

RESOLUTION NO. 983

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-381-17, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A THREE-STORY, 3,074-SQUARE FOOT SINGLE-FAMILY DWELLING ON A VACANT PARCEL LOCATED ON THE SOUTH SIDE OF SAN PEDRO AVENUE APPROXIMATELY 300 FEET SOUTH OF THE INTERSECTION OF SAN PEDRO AVENUE AND GRAND AVENUE (APN 023-073-200), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Brian Brinkman (“Applicant”).

WHEREAS, an application has been submitted to construct a three-story, 3,074-square foot single-family dwelling at San Pedro Avenue (APN 023-073-200); and

WHEREAS, the project requires approval of a Coastal Development Permit because the project will develop an existing vacant site within the Coastal Zone; and, the project does not qualify as a category of excluded development since it is located within the Coastal Commission’s appeal jurisdiction; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on November 6, 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.
3. The Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303 (14 Cal. Code Regs. §15303) and therefore directs staff to file a Notice of Exemption for the Project.

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-381-17 for development within the Coastal Zone:

i. 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 several of these policies, as discussed below.

- Coastal Act Policy No. 2: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.*

The project will be undertaken on an existing lot more than 1,000 feet from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and several streets. Therefore, the project will have no impact or otherwise interfere with the public's right of access to the sea.

- Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...* [the remainder of this policy pertains to land divisions and visitor-serving facilities, neither of which are part of the subject project.]

The Pedro Point neighborhood is a substantially developed suburban neighborhood with subdivided lots, developed with single-family homes to the west and south, and commercial development to the north. Adequate utility capacity exists in the area to serve the project. These circumstances support the Planning Commission's finding that the development is in conformity with the City's certified Local Coastal Program.

ii. Required Finding: Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

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.

In summary, the project is consistent with Local Coastal Land Use Plan policies, and there is substantial evidence in the record to support Planning Commission approval of a Coastal Development Permit.

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

i. The project that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA) as a Class 3 exemption. Section 15303 'New Construction or Conversion of Small Structures' of the CEQA Guidelines states, in part:

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

* * * * *

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

* * * * *

There is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines because the project consists of one single-family residence in the R-1 (Single-Family Residential) zoning district.

ii. None of the exceptions to the exemption in Section 15300.2 of the CEQA Guidelines, would apply:

- Sec. 15300.2(a): There is no evidence in the record that the project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed area and is bounded by residential properties to the west and south, and existing and proposed commercial development to the north and along San Pedro Avenue.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The project involves construction of a new single-family residential building. No recent development of other projects of the same class has occurred within the vicinity of the project site and the proposed development to the north is of a scale where significant environmental impacts would not occur.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the project would have a significant effect on the environment due to unusual circumstances.

Exhibit A

Conditions of Approval: Coastal Development Permit CDP-381-17 for construction of a three-story, 3,074-square foot single-family dwelling on an 8,000- square foot vacant lot located at San Pablo Avenue (APN 023-073-200)

Planning Commission Meeting of November 6, 2017

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "New Single Family Home: Panesi Residence," dated May 17, 2017, and July 6, 2017, except as modified by the following conditions.
2. That the approval or approvals is/are 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(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
3. Prior to the issuance of a building permit, Applicant shall prepare and record with the San Mateo County Recorder's Office an agreement providing perpetual ingress and egress access between the subject property and the public right-of-way known as "San Pedro Avenue." The agreement shall run with the land and be binding on all future owners and occupants of the servient estate(s) and their successors, heirs and assigns. The agreement shall be approved as to form and content by the City Attorney and Planning Director. The design and configuration of the easement shall be such that any future street, driveway, or path serving development on the subject site may be constructed to conform with all applicable City of Pacifica regulations, including without limitation the Zoning Regulations, California Residential Code, and California Fire Code.
4. Any portion of the access drive aisle and/or driveway between the project site and the public right-of-way which exceeds 10 percent grade shall be constructed of grooved concrete to the satisfaction of the Fire Chief and the Planning Director.
5. Prior to issuance of a building permit, the drive aisle and/or driveway providing access to the project site from the public right-of-way shall be constructed in accordance with all applicable City ordinances and conditions of approval.
6. Removed by Planning Commission.

7. Prior to the issuance of a building permit, Applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
8. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
11. 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, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys 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.
12. 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, and shall include an appropriate mix of trees, shrubs, and other plantings to soften the expanded structure. 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.

Building Division of the Planning Department

13. 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.
14. Prior to off-haul of any excavated soil, Applicant shall demonstrate City approval of the haul routes to be used to the satisfaction of the Building Official.

Engineering Division of Public Works Department

15. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
16. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto San Pedro 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.
17. Existing curb, sidewalk or other street improvements adjacent to 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.
18. 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.
19. 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 to include metes and bounds of the ingress/egress and utility easements. Applicant to provide copies of all recorded documents to support all easements.
 - B. A site plan to include metes and bounds of the ingress/egress and utility easements.

- 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.
20. 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.
 21. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
 22. All utilities shall be installed underground from the nearest main or joint pole.
 23. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.
 24. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. To be coordinated and/or constructed with the Anchor Inn project.
 25. Applicant shall install new sidewalk per City Standards 101A. To be coordinated and/or constructed with the Anchor Inn project.
 26. The existing street pavement shall be cold-planed (ground) to a depth of 2" across the entire frontage of the property and out to the centerline of San Pedro Avenue, or to the extent of the longest utility trench if beyond the centerline, and an overlay of Caltrans specification ½" Type 'A' hot mix asphalt concrete shall be placed. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, a larger area may have to be ground & overlaid. To be coordinated and/or constructed with the Anchor Inn project.

North County Fire Authority

27. The Applicant shall submit plans for the required fire sprinklers per 2016 CFC Chapter 9 and Pacifica Municipal Code (fire sprinkler system per NFPA 13R standards) at the same time or before it submits for a building permit.
28. The Applicant shall provide a horn strobe on the front of the buildings for the fire sprinkler.

29. The Applicant shall provide a fire flow report from North Coast County Water District (NCCWD) showing a fire flow per 2016 CFC Appendix B, of 500 GPM for Residential structures with fire sprinklers.
30. Fire hydrant shall be installed on the subject property for fire protection coverage, including a water line through the utility easement measuring 6" to accommodate the fire hydrant that complies with 2016 CFC Appendix C, Table C105.1.
31. The Applicant shall provide clearly visible illuminated premises identification (address) per 2016 CFC.
32. The Applicant shall install smoke detectors and CO monitors per 2016 CFC and 2016 CBC.
33. The Applicant shall install and make serviceable all fire service features including fire hydrant, prior to beginning construction.
34. The Applicant shall conform to 2016 CFC chapter 33 for fire safety during all construction.
35. Comply with the codes for the Wildland-Urban Interface area (Chapter 7A of the 2016 CBC)
36. The Applicant shall not begin construction without approved plans and a permit on site at all times.

Added by Planning Commission on November 6, 2017

37. Applicant shall construct not less than 75 percent of all rear yard patio areas with permeable paving, to the satisfaction of the Planning Director.

END