

**RESOLUTION NO. 2020-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA AMENDING RESOLUTION NO. 987 OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-090-17 AND COASTAL DEVELOPMENT PERMIT CDP-383-17, SUBJECT TO CONDITIONS, TO ESTABLISH A TWO-FAMILY DWELLING GROUP AND FOR CONSTRUCTION OF A NEW DWELLING UNIT WITH ATTACHED GARAGE AT 104-106 BELLA VISTA AVENUE (APN 016-021-300), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Dan Mackowski (“Applicant”).

**WHEREAS**, the Applicant has submitted an application to amend Resolution No. 987 of the Planning Commission of the City of Pacifica to authorize construction of a driveway with impervious materials (“Project”); and

**WHEREAS**, the Planning Commission of the City of Pacifica adopted Resolution No. 987 on January 16, 2018, approving Coastal Development Permit CDP-383-17 and Use Permit UP-090-17 for establishment of a two-family dwelling group in accordance with the R-2 (Two-Family Residential) zoning district and construction of a second detached dwelling unit at 104-106 Bella Vista Avenue (APN 016-021-300); and

**WHEREAS**, Condition of Approval (COA) No. 3 of Resolution No. 987 required the Applicant to construct the driveway with pervious materials in accordance with the Applicant’s project proposal; and

**WHEREAS**, the Applicant has now sought to construct the driveway with impervious materials; and

**WHEREAS**, construction of the driveway with impervious materials would not violate applicable provisions of the Pacifica Municipal Code or an applicable regulatory requirement; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on March 2, 2020, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

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

3. All recitals, findings, conditions of approval, and other provisions of Resolution No. 987 shall remain in full force and effect except as expressly modified by this Resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to the project:

That the project is exempt from the California Environmental Quality Act (CEQA) as a Class 3 exemption provided in Section 15303(a) of the CEQA Guidelines.

**15303. New Construction or Conversion of Small Structures**

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.

Discussion: The Project includes a minor revision to the originally approved project. The revision consists of changing the paving materials of the driveway from pervious materials to impervious materials. The revision will not change the nature or scope of the original project approved by Planning Commission Resolution No. 987. Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- 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 3 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby amend Condition of Approval No. 3 of Resolution No. 987 in its entirety to read as follows:

1. “The Applicant may construct a driveway with impervious materials.”

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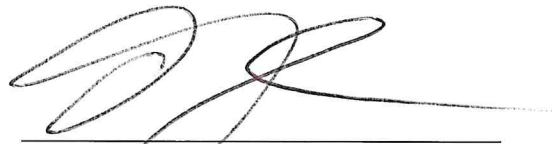
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 2<sup>nd</sup> day of March 2020.

AYES, Commissioners: BERMAN, BIGSTYCK, NIBBELIN, RUBINSTEIN

NOES, Commissioners: N/A

ABSENT, Commissioners: CAMPBELL, KRASKE


ABSTAIN, Commissioners: N/A

  
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Oren Rubinstein, Vice Chair

ATTEST:

  
\_\_\_\_\_  
Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

  
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Michelle Kenyon, City Attorney