

**RESOLUTION NO. 2020-018**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-415-19, SUBJECT TO CONDITIONS, FOR AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 246 STERLING AVENUE (APN 023-038-360), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Catherine Dwares (“Applicant”)

**WHEREAS**, an application has been submitted to construct a 245-square foot (sf) first-story addition and 416-sf second-story addition to an existing 1,000-sf single-family residence with one-car garage located on a 5,000-sf lot at 246 Sterling Drive (APN 023-038-360) in Pacifica (File No. 2019-033) (“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 no exemption applies because the Project proposes to increase floor area by more than 10% within the Coastal Appeals Zone; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on November 2, 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 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 Project would construct additions to an existing single-family residence totaling 661-sf (an increase of 66 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 Project 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-415-19 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) 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. It will be undertaken on an existing developed lot more than 1,700 feet 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.]*

The new development proposed with this Project is located within an existing developed area. The Pedro Point 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.

a. 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.*

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.*

The neighborhood in which the Project is located is characterized by one- to three-story homes with pitched roofs. The architectural style of the homes in the vicinity of the Project is

varied in a neighborhood that includes traditional, Mediterranean, and contemporary styles. The proposed first and second story additions to the existing one-story building are modest in size and scale. The additions match the existing home and are located predominately at the rear of the site behind the existing residence. As such they maintain the existing character of the site and surrounding area. The additions are not massive or bulky and the materials, colors design and architectural features match and therefore are compatible with the existing residence. 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 in the staff report for the Project, the 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).

Because the proposed Project would be undertaken in an existing area substantially developed with single-family homes, will be setback more than 1,700 feet from the sea, and will comply with all applicable zoning regulations; 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.*

The subject site is not located between the nearest public road (San Pedro Avenue) and the shoreline; therefore, this Coastal Development Permit finding does not apply in this case.

Because the Project would be consistent with several Local Coastal Land Use Plan policies and Implementation Plan standards, and would not be constructed between the nearest public road and the shoreline, therefore, 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-415-19 for construction of a 245-sf first-story addition and 416-sf second-story addition to an existing 1,000-sf single-family residence with one-car garage located on a 5,000-sf lot at 246 Sterling Drive (APN 023-038-360), subject to conditions of approval included in Exhibit A to this Resolution.

\* \* \* \* \*

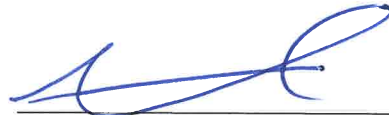
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 2nd day of November, 2020.

AYES, Commissioners: BERMAN, BIGSTYCK, FERGUSON, GODWIN,  
LEAL, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: HAUSER

ABSTAIN, Commissioners: N/A



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

## **Exhibit A**

**Conditions of Approval: File No. 2019-033 – Coastal Development Permit CDP-415-19, to construct a 245-square foot (sf) first-story addition and 416-sf second-story addition to an existing one-story 1,000-sf single-family residence with a one-car garage located on a 5,000-sf lot at 246 Sterling Avenue (APN 023-038-360)**

### **Planning Commission Meeting of November 2, 2020**

#### **Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled “House Addition for Catherine Dwares: 246 Sterling Avenue.” received by the City of Pacifica on September 7, 2020, 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. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
6. 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.
7. 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.
8. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
9. 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.

**Engineering Division of the Public Works Department**

10. 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.
11. The following requirements must be clearly noted on the construction plans for the Project:
  - a. Sterling Avenue 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.

12. 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 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.
13. 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.
14. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
15. All new utilities shall be installed underground from the nearest main or joint pole.
16. 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 Sterling Avenue in accordance with City standards.
17. 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.
18. The construction of sidewalks, 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: 023-038-360).
19. Applicant shall grind and overlay existing asphalt with minimum 2-inch AC to street centerline across entire property frontage of Sterling Avenue. All pavement markings and markers shall be replaced in kind.



20. Applicant shall submit a SMCWPPP C.3 and C.6 Development Review Checklist for review and approval by the City Engineer prior to issuance of a building permit.

**Building Division of the Planning Department**

21. All notes on the plans shall be updated to the latest California Building Codes (2019 editions, as of the date of this approval).
22. Walls located less than 5 feet from the property line are required to be rated 1-hour fire resistive and only 25% of the wall area can be openings (doors or windows). Calculate allowable openings to ensure less than 25 percent of wall is openings on left (east) side of structure on site.

\*\*\* END OF CONDITIONS \*\*\*