Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION
Agenda

DATE: February 21, 2017

LOCATION: Council Chambers, 2212 Beach Boulevard

TIME: 7:00 PM

ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: February 6, 2017

Designation of Liaison to City Council Meeting: No liaison required; however, entire Commission is expected to attend Annual Report presentation on February 27, 2017.

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

CONSENT ITEMS: None

NEW PUBLIC HEARINGS:

1. **UP-078-16** — **SPECIAL USE PERMIT UP-078-16,** filed by applicant Paul King, for installation of an ozone generation trailer approximately twenty (20') feet wide by twenty (20') feet long by six (6') feet high, and associated temporary power pole approximately sixteen (16') feet high, to perform soil remediation at a former service station site located at 2251 Oceana Boulevard, Pacifica (APN 016-242-090). Recommended California Environmental Quality Act (CEQA) status: Class 8 and Class 30 categorical exemptions. *Recommended Action:* Approve, as conditioned.

STUDY SESSION:

2. **TA-105-17** — **TEXT AMENDMENT TA-105-17,** initiated by the Planning Department of the City of Pacifica, to amend various Pacifica Municipal Code provisions to conform with amendments enacted by the California Legislature to Government Code section 65852.2 concerning accessory dwelling unit (i.e. second residential unit) permitting by local agencies. The text amendment to be discussed would affect residential property citywide.

   A study session allows the Planning Commission to receive input from the public and provide direction to staff regarding this future text amendment. The study session is open to the public, although it is not a public hearing and the Planning Commission will take no formal action. *Recommended Action*: Continue to March 20, 2017.

COMMUNICATIONS:

Commission Communications:

Staff Communications:

ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for persons with disabilities upon 24 hours advance notice to the City Manager's office at (650) 738-7301, including requests for sign language assistance, written material printed in a larger font, or audio recordings of written material. All meeting rooms are accessible to persons with disabilities.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

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PLANNING COMMISSION
Staff Report

DATE: February 21, 2017

FILE: Approval of Draft Planning Commission minutes of meeting held on February 6, 2017.

ITEM:

Approval of Draft Planning Commission minutes of meeting held on February 6, 2017.

ATTACHMENT LIST:

Draft Minutes 2.6.17 (PDF)

MINUTES

CITY OF PACIFICA
PLANNING COMMISSION
COUNCIL CHAMBERS
2212 BEACH BOULEVARD

February 6, 2017

7:00 p.m.

Chair Gordon called the meeting to order at 7:01 p.m.

ROLL CALL:

Present: Commissioners Baringer, Evans, Nibbelin, Clifford, Cooper and Chair Gordon

Absent: Commissioner Campbell

SALUTE TO FLAG: Led by Commissioner Cooper

STAFF PRESENT:

Planning Director Wehrmeister
Asst. City Attorney Visick
Asst. Planner O'Connor
Public Works Director Ocampo
Deputy Director of Public Works Sun
Asst. Plant Manager Aguilar

APPROVAL OF ORDER OF AGENDA

Commissioner Clifford moved approval of the Order of Agenda; Commissioner Cooper seconded the motion.

The motion carried **6-0.**

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford, Cooper and Chair Gordon

Noes: None

APPROVAL OF MINUTES: JANUARY 17, 2017

Commissioner Clifford moved approval of minutes of January 17, 2017; Commissioner Evans seconded the motion.

The motion carried **5-0-1.**

Ayes: Commissioners Baringer, Evans, Clifford, Cooper and Chair Gordon

Noes: None

Abstain: Commissioner Nibbelin

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF FEBRUARY 13, 2017:

Planning Director Wehrmeister stated that they would not need a liaison.

ORAL COMMUNICATIONS:

None

PUBLIC HEARINGS:

1, PSD-757-06
UP-965-06
SUB-211-06

SITE DEVELOPMENT PERMIT PSD-757-06; USE PERMIT UP-965-06; TENTATIVE SUBDIVISION MAP (CONDOMINIUM) SUB-211-06, filed by Shaohong "Simon" Weng, Pinkstone LLC, to extend the expiration date of permits for the construction of nine condominiums located at 1567 Beach Boulevard (APN 016-011-190).

Planning Director Wehrmeister presented the staff report.

Vice Chair Nibbelin moved that the Planning Commission continue the item to March 20, 2017; Commissioner Clifford seconded the motion.

The motion carried **6-0.**

Ayes:	Commissioners Baringer, Evans, Nibbelin, Clifford, Cooper and Chair Gordon
Noes:	None

2, CDP-375-16

COASTAL DEVELOPMENT PERMIT CDP-375-16, filed by applicant, Jo Ann Cullom of California Department of Transportation District 4, to replace the existing pedestrian overcrossing between Francisco Blvd., at San Jose Ave. and Eureka Square Shopping Center with a new pedestrian overcrossing. The new crossing incorporates longer ramps to meet American with Disabilities Acts' ramp slope requirements. Recommended CEQA status: Class 2 Categorical Exemption, Section 15302.

Asst. Planner O'Connor presented the staff report.

Commissioner Clifford referred to the statement that the overpass would use materials less susceptible to corrosion from the marine ambient environment, and he asked if that was different from the materials already used in the existing overpass and, if not, what the differences are.

Daniel Palmer, applicant, explained what the materials would be including painting.

Commissioner Clifford stated that he had brought this concern to the Council and he was pleased to have it before them.

Mr. Palmer stated that they were also glad to be addressing the problem.

Commissioner Cooper stated that he was part of the Devil's Slide tunnel project and he stated that the painted surfaces didn't seem to withhold the marine environment, adding that everything has been galvanized or had an epoxy coating on it and he didn't see painting having a long term effect as it starts to rust after a couple of years. He stated that he was also concerned about the crosswalks, especially with the elderly, and asked if there was money available to put in lighting strips, such as the imbedded lights he sees in San Bruno or Burlingame.

Tanzeeba Kishwar, applicant, stated that, at this time, they only have the flashing lights, but she stated that she can look into it with the project manager. Regarding the paint, she stated that they will have maintenance performed by CalTrans, and the fencing will not be the usual chain link fencing, but architectural fencing.

Commissioner Cooper stated that, in the informational package, it looked like regular fencing.

Ms. Kishwar assured him it would not be standard fencing.

Commissioner Cooper asked if they would use galvanized fencing, rather than painted fencing and an option with the clips, adding that it was usually the clips that wear out as this environment was harsh.

Ms. Kishwar stated that it is done by their landscaping people, who have been talking about their options. She stated that she will convey his thoughts to them and they can look into it.

Commissioner Evans stated that he was confused, mentioning that they said that the new sidewalk would be 20 feet north of the old crosswalk on the Oceana side.

Asst. Planner O'Connor clarified that it was 20 feet north of the new Oceana side entrance.

Commissioner Evans mentioned that the construction was 82 feet north of the old one and the current crosswalk was south of the old one and he concluded that there was going to be a large difference from where the crosswalk was now.

Ms. Kishwar stated that she didn't know which plan he had, but she showed him the plan which she had. She then explained that they will discard the current crosswalk which was after the touchdown of the existing one and the new one will be 20 feet north of the new touchdown. She stated that they will upgrade the ramp on both sides of the new crosswalk and added that the crosswalk will be north of the existing bus stop.

Commissioner Evans was looking for clarification of where they were in relationship to the bus stop, adding that he understood there will be new sidewalks which he thought will be west side of Oceana.

Ms. Kishwar responded affirmatively.

Commissioner Baringer asked if the city has looked into the traffic complications of relocating the crosswalks and if the city was okay with that.

Public Works Dir. Ocampo stated that he worked with project manager, Mohammad Suleiman, on this, explaining that it is a mid-block crosswalk across the two streets, Oceana and Francisco. They also asked them to locate it further from the entrance to the shopping center on Oceana and closer to the bus stop and he explained that it would be easier for people in wheelchairs to safely access the stores rather than have to negotiate the inclines of the shopping center driveway. He then referred to the comment made about the lighted crosswalk, stating he talked to the project manager and he was surprised that it didn't have both the flashing signs and the in-ground light. He stated that, when they asked for the city's standards, he gave them the sample from the Walgreens crosswalk which was a combination of both, adding that they can feel free to add that as a condition.

Commissioner Baringer agreed that the intersection needs to be adjusted so that everyone knows that people will be crossing there and he thought it was important to protect the pedestrians. He then asked if the city was able to impose restrictions regarding the times construction was allowed, when construction would create a lane closure or a traffic impediment to hours when it will be less intrusive to the traffic situation or whether they have already had this discussion with CalTrans.

Planning Director Wehrmeister stated that there was a condition to coordinate it.

Commissioner Baringer stated that he saw the condition but he wasn't sure what it meant.

Planning Director Wehrmeister stated that if he was asking if it would be with city staff, she stated that it would be, as they obviously didn't want lane closures during commute hours.

Commissioner Baringer concluded that they would, mentioning some of the possible situations where they would propose options, and he asked if CalTrans was okay with that.

Public Works Dir. Ocampo stated that they would be working closely with the state on that.

Chair Gordon added that when a lane on Highway 1 was closed it can create a traffic backup for miles, and he was not comfortable with the language in Condition 18.

Ms. Kishwar stated that they have a lane closure chart prepared by their traffic highway opps, and there was never a lane closure during rush hours, but always waited until 10:00 p.m. or later and they picked up the cones usually by 5:00 a.m., and on the weekends, possibly 9:00 a.m.

Chair Gordon asked if she was saying that CalTrans will never close a lane during commute hours while construction was being done.

Ms. Kishwar reiterated that she was saying that it would not be closed during commute hours.

Chair Gordon explained that he was talking about possibly 6:30 to 9:30 in the morning.

Ms. Kishwar confirmed that they would not close during the commute hours, but added that they do have different criteria for closing lanes on Highway 1 and Highway 101.

Chair Gordon asked confirmation that it was a policy about when they close lanes which they put into their charts.

Ms. Kishwar responded affirmatively.

Planning Director Wehrmeister stated that she was sure CalTrans would not have any objection to adding an extra sentence to condition 18 that there would not be any lane closures during evening or morning rush hours.

Vice Chair Nibbelin asked legal assurance that they have the ability to impose that kind of a condition on the state.

Asst. City Attorney Visick asked if he was referring to the condition on lane closures during commute hours.

Vice Chair Nibbelin reiterated that he was talking about no closures between 6:30 and 9:30 a.m. and 6:00 and 7:00 p.m.

Asst. City Attorney Visick stated that it was his understanding that the condition was driven by the construction of the pedestrian overpass and not by conditions the city was exerting over the highway.

Vice Chair Nibbelin asked whether, in the course of construction of this project, the city, in approving the CDP, can impose that kind of condition.

Asst. City Attorney Visick stated that he did not see a problem in imposing that condition, especially if CalTrans was expressing agreement with it.

Vice Chair Nibbelin referred to the shuttle, which he thought was a good idea, and was asking for the specifics, such as whether it would be operating from where the original overpass was and if they did a study to see what the service will look like.

Asst. Planner O'Connor stated that she hoped they would have an idea of what they will be proposing, but they don't have that level of detail yet.

Vice Chair Nibbelin asked if CalTrans had any details on that yet.

Ms. Kishwar gave a tentative idea of what the service will be like, adding that it will remain with CalTrans and the city to work things out.

Vice Chair Nibbelin asked what their time frame may be on the operation, such as hourly, half hour, etc.

Ms. Kishwar stated that the specific details will have the time schedules, pickup and dropoff locations, etc.

Vice Chair Nibbelin concluded it was undefined at this point.

Ms. Kishwar agreed, but added that they have used this kind of shuttle service for many other projects.

Commissioner Cooper asked staff who reviews the architectural plans as they come in to approve what it will ultimately look like. He specifically asked if they approve after receiving the plans or if they have to accept what CalTrans submits.

Planning Director Wehrmeister stated that, regarding the aesthetic design, they have been working closely with Engineering.

Commissioner Cooper asked confirmation that it has been taken care of.

Public Works Dir. Ocampo stated that there were four options submitted, and they were reviewed by the executive team and the City Manager.

Commissioner Cooper explained that the shuttle service was the priciest part of the construction and the cost will depend on when they want to run the services. He thought just running it during peak times, including school hours, was more cost efficient than running it 24/7.

Vice Chair Nibbelin stated that he didn't have any preference, but just wanted to have some idea about the times.

Commissioner Cooper referred to the lighting, stating that he saw three lights on the overpass, and he asked if that was sufficient or whether they haven't finalized the specifics yet, mentioning the three locations.

Ms. Kishwar stated that they have nine lights, then showed him the plans.

Commissioner Cooper stated that he was talking about the section over the highway and the plan he saw had three, but then he asked if four were sufficient.

Ms. Kishwar explained how their lighting specialist did the studies to determine where lighting was needed.

Commissioner Cooper asked if it was always just on one side of the crossing and not on both.

Ms. Kishwar stated that it depended on the coverage and the brightness of the lights, adding that the specialist worked with the architect and they came up with the locations based on coverage.

Commissioner Cooper stated that he was okay with it if the engineer was comfortable with the amount of lighting.

Public Works Dir. Ocampo stated that the pedestrian crossings were narrow compared to the vehicular ones, and the proposed lighting was okay as it was for pedestrians only.

Commissioner Cooper asked if the light poles were cast iron or aluminum, adding that he brought that up because of a similar project where the salt water and Pidgeon poo didn't mix very well with the aluminum but did better with cast iron.

Chair Gordon explained that, since they have had a lot of discussion, it was up to the applicants if they wanted to give a presentation or move on.

Mr. Palmer stated that they would move on.

Chair Gordon opened the Public Hearing and, seeing no one, closed the Public Hearing.

Vice Chair Nibbelin stated, that following review of the staff report which was well done and input from the state representatives, he was prepared with the additional language suggested for condition 18 to limit the hours of construction. He didn't recall the specific hours mentioned and would defer to his colleagues on that.

Commissioner Evans stated that he liked the design and thought it would be a wonderful addition to the city. He stated that he would also like to add a condition for putting lighted markers on the street, mentioning that the one in the Manor area, which was put in followed a pedestrian getting hit, was very good. He stated that he would also be in agreement with the added condition for the lane closure times.

Commissioner Cooper stated that he was fine with it, and was ready to make a motion.

Commissioner Cooper moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVE Coastal Development Permit CDP-375-16; by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution with modifications on Condition 18 that closure of SR1 would not occur during the morning or evening commute hours, and inclusion of Item 20 of an in roadway light system or similar to be included in each crosswalk; and incorporate all maps and testimony into the record by reference.

Chair Gordon asked confirmation that he mentioned morning and evening commute hours in the additional condition.

Commissioner Cooper responded affirmatively.

Commissioner Clifford seconded the motion.

The motion carried **6-0.**

Ayes:	Commissioners Baringer, Evans, Nibbelin, Clifford, Cooper and Chair Gordon
Noes:	None

3, UP-080-16
PSD-816-16

USE PERMIT UP-080-16 AND SITE DEVELOPMENT PERMIT PSD-816-16, filed by the City of Pacifica to construct a 2.1-million-gallon capacity equalization (EQ) basin, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the EQ basin at 540 Crespi Drive in Pacifica. The Project would also include construction of two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the EQ basin during storm events and an affluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd. Pump Station. Recommended California Environmental Quality Act (CEQA) status: Adopt a Final Mitigated Negative Declaration/Initial Study.

Asst. Planner O'Connor stated that the staff report will start with a presentation from the city's consulting project manager with a description of the project, etc., and she will conclude the presentation with a summarization of the findings. She then introduced Public Works Dir. Ocampo and Gene Barry with 4Leaf.

Public Works Dir. Ocampo introduced the members of the project team, Asst. Plant Superintendent Manager Maria Aguilar, Wastewater Deputy Dir. Louis Sun, the city's

project biologist, Ms. Peterson, Alice Hale who prepared the CEQA document, Jeff Tarantino from Freyer and Laureta and Project Mgr. Gene Barry.

Gene Barry, 4Leaf consulting manager, then gave his portion of the presentation of the staff report.

Jeff Tarantino, Freyer and Laureta, continued with the presentation of the staff report.

Gene Barry continued with the presentation of the staff report.

Asst. Planner O'Connor then finalized the presentation of the staff report.

Commissioner Clifford concluded that the site would be dewatered to do the construction of the basin and, in light of the millennium tower fiasco, he stated that he was curious and concerned about what will happen to the structures adjacent to the retention basin when they are dewatering it. He didn't think the community center or skate park were built with the idea that the site would be dewatered at a later date.

Jeff Tarantino stated that the way they will be building the tank is that they will build a slurry wall 17 feet below the bottom of the excavation to serve as a cutoff wall giving more specifics. He stated that the next step was the excavation and during that time they will be doing the dewatering within the interior of the slurry wall and will not allow the contractor to do any dewatering outside the slurry wall to prevent impacting surrounding ground water levels. They will also be installing monitoring for construction, with a piezometer to monitor ground water levels, and inclinometers outside the excavation to allow them to measure any land movement during the excavation and the contractor will develop a response plan that will outline steps to determine how to stop further damage if ground movement is detected. He stated that they will also be putting tilt meters on the community center and the skate park to monitor ground shifting due to excavation.

Vice Chair Nibbelin asked the city attorney if it was standard for the city to secure discretionary permits from itself for a city project, explaining that he was not talking about a CDP imposed by state law.

Asst. City Attorney Visick stated that it might appear unusual, but it was customarily done and that it was his understanding the City has done this for several other projects recently, such as the demolition on Esplanade, and the projects are evaluated under the same criteria.

Commissioner Evans stated that he used to work for East Bay MUD and they used to put in ponds as they dumped into the Bay and got fined, so he knows they need it. He asked where it goes if it fills up.

Mr. Tarantino stated that the basin was designed to operate passively to fill and the size of the basin was determined in the 2011 master plan prepared by RMC. RMC developed the hydraulic model for the cease and desist order and RMC used it to determine the

capacity of the basin. For the design storm event, the basin capacity was determined to be 2.1 million gallons. He stated that, in the event there was a larger than design storm event, they will see overflows in the same locations they see today, such as Linda Mar by Safeway or the bottom of Arguello.

Commissioner Evans asked why this location was picked over the front parking lot location of the community center.

Public Works Dir. Ocampo explained that the front parking lot is owned by the State of California and Pacifica is leasing it from them.

Commissioner Evans asked if it was the entire lot.

Public Works Dir. Ocampo responded affirmatively.

Chair Gordon mentioned that there was a fair amount of anxiety in the community about odors from this project, mentioning the wastewater facility in Vallemar where you can smell it on a bad day. He assumed that when the engineers created the plan, they had a plan for dealing with the odors but it wasn't airtight. He asked them to address the concern in layman's terms how this situation was different and mention the game plan.

Mr. Tarantino stated that the water conveyed to the basin will not be raw sewage, only used during times of significant inflow and infiltration and will be diluted sewage. The odor control system has two intake vents on one side of the basin and a blower on the opposite side of the basin that will draw air out of the basin, drawing in clean air from the vents and push the air through a granulated activated carbon or common material that absorbs the hydrogen sulfide gasses. He reiterated that it was not raw wastewater, the basin will not be used daily and the basin will be washed after every use. He stated that the odor control system will operate 24 hours a day when the basin is being used until the operators have cleaned it, removed any buildup and it was safe to turn off the system.

Commissioner Cooper mentioned that San Francisco has a combined sewer storm drain system all over the city to handle storm water and wastewater, and put it in a basin and wait to process it. He referred to mention that they can pump 30 hours, and they have residual flows and regular flows, and he asked how long they would expect the basin to be full following a big storm.

Mr. Tarantino stated that they didn't have a specific time frame of when it would be held, as they will be contingent on a lot of factors. He stated that once the basin was filled, the water will be stored until flows have subsided at the plant and there was capacity at the Linda Mar pump station to pump out the basin, most likely several days before it was drained.

Commissioner Cooper asked if they have done any calculations on how long it would be before the basin was completely empty.

Mr. Tarantino stated that, if completely full, they would turn on all four pumps and it would be drained in 30 hours.

Commissioner Cooper stated that they weren't going to turn four pumps on. He stated that it would have residual flows, and the pumps were designed to drain it in 30 hours, but the plant can't take that much water.

Mr. Tarantino stated that the concept to wait until there was capacity at the plant so that, if you turn all four pumps on, you could. He stated that the operators will have flexibility as, if they see they have room in the plant and they want to turn two pumps on, they can, and with two pumps running it would take 60 hours to drain.

Commissioner Cooper asked what the plant capacity was now at the wastewater treatment plant and the current inflows.

Wastewater Deputy Dir. Louis Sun stated that currently they can sustain about 15-16 mgd.

Commissioner Cooper asked what they currently have during a storm operation as it was obviously full and what was their regular capacity. He asked if they were processing 15 mgd every day.

Wastewater Deputy Dir. Luis Sun stated that the current average daily flow was about 4 mgd.

Commissioner Cooper concluded they have plenty capacity.

Public Works Dir. Ocampo stated that, on a regular day, the plant processes 4 MGD, and during peak flows, as in the middle of a storm, they can accommodate up to 21 MGD, but he added that it is not sustainable at that level. He stated that during the last storms, the City had SSO's. He stated that out of the three events they had, the total amount of SSO's incurred was roughly about 8% of the capacity of the EQ basin that they propose. He stated that if they have the Equalization Basin, they will not have those three SSOs that they have experienced and no toilet paper will be floating on the street as everything will drain into it. He stated that they will have the ability to store it temporarily and, when the flow to the plant drops to a manageable level, they will start pumping right away. He stated that, after they pump it and everything is fine, they will start cleaning up the basin.

Commissioner Cooper stated that was what San Francisco does in their basins. He then asked for a rough estimate, in an event, of what percentage of it was storm water versus sanitary. He assumed almost all of it was storm water and they have an infiltration of some sanitary that they have to get rid of.

Mr. Tarantino stated that it was hard to tell and he can't give a specific number, but it was best described as heavily diluted wastewater.

Commissioner Cooper stated that he looks at where the sewer and storm drains are going, and he thought that the most disruptive portion of the construction was in people's streets. He asked if they have an idea of how many linear feet they will shut down at a time in sections or will they open up the whole thing at once.

Mr. Barry stated that the typical methods they will use from the Linda Mar station to Anza will be cut and cover, and trenching. He stated that it will typically depend on production of the contractor, but they can assume around 100 feet a day. He stated that they are estimating about four months for the pipeline construction. He stated that, at the end of each day, each section of trench will be covered with either trench plate and cutback placed around to secure it or it will be backfilled and restored at that time.

Commissioner Cooper assumed they will leave numbers for the residents to call.

Mr. Barry stated that they will have a full time construction manager and inspector on site, one in the basin and one in the pipeline, who will be available to address concerns and make sure the contractor wasn't blocking anyone's driveways at the end of the day and make sure all site accesses are restored to driveways.

Commissioner Cooper mentioned that one concern he had was that there are a lot of children in the neighborhoods and they were interested in the construction commitments, and he asked if they have a representative on site to ensure they don't go near the excavation.

Mr. Barry stated that they will have exclusion zones set up in the area in which they are working with full time presence.

Commissioner Cooper asked what their working hours will be in the neighborhoods.

Mr. Barry stated that it will be 8:00 a.m. until 4:00 p.m.

Commissioner Cooper asked if they had those restrictions.

Mr. Barry stated that they have restrictions for when they will be able to off haul material.

Commissioner Cooper stated that he was in that area when they had the big floods. He drove his car through the neighborhoods, with 4-5 feet of water on the ground. He asked if the elevation of that tank was higher than the floodplain where you won't flood the tank because of an influx in the area.

Mr. Tarantino stated that the FEMA flood elevation was about elevation 14, and the top of the tank was slightly below that at 12 ½. He stated that they looked at ways to try to raise the top of the tank and it wasn't possible.

Commissioner Cooper assumed it wasn't feasible. He then referred to the comments on odor control, and he asked if he was using the same system that the wastewater treatment plant was using as their secondary. He thought there was some enzyme we have that people normally don't have in digesters. He asked if he should be concerned as a citizen that he will smell the odor at the skate park.

Mr. Tarantino stated that the odor control system at the skate park will be different than what was at the plant, and he didn't think he should be concerned.

Commissioner Clifford stated that he was moving to when the basin is installed and functioning, and he asked how noisy it will be for the neighborhood, mentioning the four 10 horse power pumps, two horse water dewatering pump, the fans for ventilation.

Mr. Tarantino stated that the four 10 horse power and two dewatering pumps will be located inside the tank about 45 feet below grade and the pumps will not be audible. He stated that the one blower for the odor control has been part of a noise study and it was determined that, once you get to the property line, the noise levels will essentially be ambient. He stated that they have provisions to add a sound barrier around it in the event it was noisy when operational.

Commissioner Clifford asked for the actual dB number.

Mr. Tarantino stated that he did not know that number off the top of his head but he can get that to him for the blower.

Commissioner Clifford stated that, during a storm they have had power failures, and he saw that there was an allowance for a backup system, but it wasn't on site. He asked where it was to get it to the basin in time, mentioning highway closing.

Mr. Tarantino stated that, in terms of the backup generator location, he would look to staff. He first wanted to state that the basin does not require any power to function and provide wet weather storage, and the filling of the basin will be passive by gravity and does not require any power whatsoever. He stated that the only time they require power was to dewater the basin.

Wastewater Deputy Dir. Louis Sun stated that they have a portable generator at the Linda Mar pump station which can be used.

Commissioner Clifford concluded that it was in the area.

Chair Gordon asked if Commissioner Baringer had to recuse himself.

Asst. City Attorney Visick responded that he did.

Chair Gordon noted that for the record.

Chair Gordon opened the Public Hearing.

Lori B, Pacifica, stated that, as a resident of Linda Mar, she was worried about the project, the noise and smell, as well as the sinking of their homes. She stated that the water runs underneath the houses and it has to be pumped out on a regular basis. She was worried about the wetlands and the senior housing. She stated that our taxes were going up. She asked what the cost of the project was. She mentioned that San Mateo was having the same project and they put a hold on it because of the issues that the project was too close to housing. She was also worried about the value of their houses decreasing, and questioned whether it will be harder for them to sell their houses. She stated that she would like a bigger pump at Linda Mar to pull out the debris and clean it faster. She would like it put on hold and look into more aspects of this as, once the project starts, there was no turning back.

Erin Macias, Pacifica, stated that, as a resident of Linda Mar, she objected to the sewage tank. She stated that they don't have a core sample and thought that a 17 foot barrier was completely arbitrary. She stated that the parcel and adjoining one are wetlands habitats as defined by the EPA, and any effort to dewater, fill or excavate without permits was a violation of Section 504 of the Clean Water Act. She stated that the city's acknowledgement of the existence of Lake Matilda was entered into the Planning minutes on November 7, 2016. She stated that the site under discussion was a gas station and auto dismantler and activity at this adjoining parcel or 540 Crespi may activate the flow of a plume should contaminants exist. She supported the construction at 570 but she does not support the construction of the basin. She stated that the basin project was a change in use which requires an EIR. She felt this was a due diligence issue and failure to conduct one was a CEQA violation, based on substantial environmental evidence for which she presented photos of willows and wetlands. She felt there was sufficient evidence to mandate an EIR on this site. She also had a photo of the riparian corridor used by deer, foxes, etc. She stated that a motor would create a sound vibration disturbing these creatures and possibly push them towards the freeway. She added that the community center was also the home to the Pacifica skate park and a preschool. She felt that the aspects of the project proposed were negligent and opened the city up to litigation because it was a nuisance situated in an area frequented by teens. She felt the project permanently devalues the homes in the neighborhood, subjecting the city to additional litigation. She asked how placing this basin on a second site instead of at the Linda Mar pump station remotely made sense, mentioning two sets of staff in an emergency situation, double the maintenance and the broadening of odors across Linda Mar Valley instead of concentrating them at one site. She felt they have not exhausted affordable and more feasible options. She didn't see data to prove that it will mitigate the SSOs, mentioned that he stated that they don't have the numbers. She was not in agreement and challenged the negative mitigated declaration that we do not need an EIR. She stated that they must prioritize the issue and do a core sample.

Ariel Macias, Pacifica, stated that she lives in Linda Mar and likes to skate at the skate park. She objected to the sewage basin because, like the one at the beach, she felt it will affect the air quality at the park, and she felt it will be a nuisance in general. She thought

teenagers might try to climb or vandalize the structures and it would cause multiple problems. She stated that the wetlands surrounding the skate park will be threatened, as well as frogs, birds and animals put at risk. She thought, if it leaks or overflows, the entire skate park, wetlands and community center could be contaminated and the health of the animals, adults and children could be at risk. She thought there was also a possibility that, if these things occurred, the sewage could back up through the bowl drains in the skate park. She asked that they reconsider the plan.

Nicole Larson, Pacifica, stated that she has a bachelor's degree in coastal management and one thing that was always taught to them was that it was very important to involve the public. She stated that we are important stakeholders in this, adding that she lives within a quarter mile of this proposed development and she did not know anything about this until a few days ago when someone was handing out flyers at Cabrillo Elementary School. She believed the public comment period snuck up upon them at Christmas time so no one would have a chance to comment on this and the public was sufficiently informed and the comments they received are indicative of the response they would have gotten from the Linda Mar residents had they been properly informed. She added that we already have two locations that smell on certain days and which are known by everyone in Pacifica, and now they are proposing a third place within a mile of the same other two. She stated that the sewage treatment plant and the Linda Mar pump station are located very close to the beach, and she felt this was Pacifica's main economic draw. She asked why we would risk adding yet a third odor. She did not believe that they have done sufficient environmental impact reports, and she has not seen any data. She feels that everything about the project needs a lot more work before they have even seen the public outcry when people realize what they have tried to do to them behind their backs. She agreed that we need some place to put any overflow. She thought wetlands did a great job and now they were talking about further draining wetlands and putting this close to her children's school, where they will be going for 13 years. She stated that, if they think this won't affect Cabrillo Elementary, they have to explain a lot more about how the odor containment system works. She stated that we already have two stinky places near Highway 1. She didn't believe this report bears true evidence that what they were proposing would control the odors.

William Booth, Pacifica, stated that he was a resident on Anza and he had a wonderful hedge and back gate that opens up to the wetland behind his house. He stated that he walks that wetland every day with his dogs and he felt this project jeopardizes his enjoyment of that space and everyone who enjoys the public goods in which we have invested, mentioning the community center, playground and skate park, and he felt to jeopardize the efficacy of these public goods was silly. He felt that an incomplete and insufficient EIR has been conducted. He stated that a mitigated declaration was not appropriate, given how extreme the construction was. He felt a 90-foot deep hole, 80 feet from houses with old foundations from the 1950s will not bode well for the builder. He felt they need to understand what their digging into before they go about it. He stated that he has seen a total lack of figures supporting this project. He stated that they were working off of figures from an engineering and consulting firm from 2011 that was no longer on this project. He stated that new studies and new figures need to be conducted if

we are to believe that this was the correct option. He stated that he lost his second car in two years to flooding on Anza, and he felt this project does nothing for flooding and was an absolute insult to those in the bottom of the valley to do a near $20 million project without addressing any sort of flooding. He stated that they have no legal guarantee that it will not be used to store waste long term. He asked what happens if they need the excess capacity and flow and it fills the basin up all the time. He stated that it would not be 3-4 times a year but all the time. He asked why we would spend this amount of money if we only use it 3 or 4 times a year. He thought the money could better be used to fix the existing infrastructure and not expand the already expensive amount of maintenance we have to do in the city. He felt the city was facing a maintenance crisis. He felt they were great at responding to emergencies, but maintenance was something he didn't see getting done. He suggested they put this money towards fixing our existing problems.

Sheila Harmon, Pacifica, stated that she was a Linda Mar resident. She had a few points of concern and mentioned the odors, stating that the other two plants had plans of odor control as well, but they stink, and she didn't think there was any way around that long term. She agreed that the beauty of Pacifica was what draws people and why we love it. She stated that this was right in front of the ocean and the wetlands and she also takes her dogs for a walk in the wetlands. She mentioned a previous presentation where they mentioned that they will teach the construction workers how to identify the local frogs and birds, and relocate them. She felt it was physically impossible that they will not be harmed. She also believes that the lack of information to the community concerns her. She stated that a lot of their neighbors had no idea that this project was going on. She stated that they received a letter in the mail around the holidays, but she threw hers away not knowing. She felt it was alarming that no one knew that this project was going on. She stated that the neighbors who did know about it thought the facility will fix the flooding. She thought not everyone fully understood the terminology used in the letters or presentation about what the project was. She stated that, without proof that this will fix any problems for the long term, she agreed that long term solutions and maintenance should be taken into account as opposed to putting another sewage facility in. She asked whether the 2.1 million gallons was sufficient. She felt it was a very expensive and permanent solution, but they didn't know if it would fix anything long term. She stated that there were maintenance issues and she questioned what the cost would be if it failed or if there was a crack. She felt other options should have been presented and there should have been more of a discussion with the community.

Michelle Garcia, Pacifica stated that she was a resident on Corona, and was almost finished building her house. She heard about this on Facebook, and it was disconcerting to her. She stated that, when driving through Vallemar, the smell was awful. She commented that, if she is sitting out on her deck of a new house, there was a possibility that was what she was going smell. She stated that there were also ten houses at Harmony @ One, and they are not being sold. She stated that all that infrastructure was put in and now they were going to put something in that might jeopardize that. She stated that property values of everyone in Pacifica could go down. She stated that, when the treatment plant was in Manor, you couldn't give those houses away. She stated that

people in Vallemar probably couldn't give those houses away either and now they were going to do that to Linda Mar. She felt the public was not notified. She found out on Facebook and she did her best to get that out there. She stated that she didn't get a letter but she can look down on where it was going to be built. She stated that the residents have mortgages and they are trying to keep up the value of their homes, and she felt they have to take that into consideration. She understood that something needs to be done, but she felt they have to look at the big picture. She stated that her husband grew up in Pacifica, and when they came back, she didn't want to leave because it was a beautiful place with beautiful people and she asked them to not take it away from them.

Stephanie Benoit, Pacifica, stated she was a resident on Linda Mar Blvd., along the creek and she was concerned about the water shed. She stated that this was part of Lake Matilda. She stated that a lot of that was landfill. She stated that her husband has been in Pacifica for 60 years and remembers when it was a pond. She was concerned about what this was going to do to the structures and what it will do to the entire area. She was also concerned about what they do to the creek and how it will be affected. She stated that she was a volunteer at the senior center and parked at the park and ride. She stated that it was often crowded, and she questioned what will happen to the seniors when they shut down that parking lot. She stated that they won't have enough parking and she felt they need to consider that. She stated that there was no place to park on the street. She stated that a lot of times there was only 1-2 places left when she arrives, and she felt the seniors will be up a creek and she wondered what they will do. She acknowledged that that was not the subject matter under discussion and she didn't expect an answer. She did feel that was a strong issue, besides the smell, adding that she wasn't going to repeat everything everyone said.

Chair Gordon closed the Public Hearing.

Chair Gordon stated that this was now the chance for the city and consultants to coordinate on responding to the issues raised by the public.

Mr. Barry stated that they appreciated all the comments and takes them to heart. He stated that they try to incorporate in the design. He stated that he will try to address most of the comments as they were part of their presentation. He stated that the project was needed because they have to reduce or eliminate SSO's in the system by January 2019, as required by the water board CDO. He referred to the concerns related to ground water impacting the surrounding vegetative areas, and stated that, as Jeff Tarantino described in the presentation, they didn't believe they will impact local ground water elevations because the construction methods they will be using were isolating where they will be excavating and will not have impact of local ground water elevations. He stated that the basin itself was located within the footprint of the parking lot. They were not infringing upon the other areas surrounding the vegetative areas. He stated that they understood and heard the comments about the odor issues, and he stressed that the basin was different from the wastewater treatment plant. They will have deluded storm water that will be diverted to the basin, stored temporarily and after each use it will be drained and cleaned by city maintenance staff.

Mr. Tarantino stated that the design criteria used for the basin was sized for the ten-year 24-hour storm event, a common storm event used for basins in these types of facilities. He stated it was similar to the magnitude of the January 2008 event that was highlighted in the beginning of the presentation. He stated that they did a geotechnical investigation at the site, mentioning what they did, and stated that they had a good understanding of what the soil conditions are and it influenced the decision to use a slurry wall for a cutoff and shoring system versus a CLSM wall or other methods. He stated that, in terms of odor, the system was designed to remove odors. He stated that it will be monitored long term and they will be able to change out the activated carbon when they start to see that hydrogen sulfide breakthrough was occurring. He stated that noise levels will be monitored from the blower and noise barrier can be added in the future if necessary. He stated that, for the short term impacts on parking, they will work with the city to provide parking, if possible, in the Crespi lot for volunteers.

Chair Gordon asked if they had any further responses to comments.

Planning Director Wehrmeister thought they were ready to bring it back to the Commission.

Chair Gordon stated that, if there were questions for the applicant, they can do that.

Commissioner Clifford stated that he had a couple of questions that came out of public comment and the applicant's followup statements. He asked what percentage of the sanitary sewer system subject to the I/I has been replaced already, adding that they have been working on having that done.

Public Works Dir. Ocampo stated that he would try to respond, adding that he has just been assigned this department for the last six months. He stated that they have replaced the sewer main at the lower Linda Mar area which is the Anza and Balboa area, where they have a lot of sewer overflows happening. He stated that they are currently working on the project to do Pedro Point and the upper Linda Mar area. He stated that more importantly, their maintenance efforts towards removing the roots and any material that would clog the system has been very extensive. He stated that this is part of the Cease and Desist Order. He stated that they added four more people under the collection system that not only does public information activities, but also reach out to commercial businesses, including restaurants, for their FOG. They have a crew that periodically clears the sewer mainlines by routing and another crew that inspects the lines. He stated that all of these are helping to address the SSOs together with the projects he mentioned that they have done so far.

Commissioner Clifford stated that, on top of that, there was the process where somebody buys a home or sells a home or a remodel project of $50,000.

Public Works Dir. Ocampo stated that he was correct that part of that was the point of sale and property owners are required to inspect the laterals. He stated that the work he

described earlier was just the projects wastewater does within the mains. He stated that a lot of the I&Is happen within the laterals, owned and are the responsibility of the property owner, and was difficult for the city to control because of being privately owned. He stated that they have done a couple of things at the point of sale, and annually the plant sets aside $50,000 each year for any property owner who wants to replace their sewer lateral can get a grant of up to $1,000 to replace their sewer laterals with the caveat that they don't sell the house for the next two years.

Commissioner Clifford asked if he had any idea of the percentage where they started and where they are now in terms of fixing the source of the problem.

Public Works Dir. Ocampo stated that the source of the problem was multifold. He didn't want to guess, but he knew that, for this year, when they let out the $50,000, it was already exhausted by now. He stated that he can give him the information, mentioning that Brian Martinez was the manager for the collection system and he will be able to provide him the information and he will forward to him. He stated that he didn't want to mention a number and later find that it was incorrect.

Commissioner Clifford appreciated that, stating that he wanted the public to know that the city was working on a solution that includes this retention basin and was also a solution of the root problem.

Public Works Dir. Ocampo stated that he was correct, adding that clearing out the root infiltration was one of their biggest things as they create the blockage.

Commissioner Clifford stated that, in terms of the parking, he would suggest setting aside reserve free parking in the existing CalTrans paid parking lot at the front of the community center for the seniors.

Public Works Dir. Ocampo added that, as part of the project, they anticipated that patrons of the community center will be parking at the Crespi site. He stated that everyone who does business with the community center was not going to be charged the parking fee.

Commissioner Clifford stated that he said reserved because the parking lot does fill up fairly quickly and, if they had reserved sites for the community center versus first come first serve, it might work better for the seniors who use the center.

Public Works Dir. Ocampo stated that they will work closely with PB&R Dir. Perez who handles that. He stated that they met with him and Supervisor Jim Lange for the needs of the seniors and the patrons of the community center.

Vice Chair Nibbelin stated that he heard a few comments of the concerns on public outreach. He was curious as to what was sent out, when it was sent out, etc.

Asst. Planner O'Connor stated that the staff report included a table.

Vice Chair Nibbelin stated that it was on page 16.

Asst. Planner O'Connor stated that it revolved around the public outreach associated with the CEQA review and, for this meeting, they did their standard 300 foot buffer of the project area and newspaper noticing in the Pacifica Tribune ten days prior to the meeting.

Planning Director Wehrmeister stated that she wanted to provide Ms. Aguilar or Public Works Dir. Ocampo the opportunity to talk about how much public outreach has been done to date. There was additional public outreach when the City Council was selecting the site and educating themselves and the public about the project itself.

Vice Chair Nibbelin thought it was in 2015 when the site was selected.

Asst. Plant Superintendent Aguilar stated that the first public meeting was held in August 2013 when they were trying to educate the public on different locations to which the city was looking for the basin.

Vice Chair Nibbelin concluded that it was before the City Council.

Asst. Plant Manager Aguilar responded affirmatively. She added that there was a Council meeting for public input in March 2015.

Vice Chair Nibbelin stated that he heard valid concerns regarding a lot of odor emanating from existing facilities, and he also heard about the abatement system for the proposed project. He wanted to be clear on the difference in this project and the system to be used versus the systems in place that apparently aren't reaching the same standards being discussed on this project. He asked if they could elucidate the differences.

Mr. Tarantino stated that the existing odor control system at the plant was a biological system with wood chips, etc., and it has living organisms that are supposed to absorb the odor. He stated that they were taking a different approach on this project. They looked at a biological system for this site, but they were concerned that, because of the infrequent use of the system, they would have a hard time keeping the biology active and they chose to go with a mechanical system with a carbon based absorption that was commonly used in infrequent odor generating activities.

Vice Chair Nibbelin mentioned that the requirement under the CDO and under a consent decree was that they really deal with the situation involving SSOs based on a lack of capacity. He asked what the consequences were for the city if they don't hit the January 2019 deadline as articulated in the CDO.

Asst. City Attorney Visick responded that he understood the immediate consequences are financial, fairly steep depending on the length of the violation. He stated that, if the problem was persistent and went on for some time, and they weren't very close to having a solution in hand, he would be concerned that they could be more severe. He stated that the January 2019 deadline was a hard deadline that the city does need to try to observe.

Commissioner Evans stated that the last question was part of his question, and referring to the last discharge, he asked confirmation that the city was fined.

Asst. City Attorney Visick deferred to the Public Works Director for a specific answer.

Public Works Dir. Ocampo asked clarification on what he was referring to when they got fined.

Commissioner Evans asked, when the city discharged accidentally, whether the city received a fine from some agency on that.

Public Works Dir. Ocampo responded affirmatively, explaining that it was part of our permitting system, and the city is required to not have a sanitary sewer overflow or avoid having that. He stated that, because of the seriousness, as presented by Mr. Barry earlier of the series of sanitary sewer overflows during early 2000 that triggered the Cease and Desist Order to be issued to the city's wastewater collection system. He stated that, as a result, they were required to construct infrastructure that would avoid it from happening again, particularly with the deadline of January 2019.

Commissioner Evans asked if there was no money that they had to pay for that.

Public Works Dir. Ocampo stated that there was, and he asked Asst. Plant Superintendent Aguilar to explain how much it was.

Wastewater Deputy Dir. Louis Sun stated that back in 2008 the city was fined $2.1 million and after that, they were fined an additional amount.

Asst. Plant Superintendent Aguilar stated that the $2.1 million was the original fee during the CDO and the city was able to ask for supplemental environmental project, the sewer lateral replacement and it took away $840,000 of that $2.1 million and they used the $840,000 for the sewer lateral program.

Commissioner Evans doubted that it would happen again.

Asst. Plant Superintendent Aguilar hoped it would not.

Commissioner Evans referred to one speaker's comment about pipes under existing houses. He thought all the pipes were going to be under the street.

Public Works Dir. Ocampo explained that there is an easement between two homes where they have to bore underneath and lay the piping.

Commissioner Evans concluded that all the lines were basically under the street or the easement which already existed.

Public Works Dir. Ocampo responded affirmatively.

Commissioner Evans concluded that there was nothing going under homes.

Public Works Dir. Ocampo reiterated that it would be in the side yard for those homes.

Chair Gordon referred to the question asked by one speaker as to why the SSOs and the issues could not be addressed from the existing infrastructure such as the Linda Mar pump station, and he asked for an explanation.

Public Works Dir. Ocampo asked if he was referring to locating the tank on the Linda Mar pump station site.

Chair Gordon stated that he was referring to that or a place where there were already facilities. He stated that this was a brand new site and he asked them to address why they can't use a site that was already in existence with some infrastructure where the impact to the neighborhood was not so abrupt.

Public Works Dir. Ocampo stated that they are putting in a holding tank, and not a treatment facility. He stated that Mr. Barry explained that this was diluted water as a lot of it is storm water. He stated that the issue of infiltration and inflow was the leading cause of this, as there was too much water coming in to the system. He stated that it is not only diluted, but it isn't going to stay inside the tank for a long time, but just hold it until everything dies down, including the amount of inflow into the plant and allow it to be pumped into the pump station. He stated that at Linda Mar, it is a pump station where sewer is pushed up the hill as it goes into the treatment plant. He stated that, at the Linda Mar pump station there is no treatment facility, but merely a pump station. He stated that the issues, if they were to set this up, is the location, size and the need to go through the Coastal Commission to secure the permit, they may not be able to secure the permit in a timely manner and meet the requirement of the CDO.

Chair Gordon asked if he was saying that it was physically possible to place the basin at the Linda Mar pump station but there were hurdles that are daunting.

Public Works Dir. Ocampo stated that was one reason, and he was not 100% sure, but it would be very tight because of the limited space they have there.

Chair Gordon referred to comments that an EIR was more appropriate as opposed to a negative declaration.

Asst. City Attorney Visick stated that a decision about whether or not to prepare an EIR was a legal question. He stated that there either was or was not substantial evidence in the record showing that there may be a potential environmental impact. If not, they don't prepare an EIR and if there was, you do. He stated that he was not aware of substantial evidence in the record showing that this project could cause a significant environmental impact after the mitigation measures incorporated into the mitigated negative declaration

are implemented. He concluded that the city's only course of action for the project environmental review was therefore to prepare a mitigated negative declaration and not an EIR. He stated that there was a section of the public resources code that says explicitly that public controversy alone without that evidentiary backing was not a justification for preparing an EIR.

Commissioner Clifford asked the consultant if it was possible to design the air filtration system so it could have additional backup systems added to it if the result was not sufficient.

Mr. Barry stated that, if he was understanding the question, it was that they chose a certain size for the treatment system, and if not adequate, could they add additional treatment capacity. He stated that they could add additional capacity, but they believe the system was the adequate size.

Commissioner Clifford concluded that it could be an option if needed.

Mr. Barry responded affirmatively.

Commissioner Evans asked what the actual depth was that they will be digging.

Mr. Tarantino stated that the actual excavation depth will be approximately 50 feet below existing grade, specifically that they will dig down 50 feet, pour a five-foot plug, come up, pour a two-foot slab and then the actual working volume will be about 27 feet in depth and the last 12 feet will be used for the catwalk and the roof structure.

Commissioner Evans concluded that the maximum depth that they will be reaching will be more or less 50 feet from the parking lot surface.

Mr. Tarantino agreed, adding that there was mention of a 90-foot excavation depth in the first concept of the conceptual report prepared RMC which proposed a cylindrical tank but to obtain the capacity they would have to excavate down to 90 feet.

Commissioner Cooper asked if anyone explored the alternative of increasing the size of the dam or the pipe. He mentioned that a lot of agencies used the diameter of the pipe as part of their water storage so they increase it to the point where they could do a run at 1,000 feet and get the same capacity.

Mr. Tarantino stated that they didn't, adding that it would be a fairly substantial pipe size.

Public Works Dir. Ocampo asked if he was saying using the existing mains they have.

Commissioner Cooper stated that he was saying to replace the mains and put a larger diameter pipe in, such as 24 inch versus 40 inch pipe, the capacity would be huge and they wouldn't have to build a basin and use the pipes as their storage.

Public Works Dir, Ocampo stated that, to come up with 2.1 million gallons, he didn't think they have enough mains to double in size. He added that they would alter the elevation and flow once they increase the size of the pipe.

Commissioner Cooper concluded that he meant in that single point as that was where the flow was as the passive systems entails and that would be the location where it was needed.

Public Works Dir. Ocampo agreed.

Vice Chair Nibbelin thought a lot of important points were raised, but this was not something that has been rushed through. City staff and consultants have spent a lot of time thinking about it, and it has been to City Council a few times with a lot of work done to identify the site. He acknowledged that it will be an impact for somebody, but in his view, staff has worked hard to mitigate to the full extent possible. He also acknowledged that they didn't have a lot of time left to get the project done, given the contract, construction schedule. He stated that the consequences of not having it done are potentially dire. He was in support of the project, although he recognizes the concerns. He stated that he was prepared to make a motion to approve the project.

Commissioner Evans stated that he was not in favor of the project, but they need something. He reiterated that East Bay MUD had put in a huge facility at the Oakport facility but they have a large area. He stated that they had an area that was totally industrial by the Bay and Pacifica does not have that or any area that would suffice other than what has been identified. He mentioned that the front of the parking lot was owned by the state. He thought the Linda Mar pumping plant would be a perfect spot, but he agreed that they involve the Coastal Commission and you will be in for a long haul. He stated that the other location was the park and ride across from Safeway. He stated that it was a great location but they were switching from the houses on Anza to the houses behind the park and ride. He felt there was no perfect situation. He wished they didn't have to do this, but they have to do something. He wished someone could come up with a magic pill. He stated that they had a lot of brilliant minds and he agreed that they needed to do something. He was torn but the bottom line was that they have to have it.

Commissioner Cooper stated that the odor was probably one of the biggest concerns that the residents have. He thought they all agree that they need capacity, and they need the facility as they can't discharge any sewage into the ocean which was a greater environmental problem than this. He didn't think this would create an environmental problem as he felt they had taken the precautions. He was familiar with the methods they are using as they have been used in past projects and they haven't had any problems with settling adjacent buildings and this was probably the best way to go. He looked to see if the basin was pile supported, because this was a big swimming pool, and if you empty the swimming pool, it will lift up. With piles, it will be supported and probably the best arrangement. He felt they spent a lot of time on this. He wished he could do something with the odor such as put a contingency into the contract that says, if there was a problem, there was money reserved to do something about it, mentioning being burned

on the wastewater treatment plant as far as the system working which has affected a lot of people. He thought, if they built it and then they moved here and didn't know it was here, and they had taken all the precautions, they would be wondering where the basin was. He stated that these basins are done everywhere. He stated that there was a basin underneath the Colma Bart Station parking lot for this purpose. He concluded that these are needed. He wished he could get more comfort with the noise and smell, and that was the comments he heard all the time. He appreciated the student who talked about it, as she uses the skate park, and that was where he was going to hear when his kids are using the skate park.

Chair Gordon thought Commissioner Evans nailed it. He has misgivings about the site location but "the train left the station." He thought the site that made the most sense was No. 4, but it doesn't sound like it was feasible to do. He stated that smarter minds than he had looked at the situation and decided that wasn't the right site. He concluded that it has to be done so he will be voting for the project.

Commissioner Clifford stated that he was going to reluctantly second the motion, but was still concerned about the smell, but he has heard that the system can be designed in such a way to add additional capacity for filtering.

Vice Chair Nibbelin stated that he had stated that he would make a motion in favor, and he wanted to be clear that he was talking about the motion on pages 17 and 18 of the staff report. He stated that he can read it if it made matters clearer for everyone present.

Commissioner Nibbelin move that the Planning Commission certify and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act and APPROVE Use Permit UP-080-16 and Site Development Permit PSD-816-16; by adopting the resolution included as Attachment B to the staff report, including conditions of approval in Exhibit A to the resolution; and incorporate all maps and testimony into the record by reference; Commissioner Clifford seconded the motion.

The motion carried **5-0-1.**

Ayes:	Commissioners Evans, Nibbelin, Clifford, Cooper and Chair Gordon
Noes:	None
Absent:	Commissioner Baringer

Chair Gordon declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

CONSIDERATION:

4. Annual Report to the City Council.

Planning Director Wehrmeister presented the staff report.

Commissioners confirmed that they will all be able to be present at the Council meeting on February 27.

Commissioner Cooper stated that, because staff works hard and do a lot of presentations and a lot of work, he felt they should put a positive spine saying the good job they do, etc. He stated that, in 2014, they barely did anything with not many permit applications. He felt they worked hard. He commended Commissioner Evans on his attendance record.

Chair Gordon suggested that they put the building permits more prominently, maybe starting with that.

Planning Director Wehrmeister stated that she would do that.

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that, in addition to the February 27 Council meeting, she wanted to bring up a few dates. She stated that the next regular meeting of the Planning Commission was on Tuesday, February 21, due to the President's Day holiday. She stated that they will be having a study session on accessory dwelling unit regulations.

Chair Gordon asked if she said they had a meeting on both February 21 and 27.

Planning Director Wehrmeister stated that she can give them an email. She reiterated that February 21 was the Planning Commission regular meeting, moved to Tuesday due to the holiday, and February 27 was a Council meeting but the Planning Commission will be giving their annual report. She added that March 6 was their regular meeting date, but instead of holding a regular Planning Commission meeting, they will be holding a joint session with the City Council to receive information and provide direction on marijuana regulations. She referred to her email addressing wanting to start a more user friendly agenda management application on line. They were working out the kinks and will continue to post both the old version and the new version until they get them worked out. She stated that most of them preferred the hard copy of the agenda and they will continue to give them that as well. She stated that one position on the Commission was open for application.

ADJOURNMENT:

There being no further business for discussion, Commissioner Cooper moved to adjourn the meeting at 9:15 p.m.; Vice Chair Nibbelin seconded the motion.

The motion carried **6-0.**

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford, Cooper and Chair Gordon
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

_____
Planning Director Wehrmeister

Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION
Staff Report

DATE: February 21, 2017

FILE: UP-78-16

ITEM: 1

PUBLIC NOTICE: Notice of Public Hearing was published in Pacifica Tribune on February 8th, 2016, and mailed to 41 surrounding property owners and occupants.

AGENT/OWNER: Paul King
RGA Environmental
55 Santa Clara Avenue,
Oakland, CA 94610
(510) 387-6834

PROJECT LOCATION: 2251 Oceana Boulevard (APN 016-242-090)

PROJECT DESCRIPTION: Installation of an ozone generation trailer within approximately twenty (20) feet wide by twenty (20) feet long by six (6') feet high enclosure, and associated temporary power pole approximately sixteen (16) feet high, to perform subsurface remediation at a former service station site.

SITE DESIGNATIONS: General Plan: Medium Density Residential
Zoning: R-2 (Two Family Residential District)

RECOMMENDED CEQA STATUS: Class 30 Categorical Exemption, Section 15330.

ADDITIONAL REQUIRED APPROVALS: None.

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Ranu Aggarwal, Contract Planner

BACKGROUND

The project site was historically used as a gasoline station and automobile repair shop, which was demolished in 1988. Petroleum was released from subsurface piping in the vicinity of the former fuel dispenser to subsurface soil and groundwater. The leak was discovered in October 1988 and reported in December 1988. Work to explore and determine the extent of the subsurface contamination and remediation has been ongoing since that time with the San Mateo County Groundwater Protection Program acting as the lead oversight agency.

Most recently, in April 2015, the project applicant proposed continuous ozone injection and in-situ biodegradation, which would result as an alternative remedial solution from increased subsurface oxygen. In May, 2016 the applicant presented an 'Ozone Injection Pilot Test Work Plan' to the San Mateo Groundwater Protection Program to conduct an ozone injection pilot test. Upon completion of the pilot test, the San Mateo Groundwater Protection Program has asked that a Corrective Action Plan be submitted to the agency to complete remediation and close this site in a manner protective of human health and environment. The special use permit application to the City as described below is to implement the ozone injection pilot test work plan for remediation of subsurface petroleum contamination.

PROJECT SUMMARY

1. Project Description

The project includes installation of a screening enclosure for an ozone generation trailer serviced by a 16 foot high temporary power pole for remediation of petroleum contamination in soil and groundwater, east of Oceana Boulevard and south of Pacific Avenue, pursuant to the Ozone Injection Pilot Test Work Plan submitted to the San Mateo Groundwater Protection Program, within the 20 feet by 20 feet by 6 feet high enclosure. The ozone generation trailer will be 12 feet long, 6 feet wide and 6 feet high and contain the ozone generation equipment. The power pole will deliver electricity to the trailer from the permanent power pole located at the corner of Oceana Boulevard and Pacific Avenue.

The enclosure will be located at the following distances from the property lines: 73 feet from the east property line, 20 feet of the west property line and 40 feet from the north and the south property line, respectively. The applicant proposes a chain link fence with plastic slats for the enclosure to provide screening.

Project Site

The project site is a currently vacant 11,400 Sq. Ft. parcel located east of Oceana Boulevard and south of Pacific Boulevard at the southeastern corner of these two roads. The site is relatively flat, sloping slightly from a high point at the northeastern corner to the southwestern corner, and has natural low lying ground cover vegetation. It was formerly operated as a service station, which was demolished in 1988. There are four curb cuts with driveway aprons leading into the site that possibly served as driveways to the former gas station. Two of these are from Oceana Boulevard and two from Pacific Avenue. The site is currently accessed through the driveway aprons on Oceana Boulevard. The site itself is entirely unpaved.

Project Operations

This proposal to reduce subsurface petroleum concentrations involve injection of ozone into six wells at the site with air so that ozone and air can accelerate the biodegradation of petroleum in the ground. An ozone generator, located inside a trailer, will be used to generate ozone and inject it into the ground through six injection wells. The applicant confirmed, the ozone will be generated on site at a rate of 0.85 pounds per day (ppd) from the ozone generator and injected into the wells through Teflon tube that will be inserted to the bottom of each of the wells and that will be fitted with a diffuser at the bottom of the tube. The ozone generator will be operated on a fulltime basis 24 hours per day. A technician will evaluate ozone trailer system operations on a weekly basis, and remedial progress will be evaluated in wells on a quarterly basis (every three months). According to the applicant, the duration of the project may take up to two years. However, it would be up to the Oversight Agency, which is the County of San Mateo Groundwater Protection Program, to determine when the remediation is in compliance with the County guidelines and hence remediation complete.

Parking

The project will generate minimal traffic to the site and does not require the provision of any

parking. Section 9-4.2818 of Pacifica Municipal Code (PMC), does not specify the number of parking spaces required for this type of Special Use Permit and due to the minimal site activity, accommodating parking on the existing site and surrounding streets is appropriate.

2. General Plan, Zoning, and Surrounding Land Uses

The subject site's General Plan designation is Medium Density Residential and the site's zoning is R2 - 'Two-Family Residential District'.

Section 9-4.2306 of the PMC, identifies the procedures for accommodating special site and operating characteristics with special conditions through a Special Use Permit application. Development in any zoning district and general plan designation can be subject to the Special Use Permit requirements identified in this section that are enumerated below. The sub surface remediation of petroleum as proposed by the project will recover the site for future development. A Special Use Permit is therefore requested for the project that requires Planning Commission approval.

Land uses surrounding the project site consist of established residential uses to the south and the east. Oceana Boulevard is located to the west of the site, with the coast highway beyond. Pacific Avenue runs along the site to the north with residence located across Pacific Avenue.

3. Municipal Code

Per Sec. 9-4.2306, a Special Use Permit is required for uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. Approval of a Special Use Permit confers consistency with the zoning and General Plan designations of the subject property.

The Planning Commission may grant the approval of a Special Use Permit only if the proposal conforms to all of the following criteria and to any special conditions which may be applied:

(1) That the proposed use will be of such size, design, and operating characteristics as will

tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic;

(2) That the proposed development will enhance the successful operation of the community or will provide a service to the community;

(3) That particular attention is given to the provision of buffering of uses from the surrounding neighborhood;

(4) That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and

(5) That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.

In order to approve this Special Use Permit (UP-78-16) the Planning Commission must find the project consistent with these review criteria. The following discussion supports the Commission's findings in this regard.

4. Required Findings

(1). *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic.*

Discussion: The project involves the installation of a six (6) foot high trailer 72 square feet in area enclosed in a six (6) foot high fenced enclosure, which will enclose a total area of 400 square feet. These installations on site are minimal when compared to the development permitted by the R-2 zoning district regulations with respect to bulk, scale, coverage and density, and development in the vicinity.

The site will not originate or attract traffic other than one weekly trip by a technician to

evaluate ozone trailer system operations, as per the information provided by the applicant regarding project operations. As a result, the project would be compatible with permitted residential uses in the district, which are likely to generate daily trips.

A noise study was conducted to evaluate potential noise generation from the ozone generation equipment. The study found it unlikely that the noise levels generated by the equipment will be above current ambient conditions. However, it recommends additional monitoring of ambient noise levels upon final equipment installation, and identifies measures for noise abatement such as installation of acoustical treatment, in the event unanticipated overages to current ambient noise levels are discovered. A condition of approval requires that an additional noise study/addendum to assess actual noise levels from the ozone generation equipment be performed and, if necessary, a noise attenuation plan be prepared, upon final installation of the ozone generation equipment.

(2). *That the proposed development will enhance the successful operation of the community or will provide a service to the community*

Discussion: The proposed development includes installation of remediation equipment to remove petroleum pollutants from the ground, which will serve to improve the environment. As such the project will benefit and provide a service to the community.

(3). *That particular attention is given to the provision of buffering of uses from the surrounding neighborhood.*

Discussion: The project proposes containing the noise generating equipment inside a trailer, which is in turn placed in a fenced enclosure along with the power pole. The ozone generation trailer is separated from nearby residential uses as follows: 40 feet to the north, 73 feet to the east, and 40 feet to the south. Oceana Boulevard is located to the west of the site and no residential uses are located across from the site along this road. The surrounding neighbors will therefore be buffered for the proposed operations of the remediation work. The conditions of approval also include that an additional noise study/addendum report is submitted to assess actual noise levels once the ozone

generation equipment is in operation. if necessary, a noise attenuation plan be prepared upon final installation of the ozone generation equipment to ensure that the surrounding neighborhood is buffered from potential noise from the project operations.

(4). *That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and*

Discussion: The project is located in the R-2 zoning district and meets all the standards for this district. Zoning regulations in the R2 zoning district require a minimum fifteen (15) feet front and twenty (20') feet rear set back. Minimum required side setback is five (5) feet, however a ten (10) foot setback is required on the street side of a corner lot. The regulations allow a maximum of fifty (50%) percent site coverage by all structures and require a minimum of twenty (20%) percent in landscaped area. The maximum height permitted for structures on the site is thirty five (35') feet.

The lot is currently unpaved and the proposed project does not propose any paving or permanent structures on the site. The fenced enclosure covers 400 sf. area on an 11,400 sf site (3.5% site coverage). This enclosure is setback from the property lines as follows: 20 feet from the front property line along Oceana Boulevard, 73 feet from the rear property line, and 40 feet from the side property line. The power pole is 16 feet in height above grade. Landscaping is identified as a requirement in this zoning district, however as part of this special use permit, staff are satisfied that the installation will be sufficiently screen for this temporary period. Landscaping is therefore not require as part of the project approved.

(5). *That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.*

Discussion: The proposed project is consistent with the goals and policies of the General Plan. It is intended to abate petroleum pollution in the ground, which would improve the environment and be beneficial to the community residents and serve a primary General Plan goal of providing protection to the public's health and safety.

The project is located in the East Sharp Park Neighborhood, which is not in the coastal zone and thus not subject to the Local Coastal Plan. The project proposes ample setbacks from neighboring properties and includes a fence to screen the ozone generation trailer. As conditioned, the project would maintain consistency with the applicable Design Guidelines, which require that buildings be cited to take into account potential impacts on neighboring properties and screen equipment.

5. CEQA Recommendation

Staff analysis of the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The project qualifies as Class 30 exemption under CEQA Guidelines Section 15330.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing $1 million or less.

Pursuant to Class 30, all actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

Subsection 15330(b) identifies some examples of minor clean up actions, including onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements. This is one example of a minor clean up action to which Class 30 CEQA exemption would apply.

The proposed action for remediation of petroleum in the ground as described in this staff report is undertaken under the direction of San Mateo County Ground Water Protection

Program and fits within the scope of a Class 30 categorical exemption. The purpose of the project is to remedy subsurface petroleum contamination from a previous use (service station) as directed by the San Mateo County Ground Protection Program. According to the applicant, the estimated cost for the proposed action is less than $ 1 million, which represents small or medium action for the onsite treatment of subsurface contamination. The ozone generated on site will be at a rate of 0.85 pounds per day and will therefore be Title 22 validated and permitted by the Bay Area Air Quality Management District (BAAQMD).

If the project is determined to be categorically exempt, the lead agency must consider whether the exemption is negated by an exception pursuant to CEQA Guidelines, Section 15300.2. Section 15300.2 (e) provides for an exception from categorical exemption for a site which is included in any list compiled pursuant to Section 65962.5 of the Government Code. These lists include all underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code. The project site is listed as a Leaking Underground Fuel Tank (LFT) cleanup site. In this case, the proposed project is a small or medium remediation action that is being performed under the direction of the San Mateo County Ground Water Protection Program, includes onsite treatment of contaminated soils and is consistent with the provisions of a Class 30 Categorical Exemption. Hence the use of a Class 30 exemption is appropriate and is not negated by the exception listed in Section 15300.2(e) of the CEQA Guidelines.

Therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

6. Staff Analysis

The project proposes temporary installation of an ozone generation equipment in a trailer and associated temporary power pole in a fenced enclosure on a vacant site for subsurface petroleum remediation which will benefit the community in the long run through environmental improvement. In staff's opinion, as conditioned, the project would be consistent with the General Plan and the regulations of the applicable zoning district and comply with all zoning development standards. Thus, staff recommends that the Planning Commission approve the proposed project subject to the conditions attached.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission finds the project is exempt from the California Environmental Quality Act; **APPROVES** UP-78-16 by adopting the attached resolution, including conditions of approval in Attachment B; and, incorporates all maps and testimony into the record by reference.

ATTACHMENT LIST:

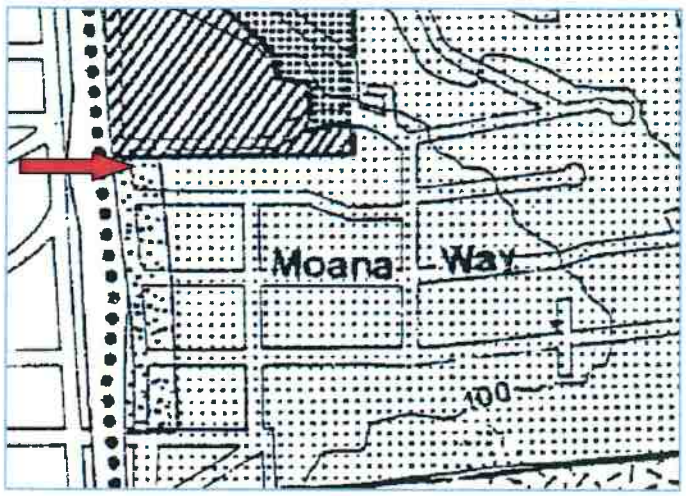
Attachment A - Land Use and Zoning Exhibit - 2251 Oceana Boulevard UP 78-16(DOCX)
Attachment B - Draft Resolution UP 78-16 (DOCX)
Exhibit A - COA_78-16 _2.15.17 (DOCX)
Attachment C - SITE PLAN 2 ftX3ft (PDF)
Attachment C - 0359.Figure 2 for City Planning Dept (PDF)
Attachment C - TS-A07608-3-C1-TOPO (6) (PDF)
Attachment C - detail and photos (PDF)

Land Use & Zoning Exhibit

City of Pacifica Planning Department

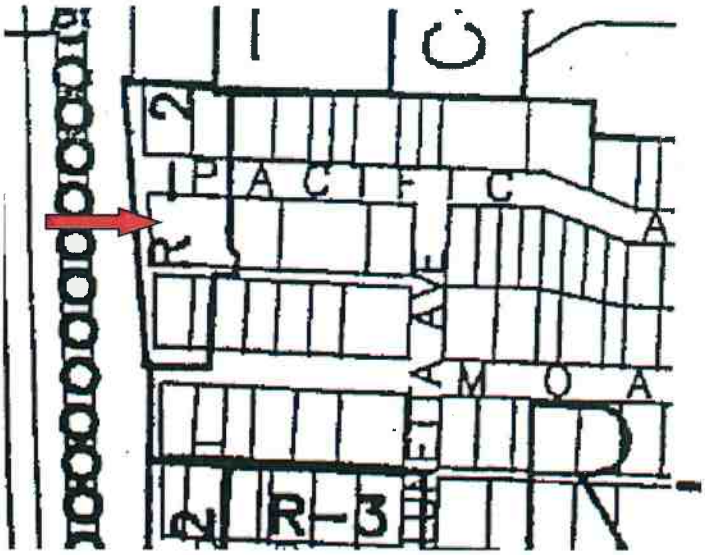
General Plan Diagram

Neighborhood: East Sharp Park
Land Use Designation: Medium Density Residential



Zoning Map Diagram

Zoning District: R-2 (Two Family Residential)



N
(Maps Not to Scale)

Attachment A

RESOLUTION NO. ___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SPECIAL USE PERMIT-78-16, SUBJECT TO CONDITIONS, FOR INSTALLATION OF AN OZONE GENERATION TRAILER WITHIN APPROXIMATELY TWENTY (20') FEET WIDE BY TWENTY (20') FEET LONG BY SIX (6') FEET HIGH ENCLOSURE, AND ASSOCIATED TEMPORARY POWER POLE APPROXIMATELY SIXTEEN (16') FEET HIGH, TO PERFORM SUBSURFACE REMEDIATION AT A FORMER SERVICE STATION SITE, AT 2251 OCEANA BOULEVARD (APN 016-242-090).

Initiated by: Paul King ("Applicant")

WHEREAS, an application has been submitted for installation of a 16 foot high temporary power pole and ozone generation trailer on a currently vacant lot (formerly a service station) for remediation of petroleum contamination in soil and groundwater at 2251 Oceana Avenue; and

WHEREAS, a notice of public hearing to consider the project was sent to all property owners and occupants within a 300 foot distance of the project via US Mail; and

WHEREAS, the project requires approval of a Special Use Permit pursuant to Sec. 9-4.2306 of the PMC; and

WHEREAS, the Planning Commission has determined, based on the analysis contained in the staff report, that the project is exempt from the California Environmental Quality Act (CEQA) as a Class 30 "Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances" categorical exemption per Section 15330 of the CEQA Guidelines,; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 21, 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:

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 following findings pertaining to a Special Use Permit:

Sec. 9-4.2306 stated that a Special Use Permit is required for uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. Approval of a Special Use Permit confers consistency with the zoning and General Plan designations of the subject property. The Planning Commission may grant the approval of a Special Use Permit only if the proposal conforms to all of the following criteria and to any special conditions which may be applied. The following discussion supports the Commission's findings in this regard.

(1): *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic.*

Discussion: The project involves the installation of a 6 foot high trailer 72 square feet in area enclosed in a 6 foot high fenced enclosure, which will enclose a total area of 400 square feet. These installations on site are minimal when compared to the development permitted by the R 2 zoning district regulations with respect to bulk, scale, coverage and density, and development in the vicinity.

The site will not originate or attract traffic other than one weekly trip by a technician to evaluate ozone trailer system operations as per the information provided by the applicant regarding project operations. As a result, the project would be compatible with permitted residential uses in the district, which are likely to generate daily trips.

A noise study was conducted to evaluate potential noise generation from the ozone generation equipment. The study found it unlikely that the noise levels generated by the equipment will be above current ambient conditions. However, it recommends additional monitoring of ambient noise levels upon final equipment installation, and identifies measures for noise abatement such as installation of acoustical treatment, in the event unanticipated overages to current ambient noise levels are discovered. A condition of approval requires that an additional noise study/addendum to assess actual noise levels from ozone generation equipment be performed and, if necessary, a noise attenuation plan be prepared, upon final installation of the ozone generation equipment.

(2): *That the proposed development will enhance the successful operation of the community or will provide a service to the community.*

Discussion: The proposed development includes installation of remediation equipment to remove petroleum pollutants from the ground, which will serve to improve the environment. As such the project will benefit and provide a service to the community.

(3): That particular attention is given to the provision of buffering of uses from the surrounding neighborhood.

Discussion: The project proposes containing the noise generating equipment inside a trailer, which is in turn placed in a fenced enclosure along with the power pole. The ozone generation trailer is separated from nearby residential uses as follows: 40 feet to the north, 73 feet to the east, and 40 feet to the south. Oceana Boulevard is located to the west of the site and no residential uses are located across from the site along this road. The surrounding neighbors will therefore be buffered for the proposed operations of the remediation work. The conditions of approval also include that an additional noise study/addendum report is submitted to assess actual noise levels from once the ozone generation equipment is in operation. be performed and, if necessary, a noise attenuation plan be prepared upon final installation of the ozone generation equipment to ensure that the surrounding neighborhood is buffered from potential noise from the project operations..

(4): *That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and*

Discussion: The project is located in the R2 zoning district and meets all the standards for this district. Zoning regulations in the R2 zoning district require a minimum fifteen (15') feet front and twenty (20') feet rear set back. Minimum required side setback is five (5') feet, however a ten (10') foot setback is required on the street side of a corner lot. The regulations allow a maximum of fifty (50%) percent site coverage by all structures and require a minimum of twenty (20%) percent in landscaped area. The maximum height permitted for structures on the site is thirty five (35') feet.

The lot is currently unpaved and the proposed project does not propose any paving or permanent structures on the site. The fenced enclosure covers 400 sf. area on an 11,400 sf site (3.5% site coverage). This enclosure is setback from the property lines as follows: 20 feet from the front property line along Oceana Boulevard, 73 feet from the rear property line, and 40 feet from the side property line. The power pole is 16 feet in height above grade. Landscaping is identified as a requirement in this zoning district, however as part of this special use permit, staff are satisfied that the installation will be sufficiently screen for this temporary period. Landscaping is therefore not require as part of the project approved.

(5): *That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.*

The proposed project is consistent with the goals and policies of the General Plan. It is intended to abate petroleum pollution in the ground, which would improve the environment and be beneficial to the community residents and serve a primary General Plan goal of providing protection to the public's health and safety. As conditioned, the

project would also be consistent with Land Use Element Policy No. 8 that related to protecting and enhancing the character of each neighborhood.

The project is located in the East Sharp Park Neighborhood, which is not in the coastal area and thus not subject to the local coastal plan. The project proposes ample setbacks from neighboring properties and includes a fence to shield the ozone generation trailer. As conditioned, the project would maintain consistency with the applicable Design Guidelines, which require that buildings be cited to take into account potential impacts on neighboring properties and screen equipment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Special Use Permit UP-78-16, to allow installation of an ozone generation trailer within approximately twenty (20') feet wide by twenty (20') feet long by six (6') feet high enclosure, and associated temporary power pole approximately sixteen (16') feet high, to perform soil and groundwater remediation at a former service station site located at 2251 Oceana Boulevard, Pacifica (APN 016-242-090), 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 21st day of February, 2017.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Josh Gordon, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Special Use Permit (to allow installation of an ozone generation trailer within approximately twenty (20') feet wide by twenty (20') feet long by six (6') feet high enclosure, and associated temporary power pole approximately sixteen (16') feet high, to perform subsurface remediation at a former service station) at 2251 Oceana Boulevard (APN 016-242-090)

Planning Commission Meeting of February 21, 2017

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Sheet 1; Figure 2; and Sheet C-1 – 2251 Oceana Blvd Pacifica, CA 94044,"received by the City of Pacifica on December 6th, 2016, except as modified by the following conditions.

2. Applicant shall perform and provide an additional noise study/addendum to assess actual noise levels from the ozone generation equipment and, if necessary, outline a noise attenuation plan upon final installation of the ozone generation equipment, subject to approval of the Planning Director.

3. This entitlement approval is valid for a period of one year from the date of final determination. If the use or uses approved is not established within such period of time, the approval shall expire unless the 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.

4. Operations pursuant to this Special Use Permit are valid for a period of two years from the date the installation is made on site. When remediation is determined to be complete by the San Mateo County Ground Water Protection Program or other State or regional regulatory agency, all temporary improvements associated with the Special Use Permit shall be removed, including, but not limited to, the temporary power pole, fencing, and trailer. The Planning Director may administratively grant a single, one year operations extension if regulatory agencies determine that additional remediation is required.

5. 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.

6. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

7. 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.

8. 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'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.

Building Division of the Planning Department

9. The applicant shall obtain a separate building permit, as required, for the installation of the temporary power pole proposed by the project.

Engineering Services Department

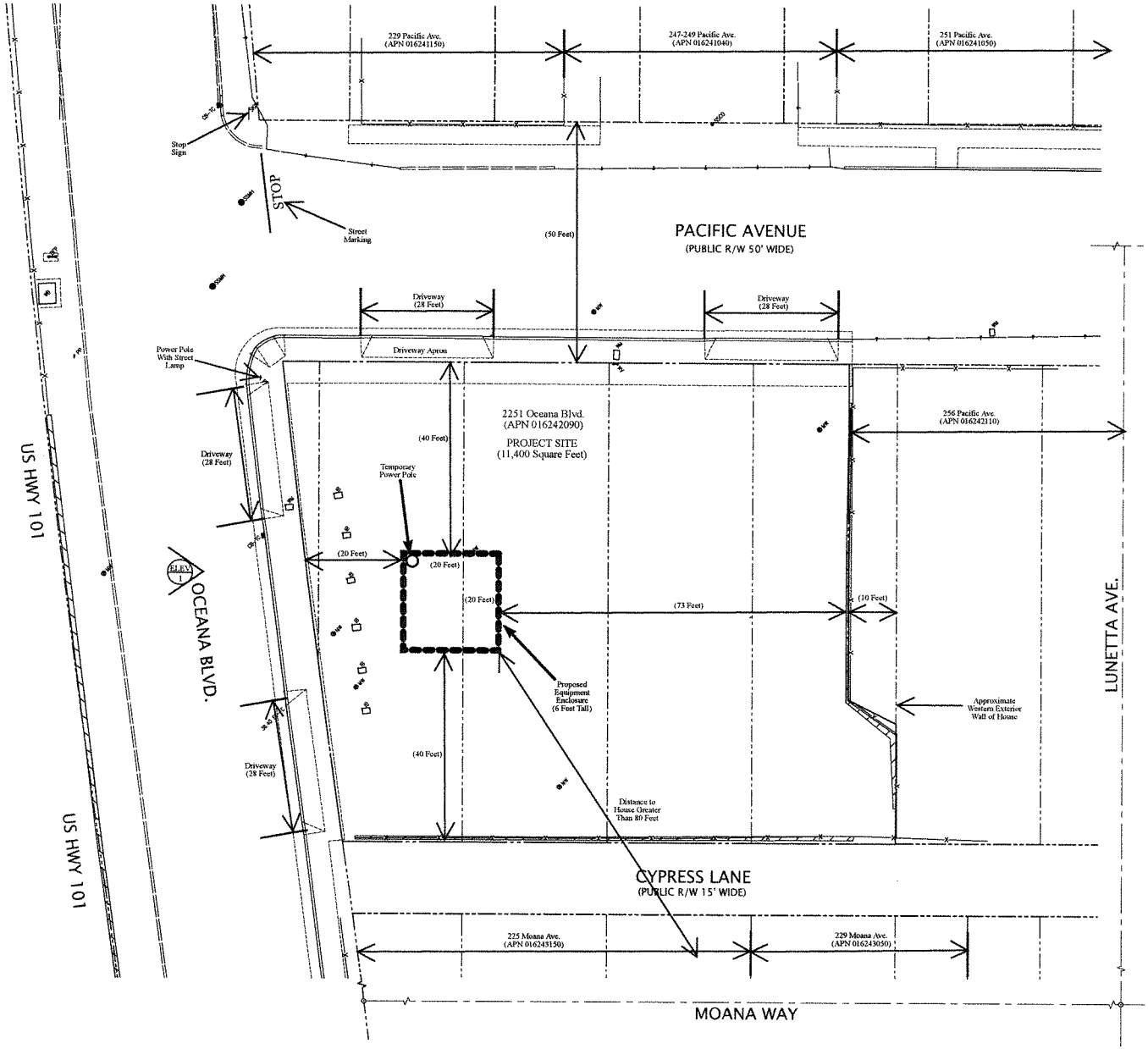
10. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the countywide program shall be included in the project plans.

11. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Oceana Boulevard. Dust control and daily road cleanup will be strictly enforced.

12. 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.

13. No private structures, including but not limited to walls, curbs, and fences shall encroach into the public right-of-way.

END



NORTH

0 5 10 20 30

Scale 1" = 10'

LEGEND

	ASPHALT BERM
	CONCRETE BLOCK/RETAINING WALL
	CONCRETE CURB
	CONCRETE CURB & GUTTER
40	CONTOUR LINE
	DRIVEWAY
	EDGE OF PAVEMENT
	FENCE LINE
	LOT LINE
	MONUMENT/ACHNUMENT LINE
	PROPERTY LINE
	SIDEWALK
+ 10.00	SPOT ELEVATION
BFP	BACKFLOW PREVENTION DEVICE
	POWER POLE/JOINT POLE
	TRAFFIC SIGN
	UTILITY BOX
	WATER VALVE
	WELL
BM/TBM	BENCHMARK/TEMPORARY BENCHMARK
∠	ANGLE POINT
BC	BACK OF CURB
BW	BACK OF WALK
C	CONCRETE
CL	CHAIN LINK
DN	DOCUMENT NUMBER
DWY	DRIVEWAY
EP	EDGE OF PAVEMENT
EW	EDGE OF WALK
FL	FLOW LINE
FNC	FENCE
FW	FACE OF WALL
GB	GRADE BREAK
IB	INJECTION TREATMENT BOX
IE	INVERT ELEVATION
LIP	LIP OF GUTTER
MW	MONITORING WELL
P	PAVEMENT
PP	POWER POLE
RE	RIM ELEVATION
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TW	TOP OF WALL
W	WIRE
WM	WATER METER
WO	WOOD
WV	WATER VALVE

NOTES

1. THE BOUNDARY, EASEMENT, AND OTHER ENCUMBRANCES SHOWN ON THIS DRAWING ARE BASED SOLELY UPON INFORMATION CONTAINED IN THE FOLLOWING DOCUMENTS:QUITCLAIM DEED FOR THE SUBJECT PROPERTY, RECORDED NOVEMBER 29, 2012 AS INSTRUMENT NO. 2012-179107, THE "MAP OF SUBDIVISION NO. 1 OF BRIGHTON BEACH" FILED FOR RECORD SEPTEMBER 16, 1907, IN BOOK 5 OF MAPS, PAGE 28, THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD MAY 14, 1975, BOOK 8 OF LLS MAPS, PAGE 17, ALL FILED IN OFFICIAL RECORDS OF SAN MATEO COUNTY AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION STATE HIGHWAY MONUMENT MAP FOR US HIGHWAY 101 "4-SM-1 PM 43.9" DATED AUGUST OF 1977.
2. THIS IS NOT A UTILITY SURVEY. PHYSICAL ITEMS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE ITEMS VISIBLE AS OF THE DATE OF THIS SURVEY. SUBSURFACE STRUCTURES, IF ANY, ARE NOT SHOWN. SAID SUBSURFACE OBJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO, CONCRETE FOOTINGS, SLABS, SHORING, STRUCTURAL PILES, UTILITY VAULTS, PIPING, UNDERGROUND TANKS, AND ANY OTHER SUBSURFACE STRUCTURES NOT REVEALED BY A SURFACE INSPECTION.
3. ALL DISTANCES AND ELEVATIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. BENCHMARK:COUNTY OF SAN MATEO NATIONAL GEODETIC SURVEY MONUMENT JHT 0488 STAMPED "D1241 1972" LOCATED AT THE SOUTHEAST CORNER OF THE JUNCTION OF FRANCISCO BOULEVARD AND PALOMA AVENUE AT PACIFIC, 30 FEET EAST OF THE CENTERLINE OF THE BOULEVARD, 34 FEET EAST OF THE WEST END OF THE SOUTH GUARD RAIL BASE OF PALOMA AVENUE BRIDGE 35-187 OVER STATE HIGHWAY 1, AND ABOUT LEVEL WITH THE AVENUE. ELEVATION= 54.74 (NAVD 1988)
5. BASIS OF BEARINGS:
THE BEARING OF NORTH 89° 58' 45" WEST TAKEN ON THE MONUMENT LINE OF MOANA WAY, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, FILED FOR RECORD ON MAY 14, 1975, IN VOLUME 8 OF LLS MAPS AT PAGE 17, OFFICIAL RECORDS OF SAN MATEO COUNTY WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NO.	BY	REVISION

2251 OCEANA BOULEVARD
RGA ENVIRONMENTAL, INC.
PACIFICA, CALIFORNIA

SCALE 1" = 10'

SHEET 1
OF 1 SHEETS

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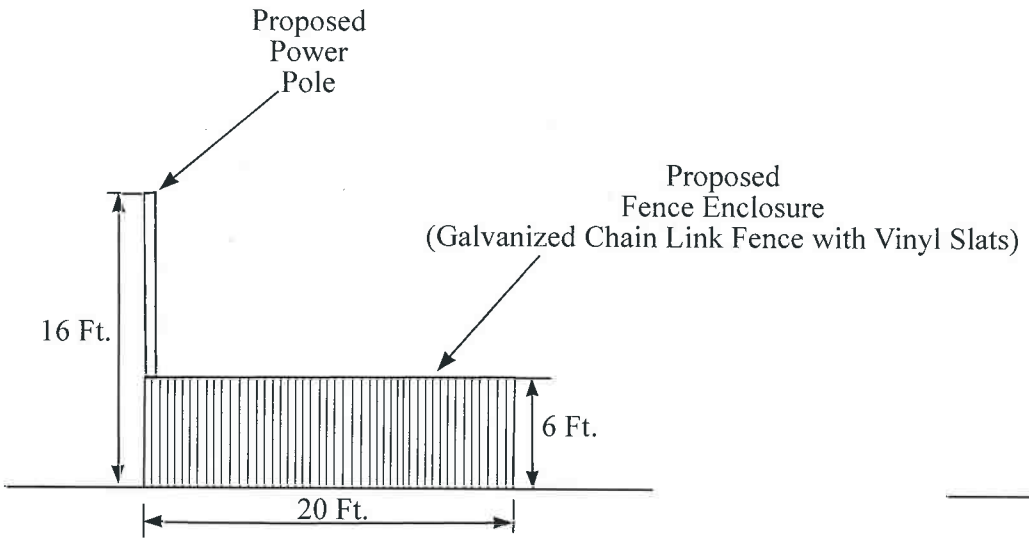
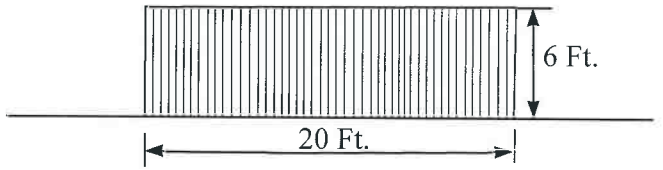


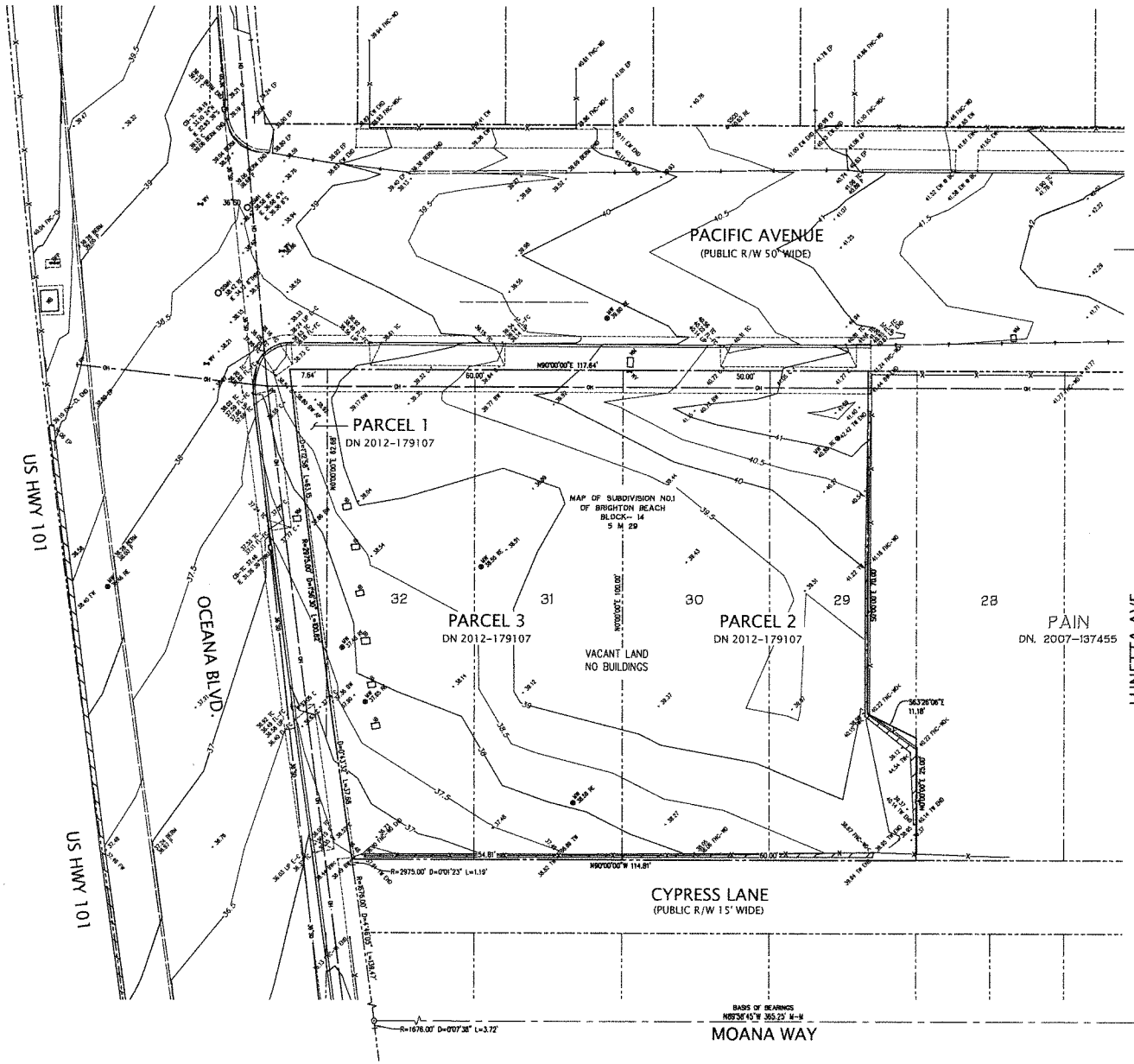
View From Oceana Blvd.



South Side Elevation
(Typical for Three Sides)

Figure 2
Elevation 1
2251 Oceana Boulevard
Pacifica, California

Prepared by RGA Environmental, Inc. August 25, 2016	RGA Environmental, Inc. 1466 66th Street Emeryville, CA 94608	0 5 10 Approximate Scale in Feet



NORTH

0 5 10 20 30

Scale 1" = 10'

LEGEND

	ASPHALT BERM
	CONCRETE/BLOCK/RETAINING WALL
	CONCRETE CURB
	CONCRETE CURB & GUTTER
40	CONTOUR LINE
	DRIVEWAY
	EDGE OF PAVEMENT
	FENCE LINE
	LOT LINE
	MONUMENT/MONUMENT LINE
	PROPERTY LINE
	SIDEWALK
+ 45.00	SPOT ELEVATION
BFP	BACKFLOW PREVENTION DEVICE
	POWER POLE/JOINT POLE
	TRAFFIC SIGN
	UTILITY BOX
	WATER VALVE
	WELL
BM/TBM	BENCHMARK/TEMPORARY BENCHMARK
∠	ANGLE POINT
BC	BACK OF CURB
BW	BACK OF WALK
C	CONCRETE
CL	CHAIN LINK
DN	DOCUMENT NUMBER
DWY	DRIVEWAY
EP	EDGE OF PAVEMENT
EW	EDGE OF WALK
FL	FLOW LINE
FNC	FENCE
FW	FACE OF WALL
GB	GRADE BREAK
IB	INJECTION TREATMENT BOX
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PREPARED BY OR UNDER THE SUPERVISION OF GARY R. LAMB, L.S. 6627
LICENSE EXPIRES: 12-31-17
11/11/2016 DATE

LICENSED LAND SURVEYOR GARY R. LAMB No. 6627 Exp. 12-31-17 STATE OF CALIFORNIA

NO.	REVISION	BY

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road Livermore, California 94551
Phone (925) 245-8788 Fax (925) 245-8796

TOPOGRAPHIC SURVEY
OF
2251 OCEANA BOULEVARD
FOR
RGA ENVIRONMENTAL, INC.
PACIFICA, CALIFORNIA

DATE	NOV., 2016
SCALE	1" = 10'
SURVEYOR	GKL
DRAFTER	REG
JOB NO.	A07608.3
SHEET	C1
OF	1 SHEETS

Attachment: Attachment C - T5-A07608-3-C1-TOPO (6) (2128 : 2215 Oceana)

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Test Area
Hammer

Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION
Staff Report

DATE: February 21, 2017

FILE: TA-105-17

ITEM: 2

SUBJECT: **Study session on Text Amendment TA-105-17,** to repeal and replace Article 4.5 of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC), and to amend various other zoning provisions, to establish regulations for development of accessory dwelling units (i.e. second units) in all residential zoning districts consistent with Government Code Section 65852.2.

APPLICANT: **Planning Department**

1800 Francisco Blvd.

Pacifica, CA 94044

DISCUSSION: The California Legislature in 2016 enacted Assembly Bill 2299 and Senate Bill 1069 amending Government Code section 65852.2 pertaining to local government regulation of accessory dwelling unit (ADU) construction (Attachment A). Accessory dwelling units are also commonly known as "second units," "in-law units," and "granny flats." The bills, among other things, established more permissive standards for ADU construction that serve as the maximum standards local governments may apply.

The amendments to Government Code section 65852.2 significantly affect the manner in which the City can regulate ADU construction, and included a provision rendering null and void any local ordinance regulating ADU construction that does not comply with its provisions. Because the City's existing "second residential unit" zoning standards in Article 4.5 of Chapter 4 of Title 9 are inconsistent with the amended Government Code provisions (Attachment B), it is necessary for the City to adopt a new ordinance to conform to state law in order to retain local control over ADU construction. Staff was already aware the City's second residential unit standards did not comply with state law, and included an action program in the 2015-2023 Housing Element to adopt a new ordinance. With the impetus provided by the most recent amendments to Government Code section 65852.2, staff is

recommending an ordinance that is fully compliant with state law and that will also accomplish Action Program No. 12 in the Housing Element.

Staff's intention was to present the proposed zoning text amendments in Text Amendment TA-105-17 to the Planning Commission at this meeting to solicit feedback from the Commission and the public. However, due to a scheduling conflict, the ADU law expert from the City Attorney's Office is unavailable to attend the study session, and staff recommends continuing the study session to a date when the expert is available. In the interim, staff has attached the proposed ordinance for Planning Commission review before the continued study session (Attachment C). Because staff had provided public notice of this evening's study session, it recommends that the Planning Commission continue the study session to a certain date. Staff's preference for the continued hearing date is March 20, 2017.

RECOMMENDED

ACTION: Continue study session to regular meeting of March 20, 2017

PREPARED BY: Christian Murdock, Associate Planner

ATTACHMENT LIST:

Attachment A - AB 2299 and SB 1069 - Accessory Dwelling Unit Legislation (As Chaptered) (PDF)
Attachment B - Existing Article 4.5 of Chapter 4 of Title 9 (Second Residential Units) (DOCX)
Attachment C - Draft Ordinance - Article 4.5 (Accessory Dwelling Units) and Other Zoning Provisions (DOCX)

CHAPTERED CHANGES IN ACCESSORY UNIT PROVISIONS

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and

shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall

not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

Article 4.5 - Second Residential Units

Sec. 9-4.451. - Purpose.

It is the intent of the City to apply the regulations of this article to second dwelling units on R-1 District lots to help meet the need for new housing.

A second residential unit which conforms to the requirements of this article shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consist with the existing General Plan and zoning designations for the lot. Second units shall not be considered in the application of any local growth control law.

(§ I, Ord. 357-C.S., eff. December 8, 1982)

Sec. 9-4.452. - Second unit defined.

As used in this article, "second unit" shall mean either a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. A second unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary unit is situated.

(§ I, Ord. 357-C.S., eff. December 8, 1982)

Sec. 9-4.453. - Development standards.

(a) *Applicability.* An application for a second residential unit shall be considered if the project meets the following minimum criteria:

(1) The applicant shall agree in writing to annually submit a notarized statement or declaration under penalty of perjury that:

(i) The property is owner-occupied; and

(ii) Occupancy of the second unit is limited to a maximum of two (2) persons.

(2) The applicant shall agree in writing to discontinue the use of the second unit as a separate dwelling if the property is not owner-occupied.

(3) The second unit shall not be offered for sale apart from the primary unit.

(4) The property shall be zoned R-1.

(5) The minimum lot area shall be 5,000 square feet.

(b) *Standards.* The following development standards shall apply to the legalization of existing and new construction of second dwelling units:

(1) The maximum size of the living area of the second unit shall not exceed fifty (50%) percent of the living area of the primary unit and shall not exceed 750 square feet, whichever figure is less, units which are handicapped accessible and are equipped for handicapped persons may include up to 850 square feet of living area.

(2) The following regulations of the R-1 District shall be met:

(i) Lot coverage;

(ii) Front, rear, and side setbacks; and

ATTACHMENT B

(iii) Height, except that the garage height may exceed one story to allow the construction of a second unit over the garage provided setbacks for the second unit can be met.

(3) Two (2) covered spaces shall be provided for the primary unit. The minimum parking requirement for the second residential unit shall be one uncovered on-site space, plus either one parking space on the street in front of the lot, or one additional uncovered on-site space. Tandem parking spaces may not be used to meet the minimum parking requirements, nor may a parking space be provided in the required front yard set back.

(4) An outside entrance shall be provided for the second unit, independent from the entrance for the primary unit.

(5) Second residential units may be either attached to or detached from the primary unit and may be proposed in both new and existing construction provided the standards set forth in this article can be met and the findings for approval can be made.

(6) In the case of exterior construction, building materials, architectural details, colors, and design of the second unit shall be consistent to those of the main unit to the maximum extent feasible.

(7) The second unit shall not have more than one bedroom.

(c) *Permits required.* If the Planning Administrator determines that the second unit meets all development standards described in subsections (a), (b) and (e) of this section, the applicant shall apply for, and receive, a building permit to construct the second unit. If the project does not meet all development standards described in subsections (a), (b) and (e) of this section, the owner shall apply for, and receive, a site development permit and a variance from the provisions of this chapter prior to issuance of a building permit.

(d) *Deed restrictions.* Prior to the issuance of a building permit for a second unit, a deed restriction shall be recorded that the use of the second unit as a separate dwelling may only continue if the property is owner-occupied and that subsequent owners will be required to maintain the original applicant's responsibility to submit annual statements to the City.

(e) *Density limitations.* The density of second residential units shall be regulated as follows:

(1) No more than twenty-five (25%) percent of the lots within any block, counting both sides of the street, shall be permitted to have a second residential unit;

(2) The following density regulations shall apply in Pedro Point:

(i) If the actual improved street width directly in front of the proposed unit is twenty (20') feet or less, density for second residential units may not exceed one unit within a 500-foot radius.

(ii) If the improved street width described in section (i) of this subsection exceed twenty (20') feet, density for second residential units may not exceed one unit within a 300-foot radius.

(§ I, Ord. 357-C.S., eff. December 8, 1982, as amended by § I, Ord. 452-85, eff. October 23, 1985, § III (A) and (B), Ord. 491-C.S., eff. October 28, 1987, §§ 1 and 2, Ord. 584-C.S., eff. February 12, 1992, and § I (A)—(D), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.454. - Legalization of existing units.

Existing second residential units which have not received a use permit or site development permit are considered illegal. If a unit was in existence prior to September 23, 1984, and if the property owner requests legalization, the Commission may waive the maximum size, parking and density standards. It shall be the applicant's responsibility to provide evidence that the unit was in existence prior to September 23, 1985. The

waiver of the standards for illegal units shall be discretionary, and such waiver shall depend on individual circumstances and the ability to make findings for approval.

(§ II, Ord. 452-85, eff. October 23, 1985, as amended by § 3, Ord. 584-C.S., eff. February 12, 1992)

Sec. 9-4.455. - Findings.

In addition to the required findings for site development permit approval, a second residential unit application shall not be approved unless findings can be made that:

(a) The second unit is visually integrated and aesthetically compatible with the main dwelling unit;

(b) The second unit is aesthetically compatible with the surrounding neighborhood and will not detract from the single-family character and appearance of the property or area;

(c) The location and orientation of the second unit will not materially; reduce the privacy otherwise enjoyed by residents of adjoining properties;

(d) The second unit will not create excessive ground coverage or over utilization of the parcel in comparison with the existing patterns in the surrounding neighborhood;

(e) The second unit will not create an unduly adverse impact on traffic flow, and road access to the parcel is adequate. The consideration of adequate road access shall include, but need not be limited to, road width, sight distance, existing and potential traffic volume, and emergency vehicle access;

(f) The additional density on the property will not create any adverse impacts to the neighborhood; and

(g) That the use of the second residential unit 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.

(§ II Ord. 452-85, eff. October 23, 1985, as amended by §§ 4 and 5, Ord. 584-C.S., eff. February 12, 1992, and § 1 (E) and (F), Ord. 613-C.S., eff. April 13, 1994)

Sec. 9-4.456. - Rent structure.

(a) No restrictions on the amount of rent that may be charged which were imposed pursuant to predecessor Ordinance No. 491-C.S. shall be of any further force and effect after the effective date of the ordinance codified in this section.

(b) Two (2) years after adoption of the ordinance codified in this section, the Planning Commission shall evaluate the impact and effectiveness of elimination of the rent control regulations and shall make a recommendation on whether or not rent control for second residential units should be reinstituted. In no case shall any regulations which establish rent control in the future be retroactive to second residential units with approved planning permits.

(§ III (C), Ord. 491-C.S., eff. October 28, 1987; repealed by § 6, Ord. 584-C.S., eff. February 12, 1992; reenacted by § 6, Ord. 584-C.S., eff. February 12, 1992)

CITY OF PACIFICA
MEMORANDUM

DATE: February 21, 2017

TO: Planning Commission

FROM: Christian Murdock, Associate Planner

SUBJECT: Overview of Proposed Ordinance Regulating Accessory Dwelling Unit Construction

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Staff has provided the proposed ordinance below for preliminary review by the Planning Commission before its continued study session. As will be explained in greater detail at the study session, the amended Government Code section 65852.2 restricts local control of accessory dwelling unit (ADU) construction in some key ways:

- Permits an ADU in any zoning district where residential uses are a permitted use, on sites containing an existing single-family residential dwelling
- Requires City to create a ministerial process for approval of an ADU application, except within the Coastal Zone where it may still require a coastal development permit
- Restricts off-street parking requirement to one space either per ADU or per bedroom, as determined by the City
- Eliminates off-street parking requirement for an ADU meeting certain requirements, including location within one-half mile of transit, and an ADU created within an existing primary dwelling unit or accessory structure
- Requires City to permit tandem parking to satisfy off-street parking requirement unless certain findings are made
- Provides that garage demolition/conversion is permissible to enable ADU construction
- Prohibits minimum setbacks for an ADU created within an existing garage, except to ensure fire safety
- Establishes a maximum five-foot side and rear setback for an ADU constructed above an existing garage
- Establishes a minimum permissible floor area for an ADU (150 sq. ft., based on definition of "efficiency unit" in Health and Safety Code section 17958.1)
- Permits up to 1,200 sq. ft. floor area for a detached ADU and 50% of primary dwelling unit floor area for an attached ADU (not to exceed 1,200 sq. ft.)
- Prohibits the City from requiring a new or separate utility connection, or a connection fee or capacity charge, for an ADU created within an existing primary dwelling unit or accessory structure

ATTACHMENT C

- Prohibits the City from requiring fire sprinklers if they are not required for the primary dwelling unit
- Exempts ADUs from calculation in General Plan or zoning density calculations
- Exempts ADUs from consideration under local growth control measures

In response to the new provisions of Government Code section 65852.2, staff has proposed an ordinance that will address the following:

- Specify an ADU may be constructed in any residential zoning district on a site containing a single-family dwelling, including within the P-D (Planned Development) zoning district
- Limit a site to construction of one ADU
- Establish development standards for ADU construction, including setbacks, height, and lot coverage
    - Distinct standards for detached and attached ADUs, as well as those created within an existing primary dwelling unit or accessory structure
    - Generally apply same standards as for primary dwelling unit, except reduced height when ADU located in front of primary dwelling unit
    - Reduced setbacks of five feet to side and rear property lines permitted for accessory building conversion to ADU, as required by state law
- Establish parking standards
    - Parking required, one space per ADU bedroom. However, state law prohibits parking requirement within one-half mile of transit, which effectively eliminates ADU parking requirement citywide except portions of Vallemar and Pedro Point neighborhoods
    - State law permits garage conversions, and allows the City to require replacement of primary dwelling unit parking. The replacement parking may be constructed in any form on the site.
- Establish standards for future subdivision of a site containing an ADU
    - Require each proposed lot to comply with all zoning standards for a primary dwelling unit
- Require primary dwelling unit construction prior to construction of an ADU
- Require owner-occupancy at a site containing an ADU
- Prohibit sale of an ADU separate from a primary dwelling unit
- Prohibit short-term rental of an ADU for a period less than 30 days
- Clarify relationship between ADU regulations and other regulations
- Establish standards for continued operation of an existing permitted ADU
- Establish procedures to legalize an unpermitted ADU
- Establish standards for ADU construction on a site with existing nonconformities

- Amend various other zoning provisions to ensure consistency with state law and the revised provisions of Article 4.5

Proposed Accessory Dwelling Unit (ADU) Ordinance

Section 1. Amended. Article 4 of Chapter 4 of Title 9 of the Pacifica Municipal Code (R-1 Single-Family Residential District) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec. 9-4.401. - Permitted and conditional uses.

(a) Permitted uses. The following uses shall be permitted in the R-1 District:

(1) One single-family dwelling per lot;

(2) Accessory buildings and uses;

(3) Child day care homes for twelve (12) children or less;

(4) Special care facilities for six (6) or fewer persons;~~ and~~

(5) Manufactured homes consistent with Chapter 14 of Title 8 of this Code~~.~~; and

(6) Accessory dwelling units on sites that contain an existing attached or detached single-family dwelling, subject to the standards of Article 4.5.

(b) Conditional uses. Conditional uses allowed in the R-1 District, subject to obtaining a use permit, shall be as follows:

(1) Churches and schools;

(2) Parks and playgrounds;

(3) Landscaped public or private parking lots when adjacent to any C District;

(4) Crop and tree farming;

(5) Mobile home parks;

~~(6) Second dwelling units pursuant to Article 4.5 of this chapter;~~

* * * * *

Sec. 9-4.402. - Development regulations.

Development regulations in the R-1 District shall be as follows:

* * * * *

(n) Notwithstanding the provisions of this section, the development regulations for accessory dwelling units shall be those set forth in Article 4.5

* * * * *

Section 2. Repealed. Article 4.5 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Second Residential Units) is hereby repealed in its entirety and replaced with the provisions of Section 4 of this Ordinance.

Section 3. Enacted. Article 4.5 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Accessory Dwelling Units) is hereby enacted as follows:

Sec. 9-4.451. – Purpose

The City Council finds and declares its intent as follows:

(a) To enact regulations governing accessory dwelling unit construction in compliance with Section 65852.2 of the Government Code. The provisions of this article shall be liberally construed in order to accomplish development of accessory dwelling units. In the event of a conflict between the provisions of this article and any other ordinance of the City of Pacifica regulating accessory dwelling units, the provisions of this article shall prevail.

(b) To establish a process for ministerial review and approval of accessory dwelling units. No local ordinance, policy, or regulation other than this article and regulations referenced therein shall be the basis for the denial of a building permit for an accessory dwelling unit.

(c) There is a widespread and ongoing shortage of affordable housing within the City. The United States Census Bureau's 2011-2015 American Community Survey estimates that 46 percent of renter households in Pacifica pay 30 percent or more of their household income for housing-related expenses. The Census Bureau considers households that pay 30 percent or more of their household income for housing-related expenses as "cost burdened";

(d) More than 30 percent of the City of Pacifica's 12.6-square mile land area is preserved as permanent open space, resulting in a limited supply of developable vacant sites for the construction of new housing units in the City;

(e) Accessory dwelling unit construction, by creating new housing units within existing neighborhoods, can expand access to affordable housing while avoiding significant environmental impacts associated with traditional residential development on vacant sites;

(f) For working-age residents with children, accessory dwelling units allow family members or other child care providers to reside in close proximity to the household requiring child care. The nearby availability of child care for their children offers working-age residents convenience, and more importantly, may enable them to work and support their families without the burden of commercial child care costs;

(g) Accessory dwelling units enable multi-generational living on a common site. The United States Census Bureau's 2011-2015 American Community Survey estimates that 14 percent of Pacifica's population is 65 years or older, an increase from 11 percent in 2010. As Pacifica's population ages, accessory dwelling units allow family members or other caregivers to reside in close proximity to those receiving care while affording them the privacy of their own living space. For those receiving care, accessory dwelling units will enable many to remain in their homes longer than would otherwise be possible without needing to relocate to an assisted living or other facility;

(h) Accessory dwelling units may provide an important source of rental income to many property owners, especially those who are retired. The United States Government Accountability Office, in its report "Retirement Security: Most Households Approaching Retirement Have Low Savings" (Report No. GAO-15-419), estimated that in 2013, 52 percent of households age 55 years and older had no retirement savings in a defined contribution plan or individual retirement account, and that Social Security provides most of the retirement income for about half of households age 65 years and older. The report also found that among the 48 percent of households age 55 years and older with some retirement savings, the median amount is approximately $109,000, or equivalent to an inflation-protected annuity of $405 per month at current rates for a 65-year old. The report further found that nearly 30 percent of households age 55 years and older have neither retirement savings nor a defined benefit plan, and that Social Security is the largest component of household income in retirement, making up an average of 52 percent of household income for those age 65 years and older. Based on United States Census Bureau 2011-2015 American Community Survey estimates, the median rent in Pacifica in 2015 was $1,875 per month. The addition of rental income from an accessory dwelling unit could dramatically strengthen the finances of retired persons or those nearing retirement;

(i) An analysis of listings on the short-term rental site Airbnb in October 2015 found 72 accommodations listed within the City of Pacifica, 57 percent of which offered for rent an entire house or apartment. The average price per night for the listed accommodations was $173 per night, equivalent to a monthly rent of $5,190. According to the United States Census Bureau's 2011-2015 American Community Survey estimates, median monthly rent during 2015 was $1,875, equivalent to $62.50 per night. Even if rented fewer than 30 days per month, the potential to yield significantly greater rents from short-term rentals of residential property than from long-term rental provides a strong financial incentive to remove housing from the long-term rental market in favor of offering it for rent in the short-term rental market. In order to preserve public health, safety, and welfare by increasing access to affordable housing, the City Council desires to impose a prohibition on the short-term rental of accessory dwelling units for periods less than 30 days in order to preserve their use for long-term residential occupancy.

Sec. 9-4.452. – Definitions.

For the purposes of this article, certain words and terms are hereby defined as follows:

(a) "Accessory dwelling unit" or "ADU" shall mean an attached or a detached residential dwelling unit located on the same site as an existing primary dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(b) "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any time through an automated application, kiosk, or other method not requiring a live

attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use.

(c) "Cooking facilities" shall mean an area containing all of the following: a refrigeration appliance; and, a kitchen sink and cooking appliance, each having a clear working space of not less than 30 inches. For purposes of this article, "cooking appliance" shall include any appliance capable of cooking food, including without limitation a range, stove, oven, microwave, or hot plate, but not including a toaster or electric kettle.

(d) "Efficiency unit" shall have the meaning as defined in Section 17958.1 of Health and Safety Code.

(e) "Independent living facilities" shall mean all of the following facilities within a single accessory dwelling unit: permanent provisions for living, sleeping, eating, cooking, and sanitation.

(f) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(g) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) "Primary dwelling unit" means the first lawfully-constructed dwelling unit that exists on a site.

(i) "Public transit" shall mean a defined transit station or stop identified in a map available to the general public where passengers, without a reservation, may board and disembark from a vehicle used in the public transit system, including without limitation a motor vehicle, streetcar, trackless trolley, bus, light rail system, rapid transit system, subway, train, or jitney, that transports members of the public for hire.

(1) If Section 65852.2 of the Government Code is amended subsequent to the effective date of this article to expressly permit the City to define "public transit" inclusive of a minimum level of transit service, then the following definition shall replace the preceding definition in subsection (h): "Public transit" shall mean a defined transit station or stop, with a regular service interval no longer than 30 minutes during peak commute hours from 6:00-9:00 AM and 3:00-6:00 PM Monday through Friday, identified in a publicly-available map where passengers, without a reservation, may board and disembark from a vehicle used in the public transit system, including without limitation a motor vehicle, streetcar, trackless trolley, bus, light rail system, rapid transit system, subway, train, or jitney, that transports members of the public for hire.

(j) "Sanitation facilities" shall mean a separate bathroom containing a water closet, lavatory, sink, and bathtub or shower.

(k) "Site" shall mean a lawfully-created lot or parcel.

(l) "Sleeping facilities" shall mean an area dedicated to sleeping that includes a separate closet.

Sec. 9-4.453. – Development standards.

(a) General provisions. The following provisions shall apply to all accessory dwelling units:

(1) An accessory dwelling unit shall not be constructed unless a primary dwelling unit exists on a site and such primary dwelling unit has been constructed lawfully.

(2) A site shall contain no more than one accessory dwelling unit.

(i) For purposes of this article, a "second unit," "granny flat," "in-law apartment," or similar structure or improvement permitted and constructed in accordance with applicable laws in effect at the time of its construction shall be considered an "accessory dwelling unit" for all purposes. If an accessory dwelling unit permitted and constructed prior to the effective date of this article does not conform to all standards prescribed in this article, the accessory dwelling unit shall be considered nonconforming but lawful, and shall be subject to the provisions of section 9-4.453(i) governing nonconforming accessory dwelling units.

(3) An accessory dwelling unit may be constructed between a primary dwelling unit and a site's front property line.

(4) An accessory dwelling unit shall become the primary dwelling unit on a site if the original primary dwelling unit is demolished or determined to be uninhabitable, and is not replaced or made habitable within one year of its demolition or the determination that it is uninhabitable.

(i) In such case where an accessory dwelling unit becomes the primary dwelling unit, it shall remain so, and be considered a nonconforming but lawful structure if it fails to comply with any zoning standards applicable to a primary dwelling unit in the zoning district where it is located, until such time as a new structure compliant with all zoning standards applicable to a primary dwelling unit in the zoning district where it is located, is lawfully constructed or otherwise created on the site.

(5) An applicant for a building permit to construct an accessory dwelling unit shall be an owner-occupant of the site's primary dwelling unit and shall provide sufficient proof of occupancy upon request by the City. The site's owner may offer for rent either the primary dwelling unit or the accessory dwelling unit, but not both, and shall reside in either of the units during any period when the other unit is rented to a tenant.

(6) An accessory dwelling unit may be rented, but shall not be used for rentals of terms less than 30 consecutive days.

(7) An accessory dwelling unit shall not be sold separate from the primary dwelling unit.

(i) No subdivision of a site containing an accessory dwelling unit may be approved unless all of the following conditions are met: the lots proposed by the subdivision comply with all applicable development standards of the zoning district in which they are located for a lot containing a primary dwelling unit, including without limitation minimum lot area per dwelling unit and setbacks, or a deviation from the standards is granted; if a condominium

subdivision, the zoning designation of the site allows two or more primary dwelling units as a permitted use, or if a conditional use, a use permit is granted prior to or in conjunction with the subdivision; and, the accessory dwelling unit on the site complies, or provisions are made to bring the accessory dwelling unit into compliance, with all development standards applicable to a primary dwelling unit in the zoning district in which it is located, including without limitation dwelling unit size, setbacks and off-street parking.

(8) A building permit application for a vacant site may propose construction of both a primary dwelling unit and an accessory dwelling unit concurrently. However, the primary dwelling unit must pass final inspection prior to final inspection of the associated accessory dwelling unit. Nothing in this article shall be construed to supersede or in any way alter or lessen the effect of any other provision of this chapter requiring issuance of a discretionary permit for construction of the primary dwelling unit prior to issuance of a building permit. The discretionary review of the primary dwelling unit shall not include consideration of the accessory dwelling unit use, but may consider the physical characteristics as they pertain to objective development standards, other than parking, including without limitation lot coverage, floor area ratio, landscaping, and distance between structures.

(9) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(10) An accessory dwelling unit established within the space of an existing primary dwelling unit or an existing accessory structure shall have an exterior point of access that is separate and independent from the primary dwelling unit. An attached accessory dwelling unit may have an exterior point of access that is separate and independent from the primary dwelling unit. Any accessory dwelling unit, except a detached accessory dwelling unit, having an exterior point of access that is separate and independent from the primary dwelling unit may also have an interior point of access connecting the primary dwelling unit and accessory dwelling unit provided it is possible for the occupants of both the primary dwelling unit and the accessory dwelling unit to independently secure the point of access to prevent unauthorized entry by occupants of the other dwelling unit.

(b) Zoning districts where permitted. An accessory dwelling unit shall be a permitted use, subject to the standards contained in this article, on any site zoned for residential use as a permitted use that contains an existing attached or detached single-family dwelling, or that proposes construction of an attached or detached single-family dwelling concurrently with construction of an accessory dwelling unit in a zoning district where such single-family dwelling is a permitted use. An accessory dwelling unit shall be prohibited on any other site.

(1) Sites zoned P-D (Planned Development). The provisions of subsection (b) shall apply to sites zoned P-D (Planned Development) where the approved development plan indicates attached or detached single-family residential development of the site as a permitted use. In cases where the details of the original development plan are not available, the Planning Administrator may determine that a site was intended for single-family residential development as a permitted use by considering any existing structures on the site in addition to the structures and development pattern of the area immediately surrounding the site.

(c) Detached accessory dwelling units. The provisions of this subsection shall apply to an accessory dwelling unit that is detached from a primary dwelling unit and all accessory structures including without limitation garages.

(1) Floor area. The minimum and maximum floor area of a detached accessory dwelling unit shall be as follows:

(i) Minimum. At least an efficiency unit to be constructed in compliance with local development standards.

(ii) Maximum. Total floor area shall not exceed 1,200 square feet.

(2) Setbacks.

(i) Front. Minimum front setback shall be fifteen (15′) feet.

(ii) Side. Minimum side setback shall be five (5′) feet. However, the minimum street-side setback of corner lots shall be ten (10′) feet.

(iii) Rear. Minimum rear setback shall be twenty (20′) feet.

(3) Distance between structures. All portions of a detached accessory dwelling unit shall be located at least five (5′) feet from any other building existing or under construction on the same site or an adjacent site. An accessory dwelling unit shall be considered attached to the primary dwelling unit or any other building when there is a common wall, common roof, or a horizontal connection at least thirty (30") inches above grade such as a deck. Retaining walls and/or decking between an accessory dwelling unit and the primary dwelling unit or any other building that are less than thirty (30") inches above grade are not considered a connection.

(4) Height. Maximum height shall be thirty-five (35') feet. However, if any portion of a detached accessory dwelling unit is located in front of the primary dwelling unit on the site, the maximum height shall be fifteen (15') feet.

(5) Lot coverage. Maximum lot coverage shall be that of the underlying zoning district.

(6) Landscaping. Minimum landscaped area on the site shall be that of the underlying zoning district. In addition, the front setback shall be landscaped and adequately maintained. Paving shall only be allowed on a driveway and pathways.

(d) Attached accessory dwelling units. The provisions of this subsection shall apply to an accessory dwelling unit attached horizontally or vertically to an existing primary dwelling unit or an accessory structure, including without limitation a garage.

(1) Floor area. The minimum and maximum floor area of an attached accessory dwelling unit shall be as follows:

(i) Minimum. At least an efficiency unit to be constructed in compliance with local development standards.

(ii) Maximum. Total floor area shall not exceed 50 percent of the living area of the primary dwelling unit, and shall not in any instance exceed 1,200 square feet.

(2) Setbacks.

(i) Front. Minimum front setback shall be fifteen (15′) feet; except, where an accessory dwelling unit is constructed above a garage, the minimum front setback shall be twenty (20′) feet.

(ii) Side. Minimum side setback shall be five (5′) feet. However, the minimum street-side setback of corner lots shall be twenty (20′) feet to an accessory dwelling unit constructed above a new garage, and ten (10′) feet to any other accessory dwelling unit.

(iii) Rear. Minimum rear setback shall be twenty (20′) feet.

(iv) Notwithstanding subsections (i) through (iii), the minimum setbacks for an accessory dwelling unit that is constructed above an existing garage shall be twenty (20′) feet from the front property line and five (5′) feet from the side and rear property lines, including the street-side of corner lots. The provisions of this subsection shall apply only to an accessory dwelling unit constructed entirely above the footprint of an existing garage.

(3) Distance between structures. All portions of an attached accessory dwelling unit shall be located at least five (5′) feet from any other building existing or under construction on the same site or an adjacent site. An accessory dwelling unit shall be considered attached to the primary dwelling unit or any other building when there is a common wall, common roof, or a horizontal connection at least thirty (30") inches above grade such as a deck. Retaining walls and/or decking between an accessory dwelling unit and the primary dwelling unit or any other building that are less than thirty (30") inches above grade are not considered a connection.

(4) Height. Maximum height shall be thirty-five (35′) feet. However, if any portion of an attached accessory dwelling unit that is attached to an accessory structure would be located in front of the primary dwelling unit on the site, the maximum height shall be fifteen (15′) feet.

(5) Lot coverage. Maximum lot coverage shall be that of the underlying zoning district.

(6) Landscaping. Minimum landscaped area on the site shall be that of the underlying zoning district. In addition, the front setback shall be landscaped and adequately maintained. Paving shall only be allowed on a driveway and pathways.

(e) Accessory dwelling units contained within the existing space of a single-family residence or accessory structure. The provisions of this subsection shall apply to accessory dwelling units established within the space of an existing primary dwelling unit or an existing accessory structure, including without limitation an existing attached or detached garage. A primary dwelling unit or accessory building shall not be considered to be "existing" if it was constructed unlawfully; or, if it has yet to receive a successful final inspection pursuant to a valid building permit.

(1) Floor area. The minimum and maximum floor area of an accessory dwelling unit contained within the existing living area of a single-family residence or accessory structure shall be as follows:

(i) Minimum. At least an efficiency unit to be constructed in compliance with local development standards.

(ii) Maximum. For an accessory dwelling unit established within the space of an existing primary dwelling unit: The establishment of the accessory dwelling unit shall not result in a reduction of the primary dwelling unit's floor area below the minimum dwelling unit size for a single-family dwelling provided in Sec. 9-4.2313. For an accessory dwelling unit established within the space of an existing accessory structure: None.(2) Setbacks. In order to ensure setbacks are sufficient for fire safety, an accessory dwelling unit contained within the existing space of a primary dwelling unit or accessory structure may only be established in those portions of the existing structure where the following setbacks have been satisfied:

(i) Front. None.

(ii) Side. Minimum side setback shall be three (3′) feet, except on the street-side of a corner lot where no side setback shall be required.

(iii) Rear. Minimum rear setback shall be three (3′) feet.

(3) Distance between structures. An accessory dwelling unit shall not be established within a primary dwelling unit or accessory structure located within five (5') feet of any other building existing or under construction on the same site or an adjacent site.

(4) Lot coverage. None.

(5) Landscaping. None.

(6) Height. None.

(f) Parking.

(1) An accessory dwelling unit shall require one off-street parking space per bedroom, and any such parking space or spaces shall be located on the same site as the accessory dwelling unit. No parking shall be required for an accessory dwelling unit described in subsection (6) of this subsection or an accessory dwelling unit described in subsection (e) of this section.

(2) Off-street parking shall be permitted in setback areas within a driveway that conforms to the standards in Section 9-4.2813 (Access to parking facilities), except that parking for an accessory dwelling unit shall not be located within a common driveway.

(3) Tandem parking, either within a garage or within a driveway conforming to the standards in Section 9-4.2813 (Access to parking facilities), shall be permitted.

(4) Off-street parking provided for an accessory dwelling unit may be covered or uncovered, and shall comply with the minimum dimensional requirements for 90-degree compact parking spaces set forth in Section 9-4.2817 (Design standards for parking areas). The minimum vertical clearance for any parking space shall be seven (7') feet.

(5) If an existing garage which provides the required covered off-street parking space or spaces for a primary dwelling unit is converted into an accessory dwelling unit or is

demolished to enable construction of an accessory dwelling unit, the required off-street parking space or spaces for the primary dwelling unit shall be replaced on-site. Any replacement parking space or spaces shall comply with the standards for parking spaces in subsections (2) through (4).

(i) The number of replacement spaces shall be equivalent to the number of spaces converted or demolished, although a greater number of replacement spaces may be provided.

(ii) The replacement off-street parking space or spaces shall conform to the same standards for required off-street parking for an accessory dwelling unit described in subsections (2) through (4), and may be provided in any configuration on the same site as the accessory dwelling unit, including without limitation as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. A mechanical automobile parking lift shall be located within a garage, or else shall be located behind the minimum front, side, and rear setbacks for accessory structures in the zoning district in which it is located.

(6) No parking shall be required for an accessory dwelling unit in any the following circumstances:

(i) The accessory dwelling unit is located within one-half mile of public transit.

(ii) The accessory dwelling unit is located within an architecturally and historically significant historic district identified in a local, state, or federal register of historical places.

(iii) The accessory dwelling unit is located within the living area of an existing primary dwelling unit or accessory structure.

(iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(v) When there is a car share vehicle located within one block of the accessory dwelling unit.

(g) Utilities.

(1) For an accessory dwelling unit described in subdivision (e), the accessory dwelling unit shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and the accessory dwelling unit shall not be subject to a related connection fee or capacity charge.

(2) For an accessory dwelling unit that is not described in subdivision (e), the accessory dwelling unit may be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013 of the Government Code, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or

sewer system, based upon either its size or the number of its plumbing fixtures. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) Fire sprinklers. An accessory dwelling unit of any type shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit.

(1) Fire sprinklers shall be considered "required for the primary dwelling unit" when an accessory dwelling unit is constructed concurrently with, or within two years of the date of successful final inspection of, another project constructed on the site which triggered a requirement to install fire sprinklers in the primary dwelling unit in accordance with the Pacifica Municipal Code.

(2) Notwithstanding any other provision of the Pacifica Municipal Code, fire sprinklers shall not be considered "required for the primary dwelling unit" solely on the basis that fire sprinklers are currently installed in the primary dwelling unit.

(i) Nonconforming sites and structures. The following standards shall apply to construction of accessory dwelling units on sites that do not comply with all zoning standards or that for any other reason are considered nonconforming.

(1) Zoning. Construction of an accessory dwelling unit shall be prohibited on any site that is not zoned in accordance with subsection (b) of Sec. 9-4.453.

(2) Lot or parcel size and dimensions. An accessory dwelling unit may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district, including without limitation sites which contain 3,999 square feet or less of area, provided the accessory dwelling unit is constructed in compliance with all other standards of this article. Approval of a site development permit or any other discretionary permit, except a coastal development permit for sites located within the Coastal Zone, shall not be required.

(i) An accessory dwelling unit not meeting the height, setback, lot coverage, or landscaping requirements of this article may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district upon approval of a variance. The procedure for considering a variance for an accessory dwelling unit shall be as set forth in Article 34. The minimum side and rear setbacks approved in a variance shall be not less than five (5') feet in order to remain sufficient for fire safety. An accessory dwelling unit that does not comply with any standard in this article other than height, setback, lot coverage, or landscaping requirements shall be prohibited.

(3) Nonconforming primary dwelling unit or accessory structure. An accessory dwelling unit may be constructed on a site containing a primary dwelling unit or accessory structure which site does not comply with all zoning standards, including without limitation off-street parking standards, provided the accessory dwelling unit complies with all standards contained in this article. The existing nonconformities of the primary dwelling unit or accessory structure shall not be considered when evaluating the application. An accessory dwelling unit shall not be established within the space of an existing primary dwelling unit or accessory structure, or an addition to a primary dwelling unit or accessory structure, located less than five (5') feet from a side or rear property line in order to provide a sufficient setback for fire safety,

except that the minimum side setback requirement shall not apply to the street-side of corner lots.

(4) Nonconforming accessory dwelling unit. An accessory dwelling unit that does not comply with all standards of this article shall be considered lawful but nonconforming if the accessory dwelling unit was lawfully constructed in accordance with standards in effect at the time of its construction. Such lawful but nonconforming accessory dwelling unit may be altered or expanded only to comply with local building regulations or to eliminate one or more nonconformities with the standards of this article.

(i) An accessory dwelling unit not lawfully constructed shall be governed by the provisions of Sec. 9-4.455.

(5) Elimination of required off-street parking for a primary dwelling unit. The elimination of any required off-street parking space or spaces for a primary dwelling unit as provided in subsection (f)(5) of Sec. 9-4.453 shall render the primary dwelling unit nonconforming but lawful. Any future expansion or alteration of such nonconforming but lawful primary dwelling unit shall be subject to the provisions of Article 30 of this chapter, including without limitation any requirement to construct off-street parking spaces in conjunction with the addition of one or more bedrooms to the primary dwelling unit.

(6) Change in circumstances. The determination of the applicability of the criteria described in Sec. 9-4.453(f)(6) to the site where an accessory dwelling unit is proposed shall be made as of the date of building permit issuance. Any subsequent change in applicability of these criteria to the site after issuance of a building permit shall not render an accessory dwelling unit nonconforming, and the accessory dwelling unit shall not be required to construct or otherwise provide parking.

Sec. 9-4.454. – Compliance with other regulations.

(a) An ADU which conforms to the requirements of this article shall not be considered to exceed the allowable density for the site upon which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designations for the site.

(b) An ADU shall not be considered in the application of any local growth control ordinance, policy, or program, including without limitation the City of Pacifica Growth Management Ordinance codified in Chapter 5 of Title 9 of the Pacifica Municipal Code.

(c) Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Section 30000 *et seq.* of the Public Resources Code) or the City's certified Local Coastal Plan, except that the Planning Director shall consider a coastal development permit application for an ADU administratively without a public hearing in accordance with the procedures for processing an administrative coastal development permit contained in Section 9-4.4306.

(d) Accessory dwelling units shall comply with all local building code requirements based on construction type and number of dwelling units except that utilities and fire sprinkler requirements shall be as provided in subsections (g) and (h) of Sec. 9-4.453, respectively.

(e) An applicant may apply for a variance or other relief from the standards of this article as provided elsewhere in this chapter. The procedure for considering a variance for an accessory dwelling unit shall be as set forth in Article 34.

(f) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(g) An accessory dwelling unit shall not be constructed on a site containing or constituting a "landmark" as that term is defined in Chapter 7 (Historic Preservation) of Title 9 without first obtaining approval of a historic preservation permit as provided in that chapter.

Sec. 9-4.455. – Legalization of existing units.

(a) Unlawful and nonconforming. Every accessory dwelling unit constructed prior to the effective date of this article which has not successfully completed a final building permit inspection shall be considered unlawful and nonconforming.

(b) An unlawful and nonconforming accessory dwelling unit may be legalized and considered conforming by complying with all provisions of this article and by successfully completing a final inspection of the work authorized in a building permit. An unlawful and nonconforming accessory dwelling unit shall not be altered or expanded except to achieve full compliance with the standards of this article.

(c) An accessory dwelling unit, the construction of which commenced or commences pursuant to a building permit issued prior to the effective date of this article, shall not be considered unlawful and nonconforming provided the accessory dwelling unit is constructed and successful completion of a final inspection is achieved within two years of the effective date of this article, or during the period in which the building permit is valid, whichever period is shorter.

Section 4. Amended. Article 5 of Chapter 4 of Title 9 of the Pacifica Municipal Code (R-2 Two-Family Residential District) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec. 9-4.501. - Permitted and conditional uses.

(a) Permitted uses. The following uses shall be permitted in the R-2 District:

(1) Single-family dwellings on parcels less than 5,800 square feet in area;

(2) Two-family dwellings;

(3) Accessory buildings and uses;

(4) Child day care homes for twelve (12) children or less;~~ and~~

(5) Special care facilities for six (6) or fewer persons~~.~~; and

(6) Accessory dwelling units on sites that contain an existing attached or detached single-family dwelling, subject to the standards of Article 4.5.

* * * * *

Sec. 9-4.502. - Development regulations.

Development regulations in the R-2 District shall be as follows:

* * * * *

(k) Notwithstanding the provisions of this section, the development regulations for accessory dwelling units shall be those set forth in Article 4.5

Section 5. Amended. Article 6 of Chapter 4 of Title 9 of the Pacifica Municipal Code (R-3 Multiple-Family Residential District) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec. 9-4.601. - Permitted and conditional uses.
(a) Permitted uses. The following uses shall be permitted in the R-3 District:

(1) Duplexes and multiple-family dwellings;

(2) Accessory buildings and uses;

(3) Child day care homes for twelve (12) children or less; ~~and~~

(4) Special care facilities for six (6) or fewer persons~~.~~; and

(5) Accessory dwelling units on sites that contain an existing attached or detached single-family dwelling, subject to the standards of Article 4.5.

* * * * *

Sec. 9-4.602. - Development regulations.

Development regulations in the R-3 District shall be as follows:

* * * * *

(l) Notwithstanding the provisions of this section, the development regulations for accessory dwelling units shall be those set forth in Article 4.5

Section 6. Amended. Article 19 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Agricultural District (A)) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec.9-4.1901. – Uses permitted: Restrictions (A).

* * * * *

~~(d)(2) One second residential unit as defined in Article 4.5 of Chapter 4 of this title.~~

* * * * *

Section 7. Amended. Article 22 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Planned Development District (P-D)) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec.9-4.2208. – Specific plans: Submission (P-D).

* * * * *

(l) Exceptions. The provisions of this article shall not apply to the following types of development:

(i) An accessory dwelling unit constructed in accordance with the provisions of Article 4.5 (Accessory Dwelling Units).

Section 8. Amended. Article 23 of Chapter 4 of Title 9 of the Pacifica Municipal Code (General Provisions and Exceptions) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec.9-4.2313. – Minimum dwelling unit sizes.

* * * * *

(c) Exceptions. ~~Second residential~~Accessory dwelling units, as defined in Section 9-4.452 of Article 4.5 of this chapter, and multiple-family housing developed for senior citizens shall not be regulated by the minimum dwelling unit standards of this article.

Section 9. Amended. Article 27 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Projections into Yards) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec. 9-4.2704. - Accessory buildings.

(a) In the event an accessory building is attached to the main building, such accessory building shall be made structurally a part of the main building, and comply in all respects with the requirements of this chapter applicable to the main building. Unless so attached, the following regulations shall apply to accessory buildings in all residential districts:

* * * * *

(7) An accessory dwelling unit constructed in accordance with Article 4.5 of this chapter shall not be considered an "accessory building" for purposes of this section.

* * * * *

Section 10. Amended. Article 28 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Off-Street Parking and Loading) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec. 9-4.2804. - Facilities for existing buildings.

Accessory off-street parking or loading facilities which are located on the same site as the building or use served shall not be reduced below, or, if already less than, shall not be further reduced below, the requirements of this article for a similar new building or use. The off-street parking facilities for a primary dwelling unit may be reduced or eliminated as provided in Article 4.5 of this chapter for construction of an accessory dwelling unit.

* * * * *

Sec. 9-4.2813. - Access to parking facilities.

(a) All required off-street parking spaces shall be non-tandem except as provided for accessory dwelling units in Article 4.5 of this chapter. All off-street parking spaces for residential uses shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking spaces. All off-street parking facilities shall be designed in a manner which will least interfere with traffic movements.

* * * * *

(c) Residential driveways and access roadways shall provide a permanent, unobstructed passageway constructed to the following standards:

(1) When any portion of an exterior wall of the first story of a structure is located more than 150 feet from Fire Department vehicle access, the driveway shall be considered the Fire Department access roadway and shall conform to the applicable provisions of the California~~Uniform~~ Fire Code.

(2) A driveway serving one dwelling unit shall be a minimum of ten (10') feet in width. For purposes of this subsection, a site containing an accessory dwelling unit shall be subject to the standards for a driveway serving one dwelling unit.

* * * * *

Sec. 9-4.2818. - Number of parking spaces required.

The number of off-street parking spaces required for the uses set forth in this section shall be as follows:

(a) Residential.

* * * * *

(9) Accessory dwelling units. Spaces shall be provided as required by Article 4.5 of this chapter.

* * * * *

Section 11. Amended. Article 30 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Nonconforming Lots, Structures, and Uses) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec.9-4.3002. – Continuance of nonconformities.

The lawful use of a building or of land which existed at the time of the adoption of this chapter or any amendment thereto, although such use does not conform to the regulations specified for the district in which the use is located, may be continued subject to the following provisions:

(a) Nonconforming lots. All lots which do not meet the minimum lot area or dimensional standards of the district in which they are located are hereby deemed nonconforming lots. Undeveloped, nonconforming lots may be considered legal building sites and have a structure or building erected upon them provided any new structure or building meets all applicable development standards, except that mergers of lots or parcels which come into common ownership on or after July 1, 1984, shall be accomplished pursuant to the merger procedures set forth in Article 12 of Chapter 1 of Title 10 of the Code. In addition, all regular building sites which contain 3,999 square feet or less and are located in any residential district shall be used solely for one single-family residence or accessory dwelling unit. Any structure for which a building permit is required and which is to be constructed on a nonconforming building site as described in this section shall require a site development permit, except an accessory dwelling unit which shall be governed by the standards of Article 4.5 of this chapter, and except a new structure~~s~~ or~~and~~ modification~~s~~ to an existing structure~~s~~ other than an accessory dwelling unit located in the R-1, Single-Family Residential District~~s~~ that ~~shall not require Site Development Permits if they~~ meets the development standards for lot coverage and landscaping and additional standards listed below:

* * * * *

Section 12. Amended. Article 32 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Site Development Permits) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec.9-4.3201. – Required.

(a) No building permit shall be issued by the Building Official for any new construction or any addition which increases an existing structure's gross square footage by fifty (50%) percent or more in any R-1-H, R-3, R-3.1, R-3-G, R-3/L.D., R-5, or Commercial District, except upon an application and the issuance of a site development permit to the property owner in accordance with the provisions of this article. Except, however, that construction of an accessory dwelling unit shall not require issuance of a site development permit if undertaken in accordance with all standards of Article 4.5 of this chapter.

* * * * *

(c) A site development permit shall be required for any new ~~single-family~~ construction upon substandard lots in the R-1 (Single-Family Residential) or R-2 (Two-Family Residential) zoning districts ~~or for the new construction or legalization of second residential units if determined by the Planning Administrator that the project does not meet all applicable development standards.~~ Except, however, that a site development permit shall not be required for construction of an accessory dwelling unit which is undertaken in accordance with all standards of Article 4.5 of this chapter. Consideration of a site development permit for an accessory dwelling unit shall not include consideration of the accessory dwelling unit use, but may consider the physical characteristics of the development, other than parking, including without limitation lot coverage, floor area ratio, landscaping, distance between structures, and Design Guidelines consistency.

* * * * *

Section 13. Amended. Article 34 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Variances) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec. 9-4.3404. - Granting or denial: Findings: Conditions.

(a) The Commission shall grant a variance only when all of the following findings are made:

(1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

(2) That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;

(3) Where applicable, that the application is consistent with the City's adopted Design Guidelines; and

(4) If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

(b) On the basis of such findings, the Commission may grant, conditionally grant, or deny the application for a variance.

(1) Consideration of a variance for an accessory dwelling unit shall include the deviation from development standards as they relate to physical development of the site only, and shall not include the use as an accessory dwelling unit.

(c) In granting any variance, the Commission shall impose such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges

inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

* * * * *

Section 14. Amended. Article 42 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Transfer of Residential Development Rights) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec.9-4.4204. – Receiving areas.

(a)(6) ~~Land designated as R-1 (single family - residential district) is eligible to receive transfer units only for the purpose of construction of a second residential unit on a single building site. The density limitations of Section 9-4.453 of this Code shall not apply to such a transfer.~~Repealed by Ordinance No. XXX-XX [this Ordinance].

* * * * *

Section 15. Amended. Article 43 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Coastal Zone Combining District) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

Sec.9-4.4302. – Definitions.

* * * * *

(y) "Department" shall mean the City of Pacifica Planning ~~and Building~~ Department.

* * * * *

(aa) "Director" shall mean the City of Pacifica Planning ~~and Building~~ Director, or her/his designee.

* * * * *

(aq) "Rare and/or endangered species" shall mean those animal or plant species identified as rare, endangered, and/or threatened by the United States Department of Interior Fish and Wildlife Service, or the California Department of Fish and ~~Game~~Wildlife.

* * * * *

Sec.9-4.4303. – Coastal development permit requirement.

* * * * *

(i)(2)(iv) ~~Second residential~~ Accessory dwelling units which meet all of the criteria as set forth in ~~Pacifica Municipal Code 9-4.4.5~~Article 4.5 of this chapter. However, a coastal development permit shall be required for new single-family residences and for new ~~second residential~~accessory dwelling units located within the Coastal Commission's appeal jurisdiction

as defined in ~~PRC~~Section 30603(a)~~1-5~~ of the Public Resources Code because a risk of adverse environmental impact is involved~~;~~. The Director shall consider a coastal development permit application for an accessory dwelling unit administratively without a public hearing pursuant to the procedures in Section 9-4.4306, Administrative coastal development permit.

Sec. 9-4.4304. - Coastal development permit procedures and findings.

* * * * *

(e) Posting. Within ten (10) calendar days after an application for a coastal development permit is accepted as complete for filing, the applicant shall post, in a conspicuous place on the development site and at the nearest public library, a notice provided by the Director indicating that a coastal development permit application has been submitted. This notice shall include the file number and a general description of the proposed project along with the telephone number of the ~~Community Development and Services~~ Department. Failure by the applicant to post or maintain such a notice throughout the permit review process shall constitute grounds for the suspension of the permit process by the Director, Planning Commission or City Council.

Sec. 9-4.4305. - Coastal development permit appeal.

* * * * *

(b) City Council. Any person aggrieved by any action or decision of the Planning Commission, may appeal to the City Council in writing within ten (10) calendar days pursuant to Article 36 of this chapter ~~accompanied by a fee as set forth in City Administrative Policy No. 2~~. Upon appeal, the City Council may approve, deny, or modify the decision of the Planning Commission or refer the matter back to the Planning Commission for reconsideration.

* * * * *

Sec. 9-4.4306. - Administrative coastal development permit.

(a) Applicability. The provisions of this section shall apply to all cases where the Director determines that an administrative coastal development permit is appropriate because the proposed development is minor in nature, including improvements to an existing structure; a single-family dwelling; an accessory dwelling unit; and development specifically authorized as a principal permitted use in the Pacifica Zoning Code not requiring a use permit, variance, subdivision map, planned development permit, or site development permit.

(b) Limitations. The Director may not issue an administrative permit if the proposed development:

(1) Lies within the California Coastal Commission's continuing permit jurisdiction pursuant to the California Coastal Act, Section 30519, or is appealable to the Commission pursuant to the California Coastal Act, Section 30603. Except, however, the Director may issue an administrative permit for an accessory dwelling unit within the "coastal zone, appeal zone" subject to the provisions in subsection (m) ; or

(2) Involves a structure or similar integrated physical construction that lies partly within and partly outside the California Coastal Commission's Appeal Zone. In this case, the entire structure or similar integrated physical construction must be subject to at least one public

hearing. As an exception to the public hearing requirement, the Director shall not conduct a public hearing when considering an administrative permit for an accessory dwelling unit in accordance with the provisions in subsection (m); or

* * * * *

(e) Notice ~~by mail. At least seven (7) calendar days prior to the first public hearing on a proposed coastal development, the Director shall provide notice by first-class mail of the pending coastal development permit application to all persons known to be adversely affected who have stated in writing that they wish to receive such notice. Notice shall also be posted and publicized pursuant to the procedures of Section 9-4.4304, Coastal Development Permit Procedures and Findings, subsections (e), (i) and (j).~~ Prior to the first public hearing on a proposed coastal development, the Director shall provide notice as provided in this subsection.

(1) Posting. Post notice of receipt of a coastal development permit application pursuant to the procedures of subsection (e) of Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(2) Notice by mail. Provide notice by first-class mail of the pending public hearing to consider the coastal development permit application pursuant to the procedures of subsections (1) through (4) of subsection (g) of Section 9-4.4304, Coastal Development Permit Procedures and Findings. The content of a mailed notice shall include the information specified in subsection (h) of Section 9-4.4304.

(3) Posted notice. Post notice of the pending public hearing to consider the coastal development permit application pursuant to the procedures of subsection (i) of Section 9-4.4304, Coastal Development Permit Procedures and Findings.

(4) Published notice. Publish notice of the pending public hearing to consider the coastal development permit application pursuant to the procedures and content requirements of subsection (j) of Section 9-4.4304, Coastal Development Permit Procedures and Findings.

* * * * *

(g) Effective date of administrative permit.

* * * * *

(1) If three (3) members of the Planning Commission so determine, the issuance of an administrative permit shall be declared invalid, but may, if the applicant wishes to pursue the application, be resubmitted as a coastal development permit application, subject to all provisions of Section 9-4.4304, Coastal Development Permit Procedures and Findings. However, the Planning Commission may not invalidate an administrative coastal development permit for an accessory dwelling unit; and

* * * * *

(i) Appeal. The decision of the Director may be appealed to the Planning Commission within ~~seven~~ten (~~7~~10) calendar days pursuant to ~~the Pacifica Municipal Code~~Article 36 of this chapter~~, Title 1, Chapter 4~~. Upon appeal, the Planning Commission may approve, deny or modify the decision of the Director. The Planning Commission's decision to approve, deny or

modify the decision of the Director may be appealed to the City Council within ten (10) calendar days pursuant to Article 36 of this chapter. Any appeal to the Planning Commission or City Council related to consideration of an accessory dwelling unit shall be conducted as a public hearing.

* * * * *

(m) Accessory dwelling units. The provisions of this section shall apply to processing an application for a coastal development permit to construct an accessory dwelling unit, as defined in Article 4.5 of this chapter, except as modified by this subsection.

(1) Public hearing. The Director shall consider a coastal development permit application for an accessory dwelling unit administratively without a public hearing.

(2) Notice. Where this section requires public notice to be provided, the procedures for providing public notice set forth in subsection (e) shall apply to an application to construct an accessory dwelling unit and to appeals of any approval of an accessory dwelling unit.

(i) Notice of the Director's consideration of a coastal development permit to construct an accessory dwelling unit shall indicate that a public hearing will not be conducted. The notice shall also indicate the date by which public comments must be received by the Director in order to be considered prior to a decision on the application, with such deadline not less than ten (10) calendar days from the date of the notice. The notice shall further specify that only written public comments will be accepted, shall include the mailing address to which comments may be submitted, and whenever possible, shall include provisions to submit public comments electronically either by electronic mail, an online form, or other comparable means. Additionally, the notice shall indicate whether the coastal development permit is subject to appeal to the Coastal Commission.

(ii) Notice of an appeal hearing before the Planning Commission or City Council shall be provided in accordance with the standard provisions of subsection (e) for public hearings.

(3) Findings. The findings required for approval of a coastal development permit to construct an accessory dwelling unit shall be the same as those in Section 9-4.4304(k), except that the Director shall not include consideration of the accessory dwelling unit use when making findings. The Director's review may consider all other permissible considerations, including without limitation the potential physical or environmental impacts from development of the site.

(4) Appeals. The Director's determination on an administrative coastal development permit for an accessory dwelling unit shall be subject to the same appeal procedures applicable to all administrative coastal development permits, including that the Planning Commission or City Council shall conduct a public hearing.

Section 16. Amended. Chapter 5 of Title 9 of the Pacifica Municipal Code (Growth Control) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec.9-5.04. – Exemptions.

* * * * *

(f) ~~Second residential~~Accessory dwelling units as defined by the City's ~~Second Residential~~Accessory Dwelling Unit Ordinance, Pacifica Municipal Code, Title 9, Article 4.5;

Section 17. Amended. Chapter 7 of Title 9 of the Pacifica Municipal Code (Historic Preservation) is hereby amended as follows (deletions in ~~strikethrough~~, additions in underline):

* * * * *

Sec.9-7.304. – Hearings: Notices.

Notice of the time and date set for public hearings by the Planning Commission and, on appeal, the Council shall be given as required for use permits by Section 9-4.3302 of Article 33 of Chapter 4 of this title. Except, however, that notice of a project proposing construction of an accessory dwelling unit shall be provided as set forth in subsection (a).

(a) Notice of proposed accessory dwelling unit. The public notice of consideration by the Planning Administrator of an application to construct an accessory dwelling unit shall indicate that a public hearing will not be conducted. The notice shall also indicate the date by which public comments must be received by the Planning Administrator in order to be considered prior to a decision on the application, with such deadline not less than ten (10) calendar days from the date of the notice. The notice shall further specify that only written public comments will be accepted, shall include the mailing address to which comments may be submitted, and whenever possible, shall include provisions to submit public comments electronically either by electronic mail, an online form, or other comparable means.

Sec.9-7.305. – Hearings.

The Planning Commission and, on appeal, the Council shall hold a public hearing before taking action on the permit application. The applicant and any interested party may present testimony or documentary evidence concerning the proposed application. Except, however, that a project proposing construction of an accessory dwelling unit shall be considered by the Planning Administrator and shall not require a public hearing. Notice for a project proposing an accessory dwelling unit shall be provided as set forth in Sec. 9-7.304.

Sec. 9-7.306. - Standards for review: Alterations.

(a) In evaluating applications, the Planning Commission and Council shall consider, among other things, the purposes of this chapter, the historical and architectural value of the landmark, the texture, material, and color of the structure in question and its appurtenant fixtures and signs, the relationship of such features to similar features of other buildings within the area, and the position of such structure in relation to the street and to other structures. The

Planning Administrator's consideration of an application to construct an accessory dwelling unit shall consider these same factors but shall not consider the use as an accessory dwelling unit.

(b) The Planning Administrator, Planning Commission and Council shall approve an application if they make the following findings:

(1) That the landmark or portion thereof is in such a deteriorated condition that it is not feasible to restore or preserve it;

(2) That the owner would have no reasonable economic use of the property unless the structure is removed; or

(3) That the proposed use will provide an overriding and substantial benefit to the citizens of the City which could not be provided unless the structure is removed.

* * * * *

Sec. 9-7.308. - Appeals.

An appeal of the Planning Commission's action concerning an historic preservation permit shall be permitted as required for use permits by Section 9-4.3304 of Article 33 of Chapter 4 of this title. An appeal of the Planning Administrator's action concerning an historic preservation permit shall be permitted as required for decisions of the Zoning Administrator by Section 9-4.3804 of Article 38 of Chapter 4 of this title.