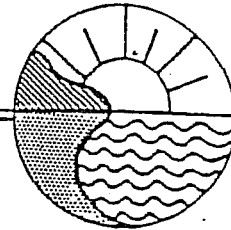


# AGENDA



## Planning Commission – City of Pacifica

DATE: Monday, December 7, 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: November 16, 2009  
Designation of Liaison to City Council Meeting of: December 14, 2009

### SPECIAL ORDER OF BUSINESS:

#### 1. ELECTION of CHAIR and VICE CHAIR

### CONSENT ITEMS:

### PUBLIC HEARINGS:

2. CDP-317-09 COASTAL DEVELOPMENT PERMIT, filed by the agent Guiseppe Sircana, on behalf of the owner, Edith P. Heidrick, to add a third story on an existing two story single family residence at 1344 Grand Avenue, Pacifica (APN 023-017-310). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
3. CDP-315-09 COASTAL DEVELOPMENT PERMIT, USE PERMIT, SITE DEVELOPMENT PERMIT, and SUBDIVISION, filed by the agent, Van Ly, on behalf of the owner, Martin Coyne, to construct two three-story condominium duplexes (four units total) on two vacant lots at 10 & 16, and 20 & 26 Santa Rosa Avenue, Pacifica (APN 016-182-020 & 030). Recommended CEQA status: Exempt. Proposed Action: Continue for redesign  
UP-003-09  
PSD-777-09  
SUB-218-09

### OTHER AGENDA ITEMS:

4. UP-944-05 EXTENSION OF PERMITS for the construction of a two-story mixed-use (commercial and residential) building  
PSD-735-05 at the northwest corner of Monterey Road and Waterford Street (APN 009-058-040). Proposed Action: Grant extension request
5. PSD-730-04 EXTENSION OF PERMIT for construction of a single-family residence at the southwest portion of Troglia Terrace and Oddstad Way, Pacifica (APN 022-071-210 to -240). Proposed Action: Grant 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.***

# CITY OF PACIFICA

## MEMORANDUM

**DATE:** December 7, 2009

**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 Nathanson 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 Nathanson 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 Nathanson 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 Nathanson 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 7, 2009

**TO:** Planning Commission

**FROM:** Lily Lim, Planning Intern

**SUBJECT:** Agenda Item No.2: Continuance of Coastal Development Permit, CDP-317-09, to construct a new third story to an existing two story single-family residence at 1344 Grand Avenue, Pacifica (APN 023-017-310).

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On July 20, 2009 the Planning Commission considered Coastal Development Permit, CDP-317-09, to add a new third floor to an existing two story single-family residence at 1344 Grand Avenue. Details of the project are contained in the attached staff report dated July 20, 2009. During the hearing on July 20, 2009, members of the neighborhood voiced their concerns regarding the height of the proposed project. The Commission continued this item to allow the applicant and owner to work with the neighbors to consider other possible alternatives. One Commissioner suggested that the applicant explore additional lot coverage instead of a vertical addition. The minutes of the July 20, 2009 meeting are attached.

The applicant indicated that he has tried to reach out to the neighbors, but without success. Although he has only contacted one of the neighbors who spoke at the meeting, the applicant has tried to work with the neighbors that are adjacent to the subject property. He has informed staff that he has spoken with a few of the adjacent neighbors several times. The applicant has resubmitted unrevised plans; however, he has included a page on the plans that shows the height of all the houses along Grand Avenue. According to the page the applicant has provided, it appears that 11 houses on Grand Avenue have an overall height of 35 feet. As mentioned in the previous staff report, the house is located on an uphill slope and is 1 foot greater in height than 1348 Grand Avenue, which is the house directly to the south. 1348 Grand Avenue has three north facing windows, two of which appear to have a direct view of a doorway and a small window at 1344 Grand Avenue and one which is unobstructed. The new addition would not impact the window with the unobstructed views, but it may impact views from the two remaining windows that currently face the subject property. Impacts on views from other parts of Grand Avenue will be minimized due to the slope of the street. Most homes in the area currently have a higher elevation than the proposed project and may not have impacted views. Those looking directly at the subject property from the south east portion of Grand Avenue currently see a large tree. The proposed addition would be screened by the existing tree and may not have an impact

on those with a higher elevation. It should be noted that Pacifica does not have a regulation requiring the preservation of existing views.

Staff continues to believe that proposed addition complements the surrounding homes and will enhance the overall appearance of the neighborhood. Additionally, the setback to the third story and the planters help to break up the existing flat façade, while the windows and balconies add character to the home. Although the proposed addition will be greater in height than the home located to the north, the natural slope of Grand Avenue will provide a smooth transition between the subject property and the homes as the street continues south. Staff continues to believe that findings can be made to grant a Coastal Development Permit; therefore staff recommends approval of this project. Should the Commission desire, staff has provided an alternative motion to continue the project for revisions or findings for denial.

## **CONDITIONS AND FINDINGS**

### **CONDITIONS:**

Staff recommends that the Planning Commission approve Coastal Development Permit, CDP-317-09, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled “Third Story Addition, 1344 Grand Avenue, Pacifica, California, 94044,” consisting of nine (9) sheets dated 9/15/09 except as modified by the following conditions.
2. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director’s satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger.
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. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments,

approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

**Engineering Department:**

5. Applicant shall overlay existing asphalt with minimum 2 inch AC to street centerline across entire property frontage.
6. All existing cracked and broken sidewalk across entire property frontage shall be replaced per City Standards 100 and 101A. Show location and dimensions on the Site Plan.
7. Add a note on the Site Plan that says, "Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced."
8. Add a note on the Site Plan that says, "Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer."
9. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
10. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

**Wastewater Department:**

11. The applicant shall provide a video of the sewer lateral line. Depending upon the condition of the existing sewer line, if there are any visible signs of leakage, the applicant shall replace parts or the whole sewer line to current specification and codes to the satisfaction of the City Engineer.

## **FINDINGS**

1. **Findings for Approval of Coastal Development Permit:** The Planning Commission finds that the proposal to construct a third story on an existing two story single family residence will 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 Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

## **COMMISSION ACTION**

### **MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, **APPROVE** Coastal Development Permit, CDP-317-09, subject to conditions 1 through 11 and adopt findings contained in the December 7, 2009 staff report, and incorporate all maps and testimony into the record by reference.

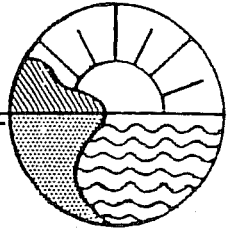
### **MOTION FOR CONTINUANCE:**

Move that the Planning Commission **CONTINUE** Coastal Development Permit, CDP-317-09 to \_\_\_\_\_ for revisions or preparation of findings for denial.

#### Attachments:

- a. July 20, 2009 Staff Report and Attachments
- b. Planning Commission Meeting Minutes from July 20, 2009
- d. Site Plan

# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** December 7, 2009

**ITEM:** 3

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on November 25, 2009 and 56 surrounding property owners and tenants were notified by mail.

**FILE:** PSD-777-09  
CDP-315-09  
UP-003-09  
SUB-218-09

**APPLICANT and OWNER:** Martin Coyne, 1710 Golden Gate Avenue, San Francisco, CA 94115

**AGENT:** Van Ly, Van T. Ly & Associates, Architects, 8 Brussels Street, San Francisco, CA 94134

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

**PROJECT DESCRIPTION:** Construct two three-story condominium duplexes (four units total) of approximately 3,000 square feet each including two garage spaces per unit on two vacant lots.

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

**RECOMMENDED CEQA STATUS:** Exempt Section 15303

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

**RECOMMENDED ACTION:** Continuance for Redesign.

**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 sq. ft.	4,500 sq. ft.	4,500 sq. ft.
Minimum Lot Width	50'	50'	50'
Height	35'	NA	35'
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	21'
Lot Coverage	60%	NA	45%
Landscape Area	20%	NA	20%
Usable Common Open Space (includes private open space)	1,500 sq. ft.	NA	1,503 sq. ft.
Private Open Space	150 sq. ft. per unit	NA	Unit 10=750 sq. ft. Unit 16=750 sq. ft.
Deck Projection in Rear Yard	6'	NA	6'
Parking			
Residential - Number of Spaces	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 sq. ft.	4,500 sq. ft.	4,500 sq. ft.
Minimum Lot Width	50'	50'	50'
Height	35'	NA	35'
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	21'
Lot Coverage	60%	NA	45%
Landscape Area	20%	NA	20%
Usable Common Open Space (includes private open space)	1,500 sq. ft.	NA	1,503 sq. ft.
Private Open Space	150 sq. ft. per unit	NA	Unit 20=750 sq. ft. Unit 26=750 sq. ft.
Deck Projection in Rear Yard	6'	NA	6'
Parking			
Residential - Number of Spaces	4	NA	4

## **PROJECT SUMMARY**

### **A. STAFF NOTES:**

**1. Background:** In 2003, the applicant received approval of a Tentative Subdivision Map, Modification to Subdivision Regulations and Coastal Development Permit to subdivide a lot of approximately 9,000 square feet into two lots. The Modification to the Subdivision Regulations was to allow each newly created lot to be 4,500 square feet instead of 5,000 square feet which is a standard sized lot. These two lots comprise the subject site for the proposed project.

**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 would have the same floor plans with approximately 2,500 square feet of floor area, 400 square feet of garage space and 100 square feet of deck/balcony area. The ground floor for each unit contains approximately 600 square feet of floor area with a bedroom, bathroom, sitting area and storage space. The garage of approximately 500 square feet satisfies code requirements for a two car garage. The second level comprising approximately 1,000 square feet of floor area projects five feet out over the driveway along all the frontages of the units. The second floor contains a kitchen, bathroom and living area with a deck at the rear of the unit. The third level of approximately 900 square feet contains two bathrooms, two bedrooms and a balcony. A window projection of 1 foot into all the side yard setbacks is proposed on the top floor. The third floor is setback approximately 10 feet with the balcony located within this setback. Unit #10 and #16 will have a shingle roof and wood siding finish while the other duplex (#20 and #26) will have tile roofs and stucco finish to create design variety and different facades between the two adjacent duplexes.

**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 has filed a Planning application to construct a three story duplex. The other nearby properties are developed with a variety of dwellings including three story apartments and single story dwellings.

**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 in the R-3 zone.

**5. CEQA Recommendation:** Proposed is the construction of four dwelling units; and 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

**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 – Although most of the findings can be satisfied for the Site Development Permit, it is staff's opinion that the overall size of the project at three stories and 35 feet in height is out of scale with the surrounding properties which is inconsistent with the Design Guidelines. A proposal for a three story building on the vacant lot to the west has not been determined complete. The property to the east of the subject site (30 Santa Rosa Avenue) is developed with a two story building approximately 25 feet tall.

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 single-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. However, as discussed previously, the project proposed at three stories is taller and more massive than most of the surrounding buildings; and therefore, it is out of scale with the neighborhood and inconsistent 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). Although the subject site and adjacent lot to the west are vacant, the other surrounding properties are developed with single-family and multiple family dwellings. However, the project is more massive than other dwellings recently constructed in the Sharp Park neighborhood which are primarily two stories and lower in height. The existing vegetation is invasive and would be replaced with native species if the project were approved.

Tentative Map – As described previously in this staff report, the proposed two duplexes are consistent with the General Plan, the Local Coastal Program, and development standards; however, the project is inconsistent with the Design Guidelines because it is out of scale with the other residential buildings which are primarily two stories and approximately 25 feet in height.

Design –The design of the project is attractive and many interesting architectural features are incorporated as recommended in the Design Guidelines. Different siding, window configurations and roof materials are utilized for each duplex and each dwelling unit will be painted a different color as encouraged in the Guidelines. The three story duplexes at 35 feet in height will be 10 feet taller than the existing dwelling to the east and taller than most of the surrounding dwellings in the neighborhood.

There are design options that may be considered by the applicant that would reduce the scale of the building and make it more compatible with the adjacent two story dwelling and surrounding neighborhood. For example, the third story can be redesigned to have a greater setback from Santa Rosa Avenue (proposed setback is 24 feet) and the floor area of 900 square feet can be reduced. In addition, the third floor can be completely eliminated. Each unit has three bedrooms and a sitting area, and another option would be to remove the sitting area; thus, reducing the square footage of each unit and redesign the project to have a smaller third floor. On each 4,500 square foot lot, the amount of floor area per duplex at approximately 5,000 square feet exceeds the lot area and has a FAR of 111% which may be an indication of too much square footage per lot. Reducing the square footage may allow for more design flexibility and enable the applicant to bring the proposed structures into scale with the neighborhood. There may be other options that the Planning Commission may want to consider as well.

**11. Summary:** In staff's opinion, the project satisfies all the Zoning Code development standards but it is inconsistent with the Design Guidelines. The three story duplexes would be among the tallest buildings in the neighborhood which primarily consists of one and two story dwellings. Thus, staff is recommending that the project be redesigned in order to bring the proposal into scale with the surrounding residential development. Alternatively, the Commission could direct staff to return with findings to deny or approve the project as proposed.

## RECOMMENDATION AND FINDINGS

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission **CONTINUE** PSD-777-09, UP-003-09, SUB-218-09, and CDP-315-09 for two duplexes of condominiums at 10, 16, 20 and 26 Santa Rosa Avenue.

## COMMISSION ACTION

### **C. MOTION FOR CONTINUANCE:**

Move that the Planning Commission **CONTINUE** consideration of PSD-777-09, UP-003-09, SUB-218-09, and CDP-315-09 for two duplexes of condominiums at 10, 16, 20 and 26 Santa Rosa Avenue to the meeting on January 4, 2010 for a redesign of the project.

#### Attachments:

- a. Land Use and Zoning Exhibit
- b. Plans and Elevations (Planning Commission only)

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** December 7, 2009

**TO:** Planning Commission

**FROM:** Lee Diaz, Associate Planner

**SUBJECT:** Agenda Item No 4. Extension of Use Permit and Site Development Permit for the construction of two-story mixed-use (commercial and residential) building at the northwest corner of Monterey Road and Waterford Street (APN: 009-058-040)

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On November 13, 2007, the City Council, on appeal, conditionally approved a General Plan amendment, Tentative (Condominium) Subdivision Map, Use Permit and Site Development Permit for the development of a vacant parcel with a two-story mixed-use (commercial and residential) building at the northwest corner of Monterey Road and Waterford Street. Details of the proposal are contained in the attached staff reported dated November 13, 2007. Also attached are the minutes of the City Council meeting.

The Use Permit and Site Development Permit were originally due to expire on November 13, 2008. At the request of the applicant, the Planning Commission granted a one (1) year extension for the Use Permit and Site Development Permit. The applicant required an extension to complete the building permit approval process due to the integration of green architecture elements into the building design, the requirement of a second means of egress to the building and budgetary constraints. The General Plan amendment runs with the land. The Tentative (Condominium) Subdivision Map would have originally expired 24-months after its approval (November 13, 2009). The Tentative (Condominium) Map was extended to 2010 by operation of law due to the enactment of Government Code Section 66452.21 by the California Legislature in 2008. The Governor recently signed AB 333, which extended the life of the existing Tentative (Condominium) Maps by an additional 24 months pursuant to new Government Code Section 66452.22. Thus, the applicant's Tentative (Condominium) Map will now expire on November 13, 2012. The new legislation does not affect the life of the ancillary permits.

The Use Permit and Site Development Permit were due to expire on November 13, 2009. On November 13, 2009 staff received the attached extension request. This is the applicant's second extension request. The applicant is still trying to obtain financing and complete the additional design elements (see attachment).

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project or area. Staff does not believe that

there have not been any changes that would indicate that the extension should not be granted. Since this is a second extension request, this item is presented as a consideration item.

### **COMMISSION ACTION REQUESTED**

Move that the Planning Commission **EXTEND** UP-944-05 and PSD-735-05 to November 13, 2010.

#### **Attachments:**

1. Letter from Applicant, 11/13/09
2. City Council Agenda Summary Report, 11/13/07 (attachments: Council Agenda Summary Report, 10/22/07)
3. City Council Minutes, 11/13/07)
4. Land Use and Zoning Exhibit

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** December 7, 2009

**TO:** Planning Commission

**FROM:** Lee Diaz, Associate Planner

**SUBJECT:** Agenda Item No. 5: 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).

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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).

The Site Development Permit was due to expire on November 20, 2009. On November 12, 2009 staff received the attached extension request. This is the project's third 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, 2010.

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 11/12/09