

**RESOLUTION NO. 2019-028**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SUBDIVISION SUB-239-18 AND MODIFICATION OF SUBDIVISION REGULATIONS MOD-45-19 AND AUTHORIZING HERITAGE TREE REMOVAL FOR A TENTATIVE SUBDIVISION MAP TO SUBDIVIDE ONE 52,271 SQUAREFOOT (1.2 ACRE) PARCEL INTO THREE LOTS, SUBJECT TO CONDITIONS, ON THE PROJECT SITE LOCATED NORTHEAST OF THE INTERSECTION OF CHARING CROSS WAY AND AN UNIMPROVED SECTION OF CLARENDON ROAD (APN 016-355-150) WITHIN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Consult Design Build, Inc. (“Applicant”).

**WHEREAS**, the Applicant submitted an application for a tentative map on July 26, 2018, seeking approval to subdivide one 52,271-square foot (sf) parcel into three lots 20,009 sf, 20,286 sf and 11,976 sf in size, on a site located northeast of the intersection of Charing Cross Way and an unimproved section of Clarendon Road (APN 016-355-150) within the R-1 (Single-Family Residential) zoning district (“Project”); and

**WHEREAS**, the Project requires approval of a tentative subdivision map and modifications of requirements in accordance with Article 1 of Title 10 of the Pacifica Municipal Code (PMC); and

**WHEREAS**, Title 10 of the PMC establishes the procedural and substantive requirements for review and approval of a tentative map for the subdivision of land; and

**WHEREAS**, the Project requires approval of a Heritage Tree Removal Authorization for removal of eight heritage trees, pursuant to PMC section 4-12.07; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on August 5, 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 15303(a), as described below, applies to the Project:

Staff analysis of the Project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The Project qualifies as a Class 32 exemption provided in Section 15332 (In-Fill Development Projects) of the CEQA Guidelines. Section 15332 states:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The proposed subdivision fits within the scope of a Class 32 categorical exemption as follows:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

As discussed in Section 6 of the staff report the Project is consistent with the applicable General Plan designation and all applicable General Plan policies. The Project proposes to avail of the provision in the PMC for modifications to requirements for approval of a lot size less than the minimum required lot size for the subject site. With the approval of the modification to requirements, the Project is consistent with the applicable zoning standards and regulations.

- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The Project site is approximately 1.2 acres in size and is located within the city limits of Pacifica. The Project site is located in an urbanized area and surrounded on three sides by existing residential development to the north, east and west. On the south side, while the land is currently undeveloped, it is zoned for residential use.

- c. The project site has no value as habitat for endangered, rare or threatened species.**

The Applicant's biologist, Sol Ecology, prepared a biological survey and assessment report to assess the potential value of the Project site as habitat for endangered, rare, or threatened species. The Sol Ecology survey and report concluded that "while sensitive resources are potentially present immediately adjacent to the proposed Project Site, no sensitive habitats are present on the Project Site and the site has no value as habitat for endangered, rare, or threatened species." The survey and report further concludes that the Applicant's Project description, including the removal of vegetation during the period from September 1 through January 31, "will ensure no impact to special status species that may occur in adjacent habitats outside the project footprint."

The City engaged an expert consultant, WRA Environmental Consultants, to perform a peer review of the materials prepared by Sol Ecology. In a letter, dated July 3, 2019, the peer review concluded that the Sol Ecology analysis is sufficient to conclude the Project site has no value as habitat for endangered, rare or threatened species nor are any protected habitats (e.g., wetlands or streams) present on the site.

**d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

*Traffic*

The Project would ultimately allow for the development of two additional residences. A Traffic Study, dated March 12, 2019, prepared by Hexagon Transportation Consultants, Inc. estimated the trips generated by this use, using single-family residential land use rates from the Trip Generation Manual, 10th Edition, Institute of Transportation Engineers (ITE), 2017. These estimates indicate that an average of 20 daily trips, two of which would occur during the weekday a.m. peak hour and two of which would occur during the weekday p.m. peak hour would result from the potential development of the two residences. The study concluded that as the vehicle trips generated by the development would not result in a substantial change in traffic volumes relative to the existing conditions, the Project would not have any significant effect related to traffic. The Traffic Study, dated March 12, 2019, was peer reviewed by a technical expert engaged by the City, Crane Transportation Group. In a memorandum dated July 12, 2019, Crane Transportation Group concurred with the finding of the Traffic Study for the Project.

*Noise*

The proposed subdivision is located within an urbanized area in the City of Pacifica and is surrounded by residential use to the north, east and west, which contribute to the ambient noise environment. Noise levels in the area are generated primarily from vehicular traffic on Brighton Road. The eventual development of the lots created as a result of the proposed subdivision for residential use would contribute similar noise levels to those already present in the vicinity and typical of an urban environment that are not expected to cause a perceptible noise increase in the overall ambient noise environment. Therefore, the Project would not result in a substantial permanent increase in ambient noise levels.

The construction of improvements associated with the subdivision and eventual development for single-family residential use would generate noise and would temporarily increase noise levels in the vicinity. Section 8-1.08 of the PMC limits allowable hours of construction for any project for which a building permit is required to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. Therefore, the proposed Project would not result in any significant effects related to construction noise because construction would be limited to ordinary daytime hours.

*Air Quality*

The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide preliminary screening for a lead agency to consider in making a conservative determination of a project's potential impacts on air quality based on proposed land-use (i.e., residential, commercial, industrial, etc.). Projects that are below the screening criteria are reasonably expected to result in less than significant impacts to air quality since pollutant emissions would be minimal.

An Air Quality and Greenhouse Gas Impact Analysis, dated March 2019, prepared by Raney Consultants, analyzed the air quality impact of the subdivision and residential use of the two additional parcels. The analysis determined that the proposed Project would not result in construction-related or operational emissions of criteria air pollutants in excess of BAAQMD's thresholds of significance.

*Water Quality*

All municipalities within San Mateo County (and the County itself) are required to develop surface water control standards for new development projects to comply with Provision C.3 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Stormwater NPDES Permit order No. R2-2015-0049 ("MRP").

The San Mateo Countywide Water Pollution Prevention Program developed a C.3 Stormwater Technical Guidance document for implementing the RWQCB Municipal Regional Stormwater NPDES Permit C.3 requirements, known as the C.3 Standards. The City of Pacifica has adopted the County C.3 Standards as part of the City's NPDES General Permit requirements, which require new development and redevelopment projects that create or alter 10,000 or more square feet of impervious area to contain and treat all stormwater runoff from the project site.

The Project, which will introduce approximately 16,194 sf of impervious surfaces to the Project site relative to existing conditions was evaluated by CSG Consultants, Inc. It was found that the stormwater treatment measures to minimize impacts to water quality would fulfill the requirements of the MRP.

Therefore, there is sufficient evidence that the approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

**e. The site can be adequately served by all required utilities and public services.**

The site is located within an urbanized area, with presence of existing water, sewer, electrical, police, fire, and other utilities and public services. Utilities connections will be extended to the two additional lots created as a result of the subdivision. Subdivision improvements will include new storm drainage infrastructure. Onsite improvements will capture storm water runoff via new storm drainpipes and convey the flows to an existing storm drain culvert via a new storm drain outfall on Charing Cross Way to the west of the site.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project site is located within a substantially developed area comprised of residential uses and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. The Project will create three additional residential lots within a substantially developed residential neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.

- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project will have a significant effect on the environment due to unusual circumstances. The Project site is a vacant lot, which is zoned for residential development. The Project will create three residential lots. Therefore, there are no unusual circumstances applicable to the Project.
- Sec. 15300.2(d) through (f): The Project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for a Class 32 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Subdivision SUB-239-18 for a tentative subdivision map to subdivide one parcel into three lots:

The Project site is not located within the Coastal Zone or the boundaries of a specific plan area; therefore, applicable considerations for the proposed subdivision include consistency with the General Plan, zoning provisions, and other applicable provisions such as the subdivision regulations in Article 10 of the PMC.

#### General Plan

The General Plan land use designation of the land proposed for subdivision is Low Density Residential (LDR), which indicates an average density of three to nine dwelling units per acre. Based on the area of the proposed subdivision, the LDR designation would indicate a density of 4 to 11 dwelling units. The minimum lot size for the proposed subdivision, based on the average cross slope of the area to be subdivided, is 20,000 sf. The minimum lot size standard would result in a density of no more than 2.2 dwelling units per acre, or 2.6 dwelling units based on the area proposed to be subdivided. These values are summarized in Table 2 in the staff report.

However, subdivision standards pursuant to PMC Section 10.1.912 apply to the subject Project. As demonstrated in Table 2 of the staff report, there is a discrepancy between the resulting lot sizes and development densities of the LDR land use designation in the General Plan and the Mountainous Areas lot size standards of the Title 10 subdivision standards. The Applicant would be unable to comply with both standards because complying with the LDR density standard would result in a minimum of four dwelling units with an average lot size of 13,068 sf, while complying with the Title 10 standards would result in only two dwelling units with an average lot size of 26,136 sf.

It is the Planning Commission's assessment that the proposed Project, while not including the potential for four dwelling units, would make the Project site in greater compliance with the General Plan than it is currently. The existing density of the site, based upon the single-family residence which is under construction, is 0.83 dwelling units per acre. By proposing up to three dwelling units on the site, it would dramatically move the site toward the four dwelling unit intended density which is a desirable outcome in terms of General Plan consistency.

Additionally, the Project furthers the following General Plan policies:

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

Administrative Policy No. 42 establishes the minimum standards for streets and thoroughfares in Pacifica. Due to the average cross slope of 35.7 percent in the Project area, Table 3 of Administrative Policy No. 42 indicates the street cross section "shall be as approved by the Director of Public Works." The review by the Director of Public Works has concluded that a street designed consistent with the provisions for a Minor Residential Street, as characterized in Administrative Policy No. 42, is appropriate. Such street requires a minimum built width of 26 feet with a sidewalk on one or both sides where a subdivision is occurring, and an overall right-of-way width of 40 feet. As proposed by the Applicant, the street would be 26 feet between curb faces, would include a sidewalk along the northern side of the street extension, and would utilize existing Clarendon Road public right-of-way of 50 feet in width. Therefore, the proposed access would comply with City standards and be safe and consistent with the level of development.

- ii. Community Design Element, Policy No. 5: *Require underground utilities in all new development.*

As conditioned, the proposed subdivision will install all new utilities underground from the nearest joint pole.

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

The existing neighborhood consists entirely of single-family residential development. The proposed subdivision, by creating two new lots which are suitable for single-family residential development, would be consistent with and would protect and enhance the individual character of the East Sharp Park neighborhood.

- iv. Housing Element, Ongoing Policy No. 4.D.i: *Prioritize In-fill Residential Development.*

The Project site is surrounded on three sides by existing residential development to the north, east and west. On the south side, while the land is currently undeveloped, it is zoned for residential use. Thus, the subdivision would create two new lots for in-fill development within an already developed neighborhood.

- v. Housing Element, Ongoing Policy No. 4.D.v: *Require a Geotechnical Site Investigation Prior to Permitting Site Development.*

While the proposed Project does not include permits for development of the proposed lots, development could occur on the two new proposed lots upon approval of a building permit if the subdivision is approved. Therefore, the suitability of the sites for future development was appropriately reviewed in a geotechnical site investigation prepared by Earth Investigation Consultants on August 28, 2017. The report concluded that the

proposed residential development is feasible and relatively conventional from a geotechnical standpoint, and offered certain recommendations for specific site design measures as part of any future development on the site.

Thus, on balance, the Planning Commission finds that the subject Project is consistent with the General Plan.

#### Zoning Provisions (PMC Title 9)

vi. Lot Area

The minimum required lot area within the R-1 (Single-Family Residential) zoning district is 5,000 sf pursuant to PMC section 9-4.402(a). All lots proposed in the subdivision exceed 5,000 sf in lot area.

vii. Lot Width

The minimum required lot width within the R-1 (Single-Family Residential) zoning district is 50 feet pursuant to PMC section 9-4.402(c). All lots proposed in the subdivision exceed 50 feet in width.

Accordingly, the Planning Commission finds that the Project is consistent with the applicable zoning provisions.

#### Subdivision Standards (PMC Title 10)

viii. Lot Area

As discussed in the staff report, the minimum lot area within the proposed subdivision is 20,000 sf pursuant to Table 4 of PMC section 10-1.912(c). Parcels A and B are proposed to have lot areas of 20,009 sf and 20,286 sf, respectively, which exceeds the minimum required lot size. Parcel C is proposed to have a lot size of 11,976 sf, which is less than the required 20,000 sf standard. However, the applicant has sought approval of a Modification of Subdivision Regulations to authorize the reduced lot size. With the Planning Commission's approval of that request, two of the three proposed lots would comply with the minimum lot area requirements and the third will have been granted an exception, thus complying with applicable requirements.

ix. Lot Frontage

The minimum lot frontage within the proposed subdivision is 100 feet pursuant to Table 4 of PMC section 10-1.912(c). All lots proposed in the subdivision would exceed the 100-foot frontage requirement.

x. Lot Depth

The minimum lot depth within the proposed subdivision is 100 feet pursuant to Table 4 of PMC section 10-1.912(c). All lots proposed in the subdivision would meet or exceed the 100-foot lot depth requirement.

xi. Cut/Fill

The maximum allowable area of cut/fill within the proposed subdivision shall not exceed 30 percent pursuant to Table 4 of PMC section 10-1.912(c). No cut/fill is proposed on Parcel A while the cut/fill proposed on Parcels B and C would be at or below the maximum allowable amount.

In conclusion, as outlined above, the proposed subdivision would be consistent with applicable General Plan policies, zoning standards, and subdivision standards.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby approve the Modification of Subdivision Regulations MOD-45-19:

- i. The minimum lot area within the proposed subdivision is 20,000 sf pursuant to Table 4 of PMC section 10-1.912(c). Parcel C is proposed to have a lot size of 11,976 sf, which is less than the required 20,000 sf standard. Therefore, the applicant has sought approval of a Modification of Subdivision Regulations. The applicant sought approval of the Modification of Subdivision Regulations on the basis that it would be impossible or impracticable in the particular case for the subdivider to conform fully to the subdivision regulations as they pertain to lot size.

Section 6.A of the staff report includes the finding required for approval of a tentative subdivision map. The finding requires, among other things, that the tentative subdivision map be consistent with the General Plan. The applicant would not be able to simultaneously comply with LDR average density requirements and the applicable subdivision standards which require a minimum lot size of 20,000 SF. Additionally, the relief sought by the applicant is consistent with the Subdivision Map Act because the Act does not specify minimum lot sizes and, thus, would not be inconsistent with its provisions.

Due to the difficulty of complying with both the LDR density standard and the Title 10 lot size standard, the Planning Commission believes granting a Modification of Subdivision Regulations is appropriate. The applicant has proposed a subdivision which balances the divergent requirements by proposing three lots. Rather than propose an average lot size of 17,424 sf, the applicant has achieved compliance with the 20,000 sf minimum lot size requirement for two of the proposed lots (Parcels A and B) and has proposed Parcel C to have 11,976 sf of lot area. The proposed Parcel C still exceeds R-1 zoning district lot size standards by nearly 140 percent and complies with all other Title 10 lot standards including minimum frontage, minimum depth, and maximum cut/fill. Parcel C also would be consistent with existing lots abutting and adjacent to its location, as demonstrated in Table 3 of the staff report. Though below the Title 10 lot size standard, the proposed Parcel C would still be the second largest lot among those abutting



or adjacent to it and, therefore, would not adversely impact surrounding properties because of its reduced size.

Therefore, for the reasons set forth above, the Planning Commission finds that it would be impossible or impracticable in the particular case for the applicant (subdivider) to fully comply with the regulations contained in Chapter 1 of Title 10 of the PMC, specifically lot size, and that the Planning Commission should reduce the minimum lot size for Parcel C to 11,976 sf as the reasonably necessary relief for the applicant, which reduction is in conformity with the Subdivision Map Act.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby authorize the removal of eight heritage trees:

Chapter 12 of Title 4 of the PMC does not provide specific findings for approval of removal of heritage trees. Section 4-12.05(c) of the PMC states that approval of heritage tree removal shall be based on the following criteria:

- i. *The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its ability to host a plant which is parasitic to another tree which is in danger of being infested by the parasite.*
- ii. *Whether the requested action is necessary for the economically viable use of the property.*
- iii. *The topography of the land and effect of the requested action on it.*
- iv. *The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, historic value, and general welfare of the area and the City as a whole.*
- v. *The number of healthy trees the parcel is able to support.*
- vi. *Good forestry practices.*

The Project proposes removal of 17 trees. Of these, eight are heritage trees. Four of these heritage trees, marked as #2 to #5 in the Arborist Report included in Attachment D to the staff report, are located within the proposed 26'-0" wide paved area for the Clarendon Road extension in front of Parcel B and Parcel C. Another two heritage trees, marked as #1 and 10, are located too close to the retaining wall that will be constructed to enable street construction. The arborist indicated these tree types do not respond well to root cuts and the trees would likely become vulnerable to pests. The final two heritage trees to be removed, marked as #19 to #20, would be located within the required alignment of the fire apparatus turnaround on the proposed Parcels B and C. There is a ninth heritage tree in the Project area, marked as #7, which will be preserved due to its distance from the proposed retaining wall.

The applicant submitted an arborist report, which assessed and documented the health of these trees. Based on the information presented in the arborist report these trees are not good candidates for

preservation because of their health and the arborist has recommended removal of these trees. The arborist report did not mention other considerations related to criteria (ii) through (vi).

Based on information and analysis presented in the Project arborist report, in the Planning Commission's assessment, removal of the aforementioned heritage trees is justified because trees #1 and #5 are in poor overall health. Additionally, trees #1 through #5 and #10 would interfere with proposed improvements to Clarendon Road. Trees #19 and #20 are at the low end of fair health but would interfere with the construction of the required fire apparatus turnaround for the subdivision. The Project proposes preservation of one heritage tree, marked #7 in the Arborist Report, and provides a Tree Protection Plan for the preservation of this tree. The Planning Commission has included a condition of approval which requires that the Tree Protection Plan be included either in the final map or as part of the subdivision improvement plans which would be part of any subdivision improvement agreement. In addition, the impact of removal of the heritage trees will be lessened by new plantings of not less than seven Coast Live Oak trees that would be installed within the public right-of-way along the street extension.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following findings as required by section 65863 of the Government Code:

1. *The reduction for Site No. 22 in Table III-1 "Potential Housing Development Sites – Current General Plan" of the City's Housing Element from a development capacity of 12 dwelling units to 3 dwelling units is consistent with the adopted general plan, including the housing element.*

As explained in Sections 6.A and 6.B of the staff report and earlier in this Resolution, the slope of the Project site affects the maximum number of lots (and by extension, dwelling units) which may be accommodated while still achieving substantial compliance with the subdivision lot size standards contained in Title 10 of the PMC. On balance, the applicant has proposed a Project which dramatically increases consistency with the General Plan by increasing the average density of the site from 0.83 dwelling units per acre to 2.5 dwelling units per acre (before rounding). Such a change would result in a Project that, on balance, is consistent with the General Plan Land Use Element in light of its topographical constraints and the various other General Plan policies it is consistent with as outlined in Section 6.A of the staff report. These additional General Plan policies include, but are not limited to, consistency with Housing Element Policy Nos. 4.D.i and 4.D.v because the Project would be an in-fill subdivision and because the Project included a geotechnical site investigation. Therefore, the reduction from 12 dwelling units to 3 dwelling units is consistent with the General Plan.

2. *The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City of Pacifica's share of the regional housing need pursuant to Government Code Section 65584.*

The City of Pacifica's regional housing need is identified in Table II-12 of the Housing Element, included below for reference:

<b>Pacifica's Regional Housing Needs Allocation (RHNA) 2014 - 2022</b>						
	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate Income</b>	<b>Total</b>
	30% of Median Income	50% of Median Income	80% of Median Income	100% of Median Income	120% of Median Income	
<b># of Units</b>	<b>60</b>	<b>61</b>	<b>68</b>	<b>70</b>	<b>154</b>	<b>413</b>

*Source: Association of Bay Area Governments, Final 2014-2022 Regional Housing Need Allocation by County*

As of preparation of the 2018 annual progress report (APR) covering housing approvals from January 1 through December 31, 2018, the City had the remaining housing need demonstrated in Table 1, below (this Table 1 is included as Table 4 in the staff report):

**TABLE 1: REMAINING HOUSING NEED AS OF JANUARY 1, 2019**

<u>Income Level</u>	<u>Number of Units</u>
Extremely Low	60
Very Low	61
Low	59
Moderate	64
Above Moderate	104
<b>TOTAL</b>	<b>348</b>

The figures in Table 2, below (this Table 2 is included as Table 5 in the staff report), indicate the remaining capacity of sites identified in Table III-1 "Potential Housing Development Sites – Current General Plan" of the Housing Element to accommodate the City's need by income level. The figures below exclude Site No. 22 (the subject site) and Site No. 26, which was approved for residential development by the Planning Commission on March 4, 2019.

**TABLE 2: REMAINING CAPACITY OF HOUSING ELEMENT SITES**

<u>Income Level</u>	<u>Remaining Need (Units)</u>	<u>Remaining Capacity (Units)</u>	<u>Units, Surplus/Deficit</u>
Extremely Low	60	60	0
Very Low	61	61	0
Low	59	64	+5
Moderate	64	68	+4
Above Moderate	104	158	+54
<b>TOTAL</b>	<b>348</b>	<b>411</b>	<b>+63</b>

The Project site is identified in the Housing Element as appropriate for above-moderate income housing. As demonstrated in Table 2, a surplus of 54 dwelling units would remain within the sites identified for above-moderate income level housing development in the City's Housing Element. Therefore, the Project would result in a remaining inventory of

potential housing development sites which are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves Subdivision SUB-239-18, Modifications of Requirements MOD-45-19 and Heritage Tree Removal Authorization for a tentative map to subdivide one parcel into three lots northeast of the intersection of Charing Cross Way and an unimproved section of Clarendon Road (APN 016-355-050), 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 5th day of August 2019.

- AYES, Commissioners: BIGSTYCK, BERMAN, CAMPBELL, CLIFFORD, KRASKE, NIBBELIN
- NOES, Commissioners: N/A
- ABSENT, Commissioners: RUBINSTEIN
- ABSTAIN, Commissioners: N/A



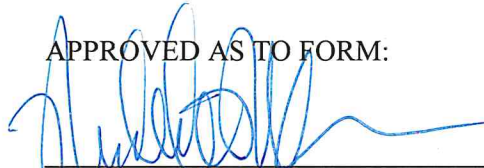
Thomas Clifford, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-<sup>042</sup>~~047~~, Subdivision SUB-239-18, Modifications of Requirements MOD-45-19 and Authorization for Heritage Tree Removal for a tentative map to subdivide one parcel into three lots northeast of the intersection of Charing Cross Way and an unimproved section of Clarendon Road (APN 016-355-150)

Planning Commission Meeting of August 5, 2019

Planning Division of the Planning Department

1. The subdivision shall be substantially in accord with the plans entitled "Tentative Map, 340 Charing Cross Way, City of Pacifica, San Mateo County, California," dated November 21, 2018, and stamped received by the City of Pacifica on July 31, 2019, except as modified by the following conditions.
2. The tentative map is valid for a period of 24 months from the date of final determination. Only one final map may be recorded. If a final map is not recorded within this time, the tentative subdivision map approval shall expire unless Applicant submits a written request for an extension, stating the reasons for requesting the extension, and applicable fee to the Planning Director at least 30 days prior to the expiration date as provided in Pacifica Municipal Code Section 10-1.412. The Planning Director shall process an extension request in accordance with Section 10-1.412 and submit it for consideration by the Planning Commission. The Planning Commission may grant an extension request for a period not exceeding three years beyond the expiration date of the original tentative map approval.

In the event of litigation filed to overturn the City's determination on the tentative subdivision map, the expiration of the tentative subdivision map may be tolled during the pendency of such litigation as provided in state law, including but not limited to section 66452.6(c) of the Government Code.

3. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to final map approval.
4. Prior to final map approval, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
5. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within the subdivision improvement plans.
6. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in

- connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.
7. Vegetation removal for the improvements associated with the subdivision shall occur only between September 1 and January 31 of each year and shall be further restricted as required by any law governing clearing and grubbing or construction within the City of Pacifica.
  8. Applicant shall construct all proposed retaining walls with a decorative veneer or decorative block, to the satisfaction of the Planning Director. Applicant shall include the details of the proposed retaining walls in the subdivision improvement plans.
  9. Applicant shall include native plantings of medium to large trees on the downhill side of the retaining wall to the north of the fire apparatus turnaround on Parcel B and Parcel C in order to screen the turnaround from downslope views, to the satisfaction of the Planning Director. Applicant shall include the details of the proposed trees in the subdivision improvement plans.
  10. Applicant shall include the Tree Protection Plan, as enumerated in the arborist report, dated July 30, 2019, prepared by Kielty Arborist Services LLC, within the subdivision improvement plans.
  11. Prior to approval of the final map, a long-term maintenance agreement with the City shall be required for the fire apparatus turnaround improvements and associated downslope landscaping screening area on Parcel B and Parcel C of the subdivision. The agreement shall include an exhibit highlighting these improvements. The agreement shall also clarify how improvement responsibilities will be shared or allocated between the aforementioned two properties in the subdivision, to the satisfaction of the Planning Director and the City Attorney.

**Building Division of the Planning Department**

12. Future construction and grading, including grading not associated with building construction, on the lots subject to this subdivision shall require review and approval of a building permit and/or grading permit by the Building Official. Applicant shall apply for and receive approval of a building permit and/or grading permit prior to commencing any construction or grading activity.

**Engineering Division of Public Works Department**

13. 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 plan sheet from the Countywide program shall be included in the Project plans.
14. The following requirements must be clearly noted on the construction plans for the Project:
  - A. Clarendon Road 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.
15. The proposed sanitary sewer system shall be privately maintained all the way to and including the connection to the public sewer main or manhole.
  16. All utilities shall be installed underground.
  17. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks. Driveway within City right-of-way shall not exceed 18% and portion exceeding 15% grade shall be grooved concrete. Provide structural section of the driveway within City Right of Way.
  18. The existing street pavement shall be repaved to the limits of all utility connections or to street centerline, whichever is greater. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, a larger area may have to be repaved. All pavement markings and markers shall be replaced in kind.
  19. Improvements in the public right-of-way, including but not limited to the pavement structural section for the Clarendon Road extension, shall be according to recommendations by the "Geotechnical Investigation," dated August 28, 2017, and prepared by Earth Investigation Consultants, Inc.
  20. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
  21. 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 and any conditions of approval imposed on this Project. All required monumentation shall be shown on the map and shall be set prior to recordation of the map.
  22. Applicant shall complete all subdivision improvements identified in the tentative map and in these Conditions of Approval prior to approval of a final map. The subdivision improvements shall be constructed pursuant to the details contained in the subdivision improvement plans, which shall be

subject to review, approval, and inspection by the City Engineer. Alternatively, prior to final map approval the Applicant may enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative Map and any conditions of approval imposed on this Project, subsequent to approval of the final map. Any subdivision improvement agreement shall be subject to the approval of the City Attorney and City Engineer. Any subdivision improvement agreement may require necessary bonds and fees in an amount determined by the City Engineer. Any bond maybe in the form of cash, instrument of credit or surety bond.

23. Prior to the execution of any subdivision improvement agreement or subdivision improvement plans, Applicant shall submit to the 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 Clarendon Road, 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;
  - 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.
24. Applicant shall dedicate a Public and Private Storm Drainage Easement (PSDE) for any new storm drain facilities. The private facilities must be designed per 100-year 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. A Maintenance Agreement for stormwater operations will be required, including a stormwater maintenance plan for each proposed stormwater treatment control (i.e.: bioretention area, detention pond, full capture devices, etc.).



25. 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.
26. Proposed Clarendon Road extension within existing ROW shall be privately maintained and will require a Maintenance Agreement to be recorded prior to final map approval.
27. Provide streetlight illumination across the property frontage sufficient to meet current industry standards for public roads including but not limited to IESNA American National Standard Practice for Roadway Lighting and AASHTO Roadway Lighting Design Guide. Lighting fixtures shall be per City Standards or physical appearance approved by the Planning Director.
28. Application shall include in the subdivision improvement plans one or more speed limit signs of a type and placement to the satisfaction of the City Engineer, to establish a speed limit of 15 miles per hour for the Clarendon Road extension.
29. Prior to approval of a building permit for any subdivision improvements, Applicant shall provide an erosion control plan subject to review and approval by the City Engineer.
30. Prior to approval of final map, Applicant shall include a detail of the connection of the new storm drain line to the existing storm drain outfall on the map which shall be subject to review and approval of the City Engineer.
31. Prior to approval of final map, Applicant shall provide an assessment of the existing condition of the storm drain outfall. Assessment may include photo documentation and commentary.
32. Prior to approval of the final map, Applicant shall enter into a long-term maintenance agreement with the City for maintenance of the stormwater measures (conforming to MRP C.3 requirements) as well as a separate agreement for public street, storm drainage, street lights, fire apparatus turnaround landscaping screening easement, street trees, or other public improvements that will be maintained by the property owners. The agreement shall include an exhibit highlighting the public improvements that will be privately maintained. The agreement shall also clarify how improvement responsibilities will be shared or allocated between the several properties in the subdivision. The agreement shall be subject to review and approval by the City Engineer, Planning Director, and City Attorney. Upon approval by the City, Applicant shall record the agreement prior to approval of a final map.
33. 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 plans, and to the satisfaction of the City Engineer or his designee, and they shall be completed prior to issuance of the Certificate of Occupancy.

#### **Wastewater Division**

34. Prior to approval of Final Map, Applicant shall submit a recorded easement for new sewer laterals connecting to private main on the easement.

Conditions of Approval: Subdivision SUB-239-18, Modifications of Requirements MOD-45-19 and Heritage Tree  
Removal Authorization (Tentative Map)  
Charing Cross Way and an unimproved section of Clarendon Road (APN 016-355-150)  
August 5, 2019  
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**North County Fire Authority**

35. Prior to approval of final map, Applicant shall obtain water flow information.

\*\*\*END\*\*\*