

RESOLUTION NO. 2018-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-789-14, COASTAL DEVELOPMENT PERMIT CDP-346-14, USE PERMIT UP-039-14, PARKING EXCEPTION PE-159-14, SIGN EXCEPTION SE-030-18, AND HERITAGE TREE REMOVAL (FILE NO. 2014-002), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A THREE-BUILDING MIXED-USE PROJECT INCLUDING A SURF SHOP, SURFBOARD RENTALS, SURFBOARD SHAPING, OUTDOOR SHOWERS, SKATEPARK, AND TWO RESIDENTIAL APARTMENTS AND ASSOCIATED IMPROVEMENTS, ON VACANT PARCEL LOCATED AT 505 SAN PEDRO AVENUE (APN 023-072-010), AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, PURSUANT TO SECTION 15070(B) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Initiated by: Shawn Rhodes. ("Applicant")

WHEREAS, Applicant has submitted an application for the construction of three buildings and associated improvements as follows: Building #1 – a two-story surf shop building for retail sales, surfboard rentals, and office/storage space with a storage basement and outdoor shower; Building #2 – a two-story building for storage and surfboard shaping attached to a covered skatepark with perimeter enclosure; Building #3 – a two-story mixed-use building with retail space and office/storage on the ground floor and two residential units on the second story; off-street parking area for 24 uncovered car spaces and two garage spaces on the first floor of Building #3 for the residential units above; and, and removal of two 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 commercial uses outside an enclosed structure; and

WHEREAS, the Applicant has requested a parking exception because the Applicant experienced practical difficulty and unusual hardship in providing the required number of parking spaces for the Project; and

WHEREAS, the Applicant has requested a sign exception because the Applicant claims strict application of the City's sign regulations would present a hardship; and

WHEREAS, the Applicant has requested heritage tree removal authorization because the Project proposes removal of two heritage trees; and

WHEREAS, the Project will require approval of two 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 site straddles an area of permit jurisdiction of the California Coastal Commission and also falls within the Coastal Zone Combining District of the City of Pacifica such that a Coastal Development Permit would be required for the front portion of the

Project site containing Building #3 and parking area per Section 9-4.4303 of the City's Municipal Code, and a Coastal Development Permit would be required from the California Coastal Commission for the remainder of the project site; and

WHEREAS, the portion of the Project site containing Building #3 and the parking area is located with the Appeal Zone of the Coastal Zone, making it subject to appeal to the California Coastal Commission; and

WHEREAS, the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to consider and mitigate all potentially significant environmental impacts of the proposed project (State Clearinghouse No. 2018042010), which included a 30-day public comment period from April 4, 2018, to May 3, 2018, during which two public comments were received, and has prepared a Mitigation Monitoring and Reporting Program (MMRP) which includes mitigation measures which will be incorporated into the Project; and

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

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
- C. An IS/MND and MMRP have been prepared, circulated for public review, and adopted pursuant to the requirements of the California Environmental Quality Act ("CEQA").

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby certify that the IS/MND has been prepared in accordance with CEQA, has been circulated via the State Clearinghouse (SCH #2018042010) for review and comment by relevant agencies, has provided for and considered public comment, has been presented to and reviewed by this Planning Commission prior to the Commission's decision on the Project, and reflects the City of Pacifica's independent judgement and analysis. Therefore, the Planning Commission does hereby find that on the basis of the whole record before it (including the IS/MND and comments received), that there is no substantial evidence that the project, as revised, will have a significant effect on the environment and adopts the IS/MND titled "505 San Pedro Avenue Project INITIAL STUDY / MITIGATED NEGATIVE DECLARATION" dated April 2018, inclusive of the "Response to Comments" dated June 2018, the "Errata Sheet" dated June 7, 2018, and the MMRP dated October 2018, included as Exhibit B, as the valid environmental review for this 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 uses that are not accessory to the primary uses authorized for the site.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to operate two one-bedroom apartment units located entirely above ground-floor commercial area in Building #3.

BE IT FURTHER RESOLVED that the General Plan, Local Coastal Plan, and Pacifica Municipal Code require the Applicant to offer for dedication certain easements for public access more fully described in the staff report and required by conditions of approval in Exhibit A to this Resolution. The requirement for the dedication is related to the potential for the project to obstruct coastal access in a manner inconsistent with the General Plan due to the separate ownership of parcels in the area, and the area to be offered for dedication is no larger than required to provide access consistent with minimum standards in the Caltrans Highway Design Manual and/or Pacifica Municipal Code.

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

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

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

The location, size, and intensity of the proposed mixed-use building would not differ significantly from the adjacent Pedro Point Shopping Center. The project would include installation of a new sidewalk along the frontage of the property where currently no sidewalk is existing, improving pedestrian safety. The proposed driveway entrance to the site would be approximately 16'-10" in width, which complies with the standard in section 9-4.2813(h) of the PMC. In addition, the City's Engineering Division staff has reviewed the development proposal to ensure the new development would be constructed in a safe manner and a condition of approval has incorporated requiring the installation of the aforementioned new sidewalk per City Standards 101A across the entire property frontage. Therefore, the project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

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

The project would not create a hazardous or inconvenient condition to adjacent or surrounding uses. The proposed parking area is located to the rear of Building #3 in the central portion of the site with adequate aisle width for safe circulation of cars for entering and existing the parking. Additionally, the City's Engineering Division staff has reviewed the development proposal to ensure the new development would be

constructed in a safe manner and the parking areas will not create a hazardous or inconvenient condition to adjacent or surrounding uses with respect to traffic on the street.

- 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 includes a trash enclosure to the northeastern side of Building #3, which is located behind a one-story high wall with the deck associated with the residence on the second story above it. A gate provides access to the trash enclosure; this gate and the walls around the enclosure conceal it. The site is a narrow, long lot and nearly half the site is occupied by the parking area for 24 cars. The shape of the lot poses practical constraints for the design of the parking area and landscaping to break up the expanse of the paving.

As indicated in Section 3.F of the staff report, the project proposes landscaping consisting of artificial turf and a concrete pathway at the northern end of the site, artificial turf and a pathway to the skatepark between the skatepark and Building #1, and landscape strip on the northwestern side of the pedestrian pathway along the site's northwestern boundary. Overall, the applicant has proposed sufficient landscaping to comply with the 10 percent requirement in the Zoning Regulations. However, the project does not compensate for the removal of two heritage trees required for the development of the project. Post development, the site does not appear to have adequate tree planting. Therefore, the Commission has included a condition of approval requiring planting of two street trees in the San Pedro Avenue right-of-way, in front of the property, in the area where the project has proposed the removal of Eucalyptus trees.

- 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 maximum height of the proposed buildings would not exceed 33'-8". The minimum distance of the proposed development from neighboring Pedro Point Shopping Center building is approximately 25 feet that in the area of Building #2, which is 28'-8" in height. However, this building is behind the rear of the Pedro Point Shopping Center building; no storefronts are oriented toward the rear of the shopping center building. The nearest proposed building to the project under construction at 535 San Pedro Avenue is approximately 78 feet. Based on the amount of separation between the structures on the two sites, the proposed project will not affect light, air, or shadows on the adjacent project. The proposed development is, thus, situated such that it would not impact adjacent structures or properties by restricting or cutting out light or air, or by casting shadows.

The proposed development would also not hinder the development of the vacant property to the west of the subject site as the former provides a minimum of 8'-3 1/2"

setback from the property line on this side. The resultant separation would allow for greater flexibility for the potential development of the adjacent vacant site. Storm water runoff from the site would be routed to the drainage ditch through on-site bio-retention planters and storage on-site in an 18-inch detention pipe during storm events and would not be likely to impact the neighboring properties.

Development of the neighboring vacant land to the west of the site would also not be impeded as a result of noise from the project. The noise analysis prepared for the project concluded that existing ambient noise levels in the area are a function of traffic, which would minimally increase as a result of the project. However, it would not exceed the 60 Ldn dB threshold, established by the City's draft General Plan, during the day time for exterior noise. Additionally, given that the buildings incorporated in future developments in the vicinity of the site would be expected to provide a 25-dB exterior-to-interior noise level reduction, typical interior noise levels at the proposed buildings would be less than the 45 dB CNEL/Ldn interior noise level standard. Furthermore the hours of operation of the proposed skatepark would be limited to 7:00 am to 10:00 pm daily to avoid disturbance to neighboring areas including but not limited to potential development on the adjacent vacant land to the west of the site.

- 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 proposed development is not adjacent to any residential districts (R District area). The nearest developed residential district is to the west of the intersection of Grand Avenue and San Pedro Avenue, located approximately 136 feet to the west of the site. The project includes a mixed-use building with two second story residential units with retail and garages for the residence above, adjacent to San Pedro Avenue (Building #3). This building is not directly adjacent to any residential district, nonetheless it would appear to compliment the character of the nearest developed residential district as a result of its scale, overall form, placement and size of windows and arches.

The skate park has the potential to generate noise. The noise analysis prepared for the project concluded that potential noise from the skate park would comply with the daytime exterior noise level performance standards for stationary noise sources. The report also concluded that the interior noise levels at the nearest residential use, which is located approximately 270 feet to the north of the center of the proposed location of the skatepark, would exceed the maximum allowable (45dBA DNL) by 1dBA. However, exterior to interior noise level reduction of 1 dBA for these residences would be easily achievable by the structures' walls and windows.

With regard to nighttime noise levels, the study concluded that the skatepark could exceed the City's nighttime exterior noise level standard of 45 dB Leq for stationary noise sources if the hours of use are not restricted between the hours of 7:00 AM to 10:00 PM. The applicant has proposed hours of operations for the different components of the facility as shown in Attachment E. As shown in this attachment, the intended hours of operations for the skatepark would be to 2:00 PM -6:00 PM – Mon., Tues, Wed., Thurs. and 12:00 PM-4:00 PM – Fri., Sat., Sun., which are well

within the 7:00 AM to 10:00 PM time frame. The Commission has included a condition of approval that restricts the hours of operation of the skatepark to remain consistent with the noise levels analyzed in the environmental review prepared for the project.

- 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 on the site with the exception of three Monterey cypress trees (two of which are heritage trees) that will be removed to allow for the construction of the project. Three eucalyptus trees, located in the San Pedro Avenue right-of-way in front of the site are also proposed for removal.

The proposed removal of trees on the site is not excessive for purposes of this finding. The applicant has proposed removal of only those trees necessary for development of the project, which makes such removal reasonable to ensure economic use of the property. Additionally, the PMC contemplates removal of heritage trees to provide for viable economic use of a property. The proposed heritage tree removal would be authorized in accordance with the requirements of Chapter 12 of Title 4 of the PMC.

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

The project proposes three buildings of similar architectural style with some variation in the use of windows and façade treatment that avoid monotony in the design of the structures individually and between structures on the site.

However, site improvements including paving and landscaping could potentially be diversified to add interest to the layout of the site. As proposed, all walkways on the site would be concrete and artificial turf is proposed for landscaping. The Commission has included a condition of approval requiring that the applicant proposes a mix of paving materials and coastal compatible live plantings in the final landscape plan to the satisfaction of and approval by the Planning Director, prior to building permit issuance.

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

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

SITE PLANNING

- a. 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 long, narrow parcel oriented in a northeast to southwest direction. The proposed development takes cues from as well as is limited by the shape and orientation of the site. Building #1, in the linear arrangement of the three proposed buildings, is the closest to the ocean to the north. Pacifica State Beach is also located to the northeast of the site. This building takes advantage of this location with its front oriented toward the beach, and a second story deck overlooking the views in that direction.

The project would involve minimal grading because the site is relatively flat, as existing and building development is not proposed at the northeastern end of the site, where the terrain is sloping. No distinctive natural features are present on-site with the exception of three Monterey cypress trees, two of which are heritage trees, whose removal is warranted as discussed in Section 4.F of the staff report report.

- b. Building Location. *Buildings should be sited to consider shadows, changing climatic conditions, the potential for passive or active solar energy, safety, and privacy of adjacent outdoor spaces.*

Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved whenever possible.

In multi-unit developments, buildings should be located so as to avoid crowding and to allow for a functional use of the space between buildings.

Discussion

The second story of the 33 foot-high, two-story Building #1 is proposed at a setback of approximately 80'-6" and the 28'-9 1/2" high Building #2 and the covered skate park would be at a minimum distance of approximately 25'-0" from the rear of the Pedro Point Shopping Center building to the southeast; no storefronts are oriented toward the rear of the shopping center building. The proposed Building #3 would be 33'-8" high and located at a distance of approximately 78'-0" from the nearest adjacent structure currently under construction on the land to the southeast of the site at 535 San Pedro Avenue.

The areas between the buildings are also functional. There is a skatepark between Buildings #1 and #2, a parking area between Building #2 and Building #3, and pedestrian paths and landscaping characterize the area between Building#1 and the northern end of the site.

As such, the proposed project is situated such that it would not impact adjacent structures or properties with shadows or engender a sense of crowding.

- c. 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

The plans show lighting in a 3'-0" wall located between the parking area and the pedestrian walkway along the northwestern side the site. Based on a conversation with the applicant it is likely that lighting would also be installed on the exterior of the buildings. The Commission has included a condition of approval that sets the parameters for the lighting plan for the site and requires a detailed lighting plan to the satisfaction of and approval by the Planning Director, prior to building permit issuance.

- d. Screening. *Exterior trash and storage areas, service yards, landing docks and ramps, electrical utility boxes, etc., should be screened from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design. Such facilities should be conveniently located, but must not interfere with the circulation and parking on the site.*

Discussion

The project proposes a trash enclosure adjacent to Building #3 on the northeastern side, which is located behind a one-story high wall with the deck associated with the residence on the second story above it. A gate provides access to the trash enclosure; this gate and the walls around the enclosure conceal it. This enclosure is conveniently located in relation to the uses in Building #3, is setback from the driveway aisle, and does not interfere with the proposed parking. The project has not proposed trash areas conveniently located in the vicinity of Building #1 and Building #2 for the uses accommodated in these structures, including the skatepark. Therefore, the Commission has included a condition of approval requiring an additional enclosed trash area, which may be a room on the first floor within Building #2 accessible from the parking area to its southwestern side. As conditioned, the project would be consistent with this design guideline.

- e. 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 proposed parking area is located to the rear of Building #3, in the central portion of the site, shielded from view from San Pedro Avenue by Building #3. The long and narrow configuration of the site constraints the design of the parking area and the proposed parking is not shielded from interior views; however, the project includes landscaping along the perimeter of the parking area and the property to provide a buffer between adjacent properties, and the proposed parking area on site.

BUILDING DESIGN

- f. 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

The proposed buildings rely on a play of window openings on prominent elevations to provide visual interest. Second story decks and a first floor front porch in Building #1, planters with lattice screens in conjunction with Building #2 and arches in Building #1 would create a sense of human scale. However, the skate park, which is covered with a composite asphalt shingle roof and enclosed by a full height chain link fence appears imposing. The Commission has included a condition of approval requiring that the skatepark enclosure be embellished with an enclosure of a type and detail that does not present blank facades and include a roof of such material and design that is subordinate to the roofs of the proposed buildings. This objective may be accomplished through an inclusion of decorative CMU block wall or redwood fencing in the lower part of the enclosure and plexi-glass or similar material above to provide variation in the facades to humanize the scale of the skatepark and a metal roof above the skatepark enclosure.

- g. 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

Material employed in the proposed development include stucco and redwood horizontal siding on Building #1, stucco siding on building #2 and Building #3. Roofing for all three buildings consists of composition asphalt shingles. Overall, these materials are compatible and the appearance of the buildings is congruous and compatible with the stucco exterior of the building in the shopping center and a number of buildings in the vicinity. The site is not located near historic or architecturally significant structures.

- h. 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 buildings are architecturally consistent on all four elevations. Although the number of openings on the various facades of the buildings varies, the applicant has carried the same materials, architectural detailing, and shape of window openings on all sides of the proposed buildings.

LANDSCAPING

- i. *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 7,941 sf of landscaped area including artificial turf, pedestrian walkways and unspecified border plantings, which would be located along the northwestern boundary of the site as well as along the southeastern edge of the proposed parking area. The proposed landscaping exceeds the minimum required 10% of the lot area on a constrained site, nonetheless the proposed planting palette is primarily limited to artificial grass and could potentially be diversified. The Commission has included a condition of approval that requires a landscape plan to the satisfaction and approval of the Planning Director, prior to building permit issuance to ensure that the variety, scale, and nature of plantings is appropriate to the development and the site.

As conditioned, the Commission finds that the project meets the City's adopted Design Guidelines and cannot make the finding that the proposed development is inconsistent with the City's adopted Design Guidelines.

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

The proposed commercial 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

a. Circulation Element

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

The project will include the installation of a sidewalk fronting the site along San Pedro Avenue that could potentially facilitate pedestrian circulation in the area. Additionally, the project proposes a pedestrian walkway along the site's northwestern boundary that leads off site to a pedestrian trail providing access to the beach. The project would thus facilitate pedestrian traffic

between the beach and the site. The applicant has also provided a five loop wave style bicycle rack in the area of the shower to the southeastern side of Building #1. However, these bicycle spaces are isolated and not conveniently accessible from the circulation areas on site and, thus, do not comply with design standards as enumerated in Section 9-4.2822 (b) of the PMC. The Commission has included a condition of approval that requires identification on the building permit plans, to the satisfaction of the Planning Director, of code compliant bicycle parking area on the site for five bicycle spaces.

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

As noted above, the applicant has proposed sidewalks which would facilitate safe and efficient access for pedestrians to the uses on the site from San Pedro Avenue and Pacifica State Beach. The skatepark and other visitor serving uses on the site would potentially be points of interest that would enjoy pedestrian access from the beach. Additionally, as noted above, the Commission has included a condition of approval that will ensure that code compliant, five bicycle parking spaces are provided.

- Policy No. 13: *Maintain and upgrade local streets.*

As required in a condition of approval, the applicant would grind and overlay San Pedro Avenue along the entire frontage of the project site from the curb to the street centerline.

b. Community Design Element

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

The project would improve the general area of the Pedro Point Shopping Center by introducing compatible visitor-serving commercial uses (i.e., surf rentals, the skatepark, and surf shop) that would be of interest to visitors and members of the community. The construction of two residential units would also create housing opportunities.

- Policy No. 5: *Require underground utilities in all new development.*

A condition of approval would ensure that all utilities shall be installed underground on the project site.

c. Land Use Element

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

The development of commercial buildings is consistent with the historical commercial land uses in this segment of the Pedro Point neighborhood. The

General Plan discusses commercial use of the project area, thus the proposed project would be consistent with that requirement.

d. Seismic Safety and Safety Element

- Policy No. 1: *Prohibit development in hazardous areas unless detailed site investigation ensures that risks can be reduced to acceptable levels.*

The applicant prepared a site-specific preliminary geotechnical assessment titled "GEOTECHNICAL UPDATE & PLAN REVIEW Architectural Plans Proposed Commercial Development 505 San Pedro Road (APN 023-072-101) Pacifica California", dated November 11, 2014, which was peer reviewed. The peer review report, "PROPOSED MIXED-USE DEVELOPMENT 505 SAN PEDRO AVENUE PACIFICA, CALIFORNIA", dated February 28, 2017, prepared by Geocon Consultants, Inc. identified some deficiencies in the project geotechnical report pertaining to liquefaction hazard on site and ground water depth. The peer review report recommended that an updated geotechnical report or addendum be prepared to reflect current project design and address the review comments presented in the peer review report. updated geotechnical report titled "PRELIMINARY PLAN REVIEW, REPLY TO PEER REVIEW AND GEOTECHNICAL UPDATE Preliminary Architecture and Civil Plans Proposed Mixed Use Development 505 San Pedro Road (APN 023-072-101) Pacifica California" identified potential for groundwater seepage into the basement and recommended supplemental surface exploration to further evaluate this condition relative to the proposed basement design prior to preparation of the final plans. In order to address geotechnical challenges of the site, the Commission has included a condition of approval requiring that the recommendations of the Project geotechnical reports be incorporated in the project design and construction, subject to review and approval by the Building Official.

The project site is located at the southerly limit of the Potential Tsunami Hazard area identified for the Pedro Point neighborhood in the "Geotechnical Hazards" map in the Seismic Safety and Safety Element of the General Plan (between pp. 98 and 99). As stated in the General Plan (p. 105), the main tsunami danger is from major earthquakes within the Pacific Ocean Basin, which may generate wave action up to 20 feet and cause damage to structures. A tsunami triggered by an earthquake along the Seal Cove fault, located approximately one-mile offshore, and would provide limited warning time for inhabitants in the inundation zone to evacuate, even with the City's tsunami warning system. Therefore, there is an identified risk to life and property from tsunami inundation at the project site which must be reduced to an acceptable level in order to find the project consistent with the General Plan.

The Resilience Program of the Association of Bay Area Governments (ABAG) indicates that the danger to buildings in tsunami inundation zones is greatest for those of wood-framed construction. The velocity and force of a tsunami surge can cause wood-framed buildings to collapse. The Federal

Emergency Management Agency's Publication P-646 *Guidelines for Design of Structures for Vertical Evacuation from Tsunamis* also contains numerous accounts of the extensive damage caused to wood-framed structures from historical tsunami events. To address this hazard, the Commission has included a condition of approval to prohibit wood-framed construction in any of the structural elements of the proposed buildings and require the applicant to provide specific structural recommendations from an engineer qualified in designing structures intended for construction in tsunami inundation hazard zones. The engineer's recommendations would be subject to review and approval by the City.

Additionally, the Commission has included a condition of approval requiring applicant to install a tsunami hazard notification sign at the site, subject to review and approval by the Planning Director.

The incorporation of the technical recommendations by qualified engineers, and the installation of a tsunami hazard notification sign, would reduce the risk of liquefaction and tsunami inundation hazards to acceptable levels.

- Policy No. 4: *Require that development in marginally hazardous areas be designed and engineered to protect life and property.*

As described in detail in the discussion above related to Policy No. 1 of the Seismic Safety and Safety Element, the project site is located within a tsunami inundation hazard area. As a result, as also noted above, the Commission has included conditions of approval which would ensure that development at the site is designed and engineered to protect life and property.

e. Pedro Point-Shelter Cove Neighborhood Narrative

On p. 86 of the General Plan, the neighborhood narrative for the Pedro Point-Shelter Cove neighborhood in which the project site is located describes the project site and immediately abutting area to the west as follows:

“Existing commercial uses adjacent to Highway 1 total about 6 percent of the land use in the [Shelter Cove-Pedro Point] neighborhood. Behind the shopping center and bounded by San Pedro and Danmann Avenues and the old railroad berm is a large, flat vacant parcel (+10 acres). Realignment of San Pedro Avenue and improvements to the San Pedro-Highway 1 intersection are proposed. These improvements would facilitate access, while improving traffic safety and circulation for the commercial area and the neighborhood as a whole.

The designated land use for this area is commercial with emphasis on coastal related and/or visitor-serving uses. By combining all of the parcels in the area between Danmann and San Pedro Avenue, Highway 1 and the railroad berm and developing them as an integrated project along a realigned San Pedro Avenue, this small, oceanside commercial center could be rejuvenated and expanded to become an attractive visitor

destination, as well as provide for neighborhood retail needs. Building on the design character of some of the older homes along Danmann and San Pedro which have been converted to shops, adding a cultural center for performing arts and an attractive motel could, if carefully designed, enhance the appearance of this area and provide visitor services near the shoreline. After appropriate study of the protective character of the railroad berm, this area might be linked directly to the beach by removing a portion of the berm; however, alternatives to berm removal for access are preferred. An Environmental Impact Report should be required for removal of the berm.”

As noted above, the proposed development would be coastal related and visitor-serving. Thus, it would be consistent with the General Plan’s intended development for the area. However, all of the parcels in the area described are not in combined ownership, which has the potential to result in a project which is not integrated. In particular, the location of the project site as the property nearest the existing coastal access trails to Pacifica State Beach could result in an obstruction to future coastal access if the vacant property to the west is ever developed, and if the subject property is not carefully developed in anticipation of maintaining coastal access throughout the entire area. As discussed in Section 1.C of the staff report, the northern limit of the project area is bounded by a large berm and the western boundary of the project site is defined by a drainage swale. These topographical features channel east-west access across the area to either a narrow portion of the north of the project site immediately south of the berm (roughly the northernmost 45 feet) or the existing San Pedro Avenue public right-of-way more than 600 feet to the southwest. Forcing future visitors of the property to the west so far to the south to gain access to the coast would not be consistent with the intended coastal-related development of these areas. Furthermore, the General Plan does not prefer the removal of the existing berm to provide coastal access from the properties to the west; therefore, retaining access across the northernmost portion of the project site is the most appropriate method of ensuring a coastal orientation and access for any future project west of the project site.

In order to preserve the coastal orientation of the overall site and to ensure it can function as an integrated development as described in the neighborhood narrative, despite the unconsolidated ownership of property in the area, it is necessary to make provisions for ingress-egress access across the northernmost portion of the project site between the vacant parcels to the west and the historic coastal access trails to the east (“Coastal Access Easement”). Refer to Figure 1, below.

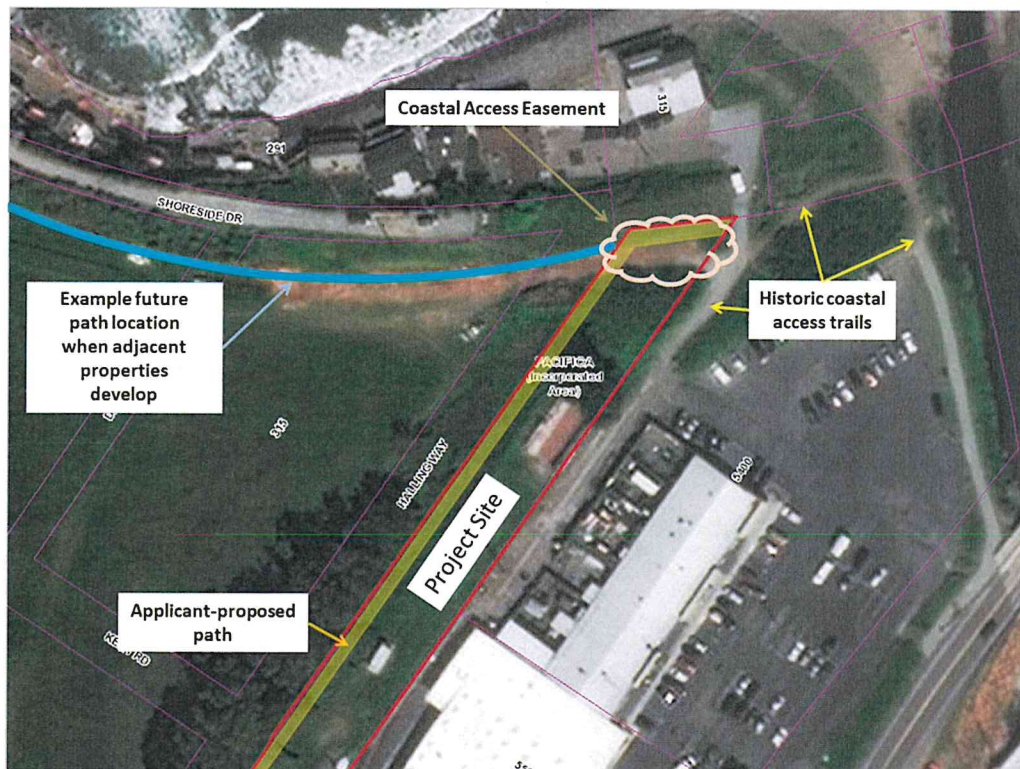


Figure 1. Approximate location of coastal access easement.

The precise location of the required Coastal Access Easement should be determined upon City review of a future development permit application submitted for the vacant property to the west of the project site and upon detailed engineering considerations relating to topography, drainage, soils, biology, and other relevant considerations which could affect the construction of an eventual trail through the area. To this end, the Commission has included a condition of approval which would require the applicant to make an irrevocable offer of dedication of an ingress and egress easement for nonmotorized access which would allow the construction of a Class I bicycle path in conformance to the standards in section 1003.1 *et seq.* of the Caltrans Highway Design Manual. The Class I bicycle path standard requires an easement width of not less than 14 feet to enable construction of a 10-foot paved pathway and a two-foot wide shoulder on either side of the paved pathway. The easement shall be located within the northern 45 feet of the project site. It should be noted that the applicant shall not be required to construct the pathway, and shall not be required to allow its operation until a public entity accepts responsibility for maintenance and liability.

As conditioned, the proposed project would be consistent with this General Plan provision.

LOCAL COASTAL PLAN

- f. The Access Component of the Local Coastal Land Use Plan (LCLUP): P. C-61 of the Access Component of the City's LCLUP discusses Coastal Act policies which provide the standards for determining the adequacy of local coastal programs. Specifically, the discussion states that "public access from the nearest

public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) adequate access exists nearby; or (c) agriculture would be adversely affected. It further states that a “dedicated accessway would not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.”

The Coastal Plan Beach Access section of the LCLUP on p. C-92 and C-93 identify Access Points No. 18 and 19 in the immediate vicinity of the project site. Access Point No. 18 is identified as the north side of Pedro Point Shopping Center while Access Point No. 19 is identified as the Oceanshore Railroad Berm. The project site is situated between both access points. For Access Point No. 19, the LCLUP’s recommendation states “Alternatives to berm removal shall be preferred for beach access, including improvement of existing access, stairway across berm, etc. Such access would improve the economic potential of visitor-serving and beach-oriented commercial uses in the area.” Therefore, both the Access Component and Coastal Plan Beach Access sections of the LCLUP identify coastal access as an important priority on the project site (as new development) and in the immediate vicinity of the project site.

As already discussed, the General Plan justifies requiring the applicant to provide coastal access via an ingress-egress easement for nonmotorized modes of travel across its property, which the Commission has required in a proposed condition of approval. With respect to access from the nearest public roadway – San Pedro Avenue – the City’s Local Coastal Plan, of which the LCLUP is a part, requires the project to provide public access from the right-of-way to the shoreline. Such access could readily be provided by the on-site sidewalk proposed along the western property line which would connect directly between San Pedro Avenue and the existing coastal access trail near the north side of the Pedro Point Shopping Center. Public shoreline access is appropriate for the proposed project because:

- There are no overriding public safety or military security needs;
- The access would be provided along a pathway already proposed for development as part of the project, meaning no new impacts to fragile coastal resources would occur;
- Adequate access does not exist nearby, with the nearest alternate access point being located at the northeast corner of the Pedro Point Shopping Center abutting San Pedro Creek approximately 1,000 feet away; and
- There are no agricultural resources on or around the project site which could be impacted.

Section 9-4.4407 of the PMC provides certain standards for development of such access, including but not limited to setbacks from residential areas and environmentally sensitive habitat areas, minimum trail widths, and signage. The Commission has included a condition of approval to require the applicant to make an irrevocable offer of dedication of an easement for public access to the coast along the proposed sidewalk at the west of the project site which would

connect all the way to the existing northern Pedro Point Shopping Center coastal access trail. The condition will require the trail to be designed and operated in conformance to the requirements of the LCP and section 9-4.4407 of the PMC.

- g. 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 be undertaken on an existing lot approximately 200 feet from the coast line. It would not impede access to the sea. Rather, as discussed more fully above, it would expand coastal access by providing public access from San Pedro Avenue to the shoreline as well as allowing for future cross-site coastal access for future development to the west in a manner consistent with General Plan and LCP requirements.

- h. 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 predominantly visitor-serving mixed-use commercial development, which will provide a recreational facility (the skatepark). The surf shop and surfing equipment rental facility would serve visitors and the inclusion of two, one-bedroom residential units would create housing opportunities which should be more affordable than larger housing units available for rent elsewhere in the area. The housing units would be developed in conformity with the standards, policies, and goals of the City's Housing Element, including the provision of two housing units towards the City's 413-unit Regional Housing Needs Allocation for the period from 2015-2023.

- i. 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 project would be constructed immediately adjacent to the existing Pedro Point Shopping Center. All utilities are available in the immediate surrounding area from San Pedro Avenue 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.

However, the Local Coastal Land Use Plan envisioned the commercially designated area between Danmann and San Pedro Avenues, Highway 1, and the railroad berm in which the site is located for integrated development through consolidation of parcels that would become an attractive visitor destination, as well as provide for neighborhood retail needs. As discussed above, with the inclusion of the easements for public access to the coast from San Pedro Avenue and the ingress-egress access for nonmotorized modes of travel across the northern portion of the site, the project site would maintain a unified coastal orientation for the entire development area despite its split ownership.

The project would also have minimal impacts on coastal resources. The City's Local Coastal Land Use Plan (CLUP) places emphasis on protection of habitat for rare and endangered species. The site is located in close proximity to San Pedro Creek which has year round flow, and a drainage ditch defines the northwestern boundary of the site. A biological resource assessment conducted for the project identified certain species – California Red Legged Frog, San Francisco Garter Snake and Monarch Butterfly, various raptors and nesting birds, and western red bat, as having a high probability for occurrence on-site. To mitigate potential impacts to these species, mitigation measures were developed that have been incorporated in the project's Mitigation Monitoring and Reporting Program. The Commission has included a condition of approval that incorporates these mitigation measures by reference as a requirement for the project.

The project would not have an adverse impact on coastal views, because it would comply with the City's height limit and is not proposed to be constructed on a site with prominent topography or located within a coastal viewshed.

Land divisions and hazardous industrial development are not part of the subject project.

Based on the above discussion, on balance the project is consistent with the applicable General Plan and Local Coastal Plan policies. Therefore, the Commission cannot make this finding.

- 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 more fully described above, the project would be consistent with the City's certified LCP because it would a retail use in the ground floor of Building #3 and two residential apartment units above the ground floor of Building #3 which would be likely to provide housing more affordable than larger, conventional housing

opportunities available elsewhere in the Pedro Point neighborhood. The design of the development would be attractive to visitors when viewed from San Pedro Avenue and properties to the east and west; and the project would orient to the coastal setting by providing a pedestrian walkway from San Pedro Avenue that will provide access to the shoreline. The proposed Building #3 design would also incorporate materials and design elements consistent with the surrounding neighborhood character. Therefore, the Commission finds there is sufficient evidence to find that the project is in conformity with the City's certified Local Coastal Program.

- 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 site is located between the shoreline and the nearest public road, San Pedro Avenue. However, the project is located approximately 200 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, must be 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.*

The project requires a use permit for the development of a residential use above a ground-floor commercial use as well as for outdoor commercial uses which include a shower area and the skatepark.

The project would result in the development of two housing units above a ground-floor retail 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. Development of two residential units would not generate significant additional traffic and would not have a detrimental impact on the health, safety, or welfare of the persons residing or working in the neighborhood.

The outdoor shower is located on the southeastern wall of Building #1 next to the storage lockers located inside the building. The shower is not in the path of on-site circulation and will be located behind a fence adjacent to a commercial property. According to the applicant, the sand that may accumulate as a result of showers by beachgoers will be collected into a filter system just below grade in a collection box that can be removed to dispose of the sand, as necessary. The wastewater from the shower would, thus, not adversely affect water quality. Overall, the outdoor shower is

not expected to be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

The proposed skatepark may have impacts, particularly impacts related to noise, on persons residing or working in the neighborhood. As discussed in Section 4.1.v. of the staff report, the noise levels from the skate park would be within the applicable noise thresholds and not be detrimental to health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

As described more fully in the staff report, the project site is located in an area with identified liquefaction and tsunami inundation hazards. However, with inclusion of conditions of approval requiring incorporation of expert engineering techniques into the construction plans, subject to review and approval by the City, and more fully described above, these risks can be reduced to a level where the project would not be detrimental to the health, safety, and welfare of residents or persons residing or working in the neighborhood, including the site, 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 described above, 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 2, 5 and 23, and the Access Component of the LCP. Additionally, it would be consistent with the neighborhood narrative for the Pedro Point-Shelter Cove neighborhood, particularly including the creation of commercial areas attractive to visitors, creation of housing opportunities for persons of low and moderate income, and provision of coastal access in a manner which would enable the site to develop as an integrated project with the vacant property to the west.

- iii. *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.

- D. *Sign Exception.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.2913 for approval of a sign exception:

- i. *There are exceptional or extraordinary circumstances applicable to the property, building, or sign involved which do not apply generally to other property, buildings, or signs in the vicinity. Such circumstances may include the shape, size, location, or surroundings of the subject property or buildings or the type or design of sign involved;*

Discussion

The subject site is a narrow, long lot with a 58.33' frontage on San Pedro Avenue and an average depth of 662.18'. The unusual configuration of the lot has yielded an unusual, narrow arrangement and configuration of buildings on the site. The proposal distributes development of three buildings in a linear pattern from San Pedro Avenue to the northerly property line. The linear configuration has required the applicant to establish building frontages in whatever manner would provide suitable access from either the street, parking area and/or pedestrian pathway on site. Thus, the building frontages do not all necessarily orient to the street, where signs would typically be installed. Furthermore, best utilization of the subject site is achieved in locating the bulk of the visitor-serving commercial use to the rear of the property closer to the beach and the ocean. Signage is thus needed on Building #1 to enhance its presence and attract visitors to the site, and one of the proposed signs would be installed on this building in a manner that it is visible to potential beachgoers to the north of the site. The second sign on this building would be installed on the opposite side. The project proposes one sign on the building fronting San Pedro Avenue (Building #3) for the potential retail use within the first floor of this building.

- ii. *That, owing to such exceptional or extraordinary circumstances, the literal enforcement of the specified provisions of this article would result in practical difficulty or unnecessary hardship not created by, or attributable to, the applicant or owner of the property;*

Discussion

For reasons cited above, the literal enforcement of the sign code in terms of maximum signage area would result in an unnecessary hardship for the property owner because the reasonable commercial uses on the site would not have reasonable signage to reflect their orientations to customers on San Pedro Avenue as well as beachgoers.

- iii. *The granting of such exception will not constitute a grant of special privilege inconsistent with the limitations imposed on other properties or buildings in the vicinity;*

Discussion

The configuration of the subject site is unusual and not akin to other properties in the vicinity as detailed above. Thus, granting of the exception would not be a special privilege for the property owner.

- iv. *The granting of such exception will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity; and*

Discussion

The subject site is adjacent to a shopping center, which includes signage for businesses located in the center. The site faces a four room inn located across San Pedro Avenue to its southwest. The parcel to the northwest of the site is zoned commercial and is currently vacant. Nearest residence that is approximately 100 feet to the southwest of the site, in the area of the intersection of San Pedro Avenue and Grand Avenue is oriented away from the site and would not be significantly

impacted. Therefore, the granting of such exception will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity.

- v. *The granting of such exception will not be inconsistent with the general purpose or intent of this article.*

Discussion

PMC Section 9-4.2901 identifies the general purpose or intent of the applicable Article 29 of Chapter 4 of Title 9 of the PMC, as "...to assist in the continuation of existing, and the introduction of new, commercial activities in architectural harmony with the existing and planned City, to provide that signs be tailored to individual businesses, and to encourage excellence in design which will provide signing compatible with the atmosphere of the City which attracts both residents and visitors." The General Plan also indicates commercial use for the project sight, meaning the propose signage would be consistent with the intended use. Therefore, the proposed signage, subject to the approval of a Master Sign Program by the Planning Director acting as the Planning Administrator, would serve the aforementioned purpose and intent.

- E. *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.*

The applicant seeks two parking exceptions: 1) parking for the residential component of the project and 2) parking for the commercial component.

- *Parking exception for residential use*

As listed above, three parking spaces are required for the two residential units. The project proposes two parking spaces in two one-car garages on the first floor for the residences above. In order to comply with the parking requirements the project would require revisions to include either the conversion of both one bedroom units to studio units or a reduction in the number of residential units to one unit instead of two. Such a revision would reduce the parking requirement to two spaces for two studio units or one unit, which could potentially be two bedrooms.

The option for reduction of one unit to meet the parking requirement may be regarded as inconsistent with the Housing Element of the General Plan and City's housing production target of 413 units in the Regional Housing Needs Assessment (RHNA) for the period from 2015-2023 as every additional unit is important towards meeting the City's regional share of housing supply. Moreover, rents for studio units have generally ranged from approximately 3 to 13 percent lower than one-bedroom unit rents as shown in Table I-15 of the 2015-2023 Housing Element. The applicant has indicated the loss in rents would present a hardship.

As a result of the financial hardship resulting from a change in unit type and from a reduction in apartment units in combination with the General Plan and Local Coastal Plan policies supporting housing unit creation, the Commission grants the parking exception for the residential component of the project.

- *Parking exception for commercial use.*

As enumerated in the staff report, a total of 47 parking spaces are required for the commercial component of the proposed project and the project provides 24 spaces. The applicant has provided an explanation of the use and operation of the commercial spaces. Based on the applicant's explanation, parking demand will not be generated by the areas dedicated to storage associated with surf board retail in the basement and second story of Building #1 and storage associated with board shaping use in Building #2. The applicant has also stated that some visitors/customers to the site will also arrive via public transit and/or on foot although it is not clear what percentage of the parking demand will be reduced as a result. Hence, in the Commission's assessment, the storage areas in Building #1 and Building #2 may be discounted for a conservative estimate of parking demand. Discounting these areas yields a parking demand of 29 car spaces, which leaves a shortfall of 5 car spaces.

The Planning Commission may wish to consider a reduction of 1,500 sq. ft. in the retail portion of Building #1, which would reduce the off street parking requirement by 5 spaces and meet the anticipated parking demand. However, while such a reduction would reduce the shop area by 28 percent, it would not be sufficient to satisfy the required parking per PMC Section 9-4.2818. Therefore, in the Commission's assessment, commercial off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible without any modifications to the proposed project.

- 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):

The applicant submitted an arborist report describing the condition of the trees on-site, including the heritage trees proposed for removal. The arborist report did not mention other considerations related to criteria (ii) through (v), above, which would justify removal. Therefore, the Commission should consider the applicant's request for removal based on criteria (i) and (vi).

The arborist report describes the condition of the trees indicating that Trees #1, #3, and #4 (off-site) have poor structure and Tree #2 is in poor condition. Tree #1 and Tree #3 are not very tall due to prevailing winds that have "pruned" it, and would therefore tend to develop longer side limbs; this tendency is much exaggerated due to the competing trees and multiple trunks that cause a crowded limb structure. The limbs are therefore endheavy and failure-prone. Tree #2 is heavily suppressed by Tree 1 and grows only toward the north and with a severe lean and is assessed to be in poor condition. Tree #4 is heavily suppressed by Tree 3; It grows only toward the north with a severe lean and has a poor structure. Due to their condition and structure, these trees would be prone to limb failure. Additionally, Tree #1 and Tree #2 are located in close proximity to Building #1.

The three Monterey cypress trees, along with a fourth Monterey cypress trees that appears to be off-site on the Pedro Point Shopping Center property, occur in a grove in a small area and are crowded together to form one combined canopy. According to the arborist report, it is likely that the root systems are joined by grafting. Also, because trees in the grove have asymmetrical canopies, they rely on each other for mechanical stability. Therefore, removal of one tree results in a greater risk of failure for adjacent trees, which in combination with the poor structure and condition of the subject trees could warrant the removal of these trees.

The Commission's assessment of the arborist's report is that removal of the heritage trees on-site is justified under sections 4-12.05(c)(i) and Section 4-12.05(c)(vi) of the PMC. The arborist's report explains the poor conditions of the trees with respect to general health, damage, danger of falling, and proximity to proposed structures. The arborist's report also suggests that due to their historical tendency to have grown together, removal of any one or more of the trees could jeopardize the remaining tree(s) and all should be removed. Until such time as all three trees are confirmed to be located on the Applicant's property, the Commission has included a condition of approval to require preparation of a tree protection plan which would allow the project to be constructed without adversely impacting any off-site tree.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Project, subject to conditions of approval attached as Exhibit A.

* * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 5th day of November, 2018.

AYES, Commissioners: KRASKE, NIBBELIN, RUBINSTEIN, STEGINK

NOES, Commissioners: N/A

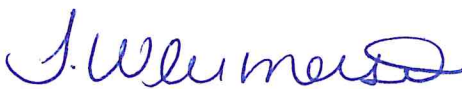
ABSENT, Commissioners: CAMPBELL, GORDON

ABSTAIN, Commissioners: CLIFFORD



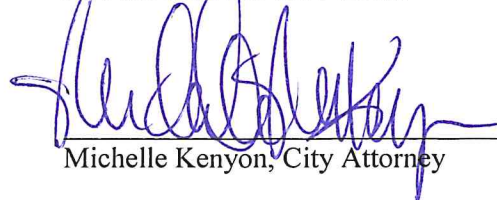
John Nibbelin, Acting Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2014-002 for Site Development Permit PSD-789-14, Coastal Development Permit CDP-346-14, Use Permit UP-039-14, Parking Exception PE-159-14, Sign Exception SE-030-18, and Heritage Tree Removal Authorization at a vacant parcel located at 505 San Pedro Avenue (APN 023-072-010)

Planning Commission Meeting of November 5, 2018

Planning Division

1. Development shall be substantially in accord with the plans entitled "Norcal Surf Shop Development of Vacant Lot", stamped received by the City of Pacifica on October 30, 2018, 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. In this instance, "final determination" shall be the earlier of a) the date of issuance of a Coastal Development Permit issued for the Project by the California Coastal Commission; or, b) one year from this Planning Commission approval. 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. Non-visitor-serving retail use shall be prohibited in the Project unless authorized by a future action of the Planning Commission.
4. Applicant shall be prohibited from converting one or more residential units, or portion thereof, to commercial use, including without limitation office use. However, a resident(s) of one or both apartments may operate a home business in an apartment unit upon City issuance of a Home Occupation Permit.
5. Applicant shall be prohibited from converting any areas marked office/storage and/or office on the plans, received on October 30, 2018 to any purpose other than storage and office space ancillary to permitted uses at the site.
6. The hours of operation of the skate park shall be limited to 7 AM to 9 PM, Sunday through Thursday, and 7 AM to 10 PM on Friday and Saturday.
7. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
8. Prior to the issuance of a building permit, Applicant shall modify the skatepark roof and chain link fence enclosure in a manner that provides variation in the design to reduce the scale of this structure and to subordinate it to Buildings #1, 2, and 3. Chain link fencing shall be prohibited. The final proposed roofing and perimeter barrier design shall be subject to review and approval by the Planning Director.

Conditions of Approval: Site Development Permit PSD-789-14, Coastal Development Permit CDP-346-14, Use Permit UP-039-14, Parking Exception PE-159-14, and Heritage Tree Removal Authorization

Mixed Use Development at 505 San Pedro Avenue

Vacant parcel located to the west of the Pedro Point Shopping Center and northeast of San Pedro Avenue, approximately 640 feet southeast of the intersection of San Pedro Avenue and Danmann Avenue

(APN 023-072-010)

November 5, 2018

Page 2

9. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences but shall be adequate to ensure security and dissuade vandalism on-site. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations shall be shown, where applicable, on all building elevations.
10. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
11. 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.
12. Prior to the issuance of building permit, Applicant shall revise the plans to include a trash and recycling materials storage area that may be located within the enclosed spaces of the first floor of Building # 2 adjacent to the off street parking area on site. If trash and recycling materials is stored outdoors, it 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. The subject trash and recycling material storage area shall be sufficient in size to contain 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.
13. 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.
14. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC

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

15. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
16. Prior to issuance of building permit, Applicant shall submit a master sign program application for review and approval by the Planning Director acting as the Planning Administrator.
17. Applicant shall design and construct the project in accordance with the recommendations contained in the document titled "GEOTECHNICAL UPDATE & PLAN REVIEW Architectural Plans Proposed Commercial Development 505 San Pedro Road (APN 023-072-101) Pacifica, California" prepared by Earth Investigations Consultants, dated November 11, 2014 and document titled "PRELIMINARY PLAN REVIEW, REPLY TO PEER REVIEW AND GEOTECHNICAL UPDATE Preliminary Architecture and Civil Plans Proposed Mixed Use Development 505 San Pedro Road (APN 023-072-101) Pacifica, California" prepared by Earth Investigations Consultants, dated March 23, 2017, subject to review and approval by the Building Official. The document is included as Exhibit C to this Resolution.
18. 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 Applicant shall retain the services of a qualified engineer with knowledge of tsunami hazards and expertise in the design of structures intended for construction in tsunami inundation hazard zones 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. The engineer's recommendations shall be incorporated into the building's design and shall be subject to review and approval by the Building Official.
19. Prior to issuance of a building permit, Applicant shall accurately locate the position of Tree #4 shown and described in the Project arborist report, dated October 28, 2018, by performing a survey prepared by a licensed land surveyor or civil engineer. In the event this tree is off-site on the neighboring property to the northeast of the subject site (the Pedro Point Shopping Center), the applicant shall submit a tree protection plan prepared by a qualified professional to protect tree #4 during construction, to the satisfaction of the Planning Director. If the survey reveals that Tree #4 is on Applicant's property, Applicant shall submit a separate application for removal of that Tree pursuant to Pacifica Municipal Code section 4-12.05.
20. Prior to issuance of a certificate of occupancy for any residential units or commercial area in the development, the Applicant shall install two tsunami hazard notification signs at the site, generally at the entrances from San Pedro Avenue and from the north of the site. The design, placement, and method of installation of which shall be subject to review and approval by the Planning Director.

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21. Prior to issuance of a certificate of occupancy for any residential units or commercial area in the development, Applicant shall plant in the San Pedro Avenue right-of-way in front of the property two, 24-inch box size trees of species to be determined by the City Arborist, subject to an encroachment permit issued by the Engineering Division of Public Works Department. Applicant shall also prepare and enter into a Maintenance Agreement for maintenance of the trees in a manner subject to review and approval of the City Engineer. The Maintenance Agreement shall be recorded on the Project site with the San Mateo County Recorder's Office.
22. Prior to issuance of the building permit, Applicant shall identify and show on the plans five bicycle parking spaces on site that meet the requirements of PMC Section 9-4.2822, to the satisfaction of and approval by the Planning Director.
23. Prior to issuance of a building permit, Applicant shall include in the proposed parking area, two electric vehicle (EV) Level 2 or Level 3 charging stations in conformance with the standards in PMC section 9-4.2818(i), to the satisfaction of and approval by the Planning Director.
24. Wheel stops or other barriers acceptable to the City Engineer shall be provided for all uncovered off-street parking spaces and be included within the required minimum parking dimensions of such spaces. Wheel stops or other such barriers shall be located to allow a minimum overhang of three (3') feet.
25. As required by the Pedro Point-Shelter Cove neighborhood narrative on p. 86 of the General Plan in order to find General Plan consistency for the project, and in order to preserve the coastal orientation of the overall site and to ensure it can function as an integrated development as described in the neighborhood narrative of the General Plan despite the unconsolidated ownership of property in the area, Applicant shall, prior to issuance of a certificate of occupancy, make an irrevocable offer of dedication of an easement which meets the following standards, subject to the review and approval of the Planning Director:
 - a. provide ingress-egress for access by the general public across the northernmost portion of the project site;
 - b. be located within the northernmost 45 feet of the project site;
 - c. have a width of not less than 14 feet to enable construction of a 10-foot paved pathway and a two-foot wide shoulder on either side of the paved pathway in a manner consistent with the standards for a Class I bicycle path in section 1003.1 *et seq.* of the Caltrans Highway Design Manual;
 - d. shall allow construction of the future trail by any public agency accepting responsibility for the trail's maintenance and liability for its use;
 - e. consistent with Coastal Act Policy No. 3, which is incorporated by reference into the City's Local Coastal Program, the easement shall not be created and dedicated for public use and the trail which may ultimately be constructed on the site shall not be required to

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- be opened to public use until a public agency agrees to accept responsibility for maintenance and liability of the trail; and
- f. the term of the irrevocable offer of dedication shall not be less than 21 years, in which time any public agency may accept the offer of dedication and accept responsibility for trail construction, maintenance, and liability.

The form of the offer of dedication shall be to the satisfaction of the City Attorney.

26. As required by section 9-4.4407 of the Pacifica Municipal Code, Applicant shall, prior to issuance of a certificate of occupancy, make an irrevocable offer of dedication of an easement which meets the following standards, subject to the review and approval of the Planning Director:
 - a. provide ingress-egress for access by the general public across the Project site from San Pedro Avenue to the northern limit of the Project site where such access shall connect to either or both the east-west easement required across the northernmost 45 feet of the Project site or existing coastal access trail(s) located beyond the Project site (e.g., the historic coastal access trails to the northeast);
 - b. be located along the proposed sidewalk included with the Project which connects to San Pedro Avenue and the historic coastal access trails to the northeast of the Project site. Notwithstanding the minimum access easement width prescribed in section 9-4.4407(b)(6), the easement shall be a width of 10 feet because the narrow dimensions of the site would result in a wider easement rendering development of the site economically infeasible. Although the minimum easement width shall be 10 feet, access may be provided along the six-foot (6'-0") wide sidewalk proposed to be constructed on the Project site;
 - c. consistent with Coastal Act Policy No. 3, which is incorporated by reference into the City's Local Coastal Program, the easement shall not be created and dedicated for public use and access to the easement on the site shall not be required to be opened to public use until a public agency agrees to accept responsibility for maintenance and liability of the easement; and
 - d. the term of the irrevocable offer of dedication shall not be less than 21 years, in which time any public agency may accept the offer of dedication and accept responsibility for trail construction, maintenance, and liability.

The form of the offer of dedication shall be to the satisfaction of the City Attorney.

27. Prior to issuance of a building permit, Applicant shall demonstrate proof of recordation in the San Mateo County Recorder's Office of an easement across the adjacent Pedro Point Shopping Center parcel to the east of the Project site which shall memorialize the emergency vehicle access described in the project plans. The design of the emergency vehicle access described in the easement shall be to the satisfaction of the Planning Director and Fire Chief. The form and content of the easement shall be subject to review and approval by the City Attorney.

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28. Applicant shall incorporate all mitigation measures identified in the document entitled "505 San Pedro Project Mitigation Monitoring and Reporting Program", dated October 2018, in the design and construction of the project. The document is included as Exhibit B to this Resolution.
29. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
30. 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.
31. 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 the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.

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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 and debris, especially mud and dirt tracked, onto San Pedro Avenue. Dust control and daily road cleanup will be strictly enforced.
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 sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
40. 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.
41. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or whole street width across entire property frontage along San Pedro Avenue. All pavement markings and markers shall be replaced in kind.
42. Landscaping within the public right-of-way shall consist of plants native to the San Mateo County region only, as determined by a qualified landscape architect, and subject to review and approval of the City Engineer.
43. Prior to issuance of a building permit, Applicant shall provide an erosion control plan, to the satisfaction of and approval by the City Engineer.
44. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

North County Fire Authority

45. Fire Sprinklers - Fire Sprinklers are required per 2016 CFC Chapter 9 Section 903 as amended by PMC.

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46. Fire Flows - Project shall comply with fire flows per 2016 CFC Appendix B, table B105.1 for buildings with fire sprinklers for the calculated fire flow of the building .
47. Premises Identification - Project shall comply with 2016 CFC Chapter 5, Section 505.1 and 2.
48. Fire Safety - Project will comply with the 2016 CFC Chapter 33 - Fire Safety During Construction and Demolition.
49. Sprinkler system supervision and alarms. - Project shall comply with 2016 CFC section 903.4 and 903.4.1.2 Alarms provide a horn strobe on San Pedro frontage.
50. Fire Sprinklers system shall be monitored per 2016 CFC 903.4.1 by a third party.
51. Give distance to two fire hydrants and show on the site map to show conformance with 2016 CFC appendix C, table C105.1 for the calculated fire flow.
52. Fire Flow - Provide with fire sprinkler submittal a fire flow from North Coast County Water District to conform to 2016 CFC appendix B for the required fire flow per Table B105.1.
53. Provide a Key Box per 2016 CFC section 506.
54. Provide fire extinguishers throughout the building per 2016 CFC 906 Portable Fire Extinguishers.
55. Fire Alarms system and smoke alarms shall be installed per 2016 CFC 907.2.8.
56. Fire Apparatus Access Road - provide access per 2016 CFC Appendix D the route shall have an unobstructed vertical clearance of 13'-6".
57. Fire Department access entry point off San Pedro Road on south side of Building #3 shall be a minimum of 20 feet wide. The 20-foot road shall continue through the entire wrap around road per Chapter 5 of the 2016 CFC.
58. Buildings #1 and #2 shall be provided with an additional fire hydrant so that at no point the buildings are more than 400 feet away from that hydrant measured by an approved route around the buildings.
59. The fire rating of the east walls of Buildings #1 and 2 shall conform to section 705 of the 2016 CBC. Windows shall also be restricted according to this section as the east side of the buildings are along the adjoining property line.
60. Prior to a building permit issuance, Applicant shall confirm that a hydrant will be located at the southeast corner of building #3.

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61. Applicant shall provide a separate fire department connection for each building near the hydrant at Building #3 along San Pedro Avenue.
62. Applicant shall provide red zones along fire access roads and at hydrants and fire department connections.
63. Applicant shall provide pedestrian access gate between Buildings #2 and #3 to provide firefighter access to/from the Pedro Point Shopping Center as well as a key box because the fire apparatus access road on the site ends more than 150 feet from the most distant building on the site.

Wastewater Division

64. 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 OF CONDITIONS