

RESOLUTION NO. 2019-030

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-837-18, USE PERMIT UP-112-18, AND SIGN PERMIT S-129-19, (FILE NO. 2018-056), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A NEW 1,305 SF CONVENIENCE STORE WITH A WALL SIGN AT AN EXISTING GAS STATION LOCATED AT 4475 CABRILLO HIGHWAY (APN 022-031-300) AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL ACT (CEQA).

Initiated by: MI Architects, Inc. ("Applicant")

WHEREAS, Applicant has submitted an application Demolition of an existing approximately 834 square foot (sf) convenience store and construction of a new 1,305 sf convenience store with a wall sign at an existing gas station ("Project"); and

WHEREAS, the Project requires Planning Commission approval of a site development permit because the Project involves new construction within a commercial district; pursuant to Pacifica Municipal Code (PMC) Section 9-4.2403(a); and

WHEREAS, the Project requires Planning commission approval of a use permit, because the project includes a minimart (convenience store) an at existing service station, pursuant to PMC Section 9-4.1001(b)(3); and

WHEREAS, the Project requires a Sign permit, because the project proposes a wall sign in conjunction with the new convenience store; pursuant to PMC Section 9-4.2905; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 16, 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:

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 2 exemption under CEQA. Guidelines Section 15303(a), as described below, applies to the Project:

Section 15302 states in part:

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

The subject project fits within the scope of a Class 2 categorical exemption. Specifically, the project proposes demolition of an existing 834 sf convenience store at an existing gas station and construction of a 1,305 sf convenience store in substantially the same location in largely the same footprint of the existing building. The replacement structure is only 471 sf larger than the existing convenience store. The purpose and capacity of the replacement building would not substantially change because the additional floor area contained within the new building would include an office and storage space, rather than additional retail space, and because it would not substantially increase the area of the retail portion in the proposed building would not be likely to induce significant new customer activity. The project would not alter the existing fueling canopy, fuel dispensers, or underground storage tanks, and would not affect the capacity or operation of the existing service station except that the project would include minor modifications to the existing circulation pattern and parking on the site. Therefore, the project would not substantially increase the size, purpose, or capacity of the existing project site or of the structure being replaced.

For the foregoing reasons, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA pursuant to Section 15302 of the CEQA Guidelines. 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 commercial and 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 entails the construction of a convenience store in place of an existing convenience store on an existing gas station site located within an area of the City designated for commercial use. The increase in the size of the new convenience store is not substantially above the size of the existing convenience store and the record does not indicate any other successive projects of the same type in the vicinity. The project will, thus, 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 an existing gas station with flat topography and no habitat value. It is zoned for commercial development where the development of a convenience store is conditionally permitted use. The proposed construction will be consistent with the applicable zoning standards. Therefore, there are no unusual circumstances applicable to the project.
- Sec. 15300.2(d) The project is located on Cabrillo Highway (i.e., Coast Highway) which is not officially designated as a state scenic highway. Therefore, the provisions of subsections (d) are not applicable to this project.

- Sec. 15300.2(e) The project site is listed as a former Leaking Underground Storage Tank (LUST) site in the Cortese list, which is a list of hazardous waste sites compiled by the Department of Toxic Substances Control (DTSC) under Government Code Section 65962.5(a). The site was investigated in 1998 for release of gasoline in the ground by the County of San Mateo Public Health and Environmental Protection Division. The clean up was completed and the case closed on December 10, 2004, with no further action required, as demonstrated in a letter to Shell Oil Products US from the San Mateo County Health Services Agency (SMCHSA) (Attachment F). As indicated in a separate letter from the SMCHSA to the City of Pacifica, dated December 7, 2004, also included in Attachment F, the case closure resulted from an intensive review by San Mateo County Ground Water Protection Program with concurrence from the Regional Water Quality Control Board. The letter cautioned that any future change in use of the property or development of the subject site which may impact remaining contaminated soil or groundwater would require notification to the SMCHSA for approval.

The proposed project does not propose any change in the use of the site or involve removal or replacement of underground storage tanks. The project also does not propose grading or construction that could disturb the remaining contaminated soils or groundwater. According to a Phase I Environmental Site Assessment dated January 12, 2010 (on file with the Planning Department), a site investigation in 2008 indicated soil impacts at the northeastern portion of the property at a depth of 19 feet below ground surface (bgs). The project would not involve grading deeper than 1-2 feet for purposes of constructing the new building's foundation and would not impact contaminated soil or ground water found at the identified depth of 19 feet bgs in the northeastern portion of the site. Therefore, the provisions of subsections (e) are not applicable to this project.

- Sec. 15300.2(f): The project does not affect any historical resources. Therefore, the provisions of subsections (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 2 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 make the following findings:

- A. *Site Development Permit.* The Planning Commission finds that none of the following findings can be made that would preclude issuance of a site development permit under PMC Section 9-4.3204:
- That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

The location, size, and intensity of the proposed convenience store building would not differ significantly from the existing conditions on the site. The project would not create additional traffic as the additional uses, which include an office space and storage associated with the convenience store, are not likely to generate new traffic. The project does not propose any modifications to the two existing driveways from Highway 1. The driveway to the northwest side, from Cabrillo Highway, is 32'-0" wide and the driveway generally to the north of it is 34'-0" wide. The project

proposes minor modifications to the driveway from Fassler Avenue. The new driveway would be 23'-8" wide. These driveways comply with the standard in section 9-4.2813(h) of the PMC.

The project would entail creation of a striped accessible path of travel from Cabrillo Highway to the convenience store building that has been initially reviewed by Building Division staff. Additionally, the City's Engineering Division staff have reviewed the development proposal to ensure the new development would be constructed in a safe manner. Therefore, the project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

Based on these factors, the Commission does not believe there is evidence to make this finding

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

The project would not create a hazardous or inconvenient condition to adjacent or surrounding uses. No change is proposed to the car spaces at the fueling stations on site. The project provides four additional spaces, two of which are located near the western corner of the site, one is located near the front property line adjacent to the accessible pathway in the northeastern part of the subject property, and one accessible space is located in front of the new convenience store building. These spaces would not impede circulation on the site or traffic on the adjacent roadways. 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 will not create a hazardous or inconvenient condition to adjacent or surrounding uses with respect to traffic on the street. The City's Building Division staff has also reviewed the location of the car parking adjacent to the accessible pathway on site and approved it.

Based on these factors, the Commission does not believe there is evidence to make this finding.

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

The project proposes a trash enclosure near the driveway to the site from Fassler Avenue. The project also proposes landscaping in this area including shrubs and two trees as shown on Sheet LA1 of Attachment C that would serve separate the trash enclosure from the street.

The use of the site as a service station presents practical constraints for a reduction in impervious surfaces, nonetheless the project also includes landscaping at and near the eastern corner of the site and in an island adjacent to the accessible pathway from Cabrillo Highway to the new convenience store building. These landscaped areas would serve to soften the visibility of parking on the site from Cabrillo Highway and

Fassler Avenue. Adjacent buildings sites consist of residential accessory structures to the southeast side of the project site, which would be separated from the parking areas on the site by a nine-foot high fence and the convenience store building on the site. A commercial building (nail salon) located to the southeast side of the proposed convenience store building does not contain any windows overlooking the subject property and would thus not be impacted by the parking and paved areas on the site.

Based on these factors, the Commission does not believe there is evidence to make this finding.

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

The maximum height of the proposed convenience store building would not exceed 20'-0". The closest buildings to the proposed convenience store are a residential garage to the southeast and a commercial building to the south of the proposed building. Adjacent residences to the southeast of the proposed building are at a distance of approximately 50 to 60 feet from the proposed development. The commercial building to the south of the proposed building, which is taller than the proposed development, does not contain any windows facing the proposed building. Thus, the proposed development is situated such that it would not impact adjacent structures or properties by restricting or cutting out light or air, or by casting shadows.

The proposed development would effectively serve to provide an enlarged convenience store at an existing gas station site, which already contains a convenience store. The project site is separated from the neighboring residential development by a 9'-0" tall fence where the residences are located at a distance of 50'-0" to 60'-0" from the proposed convenience store. As such, the proposed project would not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair their value.

Based on these factors, the Commission does not believe there is evidence to make this finding.

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

The proposed development is adjacent to a residential district (R District area) to the east. The proposed use of the subject site is the same as its existing use, and the proposed new convenience store is not substantially larger than the existing convenience store; thus, the Commission does not anticipate any change in the character or value of the adjacent R district area. Nevertheless, the proposed convenience store would be separated from the residential properties in this district by a 9'-0" tall fence, which would shield the proposed building from the residential buildings in the residential district. While taller than the 6'-0" standard height allowed for fences, the taller fence height would more adequately screen views of the subject site from the adjacent residential areas. The proposed convenience store

building, which would be 20'-0" in height, would not appear taller than the residences in the adjacent R district.

The project, as proposed, would include a cement plaster finish in visible areas of the proposed building which are unshielded by neighboring buildings. The applicant claims difficulty installing such a plaster finish on portions of the left and rear elevations because the existing setbacks in those areas are slightly more than one foot, which provides insufficient space for construction workers to install the finish. However, the Commission has concerns that such a partial treatment of rear and side facades may render the proposed building aesthetically unappealing from the adjacent R District in the event development on the neighboring properties is modified, exposing more of the building to view. To counter this possibility, the Commission has included a condition of approval requiring construction of those portions of the building with decorative concrete masonry unit (CMU) walls such that a suitable aesthetic appearance will be built into those portions of the wall. The balance of the walls on the site will still include a smooth plaster finish in a color to complement the decorative CMU walls should they ever become exposed.

Based on these factors, as conditioned, the Commission does not believe there is evidence to make this finding.

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

The project site is virtually flat and paved. The project does not propose any significant increase in paving and would not entail significant grading. A heritage tree is located to the rear portion of the property at 4455 Cabrillo Highway to the northeast of the project site and the proposed building. The project proponent submitted an arborist report and tree protection plan, dated July 5, 2019, for the protection of the heritage tree during construction.

Per the project arborist report, no impacts to the subject tree are expected because the arborist's professional opinion is that the tree's roots are not likely to be present on the project site because they are obstructed by an existing brick boundary wall located along the property line between the tree and the project site. Nonetheless, in an abundance of caution to protect the tree, the Tree Protection Plan requires that an arborist be present on the site during excavation near the tree to ensure that any tree roots that may have grown into the subject property are protected. Excavation by excavator will be under project arborist supervision and in the event tree roots are encountered during excavation, hand digging will be required. The Commission has included a condition of approval requiring that the tree protection measures specified in the Tree Protection Plan, dated July 5, 2019, prepared by Kielty Arborist Services LLC, be implemented during construction of the proposed building.

Based on these factors, the Commission does not believe there is evidence to make this finding.

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

The project proposes a generally rectangular building but contains sufficient relief in the treatment of the structure that would serve to avoid monotony in the external appearance. These elements include a 4'-8" offset in the northwest (front) side of the building, an accent band and concrete tile at the bottom 4'-0" of the front wall that features a smooth cement plaster finish. Both the accent band and the concrete tile finish would be differentiated from the rest of the walls with color. The entry door to the new convenience store would be accented with broad columnar elements and facias above, which will be color differentiated from the colors incorporated in the rest of the building.

However, the project does not include sufficient architectural detailing on the rear of the proposed building. As proposed, the rear façade would be largely blank and would have a monotonous appearance. Inclusion of additional detailing in the form of functional or nonfunctional windows would help this elevation be more consistent with the other elevations and would include sufficient variety and visual interest to avoid monotony. The Commission has included a condition of approval to require inclusion of windows on the rear elevation.

The project does not propose any significant change to the paving on site. However, areas of landscaping would add some variety to the appearance of the project site.

Based on these factors, and with the changes required as in the condition of approval, the Commission does not believe that there is evidence to make this finding.

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

The Commission finds that, as conditioned, 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 (Design Guidelines guidance followed by discussion):

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 site is an irregularly shaped lot oriented in a northeast to southwest direction. The proposed convenience store would occupy the same location on the site as the existing convenience store at the northeastern corner of the property, to the rear of the fueling stations and the canopy. A 24-inch diameter (75-inch

circumference) cypress tree is located to the northeast side of the proposed building, on the neighboring property. This tree is classified as a heritage tree, pursuant to PMC sec. 4-12.02(c)(1) with the drip line extending over the area where construction is proposed on the project site. If approved, the construction of the project would incorporate tree protection measures, as outlined in the Project arborist report (Attachment D) for the protection of this heritage tree as required per PMC Section Sec. 4-12.07(a).

- 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 20'-0" building would be sited adjacent to a 9'-0" tall wood fence, which separates the project site from adjacent residential properties and is located at a distance of 50'-0" to 60'-0" from the neighboring residences. The proposed building would not contain any windows on sides overlooking neighboring properties. As such, the proposed project is situated such that it would not impact adjacent structures or properties with shadows or engender a sense of crowding.

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

The plans show four area lights on the service station premises: two lights would be located adjacent to two parking spaces in the vicinity of the driveway to the site from Fassler Avenue. One area light would be located adjacent to a parking space near the northwestern driveway from Cabrillo Highway. An existing area light adjacent to the southwestern driveway from Cabrillo Highway would remain. Additionally, the plans show a lighting sconce on the front wall of the proposed building in the area of the proposed bicycle parking. As such, the amount and location of lighting proposed with the project would serve to illuminate ingress-egress and new parking areas on the site. The plans show the area lights to be downward lighting, unlikely to cause glare. Additionally, the Commission has included a condition of approval that sets the parameters for the lighting for the site and requires details of the wall sconce, to the satisfaction of and approval by the Planning Director, prior to building permit issuance.

- d. *Screening. Exterior trash and storage areas, service yards, landing docks and ramps, electrical utility boxes, etc., should be screened from view of all nearby streets and adjacent structures in a manner that is compatible with building and*

site design. Such facilities should be conveniently located, but must not interfere with the circulation and parking on the site.

The project proposes a trash enclosure near the driveway to the site from Fassler Avenue. The project also proposes landscaping in this area including shrubs and two trees as shown on Sheet LA1 of Attachment C that would serve to separate the trash enclosure from the street. The location of the trash enclosure allows for a clear space of 21'-6" for circulation from the Fassler Avenue driveway and does not interfere with the proposed parking.

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

The use of the site as a service station presents practical constraints that necessitate location of parking close to the street. However, the project includes landscaping along the perimeter of the site to soften the view of parking from and the streets.

BUILDING DESIGN

- 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 building would rely on ornamentation and color differentiation on the front façade. The ornamentation on the front façade would consist of an accent band and concrete tile at the bottom 4'-0" of the wall. Both the accent band and the concrete tile finish would be differentiated from the rest of the walls with color. The front of the building would also contain an entry door to the convenience store. The entry door would be accented with broad columnar elements and facias above that will be color differentiated from the colors incorporated in the rest of the building.

The sides of the proposed building would not be visible from adjacent buildings or the streets. The rear of the building would be partially visible from the rear yards and upper stories of the residential buildings above the 9'-0" tall fence on this side. The project proposes a cement plastered on the visible portions of the rear wall. Additionally, the proposed building would contain a cornice at the top of the building on all sides that would be differentiated by color from the walls. The Commission has included conditions of approval to further lend interest to the proposed building, particularly the rear elevation, which are discussed below under consistency of building elevations on all sides.

The proposed building would be 1,305 sf in area and 20'-0" in height, which would appear smaller than residential and other commercial buildings in the vicinity.

On balance, the Commission has determined that, as conditioned, the proposed building would contain sufficient elements in building design to lend it a human scale.

- g. 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.*

While the proposed building does not include ornamentation on any other side except the front of the building, it includes cement plaster finish on all sides and contains a color differentiated cornice on top of the building on all four sides. However, the project proposes the exterior finish on only the portions of the walls that are not shielded by adjacent buildings. The existing buildings to the northeast and the southeast of the proposed convenience store are located at a distance of 1'-3" from the proposed building, thus precluding the possibility of cement plaster application on the northeastern (side) and southeastern (rear) facades of the proposed convenience store. The Commission has included a condition of approval requiring decorative CMU walls for the rear and both the side facades to ensure aesthetic appeal in the event there were modifications to adjacent buildings or new construction on adjacent sites that may yield greater visibility for the currently shielded side and rear facades of the proposed building. The Commission has also included a condition of approval requiring placement of high functional, non-functional or faux windows, as approved by the Planning Director in consultation with the Building Official, on the portion of the rear wall that encloses the storage room in the interior of the proposed building. Therefore, on balance, as conditioned, the proposed building would be architecturally consistent on all sides.

As conditioned, the project meets the City's adopted Design Guidelines and the Commission does not make the finding that the proposed development is inconsistent with the City's adopted Design Guidelines.

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

The proposed commercial development, as conditioned, would be consistent with the General Plan, and other applicable laws of the City. The project site is not located in the local coastal zone; hence the Local Coastal Plan is not applicable to this project. General Plan consistency includes, but is not limited to, the following policies:

GENERAL PLAN

a. Circulation Element

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

Access to the site is provided via two, two-way driveways from Cabrillo Highway (Highway 1) and one two-way driveway from Fassler Avenue. The project proposes an accessible path of travel from Cabrillo Highway to the convenience store building that improves the accessibility of the

site. The vehicular access to the site has been reviewed and approved by the Engineering Division of the City and the accessible path of travel has been reviewed by the Building Division. Therefore, the project is consistent with this General Plan policy.

- Policy No. 14. Ensure adequate off-street parking in all development.

The development on the site would require a total of seven parking spaces and proposes to include 12 parking spaces, including eight spaces at the fueling pumps and four other spaces. Therefore, by exceeding the minimum amount of required off-street parking, the project is consistent with this General Plan Policy.

b. Community Design Element

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

The project would improve the general appearance of the site and the area as the proposed convenience store building would constitute an upgrade to the existing convenience store building because of its appearance. The proposed project would also include well differentiated spaces on the site for car parking, which would also be an improvement on the existing parking conditions on the site.

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

A condition of approval would ensure that all utilities shall be installed underground on the project site.

c. Land Use Element

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

The development of the proposed convenience store in conjunction with an existing service station is consistent with the zoning for the site and adjacent commercial land uses in this area of the neighborhood. Moreover, the project would not result in a substantial change to the use of the existing site, which is already a part of the existing neighborhood character. Thus, the proposed project would be consistent with this General Plan policy.

B. *Use Permit.* The Planning Commission hereby makes the following findings required by PMC Section 9-3303 prior to issuance of a Use Permit:

- 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 requires a use permit for the development of a mini-market (convenience store) in conjunction with an existing service station and for construction abutting an R district.

As indicated, in the Traffic Report, dated August 15, 2019, prepared by TJKM (Attachment E), the project would generate 14 net additional trips during the a.m. peak hour and 26 net additional trips during the p.m. peak hour. Per the traffic study, up to 90 percent of gas station customers stop at the fueling position and visit the convenience store while fueling their vehicle. However, the trip generation analysis for the project did not include any reductions for such internally captured trips, thus the abovementioned trip generation numbers represent a conservative estimate of the proposed project and the additional traffic as a result of the project is not likely to adversely affect the traffic on adjacent streets.

Furthermore, the project provides adequate parking spaces in that it provides 12 parking spaces while only seven are required per PMC. The project would not require provision for EV spaces or charging stations as in the context of the development on the site, the project does not constitute a major alteration requiring EV spaces or charging stations per PMC sec. 9-4.2818.

Ingress and egress from the site, which was reviewed by the Engineering Division, provides clear and visible lines of sight for vehicles exiting/entering the driveways. The driveways provide project access to and from roadways with medians, thus supporting right out operations only.

The traffic study reviewed and evaluated internal circulation on the site with respect to queueing, turning radii, and safety and circulation aisles and found it to be adequate for the emergency vehicles, refueling trucks, and delivery trucks necessary for operation of the site. In order to prevent on-site conflicts between fuel trucks, garbage trucks, and customers entering and exiting the site, the traffic study recommended that fuel deliveries should be restricted to off-peak periods only. Therefore, the Commission has included a condition of approval to require that fuel deliveries be restricted to off-peak hours (i.e., before 7:00 am and after 6:00 pm) only.

As also discussed above, the project would be consistent with the City's Design Guidelines and the General Plan Policies and would thus, as conditioned, not 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.

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

As described in Section 4.A.ix of this report 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 C-1 (Neighborhood Commercial) district and off-street parking standards.

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

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

- C. *Sign Permit.* Pursuant to PMC Sec. 9-4.2905., a sign permit is required for construction relocation or alteration of signs in the City. Pursuant to PMC 9-4.2906, the following standards would apply to the proposed LED illuminated wall sign. Additionally, pursuant to PMC Section Sec. 9-4.2910, the signs requiring a sign permit are subject to design criteria for signs contained in the City's Design Guidelines. The discussion below addresses the compliance and consistency of the proposed sign with the applicable standards and design criteria, respectively.

Applicable Standards.

- i. *The total permitted sign area for any building shall not exceed seventy-five hundredths (.75 or ¾) square foot of signage per one foot of lineal street frontage. (PMC sec. 9-4.2906(a)(3))*

The building fronts on Cabrillo Highway and has a 54'-0" wide frontage. The proposed sign, located above the entry door is 11'-4" wide and 1'-6" tall with a total area of 17 sf. The allowance of seventy-five hundredths (.75 or ¾) square foot of signage per one foot of lineal street frontage would be 40'-6". Thus, the proposed sign is much smaller than allowable under the City's sign standards. Therefore, the proposed sign complies with this standard for a sign permit.

- ii. *Wall signs shall not exceed ten (10%) percent of the building face to which the signs are attached. (PMC sec. 9-4.2906(d)).*

The proposed sign, which is 17 sf in area, is affixed to the front façade of the 54'-0" wide and 20'-0" tall building. Ten percent of the building face to which the sign is attached is 5'-4". Thus, the sign area does not exceed 10 percent the building face to which it is attached. Therefore, the proposed sign complies with this standard for a sign permit.

Design Criteria.

The consistency of the proposed wall sign with applicable design guidelines is discussed below.

- i. *All signs should relate to their surroundings in terms of size, height, shape, color, materials, and lighting so that they are complementary to the overall design of the building and site. (Design Guideline II.F.3(a))*

The building to which the proposed wall sign will be attached is one story with an overall low profile. The proposed sign will be affixed above the entry to the building and meets the standards for wall signs as described above. The Commission finds

that the proposed sign is proportional to the scale of the building and complementary to its architecture as it will emphasize the entrance to the building.

- ii. *Signs should be unobtrusive and convey their message clearly and legibly. Sign copy should not be cluttered with nonessential information.* (Design Guideline II.F.3(b))

The proposed sign specifies a single line, which will state "Food Mart" to provide essential information regarding the purpose of the proposed building. As such the proposed sign would be unobtrusive and convey its message clearly and legibly.

- iii. *Where internal illumination is used, signs should be designed to illuminate the letters rather than the background.* (Design Guideline II.F.3(c))

The proposed sign would use internal light fixtures to illuminate the acrylic letters and would thus be consistent with this design guideline.

- iv. *Sign illumination should not be unnecessarily bright, and should not cause glare or light intrusion onto other signs or premises. If external illumination is used, the light source should be screened from direct view and should be located so that the light is directed against the sign and does not shine into adjacent property or blind motorists or pedestrians. Internal illumination should feature low intensity lamps.* (Design Guideline II.F.3(d))

The proposed sign would utilize through face lighting with light-emitting diode (LED) illumination located behind an acrylic face, which would serve to reduce the glare or light intrusion onto other signs associated with the Shell gas station property on which the proposed convenience store is located and premises.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Project, subject to conditions of approval attached as Exhibit A.

* * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of September, 2019.

AYES, Commissioners: Rubinstein, Nibbelin, Campbell, Berman, Kraske, Bigstyck

NOES, Commissioners: None

ABSENT, Commissioners: Clifford

ABSTAIN, Commissioners: None



Oren Rubinstein, Vice Chair

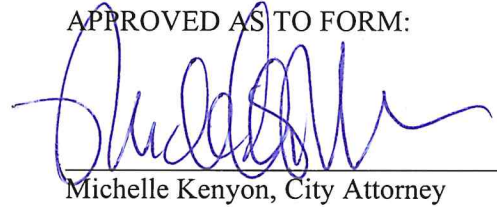
ATTEST:



for

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-056 for Site Development Permit PSD-837-18, Use Permit UP-112-18, and Sign Permit S-029-19 for the construction of a convenience store at an existing gas station located at 4475 Cabrillo Highway (APN 022-031-300)

Planning Commission Meeting of September 16, 2019

Planning Division

1. Development shall be substantially in accord with the plans entitled "Shell Gas Station, New Convenience Store", stamped received by the City of Pacifica on September 12, 2019, except as modified by the following conditions.
2. That the approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, if 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 development permits, the Planning Director may toll expiration of the development permits during the pendency of such litigation.

3. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
4. The hours of fuel delivery on the site shall be limited to off peak hours, which shall mean prior to 7:00 am and after 6:00 pm to minimize potential impacts to rush hour traffic at the high-traffic intersection of Fassler Avenue and Coast Highway.
5. Prior to the issuance of a building permit, Applicant shall submit cut sheets of the proposed lighting for review and approval by the Planning Director. Lighting shall be directed away from adjacent residences but shall be adequate to ensure security and dissuade vandalism on-site. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations shall be shown, where applicable, on all building elevations.
6. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use

- of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
7. All transformers, HVAC units, backflow preventors 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.
 8. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, if any. All roof equipment shall be screened to the Planning Director's satisfaction.
 9. 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.
 10. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
 11. All trash and recycling materials stored outdoors, shall be fully contained and screened from public view within the 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.
 12. Applicant shall implement the tree protection measures specified in the Tree Protection Plan, dated July 5, 2019, prepared by Kielty Arborist Services LLC, during construction of the new convenience store on site.
 13. Prior to building permit issuance, Applicant shall revise the plans to show the side walls and the rear wall of the proposed building as constructed of decorative concrete masonry unit (CMU) blocks, subject to review and approval by the Planning Director.
 14. Prior to building permit issuance, Applicant shall include windows on the exterior of that portion of the rear wall which encloses the storage room in the interior of the new convenience store to enhance the architecture of this elevation, to the satisfaction of the Planning Director in consultation with the Building Official. These windows may include clerestory windows, faux/non-functional windows, or other window types which achieve the intent of this condition.
 15. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

16. 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.
17. Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to issuance of a building permit.
18. 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

19. 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

20. 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.
21. The following requirements must be clearly noted on the construction plans for the project:
 - a. Fassler Avenue, Highway 1, and Harvey Way 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.
22. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
- a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. adjacent driveways within 25' of the property lines
 - iii. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
23. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.

Conditions of Approval: File No. 2018-056 – Site Development Permit PSD-837-18, Use Permit UP-112-18, and Sign Permit S-029-19
4475 Cabrillo Highway (APN 022-031-300)
September 16, 2019
Page 5

24. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
25. All new utilities shall be installed underground from the nearest main or joint pole.

North County Fire Authority

26. Fire sprinkler system shall be required for building per City Ordinance and installed per NFPA13.
27. Prior to building permit issuance, Applicant shall obtain water flow information.
28. Fire alarm system shall be monitored per CFC.
29. Portable fire extinguishers(s) shall be required. Fire extinguishers shall be mounted 3-5 feet above floor, and visible and accessible. Fire extinguishers and mounting shall be field verified.
30. Clearly visible address identification shall be required.
31. Utility identification shall be required.
32. Doors shall be easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts is prohibited unless integrated with latch.
33. Propane cages shall conform to Chapter 57 of the CFC and shall not be closer than 5 feet from any window or door.

END OF CONDITIONS