

RESOLUTION NO. 980

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-817-17, COASTAL DEVELOPMENT PERMIT CDP-382-17, USE PERMIT UP-83-17, SIGN PERMIT S-123-17, PARKING EXCEPTION PE-171-17, AND HERITAGE TREE REMOVAL, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A TWO-STORY MIXED-USE BUILDING WITH GROUND FLOOR COMMERCIAL SPACE AND FOUR ONE-BEDROOM APARTMENTS AT SECOND FLOOR; OPERATION OF AN OUTDOOR SEATING AREA; ESTABLISHMENT OF A MASTER SIGN PROGRAM; CONSTRUCTION OF A FREESTANDING SIGN; REDUCTION IN OFF-STREET PARKING AND COVERED PARKING REQUIREMENTS; AND, AUTHORIZATION TO REMOVE HERITAGE TREES, AT A VACANT PARCEL LOCATED AT THE SOUTHERN PORTION OF THE PEDRO POINT SHOPPING CENTER, NORTH SIDE OF SAN PEDRO AVENUE, APPROXIMATELY 280 FEET EAST OF THE INTERSECTION OF SAN PEDRO AVENUE AND GRAND AVENUE (APN 023-072-110) IN PACIFICA, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Consult Design Build, Inc. ("Applicant")

WHEREAS, Applicant has submitted an application on behalf of the property owner, Pacifica Beach View Company, to construct a two-story mixed-use building comprised of 3,213-square feet (s.f.) gross leasable area at ground floor and four one-bedroom apartments totaling 3,508-s.f. living area at second floor; operate an outdoor seating area; authorize office use; establish a master sign program; construct a freestanding sign; reduce off-street parking and covered parking requirements; and, remove three heritage trees ("Project"); and

WHEREAS, the Project requires Planning Commission approval of a site development permit because the Project involves new construction within a commercial district; a coastal development permit, because the Project involves development within the Coastal Zone; a use permit because the Project includes a residential use above ground-floor commercial, and because the Project includes an outdoor seating area; a parking exception because the Applicant experienced practical difficulty and unusual hardship in providing the required number of parking spaces for the Project, providing the required number of parking spaces for potential future restaurant uses, installing the minimum landscaped median to allow vehicle overhang, as well as required covered parking for the residential units; a sign permit because the Project requires a master sign program and because the Project includes a freestanding identification sign; and, heritage tree removal authorization because the Project would require removal of three heritage trees; and

WHEREAS, the Project will require approval of four residential development applications by City Council, prior to issuance of a building permit, pursuant to section 9-5.03 of the Pacifica Municipal Code; and

WHEREAS, the Project is located within the Appeal Zone of the Coastal Zone, making it subject to appeal to the California Coastal Commission; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 18, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
- C. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15303 (14 Cal. Code Regs. § 15303) and therefore directs staff to file a Notice of Exemption for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica hereby approves development and operation of the Project, except that the Project shall not include office use unless authorized by a future action of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica considered, but did not grant, authorization for the Applicant to operate office use – a non-visitor-serving use – as part of the Project. The Planning Commission determined the Project should consist of visitor-serving uses to be consistent with the General Plan and Local Coastal Plan.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to operate any combination of restaurants, retail restaurants, or fast food restaurants – which are visitor-serving uses – within the Project at any point in the future without further requirement for a parking exception.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to operate an outdoor seating area wherein alcohol may be served and amplified live or recorded music may be played.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to operate four one-bedroom apartment units located entirely above ground-floor commercial area.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to remove three heritage trees.

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

A. *Site Development Permit.* The Planning Commission does not make any of the following findings that would preclude issuance of a site development permit under PMC Section 9-4.3204:

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

The location, size, and intensity of the mixed-use building would not differ significantly from adjacent Pedro Point Shopping Center or other mixed-use buildings located in the Pedro Point neighborhood at 332 San Pedro Avenue (corner of San Pedro Avenue and Livingston Avenue) as well as those at 1263 Danmann Avenue and 1265 Danmann Avenue (between San Pedro Avenue and Kent Road).

The Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern because it would widen the sidewalk to eight feet in width, improving pedestrian safety; and, would include a driveway entrance of 25'-6" in width, which complies with the standard in section 9-4.2813(h) of the PMC. In addition, the City's Engineering and Field Services Division staff has reviewed the development proposal to ensure the new development would be constructed in a manner which provides the minimum safe stopping distance for vehicles traveling along San Pedro Avenue in accordance with Caltrans Highway Design Manual standards. The design review resulted in a recommendation to prohibit parking (e.g., "red curb") for at least 15 feet along the eastern and western extent of the site's frontage, which has been required as a condition of approval.

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

The Project would not create a hazardous or inconvenient condition to adjacent or surrounding uses. The Project would include a driveway entrance of 25'-6" in width, which complies with the standard in section 9-4.2813(h) of the PMC. In addition, the City's Engineering and Field Services Division staff has reviewed the development proposal to ensure the new development would be constructed in a manner which provides the minimum safe stopping distance for vehicles traveling along San Pedro Avenue in accordance with Caltrans Highway Design Manual standards. The analysis included consideration of vehicles entering and exiting the existing Pedro Point Shopping Center driveways to the east and west of the Project site. The design review resulted in a recommendation to prohibit parking (e.g., "red curb") for at least 15 feet along the eastern and western extent of the site's frontage to protect traffic on adjacent streets, which has been required as a condition of approval.

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

The Project would screen the service and storage areas of the building from view behind a six-foot tall solid wood fence. The parking area at the site is relatively small as is the site itself, resulting in practical constraints for design of the parking lot and landscaping to break it up. Nevertheless, the Project would include sufficient landscaping to comply with the 10 percent requirement in the Zoning Regulations. The small size of the parking area means that it is not a large expanse of paving and by extension, it does not require extensive landscaping to break it up. Wherever possible, in light of the site constraints, the Project has included landscaping along the perimeter of the parking area to provide a buffer between the street, adjacent properties, and the building. The Project also includes three street trees along the San Pedro Avenue public right-of-way, in excess of PMC landscaping requirements, which would enhance the aesthetics of the immediate neighborhood as well as views of the building from Coast Highway.

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

The building's height would not exceed 33'-8". Due to its low height, and its nearly 60-foot separation from the nearest building to the north, the Project is situated such that it would not impact adjacent structures or properties by restricting or cutting out light or air, or by casting shadows.

Siting of the building is sensitive to the existing layout of the Pedro Point Shopping Center. It would create an outdoor seating area complimentary to the existing outdoor seating area at the Devil's Slide Taproom to the north. However, the Project has relied on extensive use of pervious paving which resulted in the Project being below the regulated Project threshold in Provision C.3 of the MRP. Improperly installed or maintained pervious paving does not continue to function optimally and its pervious characteristics will diminish over time. In such a case, excess stormwater flow from the site from poorly functioning pervious paving could hinder or discourage the appropriate development and use of land in the neighborhood, or impair the value thereof. Therefore, Planning Commission has required by a condition of approval that the Project shall include an operations and maintenance (O&M) agreement which will bind the Project owner to perform periodic maintenance and allow period inspection by the City to ensure the maintenance is being performed.

With inclusion of the condition of approval noted immediately above, the Planning Commission has not identified any aspect of the Project which would hinder or discourage the appropriate development and use of land and buildings in the neighborhood. Moreover, because of the quality Project design and materials selected, the Project should be expected to improve, rather than impair, the value of land and buildings in the Pedro Point neighborhood.

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

The Project is not adjacent to any residential districts. The nearest developed residential district is approximately 250 feet to the west at the southwest corner of San Pedro Avenue and Grand Avenue. Nevertheless, the high-quality design and materials selected for the Project would favorably compliment the character and value of the nearest developed residential

district. The Project would include an architectural design and mix of siding materials which convey a predominantly rustic residential character, as described more fully in the staff report. Because of the material selection included in the Project, the building would be considerate of the relationship of the site with the existing, predominantly residential Pedro Point neighborhood.

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

The Project would involve minimal grading because the site is already predominantly flat. No distinctive natural features are present and thus, none would be disturbed with the exception of a mix of young and mature trees. As detailed in the staff report in the discussion of heritage tree removal, preserving and maintaining the healthy trees at the site would not be possible since doing so would prevent the Applicant from making economically viable use of the site.

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

The Project would include a number of architectural details and site design elements that would avoid monotony in the external appearance. The mix of board-and-batten siding and corrugated metal siding on the building would create a soothing visual repetition in the vertical orientation of the siding while also creating interest with the contrast of color and texture. The change in roof design and elevation between the outer wings and the center of the building creates visual interest by breaking up what would otherwise be a massive metal roof.

The site layout also involves variety and would avoid monotony. The site paving would include a mix of pervious pavers, pervious concrete, and impervious concrete. Ten percent of the site would consist of landscaping including a variety of trees, shrubs, and ground cover. The Project also includes several raised planters, seating walls, and a fire pit with outdoor seating. All of these site design features would create an interesting site layout.

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

As set forth more fully in the staff report, the Project is consistent with Site Planning guidelines, especially in relation to site improvements, building location, lighting, screening, and parking, and Building Design guidelines related to details, materials, and consistency.

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

As set forth more fully in the staff report, the Project is consistent with the General Plan, in particular Circulation Element Policy Nos. 6, 9, 11, 13, and 14; Community Design Element Policy Nos. 2 and 5 and Guideline for Future In-fill Development No. 1; Land Use Element Policy No. 8; Seismic Safety and Safety Element Policy Nos. 1 and 4.

The Project would also comply with Coastal Act Policy Nos. 5 and 23, as well as be consistent with the neighborhood narratives for the Pedro Point-Shelter Cove neighborhood. These particularly include creating commercial areas attractive to visitors and creating housing opportunities for persons of low and moderate income. 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-2 (Community Commercial) district.

- B. *Coastal Development Permit.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.4304(k) prior to issuance of a Coastal Development Permit:

- i. *That the proposed development is in conformity with the City's certified Local Coastal Program.*

As described in further detail in the staff report, the Project would provide predominantly visitor-serving commercial uses; create a development attractive to visitors; orient to the coastal setting by inclusion of a roll-up door to create indoor/outdoor space and establishment of an outdoor seating area; incorporate rustic residential design elements consistent with the surrounding neighborhood character; create housing opportunities for persons of low and moderate income consistent with the City's Housing Element; and be constructed immediately adjacent to an existing developed commercial area where all utilities are readily available.

- ii. *That 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 Project is located between the shoreline and the nearest public road, San Pedro Avenue. However, the Project is located approximately 660 feet from the shoreline and is not located on an oceanfront parcel or on an upland parcel upon which coastal recreation is dependent. Therefore, the Project would not affect public recreation along the shoreline and thus, by extension, is found to be in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

- C. *Use Permit.* The Planning Commission hereby makes the following findings required by PMC Section 9-3303 prior to issuance of a Use Permit:

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

As described in further detail in the staff report, the Project would 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.

RESIDENTIAL USE

The residential component of the Project would create four housing units above a ground-floor commercial area. 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.

The small size of the residential development – four units – helps to moderate any potentially adverse impacts to the health, safety, and welfare of persons residing or working in the neighborhood. According to the Trip General Manual (Institute of Transportation Engineers, 9th Edition, 2012), one apartment unit typically generates 0.51 AM peak hour vehicle trips and 0.62 PM peak hour vehicle trips. Therefore, only two AM and two PM peak hour trips are estimated to be generated by the four apartment units. Such a low generation of peak hour trips would not have a detrimental impact on the

health, safety, or welfare of the persons residing or working in the neighborhood.

Despite the presence of the Project site within an area with identified liquefaction and tsunami inundation hazards, the inclusion of conditions of approval prohibiting wood-framed construction in any of the structural elements of the building, requiring incorporation of expert engineering techniques into the construction plans, subject to review and approval by the City, and installing a tsunami warning sign, reduces these risks to a level where the Project would not be detrimental to the health, safety, and welfare of residents of the apartment units or persons residing or working in the neighborhood, or to the general welfare of the City.

OUTDOOR SEATING AREA

The outdoor seating area is an essential component of the Project to make the site attractive to visitors and to orient the site to its coastal setting. Particularly important to visitor attractiveness and economically viable use of the site for a potential restaurant operator are the ability to serve alcohol and to amplify live and recorded music. Alcohol service is commonplace in many outdoor seating areas and may be conducted safely in accordance with Department of Alcoholic Beverage Control regulations. Similarly, outdoor amplified music can be integrated at the site without undue disturbance to residents in the Pedro Point neighborhood because of the orientation of the seating area to the building. The building would attenuate the sound by obstructing its direct transmission into the neighborhood. As an added precaution, a condition of approval will limit the hours of operation for outdoor music.

With appropriate maintenance and upkeep as well as limitations on hours during which music may be amplified, the outdoor seating area would not be detrimental to the health, safety, and welfare of the persons residing in the neighborhood or to the general welfare of the City.

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

As set forth more fully in the staff report, the Project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, Land Use, Seismic Safety and Safety 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-2 (Community Commercial) district. The Project would also comply with Coastal Act Policies 5 and 23, as well as be consistent with the neighborhood narratives for the Pedro Point-Shelter Cove neighborhood. These particularly include creating commercial areas attractive to visitors and creating housing opportunities for persons of low and moderate income. Therefore, the Project would also be consistent with the Local Coastal Plan.

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

As set forth more fully in the staff report, 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 and Building Design.

- D. *Parking Exception.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.2824(a) for approval of a parking exception:

- 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.*

As set forth more fully in the staff report, the Project's establishment, maintenance, and/or conducting of the off-street parking facilities would be as nearly in compliance with the requirements set forth in Article 28 of Chapter 4 of Title 9 of the PMC as is reasonably practicable.

First, alternatives to revise the apartment floor plans to studio units or to construct fewer apartment units would negatively impact the Project's economic viability, and would contradict housing production goals in the Housing Element of the General Plan.

Second, eliminating the outdoor seating area would be inconsistent with the General Plan and Local Coastal Plan which describe the importance of orienting development in the Pedro Point Shopping Center to the coastal setting as well as creating attractive visitor-serving uses. The outdoor seating area will provide more options for visitors to the potential café or restaurant uses which may occupy the site in the future, and provide an outdoor experience that allows visitors to enjoy the coastal setting and take in views of surrounding natural resources, including the Pedro Point Headlands to the south.

Third, reducing the floor area of the commercial use would not result in an economically viable commercial Project because expert opinion indicates that a 3,000 sq. ft.-minimum commercial floor area is necessary to attract the widest range of commercial tenants, and a smaller commercial space would likely reduce the number of apartments constructed at the site.

Fourth, restaurant uses are a visitor-serving use which the City's Zoning Regulations and Local Coastal Plan require to be permitted within C-1 (Neighborhood Commercial) and C-2 (Community Commercial) zoning districts located within the Coastal Zone. It is not spatially or practically feasible for the Project to include the minimum number of parking spaces for restaurant uses as required in Article 28 of the Zoning Regulations.

Fifth, construction of carports for the residential component of the Project would be detrimental to the visual character of the site and General Plan and Local Coastal Plan guidelines for design of the Pedro Point Shopping Center.

Sixth, the site's small size and configuration constrains the Project from constructing a six-foot landscaped median to fully comply with Article 28 standards. Allowing landscaped buffers without a six-foot median enables the Project to comply with minimum landscaping standards, and, improves the site's design to more closely align with General Plan and Local Coastal Plan guidelines for design of the Pedro Point Shopping Center.

E. *Sign Permit.* The Planning Commission hereby approves a master sign program for the Project as modified by the conditions of approval, and further makes the following findings required by PMC Section 9-4.2906(b) for approval of a sign permit for a freestanding sign:

- i. *A freestanding sign is necessary for the business or businesses located on the premises to achieve a reasonable degree of identification.*

The freestanding sign is necessary to identify the Project because it is not part of the Pedro Point Shopping Center. The Project site is separately owned and does not enjoy reciprocal ingress/egress rights with the larger Pedro Point Shopping Center. Therefore, it is necessary to provide freestanding sign identification for the Project site so customers, residents, and visitors can determine it is a distinct commercial property.

- ii. *The sign is consistent with the intent and provisions of this article.*

The freestanding sign would be consistent with the intent of the City's sign provisions, which generally is to ensure signs would not endanger public

safety because of inappropriate size, location, or construction. As required by conditions of approval, the sign would require review and approval of a building permit to ensure its construction in accordance with applicable standards, and has undergone review by a licensed professional engineer to ensure placement of the sign would not affect safe line-of-site at the shopping center entrance.

- iii. *The sign does not exceed the square footage set forth in subsection (3) of subsection (a) of this section.*

The Project site's street frontage along San Pedro Avenue is approximately 132 linear feet. Based on the provisions of PMC Section 9-4.2906(a)(3), the combined sign area of the wall sign on the building's southern elevation and the freestanding sign shall be limited to 99 square feet. Therefore, based on the corresponding 99-sq.ft. limitation included in the sign program, and considering the maximum sign area of the freestanding sign would be 21 square feet based on the sign dimensions specified in the sign program, the freestanding sign would have a sign area consistent with the limitations of subsection (3) of subsection (a) of section 9-4.2906.

- iv. *The sign does not exceed a height of twenty (20') feet above the sidewalk or paved area over which it is erected.*

The maximum height of the freestanding sign is 3'-6", which is less than 20 feet.

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

- i. *Whether the requested action is necessary for the economically viable use of the property.*

For the reasons set forth more fully in the staff report, removal of three heritage trees is necessary for the economically viable use of the property because the heritage trees to be removed cover a significant area of the site; because the concentration of the trees in an important corner of the site makes designing around them infeasible; and, because building alternatives would present visual and functional difficulties to efficient operation of the site.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17, Sign Permit S-123-17, Parking Exception PE-171-

Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17,
Sign Permit S-123-17, Parking Exception PE-171-17, and Heritage Tree Removal Authorization
Pad Building at Pedro Point Shopping Center
Vacant Parcel Located at the Southern Portion of the Pedro Point Shopping Center, North Side of San
Pedro Avenue, Approximately 280 Feet East of the Intersection of San Pedro Avenue and Grand Avenue
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17, and Heritage Tree Removal Authorization, subject to conditions of approval attached
as Exhibit A.

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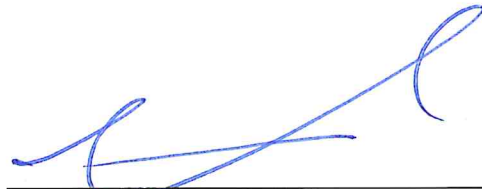
PASSED AND ADOPTED at a regular meeting of the Planning Commission of
the City of Pacifica, California, held on the 18th day of September, 2017.

AYES, Commissioners: CAMPBELL, CLIFFORD, GORDON, NIBBELIN,
STEGINK

NOES, Commissioners: COOPER

ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: N/A



John Nibbelin, Chair

ATTEST:


Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

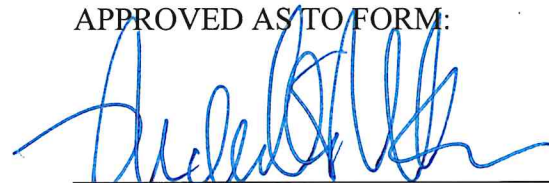

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17, Sign Permit S-123-17, Parking Exception PE-171-17, and Heritage Tree Removal Authorization at a Vacant Parcel Located at the Southern Portion of the Pedro Point Shopping Center, North Side of San Pedro Avenue, Approximately 280 Feet East of the Intersection of San Pedro Avenue and Grand Avenue (APN 023-072-110)

Planning Commission Meeting of September 18, 2017

Planning Division

1. Development shall be substantially in accord with the plans entitled "New Mixed Use Development TBD San Pedro Avenue, Pacifica, CA", revised September 6, 2017, and stamped received by the City of Pacifica on September 13, 2017, except as modified by the following conditions.
2. That the approvals are valid for a period of one year from the date of final determination. If the use(s) 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.
3. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
4. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable, on all building elevations.
5. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to

Conditions of Approval: Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17, Sign Permit S-123-17, Parking Exception PE-171-17, and Heritage Tree Removal Authorization Pad Building at Pedro Point Shopping Center

Vacant Parcel Located at the Southern Portion of the Pedro Point Shopping Center, North Side of San Pedro Avenue, Approximately 280 Feet East of the Intersection of San Pedro Avenue and Grand Avenue (APN 023-072-110)

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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.

6. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
7. 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 issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
8. 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.
9. 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.
10. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
11. Applicant shall maintain the freestanding sign in a condition substantially free of visible corrosion, malfunctioning illumination, and missing or damaged sign materials.
12. Prior to issuance of a certificate of occupancy for any commercial or residential unit in the building, the Applicant shall revise its master sign program to include the following provisions, to the satisfaction of the Planning Director:

Conditions of Approval: Site Development Permit PSD-817-17, Coastal Development Permit CDP-382-17, Use Permit UP-83-17, Sign Permit S-123-17, Parking Exception PE-171-17, and Heritage Tree Removal Authorization Pad Building at Pedro Point Shopping Center

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- a. Size, material, illumination, and placement standards for building and suite/apartment address identification signs;
 - b. A limitation that the only signage authorized for the residential multi-unit development is building and apartment address identification signage;
 - c. A requirement that the freestanding sign be constructed predominantly of one or more of the dominant materials on the building, such as vertical board-and-batten siding, lap siding, or corrugated metal; and,
 - d. A limitation on freestanding sign area to the elevation facing San Pedro Avenue.
13. Prior to issuance of a building permit, Applicant shall demonstrate compliance with Provision C.3.i of the Municipal Regional Permit regulating stormwater discharges for small projects, to the satisfaction of the Planning Director. All required measures shall be clearly identified on the plans, designed to applicable technical standards, and incorporated into the project prior to building permit issuance.
 14. Prior to issuance of a certificate of occupancy, Applicant shall execute and record a stormwater operations and maintenance (O&M) agreement for permanent maintenance of the on-site pervious paving which the Applicant has utilized to ensure the project is below the threshold of 5,000 sq. ft. of impervious surface for "Special Land Use Categories" under the Municipal Regional Permit for stormwater discharges. Prior to execution and recording, the O&M Agreement shall be subject to review and approval by the City Attorney and City Engineer.
 15. Prior to the issuance of a building permit, Applicant shall submit information on outdoor furniture, including but not limited to tables, chairs, and trash receptacles, for review and approval by the Planning Director.
 16. Only furniture designed for outdoor use by the manufacturer may be placed within the outdoor seating area. Furniture includes, but is not limited to, tables, chairs, umbrellas, and trash receptacles. Applicant shall ensure that all furniture shall be maintained in working order and in good condition. Applicant shall timely replace faded, rusted, worn, or broken furniture when the deteriorated condition is first observed, but in no case longer than 90 days after a written request by the Planning Director.
 17. Umbrellas shall not contain text, logos, or other signage unless such signage is included in the site's Master Sign Program.

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18. Operating hours of the outdoor seating area shall be limited to 6:00 AM until 10:00 PM daily, inclusive of time needed for daily setup, disassembly, and cleaning. The Planning Director shall have the authority, upon 15 days advanced written notice to Applicant, to modify the hours of operation if substantial evidence exists that the outdoor seating area is creating a disturbance to nearby residences or businesses. Applicant may appeal to the Planning Commission any modification to the hours of operation of the outdoor seating area.
19. The Applicant may incorporate amplified or unamplified music, including live or recorded performances, during the following days/hours: Sunday through Thursday from 11:00 AM to 7:00 PM, and Friday through Saturday from 11:00 AM to 9:00 PM. The Planning Director shall have the authority, upon 15 days advanced written notice to Applicant, to modify the hours of operation if substantial evidence exists that the outdoor seating area is creating a disturbance to nearby residences or businesses. Applicant may appeal to the Planning Commission any modification to the hours of operation of the outdoor seating area. Musical performances authorized by this condition of approval shall not occur during any portion of any day on more than three days per week, or for more than three consecutive days. For purposes of this condition, the week shall be considered to begin on Monday.
20. Alcohol service by either or both commercial tenants operating within the commercial portion of the building shall be permitted in the outdoor seating area. Alcohol service and consumption in the outdoor seating area shall be in accordance with all rules, regulations, and limitations imposed by the Department of Alcoholic Beverage Control.
21. Any firepit or firepits installed in the outdoor seating area or in any other location on the site shall be Underwriters Laboratory (UL)-listed, and shall include an emergency gas shut-off at a distance from the building acceptable to the Building Official and Fire Chief.
22. Applicant shall regularly maintain the outdoor seating area in conformance to this condition of approval. Regular maintenance shall include, at a minimum, the following:
 - a) sweeping of the patio area and adjacent sidewalks daily;
 - b) mopping of spills or stains as needed;
 - c) emptying trash receptacles daily, or when receptacles are full, whichever occurs first; and,
 - d) removal of litter (including, but not limited to, beverage containers, lids, food wrappers, condiment wrappers, and cigarette butts) from the patio, adjacent sidewalks, adjacent landscaping areas, adjacent parking lot daily, and fire pit. Patio maintenance shall be performed to the satisfaction of the Planning Director. The foregoing shall also include timely replacement of broken, severely damaged, or faded

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outdoor furniture, upon written request of the Planning Director.

23. The project shall include not more than three compact parking stalls as allowed by PMC section 9-4.2817(b).
24. The project shall include a maximum of two commercial lease spaces. The Applicant may make minor modifications to the central entry area to create separate entrances for the tenants at any point in the future, subject to design review and approval by the Planning Director.
25. Office use shall be prohibited in the Project unless authorized by a future action of the Planning Commission.
26. Applicant shall be prohibited from converting one or more apartments, or portion thereof, to commercial use, including without limitation office use. However, a resident(s) of one or more apartments may operate a home business in an apartment unit upon City issuance of a Home Occupation Permit.
27. Due to the tsunami inundation hazard at the site, wood-framed construction shall be prohibited in any of the structural elements of the building. The method of construction of the site shall be recommended by an engineer with expertise in the design of structures intended for construction in tsunami inundation hazard zones. The engineer's recommendations shall be incorporated into the building's design and shall be subject to review and approval by the Building Official.
28. Applicant shall design and construct the project in accordance with the recommendations contained in the document entitled "Geotechnical Investigation for Proposed New Mixed Use Development," prepared by GeoForensics Inc. on March 31, 2017, in particular as they pertain to liquefaction and tsunami inundation risks. Additionally, the Applicant shall retain the services of a qualified engineer with knowledge of tsunami hazards to make structural recommendations for the proposed structure which will reduce the hazard from tsunami inundation to acceptable levels, to the satisfaction of the Building Official. Such recommendations shall be incorporated into the design and construction of the building.
29. Prior to issuance of a certificate of occupancy for any commercial or residential unit in the building, the Applicant shall install a tsunami hazard notification sign at the site, the design, placement, and method of installation of which shall be subject to review and

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approval by the Planning Director.

30. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
31. 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.

Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to issuance of a building permit.

32. 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, but excluding any approvals governed by California Government Code Section 66474.9. 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.

Building Division

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

Engineering Division of Public Works Department

34. Site design and construction activities shall be undertaken in conformance with PMC Title 16, Chapter 12 "Storm Water Management and Discharge Control" and the San

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Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.

35. Applicant shall stencil drainage inlets in thermoplastic or mark with "No Dumping Drains To Ocean."
36. Applicant shall install all utilities underground from the nearest joint pole or box.
37. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked San Pedro Avenue. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
38. 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.
39. All proposed storm drain system improvements up to their connection to the existing mains shall be privately maintained. This system shall be privately maintained and must be designed per 100-year storm, Section C.3 of the Municipal Regional Permit, and to the satisfaction of the Director of Public Works or the City Engineer.
40. All proposed sanitary sewer system improvements up to their connection to the existing mains shall be privately maintained.
41. 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.
42. Prior to issuance of a building permit, Applicant shall submit to the Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements, designed to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:

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- a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edges of public right-of-way;
 - iv. all easements on the subject property
 - b. a site plan, showing:
 - i. the whole length and width of right-of-way of San Pedro Avenue, including existing and proposed improvements such as, but not limited to, pavement, sidewalk, curb & gutter, lighting, street accessories, hydrants, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of San Pedro Avenue at the centerline.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
43. No private structures, including but not limited to walls or curbs, fences, mailboxes, or signs shall encroach into the public right-of-way.
44. Applicant shall grind and overlay existing asphalt with minimum 2 inch asphaltic concrete (AC) to street centerline and to the limits of utility connections or new pavement striping the entire property frontage. All pavement markers, markings and striping shall be replaced in kind or according to the proposed plans.
45. Prior to issuance of a building permit, the Applicant shall submit an erosion control plan for review and approval by the City Engineer.
46. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested at least 72 hours in advance of schedule and coordinated with Pacifica

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Police and Fire Departments. Through traffic shall be maintained at all times along San Pedro Avenue.

47. 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, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior to issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.
48. Prior to issuance of a certificate of occupancy, Applicant shall paint red the curb area located 15 feet west of the proposed driveway and 15 feet east of the existing westerly driveway into the Pedro Point Shopping Center to ensure there shall be no parking in this area along San Pedro Avenue, per the drawing included in Figure COA-1, below:

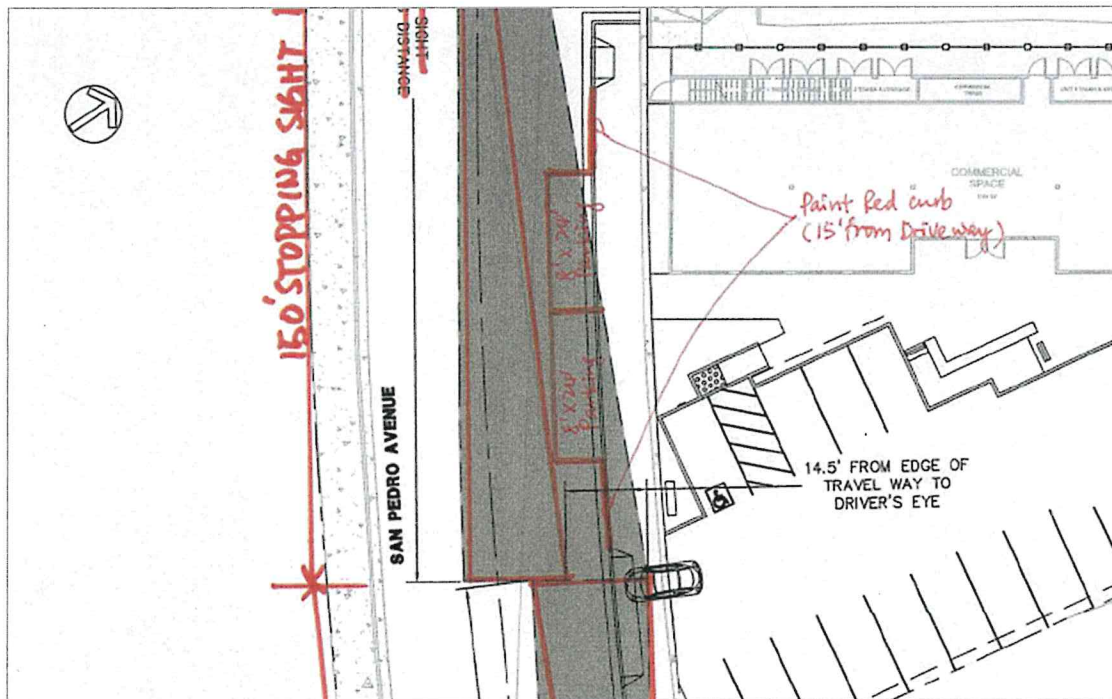


Figure COA-1: Exhibit of Curb Areas to Paint Red

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49. Prior to issuance of a certificate of occupancy for any component of the project, Applicant shall execute and record a Maintenance Agreement addressing future maintenance and replacement of any landscaping located within the public right-of-way along San Pedro Avenue, including but not limited to the three proposed street trees. Prior to execution and recording, the Maintenance Agreement shall be subject to review and approval by the City Attorney and City Engineer.

North County Fire Authority

50. Fire sprinklers are required per Pacifica Municipal Code, 2016 California Fire Code (CFC), and National Fire Protection Association (NFPA) 13. Applicant shall tie inspector's test and drain into system sewer. Applicant shall coordinate and provide detail to Building Division and North Coast County Water District to ensure proper plumbing codes and standards. Provide details of sprinklered concealed spaces on sprinkler plans when they are submitted.
51. Fire sprinkler system shall be monitored per NFPA 72.
52. Prior to issuance of a building permit, Applicant shall submit to the City for review a complete set of construction drawings with information including, but not limited to, the following:
 - a. Building construction type
 - b. Fire flow requirements per 2016 CFC, Appendix B.
 - c. Comprehensive site plan showing the following items:
 - i. Electrical shutoff
 - ii. Gas shutoff
 - iii. Domestic Water shutoff
 - iv. Hydrants, both new and existing.
 - v. Sprinkler riser
 - vi. Water lines
 - vii. Fire alarm panel and remote annunciator
 - viii. Landscaping shall be 3ft clear from fire department connection (FDC) and hydrants and a 15 foot red zone shall be painted at hydrants/ FDC
 - ix. Fire access roads shall be a minimum of 20 ft. wide with a minimum 28-foot turning radius per Appendix D of the 2016 CFC.

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53. If the commercial occupancy is an assembly use with an occupant load of 50 or more, two exits with panic hardware shall be required. The exits shall be at least one-third (1/3) the distance apart of the diagonal of the space.
54. Project shall comply with Fire Apparatus Access per 2016 CFC. There shall be no framing construction until all fire service features are in place.
55. Prior to loading combustible building materials on-site and building of foundations, Applicant shall ensure a fire access road/area shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface which allows access to all points of the complex. Fully charged hydrants shall be in the vicinity. Fire safety during construction shall conform to Chapter 33 of the California Fire Code.
56. Show all existing hydrants in vicinity on site plan: Requirements for additional hydrants will be provided once the positions of existing hydrants have been reviewed. Indicate location of Back flow preventor, post indicating valve and fire department connection to be within 10 feet of each other.
57. Applicant shall install an exterior horn-strobe at the front of the building connected to the fire sprinkler system.
58. Applicant shall install a key box and provide the key for entry to the building to the Fire Authority prior to final inspection. An application for a Knox Box can be obtained at the Fire Administration Office, 10 Wembley Drive, Daly City, CA.
59. Applicant shall contact the Fire Administration Office at (650) 991-8138 to request and schedule a fire safety inspection. Applicant shall maintain a current annual fire safety inspection.

Wastewater Division

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

END