

RESOLUTION NO. 2023-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-131-22 (FILE NO. 2022-018), TO CONSTRUCT A 288-SF POOL, 978-SF POOL DECK, RETAINING WALL, AND OTHER LANDSCAPING WORK ON AN 86,872-SF (1.99 ACRE) LOT WITH AN EXISTING SINGLE-FAMILY RESIDENCE SUBJECT TO CONDITIONS, TO IN THE A/B-5/HPD (AGRICULTURE/LOT SIZE OVERLAY/HILLSIDE PRESERVATION DISTRICT) AT 1 HINTON RANCH ROAD (APN 023-160-270), AND FINDING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Anand Sheth (“Applicant”)

WHEREAS, an application has been submitted for the construction of a 288 square-foot pool, 978 square-foot pool deck, retaining wall, and other landscaping work on an 86,872 square-foot (1.99 acre) lot with an existing single-family residence in the A/B-5/HPD (Agriculture/Lot Size Overlay/Hillside Preservation District) at 1 Hinton Ranch Road (APN 023-160-270) (“Project”); and

WHEREAS, the Project requires approval of a use permit pursuant to PMC sec. 9-4.3002(b)(1), *et seq.* to expand the non-conforming single-family dwelling unit; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on July 17, 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 Planning Commission of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. 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 following findings pertaining to Use Permit UP-131-22:

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 project requires a use permit because it involves the expansion of a non-conforming single-family dwelling unit in the A (Agriculture) zoning district. The use permit allows the property to implement facilities such as a pool, sauna, patio, and other amenities typically associated with single-family residences. All proposed improvements comply with the required setbacks outlined within the City’s zoning regulations (PMC section 9-4.2708) and are demonstrated on the project plans (Attachment C). The proposed fence and site walls meet the required height limits for fences and retaining walls outlined within the City’s zoning regulations (PMC section 9-4.2502). All improvements are within the private property and are sufficiently setback 41’ from Hinton Ranch Road and surrounding neighboring properties. The pool setbacks as detailed in *Table 1 – Zoning Standards of Conformance* along with landscaping buffers as described below reduce

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noise impacts. As such, the use, as proposed, will not be detrimental to the health, safety, or welfare of any person residing or working in the neighborhood.

Therefore, based on the foregoing analysis, there is evidence to support granting a use permit for the expansion of the non-conforming single-family residence within the A zoning district.

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 pool, pool deck, site walls, and other landscaping would be consistent with the General Plan. The policies included below demonstrate how the project meets Hillside Development policies.

CD-I-11 Minimize Visual Impacts of Hillside Development. *Require new development to employ innovative site planning, engineering, and design techniques that:*

- *Seek first to avoid impacts to scenic resources through site planning and design;*
- *Minimize grading and conform with natural landforms to the greatest extent possible;*
- *Design structures so that they follow contours and limit their downslope exposure;*
and
- *Use landscaping to screen and integrate buildings with the natural environment.*

CD-I-13 Hillside Preservation District Requirements. *Continue to implement the requirements of the Hillside Preservation District (HPD), including submission of siting and grading plans. Update the HPD to ensure that all steep slopes are covered and that sites on other terrain are not included.*

The proposed landscaping and improvements include natural, raw finishes including cobblestone, timber stairs, informal paths, crushed granite, silvered wood, and natural landscapes. The HPD limits the amount of land use on site, including grading. As per the HPD requirements, the project plans include the grading and siting plans (Attachment C). The proposed grading follows the existing topography to blend with the landscape and conforms to the allowable land use coverage as determined within Section 3.C. The landscaping on-site screens the existing stable and the proposed improvements from the Hinton Ranch Road driveway entrance. Additional landscaping may be implemented, as conditioned with the approval of a final landscaping plan. Therefore, the proposed project is consistent with the applicable provisions of the General Plan. The project site is not located within the Coastal Zone, and therefore does not require a finding to show consistency with the Local Coastal Plan.

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

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 regulations, 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 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 a project has achieved Design Guidelines consistency.

In the Planning Commission's assessment of the proposed project, as conditioned, is consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following:

a. Site Planning

- i. Site Improvements. Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features. For example, existing healthy trees and distinctive berms or rock outcroppings should be incorporated into site design. Buildings should be oriented to capitalize on views and hills.*

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

As demonstrated on the site plans (Attachment C), the current landscape screens the proposed pool, pool deck, and other site improvements in addition to the existing stable. The pool deck sits 12-in above grade within the existing flat area of the site currently serving as the lower gravel driveway. The 978-sf pool deck proposes a size proportionate with the 2-acre lot and 2,361-sf single-family residence. The improvements provide an appropriate useable recreational area based on the lot size and the scale of the existing uses onsite. Pathways serve as connectivity from the pool and patio area to the pavers of the primary residence. The proposed gravel driveway connects the improvements and existing stable to the main access road, providing further accessibility to the area.

- ii. Lighting. Exterior lighting should be subdued and should enhance building design as well as provide for safety and security. Lighting which increases glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.*

The applicant proposes nine planter recessed spotlights, each of 1.5 watts (W) surrounding the pool deck and patio. The project design will also have six side mounted horizontal step lights, each of 2 watts, along the new gravel driveway and the edge of the raised concrete deck leading to a pathway. The lighting enhances the surrounding landscape while providing the necessary safety for pathways.

b. *Hillside Development*

- i. *Visual Impact. Development on hillsides and ridges is often visible to neighbors and other residents in the vicinity, as well as those at a distance, such as motorists traveling Highway 1. Hillside development also has the potential to block or impair established views from the existing development.*

* * * * *

(f) Landscaping should be used as necessary to help soften building appearance. Place larger trees and shrubs at lower levels of a site to screen views from below, while allowing views from buildings above. Locate fast-growing material near blank walls.

The proposed pool and pool deck situates on the existing flattened area of the site, and sit 12-in above grade, falling within the natural contours of the property. Landscaping surrounds the area on either side of the facilities, blending it into the surrounding environment and screening the pool from view. The surrounding landscape and natural site contours prevent the visibility of existing single-family residence, stable, and the proposed implements from public access roads.

Therefore, the project is with consistent with the City's adopted Design Guidelines and the finding can be made.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica hereby approves construction of a 288 square-foot pool, 978 square-foot pool deck, retaining wall, and other landscaping work on an 86,872 square-foot (1.99 acre) lot with an existing single-family residence in the A/B-5/HPD (Agriculture/Lot Size Overlay/Hillside Preservation District) at 1 Hinton Ranch Road (APN 023-160-270) subject to conditions of approval included as Exhibit A to this resolution.

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Construction of a pool, pool deck, retaining walls, and other landscaping work

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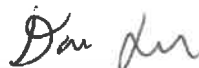
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 17th day of July, 2023.

AYES, Commissioners: DEVINE, FERGUSON, GODWIN, LEAL, WRIGHT

NOES, Commissioners: None

ABSENT, Commissioners: BERMAN, HAUSER

ABSTAIN, Commissioners: None



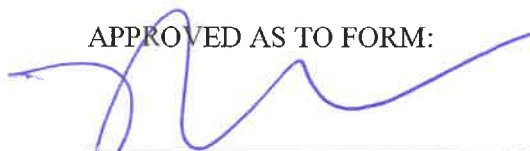
David Leal, Vice Chair

ATTEST:



Christian Murdock, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Use Permit UP-131-22 for the construction of a 288-square foot (sf) pool, 978 sf pool deck, retaining wall, and other landscaping work on an 86,872 sf (1.99 acre) lot with an existing single-family residence in the A/B-5/HPD (Agriculture/Lot Size Overlay/Hillside Preservation District) at 1 Hinton Ranch Road (APN 023-160-270).

Planning Commission Meeting of July 17, 2023

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "1 Hinton Ranch Road, Pacifica, CA" received by the City of Pacifica, dated April 17, 2023, 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. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary, by the property owner.
5. Prior to issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director.
6. 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.
7. Applicant/Property Owner shall always keep the property in a clean and sanitary condition, 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.
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. 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 of the Planning Department

10. 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 or demolition activity.
11. A grading permit is required per the Pacifica Municipal Code prior to commencement of grading.

Engineering Division of the Public Works Department

12. 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.
13. 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.
14. 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.
 15. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
 16. All new utilities shall be installed underground from the nearest main or joint pole.
 17. Show all utilities on the project plans.
 18. 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.
 19. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Crespi Drive, Valencia Way, and Hinton Ranch Road. Dust control and daily road cleanup will be strictly enforced.
 20. Prior to approval of the Building Permit, Applicant shall provide an erosion control plan.

Wastewater Division of the Public Works Department

21. Connection to Sanitary Sewer System is feasible. For approval of Building Permit, Applicant shall provide location and size of sewer lateral appurtenances and city standard and specifications on plans. Applicant shall also provide how the pool will be drained to the sanitary sewer system.

North County Fire Authority

22. Comply with the most recent adopted editions of the California Fire & Building Codes.

* * * END OF CONDITIONS * * *