

RESOLUTION NO. 2019-007

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-801-15, USE PERMIT UP-66-15, SUBDIVISION SUB-227-15, AND HERITAGE TREE REMOVAL (FILE NO. 2015-002), SUBJECT TO CONDITIONS, FOR SUBDIVISION OF AIRSPACE TO CREATE CONDOMINIUMS, CONSTRUCTION OF SEVEN TOWNHOMES, AND REMOVAL OF HERITAGE TREES, ON A VACANT 18,750 SQUARE FOOT LOT LOCATED AT 1335 ADOBE DRIVE (APN 023-222-080), AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, PURSUANT TO SECTION 15070(B) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.**

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Initiated by: Bert Martinez of Kotas/Pantaleoni Architects (“Applicant”)

**WHEREAS**, Applicant has submitted a proposal to create seven condominiums; plans for the construction of three residential buildings containing a total of two, two-story and five, three-story townhomes; and, removal of four heritage trees (“Project”); and

**WHEREAS**, the Project requires Planning Commission approval of a site development permit pursuant to Pacifica Municipal Code (PMC) section 9-4.3201(a) because the Project proposes new construction within the R-3-G (Multiple-Family Residential Garden) zoning district; a site development permit and a use permit pursuant to PMC section 9-4.2403(a) because the Project proposes a residential clustered housing development; a tentative subdivision map pursuant to PMC section 10-1.302 because the Project proposes the division of airspace into five or more condominiums; and, a Heritage Tree Removal Authorization pursuant to PMC section 4-12.07(a) because the Project proposes removal of four heritage trees; and

**WHEREAS**, the Project will require approval of seven residential development applications by City Council, prior to issuance of a building permit, pursuant to PMC section 9-5.03; and

**WHEREAS**, Section 21000, *et seq.*, of the Public Resources Code and Section 15000, *et seq.*, of Title 14 of the California Code of Regulations (the “CEQA Guidelines”), which govern the preparation, content and processing of Negative Declarations, have been fully implemented in the preparation of the Mitigated Negative Declaration; and

**WHEREAS**, the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to consider and mitigate all potentially significant environmental impacts of the proposed Project (State Clearinghouse No. 2018102043), which included a 30-day public comment period from October 17, 2018, to November 19, 2018, during which four public comments were received, and has prepared a Mitigation Monitoring and Reporting Program (MMRP) which includes mitigation measures which will be incorporated into the Project; and

**WHEREAS**, the Planning Commission has read and considered the IS/MND prior to making its decision to approve the Project; and

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

- 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.
- C. An IS/MND and MMRP have been prepared, circulated for public review, and adopted pursuant to the requirements of the California Environmental Quality Act (“CEQA”).
- D. The Planning Commission has independently reviewed, analyzed, and considered the IS/MND and all written documentation and public comments prior to approval of the proposed Project.
- E. The IS/MND constitutes an adequate, accurate, objective, and complete document in compliance with all legal standards.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby certify that the IS/MND has been prepared in accordance with CEQA, has been circulated via the State Clearinghouse (SCH #2018102043) for review and comment by relevant agencies, has provided for and considered public comment, has been presented to and reviewed by this Planning Commission prior to the Commission’s decision on the Project, and reflects the City of Pacifica’s independent judgement and analysis. Therefore, the Planning Commission does hereby find that on the basis of the whole record before it (including the IS/MND and comments received), that there is no substantial evidence that the Project, as revised, will have a significant effect on the environment and adopts the IS/MND titled “1335 Adobe Drive Residential Project INITIAL STUDY/MITIGATED NEGATIVE DECLARATION” dated October 2018, inclusive of the “Response to Comments” dated January 2019, the “Errata Sheet” dated January 4, 2019, and the MMRP dated February 2019 and included as Exhibit B, as the valid environmental review for this Project. The IS/MND, Response to Comments, Errata Sheet, and MMRP are herein incorporated into this Resolution by reference.

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

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

The Project proposes seven residential dwelling units, which is the minimum number indicated for the site by the General Plan Land Use Element. Adjacent land uses in the immediate vicinity of the Project site along Adobe Drive, which are the land uses relevant for consideration of vehicular and pedestrian traffic patterns, include mostly

high density residential uses (apartments) along with three single-family residences and two commercial uses. Because the predominant land use in the vicinity is high density residential, the proposed Project would be consistent with vehicular and pedestrian traffic patterns in the neighborhood.

Moreover, the Project is the least dense which could be proposed for the site according to the General Plan Land Use Element, would include twice as many guest parking spaces as required by the applicable off-street parking standards (discussed further in the following finding), and would situate the driveway and parking facilities sufficiently distant from adjacent driveways and parking facilities to avoid conflicting vehicle traffic (also discussed in further detail below). The Project site is also fronted by a public sidewalk which would enable a safe pedestrian traffic pattern.

Therefore, because of its minimal proposed density; consistency with surrounding land uses; sufficient and adequately designed off-street parking facilities and driveway; and, access to a public sidewalk; the Commission finds that the location, size, and intensity of the proposed Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

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

The Project proposes a basic design for access to off-street parking facilities. Such access would be provided via a 20-foot wide straight driveway from Adobe Drive down the center of the site, dividing it into roughly equal northern and southern halves. The proposed driveway would be approximately 40 feet away from the nearest off-site driveway, which is located to the south. The separation of these two driveways would be likely to ensure that no hazardous or inconvenient condition would arise with respect to adjacent or surrounding uses.

Off-street parking for each unit would be provided within two-car garages attached to each unit. Three units would access the driveway from the north and four units would access from the south. Two of the guest parking spaces would also be accessed from the driveway to the north approximately two-thirds of the way into the site, with the other two guest parking spaces located at the eastern terminus of the driveway roughly 11 feet from the eastern property line. The sufficient setback of all off-street parking facilities into the site would be likely to ensure that no hazardous or inconvenient condition would arise with respect to adjacent or surrounding uses.

The proposed off-street parking facilities would meet all zoning standards contained in Article 28 of Chapter 4 of Title 9 of the PMC ("Off-Street Parking and Loading"). These standards included, but are not necessarily limited to, the following (all references to the PMC, followed by a summary of the referenced provisions and a description of how the Project would meet the requirements):

- Section 9-4.2813(a): *All off-street parking spaces shall be non-tandem and shall open directly upon an aisle or driveway designed to provide safe and*

*efficient vehicular access.*

All proposed spaces are non-tandem and open directly onto a driveway 20 feet in width.

- Section 9-4.2813(b): *For multiple-family projects, street access to parking spaces shall be limited to 50 percent of the total lot frontage, but in no event greater than 50 feet.*

The proposed driveway is 20 feet wide, and would comprise 16 percent of total lot frontage.

- Section 9-4.2813(c)(3): *Driveways serving two or more units shall be a minimum of 20 feet in width for two-way traffic.*

The proposed driveway is 20 feet wide and would include two-way traffic from those simultaneously entering and exiting the site.

- Section 9-4.2817(a): *All required covered off-street parking spaces shall have a minimum usable area of not less than 171 square feet, with minimum dimensions of 9 feet in width and 19 feet in depth.*

The seven proposed garages would each contain two parking spaces. The minimum dimensions of each proposed garage would be at least 18 feet wide by 19 feet in depth, and greater in some of the garages.

- Section 9-4.2818(a)(2): *Multi-family residential uses, including townhouses and condominiums, shall provide two off-street parking spaces for each unit of two or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four units. When the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.*

All seven proposed units consist of two or more bedrooms. The Project has provided two-car garages for each unit plus four guest parking spaces, in excess of the two guest parking spaces required by this provision.

The Project's compliance with all applicable Article 28 off-street parking standards ensures that no hazardous or inconvenient condition would arise with respect to adjacent or surrounding uses.

Therefore, because of the design of the driveway and its placement relative to adjacent uses, and because of the design and number of off-street parking spaces proposed in compliance with all applicable zoning standards, the Commission finds that the accessibility of off-street parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.

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

The Project proposes to include landscaping on 25 percent of the site area, in compliance with the minimum requirement of 25 percent specified in PMC section 9-4.702(g). There are no service or storage areas proposed on the site, although a 20-foot wide driveway would be located along the center of the site beginning at Adobe Drive. Seven garages and four uncovered parking spaces would be accessed from this driveway.

None of the interior garage spaces and only two of the four uncovered guest parking spaces (those located at the east terminus of the driveway) are likely to be visible from the public right-of-way. However, the two uncovered spaces would be located approximately 120 feet from the public right-of-way and would not be likely to have any significant visual impact when viewed from this location due to the amount of distance. The proposed driveway may constitute a large expanse of paving although it is proposed at the minimum dimension required by the standards in Article 28 of the PMC to provide access to the Project site's off-street parking facilities and, thus, cannot be further reduced in size or divided by landscaping. The four uncovered off-street guest parking spaces, as noted in the preceding finding, are divided into two groups of two spaces which prevents them from constituting a large expanse of paving. In addition, as shown on Sheet L2.1 of Attachment C to the staff report, small landscaping areas are proposed at the building corners along the centralized driveway which will serve to separate the buildings from the adjacent driveway and uncovered off-street guest parking areas.

Therefore, because the paved driveway is the minimum dimension allowed by the PMC; because uncovered off-street parking spaces are separated into small groupings; because off-street parking areas visible from the public right-of-way are located distant from the street; and, because sufficient landscaping areas are proposed to separate the buildings from the adjacent driveway and parking areas; the Commission finds that 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.

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

The proposed Project, as conditioned, would comply with all applicable setback, lot coverage, height, and other development standards specified in PMC sections 9-4.702 and 9-4.2402. By complying with these standards, as well as other facts detailed

below, the Commission finds that the Project would not unreasonably restrict or cut out light and air on any other property in the neighborhood.

As it relates to light and air, the Project would have the greatest potential to affect the adjacent single-family residence to the north at 1319 Adobe Drive (APN 023-222-090), but such impacts are likely negligible to non-existent. Although the single-family residence is located less than 20 feet from the Project site at the western portion of both properties nearest to Adobe Drive, the residence is oriented at a roughly 45-degree angle to the Project site and proposed buildings thereon, resulting in an increasing separation from the Project site as distance into the site increases going east. The portions of the proposed Project nearest the adjacent single-family residence are only two stories high (Building A, Unit 102), the three units proposed along the shared property line are broken up into two buildings with a more than 28-foot separation between the proposed buildings, and sufficient separation between the single-family residence and the proposed three-story units would exist to prevent adverse impacts or an imposing character of the Project.

The Project site is also located adjacent to the Sanchez Adobe County Park. However, the 20'-6" rear setback of the Project combined with the approximately 160 foot distance of the Sanchez Adobe from the rear property line of the Project site would prevent any adverse impacts related to restriction of light or air or appropriate use of the Sanchez Adobe except as noted below in the use permit findings in relation to the annual Rancho Day Fiesta event during construction of the Project.

Regarding the appropriate development and use of land and buildings in the neighborhood, and the value thereof, the proposed Project would have a high-quality architectural design with a mix of high-quality building materials. The proposed architecture would be more intricate and interesting than nearby buildings in the area. On this basis, the Project would encourage appropriate development, redevelopment, and/or use of land and buildings in the neighborhood by encouraging investments in better building design and materials, and would be likely to improve the value of properties in the area.

Therefore, because of the Project's compliance with setbacks, lot coverage, height, and other relevant development standards; because of the distance of other sensitive uses from the Project site and separation between the proposed buildings to break-up their mass; and, because of the high-quality building architecture and materials; there is sufficient evidence not to make this finding.

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

Because the proposed Project is a residential Project, this finding is not applicable.

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

The proposed Project does not propose to excessively damage or destroy natural features or alter the existing grade of the site except for the removal of four heritage trees. The Project site is generally flat and significant grading is not proposed. The location and/or condition of four heritage trees present on the site have resulted in a recommendation by the Applicant's certified arborist to remove these trees. The arborist recommended, however, to preserve three heritage trees on the site and to perform maintenance on these preserved trees to improve their health. The proposed heritage tree removal is discussed in further detail in the findings below pertaining to the Heritage Tree Removal Authorization.

Because the Project proposes minimal grading; and, because the Project would not excessively damage or destroy existing trees on the site because only those heritage trees necessary to enable construction of the Project are proposed to be removed; the Commission finds that the Project will not 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.

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

The Project proposes seven units distributed among three buildings comprised of one, two, and four units each as shown in the site plan on Sheet A1.1 of Attachment C of the staff report. By breaking up the units into buildings of different unit counts, the Project will avoid monotony in the pattern of development across the site.

Proposed building elevations are shown on Sheet A3.0 of Attachment C of the staff report. The proposed Project includes a varied and detailed architectural design on all four elevations of all buildings. The exterior building materials would consist of composite shingle roof, cement vertical board and batten siding, cement horizontal lap siding, cement plaster, copper shingles (siding), vinyl windows with 2X4 trim, and wood fences/balcony railings/trellises. The siding materials would be mixed throughout each of the building elevations to achieve a pleasant appearance and avoid monotony. Each of the elevations has variation in the horizontal and vertical planes of the proposed buildings which will avoid a boxy appearance.

Therefore, because of the varied pattern of units within the buildings on the site; because of the detailed architectural design and variety of building materials; and, because of the horizontal and vertical variation present within each building elevation; the Commission finds there is sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance of the Project.

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

In the Commission's assessment, as conditioned, the proposed improvements at the site are consistent with the City's adopted Design Guidelines as described in further detail below:

#### SITE PLANNING

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

The Project proposes minimal grading and would not markedly change the existing grade of the site. The Project proposes removal of four heritage trees; however, this is the minimum number deemed necessary by a certified arborist to enable development of the Project. Therefore, the Commission finds that the Project has worked with the site features to minimize disruption of natural features.

- *Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved wherever possible. In multi-unit developments, buildings should be located so as to avoid crowding and to allow for a functional use of the space between buildings.*

The proposed Project is sited to be sensitive to impacts on the adjacent single-family residence to the north and the Sanchez Adobe County Park to the east. The Project layout has distributed the seven proposed dwelling units into three buildings of varied unit counts (one, two, and four) to prevent crowding. The space between Buildings A and B has been designed to be functional in that it includes a stormwater control "rain garden" and guest parking area. The space between Buildings A and B and Building C is also function in that it includes the driveway providing access to the dwelling units and guest parking areas.

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

The Project has located the uncovered off-street guest parking areas well into the site towards the center and rear of the site such that visibility will be limited from the public right-of-way. Parking for each dwelling unit will be provided with garages which are oriented perpendicular to the public right-of-way, limiting the visual exposure of these garages. The Project would include landscaping plantings which separate the buildings from the parking areas along the interior of the site.

## BUILDING 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 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.*

The Project would incorporate gable roof, lap siding, and board-and-batten siding features which are present in existing structures nearby the Project site. These features would ensure the proposed buildings are in character with the existing buildings in the neighborhood and would complement, enhance, and reinforce these positive characteristics of the surrounding development.

- *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 proposed buildings incorporate many detailed features, including vertical and horizontal variation in building planes; balconies; wood accent trim; trellises; and, varied siding materials to create a sense of human scale.

- *There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur. Window treatment and trim, for example, should be carried out around the entire building, not just on the most visible sides.*

The proposed buildings would include significant architectural detailing and consistency across all four elevations of each building. The lap siding and board-and-batten siding would be present on all elevations. All windows on all elevations would receive 2X4 wood trim treatments.

- *Landscaping should not be used to screen or hide an otherwise unacceptable building. Building architecture should stand on its own, with landscaping incorporated as an integral element of overall project design.*

As noted in the staff report, the proposed building architecture would be high quality and would stand on its own. The proposed landscaping areas along Adobe Drive would complement the buildings and help to create a human scale so the Project properly interfaces with the street.

## INFILL DEVELOPMENT

- *Consideration should be given to the context of the building design. Relate the height, bulk, style, material, and color of a structure to its surroundings.*

*New development should complement the positive aspects of an existing neighborhood.*

As noted in the staff report, the proposed Project would include architectural elements such as roof design and siding materials present in surrounding development in a manner which would ensure consistency of the design with the existing neighborhood. The building form, with unit count varied among the three buildings, is consistent with the scale of other structures on sites in the neighborhood but also improves upon the design of the other sites. The building separation and setbacks, particularly as they relate to the single-family residence to the north and the Sanchez Adobe County Park to the east, ensure the proposed Project would relate appropriately to the existing neighborhood context.

- *Older neighborhoods will often have substandard street widths and have problems with on-street parking and circulation. More off-street parking than required by the Zoning Ordinance should be provided to allow ample space for guest parking.*

As identified in public comments received during the environmental review process, the existing neighborhood experiences high utilization of on-street parking. As a result, the Applicant has proposed twice as many guest parking spaces as required by the PMC.

Therefore, because the proposed Project would be consistent with many of the City's adopted Design Guidelines, including but not limited to Guidelines related to Site Planning, Building Design, and Infill Development; the Commission finds that the proposed development is consistent with the City's adopted Design Guidelines.

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

The proposed development, as conditioned, would be consistent with the General Plan and other applicable laws of the City. Because the site is not located in in the Coastal Zone, Local Coastal Plan consistency is not applicable to this Project. General Plan consistency includes, but is not limited to, the following policies:

#### GENERAL PLAN

a. Land Use Element

- Lind Mar Land Use Plan (p. 47-48)

The Project site is designated as High Density Residential with an indicated density of 16 to 21 units per acre. The proposed Project, with seven residential units on an 18,750 s.f. (0.43 acre) lot, proposes a land use and density of 16 units per acre which is consistent with the General Plan land use designation for the site.

b. Circulation Element

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

As noted above, the Project proposes a 20-foot wide driveway which is consistent with the standard contained in PMC section 9-4.2813(c)(3).

- Policy No. 14: *Ensure adequate off-street parking in all development.*

As noted above, the Project would provide two garage spaces for each of the seven dwelling units which is consistent with the standard in PMC section 9-4.2818(a)(2). Moreover, the Project would provide four off-street uncovered guest parking spaces, which exceeds the requirements of two spaces contained in PMC section 9-4.2818(a)(2).

c. Conservation Element

- Policy No. 1: *Conserve trees and encourage native forestation.*

The Project proposes to remove four heritage trees which, as determined by a certified arborist, is necessary for development of the Project. However, the Project proposes to conserve three heritage trees on-site and would trim the trees to improve their health.

d. Historic Preservation Element

- Policy No. 1: *Conserve historic and cultural sites and structures which define the past and present character of Pacifica.*

As further described in the environmental review prepared for the Project, the City performed a thorough investigation of potential cultural and tribal cultural resources present on the site given its close proximity to the Sanchez Adobe County Park. The analysis concluded that the Project would be unlikely to adversely impact any cultural or tribal cultural resources of significance.

e. 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. Off-Street Parking Standards in Article 28

- The compliance of the Project with applicable standards for off-street parking is more fully detailed in the findings above pertaining to approval of a Site Development Permit. That analysis is hereby incorporated by reference as if fully set forth herein.

### b. Residential Clustered Housing Development Standards in Article 24

- The proposed Project must comply with the development standards contained in PMC section 9-4.2402 pertaining to clustered housing developments. As conditioned, the Project would comply with the clustered housing development standards. The Project's compliance would include, but would not be limited to, the following (all references to the PMC, followed by a summary of the referenced provisions and a description of how the Project would meet the requirements):

- *Section 9-4.2402(a): 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.*

As noted in Table 1 of the staff report, the Project complies with all applicable development standards.

- *Section 9-4.2402(b): The minimum required usable open space, exclusive of all structures, shall contain an area having a slope of not more than 10 percent and a minimum area per townhome unit of 750 square feet.*

As noted in Table 1 of the staff report, the Project proposes an average of 776 square feet of usable open space per unit provided in a combination of private and common areas spaces, all of which have slopes of less than 10 percent.

- *Section 9-4.2402(c): 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.*

As noted in Table 1, the Project proposes a range from 152 to 230 square feet of private open space per unit. The private open space is provided mostly on balcony areas but two units also have ground-floor private patios.

- *Section 9-4.2402(e): 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 10 feet.*

The narrowest building separation in the proposed project is 20 feet.

- *Section 9-4.2402(g): 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.*

Each proposed unit would include a trash and recycling storage area located within its respective garage.

- *Section 9-4.2402(h): 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 proposed unit would include a washer and dryer within the unit.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 24 and 28 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.

- x. *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.*

Because the proposed Project is located within a high density residential land use designation, this finding is not applicable.

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

There is not a dominant architectural theme in the immediate neighborhood surrounding the Project site. The most common building form is that of two-story apartment buildings with flat or low pitched gable roofs. Common siding materials on these

buildings include vertical wood siding and board-and-batten siding as well as smooth stucco.

The proposed buildings incorporate a mix of gabled and hip roof styles. The siding types, while mostly consisting of cement materials, would include the appearances of horizontal lap siding and vertical board-and-batten siding. Additional siding materials would include smooth cement plaster, and copper shingle accents.

The proposed buildings would incorporate sufficient design elements, including the gable roof, lap siding, and board-and-batten siding, to provide a commonality between the Project and existing structures in the surrounding neighborhood such that the proposed buildings would not seem out of place and would integrate harmoniously. Yet, the proposed buildings would incorporate subtle additional detailing and accent materials which would favorably distinguish the Project from the surrounding neighborhood and heighten the standard for design of future projects in the area.

Therefore, because the Project would incorporate roof and siding design elements shared by existing structures in the immediate neighborhood; there is sufficient evidence not to make this finding.

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

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

The proposed Project, as further described above, would comply with all applicable General Plan, zoning, and Design Guidelines standards. Conformance to these standards, and the absence of any additional evidence of unusual circumstances or Project characteristics (except as noted in the following paragraph), indicates that the Project will not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City.

The proposed Project does have the potential to cause a disturbance to the Sanchez Adobe County Park during the Rancho Day Fiesta held annually on the third Saturday in September. The Rancho Day Fiesta is a significant community event in Pacifica and the numerous outdoor activities which are part of the event could be adversely affected by construction noise from the Project site. Thus, the Commission has included a condition of approval prohibiting outdoor construction or other noise-inducing activity on the day of the Rancho Day Fiesta during any period prior to issuance of a certificate of occupancy for the Project.

Therefore, because the Project as proposed by the Applicant and as modified by the proposed conditions of approval would comply with all applicable City standards, the Commission finds that the Project will not 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. *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 proposed Project's consistency with the City's General Plan and other applicable laws of the City is more fully discussed above in the findings related to approval of a Site Development Permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 24 and 28 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 applicable General Plan policies and there is sufficient evidence to make this finding.

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

The proposed Project's consistency with the City's adopted Design Guidelines is more fully discussed above in the findings related to approval of a Site Development Permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with many of the City's adopted Design Guidelines, including but not limited to Guidelines related to Site Planning, Building Design, and Infill Development; there is sufficient evidence to make this finding.

- C. *Subdivision.* The Planning Commission hereby makes the following findings required by PMC Section 10-1.407(c) for approval of a tentative subdivision map for five or more parcels:

- i. *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.*

Discussion: The proposed Project's consistency with the City's General Plan and other applicable laws of the City is more fully discussed above in the findings related to approval of a Site Development Permit. That analysis is hereby incorporated by reference as if fully set forth herein.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 24 and 28 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 applicable General Plan policies and there is sufficient evidence to make this finding.

D. *Heritage Tree Removal Authorization.* The Planning Commission hereby authorizes heritage tree removal based on the following criteria as required by PMC Section 4-12.05(c):

- i. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its ability to host a plant which is parasitic to another tree which is in danger of being infested by the parasite;
- ii. Whether the requested action is necessary for the economically viable use of the property;
- iii. The topography of the land and effect of the requested action on it;
- iv. The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, historic value, and general welfare of the area and the City as a whole;
- v. The number of healthy trees the parcel is able to support; and
- vi. Good forestry practices.

The Applicant submitted an arborist report describing the condition of the seven heritage trees on-site, the necessity to remove the trees as a result of the proposed development, and good forestry practices. The arborist report is instructive as to criteria (i), (ii) and (vi) listed above.

The arborist report indicates that Trees #1, #2, #5, and #6 should be removed. Sheet A2.0 of Attachment C of the staff report includes a diagram of the tree locations. The arborist states that the Project would require severe root and tree pruning on the four trees proposed for removal in order to construct the new buildings. Instead, the arborist recommends they be removed first, before excavation or construction begins. The following is a summary of the arborist's assessments and recommendations with respect to the trees proposed for removal:

- Tree #1, Coast Redwood. The tree is in moderate to poor health and appears to have been infected with "Botryosphaeria canker." It appears to be in a state of stress with many dead branch tips, many dead inner branches, and has been previously topped. The tree is located near the center of the lot. Remove tree and stump.
- Tree #2, Dawn Redwood. The tree is in poor health. It has poor trunk taper and is mostly one sided. Remove tree and stump.

- Tree #5, Ponderosa Pine. The tree is in moderate health. It has poor trunk taper and is being crowded out by the Holly Oak. Remove tree and stump.
- Tree #6, Holly Oak. The tree is in good health. The tree has a heavy canopy and sagging lower limbs which reach the ground. It appears full and green. The location of the tree, with its extensive canopy and underlying root system, would prevent development of a significant portion of the northern part of the site if the tree were to remain. Excavation and placement of the structures would encroach more than halfway into the dripline of the tree. Remove tree and stump.

The arborist also makes recommendations in line with good forestry practices for the heritage trees proposed to remain at the site, Trees #3, #4, and #7. The arborist suggests pruning these trees and irrigating more frequently (#3 and #4) and pruning to thin out the canopy and reduce end weight on limbs (#7).

The arborist report justifies removal of Tree #1 based on criteria (i), (ii), and (vi). The report justifies removal of Trees #2, #5, and #6 based on criteria (i) and (vi).

The Commission's assessment of the arborist report is that removal of the heritage trees on-site is justified under PMC section 4-12.05(c). The arborist's report explains the poor conditions of the trees with respect to general health, damage, danger of falling, and proximity to proposed structures; the location of one of the trees in the center of the site; and good forestry practices which indicates the trees with poor form should be removed. Therefore, there is sufficient evidence to authorize removal of the four heritage trees.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica grants authorization for the Applicant to remove four heritage trees on its property.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-801-15, Use Permit UP-66-15, Subdivision SUB-227-15, and Heritage Tree Removal Authorization, subject to conditions of approval attached as Exhibit A.

\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City  
of Pacifica, California, held on the 4<sup>th</sup> day of March, 2019.

**AYES, Commissioners:** CAMPBELL, CLIFFORD, KRASKE, NIBBELIN,  
RUBINSTEIN

**NOES, Commissioners:** N/A

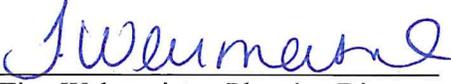
**ABSENT, Commissioners:** GORDON

**ABSTAIN, Commissioners:** N/A

  
Richard Campbell, Chair

ATTEST:

APPROVED AS TO FORM:

  
Tina Wehrmeister, Planning Director

  
For Michelle Kenyon, City Attorney

## Exhibit A

**Conditions of Approval: File No. 2015-002 for Site Development Permit PSD-801-15, Use Permit UP-66-15, Subdivision SUB-227-15, and Heritage Tree Removal Authorization at a vacant parcel located at 1335 Adobe Drive (APN 023-222-080)**

**Planning Commission Meeting of March 4, 2019**

### Planning Division

1. Development shall be substantially in accord with the plans entitled "Adobe Court Townhomes, 1335 Adobe Drive, Pacifica, CA," stamped received by the City of Pacifica on February 28, 2019, 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 10-1.411 of the Pacifica Municipal Code governing expiration of tentative subdivision maps for five or more parcels, the tentative subdivision map and related development entitlements (site development permit, use permit, and heritage tree removal authorization) 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 two years 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. Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to issuance of a building permit.
5. Prior to the issuance of a building permit, Applicant must receive City Council approval for the issuance of seven residential development allocations in accordance with PMC Section 9-5.03.

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March 4, 2019

6. Prior to issuance of a building permit, the Applicant shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions and Restrictions and Equitable Servitudes ("Declaration") which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs, and assigns. Prior to recordation, the Declaration shall be approved as to form and content by the City Attorney and Planning Director, and shall at a minimum include the following:
  - a. The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
  - b. There shall be a Homeowner Association to manage the Project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of exterior lighting, parks, common areas, utility areas within common areas, parking, landscaping, building signage, sanitary sewer, stormwater facilities, open space, and other features of the Project.
  - c. The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, exterior lighting, park, parking, landscaping, signage, sanitary sewer, stormwater facilities, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the stormwater facilities located within the property shall be the responsibility of the applicant and property owners.
  - d. The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for the purpose of financing the maintenance, repair and replacement of the common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.
  - e. The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The applicant or his/her successor in interest shall act as the Agent as long as he/she owns at least two of the units on the subject property.
  - f. Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
  - g. Communication. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of the lease or purchase agreement for each unit.
  - h. The Declaration shall include procedures for designating a project "Manager" if different than the "Agent" who shall at all times be responsible for security and/or maintenance of the overall Project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.
  - i. The Declaration shall include a provision that the provisions relating to this condition (No.6) shall not be amended without prior approval in writing from the City of Pacifica.
  - j. The Declaration shall specify that the owners of each of the residential units on the property shall comply with all other applicable conditions of approval for the Project.
  - k. The Declaration shall specify that in no way shall the appearance of any building or premises be so altered, or the conduct of the occupancy within the building or premises be such that the residential units may be reasonably recognized as serving other than a purely residential use by virtue of color, materials, construction, lighting, noise, vibration,

Conditions of Approval: File No. 2015-002 for Site Development Permit PSD-801-15, Use Permit UP-66-15, Subdivision SUB-227-15, and Heritage Tree Removal Authorization at a vacant parcel located at 1335 Adobe Drive (APN 023-222-080)  
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- or the like, without prior written approval of the Planning Director.
1. The Declaration shall include any provisions required to be included in the CC&Rs by the MMRP. The CC&Rs shall include any mitigation measure which requires the owners, HOA or other similar entity to undertake maintenance or other obligations after occupancy of the Project.
  - m. The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs by the MMRP or these conditions of approval.
  - n. The Declaration shall state that the exterior colors used in the development shall be subject to Planning Director review and approval in perpetuity.
7. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
  8. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences but shall be adequate to ensure security and dissuade vandalism on-site. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations shall be shown, where applicable, on all building elevations.
  9. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
  10. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
  11. 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.
  12. 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

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attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.

13. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
14. Exterior individual television and radio antennas shall be prohibited on the outside of the units. A central antenna with connection 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.
15. 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.
16. 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.
17. During any period prior to issuance of a certificate of occupancy for the Project, the Applicant shall be prohibited from conducting any outdoor construction or noise-inducing activities on the day of the Rancho Day Fiesta, held annually on the third Saturday in September. This condition of approval is necessary because of the close proximity of the Project site to the abutting Sanchez Adobe County Park, which makes the Sanchez Adobe site susceptible to potential noise impacts from the Project site, and because of the significant community interest in conducting the Rancho Day Fiesta event free from disturbing construction noises.
18. Wheel stops or other barriers acceptable to the City Engineer shall be provided for all uncovered off-street parking spaces and be included within the required minimum parking dimensions of such spaces. Wheel stops or other such barriers shall be located to allow a minimum overhang of three (3') feet.
19. Applicant shall incorporate all mitigation measures identified in the document entitled "1335 Adobe Drive Residential Project INITIAL STUDY/MITIGATED NEGATIVE DECLARATION," dated October 2018, inclusive of the Errata Sheet dated January 4, 2019, in the design and construction of the Project. The MMRP is included as Exhibit B to this Resolution.
20. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
21. 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.

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

#### **Building Division**

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

#### **Engineering Division of Public Works Department**

24. Applicant shall dedicate a Public Service Easement (PSE) for all utilities except sanitary sewer and storm drain that lie outside the public right-of-way.
25. Applicant shall dedicate a Private Storm Drainage Easement (PSDE) for the proposed storm drain system. This system shall be privately maintained and must be designed per 100-yr storm, Section C.3 of the Municipal Regional Permit and to the satisfaction of the City Engineer.
26. Applicant shall dedicate a Private Sanitary Sewer Easement (PSSE) for the proposed sanitary sewer system. This system shall be privately maintained.
27. The City Council of the City of Pacifica must accept any easements offered to the City prior to approval of the final subdivision map.
28. Site design and construction activities shall be undertaken in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
29. Applicant shall stencil drainage inlets in thermoplastic or mark with "No Dumping Drains To Ocean."
30. Applicant shall install all utilities underground from the nearest joint pole or box.

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31. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked onto Adobe Drive. Dust control and daily road cleanup will be strictly enforced.
32. 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.
33. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
34. 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.
35. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or whole street width across entire property frontage along Adobe Drive. All pavement markings and markers shall be replaced in kind.
36. Landscaping within the public right-of-way shall consist of plants native to the San Mateo County region only, as determined by a qualified landscape architect, and subject to review and approval of the City Engineer.
37. Prior to issuance of a building permit, Applicant shall provide an erosion control plan, to the satisfaction of and approval by the City Engineer.
38. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.
39. Prior to issuance of a certificate of occupancy, Applicant shall prepare and record with the San Mateo County Recorder's Office an Operations and Maintenance (O&M) Agreement with the City of Pacifica for permanent operation and maintenance of the stormwater control features required to be incorporated in the Project by the City's Municipal Regional Permit and Chapter 12 of Title 6 of the Pacifica Municipal Code. The O&M Agreement shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs, and assigns. Prior to recordation, the O&M Agreement shall be approved as to form and content by the City Attorney and City Engineer.
40. Should the Applicant desire to seek approval of and record the final subdivision map prior to completion and acceptance of subdivision improvements, Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative Subdivision Map and any conditions and mitigations imposed on this Project. Prior to approval of the final subdivision map, all necessary

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fees and bonds associated with the final subdivision map and/or Subdivision Improvement Agreement, including but not limited to any applicable Park Land Dedication fees as determined by the Public Works Director, shall be paid by the Applicant. Applicant shall provide a bond in an amount determined by the City Engineer to guarantee completion of the improvements in accordance with the approved plans. The bond may be in the form of cash, instrument of credit, or surety bond.

41. Prior to the construction of any subdivision improvements or the execution of any Subdivision Improvement Agreement, Applicant shall submit to the 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 not limited to:
  - a. All plans and reports must be signed and stamped by a California licensed professional.
  - b. Plan, profile and cross sections of the proposed driveways. The proposed driveway shall not exceed the maximum grade of 18 percent.
  - c. Curb ramps on both sides of the driveway.
  - d. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to any driveways and retaining walls.
  - e. 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.
42. Prior to approval of the final subdivision 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. The form, contents, submittal, approval, and filing of a final subdivision map (or final parcel map) shall conform to the following:
  - a. Surveys required. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, and center lines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
  - b. Forms and contents. The form and contents of the parcel map shall conform to the final map form and contents requirements of Pacifica Municipal Code Section 10-1.504 and Pacifica Municipal Code Section 10-1.505 of, except for subsection (6) of subsection (c).
  - c. Preliminary submittal. The subdivider shall submit prints of the parcel map to the City Engineer for checking. The preliminary prints shall be accompanied by copies of the data, plans, reports, and documents required for final maps by Pacifica Municipal Code Section 10-1.506.
  - d. Review and approval by the City Engineer. The City Engineer shall review the parcel map, and the subdivider's engineer shall make corrections and/or additions until the map is acceptable to the City Engineer. The subdivider's engineer shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the City Engineer. The City Clerk or his or her authorized agent shall transmit the approved parcel map directly to the County Clerk for transmittal to the County Recorder.

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44. The City Engineer shall approve the final subdivision map or final parcel map if it conforms to the requirements of the Subdivision Map Act, applicable sections of the Pacifica Municipal Code, and all conditions thereof.

**North County Fire Authority**

45. Sprinkler system shall conform to NFPA 13R. Sprinkler systems with 20 heads or more shall be monitored offsite. Provide exterior horn-strobes on the address side of each unit.
46. Premises Identification - Project shall comply with 2016 CFC Chapter 5, Section 505.1 and 2.
47. Fire Safety - Project will comply with the 2016 CFC Chapter 33 - Fire Safety During Construction and Demolition.
48. Fire flow shall conform to Appendices B and C of the 2016 CFC. Obtain fire flow information from North Coast County Water District.
49. Smoke detectors and carbon monoxide detectors shall conform to NFPA 72.
50. Fire Apparatus Access Road - provide access per 2016 CFC Appendix D. The route shall have an unobstructed vertical clearance of 13'-6" and an unobstructed width of 20 feet. If eaves of pitched roofs exceed 30 feet the width shall be expanded to 26 feet.
51. Applicant shall provide red zones along fire access roads and at hydrants and fire department connections.
52. Provide 2-A,10B:C fire extinguishers in cabinets in common areas within 75 feet of travel per 2016 CFC section 906.

**Wastewater Division**

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

\*\*\*END OF CONDITIONS\*\*\*

## **Exhibit B**

### **MITIGATION MONITORING AND REPORTING PROGRAM**

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and 15097 of the CEQA Guidelines, which requires a MMRP as part of the Mitigated Negative Declaration (MND) process. The results of the environmental analysis, including findings related to the proposed mitigation measures.

CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the Project including construction and throughout the Project buildout. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately to ensure compliance.

The following MMRP matrix lists each of the mitigation measures adopted as a condition of Project approval, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

# 1335 Adobe Drive Project Mitigation Monitoring and Reporting Program

## February 2019

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the 1335 Adobe Drive Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM  
1335 ADOBE DRIVE PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>IV-1(a). Prior to initiation of ground disturbing activities, if construction is expected to occur during the raptor nesting season (February 1 to August 31), a pre-construction raptor survey shall be performed to determine if active raptor nests are present in the trees adjacent to the site. The survey shall be conducted by a qualified biologist not more than ten days prior to the onset of construction activities. If construction activities cease for longer than two weeks, a subsequent pre-construction survey shall be conducted. If active raptor nests are not found on or within 500 feet of the project site, further mitigation is not necessary. In addition, if construction activities are proposed to occur during the non-breeding season (September 1 to January 31), a survey is not required and further studies are not necessary. However, if active raptor nests are found on or within 500 feet of the site, the project applicant shall implement Mitigation Measure IV-1b. The pre-construction raptor surveys within 500 feet of the site shall be conducted to the extent the surveyor can reasonably obtain permission from property owners to enter adjacent properties (in cases where the survey cannot be completed from the public right-of-way). The pre-construction raptor survey(s) shall be submitted to the City of Pacifica Planning Department.</p>	<p>Prior to initiation of ground disturbing activities during February 1 through August 31</p>	<p>City of Pacifica Planning Department</p>	
<p>IV-1(b). During construction, ground disturbing activities shall not occur within 500 feet of the active raptor nest(s) until the young have fledged or until the biologist has determined that the nest is not active any longer. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the young have fledged or as otherwise determined by a qualified biologist.</p>	<p>During construction activities</p>	<p>City of Pacifica Planning Department</p>	
<p>IV-1(c). Prior to initiation of ground disturbing activities, if any vegetation removal is expected to occur as a result of the project during the typical avian nesting season (February 1 to August 31), a pre-construction survey shall be performed to determine if active migratory bird nests are present in the trees adjacent to the site.</p>	<p>Prior to initiation of ground disturbing activities during February 1 through August 31</p>	<p>City of Pacifica Planning Department</p>	

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<p>The survey shall be conducted by a qualified biologist not more than ten days prior to the onset of vegetation removal. If construction activities cease for longer than two weeks, a subsequent pre-construction survey shall be conducted. The pre-construction migratory bird survey shall be conducted to the extent the surveyor can reasonably obtain permission from property owners to enter adjacent properties (in cases where the survey cannot be completed from the public right-of-way). The pre-construction survey shall be submitted to the City of Pacifica Planning Department.</p> <p>If active migratory bird nests are not noted during the survey, further mitigation shall not be required. If active migratory bird nests are found on-site, disturbance or removal of the nest shall be avoided until the young have fledged and the nest is not active any longer.</p> <p>It should be noted that extensive buffers, such as those recommended for nesting raptors, are not necessary for nesting avian species protected solely by the Migratory Bird Treaty Act. Depending on the bird species, site conditions, and the proposed construction activities near an active nest, a smaller buffer could be prescribed, as determined by the biologist, but in no case less than 25 feet. However, if construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.</p> <p>Alternatively, vegetation removal could be scheduled to avoid all potential impacts. Vegetation removal conducted between September 1 and January 31 will prevent impacts to nesting birds and unfledged young.</p>			

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<p>IV-2. Prior to issuance of a grading or building permit, the project applicant shall obtain tree removal permits from the City of Pacifica Planning Department for any heritage trees to be removed. The project applicant shall obtain authorization from the City of Pacifica Planning Commission as part of the project permits/entitlements for any heritage trees requiring removal. Prior to issuance of a certificate of occupancy, the project applicant shall complete planting of any replacement trees required as part of the tree removal permit. In addition, the project applicant shall prepare and submit a tree protection plan prior to the approval of tree removal permits in accordance with the City Municipal Code, Sections 4-12.02 through 4-12.11, and prior to commencement of any construction activity shall implement any tree protection measures identified to protect trees which will not be removed during construction.</p>	<p>Prior to issuance of a grading or building permit</p>	<p>City of Pacifica Planning Department</p>	
<p>V-1. During ground-disturbing activities associated with development of the proposed project, archaeological and Native American monitors shall be present at the site. In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the Coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American</p>	<p>Noted on improvement and building permit plans  During ground disturbance activities</p>	<p>City of Pacifica Planning Department  County Coroner  Native American Heritage Commission</p>	

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<p>Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. If human remains are encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City of Pacifica Planning Department.</p> <p>V-2. If any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</p>	<p>Noted on improvement plans and building permit plans</p> <p>During ground disturbance activities</p>	<p>City of Pacifica Planning Department</p>	
<p>The requirements of mitigation measures V-1 and V-2 shall be included via notation on all project improvement plans and building permit plans.</p> <p>VI-1. All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the Building Office and a qualified Geotechnical Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation are properly incorporated and utilized in the project design.</p> <p>VI-2. Prior to issuance of a grading permit, the project applicant shall submit, for review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit erosion effects during construction of the proposed project. The erosion control plan shall be inspected, modified, and/or remediated during the rainy season in order to comply with regulatory</p>	<p>Prior to issuance of grading and building permits</p>	<p>City of Pacifica Building Division</p>	<p>City Engineer</p>

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<p>requirements. Measures shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Hydro-seeding;</li> <li>• Placement of erosion control measures within drainageways and ahead of drop inlets;</li> <li>• The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);</li> <li>• The placement of straw wattles along slope contours;</li> <li>• Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);</li> <li>• The use of siltation fences; and</li> <li>• The use of sediment basins and dust palliatives.</li> </ul>	<p>See Mitigation Measure VI-1</p>	<p>City of Pacifica Planning Department</p>	
<p>VI-3. Implement Mitigation Measure VI-1.</p>	<p>See Mitigation Measure VI-1</p>	<p>City of Pacifica Planning Department</p>	
<p>IX-1. During construction, the contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable, which may include but are not necessarily limited to the following practices, or other BMPs identified in the California Stormwater Quality Association (CASQA) Construction BMP Handbook.</p> <ul style="list-style-type: none"> <li>• Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be employed to control erosion from disturbed areas;</li> <li>• Inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways shall be covered or treated with nontoxic soil stabilizers;</li> <li>• Exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways shall be enclosed or covered;</li> </ul>	<p>During construction</p>	<p>City of Pacifica Planning Department</p>	

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<ul style="list-style-type: none"> <li>• The contractor shall ensure that no earth or organic material will be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.</li> <li>• The following types of materials shall not be rinsed or washed into the streets, shoulder areas, or gutters: concrete, solvents and adhesives, thinners, paints, fuels, sawdust, dirt, gasoline, asphalt and concrete saw slurry, and heavily chlorinated water; and</li> <li>• Grass or other vegetative cover shall be established on the construction site as soon as possible after disturbance.</li> </ul>			
<p><b>IX-2.</b> The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the City of Pacifica Planning Department. Typical routine maintenance consists of the following:</p> <ul style="list-style-type: none"> <li>• Inlets and outlets shall be inspected for erosion or plugging.</li> <li>• Clear any obstructions and remove accumulation of sediment. Examine rock or other materials used as a splash pad and replenish as necessary.</li> <li>• Inspect slopes for evidence of erosion and correct as necessary.</li> <li>• Examine vegetation to verify health and suitability for use as erosion control.</li> <li>• Replenish mulch as necessary, remove fallen leaves and debris, prune large shrubs or trees, and mow turf areas.</li> <li>• Abate any potential vectors by filling holes in the ground, in and around the swale, and by ensuring that water does not pool for longer than 48 hours following a storm.</li> <li>• Mosquito larvicides shall be applied only when absolutely necessary and then only by a licensed contractor.</li> <li>• Observe soil at the bottom of the filter for percolation throughout the system. If portions of the swale or filter do not drain within 48 hours after the end of the storm, the soil should be tilled and replanted.</li> </ul>	Prior to issuance of building permits	City of Pacifica Planning Department	

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<ul style="list-style-type: none"> <li>Examine the vegetation to ensure that it is healthy and dense enough to provide filtering and to protect soils from erosion. Replace dead plants and remove invasive vegetation.</li> </ul>			
<p><b>XII-1.</b> The following criteria shall be included in the grading plan and building permit plans submitted by the project applicant for review and approval by the City of Pacifica Planning Department prior to issuance of grading and building permits:</p> <ul style="list-style-type: none"> <li>Noise-generating construction activities, including truck traffic coming to and from the site for any purpose, shall be limited to the hours of 7:00 AM to 7:00 PM on weekdays, and 9:00 AM to 5:00 PM on Saturday and Sundays;</li> <li>All equipment driven by internal combustion engines shall be equipped with mufflers which are in good working condition and appropriate for the equipment;</li> <li>The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where the technology exists;</li> <li>At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practical from noise-sensitive receptors;</li> <li>Unnecessary idling of internal combustion engines shall be prohibited;</li> <li>Owners and occupants of residential and non-residential properties located within 300 feet of the construction site shall be notified of the construction schedule in writing; and</li> <li>The construction contractor shall designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted</li> </ul>	<p>Prior to issuance of grading and building permits</p>	<p>City of Pacifica Planning Department</p>	

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<p>at the construction site.</p> <p>XVI-1. Prior to issuance of a building permit, the site plans shall demonstrate that site lines for vehicles exiting the driveway are not obscured by walls, fencing, signs, or landscaping. The site line analysis shall be prepared by a qualified professional engineer, subject to review and approval by the City Engineer. If recommended as part of the site line analysis, on-street parking at the project frontage along Adobe Drive shall be limited within the sight safety area, in accordance with traffic safety standards.</p>	<p>Prior to issuance of a building permit</p>	<p>City of Pacifica Planning Department City Engineer</p>	
<p>XVI-2. Prior to completion of construction activities, the project applicant shall demonstrate that the proposed on-site driveway includes street lighting meeting the recommendations included in the TIA. Proof of such lighting shall be submitted to the City of Pacifica Planning Department.</p>	<p>Prior to completion of construction activities</p>	<p>City of Pacifica Planning Department</p>	
<p>XVII. Implement Mitigation Measures V-1 and V-2.</p>	<p>See Mitigation Measures V-1 and V-2</p>	<p>See Mitigation Measures V-1 and V-2</p>	