

RESOLUTION NO. 2022-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GPA-100-21 AND ENACT AN ORDINANCE APPROVING REZONING RZ-201-18 AND DEVELOPMENT PLAN DP-79-18; APPROVING SPECIFIC PLAN SP-169-18, VARIANCE PV-526-18, AND PARKING EXCEPTION PE-191-21, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A 2,406-SQUARE FOOT (SF) SINGLE-FAMILY RESIDENCE WITH 425-SF TWO-CAR GARAGE ON A 24,149-SF UNDEVELOPED PARCEL AT THE EASTERN TERMINUS OF TALBOT AVENUE (APN 016-270-110); AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (FILE NO. 2018-057).

Initiated by: Javier Chavarria (“Applicant”).

WHEREAS, an application has been submitted for construction of a 2,406-square foot (sf) single-family residence with a two-car garage on a 24,149-sf undeveloped parcel at the eastern terminus of Talbot Avenue (APN 016-270-110) (“Project”); and

WHEREAS, the Project site is located in the Low Density Residential land use designation in the Land Use Element of the General Plan; and

WHEREAS, the Project site is located in the R-1/B-4/HPD (Single-Family Residential/B-Lot Size Overlay/Hillside Preservation District) Zoning District; and

WHEREAS, development in the Hillside Preservation District requires reclassification to P-D (Planned Development) Zoning District from R-1/B-4 Zoning District per Pacifica Municipal Code (PMC) Section 9-4.2256, and a Development Plan per PMC Section 9-4.2203, which requires the Commission’s recommendation of Council’s adoption of a Development Plan; and

WHEREAS, the Project’s location in the P-D (Planned Development) Zoning District requires approval of a Specific Plan prior to issuance of a building permit because development in the P-D district must demonstrate proper orientation, desirable design character, and compatible land uses, per PMC Section 9-4.2210; and

WHEREAS, the Project is located in the Hillside Preservation District overlay zoning district and has a maximum allowable land coverage of zero percent (zero square feet) of the 24,149-sf property per Pacifica Municipal Code Section 9-4.2257, but proposes land coverage of 27.2% (6,573 square feet without a guest parking space) on the subject site, and, therefore, requires the approval of a Variance, per PMC Section 9-4.3401; and

WHEREAS, the Project requires a Variance per PMC Section 9-4.3401 and a Parking Exception per PMC Section 9-4.2824 because the Project, with conditions of approval recommended by staff, does not provide a guest parking space as required by the HPD overlay zoning district; and

WHEREAS, the Planning Commission of the City of Pacifica continued the public hearing on July 6, 2021, to August 2, 2021, then to September 20, 2021, and subsequently to October 4, 2021. On October 4, 2021, the Planning Commission continued the public hearing to a date to be determined; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on January 18, 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 3 exemption under CEQA Guideline Section 15303, as described below, applies to the Project:

The Project qualifies as a Class 3 categorical exemption as provided in California Environmental Quality Act (CEQA) Guidelines Section 15303 (a). Section 15303 states in part:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

The subject proposal to construct a single-family residence fits within the scope of a Class 3 categorical exemption. Specifically, the Project (1) includes one single-family residence; and (2) is located in an area where the Pacifica Municipal Code and General Plan authorizes single-family residential uses.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the Project, as described below:

- Sec. 15300.2(a): There is no evidence in the record that the Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project is unusual in light of other projects in the vicinity, nor that unusual circumstances of this Project would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources.

The provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for a Class 3 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, 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 hereby recommend approval of General Plan Amendment GPA-100-21 to the City Council to change the General Plan land use designation of the site to Very Low Density Residential (VLDR) from the existing Low Density Residential (LDR) designation as described in Exhibit A to this Resolution based on the following discussion:

- Existing Lot and Maximum Development Potential

The Project site's average slope of approximately 55% is considered "rugged" and is in the steepest category of slopes within the City's subdivision lot size standards in Table 4 of PMC Section 10-1.912. The minimum lot size under these standards should be two acres. Thus, the lot is severely undersized based on its slope according to the City's subdivision standards (approximately 28% of the required standard).

The development potential of the existing site under the LDR density standards would range from two to five dwelling units. The one single-family dwelling proposed on the site is located in the most readily buildable portion of the site. The potential for additional dwelling units to be constructed on the site would likely result in large volumes of grading and design challenges based on the existing 50-foot wide PG&E easement and the steep slope of the site. Accommodating additional dwelling units on the Project site would have the potential to result in more extensive grading, large retaining walls, and other unusual Project design elements to work around the site's constraints. Changing the site's land use designation to VLDR would reduce the development potential to one dwelling unit, would result in more acceptable Project design elements to accommodate a single dwelling unit in light of the site's slope and easement constraints, and would reflect a land use designation assigned to other steeply sloped sites in the City.

Because the existing site is much smaller than required under the City's subdivision lot size standards based on its very steep slope, because the site is constrained by a large PG&E easement, and because limiting development potential on the site to one dwelling unit would avoid adverse impacts from overdevelopment on the very steep site, therefore, changing the General Plan land use designation to VLDR would protect the general health, safety, and welfare of the City.

- Surrounding Neighborhood

Limiting the Project site to development of one dwelling unit would result in development on the site consistent with the surrounding neighborhood. The surrounding neighborhood includes exclusively single-family residential development. Therefore, changing the site's land use designation to VLDR would result in development that is consistent with the surrounding neighborhood.

- General Plan Consistency

The proposed change in General Plan land use designation would, on balance, be consistent with the General Plan and its policies that are intended to:

- a. Provide safe and consistent access for the development (Circulation Element #4);
- b. Promote orderly growth in land uses and circulation (Circulation Element #15);
- c. Preserve the unique qualities of the City's neighborhoods (Community Design Element #1);

and

d. Land use and development shall protect and enhance the individual character of each neighborhood (Land Use Element #8).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby recommend approval of Rezoning RZ-201-18 to the City Council to change the zoning classification of the site to P-D/HPD (Planned Development with Hillside Preservation District Overlay) from the existing zoning classification, and further recommends approval of Development Plan DP-079-18, based on the following discussion and findings required by PMC Section 9-4.2206:

(1) *The proposed P-D District can be substantially completed within the time schedule submitted by the applicant;*

The applicant has detailed that construction of the Project would take approximately fourteen months. The time schedule provided by the applicant is reasonable and consistent with other construction timelines experienced by City staff for Projects on steep sites. Staff is unaware of any other information at this time to suggest that the proposed Project's construction cannot be completed within the time schedule submitted by the applicant.

(2) *Each unit of the development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability or adequate assurance that such objective will be attained;*

The proposed Project will provide one, independent, single-family residential unit and usable recreational open space in conformance with the HPD standards. The standard requires provision of a minimum of 200-sf usable recreational open space. The Project provides 474-sf in decks and a patio, which is more than twice the required amount. The development would be independently accessed from a 12'-0" driveway that meets the minimum width requirement for a residential driveway serving one dwelling unit. The Project would also comply with the City's adopted Design Guidelines, as analyzed later in the staff report.

Therefore, because the Project would contain all elements associated with a single-family residence and would comply with the City's adopted Design Guidelines governing desirable Project design, the total development consisting of one unit can exist as an independent development capable of creating an environment of sustained desirability and stability upon its development.

(3) *The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts;*

The Project proposes one single-family residence. As noted previously, development of one single-family residence on the subject site would be consistent with the uses and development pattern of the surrounding developed areas to the north, west, and south. The proposed single-family residential development would not be detrimental to the present surrounding uses because they are also single-family residences. Staff has not identified any likely potential development in the surrounding area based on its substantially developed condition and the location to the east of the Project site a large parcel of undeveloped land that is the Milagra Ridge area of the Golden Gate National Recreation Area (GGNRA).

Therefore, the proposed single-family residential use on the subject site will be consistent with the existing developed area around the Project site; would not be detrimental to any potential future development surrounding the site; and, will not be detrimental to the present or potential surrounding uses and will have a beneficial effect on the same which would not be achieved through other zoning districts.

It should also be noted that rezoning to P-D (Planned Development) is mandatory pursuant to PMC Section 9-4.2256 because the Project site is located within the HPD (Hillside Preservation District) overlay zoning district. Approval of a Development Plan is mandatory for development within the P-D district. Therefore, the Project must obtain approval of rezoning to P-D and approval of a Development Plan.

(4) *The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P-D District;*

The Project proposes the development of one single-family residence, which will be accessed from the eastern terminus of Talbot Avenue. Talbot Avenue is an existing residential street characterized by single-family residences. No new streets are proposed with the Project.

Additional traffic from the one proposed single-family residence would not be significant and would not adversely affect the carrying capacity of Talbot Avenue. The proposed development has been reviewed by the City of Pacifica Engineering Division staff, who has not identified any concerns related to impacts on the street network outside the Project site.

(5) *Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;*

No commercial development is proposed; therefore, this finding is not applicable.

(6) *Any exception from the standard district requirement is warranted by the design of the Project and amenities incorporated in the development plan;*

As detailed in PMC Section 9-4.2204(b), the development standards for the P-D District “shall be guided by the regulations of the residential, commercial, or industrial zoning district most similar in nature and function to the proposed P-D District uses as determined by the Commission and Council.” The proposed single-family residential development would be most similar in nature and function to the R-1/B-4 (Single-Family Residential/B-Lot Size Overlay) District. The application of R-1 and B-4 lot size overlay development standards, outlined in PMC Sections 9-4.402 and 9-4.2002, respectively, is appropriate for the proposed Project based on the lot size and to ensure consistency of the proposed Project with existing residential development along Talbot Avenue. The Project is consistent with the standards of R-1 and B-4 lot size overlay districts in terms of landscaping, lot size, density, coverage, yards, and height, and no exceptions from these standards are required.

The Project site is also subject to the development standards of the HPD (Hillside Preservation District) overlay district. As discussed later in the staff report, the Project would comply with all standards of the HPD district except for the standards applicable to allowable coverage and guest parking. The applicant is seeking a Variance to deviate from the coverage limitation applicable to the site and the guest parking required per the requirements of the HPD, and a Parking Exception to allow for a reduction in guest parking required per HPD standards.

Approval of the Variance and Parking Exception as requested is necessary because of the steep slope of the site and the constraints to develop present on the site including but not limited to the steep slope and the presence of a 50-foot wide PG&E easement on the flattest, most easily developed portion of the site. The considerations applicable to approval of the Variance and Parking Exception are discussed further elsewhere in the staff report.

The Project as conditioned would be consistent with the City's adopted Design Guidelines, as discussed in the findings for approval of a Specific Plan. By achieving Design Guidelines consistency, and by complying with all development standards other than HPD coverage and HPD guest parking requirements, the Project design would be desirable and the relevant exceptions would be warranted in light of the overall Project design.

(7) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development, and the P-D District uses proposed are in conformance with the General Plan and, where applicable, the Local Coastal Plan, or that changes in the General Plan or Local Coastal Plan are justified;

As discussed above, the proposed single-family residential land use would not be detrimental to the present or potential surrounding uses. The surrounding neighborhood is substantially developed already with single-family residences. The only sizeable land area that is not developed is the Milagra Ridge portion of the GGNRA which to the east of the Project site which is owned by the Federal government and is outside the City's jurisdiction for planning and zoning. Therefore, the area surrounding the development site can be planned and zoned in coordination and substantial compatibility with the proposed development.

As described elsewhere in the staff report, the Project would be in conformance with the General Plan except for the density of development, which warrants a General Plan amendment to the Very Low Density Residential (VLDR) land use designation to align allowable density with the Project site's 24,149.19 sf (0.55 acres) size because the VLDR land use designation allows residential development at an average density of 0.2 to 2.0 units per acre (an average lot area of one-half to five acres per dwelling unit).

Other areas of the Project's consistency with the General Plan include but are not necessarily limited to the following:

- a. Provide safe and consistent access for the development (Circulation Element #4): The Project would utilize Talbot Avenue, an existing residential street that has a suitable design for the intensity of proposed development (one single-family residence). The Project site would be accessed from a new residential driveway from Talbot Avenue that would meet the design requirements for a driveway in Article 28 of Chapter 4 of Title 9 of the PMC.
- b. Promote orderly growth in land uses and circulation (Circulation Element #15): The Project involves a very low density residential development consistent with the proposed VLDR land use designation in the Land Use Element of the General Plan. As noted above, the circulation system provided for the development is adequate for the one single-family residence that is proposed. The Project would occur within a substantially developed single-family residential neighborhood and by occurring on an existing lot served by an existing street, would be orderly.
- c. Preserve the unique qualities of the City's neighborhoods (Community Design Element #1): The Project would occur in a manner consistent with the surrounding neighborhood. It would include development of one single-family residence on an existing lot. No characteristics of the Project would be inconsistent with the qualities of the surrounding neighborhood.
- d. Land use and development shall protect and enhance the individual character of each neighborhood (Land Use Element #8): As already noted above, the Project would occur in a manner consistent with the surrounding neighborhood. It would include development of one single-family residence on an existing lot. No characteristics of the Project would be inconsistent with the qualities of

the surrounding neighborhood.

The Project site is not located in the coastal zone, therefore, the Local Coastal Plan is not applicable to this Project.

(8) *The Project is consistent with the City's adopted Design Guidelines; and*

The Commission has determined that, as conditioned, the Project is consistent with the City's adopted Design Guidelines. Major areas of Design Guidelines relevant to the Project are as follows:

SITE PLANNING

i. *Site Improvements. Locate site improvements such as buildings, parking areas and walkways to take advantage of desirable features [...] Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks and water courses should be avoided.*

The Project proposes to construct a two-story building along the northern edge of the PG&E easement in the southern portion of the subject site. While the proposed building is sited to take advantage of the views through the canyon to the west, it is also sited to avoid the north-northwesterly trending steep slopes that drop sharply from the location of the proposed building, thereby minimizing excavation and grading. The Project proposes approximately 197 cubic yards of net cut, which is a relatively small amount of grading considering the very steep slope of the site. The location of the building on the site does not contain any significant trees and would not disrupt valuable natural features such as trees, ground forms, rocks or water courses.

ii. *Building Location. [...] Building placement should take into account potential impacts of adjacent properties. Existing views, privacy and solar access of surrounding properties should be preserved wherever possible.*

Development in the immediate vicinity of the subject site includes a single-family residence to the south of the site. The lot adjacent to the subject property to its west is undeveloped, and the eastern side contains the open space of the Milagra Ridge area of the GGNRA. To the north, single-family residences are located on Canyon Drive on a lower elevation from the location of the proposed development on the subject site.

The Project proposes deep setbacks from the property boundaries for the proposed development. The proposed residence would be setback 50'-0" from the southern property boundary, a minimum of 45'-0" and 26'-3" from the western and eastern property boundaries, respectively. The proposed residence would be approximately 113'-6" from the northern property boundary in the vicinity of residences on Canyon Drive. Given the deep setbacks, the proposed development would not impact privacy and solar access of the residence to the south, any future development to the west and the east or residences on Canyon Drive below to the north.

The proposed new development may partially block views to the northwest for the residence to the south of the Project site. However, views to the west toward the Pacific Ocean would remain. The views from the deck to the south side of this neighboring building would also not be compromised. Intervening vegetation will partially shield the residences on lower elevation on Canyon Drive from a view of the proposed new building.

The proposed building, particularly its rear and right side (eastern) facades would be visible from certain vantage points from the Milagra Trail to the north, northeast of the site as shown on Sheets A-7 and A-8 of the Project Plans (Attachment C of the Staff Report). Articulation on these facades with windows, balconies

and varied material and roof line on the rear façade, and materials and windows on the eastern façade would serve to reduce the visual impact of the proposed building from Milagra Ridge.

Additionally, a condition of approval requires darker color for the roof moldings and bands at the second story that blend well with the proposed development's natural environment as opposed to the light-colored roof of the proposed development, which could render it more prominent in its environment, particularly from Milagra Ridge Trail.

iii. Lighting. *Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants and neighbors should not be used [...]*

The Project proposes LED wall mount sconce exterior lighting near the entryway to the residence, the garage door and on the decks. As such, the lighting proposed is not excessive and would serve to provide visibility and security in exterior areas used by the occupants. It is unlikely to create glare for the neighbors and the building residents as the lighted areas would be down lit. Additionally, a condition of approval of the Projects requires a final exterior lighting plan reflecting techniques to reduce light and glare, and integration of the lighting with building architecture.

BUILDING DESIGN

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

The proposed development would be located at the crest of Talbot Avenue at its eastern terminus. Development in the surrounding neighborhood that would be visible in the same context as the Project site includes residences along Talbot Avenue. The land adjacent to the Project site to its west is undeveloped. Residences are located across the street on the south side of Talbot Avenue in the vicinity of the proposed development.

The architectural character of these buildings is varied. The building across from the proposed development to its south is a three story, approximately 35 feet tall building constructed in a Tuscan style. Utilizing a 300 feet distance from the proposed development for reference for evaluation of compatibility of the proposed building with the existing buildings, those located to the west of the Tuscan style residence are one to two-story. The design of the two-story buildings features sloping roofs with the second story placed directly atop the first story.

The subject Project proposes a two-story modern style building, with the second story placed directly atop the first story. The proposed building would have a flat roof, although it would have a varied profile with the lower roof on the downhill sides of the building.

v. Scale. *An important aspect of design compatibility is scale. Scale is the measure of the relationship of the relative overall size of one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be "out of scale" with its surroundings due to its relative height, bulk, mass, or density.*

The proposed building would appear in scale with the surroundings because, overall, the size and height of

the proposed structure is similar to buildings in the vicinity. The proposed Project's height would specifically be very similar to the nearest single-family residence that is located immediately to the south, which is approximately 35 feet tall.

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

The proposed building includes decks with railings, and relatively deep roof overhangs to provide visual relief and variety in a building characterized by clean lines and geometry. The Project incorporates a significant number of windows on all sides relative to the surface area of the corresponding building façade with variation in materials that lend visual interest to the building.

vii. 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 proposed building will include a combination of siding materials such as stucco and stone, interspersed with glass windows. The proposed decks and patio would be enclosed by stainless steel railings. A combination of these materials appears to add interest and integrates well with the modern architecture of the building.

viii. Color. *Building color should be compatible with the neighborhood and should reinforce and complement the visual character of the building's environment. Multiple colors applied to a single building should relate to changes of material or form.*

Buildings in the Project vicinity are of medium to light hues with some darker hues. The proposed building uses a combination of darker color horizontal siding and stucco of medium hue with light horizontal moldings along the roof. These colors would likely be compatible with the colors of existing buildings along Talbot Avenue.

However, the proposed building's environment includes the Milagra Ridge Trail to the northeast of the Project site. As discussed above in this report, the proposed development would be visible from some vantage points on Milagra Ridge Trail. The light-colored roof of the proposed development would render it more prominent in its environment, particularly from Milagra Ridge Trail and, thus, not complementary to proposed building's environment. Therefore, staff recommends a condition of approval requiring a darker color for the roof moldings and bands at the second story that blend well with the proposed development's natural environment.

ix. Privacy. *Consideration should be given to the impact of development on the privacy of surrounding properties. Use judicious windows placement and appropriate landscaping to help minimize the potential for loss of privacy.*

See discussion under 'Site Planning' above. The building would be sited with large setbacks that would ensure the protection of privacy for surrounding developed properties. Therefore, in staff's assessment, the proposed Project would be consistent with this design guideline.

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

The proposed development features similar facades on all sides in terms of use of materials and form that

results in an overall congruent design.

LANDSCAPING

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

The Project proposes 80% of the site area in landscaping including new planting and existing area with natural vegetation, which is 60% more than the minimum of 20% required by the zoning ordinance. New plantings would include six varieties of shrubs and one variety of medium sized trees, as shown on Sheet A-5 of the Project Plans (Attachment C of the Staff Report). The proposed tree species (*Arbutus Marina*) can reach up to 25-50 feet tall with a spread of 20-30 feet. In staff assessment, the proposed plantings would soften the scale of the building.

However, the landscape plan does not show the actual spread (20-30 feet) of the trees that they may reach upon maturity. It appears that the trees at the perimeter of the as shown on the landscape plan are planted too close to the proposed building. A condition of approval would require a final landscape plan that shall include information on the irrigation system in addition to the size at maturity and location of the plant species that must be drought tolerant, coastal compatible and predominantly native for review and approval by the Planning Director.

HILLSIDE DEVELOPMENT

xii. Slope Stability and Erosion. *Many of the hillsides areas show signs of instability through creep and slippage. Drainage and erosion potential are also problems associated with hillside development.*

(a) *Obtain input from a geologist or soils engineer early in the design process. A geotechnical report may be required.*

(b) *Avoid construction near geologically fragile or unstable areas.*

(c) *Use engineering techniques, such as drainage swales and channels, catch basins, and French drains to direct runoff.*

(d) *Use landscaping techniques such as netting, hydroseeding and selection of plants which have root systems which aid in stabilizing the soil.*

The Project applicant prepared a geotechnical report incorporating investigation of the soil and geologic conditions of site prior to submitting the application. This report titled "Geotechnical Investigation for the New Residence at 722 Talbot Avenue (sic), Pacifica, CA 94044", dated September 19, 2018, prepared by Summit Engineering, concluded that the proposed new single-family residence could be constructed safely on the site, subject to the recommendations in the report. The findings of the report were evaluated by Summit Engineering for their validity in 2021. As per the Project Engineer, the conclusion and recommendations of the Geotechnical Report remain valid. It is the standard procedure of the Planning Department to perform a design-level peer review of geotechnical reports during the building permit phase if a Project such as the subject Project is approved.

The plans propose new plantings including six varieties of shrubs and one variety of medium sized trees, as shown and listed on Sheet A-5 of the Project Plans (Attachment D of the Staff Report). The Project proposes drought tolerant shrubs in the proximity of disturbed area for the proposed development. These plantings are anticipated to stabilize the soils and slope in the area to be disturbed. The Project also proposes tree plantings downhill of the area proposed for development on site. These trees would be planted on slopes in excess of 50 percent.

Narrative in the Seismic Safety and Safety element of the General Plan incorporates a general recommendation regarding the type of vegetation appropriate for steep slopes (in excess of 50%) for erosion control based on a 1982 report prepared by Howard Donley Associates, Inc. (HDAI) 'Geological Investigation - Landslide Type and Distribution -Mechanics Details of Nine Representative Failures - January 1982 Rainstorms - City of Pacifica, California'. This recommendation states that "For steep slopes in excess of 50%, the slopes should contain a mature stand of grass or other type of groundcover. However, shrubbery, brush and trees appear to be more harmful to the overall stability of steep slopes and should be avoided" in order to control erosion as important mitigation measure to avoid slope failure. (The City of Pacifica General Plan, pg. 102).

However, additional trees on the hillside would serve to reduce the visual impact of proposed building on development located on lower ground to the north, northwest of the subject site. Given these factors, the conditional of approval requiring a final landscape plan includes a requirement that the applicant provide information with the final landscape plan on the impact of selected plant types and species on slope stability with appropriate replacement for species found to be incompatible with slope stability and that the irrigation system be designed to be compatible with erosion control requirements for slope stability.

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

(a) Structures should relate to and follow site topography to work with the slope, not against it.

(b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land.

(c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.

(d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.

The steep slope of the Project site and the presence of a 50-foot wide PG&E easement in the flattest portions of the Project site present significant constraints to siting of a building. Despite these constraints, the applicant has proposed a building that results in a relatively small amount of net cut (approximately 197 cubic yards) in light of the steep slope on the Project site. The relatively small amount of grading is a result of the Project relating relatively well to the site's topography. The applicant has proposed placing the two-story building on a cross slope near at the northern boundary of the PG&E easement toward the center of the site to avoid severe slopes downhill to the north and the east. While the building is not aligned with existing contours of the land, in this instance, the proposed configuration would serve to minimize excavation and grading. The Project does not require new roads and the driveway is proposed at the minimum allowable width for most of its length on the site, minimizing the need for excessive grading and retaining walls for site access.

- (9) The Project is consistent with the City's General Plan and, if applicable, Local Coastal Plan.

The Local Coastal Plan is not applicable to this Project as it is not located in the Coastal Zone. The proposed Project's consistency with the City's adopted General Plan includes, but is not limited to, the following policies:

The Local Coastal Plan is not applicable to this Project as it is not located in the Coastal Zone. The proposed Project's consistency with the City's adopted General Plan includes, but is not limited to, the following policies:

- a. Provide safe and consistent access for the development (Circulation Element #4): The Project would utilize Talbot Avenue, an existing residential street that has a suitable design for the intensity of proposed development (one single-family residence). The Project site would be accessed from a new residential driveway from Talbot Avenue that would meet the design requirements for a driveway in Article 28 of Chapter 4 of Title 9 of the PMC.
- b. Promote orderly growth in land uses and circulation (Circulation Element #15): The Project involves a very low density residential development consistent with the proposed VLDR land use designation in the Land Use Element of the General Plan. As noted above, the circulation system provided for the development is adequate for the one single-family residence that is proposed. The Project would occur within a substantially developed single-family residential neighborhood and by occurring on an existing lot served by an existing street, would be orderly.
- c. Preserve the unique qualities of the City's neighborhoods (Community Design Element #1): The Project would occur in a manner consistent with the surrounding neighborhood. It would include development of one single-family residence on an existing lot. No characteristics of the Project would be inconsistent with the qualities of the surrounding neighborhood.
- d. Land use and development shall protect and enhance the individual character of each neighborhood (Land Use Element #8): As already noted above, the Project would occur in a manner consistent with the surrounding neighborhood. It would include development of one single-family residence on an existing lot. No characteristics of the Project would be inconsistent with the qualities of the surrounding neighborhood.

Upon approval of the General Plan amendment to change the site's land use designation in the Land Use Element of the General Plan, the Project would also be consistent with the intended density of development within the allowable range for the Very Low Density Residential (VLDR) land use designation, which allows residential development at an average density of 0.2 to 2.0 units per acre (an average lot area of one-half to five acres per dwelling unit) which would be consistent with the site's 24,149.19 sf (0.55 acres) size.

As conditioned, the location, size and design of the proposed residential Project is consistent with the character of the surrounding single-family residential neighborhood. The Project would also be consistent with the density standards for the VLDR land use designation in the Land Use Element of the General Plan and other policies in the Circulation Element, Community Design Element, and Land Use Element of the General Plan. Therefore, the Project is consistent with the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Specific Plan SP-169-18:

- (1) That the specific plan is consistent with the approved development plan.

The application for the proposed Project includes the development plan and the specific plan together. An approved development plan contains a list of approved uses for an area with P-D zoning. The approved uses in a development plan are implemented with approval of one or more specific plans which specify the site layout, architectural design, and other detailed parameters of individual Projects proposed for construction.

The Development Plan would allow one single-family residence and an accessory dwelling unit and/or junior accessory dwelling unit consistent with the PMC. The Project proposes to construct one single-family residence and would be consistent with the allowed uses in this Development Plan. The Development Plan would also require compliance with Project-specific property line setbacks that are more restrictive than those associated with the R-1/B-4 (Single-Family Residential/B-4 Lot Size Overlay) zoning districts, and compliance with the Landscaping, Lot Size, Lot Width, and Lot Coverage development standards of the R-1/B-4 (Single-Family Residential/B-4 Lot Size Overlay) zoning districts as well as the development standards of the Hillside Preservation District, except where a Variance has been granted to deviate from the HPD coverage limit and guest parking requirement of the HPD overlay zone and a Parking Exception has been granted to deviate from the guest parking requirement of the HPD overlay zone. Therefore, based on the foregoing discussion of the Project's compliance with the R-1 and B-4 development standards, and the findings for approval of a Variance and Parking Exception that authorize deviations from certain HPD development standards, the proposed specific plan will be consistent with the approved development plan.

- (2) That the specific plan is consistent with the City's adopted Design Guidelines.

The specific plan is consistent with the City's adopted Design Guidelines as described above. Consistency includes but is not limited to Design Guidelines related to Site Planning, Building Design, Landscaping, and Hillside Development. Therefore, the specific plan is consistent with the City's adopted Design Guidelines

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Variance PV-526-18:

- (1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.

The Project site is located within the HPD (Hillside Preservation District) overlay district. The Project requires approval of a variance from two standards of the HPD overlay district: coverage and guest parking.

The HPD regulates development coverage through a formula based on a site's average slope. Coverage includes all buildings, paving, and grading on a site. All areas not considered to be "coverage" must remain undisturbed in their native or natural state, with the exception of certain recreational areas and certain public streets. Recreation facilities and active recreation areas which can be utilized by all residents of the development may be exempt from counting towards coverage. Additionally, the Planning Commission may exclude dedicated public streets from counting towards coverage provided such public streets serve a major, City-wide circulation function and would not otherwise be necessary to the design and function of the individual Project.

The Project site's average slope is 55.17%. The steep slope is a special topographical circumstance applicable to the Project site. Based on the coverage formula in PMC Section 9-4.2257, the Project site would be eligible for no coverage (i.e., 0%). The formula only provides coverage for sites that have an approximate maximum average slope of 37.42%. Because the HPD coverage formula would provide the Project site with no allowable coverage, the potential exists for the application of the HPD ordinance to deprive the property owner of reasonable use of the Project site. Additionally, the strict application of this zoning requirement would deprive the owner of the opportunity to construct improvements on its property similar to improvements that have been allowed to be constructed on property that exists in the vicinity of the Project site under an identical zoning classification, even though there are portions of the subject site that staff believe could safely accommodate such construction with minimal excavation. Therefore, the Project applicant has requested approval of a Variance to obtain sufficient coverage to enable reasonable use of its property in accordance with the objectives of the HPD ordinance.

PMC Section 9-4.2257 regulating maximum allowable coverage further supports the grant of a variance, as it provides that “[i]t is the intent of this section to allow the reasonable use of hillside lands consistent with the objectives of this article in such a manner so as not to be confiscatory.” The strict application of the HPD coverage limit would deprive the Project site of privileges enjoyed by other property in the vicinity and under an identical zoning classification, such as the ability to develop one single-family residence consistent with the General Plan and other applicable zoning provisions (assuming the recommended General Plan amendment and Rezoning are approved).

The applicant has indicated its proposed coverage on Sheet A-5.2 of the Project plans (Attachment C of the Staff Report). The Project proposes a combination of coverage types including the single-family residence building, retaining walls, grading, driveway paving, landscaping plantings, and bioretention swales. In total, the Project proposes 6,573.13 square feet or 27.2% coverage. An area totaling 17,576.06 square feet, or 72.8% of the site, would remain undisturbed. Proposed coverage is summarized in the following table:

ITEM	SQ. FT.	SHARE OF SITE
RETAINING WALLS	8.06	0.03%
HOUSE + CONC. PAD	1,604.04	6.6%
DRIVEWAY	1,898.62	7.9%
BIOSWALE	145.57	0.6%
PLANTING AREA	1,823.17	7.5%
NEIGHBOR DRIVEWAY	1,093.67	4.5%
TOTAL DISTURBED AREA	6,573.13	27.2%

The only developed property in the vicinity of the Project site that is under an identical P-D/HPD zoning classification (upon approval of the requested Rezoning) is the property located immediately to the south at 722 Talbot Avenue (APN 016-270-100). That property has at least approximately 7,960 sq. ft. of coverage based on staff measurements of the single-family residence, paving, and landscaped improvements surrounding the single-family residence taken from an aerial photograph. Therefore, the amount of coverage proposed by the applicant would be consistent with but less than that afforded to the property at 722 Talbot Avenue that is in the vicinity and under an identical zoning classification. In staff's assessment, the granting of this Variance by the Commission will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, in particular

because the coverage afforded to this Project would be less than that afforded to the property located immediately to the south at 722 Talbot Avenue.

The Project also requires approval of a Variance because it would not provide the one off-street guest parking space required by PMC Section 9-4.2259(d). As more fully discussed under the findings for approval of Parking Exception PE-191-21, special circumstances applicable to the Project site including its topography and surroundings, would cause a strict application of the HPD guest parking requirement to deprive the property owner of privileges enjoyed by other property in the vicinity and under an identical zoning classification. The guest parking requirement is intended to address Projects in increments of ten units in size, requiring one guest parking space per 10 dwelling units or fraction thereof. In this instance, the application of the HPD guest parking standard to a Project consisting of one dwelling unit is burdensome and would require a greater variance to be granted to the HPD coverage standard to allow construction of the space. Moreover, as already explained in these findings for approval of a Variance, the site is allocated no coverage under the HPD coverage formula and staff recommends approval of a variance for only enough coverage to enable development of one single-family residence on the property. While it may be possible for the site to physically accommodate a guest parking space, doing so would require additional coverage under the HPD standards. Providing for additional coverage solely for purposes of a guest parking space would not be desirable in light of the stated purpose of the HPD regulations and the coverage restriction. By providing two garage parking spaces, two uncovered parking spaces, and including a long driveway that can be used for guest parking as needed while not technically complying with the minimum dimensions for an off-street parking space, the Project would provide sufficient off-street parking facilities for the proposed single-family residential use while also minimizing the amount of variance that would need to be granted under the HPD coverage standard for construction of the Project.

Based on the foregoing analysis, there is sufficient evidence to make this finding.

(2) That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

The discussion of findings for the General Plan amendment, Rezoning, Development Plan, and Specific Plan, above, describe in detail the favorable aspects of the Project design and the compliance with other Pacifica Municipal Code requirements including but not limited to the adopted Design Guidelines. The proposed Project, as conditioned, is well designed and compatible with the existing neighborhood in the immediate vicinity.

Additionally, the Project prepared a geotechnical investigation to address the ability to safely develop the Project on the site, which addresses the hillside safety concerns set forth in the HPD zoning in PMC Section 9-4.2250(b). The geotechnical report is included as Attachment D to the Staff Report. The geotechnical report includes recommendations related to site preparation and grading, drainage, drilled pier foundations, shallow foundations, concrete slabs on grade, pavement, lateral earth pressures, and lateral load resistance. These recommendations, in total, would enable safe development of this hillside site in the opinion of the registered professional geotechnical engineer, Alberto G. Masso, who prepared the report. Staff has included a condition of approval that would require compliance with these recommendations.

By requiring compliance with the geotechnical engineering recommendations of a registered professional geotechnical engineer, the Project would preserve public health and safety of persons residing or working in the neighborhood of the subject property and would ensure the Project will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

Additionally, specific to the Variance request from the HPD guest parking requirement, the Project would provide sufficient off-street parking facilities for the proposed single-family residential use. The Project would provide two garage parking spaces, two uncovered parking spaces, and a long driveway that can be used for guest parking as needed while not technically complying with the minimum dimensions for an off-street parking space. These off-street parking facilities would be consistent with those required by the PMC for single-family residential uses not located in the HPD overlay district, which for reference are required by PMC Section 9-4.2818(a)(1) to provide two garage spaces and a minimum of one guest parking space where there is no off-street parking and there is inadequate driveway length to have a parked car. Thus, the Project would provide adequate off-street parking facilities and there is sufficient evidence that the Project would preserve public health and safety of persons residing or working in the neighborhood of the subject property and would ensure the Project will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

Based on the foregoing analysis, there is sufficient evidence to make this finding for the Project as conditioned.

- (3) Where applicable, that the application is consistent with the City's adopted Design Guidelines.

The Project is consistent with the City's adopted Design Guidelines as described above in the findings for approval of the Development Plan. Design Guidelines consistency includes but is not limited to Design Guidelines related to Site Planning, Building Design, Landscaping, and Hillside Development. Therefore, there is sufficient evidence to make this finding for the Project as conditioned.

- (4) If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

The Project site is not located in the Coastal Zone. Therefore, this finding is not applicable to the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Parking Exception PE-191-21:

- (1) That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.

PMC Section 9-4.2818(a)(3) imposes the off-street parking requirement for “[r]esidential Projects within the Hillside Preservation District” by requiring that they provide spaces as required by PMC Section 9-4.2258. PMC Section 9-4.2259 establishes the following parking requirements for single-family residential development in the HPD:

- Two covered spaces, plus two uncovered spaces. The uncovered spaces may be incorporated within a parking area shared by spaces for other units; provided, however, in no case shall the total number of spaces so located together be less than the same of the separate requirements for each unit and shall be located no farther than 100 feet from each dwelling unit entrance.
- A minimum of one guest space shall be provided for every ten (10) dwelling units, or fraction thereof.

Based on PMC Section 9-4.2259, the Project would be required to provide two covered (i.e., garage) spaces, two uncovered spaces, and one guest space.

The Project provides four car parking spaces comprised of two covered spaces within a garage and two uncovered spaces in a surface parking area. The Project does not provide a guest parking spaces and is seeking approval of a parking exception to deviate from this requirement. Staff's assessment is that a parking exception is warranted in this case.

The guest parking requirement in PMC Section 9-4.2259(d) applies a standard for one guest space per 10 dwelling units, or fraction thereof. The proposed Project is the smallest unit of residential development possible in the HPD, being only one dwelling unit (a single-family residence). The HPD standards impose the same requirement on Projects that may be up to ten times the size of this Project. The application of this guest parking standard to a Project consisting of one dwelling unit is burdensome and results in a practical difficulty and unusual hardship when considering how to accommodate it on a single development site. By comparison, PMC Section 9-4.2818(a)(1) provides that for most single-family residential construction, only two garage spaces are required and a minimum of one guest parking space is required only where there is no off-street parking and there is inadequate driveway length to have a parked car.

Moreover, as explained in the findings for approval of a Variance, the site is allocated no coverage under the HPD coverage formula and is seeking a variance for only enough coverage to enable development of one single-family residence on the property. While it may be possible for the site to accommodate a guest parking space, doing so would require additional coverage under the HPD standards and would present another practical difficulty and unusual hardship due to the steepness of the site and the absence of basic allowable coverage under HPD.

By providing two garage parking spaces, two uncovered parking spaces, and including a long driveway that can be used for guest parking as needed while not technically complying with the minimum dimensions for an off-street parking space, the Project would be as nearly in compliance with the requirements set forth in Article 28 (Off-Street Parking and Loading) as is reasonably possible. Therefore, staff recommends granting the Parking Exception.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica hereby recommends City Council approval of General Plan Amendment GPA-100-21 as described in Exhibit A to this resolution and City Council enactment of the ordinance described in Exhibit B to this resolution, which would approve Rezoning RZ-201-18 and Development Plan DP-079-18; and approves Specific Plan SP-169-18, Variance PV-526-18, and Parking Exception PE-191-21, subject to conditions of approval included as Exhibit C to this resolution.

* * * * *

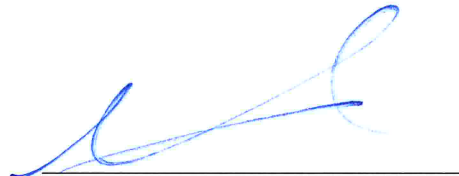
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 18th day of January, 2022.

AYES, Commissioner: BERMAN, DOMURAT, FERGUSON, GODWIN, HAUSER,
LEAL, NIBBELIN

NOES, Commissioner: N/A

ABSENT, Commissioner: N/A

ABSTAIN, Commissioner: N/A



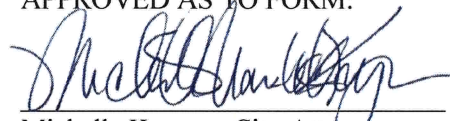
John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Assistant City Manager/
Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

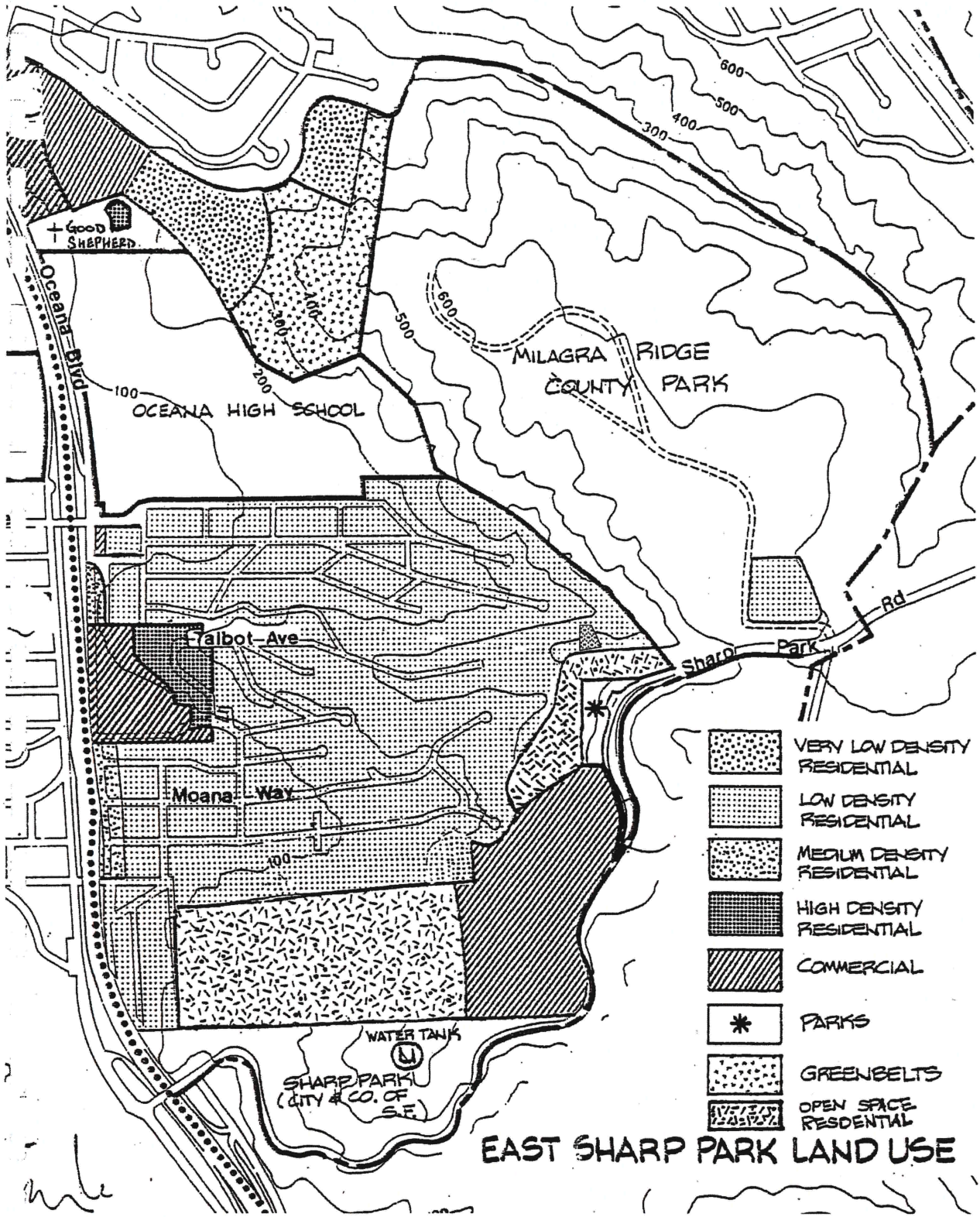


EXHIBIT B

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING
REZONING RZ-201-18 AND DEVELOPMENT PLAN DP-79-18 TO ESTABLISH A PLANNED
DEVELOPMENT (P-D) ZONING DISTRICT WITH DEVELOPMENT PLAN AT TBD
TALBOT AVENUE (APN 016-270-110)**

WHEREAS, an application has been submitted for construction of a 2,406-square foot (sf) single-family residence with attached 425-sf two-car garage on an undeveloped 24,149-sf parcel at the eastern terminus of Talbot Avenue (APN 016-270-110); AND

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed Project and adopted Resolution No. 2022-001 recommending City Council approval of General Plan Amendment GPA-100-21, Rezoning RZ-201-18, and Development Plan DP-079-18 on January 18, 2022; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on [DATE], and introduced Ordinance No ### on [DATE].

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Findings. Specific findings of fact for approval of the Rezoning and Development Plan are contained in the Planning Commission Resolution No. 2022-001 adopted on January 18, 2022, including without limitation findings related to the consistency of the residential development with the General Plan, and the City Council concurs with said findings and incorporates the findings herein by reference.

Section 3. Development Plan. The approved Development Plan DP-79-18 for the Project site, which shall be implemented through the development more particularly set forth in a specific plan approved in accordance with Article 22 of Chapter 4 of Title 9 of the Pacifica Municipal Code, shall be as set forth in the following Table 1:

TABLE 1

Standards	Approved
Use	<ul style="list-style-type: none"> • One Single-Family Residence • Accessory Dwelling Unit(s) and Junior Accessory Dwelling Unit(s) as allowed by the Pacifica Municipal Code, provided they do not increase the amount of coverage under the Hillside Preservation District (HPD).
Lot Size	20,000 to 43,559.99 square feet
Lot Width (min.)	100 feet
Lot Coverage (max.)	Impervious Surface: 40% Structure: 30%
Hillside Preservation District (HPD) Coverage (max.)	27.22% (6,573.13 square feet)
Landscaping (Planting area+Undisturbed Natural Vegetation) (min.)	20%
Setbacks	
Front	45'-0"
Side	50'-0" (south) / 80'-0" (north)
Rear	26'-0"
Height	35'-0"
Off-street Parking	2 covered (garage) and 2 uncovered spaces (Variance and Parking Exception granted to deviate from the HPD guest parking requirement)
Usable Recreational Open Space	536 square feet

Section 4. Reclassification. Section Map 8 of the Zoning Map of the City of Pacifica, as described in Section 9-4.302 of the Pacifica Municipal Code, is hereby amended as depicted in Exhibit 1 to this Ordinance. The specific area affected by this reclassification is more particularly described in the legal description included as Exhibit 2 to this Ordinance. The reclassification does not alter the existing Hillside Preservation District (HPD) zoning applicable to the site, which shall remain in full force and effect.

Section 5. Compliance with CEQA. The City Council hereby finds in the exercise of its independent judgment that the Project qualifies for a Class 3 exemption under CEQA Guidelines Section 15303, and that none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to this action.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

* * * * *

PASSED AND ADOPTED this ___ day of _____, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mary Bier, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah Coffey, City Clerk

Michelle Kenyon, City Attorney

EXHIBIT 1

Zoning Map 8

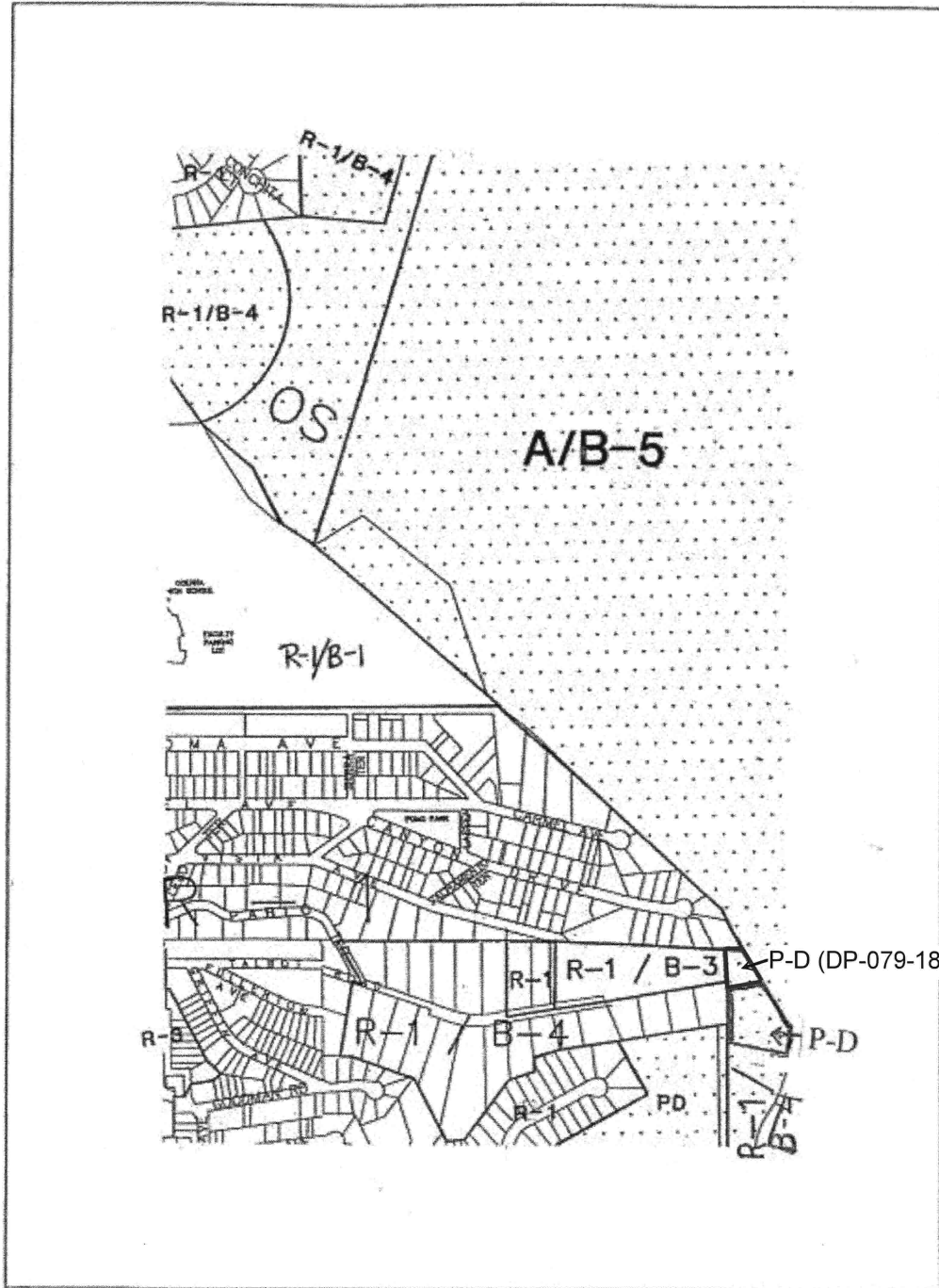


EXHIBIT 2

LEGAL DESCRIPTION

Real property in the City of Pacifica, County of San Mateo, State of California, described as follows:

PORTION OF THAT CERTAIN 19.62 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM SALADA IMPROVEMENT COMPANY TO OCEAN SHORE LAND COMPANY, DATED APRIL 26, 1911 AND RECORDED AUGUST 18, 1911 IN BOOK 200 OF DEEDS AT PAGE 151 (FILE NO. 4862), SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THE LANDS DESCRIBED IN THE DEED FROM RAY T. HIGGINS, INC., A CALIFORNIA CORPORATION TO WILLIAM J. SCHADE AND FRIEDA K. SCHADE, HIS WIFE, AS JOINT TENANTS, DATED MARCH 29, 1960 AND RECORDED MARCH 30, 1960 IN BOOK 3771 OF OFFICIAL RECORDS AT PAGE 605 (FILE NO. 42019-S), RECORDS OF SAN MATEO COUNTY, CALIFORNIA, THENCE FROM SAID POINT OF BEGINNING WESTERLY ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED LANDS, A DISTANCE OF 181.63 FEET TO THE WESTERLY LINE OF THE 19.62 ACRE TRACT OF LAND FIRST ABOVE REFERRED TO: THENCE NORTHERLY ALONG THE LAST MENTIONED LINE TO THE NORTHWESTERLY CORNER OF SAID LAST MENTIONED LANDS, SAID NORTHWESTERLY CORNER BEING MARKED BY A STAKE MARKED NO. 8; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID 19.62 ACRE TRACT TO THE SOUTHWESTERLY LINE OF THE LANDS DESCRIBED AS PARCEL 2 IN THE DEED FROM OCEAN SHORE LAND COMPANY, A CORPORATION TO UNITED STATES OF AMERICA, DATED JANUARY 18, 1943 AND RECORDED JANUARY 22, 1943 IN BOOK 1049, OF OFFICIAL RECORDS AT PAGE 206 (FILE NO. 73385-E), RECORDS OF SAN MATEO COUNTY, CALIFORNIA; THENCE SOUTHEASTERLY ALONG THE LAST MENTIONED LINE TO THE POINT OF BEGINNING.

APN: 016-270-110

EXHIBIT C

Conditions of Approval

Construction of a 2,406-square foot (sf) single-family residence with attached 425-sf two-car garage on an undeveloped 24,149-sf parcel at the eastern terminus of Talbot Avenue (APN 016-270-110)

Planning Commission Meeting January 18, 2022

Planning Division of the Planning Department

1. Development shall be substantially in accordance with the plans set entitled “*Murphy Residence, Talbot Avenue, Pacifica, CA 94044, San Mateo County, APN:016-270-110*”, dated September 8, 2021, and attached to Planning Commission Staff Report, dated January 18, 2022, except that the Applicant shall omit the guest parking space within the front yard and shall update all Hillside Preservation District (HPD) and other site area calculations accordingly, and except as further modified by the following conditions.
2. Prior to issuance of a building permit, the City Council of the City of Pacifica shall approve the General Plan Amendment GPA-100-21 and ordain Development Plan DP-79-18 and Rezoning RZ-201-18.
3. The approval of Specific Plan SP-169-18, Variance PV-526-18, and Parking Exception PE-191-21 (“Development Permits”) is contingent on the City Council’s approval of Development Plan DP-79-18 and Rezoning RZ-201-18 as recommended for approval by the Planning Commission on January 18, 2022. The Planning Commission’s approval of the Development Permits shall take effect on and shall be valid for a period of two years from the date of final determination. For the purposes of this Resolution, “final determination” shall mean the later of either the effective date of the Resolution approving General Plan Amendment GPA-100-21 or the effective date of the Ordinance approving Development Plan DP-79-18 and Rezoning RZ-201-18. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director’s sole discretion, if 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.
4. 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.
5. Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction prior to issuance of a building permit.
6. The Project shall not exceed 6,573.13 square feet of “coverage” under the provisions of PMC Section 9-4.2257 related to the Hillside Preservation District.
7. Applicant shall request an “811” Underground Service Advisory (USA) for utility markings on the site. Prior to building or grading permit issuance, the City staff shall verify that the markings are in place on the site. Also prior to building or grading permit issuance, Applicant shall provide written

certification by the Project engineer that no revisions in the Project plans are required as a result of the utilities markings; and, if revisions are necessary, they shall be reviewed and approved by the City prior to building or grading permit issuance.

8. Prior to the issuance of building permit, Applicant shall submit proof to the City that it has submitted the final design to PG&E.
9. 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. Show fixture locations, where applicable, on all building elevations.
10. Prior to the issuance of a building or grading permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The Applicant shall provide written evidence to the Planning Director's satisfaction that the Project geotechnical engineer confirms that any proposed irrigation system would be consistent with his recommendations related to slope stability. In addition, the landscape plan shall show each type, size at maturity, and location of plant materials, as well as any proposed irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. The landscape plan shall include detailed information on any proposed irrigation system. The Project geotechnical engineer shall confirm in writing, prior to issuance of a building or grading permit, that all proposed plantings and any proposed irrigation system would be consistent with his or her recommendations to maintain slope stability, including but not limited to the recommendation to avoid excessive irrigation in order to preserve slope stability. In the event an irrigation system is not proposed, the applicant shall provide a written statement by a licensed landscape architect that the proposed plantings can be successfully established without the installation of a permanent irrigation system.

All landscaping shall be installed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping and any installed irrigation system on the site shall be adequately maintained in a healthful condition and replaced, when necessary, as determined by the Planning Director.

11. To preserve public health and safety of persons residing or working in the neighborhood of the subject property and in order to ensure the Project will not be materially detrimental to the public welfare or injurious to property or improvements in the area, the Applicant shall, prior to issuance of a building permit and throughout construction, design and construct the Project to comply with all recommendations contained in the geotechnical report entitled "Geotechnical Investigation for the New Residence at 722 Talbot Avenue (sic), Pacifica, CA 94044", dated September 19, 2018, prepared by Summit Engineering, except where modified by the Building Official to ensure compliance with applicable technical codes adopted by the City of Pacifica included but not limited to the 2019 California Residential Code, to the satisfaction of the Planning Director.
12. Prior to the issuance of a building permit, Applicant shall provide a detailed finishing schedule with modified roof molding color to include more earth tones for approval by the Planning Director. All exterior metal materials shall be corrosion resistant materials.

13. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
14. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roofoequipment shall be screened to the Planning Director's satisfaction.
15. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
16. 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.
17. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
18. 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.

Building Division of the Planning Department

19. 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.

Engineering Division of the Public Works Department

20. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and 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.

21. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Talbot Avenue. Dust control and daily road cleanup will be strictly enforced.
22. 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.
23. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Talbot Avenue, including existing and proposed improvements such as, but not limited to, new pavement, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Talbot Avenue at the centerline;
 - iii. adjacent driveways within 25' of the property lines.
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
24. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
25. Add a note on the Site Plan that says, "Any damage to improvements within the 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."
26. Prior to approval of the Building Permit, applicant shall provide an erosion control plan.
27. Applicant shall 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 of Talbot Avenue. All pavement markings and markers shall be replaced in kind.
28. All utilities shall be installed underground from the nearest main or joint pole. Ultimate storm drainage discharge point shall be shown on the site plan.

29. The driveway approach 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. Driveway within City right-of-way shall not exceed 18% and portion exceeding 15% grade shall be grooved concrete. Provide structural section of the driveway within City Right of Way.
30. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.

North County Fire Authority

31. Fire sprinkler system is required. Submit plans to NCFCA under separate fire permit.
32. Provide fire flow information per CFC, Appendix B.
33. Illuminated address identification is required.
34. Utility identification is required.
35. Doors shall be easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts prohibited unless integrated with latch.

*** END OF CONDITIONS ***

