

**RESOLUTION NO. 990**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-088-17, SUBJECT TO CONDITIONS, FOR ENCLOSURE OF A COVERED, FRONT ENTRY PORCH IN THE FRONT YARD TO ADD APPROXIMATELY 94 SQUARE FEET TO AN EXISTING, TWO STORY, 2,154 SQUARE FEET RESIDENCE AT 119 BERENDOS AVENUE (APN 018-114-140), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Ellis Schoichet ("Applicant").

**WHEREAS**, an application has been submitted to enclose a covered, front entry porch in the front yard to add approximately 94 square feet (sf) to an existing, two story, 2,154 sf residence at 119 Berendos Avenue (APN 018-114-140); and

**WHEREAS**, the project requires approval of a use permit because the enclosure of the covered entry porch in the front setback expands an existing non-conformity in the required 15 foot front setback. (Pacifica Municipal Code (PMC) Sec. 9-4.3002(c)(2)); and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on March 5, 2018, 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 Class 1 and Class 4 exemptions under CEQA Guidelines Sections 15301 and 15304, as described below:

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

#### 15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

The proposed project fits within the scope of a Class 3 and Class 4 categorical exemption. Specifically, the project (1) includes additions to an existing 2,154 sf residence for a net 736 sf increase in the area of the residence, and, (2) includes water efficient landscaping with plants that meet the California Water Use Classification of Landscape Species standards for drought tolerant, low to moderate water use plants. For these reasons, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA pursuant to Section 15301 and Section 15304 of the CEQA Guidelines.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

- Sec. 15300.2(a): There is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

The project site is located within a substantially developed residential neighborhood and is not located in a sensitive environmental area. Therefore, it would not have a significant impact on the environment.

- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact.

The project involves additions to an existing single-family residence within a substantially developed residential neighborhood and staff is aware of no evidence of impending development of other similar projects in the area that would 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 would have a significant effect on the environment due to unusual circumstances.

The project site is zoned for residential use and fits within the development pattern in this area. There is no evidence to indicate the site has any value as critical habitat. Therefore, there are no unusual circumstances applicable to the project.

- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources.

The provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 3 and Class 4 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Use Permit UP-088-17:

- (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;

**Discussion:**

The proposed enlargement of the existing residence in the front setback will not change the building's use. There may, indeed, be a potential for reduction in the intensity of the use as the proposed remodeling reduces the number of bedrooms and baths by one each in the residence. The enclosure of the front porch will enlarge the residential encroachment in the front setback but this encroachment would not be readily apparent as it will not extend out any farther than the second floor and will only replace the covered front, entry porch. The stairs leading up to the entry porch would be removed with its relocation to the south side of the residence, which would allow for additional landscape screening in front of the residence. Additional landscaping in the front setback would help to soften the new addition such that it would not be impactful to persons nearby.

The project shall be required to meet the California Fire and Building Codes and obtain the necessary encroachment permits for work in the public right-of-way. Therefore, the project will not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

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

**Discussion:**

The General Plan designation for the project site is Low Density Residential (LDR), which permits one single family residence per 4,840-14,520 square feet lot. The project proposes residential additions to an existing residence on an 8,523 sf lot and would thus be consistent with the LDR land use designation.

The zoning applicable to the project site is R-1 (Single Family Residential). While a use permit is required for the project's expansion of the existing nonconformity described in Section A.3, Project Description, of this report, the project meets other zoning standards.

The Local Coastal Plan is not applicable to the project because the project is not located in the coastal zone.

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

**Discussion**

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

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

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

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:

## SITE PLANNING

**Building Location.** [...] Building placement should take into account potential impacts of adjacent properties. Existing views, privacy and solar access of surrounding properties should be preserved wherever possible.

### Discussion

The front of the property to the west is marked by Berendos Avenue with the open space segment of Calera Creek Park located across the road. The proposed enclosure of an existing front porch to add to the existing residence in the front setback will face the street and will not disturb the existing views and privacy of the neighboring residences.

Overall the existing residence on site is located at a distance of 62'-6" from the residence to the rear (east) of the property, and 12'-7" from the residence to the south. The two residences to the north of the project site are located at a distance of 76'-0" and 40'-0" from the north wall of the existing residence on site. First and second floor additions proposed to the north and the first floor addition to the rear will yield some reduction in the distance to the neighboring properties on these sides. However, existing views, privacy and solar access of these properties would not be impacted as existing views from the neighboring properties are not in the direction of the project site; existing vegetation screens the properties and because of adequate distance between the residences.

## BUILDING DESIGN

**Design.** [...] Additions to an existing structure should also retain and/or be consistent with the positive architectural features of the original structure.

### Discussion

The additions would be consistent with the positive architectural features of the original structure. The additions would include fiber cement siding and composition shingle roof that will be matched with the existing. Window styles, shapes and color along all elevations would be consistent.

**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.

**Discussion**

The project does not enlarge the existing residence substantially and maintains the existing height of the building. As such, the proposed residence would be similar to the neighboring residences in its mass, bulk and height and would not appear out of scale in its context.

LANDSCAPING

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 applicant proposes a significant amount and variety of new landscaping at the front and the rear of the building. This proposed landscaping would include a big leaf maple tree in the front along with ground cover, shrubs and hedges that would serve to soften the mass of the building from the street. A large uncovered patio, a fire pit with seating, a new specimen tree to augment the two existing and perimeter plantings would be located to the rear of the building. Overall 35.6 percent of the project site is devoted to landscaping, which is significantly more than the required landscaping (20 percent of the project site).

A majority of the proposed plantings in the front are located in the Berendos Avenue right of way; the location and species of the big leaf maple among these plantings would require approval from the City Arborist and Engineering Division. As a result a condition of approval requires that this tree to be relocated to the subject property unless the proposed species and location are approved by the City Arborist and Engineering Division, prior to the issuance of building permit

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves Use Permit UP-088-17 for the enclosure of a covered, front entry porch in the front yard to add approximately 94 square feet to an existing 2,154 sf residence, at 119 Berendos Avenue (APN 018-114-140), subject to conditions of approval included as Exhibit A to this resolution.

\* \* \* \* \*

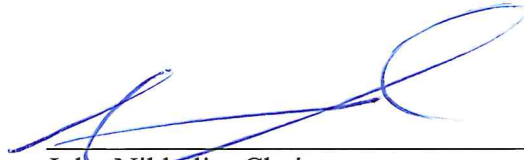
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 5<sup>th</sup> day of March 2018.

AYES, Commissioners: Nibblin, Gordon, Clifford, Stegink, Kraske

NOES, Commissioners: None

ABSENT, Commissioners: Cooper, Campbell

ABSTAIN, Commissioners: None



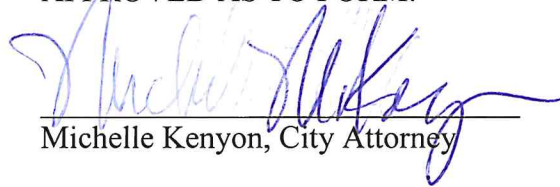
John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

## Exhibit A

**Conditions of Approval: Use Permit UP-088-17, subject to conditions, for the enclosure of a covered, front entry porch to add approximately 94 square feet (sf) to the area of an existing, two story, 2,154 sf residence at 119 Berendos Avenue (APN 018-114-140),  
Planning Commission Meeting of March 5, 2018**

### Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Addition and Remodel for Clinton and Kim Jones, 119 Berendos Avenue, Pacifica, CA" dated November 7, 2017 and received by the City of Pacifica on January 9, 2018 (additional copies received on February 27, 2018) except as modified by the following conditions.
2. All open off-street parking areas shall be surfaced in accordance with Pacifica Municipal Code Section 9-4.2814, in which they will provide a durable, dust-free, all-weather surface which shall meet the requirements of all applicable laws and the approval of the City Engineer.
3. Unless, prior to issuance of a building permit, the Applicant obtains approval from the City Arborist and City Engineer for the location and species of tree proposed within the Berendos Avenue public right-of-way, the Applicant shall revise its landscape plan to demonstrate that the proposed big leaf maple (*Acer macrophyllum*) tree will be installed on its private property. The revised landscape plan shall be subject to review and approval by the Planning Director.
4. That the approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
5. 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.
6. 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.
7. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.



8. 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 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 of the Planning Department**

9. 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 or demolition activity.

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

10. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
11. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Berendos 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.
12. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
13. 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.

14. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
  - A. an accurate survey plan, showing:
    - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
    - ii. property lines labeled with bearings and distances;
    - iii. edge of public right-of-way;
    - iv. any easements on the subject property
  - B. a site plan, showing:
    - i. the whole width of right-of-way of Berendos Avenue, including existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
    - ii. the slope of Berendos Avenue at the centerline;
    - iii. adjacent driveways within 25' of the property lines
    - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
  - C. All plans and reports must be signed and stamped by a California licensed professional.
  - D. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
15. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
16. All utilities shall be installed underground from the nearest main or joint pole. Ultimate storm drainage discharge point shall be shown on the site plan.
17. Per the adopted City of Pacifica Complete Street Policy, development shall include but not be limited to pedestrian facilities. Applicant shall install new Concrete Sidewalk per City Standards 101B or Decomposed Granite Sidewalk per City Standard 101C across the entire frontage.
18. The driveway approaches must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks. Driveway within City right-of-way shall not exceed 18% and portion exceeding 15% grade

shall be grooved concrete. Provide structural section of the driveway within City Right of Way.

19. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or to street centerline whichever is greater across entire property frontage of Berendos Avenue.
20. Any trees authorized by the City Arborist and City Engineer to be planted in the public right-of-way shall be located at least 6 feet from the sidewalk.

**Wastewater Division**

21. Applicant shall obtain a lateral compliance certificate prior to obtaining a building permit.

**North County Fire Authority**

22. Smoke detectors and CO monitors are required per California Building Code (CBC).
23. Fire safety during construction shall conform to Chapter 33 of the California Fire Code.

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