

RESOLUTION NO. 2020-014

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
APPROVING SITE DEVELOPMENT PERMIT PSD-847-19, COASTAL
DEVELOPMENT PERMIT CDP-418-19, USE PERMIT UP-121-19, PARKING
EXCEPTION PE-188-19, AND SIGN PERMIT S-132-20, SUBJECT TO CONDITIONS,
FOR CONSTRUCTION OF A MIXED-USE BUILDING AT 184 PALOMA AVENUE
(APN 016-022-080), AND FINDING THE PROJECT EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

Initiated by: Aaron Gregory and Jacquelyn Gratz, Owner

WHEREAS, an application has been submitted to construct a two-story mixed-use building with 1,043-square feet (sf) of commercial space located on the ground floor and a 783-sf residential unit located on the second floor of an existing 2,430-sf developed lot at 184 Paloma Avenue (APN 016-022-080) in Pacifica (File No. 2019-036) (“Project”); and

WHEREAS, the Project requires approval of a Site Development Permit pursuant to Pacifica Municipal Code (PMC) Sec. 9-4.3201(a) because the Project would increase an existing structure's gross square footage by fifty (50%) percent or more in a Commercial District; and

WHEREAS, the Project requires approval of a Coastal Development Permit pursuant to PMC Sec. 9-4.4303(a) because (i) the addition will increase building height, bulk, or floor area of an existing structure by 10 percent or more (PMC Sec. 9-4.4303(h)(2) and (3)); (ii) the Project constitutes a “change in the density or intensity of use of land...” (PMC Sec. 9-4.4302(z)(4)); and, (iii) the Project does not qualify as a category of excluded development or for a CDP exemption because it does not fall within any of the categories listed in PMC Sec. 9-4.4303(h) or Sec. 9-4.4303(i); and

WHEREAS, the Project requires approval of a Use Permit pursuant to PMC Sec. 9-4.1001(b)(11) to allow one or more dwelling units in the same building as a commercial use when located entirely above the ground floor; and

WHEREAS, the Project requires approval of a Use Permit pursuant to PMC Sec. 9-4.1002(i) for any change of use when the site abuts an R District; and

WHEREAS, the Project requires approval of a Parking Exception pursuant to Sec. 9-4.2824(a) because the Project would not provide the required minimum number of off-street parking spaces and would not provide one required covered parking space for a residential unit; and

WHEREAS, Project requires approval of a sign permit pursuant to PMC Sec. 9-4.2906(g) because it includes a mural; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on July 20, 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:

- 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 the California Environmental Quality Act (CEQA). Section 15301 of the CEQA Guidelines, 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:

* * * * *

(2) 10,000 square feet if:

- (A) The project is in 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 an addition to an existing single-family residence totaling 1,043 square feet of new floor area meets the scope of a Class 1 categorical exemption. Specifically, the Project (1) includes an increase in floor area of less than 10,000 square feet; and, (2) has access to all public services and facilities to allow for maximum development permissible in the General Plan, including but not limited to water, sewer, and electrical utilities; and, (3) is not located in 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 activity 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:

I. Site Development Permit PSD-847-19

- A. *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 location, size and intensity of the proposed Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The proposed Project is located in an existing established urban area on a developed lot surrounded by commercial, single-family residential, and mixed-use commercial/residential uses. The existing established subdivision, development pattern, and roadways provide adequate vehicle and emergency access to the site and surrounding area. No hazardous or inconvenient vehicular or pedestrian traffic pattern is created, in particular because the two off-street parking spaces of the Project can be contained entirely within the Project site without encroachment of vehicles into the public sidewalk. Additional peak hour vehicle trips for the proposed commercial use are negligible and area estimated at one AM and two PM peak trips, respectively, based on estimates in the Institute of Traffic Engineers (ITE) Trip Generation Manual. Vehicle trips for the existing residential use remain the same and are also negligible at one AM and one PM peak hour trip.

- B. *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 accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses. Access to the site and parking spaces is provided directly via Paloma Avenue in a manner consistent with other properties on this block of Paloma Avenue which have off-street parking.

- C. *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.*

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Sufficient 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. As shown in the Project plans, the Project would include a pathway and landscaping planters to separate the two off-street parking spaces. Thus, there would be no large expanses of paving on the site. Service or storage areas would not require screening, either. The applicant consulted with Recology of the Coast, the City's solid waste hauler, and confirmed that the Project could use standard residential trash bins of the type customary for the single-family residences in the neighborhood (no dumpster is required). The bins would be stored in the rear yard or, if stored where visible from the public right-of-way, within an approved enclosure as required by a condition of approval.

- D. *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 proposed Project will not unreasonably restrict light and air on the property or on other property in the neighborhood, because the overall height of the two story structure is relatively modest at 24 feet due to minimized interior ceiling heights of 8 feet and a modest pitch roofline. The building height would be well below the maximum 35 feet allowed by the C-1 zoning standards. Additionally, the existing 3'-5" right side setback has been maintained on both sides of the Project to provide additional separation between buildings on this site and adjacent sites.

The Project also would not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, because it would eliminate a nonconforming use from the site (single-family residence) and replace it with a conforming mixed use commercial and residential project. Moreover, the Project would provide off-street parking for vehicles and bicycles which does not exist currently.

- E. *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 would not be substantially detrimental to the character or value of an adjacent R District area. A dominant element of the Project is the second-story residential use, which consists in its entirety of the existing single-family residence from the Project site which would continue conformity with the adjacent R district. The Project also provides an integrated design between the residential and commercial components of the Project, which would result in a project that does not negatively impact the character of the adjacent residential properties. The proposed two-story mixed use building would retain the residential scale of the residential structures along Paloma Avenue in terms of height, massing, form, and architecture, particularly in relation to two-story single-family residences at 134 Paloma Avenue and 164 Paloma Avenue.

- F. *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 not damage or destroy any natural features, including trees, shrubs, creeks, and rocks, or the natural grade of the site. It would raise and relocate rearward an existing single-family residential structure on the site, and construct beneath it a new commercial building. The existing

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site is already developed and therefore, no further damage to the listed resource types would occur.

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

As discussed more fully, below, under consideration of Design Guidelines consistency, the Project would include sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance. The proposed building would include two dominant colors, a mix of materials such as smooth stucco, stucco finished to look like formed concrete, wood slats and steel posts, wood siding, and a mural. On the grounds, the Project would include a mix of landscaping, paver stones, concrete, and gravel to break up the appearance and function of the site.

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

The Planning Commission's assessment of the Project is that 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

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 A2.1, A2.2, A3.1, and A3.2 of the Project plans, the Project would include relatively few exterior light fixtures. The fixtures which are proposed would be down-facing and would not create glare for occupants or neighbors.

BUILDING DESIGN

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

Additions to an existing structure should also retain and/or be consistent with the positive architectural features of the original structure.

The style and design of the proposed Project is in character with the surrounding neighborhood in that the proposed mixed-use building is not massive nor bulky, and is limited to two stories consistent with other developments in the area. The Project would also incorporate stucco siding which is a building material used on several buildings in the vicinity of the Project.

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

The Project has been well designed to create a sense of human scale by utilizing a modest building height and inviting features from the public sidewalk, such as a covered entry to the commercial area and a front-facing balcony at the second-story residence. A mix of wood, metal, and stucco materials, plus distinct but complementary window frames, also adds detailing which helps to reduce the scale of the two-story building.

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 dominant building material of the proposed Project would be stucco. Stucco is a common building material on other buildings in the vicinity, including some single-family residences, Winters Tavern, and the buildings immediately east of the Project site. The use of stucco would add consistency to the building materials in the area.

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.

All building elevations of the proposed mixed-use building would be consistent in terms of color, materials, roof pitch, and architectural details. The same color, window types and trims would be carried around all elevations at each level of commercial and residential use, although the same would differ between the commercial and residential uses, a factor which would add interest to the building.

CONCLUSION

The Project, as conditioned, would be consistent with Design Guidelines addressing Site Planning and Building Design.

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

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

a. Land Use Element

- West Sharp Park Land Use Plan (General Plan p. 71-72, LCLUP p. C-31 to C-32)

The Project site is designated as Commercial with an indicated use for commercial uses and residential uses up to one dwelling unit per 2,000 sq. ft. of site area. The proposed Project would include a ground-floor commercial area which would contain visitor-serving commercial uses. The second-floor would contain one residential dwelling unit, at a density of one dwelling unit per 2,430 sq. ft. of site area. These commercial and residential uses would be consistent with the General Plan and LCLUP land use designations for the site.

b. Circulation Element

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

The Project would create two off-street parking spaces where none currently exist. The increase in off-street parking would bring the site closer to conformity with applicable zoning standards regulating off-street parking. The amount of off-street parking would exceed the amount provided in similar commercial uses located to the east along Francisco Boulevard.

c. Community Design Element

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

The proposed Project would install all utilities underground from the nearest joint pole or other point of connection.

OTHER APPLICABLE LAWS

a. C-1 (Neighborhood Commercial) Zoning District Standards

- The proposed Project would comply with the permitted and conditional uses authorized in the C-1/C-Z zoning districts as provided in the PMC. The Project would also comply with development standards of the C-1 zoning district found in PMC Sec. 9-4.1002, including but not limited to setbacks, minimum landscaping, and height. The Project, because it is an existing lot, would not comply with minimum lot area or lot width standards. The Project also would not comply with minimum parking requirements, primarily as a function of its small lot size.

Because the proposed Project would be consistent with policies in the Land Use, Circulation, and Community Design elements of the General Plan, and similar provisions contained in the LCLUP; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to various standards in Article 10 of Chapter 4 of Title 9 of the PMC; there is sufficient

evidence to conclude that, on balance, the Project would be consistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

II. Coastal Development Permit CDP-418-19

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

The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed Project is consistent with several of these policies, as discussed below.

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 mixed-use Project would not interfere with the public's right of access to the sea. The mixed-use building would be constructed on an existing developed lot more than 1,000 feet from the sea and more than 1,000 feet from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and two public streets. Therefore, the Project would have no impact or otherwise 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 proposed Project is located within an existing developed area. The West Sharp Park neighborhood is a substantially developed urban neighborhood with subdivided lots, most of which have already been developed with single-family residences, multi-family residences, commercial uses, or mixed-uses in the Project vicinity. The Project site is developed with an existing single-family residence and, therefore, the Project would not convert an existing undeveloped site into a developed site.

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 Project description, the proposed Project would comply with applicable setback, lot coverage, landscaping, height, and other requirements of the C-1 zoning district. It would also eliminate a nonconforming single-family residential use on the site and replace it with a conforming mixed-use development.

Because the proposed Project would be undertaken in an existing substantially developed area, would be setback more than 1,000 feet from the sea and more than 1,000 feet from the nearest coastal access point, and would comply with all applicable LCLUP and IP regulations; therefore, there is substantial evidence in the record to support a Planning

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Commission finding that the proposed development is in conformity with the City's certified Local Coastal Program.

- B. *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 subject site is not located between the nearest public road (Beach Boulevard) and the shoreline; therefore, this Coastal Development Permit finding does not apply in this case.

III. Use Permit UP-121-19

- A. *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.*

A conditional use permit is required to allow one or more dwelling units in the same building as a commercial use when located entirely above the ground floor in the same building as the commercial use, and to allow a change in land use from residential to mixed-use on a site abutting an R district.

The proposed mixed-use development is a type of development prevalent throughout the West Sharp Park neighborhood. It has not caused identifiable adverse impacts to public health, safety, or general welfare which are known to the City. Rather, mixed-use development results in an efficient use of land in West Sharp Park by providing commercial uses of interest to visitors and of convenience to residents. It also provides needed housing within the neighborhood.

The proposed mixed-use development would utilize the same form and intensity of residential use which exists currently on the Project site (in fact, the residential use would continue within the same structure which is elevated and relocated rearward on the Project site). Therefore, no change in intensity of residential use would occur adjacent to an R district.

The new ground-floor commercial use would intensify use on the site, however. The size of the proposed commercial use, at slightly more than 1,000 square feet, would result in a low-intensity commercial use with limited potential to adversely affect the adjacent R district. Any potential effects would be further minimized by the limited hours of operation for the commercial use, indicated at 10am to 7pm on Sunday through Thursday, and 10am to 9pm on Friday and Saturday. The special events proposed to be held at the site would not adversely affect the adjacent R district because they would occur within the same hours of operation, and because they would be limited to infrequent occurrences. Both the hours of operation and special event restrictions have been incorporated into the conditions of approval.

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

The Project retains the City's existing housing stock by relocating the existing ground floor residential use to the second floor; therefore, the proposed Project does not negatively impact or reduce the City's housing supply because it preserves an existing affordable housing unit in support of the goals and policies of the City's Housing Element of the General Plan.

The Project's density would also be consistent with the limitations on residential development in the Commercial land use designation as stated in the General Plan, Local Coastal Land Use Plan, and in C-1 zoning district standards (which also form part of the City's Implementation Plan under the Local Coastal Program). By proposing one residential unit on a 2,430-square foot lot which exceeds the minimum lot area per dwelling unit of 2,000 square feet in the General Plan, LCLUP, and C-1 zoning standards, the Project would achieve consistency in this regard. Therefore, the Project meets the density requirements of the City's General Plan, LCLUP, Zoning Ordinance, and Implementation Plan.

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

As discussed in more detail in the findings for approval of a Site Development Permit, the Project would be consistent with the adopted Design Guidelines, especially those Guidelines related to Site Planning and Building Design.

IV. Parking Exception PE-188-19

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

The proposed mixed-use building requires six parking spaces – four for the commercial use, and two for the residential use (one of which must be a covered space). The proposed Project would provide two uncovered parking spaces located in the front yard, accessed from Paloma Avenue. The existing nonconforming single-family residence does not have any off-street parking.

The applicant has requested a parking exception to deviate from the number of required off-street parking spaces and from the requirement that one of the parking spaces for the residential use must be covered (i.e., within a garage or carport). The Project would not provide four required off-street parking spaces, including one which must be a covered space. The applicant has explained that the existing, substandard size of the Project site has presented a practical difficulty in providing off-street parking. The Project site is 27 feet wide and 90 feet deep. The only space identified by the applicant for construction of off-street parking is at the front of the site.

The narrow width of the Project site severely constrains the construction of off-street parking facilities, in the Planning Commission's assessment. Alternatives for the site, such as obtaining an easement to utilize the driveway at 190 Paloma Avenue to the east of the Project site, were not feasible according to the applicant because the owner of that site was unwilling to grant an easement. Therefore, the only vehicular access to the Project site is directly from Paloma Avenue at the front of the Project site.

In the Planning Commission's assessment, the Project as proposed has included the maximum number of off-street parking spaces as may reasonably be provided without either significantly reducing the size of the commercial portion of the building, or without conflicting with other City policies such as the adopted Design Guidelines which indicate that expansive areas of paving should be broken up with landscaping (this would discourage creation of a third parking space in the front of the Project site). The Planning Commission further assesses that creation of a covered parking space in the front of the Project site would obstruct visibility of the commercial space and its associated sign, with likely detrimental effect on the successful functioning of the commercial

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space.

While the Project would provide fewer parking spaces than required by the PMC, the Project site would provide more parking than some of the similarly situated commercial uses in the Project vicinity such as those commercial uses immediately south of Paloma Avenue on Francisco Boulevard. Those businesses do not provide any off-street parking.

In consideration that the Project site would not provide the required number of off-street parking spaces, and in consideration that the Project site would periodically host special events, the Planning Commission has included a condition of approval which would require advertisements for the special events to direct attendees to public parking lots in the vicinity of the Project site, including but not limited to the public parking lot located on Francisco Boulevard between Salada Avenue and San Jose Avenue (immediately north of 1966 Francisco Boulevard). This public parking lot is approximately three blocks from the Project site.

Lastly, the Planning Commission evaluated the potential for the Project to provide parking spaces off-site by payment of an in-lieu parking fee. The City Council adopted an in-lieu parking fee applicable to the Sharp Park Specific Plan area (within which the Project site is located) by adopting Resolution No. 25-2020 on May 11, 2020. The City Council established a per-space fee of \$40,260, indexed to the Construction Cost Index of the San Francisco Bay Area as published in Engineering News Record. However, the proposed Project is exempt from payment of the fee because the application was submitted before adoption of the fee. Therefore, the in-lieu parking fee is not a feasible alternative to provision of off-street parking facilities for the Project.

Because the Project site is nonconforming and does not comply with minimum lot width or lot area standards, because provision of more off-street parking on the site would require a significant modification to the commercial component of the proposed Project, because the construction of a covered parking space would adversely affect operation of the commercial use on the site, because a public parking lots exists three blocks from the Project site, and because the Project site is not subject to the in-lieu fee for the Sharp Park Specific Plan area adopted by City Council; therefore, the Planning Commission grants the parking exception requested by the applicant.

V. Sign Permit S-132-20

A. *Murals shall be subject to the design criteria contained in the City's adopted Design Guidelines.*

Consistent with the requirements of the City's adopted Design Guidelines, the proposed mural would not be out of scale or character with the surrounding properties, would not adversely affect development on surrounding properties, would eliminate the monotony of the large, blank wall on the east of the proposed building, and would add interest to the proposed building. The mural would not be illuminated, and so would not cause glare.

Consistent with the requirements of the City's adopted Design Guidelines for signage, the mural would be unobtrusive and would convey the message clearly and legibly. It would not be cluttered with non-essential information.

Exhibit A

Conditions of Approval: File No. 2019-036 – Site Development Permit PSD-847-19, Coastal Development Permit CDP-418-19, Use Permit UP-121-19, Parking Exception PE-188-19, and Sign Permit S-132-20 to construct a two-story mixed use building with 1,043-sf of commercial space located on the ground floor and a 783-sf residential unit located on the second floor at 184 Paloma Avenue (APN 016-022-080)

Planning Commission Meeting of July 20, 2020

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Convert SFD to Mixed Use Building at 184 Paloma Avenue,” dated May 17, 2020, 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.

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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. Hours of operation of the commercial space shall be limited to the following:
 - 10 am to 7 pm on Sunday through Thursday
 - 10 am to 9 pm on Friday and Saturday
11. Special events at the Project site shall be limited to book signings, illustration workshops, and presentations by naturalists, scientists, or researchers, as proposed by the Applicant. There shall be no more than six (6) special events per calendar year and each special event shall last no longer than four hours. Special events shall not occur less than one month from a prior special event. All special events shall be subject to the hours of operation of the commercial space in Condition of Approval No. 10.
12. In consideration of granting the parking exception for the Project, the Applicant shall include in any and all marketing materials for special events authorized in Condition of Approval No. 11 a statement directing attendees to public parking lots in the vicinity of the project site, including but not limited to the public parking lot located on Francisco Boulevard between Salada Avenue and San Jose Avenue (immediately north of 1966 Francisco Boulevard).

Engineering Division of the Public Works Department

13. 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.
14. The following requirements must be clearly noted on the construction plans for the Project:
 - a. Paloma Avenue 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.

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- 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.
15. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
- a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. adjacent driveways within 25' of the property lines
 - iii. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
16. 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.
17. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
18. All new utilities shall be installed underground from the nearest main or joint pole.

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19. All new concrete curb, gutter and driveway approach shall be per City Standards. Driveway approach ramp 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.
20. Applicant shall grind and overlay existing asphalt with minimum 2 inch AC to street centerline or to the limits of all new utility connections whichever is greater across entire property frontage along Paloma Avenue. All pavement markings and markers shall be replaced in kind.

Fire Department

21. Fire sprinkler system is required. Submit plans to North County Fire Authority (NCFA) under separate fire permit.
22. Provide fire flow information per California Fire Code (CFC), Appendix B.
23. Smoke Detectors and carbon monoxide (CO) monitors are required per California Building Code (CBC).
24. Key Box is required. Apply for approved hardware at NCFA Administration Office.
25. Portable fire extinguishers(s) are required. Mount fire extinguishers 3-5 feet above floor.
26. Illuminated address identification shall be installed prior to issuance of a certificate of occupancy.
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.

Added by Planning Commission on July 20, 2020

29. Prior to issuance of a building permit, Applicant shall submit to the Planning Department a safety plan to ensure safe construction methods on-site, and to minimize risks to neighboring properties, during construction, and a plan describing the means and methods that are to be used to perform maintenance on the new mixed-use building along the eastern property line, to the satisfaction of the Planning Director.

END OF CONDITIONS