

RESOLUTION NO. 2020-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-843-19, COASTAL DEVELOPMENT PERMIT CDP-409-19, USE PERMIT UP-118-19, AND SIGN PERMIT S-131-19, SUBJECT TO CONDITIONS (FILE NO. 2019-025), FOR CONSTRUCTION OF A THREE-STORY MIXED-USE BUILDING CONSISTING OF GROUND FLOOR COMMERCIAL SPACE AND SIX RESIDENTIAL APARTMENTS LOCATED AT THE NORTH QUADRANT OF THE INTERSECTION OF KENT ROAD AND DANMANN AVENUE IN THE 1200 BLOCK OF DANMANN AVENUE (APN 023-013-010 AND 023-013-020), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: San Pedro Valley, LLC (“Applicant”)

WHEREAS, Applicant has submitted an application for the construction of a three-story mixed-used building consisting of ground floor commercial space fronting Danmann Avenue and six residential apartments, on a 14,551 square foot site at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 and 023-013-020) within the C-1 (Neighborhood Commercial) zoning district and CZ (Coastal Zone Combining) zoning districts (“Project”); and

WHEREAS, the Project requires Planning Commission approval of a site development permit because the Project involves new construction within a commercial district; a coastal development permit, because the Project involves development within the Coastal Zone; and a use permit because the Project includes a residential use above ground-floor in the same building as a commercial use; and

WHEREAS, the Applicant has requested a parking exception to deviate from providing covered parking pursuant to Pacifica Municipal Code Section 9-4.2824; and

WHEREAS, the Applicant has requested a sign permit because the Applicant is proposing a multi-unit development pursuant to Pacifica Municipal Code Section 9-4.2907; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 4, 2020, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

WHEREAS, at the public hearing on May 4, 2020, the Applicant volitionally withdrew the request for a parking exception, rendering further Planning Commission consideration or action on Parking Exception PE-185-19 unnecessary.

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. Guidelines Section 15303, as described below, applies to the Project:

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:

* * * * *

- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The subject Project fits within the scope of a Class 3 categorical exemption. Specifically, the Project:

- (1) includes one mixed-use building with 3,050 sf of gross leasable commercial floor area;
- (2) includes six residential apartment dwelling units;
- (3) would be located on a site zoned C-1 (Neighborhood Commercial)/CZ (Coastal Zone Combining) district, which permits commercial structures and associated uses;
- (4) Would not involve the use of significant amounts of hazardous substances in conjunction with the proposed commercial and residential uses because the C-1 zoning district allows only visitor-serving, typical retail/office, and residential uses, not other industrial or commercial activities which would utilize significant amounts of hazardous substances;
- (5) Would connect to existing public services and utilities already utilized by other existing structures in the immediate vicinity;
- (6) Would not be located on or near an environmentally sensitive site because the Project site is surrounded by other structures, driveways, and roadway; and
- (7) Is located within an urbanized area because the incorporated City of Pacifica, which had a population of 37,234 persons as of the 2010 U.S. Census, is contiguous with the incorporated City of Daly City which had a population of 101,123 persons as of the 2010 U.S. Census.

For these reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.

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 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. The Project site is located within a substantially developed area comprised of commercial and residential uses and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. In staff's assessment the subject Project and the proposed project on the adjacent 277 Kent Road site are not "successive projects of the same type in the same place." The subject Project is a mixed-use project consisting of a three-story building with ground floor commercial use and up to two stories of residential use spread across six residential units above, with off-street parking facilities consisting of surface parking spaces. In contrast, 277 Kent is a single-family residence consisting of a two-story residential structure and off-street parking facilities consisting of a detached garage and carport. The projects serve different purposes and they can be implemented independently. There is no shared infrastructure which would enable one project to occur subsequent to the other, and the uses are unrelated to one another. Moreover, the 277 Kent project would replace an existing single-family residence on the site, resulting in the same baseline use on the site (one single-family residence) and thus, would not result in a change, cumulative or otherwise, in environmental impacts in the project area. Lastly, there is no evidence in the record of any significant environmental impacts which would occur on a cumulative basis from both projects.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project will have a significant effect on the environment due to unusual circumstances. The Project site is a vacant lot with relatively flat topography and no habitat value. It is zoned for commercial development where residential development is conditionally permitted in the upper stories of a building containing commercial use. The Project will involve in-fill mixed use development consistent with the applicable zoning standards. Therefore, there are no unusual circumstances applicable to the Project.
- Sec. 15300.2(d): The Project is not proposed within a highway officially designated as a state scenic highway. Therefore, the provisions of subsection (d) are not applicable to this Project.
- Sec. 15300.2(e): The Project is not proposed on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the provisions of subsection (e) are not applicable to this Project.
- Sec. 15300.2(f): The Project will not cause a substantial adverse change in the significance of a historical resource. There are potential historic resources located in the vicinity of the Project site. However, a report prepared by a qualified architectural historian, Christopher VerPlanck of VerPlanck Historic Preservation consulting (December 19, 2019) (Attachment E of the Staff Report), evaluated potential historic

resources in the vicinity of the Project site, and concluded the proposed Project will not cause a substantial adverse change in the significant of a historical resource. Specifically, the report prepared by the qualified architectural historian concludes that the existing buildings on the Project site are dilapidated, wood-frame, vernacular structures, and that none of these structures are listed on a local, state, or national register of historic places. Moreover, the report concluded that the potentially historic buildings known as the Pedro Point Firehouse, Tobin Station, and 1467 and 1482 Danmann Avenue would not be adversely impacted by the proposed 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, 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:

- A. *Site Development Permit PSD-843-19.* The Planning Commission finds that none of the following findings can be made that would preclude issuance of a site development permit under PMC Section 9-4.3204:
- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

The approximately 3,050 sf of commercial space proposed for the Project site is consistent with and smaller than nearby commercial development projects that are located in relatively close proximity to the site. The Pedro Point Shopping Center (5400-5450 Coast Highway), located approximately 730 feet away, is approximately 30,000 sf in area. An Ace Hardware Store (560 San Pedro Avenue), located approximately 986 feet away, is approximately 9,000 sf in area. Furthermore, the number of residential units proposed on the site is below the maximum of seven units which could be allowed under the General Plan and zoning density standards specified for the site, which allow one dwelling unit per 2,000 sf of site area. Therefore, the size and intensity of the site are in character with the general character and intensity of the neighborhood.

Moreover, the location, size, and intensity of the proposed Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The Project would include a 20'-5" wide driveway, which would provide access to the combined commercial and residential parking area. The driveway width is slightly wider than the 20' width specified for a driveway for two-way traffic per PMC Section 9-4.2813(c)(3). This would provide the required width for safe entry and departure of vehicular traffic to and from the site. The City's Engineering Division staff reviewed the development proposal to ensure the new development would be constructed in a safe manner and in accordance with all City standards and good engineering practice. The Project would also include installation of a new sidewalk along the frontage of the property along Danmann Avenue and Kent Road where currently no sidewalk is existing, improving pedestrian safety. These features would ensure that the Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- ii. *That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses.*

The Project would not create a hazardous or inconvenient condition to adjacent or surrounding uses as a result of the proposed parking. As noted above, the driveway width exceeds zoning standards and the design has been reviewed by Engineering Division staff to ensure safety. The proposed parking area is located to the rear of the building in the central portion of the site with adequate width and parking stalls for safe circulation of cars. Cars would enter and exit the property from Kent Road, which is a public street. Kent Road has a low traffic volume from 17 single-family residences which front on the street. The volume of traffic and slow 25 miles per hour speed limit of Kent Road would not present unsafe conditions for cars entering or exiting the two-way street.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- iii. *That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.*

The Project would provide a total of 12.9 percent of the site area in landscaping, in excess of the 10 percent zoning standard. The only service areas of the Project would be the trash enclosure. The Project would include a trash enclosure on the southern end of the property, which would be enclosed with a gate and surrounded by landscaping to make it less visible from the street.

The Project would not feature large expanses of paving that is visible from the street. The driveway would be accessed through Kent Drive, which would limit the view exposure from Danmann Avenue to this narrow vantage. Landscaping planter strips would be located immediately adjacent to most of the off-street parking area to soften views from outside the parking area. Most importantly, there are two landscaping strips along Kent Road. The remainder of the parking area would be obscured from public view by the proposed building.

Commercial development on the Project site is located to take advantage of the Danmann Avenue frontage and relate to the street, and there would be additional landscaping along the sidewalk to break up the expanse of the paving along the front.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- iv. *That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.*

The maximum height of the proposed buildings would not exceed the allowed 35 feet. The proposed building is setback from the northern and western property boundaries by 8'-1" and 21'-2" setbacks, respectively. Existing development located to the west would be located at appreciably higher grade due to higher topography and the proposed building would not affect access to light and air for the new single-family residence approved at 277 Kent Road. There are no structures located immediately to the north of the proposed building.

On the south and east side, there is no setback, with the majority of the structure located right up against both streets. However, the adjacent 40-foot wide Kent Road and 50-foot wide Danmann Avenue rights-of-way provide adequate spacing between the proposed Project and existing buildings located across these streets such that the proposed Project would not unreasonably restrict or cut out light and air on the Project site or on other property in the neighborhood. The large separation provided by these rights-of-way, which is well in excess of setbacks customary for development on adjacent sites, combined with the relatively low proposed building height of 33'-9" and much higher topography to the west which already limits low-angle sunlight from reaching the Project site, would result in limited opportunities for the Project to cast shadows on adjacent developments.

As more fully discussed below under Design Guidelines and General Plan consistency, the commercial portion of the proposed structure would be located primarily on the east end of the site on Danmann Avenue with no setback from the property line. This would establish a pattern of proper street orientation for buildings for other commercially-zoned properties along Danmann Avenue if developed in the future. The quality architecture and materials of the proposed building would similarly reinforce quality building design of other future commercial buildings as well as surrounding residentially-zoned sites. The distance provided by the side setback of the Project from the site at 277 Kent Road as well as the separation provided by the Kent Road and Danmann Avenue public rights-of-way described above would also ensure the proposed building would not crowd other nearby residentially-zoned properties, thus, allowing for their proper development and use. The Project would also reinforce proper use of commercially-zoned properties in the area with its proposed mix of both commercial and residential land uses which would be consistent with the C-1 zoning of the property and other established mixed use buildings on neighboring C-1 zoned properties. Moreover, the 33'-9" height of the proposed building and its location at the site's lowest elevations would minimize apparent height and massing to any surrounding development. These same factors which ensure appropriate development and use of land and buildings in the neighborhood also would prevent an impairment of the value thereof because of the ongoing ability to undertake residential and commercial uses on surrounding sites.

Based on these factors, the Planning Commission finds that the Project's orientation to the street along Danmann Avenue, use, height, mass, architectural design, and materials are appropriate and would not hinder or discourage the appropriate development and use

of land and buildings in the neighborhood, and also would not impair the value thereof. Therefore, the Planning Commission does not believe there is evidence to make this finding.

- v. *That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area.*

The Project includes a mixed-use commercial and residential structure. Thus, it is not possible to separate the commercial component of the structure from the residential component for purposes of this finding. However, the mixed-use structure, as shown on the elevations as submitted, would not be detrimental to the character or value of the adjacent R district to the west.

The Project site abuts the R-1 (Single-Family Residential) zoning district to the west. The commercial portion of the proposed structure would be located primarily on the east end of the subject site along Danmann Avenue, most distant from the R-1 district, and would not be visible from the R-1 zoning district because it would be obscured below grade due to changes in topography. The area between the commercial portion of the structure and the R-1 zoning district to the west would consist of surface parking and landscaped areas. The residential portion of the building along Danmann Avenue and the residential building to the north would both have the same quality architecture and materials on the interior parking lot elevations as on the exterior street-facing elevations. This would result in a pleasant aesthetic when viewing the residential portions of the proposed building (the only portions visible) from the R-1 zoning district. Thus, the proposed building would not be detrimental to the character or value of the adjacent R District area.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- vi. *That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code.*

The Project would involve minimal grading and no distinctive natural features are present on the site. There are no trees being removed, and the proposed structure would be built into the existing slope of the property. Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

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

The proposed building incorporates several elements in the design of the structure to avoid monotony in external appearance. These elements include varied roof lines and building profile due to the variation in height and levels between the front and the rear portions of the building and incorporation of materials such as metal railings for the balconies, brick and horizontal siding for exterior finishes, and large glass windows that characterize the facades of the building. The Project includes plantings consisting of

shrubs, perennials, and grasses to lend interest to the site. Moreover, the proposed building would be consistent with the City's adopted Design Guidelines, as further discussed below.

Based on these factors, the Planning Commission does not believe that there is evidence to make this finding.

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

In the Planning Commission's assessment, as conditioned, the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines are discussed below:

SITE PLANNING

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

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

There are no distinctive natural features present on-site. The proposed building takes cues from the shape and orientation of the site in its arrangement of uses on the site. The building has an "L" shape which allows most of the building to be placed at the lowest elevations to minimize apparent height and massing to surrounding development. The chosen building placement also allows for a portion of the building to be constructed into the hillside, further minimizing building height and mass, and construction of the off-street parking area at the second story level to minimize the need for extensive grading. Establishment of residential uses at the second and third stories allows them to capture views of the Pacific Ocean and hills which are visible to the north, east, and south of the Project site.

- b. *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 or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.*

As shown on Sheets A3.1 and A3.2 of the Project Plans (Attachment C of the Staff Report), the proposed development would include exterior lighting on all elevations. The lighting fixture proposed is a downlight, which would be attached to the walls of the proposed building. As such, the proposed lighting would not create glare for occupants and neighbors. Additionally, staff has

included a condition of approval that sets the parameters for the lighting plan for the site, subject to the satisfaction of and approval by the Planning Director, prior to building permit issuance, in the event other exterior lighting is incorporated in the development at a later stage.

- c. *Parking. The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along street frontages. Ample landscaping should be used to help screen parking areas from both exterior and interior views.*

The Project proposes parking for both the residential units and the commercial space on-site, located behind the structure. The parking lot would be accessed by a driveway leading into the site from the side street on Kent Drive. The parking area would not be visible from the front of the building due to its location and landscaping screening.

BUILDING DESIGN

- d. *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 scale of the proposed mixed-use building would be consistent with the surrounding area. The building scale would not differ significantly from other mixed-use projects approved in the surrounding area, including the mixed-use buildings at 505 San Pedro Avenue (approved by the City but pending Coastal Commission approval) and 535 San Pedro Avenue (under construction). In the immediate vicinity, the two-story scale of the project along Danmann Avenue would be consistent with the two-story developments at 1207, 1244, and 1263 Danmann Avenue, and the tower element and high peak of the gable roof of the Pedro Point Firehouse. The three story design of the northern building also would be in scale with development in the surrounding area because the adjacent approved development at 277 Kent Road to the west is located at appreciably higher grade. Also, because the loft configuration of the third floor results in its floor area being largely built into the roof, bringing down the apparent scale of the structure to less than a full third story, it is compatible with the two-story single-family residential development at 1207 Danmann Avenue. The renderings on Sheet A0.3 of Attachment C of the Staff Report demonstrate the appropriate scale of the proposed Project in relation to surrounding buildings. As such, the scale of the proposal is compatible with development in the vicinity.

- e. *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.*

As shown in the renderings on Sheet A0.3 (Attachment C of the Staff Report), the proposed building includes several architectural features and details that help

create a sense of human scale. These features and details include a broken up roofline along Danmann Avenue, dormers on the northern building elevation, balconies with metal railings on the upper floors, an open common area in the middle of the building along Danmann Avenue, and large windows with an adjacent sidewalk at the ground floor.

- f. *Materials. Compatibility of materials is an essential ingredient in design quality. In areas with either historic or architecturally significant structures, the use of similar exterior construction materials should be used in new construction in order to maintain neighborhood character. Consistency and congruity of materials and design elements on individual structures is also important.*

The predominant materials employed in the proposed building include wood, brick and metal siding for exterior finish. The first floor of the front façade is emphasized with the use of brick for exterior finish and the second floor would have metal railings for the balconies. While these materials bring variety to the appearance of the building, they are also consistent with one another overall and the use of wood vertical siding is compatible with the exterior finishes of adjacent buildings.

To further ensure consistency with the many older buildings in the vicinity of the Project site, the Applicant obtained an architectural compatibility analysis prepared by a historic preservation architect (Attachment E of the Staff Report), which states that the Project would not cause a substantial adverse change in the significance of any historical resources of the Pedro Point-Shelter Cove neighborhood. The report utilizes the Secretary of Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings, which is an analytical tool for understanding and describing the potential impacts of changes to historic properties.

- g. *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.*

As shown on Sheet A0.2 of the Project Plans (Attachment C of the Staff Report), the proposed color palette consists predominately of three colors, consistent with the different color schemes of adjacent buildings. A dark accent color is used for the door and metal window frames and railings that add interest to the proposed building in an environment where accent colors vary from dark to light.

- h. *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 building is architecturally consistent on all four elevations. Although the number of openings on the various facades of the building varies,

the Applicant has carried the same materials, architectural detailing, and shape of window openings on all sides of the proposed buildings.

LANDSCAPING

- i. *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 approximately 1,872 sf of area in landscaping, which constitutes 12.9 percent of the lot size and exceeds the minimum required 10 percent of Project site in landscaping. The proposed planting palette includes various perennials, shrubs and grasses and is appropriate for the site and proposed structure. The majority of the landscaped area would be on the northern end of the property, with strips of landscaping also breaking up the parking lot and sidewalk in front. The front façade of the proposed building relates directly to the street and the proposed landscaping is not directed at concealing the building.

On the whole, as conditioned, the Planning Commission believes that the Project is consistent with the City's adopted Design Guidelines and does not believe the Commission can make the finding that the proposed development is inconsistent with the City's adopted Design Guidelines.

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

The proposed mixed-use development, as conditioned, would be consistent with the General Plan, Local Coastal Plan, and other applicable laws of the City. General Plan and Local Coastal Plan consistency includes, but is not limited to, the following policies:

GENERAL PLAN

o Circulation Element

- Policy No. 4: *Provide access which is safe and consistent with the level of development.*

Access to the proposed combined commercial and residential off-street parking area would be provided through a 20'-5" wide driveway from Kent Road. The commercial component of the Project would be located on and accessed from a new sidewalk installed along Danmann Avenue. The proposed driveway width is greater than the 20-foot width specified for a driveway for two-way traffic serving two or more dwelling units per PMC Section 9-4.2813(c)(3), and would serve as ingress/egress for the property. Thus, conflicts from entering and exiting should be simple for drivers to resolve given the large driveway width and clear

line-of-sight present along the straight driveway. The new sidewalk to provide pedestrian access along Danmann Avenue and Kent Road would be consistent with the City's Complete Streets Policy and would enhance safe pedestrian access to the Project. The City's Engineering Division staff has reviewed the development proposal to ensure the new development would be constructed in a safe manner.

- Policy No. 6: *Encourage alternatives to motor vehicle transportation.*

The Project proposes commercial development immediately adjacent to Danmann Avenue and would include the installation of a sidewalk that would facilitate pedestrian circulation in the area on Danmann Avenue as well as Kent Road. This portion of the Pedro Point neighborhood is relatively flat, resulting in a walkable neighborhood. In addition, the Applicant has also provided a three loop wave style bicycle rack for 10 bicycles, in excess of the two spaces required by the City's zoning standards. These characteristics are likely to encourage walking and bicycling to the subject location from areas in the vicinity.

- Community Design Element

- Policy No. 2: *Encourage the upgrading and maintenance of existing neighborhoods.*

The Project would improve the general area of Pedro Point, consistent with the objectives for this area as enumerated in the Pedro Point neighborhood narrative in the General Plan. The commercial component of the Project would be of interest to visitors and members of the community. The construction of six residential units would also create housing opportunities for which there is a great need as demonstrated in the City's adopted Housing Element of the General Plan.

- Policy No. 5: *Require underground utilities in all new development.*

A condition of approval would ensure that all utilities shall be installed underground on the Project site.

- Land Use Element

- Policy No. 8: *Land use and development shall protect and enhance the individual character of each neighborhood.*

The proposed mixed-use development is consistent with the commercial and residential uses in the Pedro Point neighborhood, by including both commercial and residential uses and more recently mixed-use developments combining commercial and residential uses. Furthermore, as indicated earlier in this report, the Pedro Point neighborhood narrative in the General Plan envisions the area to be mixed with commercial and residential uses and the proposed Project is consistent with that objective.

LOCAL COASTAL PLAN

- 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 proposed Project is not located on an oceanfront parcel. Therefore, the development would not interfere with the public's right of access to the sea.

- Coastal Act Policy No. 5: *Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the Coastal Zone shall be developed in conformity with the standards, policies, and goals of the local housing elements adopted in accordance with the requirements of Subdivision (c) of Section 65302 of the Government Code.*

The commercial component of the Project would serve visitors as well as members of the Pacifica community. The types of uses have not yet been determined by the Applicant; however, the Project proposes to include a deed restriction that prohibits restaurants and fitness studios in the retail space. The inclusion of two studio and four one-bedroom apartment units in the development would create a range of housing opportunities and particularly for the studio apartment units, would provide an opportunity for housing opportunities for persons of low and moderate income. The housing units would be developed in conformity with the standards, policies, and goals of the City's Housing Element, including the provision of six housing units towards the City's 413-unit Regional Housing Needs Allocation for the period from 2015-2023.

- 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, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Where feasible, new hazardous industrial development shall be located away from existing developed areas. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The proposed development would be constructed on an infill lot on Danmann Avenue. All utilities are available in the immediate surrounding area and adequate capacity exists within these utilities to service the proposed development. Therefore, the site would be developed contiguous with existing

developed areas able to accommodate the proposed development and would not have significant adverse effects on coastal resources.

Land divisions and hazardous industrial development are not part of the subject Project.

- Coastal Act Policy No. 26, Subsections (a) and (b): *New development shall:*
 - *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
 - *Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs.*

The new development proposed with this Project would be consistent with Subsections (a) and (b) of Coastal Act Policy No. 26. The Applicant prepared a site-specific geotechnical analysis prepared by a qualified professional geotechnical engineer. The geotechnical analysis indicated that bluff erosion over the next 100 years was projected to be between 10 and 40 feet. The bluff erosion estimate was based, in part, on review of historic aerial imagery of the specific Project area instead of more general area-wide erosion estimates available from other sources.

The geotechnical analysis did identify the potential for seismically-induced landslide on the site, but indicated the site is underlain by competent bedrock materials which will enable a suitable foundation design to mitigate this hazard. Therefore, the geotechnical engineer concluded that large-scale seismically induced landslide risk is relatively low for the site if all structures are constructed with the recommended foundation design. Staff has included a condition of approval to ensure the geotechnical engineer's recommendations are incorporated into the building design.

Given the Project site is located approximately 115 feet from the ocean at its closest point, the proposed mixed-use development would be located over 8 feet into the property, and an engineering design for the foundation would mitigate seismically-induced landslide risk for the Project, there is no information to suggest that the proposed development will be subject to high geologic, flood, or fire hazard during its design life, which is assumed for purposes of this analysis to be 100 years. Therefore, there is sufficient information to support a finding that the Project would be consistent with this policy.

Based on the above discussion, the Project is consistent with the applicable General Plan and Local Coastal Plan policies. Therefore, the Planning Commission does not believe there is evidence to make this finding.

B. *Coastal Development Permit CDP-409-19.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.4304(k) prior to issuance of a Coastal Development Permit:

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

As more fully described above, the Project would be consistent with the City's certified LCP because it would provide a commercial use that would serve visitors as well as the members of the Pacifica community. It would provide six residential units, including two studio units, which would likely be more affordable than housing opportunities with larger floor plans available elsewhere in the city. The architecture and design of the proposed building would be compatible with its surroundings. The Project site is an infill lot, approximately 115 feet (at its closest point) inland from the coast line; it would not impact biological resources, and can be constructed safely with recommendations of a qualified geotechnical engineer incorporated into the building plans. Therefore, the Planning Commission believes there is sufficient evidence to find that the Project is in conformity with the City's certified Local Coastal Program.

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

The Project site is located between the shoreline and the nearest public road, Kent Road. However, the Project site is located approximately 115 feet from the shoreline and is not located on an oceanfront parcel or on an upland parcel upon which coastal recreation is dependent. Therefore, the Project would not affect public recreation along the shoreline and thus, is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

C. *Use Permit UP-118-19.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.3303 prior to issuance of a Use Permit:

i. *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

The Project requires a use permit for the development of residential use above the ground floor in the same building as a commercial use.

The Project would result in the development of six residential apartment units and first floor commercial space. Creation of housing is an important City objective as stated in the City's 2015-2023 Housing Element of the General Plan. The City has an identified need of at least 413 new housing units during the planning period covered in the Housing Element. Therefore, creating additional housing would benefit the general welfare of the City. Development of six residential units would not generate significant additional traffic, and off-street

parking consistent with zoning standards would be provided for all residential units. The development would occur on a lot that has access to public utilities, including but not limited to water, sewer, and electricity. The Project's architectural design is appealing, would feature an appropriate mix of materials and appropriate scale for the neighborhood, and would not adversely affect any surrounding properties.

Commercial use is permitted within the C-1 zoning district. The maximum leasable floor area is 3,050 sq. ft. and can only be accessed from Danmann Avenue. The relatively small size of the commercial area would not be likely to generate commercial activity with significant noise or traffic. The inclusion of this commercial space would also reinforce the visitor-serving character of the area as intended in the General Plan and Local Coastal Program. Therefore, the proposed commercial area would not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood.

Therefore, the Project would not have a detrimental impact on the health, safety, or welfare of the persons residing or working in the neighborhood.

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

As described in Section 5.A.ix of this report the Project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, and Land Use elements. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and permissible uses of the C-1 (Community Commercial) district. The Project would also comply with Coastal Act Policy Nos. 2, 5, 23 and 26 of the LCLUP. Additionally, it would be consistent with the neighborhood narrative for the Pedro Point-Shelter Cove neighborhood, particularly including the creation of a commercial use, which would be attractive to visitors, and creation of housing opportunities that should be more affordable than other housing elsewhere in the city.

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

As described in further detail above, as conditioned, the Project would be consistent with the City's adopted Design Guidelines. In particular, the Project would be consistent with guidelines related to Site Planning, Building Design and Landscaping.

D. *Sign Permit S-131-19.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.29 prior to issuance of a Sign Permit:

- i. *The Master Sign Program is consistent with the City's adopted Design Guidelines.*
- a. *All signs should relate to their surroundings in terms of size, height, shape, color, materials, and lighting so that they are complementary to the overall design of the building and site.*

In relation to the architecture and scale of the buildings, the proposed sign area and maximum letter height would be in scale with the proposed building. The maximum sign height is proposed at three feet, which amounts to less than nine percent of the building's vertical height. Overall, the maximum proposed sign area is 45 sf which is approximately 0.3 square feet per linear foot of property frontage along Danmann Avenue. The proposed sign area would be well below the standard allowance of 0.75 square feet per linear foot provided in PMC Section 9-4.2906(a)(3) for commercial buildings with a single tenant. Based on the 48'-0" and 61'-4" business frontages of the commercial spaces, the proposed sign area would be approximately 0.41 square feet per linear foot of business frontage, which would also be below the standard allowance of 0.75 square feet per linear foot of business frontage for multi-tenant commercial buildings provided in PMC Section 9-4.2907(f). The building is no higher than 34 feet, with the allowable signage located in the middle of the building's front façade with four "Gooseneck" sign lights above for visibility. The lighting is demonstrated on the Project elevations and renderings but not current included in the proposed MSP. Staff has included a condition of approval to require the Applicant to describe the proposed four "Gooseneck" sign lights in the MSP.

Given its limited square footage, the requirement of coloring and backgrounds to match or complement adjacent materials and building surfaces, and all proposed signage to be approved by the Landlord first, there is evidence to support a finding that the proposed MSP is consistent with this Design Guideline.

- b. *Signs should be unobtrusive and convey their message clearly and legibly. Sign copy should not be cluttered with nonessential information.*

The proposed MSP specifies an overall maximum sign dimension and maximum letter character height. The overall maximum sign dimensions are 15 feet in width by 3 feet in height with maximum character heights being limited to 20 inches. There are no restrictions on the shape of the sign, or colors used, as long as they complement other adjacent building surfaces. However, staff has included a condition of approval to require all letters to be the same color and to establish a minimum letter height of 10 inches. All signs shall be approved by the Landlord. As such, by limiting the letter size and sign area, and controlling the color of sign materials, any proposed signage would be unobtrusive and convey their message clearly and legibly.

- c. *Where internal illumination is used, signs should be designed to illuminate the letters rather than the background.*

The proposed MSP does not specify illumination standards. Due to the low-intensity character of the area surrounding the Project site and its proximity to residences, staff has proposed a condition of approval to prohibit internally illuminated signs and to require subdued illumination by exterior light sources. For consistency with the Design Guidelines and internal consistency among sign types in the MSP, staff has also included a condition of approval to require the Applicant to use the proposed four “Gooseneck” sign lights in the MSP.

- d. *Sign illumination should not be unnecessarily bright, and should not cause glare or light intrusion onto other signs or premises. If external illumination is used, the light source should be screened from direct view and should be located so that the light is directed against the sign and does not shine into adjacent property or blind motorists or pedestrians. Internal illumination should feature low intensity lamps.*

The proposed MSP does not specify illumination standards. Due to the low-intensity character of the area surrounding the Project site and its proximity to residences, staff has proposed a condition of approval to prohibit internally illuminated signs as noted above. The external illumination which would be allowed in the MSP would ensure that the lights are oriented to the sign area only and shall be rated for exterior installation. Relevant literature indicates that excessively high color-temperature rated light fixtures, those above 6,500K, can cause glare. As a result, staff has included a draft condition of approval requiring the Applicant to specify that no light fixtures above 6,500K shall be used in the illumination of any center signs. As conditioned, sign illumination is not likely to be unnecessarily bright or cause glare or light intrusion onto other signs or premises.

- e. *A free-standing sign should only be used for shopping centers or when deemed the most feasible means by which a business may obtain a reasonable degree of identification.*

The proposed MSP does not include a freestanding sign. Therefore, this Design Guideline does not apply.

- f. *The height of a free-standing sign should be no higher than necessary for adequate identification and visibility, but in no case should the height of the free-standing sign exceed the height of the principal structure on the site.*

The proposed MSP does not include a freestanding sign. Therefore, this Design Guideline does not apply.

- g. *Monument signs are generally preferred over pole signs. The support or base of a free-standing sign should match or complement the materials and colors of the building or buildings with which it is associated. Planting at the base of a free-standing sign is encouraged.*

The proposed MSP does not include any type of freestanding sign. Therefore, this Design Guideline does not apply.

- h. *A designated sign areas should be part of a shopping center's exterior.*

In staff's interpretation, the intent of this Design Guideline is to ensure that the sign areas on the exterior of businesses in a shopping center be defined. The proposed MSP specifies a maximum sign dimension of 15 feet in width by 3 feet in height located in the center of the building along Danmann Avenue, suitably designating the sign area.

- i. *The use of struts, braces, kickbacks, or guy wires to support signing should be avoided. Such support, devices may be used if they are not visible or are completely screened from view.*

The proposed MSP does not include support structures as elaborated above for signs. Therefore, this Design Guideline does not apply.

- j. *Signs should never impede pedestrian or vehicular movement or vision.*

The proposed MSP is inclusive of one wall sign, that would be attached flat against the proposed building and so will not impede pedestrian or vehicular movement or vision.

- ii. *The proposed signs are compatible in character with all other signs proposed in the Master Sign Program.*

Pursuant to PMC Section 9-4.2907(c), each sign shall be compatible in character with other signs in the MSP. The proposed MSP specifies criteria that apply to both potential wall commercial signs on the property, therefore providing compatibility and similarity amongst any proposed signage. Moreover, a condition of approval would require all letters within a single sign to be the same color, which will reinforce sign consistency and compatibility.

As conditioned, the signs in the MSP would be compatible with one another.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19, subject to conditions of approval attached as Exhibit A.

* * * * *

Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19
Mixed-use development located at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 and 023-013-020)
Page 20

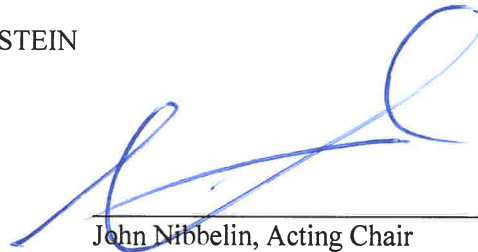
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of May, 2020.

AYES, Commissioners: BERMAN, BIGSTYCK, GODWIN, HAUSER, LEAL, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: RUBINSTEIN

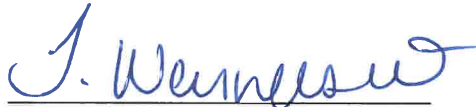
ABSTAIN, Commissioners: N/A



John Nibbelin, Acting Chair

ATTEST:

APPROVED AS TO FORM:



Tina Wehrmeister, Planning Director



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2019-025 for Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 for construction of a three-story mixed-use building located at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 & 023-013-020).

Planning Commission Meeting of May 4, 2020

Planning Division

1. Development shall be substantially in accord with the plans entitled “New Mixed Use Development 1300 Danmann Avenue, Pacifica”, dated September 13, 2019 and stamped received by the City of Pacifica on January 14, 2020, and shall also be substantially in accord with the Applicant’s revised letter of explanation dated April 27, 2020, in particular the voluntary deed restriction on certain land uses, and 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. As proposed by the Applicant in its revised letter of explanation dated April 27, 2020, the Applicant shall record a deed restriction that prohibits restaurants or fitness studios in the retail space of the Project, prior to issuance of a building permit.
4. As proposed by the Applicant in its revised letter of explanation dated April 27, 2020, the hours of operation of any and all uses within the commercial space on the Project site shall not exceed the hours of 10 a.m. to 6 p.m.
5. 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.
6. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
7. 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 but shall be adequate to ensure security and dissuade vandalism on-site. 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. Fixture locations shall be shown, where applicable, on all building elevations.

8. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape 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 on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
9. All transformers, HVAC units, backflow preventors 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.
10. 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 roof equipment shall be screened to the Planning Director's satisfaction.
11. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
12. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
13. All recommendations detailed in the preliminary geotechnical investigation by GeoForensics, Inc., dated November 1, 2019, shall be incorporated into the Project plans and approved by the Building Official prior to issuance of a building permit.
14. All new signs shall be fabricated, installed, operated, and maintained in substantial accord with the details and specifications contained within the submitted master sign program (MSP), dated November 19, 2019, except as otherwise modified below. Any deviations shall require the filing of an application to amend this master sign program and shall further require approval by the Planning Commission.
15. Prior to issuance of a building permit, the Applicant shall make the following modifications to the master sign program and shall submit the revised master sign program for review and approval by the Planning Director:

- a. Non-illuminated and Illuminated signs shall be permitted. Sign illumination shall be provided only by four “Gooseneck” type light fixtures directed at the sign area. Internally illuminated signs shall be prohibited.
 - b. Light sources use in the light fixtures shall emit at less than 6500K.
 - c. All letters shall be the same color.
 - d. Minimum letter size shall be 10 inches.
 - e. A maximum of two lines of copy shall be allowed.
16. Prior to the installation of any new sign, the property owner shall apply to the Planning Department for review and approval of a building permit and/or sign permit, as determined by the Planning Director. Approval of a building permit and/or sign permit shall be conditioned upon compliance of the proposed with the approved master sign program. Property owner shall install or allow to be installed no sign until approval of the required permit(s).
17. Property owner shall install at the subject site only those signs depicted in the master sign program. Any other signs not part of the master sign program are prohibited except for temporary signs authorized by the Pacifica Municipal Code.
18. The Applicant shall modify the Project as follows to achieve compliance with Pacifica Municipal Code (PMC) standards, to the satisfaction of the Planning Director:
- a. Prior to issuance of a building permit, Applicant shall revise the Project plans to demonstrate the construction of not less than six covered carport parking spaces for the six proposed residential units as required by PMC sec. 9-4.2818(a)(2).
 - b. The minimum interior clear height of the covered carport parking spaces shall be 7 feet and the maximum overall height of the covered carport parking spaces shall be 10 feet.
 - c. The architectural design of the covered carport parking spaces shall be consistent and compatible with the new building in terms of materials and colors, in particular the proposed trellis between the apartment units located along Danmann Avenue, to ensure Design Guidelines consistency. The final location, materials, and design of the covered carport parking spaces shall be subject to review and approval by the Planning Director.
19. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
20. 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.
21. 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.
22. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”)

from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division

23. Applicant shall apply for and receive approval of a building permit prior to construction.

Engineering Division of Public Works Department

24. 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.
25. The following requirements must be clearly noted on the construction plans for the Project:
 - a. Danmann Avenue and Kent Road shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
 - b. 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.
 - c. Existing public improvements within the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Project. Any damage to improvements within 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. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. An accurate survey plan, showing:
 - i. Survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. Property lines labeled with bearings and distances;
 - iii. Edge of public right-of-way;
 - iv. Any easements on the subject property
 - b. A site plan, showing:
 - i. The existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. Adjacent driveways within 25' of the property lines
 - iii. Any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed profession.
 - 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.
27. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
28. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested at least 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Danmann Avenue and Kent Road.
29. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
30. All new utilities shall be installed underground from the nearest main or joint pole.
31. Per the adopted City of Pacifica Complete Street Policy, development shall include bicycle and pedestrian facilities. Applicant shall install a concrete sidewalk across the entire property frontage along Danmann Avenue and Kent Road in accordance with City standards.
32. Applicant shall install new concrete curb, gutter and driveway approach and 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.

33. Prior to issuance of a certificate of occupancy, Applicant shall paint red the curb areas located along the New Bulb Out and Planter.
34. Applicant shall grind and overlay existing asphalt with minimum 2-inch AC to street centerline across entire property frontage of Danmann Avenue and whole street width across entire property frontage of Kent Road. All pavement markings and markers shall be replaced in kind.
35. Prior to issuance of a certificate of occupancy for any component of the Project, Applicant shall execute and record an Operations and Maintenance Agreement addressing future maintenance of the pervious pavement designed to Provision C.3 of the Municipal Regional Permit.
36. Prior to issuance of a certificate of occupancy for any component of the Project, Applicant shall execute and record a Maintenance Agreement addressing future maintenance and replacement of any landscaping located within the public right-of-way along Danmann Avenue or Kent Road, including but not limited to the landscaping and drainage pipes on the bulb out and planter areas. Prior to execution and recording, the Maintenance Agreement shall be subject to review and approval by the City Attorney and City Engineer.

North County Fire Authority

37. Fire sprinkler system is required. Submit plans to North County Fire Authority (NCFA) under separate fire permit.
38. Provide fire flow information per California Fire Code (CFC), Appendix B.
39. Hood and duct fire extinguishing system may be required. Submit plans to NCFA under separate fire permit.
40. Fire alarm system may be required. Submit plans to NCFA under separate fire permit.
41. Fire alarm system shall be monitored, per CFC.
42. Smoke Detectors and carbon monitors are required per CBC.
43. HVAC smoke detection and automatic shutdown may be required per NFPA 90A and PMC.
44. Key box is required. Applicant shall apply for approved hardware at NCFA Administration.
45. Portable fire extinguisher(s) are required. Mount fire extinguishers 3-5 feet above floor.
46. Illuminated address identification is required.

47. Utility identification is required.
48. In the commercial portion of the project, 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.
49. In the commercial portion of the project, exit signs and emergency egress illumination is required.
50. Assembly permit is required for the commercial portion of the project.

Wastewater Division

51. Prior to issuance of a building permit, the Applicant shall submit materials demonstrating the location and size of sewer laterals, appurtenances, and method of compliance with Wastewater Division standards and specifications.

Added by Planning Commission on May 4, 2020

52. Applicant shall select a green tone or earth tone for the color of the corrugated metal cladding portion of the project which would encourage the appearance of a visual break-up of the building mass, to the satisfaction of the Planning Director.
53. 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.
54. Applicant shall ensure all exterior windows of the project include a beveled or other depth-providing element in the window frame, to the satisfaction of the Planning Director.

END OF CONDITIONS