

RESOLUTION NO. 2022-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-856-22 (FILE NO. 2022-001), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A 323-SQUARE FOOT (SF) ADDITION TO AN EXISTING 3,111-SF SINGLE-FAMILY RESIDENCE AT 218 JUANITA AVENUE (APN 018-094-060), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Christopher Sweidler, Owner

WHEREAS, an application has been submitted to construct a 323-square foot (sf) addition to an existing 3,111-sf single-family residence located on a 5,000-sf lot at 218 Juanita Avenue (APN 018-094-060) in Pacifica (File No. 2022-001) (“Project”); and

WHEREAS, the Project requires approval of a site development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.3201(d) because the Project proposes to increase floor area by more than the threshold for Planning Commission review; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 19, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission 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 Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 1 exemption under CEQA. Guidelines Section 15301, as described below, applies to the Project:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

* * * * *

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

The proposed project would involve an addition to an existing single-family residence which involves negligible or no expansion of the existing use. Furthermore, 50 percent of the floor area of the structure before the addition is 1,555.5 sf. The proposed project consists of a 323-sf addition to an existing structure, which is less than 1,555.5 sf and therefore meets the criteria of a Class 1 exemption.

Additionally, none of the exceptions to application of a categorical exemption in section 15300.2 of the CEQA Guidelines would apply:

- Sec. 15300.2(a): This exception is not applicable to a Class 1 exemption.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Therefore, the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does not make the following findings pertaining to the denial of the Site Development Permit PSD-856-22 as indicated as required by PMC section 9-4.3204(a):

A. In order to approve the subject Site Development Permit, the Planning Commission must not be able to make any of the nine findings indicated by PMC sec. 9-4.3204(a). The following discussion supports the Commission's determination that none of the following findings can be made.

1. 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.

Discussion: The proposed addition would be located at the rear of an existing residence and would have no impact on the vehicular or pedestrian traffic patterns. Furthermore the proposed use would be consistent with the existing residential use on site and consistent in general character and intensity of the surrounding residential neighborhood. For these reasons, this finding cannot be made.

2. 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.

Discussion: The proposed addition would be located at the rear of an existing residence and would have no impact on the accessibility of off-street parking area or the relationship of parking areas on adjacent streets. The existing residence has

a two-car garage. The project would not impact the existing garage and no further off-street parking facilities are required. For these reasons, this finding cannot be made.

3. *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.*

Discussion: The proposed project would add 40 sf of softscape to the front yard and 266 sf of softscape to the rear yard. This additional softscape break up existing hardscaped areas and would result in landscaping on 20.3 percent of the parcel, which meets the minimum landscape area requirement for the R-1 zoning district. For these reasons, this finding cannot be made.

4. *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.*

Discussion: The proposed addition is located outside the required setbacks and is in the same general location of an existing covered balcony and therefore is not anticipated to hinder nor discourage the appropriate development and use of land and building in the neighborhood, nor impair the value thereof. The project would have no impact on the existing south side elevation that encroaches within the required side setback. The building height is not changing and the building height at 27'-7" is well below the maximum height of 35 feet. For these reasons, this finding cannot be made.

5. *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.*

Discussion: The proposed project is for a single-family residence and is not a commercial or industrial structure. Therefore, this finding is not applicable.

6. *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.*

Discussion: The proposed project is located on a site within an area that is substantially developed, is in the same general location of an existing covered balcony and paved area and does not result in the excessive removal of natural features. For these reasons, this finding cannot be made.

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

Discussion: The proposed project results in a design consistent with the materials and colors of the existing residence. The proposed addition further adds to the articulation of the existing residence and does not create a monotonous external appearance. For these reasons, this finding cannot be made.

8. That the proposed development is inconsistent with the City's adopted Design Guidelines.

Discussion: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- Ensure at least a minimum standard of design through the application of consistent policies.
- Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- Provide a framework for review and evaluation of design proposals.
- Implement applicable General Plan and Local Coastal Plan goals and policies.
- Expedite and facilitate the planning permit process.
- Provide direction for design and redesign of projects.

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 Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission'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. The proposed project complies with the following Design Guidelines:

- a. **Building Design:** The style and design of the new buildings should be in character with that of the surrounding neighborhood. Additions to an existing structure should also retain and be consistent with the positive architectural features of the original structure.
- b. **Scale:** An important aspect of design and compatibility is scale. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density. A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwelling which are much larger than neighboring structures are therefore discouraged.
- c. **Materials:** Compatibility of materials is an essential ingredient in design quality. Consistency and congruity of materials and design elements on individual structures is also important.

The neighborhood in which the project is located is characterized by one- to three-story homes with varying pitches of roofs. The architectural style of the homes in the vicinity of the project is varied in a neighborhood that includes traditional,

Mediterranean, and contemporary architectural styles. The proposed first- and second-story additions to the existing two-story building are modest in size and scale compared to the existing conditions. The additions match the existing home and are located predominately at the rear of the site behind the existing residence. As such, they maintain the existing character of the site and surrounding area. The additions are not massive or bulky and the materials, colors design and architectural features match and therefore are compatible with the existing residence. For these reasons, the proposed project is consistent with the Design Guidelines and this finding cannot be made.

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

Discussion: The subject site's General Plan land use designation is Low Density Residential (LDR). The LDR land use designation permits residential development at an average density of three to nine units per acre (an average lot area of 4,840-14,520 sf per unit). A single-family residence on a 5,000-sf lot is consistent with the use type and densities allowed within the LDR land use designation. Additionally, as noted in the Table 1 of this staff report, the addition would meet all applicable zoning development regulations. For these reasons, this finding cannot be made.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Site Development Permit PSD-856-22 for construction of a 323-sf addition to an existing 3,111-sf single-family residence at 218 Juanita Drive (APN 018-094-060), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

File No. 2022-001
Site Development Permit PSD-856-22
218 Juanita Avenue (APN 018-094-060)

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 19th day of September 2022.

AYES, Commissioners: Berman, Hauser, Domurat, Godwin, Leal, Wright

NOES, Commissioners: None

ABSENT, Commissioners: Ferguson

ABSTAIN, Commissioners: None




Lauren Berman, Chair

ATTEST:

Christian Murdock, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2022-001 – Site Development Permit PSD-856-22, to construct a 323-square foot (sf) addition to an existing 3,111-sf single-family residence on a 5,000-sf lot at 218 Juanita Avenue (APN 018-094-060)

Planning Commission Meeting of September 19, 2022

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “2 Story Addition, 218 Juanita, Pacifica, CA” received by the City of Pacifica on August 29, 2022 and included as Attachment B to the September 19, 2022 Planning Commission staff report, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of two years from the date of final determination. 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 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 approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
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. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director and City Engineer. 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 installed consistent with the final landscape plan prior to issuance of a certificate of 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.
5. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. The plan shall show fixture locations, where applicable, on all building elevations.

6. 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.
7. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
8. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
9. 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.

Engineering Division of the Public Works Department

10. 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.
11. The following requirements must be clearly noted on the construction plans for the project:
 - a. Juanita Avenue shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
 - b. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.

- c. Existing public improvements within 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. Any damage to improvements within city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project, shall be repaired or replaced as directed by the City Engineer.
12. 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 existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, 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. adjacent driveways within 25' of the property lines
 - iii. 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.
13. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
14. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way without an approved Encroachment Permit. Prior to issuance of a building permit, Applicant shall obtain an Encroachment Permit for all existing private structures in the public right-of-way that are not currently supported by an Encroachment Permit.
15. All new utilities shall be installed underground from the nearest main or joint pole.
16. Per the adopted City of Pacifica Complete Street Policy, development shall include bicycle and pedestrian facilities. Applicant shall install a concrete sidewalk across the entire property frontage along Juanita Avenue in accordance with City standards.

File No. 2022-001
Site Development Permit PSD-856-22
218 Juanita Avenue (APN 018-094-060)

17. Applicant shall install new concrete curb, gutter and 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.
18. The construction of sidewalks, curb, gutter and driveway approach may be deferred through a Deferred Pedestrian Facilities Installation Agreement, which shall be approved by the City Attorney and executed, notarized and recorded on the Property by the Applicant/Owner prior to issuance of a building permit for any work at the project subject to this approval (APN 018-094-060).
19. If new sidewalk, concrete curb and gutter are installed or new utilities are needed, the applicant shall grind and overlay existing asphalt with minimum 2-inch AC to street centerline across entire property frontage of Juanita Avenue. All pavement markings and markers shall be replaced in kind.
20. There may be additional items at Building Permit review.

North County Fire Authority

21. Plans are to show the Existing Sprinkler System to be extended throughout the addition. Applicant shall submit plans to NCFA under a separate fire permit prior to issuance of a building permit.

END