

RESOLUTION NO. 2021-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-427-21 (FILE NO. 2021-006), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 1515 GRAND AVENUE (APN 023-024-290), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Kathleen and Minden Beach (“Applicant”)

WHEREAS, an application has been submitted to construct a 922-square foot (sf) first- and second-story addition to an existing one-story, 1,168-sf single-family residence with a 524-sf two-car garage located on a 7,500-sf lot at 1515 Grand Avenue (APN 023-024-290) in Pacifica (File No. 2021-006) (“Project”); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 because the Project proposes to increase floor area by more than 10 percent within the Appeals Jurisdiction of the Coastal Zone, and no exemption or exclusion applies; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 7, 2021, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

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

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

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

* * * * *

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

* * * * *

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(2) 10,000 square feet if:

(A) The project is an area where all public services and facilities are available to allow for maximum

development permissible in the General Plan; and

(B) The area in which the project is located is not environmentally sensitive

* * * * *

The subject proposal to construct additions to an existing single-family residence totaling 922 sf fits within the scope of a Class 1 categorical exemption. Specifically, the project (1) is less than 10,000 sf; (2) would occur in an area where water, sewer, electrical, and telecommunications infrastructure and services are available to allow for maximum development in the General Plan; and, (3) would occur in a substantially developed neighborhood on a site that is already developed and would not impact an environmentally sensitive area. For the foregoing reasons, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

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

- Sec. 15300.2(a): There is no evidence in the record that the Project would 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 cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the 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 an officially designated scenic highway, does not involve a current or former hazardous waste site, and does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the Project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; 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 make the following findings pertaining to Coastal Development Permit CDP-427-21 as required by PMC section 9-4.4304(k):

i. Required Finding: *The proposed development is in conformity with the City's certified Local Coastal Program.*

· Coastal Act Policy No. 2: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of*

terrestrial vegetation.

The Project will slightly expand the existing first-story and create a new second-story addition directly above the existing one-story residence. Because of its location on an existing developed parcel more than 1,700 feet from the sea, and the fact that the development will not encroach or otherwise encumber any beach access routes, the Project will not interfere with the public's right of access to the sea. Between the sea and the subject site there is substantial urban development and several public streets. Therefore, the Project will not interfere with the public's right of access to the sea.

Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...* [the remainder of this policy pertains to land divisions and visitor-serving facilities, neither of which are part of the subject Project.]

The new development proposed with this Project is located within an existing developed area. The Pedro Point neighborhood is a substantially developed suburban neighborhood with subdivided lots and adequate infrastructure to service all existing and proposed development indicated in the General Plan and LCLUP. The lots on all sides of the Project site are developed with single-family residential uses. Therefore, development would occur within, contiguous with, or in close proximity to, existing developed areas able to accommodate it.

Coastal Act Policy No. 26, Subsection (a): *New development shall ... Minimize Risks to life and property in areas of high geologic, flood and fire hazard.*

Page C-54 of the LCLUP identifies several coastal planning issues to be dealt with in the Pedro Point-Shelter Cove neighborhood, including but not limited to "analysis of the geotechnical problems associated with the landform," and recognizes that criteria for in-fill development such as the proposed project should include "assurance of geologic stability." Because, the Project is proposed within the Pedro Point neighborhood and because geologic/geotechnical considerations are relevant to consider with respect to new development, the provisions of subsection (a) of Coastal Act Policy No. 26 are applicable to the Project.

Drainage issues fall within the realm of geotechnical considerations, as poor drainage could lead to erosion or destabilization of a development site. As further described in Section 5 of the staff report, a public comment has identified uncontrolled surface water drainage as an existing condition at the rear of the Project site. The Project proposes to expand a retaining wall in the area affected by these surface waters and has the potential to alter the existing condition. In particular, the proposed retaining wall expansion would be located in the area where visual evidence indicates the water currently drains across the Project site, and construction of a solid retaining wall in this location without proper design could redirect the existing drainage toward other properties in the vicinity. Uncontrolled drainage of water has the potential to affect geologic and geotechnical stability of development on the Project site and adjacent sites through erosion, flooding, or potentially other hazards.

To mitigate the potential geologic and geotechnical hazard that could be created by the extended retaining wall, staff has included a condition of approval that would require the retaining wall extension to be designed to intercept stormwater runoff entering across the rear property line of the Project site and to convey the water to the front (west) of the Project site for release within the

existing City stormwater infrastructure along Grand Avenue. With the inclusion of this condition of approval, the Project would be consistent with this LCLUP policy.

In addition, the LCLUP establishes a design review requirement for sites located in the appeal jurisdiction of the Coastal Zone. Therefore, the following analysis applies the City's adopted Design Guidelines to the proposed Project to fulfill the design review requirement.

The proposed Project complies with the following Design Guidelines.

- a. Site Planning: *Buildings should be oriented to capitalize on views of hills and ocean.*

Because the proposed addition would create a new second-story that orients two large windows facing to the north with views of the hills and ocean, the building does meet this Design Guideline.

- b. Site Planning: *Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access should be preserved wherever possible.*

While the proposed addition includes a new second-story, it would not introduce new privacy impacts to surrounding properties. The Project site is already located above the downslope properties to the north at a higher elevation that already provides vantage into surrounding downslope properties, such that the proposed second-story would not introduce new privacy impacts to those properties. Additionally, other existing development in the vicinity of the Project site is already located on much higher topography with views into the downslope properties adjacent to the Project site. Thus, the proposed second-story would not result in any greater impacts to the privacy of surrounding downslope properties than exists from other existing developed properties nearby.

- c. Building Design: *The style and design of the new buildings should be in character with that of the surrounding neighborhood. Additions to an existing structure should also retain and be consistent with the positive architectural features of the original structure.*

The proposed addition would be well integrated into the existing single-family residence with placement of the proposed second-story directly above the existing first-story, and with use of consistent materials and colors between the existing first-story and proposed second-story.

- d. Scale: *An important aspect of design and compatibility is scale. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density. A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwellings which are much larger than neighboring structures are therefore discouraged.*

The proposed height of the addition at 22'-7 1/8" would be well below the allowable 35'-0" height, and would be in scale with surrounding development which includes a number of two-story single-family residences. The proposed second-story addition would be set back from Grand Avenue by more than 60 feet and would not disturb the integrity of the overall streetscape.

e. 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 materials would be consistent between the first and second stories of the proposed additions. The proposed materials and colors for the existing first-story and new second-story addition include new HardiePlank lap siding painted in the medium gray color “Wall Street” by Benjamin Moore, new Milgard vinyl windows with white sash, new fascia, eaves and trim painted in “Simply White” by Benjamin Moore, new frameless glass railing system with stainless steel hardware at the second-story, new contemporary style garage door painted in “Simply White” by Benjamin Moore, and new wood fence/gate with horizontal fence boards painted grey to match the existing.

Implementation Plan (IP)

The City’s certified Local Coastal Program also includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City’s zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As summarized above in the Zoning Standards Conformance Table and Project Description, the Project would comply with applicable setback, lot coverage, height, and other requirements of the R-1 zoning district (PMC Section 9-4.402) and applicable provisions of the nonconforming zoning regulations (PMC Section 9-4.3002), specifically those related to additions to nonconforming structures where the proposed modification would not result in a greater degree of nonconformity (existing first-floor right-side setback).

Because the Project would be undertaken in an existing area substantially developed with single-family homes, would be setback more than 1,700 feet from the sea and would not interfere with the public’s right of access to the sea, would mitigate potential geologic and geotechnical hazards, would be consistent with the adopted Design Guidelines, and would comply with all applicable zoning regulations; therefore, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City’s certified Local Coastal Program.

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

Discussion: The subject site is not located between the nearest public road and the shoreline. The Project site is located landward of San Pedro Avenue. Therefore, this finding does not apply to this Project.

Because the Project would be consistent with several LCLUP policies and IP standards, and would not be constructed between the nearest public road and the shoreline, therefore, there is substantial evidence in the record to support Planning Commission approval of a Coastal Development Permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-427-21 for construction of a 922-sf first- and second-story addition to an existing 1,168-sf single-family residence at 1515

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Grand Avenue (APN 023-024-290), subject to conditions of approval included in Exhibit A to this Resolution.

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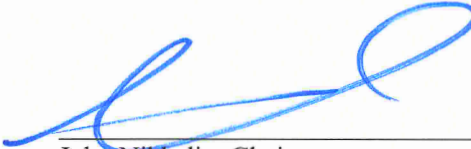
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 7th day of June 2021.

AYES, Commissioners: BERMAN, DOMURAT, GODWIN, LEAL, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: FERGUSON, HAUSER

ABSTAIN, Commissioners: N/A



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Assistant City Manager/
Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2021-006 – Coastal Development Permit CDP-427-21, to construct a 922-square foot (sf) first- and second-story addition to an existing 1,168-sf single-family residence with a 524-sf two-car garage located on a 7,500-sf lot at 1515 Grand Avenue (APN 023-024-290)

Planning Commission Meeting of June 7, 2021

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Addition and Remodel: 1515 Grand Avenue, Pacifica, CA.” received by the City of Pacifica on March 24, 2021, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. In the event of litigation filed to overturn the City's determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
3. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
4. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

5. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
6. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
7. Applicant shall maintain 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. 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.
10. All exposed retaining wall surfaces shall have a decorative finish which may include, but shall not be limited to, decorative block, stone veneer, or colored and stamped concrete, to the satisfaction of the Planning Director.
11. In order to prevent adverse impacts to adjacent properties from modified stormwater runoff patterns caused by construction of the retaining wall extension along the rear property line, Applicant's retaining wall extension shall include a mechanism to intercept stormwater runoff entering across the rear property line of the Project site and to convey the stormwater to the front (west) of the Project site for release within the existing City stormwater infrastructure along Grand Avenue, or to a new on-site retention system designed by a registered professional civil engineer with a capacity to be determined by the City Engineer and Building Official but not to exceed a 100-year storm event, to the satisfaction of the Planning Director and City Engineer.

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. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Grand Avenue. Dust control and daily road cleanup will be strictly enforced.
14. 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 Building Permit Final.

15. 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.
16. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Grand Ave.
17. 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.
18. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
19. All utilities shall be installed underground from the nearest box or joint pole.
20. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.
21. Landscaping along City ROW shall consist of native plants and to the satisfaction of the City Engineer.
22. 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 Grand 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. all easements within the property;
 - iii. the slope of Grand Avenue at the centerline;
 - iv. adjacent driveways within 25' of the property lines;
 - v. 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.

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- 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.
- 23. Prior to issuance of a certificate of occupancy for any component of the project, Applicant shall execute and record a Deferred Sidewalk Improvements Agreement addressing future sidewalk installations located within the public right-of-way along Grand Avenue. Prior to execution and recording, the Deferred Sidewalk Improvements Agreement shall be subject to review and approval by the City Attorney and City Engineer.

North County Fire Authority Comments

- 24. If a fire sprinkler system is required, Applicant shall submit plans to NCFA under a separate fire permit prior to issuance of a building permit.
- 25. Prior to issuance of a building permit, Applicant shall provide fire flow information per CFC, Appendix B.
- 26. Prior to issuance of a certificate of occupancy, Applicant shall install illuminated address identification to the satisfaction of the Fire Chief.
- 27. Utility identification is required.
- 28. 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