

APPEALED

RESOLUTION NO. 2019-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-829-18, COASTAL DEVELOPMENT PERMIT CDP-395-18, USE PERMIT UP-94-18, VARIANCE PV-522-18, AND VESTING TENTATIVE SUBDIVISION MAP SUB-237-18 (FILE NO. 2018-006), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF SEVEN “TOWN HOME” STYLE CONDOMINIUM UNITS IN TWO BUILDINGS ON A 19,476-SQUARE FOOT (.447 ACRES) VACANT PARCEL AT 1567 BEACH BOULEVARD (APN 016-011-190), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Ciyavash Moazzami (“Applicant”).

WHEREAS, an application has been submitted for the construction of seven “town home” style residential units in two buildings and an associated condominium subdivision of airspace on a 19,476 square foot (.447 acre) vacant parcel at 1567 Beach Boulevard (APN 016-011-190) (the “Project”); and

WHEREAS, the project requires approval of a Site Development Permit because the project involves new construction within the R-3 zoning district pursuant to PMC section 9-4.3201(a), and because the project is a “residential clustered housing development” pursuant to PMC section 9-4.2403(a); and

WHEREAS, the project requires approval of a Coastal Development Permit because the project involves development within the Coastal Zone pursuant to PMC section 9-4.4303(a), and the project does not qualify for any exemptions or exclusions from obtaining a permit; and

WHEREAS, the project requires approval of a Use Permit because the project is a “residential clustered housing development” pursuant to PMC section 9-4.2403(a); and

WHEREAS, the project requires approval of a Variance because the applicant proposes to deviate from the applicable zoning standards for the rear setback pursuant to PMC section 9-4.3401; and

WHEREAS, the project requires approval of a vesting tentative subdivision map because the project proposes development of condominiums involving subdivision of air space pursuant to PMC section 10-1.303; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 6, 2019, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the project qualifies for a Class 32 exemption under CEQA Guidelines Section 15332.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Site Development Permit PSD-829-18:

- i. Required Finding: *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 project proposes construction of seven condominium units in an area where single-family and multi-family residential development are intermixed. The project would generate four peak hour vehicular trips in the morning and four peak hour trips in the evening as further described below in this resolution. The limited number of vehicular trips generated by the project would not be a significant addition to existing traffic in the neighborhood and would not worsen traffic conditions on Beach Boulevard and the vicinity. Furthermore, an Engineering Division condition of approval requires signage at the intersection of Beach Boulevard and Paloma Avenue to caution drivers that turning right at the intersection would lead to a private driveway only. Such signage would limit the potential for traffic conflicts in front of the property, which is located at the northern end of Beach Boulevard. Another proposed condition would require the applicant to install a sidewalk along the east side of Beach Boulevard to provide a safe pedestrian path during periods of high surf when waves may overtop the seawall, and also would require installation of ADA-compliant pedestrian crosswalks at the Beach Boulevard-Paloma Avenue intersection to increase safety for pedestrian traffic crossing Beach Boulevard and Paloma Avenue. Thus, as conditioned, the location, size and intensity of the project operations would not create inconvenient vehicular and pedestrian traffic patterns in the neighborhood.

- ii. Required Finding: *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.*

The off-street parking areas on the site consist of two-car parking garages with each unit and the two guest parking spaces at the terminus of the driveway segment to the northeast of the project site. Ingress-egress to the site would occur via this driveway, which would be 20'-4" wide at the gated entrance to the site. In that Beach Boulevard north of Paloma Avenue provides vehicular access to the project site only, with the two neighboring properties to the south gaining access from a driveway off Paloma Avenue, traffic on Beach Boulevard to the front of the project site is not expected to be significant.

Given the location of the off-street parking areas on the project site, adequate driveway width for cars entering and exiting the project site, and anticipated traffic conditions on the Beach Boulevard segment in front of the property, the project would not create a hazardous or inconvenient condition to adjacent or surrounding uses. Additionally, the City's Engineering Division staff has reviewed the development proposal to ensure the

new development would be constructed in a safe manner and the parking areas would not create a hazardous or inconvenient condition to adjacent or surrounding uses with respect to traffic on the street.

- iii. Required Finding: *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.*

Service and storage areas in the proposed development would be enclosed within the buildings and not visible from the street and adjoining building sites. The project proposes plantings in a strip along Beach Boulevard fronting the site, adjacent to the north wall of Building 2, in raised planters to the rear of the property, and in the side yard to the south between Building 1 and the multi-family residential building to the south of the site. While the location of these planting areas would separate paved areas on the site from adjoining buildings and the street, the project would include a significant amount of pervious paving surfaces for the driveway, pathways and porches. To visually break up the expanse of these surfaces, a condition of approval is included requiring that the applicant proposes a mix of paving designs and coastal compatible live plantings in the final landscape plan to the satisfaction of and approval by the Planning Director, prior to building permit issuance.

- iv. Required Finding: *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 would result in the development of seven condominium units within an existing developed area. Based on the project plans, the proposed project would significantly improve the appearance of the site and the surrounding neighborhood because of the high-quality architectural design as discussed more fully below in the analysis of Design Guidelines consistency.

There are no buildings west of the project site which could be affected by the project. To the sides (north and south of the project site), ample side setbacks existing to preserve access to light and to air by existing developments. A side setback of 5'-0" feet from the south property line would separate the buildings on the project site from the closest adjoining buildings to the south. A side setback of 20'-0" from the north property line would provide a significant separation from the single-family residences located to the north.

An ample setback would also exist to the rear of the project site to protect access to light and to air by existing surrounding buildings. The proposed rear setback of 15'-0" to Building 2 would be more than adequate to provide access to light and air for the property to the rear (east). More than 260 feet would separate the rear property line of the project site from the nearest residential structure at the adjacent apartment complex to the east. The nearest structure within the apartment complex is a carport structure located

in close proximity to the complex's western property. Another residential building does exist on the adjacent apartment complex to the southeast of the project site; however, an existing building at 29 Paloma Avenue is situated between the apartment complex and the project site. Thus, the proposed project would not have an effect on access to light or air for that southernmost apartment building.

In that the project would upgrade the appearance of the site, it would not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof. Moreover, the proposed project setbacks would not unreasonably restrict access to light or to air by existing buildings on adjacent properties.

- v. Required Finding: *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 proposed project includes the development of seven condominium units contained in two buildings and does not include any commercial or industrial uses. Therefore, this finding is not applicable to the subject project.

- vi. Required Finding: *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 site is currently undeveloped and relatively flat, ranging in elevation from approximately 28 feet above mean sea level in the west to approximately 35 feet above mean sea level in the east. The western portion of the site consists of sand, gravel, and asphalt surfaces. The northern and eastern portions of the site are dominated by non-native ice plant and a few non-native shrubs. As such, it does not contain trees, shrubs, creeks, rocks, or other prominent natural features or slopes which would be destroyed by the project.

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

The project proposes two contemporary buildings that incorporate variety in the use of materials and treatment of elevations and would avoid monotony in their external appearance. Elements of variation in the design of the proposed structures' architectural features include balconies on the upper floors and porches on the first floor as well as materials employed in the exterior finish, which include stucco with stone accents, glass railings for balconies and front porches, and metal awnings above doors to the outdoor spaces on upper floors.

However, despite the interesting architectural design of most of the buildings, the color scheme and similarity of materials of the east elevation of Building 1 and the color scheme and balcony materials of the east elevation of Building 2 could result in monotony. Both buildings feature large surface areas lacking a variety of materials and

colors. The large surface area of balcony enclosures on the east elevation of Building 2 also add an inappropriate amount of mass to the structure and contribute to the large, single color, blank appearance of this elevation. To address these issues, a conditions of approval is included to require additional accent colors on both elevations and alternative balcony enclosure materials on the east elevation of Building 2.

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

The Planning Commission has determined that the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines are discussed below

SITE PLANNING

- a. Site Improvements. *Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features. For example, existing healthy trees and distinctive berms or rock outcroppings should be incorporated into site design. Buildings should be oriented to capitalize on views of hills and ocean.*

Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.

The subject project includes two buildings, Building 1 located along the Beach Boulevard frontage and Building 2, located to the rear of the property behind Building 1. Both buildings have been designed to maximize the view of the ocean. The two-story Building 1 takes advantage of its oceanfront location with front facing porches on the first floor and balconies on the second floor with each of the four condominium units contained in this building. Building 2 is three stories and, while setback to the rear, includes balconies on the western façade where the third floor balconies would overlook the ocean.

No distinctive natural features are present on-site. Additionally, the project would involve minimal grading because the site is relatively flat.

- b. 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.*

Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved whenever possible.

In multi-unit developments, buildings should be located so as to avoid crowding and to allow for a functional use of the space between buildings.

The proposed buildings are sited to allow for a side setback of 5'-0" on the south side as required by the applicable zoning standard. To the north, while the three-story, Building 2 could potentially overlook the rear yards of two, one-story residences in the Ocean Park Manor subdivision, given the distance between the two locations, privacy impacts on the latter are anticipated to be minimal. To the rear, while the project proposes a reduced setback of 15'-0" as compared to the required 20'-0" per applicable zoning standard, the rear façade overlooks the parking area of the apartment building to the east of the project site. The two proposed buildings would not impede views of the ocean from adjoining buildings to the south and north that overlook the ocean in that all development is to the east of Beach Boulevard. The project would not cast shadows on adjacent development because of the separation of development to the east and the north and the absence of development to the west. The arrangement of the two buildings on the project site is such that it allows for a 30'-0" separation and ample space between the rear façade of Building 1 and front façade of Building 2 to avoid crowding.

- c. *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.*

Off-street parking for the proposed residential units would be located in garages enclosed within the buildings that would face the driveway in the interior of the project site. A guest parking space and an accessible parking space would also be located to the rear of the property and would not be visible from the street. A planted area adjacent to the north wall of Building 2 is also proposed in the vicinity of the guest and accessible parking space. The plantings in this area would serve to soften the visual impact of this parking area from interior views.

BUILDING DESIGN

- d. *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.*

The proposed development is located on the northern end of Beach Boulevard and development to the south of the site is most defining of the character of the neighborhood. The Planning Commission considered development along Beach Boulevard to Carmel Avenue because this segment of the streetscape is most likely to be viewed in continuity with the proposed development. The development adjoining the site to Carmel Avenue includes six buildings, five of which feature flat roofs with one exception with sloping roof. The closest two buildings adjoining the site to the south are non-descript. Farther to the south the buildings are two

stories with some variation in height and feature prominent decks overlooking the ocean.

The proposed development would include a flat-roofed two story building fronting Beach Boulevard with balconies overlooking the ocean; the three story building would be setback to the rear of the property and not in sight line from the street. Additionally, the proposed development would have a well-defined architectural character with clean lines and angles. On balance, the proposed building would complement, enhance, and reinforce the positive characteristics of surrounding buildings.

- e. *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 project proposes two buildings with the two-story building located in the midst of two-story structures along Beach Boulevard, which display some height variation. The footprint of this building would be similar to the footprint of the adjoining buildings to the south and mass scaled down in the treatment of elevations. The three-story building to the rear would be taller than the two single-family residential structures to the south at 7 and 15 Paloma Avenue. However, the proposed project complies with side setback and height standards for the R-3 district which would result in an acceptable relationship between the proposed project and the single-family residences. Moreover, the location of the proposed project to the north of these single-family residences means the project would not affect access to sunlight or cast shadows onto them. The single-family residences are also lawful nonconforming uses in that they are single-family residences which require a use permit in the R-3 (Multiple-Family Residential) zoning district but for which no use permits have been issued. The other, conforming uses in the vicinity involve taller and bulkier buildings which reflect the changing character of this portion of the West Sharp Park neighborhood towards uses which implement the High Density Residential land use designation of the General Plan. Therefore, the proposed project has an appropriate scale for the project site and its surroundings.

- f. *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.*

The proposed buildings include several architectural features and details that further help create a sense of human scale. These features and details include west and east facing balconies on the upper floors of the proposed buildings and porches on the first floor. Additionally, the design of the balconies appears to be recessed due to wall projections defining the sides of the balconies that helps reduce the scale of the proposed buildings. However, as noted above, the balcony materials of the east elevation of Building 2 should be revised to result in a less massive, more open appearance.

- g. *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 predominant materials employed in the exterior finish of the proposed buildings include stucco with stone accents, glass railings for balconies and front porches, and metal awnings above doors to the outdoor spaces on upper floors. While these materials bring variety to the appearance of the buildings, they do not appear incongruous overall and the use of stucco finish is compatible with the exterior finishes of adjacent buildings. The project site is not located near historic or architecturally significant structures.

- h. *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.*

As shown on Sheet A11 of the Project Plans on file in the Planning Department at the City of Pacifica, the proposed color palette consists predominately of two neutral stucco colors with a darker trim, which are consistent with the color schemes of adjacent buildings. Additionally, the proposed buildings also include stone accents that are a neutral color but not the same as the stucco color. These elements of the project design lend it a high quality appearance. However, the color of the east elevations of Buildings 1 and 2 should include an additional accent color to reduce monotony in their appearances.

- i. *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.*

Windows and openings in the proposed building are primarily oriented toward the east to the rear and to the west in the front. Sight lines to the east overlook the parking area of the SeaPointe Apartments building and overlook the Pacific Ocean to the west. Building 1 is closer to the adjoining building on the south side;

however, the former includes only one window on the first floor and the side of a balcony on this side. Building 2 includes a relatively greater amount of windows on the south side but is offset from the single-family buildings to the south such that privacy impacts to those buildings would be minimal. Similarly, to the north, although both buildings have windows and openings, the significant distance from residences in the Ocean Park Manor subdivision greatly reduces the potential for privacy impacts to the subdivision from the project.

- j. 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 west elevation of both buildings is the most articulated with large windows, door openings to porches and balconies with glass railings to take advantage of the ocean views. Nonetheless, the building facades carry through the exterior finishes and shape of windows on other elevations such that there is architectural consistency among all elevations.

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

The proposed residential development, as conditioned, would be consistent with the General Plan, Local Coastal Plan, and other applicable laws of the City. General Plan and Local Coastal Plan consistency includes, but is not limited to, the following policies:

GENERAL PLAN

a. Circulation Element.

- Policy No. 13: *Maintain and upgrade local streets.*

As required in a condition of approval, the applicant would overlay the existing street pavement with asphalt concrete and provide a new sidewalk on the entire length of Beach Boulevard north of Paloma Avenue. The applicant is also required to provide, as a condition of approval, ADA compliant crosswalks across Beach Boulevard and Paloma Avenue to allow safe pedestrian access.

b. Community Design Element.

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

The project proposes infill development on a currently undeveloped lot located in an established neighborhood. The project proposes development of seven condominiums that would be contained in two buildings of pleasing aesthetic appearance, which would serve to upgrade the neighborhood. Additionally a Subdivision Improvement Agreement would be required as an

Engineering Division's condition of approval to ensure that improvements as agreed upon between the applicant and the City of Pacifica are constructed.

- Policy No. 5: *Require underground utilities in all new development.*

The project would be constructed on an existing vacant lot and is considered new development. Consistent with this General Plan Policy, a condition of approval shall ensure that all utilities would be installed underground.

c. Land Use Element

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

The surroundings of the site are characterized by an established neighborhood of single- and multi-family residential buildings and the proposed development of seven condominiums in two multi-family residential buildings is consistent with the general character of the part of West Sharp Park neighborhood where the project is proposed. The scale of the proposed buildings, one of which is two stories with four units and one of which is three stories with three units, is consistent with the scale of development on the two adjacent properties along Beach Boulevard. Furthermore, the General Plan designates the project site as High Density Residential (HDR) and it is zoned R-3 (Multi-Family Residential) allowing for the construction of seven residential units on the project site. Given that the General Plan designation and zoning of the vicinity is the same as that of the project site, development in the immediate neighborhood and that of the site would be consistent.

d. Seismic Safety and Safety Element

- Policy No. 1: *Prohibit development in hazardous areas unless detailed site investigation ensures that risks can be reduced to acceptable levels.*

The project site's location at the north end of Beach Boulevard involves two potential hazards applicable to the proposed project: tsunami inundation hazard and risk of failure of the Beach Boulevard seawall.

Approximately half the site in the front is within in the limit of the Potential Tsunami Hazard area identified for the West Sharp Park neighborhood in the "Geotechnical Hazards" map in the Seismic Safety and Safety Element of the General Plan (between pp. 98 and 99). The location of the site within this identified Potential Tsunami Hazard area prompted further analysis of the tsunami hazard.

Sheet C2.01 to C5.01 of the Project Plans, on file in the Planning Department at the City of Pacifica show the approximate Science Application for Risk Reduction (SAFRR) Tsunami Limit Line as modeled by the U.S. Geologic

Survey drawn across the site in its front portion. The SAFRR tsunami scenario focuses on impacts along the California coast from a distant Alaskan earthquake. In this scenario inundation on the site as a result of a SAFRR tsunami would be less than 1 foot of water in the front portion of the site. However, as stated in the General Plan (p. 105), the main tsunami danger is from major earthquakes within the Pacific Ocean Basin, which may generate wave action up to 20 feet and cause damage to structures. A tsunami triggered by an earthquake along the potentially active Seal Cove fault, located approximately one-mile offshore, would provide limited warning time for inhabitants in the inundation zone to evacuate, even with the City's tsunami warning system. Therefore, there is an identified risk to life and property from tsunami inundation at the project site, which must be reduced to an acceptable level in order to find the project consistent with the General Plan.

The project site is landward of shore protection and is setback from the shoreline a minimum of 50'-0", which is the width of the Beach Boulevard right of way in this area. The proposed development is setback further by 25'-0" from the front property line and an approximately 3'-0" high block wall in the front elevates the front portion of the development. While these features could potentially provide protection for the development in a SAFRR tsunami scenario, predicting the specific depth and extent of tsunami inundation is difficult and it is most appropriate to take a conservative approach to considering potential risk at the project site. Thus, additional measures are required to reduce the risks of building collapse and loss to life and property of the inhabitants of the project site which would result from higher levels of wave action and inundation.

A conditions of approval has been included that require a qualified engineer to make structural recommendations for the design of Building 1 to prevent a building collapse in the event a tsunami inundated a substantial portion of the first floor of the structure; relocation of the first-floor bedroom to the second floor in the only Building 1 unit which is proposed to include a first-floor bedroom; and, installation of a tsunami hazard notification sign at the site. With these measures incorporated, there is sufficient evidence to find that the tsunami risk at the site has been reduced to an acceptable level.

The project site is also located near the northern end of the City-owned Beach Boulevard seawall. The seawall protects the Beach Boulevard public right-of-way, which provides the only means of public right-of-way access to the project site, as well as public infrastructure located below it. The seawall also provides incidental protection to the site from progressive coastal erosion which would have the potential to erode the site over the several decades of its design life, potentially impacting the proposed buildings.

The City Engineer has recognized that the portion of the Beach Boulevard seawall located north of the Pacifica Municipal Pier is not truly a seawall, but rather a mechanically stabilized earth retaining wall, and its design has

caused it to be the subject of multiple localized failures since its installation in the mid-1980s, most recently on January 17, 2016. The history of localized failures of the seawall north of the Pacifica Municipal Pier prompted further analysis of the hazard presented by potential future failures of the stretch of the seawall protecting the project site.

The applicant engaged coastal engineering firm GeoSoils, Inc., which concluded, based on site inspections and notwithstanding small areas of rusting of some of the wall tieback straps, the seawall is in good condition and if maintained, is adequate to protect Beach Boulevard and the proposed development over the next 75 years. The GeoSoils Inc. site inspection included test pits at locations along the seawall closest to the project site and involved inspection of the top row of tieback straps.

The City's consultant, Cotton Shires and Associates (CSA), performed a peer review of the analysis prepared by GeoSoils Inc. and recommended that test pits be excavated in at least two locations to expose and allow for inspection of at least three metal tieback strap layers, not simply the top row as had been done by GeoSoils Inc. After GeoSoils Inc. provided the requested further analysis for CSA review, CSA confirmed the GeoSoils Inc. observation as to the structural condition of the wall and concluded that the existing seawall has approximately 40 years of life remaining, assuming a similar rate of corrosion/degradation as has been observed to date.

Therefore, as a result of the applicant's analysis, which has been confirmed by the City's peer reviewer CSA, there is substantial evidence to support a conclusion that the seawall primarily protecting the Beach Boulevard public right-of-way should continue to provide a substantial degree of protection to the site for up to 40 years, and therefore no further mitigation of the hazard presented by potential failure of the seawall is necessary at this time.

Policy No. 4: Require that development in marginally hazardous areas be designed and engineered to protect life and property.

As described in detail in the discussion above related to Policy No. 1 of the Seismic Safety and Safety Element, the project site is located within a tsunami inundation hazard area and is also protected by an existing City-owned seawall. As a result, as also noted above, a conditions of approval has been included which would ensure that development at the site is designed and engineered to protect life and property.

LOCAL COASTAL PLAN

- a. *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 would be located east of the shoreline, across Beach Boulevard, and would not affect or interfere with the existing public promenade along Beach Boulevard, which provides access to the sea. Therefore, the project would not impact or otherwise interfere with the public's right of access to the sea.

- b. 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, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Where feasible, new hazardous industrial development shall be located away from existing developed areas. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The proposed development would be constructed on an infill lot on Beach Boulevard. All utilities shall be extended to the project site as part of the project. Therefore, the site would be developed contiguous with existing developed areas, would be able to accommodate the proposed development, and would not have significant adverse effects on coastal resources.

The project would also be consistent with other applicable laws of the City, including but not limited to 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 proposed development is located in the R-3 (Multiple-Family Residential) district. The project is consistent with the applicable R-3 zoning regulations with the exception of the standard applicable to the rear yard setback. Per PMC Section 9-4.602, the minimum required setback in the R-3 zoning district is 20'-0" to a building. The project proposes a 5'-0" reduction in the minimum required setback for Building 2 and thus includes a rear setback of 15'-0". The applicant has also proposed a reduced rear setback to second and third story balconies of Building 2. PMC section 9-4.2703 allows certain features such as balconies to project up to six feet into any front or rear setback. In this case, a rear setback of 14'-0" would be allowable under this provision. The applicant has proposed a rear setback to the second and third story balconies of 9'-0", which would be an 11-foot projection into the rear setback.

To deviate from the rear setback standards, the applicant has requested a variance, which is discussed in below this resolution. The project would be consistent with the applicable R-3 zoning regulations, subject to the approval of the variance by the Planning Commission.

- *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 as follows: (1) Townhouses: 750 square feet per unit; and (2) all other forms of clustered housing: 450 square feet per unit.*

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 qualify 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 seven "townhome style" condominium units and requires 750 sf of usable open space per unit or a total of 5,250 sf of usable open space for the development. As proposed, the project provides a combined total of 4,825 sf of usable open space in yard space, porches and balconies. While all of these spaces are more than the minimum of 4'-0" by 10'-0" separately and do not have a slope of more than 10 percent, the combined total of usable open space, as proposed, is 425 sf less than the area required in usable open space on the project site. The applicant has offered to enlarge the front balconies on the upper floor in Building 1 and rear balconies on the upper floors in Building 2, in order to meet the applicable usable open space requirement. With the proposed modifications, the project would provide a combined total of 5,259 sf of usable open space, thus exceeding the minimum usable open space requirement. The proposed enlargement of the balconies would not yield significant changes in the elevations of the buildings. A condition of approval has been included requiring the enlargement of the balconies, as shown in Exhibit E to this resolution, prior to issuance of a building permit.

- *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 includes ample area of shape and size in the front in Building 1 and in the rear yard in Building 2 for each of the units that would allow for private open spaces to meet the private open space standards specified above. However, the design of these areas must be modified such that a minimum area of 150 sf is on the same level as, and immediately accessible from, a room within the unit that includes one duplex weatherproofed electrical convenience outlet (PMC section 9-4.2402(c)). Therefore, a condition of approval requires that, prior to building permit issuance, private open

space areas shall be demarcated in the front open space of each unit in Building 1 and rear yard of each unit in Building 2, subject to the satisfaction and approval of the Planning Director.

- *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 an existing, established public right-of-way (Beach Boulevard). Approval of this project shall be conditioned upon improvements required within the Beach Boulevard right-of-way as part of the subject project and extension of utilities to the site. Therefore, this requirement shall be met.

- *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 two buildings, which are separated from each other by 30'-0", thus, exceeding this requirement.

- *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 located approximately 118 feet north of the intersection of Paloma Avenue and Beach Boulevard, at the northern end of Beach Blvd. The development proposed on the site is not under the same development as the development on the corner lot. Hence, this requirement does not apply to the subject project.

- *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.*

Trash storage areas would be provided in the garages associated with each residential unit and concealed inside the garage.

- *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.*

A laundry area is proposed within each unit as shown on the Project Plans on file in the Planning Department at the City of Pacifica.

- *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 ½') feet by six (6') feet or, if a walk-in type, shall have a minimum clear access opening of two and one-half (2 ½') feet by six and two-thirds (6 2/3 ') feet.*

Private storage spaces are proposed within each unit under the flight of stairs in the unit, and the area of these spaces exceeds the minimum required area of 200 cubic feet for each of the storage spaces, as shown on Sheet T2 of the Project Plans on file in the Planning Department at the City of Pacifica.

- *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 would be located completely underground and each unit would have access to water, gas, and electrical services that are provided within the lot lines.

- *Parking regulations.*

The subject project requires two covered off-street car parking spaces per unit and a guest parking space. The project proposes two-car garages with each of the seven units and a guest parking and an accessible guest parking space at the end of the driveway located along the site's northern boundary. The parking proposed for each unit and the guest parking for the project generally comply with the requirements of PMC section 9-4.2818(a)(2).

Based on the above discussion the project would be consistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

In addition to the findings required for the approval of a Site Development Permit PSD-829-18, the Planning Commission must make the two additional findings for clustered developments required by PMC Section 9-4.2403(c). The following discussion supports the Commission's findings in this regard.

- x. Required Finding. *For projects in low density areas, that the privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.*

The project site is not located within a low density area. The property is located within the High Density Residential (HDR) designation of the General Plan and within the R-3 (Multiple-Family Residential) zoning district, both of which are intended for high-density residential development. The vicinity of the property is also located within the HDR designation and R-3 zoning district. Therefore, this finding is not applicable to the proposed project.

- xi. Required Finding. *That the architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.*

The architectural features of the proposed buildings are compatible with the design character of the immediate neighborhood as described in discussion above pertaining to building design in reference to the project's consistency with the City of Pacifica adopted Design Guidelines. In exhibiting consistency with these guidelines with respect to building design, the project would complement and reinforce many of the positive architectural characteristics of the neighborhood and is anticipated to enhance the neighborhood with an elevated quality in its architecture.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Coastal Development Permit CDP-395-18:

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

As more fully described above, the project would be consistent with Coastal Act Policy Nos. 2 and 23 as adopted in the City's LCP. Specifically, the project would not interfere with the public's right of access to the sea, and would be in close proximity to existing developed areas where utilities and public services can be extended to the site. Therefore, there is sufficient evidence to find that the project 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 proposed development is separated from the shoreline by Beach Boulevard, which is the nearest public road. Therefore, the proposed development is not between the nearest public road and the shoreline and this finding for the Coastal Development Permit does not apply in this case.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Use Permit UP-94-18:

- i. *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 would result in the development of seven residential condominium units. Creation of housing is an important City objective as stated in the City's 2015-2023 Housing Element of the General Plan. The City has an identified need of at least 413 new housing units during the planning period covered in the Housing Element. Therefore, creating additional housing would benefit the general welfare of the City.

A trip generation analysis for the proposed development indicates that it would generate four morning and four evening peak hour trips, which would not generate significant additional traffic. The project would also enhance pedestrian facilities in the vicinity of the project site which would improve pedestrian safety.

The development would occur on a site that is subject to a tsunami inundation hazard. However, as conditioned, the tsunami hazard would be reduced to acceptable levels and the project would be designed to protect life and property.

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. Required Finding: *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.*

As described above in this resolution the project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, and Land Use elements of the General Plan. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and permissible uses of the R-3 (Multi-Family Residential) district. The project would also comply with Coastal Act Policy Nos. 2 and 23 of the LCP. Additionally, the project would mitigate the tsunami hazard to acceptable levels, the project would not be at risk from seawall failure for up to 40 years, and it would be consistent with the neighborhood narrative for the West Sharp Park neighborhood in that it proposes infill development on a vacant lot with a residential use similar to existing adjacent uses.

This project would also be consistent with other applicable laws of the City, including but not limited to the Residential Clustered Housing Development standards found in Article 24 of Chapter 4 of Title 9 of the PMC and required by PMC Section 9-4.2402, as outlined in above in this resolution:

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

As described in further detail above in this resolution, 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 and Building Design.

In addition to the findings required for the approval of a Use Permit UP-94-18, the Planning Commission hereby makes the two additional findings for clustered developments required by PMC Section 9-4.2403(c), as enumerated above in this resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Variance PV-522-18:

- i. Required Finding. *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 relatively flat, 110'-0" wide and 180'-0" deep. The General Plan designates the site as High Density Residential, which allows for a minimum of 16 dwelling units per acre. The site is 19,476 sf (.447 acres) and the density requirements of the applicable HDR General Plan designation dictate that it should be developed with seven to nine residential units.

The applicant has indicated that construction of seven units on the site, consistent with all applicable residential clustered housing standards, and inclusive of the fire apparatus access road and turnaround required by the California Fire Code (CFC), has presented a hardship which is depriving the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification. Specifically, the applicant has cited difficulty complying with the rear setback requirement for Building 2 and for the second and third story decks projecting from Building 2 to the rear.

There is evidence to support the variance request on the basis of the property location and surroundings. The project site is uniquely situated at the north end of Beach Boulevard which has resulted in an isolated property with only a singular point of access to the public right-of-way. The project is surrounded by other parcels which limits additional points of access, particularly for fire apparatus. CFC requirements state the project buildings must be located within 150 feet of a fire apparatus access road. Because of the project's isolated location at the end of the Beach Boulevard public right-of-way, and because it is surrounded by other private property, the project site itself must include the necessary fire apparatus access roads and turnarounds. Ensuring proximity to these fire apparatus access roads (not more than 150 feet from any portion of any building), combined with the need to construct

seven dwelling units, plus the location at the end of the public right-of-way requiring a fire apparatus turnaround in addition, has leveled a large number of requirements on the project site which are not applicable to the surrounding R-3 zoned properties along Paloma Avenue. Those surrounding properties all have more direct access to Paloma Avenue such that their structures are not more than 150 feet from a public right-of-way, or potentially have access available from two public rights-of-way for firefighting purposes. More importantly, none of the surrounding R-3 zoned properties are located at the terminus of a public right-of-way such that they would need to construct a fire apparatus turnaround. Given that this reduction in the rear yard setback has ultimately been necessitated due to the location of the property at the end of a public street, the requested variance for the aforementioned reduction in the minimum required 20'-0" rear setback to Building 2 and corresponding balcony setbacks is justified.

- ii. Required Finding. *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 rear of the property abuts the parking area for the "SeaPointe Apartments" building and, for that reason, the proposed development would not adversely affect the residents of the apartments because it would not result in crowding or an imposing building position for adjacent residential buildings. Moreover, the reduction of 5'-0" is a small reduction when compared to the 20'-0" overall standard. The increase to 11'-0" of the projection of the second and third story balconies, in excess of the allowable 6'-0" projection, is sizable; however, the balconies themselves extend only 6'-0" from the face of Building 2 (consistent with the allowable 6'-0" projection for buildings with the standard rear setback) and their further projection of another 5'-0" is directly attributable to the underlying variance request for Building 2 to encroach 5'-0" into the rear setback. Therefore, the variance requested for the balcony rear setbacks is reasonable and directly related to the building setback variance request.

The purpose of the variance request is also to accommodate a CFC requirement which, by installation of a properly-designed fire apparatus turnaround, will result in an increase in public health and safety for persons in the vicinity.

Therefore, the granting of the requested rear yard setback variance, in this case, shall 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. Required Finding. *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 Guideline, as described above.

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

The City's certified Local Coastal Program (LCP) includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed project would be consistent with these policies, as described above.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Vesting Tentative Subdivision Map SUB-237-18:

- i. Required Finding: *The Planning Commission may only approve a subdivision "if it finds 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" [PMC Sec. 10-1-407(c)].*

The proposed subdivision is a condominium subdivision dividing air space. The applicant has proposed the subdivision to allow development of seven residential dwelling units in two buildings on a 19,476 sf (0.447 acres) site. The resulting density of the proposed residential project would be 16 units per acre, which is consistent with the range of 16 to 21 units per acre authorized in the HDR (High Density Residential) land use designation in the General Plan and Local Coastal Program. No specific plan is applicable to the project site.

There is no directly-applicable zoning standard for minimum lot size or dimensions related to a condominium subdivision. There is a zoning standard regulating lot area per dwelling unit in the R-3 zoning district, however. The resulting seven condominiums proposed by the applicant would create a residential development at a density of 2,782.2 sf of site area per dwelling unit, which is consistent with the minimum requirement of 2,075 sf per dwelling unit prescribed in PMC section 9-4.602(b). Additionally, a related standard is the minimum dwelling unit size found in PMC Sec. 9-4.2313(b), which 800 sf for two bedroom units, 850 sf for three bedroom units, and 100 additional sf for each additional bedroom in excess of three bedrooms. The sizes of the units proposed by the subject project exceed the minimum zoning standards for minimum dwelling size in condominium development. Therefore, the condominium development would enable construction of dwelling units consistent with the R-3 zoning standards.

The consistency of the subject project with the General Plan and Local Coastal Program are further discussed in above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Site Development Permit PSD-829-18, Coastal Development Permit CDP-395-18, Use Permit UP-94-18, Variance PV-522-18, and Vesting Tentative Subdivision Map SUB-237-18 for the construction of seven "town home" style condominium units in two buildings on a 19,476 square foot (.447 acre) vacant parcel at 1567 Beach Boulevard (APN 016-011-190), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of May 2019.

AYES, Commissioners: BERMAN, NIBBELIN, RUBINSTEIN

NOES, Commissioners: BIGSTYCK, CLIFFORD

ABSENT, Commissioners: CAMPBELL, KRASKE

ABSTAIN, Commissioners: N/A



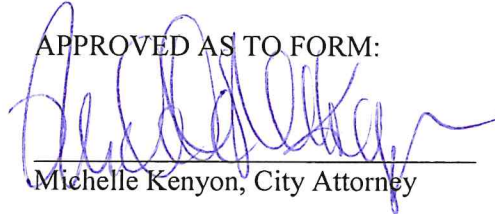
Thomas Clifford, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-006 – Site Development Permit PSD-829-18, Coastal Development Permit CDP-395-18, Use Permit UP-94-18, Variance PV-522-18, and Tentative Subdivision Map SUB-237-18, for construction of seven “town home” style condominium units in two buildings at 1567 Beach Boulevard (APN 016-011-190)

Planning Commission Meeting of May 6, 2019

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “1567 Beach Boulevard,” dated July 24, 2018, and stamped received by the City of Pacifica on May 1, 2019, 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 vesting tentative subdivision map and related development entitlements (site development permit, coastal development permit, use permit, 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 vesting tentative map in the manner required by section 10-1.412 of the Pacifica Municipal Code. Any extension of the term of the vesting tentative map shall be deemed also to extend the term of the related development permits.
3. The development permits approved in conjunction with the vesting tentative subdivision map shall be valid for a period of one year 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 vesting tentative subdivision map or development permits, the expiration of the vesting 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.

4. 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.
5. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction.

6. Prior to approval of a final map, Applicant shall demonstrate to the satisfaction of the Planning Director and City Attorney, that the portion of Bella Vista Avenue abutting Lots 1 and 36 through 38 of Block 14 of the Revised Map Salada Beach Subdivision (RSM 5/20), which was offered for dedication to public use, has been properly vacated pursuant to the procedure set forth in section 8320(a)(2) of the California Streets and Highways Code. Such vacation may include a reservation of easements by the City of Pacifica for various public purposes or other utilities.
7. Applicant may construct Building 2 with a minimum rear setback of 15'-0" to the rear property line. The second- and third-story balconies associated with the rear elevation of Building 2 may be constructed with a minimum rear setback of 9'-0" to the rear property line.
8. Due to the tsunami inundation hazard at the site, Applicant shall retain the services of a qualified engineer with expertise in the design of structures to be constructed in tsunami inundation hazard zones to make structural recommendations for the west building (Building 1) which will reduce the hazard from tsunami inundation to acceptable levels, to the satisfaction of the Planning Director. Such recommendations shall be based upon a potential tsunami inundation of a substantial portion of the first floor, shall be focused on preventing the collapse of the structure due to tsunami forces, and shall be incorporated into the design and construction of the west building (Building 1).
9. No bedroom shall be located on the ground floor of the west building (Building 1). Prior to issuance of a building permit, Applicant shall revise the floor plan of the west building (Building 1) to relocate above the ground floor all bedrooms within all dwelling units.
10. Prior to issuance of a certificate of occupancy for any residential unit in the Project, the Applicant shall install a tsunami hazard notification sign at the site, the design, placement, and method of installation of which shall be subject to review and approval by the Planning Director.
11. 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.
 - 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 these conditions of approval. 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 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.
12. Prior to issuance of a certificate of occupancy for any residential unit, Applicant shall execute and record a stormwater operations and maintenance (O&M) agreement for permanent maintenance of the on-site pervious paving and any other stormwater treatment measure which the Applicant has utilized to comply with stormwater capture and treatment requirements of Provision C.3 of the MRP. Prior to execution and recording, the O&M Agreement shall be subject to review and approval by the City Attorney and City Engineer.
13. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
14. Parking shall be prohibited within the common driveway. Parking shall only be permitted within the approved garages, designated guest parking spaces, and in lawful locations on-street.

15. Prior to issuance of a building permit, Applicant shall ensure the project complies with all requirements of the Residential Clustered Housing Development Standards contained in Article 24 of Chapter 4 of Title 9 of the Pacifica Municipal Code.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 pervious paving material, plant materials, as well as the irrigation system. The pervious pavers included on the plan shall include variation in their design. 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.
22. Prior to issuance of a building permit, Applicant shall revise the color scheme and similarity of materials of the east (rear) elevation of Building 1 and the color scheme and balcony materials of the east (rear) elevation of Building 2 to avoid monotony in their design, to the satisfaction of the Planning Director. Regarding the Building 2 balcony materials, the large, blank, solid surfaces of the balcony enclosures shall be replaced with an open railing design such as, but not necessarily limited to, glass or open work railings.

23. Prior to issuance of a building permit, Applicant shall revise the proposed balconies within the Project consistent with Attachment E to the staff report. Such revisions must achieve a minimum of 5,259 square feet of usable open space, as defined, throughout the Project.
24. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
25. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant’s project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney’s fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division of the Planning Department

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

Engineering Division of Public Works Department

27. 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.
28. The following requirements must be clearly noted on the construction plans for the project:
 - A. Beach Boulevard 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.
29. The proposed sanitary sewer system shall be privately maintained, including within the Public Sanitary Sewer Easement, all the way to and including the connection to the public sewer main or manhole.
 30. Document the physical condition of the existing 72 inch storm drain pipe under the Drainage Easement on the north side of the parcel by means of a recorded CCTV video beginning at the outfall all the way to the property line.
 31. All utilities shall be installed underground.
 32. The proposed driveway shall be designed to provide vehicle bearing capacity equivalent to City standards for neighborhood streets.
 33. In compliance with the City's Complete Streets Policy, and in order to provide pedestrian access/egress for the units proposed in this project, even when normally high surf makes walking near the seawall treacherous, a new sidewalk shall be provided along the east side of Beach Boulevard north of Paloma Avenue.
 34. Since Beach Boulevard north of Paloma Avenue provides vehicular access to only this parcel (the other properties fronting this street have access from a rear alley), and since no provision is being provided in this proposal for vehicles to turn around without entering the private property, prominent signage shall be erected at the Paloma intersection to advise drivers that turning right leads to a private driveway only.
 35. At the Paloma Avenue intersection, an ADA-compliant pedestrian crossing shall be provided across Beach Boulevard, and an ADA-compliant sidewalk ramp shall also allow safe pedestrian access to the existing crosswalk across Paloma Avenue.
 36. Prior to issuance of a certificate of occupancy for any residential unit, Applicant shall install signage at the intersection of Beach Boulevard and Paloma Avenue to caution drivers that turning right at the intersection would lead to a private driveway only, to the satisfaction of the City Engineer.
 37. The existing street pavement on Beach Boulevard north of Paloma Avenue shall be overlaid with a minimum of 2" of Caltrans specification ½" Type 'A' hot mix asphalt concrete for a width of at least 25 feet out from the new sidewalk, from Paloma Avenue to the north end of Beach Boulevard. The outer edge of the overlay will be made flush with the remainder of existing

pavement by cold-planing the old pavement from 2” deep (at the outer edge edge) to zero depth-of-cut at approximately 6 feet back from the edge (a 2” x 6 foot wedge-grind). A similar wedge grind will terminate the overlay at its south end

38. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
39. Provide illumination across the property frontage, out at least 22’ from the curb, sufficient to meet the ANSI-IES Standard RP-8-2000 for Local Roadways with Low Pedestrian Conflict and R2 or R3 pavement, as evidenced by a computer-generated photometric analysis based on manufacturer’s distribution specification for the proposed light fixtures. The physical appearance of lighting fixtures shall be approved by the Planning Director.
40. Document the physical condition of the existing seawall, beginning at Paloma Avenue and across the entire frontage. In order to avoid weakening the seawall, trucks and heavy construction equipment shall stay on the east side of Beach Boulevard as they transit to and from the site, and they shall not park overnight on Beach Boulevard.
41. The applicant shall submit a final map to the Engineering Division for approval by the City Engineer, which shall be consistent with the approved Tentative Map. All required monumentation shall be shown on the map and shall be set prior to recordation of the map.
42. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica (subject to the approval of the City Attorney and City Engineer) to construct all on-site and off-site Improvements, as depicted on the approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the Final Map. Should the applicant desire to obtain Final Map approval prior to completion and acceptance of the Improvements, any necessary bonds and fees in an amount determined by the City Engineer must be provided. The bond maybe in the form of cash, instrument of credit or surety bond.
43. Prior to the execution of the Subdivision Improvement Agreement, applicant shall submit to Engineering Division the construction plans, specifications, necessary reports, and engineering calculations describing all required on-site and off-site improvements to the satisfaction of the City Engineer. Such documentation shall include but is not limited to:
 - A. a design geotechnical report analyzing existing site conditions and providing recommendations for the proposed on-site and off-site improvements
 - B. 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. existing easements on the subject property
 - C. a site plan, showing:
 - i. the whole width of right-of-way of Beach Boulevard from Paloma Avenue to the northern property line of this parcel, including existing and proposed improvements such as, but not limited to, pavement overlay, driveway,

- sidewalk, curb & gutter, street lighting, ADA compliant pedestrian crossing improvements, street monuments, lighting, all street markings and signage;
 - ii. existing fences, and any structures on adjacent properties within 10' of the property lines;
 - ii. the existing seawall and guardrail, any existing fences and rock boulders to be relocated, the existing storm drain outfall;
- D. a utilities plan showing existing public utility facilities and any proposed connections, boxes for underground utility connections and meters, any ground-mounted equipment, storm drainage and sanitary sewer facilities and proposed connections
- E. sufficient construction details to fully express how all proposed Improvements will be built or installed
- F. all plans and reports must be signed and stamped by a California licensed professional engineer
- G. 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.
44. Applicant must dedicate an Emergency Vehicle Access Easement (EVAE) covering the full area of the hammerhead turn-around required by the Fire Marshall.
45. If the existing EVAE on the west side of the parcel is not to be retained, a vacation of that easement must be recorded after approval by the City.
46. If the project is designed such that the utility entrances and meters cannot be accessed via the existing PUE on the parcel, a revision to the easement must be recorded after approval by the City.
47. Applicant must dedicate a Private Storm Drainage Easement (PSDE) for any new storm drain facilities within the public right-of-way. The private facilities must be designed per 100-yr storm, Section C.3 of the Municipal Regional Permit and to the satisfaction of the Director of Public Works or the City Engineer, and shall be privately maintained in perpetuity all the way to and including any connection to public storm drain facilities.
48. Prior to approval of the final map, the applicant shall verify that all public and private utilities have been provided to serve the project. Approvals and/or agreements shall be obtained from all utilities.
49. Prior to approval of the Building Permit, applicant shall provide an erosion control plan.
50. 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, Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies, the approved Subdivision Improvement Agreement, and to the satisfaction of the City Engineer or his designee, and they shall be completed prior to issuance of the first Certificate of Occupancy. Engineering inspection fees and bond shall be included in the City Costs coverage in the Subdivision Improvement Agreement.

51. Prior to issuance of a building permit, Applicant shall demonstrate proper design of the pervious pavement (per the countywide C.3 Technical Guidance Manual) to reduce the amount of impervious surface below the threshold of 10,000 sf for an exemption from C.3 requirements, The pervious surfaces shall be designed to "store and infiltrate runoff at a rate equal to the immediately surrounding unpaved, landscaped areas, or store and infiltrate the rainfall runoff volume described in C.3.d" (from the MRP glossary) in order to get the exemption.
52. Any subdrains that may be required to provide an overflow route for stored runoff should runoff storage needs exceed that provided under the pavers shall discharge to the storm drainage system.
53. Applicant shall provide a copy of the boundary survey in conjunction with the construction drawings submittal to verify the location of Bella Vista Avenue.
54. Prior to building permit issuance, Applicant shall verify planter drainage.

North County Fire Authority

55. Fire sprinkler system shall be required for the buildings per City Ordinance. Install per NFPA 13R. Submit under separate fire permit. System shall be centrally monitored if over 20 sprinkler heads
56. Fire alarm system required under separate fire permit and plan check. Install per NFPA 72.
57. Fire alarm system shall be monitored per CFC.
58. Smoke Detectors and CO monitors shall required per CBC.
59. HVAC smoke detection and automatic shutdown shall be required per NFPA 90A and CMC.
60. Key Box shall be required. Apply through Fire Department.
61. Portable fire extinguishers(s) shall be required. Mount fire extinguishers 3-5 feet above floor, visible and accessible.
62. Clearly visible address identification shall be required.
63. Utility identification shall be required.
64. A key box or key switch is required at the gates along with instructions for manual over ride.
65. The clear width of the gate opening shall be a minimum of 20 feet wide.
66. Show the location of the nearest hydrant.
67. Provide required fire flow information per Appendix B of the CFC.
68. Provide marking and signage for the fire access road per Appendix D of the CFC.

69. The design and installation of pervious surfaces in the hammerhead of the Fire access road on the site shall be capable of supporting 75,000 pounds (lbs) load.

END