

RESOLUTION NO. 996

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-390-17 (FILE NO. 2017-029), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE OF 3,819 SQUARE FEET (SF) PARCEL AND REMOVAL OF ONE HERITAGE TREE, ON A 12,498 VACANT PARCEL AT OLYMPIAN WAY (APN 023-038-350) APPROXIMATELY 1,150 FEET NORTHWEST OF ITS INTERSECTION WITH GRAND AVENUE, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Brian Brinkman ("Agent").

**WHEREAS**, an application has been submitted to construct a new single family residence on a vacant parcel (APN 023-038-350) and remove one existing heritage tree; and

**WHEREAS**, the property is located in the Coastal Zoning Combining District, which requires any development to obtain a Coastal Development Permit unless specifically excluded (PMC Sec. 9-4.4303(a), (h)); and

**WHEREAS**, the project requires removal of one heritage tree due to the location of the tree; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on April 16, 2018, at which time it continued the matter to a future meeting; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 18, 2018, 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 Class 3 categorical exemptions under California Environmental Quality Act (CEQA) Guidelines Sections 15303, as described below:

The project qualifies for Class 3 exemption under CEQA Guidelines Section, 15303, as described below:

**15303. New Construction or Conversion of Small Structures**

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.

The subject proposal to construct a new 3,819 sf, single family residence with two habitable floors on a vacant 12,498 sf lot fits within the scope of the Class 3 categorical exemptions because the project consists of one single-family residence in the R-1 (Single-Family Residential) zoning district and is located in a substantially developed neighborhood of the city.

Exceptions to the exemption in Section 15300.2 of the CEQA Guidelines would not 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 in all directions.
- 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 cumulative 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. The project site is zoned for residential use and the proposed residential building would be of a small scale such that no identifiable impacts to the environment would occur.
- 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 3 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; therefore, 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 Coastal Development Permit CDP-390-17:

- 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 the applicable policies and the LCLUP. Of note, the project would be located within an existing developed area and would be consistent with surrounding land uses and densities.

- 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.*

Discussion: The proposed project will be undertaken on an existing lot more than 500 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 would 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.]*

Discussion: The Pedro Point neighborhood is a substantially developed suburban neighborhood with subdivided lots, developed with single-family homes surrounding the site. Adequate utility capacity exists in the area to serve the project.

- Coastal Act Policy No. 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.

Discussion: The proposed project would add 3,189 sf of new single family residential floor area, over two stories, within an existing developed area. The project would not impact scenic coastal areas along the ocean and scenic coastal areas as it would blend in with the existing surrounding development and be constructed within the City's 35 foot height limit established in the zoning. Additionally, property surrounding the project are

private properties, therefore the project would not impact any public views to the ocean and scenic areas.

*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. Kent Road and Blackburn Terrace are public roads located between the project site 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 hereby permits the removal of one heritage tree on-site:

The project proposes the removal of a heritage tree on the site: a Monterey Pine located down slope from the proposed building foot print to its rear in the northwestern portion of the site. Heritage tree removal in the City shall be based certain criteria per PMC Section 4-12.04.

The project proposes the removal of a heritage tree on the site: a Monterey Pine located down slope from the proposed building foot print to its rear in the northwestern portion of the site. Heritage tree removal in the City shall be based certain criteria per PMC Section 4-12.04. The criteria are

- (1) 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;
- (2) Whether the requested action is necessary for the economically viable use of the property;
- (3) The topography of the land and effect of the requested action on it; and
- (4) Good forestry practices.

*Criterion 1:* Per the arborist report, dated May 11, 2018, prepared by Kielty Arborist Services, LLC (Attachment D), while the subject tree is in fair condition, a fungal pathogen, which causes pitch canker disease, is indicated in the area with all of the Monterey pine trees on neighboring properties showing symptoms of die back related to the disease. The subject tree is top heavy as a result of past pruning and at an elevated risk of limb/top failure. Failure of the tree is of concern given its proximity to the proposed structure and other structures to the side and downslope. Therefore, the susceptibility of the tree to infection from nearby pathogens and its existing top heavy condition warrant removal of the tree.

*Criterion 2:* The tree is located in a somewhat centralized portion of the site and would be in close proximity to the proposed structure, which is located as proposed so as to meet the front setback for the residence and not to exceed the height limit on a site that slopes steeply down from the residence. Per the project arborist, Monterey pines have a



medium weak branch strength rating and are intolerant of construction impacts such as grading or root trimming which would be necessary for construction of the project as proposed. The subject tree is located within 30 feet of the proposed building foot print, which is the calculated root zone of the tree. Any proposed construction/grading within this root zone would have an adverse impact on this tree's health and stability and its location reduces the buildable area of the lot, substantially. To avoid the tree and its dripline entirely, the Commission estimates the project would need to be reduced in size by approximately 50 percent and confined entirely to the eastern half of the site. Such a reduction would unnecessarily constrain design of a single-family residence on such a large-sized parcel, limiting usability of a large portion of the site which has otherwise limited utility due to its severe slope (e.g., it would be unsuitable for outdoor usable area because it is too steep to safely traverse).

*Criterion 3:* As noted above, the topography of the site is steep (approximately 35 percent). Tree failure on such a steep slope could harm residents and structures in the vicinity. Removal of the tree has not been determined to have an adverse impact on the stability of the site by the project's engineer. The stability of the site would be maintained by the engineered design of the retaining walls and structural foundation of the single-family residence. Therefore, there is no known adverse impact on the stability of the slope from removal of the tree.

*Criterion 4:* As noted in the arborist report, the subject tree is in fair condition but with a top heavy branch structure resulting from past pruning. The tree is surrounded by other trees affected by fungal pathogens and is at risk of becoming infected itself. Therefore, good forestry practice suggests that tree removal is appropriate to reduce transmission of the pathogens present nearby and to prevent the tree from failing in a manner which would impact the proposed development or existing development nearby.

In the Commission's assessment, removal of the subject Monterey pine on the site is justified. The balance of the evidence related to the four required criteria for consideration weighs in favor of the tree's removal. In order to offset the loss of a heritage tree, a condition of approval which would require replacement planting of one tree at a location on site to be determined prior to building permit issuance, to the satisfaction of the Planning Director, has been included.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica finds the project is exempt from the California Environmental Quality Act; approves Coastal Development Permit CDP-390-17 for construction of a 3,819 square foot (sf) second story single-family residence on a 12,498 sf parcel and removal of one heritage tree; at Olympian Way (APN 023-038-350), 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 18<sup>th</sup> day of June 2018.

AYES, Commissioners: CAMPBELL, CLIFFORD, KRASKE, NIBBELIN,  
RUBINSTEIN, STEGINK

NOES, Commissioners: N/A

ABSENT, Commissioners: GORDON

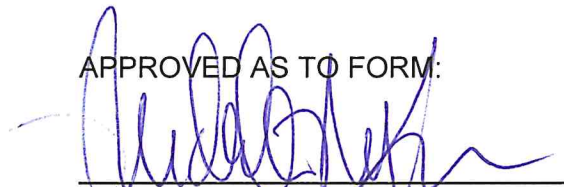
ABSTAIN, Commissioners: N/A

  
Richard Campbell, Chair

ATTEST:

  
Christian Murdock, Senior Planner

APPROVED AS TO FORM:

  
Michelle Kenyon, City Attorney

## Exhibit A

### **Conditions of Approval: Coastal Development Permit CDP-390-17, for construction of a 3,819 sf single-family residence, and removal of one heritage tree at Olympian Way (APN 023-038-350)**

#### **Planning Commission Meeting of June 18, 2018**

#### **Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled "New Single Family Home" received by the City of Pacifica on March 30, 2018, except as modified by the following conditions.
2. Deleted by Planning Commission on June 18, 2018.
3. Prior to issuance of a building permit, applicant shall revise its plan to ensure that all exposed retaining wall surfaces shall have a decorative finish which may include, but shall not be limited to, decorative block, stone veneer, or colored and stamped concrete, to the satisfaction of the Planning Director.
4. All recommendations detailed in the geotechnical investigation reports entitled, "Geotechnical Investigation Proposed Residential Development Vacant Lot, APN 023-038-350 Pacifica California" dated July 25, 2017 and prepared by Earth Investigations Consultants, Inc. shall be incorporated into the project.
5. 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.
6. 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.
7. 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.
8. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
9. 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.

10. 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, attorney 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.
  
11. 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. Landscaping shall be replaced for all areas disturbed during construction and preferred species shall be those which will most effectively prevent future erosion. The landscaping plan shall include the planting of three trees of a species and placement subject to approval by the Planning Director as a replacement for the removed heritage tree.
  - A. Any replacement tree plantings required for the heritage tree removal shall not themselves be removed without express written authorization by the Planning Director.
  - B. The final landscape plan shall include appropriate shrub and/or tree plantings on the low side of both of the retaining walls in the front setback and public right-of-way to soften their appearance, to the satisfaction of the Planning Director.
  
12. Prior to issuance of a building permit, applicant shall submit a tree protection plan, which meets the satisfaction of the City arborist, for protection of all remaining heritage trees located on the site or with driplines present on the site. The plan must be implemented during the construction phase in accordance with PMC Section 4-12.07.



**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.

**Wastewater Division of Public Works Department**

14. Applicant shall include the required notes and design details in Wastewater Division Standard Plan Drawing Nos. WW100, WW101, WW201, WW202, and WW301 in its plan set submitted for a building permit.

**Engineering Division of Public Works Department**

15. Construction shall be in conformance with 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.
16. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Olympian Way. 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 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 building.
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, 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 whole width of right-of-way of Olympian Way, including existing and proposed improvements such as, but not limited to, new pavement, 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. Provide a design level geotechnical report, signed and stamped by a registered professional, for all cuts, fills, and earth retaining structures or systems within the City right-of-way
  - e. Provide structural plans and calculations, signed and stamped by a registered professional, for all earth retaining structures or systems within the City right-of-way.
  - f. 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 or City easements. All proposed improvements within public right-of-way or City easements shall be constructed per City Standards, to the satisfaction of the City Engineer and shall be completed and approved by the City Engineer prior to issuance of the certificate of occupancy.
- 21. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way without written approval of the City Engineer.
- 22. All utilities shall be installed underground from the nearest box 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. The transition from 2% slope to the driveway slope shall be sufficiently gradual to avoid causing conventional automobiles to make contact with the pavement at the grade breaks. Driveway within City right-of-way shall not exceed 18%, and any portion exceeding 15% grade shall be grooved concrete to the satisfaction of the Fire Chief.
25. The tie-in to the City storm drain pipe shall be at a new structure with a removable cover for maintenance.
  - A. Construction details for the tie-in must be submitted with an application for an encroachment permit, and must be approved by the City Engineer before work begins.
  - B. Design of the tie-in structure shall avoid conflict with the public sanitary sewer pipe in the same easement as the public storm drain pipe.
  - C. All costs for design and installation of the tie-in shall be the responsibility of the property owner.
  - D. The current owner and any future owners of the property shall remain responsible for maintenance or replacement of the tie-in and for any damage specifically attributable to the tie-in. A Maintenance Agreement for this, approved by the City Attorney, will need to be recorded with the County Recorder prior to issuance of a building permit.
26. Any ground disturbed by construction activities shall be permanently stabilized to prevent future erosion to the satisfaction of the City Engineer.
27. Prior to issuance of a certificate of occupancy, applicant shall widen Olympian Way between the left and right property lines of the site to ensure the presence of two 11-foot wide travel lanes, as well as install a four-foot wide sidewalk and parking bay, subject to the following standards:
  - A. Provide a retaining system or a reinforced fill with a 2:1 (H:V) slope.
  - B. Provide pavement of Portland cement concrete or asphalt concrete over aggregate base to City standards (available from the City Engineer's office) for street construction.
  - C. Provide a 6" x 6" curb or berm at the edge of the pavement to act as a wheel stop and to prevent sheet drainage off the side of the pavement.

- D. Conduct storm water runoff to a drainage facility capable of accepting and conducting the flow (see Drainage Conditions).
  - E. If any retaining wall is proposed in the right-of-way that would result in a drop of 21" or more, provide a fence or guardrail for pedestrian safety.
  - F. Retaining walls and guardrails shall be approved and inspected by the City's Building Official.
28. The portion of the driveway within the public right-of-way is to be constructed to City standards for a driveway approach.
29. Any stairs within the public right-of-way shall be approved and inspected by the City's Building Official.
30. Prior to the issuance of a certificate of occupancy, all construction within the public right-of-way, with the exception of street pavement, shall be covered by a Maintenance Agreement requiring private property owner maintenance of the improvements, which will be recorded with the County Recorder's Office and will run with the land and be binding on any future owners of the property. The form and content of the Agreement shall be subject to review and approval by the City Attorney.
31. Per the adopted City of Pacifica Complete Street Policy, development shall include facilities for pedestrians. Prior to issuance of a certificate of occupancy, applicant shall record with the County Recorder's Office a Deferred Improvements Agreement, which will run with the land and be binding on any future owners of the property, to provide sidewalk facilities at a future date upon demand by the City. The form and content of the Agreement shall be subject to review and approval by the City Attorney.

#### **North Coast County Water District**

32. Prior to the issuance of a building permit, Applicant shall determine the domestic water requirements in accordance with the Uniform Plumbing Code so that the NCCWD can provide the properly sized domestic meter or meters. Applicant must complete a *Single-Family Residence Water Service Application* and submit it to the District. Storage and Transmission Fees, Administrative Fee, and Installation Deposit must be paid in accordance with the District's Rate and Fee Schedule before the District installs any meters. The application is available on the District's website at <http://nccwd.com/images/PDFs/WATER%20SERVICE%20APPLICATION.pdf>.

#### **North County Fire Authority**

33. The Applicant shall submit plans for the required fire sprinklers per 2016 CFC Chapter 9 and Pacifica Municipal Code at the same time or before they submit for a building permit. Because the project requires fire sprinklers, the fire sprinkler designer and/or owner/applicant may be required to have a fire flow test performed to ensure the system

is designed using accurate information. If a fire flow test is required, a fee and deposit is required payable to the North Coast County Water District.

34. Prior to the issuance of a certificate of occupancy, the fire sprinkler designer shall obtain the latest version of the NCCWD's Standard Specifications and Construction Details (available online at <http://nccwd.com/projects/standard-specifications-and-construction-details.html> or may be purchased at the District Office) and shall design the sprinkler system to meet NCCWD standards. The fire sprinkler designer must submit plans and Hydraulic Fire Sprinkler Calculations approved and stamped by a registered Fire Protection Engineer to the District for review along with the appropriate fees to cover District costs related to plan review. The fire sprinkler plans and hydraulic calculations must first obtain approval from the North County Fire Authority before submitting them to the NCCWD.
35. The Applicant shall provide clearly visible illuminated premises Identification (address) per Pacifica Municipal Code Section 4-3.107.
36. The Applicant shall install smoke detectors and CO monitors per 2016 CFC and 2016 CBC.
37. The Applicant shall conform to 2016 CFC chapter 33 for fire safety during all construction and demolition.
38. The Applicant shall not begin construction or demolition without approved plans and a permit on site at all times.

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