



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Agenda

DATE: June 20, 2016
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM

ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: June 6, 2016

Designation of Liaison to City Council Meeting: None

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

CONTINUED PUBLIC HEARING:

1. **TEXT AMENDMENT TA-104-16**, The City of Pacifica is proposing amendments to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code to allow massage establishments as a permitted use in certain commercial districts subject to compliance with licensing regulations administered by the Pacifica Police Department.
Recommended Action: Motion to continue item to June 20, 2016.

NEW PUBLIC HEARINGS:

2. **SP-156-15** **SPECIFIC PLAN SP-156-15**, filed by Carlos Dominguez, agent to Tony Hua the property owner, to construct a new 3,898 square feet, three-story single-family residence on a vacant 9,152 square foot lot at 300 Coral Ridge Dr. (APN 009-037-430). Recommended CEQA status: Class 3 Categorical Exemption, Section 15303 (a).
Recommended Action: Approve as conditioned.

CONSIDERATION ITEMS:

3. **CDP-372-16** **EMERGENCY COASTAL DEVELOPMENT PERMIT CDP-372-16**, informational report regarding issuance of Emergency Coastal Development Permit to temporarily post up to 10 signs along a public access trail warning the public to keep away from recent bluff failure located at 200-222 Palmetto Avenue (APN 115-220-999).
Proposed Action: Receive and file.

COMMUNICATIONS:

Commission Communications:

Staff Communications:

ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for persons with disabilities upon 24 hours advance notice to the City Manager's office at (650) 738-7301, including requests for sign language assistance, written material printed in a larger font, or audio recordings of written material. All meeting rooms are accessible to persons with disabilities.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: June 20, 2016

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on May 4, 2016.

FILE: TA-104-16

APPLICANT: City of Pacifica

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Initiation of amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code, relating to Permitted and Conditional Uses in the C-1, Neighborhood Commercial District (Text Amendment TA-104-15).

RECOMMENDED CEQA STATUS: General Rule Exemption [Section 15061(b)(3)]

ADDITIONAL REQUIRED APPROVALS: City Council

RECOMMENDED ACTION: Adopt the resolution initiating the amendment and recommend City Council approval.

PREPARED BY: Robert Smith, Assistant Planner

PROJECT SUMMARY

1. Background and Project Description: On February 8, 2016, the City Council considered introduction of an ordinance to bring licensing standards into conformity with the Governors Assembly Bill 1147 from September 2014 for massage establishments. The proposed ordinance intends to amend an existing ordinance regulating massage establishments under Pacifica Municipal Code Chapter 19 of Title 5, Public Welfare, Morals, and Conduct. The licensing requirements under Title 5 are administered by the Police Department and amendments were also initiated by that department.

After hearing public comment and deliberating, the City Council directed staff to make revisions to the licensing ordinance (Title 5) in order to prevent unlawful activities while maintaining opportunities for appropriately licensed establishments to provide valued services to the community. In the course of implementing Council direction, staff noted that a Use Permit is required for massage establishments in certain commercial districts, which appears to be an antiquated requirement. The licensing requirements covered in Title 5 and administered by the Police Department allow sufficient oversight to ensure compliant operations for proposed massage establishments.

On May 16, 2016 the Planning Commission considered the implication of these amendments on the Commissions role in land use decisions. Police Department amendments create a situation where, in the majority of cases, the Zoning Code is redundant in enhancing or strengthening Title 5 provisions for massage establishments beyond the role undertaken by the Police Department.

The proposed Zoning Ordinance amendment (Attachment A) would enable small scale massage establishments to commence operations without requiring a Use Permit. Relying on Police Department licensing for these small units would reduce the administrative burden on small scale licensed therapists. Introduction of an upper limit of 640 sq. ft. of treatment floorspace before the City requires a Use Permit encourages a business friendly approach while retaining the Planning Commission ability to deliberate on larger businesses which may pose potential land use concerns such as parking impacts.

2. General Plan/Local Coastal Land Use Plan Consistency: The proposed amendment would allow additional commercial use in areas so designated. The implementation of the Police Department licensing requirements renders small scale massage establishments as benign uses. There is no proposal to allow massage businesses in locations not already permissible for commercial use in the General Plan and Local Coastal Land Use Plan.

3. Municipal Code: The proposed amendment is to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code specifically relating to Permitted and Conditional Uses in the C-1, Neighborhood Commercial District. The changes will apply citywide, including within the coastal zone.

New construction in the Coastal Development Zone would require a Coastal Development Permit. New construction within Commercial Districts would require a site development permit as set out in the provisions of Article 32. Site Development Permits, under Sec 9-4.3201, where *“any new construction or any addition which increases an existing structure’s gross square footage by fifty (50%) percent or more in any Commercial District”*.

4. CEQA Recommendation: Staff analysis of the proposed amendment supports a Planning Commission finding that it qualifies for a General Rule Exemption from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which states in part:

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed amendment would allow an additional type of commercial use in areas so designated. With implementation of the Police Department licensing requirements massage businesses are considered a benign use and would not have a significant effect on the environment.

5. Staff Analysis: On May 16th, 2016 the Planning Commission considered amendments to the Zoning Code and requested Staff provide further clarification on the impact of amendments to Title 9.

Provisions under Title 5:

In a coordinated effort, most Cities in San Mateo County have updated the licensing requirements in their Municipal Codes. The City of Pacifica Police Department licensing will introduce a comprehensive review of massage establishments under Title 5 to ensure the authenticity of the proposed use. The text amendments to Chapter 19 will be framed around California Massage Therapy Council Certification (CAMTC) standards which seek to ensure the bona fide nature of massage establishments (Attachment C). Staff feels the Use Permit requirement, particularly for smaller massage establishments, is therefore redundant. Police administered Licensing requirements represent best practice to address existing or possible illicit activities and such concerns would go beyond strictly land use authority. Requiring smaller operators to demonstrate conformity through the Use Permit process would be burdensome and would likely stifle this type of small business within the City.

The revised draft Title 5, Chapter 19 Massage Business Ordinance is attached (Attachment C) for the Commission’s reference. The Ordinance contains provisions addressing: State certification requirements; registration requirements for owners, employees, and contractors; and operating requirements addressing hours of operation, sanitation, and safety.

In the recent past, two City projects have required Use Permit review and Attachment B shows the Conditions of Approval applied through Zoning at the time.

Examples from other Cities:

Cities in San Mateo County take varying approaches to massage establishments in the Zoning Codes. Burlingame permits massage use under personal services, provided the operator is in compliance with the CAMTC License requirements. San Bruno also permits massage establishment use in Commercial Districts, however a limit of a five hundred feet buffer is applied to specified uses. The buffer employed by San Bruno appears to have been introduced prior to the amended licensing requirements. San Bruno has not yet updated the Zoning Code in line with Licensing. No evidential basis exists for the incorporation of a buffer as part of this Zoning Text Amendment. Half Moon Bay allows personal service businesses in the Commercial Downtown Zoning District, and prohibits this use in Commercial Residential Zoning Districts.

Daly City, Brisbane and Millbrae require a Use Permit in Commercial Districts for massage establishments.

Use Permit Threshold:

In identifying the appropriate threshold for Use Permit review two features of massage establishments stand out as criteria upon which to establish a threshold.

- i) Available treatment area within the establishment and;
- ii) Required number of parking spaces.

In both the parking requirements and the minimum treatment area requirements, a treatment area of 640 sq. ft. is identified as a functional floorspace measurement, below which, massage establishments are likely to remain innocuous and not require further review or control beyond that applied in the Police Department licensing process.

Adoption of the proposed zoning revisions would save future small massage establishments an estimated \$3,000 dollars in entitlement processing fees and approximately three months processing time.

i). Treatment Area measures:

The California Building Code presents an appropriate standard for sizing massage treatment rooms in the draft 2015 version of Title 24. This section relates specifically to room sizes for emergency service medical treatment rooms. Although emergency services represent a different type of operation, the applied standards and expectation of room size, storage requirements, room arrangement and accessibility within the rooms can be appropriately applied to treatment rooms for massage establishments. Individual rooms for medical treatment are required to be a minimum of 120 sq. ft, which takes account of the accessible space needed to maneuver around treatment equipment, storage for supplies and disabled access. A treatment room size of 120 sq. ft. would allow three (3) treatment rooms within a 640 sq. ft. area, assuming an accessible corridor for access, total treatment area size would be equal

to 480 sq. ft. Adding a fourth room would result in a floorspace area of 640 sq. ft, although should a corridor be required to access the rooms, an additional 40 sq. ft. would require an area of 640 sq. ft. A treatment area of 640 sq. ft. therefore represents an appropriate floorspace area, above which a Use Permit would be required due to the increasing intensity of operations and the need for additional parking.

ii). Parking review:

The existing parking requirement of one parking space per 300 Sq. Ft. is an appropriate ratio for small massage establishments. Once uses extend beyond an area of 640 square feet, based on the Institute of Transport Engineers review of parking generation, project review is advisable to ensure associated parking is assessed and meets City requirements. Massage establishments with a treatment area above 640 sq. ft. should therefore be subject to a Use Permit.

6. Summary: The proposed Zoning Ordinance amendment would remove a redundant Use Permit requirement for a specific size of massage establishment.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move to adopt the Resolution Expressing Intent to Initiate a Zoning Text Amendment and Recommending City Council Approval of Zoning Text Amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code Relating to Permitted and Conditional Uses in the C-1, Neighborhood Commercial District; find that the proposed amendment is exempt from the California Environmental Quality Act (CEQA); and, incorporate all documents and testimony into the record by reference.

Attachments:

- A. Resolution initiating zoning text amendment and recommending City Council approval, including Exhibit A
- B. Conditions of Approval - UP-934-04 and UP-933-04
- C. Draft Ordinance Amending the Massage Business licensing requirements

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
EXPRESSING INTENT TO INITIATE A ZONING TEXT AMENDMENT AND
RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT
TA-104-16 AMENDING TITLE 9, CHAPTER 4, ARTICLE 10 OF THE PACIFICA
MUNICIPAL CODE RELATING TO PERMITTED AND CONDITIONAL USES IN THE
C-1, NEIGHBORHOOD COMMERCIAL DISTRICT**

Initiated by: City of Pacifica

WHEREAS, on February 8, 2016, the City Council of the City of Pacifica considered introduction of an ordinance enacting new licensing standards for massage businesses and directed staff to make revisions to the ordinance in order to prevent unlawful activities while not precluding or creating an onerous process for licensed therapists who provide a valuable service; and

WHEREAS, in the course of implementing City Council direction, staff noted that a Use Permit is required for massage establishments in certain commercial districts which appears to be an antiquated requirement and redundant for smaller scale operators with enactment of licensing requirements administered by the Pacifica Police Department; and

WHEREAS, the proposed ordinance, attached as Exhibit A, would remove the Use Permit requirement for massage establishments under 640 square feet of treatment floorspace, instead referencing Massage Licensing requirements contained in the Municipal Code; and

WHEREAS, the proposed amendment is consistent with the City's General Plan and Local Coastal Land Use Plan; and

WHEREAS, the proposed amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby initiate an amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code;

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby recommend approval to the City Council of the zoning text amendment described in Text Amendment TA-104-16 (Exhibit "A").

* * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 20th day of June 2016.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Josh Gordon, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING
TITLE 9, CHAPTER 4, ARTICLE 10, OF THE PACIFICA MUNICIPAL CODE,
RELATING TO PERMITTED AND CONDITIONAL USES IN THE C-1,
NEIGHBORHOOD COMMERCIAL DISTRICT (TA-104-16)**

WHEREAS, on February 8, 2016, the City Council of the City of Pacifica considered introduction of an ordinance enacting new licensing standards for massage businesses and directed staff to make revisions to the ordinance in order to prevent unlawful activities while not precluding or creating an onerous process for licensed therapists who provide a valuable service; and

WHEREAS, in the course of implementing City Council direction, staff noted that a Use Permit is required for massage establishments in certain commercial districts which appears to be an antiquated requirement and redundant for smaller scale operators with enactment of licensing requirements administered by the Pacifica Police Department; and

WHEREAS, the proposed ordinance would remove the Use Permit requirement for massage establishments under 640 square feet of treatment floorspace, referencing Massage Licensing requirements contained in the Municipal Code; and

WHEREAS, on June 20, 2016, the Planning Commission of the City of Pacifica held a duly noticed public hearing to consider the content of an amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code to remove the Use Permit requirement for massage establishments under 640 square feet of treatment floorspace, and considered all written and oral testimony; and,

WHEREAS, on June 20, 2016, the Planning Commission of the City of Pacifica adopted Resolution No. ___ initiating an amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code to remove the Use Permit requirement for massage establishments, and recommended City Council approval of the Ordinance; and,

WHEREAS, the proposed amendment is consistent with the City's General Plan and Local Coastal Land Use Plan; and

WHEREAS, the proposed amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines;

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Environmental Review. The proposed amendment is exempt from environmental review under CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that removal of the Use Permit requirement for massage establishments may have a significant effect on the environment.

Section 3. Amendments. Title 9, Chapter 4, Article 10, Section 9-4.1001 of the Pacifica Municipal Code is hereby amended and shall read as follows:

Article 10. - C-1 Neighborhood Commercial District

Sec. 9-4.1001. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the C-1 District:

- (1) Retail uses, including but not limited to, food markets, drug stores, liquor stores and retail restaurants, but excluding firearms sales;
- (2) Personal services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, ~~and~~ banks and financial institutions, and massage establishments under 640 square feet of treatment floorspace (see licensing requirements Title 5, Chapter 19);
- (3) Business and administrative offices when located entirely above the ground floor of any commercial structure;
- (4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and
- (5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

- (1) Service stations;
- (2) Retail alcohol sales in conjunction with service stations;
- (3) Mini-markets and similar retail uses in conjunction with service stations;
- (4) Conversion of service stations from full-service to self-service;
- (5) Motels and drive-in restaurants;
- (6) Veterinary hospitals and clinics (small animals);
- (7) Special care and child care facilities;
- (8) Business and administrative offices, if located on the ground floor;

- (9) Amusement machine arcades as a new or a part of an existing use;
- ~~(10) Massage establishments with 640 square feet or larger of treatment floorspace;~~
- ~~(10) Massage, health, or bathing establishments;~~
- ~~(111011)~~ One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of 2,000 square feet; ~~and~~
- ~~(121112)~~ Restaurants and fast food restaurants; ~~and~~
- ~~(131213)~~ Pet care and sales establishments, including boarding and grooming.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For properties located in the Coastal Zone, this ordinance shall not become effective until approved or deemed approved by the California Coastal Commission pursuant to Public Resources Code section 30513.

PASSED AND ADOPTED this _____ day of _____, 2016, by the following vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

 Sue Digre, Mayor

ATTEST:

APPROVED AS TO FORM:

 Kathy O'Connell, City Clerk

 Michelle Kenyon, City Attorney



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY HALL • 170 Santa Maria Avenue • Pacifica, CA 94044 • (650) 738-7341 • Fax (650) 359-5807

Scenic Pacifica

September 20, 2004

Conditions of Project Approval

Shumei Fang
Orchid Health, Inc. a/k/a May Health Center
1305 "A" Palmetto Ave.
Pacifica, Ca 94044

**Re: Use Permit Application (No. UP-934-04)
Proposed Use – Massage, Bathing, and Health Establishment
Proposed Location – 1305 "A" Palmetto Avenue, Pacifica**

Dear Ms. Fang:

The Planning Commission of the City of Pacifica, at their regular meeting of September 7, 2004, APPROVED the above-mentioned permit. As you know, the business cannot commence until you have satisfied the conditions of approval listed below, and obtained a Regulatory Permit for Orchid Acupressure and the individual masseurs and masseuses. The Use Permit is approved subject to the following conditions:

Planning Department

1. Development shall be substantially in accord with the plans entitled "1305 A Palmetto Ave., Pacifica CA," consisting of two (2) pages, dated July 14, 2004.
2. The applicant shall satisfy all conditions precedent listed in PMC Title 5, Chapter 19. ("Massage, Health, and Bathing Establishments and Persons Offering Services Therein") prior to commencement of business operation.
3. The applicant shall revise the plans to show the uses and location of each room, including the dressing rooms, lockers and separate rest rooms to the Planning Director's satisfaction before the business can reopen.

Attachment B

Notice

Pursuant to Government Code section 66020(d), the City hereby provides you with written notice that the above-described dedications, reservations and/or other exactions have been imposed on the approval of Use Permit UP-934-04. The 90-day period in which you may protest the above-described dedications, reservations and/or other exactions has begun. If you fail to protest the above-described dedications, reservations and/or other exactions pursuant to Government Code section 66020, you may be legally barred from filing a legal challenge. Any challenge may also be barred by other applicable provisions of law.

EXPIRATION DATE: September 7, 2005

The permit (UP-934-04) will expire on the above date unless all regulatory permits are issued by the Police Chief.

PLEASE NOTE THIS IS NOT A BUILDING PERMIT

Operational Regulations

The operation of a massage, bathing, and health establishment (as approved by Use Permit U-932-04) is subject to the following requirements in addition to the conditions of approval listed above:

- a) The permittee shall comply with the provisions of PMC Title 5, Chapter 19 ("Massage, Bathing, and Health Establishments and Persons Offering Services Therein") at all times;
- b) The permittee shall obtain a Regulatory Permit from the Pacifica Police Department for Pacifica Health Center and individual masseurs and masseuses prior to the commencement of any business activities [in accordance with PMC Title 5, Chapter 19]; and
- c) The permittee shall maintain a valid business license, use permit (as issued by the Planning Department), and Regulatory Permit (as issued by the Pacifica Police Department) at all times.

The permittee is also hereby advised that permits for operating a massage, bathing, or health establishment shall be suspended or revoked if the permittee has violated any condition of Use Permit UP-934-04, any of the laws of the City, the State of California, or the United States, or where any employee of the permittee, including a masseur or masseuse, engages in any conduct which violates any State or City law at the permittee's place of business and the permittee has actual or constructive knowledge of such violations, or the permittee should have actual or constructive knowledge by due

Ms. Fang

September 20, 2004

Page 3

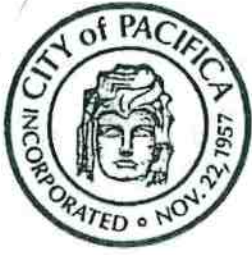
diligence, or in any case, where the permittee refuses to permit any duly authorized Police officer of the City or Health Officer of the county, or building inspector or Fire Prevention Officer of the City to inspect the premises or the operations therein, or where the business is being managed, conducted or maintained without regard for the public health or the health of the patrons or customers or without due regard to proper sanitation and hygiene [PMC 5-19.09].

Sincerely,



Michael Crabtree
Planning Director

cc: Shumei Fang, 6068 Springer Way, San Jose, CA 95123
Dividend Properties 87-1, 275 Saratoga Ave. #105, Santa Clara, CA 95050-664
Dennis Poon, 7682 River Village Dr., Sacramento, CA 95831
Captain Tasa, Police Department
Jason Lo, Code Enforcement
James Eckart, City Prosecutor, Dapeer, Rosenblit & Litvak, LLP, PO Box 2067,
Huntington Park, CA 90255-3099



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY HALL • 170 Santa Maria Avenue • Pacifica, CA 94044 • (650) 738-7341 • Fax (650) 359-5807

Scenic Pacifica

August 18, 2004

Conditions of Project Approval

Xiu Fang Lu
Pacifica Health Care
75 Aura Vista
Pacifica, Ca 94044

Re: Use Permit Application (No. UP-933-04)
Proposed Use – Massage, Bathing, and Health Establishment
Proposed Location – 75 Aura Vista Drive, Pacifica

Dear Mrs. Lu:

The Planning Commission of the City of Pacifica, at their regular meeting of August 2, 2004, APPROVED the above-mentioned permit. As you know, the business cannot commence until you have satisfied the conditions of approval listed below, and obtained a Regulatory Permit for Pacifica Health Center and the individual masseurs and masseuses. The Use Permit is approved subject to the following conditions:

Planning Department

1. Development shall be substantially in accord with the plans entitled "75 Aura Vista, Pacifica CA," consisting of one (1) page, dated May 17, 2004.
2. The applicant shall satisfy all conditions precedent listed in PMC Chapter 19. Massage, Health, and Bathing Establishments and Persons Offering Services Therein.
3. The applicant shall remove the banner sign and replace it with a permanent sign that complies with the Master Sign Program to the Planning Director's satisfaction prior to commencement of business operation.

Notice

Pursuant to Government Code section 66020(d), the City hereby provides you with



written notice that the above-described dedications, reservations and/or other exactions have been imposed on the approval of Use Permit UP-933-04. The 90-day period in which you may protest the above-described dedications, reservations and/or other exactions has begun. If you fail to protest the above-described dedications, reservations and/or other exactions pursuant to Government Code section 66020, you may be legally barred from filing a legal challenge. Any challenge may also be barred by other applicable provisions of law.

EXPIRATION DATE: August 2, 2005

The permit (UP-933-04) will expire on the above date unless all regulatory permits are issued by the Police Chief.

PLEASE NOTE THIS IS NOT A BUILDING PERMIT

Operational Regulations

The operation of a massage, bathing, and health establishment (as approved by Use Permit U-933-04) is subject to the following requirements in addition to the conditions of approval listed above:

- a) The permittee shall comply with the provisions of PMC Title 5, Chapter 19 ("Massage, Bathing, and Health Establishments and Persons Offering Services Therein") at all times;
- b) The permittee shall obtain a Regulatory Permit from the Pacifica Police Department for Pacifica Health Center and individual masseurs and masseuses prior to the commencement of any business activities [in accordance with PMC Title 5, Chapter 19]; and
- c) The permittee shall maintain a valid business license, use permit (as issued by the Planning Department), and Regulatory Permit (as issued by the Pacifica Police Department) at all times.

The permittee is also hereby advised that permits for operating a massage, bathing, or health establishment shall be suspended or revoked if the permittee has violated any condition of Use Permit UP-933-04, any of the laws of the City, the State of California, or the United States, or where any employee of the permittee, including a masseur or masseuse, engages in any conduct which violates any State or City law at the permittee's place of business and the permittee has actual or constructive knowledge of such violations, or the permittee should have actual or constructive knowledge by due diligence, or in any case, where the permittee refuses to permit any duly authorized Police officer of the City or Health Officer of the county, or building inspector or Fire Prevention Officer of the City to inspect the premises or the operations therein, or where

Mrs. Lu
August 18, 2004
Page 3

the business is being managed, conducted or maintained without regard for the public health or the health of the patrons or customers or without due regard to proper sanitation and hygiene [PMC 5-19.09].

Sincerely,



Michael Crabtree
Planning Director

cc: Xiu Fang Lu, 94 Brighton Ave., San Francisco, CA 94112
Yue Zhen Ou, 238 Silver Ave., San Francisco, CA 94112
Joseph J. and Elena I. Malta, The Malta & Co. Inc., 4220 California St., San Francisco, CA 94118
Diane Zhu, (Agent) 863 Huron Ave., San Francisco, CA 94112
Captain Tasa, Police Department
Jason Lo, Code Enforcement
James Eckart, City Prosecutor, Dapeer, Rosenblit & Litvak, LLP, PO Box 2067, Huntington Park, CA 90255-3099

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA REPEALING EXISTING CHAPTER 19 AND ENACTING NEW CHAPTER 19 (MASSAGE BUSINESSES) TO TITLE 5, PUBLIC WELFARE, MORALS, AND CONDUCT, OF THE PACIFICA MUNICIPAL CODE, RELATING TO THE REGULATION OF MASSAGE BUSINESSES

The City Council of the City of Pacifica, State of California, ORDAINS as follows:

SECTION 1. FINDINGS. In enacting these regulations the City Council recognizes that massage is a viable professional field offering the public valuable health and therapeutic services. The City Council finds and declares as follows:

(a) The registration and health and safety requirements imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the City.

(b) Massage businesses have been found to present opportunities for acts of prostitution and other unlawful activity, and, in fact, officers have made arrests for prostitution in massage businesses located within the City. Municipalities within the County have also reported instances where acts of prostitution have occurred in massage businesses.

(c) The California legislature and the courts have long recognized the necessity of imposing reasonable regulations and standards for the operation of massage businesses, including but not limited to minimum educational and experience requirements, passage of a practical examination of competence, sanitary conditions, hours of operation, and other operational regulations designed to minimize opportunities for illegal activities and to ensure the protection of the health, safety and welfare of citizens.

(d) There is a significant risk of injury to clients of massage businesses by improperly trained or poorly educated massage practitioners.

(e) The presence of businesses known or reputed to be places of prostitution or other illegal activity can have an adverse impact on surrounding properties and result in blight, foster further illegal activities, and generally become a public nuisance.

SECTION 2. Chapter 19 (Massage, Bathing, and Health Establishments and Persons Offering Services Therein) of Title 5 (Public Welfare, Morals, and Conduct) of the Pacifica Municipal Code, as presently written, is hereby repealed.

SECTION 3. New Chapter 19 (Massage Businesses) of Title 5 (Public Welfare, Morals, and Conduct) of the Pacifica Municipal Code is adopted, to read as follows:

Chapter 19 MASSAGE BUSINESSES

5-19.01 PURPOSE AND INTENT.

(a) In enacting this chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(b) Furthermore, it is the purpose and intent of this chapter to address the negative impacts identified in the City Council's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of City neighborhoods and commercial districts; and to enhance enforcement of criminal statutes relating to the conduct of operators and employees of massage businesses.

(c) It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as Business and Professions Code sections 4600 *et seq.* by Senate Bill 731, and amended in 2011 by Assembly Bill 619 and in 2014 by Assembly Bill 1147, to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council,

and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

5-19.02 DEFINITIONS.

For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

a) "Business" includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of individuals for the purpose of producing a livelihood or profit, and connotes the efforts of individuals by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this chapter shall include, without limitation, the advertising and soliciting of massages. The term "business" includes, but is not limited to, a massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage establishment which employs massage practitioners and therapists.

b) "California Massage Therapy Council" or "CAMTC" means the Massage Therapy Organization formed pursuant to Business and Professions Code section 4600.5.

c) "Certified massage practitioner" means any individual certified by the California Massage Therapy Council as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code sections 4600 *et seq.*

d) "Client" means the customer or patron who pays for or receives massage services.

e) "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

f) "City registration certificate" means a registration certificate issued by the certification officer upon submission of satisfactory evidence that a massage business employs or uses only certified massage practitioners pursuant to this chapter.

g) “Certification officer” means a representative of the Pacifica Police Department or designees.

h) “Employee” means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

i) “Health Officer” means a representative from the County of San Mateo Department of Environmental Health or designee and/or a person designated by the City of Pacifica to conduct health and safety inspections.

j) “Hearing Officer” means that person designated by the City Manager who shall be selected in a manner that avoids the potential for pecuniary or other bias and in no event shall be the certification officer, nor any other officer or employee in the certification officer’s department.

k) “Massage” or “massage therapy,” means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

l) “Massage business” means any business that offers massage therapy in exchange for compensation. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a massage business under this chapter. The term “massage business” includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

m) “Operator” or “massage business operator” means any and all owners of a massage business.

n) "Mobile massage" means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the massage business's City registration certificate.

o) "Owner" or "massage business owner" means any of the following persons:

a. Any person who is a general partner of a general or limited partnership that owns a massage business.

b. Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.

c. Any person who is a member of a limited liability company that owns a massage business.

d. Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

p) "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

q) "Practitioner" or "massage practitioner" shall be used interchangeably and mean any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services or a product, or otherwise).

r) "Reception and waiting area" means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

s) "Registration" means the registration required by this chapter to operate a massage business.

t) "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.

u) "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

v) "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

5-19.03 CAMTC CERTIFICATION AND LOCAL REGISTRATION REQUIRED

(a) Individuals. On and after the effective date of this Ordinance, it shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the City unless that individual is a certified massage practitioner.

(b) Businesses. On and after the effective date of this Ordinance, it shall be unlawful for any business to provide massage for compensation within the City unless all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners and said business has obtained a valid City registration certificate as provided in this chapter.

(c) Exemption. The Council recognizes that some massage practitioners currently practicing in Pacifica may not meet the standards set forth by the CAMTC due to changes in educational or other requirements, particularly changes in requirements concerning hours of schooling. Therefore, non-CAMTC certified individuals lawfully practicing massage therapy in Pacifica at the time this chapter goes into effect will be allowed to continue practicing without certification from the CAMTC.

5-19.04 MASSAGE BUSINESS REGISTRATION

(a) Application. The registration application for a City registration certificate shall include all of the following:

- (1) Legal name of the massage business.
- (2) Address and telephone number of the massage business.
- (3) Legal names of all owners of the massage business.
- (4) A list of all of the massage business's employees and independent contractors who are performing massage and their CAMTC certification.

(5) Residence address and telephone number of all owners of the massage business.

(6) Business address and telephone number of all owners of the massage business.

(7) The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).

(8) Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following: the individual's business, occupation, and employment history for the five (5) years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the County of San Mateo and its incorporated cities.

(9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(10) For all owners, a signed statement that all of the information contained in the application is true and correct under penalty of perjury; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code sections 4600 *et seq.*, any local, state, or federal law, or the provisions of this chapter may result in revocation of the business's City registration certificate.

(b) Issuance. Upon provision by the massage business of the foregoing documentation, the certification officer shall issue the massage business a City registration certificate, which shall be valid for two (2) years from the date of issuance. No reapplication will be accepted within one (1) year after an application or renewal is denied or a certificate is revoked. The certification officer may decline to issue a City registration certificate if any of the required information is not true, complete, or correct,

or if an individual required to submit to a background check pursuant to subsection (8) above fails to pass such background check. City registration certificates may not be issued to a massage business seeking to operate at a particular location if:

(1) another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation pursuant to Section 5-19.11, during the pendency of the suspension or one year following revocation;

(2) another massage business is or was operating at that particular location and that massage business has received a Notice of Suspension, Revocation or fine issued pursuant to Sections 5-19.10 and 5-19.11, during the ten day period following receipt of the Notice or while any appeal of a suspension, revocation or fine is pending.

(3) another massage business is or was operating at that particular location and that massage business has outstanding fines issued pursuant to Section 5-19.10 that have not been paid.

(c) Amendment. A massage business shall apply to the City to amend its City registration certificate within thirty (30) days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners, the change of the business's address, or changes in the owner's addresses and/or telephone numbers.

(d) Renewal. A massage business shall apply to the City to renew its City registration certificate at least thirty (30) days prior to the expiration of said City registration certificate. If an application for renewal of a City registration certificate and all required information is not timely received and the certificate expires, no right or privilege to provide massage shall exist.

(e) Fees. The registration application, and any amendment to or renewal of an existing registration certificate, shall be accompanied by a fee as specified by resolution of the City Council, no part of which shall be refundable. The provisions of this section shall not prevent the City from establishing additional fees for safety inspections as may be conducted from time to time, and for the background checks, fingerprinting, and subsequent arrest notification for owners of a massage business who are not CAMTC-

certified and who are subject to such background checks pursuant to this chapter. There are certain fees for appeals as described below.

(f) Transfer. A City registration certificate shall not be transferred except with the prior written approval of the certification officer. A written request for such transfer shall contain the same information for the new ownership as is required for applications for registration pursuant to this section. In the event of denial, notification of the denial and reasons therefore shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. A City registration certificate may not be transferred during any period of suspension or one year following revocation pursuant to Section 5-19.11, during the ten day period following a massage businesses' receipt of a Notice of Suspension, Revocation or fine issued pursuant to Sections 5-19.10 and 5-19.11 or while any appeal of a suspension, revocation or fine is pending. Further, a City registration certificate may not be transferred until all outstanding fines issued pursuant to Section 5-19.10 have been paid.

5-19.05 OPERATING REQUIREMENTS.

On or after the effective date of this Ordinance, no person shall engage in, conduct, carry on, or permit any massage within the City unless all of the following requirements are met:

(a) CAMTC-certification shall be worn by and clearly visible on the massage practitioner's person during working hours and at all times when the massage practitioner is inside a massage business. For mobile massage, the CAMTC-certification shall be worn by and clearly visible on the massage practitioner's person at all times when the massage practitioner is performing massage therapy. Individuals who are exempt from the CAMTC certification requirement pursuant to Section 5-19.03(c) of this chapter shall be exempt from the requirements of this subsection.

(b) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage business shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and, in the case of a massage business, all clients

shall exit the premises at that time. It is the obligation of the massage business, to inform clients of the requirement that services must cease at 9:00 p.m.

(c) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily understandable language. For mobile massage, the massage practitioner shall make a list of the services and the cost of such services available for review by the client upon request. No owner, manager, operator, or responsible managing employee shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area of the business.

(d) A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.

(e) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by police officers, or other City officials charged with enforcement of this chapter. These records may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

(f) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and

coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

(g) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the health officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the health officer. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.

(h) Instruments utilized in performing massage shall not be used on more than one (1) client unless they have been sterilized, using approved sterilization methods.

(i) All massage business operators and their employees, including massage practitioners, shall wear clean, non-transparent outer garments. Said garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer-garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.

(j) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(k) No massage business shall operate as a school of massage, or use the same facilities as that of a school of massage.

(l) No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to section 5-19.05(c), nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(m) No massage shall be given unless the client's genitals are, at all times, fully covered. A massage practitioner shall not, in the course of administering any massage, make physical contact with the genitals, female breasts, or anus of any other person regardless whether the contact is over or under the persons clothing.

(n) Where the business has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the business is open for business or when clients are present.

(o) No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this sub-section, there is an irrebuttable presumption that the visibility is impermissibly blocked if more than 10 percent of the interior reception and waiting area is not visible from the exterior window.

(p) All signs shall be in conformance with the current ordinances of the City.

(q) Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(r) Ventilation shall be provided in accordance with applicable building codes and regulations.

(s) Hot and cold running water shall be provided at all times.

(t) Adequate dressing, locker and toilet facilities shall be provided for clients.

(u) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

(v) Pads used on massage tables shall be covered with material acceptable to the health officer.

(w) All massage businesses shall comply with all state and federal laws and regulations for handicapped clients.

(x) A massage practitioner shall operate only under the name specified in his or her CAMTC certificate. A massage business shall operate only under the name specified in its City registration certificate.

(y) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business.

(z) Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of 11:00 p.m. and 6:00 a.m.

5-19.06 INSPECTION BY OFFICIALS.

The investigating and enforcing officials of the City, including, but not limited to, the police, code enforcement, health officer and director of building and planning, or designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The City may charge a fee for any safety inspections to cover the cost of the inspection.

5-19.07 NOTIFICATIONS.

(a) A massage business shall notify the certification officer, or his or her designee, of any changes described in Section 5-19.04 pursuant to the timelines specified therein.

(b) A registrant shall report to the certification officer any of the following within 96 hours of the occurrence:

- (1) arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;

(2) resignations, terminations, or transfers of practitioners employed by the registrant's massage business;

(3) any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law.

c) This provision requires reporting to the certification officer even if the massage business believes that the certification officer has or will receive the information from another source.

5-19.08 EXEMPTIONS.

(a) The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

(1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

(2) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

(3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.

(4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

(5) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

(6) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:

(A) The massage services are made equally available to all participants in the event;

(B) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;

(C) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;

(D) The sponsors of the event have been advised of and have approved the provisions of massage services;

(E) The persons providing the massage services are not the primary sponsors of the event.

5-19.09 VIOLATION; PENALTIES; UNLAWFUL BUSINESS PRACTICES MAY BE ENJOINED; REMEDIES CUMULATIVE.

Unless otherwise exempted by the provisions of this chapter, every person, whether acting as an individual, owner, employee or agent of the owner, or operator who gives massages or conducts a massage business in violation of this chapter shall be guilty of a misdemeanor. The City Attorney may reduce the penalty to an infraction.

Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business & Professions Code Section 17200 *et seq.*, and the City Attorney or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of San Mateo County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative.

5-19.10 ADMINISTRATIVE FINES.

(a) Violations. Upon a finding by the certification officer that a business has violated any provision of this chapter, the certification officer may issue an administrative fine of up to the amount as specified by resolution of the City Council.

(b) Separate Violations. Each violation of any provision of this chapter shall constitute a separate violation. Each client to whom massage is provided or offered in violation of this chapter shall also constitute a separate violation. Each day upon which a massage business remains open for business in violation of this chapter shall also constitute a separate violation.

(c) Fine Procedures. Notice of the fine shall be served by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to file an appeal with the hearing officer contesting the imposition of the fine.

(d) Appeals. Appeals must be requested in writing, and shall provide facts disputing the violation and may be accompanied by declarations and exhibits. Appeals must be addressed to the hearing officer, and must be received within ten (10) days of the date appearing on the notice of the fine and a copy of the appeal and any supporting materials must be sent to the certification officer, who may respond to the appeal in writing within ten (10) days of receipt of the appeal and may provide additional evidence in support of the fine. The hearing officer may request, in writing, additional evidence from either the Appellant or the certification officer. The decision of the hearing officer shall be based solely on the materials submitted by the Appellant and the certification officer and be provided by certified mail. The hearing officer may sustain the fine, overrule the fine or decrease the amount of the fine. However the total fine shall not be reduced below the minimum amount as specified by resolution of the City Council. The decision will constitute a final administrative order with no additional administrative right of appeal.

(e) Failure to Pay Fine. If said fine is not paid within thirty (30) days from the date appearing on the notice of the fine or of the notice of determination from the hearing officer after the decision, the fine may be referred to a collection agency within or

external to the City. In addition, any outstanding fines must be paid prior to the issuance or renewal of any registration.

5-19.11 DENIAL, SUSPENSION AND REVOCATION OF CITY REGISTRATION CERTIFICATES

(a) Reasons. City registration certificates may be denied, suspended or revoked by the certification officer upon finding any of the following grounds:

(1) A massage practitioner is no longer in possession of current and valid CAMTC-certification. This subsection shall apply to a sole proprietor or a person employed or used by a massage business to provide massage.

(2) An owner or sole proprietor: is required to register under the provisions of California Penal Code section 290 (sex offender registration); is convicted of California Penal Code sections 266i (pandering), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code sections 11225-11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision.

(3) The City determines that a material misrepresentation was included on the application for a certificate of registration or renewal.

(4) Violations of any of the following occurred on the premises of a massage business or were committed by a massage practitioner: California Business and Professions Code sections 4600 *et seq.*; any local, state, or federal law; or the provisions of this chapter.

(b) Procedures. Written notice of the denial, suspension or revocation shall be served on the sole proprietor or owners by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request an appeal hearing before the hearing officer.

(c) Time Period of Suspension. The certification officer may suspend a City registration certificate for a period between five (5) days and the end of the license term, at his or her discretion.

(d) Effective Date of Suspension or Revocation. Suspension or revocation issued pursuant to subsection (b) will be effective ten (10) days from the date appearing on the order, unless a timely appeal is filed in accordance with subsection (e).

(e) Appeal.

(1) The decision of the certification officer is appealable to the hearing officer.

(2) An appeal must be in writing, and be hand-delivered or mailed to the hearing officer and accompanied by a filing fee as specified by resolution of the City Council.

(3) An appeal must be received by the hearing officer on or before the effective date of suspension or revocation provided by subsection (d).

(4) The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the hearing officer.

(5) A hearing shall be scheduled before the hearing officer within thirty (30) days. Either the Appellant or the certification officer may request, in writing directed to the hearing officer, a continuance of the hearing. Such requests must be supported by good cause. The decision whether to grant a continuance is at the discretion of the hearing officer, who shall consider whether granting the continuance poses a threat to public health or safety in light of the severity of the violations alleged.

(6) The decision of the hearing officer shall be a final administrative order, with no further administrative right of appeal or reconsideration. The hearing officer may sustain a denial, suspension or revocation, overrule a denial, suspension or revocation, reduce a revocation to a suspension and/or reduce the

length of a suspension. However no revocation or suspension shall be reduced to a length of less than a five day suspension. Further the hearing officer may stay the effective date of any suspension for a reasonable time following a hearing.

(f) Reapplication. No reapplication will be accepted within one (1) year after a certificate is revoked.

(g) Evidence. The following rules shall apply to any hearing required by this section. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of evidence and discovery do not apply to proceedings governed by this chapter. Unless otherwise specifically prohibited by law, the burden of proof is on the registrant in any hearing or other matter under this chapter.

5-19.12 HOME OCCUPATION AND MOBILE MASSAGE

(a) Subsections f, g, j, n, o, y, and z of Section 5-19.05 of this chapter shall not apply when a massage practitioner is providing mobile massage services.

(b) Where a massage business is a home occupation, and the operator has complied with Section 9-4.3101 of this code pertaining to home occupations, Subsections f, g, j, n-v, y, and z of Section 5-1.05 of this chapter related to businesses operating from a commercial location shall not apply.

5-19.13 PUBLIC NUISANCE

It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

SECTION 4. SEVERABILITY. If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the City Council that such invalid provision(s) be severed from the remaining provisions of the ordinance so that regulation and control of massage may remain in place.

SECTION 5. CEQA. This ordinance is exempt from the provisions of the California Environmental Quality Act because it is not a project and because there is no possibility that the ordinance may have a significant effect on the environment.

SECTION 6. This ordinance shall be effective thirty (30) days from the date of passage thereof.

SECTION 7. The City Clerk shall publish this ordinance according to law.

* * * * *



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA
Planning, Building, and Code Enforcement
1800 Francisco Blvd. • Pacifica, California 94044-2506
(650) 738-7341 • www.cityofpacifica.org

MAYOR
Sue Digre

MAYOR PRO TEM
Mike O'Neill

COUNCIL
Karen Ervin
Mary Ann Nihart
John Keener

DATE: June 20, 2016

ITEM: 2

FILE: SP-156-15

PUBLIC NOTICE: Notice of Public Hearing was published in Pacifica Tribune on June 9, 2016, and mailed to 156 surrounding property owners and occupants.

APPLICANT:	Tony Hua	OWNER:	300 Coral Ridge LLC
	89 Oakmont Drive		89 Oakmont Drive
	Daly City, CA 94015		Daly City, CA 94015
	408-464-9959		408-464-9959

LOCATION: 300 Coral Ridge Drive (APN: 009-037-430)

PROJECT DESCRIPTION: Construct a new three-story, 3,097 square-foot (sq. ft.) single-family dwelling with an 801 sq. ft. attached garage on a 9,152 sq. ft. vacant lot.

General Plan: Low Density Residential
Zoning: P-D, Planned Development

CEQA STATUS: Class 3 Categorical Exemption, Section 15303 (a)

ADDITIONAL REQUIRED APPROVALS: None. Subject to appeal to the City Council

RECOMMENDED ACTION: Approval as conditioned.

PREPARED BY: Bonny O'Connor, Assistant Planner

NEW SINGLE-FAMILY DWELLING

ZONING STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sq. ft.	9,159 sq. ft.	No Change
Lot Coverage	40 % max	N/A	17.7 %
Dwelling Unit Size	850 sq. ft.	N/A	3,097 sq. ft.
Building Height	35 ft.	N/A	34 ft., 11 in.
Landscaping	20% min	N/A	26%
Setbacks			
- Front	15 ft.	N/A	18 ft., 8 in.
- Garage	10 ft. ¹	N/A	18 ft., 8 in.
- Side	5 ft.	N/A	5 ft.
- Rear	20 ft.	N/A	132 ft., 9 in.
Parking	2 covered	N/A	3 covered

PROJECT SUMMARY

A. STAFF NOTES:

1. General Plan, Zoning, and Surrounding Land Uses

The subject site’s General Plan land use designation is Low Density Residential (LDR). The LDR land use designation permits residential development at an average density of three to nine units per acre (an average lot area of 4,840-14,520 square feet per unit). The proposed single-family residence on a 9,159 square feet (sq. ft.) lot is consistent with the use type and densities allowed within the LDR land use designation.

The subject site’s zoning designation is P-D (Planned Development). The P-D zoning district requires approval of a Specific Plan prior to issuance of a building permit for construction. Further, it requires a Specific Plan to be consistent with an approved Development Plan, which sets forth permitted uses within a P-D zoned area. Within the P-D zoning district, regulations for area, coverage, density, yards, parking, height, and open ground area shall be guided by the regulations of the residential, commercial, or industrial zoning district most similar in nature and function to the proposed project type. In this case, the regulations of the R-1 (Single-Family Residential) zoning district would apply.

Land uses surrounding the project site consist entirely of single-family residences. Most are two- and three-story structures built on steep slopes. Properties to the south, west, north, and east are within the P-D zoning district, and properties to the southeast are within the R-1 zoning district. Despite the surrounding

¹ Per PMC Section 9-4.2704(b).

neighborhood being substantially built-out, there are five² other vacant lots within 300 feet of the project site. This is the only section of the neighborhood where such a cluster of vacant lots exists.

2. Municipal Code

The applicant's proposal requires one approval under the Pacifica Municipal Code (PMC). The project requires Planning Commission approval of a Specific Plan prior to issuance of a building permit for construction within the P-D zoning district (PMC Sec. 9-4.2208). The Planning Commission must make two findings in order to approve a Specific Plan application (PMC Sec. 9-4.2209):

- A. That the specific plan is consistent with the approved development plan; and
- B. That the specific plan is consistent with the City's adopted Design Guidelines.

PMC Section 9-4.3201(d) was reviewed to determine if a Site Development Permit was required due to the size of the proposed residence, however, it was concluded that the floor area of the residence did not trigger the need for a Site Development Permit.

3. Project Description

a. Project Site

The project site is a vacant infill lot located on Coral Ridge Drive and is adjacent to existing single-family developments. The site consists of grassy vegetation and has an average slope of 27.82 percent.

The vacant lot on which the applicant has proposed to construct the project was first subdivided as part of the Edgemar Subdivision No. 1 in 1907. The City of Pacifica approved the Fairmont Unit No. 2C subdivision map in 1965. The subdivision map changed the lot lines and rights-of-way (streets) throughout the neighborhood into different configurations than those approved in 1907.

Most other lots created in the Fairmont Unit No. 2C subdivision have been developed over the years, but the subject site has remained undeveloped. The subject lot has an approximately 28 percent slope from the rear of the property downward to Coral Ridge Drive. The property is located on the northside of the intersection between Beaumont Boulevard, Gordon Way, and Coral Ridge Drive.

In 2000, the Planning Commission approved a Specific Plan (SP-119-00) and Site Development Permit (PSD-676-00) for the construction of a three-story, 3,543 sq. ft., single-family residence with an attached three-car garage on the project site for a previous applicant/owner. In 2001, the Planning Commission approved a one year extension of PSD-676-00. Construction of the single-family home was never substantially started, however a retaining wall and an on-grade wooden staircase was constructed and is currently on site in an unfinished state. Construction of the project would include removing the existing retaining wall and stairs.

² Please note that Specific Plan to construct single family residences at 325 Beaumont Boulevard and 323 Beaumont Boulevard were approved by the Planning Commission on February 1, 2016 and November 16, 2015 respectively.

b. Single-family Residence

The proposed project includes the development of a three-story, 3,097 sq. ft. single-family dwelling with 801 sq. ft. attached three-car garage on a vacant 9,159 sq. ft. lot. Consistent with labels on the plans in Attachment C, herein, the bottom floor is referred to as the "garage floor", the middle floor is referred to as the "first story," and the top floor is referred to as the "second story." The garage floor would include 186 sq. ft. of floor area and 801 sq. ft. of garage space. Access to the first and second story from the garage floor would be provided through an interior stairway. Space would not be provided between the side lot retaining walls and the house to provide exterior access from the front to back of the house.

The first story would include the kitchen, dining and living room, one bedroom, and one and one-half bathrooms within 1554 sq. ft. of floor area. A front deck would be accessible through sliding glass doors in the living room. Due to the slope of the lot the backyard would be accessible through sliding glass doors in the kitchen.

The second story would include four bedrooms, three bathrooms, and a study within 1357 sq. ft. of floor area. An enclosed deck on the front side of the house would be accessible from a master bedroom on the eastern side. A separate unenclosed front deck would be accessible from a master bedroom on the western side.

The site's steep slope has influenced the design elements of the project. Pacifica Municipal Code Section 9-4.2704(b) allows properties with front slopes greater than 25 percent to reduce the front setback for a garage entrance to 10 feet compared to the 20-foot setback typically required on a conforming R-1 lot. The proposed front setback to the garage would be 18 feet and 8 inches. Additionally, retaining walls would be throughout the developed area of the site. The height of the retaining walls when measured from the higher adjacent ground level, as described in the Pacifica Municipal Code Section 9-4.2502, would range from 0 to 6 feet. When measured from the lower adjacent ground level, the retaining walls would range from 0 to 30 feet. Overall the project would involve approximately 2,704 cubic yards of excavation.

A total of four water rock formed rain barrels located in the rear and in the front of the residence would collect water runoff from the roof for irrigation and other non-potable use. This design measure would meet the low impact development site design requirement for this C.3 regulated project.

C. Landscaping

The project would result in a mixture of existing and developed landscaped areas. Approximately 3,484 sq. ft. of the undeveloped back portion of the lot, as well as, the side setbacks would include the existing natural landscape. No landscaped areas would be included between the retaining walls in the backyard. The applicant has proposed to install a mixture of tree, shrub, and grasses as shown on Sheet L1.0 of Attachment C within three planting islands located in the front of the residence. The planting islands are proposed to continue into the public right-of-way until reaching the sidewalk. Continuation of landscaping into the public right-of-way would require issuance of an encroachment permit by the City Engineer.

4. Required Findings

In order to approve the subject Specific Plan, the Planning Commission must make the two findings required by PMC Section 9-4.2209. The following discussion supports the Commission's findings in this regard.

A. Consistency with Approved Development Plan

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

Due to the age of the Fairmont Unit No. 2C development in 1965, staff was unable to locate the original development plan for the neighborhood. Staff has inferred from the type and pattern of development observed throughout the neighborhood that a detached, single-family residence of the type proposed with this project is consistent with the approved development plan for the area. No uses other than detached, single-family residential uses are present in this neighborhood. Staff's inference is supported also by a review of 16 Specific Plan approvals granted by the Planning Commission between 1987 and 2002 for projects along Coral Ridge Drive and between 1990 and 2016 for projects along adjacent street, Beaumont Boulevard. All of the projects were single-family residences of the type proposed in the subject application. Additionally, as mentioned above, the Planning Commission approved a Specific Plan for a single-family residence, which was never substantially started, on the project site in 2000. Therefore, staff recommends that the Planning Commission find the proposed project consistent with the approved development for the site.

B. Consistency with Design Guidelines

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

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

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

Staff's assessment of the project is that the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following (Design Guidelines guidance followed by staff discussion):

SITE PLANNING

- i. *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

Applicant has proposed no centralized, tall light fixtures. Exterior lighting at the project site would consist of recessed lighting fixtures integrated into building architecture and featuring downward orientations that would not spill onto adjacent properties. Additionally, motion sensed, wall mounted lanterns approved by the International Dark Sky Association are proposed on the rear side of the residence, on the exterior of the first story. Due to the height of the side retaining walls in that area, light from the lanterns would not spill to neighboring properties.

BUILDING DESIGN

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

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

Discussion

There are seven existing homes within 300 feet of the project site on Coral Ridge Drive and Beaumont Boulevard which staff referenced as a basis for comparison of building design. These homes are located on the north side of Coral Ridge Drive and Beaumont Boulevard and all have up-sloping lots. There are several other homes within 300 feet of the project site, but are not used for comparison as they're located on the south side of Coral Ridge Drive and Beaumont Boulevard on down-sloping lots. The architectural design of residential structures on down-sloping lots tends to be different than that on up-sloping lots, resulting in smaller structures with limited profiles from the street view. These types of homes do not serve as an adequate comparison for the project site.

The westernmost residences assessed are located at 324, 320, and 316 Coral Ridge Drive. These residences are constructed on lots with a more gradual slope than the project site as well as are generally positioned so the slope is oriented in a side-to-side direction rather than a

back to front as is the case on the project site. A more conventional residential design is used at 324, 320, and 316 Coral Ridge Drive due to the less extreme slope conditions. These residences are two stories with a living area slightly cantilevered over a two car garage. Roof styles range from mansard, to gambrel, to a combination gambrel and gable roof. All three roofs are shingled. One of the residences has stucco throughout the structure, while the other buildings have a mix of stucco and wood siding. One of the structures with the mixed materials is painted two different colors differentiating between the materials. The other two homes are painted a single, light neutral color. All of the homes are trimmed with white and a unique darker color. Each residence has a retaining wall in the front yard to accommodate the side slope. None of the residences have front porches, but one has an ornamental railing off the front second story window, which mimics the appearance of a front porch.

The next residence to the east, 312 Coral Ridge Drive, is constructed on a lot which transitions from the moderate slope of 316 Beaumont Boulevard to the more extreme slope of the project site at 300 Coral Ridge Drive. This residence is three stories with a first story garage and setback living area above at the second and third stories. The building has the same color and materials throughout with horizontal articulation on the front elevation, but limited or no horizontal articulation on the side elevations.

The residence to the immediate east of the project site, 321 Beaumont Boulevard, is constructed on a lot with similar slope as the project site. The residence is modern in style with smooth, light beige stucco siding. The dominant materials on the front elevation are the extensive windows across the entire third story open railings across the width of the second and third story patios. There is limited horizontal relief on the front elevation and no horizontal relief on the side elevations. Roof style from the front appears horizontal but a low pitch gable roof exists on the back half of the structure. This residence has excavated substantial portions of the lot and incorporated extensive retaining walls to create level, buildable site.

The remaining two residences in the area of comparison include 329 and 331 Beaumont Boulevard. The slope of these properties are similar to the project site, however minimal excavation was used for 329 and 331 Beaumont Boulevard. Long exterior on grade stairs provide access from the public right-of-way to the main structures. The residence at 331 Beaumont Boulevard is the only single story home of the comparison residences and the only residence with no garage or vehicle access to off-street parking. Both of these residences have rustic mountain architecture with dark brown colors and extensive wood shake siding. These residences have almost no horizontal relief on their front or side elevations, resulting in boxy architecture. The only relief provided on one of the residences is an exterior stairway and decks.

Additionally, Specific Plans to construct a three-story, single-family residence at 323 and 325 Beaumont Boulevard have been recently approved by the Planning Commission. These residences would also include substantial excavation and retaining walls. Construction has not started at either site.

There is no unifying theme of architectural style, materials, or colors among the seven nearest residences. Six of the seven residences have more than one-story and five of the seven residences have or have the appearance of having exterior front porches. Four residences have flat roofs or a combination flat roof with a minor section of gable roof. Two of the residences have incorporated a mansard style flat roof with wood shingles. Four of the residences have a

light neutral color accented with white and a unique darker color trim. Significant excavation is only used at 312 Beaumont Boulevard to create a usable and level backyard. However, the use of retaining walls are common to all residences.

Given the mix of architectural styles, materials, and roof designs, it is difficult to assess whether the proposed project is consistent with any particular theme present in the neighborhood. The common identifiable traits among most of the residences analyzed was a site layout with an orientation near the minimum front setback, multiple stories, a predominantly flat roof design, and second and third story patios on the front elevations.

The project proposes to orient the building with a front setback that is similar to most of the neighboring properties; a low pitch gable roof with shingles; several patios along the front elevation; and retaining walls along nearly the entire length of each side property line. The architectural style is contemporary with a mix of smooth stucco and a veneer of flagstone rocks along the exterior front elevation veneer. The proposed color of the residence would be a neutral light brown accented with white trim. The study on the second story would project out of the front elevation of the building, which, in addition to the proposed exterior porches, would create horizontal relief to front of the structure. The sides of the residence would have no horizontal relief. Overall, based on the limited number of common features among the existing residences in the neighborhood, staff's opinion is that the proposed project, on balance, is consistent with the building design of the surrounding neighborhood and complements, enhances, and reinforces the positive characteristics of surrounding development.

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

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

Discussion

Among the seven existing homes within 300 feet of the project site on the north side of Coral Ridge Drive and Beaumont Boulevard which staff has referenced as a basis for comparison of building design, three are constructed at the same scale as the proposed project. These three homes have excavated to create garages at the ground floor and have second and third story living area. The residences approach the maximum 35 feet building height for the zoning district as a result of their orientation on lots with steep slopes.

The proposed project would have a ground floor garage with living area above at the first and second story levels. Building height would be 34 feet, 11 inches. The proposed project, when compared to those residences situated on lots most similar to the subject site, is in scale with the neighborhood.

- iv. *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 project would incorporate a variety of architectural details along the front elevation visible from Coral Ridge Drive and Beaumont Boulevard intersection. The front door would be recessed within the structure to create an enclosed foyer. The study on the second story would have a window that projects out the front elevation of the residence. Additionally, the two front porches would create horizontal projections on the front side. The railings for the porches would be painted white, which would create defined horizontal lines. As a result of the projected front porches, the garage would appear to be recessed under the first story deck.

The residence would primarily have stucco siding with the exception of a flagstone rock veneer baseboard along the front of the structure. Additionally, the three proposed planting islands in the front yard would have a stacked flagstone rock wrapped veneer.

The color and material change creates interest, and is combined with articulation of the front plane of the residence. The varying horizontal relief across three stories of the residence, along with intimate private patio areas on decks throughout the project, result in sufficient detail in the building to create a sense of human scale that breaks up its large size.

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

Discussion

The residence would primarily have stucco siding with the exception of a flagstone rock veneer baseboard along the front of the structure. Additionally, the three proposed planting islands in the front yard would have a stacked flagstone rock wrapped veneer. The color and material change integrates well and, combined with articulation of the front plane of the residence, creates interest. The front porches would consistently have the same metal railings painted white. There are no historical or architecturally significant structures in the neighborhood.

The materials proposed for the project would result in a mix with favorable design characteristics. The materials are consistent and appropriate for the contemporary architectural design proposed for the project.

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

Discussion

The proposed building integrates an interesting mix of materials and colors. Changes in color correspond to changes in material between light neutral-color smooth stucco siding, rock veneer, and white trim. The colors and materials proposed complement existing design themes in several of the nearby residences. In particular, light neutral-colors accented with a unique darker color and white trim are prevalent in several of the comparison properties in the neighborhood identified by staff.

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

Discussion

The topography, lot shape, and building architecture of the proposed project would result in a development that preserves the privacy of nearby residents. The project site does not face a neighboring property across the intersection of Coral Ridge Drive and Beaumont Boulevard. The nearest property in this direction is oriented slightly to the southwest on Coral Ridge Drive, nearly 50 feet from the subject site. There would be no impact to the privacy of the residence at 301 Coral Ridge Drive.

To the right of the project site is an existing single-family residence at 321 Beaumont Boulevard. The design of this residence is such that nearly all of the living area is concealed behind a retaining wall along its west property line. A small section of the third story is exposed to view from the project site, but there is only one small window in this area. Additionally, the proposed residence would not include any windows on the east side structure. Therefore, any impact to privacy would be minimal. The two lots to the west of the proposed project are vacant and there would be no privacy impacts since there are no existing residences.

The properties to the rear of the project site are located along Coral Ridge Drive. The building pads of these residences are at least 80 feet above the highest point of the proposed residence at the subject site. Therefore, steep topography would prevent any loss of privacy due to views from the project site.

- viii. *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

All sides of the proposed residence would be consistent in terms of color, material, and detailed treatments, with the exception of the flagstone rock veneer baseboard. However, although the flagstone rock veneer does not continue around the entire base of the house, it does not appear inconsistent as the base of the garage floor is not aboveground on the side and rear elevations. The dominant siding materials of light color smooth stucco would continue around all sides of the building. The variety of window sizes would have a common

window shape and style to create consistency of this design treatment. Additionally, the same roof style would be used over the entire residence.

HILLSIDE DEVELOPMENT

- ix. Excavation. *Large amounts of cut and/or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*

(a) Structures should relate to and follow site topography to work with the slope, not against it.

(b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land.

(c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.

(d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.

Discussion

The severe topography of the project site presents significant challenges to minimizing excavation. The applicant has proposed a multi-level design of three stories to avoid a one level solution that would have more disruption. The first story slightly steps up the slope compared to the garage floor, which reduces the amount of necessary excavation. Additionally, the backyard steps up the slope to reduce the amount of excavation. Where required, retaining walls have a profile of approximately 0 to 30 feet from the lower adjacent ground level. The retaining walls are terraced to minimize wall height. This trade-off reduces usable outdoor area for the applicant in order to minimize grading and the height of the retaining walls. In addition, the driveway at the front of the residence is proposed to have a 12.8 percent grade for the full length of the front setback in order to raise the building pad, which in turn would reduce required grading.

The applicant has proposed a project which requires extensive grading, but has also included design features to minimize the need for grading and retaining walls to the maximum extent practicable while still complying with zoning requirements related to height, lot coverage, and landscaping. On balance, the project is consistent with this design guideline.

INFILL DEVELOPMENT

- x. Neighborhood Compatibility. *Established neighborhoods often have strong design characteristics.*

(a) Consideration should be given to the context of building design. Relate the height, bulk, style, material, and color of a structure to its surroundings. New development should complement the positive aspects of an existing neighborhood.

(b) Landscaping should also be chosen with consideration given to existing vegetation in the area. The use of plants which are similar to those of neighboring properties is encouraged.

(c) A design which has the potential to negatively impact a neighbor's view, sunlight, and/or privacy, should be avoided.

Discussion

There are few strong design characteristics present among the residences nearby the project site. The proposed residence has incorporated the limited number of elements common to the existing structures within the neighborhood. Based on what common factors do exist, in particular the siting of the residence, architectural style, materials, and colors, the project is compatible with the surrounding neighborhood.

The applicant has proposed to keep approximately 3,484 sq. ft. of the existing landscaping in the back portion of the property, which in addition to the proposed landscaping in the front is more than what is required by the zoning standards. Limited maintained landscape is present in the front properties of the seven comparison residences. Plants common among residences includes lawns, grasses, small bushes and hedges. Larger mature trees are present on two of the properties. The project site does not have any larger trees on the property therefore would not be necessary for them to be planted.

The topography of the site, building design of adjacent residences, and vacant lots on one side of the project site would result in a project that would not negatively impact any neighbor's view, sunlight, or privacy.

5. CEQA Recommendation

Staff analysis of the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The project qualifies as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). Section 15303 states in part:

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

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

The subject proposal to construct a single-family residence fits within the scope of a Class 3 categorical exemption. Specifically, the project (1) includes one single-family residence; (2) is located within the P-D (Planned Development) zoning district in an area where the approved development plan authorizes single-family residential uses; and, (3) would be undertaken within an urbanized area. All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code

Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons.

6. Staff Analysis

The topography of the project site is the dominant factor driving the design choices for the project. The extreme slope of the site has resulted in a project at the maximum height allowable under the zoning standards, although the project would remain consistent with similarly developed residences in the vicinity. Despite the challenges presented by the slope at the site, the applicant has proposed a project that meets or exceeds all zoning standards. In order to accomplish this, the applicant must excavate a greater portion of the site and include more retaining walls than suggested by the Hillside Development section of the Design Guidelines. However, the alternative would likely have been to seek a variance for noncompliance of the zoning standards for setbacks, height, lot coverage, and/or other standards. Given the circumstances, the applicant has proposed a project that has balanced many competing regulations and design imperatives.

7. Summary:

Staff has determined that, as conditioned, the project would satisfy all zoning regulations and applicable development standards, and would be consistent with the General Plan. The project would result in a new single-family residence that is consistent with the approved development plan for the neighborhood and that, on balance, is consistent with the Design Guidelines. The proposed project incorporates what limited commonality exists among nearby residences on similarly situated lots into a cohesive project that achieves high-quality design. The project would be a positive addition to the neighborhood and would preserve the privacy of existing residences in the vicinity. Thus, staff recommends approval of the project subject to the conditions in Exhibit A of the Resolution.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find the project is exempt from the California Environmental Quality Act; **APPROVE** Specific Plan SP-156-15 by adopting the attached resolution, including conditions of approval in Exhibit A; and, incorporate all maps and testimony into the record by reference.

Attachments:

- A. Land Use and Zoning Exhibit
- B. Draft Resolution and Conditions for Specific Plan Approval
- C. Site Plan, Floor Plan, Elevations, and Landscape Plan
- D. Visual Simulations

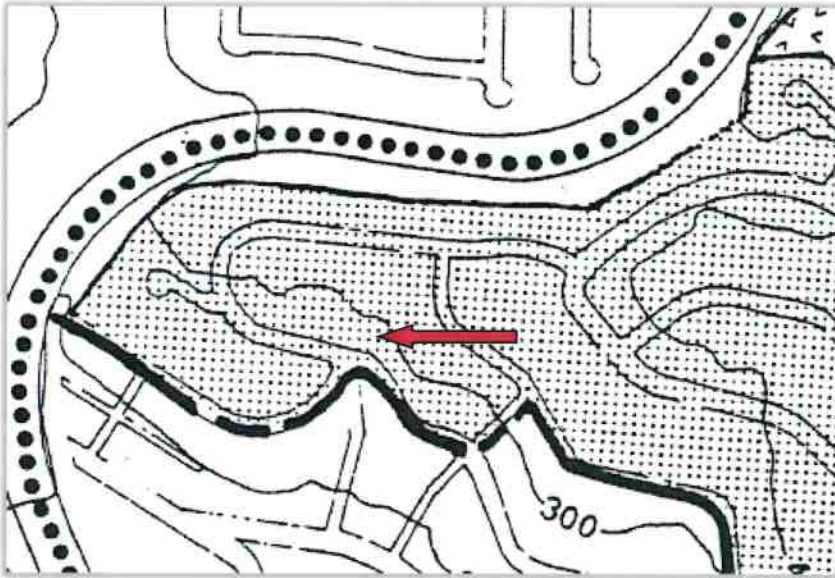
Land Use & Zoning Exhibit

City of Pacifica Planning Department

General Plan Diagram

Neighborhood: Fairmont

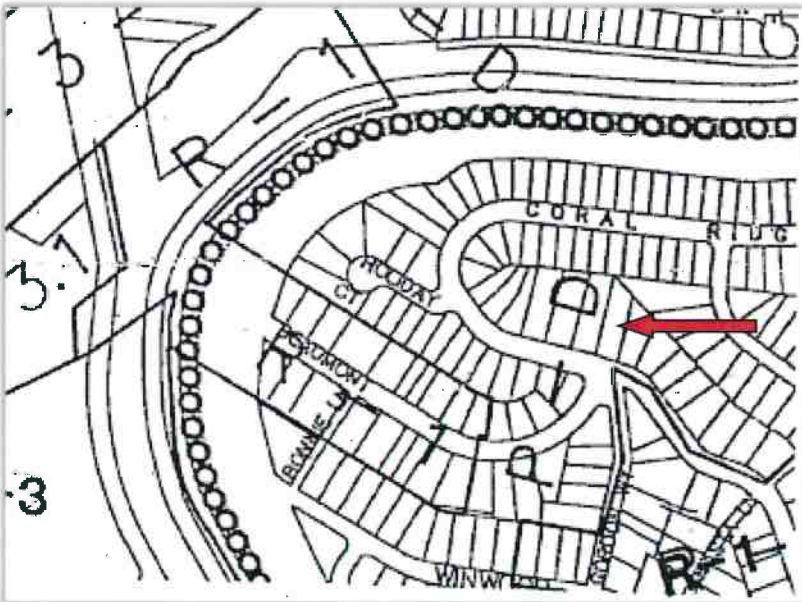
Land Use Designation: Low Density Residential



- LOW-DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- COMMERCIAL
- GREENBELT
- PARK *

Zoning Map Diagram

Zoning District: P-D (Planned Development)



RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SPECIFIC PLAN SP-156-15, SUBJECT TO CONDITIONS, FOR A SINGLE-FAMILY RESIDENCE ON A VACANT LOT WITHIN THE P-D (PLANNED DEVELOPMENT) ZONING DISTRICT AT 300 CORAL RIDGE ROAD (APN 009-037-430), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Coral Ridge Drive LLC, Property Owner (“Applicant”).

WHEREAS, an application has been submitted to construct a new three-story, 3,097 square-foot (sq. ft.) single family dwelling with an 801 sq. ft. attached garage on a 9,152 sq. ft. vacant lot. at 300 Coral Ridge Drive (APN: 009-037-430); and

WHEREAS, construction of the proposed structure requires approval of a Specific Plan prior to the issuance of a building permit because the project site is a property within the P-D (Planned Development) zoning district, and such Specific Plan must be consistent with the approved development plan for the area and the City’s adopted Design Guidelines; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 20, 2016, 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 that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Specific Plan SP-156-15:

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

Due to the age of the Fairmont Unit No. 2C development in 1965, staff was unable to locate the original development plan for the neighborhood. Staff has inferred from the type and pattern of development observed throughout the neighborhood that a detached, single-family residence of the type proposed with this project is consistent with the approved development plan for the area. No uses other than detached, single-family residential uses are present in this neighborhood. Staff’s inference is supported also by a review of 16 Specific Plan approvals granted by the Planning Commission between 1987 and 2002 for projects along Coral Ridge Drive and between 1990 and 2016 for projects along adjacent street, Beaumont Boulevard. All of the projects were single-family residences of the type proposed in the subject application. Additionally, as mentioned above, the Planning Commission approved a Specific Plan for a single-family residence, which was never substantially started, on the project site in 2000. Therefore, staff recommends that the Planning Commission find the proposed project consistent with the approved development for the site.

2. That the specific plan is consistent with the City’s adopted Design Guidelines.

SITE PLANNING

- i. *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

Applicant has proposed no centralized, tall light fixtures. Exterior lighting at the project site would consist of recessed lighting fixtures integrated into building architecture and featuring downward orientations that would not spill onto adjacent properties. Additionally, motion sensed, wall mounted lanterns approved by the International Dark Sky Association are proposed on the rear side of the residence, on the exterior of the first story. Due to the height of the side retaining walls in that area, light from the lanterns would not spill to neighboring properties.

BUILDING DESIGN

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

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

Discussion

There are seven existing homes within 300 feet of the project site on Coral Ridge Drive and Beaumont Boulevard which staff referenced as a basis for comparison of building design. These homes are located on the north side of Coral Ridge Drive and Beaumont Boulevard and all have up-sloping lots. There are several other homes within 300 feet of the project site, but are not used for comparison as they’re located on the south side of Coral Ridge Drive and Beaumont Boulevard on down-sloping lots. The architectural design of residential structures on down-sloping lots tends to be different than that on up-sloping lots, resulting in smaller structures with limited profiles from the street view. These types of homes do not serve as an adequate comparison for the project site.

The westernmost residences assessed are located at 324, 320, and 316 Coral Ridge Drive. These residences are constructed on lots with a more gradual slope than the project site as well as are generally position so the slope is oriented in a side-to-side direction rather than a back to front as is the case on the project site. A more conventional residential design is used at 324, 320, and 316 Coral Ridge Drive due to the less extreme slope conditions. These residences are two stories with a living area slightly cantilevered over a two car garage. Roof styles range from mansard, to gambrel, to a combination gambrel and gable roof. All three roofs are shingled. One of the residences has stucco throughout the structure, while the other buildings have a mix of stucco and wood siding. One of the structures with the mixed materials is painted two different colors differentiating between the materials. The other two homes are painted a single, light neutral color. All of the homes are trimmed with white and a unique darker color. Each residence has a retaining wall in the front yard to accommodate the side slope. None of the residences have front porches, but one has an ornamental railing off the front second story window, which mimics the appearance of a front porch.

The next residence to the east, 312 Coral Ridge Drive, is constructed on a lot which transitions from the moderate slope of 316 Beaumont Boulevard to the more extreme slope of the project site at 300 Coral Ridge Drive. This residence is three stories with a first story garage and setback living area above at the second and third stories. The building has the same color and materials throughout with horizontal articulation on the front elevation, but limited or no horizontal articulation on the side elevations.

The residence to the immediate east of the project site, 321 Beaumont Boulevard, is constructed on a lot with similar slope as the project site. The residence is modern in style with smooth, light beige stucco siding. The dominant materials on the front elevation are the extensive windows across the entire third story open railings across the width of the second and third story patios. There is limited horizontal relief on the front elevation and no horizontal relief on the side elevations. Roof style from the front appears horizontal but a low pitch gable roof exists on the back half of the structure. This residence has excavated substantial portions of the lot and incorporated extensive retaining walls to create level, buildable site.

The remaining two residences in the area of comparison include 329 and 331 Beaumont Boulevard. The slope of these properties are similar to the project site, however minimal excavation was used for 329 and 331 Beaumont Boulevard. Long exterior on grade stairs provide access from the public right-of-way to the main structures. The residence at 331 Beaumont Boulevard is the only single story home of the comparison residences and the only residence with no garage or vehicle access to off-street parking. Both of these residences have rustic mountain architecture with dark brown colors and extensive wood shake siding. These residences have almost no horizontal relief on their front or side

elevations, resulting in boxy architecture. The only relief provided on one of the residences is an exterior stairway and decks.

Additionally, Specific Plans to construct a three-story, single-family residence at 323 and 325 Beaumont Boulevard have been recently approved by the Planning Commission. These residences would also include substantial excavation and retaining walls. Neither site has started construction.

There is no unifying theme of architectural style, materials, or colors among the seven nearest residences. Six of the seven residences have more than one-story and five of the seven residences have or have the appearance of having exterior front porches. Four residences have flat roofs or a combination flat roof with a minor section of gable roof. Two of the residences have incorporated a mansard style flat roof with wood shingles. Four of the residences have a light neutral color accented with white and a unique darker color trim. Significant excavation is only used at 312 Beaumont Boulevard to create a usable and level backyard. However, the use of retaining walls are common to all residences.

Given the mix of architectural styles, materials, and roof designs, it is difficult to assess whether the proposed project is consistent with any particular theme present in the neighborhood. The common identifiable traits among most of the residences analyzed was a site layout with an orientation near the minimum front setback, multiple stories, a predominantly flat roof design, and second and third story patios on the front elevations.

The project proposes to orient the building with a front setback that is similar to most of the neighboring properties; a low pitch gable roof with shingles; several patios along the front elevation; and retaining walls along nearly the entire length of each side property line. The architectural style is contemporary with a mix of smooth stucco and a veneer of flagstone rocks along the exterior front elevation veneer. The proposed color of the residence would be a neutral light brown accented with white trim. The study on the second story would project out of the front elevation of the building, which, in addition to the proposed exterior porches, would create horizontal relief to front of the structure. The sides of the residence would have no horizontal relief. Overall, based on the limited number of common features among the existing residences in the neighborhood, staff's opinion is that the proposed project, on balance, is consistent with the building design of the surrounding neighborhood and complements, enhances, and reinforces the positive characteristics of surrounding development.

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

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

Discussion

Among the seven existing homes within 300 feet of the project site on the north side of Coral Ridge Drive and Beaumont Boulevard which staff has referenced as a basis for comparison of building design, three are constructed at the same scale as the proposed project. These three homes have excavated to create garages at the ground floor and have second and third story living area. The residences approach the maximum 35 feet building height for the zoning district as a result of their orientation on lots with steep slopes.

The proposed project would have a ground floor garage with living area above at the first and second story levels. Building height would be 34 feet, 11 inches. The proposed project, when compared to those residences situated on lots most similar to the subject site, is in scale with the neighborhood.

- iv. *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 project would incorporate a variety of architectural details along the front elevation visible from Coral Ridge Drive and Beaumont Boulevard intersection. The front door would be recessed within the structure to create an enclosed foyer. The study on the second story would have a window that projects out the front elevation of the residence. Additionally, the two front porches would create horizontal projections on the front side. The railings for the porches would be painted white, which would create defined horizontal lines. As a result of the projected front porches, the garage would appear to be recessed under the first story deck.

The residence would primarily have stucco siding with the exception of a flagstone rock veneer baseboard along the front of the structure. Additionally, the three proposed planting islands in the front yard would have a stacked flagstone rock wrapped veneer.

The color and material change creates interest, and is combined with articulation of the front plane of the residence. The varying horizontal relief across three stories of the residence, along with intimate private patio areas on decks throughout the project, result in sufficient detail in the building to create a sense of human scale that breaks up its large size.

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

Discussion

The residence would primarily have stucco siding with the exception of a flagstone rock veneer baseboard along the front of the structure. Additionally, the three proposed planting islands in the front yard would have a stacked flagstone rock wrapped veneer. The color and material change integrates well and, combined with articulation of the front plane of the residence, creates interest. The front porches would consistently have the same metal railings painted white. There are no historical or architecturally significant structures in the neighborhood.

The materials proposed for the project would result in a mix with favorable design characteristics. The materials are consistent and appropriate for the contemporary architectural design proposed for the project.

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

Discussion

The proposed building integrates an interesting mix of materials and colors. Changes in color correspond to changes in material between light neutral-color smooth stucco siding, rock veneer, and white trim. The colors and materials proposed complement existing design themes in several of the nearby residences. In particular, light neutral-colors accented with a unique darker color and white trim are prevalent in several of the comparison properties in the neighborhood identified by staff.

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

Discussion

The topography, lot shape, and building architecture of the proposed project would result in a development that preserves the privacy of nearby residents. The project site does not face a neighboring property across the intersection of Coral Ridge Drive and Beaumont Boulevard. The nearest property in this direction is oriented slightly to the southwest on Coral Ridge Drive, nearly 50 feet from the subject site. There would be no impact to the privacy of the residence at 301 Coral Ridge Drive.

To the right of the project site is an existing single-family residence at 321 Beaumont Boulevard. The design of this residence is such that nearly all of the living area is concealed behind a retaining wall along its west property line. A small section of the third story is exposed to view from the project site, but there is only one small window in this area. Additionally, the proposed residence would not include any windows on the east side structure. Therefore, any impact to privacy would be minimal. The two lots to the west of the proposed project are vacant and there would be no privacy impacts since there are no existing residences.

The properties to the rear of the project site are located along Coral Ridge Drive. The building pads of these residences are at least 80 feet above the highest point of the proposed residence at the subject site. Therefore, steep topography would prevent any loss of privacy due to views from the project site.

- viii. *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

All sides of the proposed residence would be consistent in terms of color, material, and detailed treatments, with the exception of the flagstone rock veneer baseboard. However, although the flagstone rock veneer does not continue around the entire base of the house, it does not appear inconsistent as the base of the garage floor is not aboveground on the side and rear elevations. The dominant siding materials of light color smooth stucco would continue around all sides of the building. The variety of window sizes would have a common window shape and style to create consistency of this design treatment. Additionally, the same roof style would be used over the entire residence.

HILLSIDE DEVELOPMENT

- ix. *Excavation. Large amounts of cut and/or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*

(a) Structures should relate to and follow site topography to work with the slope, not against it.

(b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land.

(c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.

(d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.

Discussion

The severe topography of the project site presents significant challenges to minimizing excavation. The applicant has proposed a multi-level design of three stories to avoid a one level solution that would have more disruption. The first story steps up the slope compared to the garage floor, which reduces the amount of necessary excavation. Additionally, the back yard steps up the slope to reduce the amount of excavation. Where required, retaining walls have a profile of approximately 0 to 30 feet from the lower adjacent ground level. The retaining walls are terraced to minimize wall height. This trade-off reduces usable outdoor area for the applicant in order to minimize grading and the height of the retaining walls. In addition, the driveway at the front of the residence is proposed to have a 12.8 percent grade for the full length of the front setback in order to raise the building pad, which in turn would reduce required grading.

The applicant has proposed a project which requires extensive grading, but has also included design features to minimize the need for grading and retaining walls to the maximum extent practicable while still complying with zoning requirements related to height, lot coverage, and landscaping. On balance, the project is consistent with this design guideline.

INFILL DEVELOPMENT

- x. Neighborhood Compatibility. *Established neighborhoods often have strong design characteristics.*

(a) Consideration should be given to the context of building design. Relate the height, bulk, style, material, and color of a structure to its surroundings. New

development should complement the positive aspects of an existing neighborhood.

(b) Landscaping should also be chosen with consideration given to existing vegetation in the area. The use of plants which are similar to those of neighboring properties is encouraged.

(c) A design which has the potential to negatively impact a neighbor's view, sunlight, and/or privacy, should be avoided.

Discussion

There are few strong design characteristics present among the residences nearby the project site. The proposed residence has incorporated the limited number of elements common to the existing structures within the neighborhood. Based on what common factors do exist, in particular the siting of the residence, architectural style, materials, and colors, the project is compatible with the surrounding neighborhood.

The applicant has proposed to keep approximately 3,484 sq. ft. of the existing landscaping in the back portion of the property, which in addition to the proposed landscaping in the front is more than what is required by the zoning standards. Limited maintained landscape is present in the front properties of the seven comparison residences. Plants common among residences includes lawns, grasses, small bushes and hedges. Larger mature trees are present on two of the properties. The project site does not have any larger trees on the property therefore would not be necessary for them to be planned.

The topography of the site, building design of adjacent residences, and vacant lots on one side of the project site would result in a project that would not negatively impact any neighbor's view, sunlight, or privacy.

CONCLUSION

The project will, on balance, be consistent with the adopted Design Guidelines because its building design and site will complement, enhance, and reinforce the positive characteristics of surrounding development.

3. That the project is exempt from the California Environmental Quality Act (CEQA) as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines.
 - A. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures

described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- i. One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- B. The project to construct a single-family residence fits within the scope of a Class 3 categorical exemption. Specifically, the project (1) includes one single-family residence; (2) is located within the P-D (Planned Development) zoning district in an area where the approved development plan authorizes single-family residential uses; and, (3) will be undertaken within an urbanized area.
- C. All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Specific Plan SP-156-15 for construction of a new three-story, 3,097 square-foot (sq. ft.) single family dwelling with an 801 sq. ft. attached garage on a 9,152 sq. ft. vacant lot at 300 Coral Ridge Drive (APN: 009-037-430), subject to conditions of approval included in this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 20th day of June 2016.

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

Josh Gordon, Chair

Resolution No. __- Specific Plan SP-156-15
Single-family Residence in P-D (Planned Development) Zoning District
300 Coral Ridge Drive (APN 009-037-430)
June 20, 2016
Page 11

ATTEST:

APPROVED AS TO FORM:

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Specific Plan SP-156-15, Single-family Residence on a Vacant Lot in the P-D (Planned Development) Zoning District, 300 Coral Ridge Drive (APN 009-037-430)

Planning Commission Meeting of June 20, 2016

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “New Single-family Residence 300 Coral Ridge Drive, Pacifica, CA,” dated February 12, 201, except as modified by the following conditions.
2. That the approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director’s sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
3. All exterior metal railings shall be constructed of stainless steel. Other materials are unsuitable to withstand the coastal climate of Pacifica.
4. The planting location of the Western Hackberry at the front right lot shall be relocated or replaced with another drought-tolerant, native tree species which will not encroach into the public right of way or adjacent property.
5. Applicant shall not paint front curb red as identified on page A1 of the plan sheets.
6. Applicant shall redesign driveway apron to comply with Pacifica Municipal Code Section 9-4.2813(g), which states that “[i]n no event shall the driveway access exceed more than fifty (50%) percent of the total lot frontage or forty (40’) feet, whichever is less”
7. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of 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.

8. Installation of the landscaping shown on the approved landscape plan in the public right-of-way at the front of the residence will require approval of an encroachment permit by the City Engineer. In the event the City Engineer does not approve an encroachment permit for installation of this landscaping, the Planning Commission's approval of this project shall remain valid with omission of the landscaping in the public right-of-way.
9. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
10. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
11. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
12. 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.
13. All construction shall comply with the C.3 and C.6 Development Review Checklist submitted by Applicant, stamped received on September 24, 2015.
14. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
15. 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, attorneys 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.

16. That all exposed retaining wall surfaces shall have a decorative finish which may include, but shall not be limited to, decorative block, stone veneer, or colored and stamped concrete, to the satisfaction of the Planning Director.
17. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.

Building Division of the Planning Department

18. Applicant shall obtain a grading permit prior to the start of any grading.
19. Applicant shall obtain a building permit prior to the start of any construction
20. Applicant shall obtain fire sprinkler permit prior to any occupancy of the building.

Engineering Division of Public Works Department

21. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
22. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked onto Beaumont Boulevard. Dust control and daily road cleanup will be strictly enforced.
23. 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.
24. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.

25. Prior to the issuance of a building permit, add a note on the Site Plan that says, “Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
26. Prior to issuance of a building permit, provide an erosion control plan for review and approval by the City Engineer.
27. New driveway approach ramp and new concrete sidewalk shall be per City Standards.
28. All utilities shall be installed underground from the nearest joint pole or box.
29. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or to street centerline whichever is greater across entire property frontage along Beaumont Boulevard. All pavement markings and markers shall be replaced in kind.
30. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior to issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.
31. Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed on this project.
32. Due to anticipated construction in the nearby vicinity of the project, the City Engineer shall require a traffic control plan addressing any impact the construction activity may have with the residents on Coral Ridge Drive and Beaumont Boulevard and other construction projects on adjacent properties.

North County Fire Authority

33. The applicant shall submit plans for the required fire sprinklers per Pacifica Municipal Code and 2013 CFC at the same time or before they submit for a building permit.
34. The applicant shall provide a horn strobe on the front of the building for the fire sprinkler
35. Project shall comply with fire flows per 2013 CFC Appendix B for buildings over 3600 sq. ft. with fire sprinklers and obtain a fire flow report from North Coast County Water District (NCCWD) showing a flow of 875 gallons per minute (g.p.m.) or more.

36. The applicant shall install and make serviceable all fire service features including fire hydrant, if required, prior to beginning construction.
37. Smoke detectors and carbon monoxide monitors required per CBC.
38. Install clearly visible, illuminated address identification.
39. The applicant shall conform to 2013 CFC Chapter 33 for fire safety during all construction.
40. The applicant shall not begin construction without approved plans and a permit on site at all times.

Waste Water Department

41. Prior to issuance of building permit, Applicant shall submit materials demonstrating the location and size of sewer laterals, appurtenances, and method of compliance with Wastewater Department standards and specifications.

North Coast County Water District (NCCWD)

42. The applicant is encouraged to contact the water district as soon as possible to determine water requirements.
43. California drought restrictions apply. On August 20, 2014, the Board of Directors adopted Ordinance No. 56 implementing Stage 2 of the District's Water Shortage Contingency Plan Regarding Mandatory Restrictions on Outdoor Water Use. Also, on April 1, 2015, the Governor of California issued an executive order for a mandatory 25% reduction in water usage across the State of California. The District's Board will address any additional requirements and will provide any update on the District's website. A copy of the current Ordinance No. 56 is available on the District's website at <http://nccwd.com/images/PDFs/drought/ord56.pdf>.
44. Prior to the issuance of a building permit, Applicant shall determine the domestic water requirements in accordance with the Uniform Plumbing Code so that the NCCWD can provide the properly sized domestic meter or meters. Applicant must complete a *Single-Family Residence Water Service Application* and submit it to the District. Storage and Transmission Fees, Administrative Fee, and Installation Deposit must be paid in accordance with the District's Rate and Fee Schedule before the District installs any meters. The application is available on the District's website at http://nccwd.com/images/PDFs/_WATER%20SERVICE%20APPLICATION.pdf.
45. If a fire sprinkler system is required by the City, the fire sprinkler designer and/or owner/applicant may be required to have a fire flow test performed to ensure the system is

designed using accurate information. Due to the current drought conditions in California, the District will avoid performing a Fire Flow Test, when possible. In agreement with the North County Fire Authority, the District will use past fire flow tests performed in the vicinity, if available. If fire flows for the area are not available, the District will perform a Fire Flow Test. The District requires a \$500 deposit towards the cost of performing this work. If the actual cost is less than the deposit a refund will be returned to the owner/applicant. The turn-around time for this test will possibly be two weeks for the calculations and the invoice to be applied towards the \$500 deposit that will include third party billing from the engineering firm, if used by the District. The Fire Flow Test application is available on the District's website: http://nccwd.com/images/PDFs/Request%20for%20Static_Fire%20Flow_form.pdf.

46. Prior to the issuance of a certificate of occupancy, the fire sprinkler designer shall obtain the latest version of the NCCWD's Standard Specifications and Construction Details (available online at <http://nccwd.com/projects/standard-specifications-and-construction-details.html> or may be purchased at the District Office). The sprinkler designer must design the sprinkler system to meet NCCWD standards. The fire sprinkler designer must submit plans and Hydraulic Fire Sprinkler Calculations approved and stamped by a registered Fire Protection Engineer to the District for review along with the appropriate fees to cover District costs related to plan review. The fire sprinkler plans and hydraulic calculations must first obtain approval from the North County Fire Authority before submitting them to the District.
47. Prior to issuance of a certificate of occupancy, Applicant is responsible for trenching, backfilling, and resurfacing the roadway and/or sidewalk from water main, as identified by the District Engineer, to the proposed meter(s) to NCCWD (NC-23; see link) & City of Pacifica standards. http://nccwd.com/images/PDFs/standardspecs_2013/_NC-21%20to%20NC-23.pdf.

END

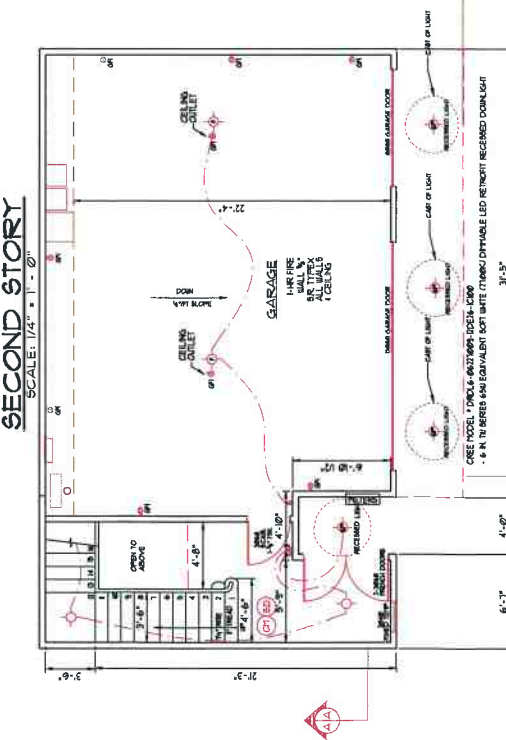
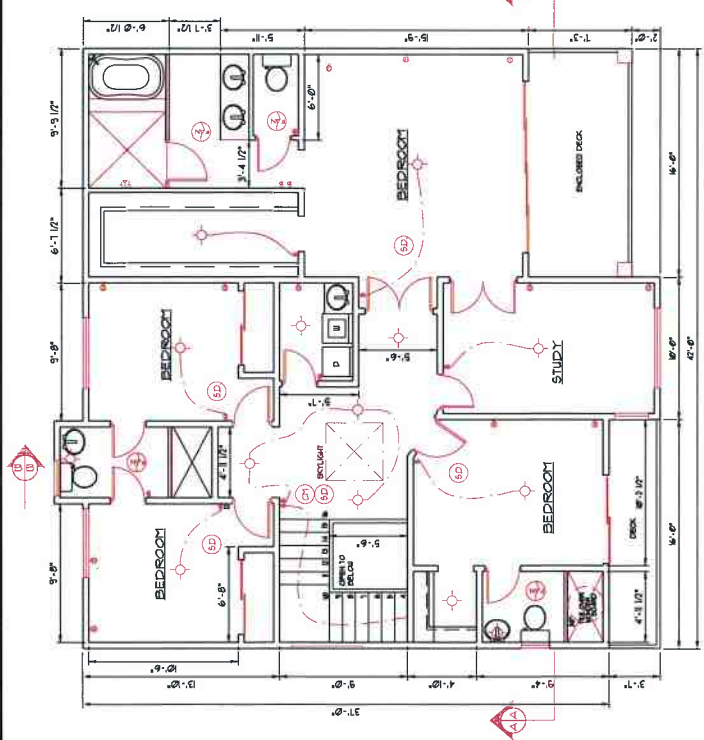
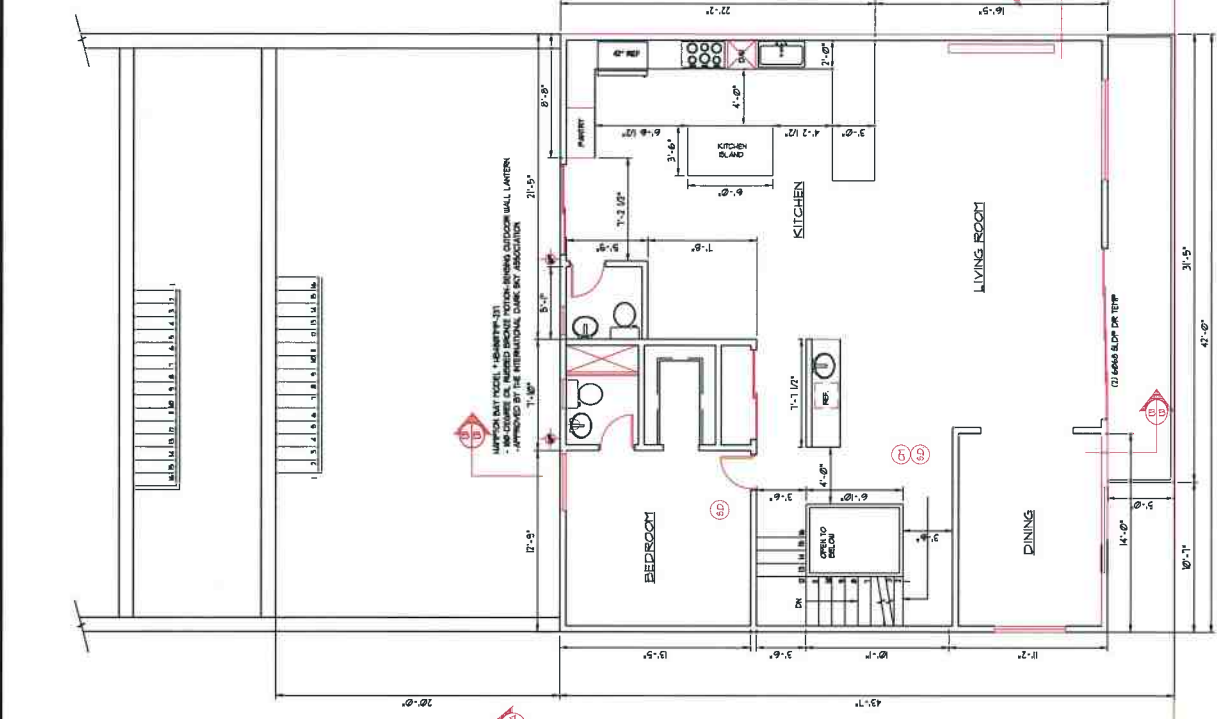
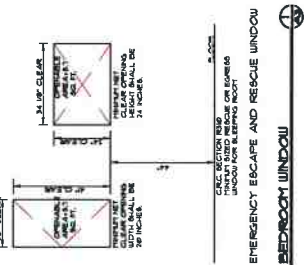
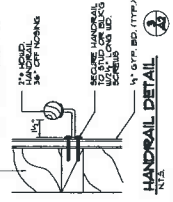


DOMINGUEZ ASSOCIATES LLC
 300 CORAL DRIVE, PACIFICA CA 94044
 40 HUBBOLD COURT
 PACIFICA, CA 94044
 (650) 359-0947 EMAIL: cor@dominguezassociates.com

REVISION	NO.	DATE

SCALE SHEET NUMBER
A2
 OF SHEETS
 DATE 2.12.16
 FILE HA01936

- LEGEND**
- (FAN) FAN
 - (WATERPROOF) WATERPROOF LIGHT FIXTURE
 - (HEAT REGISTER) HEAT REGISTER
 - (220 3/0 AMP) 220 3/0 AMP OUTLET
 - (FLOOR DRAIN) FLOOR DRAIN
 - (WATERPROOF) WATERPROOF OUTLET
 - (GFI) GROUND FAULT INTERRUPTOR OUTLET
 - (L) LIGHT SWITCH
 - (3-WAY) 3-WAY LIGHT SWITCH
 - (4-WAY) 4-WAY LIGHT SWITCH
 - (V) VACUANCY LIGHT SWITCH
 - (FLUORESCENT) FLUORESCENT LIGHT
 - (RECESSED) RECESSED FLUORESCENT LIGHTING
 - (L) LIGHT FIXTURE

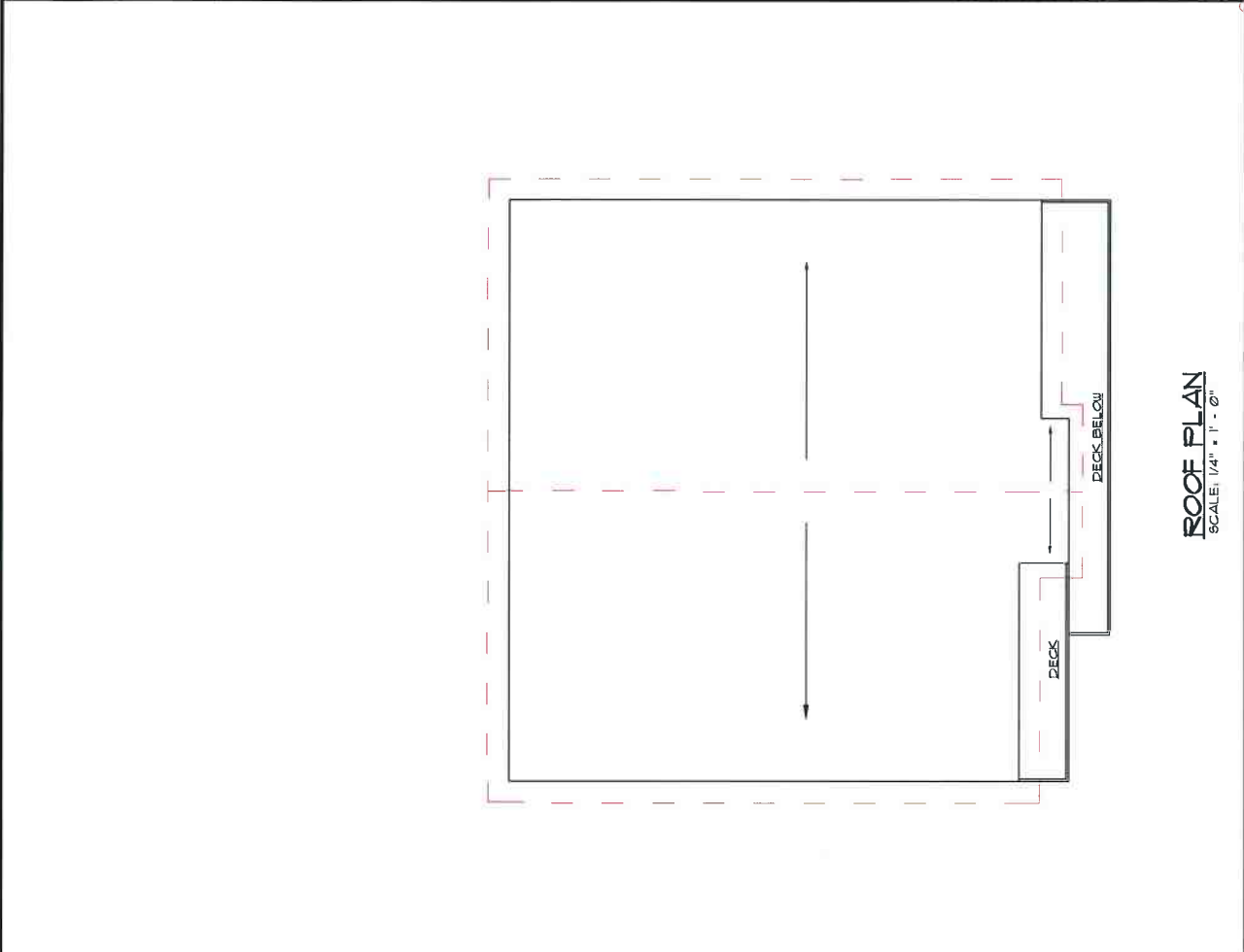




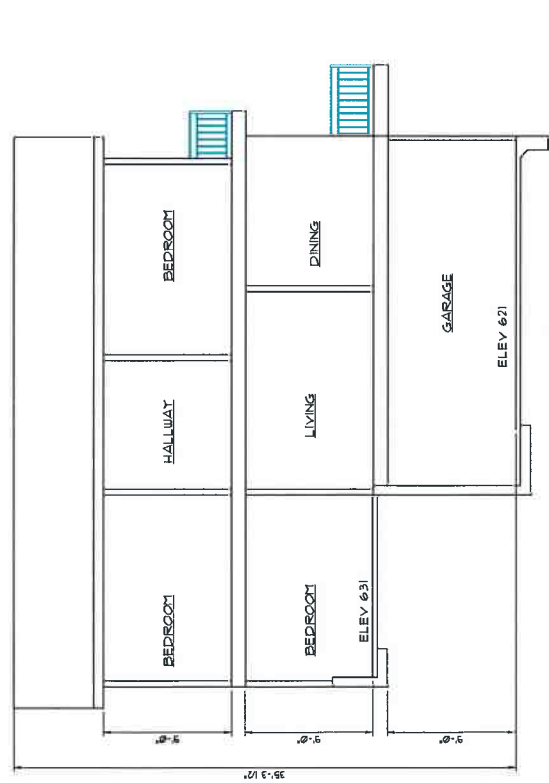
DOMINGUEZ ASSOCIATES LLC
 300 CORAL DRIVE, PACIFICA CA 94044
 40 HUMBOLDT COURT
 PACIFICA, CA 94044
 (650) 359-0947 EMAIL: cd@dominguezassociates.com

REVISION	NO.	DATE

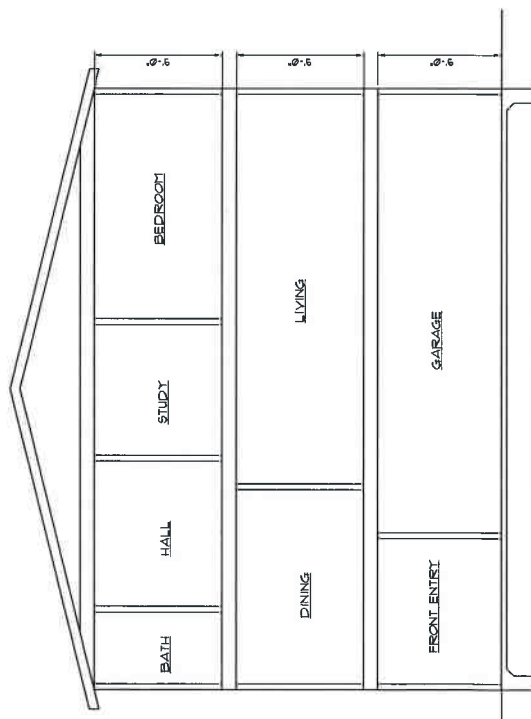
SCALE SHEET NUMBER
A3
 OF SHEETS
 DATE 2-12-16
 FILE HAUB36



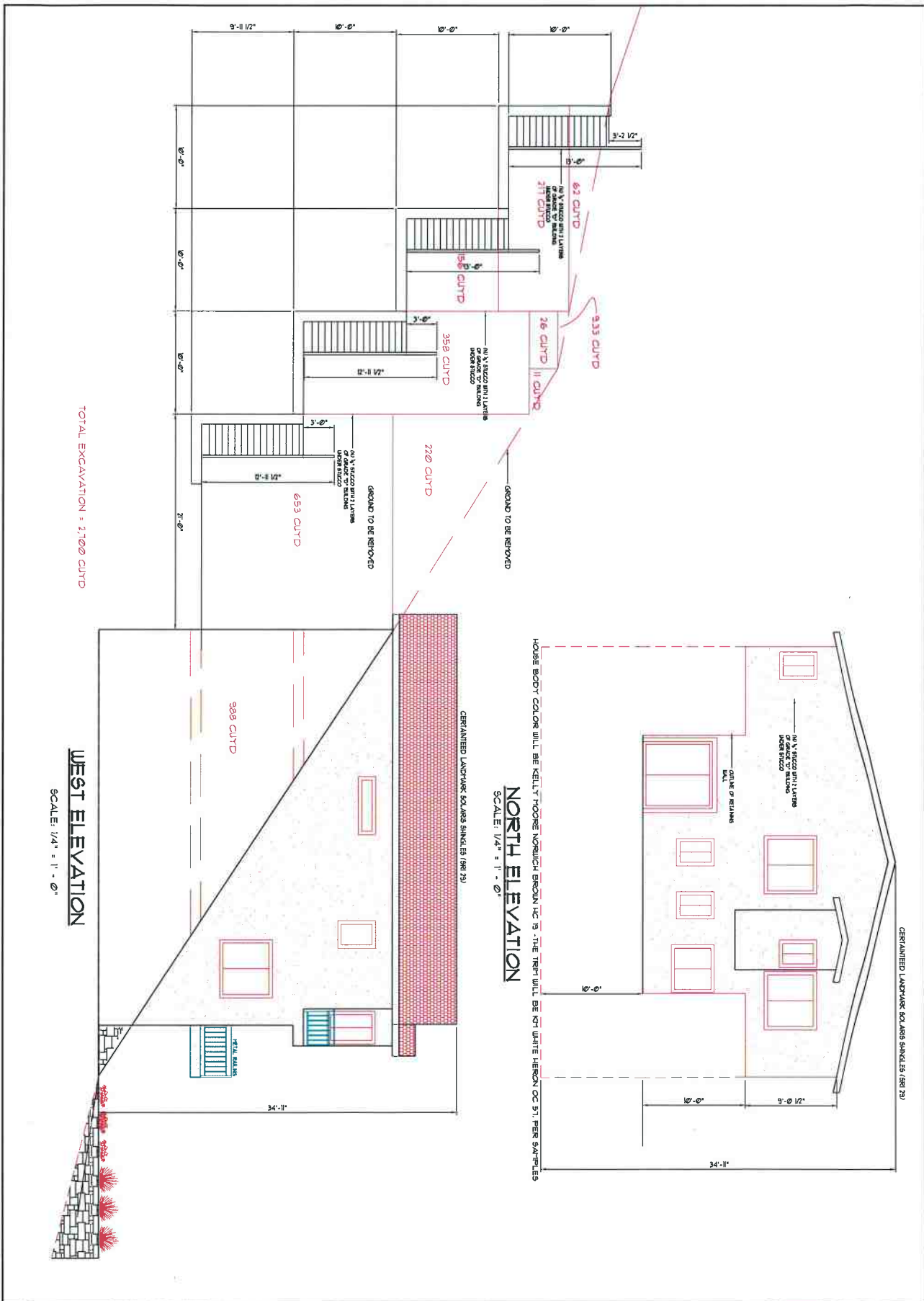
ROOF PLAN
 SCALE: 1/4" = 1' - 0"



SECTION A-A
 SCALE: 1/4" = 1' - 0"



SECTION B-B
 SCALE: 1/4" = 1' - 0"



NEW HOME FOR RESIDENCE
 300 CORAL DRIVE, PACIFICA CA 94044

DOMINGUEZ ASSOCIATES LLC 40 HUMBOLDT COURT • PACIFICA, CA. 94044
 (650) 359-0947 EMAIL carlos@dominguezassociates.com

NO.	REVISION	DATE

SCALE: 1/4" = 1' - 0"
A5
 SHEETS
 DATE 2-16-16
 FILE NUMBER

NO.	DESCRIPTION

EDGE CHINA DESIGN
 100 WILSON AVENUE #4
 SUITE 200
 SAN JOSE, CA 95128
 TEL: 415.961.1111
 WWW.EDGECHINA.COM
 © 2018

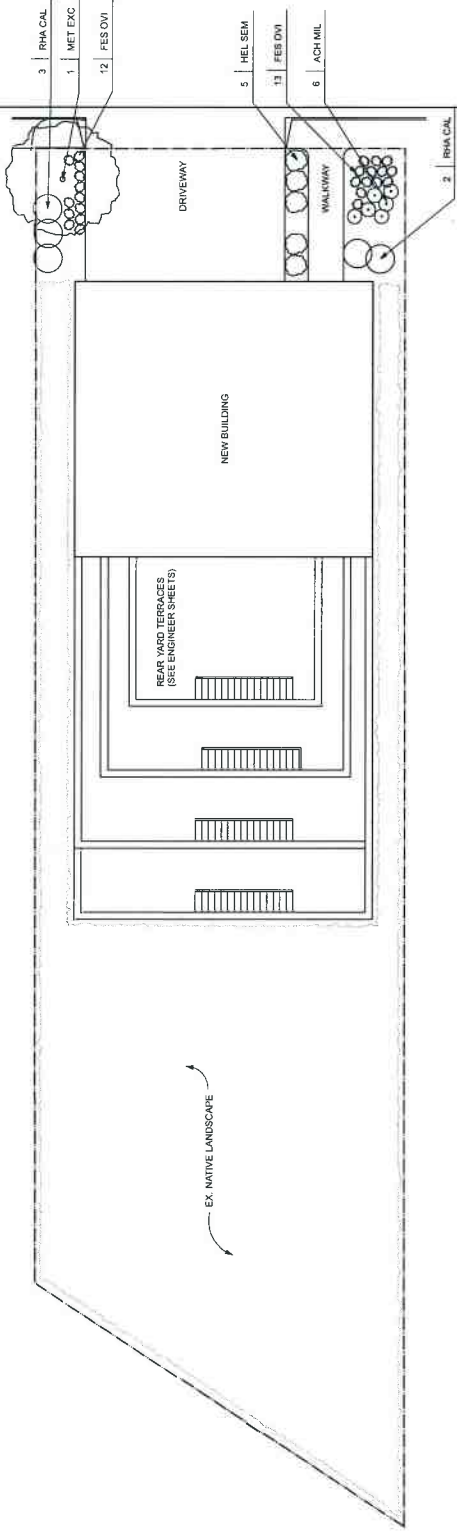
HUA RESIDENCE
 300 CORAL RIDGE DRIVE
 PACIFICA, CA 94044

PRELIMINARY PLANTING PLAN

DATE: 11/01/18
 SCALE: 1/8" = 1'-0"
 DRAWN:
 L1.0



NOT FOR CONSTRUCTION



PLANT LIST:

QTY.	SIZE	BOTANIC NAME	COMMON NAME	WATER USE
1	15 GAL	METROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	LOW
6	5 GAL	ACHELIA MILEFOLIUM	COMMON YARROW	LOW
5	5 GAL	FRAXINUS CALIFORNICA	COFFEEBERRY	LOW
5	1 GAL	FESTUCA OVINA TELAUC:	BLUE FESCUE	LOW
5	1 GAL	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	LOW
		PRE-PROJECT LOT AREA	9152 SQFT 100%	
		POST-PROJECT LOT AREA	2416 SQFT 26%	

PLANT NOTES:

1. WATER USE DESIGNATION BASED ON UNIVERSITY OF CALIFORNIA DIVISION OF AGRICULTURE AND NATURAL RESOURCES WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (WOODS U)
2. DRAWN PLANTS TAKE PRECEDENT OVER PLANT LIST
3. BOTANIC NAMES TAKE PRECEDENT OVER COMMON NAMES IN CASE OF DISCREPANCY
4. STAKE TREE LOCATIONS FOR OWNER OR LANDSCAPE ARCHITECT APPROVAL PRIOR TO EXCAVATION
5. UNLESS OTHERWISE NOTED, ALL PLANT BIDS AND LANDSCAPE ARE TO HAVE COMPETITIVE BIDDERS ON REMOVED BY SCAFFOLDING OR APPROVED EQUAL PRIOR TO BEGINNING OF ANY PLANTING OR SOODING
6. **AMENDMENTS:** APPLY THE FOLLOWING SOIL AMENDMENT OR APPROVED EQUAL AS NOTED IN ALL PLANTING AREAS OR AS PER MANUF. INSTRUCTIONS.
 NURSERY MIX SOIL AMENDMENT - LYNGSSO GARDEN MATERIALS, REDWOOD CITY
7. SEE PLANTING DETAILS FOR PLANTING HOLES AND STAKING. PLANT ALL 24" BOX TREES ON LARGER A MINIMUM OF 3" OUT OF THE GROUND
8. MULCH: APPLY 3" LAYER OF 1/4" DOUGLAS FIR BARK MULCH TO PLANTING AREAS. SEE PLANTING DETAILS

DATE	
BY	
CHECKED	
APPROVED	

Boyd Civil Design
 100 BURNING CREEK #1
 SUITE 200
 3075 N. 175th
 Everett, WA 98201
 (206) 465-1111
 www.boydcivil.com

HUA RESIDENCE
 300 CORAL RIDGE DRIVE
 PACIFICA, CA 94044

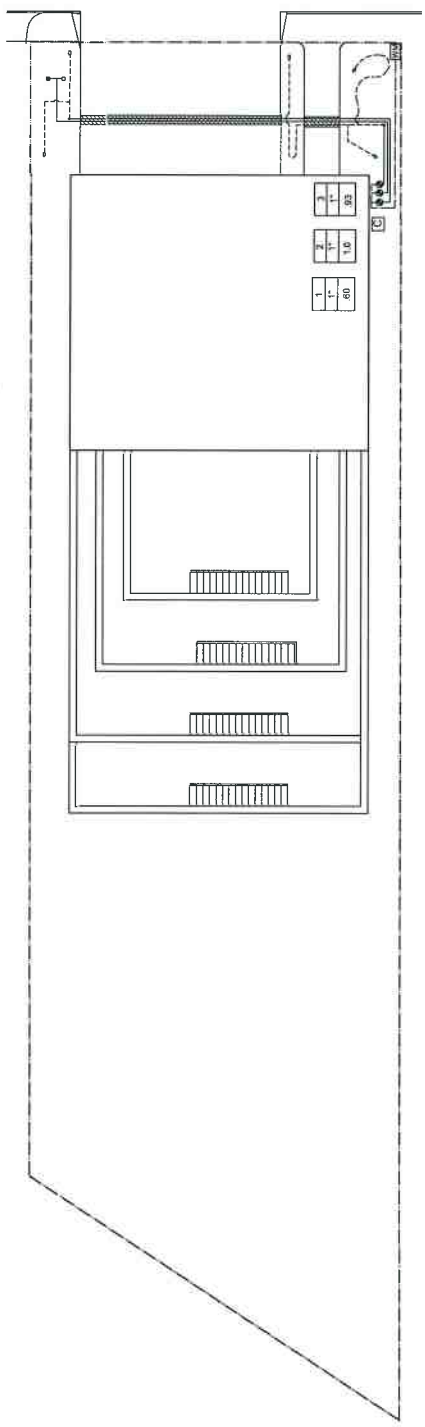
PRELIMINARY IRRIGATION PLAN

DATE: 11/29/15
 SCALE: 1/8" = 1'-0"
 DRAWING

L2.0



NOT FOR CONSTRUCTION



- IRRIGATION NOTES:**
1. VERIFY ALL NOTATIONS FOR MINIMUM PRESSURE, STATIC PRESSURE AT POINT OF CONNECTION, AND CONFIRM STATIC PRESSURE PRIOR TO START OF WORK.
 2. MAKE IRRIGATION POINT OF CONNECTION AS INDICATED ON PLAN AND COORDINATE WITH OTHER WORK AS REQUIRED.
 3. ALL IRRIGATION WORK SHALL BE DONE IN ACCORDANCE WITH THE EXACT LOCATION OF CONTROLLER TO BE DETERMINED BY ELECTRICAL CONTRACTOR. ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE EXACT LOCATION OF CONTROLLER TO BE DETERMINED BY ELECTRICAL CONTRACTOR. INSTALL AS DETAILED PER MANUFACTURER'S INSTRUCTIONS.
 4. IRRIGATION PLAN IS DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE COMPLETED. INSTALL ALL PIPING AND EQUIPMENT WITHIN DRAINING AREAS UNLESS OTHERWISE SHOWN ON PLANS.
 5. FULL COVERAGE IS REQUIRED. MAKE MINOR MODIFICATIONS TO LAYOUT AS REQUIRED TO OBTAIN COMPLETE COVERAGE.
 6. INSTALL PIPE AND WIRE UNDER PAVING IN PVC SCH 40 SLEEVE WHERE INDICATED ON PLAN. EXTEND PIPE A MINIMUM OF 6' BEYOND EDGE OF PAVING.
 7. INSTALL EMITTER TUBING AS REQUIRED TO PROVIDE IRRIGATION TO ALL NEW PLANTS AS SHOWN ON PLANTING PLAN. EMITTER TUBING SHALL BE INSTALLED ON PLAN AS FOR EXAMPLE ONLY. CUT TUBING AS REQUIRED TO CONFORM TO FINAL PLANT LAYOUT AND QUANTITY.
 8. LAY EMITTER TUBING PARALLEL TO TOPOGRAPHY WHERE POSSIBLE. OPEN LINE ENDS AND FLUSH THOROUGHLY BEFORE INSTALLATION OF SIFCAPPED END FLUSH CAPS AT ENDS OF ALL 1/2" LINES. ALL LINES MUST BE THOROUGHLY FLUSHED BEFORE INSTALLATION OF EMITTERS.
 9. **PROVIDE EMISSION POINTS AS FOLLOWS:**
 - (1) 2 GPH EMITTERS AT EACH 15 GAL. PLANT
 - (2) 1 GPH EMITTERS AT EACH 5 GAL. PLANT
 - (3) 2 GPH EMITTERS AT EACH 1 GAL. PLANT
 10. INSTALL EMITTERS DIRECTLY INTO 1/2" DRIP LINE. SNAKE DRIP LINE SUCH THAT EMITTERS ARE WITHIN BACKFILLED AREA AT NEWLY INSTALLED PLANTS. DO NOT USE SMALL DIAMETER DISTRIBUTION TUBING.
 11. STAKE EMITTER TUBING IN PLACE AND BURY AS NOTED IN SPECIFICATIONS.

IRRIGATION LEGEND:

SYMBOL	MODEL	DESCRIPTION	PSI	GPM
[C]	HUNTER X-CORE W/ WINTER VALVE	WALL MOUNTED CONTROLLER W/ WIRELESS WEATHER SENSOR		
[G]	HUNTER ACT-075	ANTI-SIPHON VALVE ASSEMBLY		
[D]	HUNTER PCB-50	PRESSURE COMPENSATING FULL CIRCLE BUBBLERS	.50	
[E]	HUNTER PCB-50	INSTILL OR FERTILIZER		
[F]	HUNTER RZWS 15-50	ROOT ZONE WATERING SYSTEM	.50	
[G]		AUTOMATIC LINE FLUSH VALVE		
[H]		TRANSITION FROM LATERAL TO FLEX DRIP LINES		
[I]		WAIN LINE, SCH 40 PVC SOLVENT WELD PIPE WITH SCH 40 PVC SOLVENT WELD FITTINGS. ALL MAIN LINE TO BE SIZE 1.12" UNLESS OTHERWISE NOTED ON PLAN.		
[J]		LATERAL LINES: SCH 40 PVC SOLVENT WELD PIPE WITH SCH 40 PVC SOLVENT WELD FITTINGS.		
[K]		DRIP TUBING AND EMITTERS: AGRIFIRM WITH PRESSURE COMPENSATING EMITTERS		
[L]		SLEEVE: SCH 40 PVC		
[M]		CONTROLLER STATION NUMBER		
[N]		VALVE SIZE		
[O]		APPROX. GPM THROUGH VALVE		
[P]		WATER METER		



ATTACHMENT D



↑ ENTRANCE AREA



BACK STAIRS PORTION →



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: June 20, 2016

ITEM: 3

File: CDP-372-16

PROJECT LOCATION: 200-222 Palmetto Avenue (APN 115-220-999)

PROJECT DESCRIPTION / DISCUSSION: This is an informational report regarding Emergency Coastal Development Permit CDP-372-16 issued on June 10, 2016 to temporarily post up to 10 signs along a public access trail warning the public to keep away from recent bluff failure behind the Pacific View Villas. The Pacific View Villas HOA has been proactive in notifying the City and Coastal Commission about the recent erosion. The HOA has hired a civil engineer to assist them in working with both agencies to address a long term solution.

BACKGROUND: Pacifica Municipal Code (PMC) Section 9-4.4307 grants authority to the Planning Director to approve an emergency coastal development permit (ECDP) as an urgency measure to “protect life and property from imminent danger...”

RECOMMENDED ACTION: Receive and file staff report.

Attachments:

- A. Emergency Coastal Development Permit CDP-372-16, issued June 10, 2016

CITY OF PACIFICA
EMERGENCY (LOCAL) COASTAL DEVELOPMENT PERMIT

Planning & Economic Development Department
1800 Francisco Boulevard
(650) 738-7341

EMERGENCY PERMIT #: CDP - 372-16 DATE OF ISSUANCE: _____

LOCATION OF WORK: 200 - 222 Palmetto Pacific View APN: 115-220-499

DESCRIPTION OF WORK: Danger signs + closeoff path Villas

potential rock movement
NATURE AND/OR CAUSE OF EMERGENCY: Bluff loss & failure

CONSEQUENCE OF INACTION (DO NOTHING): _____

PERMITEE: Name: Andrea Maritz PROP. OWNER: Name: Pacific View Villas HOA
Address: 214 Palmetto Address: 200-222 Palmetto
Pacifica CA 94064 Pacifica CA 94064
Phone: 415 235 3552 Phone: _____

If Permittee is not property owner, a signed statement of authorization to act as owner's agent is required. Sign back side of this sheet or attach separately signed statement

PERMITEE HEREBY AGREES TO THE FOLLOWING CONDITIONS OF THIS EMERGENCY PERMIT.

1. All emergency work shall proceed in accordance with approved plans, if any, on file with the City of Pacifica.
2. Permittee shall allow representatives of the City of Pacifica unlimited access to inspect all work performed under this permit.
3. Permittee shall notify the Building Official, at least every 24 hours, the status of emergency work being performed, until final inspection.
4. All emergency work shall be complete on or before 8/9/2016.
5. Within 30 calendar days of the date of this permit, permittee shall apply for a regular Coastal Development Permit from the City of Pacifica to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless otherwise determined in writing by the Planning Director.
6. This permit shall be valid for 60 days from date of issuance, unless extended pursuant to Sect. 9-4.4307 of City Code.
7. All work performed under this permit shall comply with the applicable requirements of the City of Pacifica including the Building Official, Planning Director, Administrative Policies, standard specifications, Municipal Code as well as state and federal laws.
8. **SPECIAL CONDITIONS:** See attached conditions of approval.

This permit constitutes approval of temporary emergency work necessitated by a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, based on the terms and conditions described herein, and may be revoked at any time if deemed necessary by the Planning Director. Unless prescribed as a special condition herein, issuance of this permit does NOT constitute approval of emergency work on a permanent basis until all such work has been approved by the Pacifica Planning Commission. Pursuant to Sect. 9-4.4304 of City Code, the City may determine that the emergency work shall be removed, replaced or modified. Failure to comply with provision of Sect. 9-4.4307 of City Code may result in the removal of the work undertaken pursuant to this permit in its entirety and restoration of the site to its previous condition.

The permittee by acceptance of this permit, agrees to indemnify, defend and hold harmless the City of Pacifica from and against any and all claims, demands and legal actions for inquiries or damages to persons or property resulting from processing of, approval of, construction, operations or maintenance under this permit, regardless of passive negligence of the City of Pacifica, its officers, employees, consultants and agents, and agrees to compensate the City in full for all damages to property of the City or to public property under its jurisdiction resulting from operations or maintenance under this permit.

This permit does not authorize any work within the permit jurisdiction of the California Coastal Commission, nor does it obviate any required authorizations or other permits from city, state or other agencies.

APPROVALS: CITY OF PACIFICA
By: Tina Wehrmeister
Tina Wehrmeister
Planning Director

AGREEMENT: PERMITEE:
By: _____
(Property Owner or Authorized Agent)

By signing above, Permittee understands all of the conditions of this emergency permit and agrees to abide by them.
Permittee also understands that the emergency work is TEMPORARY and that a regular local Coastal Development Permit is necessary to make it a permanent installation.

2016 09 09

CITY OF PACIFICA
EMERGENCY (LOCAL) COASTAL DEVELOPMENT PERMIT

AGENT AUTHORIZATION:

I, Andrea Maltzer, owner of property located at 214 Palmetto hereby
(Address or APN)
authorize _____ to act as my Agent and to bind me in all matters concerning the
Emergency Coastal Development Permit described on the reverse side of this sheet.

(Property Owner Signature) (Date)

REMINDERS (Permittee):

- 1) Within 30 calendar days of the date of this permit, permittee shall apply for a regular Coastal Development Permit from the City of Pacifica to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless otherwise determined in writing by the Planning Director.
- 2) Permittee shall be responsible for obtaining all required authorizations or permits from the California Coastal Commission. Contact the Coastal Commission staff at (415) 904-5260.
- 3) Permittee shall pay within 30 calendar days of the date of this permit all expenses incurred by the City of Pacifica, including application and inspection fees resulting from permit review as well as monitoring and enforcement of the requirements referenced herein, and other monies as follows:

Initial fee in the amount of: \$ 378.00

Date Received: 6/9/2016 Receipt #: _____

Bond in the amount of: \$ _____

Date Received: _____

Attachments (check boxes that apply)

- Pacifica Municipal Code Article 43, Coastal Zone Combining District
- Other: Conditions of Approval

JUN 09 2016

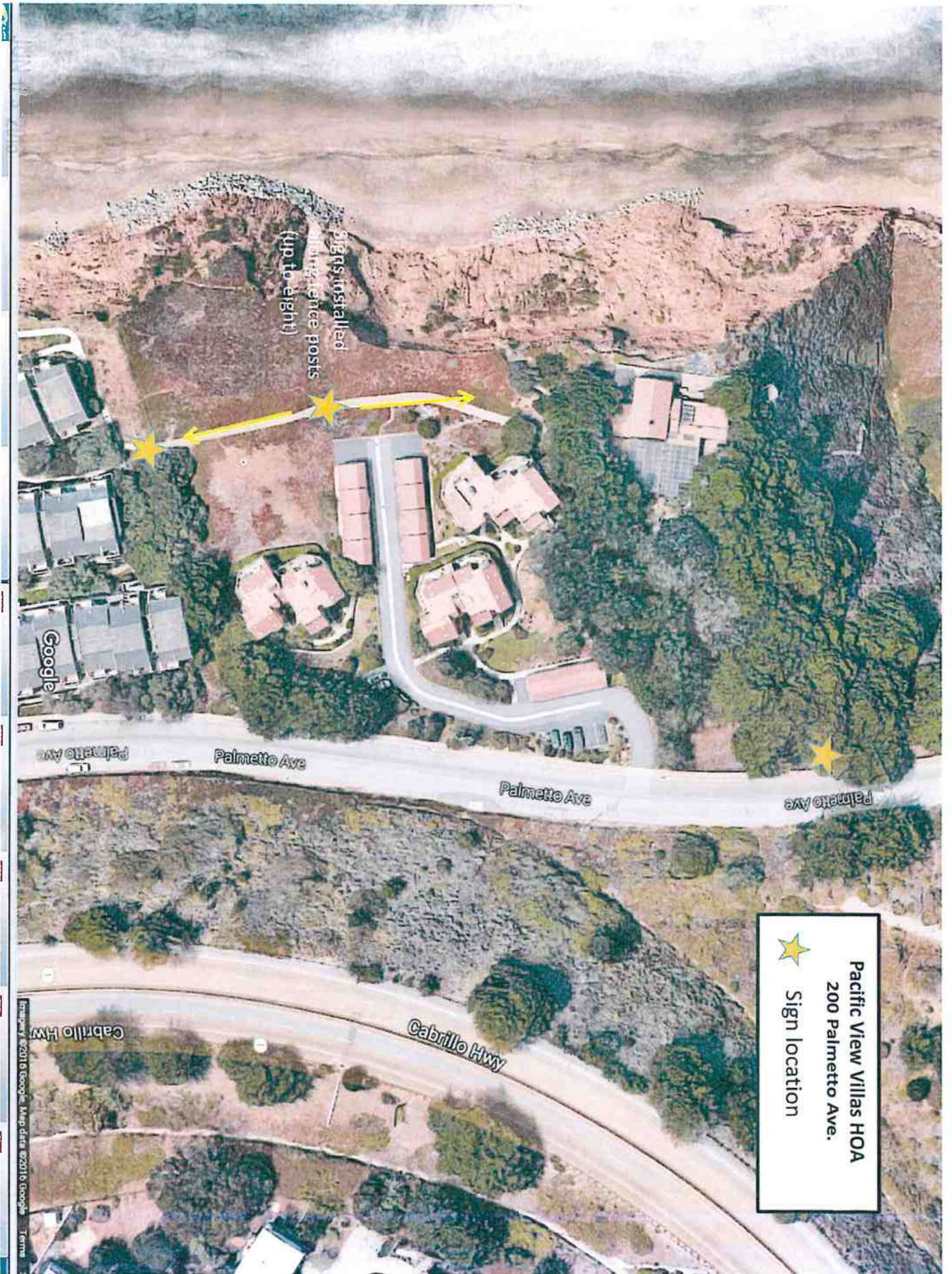
Conditions of Approval
Emergency Coastal Development Permit CDP-372-16
200 Palmetto Avenue
(APN 115-220-999)


Approved: 6/10/2016

1. Only that emergency development specifically described in this Emergency Coastal Development Permit (ECDP) is authorized. Any additional development, including any development required by a new emergency, shall require review and approval of a separate ECDP by the Planning Director.
2. The ECDP shall expire on August 9, 2016. The Planning Director may extend the ECDP for an additional sixty (60) calendar days if a Coastal Development Permit (CDP) application is on file but has not been processed.
3. The development approved in this ECDP involves installation of up to 10 signs along a bluff top trail to warn pedestrians to keep away from a recent bluff failure near the trail. Applicant shall remove all development from the site prior to expiration of this permit. If all development is removed from the site, an application for a CDP will be unnecessary. If any development is to remain on-site, applicant shall apply for a CDP within 30 days of approval of this ECDP.
4. A copy of the ECDP shall be maintained in a conspicuous location at the site at all times, and shall be made available for public review to any member of the public, or any employee or agent of the City of Pacifica or Coastal Commission, upon request. All persons involved with emergency work at the site shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
5. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the City of Pacifica, and the Coastal Commission, their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the City of Pacifica, and the Coastal Commission, their officers, agents, and employees with respect to the City's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. The applicant shall hereby agree to 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. 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.

END



 Pacific View Villas HOA
200 Palmetto Ave.
Sign location

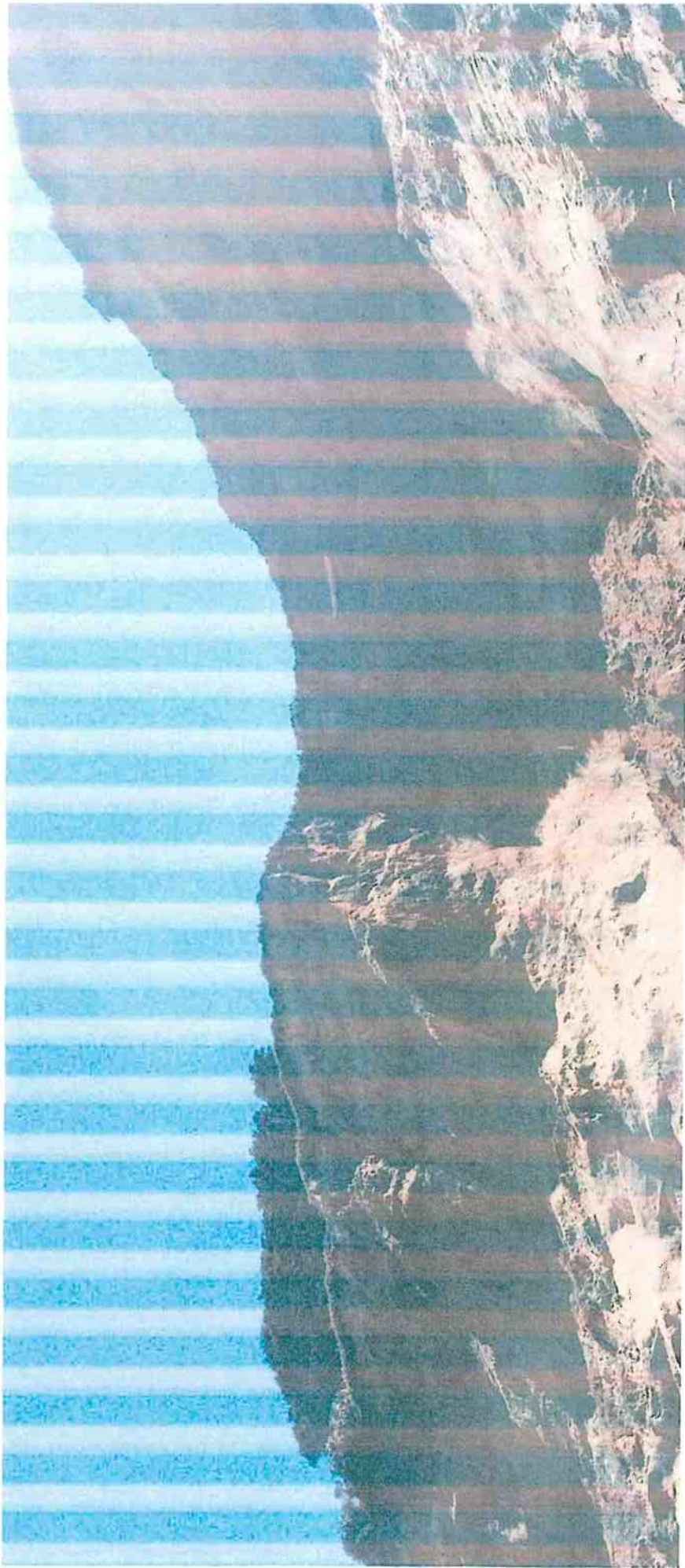




PHOTOGRAPH BY

JUN 09 2010

City of Portland



Page 10

JUN 09 2016

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10/10/16
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