

RESOLUTION NO. 2019-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-835-18, COASTAL DEVELOPMENT PERMIT CDP-400-18, CONDOMINIUM SUBDIVISION SUB-240-18, AND USE PERMIT UP-110-18, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A THREE-STORY, TWO-UNIT RESIDENTIAL CONDOMINIUM DUPLEX AT 2105 BEACH BOULEVARD (APN 016-182-010), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Brian O’Flynn (“Applicant”).

WHEREAS, an application has been submitted to construct a three-story, two-unit residential condominium duplex at 2105 Beach Boulevard (APN 016-182-010); and

WHEREAS, the project requires approval of a Site Development Permit because the project is new construction of a clustered housing development within an R-3 zone on an existing nonconforming lot; and

WHEREAS, the project requires approval of a Coastal Development Permit because the project will develop an existing vacant site within the Coastal Zone; and, the project does not qualify for any exemptions or exclusions from obtaining a permit; and

WHEREAS, the project requires approval of a tentative subdivision map for the subdivision of airspace into condominiums; and

WHEREAS, the project requires approval of a Use Permit because the project is a clustered housing development; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on January 7, 2019, at which time the Planning Commission continued the item to February 4, 2019; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 4, 2019, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines 15303(b) and therefore directs staff to file a Notice of Exemption for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Site Development Permit PSD-835-18 for new construction of a clustered housing development within an R-3 zone on an existing nonconforming lot:

1. The proposed development is in conformity with Section 9-4.3204(a) of the City of Pacifica's Municipal Code.

- i. Required Finding: *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.*

Discussion: The proposed project includes the development of a three-story, two-unit residential condominium duplex on a 4,726-square foot vacant lot within an existing neighborhood. The proposed project includes a combined 5,021 sq. ft. of gross living floor area. One unit will have 2,542 sq. ft. of floor area (Unit # 2105) and the other unit will have 2,479 sq. ft. of floor area (Unit # 2115). The rear garage configuration with a curb cut and driveway approach along Santa Rosa Avenue allows a continuous pedestrian sidewalk on the main pedestrian thoroughfare along Beach Boulevard that is uninterrupted by curb cuts and driveways. Therefore, the proposed project does not include any modifications to the existing roadway or pedestrian facilities that could create hazardous or inconvenient traffic patterns for vehicles or pedestrians.

The project also provides two garage parking spaces for parking at the project. These garage spaces, along with the availability of on-street parking for guests, meets the applicable off-street parking requirements for the project set forth in section 9-4.2818(a)(1) of the PMC.

- ii. Required Finding: *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.*

Discussion: The proposed project includes the development of a three-story, two-unit residential condominium duplex on a 4,726-square foot vacant lot within an existing neighborhood. The proposed project does not include any modifications to the existing roadway that could affect existing off-street parking and parking areas that could create a hazardous or inconvenient condition to adjacent or surrounding uses. The proposed 16'-wide driveway approach on Santa Rosa Avenue is located 74 feet from the corner (intersection with Beach Boulevard), more than the 5 feet required by PMC Sec. 9-4.2813(e). Furthermore, by limiting the maximum height of the garden wall to 4 feet (with the uppermost 12 inches being open work), there will be adequate visibility for drivers operating vehicles entering and exiting the site to view pedestrians in the vicinity of the driveway.

- iii. Required Finding: *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.*

Discussion: The proposed landscaping exceeds the minimum 20 percent amount of landscaping required by the zoning regulations. The proposed project includes a curved ground-level concrete garden wall, which will surround the proposed units with landscaping consisting of local native coastal drought resistant plants which complement the architectural style. The garden wall and landscaping areas will separate and screen the parking area from the street and adjoining building sites. Most importantly, the rear configuration of the garage eliminates a curb cut and significant paving at the front of the property, reserving a greater proportion of the front yard for aesthetically-pleasing landscaping and hardscaping features along the part of the project site most visible from the Beach Boulevard promenade. In addition, landscaping will also be increased through the creation of a green-roof container garden.

- iv. Required Finding: *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.*

Discussion: The proposed project includes the development of a 4,726-square foot vacant lot within an existing neighborhood. The project will result in the development of a high-quality, three-story, two-unit residential condominium duplex within an existing developed coastal area. The proposed project will significantly improve the appearance of the site and the surrounding neighborhood. Setbacks of 20 feet from the rear property line and 5 feet from the interior side property line – the sides of the site closest to adjacent buildings – will provide adequate building separation so as not to unreasonably restrict or cut out light and air on the property and on other property in the neighborhood.

Because the project will upgrade the aesthetic condition of the existing site and not crowd surrounding properties, the proposed project will not unreasonably restrict or cut out light and air on the property and on other property in the neighborhood. Furthermore, for the same reasons, the project will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.

- v. Required Finding: *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.*

Discussion: The proposed project includes the development of a three-story, two-unit residential condominium duplex and does not include any commercial or industrial uses. Therefore, this finding is not applicable to the subject project.

- vi. Required Finding: *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.*

Discussion: The project site does not include any natural features, including trees, shrubs, creeks, rocks, or prominent natural slopes; therefore, the development of a three-story,

two-unit residential condominium duplex will not damage or destroy any natural features existing on site.

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

Discussion: The proposed project will incorporate variety in the type of materials and roof lines while maintaining a cohesive style that will be compatible with the mixed development in the West Sharp Park neighborhood. Therefore, the project will result in sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.

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

Discussion: The proposed project will be consistent with the City of Pacifica's adopted Design Guidelines, as described in more detail below in the discussion of findings for approval of a use permit, and throughout this report.

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

Discussion: The proposed project will be consistent with the City of Pacifica's General Plan, Local Coastal Plan, and other applicable laws of the City, as described in more detail below in the sections describing findings for approval of a coastal development permit and use permit, and elsewhere throughout this report.

In addition to the findings required for the approval of a Site Development Permit (PSD-835-18), the Planning Commission must make the two additional findings for clustered developments required by PMC Section 9-4.2403(c). The following discussion supports the Commission's findings in this regard.

- x. Required Finding: *For projects in low density areas, that the privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.*

Discussion: The project site is not located within a low density area. The property is located within the High Density Residential (HDR) designation of the General Plan Land Use Element and within the R-3 (Multiple-Family Residential) zoning district, both of which are intended for high-density residential development. The entire block on which the property is located is within the HDR and R-3 areas, as is half of the block to the north of the site. To the south of the site is the PF (Public Facility) zoning district which contains the City Council chambers and former wastewater treatment plant. Accordingly, this finding does not apply.

- xi. Required Finding: *That the architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.*

Discussion: Inspired by the oceanfront location, the proposed project architectural style is known as Nautical Moderne. The style and design of the proposed project is consistent with the surrounding neighborhood, including the proposed building materials to be used. In particular, the proposed architecture is consistent with features found in the adjacent structures located at 2117 Beach Boulevard and 1 Montecito Avenue. In addition, the proposed project design incorporates numerous elements of the City of Pacifica's adopted Design Guidelines, which will complement, enhance, and reinforce many of the positive architectural characteristics of the neighborhood while raising the standard and quality of the architecture.

In addition, by complying with the Residential Clustered Housing Development standards found in Article 24 of Chapter 4 of Title 9 of the PMC as analyzed in the use permit findings below, the project will integrate harmoniously into the design character of the immediate neighborhood. Accordingly, the Planning Commission finds that the architectural features of the proposed structure will be integrated harmoniously into the design character of the immediate neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Coastal Development Permit CDP-400-18 for development within the Coastal Zone:

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

Discussion: 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 many 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 project will not interfere with the public's right of access to the sea. The proposed project is located on the opposite side of Beach Boulevard and will not affect the existing public promenade that provides coastal access; therefore, the project will not impact or otherwise interfere with the public's right of access to the sea.

- Coastal Act Policy No. 18: *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

The project will not occur on or adjacent to any environmentally sensitive habitat area. The development site is a vacant lot surrounded by a substantially developed

subdivision, and has no value as habitat. Therefore, the project is consistent with this LCP policy.

- 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 major land divisions other than condominiums and to visitor-serving facilities, neither of which are part of the subject project.]

The new development proposed with this project is located within an existing developed area. The surrounding neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with residential units. Therefore, development will not occur outside of existing developed areas.

Because the proposed project will be located in an existing area substantially developed with residential units, and will be setback from the sea, substantial evidence exists to support a Planning Commission finding that the proposed development is in conformity with the City's certified Local Coastal Program.

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

Discussion: The project 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Condominium Subdivision Permit SUB-240-18 for the subdivision of land:

- i. Required Finding: *The Planning Commission may only approve a subdivision "if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any Specific Plan, the Local Coastal Program, and the zoning provisions" [PMC Sec. 10-1-407(c)].*

Discussion: The zoning standards applicable to the subdivision are lot size and lot width. The subject subdivision does not propose to alter the dimensions of the existing nonconforming 4,726-sq. ft. lot. Rather, the proposed subdivision is a condominium subdivision dividing air space. There is no directly-applicable zoning standard for minimum lot size or dimensions related to a condominium subdivision. A related standard is the minimum dwelling unit size found in PMC Sec. 9-4.2313(b), which for the four-bedroom units proposed with this project requires a minimum floor area of 950 sq. ft. Each proposed condominium, measuring 2,542 sq. ft. and 2,479 sq. ft., exceeds the

zoning standard. Therefore, the subdivision is consistent with the applicable zoning standards.

Furthermore, PMC Sec. 10-1.106 allows the Planning Commission to modify requirements related to zoning standards conformance during a subdivision if “the land involved in any subdivision is of a size or shape, or is subject to title limitations of record, or is affected by topographical location or conditions, or is to be devoted to a use which is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this chapter.” In this case, the existing nonconforming lot size makes it impractical for the subdivider to fully conform to the minimum lot size standard of the R-3 zone.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Use Permit UP-110-18 for new construction of a clustered housing development within an R-3 zone:

- i. Required Finding: *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.*

Discussion: The proposed project will not be detrimental to the health, safety, or welfare of the persons residing or working in the neighborhood or to the general welfare of the City. The project will comply with all zoning standards including without limitation standards for height, lot coverage, and side and rear property line setbacks. The project will not comply with the minimum lot size; however, the applicant has applied for appropriate consideration by the City to deviate from said requirements. Compliance with zoning standards in this instance has ensured the proposed building is not too tall, too massive, or otherwise out of character for the project site and immediate surrounding area. Therefore, there is sufficient evidence in the record to support a finding by the Planning Commission that the proposed project 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.

- ii. Required Finding: *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.*

Discussion: The proposed project is consistent with applicable provisions of the General Plan, other applicable laws of the City, and the Local Coastal Plan (as discussed above). The proposed project is consistent with all General Plan policies, including the following:

- Community Design Element, Policy No. 2: *Encourage the upgrading and maintenance of existing neighborhoods.*

The project site is an existing vacant lot within an existing developed coastal area. The project will result in the development of a high quality, three-story, two-unit residential condominium duplex. Thus, the proposed project will significantly improve the appearance of the site. Because the project will upgrade the aesthetic

condition of the existing site, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City's General Plan.

- Community Design Element, Policy No. 5: *Require underground utilities in all new development.*

The project will occur on an existing vacant lot and is considered new development. Consistent with this General Plan Policy, all utilities will be installed underground; thus, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City's General Plan.

This project would also be consistent with other applicable laws of the City, including but not limited to the Residential Clustered Housing Development standards found in Article 24 of Chapter 4 of Title 9 of the PMC, as outlined below:

- *General Regulations. Regulations governing the density, use, building height, building site area, minimum unit size, required yards, building separation, signs, and other explicit regulations, where applicable and where not governed by the provisions of this article, shall be those of the district within which the development is located.*

The project is consistent with the applicable R-3 Zoning Regulations and

- *Usable open space. The minimum required usable open space, exclusive of all structures, shall contain an area having a slope of not more than ten (10%) percent and a minimum area per unit as follows: (1) Townhouses: 750 square feet per unit; and (2) all other forms of clustered housing: 450 square feet per unit.*

The project has a combined total of 4,095 square feet of usable open space. Unit 2105 has 2,382 square feet of usable open space. Unit 2115 has 1,713 square feet of usable open space. General Plan as noted above.

- *Private open space. Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 150 square feet, except that a studio or one-bedroom unit shall be allowed to have a minimum area of 130 square feet. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least one duplex weatherproofed electrical convenience outlet and shall have a shape and size which would allow for optimal usable space. Such space shall be at the same level as, and immediately accessible from, a room within the unit.*

Unit 2105 has 1,676 square feet of private open space. Unit 2115 has 1,414 square feet of private open space.

- *Rights-of-way. The rights-of-way, and improvements thereon, for all streets, whether to be public or private, shall be approved by the Commission and Council.*

The project is proposed to be constructed adjacent to existing, established public rights-of-way (Beach Boulevard and Santa Rosa Avenue). Since no streets are improved, this requirement is not applicable to the subject project.

- *Separation from other structures. The main structures of any development in which residential uses are proposed shall be separated from any other main structure on the same lot by at least ten (10') feet.*

There are no other structures proposed on the same lot.

- *Side yard setbacks. The side yard setbacks of any residential main structure on any corner lot or group of lots contiguous to a corner lot under the same development on a public street shall be ten (10') feet if the depth of the side yard is 100 feet or less and fifteen (15') feet if the depth of the side yard is over 100 feet.*

Because the depth of the side yard is less than 100 feet, the required and proposed side setback is ten (10') feet.

- *Trash storage areas. Trash storage areas shall be provided and shall be contained within each unit, within the lot lines of the property, or enclosed in the common area.*

An enclosed trash storage area will be provided in the driveway to conceal trash.

- *Laundry facilities. A laundry area shall be provided within each unit or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five (5) units.*

Each unit is supplied with a stacked washer and dryer.

- *Television and radio antennas. Exterior individual television and radio antennas shall be prohibited on the outside of the owners' units. A central antenna with connections to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.*

The proposed project will include a cable television connection to the local provider.

- *Private storage space. In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within the project shall have at least 200 cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal*

surface area of twenty-five (25) square feet, and a minimum interior dimension of three and one-half (3 ½) feet by six (6') feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 ½') feet by six and two-thirds (6 2/3 ') feet.

Unit 2105 is proposed to have 295 cubic feet of enclosed private storage space. Unit 2115 is proposed to have 238 cubic feet of enclosed private storage space.

- *Shock mounting of mechanical equipment. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.*

The Building Official has not identified any equipment which has the potential to be a source of structural vibration or structure-borne noise. Therefore, this requirement is not applicable to the subject project.

- *Utilities: Location and metering. (1) Location. Each dwelling unit shall be served by water, gas, and electric services completely within the lot lines or ownership space of each separate unit. No common water, gas, or electrical connections or services shall be allowed, and each dwelling unit shall be separately metered for each service. Easements for water, gas, and electric lines shall be provided in the common ownership area where lateral service connections shall take place. (2) Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.*

All utilities will be located completely underground and each unit will have access to water, gas, and electrical services that are provided within the lot lines.

- *Parking regulations. See Article 28 of this chapter.*

Article 28 requires that two garage parking spaces per unit are provided. The project will provide a total of four garage spaces, two for each unit.

The proposed project is in compliance with all clustered housing development standards required by PMC Section 9-4.2402.

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

Discussion: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- Ensure at least a minimum standard of design through the application of consistent policies.

- Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- Provide a framework for review and evaluation of design proposals.
- Implement applicable General Plan and Local Coastal Plan goals and policies.
- Expedite and facilitate the planning permit process.
- Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, the guidelines address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An Applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

Staff'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 include the following (Design Guidelines guidance followed by staff discussion):

Site Planning

- i. *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.*

Discussion: The proposed project has been designed and situated to maximize the view of the ocean and coastal area. The proposed project includes floor to ceiling window walls with patio doors to maximize natural light and capture ocean views. In addition, the project includes a roof terrace, which allows additional outdoor private space with views of the ocean.

- ii. *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.*

Discussion: Applicant has not proposed centralized, tall light fixtures. Exterior lighting at the project site will be down-facing and will not adversely affect adjacent properties.

Building Design

- iii. *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.

A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwellings, which are much larger than neighboring structures are therefore discouraged. The City's height limitation is a maximum only, and the maximum height may often be inappropriate when considered in the context of surrounding development and topography. The "carrying capacity" of a given site is also an important factor in determining appropriate scale and lot coverage. As with the height limitation, the City's lot coverage limitation is a maximum only.

Discussion: The project will be consistent with the scale of nearby developments. The height and scale of the project, while large, will remain in character with many other structures in the project area. In particular, the buildings at 2117 Beach Boulevard and 1 Montecito Avenue have similar heights and scale as the subject project.

- iv. *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.*

Discussion: The project includes a mix of materials consistent with the surrounding neighborhood. Exterior materials include painted stucco, painted cement siding and tile.

- v. *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.*

Discussion: The proposed project architectural style is known as Nautical Moderne and the style and design of the proposed project is consistent with the surrounding neighborhood, including the proposed building materials to be used. The architectural style and design features will be carried through on all proposed building elevations. The curved ground level concrete garden wall surrounds the dwellings and is landscaped with site appropriate local native coastal plants which complement the architectural style. The detailed concrete garden wall and smooth stucco finish of the building is intended to complement the low concrete walls supporting wooden benches for pedestrians to sit along the oceanfront promenade. Outdoor spaces on every level provide multiple areas for indoor/outdoor living, which provides opportunities for visual and social engagement between inhabitants, neighbors, and passersby. The use of horizontal and vertical building components such as balconies, bay windows, front porches with alcoves and tile mosaic all serve to add visual interest and texture. The

combination of smooth stucco, windows, doors and balconies, glass railings, and refined curves create an openness, lightness and transparency to the project.

In addition to the findings required for the approval of a Use Permit (UP-110-18), the Planning Commission must make the two additional findings for clustered developments required by PMC Section 9-4.2403(c). The following discussion supports the Commission's findings in this regard.

- i. Required Finding: *For projects in low density areas, that the privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.*

Discussion: The project site is not located within a low density area. The property is located within the High Density Residential (HDR) designation of the General Plan Land Use Element and within the R-3 (Multiple-Family Residential) zoning district, both of which are intended for high-density residential development. The entire block on which the property is located is within the HDR and R-3 areas, as is half of the block to the north of the site. To the south of the site is the PF (Public Facility) zoning district which contains the City Council chambers and former wastewater treatment plant.

- ii. Required Finding: *That the architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.*

Discussion: Inspired by the oceanfront location, the proposed project architectural style is known as Nautical Moderne. The style and design of the proposed project is consistent with the surrounding neighborhood, including the proposed building materials to be used. In particular, the proposed architecture is consistent with features found in the adjacent structures located at 2117 Beach Boulevard and 1 Montecito Avenue. In addition, the proposed project design incorporates numerous elements of the City of Pacifica's adopted Design Guidelines, which will complement, enhance, and reinforce many of the positive architectural characteristics of the neighborhood while raising the standard and quality of the architecture.

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

1. That the project is exempt from the CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines.

15303. New Construction or Conversion of Small Structures

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

- 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.

In this case, the project involves a duplex comprised of two dwelling units. Therefore, the project is exempt from further analysis under CEQA.

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 residential neighborhood 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. The project is a small in-fill project within a substantially developed residential neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.
- 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 very flat topography and no habitat value. It is zoned for residential development and the project will involve in-fill residential development consistent with the residential zoning. Therefore, there are no unusual circumstances applicable to the project.
- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 3 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-835-18, Coastal Development Permit CDP-400-18, Condominium Subdivision SUB-240-18, and Use Permit UP-100-18 for construction of a three-story, two-unit residential condominium duplex on a 4,726-square foot vacant lot located at 2105 Beach Boulevard (APN 016-182-010), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of February 2019.

AYES, Commissioners: Campbell, Clifford, Gordon, Kraske, Nibbelin, Rubenstein

NOES, Commissioners: N/A

ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: N/A

ATTEST:


Tina Wehrmeister, Planning Director


Richard Campbell, Chair

APPROVED AS TO FORM:

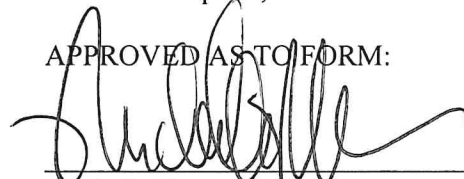

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-046 – Site Development Permit PSD-835-18, Coastal Development Permit CDP-400-18, Condominium Subdivision SUB-240-18, and Use Permit UP-110-18 for construction of a three-story, two-unit residential condominium duplex on a 4,726-square foot vacant lot located at 2105 Beach Boulevard (APN 016-182-010)

Planning Commission Meeting of February 4, 2019

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “2105 & 2115 Beach Blvd,” dated July 23, 2018, and stamped received by the City of Pacifica on December 31, 2018, except as modified by the following conditions.
2. Consistent with section 65863.9 of the Government Code regulating expiration dates of local agency permits issued in conjunction with a tentative subdivision map, and consistent with section 10-1.606 of the Pacifica Municipal Code governing expiration of tentative subdivision maps for four or fewer parcels, the tentative subdivision map and related development entitlements (site development permit, coastal development permit, and use permit) are valid for a period of 24 months from the date of final determination. If the final subdivision map is not recorded within such period of time, the approvals shall expire unless Applicant submits a written request for an extension and applicable fee not less than 30 days prior to the expiration date of the tentative map in the manner required by section 10-1.412 of the Pacifica Municipal Code. Any extension of the term of the tentative map shall be deemed also to extend the term of the related development permits.

The development permits approved in conjunction with the tentative subdivision map shall be valid for a period of one year from the date of recordation of the final subdivision map. 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 or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director’s sole discretion, 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 tentative subdivision map or development permits, the expiration of the tentative subdivision map and related development permits may be tolled during the pendency of such litigation as provided in state law, including but not limited to section 66452.6(c) of the Government Code.

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. 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.

5. Prior to the issuance of a building permit, Applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
6. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
7. Parking shall be prohibited within the common driveway. Parking shall only be permitted within the approved garages and in lawful locations on-street.
8. Due to the tsunami inundation hazard at the site, wood-framed construction shall be prohibited in any of the first floor structural elements of the building. The method of construction of the site shall be recommended by an engineer with expertise in the design of structures intended for construction in tsunami inundation hazard zones. The engineer's recommendations shall be incorporated into the building's design and shall be subject to review and approval by the Building Official.
9. The Applicant shall retain the services of a qualified engineer with knowledge of tsunami and other wave hazards to make structural recommendations for the proposed structure which will reduce the hazards from tsunami inundation, wave overtopping, and other wave hazards to acceptable levels, to the satisfaction of the Building Official. Such recommendations shall be incorporated into the design and construction of the building.
10. Due to the tsunami and wave overtopping hazards present at the site, sleeping quarters of any kind shall be prohibited on the first floor of the structure. Applicant shall revise the floor plans for the first floor to remove any reference to a bedroom.
11. Prior to issuance of a building permit, Applicant shall ensure the project complies with all requirements of the Residential Clustered Housing Development Standards contained in Article 24 of Chapter 4 of Title 9 of the Pacifica Municipal Code.
12. 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.
13. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
14. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director's satisfaction.

15. 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.
16. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
17. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
18. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.
19. 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, and shall include an appropriate mix of trees, shrubs, and other plantings to soften the expanded structure. 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.

Building Division of the Planning Department

20. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division of Public Works Department

21. Applicant shall overlay existing asphalt with minimum 2 inch AC the whole street width across the entire property frontage on Beach Boulevard and to street centerline across the entire property frontage along Santa Rosa Avenue.
22. New waterline for fire sprinkler system shall be per City Standards 300 and 301.
23. New driveway approach ramp shall be per City Standards 100 and 102.
24. Add a note on the Site Plan that says, “Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
25. Add a note on the Site Plan that says, “Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
26. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance (PMC Title 6, Chapter 12) and the San Mateo Countywide Storm Water Pollution Prevention Program. All storm drain inlets shall be labeled “No Dumping Drains to Ocean.” Best Management Practices shall be implemented. The construction BMPs plans sheet from the Countywide program shall be included in the project plans.
27. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud or dirt tracked onto Beach Boulevard or Santa Rosa Avenue. Dust control and daily road cleanup will be strictly enforced.
28. 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.
29. Applicant must dedicate a Public Service Easement (PSE) for all utilities that lie outside the public right-of-way except sanitary sewer and storm drain. This easement must provide clear access for installation and maintenance of the utility lines to every unit by the utility companies' personnel.
30. Applicant must dedicate a Private Sanitary Sewer Easement (PSSE) for each proposed sanitary sewer system. Each system shall be privately maintained all the way to, and including, its connection to the public sewer main. No private sanitary sewer system may cross under a permanent structure owned by a different owner.

31. If any component of a storm water drainage system crosses a portion of property under different ownership, the Applicant must dedicate a Private Storm Drainage Easement (PSDE) for the proposed storm drain system.
32. Excess site drainage must be conducted under the sidewalk to the street. Storm drainage should be designed for a 100-year event (a rate of rainfall anticipated to occur only once in 100 years, on average). The storm drainage system must be in compliance with Section C.3 of the Municipal Regional Permit for San Mateo County, and to the satisfaction of the City Engineer.
33. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
34. New driveway approach ramp and new concrete sidewalk, curb and gutter shall be per City Standards. Where the sidewalk crosses the driveway approach it must be ADA- compliant, providing no more than 2% cross-slope for no less than 48" width.
35. Applicant shall install a new ADA-compliant curb ramp at the southeast intersection of Beach Boulevard and Santa Rosa Avenue.
36. Applicant shall grind and overlay the existing asphalt street pavement with a minimum of 2 inches of AC per City standards for the whole street width across the entire property frontage along Beach Boulevard and Santa Rosa Avenue. All pavement markings and markers shall be replaced in kind.
37. Prior to approval of a building permit, Applicant shall provide an erosion control plan.
38. All utilities shall be installed underground from the nearest joint pole or box. To the maximum extent practicable, all utility connections shall be located along Santa Rosa Avenue.
39. The Applicant shall submit a final map to the Engineering Division for approval by the City Engineer:
 - a. The final map must be substantially in conformance with the approved Tentative Map for the project.
 - b. Any significant changes may require revision of the approved Tentative Map.
 - c. All required monumentation shall be shown on the final map and shall be set prior to recordation of the map.
40. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica (subject to the approval of the City Attorney and City Engineer) to construct all on-site and off-site improvements, as depicted on the approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the final map. Should the Applicant desire to obtain final map prior to completion and acceptance of improvements, any necessary bonds and fees in an amount determined by the City Engineer must be provided. The bond maybe in the form of cash, instrument of credit or surety bond.
41. Prior to the execution of the Subdivision Improvement Agreement, 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. A design geotechnical report by a licensed geologist or geotechnical engineer analyzing the proposed on-site and off-site improvements including but not limited to the cuts and fills, stabilization of existing slopes or erosion areas, site drainage, suitability of native soil for backfills, pavement design, driveways and retaining walls.
 - b. A recent title report documenting ownership of the property and any existing easements.
 - c. 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
 - d. A site plan, showing:
 - the whole width of right-of-way of adjacent streets, including existing and proposed improvements such as, but not limited to, pavement overlay or slurry seal (as required), under-sidewalk drainage, driveway approaches, sidewalk, curb & gutter, ADA-compliant curb ramps, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, any existing or proposed street markings and signage; existing and requested traffic control devices, existing and proposed street lights; existing and proposed street monuments;
 - the slopes of existing adjacent and any proposed streets;
 - plan, profile and cross sections of the proposed driveways; proposed driveway shall not exceed the maximum grade of 18%;
 - measurements to adjacent driveways within 25' of the project limits;
 - bike lanes or bus stops on adjacent streets;
 - any existing fences, and any structures on adjacent properties within 10' of the property lines;
 - any existing trees that might be affected by the project;
 - any creeks or seasonal drainage swales or ditches on the property or near enough to be affected by the project
 - Details for construction within the public right-of-way or public easements such as, but not limited to:
 - structural sections for pavements, sidewalks, driveways;
 - water, storm drainage and sanitary sewer pipes and structures;
 - gas, electric and communications facilities;
 - retaining walls, fences, planters, steps or stairways, or any other fixed structures;
 - i. All plans and reports must be signed and stamped by a California licensed professional.
42. Prior to approval of the final map, the Applicant shall verify that all public and private utilities have been provided to serve the subdivision. Approvals and/or agreements shall be obtained from all utilities.
43. A site-specific traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested 72 hours in advance of schedule and coordinated with Pacifica Police

and Fire Departments. Through traffic shall be maintained at all times along Beach Boulevard and Santa Rosa Avenue.

44. Prior to the site being physically disturbed in any way that could affect storm water runoff, an erosion control plan will have to be approved by the City Engineer.
45. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Caltrans Standard Specifications, Pacifica Municipal Code, and Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.

North County Fire Authority

46. The Applicant shall submit area site plan showing location of hydrants. Hydrant location shall comply with 2016 CFC Appendix C of 225 feet maximum distance to hydrant.
47. The Applicant shall submit plans for the required fire sprinklers per Pacifica Municipal Code and 2016 CFC at the same time or before they submit for a building permit.
48. The Applicant shall provide a horn strobe on the front of each address for the fire sprinkler.
49. The Applicant shall provide a fire flow report from North Coast County Water District (NCCWD) showing a fire flow of 750 gpm or greater per 2016 CFC Appendix B, Table B105.1 for structures over 3600 sq. ft.
50. The Applicant shall provide clearly visible illuminated premises identification (address) per 2016 CFC.
51. The Applicant shall install smoke detectors and carbon monoxide (CO) monitors per 2016 CFC and 2016 CBC.
52. The Applicant shall conform to 2016 CFC chapter 33 for fire safety during all construction.
53. The Applicant shall not begin construction without approved plans and a permit on site at all times.

END