

## RESOLUTION NO. 70-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEALS AND UPHOLDING THE PLANNING COMMISSION’S ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) AND APPROVAL OF SITE DEVELOPMENT PERMIT PSD-714-02, USE PERMIT UP-904-02, TENTATIVE SUBDIVISION MAP SUB-204-02, HERITAGE TREE REMOVAL AUTHORIZATION, AND LOGGING OPERATION APPROVAL (FILE NO. 2002-001), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF FOUR NEW TOWNHOUSE DUPLEX BUILDINGS (TOTAL OF EIGHT DWELLING UNITS), AND ASSOCIATED SUBDIVISION OF AIRSPACE FOR CONDOMINIUM PURPOSES, ON AN APPROXIMATELY 53,000-SF (1.217 ACRES) UNDEVELOPED LOT ON THE EAST SIDE OF MONTEREY ROAD APPROXIMATELY 250 FEET SOUTHEAST OF THE MONTEREY ROAD AND HICKEY BOULEVARD INTERSECTION (APN 009-381-010).**

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Initiated by: Javier Chavarria (“Applicant”)

**WHEREAS**, Applicant has submitted a proposal to construct four new townhouse duplex buildings (total of eight dwelling units), and associated subdivision for condominium purposes, and to remove six heritage trees and 51 non-heritage trees on an approximately 53,000-sf (1.217 acres) undeveloped lot located on the east side of Monterey Road approximately 250 feet southeast of the Monterey Road and Hickey Boulevard intersection (APN 009-381-010) (“Project”); and

**WHEREAS**, the Project requires Planning Commission approval of a site development permit pursuant to Pacifica Municipal Code (“PMC”) section 9-4.3201(a) because the Project proposes new construction within the R-3 (Multiple-Family Residential) zoning district and pursuant to PMC section 9-4.2403(a) because the Project proposes a residential clustered housing development; and

**WHEREAS**, the Project requires Planning Commission approval of a use permit pursuant to PMC section 9-4.2403(a) because the Project proposes a residential clustered housing development; and

**WHEREAS**, the Project requires Planning Commission approval of a tentative subdivision map pursuant to PMC section 10-1.302 because the Project proposes the division of airspace into five or more condominiums; and

**WHEREAS**, the Project requires approval of a Heritage Tree Removal Authorization pursuant to PMC section 4-12.07(a) because the Project proposes removal of six heritage trees; and

**WHEREAS**, the Project requires approval of a Logging Operation pursuant to Ordinance No. 636-C.S. and Ordinance No. 673-C.S., because it proposes to remove more than 20 trees as defined in Ordinance No. 636-C.S.; and

**WHEREAS**, the proposed Project would be required to include one of the proposed housing units as a below market rate housing unit per PMC section 9-4.4702; and

**WHEREAS**, pursuant to Section 21080.1 of the Public Resources Code and Section 15063 of the California Environmental Quality Act (“CEQA”) Guidelines located in Title 14, California

Code of Regulations (“CEQA Guidelines”), the City, as CEQA lead agency, determined that prior to considering the approval of the Project that an Initial Study and Mitigated Negative Declaration (“IS/MND”) should be prepared in accordance with CEQA and the CEQA Guidelines; and

**WHEREAS**, the City prepared an IS/MND dated January 2020 to consider, identify and analyze all potential environmental impacts of the proposed Project (State Clearinghouse No. 2020019032), which concluded that the Project could result in potentially significant impacts on biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and tribal cultural resources, and that all the potentially significant impacts of the Project can be avoided or reduced to insignificance with implementation of mitigation measures; and

**WHEREAS**, the City provided notice of the availability of the IS/MND and its intent to adopt a mitigated negative declaration to and sought comments from all interested individuals and agencies on the IS/MND as required by CEQA by (i) direct mailing to the owners and occupants of properties within 500 feet of the Project the “Notice of Intent to Adopt a Mitigated Negative Declaration for the Vista Mar Project” (“NOI”); (ii) Submission of the NOI to the County Clerk of the County of San Mateo for posting; (iii) Provision of copies of the NOI to individuals and organizations that previously submitted written requests for the notice; (iv) Publication of a Notice of Completion with the State Clearinghouse, State Clearinghouse No. 2020019032; and, (v) Posting of the draft IS/MND on the City of Pacifica Planning Department webpage; and

**WHEREAS**, pursuant to the above-described notices provided, the City made the IS/MND available for a 30-day review and comment period that ran from January 13, 2020, to February 13, 2020; and

**WHEREAS**, the City received eight comment letters on the IS/MND during the 30-day public comment period, seven of which were submitted by members of the public and one of which was submitted by the Applicant, and City staff and consultants prepared a Response to Comments (“RTC”) document to respond to all eight of the comment letters received on the IS/MND (dated May 2020), and four additional public comment letters were received outside of the public comment period and City staff and consultants prepared a second RTC document to respond to all four comment letters received on the IS/MND (dated September 2020) as well as an Errata Sheet which incorporated minor modifications made to the IS/MND as a result of those responses to comments and a Mitigation Monitoring and Reporting Program (“MMRP”) which includes all of the mitigation measures identified in the IS/MND as clarified in the two RTCs (May 2020 and September 2020) and Errata Sheet, along with the party responsible for monitoring implementation of the mitigation measures, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented; and

**WHEREAS**, the City provided notice of the Planning Commission’s intent to hold a public hearing to consider adoption of the IS/MND and approval of the Project as required by law by publishing a Notice of Public Hearing in the Pacifica Tribune on July 8, 2020, and mailing the Notice of Public Hearing to 265 surrounding property owners, occupants and interested parties; and

**WHEREAS**, the Planning Commission of the City of Pacifica on July 20, 2020 continued the hearing to August 3, 2020 in response to staff’s request; and

**WHEREAS**, the Planning Commission of the City of Pacifica on August 3, 2020 did hold a duly noticed public hearing, and the Planning Commission of the City of Pacifica continued the

hearing to September 8, 2020 after opening and closing the public hearing and providing the applicant with feedback; and

**WHEREAS**, on September 8, 2020, the Planning Commission of the City of Pacifica continued the hearing to September 21, 2020, and on September 21, 2020, the Planning Commission continued the hearing to October 5, 2020 in order to allow staff to evaluate public comments, and on October 5, 2020, the Planning Commission continued the hearing to October 19, 2020 in order to allow staff to evaluate further public comments; and

**WHEREAS**, the Planning Commission read and considered the IS/MND, the two RTC (May 2020 and September 2020), Errata Sheet and MMRP prior to making its decision to approve the Project; and

**WHEREAS**, after holding a continued public hearing on October 19, 2020, the Planning Commission of the City of Pacifica adopted Resolution No. 2020-017 adopting the IS/MND and MMRP as clarified in the RTCs and Errata and approving Site Development Permit PSD-714-02; Use Permit UP-904-02; Tentative Subdivision Map SUB-204-02, Heritage Tree Removal Authorization, and Logging Operation Approval, to authorize the Project; and

**WHEREAS**, Christine Boles, representing the Vista Mar Preservation Alliance (“Boles Appellant”) filed an appeal on October 27, 2020, of the Planning Commission’s decision to adopt Resolution No. 2020-017 (“Boles Appeal”); and

**WHEREAS**, Kristin Cramer (“Cramer Appellant”) filed an appeal on October 28, 2020, of the Planning Commission’s decision to adopt Resolution No. 2020-017 (“Cramer Appeal”); and

**WHEREAS**, the City provided notice of the City Council’s intent to hold a public hearing to consider the Appeal and adoption of the IS/MND and MMRP and approval of the Project as required by law by publishing a Notice of Public Hearing in the Pacifica Tribune on November 11, 2020, and mailing the Notice of Public Hearing to surrounding property owners, occupants and interested parties; and

**WHEREAS**, the City Council has read and considered the IS/MND, the RTCs, Errata and MMRP prior to making its decision to approve the Project; and

**WHEREAS**, the City Council of the City of Pacifica did hold a duly noticed public hearing on August 24, 2020, at which time it considered all oral and documentary evidence presented relating to the Appeal, and incorporated all testimony and documents into the record by reference.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby deny the Boles Appeal based upon the following findings:

The Boles Appellant cited several reasons for the appeal in the Appeal Form, which are summarized and addressed below:

***Basis 1. The proposed project does not comply with the 1980 Pacifica General Plan, the Municipal Code, the Pacifica Design Guidelines, of the City of Pacifica Housing Element.***

Response: As more fully detailed in the Planning Commission staff reports and Planning Commission Resolution No. 2020-017, staff and the Planning Commission evaluated and found that the Project, as conditioned, complies with the 1980 Pacifica General Plan, including the Housing Element, Pacifica Municipal Code, and found the Project, on balance consistent with the City's adopted Design Guidelines.

**General Plan and Housing Element**

The Project was evaluated for its consistency with the 1980 General Plan throughout various elements of the General Plan. Under the Land Use Element, the project was found consistent with the Low Density Residential land use designation of the site, which allows for four to 11 dwelling units on the project site (three to nine units per acre). Applicable narrative within the Land Use Element states:

*A large steep area along Monterey Road and Norfolk Place, between Norfolk and the rear of the single-family lots on Heathcliff, has been planned and zoned for low density residential development. Each site proposed for development should have a thorough geotechnical investigation. In recognition of the high visibility of the area, innovative design solutions should be proposed which minimizes height, building mass, and retaining walls to the extent feasible. Building should be separated wherever possible in order to break up building mass, and adequate and appropriate landscaping should be used to soften the appearance of buildings. [p. 36]*

A preliminary geotechnical analysis was performed by a California Registered Professional Geotechnical Engineer (GeoForensics) for this application that concluded that construction on the site was feasible and provided recommendations for construction design and further project-level geotechnical analysis. The preliminary geotechnical analysis was peer reviewed a California Registered Professional Geotechnical Engineer on the City's consultant team (GeoCon). Based on Geocon's peer review, the applicant's geotechnical reports for the project has adequately characterized the potential geotechnical and geological constraints for the project and mitigation and the preliminary geotechnical report conclusions and recommendations were accurate and appropriate. For these reasons the preliminary geotechnical analysis was found to satisfy the development permit phase for the project. The preliminary geotechnical analyses includes a recommendation for a design level geotechnical report that will require additional borings and include slope stability analyses. The City will peer review all geotechnical reports submitted as part of the building permit process. If the design level geotechnical review results in an improvement that is not substantially consistent with the development approved by the Planning Commission or as evaluated under the CEQA analysis, further evaluation of the project or an amendment of the permits may be required by the City. However, there is no evidence that such improvements would be required to construct the project in accordance with applicable building regulations including but not limited to the California Building Code. These prescribed recommendations were incorporated into the conditions of approval for the Project, thereby meeting the General Plan requirement for a thorough geotechnical investigation for the Project.

The Planning Commission found that the applicant balanced a number of constraining considerations of the site resulting in the project design. Considerations include: the general plan policies, zoning standards, slope and geological considerations, and safe site access, and grading values. Taking these various considerations into account, the project does not propose building mass, building heights, or retaining walls that are in excess of what is necessary to feasibly and safely develop the site. The retaining walls are tiered in the front and the rear of the development, which will allow for landscaping to soften the visibility of the retaining wall. A condition of approval was included to clarify that trees (24 inch box) or large shrubs (15 gallon) shall be planted between the units to block views of the 20-foot tall retaining wall. Furthermore, the units are separated into four buildings as suggested by general plan to “break up” building mass. After Planning Commission input the applicant proposed additional landscaping and heritage tree replacement trees on site. Additionally, the Planning Commission revised the crafting of a final landscaping plan condition of approval, which increased tree replacements for heritage and non-heritage trees and provided further direction on appropriate placement for trees to soften the appearance of the development as supported by the General Plan.

The Project was evaluated for its consistency with the 2015-2023 Housing Element. The project site is identified in the Housing Element as a Potential Housing Development Site that would allow for nine units (Site 8 in Table III-1). Government Code section 65863 within the State’s Planning and Zoning Law , provides that public agencies cannot require or permit the reduction of “the residential density for any parcel to, or allow development of any parcel at, a lower residential density” unless the public agency makes the following findings: (1) The reduction is consistent with the adopted general plan, including the housing element; and (2) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584. The Planning Commission’s findings supported that the dwelling reduction from nine units to the proposed eight-unit development would be consistent with the General Plan, and that there would be adequate sites to make up for the 1-unit deficit.

Additionally, section IV.4.D.v of the Housing Element Policy, *Require a Geotechnical Site Investigation Prior to Permitting Site Development* requires geotechnical reports for all development applications where a property may be susceptible to hazardous impacts. As described above for the Land Use Element, the applicant’s geotechnical engineer performed a preliminary geotechnical analysis for this application that concluded that construction on the site was feasible and provided recommendations for construction design and further project-level geotechnical analysis. The City’s geotechnical engineer found the preliminary geotechnical report conclusions and recommendations accurate.

Policies under the Circulation Element, Conservations Element, Community Design Element were also evaluated and the Project was found consistent with these policies.

### **Pacifica Municipal Code**

The Project was evaluated for its consistency with applicable zoning and subdivision regulations in Pacifica Municipal Code (PMC). The Project, as conditioned, complies with applicable zoning, subdivision, and preservation of heritage tree regulations. The Planning Commission staff reports and Planning Commission Resolution No. 2020-017 included support for all the necessary findings required to support approval of a Site Development Permit, Use Permit, Tentative Subdivision, and authorization for heritage tree removal. The logging operation authorization is not codified in the PMC and Ordinance Nos. 636-C.S. and 673-C.S. do not contain findings for

approval of a logging operation, but nonetheless, support for the approval was provided in the Planning Commission staff reports and Planning Commission Resolution No. 2020-017.

Previously received comments concerning the Project's ability to meet the applicable zoning and subdivision requirements were addressed in the October 19, 2020 Planning Commission staff report. Specifically, the comment that the project does not comply with standards of PMC Section 10-1.912 Hillside and Large Lot Subdivision was addressed. The Project proposes a subdivision for condominium purposes, which separates the interest in airspace of a building on real property. The project does not propose to subdivide the land, and accordingly, staff and the Planning Commission determined that PMC Section 10-1.912 does not apply, because it establishes standards for land modifications as a result of a subdivision.

Specifically, PMC section 10-1.91(c)(1) states, "Table 4 set forth in this subsection shall be used to determine the minimum lot size and the maximum amount of grading which shall be permitted on land to be subdivided." As noted above, this Project does not include a subdivision of land therefore the maximum amount of grading would not apply to land that is not subdivided. Additionally, PMC section 10-1.201(q) defines lot as "a parcel or portion of land separate from other parcels or portions by description, as on a subdivision map or parcel map, or by such other map approved by the County or by the City under the provisions of the Subdivision Map Act and City laws in effect at the time of such approval for the purposes of sale, lease, or financing." The project would not create any lots which would need to meet the minimum size listed in Table 4.

Furthermore, Section 66427 of the Subdivision Map Act states, "A map of a condominium project, [...] need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative, or final map of the project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project." The language of the Subdivision Map Act does not require the location or manner of a condominium subdivision to be shown on the tentative map, and specifically provides that standards for the design of lots shall be related to the land involved in the subdivision, thereby further supporting that the lot size standards in PMC Section 10-1.912 are not applicable to the subject condominium subdivision because it does not subdivide the surface of land.

Other provisions of the PMC, such as Articles 24 and 32 of Chapter 4 of Title 9, regulate the built component of a condominium project as part of a discretionary review process. The amount and type of grading are reasonable considerations to be made as part of the discretionary review associated with the physical development of a condominium project, although there are no particular quantitative standards or limitations on site grading in the PMC applicable to this site. For these reasons, it was concluded that PMC Section 10-1.912 is not applicable to the proposed Project.

It should be noted that while previous planning reviews of a condominium project at this project site prepared by former staff found that PMC Section 10-1.912 was applicable, upon further review by City staff it was determined there is not a legal or factual basis to apply the standards of PMC Section 10-1.912 as noted above in this response.

### **Pacifica Design Guidelines**

The Project was evaluated for its consistency with various section elements of the Pacifica Design Guidelines including, but not limited to: guidelines related to Site Planning, Building Design, Landscaping, Hillside Development, and Multi-Unit Development. Scale of the project was evaluated under the Building Design and Landscaping, Under the Building Design, The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the approving body may still find the project consistent with the Design Guidelines. It is up to the approving body's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency. Staff and the Planning Commission found that there was sufficient information to support a conclusion that the Project, on balance, is consistent with the Design Guidelines.

***Basis 2. The planning department has failed in their due diligence to address site visibility and aesthetics, geologic hazards, height and massing of buildings, as well as requirements to minimize retaining wall and grading on hillsides.***

Response. The Boles Appellant has not provided any further specifics to their claim. As discussed above under Basis 1, staff and the Planning Commission evaluated the Project under applicable language regarding aesthetics, geologic hazards, height and massing of buildings, retaining wall height as it relates to applicable sections of the General Plan, PMC, and Pacifica Design Guidelines. Additionally, potential impacts on aesthetics and geologic hazards from the Project were analyzed in accordance with the California Environmental Quality Act ("CEQA"), among the other resources identified under CEQA.

In Section I Aesthetics of the IS/MND, an analysis reviewed the potential Project impacts on scenic vistas, state scenic highways, scenic quality regulations, and from generated light and glare. The project site is not identified as a scenic vista nor would it impact the views towards a scenic vista; the City does not contain an Officially Designated Scenic Highway and the project would not be prominent in the viewshed of a motorists traveling along SR-1 (i.e., Coast Highway) due to the distance and existing development between SR-1 and the project site; the project, as conditioned, would not conflict with applicable zoning and other regulations governing scenic quality; and the glare and light that would be potentially generated from the project would be consistent with existing light and glare in the surrounding residential area. For these reasons, the project would have a less than significant impact on aesthetics. Public comments received on the Project have not provided any substantial evidence that the Project, as mitigated, would result in a potentially significant impact on aesthetics.

Section VII Geology and Soils of the IS/MND, an analysis reviewed the potential Project impacts on direct or indirect adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failures, and landslides; soil erosion and lost of top soil, be located on unstable geologic unit or soil; be located on expansive soil; and directly or indirectly destroy a unique paleontological resources. The analysis of these criteria were reviewed with the support of the 2002 preliminary geotechnical analysis and 2014 geotechnical update (Appendix D of the Draft IS/MND). These geotechnical analyses were peer reviewed by Geoccon Consultants. The IS/MND does identify that the Project has the potential for significant impacts associated with seismic related ground failure, landslides, unstable geologic unit or soils, and paleontological resources. The IS/MND includes mitigation measures VII-1 through VII-5, which

would require the applicant, prior to issuance of a grading or building permit, to incorporate all geotechnical recommendations into all the improvement and building plans, including that the project design does not impede or limit conveyance of debris flows for Pacifica Building Division approval; to retain a qualified geotechnical engineer to prepare slope stability calculations for the cut and fill slopes proposed for the project and analyze bedrock strength properties for the stability analysis and to incorporate recommendations into project plans for submittal to Pacifica Building Division; to verify that the existing conditions have not changed from the preliminary analyses; establish and implement fill requirements; and directions to halt construction activities and reporting instructions in the event that paleontological resources are encountered. The IS/MND concludes that implementation of mitigation measures VII-1 through VII-5, would reduce potential impacts of the Project to a less than significant level. Public comments received on the Project have not provided any substantial evidence to support a fair argument that the Project, as mitigated, would result in a potentially significant impact on geology and soils.

***Basis 3. Under CEQA, there is substantial evidence mandating an [Environmental Impact Report] EIR.***

***Response:*** The California Environmental Quality Act (“CEQA”) is codified in the Public Resources Code (“PRC”) Section 21000 *et seq.* CEQA’s provisions and requirements are further clarified and implemented by the CEQA Guidelines codified in the California Code of Regulations (“CCR”) Title 14, Division 6, Chapter 3, Section 15000 *et seq.* (hereinafter “CEQA Guidelines”). Where there is substantial evidence, in light of the whole record before the lead agency (i.e., the decision making body considering a discretionary action or project), that a project may have a significant effect on the environment, an environmental impact report (“EIR”) shall be prepared. (PRC Section 21080(d).) As used in CEQA, the term “substantial evidence” means fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (PRC Section 21080(e)(1).) Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (PRC Section 21080(e)(2).) Where a lead agency determines that a project, which is not otherwise exempt from CEQA, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration. (PRC Section 21080(c).) A negative declaration may include project revisions or mitigation measures incorporated into a project to avoid or mitigate potentially significant environmental effects to a point where clearly no significant effect on the environment would occur. (*Ibid.*)

City staff concluded that the Project was not exempt from CEQA. City staff then proceeded to prepare an initial study in accordance with Appendix G of the CEQA Guidelines to determine whether any potentially significant effects on the environment would occur as a result of the Project. The initial study evaluated potential environmental impacts in 19 resource categories and concluded that potentially significant environmental effects could result from the Project in the following resource categories:

<u>Initial Study</u> <u>Section</u>	<u>Resource Category</u>
IV	Biological Resources
V	Cultural Resources
VII	Geology and Soils
X	Hydrology and Water Quality



XIII  
XVIII

Noise  
Tribal Cultural Resources

Staff's review and analysis of these potentially significant environmental effects included, but was not limited to, evidence prepared by experts for air quality and greenhouse gases emissions, biological resources, state laws regulating cultural and tribal cultural resources, civil and geotechnical engineering, and sound modeling. The analyses and conclusions of these experts were set forth in the initial study and constitute substantial evidence because they consist of facts, reasonable assumptions predicated upon facts, and/or expert opinions supported by facts. The experts consulted by the City concluded, based on their qualifications and experience, that each potentially significant environmental effect identified in the initial study could be avoided or mitigated to the point where clearly no significant effect on the environment would occur. The measures recommended by these experts to avoid or mitigate the potentially significant effects of the Project are contained in the Mitigation Monitoring and Reporting Program ("MMRP") approved by the Planning Commission as Exhibit B to Resolution No. 2020-017. A condition of approval of Resolution No. 2020-017 requires the Applicant to incorporate into the Project all mitigation measures included in the MMRP. The result of the City's conclusions after completing the initial study was that a mitigated negative declaration should be adopted (i.e., the IS/MND).

The City received eight public comment letters during the Draft IS/MND 30-day public comment period from January 13, 2020, to February 13, 2020. City staff and the City Consultant's reviewed and evaluated the public comments on the Draft IS/MND and prepared Response to Comments in May 2020. Outside of the Draft IS/MND comment period, additional public comments were received, including four comment letters prepared by respective professionals on the topics of the IS/MND analyses for air quality and greenhouse gases, biological resources (two letters), and geology and soils. City staff and the City Consultant's reviewed and evaluated comments and prepared a subsequent Response to Comments in September 2020. The comment letters did result in relatively minor revisions as detailed in the Errata, which were provided to enhance the mitigation measures already proposed for potentially significant impacts, as part of responses to public comments and/or to merely clarify, amplify, or make insignificant modifications, and do not affect the adequacy of the conclusions presented therein. Therefore, none of the proposed revisions are substantial and recirculation of the IS/MND is not warranted, pursuant to CEQA Guidelines Section 15073.5. The comments received, in particular the comments received from aforementioned professionals were not found to present a fair argument that the Project may have a significant effect on the environment. For these reasons, the Planning Commission found that the preparation of an EIR is not required. Based on substantial evidence in the record, implementation of the mitigation measures as incorporated in the final MMRP will reduce all potentially significant environmental impacts identified in the IS/MND to a less than significant level. Therefore, upon adoption of the IS/MND by the City Council, the City will have satisfied the requirements of CEQA and no further environmental review is required.

For the reasons provided above, and without further details from Appellant Boles to support the statement, the Appellant has neither cited nor provided any substantial evidence that the Project, as mitigated, will result in a potentially significant adverse environmental impact that would require the preparation of an EIR.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby deny the Cramer Appeal based upon the following findings:

The Cramer Appellant cited several reasons for the appeal in the Appeal Form, which are summarized and addressed below:

***Basis 1. The Planning Commission approvals violate the City of Pacifica Municipal Code and the Pacifica General Plan.***

Response: The Cramer Appellant has not provided any further specifics to their claim. For all the reasons provided above under Basis 1 of the Boles Appeal and as detailed in the Planning Commission staff reports and Resolution 2020-017, the Project does not violate the PMC or the Pacifica General Plan.

***Basis 2. The Planning Commission approvals violate California Environmental Quality Act and the CEQA Guidelines***

Summary of Cramer Appellant's Comments: *There is substantial evidence supporting a fair argument the project may have potentially significant adverse impacts and thus an Environmental Impact Report must be prepared for the project.*

Response: For all the reasons provided above under Basis 3 of the Boles Appeal and as detailed in the Planning Commission staff reports and Resolution 2020-017, the Project does not violate CEQA. Without further details from Appellant Cramer to support the statement, the Appellant has neither cited nor provided any substantial evidence that the Project, as mitigated, will result in a potentially significant adverse environmental impact that would require the preparation of an EIR.

**BE IT FURTHER RESOLVED** by the City Council of the City of Pacifica as follows:

- A. The IS/MND, two RTCs (May 2020 and September 2020), Errata Sheet and MMRP have been prepared, circulated for public review, and adopted pursuant to the requirements of CEQA.
- B. The City Council has independently reviewed, analyzed, and considered the IS/MND, two RTCs (May 2020 and September 2020), Errata Sheet, MMRP and all written documentation and public comments prior to approval of the proposed Project and finds the IS/MND, inclusive of the two RTCs (May 2020 and September 2020) and Errata Sheet, reflect the City Council's independent judgment and analysis.
- C. The IS/MND, inclusive of the two RTCs (May 2020 and September 2020) and Errata Sheet, constitutes an adequate, accurate, objective, and complete document in compliance with all legal standards.
- D. The modifications made to the IS/MND in the two RTCs (May 2020 and September 2020) and Errata Sheet simply provide minor clarifications and do not amount to substantial revisions requiring recirculation of the IS/MND pursuant to Section 15073.5 of the CEQA Guidelines.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby certify that the IS/MND, inclusive of the two RTCs (May 2020 and September 2020) and Errata

Sheet, has been prepared in accordance and full compliance with CEQA, has been made available and circulated via the State Clearinghouse (SCH #2020019032) for review and comment by interested members of the public and relevant agencies as required by law, and has been presented to and reviewed and considered by this City Council prior to the Council's decision on the Project. Therefore, the City Council does hereby find that on the basis of the whole record before it (including the IS/MND, two RTCs (May 2020 and September 2020), Errata Sheet and comments received thereon), that there is no substantial evidence that the Project, as revised and conditioned, will have a significant effect on the environment and adopts the IS/MND entitled "Vista Mar Project INITIAL STUDY/MITIGATED NEGATIVE DECLARATION" dated January 2020, inclusive of the two RTCs (May 2020 and September 2020) and the Errata Sheet dated September 2020, and also adopts the MMRP dated September 2020 and included as Exhibit B, as the valid environmental review for this Project. The IS/MND, two RTCs (May 2020 and September 2020), Errata Sheet, and MMRP are herein incorporated into this Resolution by reference. The custodian of the documents and other materials which constitute the record of proceedings upon which this decision is based is the Planning Department of the City of Pacifica, 1800 Francisco Boulevard, Pacifica, CA 94044.

**BE IT FURTHER RESOLVED** that the City Council authorizes and directs Planning Department staff to prepare and file a Notice of Determination with the County Clerk.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does make the following findings:

- A. *Site Development Permit.* The requirements necessary for the issuance of a site development permit are governed by PMC Section 9-4.3204. The City Council shall not approve a site development permit if it makes any of the findings below. As further detailed in the analysis, there is sufficient information to support issuance of a site development permit.
- i. *That the location, size, and intensity of the proposed operation will 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.*

Adjacent land uses in the immediate vicinity of the Project site along Monterey Road are the land uses relevant for consideration of vehicular and pedestrian traffic patterns. These adjacent land uses include clustered (504 Monterey Road) and detached styles (e.g., 513A through 521B Monterey Road) of low density residential along with vacant land to the north. The property at 504 Monterey Road includes 15 units on a 1.11-acre site. The lots of the detached home located south of the Project site range in size from 3,025 s.f. to 4,900 s.f. The Project proposes eight residential dwelling units, which is within the density allowed for the site by the General Plan Land Use Element. The proposed Project would not include any modifications to the existing circulation system in the Project vicinity that would result in a traffic safety hazard. The development will be located near the front portion of the property and along a curved portion of Monterey Road that is sloped. These conditions could impact the line of sight of motorists. The separate ingress and egress driveway design of the Project was made in consideration of a corner sight distance analysis performed for the site. The analysis identified that a sight distance of 200 feet in the southern direction (oncoming

traffic traveling uphill) and 240 feet in the northern direction (oncoming traffic traveling downhill) would be necessary to provide adequate visibility and stopping distance to avoid vehicle conflicts from motorists exiting from the Project site. For these, reasons, and because the proposed Project is generally consistent with development adjacent to the Project, and is also consistent with the low density residential designation of the site, the proposed Project would be consistent with vehicular and pedestrian traffic patterns in the neighborhood. Of note for pedestrian traffic patterns, the Project would include a connection to the sidewalk along the Project site, such that pedestrians would not be required to walk along the private driveway to access the buildings on the site, minimizing the potential for vehicular-pedestrian conflicts which could result in pedestrian injuries.

Moreover, the Project meets all of the off-street parking requirements of the development. The Project would include one more guest parking space than required by the PMC (discussed further in the following finding), and separate ingress and egress driveways to provide sufficient sight distance to avoid conflicting vehicle traffic (also discussed in further detail below).

Based on the foregoing, City Council concludes that the location, size, and intensity of the proposed Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

- ii. *That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses.*

As stated earlier, the corner site analysis identified that a sight distance of 200 feet in the southern direction (oncoming traffic traveling uphill) and 240 feet in the northern direction (oncoming traffic traveling downhill) would be necessary to provide adequate visibility and stopping distance to avoid vehicle conflicts from motorists exiting from the Project site, which informed the decision to have two separate driveways along Monterey Road for ingress and egress purposes. This driveway design and prescribed parking restrictions along portions of the property frontage which are included in the conditions of approval, would address potentially hazardous traffic conditions for vehicles exiting the off-street parking areas of the Project site from adjacent streets.

The ingress and egress driveways would be at least 12 feet wide. The driveway would wrap around the property to access all structures on the Project site with widths between 12 feet and 28 feet.

The proposed off-street parking facilities would meet all zoning standards contained in Article 28 of Chapter 4 of Title 9 of the PMC (“Off-Street Parking and Loading”). These standards include, but are not limited to, the following (all references to the PMC, followed by a summary of the referenced provisions and a description of how the Project would meet the requirements):

- Section 9-4.2813(a): *All off-street parking spaces shall be non-tandem and shall open directly upon an aisle or driveway designed to provide safe and efficient vehicular access.*

All proposed spaces are non-tandem and open directly onto a driveway. The garage spaces would be in a side-by-side orientation and the guest parking spaces would be in a perpendicular orientation along the driveway.

- Section 9-4.2813(b): *For multiple-family projects, street access to parking spaces shall be limited to 50 percent of the total lot frontage, but in no event greater than 50 feet.*

The width of the ingress/egress driveways along the Project site frontage are 12 feet (ingress) and 20 feet (egress). The cumulative width of 32 feet would comprise approximately 8 percent of the total lot frontage.

- Section 9-4.2813(c)(3): *Driveways serving two or more units shall be a minimum of 20 feet in width for two-way traffic.*

The portion of the proposed driveway with two-way traffic would have a width of 21 feet to 28 feet.

- Section 9-4.2817(a): *All required covered off-street parking spaces shall have a minimum usable area of not less than 171 square feet, with minimum dimensions of 9 feet in width and 19 feet in depth.*

The eight proposed garages would each contain two side-by-side parking spaces. The minimum dimensions of each proposed garage would be at least 18 feet in width by 19 feet in depth, and greater in some of the garages.

- Section 9-4.2818(a)(2): *Multi-family residential uses, including townhouses and condominiums, shall provide two off-street parking spaces for each unit of two or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four units. When the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.*

All eight proposed units consist of two or more bedrooms. The Project has provided two-car garages for each unit plus three guest parking spaces, which is one more guest parking space than required by this provision.

The Project's compliance with all applicable Article 28 off-street parking standards ensures that no hazardous or inconvenient condition would arise with respect to adjacent or surrounding uses because the purpose of the Article 28 standards is "to alleviate or prevent the congestion of the public streets and thus promote the safety and welfare of the public by establishing minimum requirements for the off-street parking, loading, and unloading of motor vehicles in accordance with the use to which property is put" (PMC section 9-4.2801).

Based on the foregoing, City Council finds that the accessibility of off-street parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.

- iii. *That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.*

The Project proposes to include landscaping on approximately 60 percent of the site area, in compliance with the minimum requirement of 20 percent specified in PMC section 9-4.602(g). There are no service areas proposed on the site. Private storage areas would be proposed inside each unit. None of the interior garage spaces would be visible from the public right-of-way. The rear portions of the guest parking spaces would be partially visible from the street. This visibility would inform motorists before entering the project site if guest parking is available.

As shown on project plans landscaping is proposed around and in between the new structures. Landscaping is proposed in front of and behind the proposed retaining walls throughout the site. The landscaping would soften and break up large visible areas of the retaining wall concrete. Additionally, the retaining walls would be textured to simulate a more natural look. A condition of approval would require a final landscaping plan to be prepared to ensure that adequate landscaping of scale and size is planted to provide visual variety to the site.

The proposed driveway may constitute a large expanse of paving. The portion of the driveway that would be most visible from the public right-of-way is the split egress driveway along the frontage of the property site along Monterey Road. A condition of approval would require that the final landscaping plan includes landscaping to separate the portion of the egress driveway that is parallel with Monterey Road. The final landscaping plan would be prepared to ensure that the final planting schedule is predominately native, coastal compatible, and drought tolerant. The final planting plan will also include recommendations in a tree replacement plan prepared by a qualified horticulturist, arborist or licensed landscape architect for the six removed heritage trees with like-kind or equivalent substitution in terms of species. The condition of approval would require the replacement ratio to removed heritage trees shall be 3:1 as agreed to by the applicant. Replacement heritage trees shall be 24" box size trees. The tree replacement plan shall also identify like kind and size equivalent substitutions for all removed non-heritage trees. Trees (24 inch box) or large shrubs (15 gallon) shall be required where feasible in the planter areas in front of units 1, 2 and 3, and in the planter areas between units 4 and 5 and between units 6 and 7.

Based on the foregoing reasons, the City Council concludes that the Project would feature sufficient landscaped areas reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.

- iv. *That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will*

*hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.*

The proposed Project would comply with all applicable setback, lot coverage, height, and other development standards specified in PMC sections 9-4.602 and 9-4.2402. By complying with these standards, as well as other facts detailed below, City Council finds that the Project would not unreasonably restrict or cut out light and air on the property and any other property in the neighborhood.

The proposed four buildings on the site would be located at least 10 feet apart from each other, as conditioned, which would provide suitable distance to allow air to circulate between the buildings. Additionally, all of the units would have a substantial south or southwest exposure, which would provide adequate natural light to each unit, especially in the later portions of the day.

As it relates to light and air impacts on neighboring properties, the Project does not affect the light and air of surrounding development. For most surrounding developments, at least a street or substantial distance separates the Project from developments, and this is sufficient to prevent the cutting of light and air from the surrounding developments. Due to topography, setbacks and orientation of the proposed development, no light or air impacts would occur on the adjacent vacant properties or the school. With respect to the adjacent single-family residence to the south at 513A Monterey Road (APN 009-381-140) the proposed Project would not cut out light or air at 513A Monterey Road. The structure at 513A Monterey Road is located uphill on the south side of the proposed Project, approximately 40 feet from southernmost proposed building. Retaining walls between the properties would be no higher than a typical fence that separates most properties.

Regarding the appropriate development and use of land and buildings in the neighborhood, and the value thereof, the proposed Project would have a modern architectural design with a mix of high-quality building materials. The proposed landscaping associated with the Project would improve the pedestrian experience along the property frontage compared to the unmanaged ruderal growth. The Project would not negatively impact the value or appropriate use of neighboring properties.

For the foregoing reasons, City Council concludes that the Project will not unreasonably restrict or cut out light and air on the property and other property in the neighborhood, nor will the Project hinder or discourage appropriate development or use of land and buildings in the neighborhood, nor will impair the value thereof.

- v. *That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area.*

Because the proposed Project is solely a residential project, this finding is not applicable.

- vi. *That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as*

*provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code.*

As further detailed in the Biological Assessment Report, an ephemeral drainage ditch flows east-to-west in the southeastern portion of the Project site. However, the ephemeral drainage ditch is not a natural feature, and thus, is not relevant to this finding. Moreover, the Project would not damage or destroy rocks because these features are not known to be on the Project site.

Vegetation, including trees and shrubs, is present throughout the site. The southern portions of the site are predominantly covered in dense ruderal vegetation that appears to have been influenced by past cut and fill activities. Any development on the site would require tree removal due to the dense tree coverage. The proposed Project would require removal of six heritage trees and 51 non-heritage trees, out of the 80 total trees observed on the site or directly adjacent to the Project site. Several considerations have guided the site placement of the proposed Project. While trees will be removed as part of the Project, the amount is not excessive when considering the balance of the other considerations and trees not directly impacted by development will remain. These considerations include zoning standards, geological considerations, and safety concerns with multiple steep private driveways along a curved portion of Monterey Road. Additionally, a condition of approval would require that the applicant prepare and implement a final landscaping plan, which will result in coastal compatible, predominately native, and drought-tolerant plants surrounding the development. The condition of approval would also require the final landscaping plan to include a tree replacement plan prepared by a qualified horticulturist, arborist or licensed landscape architect for the six removed heritage trees with like-kind or equivalent substitution in terms of species.

The Project site has a generally consistent uphill slope. Any development on the site would require grading. The grading plan for the Project includes approximately 6,464 cy of cut material and 3,443 cy of fill material would be required for Project grading. Similar as discussed for the tree removal above, site placement of the development was made by balancing a number of considerations, including zoning standards, geological considerations, and safety concerns with multiple steep private driveways along a curved portion of Monterey Road. The hillside that the Project site is located on already has been altered for the development of Monterey Road and the housing that lines Monterey Road. The Project site also contains evidence that past cut and fill activities have occurred. The proposed Project would cluster the development on the front half of the property, which is closest to the already altered areas of the hillside and would result in the least on-site grading. Additionally, by locating the driveway entrance on the south portion of the site, which has a highest elevation along the Project frontage, the elevation was gained to place the driveway at the top floor and in the rear of the buildings. The alteration of the natural slope on the Project site would not be excessive from the viewshed along Monterey Road as the Project would result in a development that is consistent with the development pattern and slope alteration that already exists in the area. Existing trees on the northwestern portion of the site would remain to provide a visual buffer from motorists traveling along Hickey Boulevard or on Monterey Road, west of Hickey Boulevard. The rear half of the property, which would be more visible from viewsheds located farther away from the Project, would not be altered and would remain consistent with the surrounding naturally sloped hillside.



For all the reasons provided above, City Council finds that the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site.

- vii. *That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.*

The Project proposes eight units distributed among four buildings comprised of two units each as shown in the site plan. Each building is oriented on the site in a slightly different manner by its front setback or direction faced. The development contains three model unit types and each model type includes a unique use of exterior wall materials and colors, recessed living areas, and decks. Based on the variations provided from the multiple buildings, building orientations, exterior materials and colors, and architectural design, City Council finds that there is enough variety in the design of the structures and grounds to avoid monotony in the external appearance of the proposed Project.

- viii. *That the proposed development is inconsistent with the City's adopted Design Guidelines.*

As conditioned, the proposed improvements at the site are on balance consistent with the City's adopted Design Guidelines, as described in further detail below.

#### SITE PLANNING

- *Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.*

As discussed above, City Council finds that impacts of the site improvements on the natural features of the site are not excessive and the Project is only disrupting areas of the site necessary to balance various development considerations, such as zoning standards, geological considerations, and safety concerns with multiple steep private driveways along a curved portion of Monterey Road. Therefore, City Council finds that the Project has worked with the site features to minimize disruption of natural features.

- *Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved wherever possible. In multi-unit developments, buildings should be located so as to avoid crowding and to allow for a functional use of the space between buildings.*

The proposed Project is sited in a manner reflecting sensitivity to impacts on the adjacent single-family residence to the south (513A Monterey Road). Unit 8 of the proposed Project would be the closest unit to the adjacent property, which has a right (south) side setback of approximately 36 feet. The large 36-foot setback would serve to preserve the privacy of 513A Monterey Road. Additionally, 513A Monterey Road is located uphill from the Project site,

which minimizes any potential for units in the proposed Project to look down into the adjacent property. The Project would place a driveway along the south side property line, but a 3- to 6-foot retaining wall would be built between the properties, which would have the same function of a fence that typically separates properties.

The development at 504 Monterey Road is on a downslope property and most balconies and outdoor living space is oriented on the southwest elevations of the property. Due to the location of the proposed Project being located east of 504 Monterey Road and the change in topography, the impacts on privacy on residences at 504 Monterey Road would be minimal.

As discussed previously, the Project will not cut out the adjacent properties' light and air. Other nearby development is separated by substantial distance. The Project is located at the toe of a southwestern facing slope off of Monterey Road. The Project would not impact existing views or solar access of surrounding properties. The Project layout has distributed the eight proposed dwelling units into four buildings. The four buildings are spaced at least 10 feet apart, as conditioned, which would provide room for staircases, landscaping, and air flow functions between the buildings.

- *The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along street frontages. Ample landscaping should be used to help screen parking areas from both exterior and interior views.*

The Project has a driveway that wraps behind the proposed buildings to place the garage entrances and guest parking areas on the rear side of the property away from public views and the views of the future residents. The rear portions of the guest parking spaces would be partially visible from the street. This visibility would inform motorists before entering the project site if guest parking is available.

## BUILDING DESIGN

- *The style and design of new buildings should be in character with that of the surrounding neighborhood. This does not mean that new buildings should be identical to existing buildings on neighboring lots, but that new buildings should complement, enhance, and reinforce positive characteristics of surrounding development. This can be accomplished by incorporating the dominant architectural features of an area into the design of new development. Such features may include bay windows, chimneys, balconies, porches, roof shapes, and other architectural details and materials.*

The surrounding neighborhood contains a variety of architectural styles, however features such as three stories, balconies along the western elevations, siding, and retaining walls are dominant features found in the area. The proposed Project would incorporate all of these features, and is thus in character with the surrounding neighborhood.

- *Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.*

The proposed buildings incorporate many detailed features, including horizontal variation in building planes, balconies, trim, and, varied siding materials to create a sense of human scale.

- *There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur. Window treatment and trim, for example, should be carried out around the entire building, not just on the most visible sides.*

As proposed, the Project would not be consistent with this Design Guideline. Although the Project proposes window treatments that are consistent on all elevations and balcony railings wrap around the building elevations in an appropriate manner, the Project proposes various siding materials and trim along the front elevations, which are not consistently carried around to the exposed side building elevations. A condition of approval is included to revise the elevations of the buildings to incorporate a consistent use of siding materials and trim along the side building elevations, and thus, this Design Guideline would be satisfied with the condition of approval. Due to the uphill slope, only the single story garage entrance is exposed on the rear elevations and doesn't require the use of various siding materials to support the sense of human scale in the architecture, because the height of the single-story is already low and at human scale.

- *Landscaping should not be used to screen or hide an otherwise unacceptable building. Building architecture should stand on its own, with landscaping incorporated as an integral element of overall project design.*

The proposed building architecture would be high quality and would stand on its own, especially as conditioned to carry the siding around all exposed sides of multi-story portions of the buildings. The proposed landscaping areas would complement the buildings and help to create a human scale so the Project properly interfaces with the street.

## LANDSCAPING

*Purpose. Landscaping should not be used to screen or hide an otherwise unacceptable building. Building architecture should stand on its own, with landscaping incorporated as an integral element of overall project design.*

As discussed above and herein, the Project, as conditioned, would result in a development which would be desirable in its design and appearance and which incorporates suitable landscaping into the overall Project design. The building architecture, through the incorporation of interesting elements, varying details, and a unified design across all elevations, as conditioned, would stand on its own. Landscaping proposed on the Project site would help to soften the appearance of retaining walls, would complement the buildings, and would also make use of existing

landscaping where possible. The landscaping, because it would be part of the stormwater treatment system, would also have a functional component integral to the overall Project design.

*Amount and Variety. Applicants are encouraged to exceed the minimum amount of landscaping required by the Zoning Ordinance and landscape plans should incorporate a variety of plant species. The amount, scale, and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings should be complemented by large-scale landscaping. Development along major streets should also include large-scale trees.*

Approximately 60 percent of the site would contain existing or proposed landscaping. The amount of proposed landscaping is substantially in excess of the 20 percent minimum established in PMC section 9-4.602(i). The preliminary landscaping plan shown proposes a variety of plant species. The proposed plant species would vary in size from 1 gallon to 24-inch box. A condition of approval would require that a final landscaping plan be prepared to ensure that the final planting schedule is predominately native, coastal compatible, and drought tolerant. The final planting schedule will also include recommendations in a tree replacement plan prepared by a qualified horticulturist, arborist or licensed landscape architect for the six removed heritage trees with like-kind or equivalent substitution in terms of species. The condition of approval would require the replacement ratio of the removed heritage trees to be 3:1 as proposed by the applicant. Replacement heritage trees shall be a 24-inch box size trees. Trees (24- inch box) or large shrubs (15 gallon) shall be required where feasible in the planter areas in front of units 1, 2 and 3, and in the planter areas between units 4 and 5 and between units 6 and 7.

*Existing Landscape Elements. Where possible, existing landscape elements, such as native and heritage trees, should be retained and incorporated into landscape plans... Mature trees and tree groupings, as well as rock outcroppings should be considered design determinants.*

The Project would maintain existing landscape elements where possible. The Project would one heritage tree on the site, although it would remove six other heritage trees, as well as 51 non-heritage trees. A condition of approval would require replacement heritage trees and general landscaping to be planted. The landscaping in the areas of the westernmost and easternmost portions of the property would remain. No rock outcroppings are known to be present on the Project site.

#### HILLSIDE DEVELOPMENT

*Excavation. Large amounts of cut and/or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*

*(a) Structures should relate to and follow site topography to work with the slope, not against it. (b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land. (c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible. (d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.*

(a,b) The proposed three-story structures and wrap around driveway are generally oriented to the existing site contours which run crosswise on the site. The shared driveway reduces the amount of cut across the slope to one location. The widest part of the buildings would be aligned parallel to the contours to minimize grading.

(c) The steep slope of the site is such that retaining walls are necessary throughout the site to support the structures and driveway. New retaining walls within the front setback and parallel to the front property line would range from in size up to three feet as measured from the side facing the street, as conditioned. The remaining retaining walls would range in size up to 20 feet tall as measured from the exposed side of the wall. However most of the retaining walls would be tiered to limit the height. The tiered area would be vegetated and landscaped and would direct stormwater falling on the site to the appropriate treatment facility. The retaining walls with the greatest height are located along the rear side of the buildings and would not be visible from the public right-of-way.

(d) The three stories of the proposed buildings avoid a one-level solution to development of the site, and allow more floor area with less grading and disturbance of natural topography.

*Vehicular access and circulation in hillside development can often be unsafe or dangerous due to excessive slope and lack of adequate sight distance. (a) Driveways and access roads should follow the contours of the hillside rather than cut through them. (b) Wherever possible, roads and driveways should be designed with less than the maximum slope allowed by City standards. (c) While safe ingress and egress must be provided, circulation should depend on a minimum number of roadways.*

The proposed driveway design is consistent with this guideline. The proposed split ingress and egress driveways are in response to a sight distance analysis that recommended a sight distance of 200 feet in the southern direction (oncoming traffic traveling uphill) and 240 feet in the northern direction (oncoming traffic traveling downhill) is necessary to provide adequate visibility and stopping distance to avoid vehicle conflicts from motorists exiting from the site. The driveway design also reduces the number of access points to the site, which would reduce the potential for vehicle conflicts with other vehicles or pedestrians. The driveway is located along the rear of the buildings in a manner that generally follows the existing slope contours of the site. A single short portion of the driveway that wraps around southernmost unit has a 15 percent slope which is within City standards.

#### ***MULTI-UNIT DEVELOPMENT***

*The arrangement and orientation of buildings within a multi-unit development has an important impact on the overall design effect in terms of massing and bulk, and also affects privacy and energy consumption. (a) Building orientation should be varied to provide usable exterior spaces between structures and to avoid instances where living spaces of one structure face living of another and reduce privacy. (b) Private outdoor space should be located on the southern building exposure to gain the maximum amount of sunlight wherever feasible. (c) Buildings should be oriented to maximize southern exposure to window areas to encourage passive solar heating in winter*

*months. (d) Buildings should be oriented to create courtyards and open space areas (e) Linear arrangement of buildings should be avoided and setbacks should be varied. This can be accomplished through the staggering of buildings or clustering in groups of varied numbers.*

(a) The orientations of the duplex townhouse structures are varied throughout the development. The elevation changes from northwest to southeast, various unit styles and structure sizes, and the distances between structures are all design features that provide variety in the proposed Project to avoid side by side living areas that would reduce each other's privacy.

(b) In addition to the ocean views to the west, at least one of the private outdoor spaces of each unit would receive substantial afternoon southern exposure.

(c) The structures are well spaced and oriented to take advantage of the views as well as receive substantial afternoon southern exposure.

(d) The spacing of the structures provides areas for landscaping and staircases that would provide access between the driveway in the rear to the front of the property. Further open space areas would be accessible from the community patio.

(e) The buildings are not linearly arranged, but are oriented in a shallow crescent pattern, which is related to the slope of the site and curvature of Monterey Road.

Therefore, because the proposed Project would be consistent with many of the City's adopted Design Guidelines, including but not limited to Guidelines related to Site Planning, Building Design, Landscaping, Hillside Development, and Multi-Unit Development, there is sufficient information to support a conclusion that the proposed development is consistent with the City's adopted Design Guidelines.

- ix. *That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.*

The proposed development, as conditioned, would be consistent with the General Plan and other applicable laws of the City. Because the site is not located in in the Coastal Zone, Local Coastal Plan consistency is not applicable to this Project. General Plan consistency includes, but is not limited to, the following policies:

#### GENERAL PLAN

a. Land Use Element

- *Westview-Pacific Highlands Land Use Plan – Land Use Designation*

The Project site is designated as Low Density Residential (LDR). The LDR designation allows for residential development at an average density ranging from three to nine dwelling units per acre. Based on the site's 53,017 s.f. (1.2 acre) lot area, the General Plan indicates a range from 4 to 11 dwelling units for the site. The proposed Project would include eight

dwelling units which is consistent with the General Plan land use designation for the site.

- *A large steep area along Monterey Road and Norfolk Place, between Norfolk and the rear of the single-family lots on Heathcliff, has been planned and zoned for low density residential development. Each site proposed for development should have a thorough geotechnical investigation. In recognition of the high visibility of the area, innovative design solutions should be proposed which minimizes height, building mass, and retaining walls to the extent feasible. Building should be separated wherever possible in order to break up building mass, and adequate and appropriate landscaping should be used to soften the appearance of buildings. (p. 36)*

Preliminary geotechnical analyses were performed by a California Registered Professional Geotechnical Engineer (GeoForensics) for this application that concluded that construction on the site was feasible and provided recommendations for construction design and further project-level geotechnical analysis. The preliminary geotechnical analyses were peer reviewed a California Registered Professional Geotechnical Engineer on the City's consultant team (GeoCon). Based on Geocon's peer review, the applicant's geotechnical reports for the project has adequately characterized the potential geotechnical and geological constraints for the project and mitigation and the preliminary geotechnical report conclusions and recommendations were accurate and appropriate. For these reasons the preliminary geotechnical analysis was found to satisfy the development permit phase for the project. The preliminary geotechnical analysis includes a recommendation for a design level geotechnical report that will require additional borings and include slope stability analyses. The City will peer review all geotechnical reports submitted as part of the building permit process. These prescribed recommendations were incorporated into the conditions of approval for the Project, thereby meeting the General Plan requirement for a thorough geotechnical investigation for the Project.

The Project site does not experience high visibility from any location beyond Monterey Road immediately in front of the Project site. The height of the buildings range from 33'-6" to 35'-0", and the buildings include an innovative building construction form. The development breaks up the development into four buildings to break up the building mass. Landscaping is used as further described above to soften the appearance of the building.

b. Circulation Element

- Policy No. 4: *Provide access which is safe and consistent with the level of development.*

As noted above, the proposed split ingress and egress driveways are in response to a sight distance analysis that recommended a sight distance of

200 feet in the southern direction (oncoming traffic traveling uphill) and 240 feet in the northern direction (oncoming traffic traveling downhill) is necessary to provide adequate visibility and stopping distance to avoid vehicle conflicts from motorists exiting from the site. The driveway design also reduces the number of access points to the site, which would reduce the potential for vehicle conflicts with other vehicles or pedestrians.

- Policy No. 14: *Ensure adequate off-street parking in all development.*

As noted above, the Project would provide two garage spaces for each of the eight dwelling units which is consistent with the standard in PMC section 9-4.2818(a)(2). Moreover, the Project would provide three off-street uncovered guest parking spaces, which exceeds the requirement of two spaces contained in PMC section 9-4.2818(a)(2).

c. Conservation Element

- Policy No. 1: *Conserve trees and encourage native forestation.*

The Project would preserve one heritage tree located on the Project site. The Project proposes to remove six heritage trees and 51 non-heritage trees out of a total of 80 trees that are present at the site. The tree removals are necessary for development of the Project taking into account the siting of the buildings, which was in part necessitated by the slope of the site. The tree assessment identified four tree species on the site, including plume acacia (*Albizia lophantha*), Monterey Pine (*Pinus radiata*), California wax myrtle (*Morella californica*), and arroyo willow (*Salix lasiolepis*). Of these species only California wax myrtle and the arroyo willow are native to the area.

Only trees directly impacted from the proposed development would be removed, the remaining trees onsite would be conserved. A condition of approval would require that a final landscaping plan be prepared to ensure that the final planting schedule is predominately native, coastal compatible, and drought tolerant. The final landscape planting plan will also include recommendations from a tree replacement plan prepared by a qualified horticulturist, arborist, or licensed landscape architect to ensure the replacement of the six removed heritage trees with like-kind or equivalent trees in terms of species.

d. Community Design Element

- Policy No. 5: *Require underground utilities in all new development.*

The proposed Project would install all utilities underground from the nearest joint pole or other point of connection.



## OTHER APPLICABLE LAWS

### a. Off-Street Parking Standards in Article 28

- The compliance of the Project with applicable standards for off-street parking is more fully detailed in the findings above pertaining to approval of a Site Development Permit. That analysis is hereby incorporated by reference as if fully set forth herein.

### b. Residential Clustered Housing Development Standards in Article 24

- The proposed Project must comply with the development standards contained in PMC section 9-4.2402 pertaining to clustered housing developments. As conditioned, the Project would comply with the clustered housing development standards. The Project's compliance would include, but would not be limited to, the following (all references to the PMC, followed by a summary of the referenced provisions and a description of how the Project would meet the requirements):

- a. Section 9-4.2402(a): Regulations governing the density, use, building height, building site area, minimum unit size, required yards, building separation, signs, and other explicit regulations, where applicable and where not governed by the provisions of this article, shall be those of the district within which the development is located.*

The Project, as conditioned complies with all applicable development standards governing the density, use, building height, building site area, minimum unit size, required yards, building separation, signs, and other explicit regulations, where applicable and where not governed by the provisions of this article.

- b. Section 9-4.2402(b): The minimum required usable open space, exclusive of all structures, shall contain an area having a slope of not more than 10 percent and a minimum area per townhome unit of 750 square feet.*

The proposed Project provides 924 s.f. to 1,029 s.f. of usable open space per unit in a combination of private and common areas spaces, all of which have slopes of less than 10 percent.

- c. Section 9-4.2402(c): Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 150 square feet, except that a studio or one-bedroom unit shall be allowed to have a minimum area of 130 square feet. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least one duplex weatherproofed electrical convenience outlet and shall have a shape and size which would allow for optimal usable space. Such space shall be*

*at the same level as, and immediately accessible from, a room within the unit.*

As noted in Table 1, the Project proposes a range from 159 to 202 s.f. of private open space per unit. The private open space would be in the forms of private patios and balconies, which would be immediately accessible from a room within the unit. A condition of approval shall require each private open space to have at least one duplex weatherproofed electrical convenience outlet.

- d. Section 9-4.2402(e): The main structures of any development in which residential uses are proposed shall be separated from any other main structure on the same lot by at least 10 feet.*

As noted in Table 1, all structures onsite would be separated by 10 feet from each other.

- e. Section 9-4.2402(g): Trash storage areas shall be provided and shall be contained within each unit, within the lot lines of the property, or enclosed in the common area.*

Each proposed unit would include a trash and recycling storage area located within its respective garage.

- f. Section 9-4.2402(h): A laundry area shall be provided within each unit or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five (5) units.*

A condition of approval shall require a washer and dryer be provided in each unit.

*Section 9-4.2402(i): Exterior individual television and radio antennas shall be prohibited on the outside of the owners' units. A central antenna with connections to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.*

Project plans state that “*exterior individual television and radio antennas shall be prohibited on the outside of the owners' units*”. Additionally, a condition of approval will prohibit use of exterior individual television and radio antennas.

*Section 9-4.2402(j): In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within the project shall have at least 200 cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal surface*

*area of twenty-five (25) square feet, and a minimum interior dimension of three and one-half (3 ½') feet by six (6') feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 ½') feet by six and two-thirds (6 2/3 ') feet.*

Each unit provides the required 200 cy storage space that meets the minimum required dimensions.

Because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; because the Project site is located outside the Coastal Zone and Local Coastal Plan compliance is not required; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 6, 24 and 28 of Chapter 4 of Title 9 of the PMC; there is sufficient evidence to conclude that, on balance, the Project would be consistent with the General Plan and other applicable laws of the City.

The following two findings are supplemental findings required for approval of a site development permit for clustered housing developments pursuant to PMC section 9-4.2403(c):

- x. *For projects in low density areas, that the privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.*

The proposed Project includes eight dwelling units in four two-dwelling unit clusters. The maximum height of the tallest two-unit building would be 35 feet. A height of 35 feet is consistent with conventional single-family residences, which are subject to a 35-foot height limit under the Zoning Regulations. The proposed Project would have a minimum setback from a side or rear property line of 28'-11", which would exceed the 5'-0" minimum side setback required for single-family residences under the Zoning Regulations. Therefore, because of its height and setbacks, the proposed Project would not reduce the privacy of nearby residences in a manner which exceeds that which would normally be associated with conventional single-family dwellings. However, to further support this conclusion, the following analysis addresses potential privacy impacts of specific nearby residences.

The proposed Project has the potential to impact the privacy of the condominiums at 504 Monterey Road, which is located on the west side of Monterey Road across from the Project site and 513A Monterey Road, which is located immediately south of the Project site. While the Project involves three-story buildings with balconies and roof decks, the Project would not reduce the privacy of nearby residences beyond the impacts expected from conventional single-family dwellings if they were to be developed on the Project site. The development at 504 Monterey Road is on a downslope property and most balconies and outdoor living space is oriented on the southwest elevations of the property. Due to the location of the proposed Project being located east of 504 Monterey Road and the change in topography, the impacts on privacy on residences at 504 Monterey Road would be similar as single-family dwellings.

In regards to the property at 513A Monterey Road, Unit 8 of the proposed Project would be the closest unit to the adjacent property, which has a right (south) side setback of approximately 36 feet. The large 36-foot setback would serve to preserve the privacy of

513A Monterey Road. Additionally, 513A Monterey Road is located uphill from the Project site, which minimizes any potential for units in the proposed Project to look down into the adjacent property.

Because the proposed Project would comply with the minimum standards applicable to single-family residential development; and, because of the proposed Project's orientation in terms of direction, distance, and elevation in relation to specific nearby residences; therefore, there is sufficient information to support a finding that the proposed Project would not reduce the privacy of nearby residences to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.

- xi. *That the architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.*

There is not a dominant architectural theme in the immediate neighborhood surrounding the Project site. The surrounding neighborhood contains a variety of architectural styles, however features such as three stories, balconies along the western elevations, siding, and retaining walls are dominant features in the area. The proposed Project would incorporate all of these features. Landscaping would soften the elevation change between the sidewalk and the proposed development. For the reasons provide above, there is sufficient information to support a conclusion that the proposed Project would include architectural features which will integrate harmoniously into the design character of the immediate neighborhood.

- B. *Use Permit.* The City Council hereby makes the following findings required by PMC Section 9-4.3303 prior to issuance of a Use Permit:

- 1) *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.*

The proposed Project, as further described above under findings for approval of a site development permit which are incorporated herein by reference, would comply with all applicable General Plan, zoning, and Design Guidelines standards. Conformance to these standards, and the absence of any additional evidence of unusual circumstances or Project characteristics (except as noted in the following paragraph), indicates that the Project will not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City.

Therefore, because the Project as proposed by the Applicant and as modified by the proposed conditions of approval would comply with all applicable City standards, there is sufficient information to support a finding that the Project will not 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.

- 2) *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.*

The proposed Project's consistency with the City's General Plan and other applicable laws of the City is more fully discussed above in the findings related to approval of a site development permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 6, 24 and 28 of Chapter 4 of Title 9 of the PMC; there is sufficient evidence to conclude that, on balance, the Project would be consistent with the applicable General Plan policies and there is sufficient evidence to make this finding.

- 3) *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

The proposed Project's consistency with the City's adopted Design Guidelines is more fully discussed above in the findings related to approval of a site development permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with many of the City's adopted Design Guidelines, including but not limited to Guidelines related to Site Planning, Building Design, Landscaping, Hillside Development, and Multi-Unit Development; there is sufficient evidence to make this finding.

- C. *Tentative Subdivision Map.* The City Council hereby makes the following finding required by PMC Section 10-1.407(c) for approval of a tentative subdivision map for five or more parcels:

- *That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any Specific Plan, the Local Coastal Program, and the zoning provisions.*

The proposed Project's consistency with the City's General Plan, zoning provisions, and other applicable laws of the City is more fully discussed above in the findings related to approval of a site development permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 6, 24, 25, and 28 of Chapter 4 of Title 9 of the PMC; there is sufficient evidence to conclude that, on balance, the proposed subdivision together with the provisions for its design and improvement would be consistent with the applicable General Plan policies and there is sufficient evidence to make this finding.

- D. *Heritage Tree Removal Authorization.* The City Council hereby authorizes heritage tree removal based on the following criteria as required by PMC section 4-12.05(c). This section of the PMC does not provide specific findings for approval of removal of heritage

trees. Rather, it states that approval of heritage tree removal shall be based on the following criteria:

- The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its ability to host a plant which is parasitic to another tree which is in danger of being infested by the parasite;
- Whether the requested action is necessary for the economically viable use of the property;
- The topography of the land and effect of the requested action on it;
- The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, historic value, and general welfare of the area and the City as a whole;
- The number of healthy trees the parcel is able to support; and
- Good forestry practices.

The Applicant submitted an arborist report describing the condition of the seven heritage trees on-site and the necessity to remove six of the heritage trees in order to construct the development. The project plans include a diagram of the tree locations. The following is a summary of the arborist's assessments with respect to the heritage trees proposed for removal:

- Tree # 815 - Monterey Pine. The tree is in good health.
- Tree # 816 - Monterey Pine. The tree is in good health.
- Tree # 839 - Monterey Pine. The tree is in good health.
- Tree # 846 - Monterey Pine. The tree is in good health.
- Tree # 852 - Monterey Pine. The tree is in fair health
- Tree # 853 - Monterey Pine. The tree is in fair health

The arborist report characterizes two of the heritage trees to be fair health, which is described as showing "some symptoms of disease or stress including twig and small branch dieback, evidence of fungal/parasitic infection, thinning of crown, or poor leaf color." Four of the heritage trees were characterized as in good health.

The arborist report, in addition to the several considerations that have guided the site placement of the proposed Project (i.e., zoning standards, topography, and safety concerns with multiple steep private driveways along a curved portion of Monterey Road) justifies the removal of the six heritage trees on-site under PMC section 4-12.05(c) based on criteria (i), (ii), and (iii). The general condition of three of the trees are not in good health. The site is located in a zoning district that permits duplexes and has a general plan land use designation that allows for the density of proposed Project, therefore development of the Project would provide the appropriate economic use of the site. The topography of the land and effect of the requested Project on it requires grading and vegetation removal. The location of the six heritage trees to be removed are generally located in the center front portion of the site, which is the area where most development will occur.

The specific trees onsite are not known to provide any substantial shade, noise buffers, protection from wind damage, air pollution, historic value, or scenic beauty, and their

removal would not have a direct impact upon the health, safety, and general welfare of the area and the City as a whole. The property will continue to support 22 existing trees.

To mitigate the adverse effects of tree removal, a condition of approval will require the applicant, prior to any ground disturbance, to have a qualified horticulturist, arborist or licensed landscape architect to analyze whether the heritage trees that are identified for removal can be safely and successfully removed and transplanted onsite. The relocation of heritage trees would not increase the amount of trees proposed onsite, but would lessen the need for replacement heritage trees and would provide immediate aesthetic benefits from the mature trees. A condition of approval will require a final landscaping plan and as part of the plan a qualified horticulturist, arborist or licensed landscape architect shall prepare a replacement plan for six replacement trees of like-kind in terms of species, less any successfully relocated heritage trees onsite. A condition of approval shall require the replacement ratio of the removed heritage trees to be 3:1 as proposed by the applicant. Replacement heritage trees shall be 24” box size trees. Trees (24-inch box) or large shrubs (15 gallons) shall be required where feasible in the planter areas in front of units 1, 2 and 3, and in the planter areas between units 4 and 5 and between units 6 and 7. Therefore, there is sufficient evidence to authorize removal of the six heritage trees.

- E. Logging Operation Approval. Ordinance Nos. 636-C.S. and 673-C.S. do not contain findings for approval of a logging operation. Section 5(a) of Ordinance No. 636-C.S., as amended by Ordinance No. 673-C.S., provides that logging operations which will be undertaken in conjunction with a permit requiring City Council approval is exempt from the prohibition on logging operations, and said logging operation “shall be evaluated and approved or denied at a duly noticed public hearing by the [Planning] Commission... concurrently with the other permit(s).” Therefore, the following discussion will support the City Council’s evaluation of the proposed logging operation and staff’s recommendation to approve it.

Based on the foregoing reasons stated under the authorization for heritage tree removal, above, City Council approves of the removal of the heritage trees necessary, as part of the logging operation.

Regarding the removal of non-heritage trees, City Council approves the removal of all trees proposed for removal as part of the logging operation. City Council supports a conclusion that only those trees necessary for construction of the proposed Project are proposed for removal because several considerations that have guided the site placement of the proposed Project (i.e., zoning standards, geological considerations, and safety concerns with multiple steep private driveways along a curved portion of Monterey Road) and the Applicant has not proposed tree removal in areas outside of the minimum footprint of the Project area. Therefore, the logging operation should be approved as described in this analysis.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby make the following findings as required by section 65863 of the Government Code:

- 1. The reduction for Site No. 8 in Table III-1 “Potential Housing Development Sites – Current General Plan” of the City’s Housing Element from a development capacity of 9 dwelling units to 8 dwelling units is consistent with the adopted general plan, including the housing element.*

The proposed development on the project site reflects the balance of slope and soil considerations, traffic hazards, and other site specific conditions which affect the maximum number of dwelling units which can reasonably be constructed on the site. On balance, the applicant has proposed a project which dramatically increases consistency with the General Plan by increasing the average density of the site from 0 dwelling units per acre to 6.6 dwelling units per acre. Such a change would result in a Project that, on balance, is consistent with the General Plan Land Use Element in light of its topographical constraints and the various other General Plan policies. These additional General Plan policies include, but are not limited to, consistency with Housing Element Policy No. 4.D.v because the Project included a geotechnical site investigation. Therefore, the reduction from 9 dwelling units to 8 dwelling units is consistent with the General Plan.

2. *The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City of Pacifica’s share of the regional housing need pursuant to Government Code Section 65584.*

The City of Pacifica’s regional housing need is identified in Table II-12 of the Housing Element, included below for reference:

<b>Pacifica’s Regional Housing Needs Allocation (RHNA) 2014 - 2022</b>						
	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate Income</b>	<b>Total</b>
	30% of Median Income	50% of Median Income	80% of Median Income	100% of Median	120% of Median	
<b># of Units</b>	<b>60</b>	<b>61</b>	<b>68</b>	<b>70</b>	<b>154</b>	<b>413</b>

*Source: Association of Bay Area Governments, Final 2014-2022 Regional Housing Need Allocation by County*

As of preparation of the 2019 annual progress report (APR) covering housing approvals from January 1 through December 31, 2019, the City had the remaining housing need demonstrated in Table 1, below:

**TABLE 1: REMAINING HOUSING NEED AS OF JANUARY 1, 2020**

<b><u>Income Level</u></b>	<b><u>Number of Units</u></b>
Extremely Low	60
Very Low	61
Low	59
Moderate	64
Above Moderate	90
<b>TOTAL</b>	<b>334</b>

The figures in Table 2, below indicate the remaining capacity of sites identified in Table III-1 “Potential Housing Development Sites – Current General Plan” of the



Housing Element to accommodate the City’s need by income level. The figures below exclude Site No.8 (the subject site).

**TABLE 2: REMAINING CAPACITY OF HOUSING ELEMENT SITES**

<u>Income Level</u>	<u>Remaining Need (Units)</u>	<u>Remaining Capacity (Units)</u>	<u>Units, Surplus/Deficit</u>
Extremely Low	60	60	0
Very Low	61	61	0
Low	59	64	+5
Moderate	64	68	+4
Above Moderate	90	147	+57
<b>TOTAL</b>	<b>334</b>	<b>400</b>	<b>+66</b>

The Project site is identified in the Housing Element as appropriate for above-moderate income housing. As demonstrated in Table 2, a surplus of 54 dwelling units would remain within the sites identified for above-moderate income level housing development in the City’s Housing Element. Therefore, the Project would result in a remaining inventory of potential housing development sites which is adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City’s share of the regional housing need pursuant to Government Code Section 65584.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica grants authorization for the Applicant to remove six heritage trees within the property site.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica grants approval of the proposed logging operation to remove more than 20 trees within the property site pursuant to Ordinance No. 636-C.S. and Ordinance No. 673-C.S.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica approves Site Development Permit PSD-714-02, Use Permit UP-904-02, and Tentative Subdivision Map SUB-204-02, subject to conditions of approval attached as Exhibit A.

\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 23rd day of November, 2020.

AYES, Councilmembers: Beckmeyer, Vaterlaus, O’Neill.

NOES, Councilmembers: Martin, Bier.

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a

Deirdre H Martin

Deirdre H Martin (Dec 4, 2020 12:11 PST)

Deirdre Martin, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

## Exhibit A

**Conditions of Approval: File No. 2002-001 for Site Development Permit PSD-714-02, Use Permit UP-904-02, Tentative Subdivision Map SUB-204-02, Heritage Tree Removal Authorization, and Logging Operation Approval to construct four new townhouse duplex buildings (total of eight dwelling units), and associated subdivision for condominium purposes, and to remove six heritage trees and 51 non-heritage trees on an approximately 53,000-sf (1.217 acres) undeveloped lot located on the east side of Monterey Road approximately 250 feet southeast of the Monterey Road and Hickey Boulevard intersection (APN 009-381-010)**

**City Council Meeting of November 23, 2020**

### Planning Division

1. Development shall be substantially in accord with the plans entitled “Vista Mar Development Monterey Road APN 009-381-010,” received by the City of Pacifica on September 11, 2020, except as modified by the following conditions.
2. Consistent with section 65863.9 of the Government Code regulating expiration dates of local agency permits issued in conjunction with a tentative subdivision map, and consistent with section 10-1.411 of the Pacifica Municipal Code governing expiration of tentative subdivision maps for five or more parcels, the tentative subdivision map and related development entitlements (site development permit, use permit, heritage tree removal authorization, and logging operation approval) are valid for a period of 24 months from the date of final determination. If the final subdivision map is not recorded within such period of time, the approvals shall expire unless Applicant submits a written request for an extension and applicable fee not less than 30 days prior to the expiration date of the tentative map in the manner required by section 10-1.412 of the Pacifica Municipal Code. Any extension of the term of the tentative map shall be deemed also to extend the term of the related development permits.

The development permits approved in conjunction with the tentative subdivision map shall be valid for a period of two years from the date of recordation of the final subdivision map. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one-year extension provided, in the Planning Director’s sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.

In the event of litigation filed to overturn the City’s determination on the tentative subdivision map or development permits, the expiration of the tentative subdivision map and related development permits may be tolled during the pendency of such litigation as provided in state law, including but not limited to section 66452.6(c) of the Government Code.

3. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
4. 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 issuance of a building permit.

5. Prior to issuance of a certificate of occupancy, the Applicant shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions and Restrictions and Equitable Servitudes ("Declaration") which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs, and assigns. Prior to recordation, the Declaration shall be approved as to form and content by the City Attorney and Planning Director, and shall at a minimum include 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 Homeowner Association to manage the Project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of exterior lighting, common areas, utility areas within common areas, parking, landscaping, building signage, sanitary sewer, stormwater facilities, open space, and other features of the Project.
  - c. The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, exterior lighting, parking, landscaping, signage, sanitary sewer, stormwater facilities, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the stormwater facilities located within the property 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 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 applicant or his/her successor in interest shall act as the Agent as long as he/she 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. Communication. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of the lease or purchase agreement for each unit.
  - h. The Declaration shall include 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 (No. 5) 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 property shall comply with all other applicable conditions of approval for the Project.
  - k. The Declaration shall specify that in no way shall the appearance of any building or premises be so altered, or the conduct of the occupancy within the building or premises be

- such that the residential units may be reasonably recognized as serving other than a purely residential use by virtue of color, materials, construction, lighting, noise, vibration, or the like, without prior written approval of the Planning Director.
- l. The Declaration shall include any provisions required to be included in the CC&Rs by the MMRP. The CC&Rs shall include any mitigation measure which requires the owners, HOA or other similar entity to undertake maintenance or other obligations after occupancy of the Project.
  - m. 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 by the MMRP or these conditions of approval.
  - n. The Declaration shall include a description of use and allowed access of common open space, including roof top decks.
  - o. The Declaration shall identify the Homeowners Association as responsible for maintaining the entire project area, including keeping all drainage and soil mitigation facilities in good working order and landscaping in a healthy condition and repairing or replacing improvements and landscaping as needed in a timely fashion. The Homeowners Association shall also be responsible for submitting proof of annual maintenance on the catch basins and pipes to the Department of Public Works prior to October 1.
  - p. The Declarations shall require residents to place their garbage receptacles for collection in accordance with Pacifica Municipal Code section 6-5.106, as the section may be amended in the future. Additionally, the HOA shall educate and enforce its residents to avoid placing receptacles out for collection in areas that can obstruct the stopping sight distance sight line from the egress driveway.
6. Prior to issuance of building permit, the Applicant shall submit a formal address assignment request and associated fees, as detailed in the applicable Master Fee Schedule, to the Planning Department.
  7. Prior to issuance of a building permit, Applicant shall revise the exposed exterior surfaces of the side elevations of the buildings to incorporate use of siding materials and trim consistent with the front elevations of the buildings, to the satisfaction of the Planning Director.
  8. Final retaining wall heights and any necessary guard railings within the front setback shall be confirmed prior to issuance of a building permit to meet the requirement of PMC section 9-4.2502. All exposed retaining wall surfaces constructed by the Project shall have a decorative finish which may include, but shall not be limited to, decorative block, stone veneer, or colored and stamped concrete, to the satisfaction of the Planning Director.
  9. Prior to certificate of occupancy, the Applicant shall install a laundry washer and dryer in each unit in accordance with Pacifica Municipal Code section 9-4.2402(h), to the satisfaction of the Planning Director.
  10. Prior to certificate of occupancy, the Applicant shall install at least one duplex weatherproofed electrical convenience outlet in each private open space shall, to the satisfaction of the Planning Director.
  11. Exterior individual television and radio antennas shall be prohibited on the outside of the units. A

central antenna with connection to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.

12. The Applicant shall enter into a Below Market Rate (BMR) Housing Unit Affordability Agreement (“Affordability Agreement”) with City, in a form approved by the Planning Director and City Attorney. The Affordability Agreement shall provide, among other things that: (1) Applicant will develop and sell one of its units as a BMR unit at an affordable housing cost to eligible households; (2) the BMR units shall meet the size and design requirements set forth in Pacifica Municipal Code Section 9-4.4705; (3) construction and sale of the BMR unit shall be phased with the development of the market rate units to ensure that the BMR unit is timely developed and sold; (4) purchasers of the BMR unit will be required to enter into and execute Resale Restriction Agreements and other documents ensuring the long-term affordability of the BMR unit for no less than 45 years; (5) the development and sale of the BMR unit otherwise meet the requirements of Article 47 of Chapter 4 of Title 9 of the Pacifica Municipal Code (“City of Pacifica Below Market Rate (Inclusionary) Program”); and (6) Applicant will be responsible for the City’s administrative costs associated with compliance with the Affordability Agreement. The Affordability Agreement must be recorded against the property prior to or concurrently with the recordation of the Final Map.
13. Prior to issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan to the satisfaction of the Planning Director. All exterior light fixtures shall be down-facing and shall not cast light onto adjacent properties or the public right-of-way.
14. Prior to any ground disturbance, the Applicant shall submit a report prepared by a qualified horticulturist, arborist or licensed landscape architect to analyze the feasibility of safely and successfully removing and relocating onsite the six heritage trees that are identified for removal from the Project. The report shall include the definition of a safe and successful removal and relocation and measures to support the safe and successful removal and relocation of a heritage tree during the removal and relocation process and the re-establishing period. The report shall be prepared, and any recommended tree relocations carried out, to the satisfaction of the Planning Director.
15. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan 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 in a healthful condition and replaced when necessary as determined by the Planning Director. The plan shall include landscaping to separate the portion of the egress driveway that is parallel with Monterey Road from the public sidewalk.

The final landscaping plan shall include a tree replacement plan prepared by a qualified horticulturist, arborist or licensed landscape architect for replacement of the six removed heritage

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trees with like-kind or equivalent substitution in terms of species. The replacement ratio to removed heritage trees shall be at a minimum 3:1 ratio as agreed to by the applicant. Replacement heritage trees shall be 24" box size trees. Should a heritage tree be successfully relocated as analyzed under condition 14, the relocated heritage tree shall count as one replacement tree in the tree replacement plan. The tree replacement plan shall also identify like kind and size equivalent substitutions for all removed non-heritage trees at a 1:1 ratio. Trees (24 inch box) or large shrubs (15 gallon) shall be required where feasible in the planter areas in front of units 1, 2 and 3, and in the planter areas between units 4 and 5 and between units 6 and 7..

16. Prior to the issuance of a building permit, Applicant shall submit a plan for an on-site directional sign for the approval of the Planning Director and such on-site directional sign shall be limited to four (4) square feet. Free-standing on-site directional signs shall be limited to four (4') feet high. On-site directional signs attached to a wall shall be located no higher than (8') feet above the ground level. Signage shall direct motorists to use the appropriate ingress and egress driveways, inform motorists of vehicles larger than 19 feet long not to enter the driveway, and to direct motorists of the appropriate point to turn around onsite, to the satisfaction of the Planning Director. Signs shall be installed prior to certificate of occupancy.
17. All transformers, HVAC units, backflow preventers 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, berms, painting, and/or landscaping, to the satisfaction of the Planning Director.
18. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director's satisfaction.
19. 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.
20. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
21. Applicant shall incorporate into the Project all mitigation measures identified in the document entitled "VISTA MAR PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION" dated January 2020, inclusive of the two Response to Comments (RTC) (May 2020 and September 2020) and "Errata Sheet" dated September 2020. The MMRP containing all applicable mitigation measures to be incorporated into the Project is included as Exhibit B to this Resolution.
22. No heritage tree removal and logging operations shall be performed prior to the issuance of a building permit.

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23. Applicant shall incorporate all recommendations contained in the “Arborist Survey Report Vista Mar Development Pacifica San Mateo County,” dated January 2020, into construction of the Project in order to avoid and minimize damage to existing trees which are not proposed for direct impact by Project activities.
24. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
25. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
26. The Applicant shall 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 (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney’s 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. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

### **Building Division**

27. Applicant shall apply for and receive approval of a building permit prior to construction of the Project.
28. Applicant shall incorporate all recommendations detailed in the letter “*Geotechnical Investigations for Proposed New Townhouses at Monterey Road Pacifica, California*,” dated April 2002, as updated by the letter “*Monterey Townhouses Monterey Road Pacifica, California Geotechnical Report Update*” dated September 2, 2014, and letter “*Monterey Townhouses Monterey Road Pacifica, California Response to Geotechnical Review Comments*” dated August 3, 2019 and approved by the Building Official prior to issuance of a building permit, excepted as modified by the MMRP in Exhibit B. In accordance with the City’s Administrative Policy No. 28, the final geotechnical report shall be peer reviewed by an engineering consultant for the City, and it must be found acceptable to the City, as is or with recommendations. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the Building Official.



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**Engineering Division of Public Works Department**

29. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.
30. Applicant shall provide updated calculations with the construction drawings based the Municipal Regional Permit and City of Pacifica Drainage Policy for the entire development to determine the size of all proposed storm drain facilities, stormwater treatment measures and the impact on the existing system (storm drains, creeks, and waterways). If the calculations reveal that the City system would be negatively impacted, those impacts shall be mitigated to the satisfaction of the City Engineer. Calculation report shall be signed and stamped by a registered engineer. Stormwater improvement shall be peer reviewed by an engineering consultant for the City, and it must be found acceptable to the City, as is or with recommendations. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the City Engineer.
31. Applicant shall update its stormwater treatment plan with the construction drawings to comply with all applicable requirements of Provision C.3 of the Municipal Regional Permit, including but not limited to demonstrating that sufficient treatment areas have been provided to capture and treat stormwater from all impervious surfaces created by the Project. In addition to stormwater treatment systems required by Provision C.3, and as volunteered by the Applicant, the Applicant shall demonstrate sufficient design details to detain the 100-year storm, to the satisfaction of the City Engineer. All necessary stormwater treatment measures shall be installed prior to issuance of a certificate of occupancy.
32. Stormwater measures shall be covered under a separate Maintenance Agreement for Stormwater Treatment Measures recorded prior to issuance of the certificate of occupancy and to run with the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.
33. Applicant shall incorporate parking recommendations, including red curbs, detailed in the letter "*Vista Mar Development, Monterey Road,*" dated November 11, 2014 from RKH Civil and Transportation Engineering, to the satisfaction of the City Engineer prior to issuance of a building permit. No additional red curbs shall be created along the property frontage without approval from the Public Works Director.
34. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Monterey Road. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.

35. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Project.
36. 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 the issuance of the certificate of occupancy.
37. 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 are not limited to:
  - a. an accurate survey plan, showing:
    - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
    - ii. property lines labeled with bearings and distances;
    - iii. edge of public right-of-way;
    - iv. any easements on the subject property
  - b. a site plan, showing:
    - i. the whole width of right-of-way of Monterey Road, including existing and proposed improvements such as, but not limited to, new pavement, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
    - ii. the slope of Monterey Road at the centerline;
    - iii. adjacent driveways within 25' of the property lines
    - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
  - c. All plans and reports must be signed and stamped by a California licensed professional.
  - 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.
  - e. All improvements shall be peer reviewed by an engineering consultant for the City, and it must be found acceptable to the City, as is or with recommendations. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the City Engineer.
38. Applicant shall pay the cost of City construction management and inspection for all on-site and off-site improvements.
39. Applicant shall install new driveway approach and must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks.

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40. Applicant shall grind and overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or to street centerline whichever is greater across entire property frontage along Monterey Road. All pavement markings and markers shall be replaced in kind.
41. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested at least 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Monterey Road.
42. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
43. All utilities shall connect to the nearest main within an existing Right of Way (ROW). All utilities shall be installed underground to the nearest joint pole or box.
44. Prior to issuance of a building permit, Applicant shall provide an erosion control plan, to the satisfaction of the City Engineer.
45. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.
46. The applicant shall submit a final map to the Engineering Division for review by the City Engineer (map approval by the City Council is required prior to issuance of a building permit). All required monumentation shall be shown on the map and set prior to recordation of the map. The applicant shall pay City the cost of the final map review, including the costs of staff time and any services determined to be necessary by the City Engineer.
47. 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 maybe in the form of cash, instrument of credit or surety bond. In addition, a Subdivision Improvement Agreement shall be executed to guarantee that the work will be completed in accordance with the approved plans.
48. Prior to the construction of any subdivision improvements, or execution of any 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. Curb ramps on both sides of the driveways.
  - d. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the driveways and retaining wall.

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- e. 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.
49. The subdivision and improvement plans must be peer reviewed by a consultant for the City; it must demonstrate that the Project is compliant with current standards for civil engineering, seismic and geological engineering. The City's consultant must be able to recommend that the Project be approved, as is or with recommended changes. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the City Engineer.
50. 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. A dedication of all easements shall be included under the Owner's Statement.
51. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.

#### **North County Fire Authority**

52. Applicant shall install a fire sprinkler system prior to issuance of a certificate of occupancy. Applicant shall submit plans to NCFA under separate fire permit for review of the fire sprinkler system prior to issuance of a building permit.
53. Prior to issuance of a building permit, Applicant shall provide fire flow information per 2019 CFC, Appendix B, for the hydrant and fire sprinkler system, to the satisfaction of the Fire Chief.
54. Applicant shall install a fire alarm system prior to issuance of a certificate of occupancy. Applicant shall submit plans to NCFA under separate fire permit prior to issuance of a building permit for review of the fire alarm system. Fire alarm system shall be monitored, per CFC to the satisfaction of the Fire Chief.
55. Applicant shall install doors that are easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts prohibited unless integrated with latch.
56. Prior to issuance of a building permit, Applicant shall demonstrate access of fire hydrants in compliance with Appendix C of the 2019 CFC along the Monterey Road, to the satisfaction of the Fire Chief and City Engineer.
57. Prior to issuance of a certificate of occupancy, Applicant shall install utility identification to the satisfaction of the Fire Chief.

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58. Prior to issuance of a certificate of occupancy, Applicant shall install illuminated address identification on the dwelling unit structure, to the satisfaction of the Fire Chief.

**Wastewater Division**

59. Applicant shall provide location and size of sewer lateral appurtenances and city standard and specification.

\*\*\*END OF CONDITIONS\*\*\*

## **Exhibit B**

### **MITIGATION MONITORING AND REPORTING PROGRAM**

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines, which requires an MMRP as part of the Mitigated Negative Declaration (MND) process. CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the Project including construction and throughout the Project buildout. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately to ensure compliance.

The following MMRP matrix lists each of the mitigation measures adopted as a condition of Project approval, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

# For Signature: ResolutionNo70-2020\_DenyingAppeal\_VistaMar-Approved

Final Audit Report

2020-12-04

Created:	2020-12-04
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