

RESOLUTION NO. 2023-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING VARIANCE PV-530-22 (FILE NO. 2022-026), SUBJECT TO CONDITIONS, FOR DEMOLITION OF TWO EXISTING SHEDS AND A SINGLE CAR GARAGE, AND DEVIATION FROM THE FRONT AND STREET-SIDE SETBACKS TO ALLOW CONSTRUCTION OF A NEW TWO-CAR GARAGE FOR AN EXISTING SINGLE-FAMILY RESIDENCE IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AT 455 ROCKAWAY BEACH AVENUE (APN 022-034-040), AND FINDING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Will Revilock, AIA (“Applicant”)

WHEREAS, an application has been submitted for the demolition of two existing sheds and a single car garage, and construction of a 504-square foot (sf) two-car garage, for an existing single-family residence in the R-1 (Single Family Residential District) at 455 Rockaway Beach Avenue (APN 022-034-040) (“Project”); and

WHEREAS, the Project requires approval of a variance pursuant to PMC sec. 9-4.3401 *et seq.* to deviate from the minimum front and street-side setbacks to a garage, and a tree permit pursuant to PMC sec. 4-12.04 to authorize removal of a protected tree; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 6, 2023, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Variance PV-530-22:

That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.

The R-1 zoning district imposes a 20’ setback to garage entrance from front and exterior side lot lines. The proposed garage requires a 7’-10” reduction of the setback from the front lot line and a 10’-8” reduction of the setback from the street-side lot line. As proposed the project does not meet the minimum garage setback and the applicant has requested a variance.

The project site is a triangular shaped lot with two frontages on the public right-of-way. There are only three other properties in the vicinity with this unique lot shape and featuring two lot frontages. The

impact of a triangular shaped lot having two frontages compared to only one frontage is that the available building area on the site is reduced. This is due to increased setbacks with an exterior side setback (i.e., 10 ft for main buildings, 20 ft for garages) compared to an interior side setback (i.e., 5 ft). However, the other three properties do have conforming two-car garages.

Table 1 details the four triangular shaped lots in the Rockaway Beach neighborhood and the setbacks to the garages (also see Attachment E of the staff report).

Table 1. Garage Setbacks of Triangular Shaped Lots with Two Frontages in Rockaway Beach Neighborhood.			
Address	Lot Size	Setback to Garage^a	Other Notes
455 Rockaway Beach Ave. (APN 022-034-040) <i>Subject Site</i>	5,635 sf	12'-2" ^{bb}	Structure would otherwise meet setbacks.
505 Ebken St. (APN 022-035-130)	3,888 sf	20'-3"	Structure appears to encroach on side setback.
503 Rockaway Beach Ave. (APN 022-053-330)	6,055 sf	10'-3"	Structure appears to encroach on exterior side setback.
420 Buel Ave. (APN 022-034-150)	2,548 sf	10'-0"	Structure appears to encroach on front setback.
Notes a. Estimated using San Mateo County Property Information Portal GIS			
b. Based on project plans. Rounded to the nearest inch.			

The existing modestly sized, 1,093-sf single family residence is located less than 6' from the interior side lot line, which is less than 1' beyond the required 5' side setback and therefore efficiently oriented on the site. It is due to the unusual triangular shape of the lot and the double frontage, that the remaining available developable area on the site would require the proposed two-car garage to encroach into a setback. Therefore, under the circumstances, the proposed project would be unable to provide the minimum setback to a garage required by the PMC and avoid encroachment into a required front and street-side setbacks.

All similarly shaped properties within the Rockaway Beach neighborhood are located within the same zoning district of R-1. Of the three similarly shaped properties (excluding the subject site), two (67 percent) have a front or exterior side setback of less than 20' to the garage. Therefore, the subject site is currently deprived of the privilege of having a garage with a reduced front setback, that provides off-street parking that is enjoyed by two-thirds of other similarly shaped properties with two frontages in the vicinity and under an identical zoning classification.

There are meaningful proportions of other properties in the immediate vicinity under comparable circumstances to the project site that possess garages at less than the required setback. Therefore, the Planning Commission concludes that the triangular shape of the subject site presents a special circumstance applicable to the property, which has the potential to deprive the property of a conforming garage, which is enjoyed by other property in the vicinity within the R-1 zoning district if the setback standards are strictly applied.

Therefore, based on the foregoing analysis, there is evidence to support granting a variance for the front setback.

That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

The granting of the variance for the front and side setbacks to a garage will allow for safer conditions at the project site and the immediate surroundings. The provision of additional off-street parking would reduce the incidence of on-street parking on Rockaway Beach Ave., which is a narrow street with substandard width. The Project, if approved, would also include demolition of two existing sheds that are nearest the intersection and would improve visibility at the intersection. In addition, a two-car garage at the project site would eliminate an existing nonconformity with the off-street parking provisions contained in the City's Zoning Regulations. The City's zoning regulations are adopted to protect general welfare (PMC sec. 9-4.3501) and achieving zoning conformity with off-street parking requirements improves public health, safety and welfare. The elimination of a significant nonconformity such as the absence of zoning-compliant off-street parking on a narrow street where on-street parking can be unsafe and obstruct emergency vehicle access outweighs any impact from the reduced front setback.

Therefore, based on the foregoing analysis, there is evidence to support granting a variance for the reduced front setback.

Where applicable, that the application is consistent with the City's adopted Design Guidelines.

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

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

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

In the Planning Commission's assessment the proposed project, as conditioned, is consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following:

a. Building Design

- a. *Design: The style and design of the new buildings should be in character with that of the surrounding neighborhood. Additions to an existing structure should also retain and be consistent with the positive architectural features of the original structure.*
- b. *Scale: An important aspect of design and compatibility is scale. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density. A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwelling which are much larger than neighboring structures are therefore discouraged.*
- c. *Materials: Compatibility of materials is an essential ingredient in design quality. Consistency and congruity of materials and design elements on individual structures is also important.*
- d. *Consistency: There should be architectural consistency among all building elevations.*

(a) The Project proposes a relatively modest garage addition in the front yard of a developed single-family residential property. The proposed garage will follow the required two car garage standard set by single-family residences within the PMC. The improvement will also be consistent with the two car garages found on the other three triangular-shaped lots within the Rockaway Beach neighborhood. For these reasons, the proposed project would be consistent with this Design Guideline.

(b) The proposed garage, at 504-sf in area, would comprise a modest addition to the existing 1,093-sf single-family residence. Its modest size as described above would ensure the proposed garage is subordinate to the primary building on the site and that it is constructed at an appropriate scale relative to the project site and those other sites in the immediate vicinity. For these reasons, the proposed project would be consistent with this Design Guideline.

(c) The proposed garage will have vertical cedar siding, which is consistent with the current siding of the single-family residence. The proposed cedar siding will be installed in the same manner, as well as have the same finish as the existing single-family residence. For these reasons, the proposed project would be consistent with this Design Guideline.

(d) The proposed garage would measure to 8' in height, which would make it consistent with the existing 8' level top of the single-family residence. Additionally, the new garage and the existing single-family residence would be connected through the proposed bitumen roofing system at the cricket roof between the two structures. For these reasons, the proposed project would be consistent with this Design Guideline.

For foregoing reasons, there is sufficient evidence to support a conclusion that the proposed project would be consistent with the Design Guidelines.

If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

The project is not located in the Coastal Zone, therefore this finding is not applicable.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Tree Permit TP-2-23:

The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;

As the arborist report states, the 53" Monterey pine's very poor health stems from pruning to avoid the adjacent high voltage lines done by PG&E within the past year. The tree's current conditions include the loss of half the branch structure, large wounds, a severe imbalance, and an infestation of bark beetles. Additionally, the tree suffers from a pine pitch canker infection. The tree's unhealthy and hazardous conditions require immediate removal.

Whether the requested action is necessary for the economically viable use of the property;

Removal of the identified tree is not necessary for economically viable use of the property. The property is already developed with an existing single-family residence, which has provided sufficient economic use of the property. However, removing the tree is necessary to allow demolition of the existing nonconforming single-car garage and construction of a conforming two-car garage. The arborist has determined that the tree proposed for removal cannot be safely protected to allow construction within the tree protection area because of its poor health.

The topography of the land and effect of the requested action on it;

The tree's remaining crown covers Buel Avenue, a lightly trafficked street. The opposite side of the street contains an undeveloped, steep hillside. The arborist advises the tree removal for the safety of the surrounding neighborhood, due to the size and weight of the 53" Monterey pine and the tree's poor health.

The number, species, size and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty, and upon the health, safety, and general welfare of the area and the City as a whole; and

Two other trees located on the property site include a 40" fair-conditioned Monterey cypress within the north corner of the lot, and a 42" fair-conditioned Monterey cypress along the northeastern property line. The arborist report contains appropriate protective and preservation measures for the two trees. The arborist report advises the removal of the 53" Monterey pine due to the inability to improve the health and reduce the risk the tree poses during construction.

The number of healthy trees the parcel is able to support.

PMC sec. 4-12.04(e) requires replacement planting of a minimum of two replacement trees for every otherwise healthy tree removed. Based on the arborist's report, the tree to be removed is not healthy and replanting is not required within the criteria of PMC sec. 4-12.04(e).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica hereby approves Variance PV-530-22 and Tree Permit TP-2-23 for demolition of two existing sheds and a single car garage, and construction of a 504-square foot (sf) two-car garage, for an

existing single-family residence in the R-1 (Single Family Residential District) at 455 Rockaway Beach Avenue (APN 022-034-040), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of February 2023.

AYES, Commissioners: Ferguson, Goodwin, Hauser, Berman, Leal, Wright

NOES, Commissioners: None


ABSENT, Commissioners: None

ABSTAIN, Commissioners: None



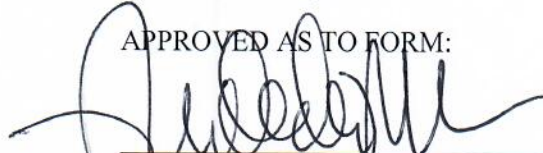
Lauren Berman, Chair

ATTEST:



Christian Murdock, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: variance PV-530-22 and Tree Permit TP-2-23 for demolition of two existing sheds and a single car garage, and construction of a 504-square foot (sf) two-car garage, for an existing single-family residence in the R-1 (Single Family Residential District) at 455 Rockaway Beach Avenue (APN 022-034-040).

Planning Commission Meeting of February 6, 2023

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Garage Remodel 455 Rockaway Beach Ave." received by the City of Pacifica, dated September 1, 2022, except as modified by the following conditions. The front setback to the proposed garage shall not be less than 12'-2" and the street-side setback to the proposed garage shall not be less than 9'-3".
2. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. 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.
3. 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.
4. Applicant shall construct the driveway to access the new garage consistent with the requirements of PMC section 9-4.2814, subject to the satisfaction of the City Engineer.
5. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary by the property owner.
6. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
7. All trash and recycling materials, if stored outdoors, shall be fully contained, and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details of any required enclosure for review and approval by the Planning Director.

8. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
9. Applicant/Property Owner shall always keep the property in a clean and sanitary condition, 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.
10. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
11. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("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.

North County Fire Authority

12. The project shall comply with California Building and Fire Code, as well as Pacifica Municipal Code.
13. The Applicant shall provide fire flow information per California Fire Code, Appendix B.
14. The Applicant shall provide illuminated address numbers per Pacifica Municipal Code.

Conditions added by the Planning Commission on February 6, 2023

15. As volunteered by the Applicant, prior to issuance of a building permit, Applicant shall submit a tree planting plan that indicates at least one replacement tree of a species, placement, and size consistent with the requirements of Title 4, Article 12 of the Pacifica Municipal Code, for review and approval of the Planning Director in consultation with the City Arborist. The replacement trees shall be installed prior to a final inspection.

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16. Reflective of Applicant's existing legal obligation under state and federal law, Applicant shall obtain a nesting bird survey prepared by a qualified biologist prior to removal or substantial limb removal of any tree on the project site.

* * * END OF CONDITIONS* * *