

RESOLUTION NO. 2023-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-434-21 (FILE NO. 2021-025), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A TWO-STORY ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 315 OLYMPIAN WAY (APN 023-023-030) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Nillson and Caroline Pan, Owners

WHEREAS, an application has been submitted to construct a 624-square foot (sf) addition to an existing 1,076-sf single-family residence with a 348-sf single-car garage, a 483-sf accessory structure on a 7,859-sf lot at 315 Olympian Way (APN 023-023-030) in Pacifica (File No. 2021-025) (“Project”); and

WHEREAS, the project requires approval of a coastal development permit pursuant to Pacifica municipal code (PMC) Section 9-4.4303 on the basis that the project constitutes “development,” as defined in PMC Section 9-4.4302(z)(7), because it involves the “construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility”; and the project does not qualify as a category of excluded development since it is located within the Coastal Commission's appeal jurisdiction {see PMC Section 9-4.4303(i)(2); and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on April 3, 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:

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 1 exemption under CEQA. Guidelines Section 15301, as described below, applies to the Project:

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

* * * * *

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

* * * * *

(2) 10,000 square feet if:

(A) The project is an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and

(B) The area in which the project is located is not environmentally sensitive

* * * * *

The subject proposal to construct a 838-sf addition to an existing 1,568-sf single-family residence meets the scope of a Class 1 categorical exemption. The proposed addition would increase the existing structure's floor area by approximately 53.4 percent. Specifically, the project (1) is less than 10,000 sf; (2) would occur in an area where water, sewer, electrical, and telecommunications infrastructure and services are available to allow for maximum development in the General Plan; and, (3) would occur in a substantially developed neighborhood on a site that is already developed and would not impact an environmentally sensitive area. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

The subject proposal to construct additions to an existing single-family residence totaling 624-sf (an increase of 43.8 percent from the existing residence) fits within the scope of a Class 1 categorical exemption. Specifically, the Project (1) is less than 10,000 sf; (2) would occur in an area where water, sewer, electrical, and telecommunications infrastructure and services are available to allow for maximum development in the General Plan; and, (3) would occur in a substantially developed neighborhood on a site that is already developed and would not impact an environmentally sensitive area. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. Additionally, none of the exceptions to application of a categorical exemption in section 15300.2 of the CEQA Guidelines would apply:

- Sec. 15300.2(a): There is no evidence in the record that the project would 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.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

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Therefore, the Project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-434-21 as required by PMC section 9-4.4304(k):

- i. Required Finding: *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed project is consistent with several of these policies, as discussed below.

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

The proposed project does not interfere with the public's right of access to the sea. The development will be undertaken on a lot more well away from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and several streets. Therefore, the project would have no impact or otherwise interfere with the public's right of access to the sea.

- 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 or, where such areas are not 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...* [the remainder of this policy pertains to land divisions and visitor-serving facilities, neither of which are part of the subject project.]

While the Project is not new development, the Project would include development within an existing developed area. The Pedro Point/ Shelter Cove neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with single-family homes, including the lots on either side of the project site. Therefore, development would not occur outside of existing developed areas.

In addition, the LCLUP establishes a design review requirement for sites located in the appeal jurisdiction of the Coastal Zone. Therefore, the following analysis applies the Design Guidelines to the proposed project to fulfill the design review requirement.

The proposed project complies with the following Design Guidelines:

Site Planning:

- a. *Site Improvements. Locate site improvements such as building, parking areas, and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean.*

- b. Parking: The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear of the side of the property, rather than along street frontages.*
- c. Grading: Where significant amounts of grading are required, contours should be graded to blend with those of adjacent properties. Contours should be rounded on both cut and fill slopes, horizontally and vertically.*

Building Design:

- a. Design: The style and design of the new buildings should be in character with that of the surrounding neighborhood.*
- 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. Details: Use architectural features and details to help create a sense of human scale. While insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.*
- d. 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.*
- e. Colors: 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 material or form.*
- f. Consistency: There should be architectural consistency among all building elevations.*

Hill Side Development:

- a. Excavation: Large amounts of cut and/ or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*
 - Structures should relate to and follow site topography to work with the slope, not against it.*
 - Whenever feasible buildings and roads should be sited to align with existing contours of the land.*
 - Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.*
 - Avoid one level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.*
- b. Visual Impact: Development on hillsides and ridges is often visible to neighbors and other residents in the vicinity, as well as those at a distance, such as motorists traveling on Hwy 1. Hillside development also has the potential to block or impair established views from existing development.*
 - Locate development below ridges in hilltop so that Ridge lines are left open. Avoid linear arrangements of buildings.*
 - Building forms particularly roof forms, should complement the contours and slopes of the hillside to increase structure and site integration.*

- *Buildings should be designed with low profiles in some cases, low pitched roofs and hip ends may be desirable.*
 - *Massive roof overhangs and building cantilevers on downhill faces should be avoided where site conditions allow terracing into the hillside will help reduce the impact of the bulk of the structure.*
 - *multilevel designs which conform to the hillside aren't courage to, but careful planning is required to avoid excessive height. The horizontal potential of a site should be fully exploited before increasing building height.*
 - *Landscaping should be used as necessary to help soften building appearance.*
 - *Where feasible locate new buildings to minimize view blockage from primary viewing areas of existing development.*
- c. *Access Difficulty: Vehicular access and circulation in hillside development can often be unsafe or dangerous due to excessive slope and lack of adequate sight distance.*
- *Driveways and access roads should follow the contours of the hillside rather than cut through them.*
 - *Wherever possible, roads and driveways should be designed with less than the maximum slope allowed by city standards.*
 - *Driveway lengths to accommodate parked vehicle are encouraged.*

The neighborhood in which the project is located is characterized by multi story homes constructed above and below the road along the hillside. The architectural style of the homes in the vicinity of the project is varied in a neighborhood that includes traditional, Mediterranean, and contemporary architectural styles. The proposed residence is consistent in size and scale to neighboring properties. As such, they maintain the existing character of the site and surrounding area. The proposed two-story addition is not massive or bulky and the materials, colors design and architectural features match and therefore are compatible with the existing neighborhood. The project is proposed down slope of Olympian Way and does not obstruct views form the neighbors above or to either side of the residence. The proposed garage and driveway allow for access to off street parking for the downhill sloped lot. For these reasons, the proposed project is consistent with the Design Guidelines.

The City's certified Local Coastal Program also includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As summarized above in the project description, the proposed project would comply with applicable setback, lot coverage, height, and other requirements of the R-1 zoning district (PMC Section 9-4.402).

The proposed project would be undertaken in an existing area substantially developed with single-family homes, and will be setback from the sea; therefore, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City's certified Local Coastal Program.

- ii. *Required Finding: 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.*

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Discussion: The subject site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

Because the project would be consistent with several LCLUP policies and would not be constructed between the nearest public road and the shoreline, there is substantial evidence in the record to support Planning Commission approval of a coastal development permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-434-21 for construction of a 624-sf addition to an existing 1,078-sf single-family residence with a 348-sf single car garage at 315 Olympian Way (APN 023-023-030), subject to conditions of approval included in 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 3rd day of April 2023.

AYES, Commissioners: BERMAN, DEVINE, GODWIN, WRIGHT

NOES, Commissioners: N/A

ABSENT, Commissioners: FERGUSON, HAUSER, LEAL

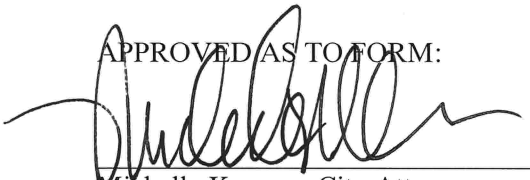
ABSTAIN, Commissioners: N/A



Lauren Berman, Chair

ATTEST:


Christian Murdock, Planning Director

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2021-025 – Coastal Development Permit CDP-434-21, to construction of a 624-sf two story addition to an existing single-family residence with a 348-sf single-car garage, and a 483-sf accessory structure located on a 7,859-sf lot at 315 Olympian Way (APN 023-023-030)

Planning Commission Meeting of April 3, 2023

Planning Division of the Planning Department

1. That 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 or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one-year extension provided, if 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 development permits, the Planning Director may toll expiration of the development permits during the pendency of such litigation.
2. 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.
3. 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.
4. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
5. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
6. 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.

Building Department

7. The project shall comply with applicable California Building Standards Codes at the time of building permit application.

Engineering Division, Public Works Department

8. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
9. The following requirements must be clearly noted on the construction plans for the project:
 - a. Olympian Way 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 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 project, shall be repaired or replaced as directed by the City Engineer.
10. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:

- i. the whole width of right-of-way of Olympian Way, including existing and proposed improvements such as, but not limited to, new pavement, 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 professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
11. 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.
12. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
13. 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% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks.
14. The construction of curb, gutter and driveway approach may be deferred through a Deferred Pedestrian Facilities Installation Agreement, which shall be approved by the City Attorney and executed, notarized and recorded on the Property by the Applicant/Owner prior to issuance of a building permit for any work at the project subject to this approval (APN 023-023-030).
15. If new concrete curb and gutter are installed or new utilities are needed, the applicant shall grind and overlay existing asphalt with minimum 2-inch AC to street centerline across entire property frontage of Olympian Way. All pavement markings and markers shall be replaced in kind.

Condition added by Planning Commission on April 3, 2023

16. Prior to issuance of a building permit, Applicant shall submit and abide by a traffic control plan, which plan shall be subject to review and approval by the City Engineer. The plan shall address construction phase vehicle operation, parking, material staging, and shall ensure continued vehicular and pedestrian access through and along Olympian Way.

END

