

**RESOLUTION NO. 102-2023**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING IN PART AND UPHOLDING IN PART THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP-435-22, PERMIT FOR SITE DEVELOPMENT PSD-857-22, USE PERMIT UP-130-22 AND PARKING EXCEPTION PE-194-22 (FILE NO. 2022-007), SUBJECT TO CONDITIONS, FOR DEMOLITION AND REPLACEMENT OF PORTIONS OF THE EXISTING NORTH COAST COUNTY WATER DISTRICT HEADQUARTER AT 2400 FRANCISCO BOULEVARD (APN 016-322-230) LOCATED BETWEEN BRIGHTON ROAD AND CLARENDON ROAD, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: North Coast County Water District

**WHEREAS**, an application has been submitted to demolish portions of the existing North Coast County Water District (NCCWD) Headquarters site, and construct a new two-story administrative building and other site improvements located at 2400 Francisco Boulevard (APN 016-322-230) in Pacifica (File No. 2022-007) (“Project”); and

**WHEREAS**, the Project requires approval of a site development pursuant to Pacifica Municipal Code (PMC) Section 9-4.3201(b) prior to the issuance of a building permit; and

**WHEREAS**, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303(a) on the basis that the project site is located within the Coastal zone; and

**WHEREAS**, the Project requires approval of a use permit pursuant to PMC Section 9-4.2101 because the proposed office use requires a use permit in the Public Facilities District; and

**WHEREAS**, the Project requires approval of a parking exception per PMC Section 9-4.2818 because the project does not provide the required off-street parking spaces on-site; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 13, 2023, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

**WHEREAS**, the Planning Commission of the City of Pacifica adopted Resolution No. 2023-009, finding the Project exempt from the California Environmental Quality Act and approving Coastal Development Permit CDP-435-22, Site Development Permit PSD-857-22, Use Permit UP-130-22 and Parking Exception PE-194-22 on June 13, 2023; and

**WHEREAS**, North Coast County Water District (“Appellants”) filed an appeal (“Appeal”) of the Planning Commission’s decision to adopt Resolution No. 2023-009 on June 22, 2023;

**WHEREAS**, the City Council of the City of Pacifica did hold a duly noticed public hearing on August 14, 2023, 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 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 in part and uphold in part the Appeal based upon all of the reasons set forth in the Staff Report and upholds the Planning Commission’s Approval on June 13, 2023 of the project, and makes the following findings pertaining to its action on the Appeal of the Planning Commission’s action:

***Basis 1. Condition No. 11 should be removed or revised.***

*Finding:* The condition requires Appellant to submit a request to the City Manager to relocate the TSPP space prior to the commencement of construction activities, or any site preparation work requiring access to the physical location of the TSPP space. Construction noise, vibration, and other impacts from construction of Appellant’s project could adversely affect the occupant of the TSPP vehicle utilizing the space at the time of construction. Additionally, Appellant indicated that pre-construction activities and utilities work may require access near to or within the TSPP space. In order to meet the findings in Pacifica Municipal Code (“PMC”) Section 9-4.3303 for approval of use permit that the project will not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood, temporary relocation of the TSPP space prior to construction and preparation activities was warranted. Because Appellant’s Project has a direct impact on the occupant of the Francisco Boulevard TSPP spot, and the Appellant has control over the timing of commencement of construction and preparatory activities, it is the responsibility of the Appellant to mitigate the impact of their Project, as is the case with impacts to streets, infrastructure, or other health and safety impacts. While Appellant is correct that they do not have the power to move the space, this is not directly relevant to the terms of the condition, which requires the Appellant to submit a request to the City Manager’s office to move the space and requires Appellant not to commence construction activities until an alternative space is operational.

After consideration of all the information materials included in the public hearing record, the City Council finds that Condition of Approval No. 11 is necessary to make the required findings for approval of a Use Permit. Thus, the City Council denies this ground for appeal.

***Basis 2. Condition No. 12 which eliminates angled/diagonal parking should be removed because diagonal parking is safe and consistent with the City’s General Plan.***

*Findings:* The basis of appeal is upheld based on substantial evidence in the record.

***Basis 3. Condition No. 21 should be revised to require patch paving and repairs.***

*Finding:* As background, Condition of Approval No. 21 requires the Appellant to conduct repairs on the roadway based on impacts from the construction of the Project. This is a standard condition that the City imposes on all private development projects, including on City projects such as the Civic Center Campus Facilities Project, along Francisco Boulevard. The requirements imposed for repaving are based on road conditions. The current Pavement Conditions Index (“PCI”) of Francisco Boulevard is 52 in the City’s pavement management system software, StreetSaver. The

utility cuts being proposed with the project will drop the PCI from a “good” rating to a “poor” rating. The PTAP report requires a mill and thick overlay for a pavement in a poor PCI rating.

For these reasons, the City Council denies this basis of appeal.

***Basis 4. Condition No. 24 regarding the elimination of a third driveway should be removed to allow a dedicated driveway for the proposed recycled water drive-thru.***

Finding: This basis of the appeal is upheld based on substantial evidence in the record.

***Basis 5. Condition No. 32 should be removed because it is outside of the Project scope.***

Finding: This contention is without grounds. Municipal Regional Permit (“MRP”) Section C.3.b.ii.3.a. requires projects that alter 50 percent or more of the impervious surface of a previously existing development that was not subject to Provision C.3, as is the case with this project site, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design. Over 50% of the site is being disturbed and resurfaced which triggers the need for a cover over the existing fueling station as required by Section C.3.c.i.1.b. of the MRP.

For the foregoing reasons, the City Council denies this basis of appeal.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica, hereby:

1. Finds that the City of Pacifica is a Responsible Agency under CEQA in relation to review of the Project;
2. Concludes that it has independently reviewed, analyzed, and considered NCCWD’s environmental determination, and the conclusion reflects the City Council’s independent judgment and analysis.
3. Concludes that a Class 1 and Class 2 exemption under CEQA is applicable because:

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:

\* \* \* \* \*

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood.

\* \* \* \* \*

The proposed project would enhance the existing NCCWD headquarters site which does not meet current federal laws and had access issues. The buildings would be upgraded to meet current structural codes and would meet safety standards, including for a seismic event. The

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2400 Francisco Boulevard (APN 016-322-230)  
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upgrades would help the site achieve current public health and safety regulations and therefore meets the criteria of a Class 1 exemption.

Section 15302 states in part:

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structures replaced, including but not limited to:

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

The proposed project would involve demolition of the existing administrative building and a maintenance building and construction of a new two-story office building in the same location. The Appellant states that although the administrative building will be expanded by square footage, the overall capacity and purpose will not change and therefore meets the criteria of a Class 2 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 and Class 2 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 and Class 2 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 City Council of the City of Pacifica does make the following findings pertaining to Site Development Permit PSD-857-22 as required by PMC section 9-3204(a):

*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.*

The project, with proposed conditions, would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood. The proposed project will expand and improve the existing North

Coast County Water District Headquarter site. The new buildings will be in character with the existing residential and commercial development in the area because the proposed project is designed in a modern architecture style that is used on other recent projects in the area. The project design includes improvements to the outdoor yard area and vehicle access to the site.

Appellant’s preferred project design also includes adding a third driveway on Clarendon Road, two of which flank an existing bus stop. The Engineering Division of the Public Works Department has identified that new proposed driveway would create a site distance hazard when a bus is parked at the designated bus stop. These concerns are ameliorated in the event the existing location of the bus stop is moved and all approvals thereto are granted by regulatory agencies, as reflected in Condition of Approval No. 52.

The existing on-street parking abutting the project site allows six (6) spaces on Brighton Road, seven (7) spaces on Francisco Boulevard, and two (2) spaces on Clarendon for a total of 15 spaces. The proposed design of angled parking on Francisco Boulevard, closing the existing driveway on Francisco Boulevard, and the addition of a third driveway on Clarendon Road, allows a total of 16 spaces along the project frontage, with parking on Brighton Road to remain as is. The net increase of one (1) on-street parking space is the result of adding three (3) more spaces on Francisco Boulevard from the angled parking reconfiguration, and the removal of two (2) spaces on Clarendon Road for the third driveway. The table below summarizes on-street parking information.

***On-Street Parking Analysis***

	<b><u>Existing</u></b>	<b><u>Proposed by Appellant (with Relocated Bus Stop and Third Driveway)</u></b>
Brighton Road	6	6
Francisco Boulevard	7	10
Clarendon Road	2	0
Total	15	16

*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.*

The project, as conditioned, would not create a hazardous or inconvenient condition to adjacent or surrounding uses pertaining to parking areas and traffic on adjacent streets. The proposed project will remove an existing driveway from Francisco Boulevard and direct all employee access to an existing driveway on Clarendon Road. The existing driveway will be fitted with a new gate. The proposed off-street parking access will improve traffic on Francisco Boulevard and will not create a hazard or inconvenience. Based on substantial evidence in the record, 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.*

The project, as conditioned, would not reserve insufficient landscaped areas for the purposes of separating or screening service or 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 proposed project will overall add roughly 650 square feet of landscaping to the project site. The project proposal will remove some existing landscape areas, while maintaining or enhancing other existing landscaping along Brighton Road and Clarendon Road. The additional landscaping will break up the existing hardscape in the parking area and will add additional buffer along the proposed public water filling station. The proposed landscaping along the project site perimeter will also enhance the public right-of-way and create a better pedestrian experience along Clarendon Road. 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.*

The project, as conditioned, will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, nor will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof. The proposed addition is located away from the existing residential use to the west. The area directly abutting the existing single-family residence is not proposed to be changed. The second story addition will be located on the northeastern corner of the project site along Francisco Boulevard, away from the existing single-family residence on the abutting sites, and therefore is not anticipated to hinder nor discourage the appropriate development and use of land and building in the neighborhood. The project proposes to bring an existing building into code compliance and upgrade the exterior façade and outdoor area of the project site and will therefore not impair the value of the neighborhood.

*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.*

The project, as conditioned, is not substantially detrimental to the character or value of an adjacent R District area. The proposed project elevations are a substantial improvement to the existing exterior façade of the existing public facility. The proposed building design incorporates modern architecture and uses materials and colors that are compatible with the existing neighborhood. Therefore, this finding cannot be made.

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

The project, as conditioned, will not 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. The proposed project is located on a site within an area that is substantially developed. The site does not contain any natural features and is relatively flat. For these reasons, this finding cannot be made.

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

There is not insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance. The proposed project is designed with a variety of materials and colors, as well as architectural articulation to avoid a monotonous exterior façade. Although only a portion of the existing site will be replaced, the project proposes exterior modifications to the building that will be remain and will add a decorative trellis to break up the existing blank wall plane. The proposed new administrative building will use large windows to break up the proposed facades on Brighton Avenue and Francisco Boulevard. The new administrative building also uses flat and slanted roof types for articulation of the roofline. For these reasons, this finding cannot be made.

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

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 City Council 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 West Sharp Park neighborhood contains an eclectic mix of architectural styles, containing a range from beach cottages to modern styles. The Appellant proposes to use a modern architecture style that is used on other recent projects in the area. The proposed two-story office building is modest in size and scale compared to the existing structure to remain. As such, the proposed structure will maintain the existing character of the site and surrounding area. The proposed structures are not massive or bulky and the materials, colors design and architectural features will match and therefore be compatible with the existing structure. Furthermore, the Appellant proposes to use similar color and materials to integrate the proposed mechanical equipment, at a height of 35'9", into the building design. The height of the proposed mechanical equipment does exceed the maximum allowance of a commercial district; however, the PMC Section 9-4.2501 allows mechanical appurtenance to exceed the height limits with the approval of a site development permit. The proposed height is in scale with the proposed structure and other site improvements. 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.*

The subject site's 1980 Local Coastal Plan land use designation General Plan land use designation are North Coast County Water District (NCCWD) and High Density Residential (HDR) and a 2040 General Plan land use designation of Public and Semi-Public. The 2040 General Plan contain policy LU-I-3, which states that development that requires a coastal development permit shall continue to require written findings that it is consistent the City's certified Local Coastal Program. As the City's 2040 Local Coastal Land Use Plan is not yet certified by the California Coastal Commission, the project must be in compliance with the 1980 Local Coastal Land Use Plan.

The HDR land use designation permits residential uses. Neither the 1980 Local Coastal Land Use Plan nor the 1980 General Plan contain a description of land uses allowed in the NCCWD land use designation; however, the City has determined that it allows the North Coast County Water District use and other similar public facilities.



According to available records, the project site is not a single legally created lot and contains a lot that was most likely intended for a single-family residence and is zoned R-3. The NCCWD has used both of these lots for many years and the current proposal contains improvements that would cross legal property lines but be within the NCCWD site. The Council does not have any concerns regarding the existing property lines. Any building and fire code requirements related to distance to property lines will be addressed during the building permit review. The R-3 district portion of the site will continue to be used for outdoor storage and site access for NCCWD. The R-3 zoning district does not contain any language regarding outdoor storage; however, there are other uses, such as churches, parks, and crop and tree farming, allowed in residential districts that often require outdoor storage of materials. Furthermore, this area of the site will be continued to be used in the same manner as it has historically been used. The proposed project is consistent with the present use of this portion of the site.

PMC Section 9-4.2102 contains criteria that shall be considered in the review of proposed projects in the P-F district. That criteria states that the proposed use shall be of such size, design, and operating characteristics as will make it compatible with surrounding uses with respect to bulk, scale, design, coverage, density, noise, the generation of traffic, and other environmental impacts; will enhance the successful operations of the community or will provide a service to the community; and attention shall be given to provision of buffering of uses from the surrounding neighborhood, and significant adverse impacts shall be mitigated. The proposed project will provide a service to the community by continuing to provide adequate water service to the City. As mentioned above, a portion of the site abutting a residential use will continue to be used for outdoor storage and vehicle access for the rest of the site and all improved areas, such as the shop area, will be buffered from the existing residential use.

The addition would meet all applicable zoning development regulations, except parking which is discussed below and height as discussed above. Additionally, the findings for Local Coastal Plan consistency are included below and incorporated herein by reference.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-435-22 as required by PMC section 9-4.4304(k):

1. *The proposed development is in conformity with the City's certified Local Coastal Program.*

The certified Local Coastal Program (LCP) includes a Local Coastal Land Use Plan (LCLUP), which contains policies to further the City's coastal planning activities. The proposed project is consistent with the applicable policies of the LCLUP, as discussed below.

- Coastal Act Policy No. 24: The location and amount of new development should maintain and enhance public access to the coast by:
  - (a) Facilitating the provision or extension of transit service.

- (d) Providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The Appellant's proposal to add a third driveway on Clarendon Road impacts the existing bus stop. Accordingly, the City Council has imposed Condition of Approval No. 52 to relocate the bus stop. With this addition, the project complies with Coastal Act Policy No. 24.

- Coastal Act Policy No. 26: *New development shall:*
  - (a) Minimize *risks to life and property in areas of high geologic, flood and fire hazards.*
  - (d) Minimize energy consumption and vehicle miles traveled.

The applicant proposes to demolition portions of the existing North Coast County Water District's Headquarters, construct a new administrative building, construct a new maintenance building, and retrofit the existing buildings proposed to remain. The proposed improvements will minimize the risk to life and property because they will bring the building into compliance with new regulations pertaining to safety and building codes. The modernizations will also include meeting new energy codes, which will reduce the existing energy consumption on site. As such, the proposed project is in conformity with the City's certified Local Coastal Program.

Additionally, the City's certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As summarized in the Zoning Conformance Table above, in the project description, the proposed project would comply with applicable requirements except for parking and height. The project includes a parking exception, as discussed below, and the project may exceed the height requirement with approval of site development permit, as discussed above.

2. *Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.*

The subject site is not located between the nearest public road and the shoreline; therefore, this finding is not applicable to the Project.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does make the following findings pertaining to Use Permit UP-130-22 as required by PMC section 9-4.3303:

1. *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstance 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 use is an office use and related corporate yard for the NCCWD headquarters site. The site is currently used for the same purpose and the only additional office use related to the project is the addition of a multi-purpose room. The proposed upgrades to the site will bring the building up to code requirements, include

safety and energy standards. The updates to the NCCWD headquarters will also ensure that the water district is able to provide adequate water service to the City.

Adjacent to the project site is one parking space that is part of the City's Temporary Safe Parking Program (TSPP). The space is located on the west side of Francisco Boulevard in the public right-of-way near the intersection with Clarendon Road. Construction noise, vibration, and other impacts from construction of the project could adversely affect the occupant of the TSPP vehicle utilizing the space at the time of construction. In addition, the Appellant has indicated to the City that pre-construction activities and utilities work may require access near to or within the TSPP space. This will impact the TSPP space occupant. Therefore, the City has included a condition of approval to require that the Appellant obtain City approval of an alternative location for the TSPP space prior to any construction activity or pre-construction activity that requires access to the space. With inclusion of this condition of approval, the City Council makes the finding that the project would 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.

2. *That the use or building applied for is consistent with the provisions of the General Plan and other applicable laws of the City, and where applicable, the Local Coastal Plan.*

As previously discussed in the findings for approval of a site development permit and coastal development permit, the site has a LCLUP designation of North Coast County Water District (NCCWD) and High Density Residential (HDR). The proposed use is consistent with the intent of the NCCWD land use designation as it appears that the site was specifically designated for the intended use.

As noted in the Table 1 of the staff report, the addition would meet all applicable zoning development regulations, except for parking and height. There is language regarding other applicable laws in the findings for a site development permit above. Additionally, the findings for the Local Coastal Plan are above.

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

The proposed office use is consistent with the City's adopted Design Guidelines as discussed above in the findings for approval of a site development permit.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does make the following findings pertaining to Parking Exception PE-194-22 as required by PMC section 9-4.2824(a):

1. That the establishment, maintenance, and/or conduction of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Article 28 as are reasonably possible.

Per PMC sec. 9-4.2818(f)(8), the site is required to provide a total of 30 off-street parking spaces on-site. The project is designed to provide 20 off-street parking spaces on-site that will be for employees only, an increase of 5 spaces from the existing condition. However, the site is unable to accommodate all of the off-street parking required for the proposed use.

NCCWD has stated that in order to maintain safe operations within the corporation yard and the security of NCCWD's critical utility facilities, public parking will not be allowed on-site. The critical nature of NCCWD's services as a public utility presents a unique circumstance where excluding public parking at its facilities is justified for public health, welfare, and safety. In addition, the project site is constrained by its existing built condition, existing dimensions, and existing development and public rights-of-way on all sides. Therefore, there is no opportunity to provide additional off-street parking facilities and in particular, appropriately located public parking facilities located outside of NCCWD's operations area.

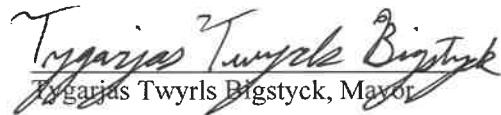
For these reasons, the provision of 20 off-street parking spaces (an increase of 5 spaces from the existing conditions) will result in the establishment, maintenance, and conducting of the off-street parking facilities as nearly in compliance with the requirements of Article 28 of Chapter 4 of Title 9 of the PMC as are reasonably possible.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pacifica does hereby deny in part and uphold in part the Appeal and upholds the approval of Coastal Development Permit CDP-435-22, Site Development Permit PSD-857-22, Use Permit UP-130-22, and Parking Exception PE-194-22 to demolish portions of the existing North Coast County Water District (NCCWD) Headquarters site, and construct a new two-story administrative building and other site improvements located at 2400 Francisco Boulevard (APN 016-322-230) in Pacifica (File No. 2022-007) subject to conditions of approval included in Exhibit A to this Resolution.


\* \* \* \* \*

Passed and adopted at a regular meeting of the City Council of the City of Pacifica, California, held on the 14<sup>th</sup> day of August 2023.

- AYES, Councilmembers: BECKMEYER, BIER, BIGSTYCK, BOLES AND VATERLAUS
- NOES, Councilmembers: N/A
- ABSENT, Councilmembers: N/A
- ABSTAIN, Councilmembers: N/A

  
Tygarjas Twyrlys Bigstyk, Mayor

ATTEST:

  
\_\_\_\_\_  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
For Michelle Kenyon, City Attorney

## **Exhibit A**

**Conditions of Approval: File No. 2022-007 – Site Development Permit PSD-857-22, Coastal Development Project CDP 435-22, Use Permit UP-130-22, and Parking Exception PE-194-22 for demolition and replacement of portions of the existing North Coast County Water District Headquarter site at 2400 Francisco Boulevard (APN 016-322-230)**

**City Council Meeting of August 14, 2023**

### **Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled “North Coast County Water District” and dated September 5, 2022, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of one year 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. 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.
5. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.

6. All trash and recycling materials, if stored outdoors, shall be fully contained, and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
7. Applicant shall maintain the site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
8. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
9. Prior to issuance of a building permit, Applicant shall submit final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plan materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native, and shall include an appropriate mix of trees, shrubs, and other plantings to soften the expanded structure. 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 plans shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Specifically, trees shall be installed along the Francisco Boulevard sidewalk to ensure disabled access is maintained. Landscaping on the site shall be adequately maintained in healthful condition and replaced when necessary as determined by the Planning Director.
10. Prior to the 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.
11. With construction on the Project site as a result of the Project, there is a health and safety risk for any individual residing at the physical location of the Temporary Safe Parking Program Space (TSPP) located adjacent to the Project site on Francisco Boulevard. Accordingly, prior to commencement of any construction activity on the Project site or commencement of any preparatory work prior to construction activity that requires access to the physical location of the TSPP space located on Francisco Boulevard adjacent to the Project site, Applicant shall submit a request to the City Manager's Office for the City to work with the Applicant to relocate the TSPP space to another location deemed suitable in the City Manager's sole discretion. No construction activity or preconstruction activity that requires access to the physical location of the TSPP space located on Francisco Boulevard adjacent to the Project site may begin until an alternate TSPP location deemed suitable to the City Manager has been identified and made operational.

**Engineering Division of the Public Works Department**

12. DELETED BY THE CITY COUNCIL.

13. All-way stop at the intersection of Francisco Boulevard and Brighton Road shall be eliminated from all project materials and shall be prohibited unless approved in writing by the City Engineer.
14. 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 (“BMPs”) shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.
15. Applicant shall submit to the 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.
16. 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. Landscaping, irrigation and other structures within the City right-of-way shall be covered under a Maintenance Agreement 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.
17. No structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
18. All new utilities shall be installed underground from the nearest main or joint pole.
19. Show all utilities on the project plans.

20. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer.
21. Prior to final inspection, 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 Francisco Boulevard, Clarendon Road, and Brighton Road. All pavement markings and markers shall be replaced in kind by Applicant.
22. DELETED BY THE PLANNING COMMISSION.
23. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Francisco Boulevard, Brighton Road, and Clarendon Road. Dust control and daily road cleanup will be strictly enforced.
24. DELETED BY THE CITY COUNCIL.
25. A traffic control plan shall be submitted for review by the City Engineer prior to the start of construction. Lane closures shall be requested 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments and Recology. Through traffic shall be maintained at all times along adjacent roadways.
26. Applicant shall install new driveway approaches on all driveways (the three driveways on Clarendon Road) which 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 on the driveways shall be sufficiently gradual to avoid vehicles bottoming out where the vehicle undersides scrape the pavement at the grade breaks. However, new driveway approaches should not be required at the existing driveways if they meet ADA requirements as determined by the City Engineer.
27. 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.
28. Drainage Management Area (DMA) 4 (which is untreated) and portions of the existing pavement to the west are directed into the DMA 2 bio-swale. The bio-swale is not sized to handle this runoff. Applicant shall revise the project plans prior to issuance of a building permit to either increase the bio-swale size to handle these areas, or bypass the runoff around the swale in a closed pipe, to the satisfaction of the City Engineer.
29. DMA 5 drains onto DMA 6 bio-swale, and the DMA 6 bio-swale is not sized to handle this runoff. Applicant shall revise the project plans prior to issuance of a building permit to either increase in the bioswale size to handle these areas, or bypass the swale in a closed pipe, to the satisfaction of the City Engineer.
30. Prior to final inspections, Applicant shall provide a concrete valley gutter to channel runoff along the Francisco Boulevard frontage.
31. Prior to final inspections, Applicant shall plumb the proposed wash rack for vehicles to sanitary sewer.



32. Prior to final inspections, Applicant shall install a cover for the fuel area. However, if the City Engineer determines during the building permit review that new and replaced impervious surface is less than 50% of existing of impervious surface this condition shall not apply.

**Wastewater Division of the Public Works Division**

33. Prior to approval of a building permit, the applicant shall obtain a lateral compliance certificate.

**Building Division of the Planning Department**

34. The Project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.
35. The Applicant shall submit a soil/geotechnical report and survey as part of the building permit plan review.

**North Coast Fire Authority**

36. Prior to issuance of a building permit, the applicant shall demonstrate that there is a fire hydrant within 400' of all portions of the buildings as measured by an approved route around the buildings.
37. Prior to issuance of a building permit, the applicant shall demonstrate that fire-flow is adequate for the fire protection requirements per CFC Appendix B; and location and number of fire hydrants conforms with CFC Appendix C.
38. Prior to issuance of a building permit, the applicant shall demonstrate that all portions of the first story of the buildings are within 150' of the fire apparatus access road as measured by an approved route around the exterior of the buildings.
39. Prior to issuance of a building permit, the applicant shall demonstrate that all access roads and required aerial access setbacks are provided as per CFC Appendix D. Building permit plans shall provide fire apparatus turning radii exhibit using NCFA radii of 28' inside and 52' outside diameter.
40. Fire sprinkler system is required. Submit plans to NCFA under separate fire permit.
41. Ensure fire appliances are provided with a minimum of 3' clearance around the circumference of each appliance.
42. Provide fire flow information per CFC, Appendix B.
43. Monitored fire alarm system is required. Submit plans to NCFA under separate fire permit.
44. Knox Key Switch is required for electric gates. Apply for approved hardware at NCFA Administration.

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45. Portable fire extinguishers(s) are required. Mount fire extinguishers 3-5 feet above floor.
46. Illuminated address identification is required.
47. Utility identification is required.
48. Elevator shall be sized to accommodate an EMS gurney.
49. Hazardous material use, storage, or operations permit may be required.
50. Ensure Emergency Responder Radio Coverage is provided as required by Fire Code Section 510.

**Condition added by the Planning Commission on June 13, 2023**

51. Applicant shall coordinate with SamTrans to temporarily relocate the Clarendon Road bus stop prior to commencement of construction. Permanent relocation of the bus stop after completion of construction shall be subject to written approval of the City Engineer including review of the proposed new bus stop location and design, and any necessary approval by other agencies, but not limited to Caltrans.

**Conditions added by the City Council on August 14, 2023**

52. Applicant shall demonstrate to the City in writing that all required approvals to relocate the bus stop have been granted prior to construction of the new third driveway on Clarendon Road. In the event that all required approvals cannot be obtained, Applicant shall reverse the traffic flow in the recycled water filling area.
53. Applicant shall install and maintain wheel-stops at all angled parking spaces, to the satisfaction of the City Engineer.
54. Prior to issuance of a building permit, the Applicant shall execute an agreement with the City to provide public access rights for the realigned sidewalk and angled parking spaces along Francisco Boulevard, to the satisfaction of the City Engineering and City Attorney.

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