

RESOLUTION NO. 982

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-389-17, SUBJECT TO CONDITIONS, FOR DEMOLITION OF A SINGLE FAMILY RESIDENCE AT 270 STERLING AVENUE (APN 023-023-040), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: John Riaz Finnemore and Cristina Jean Shupe (“Applicants”).

WHEREAS, an application has been submitted to demolish an existing single family residence at 270 Sterling Avenue (APN 023-023-040); and

WHEREAS, demolition of the proposed structure requires approval of a Coastal Development Permit prior to the issuance of a building permit or demolition permit because the project site is located within the CZ (Coastal Zone Combining District) zoning district; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on October 16, 2017, 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 following findings pertaining to Coastal Development Permit CDP-389-17:

The proposed development is in conformity with the City's certified Local Coastal Program.

Discussion

The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed project is consistent with many of these policies, as discussed below.

Coastal Act Policy 24. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the

character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.

The single family residence is located on the south side of Sterling Ave and has been derelict for a number of years. The demolition of the structure would enhance visual quality in this area, which is consistent with this LCP policy. Should the site be subject to future development, the scenic and visual impact will again be considered as part of the future proposal.

Coastal Act Policy 26. New development shall:

- a). Minimize risks to life and property in areas of high geologic, flood and fire hazard;*
- b). Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs;*
- c). Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;*
- d). Minimize energy consumption and vehicle miles traveled; and,*
- e). Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses*

The project involves demolition of an existing single family residence which is currently in a dilapidated state, and is in conflict with the provisions of subsections (a) and (b) of the above policy. The existing residence is situated within the coastal zone and subject to persistent and progressive degradation. Site erosion, physical and structural deterioration has progressed throughout the property and undermined its habitability, and structural integrity. The existing property creates a risk to life and property on the project site and to surrounding properties on these steep sections of hillside in the Pedro Point neighborhood. The risk is associated with the undermining of the structural integrity of the structure and/or the potential for slope failure. Demolition of the residence at the project site would eliminate the risk of catastrophic failure, minimizing risks to life and property. Undertaking grading work following demolition including the required volume of fill to ensure the slope will be consistent over the site, would assure stability and structural integrity of the slope by retaining sediment on the site, reducing stormwater erosion and aiding stormwater infiltration by incorporating a permeable layer and specific drainage improvements to manage water effectively. The resulting slope conditions, particularly relative to stormwater management, will be substantially similar to natural conditions.

The project is consistent with this policy because demolition of the residence would advance the provisions of subsections (c) and (d) since the demolition would be undertaken in accordance with the regulations and permit requirements of the Bay Area Air Quality Management District (BAAQMD). Although it is likely a single family residence would replace the existing building in the future, new building efficiency and California Building Code requirements, would improve compliance with Coast Act Policy 26, particularly relative to: BAAQMD and energy consumption.

Given advancement of the provisions of subsections (a) through (d) of Policy No. 26, the project is consistent with this LCP policy.

B). Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Discussion

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to the project:

The project qualifies as a Class 1 exemption under CEQA Guidelines Section 15301(l)(1), which states, in part:

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

l). Demolition and removal of individual small structures listed in this subdivision:

1). One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

The proposal to demolish one single family residence is within the scope of a Class 1 categorical exemption. Additionally, none of the exceptions to the exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.

Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.

Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-389-17 for demolition of an existing four story, single family residence at 270 Sterling Avenue (APN 023-023-040), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

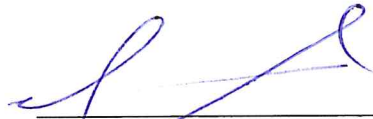
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of October 2017.

AYES, Commissioner: CAMPBELL, CLIFFORD, GORDON, KRASKE,
NIBBELIN, STEGINK

NOES, Commissioner: N/A


ABSENT, Commissioner: N/A

ABSTAIN, Commissioner: COOPER

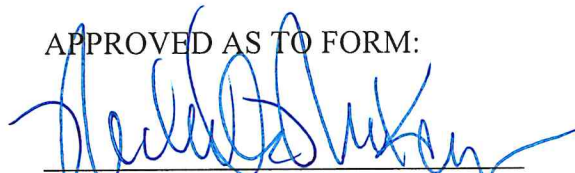


John Nibellin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Coastal Development Permit CDP-389-17 to Demolish an Existing four Story, Single Family Residence at 270 Sterling Avenue (APN 023-023-040)

Planning Commission Meeting October 16, 2017

Planning Division

1. That the approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
2. The applicant shall conduct construction in accordance with the Bay Area Air Quality Management District (BAAQMD) Best Management Practices for fugitive dust control and undertake the approval program of the BAAQMD to obtain an 'Approval Letter for Asbestos for Demolition/Renovation,' including a "Job Number" (a letter of approval that will include a job number (J#) is issued as proof of notification). The following will be required for all construction activities within the project area. These measures will reduce fugitive dust emissions primarily during soil movement and grading activities, but also during vehicle and equipment movement on unpaved project sites:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
 - All vehicle speeds on unpaved roads shall be limited to 15 mph;
 - Seeding or soil binders shall be laid as soon as possible after grading;
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points;
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;

- A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
3. Applicant shall obtain all necessary building permits from the Building Division prior to demolition. Building permit submittal shall include the removal of all hardscape including the existing driveway. The permit shall also include site fencing to protect the site from becoming an attractive nuisance and discourage illegal dumping.
 4. The property owner shall continue to monitor and maintain the site after the structure is removed. This includes periodic sediment basin maintenance, sand barrier maintenance, landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.

Engineering Division of Public Works

5. Demolition shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during demolition to control erosion/siltation. The project will comply with current Regional Water Quality Control Board permit requirements and the Municipal Regional Stormwater NPDES Permit (MRP) requirements and standards.
6. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud and dirt tracked onto Sterling Avenue. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
7. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
8. All site utilities shall be terminated to the satisfaction of the Director of Public Works or City Engineer.
9. 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.

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10. Prior to approval of the Building Permit, applicant shall provide a Traffic Control plan to the satisfaction of the City Engineer.