

RESOLUTION NO. 2021-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-423-20 (FILE NO. 2020-017), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A PARTIAL SECOND-STORY ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 544 DOLPHIN DRIVE (APN 009-162-310), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Brian Brinkman, Agent

WHEREAS, an application has been submitted to construct an 838 square-foot (sf) addition to an existing 1,568-sf single-family residence with a one car garage located on a 5,000-sf lot at 544 Dolphin Drive (APN 009-162-310) in Pacifica (File No. 2020-017) (“Project”); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 because the Project proposes to increase floor area by more than 10 percent within the Appeals Jurisdiction of the Coastal Zone, and no exemption or exclusion applies; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 21, 2021, 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 an 838-sf addition to an existing 1,568-sf single-family residence meets the scope of a Class 1 categorical exemption. 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.

Because 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; therefore, 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-423-20 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.*

The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) and Implementation Plan (IP).

Local Coastal Land Use Plan

The LCLUP 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 an existing developed lot more than 450 feet from the nearest coastal access point. Between the sea and the subject site there is another row of housing and a public street, Esplanade Avenue. 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 West Edgemar neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with one- and two-story, single-family residences, including the lots on either side of the Project site. The Project site is currently served with all required utilities to support the existing and proposed development, including but not limited to water, sewer, electricity, and telecommunications. Therefore, development would be located within an existing developed area able to accommodate it.

- Coastal Act Policy No. 24: *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 landforms, 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 described 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.*

While the Project is not new development, the Project would include a partial second-story addition to an existing single-story single-family residence. The neighborhood in which the Project is located is characterized by one- to two-story homes with pitched roofs. The proposed

second-story addition would be visually compatible with the character of two-story homes within the surrounding area.

There is negligible elevation change between the top of the coastal bluff and Dolphin Drive and there are two rows of houses and another public street between Dolphin Drive and the coastal bluff. Therefore, Dolphin Drive does not currently provide the public notable coastal views. The Project would not substantially alter landforms because it would be constructed primarily on top of an existing single-family residence. Furthermore, the Project is not new development and the Project site is not located within a coastal view corridor as designated in the LCLUP and, therefore, PMC sec. 9-4.4408 is not applicable to the Project. For all the reasons provided above, the Project would be consistent Coastal Act Policy No. 24 and would not impact scenic and visual qualities of a coastal area.

- Coastal Act Policy No. 26: *New development shall (a) Minimize risk to life and property in areas of high geologic, flood and fire hazard. (b) 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 and cliffs. [the remainder of this policy pertains to air pollution, energy consumption, protection of special communities, none of which would conflict with the Project.]*

(a) The Project is an addition on an existing single-family residence. The Project site is not located on, or immediately adjacent to, a property with a coastal bluff and is not located in an area of high geologic, fire, or flood hazards according to the Geotechnical Hazards (page 100) and Fire Hazard Areas (page 111a) figures in the City of Pacifica's General Plan and the FEMA flood maps. Furthermore, the Project site is not located in areas that triggered a geotechnical survey per PMC section 9-4.4404(b) or a site stability survey per PMC section 9-4.4406(b). For the reasons provided above, the location of the Project would minimize risks associated with areas of high geologic, flood, and fire hazards.

(b) The Project includes a partial second-story addition to an existing structure. The Project would not require substantial land alteration or removal of existing surrounding heritage trees. The Project would be conditioned to obtain a building permit which would ensure structural integrity. For all the reasons provided above, the Project would ensure stability and structural integrity.

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 Project complies with the following Design Guidelines.

- *Site Planning: Buildings should be oriented to capitalize on views of hills and ocean.*

The Project would create a new second-story that orients two decks and several large windows facing to the west with views of the ocean.

- *Site Planning: Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access should be preserved wherever possible.*

The Project site has adjacent neighbors to the north, south, and west. The potential impacts to views, privacy, and solar access for each of the adjacent neighbors to the north, south, and west of the Project site would differ depending on their existing developed characteristics (e.g., one- vs. two-story, window placement) and proximity to the Project site. The close proximity in particular of the homes to the north and the south in relation to the Project site makes the protection of views, privacy, and solar access challenging in the context of a second-story addition to the Project site. However, various elements of the Project's design would minimize these impacts wherever possible.

Although several new windows are proposed on the north elevation of the Project, four of these windows are clerestory windows for natural light within the new second-story master bedroom. These clerestory windows would not infringe on privacy for the property located to the north. One other window is proposed on the north elevation within the new master bedroom that is not a clerestory window. However, this window is located well above the finished floor near the northwest corner of the master bedroom and would not be likely to offer convenient views of the property to the north from within the master bedroom. The second-story exterior deck is setback nearly 15 feet from the north property line, which would limit its views onto the north neighbor's property. The Project would not affect views for the property to the north. The Project also would have minimal impacts on solar access because it is proposed at two different heights – 19'-2" and 26'-6" – both of which are well below the 35-foot maximum for the R-1 zoning district. A project at these proposed heights would still allow solar access for the property to the north.

The partial second-story addition would include windows and decks with views to the property to the south. However, there is only one small window on the north elevation of the property to the south, and the adjacent property owner could reasonably close window coverings if privacy is desired. Also, because of the property to the south's existing two-story design, this window is already exposed to views from elsewhere in the neighborhood and the Project would not introduce new privacy impacts from views that do not presently exist. The Project would not affect views or solar access for the property to the south because of the Project's location and proposed height in relation to the two-story property to the south.

The Project would not impact privacy, views, or solar access of the property to the west because of the 21'-9" distance from the closest second-story element of the Project to the adjacent property to the west, and because a large heritage cypress tree exists on the rear of the property that would remain. Views of the property to the west from the partial second-story addition and the exterior decks would be substantially blocked by the canopy of the cypress tree.

- *Building 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.*

The proposed addition would be well integrated into the existing single-family residence with placement of the proposed partial second-story directly above the existing first-story, and with use of consistent materials and colors between the existing first-story and proposed second-story. The Project includes a pitched roof design which is primarily consistent with the neighborhood.

- *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 dwellings which are much larger than neighboring structures are therefore discouraged.*

The proposed height of the addition at 27'-4.75" would be well below the allowable 35'-0" height, and would be in scale with surrounding development which includes a number of two-story single-family residences. The partial second-story addition is predominantly located to the rear of the existing home, both to orient towards the views and to reduce the massing from the street to best fit in with the character of the existing neighborhood.

- *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.*

The proposed materials and colors are primarily designed to match existing the existing house. The proposed the second-floor addition and second floor balcony exterior finish is to consist of a HardiePlank lap siding painted blue-grey to match the existing colors and materials. An Equitone fiber cement siding in grey color is newly proposed at the right front portion of the building at the master bathroom and existing garage. New vinyl windows are proposed with a white sash, at all windows except those proposed at the master bathroom which are proposed with a bronze sash to more closely match the proposed Equitone fiber cement siding and bronze metal frame of the new garage door. Window trim would be painted blue to match existing window trim color.

Implementation Plan

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) and applicable provisions of the nonconforming zoning regulations (PMC Section 9-4.3002). Also as discussed above, the Project was found to not trigger the requirements of PMC Section 9-4.4404 (Geotechnical Suitability), PMC Section 9-4.4406, (Shoreline Protection), and PMC Section 9-4.4408 (Coastal View Corridors).

For all the reasons provided above, 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.

The Project site is not located between the nearest public road (Esplanade Avenue) and the shoreline; therefore, this finding does not apply in this case.

File No. 2020-017
Coastal Development Permit CDP-423-20
544 Dolphin Drive (APN 009-162-310)

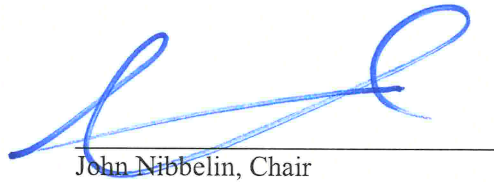
Because the project would be consistent with several LCLUP policies, with IP standards, and would not be constructed between the nearest public road and the shoreline, there is substantial evidence in the record to support Planning Commission approval of a coastal development permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-423-20 for construction of an 838-sf addition to an existing 1,568-sf single-family residence at 544 Dolphin Drive (APN 009-162-310), 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 21st day of June 2021.

AYES, Commissioners:	BERMAN, DOMURAT, FERGUSON, GODWIN, HAUSER, LEAL, NIBBELIN
NOES, Commissioners:	N/A
ABSENT, Commissioners:	N/A
ABSTAIN, Commissioners:	N/A



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director/
Assistant City Manager

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2020-017 – Coastal Development Permit CDP-423-20, to construct an 838-square-foot (sf) addition to an existing 1,568-sf single-family residence with a one car garage located on a 5,000-sf lot at 544 Dolphin Drive (APN 009-162-310)

Planning Commission Meeting of June 21, 2021

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Partial 2nd Story Addition 544 Dolphin Drive, Pacifica, CA” dated June 8, 2021, except as modified by the following conditions.
2. 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 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. 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.

5. 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, and shall include an appropriate mix of trees, shrubs, and other plantings to soften the expanded structure. 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. The final landscaping plan shall show landscaping for the entire property, and not just the front, west side, and rear yards of the proposed dwelling.
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 for the enclosure for review and approval by the Planning Director.
8. 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.
9. All vents 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.
10. 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.
11. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
12. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.

Building Division of the Planning Department

13. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division of the Public Works Department

14. 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 Project plans.
15. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Dolphin Drive. Dust control and daily road cleanup will be strictly enforced.
16. 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.
17. 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.

North County Fire Authority

18. Prior to issuance of a building permit, Applicant shall show the following with color-coded lines and the applicable measurements on the plans:
 - a. The total square footage of the addition. Additions of 1000 Square Feet or more will require a NFPA 13D sprinkler system throughout the structure. If sprinkler is required, Fire-flow is adequate for the fire protection requirements per CFC Appendix B; and location and number of fire hydrants conforms with CFC Appendix C.
19. If a fire sprinkler system is required, Applicant shall submit plans to NCFA under a separate fire permit prior to issuance of a building permit.
20. Prior to issuance of a building permit, Applicant shall provide fire flow information per CFC, Appendix B.
21. Prior to issuance of a certificate of occupancy, Applicant shall install illuminated address identification to the satisfaction of the Fire Chief.

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Conditions added by the Planning Commission on June 21, 2021

22. Prior to commencement of construction activity, the Applicant shall install tree protection fencing at ground level around the driplines of all trees with driplines extending into the Project site, to the satisfaction of the Planning Director. The tree protection fencing shall remain in place until the building permit for the Project passes final inspection.
23. Prior to issuance of a building permit and as agreed by the Applicant, the Applicant shall revise the project plans so that the front elevation includes additional relief along the first-floor façade, to the satisfaction of the Planning Director.

END