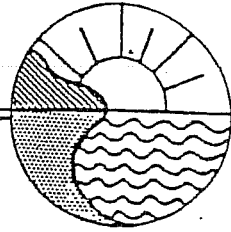


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, January 4, 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: December 7, 2009
Designation of Liaison to City Council Meeting of: January 11, 2010

CONSENT ITEMS:

1. PV-496-08 EXTENSION OF PERMIT to exceed the Hillside Preservation District lot coverage limitation, for the construction of a bed and breakfast inn, at 130 Dardenelle, Pacifica (APN 018-113-060). Proposed Action: Grant extension request

PUBLIC HEARINGS:

2. CDP-317-09 COASTAL DEVELOPMENT PERMIT, filed by the agent Guisepppe 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: Continue to February 16, 2010 (Continued from December 7, 2009)
3. UP-008-09 USE PERMIT, filed by the agent, Fred Musser, on behalf of the applicant, T-Mobile West Corporation, and the owner, North Coast County Water District, to install a new wireless communications facility with a mono tree, 6 antennas and equipment cabinets at the Alvarado Water Tank, Pacifica (APN 023-311-010). Recommended CEQA status: Exempt. Proposed Action: Continue to February 16, 2010 (Continued from November 16, 2009)
4. UP-009-09 USE PERMIT, filed by the agent, Fred Musser, on behalf of the applicant, T-Mobile West Corporation, and the owner, April Schneider and Matthew Farley, to install a new wireless communications facility with a mono tree, 6 antennas and equipment cabinets at 650 Cape Breton Drive, Pacifica (APN 022-320-200). Recommended CEQA status: Exempt. Proposed Action: Continue to February 16, 2010 (Continued from November 16, 2009)
5. 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 near the intersection with Beach Boulevard (APN 016-182-020 & 030). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned (Continued from December 7, 2009)
UP-003-09
PSD-777-09
SUB-218-09

OTHER AGENDA ITEMS:

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: January 4, 2010

TO: Planning Commission

FROM: Christina Horrisberger, Assistant Planner 

SUBJECT: **Agenda Item No. 1:** Extension of Variance, PV-496-08, to exceed the Hillside Preservation District lot coverage limitation at 130 Dardenelle, Pacifica (APN 018-113-060).

On December 15, 2008, the Planning Commission approved a Variance to exceed the Hillside Preservation District lot coverage limitation, for the construction of a bed and breakfast inn, at 130 Dardenelle. The permits became effective on December 26, 2008 following the expiration of the required City appeal period. Details of the project are contained in the attached staff report and Planning Commission meeting minutes dated December 15, 2008.

The Variance was due to expire on December 26, 2009. The applicant submitted the request for an extension on December 8, 2009. The reason cited by the applicant for requesting the extension is the current economic climate and housing demand. This is the applicant's first extension request. The request is attached for the Commission's review.

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project, property or area. There have not been significant changes affecting the provisions for variances, to the project or to the surrounding area during the past year. Therefore, staff recommends that the Commission grant the requested extension.

COMMISSION ACTION

Move that the Planning Commission **EXTEND** Variance, PV-496-08, to exceed the Hillside Preservation District lot coverage limitation at 130 Dardenelle for one year, to December 26, 2010.

Attachments:

- a. December 15, 2008 Planning Commission Staff Report and Meeting Minutes
- b. Grant letter with Conditions of Approval
- c. Applicant's request for an extension

CITY OF PACIFICA

AGENDA MEMO

DATE: January 4, 2010

TO: Planning Commission

FROM: Lily Lim, Planning Intern *W*

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

On July 20, 2009 and again on December 7, 2009 the Planning Commission continued consideration of Coastal Development Permit, CDP-317-09, to construct a new third story to a two story single family residence at 1344 Grand Avenue. During the hearing on December 7, 2009, the Commission stated that they were concerned with the neighborhood compatibility and the design of the overall project. Additionally, members of the public were concerned with the height of the proposed project. The Commission continued this project to give the applicant an opportunity to address the current concerns and those that were brought up at the first meeting.

The applicant has requested more time to address the concerns expressed by the Commission and members of the public. Therefore, a further continuance to the Planning Commission meeting on February 16, 2010 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** CDP-317-09 to the next Planning Commission meeting on February 16, 2010, with the public hearing open.

Attachments:

- a. Continuance request letter from applicant

CITY OF PACIFICA

AGENDA MEMO

DATE: January 4, 2010
TO: Planning Commission
FROM: Lily Lim, Planning Intern W

SUBJECT: **Agenda Item No. 3:** Use Permit, UP-008-09 to install a monotree with six antennas, one Global Positioning System (GPS) antenna and one equipment cabinet enclosure at a new wireless communications facility at the Alvarado Water Tank on Sheila Lane, Pacifica (APN – 023-311-010).

On October 19, 2009, the Planning Commission continued consideration of Use Permit, UP-008-09 to install a monotree with six antennas, one GPS antenna and one equipment cabinet enclosure at a new wireless communications facility at the Alvarado Water Tank on Sheila Lane. During the hearing, the Commission heard testimony from concerned neighbors and requested that the applicant explore alternatives to the proposed location of the monotree. The applicant has been working with staff to address the Commission's concerns but has yet to submit revised plans. The applicant has requested to continue this to another meeting to address the concerns that came up during the October 19, 2009 meeting. Therefore, a continuance to the Planning Commission meeting on February 16, 2010 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** UP-008-09 to the Planning Commission meeting on February 16, 2010, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE: January 4, 2010

TO: Planning Commission

FROM: Lily Lim, Planning Intern *W*

SUBJECT: **Agenda Item No. 4:** Use Permit, UP-009-09 to install a monotree with six antennas, one Global Positioning System (GPS) antenna and one equipment cabinet enclosure at a new wireless communications facility at 650 Cape Breton Drive, Pacifica (APN – 022-320-200).

On October 19, 2009, the Planning Commission continued consideration of Use Permit, UP-009-09 to install a monotree with six antennas, one GPS antenna and one equipment cabinet enclosure at a new wireless communications facility at 650 Cape Breton Drive. During the hearing, the Commission heard testimony from concerned citizens and requested that the applicant return with additional information regarding the potential noise and visual impacts of the proposed monotree. The applicant has been working with staff to address the Commission's concerns but has yet to submit revised plans. The applicant has requested to continue this to another meeting to address the concerns that came up during the October 19, 2009 meeting. Therefore, a continuance to the Planning Commission meeting on February 16, 2010 is requested.

COMMISSION ACTION REQUESTED


Move that the Planning Commission **CONTINUE** UP-009-09 to the Planning Commission meeting on February 16, 2010, with the public hearing open.

City of Pacifica

Agenda Memo

DATE: January 4, 2010

TO: Planning Commission

FROM: Kathryn Farbstein , Assistant Planner 

SUBJECT: Agenda Item No. 5: Construct Two Three-story Condominium Duplexes on Two Separate Vacant Lots at 10 & 16 and 20 & 26 Santa Rosa Avenue; PSD-777-09, CDP-315-09, UP-003-09 and SUB-218-09 (APN 016-182-020 & 030)

Background: This project was continued from the Planning Commission meeting on December 7, 2009 to allow the applicant to address concerns raised by the Commission regarding the height and mass of the proposed project. A majority of the Commission believe lowering the height of the project and possibly setting back the third story, among other things, will help bring the project into scale with the surrounding neighborhood. The staff report and the minutes of the December 7, 2009 meeting are attached.

Revised Plans Submitted: The applicant has submitted revised plans in an attempt to address the concerns expressed by the Commission at the previous meeting (see Attachment 3 and 4). In Attachment 3 (dated December 9, 2009), the applicant shows the original project proposed and previously presented to the Planning Commission next to the newly revised project in order to better illustrate the revisions to the design. The overall height of both duplexes was lowered from 35 feet in the original proposal to the newly proposed height of 30 feet. The third floor setback has also been increased by 3 feet for a total setback from the property line of 27.5 feet. Due to the increased setback, the floor area for the third floor is reduced by approximately 70 square feet for each unit. However the balcony area of 36 square feet for the third story has also been increased to 110 square feet of deck area. It should be noted here that the applicant eliminated the width of the walls in the project data information for the revised plans; and therefore, the decrease in floor area is greater than just the reduction in the third floor area.

CEQA: As discussed in the December 7, 2009 staff report, the project was determined exempt from CEQA based on Section 15303 (b).

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 spaces satisfy code requirements and are easily accessible; and therefore, no parking accessibility problems will be created. 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 20% of the lot area or 900 square feet per lot is provided on both lots.

In response to additional findings required for the granting of a Site Development Permit, a greater than 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 discussed in the December 7, 2009 staff report, 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 16 and 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. A 30 square foot projection on the third floor bathroom for a bay window is proposed but it is located mostly above the roof level of the existing adjacent dwelling. 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; therefore, construction of two duplexes is consistent with the surrounding properties and would not be a substantial detriment to the neighborhood. Development of the subject site would not impact the natural environment because the lot 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. In staff's opinion, the revised 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 single-story beach cabins while the newer

development tends to be two and three- 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. Thus, staff believes that the buildings as currently designed are consistent with the dwellings in the neighborhood and the residential use is appropriate for the site.

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 No. 23), it should be designed and scaled for compatibility of surrounding uses (Coastal Act Policy No. 23), and it should provide replacement plantings as needed (Coastal Act Policy No. 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. The project is similar to other new three story dwellings constructed in the Sharp Park neighborhood. However, the existing vegetation is invasive and should be replaced with native species as required in the landscaping condition No. 3.

Another concern of the Local Coastal Program is the preservation of the coastal view. In this case, the views are to the west and north towards the ocean. No public view areas will be affected. However, it does appear that at least the existing dwelling to the east may have views that may be impacted by the project. The existing dwelling at 30 Santa Rosa Avenue has three vacant lots between it and the ocean; thus, it is unlikely that a view of the ocean can be maintained. The main view to the north for 30 Santa Rosa Avenue would be unaffected by the project.

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

Tentative Map – As described previously in this staff report, the proposed two duplexes are consistent with the General Plan, the Local Coastal Program, and the zoning provisions including the Design Guidelines which will be discussed further below.

Design – Although the four dwelling units contained in the two duplexes have the same floor plans and the overall shape of both duplexes is similar, architectural features have been added to differentiate between the buildings as required in the Design Guidelines. Unit 10 and 16 will have wood trim and composition shingle roofing while Unit 20 and 26 will have stucco siding and a tile roof. Each of the four units will be painted a different color as recommended in the Guidelines. The window configurations are different between the two duplexes. The balcony railing for Unit 10 and 16 has open railing while the balcony treatment on Unit 20 and 26 will have a solid stucco railing. The roof over each duplex is the same; however, the roof overhang on the second floor is different in that the duplex on the west side has a peaked roof overhang and the duplex on the east side had a cross gable roof overhang. The original varied shed roofline has been modified to lower the height of the buildings and the proposed roofline will not be as visible. The duplexes have been designed with large view windows on each of the

elevations, and with balconies and decks on the upper two floors to capture as much of the views of the ocean and surrounding hills, which are natural features, as possible, which is encouraged in the Design Guidelines.

The front façade of each unit has 5 feet of overhang above the driveway and extending from the second floor. The third floor is setback approximately 28 feet with one balcony for each unit on the third floor. These elements help to break up the front façade of each unit while creating human scale elements and visual interest as suggested by the Design Guidelines. Thus, in staff's opinion, the revised proposal with the lowered height and greater third story setback results in a less massive structure and the revised duplexes are more in scale with the surrounding properties.

Tree Protection Condition: During public testimony at the previous Planning Commission meeting, the neighbor at 30 Santa Rosa Avenue requested that the tree on their property be protected during construction of the duplexes. Several Commissioners expressed interest in protecting the existing tree even if it may not be a heritage tree. In response, staff is recommending a condition of approval to require that the applicant provide an arborist's report including a tree protection plan. The measures to protect the tree will be implemented by the applicant during construction of the project.

Summary: As conditioned, staff believes that the revised proposal for two duplexes is well designed, aesthetically pleasing and is now more in scale with the other buildings in the neighborhood. Specifically, the reduced height of the project to 30 feet from the original proposal of 35 feet, an increase in the third floor setback and the design of both duplexes with a variety of siding, window and roofing materials, creates visually interesting buildings and helps to reduce the overall massing of the structures. Staff believes that the redesigned project as conditioned satisfies all the Code requirements and it is now consistent with the Design Guidelines. In addition, the findings can be made to grant the Coastal Development Permit, Site Development Permit, Use Permit and Subdivision. Thus, staff recommends approval of the project subject to the conditions listed below.

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

CONDITIONS AND FINDINGS

CONDITIONS

Planning

1. Development shall be substantially in accord with the plans entitled "Residential Dwelling Duplex 10 & 16 and Residential Dwelling Duplex 20 & 26" consisting of twenty (20) sheets, dated November 5, 2009 except as modified by the following conditions.

2. Prior to the issuance of a building permit, the applicant shall submit information on the final exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. The applicant shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. The landscape plan shall show each type, size, and location of plant materials. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. Of this native plant requirement, the species shall be historically or currently present at site or similar sites with the same conditions. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.
4. The applicant shall submit an arborist report with measures identified to protect the tree located on the adjacent property at 30 Santa Rosa Avenue, to the maximum extent feasible, prior to building permit issuance. All recommendations to protect the existing tree identified in the arborist's report for the subject site shall be implemented as specified in the arborist's report.
5. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
6. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.

7. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.
8. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
9. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
10. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
11. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable on all building elevations.
12. Declaration of Covenants, Conditions & Restrictions (CC&Rs). Prior to issuance of a building permit, the developer/owner shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions & Restrictions and Equitable Servitude's which shall run with the land and be binding on all future owners and occupants of each unit within the subject property and their successors, heirs and assigns, and shall be approved as to form and content by the City Attorney and Planning Director, which accomplishes the following:
 - a) The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
 - b) There shall be a Homeowners Association to manage the project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of the building exteriors, exterior lighting, parking areas, common areas, utility areas within common areas, landscaping and building signage, sanitary sewer, private storm drain, driveways and other features. Maintenance of the private storm drain shall be the responsibilities of the applicant and property owners.
 - c) The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, of all building exteriors, exterior

lighting, parking, landscaping, signage, sanitary sewer, private storm drain, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.

d) The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for the purpose of financing the maintenance, repair and replacement of the building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.

e) The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.

f) Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.

g) Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.

h) The Declaration shall establish procedures for designating a project "Manager," if different than the "Agent," who shall at all times be responsible for security and/or maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.

i) The Declaration shall include a provision that the provisions relating to this condition (Condition No. 12) shall not be amended without prior approval in writing from the City of Pacifica.

j) The Declaration shall specify that the owners of each of the residential units on the subject property shall comply with all other applicable conditions of approval for the project.

k) The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs.

13. As a condition of the Tentative (Condominium) Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-218-09. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.

14. As a condition of the Site Development Permit, Use Permit and Coastal Development

Permit, 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.

15. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations, including any changes to the project, to the Planning Director's satisfaction prior to approval of a building permit.

Wastewater Division of Public Works

16. The applicant shall install backflow devices on the main sanitary sewer lateral from each building due to the elevation of the property to Director of Public Works satisfaction.
17. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter.

Engineering Division of Public Works

18. Drainage inlets shall be stenciled in thermoplastic "No Dumping Drains To Ocean." Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
19. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Santa Rosa Avenue. Applicant shall provide daily dust control and daily road cleanup during construction.
20. The applicant shall submit a final map to the Engineering Division for approval by the City Engineer. All required monumentation shall be shown on the map and set prior to

recordation of the map if the infrastructure improvements have not been completed.

21. Should the applicant desire to record the final map prior to completion and acceptance of improvements, a bond in an amount determined by the City Engineer must be provided. The bond may be in the form of cash, instrument of credit or surety bond.
22. Should the applicant seek to record the final map prior to completion and acceptance of on-site and off-site improvements, the applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the final map.
23. Prior to the execution of the Subdivision Improvement Agreement, applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but not limited to:
 - a. All plans and reports must be signed and stamped by a California licensed professional.
 - b. Plan, profile and cross sections of the proposed driveways. The proposed driveway shall not exceed the maximum grade of 18%.
 - c. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the driveways and retaining wall.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
24. Prior to approval of the final map, the applicant shall verify that all public and private utilities have been provided to serve the subdivision. Approvals and/or agreements shall be obtained from all utilities.
25. An Encroachment Permit must be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.
26. All utilities shall be installed underground.
27. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.

28. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
29. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
30. Applicant shall overlay existing asphalt with minimum 2 inch AC across entire property frontage along Santa Rosa Avenue.
31. Since the properties are located in the flood zone area, upon development of the two parcels and prior to building permit issuance, the applicant shall submit the FEMA Elevation Certificate. In addition, the development of these parcels shall adhere to the provisions set forth by the City of Pacifica Municipal Code, Title 7, and Chapter 5 to the City Engineer's satisfaction.

FINDINGS

Findings for Approval of the Site Development Permit: The Planning Commission finds that the size, location, and intensity of the proposed duplexes at 10 & 16, and 20 & 26 Santa Rosa Avenue will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood; that sufficient landscaped areas have been provided; that the new duplexes will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, nor will it hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof; that the residential project is not substantially detrimental to the character or value of the adjacent R district and existing dwellings; that the new buildings will not excessively damage or destroy natural features of the site; that the design of the project is compatible with other development in the neighborhood, thereby making it consistent with the City's adopted Design Guidelines; and that the project is consistent with the General Plan, Local Coastal Plan and other applicable laws of the City. Specifically, the Planning Commission finds that the project is a residential use that is in scale with the surrounding residential neighborhood, and that the design including varied window treatment, roofing and siding and a different color for each unit has sufficient design variety.

Findings for Approval of the Use Permit: The Planning Commission determines that the proposed two duplexes, as conditioned, is an appropriate use for the site. Specifically, the establishment, maintenance, or operation of the building applied for will not, under the circumstances of this 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. The Commission further finds that the request is consistent with the City's adopted Design

Guidelines. In particular, the proposed use is four residential units in two duplexes that will be compatible with the neighborhood that contains a variety of residential uses from single-family to multi-family dwellings.

Findings of Approval of the Coastal Development Permit: The Planning Commission finds that the proposed project, as conditioned, is in conformity with the City's Local Coastal Program and Public Recreation policies of Chapter 3 of the California Coastal Act. Specifically, the design and scale of the project is compatible with the surroundings in the Sharp Park neighborhood. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources.

Findings of Approval of Tentative Map: The Planning Commission finds that the required findings can be made for granting approval of the subdivision to create four condominiums in that the proposed subdivision is consistent with the General Plan and Zoning Ordinance of the City of Pacifica. In addition, the site is physically suitable for the type and density of development, no substantial environmental damage will be caused by the project, and no public health problems will result from development of the subject property. The proposed Tentative Map, which will create condominiums for the four residential units and allow each unit to be sold separately, is compatible and consistent with the adjacent and immediately surrounding properties that contain a variety of residential uses.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA and APPROVE CDP-315-09, PSD-777-09, UP-003-09 and SUB-218-09 subject to conditions 1 through 31, and adopt findings contained in the January 4, 2010 Agenda Memo, and incorporate all maps and testimony into the record by reference.

-OR-

MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** consideration of CDP-315-09, PSD-777-09, UP-003-09 and SUB-218-09 to construct two duplexes at 10 & 16 and 20 & 26 Santa Rosa Avenue to the meeting on January 19, 2010 for redesign or preparation of findings for denial.

Attachments (Planning Commission Only)

- 1) December 7, 2009 Staff Report

- 2) Planning Commission Meeting Minutes from December 7, 2009 (Distributed Separately)
- 3) Reduced Plans with Original and Current Design Shown from Applicant Dated December 9, 2009 (3 pages)
- 4) 11 by 17 Revised Plans