

RESOLUTION NO. 2020-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING PERMIT FOR SITE DEVELOPMENT PSD-848-20, USE PERMIT UP-122-20, PARKING EXCEPTION PE-190-20, VARIANCE PV-529-20 AND TENTATIVE SUBDIVISION MAP SUB-246-20 (FILE NO. 2020-002), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A MIXED USE BUILDING AT 340 WATERFORD STREET (APN 009-058-040), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Bryan Hu, Owner

WHEREAS, an application has been submitted to construct a three-story mixed use building with 1,324-sf of commercial space located on the ground floor and five residential units located on the second floor and third floor on a 9,574-sf vacant lot located at 340 Waterford Street (APN 009-058-040) in Pacifica (File No. 2020-002) (“Project”); and

WHEREAS, the Project requires approval of a Site Development Permit pursuant to PMC Sec. 9-4.3201(a) because the Project proposes new construction of a structure within a commercial district; and

WHEREAS, the Project requires approval of a Use Permit pursuant to PMC Sec. 9-4.1001(b)(11) because the Project would include one or more dwelling units in the same building as a commercial use when located entirely above the ground floor; and

WHEREAS, the Project requires approval of a Use Permit pursuant to PMC Sec. 9-4.1002(i) because it would be new construction abutting an R District and would also constitute a change of use abutting an R District; and

WHEREAS, the Project requires approval of a Use Permit and Site Development Permit for a residential clustered housing development pursuant to PMC Sec. 9-4.2403(a); and

WHEREAS, the Project requires approval of a Parking Exception pursuant to Sec. 9-4.2824 because the Applicant claims a practical difficulty and unusual hardship in complying with the off-street parking requirements of Article 28 of the PMC; and

WHEREAS, the Project requires approval of a Variance pursuant to PMC section 9-4.3401 because the Applicant has identified a hardship in complying with applicable side setback requirements for a residential clustered housing development; and

WHEREAS, the Project requires approval of a Tentative Subdivision Map pursuant to PMC Sec. 10-1.302, because the Project proposes five residential and two commercial condominium units comprising a subdivision of airspace; 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 3 exemption under CEQA Guidelines Section 15303, as described below:

Section 15303 states in part:

15303. New Construction or Conversion of Small Structures

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

* * * * *

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

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

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

- (1) includes one mixed-use building with 1,324 sf of gross leasable commercial floor area;
- (2) includes five residential dwelling units;
- (3) would be located on a site zoned C-1 (Neighborhood Commercial), which permits commercial structures and associated uses;
- (4) Would not involve the use of significant amounts of hazardous substances in conjunction with the proposed commercial and residential uses because the C-1 zoning district allows only visitor-serving, typical retail/office, and residential uses, not other industrial or commercial activities which would utilize significant amounts of hazardous substances;

(5) Would connect to existing public services and utilities already utilized by other existing structures in the immediate vicinity;

(6) Would not be located on or near an environmentally sensitive site because the Project site is surrounded by other structures, driveways, and roadways; and

(7) Is located within an urbanized area because the incorporated City of Pacifica, which had a population of 37,234 persons as of the 2010 U.S. Census, is contiguous with the incorporated City of Daly City which had a population of 101,123 persons as of the 2010 U.S. Census.

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

Additionally, none of the exceptions to application of a categorical exemption in section 15300.2 of the CEQA Guidelines 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): The Project is not proposed within a highway officially designated as a state scenic highway. Therefore, the provisions of subsection (d) are not applicable to this Project.

- Sec. 15300.2(e): The Project is not proposed on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the provisions of subsection (e) are not applicable to this Project.

- Sec. 15300.2(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 3 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:

I. Site Development Permit PSD-848-20.

- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

The location, size and intensity of the proposed Project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. This conclusion is based on the fact that the Traffic Impact Analysis (TIA) examined vehicle sightlines exiting the parking garage and deemed them adequate. Additionally, no landscaping will impede or obstruct sightlines for vehicles. The TIA also examined vehicle queuing and peak parking demand both of which can be accommodated on site.

The proposed Project would be located in an existing established suburban area surrounded by commercial, public facilities, and multi-family and single-family residences. The existing established subdivision, development pattern, and roadways provide adequate vehicle and emergency access to the site and surrounding area.

Based on these factors, there is no evidence to make the above stated finding.

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

There is no hazardous or inconvenient vehicular or pedestrian traffic pattern created by the Project, based on the TIA, the methodology and conclusions of which were reviewed by the Public Works Department. As proposed, vehicular access to the site and parking spaces are provided directly via a single entrance/exit along Waterford Street. The Project would meet or exceed off-street parking requirements in terms of number of vehicle spaces, provision of commercial and residential bicycle parking/storage, and provision of motorcycle parking spaces. Pursuant to the analysis in the TIA, the proposed Project would not substantially increase traffic in the area in that it would generate five and seven AM/PM peak hour trips, respectively. The proposed five residential units comply with the City's density standards in the General Plan and C-1 zoning district as further discussed below.

Based on these factors, there is no evidence to make the above stated finding.

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

All parking areas, paving areas, the trash room, storage and service areas are located on the interior of the site and screened from public view by the building; thus, landscaping is not needed for this purpose. Nevertheless, the Project would exceed the minimum landscaping requirements of the C-1 zoning district.

Furthermore, the Project would include landscaping in appropriate locations to compliment the building and to soften certain features of the building. As mentioned in the Project description, a landscape strip is proposed along the Waterford Street frontage as is a new sidewalk. Twelve street trees are proposed along the Waterford Street frontage along with decorative shrubs and grasses. Additional landscaping is proposed at the southeast corner of the property where Waterford Street and Monterey Roads intersect. This landscape area includes a focal tree, seating and a pedestrian connection from the sidewalk along Waterford Street. Accent lighting and tree up-lighting is proposed in these landscape areas. There is also a landscape strip proposed at the west property line along the freeway on ramp. This landscape area will include vines growing up the proposed solid wall on the south elevation at the ground level. No trees are proposed for removal and there are no heritage trees on the Project site.

Based on these factors, there is no evidence to make the above stated finding.

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

The proposed Project will not restrict light and air on the property or on other property in the neighborhood, because with the exception of an existing car wash (located adjacent to the north) the Project site is bounded by streets, roadways, and on-ramps for on all sides. Accordingly, the nearest structure to the site would be the car wash at more than 35 feet to the north, and the nearest residential building would be 367 Waterford Street at more than 65 feet to the east, which means that the Project is sited at a distance that would not restrict light and air to this development.

The neighborhood to the east of the site across Waterford Street is built out; any redevelopment in this area would occur independently of the Project because of the street separating this area from the Project site. The area to the south is occupied by playing fields of the Ocean Shore School and separated from the site by Monterey Avenue. The development of the subject site would be in compliance with the City's zoning code and would thus not limit the development of the Pacifica Car Wash site if it were to redevelop. The Project would enhance the value of a vacant site and would not impair the value of lands and building in the neighborhood as it would entail the development of a vacant site and provide for active uses in the neighborhood

Based on these factors, there is no evidence to make the above stated finding.

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

The Project proposes to include retail and personal service uses, including but not limited to professional office uses, which are permissible within the C-1 zoning district as permitted uses. As discussed more fully in the discussion of Design Guidelines consistency, below, the Project would include a high-quality architectural design with an interesting mix of colors and materials on all elevations. Therefore, the Project as shown on the elevations and renderings submitted would not be substantially detrimental to the character or value of the adjacent R-3 (Multiple-Family Residential) and R-1 (Single-Family Residential) zoning districts located to the east of the Project site.

Based on these factors, there is no evidence to make the above stated finding.

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

The Project does not propose any subterranean construction and would involve minimal grading on a site that is relatively flat. Additionally, there are no distinctive natural features such as trees, shrubs, creeks, or rocks are present on the undeveloped site.

Based on these factors, there is no evidence to make the above stated finding.

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

The building design incorporates variety in the type of materials, colors, and fenestration along all elevations. Architectural details such as soffits, sunscreens, and trellises, as well as wall insets and balconies lend variety to the design of the structure. A mix of materials including bamboo wood siding, stucco, glass, and textured concrete block provide a variety of materials across the elevations. Landscaping is included in front of the building façade along the Waterford Street frontage, at the intersection of Waterford Street and Monterey Roads at the southeastern corner of the property, and at the western property line along the freeway on-ramp to lend variety to the grounds.

Based on these factors, there is no evidence to make the above stated finding.

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

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.

SITE PLANNING

- a. Building Location. *Buildings should be sited to consider shadows, changing climatic conditions, the potential for passive or active solar energy, safety, and privacy of adjacent outdoor spaces.*

The proposed mixed-use building has been designed to maximize southern exposure to window areas to provide solar access, and has been oriented to create a private interior courtyard within the building. The distance from the Project site to the nearest buildings is sufficiently distant that shadows are unlikely to be a significant issue at buildings on adjacent properties.

The coastal climate has been considered in the type and placement of materials with bamboo wood siding proposed on weather protected building faces and fiberglass window frames and glass storefronts, stucco, and resin panels on weather-exposed building faces.

- b. Lighting. *Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.*

The Project does not propose tall fixtures to illuminate large areas. The site at the ground level would all be LED lighting, which would include some low-intensity specimen tree up-lighting fixtures that are unlikely to create glare for occupants or neighbors. The exterior building lights would include recessed and surface mounted downlights, which are dark sky rated. The Project would include some exterior lighting fixtures consisting of recessed and surface mounted steplights, which are not dark sky rated but would have minimal up lighting characteristics or ability to cause glare on adjacent properties. All exterior building lighting fixtures would be full cutoff/fully shielded, warm 2700K color temperature that would enhance building design. Overall, the proposed Project would include exterior lighting that would be subdued, enhance the building design, as well as provide for safety and security.

- c. Screening. *Exterior trash and storage areas, service yards, landing docks and ramps, electrical utility boxes, etc., should be screened from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design. Such facilities should be conveniently located, but must not interfere with the circulation and parking on the site.*

All service, parking, trash, paving and storage areas are interior to the site and screened from view. Their locations would be easily accessed and convenient for business operators and residents.

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

The Project includes an interior parking garage on the ground floor of the building, where cars are not visible from outside the Project site. The Project would include landscaping to the west, east, and southeast of the building, and varied exterior treatment to the north side to provide relief and interest to the long walls of the garage area on these sides.

BUILDING DESIGN

- e. Design. *The style and design of new buildings should be in character with that of the surrounding neighborhood. This does not mean that new buildings should be identical to existing buildings on neighboring lots, but that new buildings should complement, enhance, and reinforce the positive characteristics of surrounding development. This can be accomplished by incorporating the dominant architectural features of an area into the design of new development. Such features may include bay windows, chimneys, balconies, porches, roof shapes, and other architectural details and materials.*

Development surrounding the Project site includes single-family and multi-family residential development that includes a variety of one, two and three story buildings immediately to the east across Waterford Street, and farther east along Monterey Road. Limited commercial development exists in the immediate vicinity of the Project site, consisting most immediately of the one-story development at the Pacifica Car Wash to the north. To the west the site faces the Highway 1 northbound on-ramp with the Pacific Manor Shopping Center located farther west beyond Highway 1.

The buildings in the vicinity of the Project site include a mix of architectural styles and there is not a dominant theme. The most significant building in the area is the condominium project at 207 Monterey Road located approximately 70 feet east of the Project site. The 207 Monterey Road building is three stories and consists predominantly of garage doors at ground level and large windows at the second floor facing the Project site. One residential balcony is also present on this west elevation. The southern elevation consists of generally the same features and is the only other elevation of the 207 Monterey Road site which is dominant visually from the public right-of-way. Both the west and south elevations include a less than full height third story with limited windows along approximately half to two-thirds of the building length on the respective elevations. The building consists of sloped dark tile roof material, dark window frames and garage doors, and light cream colored stucco siding.

The proposed building would be a three-story building with large commercial and residential windows on the east and south elevations predominantly visible from the public right-of-way. The building would include a mix of dark and light colored siding materials and would incorporate balconies on the east and south elevations. These architectural features are consistent with those at 207 Monterey Road. However, the Project would consist of a flat roof design with a full third story and small projection above 35 feet to house the elevator overrun. Inclusion of an

elevator in the proposed Project is not only a convenient amenity for residents on upper floors, it will enable residents to age in place without needed to climb stairs as they age or their health presents physical limitations. The elevator also increases accessibility for disabled persons throughout the development by reducing the need to climb stairs.

The Planning Commission believes that complete consistency between the proposed Project and the site at 207 Monterey Road is unlikely to occur because of the commercial land use designation and zoning of the Project site, as compared to the multi-family residential designations of the 207 Monterey Road site. The significant number of complimentary characteristics of the proposed building would result in a Project which is not out of character with the buildings on neighboring lots.

Scale. An important aspect of design compatibility is scale. Scale is the measure of the relationship of the relative overall size of one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be "out of scale" with its surroundings due to its relative height, bulk, mass, or density. 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 City's height limitation is a maximum only, and the maximum height may often be inappropriate when considered in the context of surrounding development and topography. The "carrying capacity" of a given site is also an important factor in determining appropriate scale and lot coverage. As with the height limitation, the City's lot coverage limitation is a maximum only.

The proposed building would have a scale which is appropriate for the Project area. While the proposed building would be taller than surrounding buildings in the area, the site is located adjacent to Highway 1 to the west which, in this location is a recessed freeway which would not result in adverse impacts from the Project. The Project is also adjacent to an area to the east which is designated as High Density Residential in the General Plan. The scale of the proposed building is an appropriate transition from High Density Residential to Mixed Use (the Project site's designation) to Highway 1 to the west. In addition, the area to the north consists of a car wash which would not be adversely impacted by the scale of the Project because the site does not have any residents or commercial tenants or customers with extended occupancy. Similarly, the play fields to the south at Ocean Shore School would not be adversely affected by the proposed building. In terms of density, the 207 Monterey Road condominium project consists of seven residential units, while the proposed building would consist of five residential units and commercial uses. In terms of intensity and density of development, the Project as proposed would not be out of scale with its surroundings.

Details. Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.

As indicated in the discussion above, the proposed building would incorporate architectural details such as soffits, sunscreens and trellises as well as wall insets and balconies. The pedestrian pathways and storefront window system in particular would create an inviting commercial use of the site and would establish a sense of human scale.

- f. *Materials. Compatibility of materials is an essential ingredient in design quality. In areas with either historic or architecturally significant structures, the use of similar exterior construction materials should be used in new construction in order to maintain neighborhood character. Consistency and congruity of materials and design elements on individual structures is also important.*

The proposed building design incorporates a variety in the type of materials while maintaining a cohesive style. These materials including wood, stucco and glass are compatible with one another and applied to be congruous and maintain neighborhood character. In terms of neighborhood character, the mix of light and dark materials and colors on the proposed building would be consistent with and complimentary to the 207 Monterey Road condominium project located to the east of the Project site.

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

The proposed building color would include warm brown bamboo wood tones and dark gray resin panels and textured concrete blocks in the walls on three of the building elevations. The fourth elevation, on the north, is oriented primarily to the adjacent car wash and development northward on Waterford Street. This elevation integrates a light blue stucco, which would relate to the change to stucco material from the wood, resin panels, and concrete blocks of other elevations, and which would further be compatible with the blue trim color at 200 Bancroft Way and the extensive blue stucco present at the Coastside Masonic Center at 311 Waterford Street/206 Clifton Road.

- h. *Privacy. Consideration should be given to the impact of development on the privacy of surrounding properties. Use judicious windows placement and appropriate landscaping to help minimize the potential for loss of privacy.*

Privacy impacts have been considered with window size and placement along the north elevation where the adjacent car wash site could redevelop at or near the property line in the future. While the eastern façade of the proposed building would include decks/balconies and glass windows, the footprint of the proposed building is offset from the footprint of the single-family residential building at 367 Waterford Street and at a distance of approximately 65 feet from it. The only exposed living area at the 207 Monterey Road condominiums site is one second-floor balcony on the west of the site. The balcony is already exposed to public view. Thus, the

proposed Project would not be likely to affect the privacy of the residential buildings located to the east.

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

The proposed building is architecturally consistent on all four elevations, and especially on the east, south, and west elevations. The design of the north elevation has been adjusted to reflect the potential for redevelopment of the adjacent car wash site, and accordingly has minimized the number of windows present on this elevation to minimize future privacy impacts. The north elevation also reflects light blue stucco as the dominant material at the second and third floor levels to integrate with blue tones present in other developments to the north, as explained above. Nevertheless, the north elevation also contains the warm brown bamboo wood siding and dark gray block walls present on the other three elevations, achieving consistency on all four elevations.

LANDSCAPING

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

The Project site exceeds the minimum landscaping requirements of the C-1 zone and includes a variety in the amount of landscaping. The Project includes large scale landscaping to complement the scale of the building. Twelve street trees are proposed along the Waterford Street frontage as well as decorative shrubs and grasses. Additional landscaping is proposed at the southeast corner of the property at the intersection of Monterey Road and Waterford Street. Most notably, the corner landscaping treatment includes a specimen tree and shrubbery at this key visual focal point. A landscape strip is also proposed at the west property line along the freeway on ramp. This landscape area will feature vines on the ground level to soften the solid wall and shrubbery in front of the building.

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

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

GENERAL PLAN

a. Circulation Element

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

Access to the proposed residential units will be provided through a two-way driveway to the parking garage from Waterford Street and the commercial component of the Project would be directly located on and accessed from Waterford Street, which is a public street. The building's orientation close to the street and provision of convenient bicycle parking, as well as construction of a sidewalk, would encourage non-vehicular trips to and from the site. The City's Engineering Division staff has reviewed the development proposal to ensure the new development would be constructed in a safe manner, in particular with their review of site distance for the driveway.

b. Community Design Element

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

The Project would improve the general area of Waterford Street by replacing an unattractive undeveloped lot which has recently been used as a construction equipment staging area with an attractive mixed-use building that could provide convenient commercial services to residents and which would provide five critical housing units in Pacifica. These objectives are consistent with the Land Use Element and Housing Element of the General Plan, as well as the objectives for this area as enumerated in the East Edgemar-Pacific Manor neighborhood narrative in the General Plan.

c. Land Use Element

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

The proposed mixed-use development is consistent with the character of the neighborhood in that it would be consistent with commercial uses which exist to the north and to the south (near Oceana Blvd. and Manor Dr.). Multi-story development is also present in the neighborhood and the Project would be consistent in that regard. Furthermore, the East Edgemar-Pacific Manor neighborhood narrative in the General Plan envisions shifting this area into well-designed high density residential development to better support the neighborhood character. The proposed Project is consistent with that objective.

The proposed Project is not located in the Coastal zone and is, therefore, not subject to the policies of the Local Coastal Land Use Plan.

The Project would also be consistent with other applicable laws of the City, including but not limited to the Article 10 and Article 28 standards enumerated in Table 1 of the staff report, and the Residential Clustered Housing Development standards in Article 24 of Chapter 4 of Title 9 of the PMC, as outlined below.

- *General Regulations. Regulations governing the density, use, building height, building site area, minimum unit size, required yards, building separation, signs, and other explicit regulations, where applicable and where not governed by the provisions of this article, shall be those of the district within which the development is located.*

The Project is consistent with the applicable C-1 zoning regulations and General Plan policies as noted in Table 1 of the staff report, and in the findings for approval of a site development permit above.

- *Usable open space. The minimum required usable open space, exclusive of all structures, shall contain an area having a slope of not more than ten {10%} percent and a minimum area per unit of 450 square feet per unit, per PMC Section 9-4.2402(b)(2).*

Per PMC Section 9-4.260.2, usable open space shall include common or private outdoor living, recreation, domestic use, or landscaping. Such area may be on the ground or on a roof, porch, deck, court, or balcony, where any separate area that qualifies under this definition of usable open space shall be a minimum of 4'-0" by 10'-0" and not have a slope of more than 10 percent.

The Project includes five condominium units which would require 450 sf of usable open space per unit. Therefore, the Project would require 2,250 sf of usable open space. The Project provides a combined total of 4,709 sf of usable open space in yard space, balconies and a courtyard on the second floor, all of which are more than the minimum of 4'-0" by 10'-0" and do not have a slope of more than 10 percent.

- *Private open space. Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 150 square feet, except that a studio or one-bedroom unit shall be allowed to have a minimum area of 130 square feet. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least one duplex weatherproofed electrical convenience outlet and shall have a shape and size which would allow for optimal usable space. Such space shall be at the same level as, and immediately accessible from, a room within the unit.*

The Project provides private open space in second and third floor balconies and decks associated with the five residential units, which exceed the requirement for a minimum area of 150 sf. A condition of approval requires that the private open space associated with each unit shall have at least one duplex weatherproofed electrical convenience outlet and shall have a shape and size which would allow for optimal usable space.

- *Rights-of-way. The rights-of-way, and improvements thereon, for all streets, whether to be public or private, shall be approved by the Commission and Council.*

The Project is proposed to be constructed adjacent to two existing, established public rights-of-way (Waterford Street and Monterey Avenue). Since no streets are proposed to be constructed, this requirement is not applicable to the subject Project.

- Separation from other structures. *The main structures of any development in which residential uses are proposed shall be separated from any other main structure on the same lot by at least ten {10'} feet.*

The Project proposes only one structure on the lot. Therefore, this requirement is not applicable to the Project.

- Side yard setbacks. *The side yard setbacks of any residential main structure on any corner lot or group of lots contiguous to a corner lot under the same development on a public street shall be ten (10') feet if the depth of the side yard is 100 feet or less and fifteen (15') feet if the depth of the side yard is over 100 feet.*

The Project site is a corner lot located at the intersection of Monterey Road (front lot line) and Waterford Street (east side lot line). The west side lot line is adjacent to Highway 1. The depth of the east side lot line is 134.94 feet and the depth of the west side lot line is 55.25 feet (Attachment C of the staff report). To meet the side yard setback standards for a residential clustered housing development, the Project would require a 15-foot setback along Waterford Street and 10-foot side setback along the site's western boundary abutting Highway 1.

The Applicant has requested a variance for reduced side setbacks. Upon approval of the variance by the Planning Commission, the Project would be consistent with this standard.

- Trash storage areas. *Trash storage areas shall be provided and shall be contained within each unit, within the lot lines of the property, or enclosed in the common area.*

The Project includes a common trash room on the ground floor for both the residential and commercial uses on site. Because the trash storage area would be provided within the lot lines of the property and enclosed in a common area, the Project would be consistent with this requirement.

- Laundry facilities. *A laundry area shall be provided within each unit or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five (5) units.*

The Project includes laundry facilities within each unit.

- Television and radio antennas. *Exterior individual television and radio antennas shall be prohibited on the outside of the owners' units. A central antenna with connections to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.*

As conditioned, the Project would comply with the above stated standard.

- Private storage space. *In addition to guest, linen, food pantry, and clothes closets customarily provided, each unit within the project shall have at least 200 cubic feet of enclosed, weatherproofed, and lockable private storage space. Such space shall be for the sole use of the unit owner and shall have a minimum horizontal surface area of twenty-five (25) square feet, and a minimum interior dimension of three and one-*

half (3 1/2') feet by six (6') feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 1/2') feet by six and two-thirds (6 2/3') feet.

Each of the residential units proposes either 228 sf or 229 sf of private storage within each unit.

- Shock mounting of mechanical equipment. *All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.*

The Building Official has not identified any equipment which has the potential to be a source of structural vibration or structure-borne noise. Therefore, this requirement is not applicable to the subject Project.

- Utilities: Location and metering. *(1) Location. Each dwelling unit shall be served by water, gas, and electric services completely within the lot lines or ownership space of each separate unit. No common water, gas, or electrical connections or services shall be allowed, and each dwelling unit shall be separately metered for each service. Easements for water, gas, and electric lines shall be provided in the common ownership area where lateral service connections shall take place. (2) Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.*

As conditioned, all utilities will be located completely underground and each unit will have access to water, gas, and electrical services that are provided within the lot lines.

- Parking regulations:

The subject Project requires 11 off-street parking spaces for the residential component, comprised of 10 spaces for the residential units and 1 guest parking space, pursuant to PMC Section 9-4.2818(a)(2). The Project proposes the required off-street parking spaces, nine of which will be in a two level parking stacker system upon approval of the requested parking exception. The requested parking exception is further discussed below.

II. Use Permit UP-122-20.

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

The Project requires a use permit for the development of residential use above the ground floor in the same building as a commercial use, because the Project is new construction abutting an R District, as well as for establishment of a residential clustered housing development.

Consistent with the policies and goals of the City's General Plan Housing Element, the proposed Project increases the City's housing supply by providing five new residential units. Creation of housing is an important City objective as stated in the City's 2015-2023 Housing Element of the General Plan and creating additional housing would benefit the general welfare of the City. Additionally, the proposed Project would improve an unattractive, underutilized lot with a well-designed mixed-use building that would improve neighborhood aesthetics. The construction of commercial uses in this location would also have the potential to increase convenient access to services for nearby residents of the adjacent R districts.

According to the traffic impact analysis (TIA), which was reviewed by the City, the Project conditions would not create a significant adverse impact on traffic conditions. The residential and commercial uses incorporated in the proposed mixed-use building will not generate any excessive noise or odors that would make the land use incompatible with surrounding land uses.

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

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

As described above, the Project would be consistent with the General Plan, particularly the policies contained in the Circulation, Community Design, and Land Use elements. Additionally, it would be consistent with the neighborhood narrative for East Edgemar-Pacific Manor neighborhood, which envisions shifting this area into well-designed high density residential development to better support the neighborhood character. The Project proposes development of 5 residential units on a 9,574 sf lot which meets the minimum lot area per dwelling unit of 2,000 square feet (when rounded up per PMC Section 9-4.2312).

The Project is not located in the Coastal Zone and the Local Coastal Plan is not applicable to this Project.

The Project would comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), particularly the development standards and permissible uses of the C-1 (Neighborhood Commercial) district and residential clustered housing development standards, upon approval of a variance for side setbacks and a parking exception for the parking stacker.

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

As described in further detail above, as conditioned, the Project would be consistent with the City's adopted Design Guidelines. In particular, the Project would be consistent with guidelines related to Site Planning, Building Design and Landscaping.

III. Parking Exception PE-190-20.

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

The Project proposes 15 automobile parking spaces, which number complies with the applicable parking standards for both the proposed commercial and residential uses. However, the proposed parking utilizes a parking stacker system in the parking garage for nine of the 15 required parking spaces. This proposed parking configuration does not comply with the dimensional requirements for off-street parking.

A parking exception can be sought for deviation from any number of parking standards contained in Article 28 of the Zoning Regulations. Based on standards described in PMC Section 9-4.2817, the proposed Project must provide parking spaces which are a minimum of 171 sf in area, a minimum width of 9'-0", a minimum length of 19'-0", and a minimum vertical clearance of 7'-0". A parking exception is required to authorize nine of the proposed parking spaces in parking stackers with dimensions which deviate from the stated requirements.

The unusual shape of the Project site has affected the Applicant's ability to design on-site circulation and parking areas which fully comply with the provisions of Article 28. The Applicant prioritized provision of the required number of off-street parking spaces and has proposed to deviate from the required dimensions of the parking spaces. The proposed parking stacker system will be the Combilift 551-2,6 parking stacker system manufactured by Wöhr. This parking stacker model would allow for a clear headroom of 6'-8" feet for walking on the lower level and 12'-8" for upper stalls when lowered. The horizontal dimensions of the stalls would be 7'-10" in width and 17'-1" in length (Attachment D of the staff report, Sheet A2.0). Based on the dimensions of sport utility vehicles (SUVs), a common type of large vehicles driven in the United States (Attachment I of the staff report), the system would accommodate most cars.

This stacker will retrieve and provide independent access to vehicles within 15-60 seconds. According to the information presented by the Applicant, the Combilift 551 parking stacker system manufactured by Wöhr is a reliable, high-quality German engineered product, which is safe, quiet and can be operated by a backup generator in power outages. The parking stacker will be serviced by maintenance technicians that are available 24 hours a day. This system will be for usage solely of the residences and will be managed by the HOA per the CC&Rs.

The parking stacker system is a reasonable option to develop and improve an irregularly shaped lot that is less than 10,000-sf in size because it allows for a smaller footprint than the typical parking standards of Article 28. According to the Project's Traffic Analysis (Attachment G of the staff report), there will be five vehicles entering and four vehicles exiting the garage during the PM peak hour and not all of these vehicles will be using the mechanical system. A low number of vehicles entering and exiting during the busiest hour of the day would

likely preclude queuing problems from the stacker vehicle retrieval time delay. The Planning Commission grants a parking exception for the stacked parking system because of the hardships identified above and because the provision of the stacked parking would result in the required number of parking spaces being provided, and other dimensional characteristics of the parking spaces as fully in compliance with the requirements as is reasonably possible.

IV. Variance PV-529-20.

- i. *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 Project site is an irregularly shaped lot with frontage on Monterey Road and sides along Waterford Street (east) and the Highway 1 on ramp (west). The Project site would ordinarily not have any setback requirements other than those determined to be appropriate in the site development permit because the site is zoned C-1 (Neighborhood Commercial). The C-1 zoning district does not have minimum setback requirements. However, because the Applicant has proposed a clustered housing development in the form of a condominium project above the ground-floor commercial use, a minimum 15-foot side setback applies to the residential portion of the Project along Waterford Street and a 10-foot side setback applies to the residential portion of the Project along the Highway 1 on-ramp. PMC Section 9-4.2402(f). The Applicant has proposed a side setback of 2'-9" along Waterford Street and 0'-0" along the Highway 1 on-ramp. Therefore, the Applicant has requested a variance.

There is evidence to support the variance request on the basis of the property location and surroundings. The Project site is an irregular lot uniquely situated between the Highway 1 on-ramp to the west and Waterford Street to the east. The site is also situated at the intersection of Monterey Road and Waterford Street. The irregular shape of the property has significantly influenced the shape of the proposed building and has greatly limited where the building can be located on the site while retaining convenient, usable interior floor plans. The flexibility provided by the C-1 zoning standards minimizes the adverse impact of the lots shape on the commercial portion of the building, but has adversely affected the provision of off-street parking facilities as noted under the parking exception discussion above.

The shape of the Project site, with the setbacks applied to the second and third floors, would significantly reduce the unit floor areas. Units 1, 2, and 3, which are two-story units, would be reduced by approximately 490 sf (a reduction of a reduction of approximately 28 percent). Units 4 and 5, which are one-story units, would be reduced by approximately 450 sf (-24 percent) and 427 sf (-23 percent), respectively. These reductions in unit floor areas would adversely affect the enjoyment of the units, and would dramatically affect the potential sale prices of the units in a way that would have an adverse economic impact on the property owner. The loss of economic use of the property due to application of the subject side setback requirements would not affect the adjacent Pacifica Car Wash site located to the north, which is also zoned C-1, because that property is much

wider and the proportion loss of use of the site from application of the side setbacks would be significantly less than for the subject site. The side setbacks comprise approximately 26 percent of the approximately 96-foot wide subject site. However, on the Pacifica Car Wash site, the side setbacks in question would only comprise approximately 7 percent of the approximately 302-foot wide site.

The loss of economic use from application of the side setbacks to the subject site, as compared to the adjacent Pacifica Car Wash site which has the same zoning classification, combined with the irregular shape of the subject site, support issuance of a variance for the residential clustered housing development side setback standards in PMC Section 9-4.2402(f). Under these circumstances, the granting of a variance would not constitute a special privilege not available to the property in the vicinity and under an identical zoning classification.

- ii. *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 discussion of findings for approval of a site development permit and use permit, above, describe in detail the favorable aspects of the Project design and the compliance with other Pacifica Municipal Code requirements. There is no evidence to suggest that the proposed Project would affect adversely the health or safety of persons residing or working in the neighborhood, or that the Project would be materially detrimental to the public welfare or injurious to property or improvements in the area. The absence of adverse or detrimental impacts related to the subject variance in particular results because the west side setback abuts the Highway 1 on-ramp, and no residents or business owners occupying that area to the west would be affected by the closer location of the building to the west property line. Similarly, the east property line along Waterford Street is separated from the next closest property to the east by the 50-foot Waterford Street public right-of-way. Thus, crowding would not occur up against a developed site on either side of the reduced setbacks. Furthermore, maintaining consistent setbacks with the ground floor commercial uses, which is not subject to setback requirements, would result in a building design which is most harmonious and appropriate in this General Plan "Mixed Use" land use designation, and results in units of a size and configuration which are most enjoyable and convenient for the future occupants.

Therefore, the granting of the requested variance for side yard setbacks at the second and third floor levels will not materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property and would not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

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

The proposed Project would be consistent with the City's adopted Design Guidelines, as described above in the discussion of findings for approval of a site development permit.

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

The Project site is not located in the Coastal Zone. Therefore, this finding is not applicable to the Project.

V. Tentative Subdivision Map SUB-246-20.

- i. *That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any Specific Plan, the Local Coastal Program, and the zoning provisions.*

The proposed subdivision is a condominium subdivision dividing air space. The resulting five residential condominiums and two commercial condominiums would allow mixed-use residential development at a density consistent with the standards for the Mixed Use land use designation of the General Plan (1 unit per 2,000 sf of site area, or 22 units per acre) with such residential development being located entirely above the ground floor in the same building as a commercial use. A single lot is proposed of the site's land with the airspace defined through the condominium plot plans and CC&Rs.

There is no directly-applicable zoning standard for minimum lot size or dimensions related to a condominium subdivision. A related standard is the minimum dwelling unit size found in PMC Sec. 9-4.2313(b), which is 850 square feet for three bedroom units. The sizes of the proposed condominium units are larger than the minimum zoning standards for dwelling unit size. Therefore, the condominium development would enable construction of dwelling units consistent with the zoning standards.

The consistency of the subject Project with the General Plan is discussed above in the findings for approval of a site development permit. Therefore, there is sufficient evidence to make this finding.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Permit for Site Development PSD-848-20, Use Permit UP-122-20, Parking Exception PE-190-20, Variance PV-529-20, and Tentative Subdivision Map SUB-246-20 for construction of a three-story mixed use building with 1,324 of commercial space located on the ground floor and five residential units located on the second and third floors on a 9,574-sf undeveloped lot at 340 Waterford Street (APN 009-058-040), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

File No. 2020-002
340 Waterford Street (APN 009-058-040) Mixed-use Project
November 2, 2020

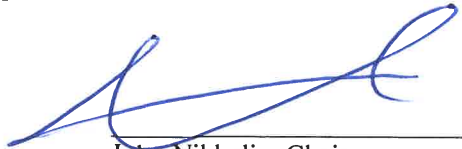
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 2nd day of November 2020.

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. 2020-002 – Permit for Site Development PSD-848-20, Use Permit UP-122-20, Parking Exception PE-190-20, Variance PV-529-20 and Tentative Subdivision Map SUB-246-20 to construct a three-story mixed use building with 1,324 sf of commercial space located on the ground floor and 5 residential units located on the second and third floors at 340 Waterford Street (APN 009-058-040)

Planning Commission Meeting of November 2, 2020

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “340 Waterford Mixed Use Development.” received by the City of Pacifica on September 15, 2020, except as modified by the following conditions.
2. Consistent with section 65863.9 of the Government Code regulating expiration dates of local agency permits issued in conjunction with a tentative subdivision map, and consistent with section 10-1.411 of the Pacifica Municipal Code governing expiration of tentative subdivision maps for five or more parcels, the tentative subdivision map and related development entitlements (site development permit, use permit, parking exception, and variance) are valid for a period of 24 months from the date of final determination. If the final subdivision map is not recorded within such period of time, the approvals shall expire unless Applicant submits a written request for an extension and applicable fee not less than 30 days prior to the expiration date of the tentative map in the manner required by section 10-1.412 of the Pacifica Municipal Code. Any extension of the term of the tentative map shall be deemed also to extend the term of the related development permits.

The development permits approved in conjunction with the tentative subdivision map shall be valid for a period of two years from the date of recordation of the final subdivision map. 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, 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 tentative subdivision map or development permits, the expiration of the tentative subdivision map and related development permits may be tolled during the pendency of such litigation as provided in state law, including but not limited to section 66452.6(c) of the Government Code.

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, prior to issuance of a building permit and prior to final map approval, revise the Project plans and tentative subdivision map, respectively, to indicate that all five residential units included in the development are condominium units and not townhouse units for purposes of Article 24 of Chapter 4 of Title 9 of the PMC.

5. 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.
6. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. The lighting plan shall show fixture locations, where applicable, on all building elevations.
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, and shall be consistent with the specifications 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. 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.
9. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
10. 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.
11. Business hours for the commercial tenants shall be between 7am and 8pm daily.

12. Prior to installation of any and all signs on the site and prior to issuance of a certificate of occupancy for any commercial or residential unit on the site, Applicant shall apply for and obtain approval of a master sign program from the Planning Director. The types of signs expected as part of the master sign program for the residential multi-unit development would include but not be limited to address and unit numbering, and may include a development identification sign.
13. 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.
14. Exterior individual television and radio antennas shall be prohibited on the outside of the owners' units. A central antenna with connections to each unit via underground or internal wall wiring shall be provided, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City.
15. 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.
16. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
17. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
18. Prior to issuance of a building permit, the Applicant shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions and Restrictions and Equitable Servitudes ("Declaration") which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs, and assigns. Prior to recordation, the Declaration shall be approved as to form and content by the City Attorney and Planning Director, and shall at a minimum include the following:
 - A. The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
 - B. There shall be a Homeowner Association to manage the Project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of exterior lighting, parks, common areas, utility areas within common areas, parking, landscaping, building signage, sanitary sewer,

stormwater facilities, open space, and other features of the Project, including, but not limited to, the stacked parking system and permanent battery backup system for the stacked parking system. The provisions related to the stacked parking system shall require the undertaking of maintenance of the system in the manner and at the intervals prescribed by the manufacturer.

- C. The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, exterior lighting, park, parking, landscaping, signage, sanitary sewer, stormwater facilities, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the stormwater facilities located within the property shall be the responsibility of the Applicant and property owners.
- D. The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for the purpose of financing the maintenance, repair and replacement of the common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.
- E. The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person (“Agent”) as may be delegated from time to time, by the Homeowners Association. The Applicant or his/her successor in interest shall act as the Agent as long as he/she owns at least two of the units on the subject property.
- F. Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
- G. Communication. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of the lease or purchase agreement for each unit.
- H. The Declaration shall include procedures for designating a project “Manager” if different than the “Agent” who shall at all times be responsible for security and/or maintenance of the overall Project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.
- I. The Declaration shall include a provision that the provisions relating to this condition shall not be amended without prior approval in writing from the City of Pacifica.
- J. The Declaration shall specify that the owners of each of the residential units on the property shall comply with all other applicable conditions of approval for the Project.
- K. The Declaration shall specify that in no way shall the appearance of any building or premises be so altered, or the conduct of the occupancy within the building or premises be such that the residential units may be reasonably recognized as serving other than a purely residential use by virtue of color, materials, construction, lighting, noise, vibration, or the like, without prior written approval of the Planning Director.
- L. The Declaration shall include any provisions required to be included in the CC&Rs by this Resolution. The CC&Rs shall include any mitigation measure which requires the owners, HOA or other similar entity to undertake maintenance or other obligations after occupancy of the Project.
- M. The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs by the Resolution or these conditions of approval.
- N. The Declaration shall state that the exterior colors used in the development shall be subject to Planning Director review and approval in perpetuity.
- O. The Declaration shall state that the Homeowners Association (HOA) shall undertake the responsibility for the installation and operation of the temporary power generator, when and if required, for the parking stacker and that the temporary generator shall

be installed inside the garage to minimize potential noise impacts to adjacent properties.

19. Applicant shall design and construct the Project in accordance with the recommendations contained in the document entitled "Geotechnical Investigation for Proposed New Mixed Use Development," prepared by GeoForensics Inc. on May 17, 2019.
20. The Applicant must undertake work in accordance with BAAQMD considerations for air quality impacts from Project construction. All control measure indicated in Table 2 "Feasible Control Measures for Construction Emissions of PM10) (as appropriate depending on the size of the project area) must be implemented throughout the construction process to the satisfaction of the Planning Director.
21. Applicant shall be prohibited from converting one or more residential units, or portion thereof, to commercial use, including without limitation office use. However, a resident(s) of one or more of the residential units may operate a home business in a residential unit upon City issuance of a Home Occupation Permit.

Engineering Division of the Public Works Department

22. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and 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.
23. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Waterford Street and Monterey Road. Dust control and daily road cleanup will be strictly enforced.
24. 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.
25. 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
 - a. a site plan, showing:
 - i. the whole width of right-of-way of Monterey Road and Waterford Street, 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. the slope of Monterey Road and Waterford Street at the centerline;
 - iii. adjacent driveways within 25' of the property lines
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - b. All plans and reports must be signed and stamped by a California licensed professional.
 - c. 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.
- 26. The Applicant shall submit a final map to the Engineering Division for approval by the City Council. All required monumentation shall be shown on the map and set prior to recordation of the map. The Applicant shall pay City the cost of the final map review, including the costs of staff time and any services determined to be necessary by the City Engineer.
- 27. Should the Applicant desire to record the final map prior to completion and acceptance of improvements, a bond in an amount determined by the City Engineer must be provided. The bond may be in the form of cash, instrument of credit or surety bond. In addition, a Subdivision Improvement Agreement shall be executed to guarantee that the work will be done in accordance with the approved plans.
- 28. Prior to the execution of the Subdivision Improvement Agreement, 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 not limited to:
 - a. All plans and reports must be signed and stamped by a California licensed professional.
 - b. Plan, profile and cross sections of the proposed driveways. The proposed driveway shall not exceed the maximum grade of 18%.
 - c. Curb ramps on both sides of the driveways.
 - d. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the driveways and retaining wall.
 - e. 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.
- 29. Prior to approval of the final map, the Applicant shall verify that all public and private utilities have been provided to serve the subdivision. Approvals and/or agreements shall be obtained from all utilities. A dedication of all easements shall be included under the Owner's Statement.
- 30. Applicant shall pay the cost of City construction management and inspection for all on-site and off-site improvements.
- 31. Stormwater measures shall be covered under a separate Maintenance Agreement for Stormwater Treatment Measures recorded prior to issuance of the certificate of occupancy and to run with the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.

32. Planters and other minor development structures within the City right-of-way shall be covered under a Maintenance Agreement recorded prior to issuance of the certificate of occupancy and to run with the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.
33. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
34. Add a note on the Site Plan that says, "Any damage to improvements within the 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."
35. Prior to approval of the building permit, Applicant shall provide an erosion control plan.
36. Applicant shall overlay existing asphalt with minimum 2-inch AC to the limits of all utility connection or to street centerline whichever is greater across entire property frontage of Waterford Street and Monterey Road. All pavement markings and markers shall be replaced in kind.
37. All utilities shall be installed underground from the nearest main or joint pole.
38. ADA clearance shall be maintained around all utility poles at new sidewalks.
39. Applicant shall install new Concrete Sidewalk, Curb and Gutter per City Standards across the entire property frontage along Waterford Street.
40. Applicant shall install new ADA curb ramps on both sides of Waterford Street.
41. There shall be no parking along property frontage of Monterey Road and portions of Waterford Street per Traffic Impact Analysis report. Install signs and curbs shall be painted red.
42. The driveway approach 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. Driveway within City right-of-way shall not exceed 18% and portion exceeding 15% grade shall be grooved concrete. Provide structural section of the driveway within City Right of Way.
43. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.

Fire Department

44. Fire sprinkler system is required. Submit plans to NCFA under separate fire permit.
45. Provide fire flow information per CFC, Appendix B.
46. Fire extinguishing/hood system is required. Submit plans to NCFA under separate fire permit.
47. Fire alarm system may be required. Submit plans to NCFA under separate fire permit.
48. Fire alarm system shall be monitored, per CFC.
49. Key Box is required. Apply for approved hardware at NCFA Administration.
50. Portable fire extinguishers(s) are required. Mount fire extinguishers 3-5 feet above floor.
51. Illuminated address identification is required.
52. Utility identification is required.
53. Commercial doors shall be easily openable in one motion without special knowledge, key or effort per CBC.
54. Illuminated exit signs and emergency egress illumination is required.
55. Sprinkler system complying with PMC 4-3.109 is required for the proposed car stacker.
56. The FDC is to be installed within 40 feet of a fire hydrant and in a location approved by NCFA.

Wastewater Division

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

Added by the Planning Commission on November 2, 2020

58. Prior to issuance of a building permit, the Applicant shall revise the Project plans to reflect the Applicant's modification to the Project at the Planning Commission hearing on November 2, 2020, to include a permanent battery backup system capable of operating the stacked parking system in the event of a grid power outage, to the satisfaction of the Planning Director. The battery backup system shall be installed and operational prior to issuance of a certificate of occupancy.

END