

**RESOLUTION NO. 2019-017**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA  
RECOMMENDING APPROVAL BY THE CITY COUNCIL OF DEVELOPMENT  
AGREEMENT DA-1-18, APPROVING SITE DEVELOPMENT PERMIT PSD-834-18, COASTAL  
DEVELOPMENT PERMIT CDP-397-18, USE PERMIT UP-107-18, PARKING EXCEPTION PE-  
184-19, VESTING TENTATIVE SUBDIVISION MAP SUB-242-19 AND HERITAGE TREE  
REMOVAL AUTHORIZATION, SUBJECT TO CONDITIONS (FILE NO. 2018-035), FOR  
CONSTRUCTION OF A NEW, TWO TO THREE STORY, MIXED-USE BUILDING  
CONSISTING OF GROUND FLOOR COMMERCIAL SPACE AND THREE CONDOMINIUMS  
UNITS IN THE VICINITY OF 2100 PALMETTO AVENUE (APN 016-182-370 AND 016-182-  
390), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Ciyavash Moazzami (“Applicant”).

**WHEREAS**, an application has been submitted for a development agreement and for permits for the construction of a new, two to three-story mixed-use building consisting of 993 square feet (sf) of ground floor commercial space and three condominium units in the vicinity of 2100 Palmetto Avenue (APN 016-182-370 and 016-0182-390) (the “Project”); and

**WHEREAS**, the Project requires approval of a Site Development Permit because the Project involves new construction within a commercial district, pursuant to PMC section 9-4.3201(a), and because the Project is a “residential clustered housing development” pursuant to PMC section 9-4.2403(a); and

**WHEREAS**, the Project requires approval of a Coastal Development Permit because the Project involves development within the Coastal Zone, pursuant to PMC section 9-4.4303(a), and the Project does not qualify for any exemptions or exclusions from obtaining a permit; and

**WHEREAS**, the Project requires approval of a Use Permit because the Project includes residential use on upper floors in the same building as a commercial use pursuant to PMC section 9-4.1001(b)(11), and because the Project is a “residential clustered housing development” pursuant to PMC section 9-4.2403(a); and

**WHEREAS**, the Project requires approval of a Parking Exception, because the Applicant claims a practical difficulty and unusual hardship in complying with the minimum width for a two-way driveway serving two or more dwelling units, and providing the required number of vehicle and bicycle parking spaces for the commercial component of the Project, pursuant to PMC section 9-4.2824; and

**WHEREAS**, the Project requires authorization to provide the required number of vehicle and bicycle parking spaces for the commercial component of the Project through a parking district, pursuant to PMC section 9-4.2824; and

**WHEREAS**, the Project requires approval of a Vesting Tentative Subdivision Map because the Project proposes development of condominiums involving subdivision of air space and merger of two existing lots, pursuant to PMC section 10-1.303; and

**WHEREAS**, the Project requires approval of a Heritage Tree Removal Authorization because the Project would remove one heritage tree, pursuant to PMC section 4-12.07; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 6, 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. Guidelines Section 15303(a), as described below, applies to the Project:

15303. New Construction or Conversion of Small Structures

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

\* \* \* \* \*

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The subject Project fits within the scope of a Class 3 categorical exemption. Specifically, the Project (1) includes three dwelling units; and, (2) proposes a restaurant less than 2,500 sf in area in the C-1/CZ zoning districts where such use is a permitted visitor-serving use and the use will not involve the use of significant amounts of hazardous substances.

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 a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project site is located within a substantially developed area comprised of commercial and residential uses and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. The Project is a small in-fill project within a substantially developed mixed-use neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project will have a significant effect on the environment due to unusual circumstances. The Project site is a vacant lot with flat topography and no habitat value. It is zoned for commercial development where residential development is conditionally permitted in the upper stories of a building containing commercial use. The Project will involve in-fill mixed use development consistent with the applicable zoning standards. Therefore, there are no unusual circumstances applicable to the Project.
- Sec. 15300.2(d) through (f): The Project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for a Class 3 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply, 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 recommendation to the City Council pertaining to Development Agreement DA-1-18 for a development agreement to provide certain public and developer benefits:

*i. General Plan Consistency.*

As discussed in further detail above under findings for approval of a site development permit, the development Project associated with the proposed development agreement is consistent with the General Plan, including but not limited to Policy Nos. 4 and 6 of the Circulation Element, Policy No. 2 of the Community Design Element, and Policy No. 8 of the Land Use Element.

The provisions of the proposed development agreement would additionally be consistent with the following General Plan policies:

a. Circulation Element

- Policy No. 5: *The City shall place a priority on parking enforcement and signing of public visitor parking areas.*

The Applicant's proposed payments towards the study and implementation of a Palmetto Specific Plan and improvements to the Palmetto area would directly contribute to the creation of new public visitor parking areas including signage to identify them.

- Policy No. 9: *Develop safe and efficient bicycle, hiking, equestrian and pedestrian access within Pacifica and to local points of interest.*

The Applicant's proposed payments towards the study and implementation of a Palmetto Specific Plan and improvements to the Palmetto area would directly contribute to the creation of bicycle parking areas for the use and benefit of the community generally within the Palmetto Avenue commercial district. Creating readily available bicycle parking will encourage safe and efficient bicycle access to the Palmetto Avenue commercial district, which is a point of interest, as well as the nearby points of interest including the Pacific Pier and the Beach Boulevard promenade.

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

The Applicant's proposed payments towards the study and implementation of a Palmetto Specific Plan and improvements to the Palmetto area would directly contribute to the creation of new public visitor parking areas as noted above under discussion of Circulation Element Policy No. 5. The contribution to a future parking district as part of the Sharp Park Specific Plan will also help to ensure that commercial properties along Palmetto Avenue are able to properly develop.

The small size of commercial parcels along Palmetto Avenue presents a practical difficulty for the construction of viable commercial projects, including mixed-use commercial and residential projects, because the small parcel sizes make it difficult to construct the entirety of off-street parking required by the City's Zoning Regulations. Historically, the result has been the development of nonviable commercial spaces with very small floor areas, or the seeking of large parking exceptions. In this case, the development agreement would take a cash contribution from the Applicant towards the development of district-wide parking areas and other solutions which provide an appropriate amount of off-street parking which would be located in areas best suited to accommodate it.

b. Community Facilities Element

- Policy No. 1: *Maintain and improve the present level of City services.*

The Applicant's proposed payments towards the study and implementation of a Palmetto Specific Plan and improvements to the Palmetto area would directly

advance the improvement of the present level of City services by contributing to the creation of new public visitor parking areas as noted above under discussion of Circulation Element Policy No. 5. Currently, public off-street parking exists at the Council Chambers site (2212 Beach Boulevard) and a City-owned parking lot at the southwest intersection of Francisco Boulevard and Salada Avenue. Creation of new public off-street parking facilities would improve the present level of City services.

For the reasons set forth above, there is sufficient evidence to conclude the proposed development agreement is consistent with the General Plan, including but not limited to Circulation Element Policy Nos. 5, 9, and 14, and Community Facilities Element Policy No. 1.

ii. *The traffic, parking, public service, visual, and other impacts of the proposed development project upon abutting properties and the community.*

As described above in the findings for approval of the development permits for the proposed Project, it would provide an adequate circulation pattern and parking for the residential portion of the development. The development agreement, by including a contribution of \$60,000 towards the study and creation of more public parking facilities and improvement of parking availability in the Palmetto area, would provide crucial resources to the City to establish appropriate policies and public facilities to enable the Palmetto Avenue commercial area to properly function as a downtown commercial district. Currently, developments must provide all parking on-site (off-street) or else seek a parking exception in order to provide less parking than required. The proposed development agreement would instead seek authorization to provide the 20 vehicle parking spaces and two bicycle parking spaces required for the commercial portion of the proposed Project in a future Sharp Park parking district to be established by the City Council and would provide substantial resources to facilitate the City's process to establish such district and associated parking facilities, thus enhancing abutting properties and the community.

The proposed Project would result in an improved visual character for the surrounding neighborhood as outlined above in the staff report. Of note, the Project would be consistent with Design Guidelines principles related to site planning, building design, and landscaping. The Project would also be consistent with General Plan policies contained in the Circulation, Community Design, and Land Use elements, and would also be consistent with Coastal Act Policy Nos. 2, 5, and 23 as contained in the City's Local Coastal Program (LCP). Consistency with these guidelines and policies would result in a development which is harmonious with and beneficial to abutting properties and the community.

iii. *Ability of the applicant to address public facility needs and financing obligations.*

The proposed Project can be adequately serviced by existing public utilities available from Palmetto Avenue. The only identified public facility need related to the Project is public off-street parking facilities for the Palmetto Avenue commercial area. The Applicant has proposed a contribution of \$60,000 towards the study and creation of more public parking facilities and improvement of parking availability in the Palmetto area, which would provide crucial resources to the City to establish appropriate policies and public facilities to enable

the Palmetto Avenue commercial area to properly function as a downtown commercial district.

iv. *The relationship of the project to the City's growth management program.*

The City's growth management program (GMP) is set forth in Chapter 5 of Title 9 of the PMC. The GMP encourages in-fill and mixed-use development by exempting such developments from the requirement to obtain a Residential Development Allocation for each dwelling unit (PMC section 9-5.04). Thus, the type of mixed-use commercial and residential development proposed with the Project would be consistent with the goals and purpose of the City's GMP.

v. *The provisions included, if any, for reservation, dedication, or improvement of land for public purposes or accessibility to the public.*

The aforementioned \$60,000 contribution to the City of Pacifica for the study and creation of more public parking facilities and improvement of parking availability in the Palmetto area, would provide crucial resources to the City to establish appropriate policies and public facilities to enable the Palmetto Avenue commercial area to properly function as a downtown commercial district. The contribution would be likely to encourage future adoption by the City Council of a Sharp Park parking district and eventual establishment of public parking facilities along Palmetto Avenue. Thus, the development agreement includes a useful provision for future improvement of land for public purposes. Additionally, as described further below, the development agreement would include a provision committing the Applicant to marketing and financial incentives to locate a restaurant or café use within the proposed commercial space. Such a restaurant or café would result in a desirable commercial use along Palmetto Avenue which would be accessible to the public and provide a benefit to the community.

vi. *The type and magnitude of the project's economic effects to the City of Pacifica, and of its contribution, if any, toward meeting the City's housing needs, including affordable housing.*

The proposed Project would be a well-designed development transforming a vacant site along Palmetto Avenue into an active, viable commercial space. The development agreement contains two provisions in this regard which would enhance the Project's economic effects to the City of Pacifica. First, the Applicant would commit to a good faith marketing effort to secure a restaurant tenant within the commercial space of the Project. The good faith effort would require a demonstrated diligent marketing effort for not less than nine months and offering prospective tenants incentives in the form of discounted rent and/or tenant improvement subsidies up to \$75,000. A restaurant use, with the activity it would generate along Palmetto Avenue, would be an important economic development component to revitalizing Palmetto Avenue and providing a desirable visitor-serving use. Second, the Applicant would make a contribution of \$30,000 to the City of Pacifica towards the study and implementation of a Sharp Park Specific Plan and improvements to the Palmetto area and the promotion of Palmetto as a shopping district as part of the City's revitalization efforts for the Palmetto area. These additional resources would aid the City in its ongoing and future planning efforts to improve the functioning of the Palmetto commercial area.

Additionally, the proposed Project would result in three new housing units which are needed to contribute towards the City's Regional Housing Needs Allocation (RHNA) of 413 housing units for the period from 2015-2023. It would also result in three new households residing along Palmetto Avenue in proximity to existing and future commercial uses. Sufficient population density in close proximity to businesses is recognized as an important element to establishing a successful downtown commercial district.

*vii. Any other comparable, relevant factor or factors.*

Section 9-4.2824(b) allows an applicant to seek a reduction or elimination of the off-street parking requirements by the Commission for any building or use located in a parking district established by the Council in connection with which land has been acquired for public parking purposes if the Commission finds that the parking needs for the particular structure or use are substantially met by the parking spaces provided in the district.

The City Council authorized funding to study the establishment of a parking district in the Project area as part of its authorization to enter into a contract for preparation of a Sharp Park Specific Plan on January 28, 2019. The planning work on the Sharp Park Specific Plan has begun and it is reasonable to expect the planning process will culminate in adoption of a parking district for the Palmetto area. Therefore, it is the Planning Commission's recommendation to grant authorization for the Project to provide the 20 required off-street vehicle parking spaces and two bicycle parking spaces for the commercial portion of the Project as part of a future parking district for the Project area, subject to the additional contributions proposed by the Applicant in the development agreement, while granting a parking exception for the spaces in the immediate term.

Alternatives to the Planning Commission's recommendation could include the following: a) Applicant seeks a parking exception for 20 vehicle parking spaces and two bicycle parking spaces only, without proposing contributions towards a future parking district, resulting in no ultimate establishment of off-street parking facilities for the commercial portion of the Project, and potentially resulting in adverse parking impacts in the West Sharp Park neighborhood; b) Applicant eliminates some or all of the proposed residential units, which would not support the City's need to create more housing as identified in the Housing Element of the General Plan; or, c) Applicant determines the Project is infeasible and no development would occur on the site, which would be contrary to beneficial economic development of the Palmetto commercial area. It is the Planning Commission's assessment the most favorable outcome for the City would be to grant the requested authorization consistent with the various provisions beneficial to the City in the proposed development agreement.

In sum, the Planning Commission's analysis of the proposed development agreement is that it would result in a favorable outcome for the proposed Project and for the surrounding West Sharp Park neighborhood. In particular, the development agreement would be consistent with the General Plan; would enable a quality mixed-use development which strengthens the Palmetto business area; would be consistent with the City's need for housing and the type of housing preferred by the City's GMP; would result in an Applicant commitment to seek a desirable restaurant use at the Project site subject to certain limitations; and, would result in important financial contributions related to parking and economic development which will benefit the immediate vicinity of the Project and the West Sharp Park

neighborhood more broadly. Based on the discussion above, the Planning Commission believes that the development agreement is also consistent with the General Plan. For these reasons, the Planning Commission recommends that the City Council should approve the proposed development agreement. The Planning Commission also recommends that the City Council should authorize the Applicant to provide the required 20 off-street vehicle parking spaces and two bicycle parking spaces through a future parking district as provided in PMC section 9-4.2824(b).

For these reasons, the Planning Commission recommends that the City Council should approve Development Agreement DA-1-18.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Site Development Permit PSD-834-18 for new construction of a clustered housing development within an R-3 zone:

- i. Required Finding: *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

The Project is located on Palmetto Avenue, which contains commercial, multi-family residential and mixed-use in the vicinity of the Project. As such, the location, size, intensity, and general character of the proposed mixed-use building would be compatible with the development in the vicinity. The number of residential units proposed on the site meets the density standard specified for the site, which allows one dwelling unit per 2,000 sf of site area. Based on the site area of 5,446 sf, the resulting 2.7 dwelling units rounds to three dwelling units consistent with PMC section 9-4.2312.

The 11'-8" wide driveway, which would provide access to the residential units, is less than the 20'-0" width specified for a driveway for two-way traffic per PMC Section 9-4.2813(c)(3). However, the proposed driveway would service a maximum of five cars (based on the five garage parking spaces provided), not all of which can be reasonably expected to enter or depart the site at the same time. In the event of a concurrent entry and departure, the low traffic volume associated with the residential uses on the Project site, combined with the straight line-of-site from Palmetto Avenue to the rear of the driveway, would allow the vehicles to safely identify, wait, and pass one another. The low traffic volume of the Project and expected infrequency of such concurrent entries and departures also means any vehicle(s) waiting on Palmetto Avenue for a vehicle(s) to exit the site would not create an inconvenient traffic situation for non-Project traffic on Palmetto Avenue because the delay would be minimal.

Commercial traffic would park in existing on-street parking facilities throughout the Palmetto Avenue area until such time as a parking district is established as part of the Sharp Park Specific Plan process. As part of the development agreement terms, the developer has agreed to contribute towards the study and creation of more public parking facilities and improvement of parking availability in the Palmetto area. Additionally, the developer has agreed to pay towards the study and implementation of a Palmetto Specific Plan and improvement to the Palmetto area. Until such time as the Specific Plan process is complete, on-street parking for the commercial unit is consistent with many of the existing commercial uses along Palmetto Avenue which do not have off-street parking facilities on their sites. Pedestrians walking from their on-street parking spaces



would utilize existing sidewalks along both sides of Palmetto Avenue, including a sidewalk fronting the Project site, which would allow them to safely access the proposed building.

The City's Engineering Division staff has also reviewed the development proposal to ensure the new development would be constructed in a safe manner. Therefore, the Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

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

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

The Project would not create a hazardous or inconvenient condition to adjacent or surrounding uses as a result of the proposed parking. The parking for the three proposed residential units will be located away from the street and accessed through a driveway from Palmetto Avenue. The commercial space would gain access directly from a sidewalk along Palmetto Avenue, which is an improved public street. The City's Engineering Division staff has reviewed the ingress-egress from site to ensure that off-street parking associated with the residential uses on site will not create a hazardous or inconvenient condition to adjacent or surrounding uses with respect to traffic on the street.

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

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

As indicated in Section 3.D of the staff report the Project provides a total of 14 percent of the site area in landscaping. A bulk of this area consists of the 5'-0" and 10'-0" wide strips of land on the northern and western sides of the proposed building, respectively, which separate the proposed building from the development to the north and west of the site. A 1'-6" wide planting strip separates the driveway to the proposed residential units from development to the south of the site.

The Project would not feature large expanses of paving visible from the street. The 11'-8" wide driveway would be accessed through an opening in the building façade which would limit the view exposure from Palmetto Avenue to this narrow vantage.

Commercial development on the Project site is located to take advantage of the Palmetto Avenue frontage and relate to the street, and the trash storage for the commercial space would not be visible from the street because it is enclosed within the commercial space.

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

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

The maximum height of the proposed buildings would not exceed 35'-0". The proposed building is setback from the northern and western property boundaries by 5'-0" and 10'-0" setbacks, respectively. On the south side, the upper story deck associated with the studio unit abuts the southern property line; however, the existing commercial building on the parcel south of the Project site is also built at or nearly at the northern property line of that site. Thus, the proposed building would have a setback consistent with the existing building on the site to the south. The three story portion of the proposed building is setback from the southern property line by 24'-0" on the first story and by 12'-0" on the second and the third stories.

The two-story residential building to the north at 2100 Palmetto Avenue does not include windows on the side facing the Project site. The two-story multi-family residential building at 78 Santa Rosa Avenue to the west contains windows on the side facing the Project site; however the building façade is not directly to the rear of the façade of the proposed building, and the proposed building would have a 10-foot setback which would not obstruct light and air to the adjacent residential building.

The development to the south consists of a one-story commercial space abutting the Project site with two-story development adjacent to the one-story unit on its south side. The one story unit does not include windows on the side abutting the property boundary and the two story development to the south of this unit are separated from the upper stories of the building on the Project site by approximately 36 feet. Therefore, the proposed development will not unreasonably restrict or cut out light and air on the property and on other properties in the neighborhood.

The proposed development would also not hinder the development of the vacant property to the east of the subject site as the former is located across the street and development of this lot would occur independently of the Project site.

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

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

The Project site is abuts the R-3 (Multiple-Family Residential) zoning district to the west. Commercial use in the proposed mixed-use development is located to the east end of the subject development away from residential use in the R-3 district. Thus, it would not be detrimental to the character of the R District area in the vicinity of the site. The proposed condominium units would be adjacent to the residential development in the R-3 district and of a scale, architecture, and form that could potentially enhance the value of the adjacent R-3 district.

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

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

The Project would involve minimal grading and no distinctive natural features are present on the site with the exception of a Monterey pine tree, which is a heritage tree. The heritage tree, and a non-heritage tree large eucalyptus tree, are both proposed for removal to allow for the construction of the Project. Similarly, approximately 23 additional small-diameter trees would also be removed to enable construction of the Project.

The proposed removal of the trees on the site is not excessive for purposes of this finding. The Applicant has proposed the removal of these trees to allow for the development of the Project that would be consistent with the General Plan objectives for the West Sharp Park neighborhood. Furthermore, in the Project arborist's assessment (Attachment E of the staff report), the Monterey pine, which is a heritage tree, is in poor condition with an off balance and thinning crown. The PMC contemplates removal of heritage trees based on the condition of the tree. The proposed heritage tree removal would be authorized in accordance with the requirements of Chapter 12 of Title 4 of the PMC. As a general matter, only as many trees are being removed as necessary to construct the Project, which results in tree removal which is not excessive.

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

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

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

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

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

In the Planning Commission's assessment, as conditioned, the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of Project consistency with the Design Guidelines are discussed below (Design Guidelines guidance followed by discussion):

## SITE PLANNING

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

*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.*

### Discussion

The site is a 50'-0" wide parcel oriented in an east to west direction adjacent to Palmetto Avenue, which is a major city street. As discussed in Section 1.A of the staff report the City's General Plan envisions the frontage along Palmetto Avenue to be developed with commercial and high density residential uses to stimulate foot traffic and encourage low and moderate income housing in the area in which the Project site is located.

The proposed mixed-use development furthers that objective in that it accommodates both commercial and residential uses at the highest density allowable in the City's land use regulations (1 unit per 2,000 sf of site area, or 22 units per acre). It takes cues from the shape and orientation of the site in its arrangement of uses on the site. The commercial use is located along Palmetto Avenue and the development relates to the street in that the commercial frontage is angled to follow the front property boundary.

The Project would involve minimal grading because the site is virtually flat. No distinctive natural features are present on-site with the exception of a Monterey pine tree, which is a heritage tree, whose removal is justified as discussed in Section 4.F of the staff report.

- ii. *Lighting. Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.*

### Discussion

As shown on Sheets A4 and A5 of the Project Plans (Attachment C of the staff report), the proposed development would include exterior lighting on its southern and eastern elevations. The lighting fixture proposed is a downlight, as shown on Sheet A4 of the Project Plans (Attachment C of the staff report), which will be attached to the walls on the first story of the proposed building. As such, the proposed lighting would not create glare for occupants and neighbors. Additionally, the Planning Commission has included a condition of approval that sets the parameters for the lighting plan for the site, subject to the satisfaction of and approval by the Planning Director, prior to building permit issuance, in the event other exterior lighting is incorporated in the development at a later stage.

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

Discussion

The Project proposes parking for the residential units on the site in garages on the first floor in the rear three quarters of the site. The garages will be accessed by a driveway leading into the site, adjacent to the first floor commercial unit. The parking areas will not be visible from the street.

**BUILDING DESIGN**

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

Discussion

The overall character of Palmetto Avenue, along which the proposed building will be located, is eclectic. Buildings along this street range from one- to two-stories and range in architectural style from traditional to contemporary. Some are residential structures, some are commercial structures, and some are mixed-use structures.

The proposed building will be located midway in the block between Santa Rosa Avenue and Montecito Avenue. It will be flanked by a two-story single-family residence to the north and a mixed-use building to the south, which consists of one to two-stories with a one-story commercial unit immediately adjacent to the proposed building. The single-family residence to the north of the Project site features bay windows on the second story and horizontal siding. The mixed-use building to the south has a flat roof and features stucco finish. The first floor of this building is occupied by retail commercial uses where storefronts feature large windows.

The proposed building is contemporary in its style and consists of two stories along Palmetto Avenue with the third story of the two residential units (Unit A and Unit B) to the rear of the commercial space setback from the street. The building features a stucco finish and large windows and doors on its front façade. The sides and rear façade of the proposed buildings include cementitious horizontal siding. On balance, the proposed building would complement, enhance, and reinforce the positive characteristics of surrounding buildings.

- v. *Scale. An important aspect of design compatibility is scale. Scale is the measure of the relationship of the relative overall size of one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be “out of scale” with its surroundings due to its relative height, bulk, mass, or density.*

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

Discussion

The proposed development is located in the midst of one- to two-story structures. The development immediately adjacent to the north is two stories and to the south is one story. The proposed building is two stories along Palmetto Avenue. The third story portion of the building is set back from the front along Palmetto Avenue and does not have a presence in sightlines from the street. The proposed building includes a second story deck on the south side that scales down the building on this side and is compatible with the scale of the adjacent one-story structure. Additionally, the roof above the third story portion of the building slopes down south to north to a height of 28’-3” from the maximum allowable height of 35’-0”. This feature of the building’s design helps reduce the scale of the building for compatibility with the scale of the surrounding buildings.

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

Discussion

Overall, the proposed building does not appear disproportionately voluminous in its surroundings. Nonetheless, the proposed building includes several architectural features and details that further help create a sense of human scale. These features and details include south facing balconies with metal railings on the upper floors of the third story portion of the building and a deck on the second story in the front portion of the building. The front façade is characterized by large doors on the first floor and windows with metal railings on the second floor, which also help bring a sense of human scale to the building.

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

Discussion

The predominant materials employed in the proposed building include stucco and cementitious horizontal siding for exterior finish. The first floor of the front façade is emphasized with the use of stone for exterior finish. The Project proposes metal awning above the entrance to the commercial space from Palmetto Avenue, metal railing for the balconies and metal frames for windows and doors. While these materials bring variety to the appearance of the building, they do not appear incongruous overall and the use of horizontal siding and stucco finish is compatible with the exterior finishes of adjacent buildings. The Project site is not located near historic or architecturally significant structures.

- viii. *Color. Building color should be compatible with the neighborhood and should reinforce and complement the visual character of the building's environment. Multiple colors applied to a single building should relate to changes of material or form.*

As shown on Sheet A6 of the Project Plans (Attachment C of the staff report), the proposed color palette consists predominately of two pastel colors, consistent with the light color schemes of adjacent buildings. A darker accent color is used for the door and metal window frames and railings that add interest to the proposed building in an environment where accent colors vary from dark to light.

- ix. *Privacy. Consideration should be given to the impact of development on the privacy of surrounding properties. Use judicious windows placement and appropriate landscaping to help minimize the potential for loss of privacy.*

The proposed building is bounded by Palmetto Avenue to the east and surrounded by buildings on the three remaining sides. The building to the north does not contain any windows that face the Project site. Similarly, the first story of the building to the south does not contain any windows facing the Project site, and the second story of this building contains one window facing the Project site that would be visible from the deck on the second story of the proposed building. However, the location of the deck would result in minimal privacy impacts as the second story of the neighboring building to the south is located at a distance of approximately 25 feet from the proposed deck.

The two-story multi-family residential building to the west contains windows on the side facing the project site. The side facing façade of this building, which is separated from the proposed development by 10'-0", is not directly to the rear of the façade of the proposed building and the proposed development includes minimal windows on its west side. As a result, privacy of the surrounding properties would not be impacted because of the proposed building.

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

Discussion

The proposed building is architecturally consistent on all four elevations. Although the number of openings on the various facades of the building varies and the size of windows on the north and the west side of the building varies from the large sized windows on the east and the south side, the Applicant has carried the same materials, architectural detailing, and shape of window openings on all sides of the proposed buildings.

LANDSCAPING

- xi. Purpose. *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.*

The proposed development includes perennials and shrubs on the south, west and north side of the Project site. The Project also proposes vines which would potentially climb up the walls of the vehicular pass through under the second story deck to the front of the property. The front façade of the proposed building relates directly to the street and the proposed landscaping is not directed at concealing the building.

- xii. Amount and Variety. *Applicants are encouraged to exceed the minimum amount of landscaping required by the zoning ordinance and landscaping plans should incorporate a variety of plant species. The amount, scale, and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings should be complemented by large-scale landscaping. Development along major streets should also include large scale trees.*

Discussion

The Project proposes approximately 762 sf of area in landscaping, which constitutes 14 percent of the lot size and exceeds the minimum required 10 percent of Project site in landscaping. The proposed planting palette includes perennials, shrubs and vines and is appropriate for the site.

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

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

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



## GENERAL PLAN

### ○ Circulation Element

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

Access to the proposed residential units will be provided through an 11'-8" wide driveway from Palmetto Avenue and the commercial component of the Project would be directly located on and accessed from Palmetto Avenue, which is a public street. While the proposed 11'-8" wide driveway is less than the 20'-0" width specified for a driveway for two-way traffic serving two or more dwelling units per PMC Section 9-4.2813(c)(3), it would serve as ingress/egress for a maximum of five cars which is a low volume of traffic. Thus, conflicts from entering and exiting should be infrequent and simple for drivers to resolve given the clear line-of-sight present along the straight driveway. The City's Engineering Division staff has reviewed the development proposal to ensure the new development would be constructed in a safe manner.

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

The Project proposes commercial development immediately adjacent to Palmetto Avenue. This portion of the West Sharp Park neighborhood is relatively flat, resulting in a walkable neighborhood. In addition, Palmetto Avenue fronting the site has dedicated and marked bicycle lanes. These characteristics are likely to encourage walking and bicycling to the subject location from areas in the vicinity.

### ○ Community Design Element

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

The Project would improve the general area of Palmetto Avenue, consistent with the objectives for this area as enumerated in the West Sharp Park neighborhood narrative in the General Plan. The commercial component of the Project would be of interest to visitors and members of the community. The construction of three residential units would also create housing opportunities.

Additionally, a Subdivision Improvement Agreement is required as an Engineering Division condition of approval to ensure that improvements as agreed upon between the Applicant and the City of Pacifica are constructed.

### ○ Land Use Element

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

The proposed mixed-use development is consistent with the commercial and residential uses in the section of Palmetto Avenue between Paloma Avenue and Clarendon Road, in that it includes both a commercial and residential component.

Furthermore, as indicated earlier in this Resolution, the West Sharp Park neighborhood narrative in the General Plan envisions the frontage along Palmetto Avenue, from Paloma Avenue to Brighton Road, to be mixed with commercial and high-density residential uses and the proposed Project is consistent with that objective.

#### LOCAL COASTAL PLAN

- Coastal Act Policy No. 2: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.*

The proposed Project will establish a mixed-use building with a commercial component and three condominium units on an existing infill lot, located approximately 570 feet from the coast line. The development would not impede access to the sea, which occurs along streets in the public right-of-way that connect the Project site and vicinity to the coastline.

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

The Applicant has proposed a mixed-use development that includes a commercial component that will serve visitors as well as members of the Pacifica community. The inclusion of one studio and two, three-bedroom condominium units in the development would create a range of housing opportunities. The housing units would be developed in conformity with the standards, policies, and goals of the City's Housing Element, including the provision of three housing units towards the City's 413-unit Regional Housing Needs Allocation for the period from 2015-2023.

- Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Where feasible, new hazardous industrial development shall be located away from existing developed areas. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The proposed development would be constructed on an infill lot on Palmetto Avenue. All utilities are available in the immediate surrounding area and adequate capacity exists

within these utilities to service the proposed development. Therefore, the site would be developed contiguous with existing developed areas able to accommodate the proposed development and would not have significant adverse effects on coastal resources.

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

In addition to the findings required for the approval of a Site Development Permit (PSD-834-18), the Planning Commission must make the two additional findings for clustered developments required by PMC Section 9-4.2403(c). The following discussion supports the Commission's findings in this regard.

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

The Project site is not located in a low density area. The Project site and areas abutting along Palmetto Avenue are designated "Commercial" in the Land Use Element of the General Plan. The residential areas located west of the Project site are designated "High Density Residential." Therefore, this finding does not apply.

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

As discussed more fully in the above discussion pertaining to Design Guidelines consistency, the proposed Project would be consistent with provisions pertaining to site planning, building design, and landscaping. In particular, the Project would feature siding materials and colors compatible with surrounding structures, and would have a scale at the front of the site along Palmetto Avenue which respects the mix of one- and two-story structures in the vicinity. Therefore, it would integrate harmoniously into the design character of the immediate neighborhood.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Coastal Development Permit CDP-397-18 for development within the Coastal Zone:

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

As more fully described above, the Project would be consistent with the City's certified LCP because it would provide a commercial use that would serve visitors as well as the members of the Pacifica community. It would provide three condominium units, including a studio unit, which would likely be more affordable than larger, conventional housing opportunities available elsewhere in the city. The architecture and design of the proposed building would be compatible with its surroundings. The Project site is an infill lot, approximately 570 feet inland from the coast line; it would not impact ocean views of adjacent properties, would not impact biological resources, and can be geotechnically constructed safely. Therefore, the Planning Commission

believes there is sufficient evidence to find that the Project is in conformity with the City's certified Local Coastal Program.

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

The subject site is not located between the nearest public road and the shoreline; Beach Boulevard is a public road located between the Project site and the shoreline. Therefore, this Coastal Development Permit finding does not apply in this case.

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

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

The Project requires a use permit for the development of residential use on upper floors in the same building as a commercial use, as well as for establishment of a residential clustered housing development.

The Project would result in the development of three residential condominium units and a first floor commercial space. Creation of housing is an important City objective as stated in the City's 2015-2023 Housing Element of the General Plan. The City has an identified need of at least 413 new housing units during the planning period covered in the Housing Element. Therefore, creating additional housing would benefit the general welfare of the City. Development of three residential units would not generate significant additional traffic and off-street parking consistent with zoning standards would be provided for all residential units. The development would occur on a lot that has access to public utilities. Therefore, the Project would not have a detrimental impact on the health, safety, or welfare of the persons residing or working in the neighborhood.

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

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

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

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

The Project is consistent with the applicable C-1 Zoning Regulations and General Plan as noted above.

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

Per PMC Section 9-4.260.2, usable open space shall include common or private outdoor living, recreation, domestic use, or landscaping. Such area may be on the ground or on a roof, porch, deck, court, or balcony, where any separate area that qualifies under this definition of usable open space shall be a minimum of 4'-0" by 10'-0" and not have a slope of more than 10 percent.

The Project includes three condominium units and requires 450 sf of usable open space per unit or a total of 1350 sf in usable open space. The Project provides a combined total of 1,351 sf of usable open space in yard space, balconies and a deck, all of which are more than the minimum of 4'-0" by 10'-0" and do not have a slope of more than 10 percent.

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

The Project provides private open space in second and third floor balconies associated with the two, three story units to the rear and a deck associated with the studio unit above the commercial space to the front, as shown on Sheet A2 of the Project Plans (Attachment C of the staff report). As shown on this sheet, neither the second nor the third floor balconies provided with each of the two, three-bedroom units to the rear meet the requirement for a minimum area of 150 sf. Therefore, a condition of approval requires that, prior to building permit issuance, the balconies on the second floor with each of these units be modified to provide a minimum area of 150 sf to the satisfaction of and approval by the Planning Director.

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

The Project is proposed to be constructed adjacent to an existing, established public right-of-way (Palmetto Avenue). Since no streets are proposed to be constructed, this requirement is not applicable to the subject Project.

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

The Project proposes only one structure on the lot.

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

The Project site is located approximately 77 feet southwest of the intersection of Santa Rosa Avenue and Palmetto Avenue, on Palmetto Avenue and is not a corner lot. Furthermore the development proposed on the site is not under the same development as the development on the corner lot. Hence, this requirement does not apply to the subject Project.

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

Trash storage area will be provided in the yard associated with each residential unit and concealed behind the unit. The trash storage area with the commercial space will be contained in the commercial unit.

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

The Project Plans (Attachment C of the staff report) do not show laundry facilities for the proposed development. A condition of approval has been included requiring a modification to the interior lay out of the residential units to allow for the provision of a laundry area within each unit. In the event the Applicant proposes modifications to allow for common laundry area, such area shall be accessible from all three proposed residential units.

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

As conditioned, the Project would comply with the above stated standard.

- Private storage space. In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within the project shall have at least 200 cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal surface area of twenty-five (25) square feet, and a minimum interior dimension of three and one-half (3 ½) feet by six (6') feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 ½) feet by six and two-thirds (6 2/3 ') feet.*

Each of the residential units proposes 216 cubic feet of private storage space in the garage associated with each unit. The space provided has a minimum horizontal surface area of 27 sf. However, as proposed, the interior dimension of the storage area would be slightly less than 3'-6". A condition of approval has been included to require that the private storage areas in the garages be modified to provide a minimum interior dimension of 3'-6" by 6'-0".

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

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

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

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

- Parking regulations.*

The subject Project will require five off-street parking spaces for the residential component of the proposed development per PMC Section 9-4.2818(a)(2), 20 off-street parking spaces for the commercial development per PMC Section 9-4.2818(b)(6), and two bicycle parking spaces for the commercial development per PMC Section 9-4.2822(a). The Project proposes the required off-street parking

spaces for the residential component of the Project: two garage parking spaces per three bedroom unit and one garage parking space for the studio unit. The Applicant has requested a parking exception, per PMC Section 9-4.2824(a), for the driveway width of the Project.

The proposed Project, as conditioned, is in compliance with all clustered housing development standards required by PMC Section 9-4.2402.

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

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

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

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

The Project site is not located in a low density area. The Project site and areas abutting along Palmetto Avenue are designated "Commercial" in the Land Use Element of the General Plan. The residential areas located west of the Project site are designated "High Density Residential." Therefore, this finding does not apply.

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

As discussed more fully in the above discussion pertaining to Design Guidelines consistency, the proposed Project would be consistent with provisions pertaining to site planning, building design, and landscaping. In particular, the Project would feature siding materials and colors compatible with surrounding structures, and would have a scale at the front of the site along Palmetto Avenue which respects the mix of one- and two-story structures in the vicinity. Therefore, it would integrate harmoniously into the design character of the immediate neighborhood.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does make the following findings pertaining to Parking Exception PE-184-19:

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

The Applicant has requested a parking exception for the driveway width and for the provision of the required 20 off-street vehicle parking spaces and two bicycle parking spaces that would be required for the commercial development. As discussed in further detail above in the site



development permit findings, the narrowed driveway (11'-8" width) can operate safely because of the low volume of traffic which the Project will generate.

The Applicant has experienced a practical difficulty and unusual hardship complying with the 20'-0" width because of the existing 50-foot width of the Project site. To comply with the full driveway width would take up 40 percent of the site frontage, rendering the commercial space much smaller than desired to make it a viable size and layout for commercial tenants. It would also result in an undesirable building form which does not align well with the adjacent properties on either side of the site. Such a design could affect the desirability of the space to businesses considering to rent it.

The driveway width does widen to 20 feet or more beyond the initial entry to the site. On this basis, the Applicant has proposed off-street parking facilities which are as nearly in compliance with the requirements of Article 28 of the Zoning Regulations as is reasonably possible.

The Applicant has also experienced a practical difficulty and unusual hardship complying with the requirement to provide the 20 off-street vehicle parking spaces and two bicycle parking spaces that would be required for the commercial development. The Project site is only 50 feet wide. The minimum depth of a garage parking space for the residential units is 19 feet pursuant to PMC section 9-4.2817(a). The construction of the garages for the residential units would leave 31 feet of site width for off-street parking spaces. However, PMC section 9-4.2813(c)(3) establishes a minimum driveway width of 20 feet because the driveway would service two or more dwelling units. Construction of such a driveway would result in a remaining site width of only 11 feet for construction of commercial parking spaces. While one or more spaces could be constructed on-site in a parallel parking configuration based on the dimensions of 8 feet wide by 24 feet deep per stall established in PMC section 9-4.2817(c), only a small number of such spaces could be constructed. Any such space would also result in limited building setbacks on the left or right sides of the property of not more than three feet in total. Such reduced setbacks would not result in a desirable Project design, and may preclude the Applicant from satisfying minimum site landscaping coverage (10% minimum). Similarly, there is in effect no space available on-site for establishment of bicycle parking spaces with minimum dimensions of three feet wide by six feet deep per bicycle space. Thus, when balancing all code requirements, the Applicant is confronted with a practical difficulty and unusual hardship.

Although the Applicant has sought a parking exception for the vehicle and bicycle parking spaces, he has demonstrated through the payments offered in the proposed development agreement that his intention is to establish the parking spaces as nearly in compliance with the requirements of the Zoning Regulations as possible by participating in a parking district to be established in the future for the Palmetto commercial district. Since such district is not established currently, the Applicant is seeking the parking exception for the immediate term only and is seeking provision of the off-street parking through future establishment of a parking district by the City.

For the reasons set forth above, the Planning Commission believes there is evidence to conclude the Applicant has faced practical difficulties and unusual hardships which prevent full compliance with off-street parking standards. Thus, as proposed, the Applicant's Project would be as nearly in compliance with the requirements as is reasonably possible.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Vesting Tentative Subdivision Map SUB-242-19 for the subdivision of land:

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

The zoning standards applicable to the subdivision are lot size and lot width. Currently, the Project site consists of two legal lots, which will be merged for the development. The resultant lot will be a conforming lot that meets the applicable lot size and lot width standards of the C-1 zoning district which are 5,000 sf and 50 feet, respectively.

The proposed subdivision is a condominium subdivision dividing air space. The resulting three condominiums would allow mixed-use residential development at a density consistent with the standards for the Commercial land use designation (1 unit per 2,000 sf of site area, or 22 units per acre) with such residential development being located entirely above the ground floor in the same building as a commercial use.

There is no directly-applicable zoning standard for minimum lot size or dimensions related to a condominium subdivision. A related standard is the minimum dwelling unit size found in PMC Sec. 9-4.2313(b), which is 450 sf for bachelor or studio units, and 800 square feet for three bedroom units. The size of the proposed condominium subdivisions are larger than the minimum zoning standards for dwelling unit size. Therefore, the condominium development would enable construction of dwelling units consistent with the zoning standards.

The consistency of the subject Project with the General Plan and Local Coastal Plan are discussed above in this Resolution under the findings for approval of a site development permit. Therefore, there is sufficient evidence to make this finding.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby authorize the removal of one heritage tree on site:

Chapter 12 of Title 4 of the PMC does not provide specific findings for approval of removal of heritage trees. Section 4-12.05(c) of the PMC states that approval of heritage tree removal shall be based on the following criteria:

- 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.*
- vi. *Good forestry practices.*

Discussion

The Applicant submitted an arborist assessment describing the condition of the heritage tree, namely a Monterey pine proposed for removal. The arborist report did not mention other considerations related to criteria (ii) through (vi), above, which would justify removal. Therefore, the Commission should consider the Applicant's request for removal based on criteria (i).

The arborist report describes the heritage tree as being in poor condition with an off-balance and thinning crown and recommends its removal.

Furthermore, given the location of the tree on a constrained site, which is only 50'-0" wide, close proximity to development on the site, even with modification to the site plan, would be unavoidable. The site is also flat and so the existing heritage tree is not providing a function to stabilize sloped areas. On these bases, the Planning Commission's analysis suggests removal of the heritage tree is appropriate under criteria (ii) and (iii) in addition to criterion (i) analyzed by the Applicant's arborist.

Therefore, in the Planning Commission's assessment, the removal of the heritage tree on site is justified.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-834-18, Coastal Development Permit CDP-397-18, Use Permit UP-107-18, Parking Exception PE-184-19, Vesting Tentative Subdivision Map SUB-242-19 and Heritage Tree Removal Authorization for construction of a new, two- to three-story mixed-use building consisting of 993 sf of ground floor commercial space and three condominium units on a 5,446-sf vacant parcel located in the vicinity of 2100 Palmetto Avenue (APN 016-182-370 and 016-182-390), subject to conditions of approval included as Exhibit A to this resolution.

\* \* \* \* \*

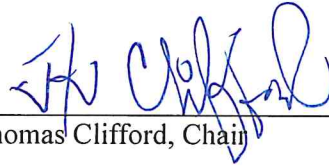
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of May 2019.

AYES, Commissioners: BERMAN, BIGSTYCK, CLIFFORD, NIBBELIN,  
RUBINSTEIN

NOES, Commissioners: N/A

ABSENT, Commissioners: CAMPBELL, KRASKE

ABSTAIN, Commissioners: N/A



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Thomas Clifford, Chair

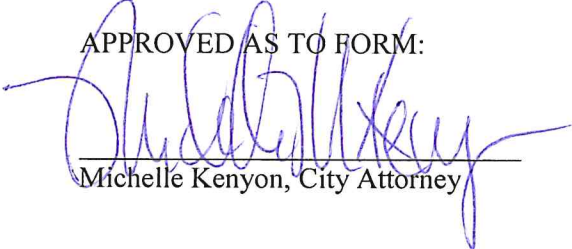
ATTEST:



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Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



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Michelle Kenyon, City Attorney

Exhibit A

**Conditions of Approval: File No. 2018-035 – Site Development Permit PSD-834-18, Coastal Development Permit CDP-397-18, Use Permit UP-107-18, Parking Exception PE-184-19, Vesting Tentative Subdivision Map SUB-242-19, and Tree Removal Authorization for construction of a new, two to three-story mixed-use building consisting of 993 square feet (sf) of ground floor commercial space and three condominium units on a 5,446 sf vacant lot at 2100 Palmetto Avenue (APN 016-182-370 and 340)**

Planning Commission Meeting of May 6, 2019

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Palmetto Ave., Pacifica, CA” dated July 24, 2018, and stamped received by the City of Pacifica on May 1, 2019, except as modified by the following conditions.
2. The date of final determination on Site Development Permit PSD-834-18, Coastal Development Permit CDP-397-18, Use Permit UP-107-18, Parking Exception PE 184-19, Vesting Tentative Subdivision Map SUB-242-19 and Heritage Tree Removal Authorization (the “Development Permits”) shall be the effective date of any future ordinance adopted by the City Council of the City of Pacifica to approve Development Agreement DA-1-18. The Development Permits shall have no force or effect until, and their terms of approval shall begin on, the effective date of an ordinance approving Development Agreement DA-1-18.
3. Consistent with section 65863.9 of the Government Code regulating expiration dates of local agency permits issued in conjunction with a vesting tentative subdivision map, and consistent with section 10-1.606 of the Pacifica Municipal Code governing expiration of vesting tentative subdivision maps for four or fewer parcels, the vesting tentative subdivision map and related development permits 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 vesting tentative map in the manner required by section 10-1.412 of the Pacifica Municipal Code. Any extension of the term of the vesting tentative map shall be deemed also to extend the term of the related development permits.
4. The development permits approved in conjunction with the vesting tentative subdivision map shall be valid for a period of one year from the date of recordation of the final subdivision map. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director’s sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.

In the event of litigation filed to overturn the City’s determination on the vesting tentative subdivision map or development permits, the expiration of the vesting 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.

5. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
6. Prior to 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.
7. Prior to installation of any and all signs on the site, Applicant shall apply for and obtain approval of a master sign program from the Planning Director. The types of signs expected as part of the master sign program for the residential multi-unit development would include but not be limited to address and unit numbering, and potentially a development name sign.
8. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
9. Parking shall be prohibited within the common driveway. Parking shall only be permitted within the approved garages and in lawful locations on-street.
10. Prior to issuance of a building permit, Applicant shall ensure the Project complies with all requirements of the Residential Clustered Housing Development Standards contained in Article 24 of Chapter 4 of Title 9 of the Pacifica Municipal Code, to the satisfaction of the Planning Director, including but not limited to, the following:
  - A. Balconies on the second floor with each of the three bedroom units shall be modified to provide a minimum area of 150 sf for at least one balcony within each of the three-bedroom units;
  - B. The interior lay out of the residential units shall be modified to allow for the provision of a laundry area within each unit. In the event modifications propose a common laundry area, such area shall be accessible from all three proposed residential units; and
  - C. The storage area in the garage associated with each unit shall be modified to provide a minimum interior dimension of 3'-6" by 6'-0".
11. Prior to issuance of a certificate of occupancy for any commercial or residential unit on the site, Applicant shall apply for and obtain approval of a master sign program from the Planning Director which master sign program shall include all signage proposed on the Project site.
12. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
13. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.

14. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director's satisfaction.
15. Prior to issuance of a building permit, Applicant shall demonstrate that the two lots on the Project site have been merged into a single lot consistent to the satisfaction of the Planning Director.
16. 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.
17. 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.
18. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native, and shall include an appropriate mix of plantings including but not limited to two medium to large sized coastal compatible trees in the rear yard soften the proposed structure. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
19. 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 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, or the like, without prior written approval of the Planning Director.
  - L. The Declaration shall include any provisions required to be included in the CC&Rs by this Resolution. 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 Resolution 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.
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. 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

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

Engineering Division of Public Works Department

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

31. Applicant must dedicate a Private Sanitary Sewer Easement (PSSE) for each proposed sanitary sewer system. Each system shall be privately maintained all the way to, and including, its connection to the public sewer main. No private sanitary sewer system may cross under a permanent structure owned by a different owner.
32. If any component of a storm water drainage system crosses a portion of property under different ownership, the Applicant must dedicate a Private Storm Drainage Easement (PSDE) for the proposed storm drain system.
33. Excess site drainage must be conducted under the sidewalk to the street. Storm drainage should be designed for a 100-year event (a rate of rainfall anticipated to occur only once in 100 years, on average).
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. New driveway approach ramp and new concrete sidewalk, curb and gutter shall be per City Standards. Where the sidewalk crosses the driveway approach it must be ADA-compliant, providing no more than 2% cross-slope for no less than 48" width.
36. If the utility connections are already stubbed out to the property or along the existing sidewalk then pavement restoration along Palmetto Avenue shall not be required. If trenching or other access beneath the pavement of Palmetto Avenue is needed to access utility connections, then Applicant shall restore the existing street and slurry seal to the limits of all trenching or to street centerline, whichever is greater, across the entire property frontage. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, the Applicant may be required to slurry seal a larger area. Applicant shall replace all pavement markings and markers in kind.
37. Prior to approval of a building permit, Applicant shall provide an erosion control plan.
38. All utilities shall be installed underground from the nearest joint pole or box.
39. The Applicant shall submit a final map to the Engineering Division for approval by the City Engineer:
  - A. The final map must be substantially in conformance with the approved Vesting Tentative Map for the Project.
  - B. Any significant changes may require revision of the approved Vesting Tentative Map.
  - C. All required monumentation shall be shown on the final map and shall be set prior to recordation of the map.
40. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica (subject to the approval of the City Attorney and City Engineer) to construct all on-site and off-site improvements, as depicted on the approved Vesting Tentative Map and any conditions and mitigations imposed on this Project, prior to approval of the final map. Should the Applicant desire to obtain final map prior to completion and acceptance of improvements, any necessary

bonds and fees in an amount determined by the City Engineer must be provided. The bond maybe in the form of cash, instrument of credit or surety bond.

41. Prior to the execution of the Subdivision Improvement Agreement, Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
- A. A design geotechnical report by a licensed geologist or geotechnical engineer analyzing the proposed on-site and off-site improvements including but not limited to the cuts and fills, stabilization of existing slopes or erosion areas, site drainage, suitability of native soil for backfills, pavement design, driveways and retaining walls.
  - B. A recent title report documenting ownership of the property and any existing easements.
  - C. An accurate survey plan, showing:
    - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
    - ii. property lines labeled with bearings and distances;
    - iii. edge of public right-of-way
    - iv. any easements
  - D. A site plan, showing:
    - the whole width of right-of-way of adjacent streets, including existing and proposed improvements such as, but not limited to, pavement overlay or slurry seal (as required), under-sidewalk drainage, driveway approaches, sidewalk, curb & gutter, ADA-compliant curb ramps, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, any existing or proposed street markings and signage; existing and requested traffic control devices, existing and proposed street lights; existing and proposed street monuments;
    - the slopes of existing adjacent and any proposed streets;
    - plan, profile and cross sections of the proposed driveways; proposed driveway shall not exceed the maximum grade of 18%;
    - measurements to adjacent driveways within 25' of the Project limits;
    - bike lanes or bus stops on adjacent streets;
    - any existing fences, and any structures on adjacent properties within 10' of the property lines;
    - any existing trees that might be affected by the Project;
    - any creeks or seasonal drainage swales or ditches on the property or near enough to be affected by the Project
    - Details for construction within the public right-of-way or public easements such as, but not limited to:
      - structural sections for pavements, sidewalks, driveways;
      - water, storm drainage and sanitary sewer pipes and structures;
      - gas, electric and communications facilities;
      - retaining walls, fences, planters, steps or stairways, or any other fixed structures;
  - i. All plans and reports must be signed and stamped by a California licensed professional.

42. Prior to approval of the final map, the Applicant shall verify that all public and private utilities have been provided to serve the subdivision. Approvals and/or agreements shall be obtained from all utilities.
43. A site-specific traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Palmetto Avenue.
44. Prior to the site being physically disturbed in any way that could affect storm water runoff, an erosion control plan will have to be approved by the City Engineer.
45. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Caltrans Standard Specifications, Pacifica Municipal Code, and Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.
46. The final drainage design for the permeable pavers shall meet the permeability requirements given in the C.3 Technical Guidance Manual, including storage requirements for the C.3 treatment storm. If the C.3 Technical Guidance Manual indicates a subdrain is required, the plan shall demonstrate how runoff collected in the subdrain will be discharged from the site.
47. The final design shall confirm the location of roof rainwater leaders and the fire sprinkler drains, confirming that these drain to the permeable pavers.
48. The property owner shall enter into a post-construction Operations and Maintenance (O&M) Agreement with the City for the ongoing maintenance of the pervious pavers.

North County Fire Authority

49. The Applicant shall submit area site plan showing location of hydrants. Hydrant location shall comply with 2016 CFC Appendix C of 225 feet maximum distance to hydrant.
50. The Applicant shall submit plans for the required fire sprinklers per Pacifica Municipal Code and 2016 CFC at the same time or before they submit for a building permit.
51. The Applicant shall provide a horn strobe on the front of each address for the fire sprinkler.
52. The Applicant shall provide a fire flow report from North Coast County Water District (NCCWD) showing a fire flow of 750 gpm or greater per 2016 CFC Appendix B, Table B105.1 for structures over 3600 sq. ft.
53. The Applicant shall provide clearly visible illuminated premises identification (address) per 2016 CFC.
54. The Applicant shall install smoke detectors and carbon monoxide (CO) monitors per 2016 CFC and 2016 CBC.

Conditions of Approval: File No. 2018-035 – Mixed Use Building  
Vicinity of 2100 Palmetto Avenue (APN 016-182-370 and 016-182-390)

May 6, 2019

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55. The Applicant shall conform to 2016 CFC chapter 33 for fire safety during all construction.
56. The Applicant shall not begin construction without approved plans and a permit on site at all times.

\*\*\*END\*\*\*