conversion, CC-05-08, Parking Exception, PE-148-08, Tentative Map, SUB-216-08 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.

The permits were due to expire on December 31, 2010. On November 24, 2010, the applicant submitted an extension request for a year to December 31, 2011 and the Planning Commission granted the extension request for one year on December 6, 2010. On November 18, 2011, the applicant requested a second extension request for one year due to unavoidable construction costs and the Commission granted the extension to December 31, 2012. On December 3, 2012, the applicant requested a third extension because the applicant has not complied with all the conditions of approval yet and it was granted by the Planning Commission on December 17, 2012.

The applicant has worked with staff to complete all applicable conditions of approval; however, the Final Map cannot be presented to the City Council until after the first of the year. Therefore, the applicant has requested one final extension.

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, SUB-216-08 and UP-987-08 to December 31, 2014.

Attachment:

- a. Letter from Applicant Dated November 7, 2013