

RESOLUTION NO. 2019-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SPECIFIC PLAN SP-163-17 (FILE NO. 2017-007), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A 2,460 SQUARE FOOT (SF), THREE-STORY, SINGLE-FAMILY RESIDENCE ON A 5,077 SF VACANT LOT IN THE P-D (PLANNED DEVELOPMENT) ZONING DISTRICT AT TBD FARALLON AVENUE (APN 009-085-430), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Thomas Podesta (“Applicant”).

WHEREAS, an application has been submitted for the construction of a 2,460 square foot (sf), three-story, single-family residence, on a 5,077-sf vacant lot at TBD Farallon Avenue (APN 009-085-430) (the “Project”); and

WHEREAS, the Project is located in the P-D (Planned Development) Zoning District and requires approval of a specific plan prior to issuance of a building permit because development in the P-D district must demonstrate proper orientation, desirable design character, and compatible land uses pursuant to Pacifica Municipal Code (PMC) Section 9-4.2202; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on April 15, 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 3 exemption under CEQA. CEQA Guidelines Section 15303(a), as described below, applies to the Project:

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

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

The subject proposal to construct a single-family residence fits within the scope of a Class 3 categorical exemption. Specifically, the Project (1) includes one single-family residence; (2) is located in an area where the Pacifica Municipal Code authorizes single-family residential uses; and, (3) will be undertaken within an urbanized area.

All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the Project, 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 in an environmentally sensitive area, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. Therefore, the Project would 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 would have a significant environmental impact.

The Project involves construction of a new single-family residence within a substantially developed residential neighborhood and staff is aware of no evidence of similar projects in the area causing 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 would have a significant effect on the environment due to unusual circumstances.

The Project fits within the development pattern in this area. There is no evidence to indicate the site has any value as critical habitat. 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.

The provisions of subsections (d) through (f) are not applicable to this Project because none of the circumstances described in these subsections are applicable to the Project or the Project site.

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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Specific Plan SP-163-17:

(a) *That the specific plan is consistent with the approved development plan.*

Discussion: An approved development plan contains a list of approved uses for an area with P-D zoning. The approved uses in a development plan are then implemented with approval of one or more specific plans which specify the site layout, architectural design, and other detailed parameters of individual projects proposed for construction.

The Project site is located within the Fairmont Unit No. 2C development area. However, due to the age of this development staff has been unable to locate the original development plan for the neighborhood. The Planning Commission has inferred from the type and pattern of development observed throughout the neighborhood that a detached, single-family residence of the type proposed with this Project is consistent with the approved development plan for the area. A multiple-unit townhome development is located to the east of the Project site on a property accessed from Hickey Boulevard which is significantly larger than the proposed Project site. However, a multiple-unit development does not appear consistent with the surrounding uses on a site the size of the Project site which is surrounded by other single-family residential development accessed from Farallon Avenue. Therefore, the Planning Commission finds the proposed Project consistent with the approved development for the site.

(b) *That the specific plan is consistent with the City's adopted Design Guidelines*

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, they 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.

In Planning Commission's assessment, as conditioned, the proposed improvements at the site are consistent with the City's adopted Design Guidelines. The Design Guidelines includes specific guidelines for Farallon Avenue. These guidelines are discussed below:

FARALLON AVENUE

i. Site Design. The orientation of the structure on the site affects parking availability, grading and retaining wall requirements, and landscaping.

- (a) Extensive use of retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible. Generally, retaining walls should be incorporated into the structure to reduce the need for and height of exterior walls.*
- (b) Narrow tunnel or cave like areas created by high retaining walls adjacent to the building should be avoided.*
- (c) On upslope lots, private usable open space should be created by cantilevering decks over the hillside as opposed to substantially grading out of the terrain.*
- (d) Building site and associated grading should relate to and follow site topography to work with the slope, not against it.*
- (e) Areas for landscaping in the front and side yards should be maximized by restricting paving to only the necessary driveway and walkway areas.*
- (f) Sidewalks should be installed for new development.*

Discussion: (a) As further described above, foundation retaining walls are proposed to support the dwelling, which would require substantial cut on the site. The retaining walls that would be the most visible to the public would include the 5' high wing walls on the north and south elevations of the dwelling and 2' to 3' tall retaining walls that would line the driveway and sidewalk in the front yard. A draft condition of approval would require these visible retaining walls to have a decorative veneer. The heights of these retaining walls from the public right-of-way would be similar in nature to the heights of allowed fences commonly erected around the city. Therefore visually, the proposed Project would not include substantial retaining walls. (b) A cave like area would be created in the rear of the dwelling. However, the applicant has proposed this area as an exterior atrium with a built-in hot tub. This atrium would provide some level of sunlight to the east side of the second story, which would otherwise not receive any natural light. (c) Private open space would be created through cantilevered decks projecting off of the front and side elevations of the second and third floors. The applicant proposed to install 8 terraces in the rear yard in order to improve the usability of the rear yard from the steep slope as shown on sheet A1 of Attachment C. A draft condition of approval would remove the proposed terracing in the rear of the property in order to maintain the natural slope of the hillside where possible. (d) The proposed Project would construct a three-story building set into a steep hillside. The depth of the first story would be limited to only the depth of the garage and laundry area, while the second story would step up the hillside about 20'. The proposed terracing of the structure relates the development to the hillside. (e) The front and side yards would maximize the amount of landscaping as pavement is only proposed in the front and side yards. (f) The proposed Project includes the development of a sidewalk. A draft condition of approval would require the sidewalk to be built to City standards and meet ADA requirements.

ii. *Building Design. Large multi-story structures built close to the street can create a tunnel like visual effect. The emphases of residential design in this area should be to create variety.*

- (a) *The upper level of any exposed front or rear elevation should step back at least eight feet from the plane of the lower levels, or from the average plane of the lower levels if they are offset from one other.*
- (b) *Living space, exclusive of the garage, should not exceed 2,450 square feet.*
- (c) *Break up the mass of the building by combining horizontal and vertical elements which project, or are recessed from the basic building shape.*
- (d) *The height and setback of the residence should vary from adjacent residences to encourage variety in the overall development of the street.*
- (e) *Highly visible structural supports, such as poles commonly used for decks, should be avoided. Cantilevered supports should be used as an alternative.*
- (f) *Special attention should be given to the rear façade of structures built on “downhill” lots to ensure variety when viewed from the neighborhood below.*
- (g) *Houses with identical designs should not be constructed on adjacent lots.*

Discussion: (a) As discussed above, the third story of the dwelling would step back approximately 6' from the second and third floor, which is near the desired 8' setback. (b) The proposed floor area of the Project is 2,460 sf, which is a negligible 10 sf more than the desired maximum size. Floor area is measured outside wall to outside wall; therefore, this floor area includes the up to 24" thick foundation retaining walls. The size of the interior of the dwelling is less than 2,460 sf. (c) The mass of the building is broken up by the incorporation of a number of human scale features, such as the front balconies, bay windows, and the upper floor stepping back from the lower floors. (d) Surrounding developed properties generally include three story structures, which all appear to meet the 35' height maximum. The property to the south (399 Farallon Avenue), is located approximately 15' from their front property line. The property to the north (365 Farallon Avenue) is located approximately 10' from their front property line. Therefore, the proposed Project, which is proposed to have a 24' setback to the garage, would have a greater setback than surrounding developments to reduce the tunnel effect on the street. (e) The proposed Project does not include any highly visible structural supports. (f) The proposed Project is an uphill development; therefore, this guideline does not apply. (g) The applicant has designed this Project for this site. While the Project would have similar architectural features and scale to surrounding developments, the proposed Project would have a unique design from the surrounding developments.

iii. *Parking and Circulation. The street width of Farallon Avenue restricts traffic circulation and substantial development will contribute to a worsening parking shortfall.*

- (a) *Driveway location and curb cuts should be planned to provide a maximum number of on-street parking spaces.*
- (b) *All single-family residences should incorporate an on-street parking turnout. This turnout should be connected with the adjacent lots turnout where feasible.*
- (c) *The setback from the garage to the property line should be maximized, and at least a 20' setback should be maintained.*
- (d) *A construction parking plan shall be submitted for review by the Planning Commission and for final approval and issuance of an encroachment permit by the City Engineer. The plan shall designate an area of the site and/or street for*

construction parking and storage. It shall be the builder's responsibility to comply with the approved construction parking plan. A forfeitable cash deposit shall be required to mitigate the City's costs in enforcement, inspection, and remedy of any violations of the approved plan and as forfeiture upon failure of compliance. If the cash deposit is depleted, an additional deposit may be required by the Community Development and Services Director as a condition of continued construction.

Discussion: (a) The proposed curb cut for the driveway is 20' wide. The driveway has a slight curve to locate the curb cut to the southern side of the property to allow for an on-street parking space on the north side of the driveway. As proposed, the parking turnout would be approximately 13' long, which is 3 feet short of the compact-sized standard. Therefore, a draft condition of approval would require the curb cut to be reduced by 3' to accommodate a compact-sized (16') parking turnout on the north side of the driveway. Future development of the property to the north could include expansion of this parking turnout to a double car turnout. (c) The proposed Project would have a 24' setback to the garage, which is greater than the 20' setback minimum desired. (d) The applicant has provided a construction parking plan in Attachment D. The applicant proposed to use the frontage along the Project site and the property to the north, which is also owned by the applicant for parking and storage of construction equipment. The frontage of the two properties is approximately 80', which would accommodate four vehicles. A draft condition of approval would require the applicant to provide the necessary deposit prior to the issuance of a building permit. In addition to this construction parking plan, a draft condition of approval is included to require a traffic control plan to manage the off haul of the 1,300 cubic yards of cut from the site. The traffic control plan shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica hereby approves Specific Plan SP-163-17 for the construction of a 2,460 square foot (sf), three-story, single-family residence, on a 5,077-sf vacant lot at TBD Farallon Avenue (APN 009-085-430), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Exhibit A

Conditions of Approval: File No. 2017-007 – Specific Plan SP-163-17, for construction of a 2,460 square foot (sf), three-story, single-family residence, on a 5,077-sf vacant lot at TBD Farallon Avenue (APN 009-085-430).

Planning Commission Meeting of April 15, 2019

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Proposed Residence for Farallon Ave” received by the City of Pacifica on March 27, 2019, except as modified by the following conditions.
2. The Applicant shall remove the ornamental fencing on the roof line from the Project plans prior to the issuance of the building permit to the satisfaction of the Planning Director.
3. The Applicant shall remove all the landscape terracing in the rear of the property from the Project plans prior to the issuance of a building permit to the satisfaction of the Planning Director.
4. The Applicant shall reduce the width of the driveway curb cut to accommodate a parking turnout as required in Condition of Approval No. 30 on the north side of the driveway to the satisfaction of the Planning Director
5. The Applicant shall install and maintain decorative veneer on the exposed faces of the proposed retaining walls that allows for their blending into the hillside, to the satisfaction of the Planning Director. Prior to the issuance of the building permit, Applicant shall provide samples of such decorative veneer for review and approval by the Planning Director.
6. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director 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 approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.

7. The maximum height of the building shall be measured to the top of the roof slab in accordance with Pacifica Municipal Code (PMC) Section 9-4.243 and shall not exceed 35 feet as allowed by PMC Section Sec. 9-4.402(j).
8. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director and City Engineer. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. The final landscaping plan shall include the number and size of a variety of plant species and shall be to the satisfaction of the

Planning Director. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of occupancy.

9. The Project shall include low intensity exterior illumination. All light fixtures shall be down-facing and shall not cause glare on adjacent properties.
10. 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.
11. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
12. 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.
13. 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.
14. 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.
15. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
16. 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 of the Planning Department

17. 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, grading, or demolition activity.
18. Applicant shall provide an updated soils report. Recommendations from the updated soils report shall be incorporated into the Project plans to the satisfaction of the Building Official.

Engineering Division of Public Works Department

19. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.
20. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Farallon Avenue. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
21. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Project.
22. 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.
23. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Farallon Avenue, including existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Farallon Avenue at the centerline;
 - iii. adjacent driveways within 25' of the property lines

- iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
- 24. An Encroachment Permit must be obtained for all work within the public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
- 25. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way without authorization subject to an approved encroachment permit.
- 26. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks. Any driveway within City right-of-way shall not exceed 18% and portions exceeding 15% grade shall be grooved concrete. Provide structural sections of the driveway within City right-of-way.
- 27. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or to street centerline whichever is greater across entire property frontage of Farallon Avenue. All pavement markings and markers shall be replaced in kind.
- 28. All utilities shall be installed underground from the nearest main or joint pole. Ultimate storm drainage discharge point shall be shown on the site plan.
- 29. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
- 30. New parking turnout shall be per City Standard 107 and shall include new concrete sidewalk to the satisfaction of the City Engineer.
- 31. Per the adopted City of Pacifica Complete Street Policy, development shall include pedestrian facilities. Applicant shall install new sidewalk per City Standard 101A across the entire frontage.
- 32. Applicant shall submit for review and approval by the City Engineer a construction traffic control plan. The plan shall address, but not be limited to, the management and direction of vehicles during the off haul of cut material from the site and large equipment and materials deliveries.
- 33. Applicant shall submit for final approval by the City Engineer a construction parking plan prior to the issuance of an encroachment permit.
- 34. As directed by the City's adopted Design Guidelines, a forfeitable cash deposit equal to 10 hours of General Engineering Development Application Reviews; hourly charge rate, as defined in the Master Fee Schedule in effect at the time of fund submittal, shall be submitted prior to the issuance of a building permit. The deposit shall be for mitigation of the City's costs for enforcement, inspection, and remedy of any violations of the approved construction-parking plan and as forfeiture upon the failure of compliance. If the cash deposit is depleted, an additional deposit may be required by the City Engineer as a condition of continued construction.

Wastewater Department of Public Works

35. Applicant shall provide location and size of the sewer lateral appurtenances on the plans to the City standards and specifications prior to issuance of a building permit.

North County Fire Authority

36. A fire sprinkler system shall be required for the building per City Ordinance and shall be installed per NFPA 13D. Submit under separate fire permit.
37. Fire safety during construction shall conform to Chapter 33 of the California Fire Code.

*** END OF CONDITIONS ***