

RESOLUTION NO. 66-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEAL, MODIFYING THE PLANNING COMMISSION’S APPROVAL AND APPROVING SITE DEVELOPMENT PERMIT PSD-843-19, COASTAL DEVELOPMENT PERMIT CDP-409-19, USE PERMIT UP-118-19, AND SIGN PERMIT S-131-19, AS REVISED BY THE ALTERNATIVE DESIGN SUBMITTED BY APPLICANT, FOR THE CONSTRUCTION OF A TWO-STORY MIXED-USE BUILDING (KNOWN AS 1300 DANMANN) CONSISTING OF GROUND FLOOR COMMERCIAL SPACE AND FOUR RESIDENTIAL APARTMENTS LOCATED AT THE NORTH QUADRANT OF THE INTERSECTION OF KENT ROAD AND DANMANN AVENUE IN THE 1200 BLOCK OF DANMANN AVENUE (APN 023-013-010 AND 023-013-020) SUBJECT TO CONDITIONS OF APPROVAL (FILE NO. 2019-025); AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: San Pedro Valley, LLC (“Applicant”)

WHEREAS, Applicant submitted an application for the construction of a three-story mixed-used building consisting of ground floor commercial space fronting Danmann Avenue and six residential apartments, on a 14,551 square foot site at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 and 023-013-020) within the C-1 (Neighborhood Commercial) zoning district and CZ (Coastal Zone Combining) zoning districts (“Project”); and

WHEREAS, after holding a duly noticed public hearing on May 4, 2020, the Planning Commission of the City of Pacifica adopted Resolution No. 2020-009 by a vote of 6-0 approving Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 for the Project; and

WHEREAS, an appeal was filed by Stephen Clements (“Appellant”) on May 13, 2020, in opposition to the Planning Commission’s action to approve the Project (“Appeal”); and

WHEREAS, during pendency of the Appeal, the Applicant submitted materials for a revised design for the Project construction to two-stories of mixed-used building consisting of covered parking, ground floor commercial space fronting Danmann Avenue and four residential apartments, on a 14,551 square foot site at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 and 023-013-020) within the C-1 (Neighborhood Commercial) zoning district and C-Z (Coastal Zone Combining) zoning districts (“Revised Project”); and

WHEREAS, the Applicant and Appellant discussed the issues raised in the Appeal and they have reached a tentative agreement relating to the Revised Project that would satisfy the Appellant’s concerns with the Project; and

WHEREAS, pursuant to Pacifica Municipal Code (PMC) sections 9-4.3602 and 9-4.3208, the Council may approve, deny or modify the Development Permits, after considering the Appeal and as such, Council may consider the Revised Project; and

WHEREAS, the City Council of the City of Pacifica did hold a duly noticed public hearing on November 9, 2020, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby deny the Appeal based upon all of the reasons set forth in the Staff Report and modifies the Planning Commission’s Approval on May 4, 2020, and makes the following findings pertaining to its denial of the Appeal of the Planning Commission’s action to approve the Project:

Basis 1: Project Applicant’s Lack of Neighborhood Consultation for the Project and Notice

A. Summary of Appellant’s comments:
The Appellant claims that the Applicant did not engage with property owners and residents near the Project site or in the neighborhood regarding the Project stating “[d]uring the live hearing a question was asked of the developer about whether they had engaged the local neighbors and discussed their plans. They answered that there were no formal meetings but they had engaged the community and most people were in favor. This is not true...”

There is no provision of state law or the Pacifica Municipal Code (PMC) which legally requires the Applicant to engage with property owners and/ or residents of the area surrounding the Project site prior to the City’s consideration of approval of development entitlements. While City Council encourages applicants to undertake such community engagement—the decision to do so ultimately rests with an applicant.

Accordingly, because there is no legal requirement for an applicant to engage with property owners and residents near a project site, City Council concludes that this basis is without grounds, and therefore rejects this basis of the appeal.

B. Summary of Appellant’s comments: *Appellant contends that the Planning Commission hearing was “rushed.” Appellant also states that the neighborhood was “inadequately informed” about the Project, and that the neighborhood was “prevented from organizing and debating the issue.”*

The Appellant has not provided any information to substantiate the claim that the May 4, 2020, Planning Commission public hearing was “rushed.” The Planning Commission conducted a public hearing process which was consistent with all applicable laws, including the Governor’s Executive Orders N-25-20 and N-29-20 which suspend certain public meeting requirements due to the ongoing COVID-19 public health emergency. Both the hearing itself, and all noticing requirements in advance of the hearing, comply with the law.

With respect to the conduct of the public hearing, the Planning Commission's May 4, 2020 public hearing on this matter involved receiving a staff presentation, asking questions of staff, receiving the Applicant's presentation, receiving public comments, asking questions of the Applicant, deliberating, and rendering a decision on the Development Permits. The Applicant was afforded at least 10 minutes to speak. In accordance with instructions specified in the Agenda for the May 4, 2020 meeting, written public comments, received prior to 5:00 p.m. were distributed to the public and Planning Commission prior to the meeting and included in the record while public comments received after 5:00 p.m. were read into the record by staff during the public hearing up to a limit of three minutes, the time limit consistent with the Planning Commission's procedures for in-person public hearings. A total of 25 public comments were received prior to the public hearing and four comments were received after 5:00 p.m. and thus read into the record during the public hearing. Additionally, there is no minimum length of a Planning Commission public hearing specified in state law or in the PMC, and in fact, the Planning Commission public hearing on this item lasted approximately 2 hours and 30 minutes.

With respect to pre-hearing noticing requirements, City staff complied with all applicable laws governing public notice of the public hearing to consider the subject Project. PMC section 9-4.4304, which governs public notices for the consideration of Coastal Development Permits (CDP), requires three methods of noticing. First, PMC section 9-4.4304(i) requires the physical posting of public notices in "at least three (3) public places near the proposed development" which must take place "at least seven (7) days prior to the first Planning Commission hearing." To comply with this requirement, staff physically placed notices on the two utility poles located in front of the subject site along Danmann Avenue and the utility pole in front of 1290 Danmann Avenue, and did so 11 days before the Planning Commission's May 4, 2020 hearing. Accordingly, staff has complied with the requirements of PMC Section 9-4.4304(i). Second, PMC section 9-4.4304(g) requires notices to be mailed out to property owners within 300 feet and residents within 100 feet of the development at least 7 days before the hearing, and to anyone requesting to be on the mailing list for coastal development permits. As explained in further detail below, the City complied with this requirement as well. These notices included all required information, including: (1) a statement that the development is within the C-Z District; (2) name of the applicant; (3) the application file date and number; (4) description of the nature of the Project and its proposed location; (5) date, time, and place of the hearing (as modified to address COVID-19 circumstances); (6) brief description of the conduct of hearings; and (7) the procedure for local and California Coastal Commission appeals, including any local fees required. (PMC Sec. 9-4.304(h).) Third, PMC section 9-4.4304(j) requires notices to be published in a newspaper of general circulation at least 10 days before the first Planning Commission hearing. As further detailed below, this requirement was met as well.

The remaining Development Permits considered for the Project require public notice to be provided in two ways at least 10 days prior to the public hearing: (1) by publication in a newspaper of general circulation, and (2) by mailing to property owners within 300 feet of the Project site (as explained above, the CDP requires notice to be provided in this fashion as well, with the addition of residents within 100 feet). The newspaper notice was published in the Pacifica Tribune, a newspaper of general circulation, on April 22, 2020. Staff mailed public notices to property owners and residents within 500 feet (far in excess of minimum requirements) on April 23, 2020.

Thus, all required noticing was completed for the Project in compliance with state law and the PMC in order to inform the neighborhood about the public hearing.

In addition, the Appellant has provided no information to substantiate the claim that the neighborhood was "prevented from organizing and debating the issue." As noted above,

members of the public were afforded public notice and an opportunity to submit public comments to the City prior to and through the public hearing on the Project, providing them an opportunity to comment on the Project.

In summary, due to the facts that: (1) the Planning Commission conducted its public hearing on the Project in accordance with applicable procedural requirements; (2) public noticing requirements were complied with; (3) the public was provided an opportunity to comment on the Project; and (4) the Planning Commission conducted a thorough review of the Project during the public hearing, the City Council rejects this basis of appeal.

Basis 2. Project's Lack of Scale with the Neighborhood

A. *Summary of Appellant's comments:* *The Appellant asserts that the Project does not "fit" the neighborhood, and states "[i]t was acknowledged by the commission that this will be the largest structure on Pedro Point - by a wide margin, and its scale will eclipse every single other structure in the area. However instead of addressing this in a sensible manner, by reducing its scale, the best that was offered by the commission was changing the structure's color, which is completely inadequate and ought to be dismissed outright. Additionally, the proposal is made up of mixed use apartments and commercial, which is not befitting of the neighborhood which is predominantly single family homes."*

Appellant's allegation that the proposed Project lacks compatibility with the neighborhood is relevant to the City's consideration of both the Site Development Permit and the Use Permit, as both require consideration of consistency with the City's Design Guidelines, which therefore require consideration of whether the Project is in scale with the neighborhood.¹ Note that 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 City may still find the project consistent with the design guidelines.

The Planning Commission found that the Project, as conditioned, is consistent with the City's adopted Design Guidelines, including the design guideline regarding scale, due to the fact that the building scale does not vary from other mixed-use Projects previously in the area, including 505 San Pedro Avenue and 535 San Pedro Avenue.

With respect to the Appellant's contention that the Project lacks consistency with the neighborhood on the basis that the neighborhood predominantly features single-family residential, the Project is consistent with the land use designations of the site which control any determination of consistency with the neighborhood. This is because the land use designations determine the scope of appropriate scope of development at the site. As shown in Figures 1 and 2 (red arrows depict Project site) below, the Project site and other areas along Danmann Avenue are designated "Commercial" in the General Plan and Local Coastal Land Use Plan (LCLUP), and zoned C-1 (Neighborhood Commercial)/C-Z (Coastal Zone Combining District). The Commercial land use designation and C-1/C-Z coning districts allow for mixed-use commercial and residential projects.

¹ PMC Section 9-4.3204(a)(8) provides that a Site Development Permit should not be issued if the if the finding is made that the development is inconsistent with the City's adopted design guidelines. Similarly, PMC Section 9-4.3303(a)(3) requires a finding of consistency with the City's adopted design guidelines.

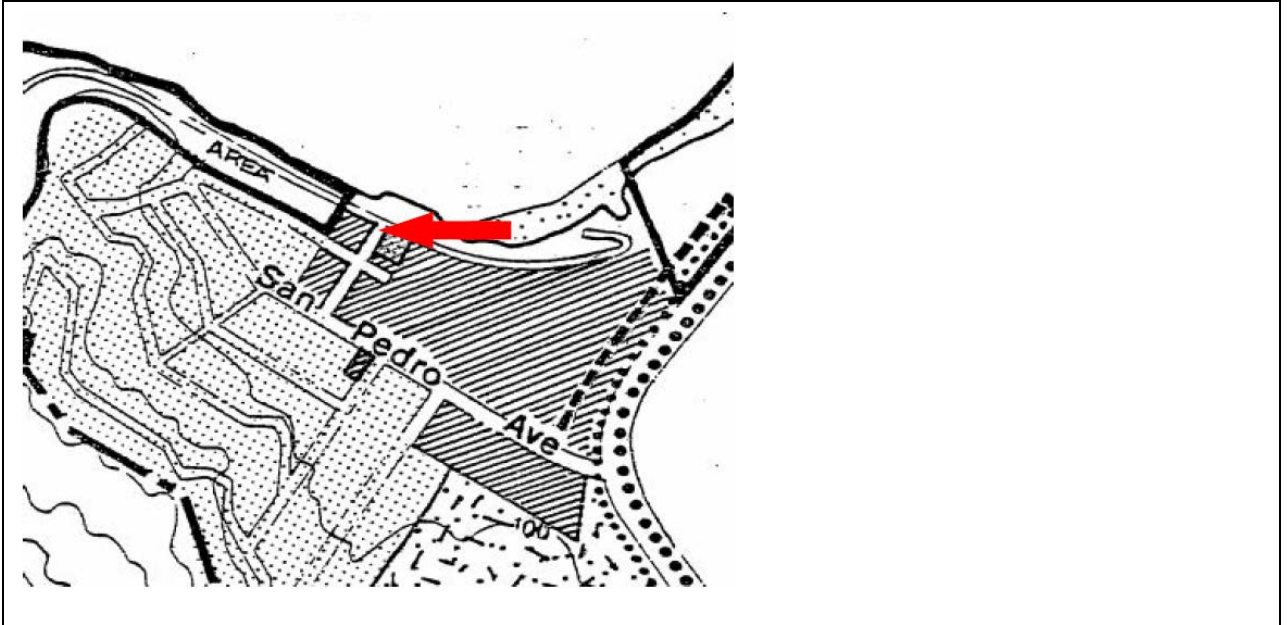


Figure 1. General Plan and Local Coastal Land Use Plan (LCLUP) Land Use Designations, Danmann Avenue, Pedro Point Neighborhood

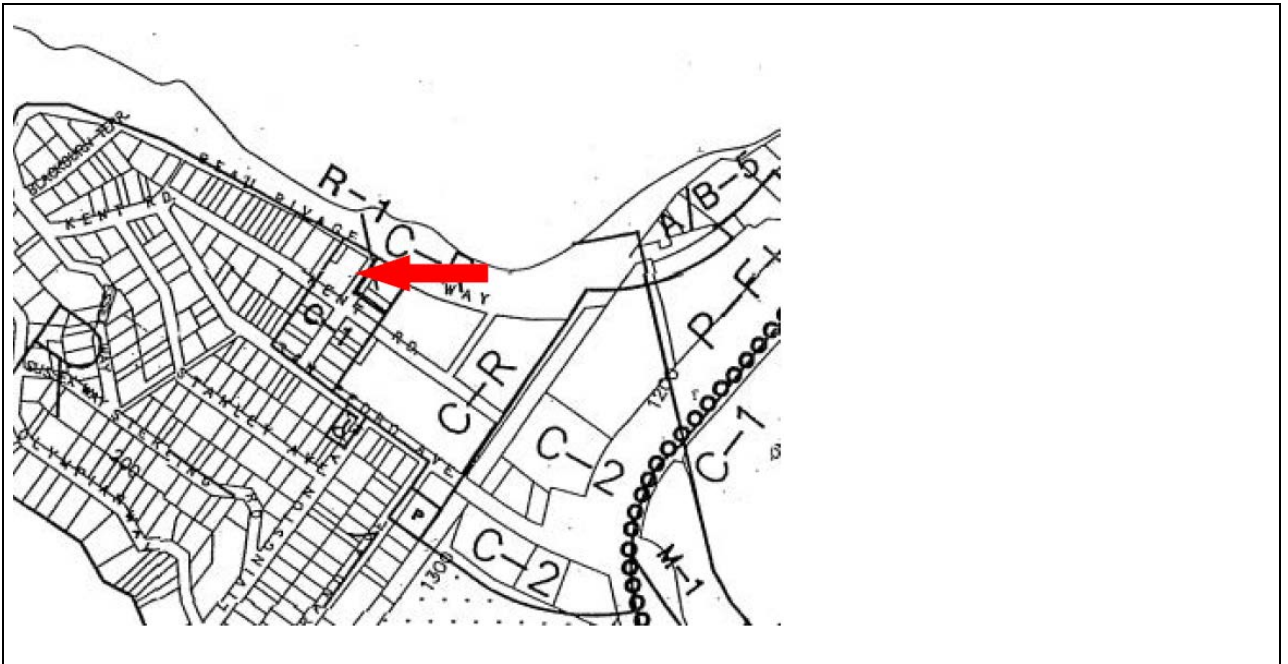


Figure 2. Zoning Classifications, Danmann Avenue, Pedro Point Neighborhood

The proposed mixed-use Project would, therefore, be consistent with the applicable land use designations and zoning of the Project site. Although most of the Pedro Point neighborhood, measured by land area and number of parcels, consists of single-family residential uses, the

“predominant” uses in the area, alone, does not determine whether a Project is or is not compatible with the neighborhood.

It is the Planning Commission’s assessment that the Project would comply with all applicable development standards and land use policies as explained in detail in Attachment C. It would also be consistent with other mixed-use projects in the surrounding area, generally on the east side of Danmann Avenue. A portion of the Project has a two-story scale, with one portion featuring a three-story scale. In the immediate vicinity, the two-story scale of the Project along Danmann Avenue would be consistent with the two-story developments at 1207, 1244, and 1263 Danmann Avenue, and the tower element and high peak of the gable roof of the Pedro Point Firehouse. The three-story design of the northernmost portion of the proposed building also would be in scale with development in the surrounding area because the adjacent approved development at 277 Kent Road to the west is located at appreciably higher grade. Also, because the loft configuration of the third floor results in its floor area being largely built into the roof, bringing down the apparent scale of the structure to less than a full third story, it is compatible with the two-story single-family residential development at 1207 Danmann Avenue. The renderings on Sheet A0.3 of Attachment E demonstrate the appropriate scale of the proposed Project in relation to surrounding buildings. The Planning Commission also considered scale in its deliberations on the Project (Attachment D), and in the adopted Resolution approving the Project (Attachment B).

Because the scale of the proposed Project was thoroughly considered as part of the Planning Commission’s review, and because the Project complies with all applicable development standards and land use regulations for construction of a mixed-use development on the Project site, the City Council rejects this basis for appeal.

B. Summary of Appellant’s comments: “The applicant is requesting no set-backs citing the historic Pedro Point Firehouse has no set backs[sic]; this attempt of precedence is incorrect in light of the fact that the firehouse was built from before the city was even incorporated and there were no city standards and this project isn’t absolved from city standard codes and ought to again be denied on this premise.”

The subject parcel’s C-1 (Neighborhood Commercial) zoning does not require any minimum property line setbacks, unless established by the site development permit (PMC Section 9-4.1002(c)). Nevertheless, the proposed building is setback from the northern and western property boundaries by 8’-1” and 21’-2”, respectively. On the south and east side, there is no property line setback. However, the proposed building would not be located directly against the streets at Danmann Avenue and Kent Road. As demonstrated on Sheet C2.1 of Attachment E, the Project would include a six-foot sidewalk and six-inch curb along the Danmann Avenue frontage and a four-foot sidewalk and six-inch curb along the Kent Road frontage. Near the intersection of Danmann Avenue and Kent Road, the Applicant has proposed a wider eight-foot sidewalk and landscaping bulb-out of at least four-feet in width on Danmann Avenue, and a wider sidewalk of approximately eight feet in width along Kent Road. The effect is a proposed building which would be located more than 6 to 12 feet from Danmann Avenue and more than four to eight feet from Kent Road at its closest points. City Council’s analysis of the Project also concluded that a minimal setback along Danmann Avenue would create a more inviting storefront environment for the retail and service uses which would locate in the commercial portion of the building at ground level, and would also be consistent with other existing properties along Danmann Avenue which have limited front setbacks.

While the proposed Project is not required to provide any setbacks, the distance provided by the 21’-2” side setback of the Project from the site at 277 Kent Road, the 8’-1” rear setback from the

Beau Rivage area at the north of the Project site, as well as the apparent setback from Danmann Avenue and Kent Road caused by placement of the sidewalk and landscaping areas, would ensure the proposed building would not crowd other nearby residentially-zoned properties. Therefore, the proposed Project meets all zoning requirements with respect to setbacks, and the City Council rejects this basis for appeal.

C. Summary of Appellant's comments: *Appellant states the proposed signs for the Project should be rejected, citing that there are no other signs on Danmann Avenue, "other than two unassuming businesses with very modest signage."*

Section 9-4.2907 of the PMC requires commercial and residential multi-unit developments to have an approved master sign program. As outlined in Section E of the May 4, 2020, Planning Commission Staff Report (Attachment C), staff analyzed the proposed Master Sign Program and found it to be consistent with the City's adopted Design Guidelines for signs. One sign is proposed with an overall maximum sign dimension of 15 feet in width by 3 feet in height. Overall, the proposed sign area and maximum letter height would be in scale with the proposed building and would be considered modest in City Council's assessment. The proposed sign area would be well below the standard allowance of 0.75 square feet per linear foot provided in PMC Section 9-4.2906(a)(3) for commercial buildings with a single tenant. The proposed sign area would be approximately 0.41 square feet per linear foot of business frontage, which would also be well below the standard allowance of 0.75 square feet per linear foot of business frontage for multi-tenant commercial buildings provided in PMC Section 9-4.2907(f). The Master Sign Program also provides specifications which would control the color and materials. The Sign Program does not specify illumination standards due to the low-intensity character of the surrounding area. City Council included Condition of Approval No. 15.a to prohibit internally illuminated signs and to require subdued illumination by exterior light sources.

Given its limited square footage, the requirement of coloring and backgrounds to match or complement adjacent materials and building surface, and the prohibition of internally illuminated signage, the Planning Commission found that any proposed signage would be unobtrusive to the neighborhood. All requirements of PMC Section 9-4.2907 have been met for sign program approval. Therefore, the City Council rejects this basis for appeal.

D. Summary of Appellant's comments: *The Appellant claims that although the Planning Commission denied the Applicant's request for a parking exception, the proposed development would nevertheless "put a huge burden on street parking," which in turn would also deny recreational access for both visitors and residents due to lack of parking in the neighborhood. Appellant also indicates that the City has already approved multiple parking exceptions in the Pedro Point area, leaving "no more space for additional vehicles along Danmann Ave. or Kent Road or San Pedro Ave."*

The Project proposes a total of 20 off-street parking spaces. The proposed number of parking spaces provided exceeds the applicable PMC parking standards for the Project by one parking space. The Appellant incorrectly states that the Planning Commission denied the requested Parking Exception PE-185-19. As explained in Footnote No. 1 of this report and in Attachment D, the Applicant withdrew the request for the parking exception at the Planning Commission hearing on May 4, 2020. Therefore, due to the Applicant's withdrawal of the application, the Planning Commission took no action on the parking exception. The effect of the Applicant's withdrawal is that the Project would include the required covered parking for the six required residential parking spaces, which would comply with the covered parking standards found in Section 9-4.2818(a)(2) of the PMC. Therefore, the Project would comply with all applicable off-

street parking standards, and in fact would exceed the minimum number of required off-street parking spaces by one parking space.

In addition, Appellant makes no showing that any previously approved parking exceptions would somehow cause this Project to fall out of compliance with the City's parking standards for the Project. The Appellant does not provide evidence of any approved parking exceptions within the Pedro Point area which would directly affect the available parking or recreational access along Danmann Avenue or Kent Road. As explained above, the Project would provide all required parking under the PMC to address its parking requirements and there is no evidence to indicate the proposed Project would affect the availability of on-street parking for coastal visitors in the neighborhood.

Therefore, because the proposed Project complies with or exceeds all applicable off-street parking standards in the PMC, the City Council rejects this basis for appeal.

E. Summary of Appellant's comments: The Appellant claims that the "City has not established ownership for the paper road on the property known as 'Beau Rivage' and until ownership is determined," the Project should be denied.

The Appellant has not provided any information as to the relationship of the proposed Project and the area known as "Beau Rivage," or how Beau Rivage should relate to the City's review and approval of the Project. The area known as Beau Rivage is located north of the Project site, and was offered for dedication as a public street during the original subdivision of the area in 1908. The San Mateo County Board of Supervisors rejected the offer of dedication and, as a result, Beau Rivage remains private property and is not a public street (see statement by Deputy Public Works Director/City Engineer Sam Bautista, Attachment G).

According to the Project site's legal description on the Title Report submitted to the Planning Department during review of the Development Permits, the Project site does not include Beau Rivage. Beau Rivage remains in private ownership, and is therefore not a public street, and moreover, is not required for access to the Project site. While the property owner of the Project site might potentially have a legal claim to some portion of Beau Rivage because it was rejected as a public street, there is no evidence in the record that the property owner has perfected any such claim, and accordingly, Beau Rivage remains distinct and separate from the Project site. The Applicant has not proposed any development on Beau Rivage and, as noted above, the Appellant has not indicated how Beau Rivage relates to the proposed Project or the findings required for approval of the Development Permits.

Because the area known as Beau Rivage is not part of the Project site and has no direct relation to the findings required for approval of the Development Permits, therefore, the City Council rejects this basis for appeal.

F. Summary of Appellant's comments: The Appellant contends that the Project does not comply with the City's economic goals. Specifically, Appellant provides that "all mixed use development should encourage recreational commercial" use and that the "ratio should be 70 percent commercial and 30 percent residential in order to make any commercial development not only viable but to [ensure] the developer is serious about the commercial portion." Appellant further states that "the Planning Department is aware of multiple examples throughout the City" where the commercial component of a mixed use development project was built as an "afterthought" to meet the City's development standards of requiring commercial space on the bottom floor. Therefore, the Appellant concludes that the Project should be denied based on the City's economic goals.

The Appellant has not provided information on which of the City's economic goals the Project would not comply with, and also did not identify any applicable standard which establishes a ratio of 70 percent commercial and 30 percent residential floor area in mixed-use projects.

City Council evaluated the Project under applicable regulations, including the General Plan, zoning, and the required entitlements of this Project, and there are no regulations that specify any percentage ratio of commercial space to residential space for mixed-use developments. City Council did exercise the City's discretionary authority in review of the Project to ensure sufficient commercial floor area within the Project to ensure the commercial space was viable in accordance with other recently approved mixed-use developments including 195 Carmel Avenue (1,767 sq. ft.) and 535 San Pedro Avenue (3,213 sq. ft.), both of which have full commercial tenant occupancy.

With the inclusion of 3,050 sf of commercial floor area within the subject Project, City Council's assessment is that the Project provides sufficient floor area to be attractive to a broad range of potential commercial businesses. Moreover, the sizable commercial floor area proposed in the subject Project ensures that it truly represents a mixed use project. It should also be noted that commercial uses are a permitted use on the subject site, and residential uses are a conditional use within the C-1 zoning district. Accordingly, the commercial component of the Project is an integral component of the Project rather than an "afterthought", which is in line with Appellant's expressed concerns.

Because the Project would comply with all applicable development standards, and because it would include sufficient commercial floor area to function as a viable commercial building in accordance with best practices, the City Council rejects this basis for appeal.

Basis 3: Coastal Erosion

A. *Summary of Appellant's comments:* *The Appellant argues that the Project site is unstable, and that the prospect of coastal erosion warrants a denial of the Project. Specifically, the Appellant states that the Project site sits "directly above Shoreside Drive, [which is] subject to critical subsidence and rockslides," and that the Project site is "just 10 feet away" from an area where conditions are highly dynamic and unstable. Appellant claims to have seen rockslides and portions of the bluff along Shoreline Drive fall into the ocean. In addition, the Appellant claims that "the most recent [United States Geological Survey (USGS)] models and the City's own [Local Coastal Land Use Plan] map data in the proposed [General Plan Update] shows the bluff eroding to Kent Road by the year 2100 (80 years)," Appellant also claims that the City's analysis regarding coastal erosion are not accurate, stating that "the City's data source from the Pacific Institute is from 2009 and all Sea Level rise map projects are being reexamined to show more dire outcomes." Appellant adds that the "Coastal Commission has cautioned the City that the engineering calculations paid for by the applicant (demonstrating obvious bias) minimize and underestimate the degree of historical erosion rates to be in the range of 0.1 to 0.45 feet/year, whereas the Coastal Commission recommends a more realistic 2-3 feet/year." Appellant further provides that the property should be used for "coastal erosion mitigation in accordance [with] SB379". Appellant claims that the foundational strength of the subject site is questionable due to "destabilization of the adjoining bluff."*

Appellant's claim that the site is unstable due to coastal erosion, subsidence, and rockslides are unfounded, as is the claim that the geotechnical report for the Project is somehow not reliable. Appellant's claims are relevant to the City's 100-year design life requirement, which is found in

the City's Local Coastal Land Use Plan (LCLUP). It states that the bluff setback and overall design lifetime of a project is required to be adequate to accommodate a minimum 100-year hazard event (LCLUP, C-19). All "appropriate setbacks [should] be determined on a case-by-case basis, depending on the site specific circumstances and hazards" (LCLUP, C-19).

The Applicant prepared a site-specific geotechnical analysis prepared by a qualified professional geotechnical engineer based on actual observed erosion rates between years 1955 and 2000 (Attachment H). In general, the various maps published by the United States Geological Survey (USGS) are used as guidelines to identify areas of potential hazard which warrant further site-specific investigation (p. 2, *National Assessment of Shoreline Change, Part 4: Historical Coastal Cliff Retreat along the California Coast*, USGS, 2007). In this case, the Applicant did prepare a site-specific investigation of erosion hazards which more accurately determined potential hazards than the generalized models included in USGS maps, as the USGS maps are intended to address vast swathes of coastal lands rather than providing commentary on particular site conditions at any one location.

The Planning Commission considered geotechnical hazards based on information in the staff report and in testimony at the public hearing before approving the Project. The geotechnical analysis indicated that bluff erosion based on rates historically observed at this site over the next 100 years was projected between 10 and 40 feet. With this level of projected erosion over 100 years, erosion is not projected to reach the property because the Project site is located approximately 115 feet from the bluff edge.

The geotechnical engineer also generated an accelerated erosion rate by evaluating the last 15 to 20 years of erosion at the site and determined that the erosion rates have accelerated up to about 0.625 feet per year. With this projection based on more recent observed erosion rates, 62.5 feet of bluff retreat would be expected in the next 100 years (Attachment D). However, even under this accelerated erosion rate, erosion would not reach into the rear property line over 100 years, and most importantly, would not affect the proposed structure, which has a rear setback of more than 8 feet.

Furthermore, in response to Appellants' contention that the geotechnical analysis underestimates the rate of erosion compared to USGS figures of 2-3 feet per year, it is City Council's assessment the site-specific geotechnical analysis and the erosion rates specified therein are more accurate than a generalized rate of erosion developed to address large swathes of land by the USGS. This is because the geotechnical analysis prepared is based on the actual rates of erosion that has been observed at the site. The geotechnical analysis reviewed a 50-year span of retreat, and also specifically reviewed the rate of retreat seen in the last 15 to 20 years, and concluded that under both scenarios (average of 50-year timetable and an average of the last 15 to 20 years in particular), the Project is not threatened by erosion in the 100-year design life. Thus, due to its specificity in addressing particular site conditions, the rates of erosion reviewed in the geotechnical analysis is more persuasive than USGS figures that are not specific to particular site conditions. Moreover, Appellant has not provided any specific evidence that the geotechnical analysis, or the methodology used therein, is flawed. Instead, Appellant rests on speculation that higher erosion rates of 2-3 feet per year is more accurate.

The geotechnical hazard analysis did identify the potential for seismically-induced landslide on the Project site, but indicated the site is underlain by competent bedrock materials which will enable a suitable foundation design to mitigate this hazard. Therefore, the geotechnical engineer concluded that large-scale seismically induced landslide risk is relatively low for the site if all structures are constructed with the recommended foundation design. Condition of Approval No. 13 ensures that the Project will be built in accordance with all recommendations detailed in the

preliminary geotechnical investigation. The geotechnical hazard analysis did not identify any basis for concluding the Project would contribute to any destabilization of the adjoining bluff, nor any basis to suggest that the foundational strength of the subject site is questionable.

The Appellant does not provide any evidence for the claim in his appeal that the Coastal Commission has suggested the Applicant's geotechnical engineer is demonstrating any bias towards the proposed Project. These are assumptions that are not based in fact.

In addition, there is no basis to support Appellants' assertion "that the property should be used for "coastal erosion mitigation in accordance [with] SB379". California Senate Bill 379 requires all cities and counties to include climate adaptation strategies, goals, and policies in their General Plans. Specifically, the law requires public agencies to update their General Plans' safety element upon the city or county's next revision of a General Plan. If the local agency has a Local Hazard Mitigation Plan, beginning on January 1, 2017, the law requires that the public agency revise the plan to address climate adaptation and resiliency, and the plan can be incorporated by reference into the agency's General Plan safety element. SB 379 does not require public agencies to take any specific action with respect to a development project. Although Appellant contends the Project site should be used for coastal erosion mitigation in accordance with SB379, Appellant has not indicated which provision of SB 379 would require or authorize the City to take such action involving private property. SB 379 does not include any such requirement or authorization for the City. Therefore, there is no evidence in the record to support Appellant's contention that the Planning Commission's approval of the Development Permits was inconsistent with SB 379.

In conformance with SB 379, the City updated its Local Hazard Mitigation Plan in 2016, which included an evaluation of climate change impacts on the natural hazards facing Pacifica and the County of San Mateo. In addition, the City is currently updating its General Plan, which will include reference to the Local Hazard Mitigation Plan in the safety element. Furthermore, to the extent that Appellant's comments could possibly be construed to allege an inconsistency with the Local Hazard Mitigation Plan, there is no evidence to support such a claim. Nothing in the City's Local Hazard Mitigation Plan precludes the City's approval of the Development Permits.

For the aforementioned reasons, the Project would be consistent with the 100-year design life requirement in the City's LCLUP, and the City Council rejects this basis for appeal.

Basis 4. Geological Risks

A. *Summary of Appellant's comments: The Appellant contends that "penetrating the bedrock and putting huge amounts of weight" on the Project site "will create significant, additional stress on the bluff." Appellant claims that hydrology issues along Kent Road "will cause instability for the residence at the end of Danmann Ave./Shoreside Dr." Appellant states that the City is aware of hydrology issues in the area being affected by the water flowing under the subject property as demonstrated in the "street repairs [that took place in] 2019 to relieve underground springs." The Appellant quotes the City's Local Land Use Plan (pg. C-16) to elaborate on the need for a geologist to determine if a project will be adequate to withstand a 100-year hazard event, making the claim that the Project "will not stand for half that time."*

The Applicant provided a geotechnical hazard analysis prepared by a qualified geotechnical engineer. The geotechnical hazard analysis included a site study of relevant geotechnical hazards and recommendations to address them (Attachment H). The hazard analysis found that the

proposed Project would not likely be affected by coastal erosion during its assumed 100-year design life. Furthermore, contrary to Appellant's claim that the proposed Project would create significant and additional stress on the bluff, the geotechnical hazard analysis concluded the Project could be safely constructed to avoid large-scale seismically-induced landslides.

The geotechnical hazard analysis did not identify the presence of an underground stream at the Project site. The Appellant has not provided any evidence that the recently-observed flow of water within the Danmann Avenue public right-of-way would present a hazard to the proposed Project. Rather, the geotechnical hazard analysis prepared by the Applicant (Attachment H) identified that the Project site contains "highly expansive soils." As noted in the analysis, "Expansive soils derive their name from their propensity to change volume in response to changes in moisture content of the area. The pressures that the soils can exert as they expand are sufficiently high to move conventional building foundations." The analysis goes on to make a recommendation for the foundation design to overcome the potential hazard presented by expansive soils. As such, Condition of Approval No. 13 has been included to combat seasonal expansive soil movements and to ensure that a stable foundation system is put in place, as recommended by the geotechnical engineer (Attachment H, p. 5).

Because the City Council has adequately reviewed applicable geotechnical hazards over the 100-year design life of the proposed Project in accordance with the LCLUP, the City Council rejects this basis for appeal.

B. Summary of Appellant's comments: The Appellant claims that the California Coastal Commission has opined that the Project's proposed setback from the bluff is not adequate for the full design life of the project, which is assumed to be 100 years. Appellant believes that the Project should be analyzed by using the USGS average historical retreat rate of 2-3 feet/year, and that under this standard, the Project does not have a design life of 100 years, particularly when factoring the Coastal Commission's position of not approving shoreline armoring.

As analyzed above in Basis 9, Appellant's contention that the Project will not withstand the 100-year design life requirement is without merit. The 100-year design life requirement is found in the City's Local Coastal Land Use Plan (LCLUP). It states that the bluff setback and overall design lifetime of a project is required to be adequate to accommodate a minimum 100-year hazard event (LCLUP, C-19). All "appropriate setbacks [should] be determined on a case-by-case basis, depending on the site specific circumstances and hazards" (LCLUP, C-19). Appellant's contentions were discussed in further detail in Basis 9 and Basis 10, and that analysis is relevant to this basis as well.

As previously discussed under Basis 9, the Planning Commission considered geotechnical hazards based on information in the staff report and in testimony at the public hearing from the Applicant and the public before approving the Project. The Applicant prepared a site-specific geotechnical analysis prepared by a qualified professional geotechnical engineer based on actual observed erosion rates between years 1955 and 2000 (Attachment H). The geotechnical analysis indicated that projected future bluff erosion based on rates historically observed at the Project site over the next 100 years would be between 10 and 40 feet. With this level of projected erosion over 100 years, erosion would not reach the Project site because it is located approximately 115 feet from the bluff edge. The Applicant's geotechnical engineer also evaluated the last 15 to 20 years and found that the erosion rates went up to about 0.625 feet per year. With this projection based on more recent observed erosion rates, 62.5 feet of bluff retreat would be expected in the next 100 years (Attachment D). Even under the accelerated erosion rate, erosion would not reach into the rear property line over 100 years, and would not affect the proposed structure which has a rear setback of more than 8 feet.

The geotechnical hazard analysis did identify the potential for seismically-induced landslide on the Project site, but indicated the site is underlain by competent bedrock materials which will enable a suitable foundation design to mitigate this hazard. Therefore, the geotechnical engineer concluded that large-scale seismically induced landslide risk is relatively low for the site if all structures are constructed with the recommended foundation design. Condition of Approval No. 13 ensures that the Project will be built in accordance with all recommendations detailed in the preliminary geotechnical investigation.

Based on these reasons, there is sufficient information to support that the Project would be consistent with the 100-year design life requirement in the City's LCLUP, and the City Council rejects this basis for appeal.

Basis 5: Natural Resources

A. *Summary of Appellant's comments:* *The Appellant contends that the Project requires preparation of an environmental impact report (EIR) to comply with the California Environmental Quality Act (CEQA) for three reasons. First, Appellant claims that the site is "in a recorded waterfront danger zone." Second, Appellant contends that because the California Coastal Commission presented a letter "requesting some very concerning conditions of approval," an EIR is required. Third, Appellant provides that because the Coastal Commission commented that "Western Salamanders were found on the property," an EIR is also required on this basis.*

The Planning Commission found that the Project is categorically exempt pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15303. Here, the Appellant provides no express claim or evidence that the Project is not exempt under Section 15303. It is well established that when there is evidence that a Project qualifies for an exemption, the burden is on the challenger to provide evidence that an exception to the exemption applies. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.) Appellant does not dispute the Planning Commission's finding that the Project is exempt, and makes vague allegations that an EIR is nevertheless required. City Council addresses these allegations below, and concludes that this basis for appeal lacks merit.

As a starting point, the City has an obligation under CEQA to evaluate the potential environmental impacts of a discretionary action, such as the approval of a discretionary permit for a development (Public Resources Code Section 21080(a)). However, certain discretionary actions are exempt from environmental review (Public Resources Code Section 21080(b)(9); see also Public Resources Code Section 21084). The Secretary of the Natural Resources Agency has utilized this statutory authority to provide a list of categorical exemptions which are reflected in Section 15300 *et seq.* of the CEQA Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3).

Consistent with staff's recommendation, the Planning Commission found the Project to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303. Section 15303 states in part:

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and

the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

* * * * *

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

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

The subject Project fits within the scope of a Class 3 categorical exemption. Specifically, because the Project:

- (1) Includes one mixed-use building with 3,050 sf of gross leasable commercial floor area, which is smaller than the maximum size specified in CEQA Guideline Section 15303(c) in an urbanized area;
- (2) Includes six residential apartment dwelling units, which is consistent with the maximum number of dwelling units as authorized by CEQA Guideline Section 15303(b) in an urbanized area;
- (3) Would be located on a site zoned C-1 (Neighborhood Commercial)/CZ (Coastal Zone Combining) district, which permits commercial structures, associated uses, and mixed-uses;
- (4) Would not involve the use of significant amounts of hazardous substances in conjunction with the proposed commercial and residential uses because the C-1 zoning district allows only visitor-serving, typical retail/office, and residential uses, not other industrial or commercial activities which would utilize significant amounts of hazardous substances;
- (5) Would connect to existing public services and utilities already utilized by other existing structures in the immediate vicinity;
- (6) Would not be located on or near an environmentally sensitive site because the Project site is surrounded by other structures, driveways, and roadway; and
- (7) Is located within an urbanized area because the incorporated City of Pacifica, which had a population of 37,234 persons as of the 2010 U.S. Census, is contiguous with the incorporated City of Daly City which had a population of 101,123 persons as of the 2010 U.S. Census.

The Project qualifies for the exemption provided in Section 15303, “unless the project falls within an exception to the categorical exemption” (*Aptos Residents Assn. v. County of Santa Cruz* (2018) 20 Cal.App.5th 1039, 1046). Appellant has made no argument that the Project fails to satisfy this categorical exemption, nor offers any evidence in support of such a claim, and additionally has not provided any specific arguments or evidence that any exception to the categorical exemption applies.

With respect to the exceptions to the categorical exemption, Section 15300.2 of the CEQA Guidelines describes circumstances under which the exemptions may be inapplicable. The Planning Commission considered these exceptions to application of a categorical exemption, and found that none of the exceptions provided in Section 15300.2 of the CEQA Guidelines apply as described below:

- Sec. 15300.2(a): *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

“There is no evidence in the record that the Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project site is located within a substantially developed area comprised of commercial and residential uses and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.”

Appellant provides that an EIR is required due to the site being located in a recorded “waterfront danger zone.” Appellant is unclear regarding what is considered the “danger zone,” or whether the claim is tied to any CEQA exception, and Appellant has not provided any evidence, let alone substantial evidence, that the Project may result in an impact on any such “waterfront danger zone.” Furthermore, City Council is unaware of any “waterfront danger zones.” Accordingly, the City Council finds that there is not an impact on an environmental resource of hazardous or critical concern that is designated, precisely mapped and officially adopted pursuant to law.

While it is unclear, Appellant’s reference to a “waterfront danger zone” could be referring to the Project’s proximity to bluff and potential bluff retreat, and the alleged inability of the Project to meet the 100-year design life requirement. However, even conservatively assuming that Appellant’s arguments could be characterized as an environmental resource of hazardous or critical concern in an area designated or precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies, there is no evidence that the Project will cause any impact on the environment.² The City evaluated hazards which may be present on the Project site and identified potential coastal erosion and seismically-induced hazards. There is no evidence in the record to demonstrate the coastal erosion and/or seismically-induced hazards warrant further review under CEQA as potentially significant impacts on the environment. Rather, the City appropriately analyzed the hazards outside the CEQA context.³ The evidence in the record demonstrates that coastal erosion would not be expected to affect the proposed development, and that a properly engineered foundation design pursuant to the geotechnical analysis could allow the mixed-used development to be safely constructed on the site, taking into account maximum known erosion rates based on expert evidence and the Project’s setbacks, as further described in Basis 9. Thus, this exception does not apply.

² The California Supreme Court has held that CEQA requires an evaluation of a project’s impact on the environment, not the environment’s impacts on a project. (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.)

³ Landslides and earthquakes are geological events, rather than environmental resources, and thus, this exception does not apply to these hazards. (*Berkeley Hills Watershed Coalition v City of Berkeley* (2019) 31 CA5th 880, 891.)

- Sec. 15300.2(b): *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

“There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. In staff’s assessment the subject Project and the proposed project on the adjacent 277 Kent Road site are not “successive projects of the same type in the same place.” The subject Project is a mixed-use project consisting of a three-story building with ground floor commercial use and up to two stories of residential use spread across six residential units above, with off-street parking facilities consisting of surface parking spaces. In contrast, 277 Kent is a single-family residence consisting of a two-story residential structure and off-street parking facilities consisting of a detached garage and carport. The projects serve different purposes and they can be implemented independently. There is no shared infrastructure which would enable one project to occur subsequent to the other, and the uses are unrelated to one another. Moreover, the 277 Kent project would replace an existing single-family residence on the site, resulting in the same baseline use on the site (one single-family residence) and thus, would not result in a change, cumulative or otherwise, in environmental impacts in the project area. Lastly, there is no evidence in the record of any significant environmental impacts which would occur on a cumulative basis from both projects.”

Appellant does not raise a challenge based on any cumulative impact, nor submits any evidence that the exception applies. Thus, based on the evidence in the record, this exception does not apply.

- Sec. 15300.2(c): *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

“There is no evidence in the record of any possibility that the Project will have a significant effect on the environment due to unusual circumstances. The Project site is a vacant lot with relatively flat topography and no habitat value. It is zoned for commercial development where residential development is conditionally permitted in the upper stories of a building containing commercial use. The Project will involve in-fill mixed use development consistent with the applicable zoning standards. Therefore, there are no unusual circumstances applicable to the Project.”

Appellant does not raise a challenge based on the existence of any purported special circumstances, nor provides any evidence that any special circumstances exist. The Supreme Court provided that the unusual circumstances exception can be established by satisfying one of two tests. (*Berkeley Hillside*, 60 Cal.4th at 1105.) A project is not exempt if the project (1) has some unusual circumstances (such as size or location) which distinguishes the project from the categorically exempt class of projects, and (2) it can be shown that due to such unusual circumstances, there is a reasonable possibility of a significant effect on the environment. (*Id.*) Unusual circumstances are those that (i) “differ from the general circumstances of the projects covered by the particular categorical exemption” and (ii) “create an environmental risk that does not exist for the general class of exempt projects.” (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1207.) Courts have also determined

that the unusual circumstances determination is a factual inquiry made by the local agency, and courts defer to the local agency's determination provided that substantial evidence is offered in support.

Here, Appellant does not provide any evidence of unusual circumstances. Nor do any unusual circumstances exist. Assuming conservatively that Appellant contends an EIR is required due to the site being located in a recorded "waterfront danger zone", and this constitutes an unusual circumstance, this argument lacks merit. Because Pacifica features more than five miles of coastal bluffs, much of which permits residential and/or commercial activities that proximity to such bluffs, this Project's proximity to a bluff does not constitute an unusual circumstance in Pacifica. The presence of coastal erosion and seismically-induced hazards affect a broad range of properties across the City. Thus, proximity to bluffs do not, on their own, constitute unusual circumstances. Thus, there is nothing in the record that supports that the Project is distinguishable from other categorically exempt projects, or creates an environmental risk that does not exist for the general class of exempt projects. Accordingly, City Council's assessment is that no unusual circumstances exist.

Even assuming arguendo that unusual circumstances exist, there is no evidence that due to any such unusual circumstances, there is a reasonable possibility of a significant effect on the environment due to unusual circumstances. There is no evidence in the record to demonstrate the coastal erosion and/or seismically-induced hazards warrant further review under CEQA as potentially significant impacts on the environment. Rather, the City appropriately analyzed the hazards and determined coastal erosion would not be expected to affect the proposed Project, and also determined that a properly engineered foundation design could allow the mixed-used development to be safely constructed on the site. Moreover, there is no evidence that the Project itself contributes to or exacerbates such conditions. Thus, this exception does not apply.

- Sec. 15300.2(d): *Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

"The Project is not proposed within a highway officially designated as a state scenic highway. Therefore, the provisions of subsection (d) are not applicable to this Project."

Appellant does not contend that the Project is located within a scenic highway and there is no evidence that this exception applies, as no designated scenic highway is within close proximity to the Project. Thus, the evidence in the record shows that this exception does not apply.

- Sec. 15300.2(e): *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

"The Project is not proposed on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the provisions of subsection (e) are not applicable to this Project."

Appellant does not contend that the Project is located within a hazardous waste site. Thus, the evidence in the record demonstrates that this exception does not apply.

- Sec. 15300.2(f): *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

“The Project will not cause a substantial adverse change in the significance of a historical resource. There are potential historic resources located in the vicinity of the Project site. However, a report prepared by a qualified architectural historian, Christopher VerPlanck of VerPlanck Historic Preservation consulting (December 19, 2019) (Attachment E of the Staff Report), evaluated potential historic resources in the vicinity of the Project site, and concluded the proposed Project will not cause a substantial adverse change in the significant of a historical resource. Specifically, the report prepared by the qualified architectural historian concludes that the existing buildings on the Project site are dilapidated, wood-frame, vernacular structures, and that none of these structures are listed on a local, state, or national register of historic places. Moreover, the report concluded that the potentially historic buildings known as the Pedro Point Firehouse, Tobin Station, and 1467 and 1482 Danmann Avenue would not be adversely impacted by the proposed Project.”

Appellant does not contend that the Project implicates historical resources, nor is there evidence in the record to support such a claim. Thus, the evidence in the record demonstrates that this exception does not apply.

Because the Project is consistent with the requirements for a Class 3 categorical exemption pursuant to CEQA Guidelines Section 15303, and because none of the exceptions to application of a categorical exemption provided in CEQA Guidelines Section 15300.2 apply, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA and an EIR is not required.

Lastly, Appellant provides that because the Coastal Commission commented that “Western Salamanders were found on the property,” an EIR is also required on this basis. This assertion misconstrues the Coastal Commission’s comments as the CCC did not state that an EIR was required. On March 10, 2020 Planning Department staff received an email from the California Coastal Commission, which noted the presence of a California Slender Salamander which was observed on or adjacent to the Project site by the Applicant’s biologist. As determined by the California Department of Fish and Wildlife, the California Slender Salamander is not a special status species (California Department of Fish and Wildlife Special Animal List⁴). Therefore, there are no special requirements under CEQA or any other law to further study the presence of the California Slender Salamander prior to making a determination on the pending discretionary action. Contrary to Appellant’s claims, an EIR is not required for this Project and the City Council rejects this basis for appeal.

B. Summary of Appellant’s comments: The Appellant contends that the City is approving development where “new climate change models are being introduced and updated with more dire projections,” and the City should not approve development in these areas due to “the real threat of man-made climate change.” In support of this argument, Appellant cites that the taxpayers of Pacifica have had to “pay millions of dollars to remove multiple buildings through emergency evacuation orders,” and questions why the City would want to approve projects that may require more emergency removals near the bluff.

⁴ Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>.

The Appellant does not provide any evidence to substantiate the claim that there are new climate change models which are relevant to the City's review of the proposed Project. Any such models may be relevant for purposes of evaluating the minimum 100-year hazard event as required in the City's LCLUP (p. C-19). However, as discussed more fully in Basis 11, above, the Applicant prepared a geotechnical hazard analysis which satisfied the requirements of the City's LCLUP.

Though the Appellant claims that taxpayers of Pacifica have had to pay millions of dollars to remove multiple buildings through emergency evacuation orders, the Appellant has provided no evidence to substantiate this claim. The actual cost of such removals in recent years has been far less, and in any case, the Appellant has not indicated the relevance of those removals to the findings required for approval of the subject Development Permits. The applicable requirement in this instance is analysis of 100-year geotechnical hazard events, which have been satisfactorily evaluated and support a conclusion that geotechnical hazards are not likely to affect the Project site over the next 100 years. Any other claim by the Appellant in relation to geotechnical hazards is unsubstantiated and speculative.

Because the Applicant has adequately reviewed applicable geotechnical hazards over the 100-year design life of the proposed Project in accordance with the LCLUP, the City Council rejects this basis for appeal.

C. Summary of Appellant's comments: The Appellant contends that the proposed Project does not comply with Section 30251 of the California Coastal Act, which discusses the enhancement of visual quality and views within coastal areas⁵. The Appellant contends that the Project is "not compatible with [Section 30251] and ought to be denied."

Contrary to the Appellant's claims, the Project does comply with Section 30251 of the Coastal Act by "[m]aximiz[ing] public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners" (Pub. Resources Code § 30001.5(c)). As determined by the Planning Commission, the Project comports with the City's LCLUP policies, including Coastal Act Policy Nos. 2, 5, 23, and 26.

The City's LCLUP contains coastal view corridors, which would limit development in certain designated areas in order to preserve public spaces (not to preserve any private views from private property). The subject site is not in a designated viewshed/corridor within the City's LCLUP, and is therefore not in an area that is intended to be preserved or an area that otherwise would not allow development.

In addition, the Project site is not designated as a highly scenic area by the California Coastline Preservation and Recreation Plan, which means that development is not restricted by a requirement to maintain the area for preservation or recreational reasons that would be found in the Coastal Act. In fact, neither staff at the California Coastal Commission nor staff at the

⁵ Full text of Section 30251 is as follows: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."

California Department of Parks and Recreation (“State Parks”) were familiar with the Plan. The only version of the Plan located through an online search dated from Governor Reagan’s administration in 1971. City Council’s review of the Plan did not identify any specific mapping of the Project site. Rather, as explained throughout the May 4, 2020 Planning Commission Staff Report (Attachment C), the proposed Project would comply with the City’s General Plan, Local Coastal Program, and Zoning Ordinance. The City’s Local Coastal Program, including the LCLUP, has been certified by the California Coastal Commission and is therefore in compliance with the Coastal Act, including but not limited to the development standards applicable to the subject site which allow for mixed-use development in the manner proposed with the Project. Therefore, the City Council rejects this basis for appeal.

Basis 6: Consider for Lot Merger in Accordance with City Regulations

A. *Summary of Appellant’s comments:* *The Appellant states that development at the subject site “must be part of any development at APN 023-013-030,” and due to their common ownership and the City’s regulations, all of these lots must be merged. Appellant provides that the lots were merged in the 1980s. Further, Appellant contends that the “zoning of the [Project site] is a moot argument” because “there has never been any historical commercial use or any use of the [Project site] other than storage of two pet [llamas].” The Appellant concludes that the only use of the Project site has been residential use, that the standard the City should apply is the “existing conditions,” that the City cannot make an exception from residential use for future development, and the Project should be denied.*

The criteria for merger of nonconforming lots are contained in PMC Section 10-1.1201, and require an evaluation of the nonconforming lot and all contiguous lots or parcels that are in common ownership.

Staff provided the Planning Commission with an analysis of the criteria for lot merger and concluded, based on information contained in the Project file, that the subject lot does not meet the criteria in subsection (a) of PMC Section 10-1.1201 for merger with the adjacent lot in common ownership (Attachment C, p. 3). A qualified architectural historian, hired by the Applicant, estimates the structures on both lots were constructed between 1915 and 1930, when the County of San Mateo did not impose building permit requirements on commercial structures or residential structures. Therefore, both affected lots are developed by structures for which building permits were not required at the time of construction. Secondly, neither site is developed with only an accessory structure or structures. The structure near the northern property line of 1300 Danmann Avenue is not an accessory structure to 277 Kent Road, but is instead a commercial structure related to the prior commercial use of the subject site, where other affiliated commercial buildings are believed to have burned down in the 20th century. Lastly, neither site is developed with a structure other than an accessory structure which is also partially sited on the other site. For these reasons, the subject lot does not meet the criteria in subsection (a) of PMC Section 10-1.1201 and therefore does not need to be merged with the adjacent lots.

The Planning Commission considered information relevant to the merger of the subject site with adjacent parcels, and staff demonstrated to the Planning Commission that merger of these lots was not warranted. Furthermore, there is sufficient information to support a finding that the City was not required to merge the subject site with adjacent parcels. Therefore, the City Council rejects this basis for appeal.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the finding that the Revised Project qualifies for a Class 3 exemption under

California Environmental Quality Act (CEQA) Guidelines Section 15303. CEQA Guidelines Section 15303 applies to the Revised Project as described below:

1. That the Revised Project is exempt from the CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines, which state in pertinent part as follows:

15303. New Construction or Conversion of Small Structures

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

* * * * *

- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The subject Revised Project fits within the scope of a Class 3 categorical exemption. Specifically, the Revised Project:

- (1) Includes one mixed-use building with 2,292 sf of gross leasable commercial floor area, which is smaller than the maximum size specified in CEQA Guideline Section 15303(c) in an urbanized area;
- (2) Includes four residential apartment dwelling units, which is consistent with the maximum number of dwelling units as authorized by CEQA Guideline Section 15303(b) in an urbanized area;
- (3) Would be located on a site zoned C-1 (Neighborhood Commercial)/C-Z (Coastal Zone Combining) district, which permits commercial structures, and associated uses, and mixed-uses;
- (4) Would not involve the use of significant amounts of hazardous substances in conjunction with the proposed commercial and residential uses because the C-1 zoning district allows only visitor-serving, typical retail/office, and residential uses, not other industrial or commercial activities which would utilize significant amounts of hazardous substances;
- (5) Would connect to existing public services and utilities already utilized by other existing structures in the immediate vicinity;

- (6) Would not be located on or near an environmentally sensitive site because the Revised Project site is surrounded by other structures, driveways, and roadway; and
- (7) Is located within an urbanized area because the incorporated City of Pacifica, which had a population of 37,234 persons as of the 2010 U.S. Census, is contiguous with the incorporated City of Daly City which had a population of 101,123 persons as of the 2010 U.S. Census.

For these reasons, there is substantial evidence in the record to support a finding that the Revised Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the Revised Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Revised Project site is located within a substantially developed area comprised of commercial and residential uses and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. In City Council's assessment the subject Revised Project and the proposed project on the adjacent 277 Kent Road site are not "successive projects of the same type in the same place." The subject Revised Project is a mixed-use project consisting of a two-story building with ground floor commercial use and one story of residential use spread across four residential units above, with off-street parking facilities consisting of surface parking spaces. In contrast, 277 Kent is a single-family residence consisting of a two-story residential structure and off-street parking facilities consisting of a detached garage and carport. The projects serve different purposes and they can be implemented independently. There is no shared infrastructure which would enable one project to occur subsequent to the other, and the uses are unrelated to one another. Moreover, the 277 Kent project would replace an existing single-family residence on the site, resulting in the same baseline use on the site (one single-family residence) and thus, would not result in a change, cumulative or otherwise, in environmental impacts in the project area. Lastly, there is no evidence in the record of any significant environmental impacts which would occur on a cumulative basis from both projects.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Revised Project will have a significant effect on the environment due to unusual circumstances. The Revised Project site is a vacant lot with relatively flat topography and no habitat value. It is zoned for commercial

development where residential development is conditionally permitted in the upper stories of a building containing commercial use. The Revised Project will involve in-fill mixed use development consistent with the applicable zoning standards. Therefore, there are no unusual circumstances applicable to the Revised Project.

- Sec. 15300.2(d): The Revised Project is not proposed within a highway officially designated as a state scenic highway. Therefore, the provisions of subsection (d) are not applicable to this Revised Project.
- Sec. 15300.02(e): The Revised Project is not proposed on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the provisions of subsection (e) are not applicable to this Revised Project.
- Sec. 15300.2(f): The Revised Project will not cause a substantial adverse change in the significance of a historical resource. There are potential historic resources located in the vicinity of the Revised Project site. However, a report evaluating the Revised Project prepared by a qualified architectural historian, Christopher VerPlanck of VerPlanck Historic Preservation consulting (October 22, 2020) (Attachment N of the Appeal Staff Report), evaluated potential historic resources in the vicinity of the Revised Project site, and concluded the proposed Revised Project will not cause a substantial adverse change in the significance of a historical resource. Specifically, the report prepared by the qualified architectural historian concludes that the existing buildings on the Revised Project site are dilapidated, wood-frame, vernacular structures, and that none of these structures are listed on a local, state, or national register of historic places. Moreover, the report concluded that the potentially historic buildings known as the Pedro Point Firehouse, Tobin Station, and 1467 and 1482 Danmann Avenue would not be adversely impacted by the proposed Revised Project in part because the architectural design of the Revised Project would be compatible with the historical character of these buildings located in the surrounding area.

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

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

- A. *Site Development Permit PSD-843-19.* The City Council finds that none of the following findings can be made that would preclude issuance of a site development permit under PMC Section 9-4.3204:
- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

The approximately 2,292 sf of commercial space proposed for the Revised Project site is consistent with and smaller than nearby commercial development projects that are located in relatively close proximity to the site. The Pedro Point Shopping Center (5400-5450 Coast Highway), located approximately 730 feet away, is approximately 30,000 sf in area. An Ace Hardware Store (560 San Pedro Avenue), located approximately 986 feet away, is approximately 9,000 sf in area. Furthermore, the number of residential units proposed on the site is below the maximum of seven units which could be allowed under the General Plan and zoning density standards specified for the site, which allow one dwelling unit per 2,000 sf of site area. Therefore, the size and intensity of the site are in character with the general character and intensity of the neighborhood.

Moreover, the location, size, and intensity of the proposed Revised Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The Revised Project would include a 20' wide driveway, which would provide access to the combined commercial and residential parking area. The driveway width meets the 20' width specified for a driveway for two-way traffic per PMC Section 9-4.2813(c)(3). This would provide the required width for safe entry and departure of vehicular traffic to and from the site. The City's Engineering Division staff reviewed the development proposal to ensure the new development would be constructed in a safe manner and in accordance with all City standards and good engineering practice. The Revised Project would also include installation of a new sidewalk along the frontage of the property along Danmann Avenue and Kent Road where currently no sidewalk is existing, improving pedestrian safety. These features would ensure that the Revised Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

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

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

The Revised Project would not create a hazardous or inconvenient condition to adjacent or surrounding uses as a result of the proposed parking. As noted above, the driveway width meets zoning standards and the design has been reviewed by Engineering Division staff to ensure safety. The proposed parking area is located to the rear of the building in the central portion of the site with adequate width and parking stalls for safe circulation of cars. Cars would enter and exit the property from Kent Road, which is a public street. Kent Road has a low traffic volume from 17 single-family residences which front on the street. The volume of traffic and slow 25 miles per hour speed limit of Kent Road would not present unsafe conditions for cars entering or exiting the two-way street.

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

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

The Revised Project would provide a total of 18.2 percent of the site area in landscaping, in excess of the 10 percent zoning standard. The only service areas of the Revised Project would be the trash room. The Revised Project would include a trash room on the first floor in between both commercial spaces, which would be enclosed by a door to make it less visible from the street.

The Revised Project would not feature large expanses of paving that is visible from the street. The driveway would be accessed through Kent Road, which would limit the view exposure from Danmann Avenue to this narrow vantage. Landscaping planter strips would be located immediately adjacent to most of the off-street parking area to soften views from outside the parking area. Most importantly, there are three landscaping strips along Kent Road. The remainder of the parking area would be obscured from public view by the proposed building.

Commercial development on the Revised Project site is located to take advantage of the Danmann Avenue frontage and relate to the street, and there would be additional landscaping along the sidewalk in front of the structure and along the street to break up the expanse of the paving along the front.

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

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

With a height of 29'-4", the maximum height of the proposed buildings would not exceed the allowed 35 feet. The proposed building is setback from the northern and western property boundaries by 17'-1" and 19'-0" setbacks, respectively. Existing development located to the west would be located at appreciably higher grade due to higher topography and the proposed building would not affect access to light and air for the new single-family residence approved at 277 Kent Road. There are no structures located immediately to the north of the proposed building.

The proposed building is setback from the southern and eastern property boundaries by 10'-0" and 2'-2" respectively, with the majority of the structure located within 6'-0" of Danmann Avenue (eastern side). However, the 50-foot wide Danmann Avenue right-of-way provides adequate spacing between the proposed Revised Project and existing buildings located across the street such that the proposed Revised Project would not unreasonably restrict or cut out light and air on the Revised Project site or on other property in the neighborhood. The 40-foot wide Kent Road right-of-way, in addition to the 10-foot setback, also provides adequate spacing between the proposed project and

existing buildings located across the streets. The large separation provided by these rights-of-way, which is well in excess of setbacks customary for development on adjacent sites, combined with the relatively low proposed building height of 29'-4" and much higher topography to the west which already limits low-angle sunlight from reaching the Revised Project site, would result in limited opportunities for the Revised Project to cast shadows on adjacent developments.

As more fully discussed below under Design Guidelines and General Plan consistency, the commercial portion of the proposed structure would be located primarily on the east end of the site on Danmann Avenue with 2'-2" to 5'-8" setbacks from the property line. This would establish a pattern of proper street orientation for buildings for other commercially-zoned properties along Danmann Avenue if developed in the future. The quality architecture and materials of the proposed building would similarly reinforce quality building design of other future commercial buildings as well as surrounding residentially-zoned sites. The distance provided by the side setback of the Revised Project from the site at 277 Kent Road as well as the separation provided by the Kent Road and Danmann Avenue public rights-of-way described above would also ensure the proposed building would not crowd other nearby residentially-zoned properties, thus, allowing for their proper development and use. The Revised Project would also reinforce proper use of commercially-zoned properties in the area with its proposed mix of both commercial and residential land uses which would be consistent with the C-1 zoning of the property and other established mixed use buildings on neighboring C-1 zoned properties. Moreover, the 29'-4" height of the proposed building and its location at the site's lowest elevations would minimize apparent height and massing to any surrounding development. These same factors which ensure appropriate development and use of land and buildings in the neighborhood also would prevent an impairment of the value thereof because of the ongoing ability to undertake residential and commercial uses on surrounding sites.

Based on these factors, the City Council finds that the Revised Project's orientation to the street along Danmann Avenue, use, height, mass, architectural design, and materials are appropriate and would not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, and also would not impair the value thereof. Therefore, the City Council does not believe there is evidence to make this finding.

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

The Revised Project includes a mixed-use commercial and residential structure. Thus, it is not possible to separate the commercial component of the structure from the residential component for purposes of this finding. However, the mixed-use structure, as shown on the elevations as submitted, would not be detrimental to the character or value of the adjacent R district to the west.

The Revised Project site abuts the R-1 (Single-Family Residential) zoning district to the west. The commercial portion of the proposed structure would be located primarily on the east end of the subject site along Danmann Avenue, most distant from the R-1 district, and would not be visible from the R-1 zoning district because it would be obscured below grade due to changes in topography. The area between the commercial portion of the structure and the R-1 zoning district to the west would consist of surface parking and landscaped areas. The residential portion of the building along Danmann Avenue and the

residential building to the north would both have the same quality architecture and materials on the interior parking lot elevations as on the exterior street-facing elevations. This would result in a pleasant aesthetic when viewing the residential portions of the proposed building (the only portions visible) from the R-1 zoning district. Thus, the proposed building would not be detrimental to the character or value of the adjacent R District area.

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

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

The Revised Project would involve minimal grading and no distinctive natural features are present on the site. There are no trees being removed, and the proposed structure would be built into the existing slope of the property. Based on these factors, the City Council does not believe there is evidence to make this finding.

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

The proposed building incorporates several elements in the design of the structure to avoid monotony in external appearance. These elements include varied roof lines and building profile due to the variation in height and levels between the front and the rear portions of the building and incorporation of materials such as metal railings for the balconies, stone and horizontal siding for exterior finishes, and large glass windows that characterize the facades of the building. The Revised Project includes plantings consisting of shrubs, perennials, and grasses to lend interest to the site. Moreover, the proposed building would be consistent with the City's adopted Design Guidelines, as further discussed below.

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

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

In the City Council's assessment, as conditioned, the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines are discussed below:

SITE PLANNING

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

Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.

There are no distinctive natural features present on-site. The proposed building takes cues from the shape and orientation of the site in its arrangement of uses on the site. The building has an “L” shape which allows most of the building to be placed at the lowest elevations to minimize apparent height and massing to surrounding development. The chosen building placement also allows for a portion of the building to be constructed into the hillside, further minimizing building height and mass, and construction of the off-street parking area at the second story level to minimize the need for extensive grading. Establishment of residential uses at the second story allows them to capture views of the Pacific Ocean and hills which are visible to the north, east, and south of the Revised Project site.

- b. *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.*

As shown on Sheets A3.1 and A3.2 of the Revised Project Plans (Attachment J of the Appeal Staff Report), the proposed development would include exterior lighting on all elevations. The lighting fixture proposed is a downlight, which would be attached to the walls of the proposed building. As such, the proposed lighting would not create glare for occupants and neighbors. Additionally, City Council has included a condition of approval that sets the parameters for the lighting plan for the site, subject to the satisfaction of and approval by the Planning Director, prior to building permit issuance, in the event other exterior lighting is incorporated in the development at a later stage.

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

The Revised Project proposes parking for both the residential units and the commercial space on-site, located behind the structure. The parking lot would be accessed by a driveway leading into the site from the side street on Kent Road. The parking area would not be visible from the front of the building due to its location and landscaping screening.

BUILDING DESIGN

- d. *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.*

The scale of the proposed mixed-use building would be consistent with the surrounding area. The building scale would not differ significantly from other mixed-use projects approved in the surrounding area, including the mixed-use buildings at 505 San Pedro Avenue (approved by the City but pending Coastal Commission approval) and 535 San Pedro Avenue (under construction). In the immediate vicinity, the two-story scale of the project along Danmann Avenue would be consistent with the two-story developments at 1207, 1244, and 1263 Danmann Avenue, and the tower element and high peak of the gable roof of the Pedro Point Firehouse. The two-story design would also be in scale with development in the surrounding area because the adjacent approved development at 277 Kent Road to the west is located at appreciably higher grade. The renderings on Sheet A0.3 of Attachment J of the Appeal Staff Report demonstrate the appropriate scale of the proposed Revised Project in relation to surrounding buildings. As such, the scale of the proposal is compatible with development in the vicinity.

- e. *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.*

As shown in the renderings on Sheet A0.3 (Attachment J of the Appeal Staff Report), the proposed building includes several architectural features and details that help create a sense of human scale. These features and details include a broken up roofline along Danmann Avenue, dormers on each building elevation, balconies with metal railings on the upper floor, an open common area in the middle of the building along Danmann Avenue, and large windows with an adjacent sidewalk at the ground floor.

- f. *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.*

The predominant materials employed in the proposed building include wood, stone and metal siding for exterior finish. The first floor of the front façade is emphasized with the use of stone for exterior finish and the second floor would have metal railings for the balconies. While these materials bring variety to the appearance of the building, they are also consistent with one another overall and the use of wood vertical siding is compatible with the exterior finishes of adjacent buildings.

To further ensure consistency with the many older buildings in the vicinity of the Revised Project site, the Applicant obtained an architectural compatibility analysis prepared by a historic preservation architect (Attachment N of the Appeal Staff Report), which states that the Revised Project would not cause a substantial adverse change in the significance of any historical resources of the Pedro Point-Shelter Cove neighborhood. The report utilizes the Secretary of Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings, which is an analytical tool for understanding and describing the potential impacts of changes to historic properties.

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

As shown on Sheet A0.2 of the Revised Project Plans (Attachment J of the Appeal Staff Report), the proposed color palette consists predominately of two colors, consistent with the different color schemes of adjacent buildings. A dark accent color is used for the door and metal window frames and railings that add interest to the proposed building in an environment where accent colors vary from dark to light.

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

The proposed building is architecturally consistent on all four elevations. Although the number of openings on the various facades of the building varies, the Applicant has carried the same materials, architectural detailing, and shape of window openings on all sides of the proposed buildings.

LANDSCAPING

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

The Revised Project proposes approximately 2,644 sf of area in landscaping, which constitutes 18.2 percent of the lot size and exceeds the minimum required 10 percent of Revised Project site in landscaping. The proposed planting palette includes various perennials, shrubs and grasses and is appropriate for the site and proposed structure. The majority of the landscaped area would be on the northern end of the property, with strips of landscaping also breaking up the parking lot and sidewalk in front. The front façade of the proposed building relates directly to the street and the proposed landscaping is not directed at concealing the building.

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

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

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

GENERAL PLAN

○ Circulation Element

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

Access to the proposed combined commercial and residential off-street parking area would be provided through a 20'-0" wide driveway from Kent Road. The commercial component of the Revised Project would be located on and accessed from a new sidewalk installed along Danmann Avenue. The proposed driveway width meets the 20-foot width specified for a driveway for two-way traffic serving two or more dwelling units per PMC Section 9-4.2813(c)(3), and would serve as ingress/egress for the property. Thus, conflicts from entering and exiting should be simple for drivers to resolve given the large driveway width and clear line-of-sight present along the straight driveway. The new sidewalk to provide pedestrian access along Danmann Avenue and Kent Road would be consistent with the City's Complete Streets Policy and would enhance safe pedestrian access to the Revised Project. The City's Engineering Division staff has reviewed the development proposal to ensure the new development would be constructed in a safe manner.

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

The Revised Project proposes commercial development immediately adjacent to Danmann Avenue and would include the installation of a sidewalk that would facilitate pedestrian circulation in the area on Danmann Avenue as well as Kent Road. This portion of the Pedro Point neighborhood is relatively flat, resulting in a walkable neighborhood. In addition, the Applicant has also provided a three loop wave style bicycle rack for five bicycles, in excess of the two spaces required by the City's zoning standards. These characteristics are likely to encourage walking and bicycling to the subject location from areas in the vicinity.

○ Community Design Element

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

The Revised Project would improve the general area of Pedro Point, consistent with the objectives for this area as enumerated in the Pedro Point neighborhood narrative in the General Plan. The commercial component of the Revised Project would be of interest to visitors and members of the community. The construction of four residential units would also create housing opportunities for which there is a great need as demonstrated in the City's adopted Housing Element of the General Plan.

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

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

- Land Use Element

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

The proposed mixed-use development is consistent with the commercial and residential uses in the Pedro Point neighborhood, by including both commercial and residential uses and more recently mixed-use developments combining commercial and residential uses. Furthermore, as indicated earlier in this report, the Pedro Point neighborhood narrative in the General Plan envisions the area to be mixed with commercial and residential uses and the proposed Revised Project is consistent with that objective.

LOCAL COASTAL PLAN

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

The proposed Revised Project is not located on an oceanfront parcel. Therefore, the development would not interfere with the public's right of access to the sea.

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

The commercial component of the Revised Project would serve visitors as well as members of the Pacifica community. The types of uses have not yet been determined by the Applicant; however, the Revised Project proposes to include a deed restriction that prohibits restaurants and fitness studios in the retail space. The inclusion of two one-bedroom and two two-bedroom apartment units in the development would create a range of housing opportunities and particularly for the one-bedroom apartment units, would provide an opportunity for housing opportunities for persons of low and moderate income. The housing units would be developed in conformity with the standards, policies, and goals of the City's Housing Element, including the provision of four housing units towards the City's 413-unit Regional Housing Needs Allocation for the period from 2015-2023.

- Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate*

public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Where feasible, new hazardous industrial development shall be located away from existing developed areas. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The proposed development would be constructed on an infill lot on Danmann Avenue. All utilities are available in the immediate surrounding area and adequate capacity exists within these utilities to service the proposed development. Therefore, the site would be developed contiguous with existing developed areas able to accommodate the proposed development and would not have significant adverse effects on coastal resources.

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

- Coastal Act Policy No. 26, Subsections (a) and (b): *New development shall:*
 - *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
 - *Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs.*

The new development proposed with this Revised Project would be consistent with Subsections (a) and (b) of Coastal Act Policy No. 26. The Applicant prepared a site-specific geotechnical analysis prepared by a qualified professional geotechnical engineer. The geotechnical analysis indicated that bluff erosion over the next 100 years was projected to be between 10 and 40 feet. The bluff erosion estimate was based, in part, on review of historic aerial imagery of the specific Revised Project area instead of more general area-wide erosion estimates available from other sources.

The geotechnical analysis did identify the potential for seismically-induced landslide on the site, but indicated the site is underlain by competent bedrock materials which will enable a suitable foundation design to mitigate this hazard. Therefore, the geotechnical engineer concluded that large-scale seismically induced landslide risk is relatively low for the site if all structures are constructed with the recommended foundation design. City Council has included a condition of approval to ensure the geotechnical engineer's recommendations are incorporated into the building design.

Given the Revised Project site is located approximately 115 feet from the ocean at its closest point, the proposed mixed-use development would be located over 17 feet into the property, and an engineering design for the foundation would mitigate seismically-induced landslide risk for the Revised Project, there is no

information to suggest that the proposed development will be subject to high geologic, flood, or fire hazard during its design life, which is assumed for purposes of this analysis to be 100 years. Therefore, there is sufficient information to support a finding that the Revised Project would be consistent with this policy.

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

B. *Coastal Development Permit CDP-409-19.* The City Council hereby makes the following findings required by PMC Section 9-4.4304(k) prior to issuance of a Coastal Development Permit:

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

As more fully described above, the Revised Project would be consistent with the City's certified LCP because it would provide a commercial use that would serve visitors as well as the members of the Pacifica community. It would provide four residential units, including two one-bedroom units, which would likely be more affordable than housing opportunities with larger floor plans available elsewhere in the city. The architecture and design of the proposed building would be compatible with its surroundings. The Revised Project site is an infill lot, approximately 115 feet (at its closest point) inland from the coast line; it would not impact biological resources, and can be constructed safely with recommendations of a qualified geotechnical engineer incorporated into the building plans. Therefore, the City Council believes there is sufficient evidence to find that the Revised Project is in conformity with the City's certified Local Coastal Program.

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

The Revised Project site is located between the shoreline and the nearest public road, Kent Road. However, the Revised Project site is located approximately 115 feet from the shoreline and is not located on an oceanfront parcel or on an upland parcel upon which coastal recreation is dependent. Therefore, the Revised Project would not affect public recreation along the shoreline and thus, is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

C. *Use Permit UP-118-19.* The City Council hereby makes the following findings required by PMC Section 9-4.3303 prior to issuance of a Use Permit:

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

The Revised Project requires a use permit for the development of residential use above the ground floor in the same building as a commercial use.

The Revised Project would result in the development of four residential apartment units and first floor commercial space. Creation of housing is an important City objective as stated in the City's 2015-2023 Housing Element of the General Plan. The City has an identified need of at least 413 new housing units during the planning period covered in the Housing Element. Therefore, creating additional housing would benefit the general welfare of the City. Development of four residential units would not generate significant additional traffic, and off-street parking consistent with zoning standards would be provided for all residential units. The development would occur on a lot that has access to public utilities, including but not limited to water, sewer, and electricity. The Revised Project's architectural design is appealing, would feature an appropriate mix of materials and appropriate scale for the neighborhood, and would not adversely affect any surrounding properties.

Commercial use is permitted within the C-1 zoning district. The maximum leasable floor area is 2,292 sq. ft. and can only be accessed from Danmann Avenue. The relatively small size of the commercial area would not be likely to generate commercial activity with significant noise or traffic. The inclusion of this commercial space would also reinforce the visitor-serving character of the area as intended in the General Plan and Local Coastal Program. Therefore, the proposed commercial area would not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood.

Therefore, the Revised Project would not have a detrimental impact on the health, safety, or welfare of the persons residing or working in the neighborhood.

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

As described in the findings above for approval of Site Development Permit PSD-843-19, the Revised Project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, and Land Use elements. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and permissible uses of the C-1 (Community Commercial) district. The Revised Project would also comply with Coastal Act Policy Nos. 2, 5, 23 and 26 of the LCLUP. Additionally, it would be consistent with the neighborhood narrative for the Pedro Point-Shelter Cove neighborhood, particularly including the creation of a commercial use, which would be attractive to visitors, and creation of housing opportunities that should be more affordable than other housing elsewhere in the city.

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

As described in further detail above, as conditioned, the Revised Project would be consistent with the City's adopted Design Guidelines. In particular, the

Revised Project would be consistent with guidelines related to Site Planning, Building Design and Landscaping.

D. *Sign Permit S-131-19.* The City Council hereby makes the following findings required by PMC Section 9-4.29 prior to issuance of a Sign Permit:

- i. *The Master Sign Program is consistent with the City's adopted Design Guidelines.*
- a. *All signs should relate to their surroundings in terms of size, height, shape, color, materials, and lighting so that they are complementary to the overall design of the building and site.*

In relation to the architecture and scale of the buildings, the proposed sign area and maximum letter height would be in scale with the proposed building. The maximum sign height is proposed at three feet, which amounts to less than 11 percent of the building's vertical height. Overall, the maximum proposed sign area is 45 sf which is approximately 0.3 square feet per linear foot of property frontage along Danmann Avenue. The proposed sign area would be well below the standard allowance of 0.75 square feet per linear foot provided in PMC Section 9-4.2906(a)(3) for commercial buildings with a single tenant. Based on the 38'-8" and 52'-10" business frontages of the commercial spaces, the proposed sign area would be approximately 0.49 square feet per linear foot of business frontage, which would also be below the standard allowance of 0.75 square feet per linear foot of business frontage for multi-tenant commercial buildings provided in PMC Section 9-4.2907(f). The building is no higher than 30 feet, with the allowable signage located in the middle of the building's front façade with four "Gooseneck" sign lights above for visibility. The lighting is demonstrated on the Revised Project elevations and renderings but not current included in the proposed MSP. City Council has included a condition of approval to require the Applicant to describe the proposed four "Gooseneck" sign lights in the MSP.

Given its limited square footage, the requirement of coloring and backgrounds to match or complement adjacent materials and building surfaces, and all proposed signage to be approved by the Landlord first, there is evidence to support a finding that the proposed MSP is consistent with this Design Guideline.

- b. *Signs should be unobtrusive and convey their message clearly and legibly. Sign copy should not be cluttered with nonessential information.*

The proposed MSP specifies an overall maximum sign dimension and maximum letter character height. The overall maximum sign dimensions are 15 feet in width by 3 feet in height with maximum character heights being limited to 20 inches. There are no restrictions on the shape of the sign, or colors used, as long as they complement other adjacent building surfaces. However, City Council has included a condition of approval to require all letters to be the same color and to establish a minimum letter height of 10 inches. All signs shall be approved by the Landlord. As such, by limiting the letter size and sign area, and controlling the color of sign materials, any proposed signage would be unobtrusive and convey their message clearly and legibly.

- c. *Where internal illumination is used, signs should be designed to illuminate the letters rather than the background.*

The proposed MSP does not specify illumination standards. Due to the low-intensity character of the area surrounding the Revised Project site and its proximity to residences, staff has proposed a condition of approval to prohibit internally illuminated signs and to require subdued illumination by exterior light sources. For consistency with the Design Guidelines and internal consistency among sign types in the MSP, City Council has also included a condition of approval to require the Applicant to use the proposed four “Gooseneck” sign lights in the MSP.

- d. *Sign illumination should not be unnecessarily bright, and should not cause glare or light intrusion onto other signs or premises. If external illumination is used, the light source should be screened from direct view and should be located so that the light is directed against the sign and does not shine into adjacent property or blind motorists or pedestrians. Internal illumination should feature low intensity lamps.*

The proposed MSP does not specify illumination standards. Due to the low-intensity character of the area surrounding the Revised Project site and its proximity to residences, staff has proposed a condition of approval to prohibit internally illuminated signs as noted above. The external illumination which would be allowed in the MSP would ensure that the lights are oriented to the sign area only and shall be rated for exterior installation. Relevant literature indicates that excessively high color-temperature rated light fixtures, those above 6,500K, can cause glare. As a result, City Council has included a draft condition of approval requiring the Applicant to specify that no light fixtures above 6,500K shall be used in the illumination of any center signs. As conditioned, sign illumination is not likely to be unnecessarily bright or cause glare or light intrusion onto other signs or premises.

- e. *A free-standing sign should only be used for shopping centers or when deemed the most feasible means by which a business may obtain a reasonable degree of identification.*

The proposed MSP does not include a freestanding sign. Therefore, this Design Guideline does not apply.

- f. *The height of a free-standing sign should be no higher than necessary for adequate identification and visibility, but in no case should the height of the free-standing sign exceed the height of the principal structure on the site.*

The proposed MSP does not include a freestanding sign. Therefore, this Design Guideline does not apply.

- g. *Monument signs are generally preferred over pole signs. The support or base of a free-standing sign should match or complement the materials and colors of the building or buildings with which it is associated. Planting at the base of a free-standing sign is encouraged.*

The proposed MSP does not include any type of freestanding sign. Therefore, this Design Guideline does not apply.

- h. *A designated sign areas should be part of a shopping center's exterior.*

In City Council's interpretation, the intent of this Design Guideline is to ensure that the sign areas on the exterior of businesses in a shopping center be defined. The proposed

MSP specifies a maximum sign dimension of 15 feet in width by 3 feet in height located in the center of the building along Danmann Avenue, suitably designating the sign area.

- i. *The use of struts, braces, kickbacks, or guy wires to support signing should be avoided. Such support, devices may be used if they are not visible or are completely screened from view.*

The proposed MSP does not include support structures as elaborated above for signs. Therefore, this Design Guideline does not apply.

- j. *Signs should never impede pedestrian or vehicular movement or vision.*

The proposed MSP is inclusive of one wall sign, that would be attached flat against the proposed building and so will not impede pedestrian or vehicular movement or vision.

- ii. *The proposed signs are compatible in character with all other signs proposed in the Master Sign Program.*

Pursuant to PMC Section 9-4.2907(c), each sign shall be compatible in character with other signs in the MSP. The proposed MSP specifies criteria that apply to both potential wall commercial signs on the property, therefore providing compatibility and similarity amongst any proposed signage. Moreover, a condition of approval would require all letters within a single sign to be the same color, which will reinforce sign consistency and compatibility.

As conditioned, the signs in the MSP would be compatible with one another.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the aforementioned findings, the City Council of the City of Pacifica approves Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 as revised by the Applicant's alternate project design concept plans set forth in Attachment J of the Staff Report and, included herein as Exhibit B to the Resolution, subject to conditions of approval attached as Exhibit A to the Resolution.

* * * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 9th day of November, 2020.

AYES, Councilmembers: Beckmeyer, Vaterlaus, Bier, O'Neill.

NOES, Councilmembers: Martin.

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a

Deirdre H Martin

Deirdre H Martin (Nov 17, 2020 17:48 PST)

Deirdre Martin, Mayor

ATTEST:

Sarah Coffey

Sarah Coffey, City Clerk

APPROVED AS TO FORM:

Michelle Kenyon

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2019-025 for Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 for construction of a two-story mixed-use building located at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APN 023-013-010 & 023-013-020).

City Council Meeting of November 9, 2020

Planning Division

1. Development shall be substantially in accord with the plans entitled “New Mixed Use Development 1300 Danmann Avenue, Pacifica”, dated September 13, 2019 and stamped received by the City of Pacifica on January 14, 2020, and shall also be substantially in accord with the Applicant’s revised letter of explanation dated April 27, 2020, in particular the voluntary deed restriction on certain land uses, and except as modified by the following conditions.
2. Prior to issuance of a building permit, the Applicant shall modify the Project to conform with the alternate project design concept plans in Attachment J of the Appeal Staff Report from November 9, 2020, included herein as Exhibit B to the Resolution.
3. The approval or approvals is/are valid for a period of one year 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 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 Revised Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. In the event of litigation filed to overturn the City’s determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
4. As proposed by the Applicant in its revised letter of explanation dated April 27, 2020, the Applicant shall record a deed restriction that prohibits restaurants or fitness studios in the retail space of the Revised Project, prior to issuance of a building permit.
5. As proposed by the Applicant in its revised letter of explanation dated April 27, 2020, the hours of operation of any and all uses within the commercial space on the Revised Project site shall not exceed the hours of 10 a.m. to 6 p.m.
6. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
7. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
8. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect

adjacent properties. Lighting shall be directed away from adjacent residences but shall be adequate to ensure security and dissuade vandalism on-site. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations shall be shown, where applicable, on all building elevations.

9. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
10. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
11. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director's satisfaction.
12. 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.
13. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
14. All recommendations detailed in the preliminary geotechnical investigation by GeoForensics, Inc., dated November 1, 2019, shall be incorporated into the Revised Project plans and approved by the Building Official prior to issuance of a building permit.
15. All new signs shall be fabricated, installed, operated, and maintained in substantial accord with the details and specifications contained within the submitted master sign program ("MSP"), dated November 19, 2019, except as otherwise modified below. Any deviations shall require the filing of an application to amend this master sign program and shall further require approval by the Planning Commission.
16. Prior to issuance of a building permit, the Applicant shall make the following modifications to the MSP and shall submit the revised master sign program for review and approval by the Planning Director:

- a. Non-illuminated and Illuminated signs shall be permitted. Sign illumination shall be provided only by four “Gooseneck” type light fixtures directed at the sign area. Internally illuminated signs shall be prohibited.
 - b. Light sources use in the light fixtures shall emit at less than 6500K.
 - c. All letters shall be the same color.
 - d. Minimum letter size shall be 10 inches.
 - e. A maximum of two lines of copy shall be allowed.
17. Prior to the installation of any new sign, the property owner shall apply to the Planning Department for review and approval of a building permit and/or sign permit, as determined by the Planning Director. Approval of a building permit and/or sign permit shall be conditioned upon compliance of the proposed with the approved MSP. Property owner shall install or allow to be installed no sign until approval of the required permit(s).
18. Property owner shall install at the subject site only those signs depicted in the MSP. Any other signs not part of the master sign program are prohibited except for temporary signs authorized by the Pacifica Municipal Code.
19. The Applicant shall modify the Revised Project as follows to achieve compliance with Pacifica Municipal Code (PMC) standards, to the satisfaction of the Planning Director:
- a. Prior to issuance of a building permit, Applicant shall revise the Revised Project plans to demonstrate the construction of not less than four covered carport parking spaces for the four proposed residential units as required by PMC sec. 9-4.2818(a)(2).
 - b. The minimum interior clear height of the covered carport parking spaces shall be 7 feet and the maximum overall height of the covered carport parking spaces shall be 10 feet.
 - c. The architectural design of the covered carport parking spaces shall be consistent and compatible with the new building in terms of materials and colors, in particular the proposed trellis between the apartment units located along Danmann Avenue, to ensure Design Guidelines consistency. The final location, materials, and design of the covered carport parking spaces shall be subject to review and approval by the Planning Director.
20. All outstanding and applicable fees associated with the processing of the Project and Revised Project shall be paid prior to the issuance of a building permit.
21. 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.
22. Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction prior to issuance of a building permit.
23. 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 Revised Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division

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

Engineering Division of Public Works Department

25. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Revised Project plans.

26. The following requirements must be clearly noted on the construction plans for the Revised Project:

- a. Danmann Avenue and Kent Road shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
- b. 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.
- c. Existing public improvements within the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Revised Project. Any damage to improvements within 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 Revised Project, shall be repaired or replaced as directed by the City Engineer.

27. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. An accurate survey plan, showing:
 - i. Survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. Property lines labeled with bearings and distances;
 - iii. Edge of public right-of-way;
 - iv. Any easements on the subject property
 - b. A site plan, showing:
 - i. The existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. Adjacent driveways within 25' of the property lines
 - iii. Any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed profession.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
28. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
29. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested at least 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Danmann Avenue and Kent Road.
30. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
31. All new utilities shall be installed underground from the nearest main or joint pole.
32. Per the adopted City of Pacifica Complete Street Policy, development shall include bicycle and pedestrian facilities. Applicant shall install a concrete sidewalk across the entire property frontage along Danmann Avenue and Kent Road in accordance with City standards.
33. Applicant shall install new concrete curb, gutter and driveway approach and must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% our-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks.
34. Prior to issuance of a certificate of occupancy, Applicant shall paint red the curb areas located along the New Bulb Out and Planter.

35. Applicant shall grind and overlay existing asphalt with minimum 2-inch AC to street centerline across entire property frontage of Danmann Avenue and whole street width across entire property frontage of Kent Road. All pavement markings and markers shall be replaced in kind.
36. Prior to issuance of a certificate of occupancy for any component of the Revised Project, Applicant shall execute and record an Operations and Maintenance Agreement addressing future maintenance of the pervious pavement designed to Provision C.3 of the Municipal Regional Permit.
37. Prior to issuance of a certificate of occupancy for any component of the Revised Project, Applicant shall execute and record a Maintenance Agreement addressing future maintenance and replacement of any landscaping located within the public right-of-way along Danmann Avenue or Kent Road, including but not limited to the landscaping and drainage pipes on the bulb out and planter areas. Prior to execution and recording, the Maintenance Agreement shall be subject to review and approval by the City Attorney and City Engineer.
38. Applicant shall submit an updated Hydrology Report.

North County Fire Authority

39. Fire sprinkler system is required. Submit plans to North County Fire Authority (NCFA) under separate fire permit.
40. Provide fire flow information per California Fire Code (CFC), Appendix B.
41. Hood and duct fire extinguishing system may be required. Submit plans to NCFA under separate fire permit.
42. Fire alarm system may be required. Submit plans to NCFA under separate fire permit.
43. Fire alarm system shall be monitored, per CFC.
44. Smoke Detectors and carbon monitors are required per CBC.
45. HVAC smoke detection and automatic shutdown may be required per NFPA 90A and PMC.
46. Key box is required. Applicant shall apply for approved hardware at NCFA Administration.
47. Portable fire extinguisher(s) are required. Mount fire extinguishers 3-5 feet above floor.
48. Illuminated address identification is required.
49. Utility identification is required.
50. In the commercial portion of the Revised Project, doors shall be easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts prohibited unless integrated with latch.

51. In the commercial portion of the Revised Project, exit signs and emergency egress illumination is required.
52. Assembly permit is required for the commercial portion of the Revised Project.

Wastewater Division

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

Added by Planning Commission on May 4, 2020

54. Condition deleted because the Revised Project does not include corrugated metal cladding.
55. 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.
56. Applicant shall ensure all exterior windows of the Revised Project include a beveled or other depth-providing element in the window frame, to the satisfaction of the Planning Director.

END OF CONDITIONS










For Signature - ResolutionNo66-2020_1300D anmannAppeal_Approving Alternate Project Concept-Approved

Final Audit Report

2020-11-18

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By:	Sarah Coffey (coffeys@ci.pacifica.ca.us)
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