



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA
Planning, Building, and Code Enforcement
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MAYOR
Sue Digre

MAYOR PRO TEM
Mike O'Neill

COUNCIL
Karen Ervin
Mary Ann Nihart
John Keener

DATE: October 17, 2016

ITEM: 3

FILE: AMEND PSD-790-14
AMEND PV-513-14
AMEND PE-160-15

PUBLIC NOTICE: Notice of Public Hearing was published in Pacifica Tribune on August 24, 2016, and mailed to 60 surrounding property owners and occupants. During the September 6, 2016, Planning Commission meeting, this item was continued until October 17, 2016.

APPLICANTS/OWNERS: David Blackman & Mike O'Connell
375 Keith Avenue
Pacifica, CA 94044
650-766-6316

LOCATION: 4009 Palmetto Avenue (APN: 009-402-270)

PROJECT DESCRIPTION: Amend approval to construct four detached studio apartments and four carports to allow construction of a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage.

General Plan: Medium Density Residential

Zoning: R-3-G/CZ (Multiple Family Residential Garden District/ Coastal Zone Combining District)

CEQA STATUS: Class 3 Categorical Exemption, Section 15303(b); Class 2 Categorical Exemption, Section 15302(c); and Class 4 Categorical Exemption, Section 15304(f)

ADDITIONAL REQUIRED APPROVALS: None. Subject to appeal to the City Council.

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Bonny O'Connor, Assistant Planner

ZONING STANDARDS CONFORMANCE:

TABLE 1

<u>Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	7,500 sf min	18,411 sf	No Change
Lot Size per Dwelling	2,300 sf min	N/A	4,603 sf
Lot Width	60 ft. min	179 ft.	No Change
Lot Coverage	50 % max	0 %	21%
Dwelling Unit Size			
Apartment 1 & 3	600 sf min	N/A	1170 sf
Apartment 2 & 4	800 sf min	N/A	1140 sf
Building Height	35 ft. max	N/A	35 ft.
Landscaping	25 % min	N/A	78 %
Dwelling Setbacks			
Front	15 ft.	N/A	15 ft.
Garage	20 ft.	N/A	20 ft.
Side	5 ft.	N/A	North: 5 ft. South: 94.5 ft.
Rear	20 ft.	N/A	20 ft.
Projection Setbacks¹			
Front	9 ft.	N/A	9.8 ft. to deck
Side	4 ft.	N/A	North: 2.5 ft. to deck ² South: 87 ft. to on grade patio
Rear	14 ft.	N/A	14 ft. to outdoor stairway beyond 30in above grade
Usable Open Space	450 sf per unit	N/A	462.75 sf per unit
Parking	7 spaces ³ , four of which need to be onsite and covered.	N/A	7 spaces, five of which are onsite and covered.
Guest Parking	1 space	N/A	1 space

Notes:

ft. – feet

max – maximum

min – minimum

sf – square feet

1. PMC Section 9-4.2703

2. Variance requested

3. Per PMC Section 9-4.2118(a)(2), 1.5 parking spaces per 1 bedroom unit and 2 parking spaces per 2 bedroom unit.

A. STAFF NOTES

1. Background

On April 6, 2015, the Planning Commission approved, with conditions, Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14¹, and Parking Exception PE-160-15 for the applicants' proposed development of four detached studio apartments and carports on the project site (Resolution Nos. 914, 915, 916, and 917 respectively). Variance PV-513-14 reduced the required minimum usable open space per unit from 450 square feet to 200 square feet. Parking Exception PE-160-15 allowed for one unenclosed guest parking space within the front setback.

On April 15, 2015, an appeal was filed by the public to the City Council in opposition to the Planning Commission's action. On June 22, 2015, the City Council denied the appeals and upheld the Planning Commission's conditional approvals of PSD-790-14, CDP-347-14, PV-513-14, and PE-160-15 (Resolution No. 20-2015). On July 10, 2015, an appeal was filed by the public to the California Coastal Commission (CCC) in opposition to the local decision of CDP-347-14.

On April 13, 2016, the CCC approved a redesigned development project (Application No. A-2-PAC-15-0046; Attachment A), with conditions. Rather than the originally-proposed development of four detached studio apartments and carports, the CCC approved a redesigned project that included a three-story, four-unit apartment building.

The applicants now seek to amend the City-issued permits to conform to the revised project described in the CCC's final approval of CDP-374-14, and the applicants have therefore submitted an application to amend Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to provide for the construction of a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage.

The redesigned project was presented to the Planning Commission at its meeting of September 6, 2016. The commissioners discussed the project, but decided to continue the item to the regularly scheduled Planning Commission meeting on October 17, 2016, when more than four commissioners are anticipated to be present.

This staff report supplements the September 6, 2016, staff report by addressing comments made by commissioners, the applicants, and the public during the September 6th Planning Commission meeting, as well as additional comments submitted by the public after the meeting.

2. Revisions to Project Description

The applicants' revised project, which has already been approved by the CCC, would include installation of a new storm drain pipe that would interconnect with the existing 18-inch pipe that has the sleeved outfall in the ravine on the west side of Palmetto and redirects the flow south down Palmetto Avenue to connect with the City's existing storm drain infrastructure.

¹ The applicants' proposal for PV-513-14 would have allowed the four detached studio apartments to have a dwelling space 50 sf less than the 450 sf minimum in addition to the reduction of usable open space from 450 sf per unit to 200 sf per unit. The Planning Commission approved the reduction of usable open space, but denied the reduction of dwelling space.

In response to comments from the public regarding the applicants' proposed storm drain infrastructure, the applicants submitted a revised design for their proposed storm drain infrastructure on September 19, 2016 (Attachment D). The revised storm drainage plan relocates the infrastructure from the east side of the arroyo willow to within the already developed street on the west side of the arroyo willow. Recent conversations between City and CCC staff suggest that the revised location of the storm drainage is acceptable to CCC staff and would not trigger the need for an amendment to the existing CCC CDP approval. The Pacifica Public Works Department has no objections to the proposed location so long as the conditions provided below are met to ensure that connection of the proposed storm drainage infrastructure would not negatively impact the City's existing infrastructure. The proposed revisions to the storm drain infrastructure would be exempt from CEQA under both the Class 2 Categorical Exemption and the Class 4 Categorical Exemption. With respect to the Class 4 Categorical Exemption, none of the exceptions to the exemption apply (there are no exceptions to the Class 2 Categorical Exemption).

If the project is approved, Condition No. 27 would require the applicants to submit hydrology calculations to prove that the City's storm drain system would be able to handle the redirected flow. In the event that the City determined that the City storm drain system would be negatively impacted by the proposed improvement based on the review of the submitted calculations, the applicants would be required, at their sole expense, to mitigate the negative impact on the City storm drain system to the satisfaction of the City Engineer. Occupancy of the structure would be prevented until the applicants mitigate any negative impact on the City's stormwater system.

The applicants have proposed no other modifications to the project description since the Planning Commission meeting of September 6, 2016.

3. Planning Commissioners Comments

a. *Planning Commissioners provided the applicants with the following suggestions for potential redesigns of the project during the September 6, 2016 meeting:*

- Reduce height of the structure;
- Reduce bulk of the structure;
- Reduce unit size to studios or 1 bedrooms;
- Incorporate green roofs; and
- Redesign the structure to avoid additional regulatory requirements, such as the Van Accessible parking.

Discussion: The applicants informed City staff on September 28th that they did not intend to revise the design of the proposed development in response to the suggestions provided at the Planning Commission meeting of September 6, 2016.

b. *Commissioners requested staff to provide an alternative proposed resolution to deny the project and address comments on the conditions of approval.*

Discussion: City staff has provided the Planning Commission with both a proposed resolution for approval and a proposed resolution for denial, in Attachments B and C, respectively. A draft motion for

each resolution is included below in Section B of this report. Additionally, staff and the applicants resolved comments regarding Conditions of Approval (COAs) and the revised COAs are included with the resolution to approve the project in Attachment B.

- c. *Commissioners requested staff to provide a better understanding of the CASp certification and the Van Accessibility requirement.*

Discussion: The California Department of General Services created the Certified Access Specialist (CASp) program to meet the public's need for experienced, trained, and tested individuals who can inspect buildings and sites for compliance with applicable state and federal construction-related accessibility standards. CASp-certified inspectors have passed a state-issued examination and obtain continuing educational credits regarding accessibility standards. CASp inspectors are not provided jurisdiction or authority over a project and their certification only provides evidence that they have a detailed understanding of the accessibility standards.

Three CASp inspectors reviewed the proposed project plans on behalf of the City. They concluded that due to the number of required parking spaces and the multifamily occupancy, the development required a Van Accessible parking space in the garage in order to comply with the federal Americans with Disabilities Act (ADA) standards and California law. The Building Official has offered the applicants the option to secure the services of their own CASp inspector to provide an outline of the site conditions and how they determined that they would be exempt from providing the Van Accessible parking space within the garage (or on-site). The final determination if a Van Accessible space is required will be made prior to the issuance of a building permit (per Condition No. 14) and is the responsibility of the Building Official. The Planning Commission is only being asked to consider the alternative designs prepared by the applicants that would result if the Van Accessible parking space is determined necessary.

4. Applicants' Comments

- a. *The applicants had comments on several of the COAs in the September 6, 2016, Resolution including Condition Nos. 11, 15, 30, 35, 36, and 37.*

Discussion: The applicants requested more clarity on Condition No. 11. City staff has revised the condition as requested.

The applicants requested that Condition No. 15 be removed as the sidewalk would go through the willow that the CCC wants to protect. The applicants requested that if the condition isn't removed that it be revised to require the applicants of the "Bowl" property to be responsible for permitting the removal of the willow through the CCC so that the sidewalk could be constructed, including any mitigation that might be required to remove the willow. The applicants also suggested replacing this condition with a condition that requires the applicants to conduct off-site sidewalk repairs/upgrades. This condition originated at the request of City Council as part of its review of the project on appeal on June 22, 2015. As discussed by City Council at that time, this condition is necessary in order to meet the policy requirements of Administrative Policy No. 74, Complete Streets Policy. The City Council considered that there is no connecting sidewalk on either side of the property. Therefore the condition attached the development of the adjacent "Bowl" property as a trigger for the

development of the sidewalk. The applicants are responsible for the compliance with the Complete Streets Policy along the frontage of the proposed project site and therefore staff found that redirecting the permitting and any mitigation responsibility to any potential "Bowl" applicants is inappropriate and potentially unenforceable. Lastly, the City Council did not support the idea of allowing the applicants to conduct off site sidewalk repairs/upgrades instead of the sidewalk installation when the applicants proposed it during the public hearing on June 22, 2015. Therefore, no revisions were made to Condition No. 15 from the September 6, 2016, public hearing in response to the applicants' comments.

NCFA Deputy Fire Chief Johnson resolved the applicants' comments on Condition Nos. 30, 35, 36, and 37.

The updated COAs are included in the attached resolution for approval (Attachment B).

5. Public Comments

Copies of written public comments received prior to the publication of this staff report are included in Attachment F. Copies of spoken public comments at the Planning Commission meeting of September 6, 2016, are included in the minutes as Attachment A.

- a. *The California Coastal Commission did not issue a Coastal Development Permit, no action is required until CDP is issued (Sources: Letter dated September 3, 2016, and stated at September 6, 2016, Planning Commission meeting)*

Discussion: The Coastal Commission approved the proposed development and has issued a Notice of Intent to Issue Permit for the Coastal Development Permit. The Notice of Intent lists 10 special conditions that the applicants must fulfill prior to the issuance of a CDP. Coastal Commission staff will issue the CDP once the applicants address each condition to the satisfaction of CCC staff. This process is similar to the process used by the City's Planning Commission in that, the commissioners would approve a project with the incorporation of conditions that must be met prior to the issuance of any building permits and staff is responsible to ensure that the conditions are fully addressed.

Additionally, PMC Section 9-4.4304(o) states that no local permit shall be effective where a coastal development permit is required until the effective date of the coastal development permit. Therefore, there should be no concern that the applicants may start the project prior to finalizing the CDP process as the local permits would not be effective until the CDP is issued.

- b. *The storm drain is located within the buffer around the willow tree. (Sources: Letter dated September 3, 2016, and stated at September 6, 2016, Planning Commission meeting)*

Discussion: As further detailed in Section A.2, the applicants have rerouted their proposed storm drain infrastructure into the developed street right of way to avoid undeveloped areas within the 50 foot buffer of the Arroyo willow. Recent conversations between City and CCC staff suggest that the revised location of the storm drainage is acceptable to CCC staff and would not trigger the need for an amendment to the existing CCC CDP approval. The Pacifica

Public Works Department has no objections to the proposed location. This change does not trigger any of the exceptions to the CEQA exemptions as further discussed in Section A.5.a.iii.

- c. *The project is not exempt from CEQA, and an EIR needs to be prepared (Sources: Letter dated September 3, 2016, and stated at September 6, 2016, Planning Commission meeting)*

Discussion: The proposed project would be exempt from CEQA under the Class 3 Categorical Exemption and none of the exceptions [specifically, Section 15300.2 (a) through (c)] to the exemption apply to the proposed project as further discussed below. The proposed revisions to the storm drain infrastructure would be exempt from CEQA under both the Class 2 Categorical Exemption and the Class 4 Categorical Exemption. With respect to the Class 4 Categorical Exemption, none of the exceptions to the exemption apply (there are no exceptions to the Class 2 Categorical Exemption).

- Sec. 15300.2(a): The location of the proposed project would not impact an environmental resource of hazardous or critical concern, where designated, precisely mapped, and officially adopted pursuant to federal, state, or local agencies. While the willow tree may be considered a wetland by CCC under a one parameter survey, the willow does not meet the standard for the exception in Section 15300.2(a). Because the project would not impact an environmental resource of hazardous or critical concern, where designated, precisely mapped, and officially adopted pursuant to federal, state or local agencies, the exception in Section 15300.2(a) is inapplicable. Further, with respect to the willow, it is important to note that the CCC determined that observance of the 50-foot buffer from the willow would, in its judgment, “avoid significant adverse effects on the environment within the meaning of CEQA.”² Here, the only aspect of the project that is located within the 50-foot buffer is the storm drainage infrastructure. The applicants’ proposed relocated storm drainage would move the trenching activities from an undeveloped area within 50-buffer of the willow to a location within the already developed street.
- Sec. 15300.2(b): Staff reviewed the current status for the entitlements for the “Bowl” property and found that Use Permit UP-882-01, Site Development Permit PSD-699-01, and Coastal Development Permit CDP-203-01 were extended for one year in 2011 and again for one year in 2012. It appears the City-issued permits for the Bowl property expired on 8/12/2013. There is no foreseeable future development in the area to create a significant impact.
- Sec. 15300.2(c): The presence of an Arroyo willow, which the CCC considers to be a wetland under a one parameter survey, is not an unusual circumstance. The California Native Plant Society describes the Arroyo willow as “an abundant and widespread native tree or shrub that grows in northern, southern and central California” and identifies Pacifica as within its natural range³. Further, as mentioned above, the CCC determined

² California Coastal Commission. 2016. Appeal Staff Report: Substantial Issue Determination & De Novo Hearing. Appeal No. A-2-PAC-15-0046. Staff Report 3/30/2016. Page 30, 38.

³ California Native Plant Society. 2016. Arroyo Willow. Website: [http://calscape.org/Salix-lasiiolepis-\(Arroyo-Willow\)?srchr=sc57c996a34e156](http://calscape.org/Salix-lasiiolepis-(Arroyo-Willow)?srchr=sc57c996a34e156). Accessed September 2, 2016.

that observance of the 50-foot buffer from the willow would, in its judgment, “avoid significant adverse effects on the environment within the meaning of CEQA.” Additionally, the applicants’ proposed relocated storm drainage would move the trenching activities from an undeveloped area within 50-buffer of the willow to a location within developed street. Although construction within the already developed street would be located within the 50 foot buffer, the construction and use of the storm drainage would not create a significant adverse effect to the willow, as the new location within the street does not contribute to nor facilitate the health of the willow.

- d. *The site condition at the project requires deviation from the General Plan standard of 10 units per acre minimum (Source: Email received September 20, 2016).*

Discussion: The project site’s General Plan land use designation is Medium Density Residential (MDR). The General Plan land use definition for MDR states that the designation indicates “an average of 10 to 15 dwelling units per acre. Site conditions will determine specific density and building type. Site conditions include slope, geology, soils, access, availability of utilities, public safety, visibility, and environmental sensitivity.” (General Plan, p. 32.) Here, the project site is 0.42 acres and therefore the density for the project site is 4 to 6 units. The proposed four-unit apartment building is consistent with the use type and density allowed within the MDR land use designation. The site conditions are considered when determining the specific density within the 10 to 15 dwelling units per acre range. The commenter provides no specific basis for deviation from the General Plan standard other than a reference to site conditions, nor does the commenter articulate how site conditions could allow for a density below the minimum General Plan standard.

- e. *Coastal Commission’s wetlands expert identified a 3-parameter wetland on a nearby property in Exhibit 6 and 15 of the 2016 Coastal Commission Staff Report. Require the developer’s consultant to provide a report on that wetland and the impact of the proposed project on the wetland (Source: Email received September 20, 2016).*

Discussion: Exhibit 6 of the 2016 Coastal Commission Staff Report is a memo from Dr. Koteen (dated July 24, 2015), which states that there is potential that a one-parameter wetland is present on the project site based on the identification of FACW species on site and the close proximity and similar elevations of a three parameter wetland delineated 16 years prior on an adjacent property. Exhibit 15 is a figure from an environmental consultant which shows the delineation of a one parameter wetland on the adjacent property (dated February 13, 2015). As a result the applicants had a one parameter delineation conducted on the project site (dated July 29, 2015), which identifies the one parameter wetland located west of the project site. In Exhibit 6 or 15 of the 2016 Coastal Commission Staff Report, the Coastal Commission did not identify any concern with impacts from the proposed project on the potential three-parameter wetland that may be located in the adjacent property. The referenced Exhibits 6 and 15 of the 2016 Coastal Commission Staff Report are provided in Attachment E of this staff report. Likewise, staff has not seen any evidence to suggest that the proposed project might have an impact on the potential three parameter wetland on the adjacent property.

- f. *The project is not exempt from CEQA because it meets the criteria for exceptions Sections 15300.2 (a) and (b) of the CEQA Guidelines (Stated at September 6, 2016 Planning Commission Meeting).*

Discussion: See discussion under Section A.5.c of this staff report regarding exceptions to the CEQA exemption.

- g. *There are unknowns regarding the ravine. The pipes daylighting out of the ravine are not mentioned in the geotechnical reports (Stated at September 6, 2016 Planning Commission Meeting)*

Discussion: The City of Pacifica searched the *City of Pacifica Storm System Block Book and Plans for Construction on State Highway In San Mateo County in Pacifica between 1.1 miles south of Sharp Park Road and 0.4 mile north of Manor Drive* to identify the origin of the three pipes that daylight in the ravine across Palmetto Avenue. Neither source showed the pipes as the area of interest is missing from the *City of Pacifica Storm System Block Book* and is approximately a quarter mile north of the area covered in the *Plans for Construction on State Highway In San Mateo County in Pacifica between 1.1 miles south of Sharp Park Road and 0.4 mile north of Manor Drive*. The City has no other resources that would show the underground infrastructure in the area.

The applicants commissioned Earth Investigation Consultants to perform a geologic site review and concluded that the headward part of the large ravine across Palmetto Avenue appears to have been static for the past 55 years. The applicants then commissioned three more reports from GeoForensics, Inc. based on comments from the CCC which confirmed the stability of the project. Both consultants performed a site visit to observe the existing conditions of the ravine and information obtained during the site visits is detailed as being used to craft their analysis. The three pipes that daylight in the ravine are not identified in the reports as hazards that would contribute to erosion of the ravine.

- h. *There is poorly understood hydrology (both natural and engineered) of the Fish and Bowl tracts and the adjacent ravine. There has never been a definitive study of the area with respect to its overall hydrological geology and biology. (Source: Email received September 28, 2016).*

Discussion: The hydrology and biology of the parcels outside of the project site are beyond the scope of this approval. See discussion under Section A.2 of this staff report regarding the drainage of the project site.

B. COMMISSION ACTION

Staff has prepared two potential motions for the Commission's consideration:

1. MOTION FOR APPROVAL:

Move that the Planning Commission find the project is exempt from the California Environmental Quality Act; **APPROVE** amendment to Site Development Permit PSD-790-14; Variance PV-513-14; and Parking Exception PE-160-15 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.

2. MOTION FOR DENIAL:

Move that the Planning Commission **DENY** amendment to Site Development Permit PSD-790-14; Variance PV-513-14; and Parking Exception PE-160-15 by adopting the resolution included as Attachment C to the staff report and, incorporate all maps and testimony into the record by reference. The denial of the project is exempt from CEQA, pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270.

Attachments:

- A. City of Pacifica Planning Commission Staff Report and Meeting Minutes for 4009 Palmetto Avenue from September 6, 2016
- B. Draft Resolution for approval and Conditions for Site Development Permit, Variance, and Parking Exception Approval
- C. Draft Resolution for denial of Site Development Permit, Variance, and Parking Exception
- D. Applicants' proposed revised Plan Sheet C4.01, received September 19, 2016
- E. Exhibit 6 and 15 from the CCC Staff Report
- F. Written comments received regarding the project prior to October 14, 2016.



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CEQA STATUS: Class 3 Categorical Exemption, Section 15303(b)

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RECOMMENDED ACTION: Approval as conditioned.

PREPARED BY: Bonny O'Connor, Assistant Planner

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On April 15, 2015 an appeal was filed by the public to the City Council in opposition to the Planning Commission's action. On June 22, 2015, the City Council, denied the appeals and upheld the Planning Commission's conditional approvals of PSD-790-14, CDP-347-14, PV-513-14, and PE-160-15 (Resolution No. 20-2015). On July 10, 2015, an appeal was filed by the public to the California Coastal Commission (CCC) in opposition to the local decision of CDP-347-14.

On April 13, 2016, the CCC approved a redesigned development project (Application No. A-2-PAC-15-0046; Attachment D), with conditions. The proposed development is the CCC approved design, with the exception of the proposed turnaround space along the driveway.

2. General Plan, Zoning, and Surrounding Land Uses

The site is zoned R-3-G/CZ, (Multiple-Family Residential Garden/Coastal Zone Combining District), which allows multi-family residential with a minimum lot area of 2,300 square feet per unit. The size of the lot is 18,411 square feet (sf), which would allow a total of 8 dwelling units. The CZ zone supplements the underlying zoning district (R-3-G) with additional standards.

The project site's General Plan land use designation is Medium Density Residential (MDR). The General Plan establishes a density of 10 to 15 dwelling units per acre. The project site is 0.42 acre therefore the density for the project site is four to six units. The proposed four-unit apartment building is consistent with the use type and density allowed within the MDR land use designation. In addressing the project site, the General Plan and Local Coastal Land Use Plan narratives state:

The other vacant land (+/-5 acres) in this neighborhood is on the east side of Palmetto Avenue, south of the existing condominiums. This land is moderately sloping to level, and is partially covered with bluff scrub vegetation, a portion of which has been disturbed by excessive foot and bike traffic, resulting in some erosion. Geologically, the land is much more stable than the bluff area across Palmetto to the west, and it is also significantly below the grade of Coast Highway. Proper drainage improvements and prompt revegetation of exposed areas will be necessary should this land be developed in order to prevent erosion of the neighboring condominiums. Medium Density Residential use is recommended for this land and will contribute to the medium price housing stock in the

¹ The proposed PV-513-14 allowed for four detached studio apartments to have a dwelling space 50 sf less than the 450 sf minimum and a reduction of the needed usable open space from 450 sf per unit to 200 sf per unit. The Planning Commission approved the reduction of usable open space, but denied the reduction of dwelling space.

neighborhood. The proposed land use designation and planning criteria for development of the site are consistent with Sections 30253 (2) (Geologic Stability), and 30250 (Concentrate Development).²

Land uses surrounding the project site mostly consists of vacant land. Asphalt remnants are located within the former Edgemar Road easement/right-of-way along the southern edge of the lot. The closest development to the proposed project is Pacific View Villas located approximately 200 feet southwest from the project site. Highway 1 is approximately is located approximately 215 feet southeast of the project site. Pacific Point Condominiums is located approximately 450 feet northeast.

3. Project Description

a. Project Site

The project site is located at 4009 Palmetto Avenue in the Fairmont West neighborhood. The project site is a vacant, triangular shaped lot, approximately 18,411 sf in size. A large portion of the southern edge of the lot is located within the former Edgemar Road easement/right-of-way. The project site is bounded on the west by Palmetto Avenue, on the north by a vacant property known as “the bowl” and to the east and south by vacant property known as “the fish.” Further east from the project site is Highway 1 and further north is the Pacific Point Condominiums. The topography of the site slopes from southeast to northwest at approximately 5 percent.

A preliminary geologic site review was conducted on August 23, 2014 by Earth Investigations Consultants for the subject property. It was concluded that the site is not constrained by geologic hazards, such as landslides and fault rapture. It was also concluded that the potential for liquefaction is considered low. As a result of coordination with the CCC, the applicant’s had GeoForensic Inc. performed subsequent reviews of the project site and prepared reports in July and October 2015 and January 2016 addressing the geologic stability of the site. The three memos support the findings that with their recommendations that there is no immediate concern for geologic instability at the project site as a result of erosion or drainage. Therefore, from an engineering geologic standpoint, the site is considered suitable for the proposed residential development.

On August 13, 2014 Toyon Consultants conducted a site visit to assess the presence/absence of sensitive habitat areas. No rare or especially valuable species or habitat was observed during the site visit. In addition, no evidence of wetland hydrology appeared to be present on the site. It was concluded that the lot proposed to be developed does not qualify as either an “Environmentally Sensitive Habitat Area or as a Wetland. In response to a request from the California Coastal Commission, the applicants hired Toyon Consultants to perform single parameter wetland delineation. Toyon Consultants concluded in their July 29, 2015 report that using the one parameter definition of a wetland, a willow (*S. lasiolepis*) patch located in the road easement along the front lot line, does qualify as sensitive habitat as defined in the Local Coastal Land Use Plan. The CCC conditioned as part of the CDP approval that the proposed development would occur outside of a 50 ft. buffer around the willow patch.

There is a heritage tree located on the adjacent property to the north of the project site, near the shared property line with the project site. The dripline of the heritage tree occurs within the proposed development area. The applicants would need to obtain a Heritage Tree Permit prior to constructing within the dripline of the tree.

² City of Pacifica.1980. Local Coastal Land Use Plan. As amended August 1992. Page C-22.

Pedestrian facilities are not provided along Palmetto on either side of the street in the immediate vicinity of the project site. As discussed during the City Council hearing for the previous project design on June 22, 2015, the City Council supported development on the project site with the condition that a sidewalk would be constructed along the frontage of the property once the "Bowl" property (APN 009-402-260) is developed. In support of the City Council's resolution 20-2015, Condition of Approval No. 15 has been incorporated to require the applicant to install sidewalks along the frontage of their property once the "Bowl" property is developed.

b. Multi-family Residence

The applicants have proposed construction of a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage. The garage would contain five full sized, covered parking spaces and one compact covered parking space. Storage space for the units would be placed within the southern bump-out in the garage. Additionally, two full sized, uncovered parking spaces would be provided on the rear side of the structure, which would be accessible through the garage. Pacifica Municipal Code (PMC) Section 9-4.2808 does not allow vehicles to be parked within the require yard. The two uncovered parking spaces would be located within the rear yard; therefore, a parking exception would be necessary for the parking spaces on the rear side of the structure.

Access to the garage would be provided by a 22-foot wide, pervious driveway to the front lot line and a 26-foot wide concrete pavement driveway from the front lot line to Palmetto Avenue. On the south side of the driveway, just before the entrance the garage, a small driveway extension would be provided to allow cars located in the eastern parking spots to turn around (Attachment F). The maximum width of a double driveway is 20 feet (PMC Section 9-4.2813(c)(4)), therefore the parking exception would be necessary for the width of the driveway as well.

The second floor would contain Apartments #1 and #2. Apartment #1 would be a one-bedroom, two-bath unit (1170 sf floor area). Apartment #2 would be a two-bedroom, two-bath unit (1140 sf floor area). The third floor would contain Apartments #3 and #4. Apartment #3 would be located above Apartment #1 and have the same floor plan as Apartment #1. Apartment #4 would be located above Apartment #2 and would have the same floor plan as Apartment #2. In addition, all of the apartments would contain a kitchen, laundry room, and multiple closets.

The slope of the site would require cut and the construction of retaining walls and structure walls built into the slope to support the structure. The height of the retaining walls when measured from the higher adjacent ground level, as described in the Pacifica Municipal Code Section 9-4.2502, would range from 0 to 6 feet. When measured from the lower adjacent ground level, the retaining walls would range from 0 to 16 feet.

c. Shared Patios and Stairways

Due to topography of the site, the exterior porch on the southeast side of the second floor would be on grade. The second floor patio (831 sf) would provide access to Apartments #1 and #2 on the second floor. A patio located on the southeast side of the third floor (340 sf) would provide access to Apartments #3 and #4. Exterior stairs connecting the garage to the second floor patio would be on grade and would be located 7.5 feet from the rear lot line. The exterior stairs connecting the second and third floor patios would be generally be located 14 feet from the rear lot line, with the exception of the first step and landing of the stairway (less

than 30 inches above grade), which would be 12.5 feet from the rear lot line. PMC Section 9-4.2703 requires that outside stairways not project closer than 6 feet into the rear setback, which would be 14 feet from the rear lot line. Projections less than 30 inches above grade can be located within required setbacks (PMC Section 9-4.2703).

d. Private Decks

Each apartment unit has its own private deck. Each deck varies in size and shape. Table 2 details the size square footage of each private deck. PMC Section 9-4.2703 requires that decks not project closer than 1 foot into a side setback or 6 feet into a front setback, which would be 4 feet and 9 feet from the side and front lot lines, respectively. The “L” shaped deck off of Apartment 1 has the greatest projection on the west and north elevations of the structure. The deck off of Apartment 1 would be located 2.5 feet from the north side lot line and 9.8 feet from the front lot line. Additionally the deck off of Apartment 3 would project towards the north side lot line and would be 2.66 feet from the north side lot line. Projections towards the north side lot line would exceed the standards of PMC Section 9-4.2703 and would require an approval of a variance. No private decks project towards the south side or rear lot lines.

TABLE 2

	<u>Required Open Space</u>	<u>Open Space Provided by Private Decks</u>	<u>Remaining Open Space Necessary Per Unit</u>
Apartment 1	450 sf	175 sf	275 sf
Apartment 2	450 sf	137 sf	313 sf
Apartment 3	450 sf	90 sf	360 sf
Apartment 4	450 sf	278 sf	172 sf
Total of Remaining Open Space Necessary			1120 sf
Open Space provided by Shared Patios			1171 sf
Excess Open Space Provided			51 sf
Excess Open Space Provided to Each Unit			12.75 sf
Note: sf – square feet			

e. Landscaping

The applicants would remove invasive ice plant on the property and replace it with native California coastal scrub species, including California sage brush, California lilac, coyote brush, and California aster. One-hundred, 1-gallon plants of each species would be planted. The applicants would plant six coastal live oak trees per plan sheet C3.01 (the applicants confirmed this to be correct due to the inconsistency shown on plan sheet C7.01). The landscaping is inherently water efficient and no irrigation is proposed for the property.

f. Alternative Garage Design

The Building Official has received determinations from three California Access Specialist (CASp) certified inspectors that the structure must meet Van Accessible parking requirements, which would require one of the covered spaces to be 12 feet wide with a 5 foot wide loading area on the passenger side. The Building Official has offered the applicants to secure the services of their own CASp inspector to provide an outline of the site conditions and how they determined that they would be exempt from providing the Van Accessible parking

space within the garage (or on-site). The applicants have provided two potential redesigns for the garage in the event that the resolution to the Van Accessible parking requirements does determined that the space is necessary (Attachment E). Both redesigned garages provides the 12 foot wide Van Accessible space and the associated 5 foot wide loading space on the passenger side, in addition to all of the parking spaces required under PMC. Redesigned garage Option A would relocate the on-grade stairs that connect the garage to the first floor from the east side of the south side of the structure. As a result the southern wall on the garage level would have a small bump out in front of the Van Accessible space. Redesigned garage Option B would reduce the size of all of the parking spaces along the southern wall to 8'-6", which is less than the required standard size stall (9') but more than a compact size stall (7'-6"). Additionally, Option B would move the wall along the east side of the on-grade stairs 2'-4" towards the rear of the property.

4. Municipal Code

The applicant's proposal requires four approvals under the PMC, including a coastal development permit (CDP), site development permit (PSD), variance (PV) and a parking exception (PE). Development within the CZ district requires a CDP (PMC 9-4.4303(a)). The project requires a Coastal Development Permit because (i) project includes development with the CZ District (PMC Sec. 9-4.4303(a)); and, (ii) the project does not qualify for an exemption or excluded development (PMC Sec. 9-4.4303(h) and (i)). As further discussed in section 1, the CCC conditionally approved the CDP application for the proposed project with conditions requiring the construction of a the single three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage. No further action by the City of Pacifica or the Planning Commission is necessary for the CDP issuance.

PMC Section 9-4.3201 (a) requires any new construction within R-3-G zoning district to obtain a PSD. The approval of PSD-790-14 needs to be amended to address the current proposed development. The site development permit shall not be issued if the Commission makes any of the following findings (PMC Sec. 9-4.3204):

- (1) That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;
- (2) That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses;
- (3) That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;
- (4) That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;
- (5) That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;

- (6) That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code;
- (7) That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;
- (8) That the proposed development is inconsistent with the City's adopted Design Guidelines; or
- (9) That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

The Planning Commission is able to issue variances where practical difficulties or unnecessary hardships prevent the strict application of certain provisions. The approval of PV-513-14³ needs to be amended to address the current proposed development. The proposed development does not meet the required side setback on the north side of the development. 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.

The Planning Commission is able to grant parking exceptions where practical difficulties and unusual hardship prevent the application of the parking provisions. The approval of PE-160-15⁴ needs to be amended to address the current proposed development. The proposed development would use the required rear yard for parking (Section 9-4.2808). Additionally, the proposed width of the driveway would exceed the allowed maximum

³ The previously approved PV-513-14 allowed a reduction of the needed usable open space from 450 sf per unit to 200 sf. per unit. The project now proposes the required usable open space per unit. This element of the variance is no longer necessary.

⁴ The previously approved PE-160-15 was to allow for one unenclosed guest parking space within the front setback. Parking is no longer proposed in the front setback. This element of the parking exception is no longer necessary.

width by 2 to 6 feet (PMC Section 9-4.2813(c)(4)). The Commission may grant exceptions to the provisions of the parking article based on the following finding:

- (1) That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.

5. Required Findings

- a. Site Development Permit. In order to approve the amendment of site development permit PSD-790-14, the Planning Commission must not make any of the nine findings required by PMC Sections 9-4.3204(a). The following discussion supports the Commission's findings in this regard.

- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

Discussion: The size and intensity of the proposed operation would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern because the site is located in a multi-family residential district and the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

The proposed development is located in an area that does not provide pedestrian facilities along the street. Condition of Approval No. 15 would require the applicants to install a sidewalk along the front lot line of the property once the adjacent properties to the north are developed. In the meantime, parking availability on the street is abundant and visitors would be able to park wherever they are most comfortable parking and exiting their vehicle in relation to the passing traffic.

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

Discussion: As discussed above under section A.5.a.i, the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

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

Discussion: Sufficient landscaped areas are provided around building and throughout the subject site that are available. No storage areas or large expanses of paved areas are proposed other than the required driveway. Each of the units would have private deck area and access to landscaping around the units. As shown in Table 1, 78 percent of the lot would be landscaped.

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

Discussion: The private decks off of Apartment #1 and #3 would project 1.5 feet beyond the require setback on the north side. This exceedance of the setback would not restrict light or air on the project site or adjacent properties, or discourage the appropriate development and use or values of land and buildings in the neighborhood. The remaining portions of the proposed project would meet all setback requirements.

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

Discussion: The proposed development does not include any commercial or industrial structure. Therefore, this finding is not applicable to the subject project.

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

Discussion: Without adequate review and approval by the City, two project elements could result in damage or destruction of natural features. First, grading at the site would reduce or eliminate some sloped areas to allow construction of the structure and driveway. The grading would result in construction of retaining walls. However, the approximately 15 percent slope in question is not visually prominent within the surrounding area. Second, unregulated removal of Heritage Trees can damage or destroy natural features in a neighborhood. However, the permit process in place for consideration of Heritage Tree removal ensures that such removal would not result in damage or destruction of natural features unless justified to preserve the health and safety of nearby property owners and occupants. The property adjacent to the north of the project site has a heritage tree with a dripline within the proposed development area. A Heritage Tree permit would be required for development with the dripline of the heritage tree.

Because the City would review grading plans to ensure slope stability, because on-site grading does not involve prominent or scenic slopes, and because the City would review Heritage Tree removal permit for the site based on a site inspection to determine tree health and proposed project is designed to avoid the identified wetland near the front of the property, therefore, the project would not result in excessive damage or destruction of natural features.

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

in the external appearance;

Discussion: The applicants would use various exterior materials throughout the building, including cedar shingles and siding, concrete, stucco, and stone tiles. Architectural features such as roof lines, decks and patios provide interesting and varying projections to the front and south side elevations of the building. The materials would be various earth and natural tones that change with the types of materials proposed.

The proposed landscaping would maintain the existing topography within the willow 50-foot buffer and would provide a mix of four different plant species, in addition to the planting of six coastal live oak trees. There is sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.

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

Discussion: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- Ensure at least a minimum standard of design through the application of consistent policies.
- Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- Provide a framework for review and evaluation of design proposals.
- Implement applicable General Plan and Local Coastal Plan goals and policies.
- Expedite and facilitate the planning permit process.
- Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

Staff's assessment of the project is that the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following (Design Guidelines guidance followed by staff discussion):

Site Planning: *Locate site improvement such as buildings and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean. Site improvements should be designed to work with the site features. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.*

Discussion: Each apartment would have full ocean view out of the windows on the western elevation of the building and partial ocean views out of the windows on the

northern or southern side elevations. Grading would be limited to the area necessary for the structure and its impact on natural features is further discussed under A.5.a.vi.

Parking: *The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to rear or side of the property, rather than along street frontages.*

Discussion: Parking would be placed within a ground floor garage or in an extended parking area in the rear of the property. A garage door and retaining wall would block public view of parking areas.

Scale. *Scale is the measure of the relationship of the relative overall size of the one structure with one or more other structures. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density.*

Discussion: Comparable structures in the area are limited to the three-story Pacific Point condominiums, which are located uphill from the proposed structure, and Pacific View Villas which are located southwest of the proposed project on Palmetto and located on a downhill slope. Pacific Point does not provide a good comparison due to the distance and from the proposed project and the different vantage point. Although the Pacific View Villas includes two and three story buildings, due to the down sloping lot, the profile of the buildings appear much smaller and do not serve as an adequate comparison for the project site. Without any comparable structures, the proposed project would not be out of scale with its surroundings. The proposed project meets the height, coverage, and density standards with its zoning and land use designation.

Details. *Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.*

Discussion: The proposed project would incorporate a variety of architectural details along the front, north and south elevations visible from Palmetto Avenue to create a sense of human scale. Balconies throughout the front elevation and details simulating rooflines above the windows on the second floor of the front elevation break up the total height of the proposed structure. Stairs and the shared patios on the south elevation create horizontal lines to break up the height of the building. Additionally, the exterior material of the structure would vary between cedar shingles, stucco, cedar siding, stone, and concrete, which support the human scale to the building.

Consistency. *There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur.*

Discussion: The front elevation of the proposed structure would include the most architectural details; however the remaining elevations would include some architectural detail that provide consistency throughout the exterior of the building. The north and south elevations would include patios and railings that wrap around from the front elevation. The style of the windows on the north, south, and east elevations are similar to the style of the smaller windows on the front elevation (Apartments #2 and #3).

As supported by the discussions provided above, the proposed project would not be inconsistent with the City of Pacifica's adopted Design Guidelines.

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

Discussion: The proposed project would be consistent with the City of Pacifica's General Plan and other applicable laws of the City, as described in more detail throughout this document. The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan. The project also complies with all zoning standards and all other PMC requirements, with the exception of the proposed variance and parking exception.

- b. Variance. In order to approve the amendment of variance PV-513-14, the Planning Commission must make all of the following findings:

- i. *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;*

Discussion: The property is nearly an isosceles triangular shaped lot that has side lot lines that converge towards the rear of the property. The overlay of the Edgemar Road easement that runs along the south side of the property reduces the site to an irregular shaped area with a rear lot line that is significantly closer to the front lot line. A willow (*S. lasiolepis*) patch located in the road easement along the front lot line qualifies as sensitive habitat as defined in the Local Coastal Land Use Plan. The CCC conditioned as part of the CDP approval that the proposed development would occur outside of a 50 ft. buffer around the willow patch, which prevents development within most of the west and south portions of the lot. As a result, the development is condensed to the northern side of the lot.

The only developed property zoned R-3-G/CZ is the Dollaradio facility across the street. Other properties in similar zoning districts, including R-3 are not typically burden with so many development restrictions that reduce the amount of developable land to just one area of the property. Without the variance Apartment #3 would have approximately 35 less square feet in their private deck resulting in a 55 square foot deck, and Apartment #1 would have approximately 32 less square feet in their private deck, resulting in a 143 square foot deck. Additionally, without the variance, the private deck off of Apartment #1 would include a 1 foot wide deck on the north elevation, which would result in an approximately 11.5 foot long portion of the deck that would be 1 foot wide. This portion of the deck would not provide any practical open space area and would only provide an aesthetic benefit. The variance would provide two of the units with private open space.

- ii. *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;*

Discussion: The variance would allow the private decks off of Apartments #1 and #3 to project 1.5 feet beyond the allowed north side setback. The variance would provide the residents of Apartment #1 and Apartment #3 with private open space as well as provide the proposed structure with architectural details that create interest on the front and north elevations of the building.

The property to the north of the project site is a vacant, 5,400 sf, nonconforming lot that is also in the R-3-G zoning district. The encroachment of the private decks 1.5 feet into the setback would not materially adversely affect the health or safety of persons residing on the project site or possible future neighbors at the adjacent property or materially affect the value or development potential of the neighboring property.

- iii. *Where applicable, that the application is consistent with the City's adopted Design Guidelines; and*

Discussion: As discussed under section A.5.a.viii, the proposed project is consistent with the City's adopted Design Guidelines.

- iv. *If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.*

Discussion: The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan.

- c. Parking Exception. The Planning Commission may grant an amendment to parking exception PE-160-15 based on the following finding:
 - i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

Discussion: The proposed development includes a parking within the require rear yard space outside of the (PMC Section 9-4.2808). The parking facilities are nearly in compliance with the requirements of the code as the garage, which is limited in size due to the development restrictions on the property, is utilized to the fullest extent for parking. Additionally, the multiple development restrictions do not provide for alternative onsite parking locations. Without the approval of this parking exception, the development would not provide the necessary parking spaces needed to be in compliance with the PMC.

The proposed development also includes a driveway proposed to be a 22-foot wide, pervious driveway to the front lot line and a 26-foot wide concrete pavement driveway from the front lot line to Palmetto Avenue. The applicants proposed a wider driveway to accommodate three point turns on site to prevent motorist from having to back onto Palmetto Ave. The driveway facilities are nearly in compliance with the requirements of the code as the driveway would have to accommodate vehicle maneuvers not typical performed on a standard driveway. Without the approval of this parking exception, the development would not provide the necessary space to allow motorists to orient their vehicles into a forward fashion while exiting the site. Condition of Approval No. 4 would

require the applicants to post “No Parking” signs along the driveway to ensure that the additional width is not used for parking.

6. 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 a Class 3 exemption provided in Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). Section 15303 states in part:

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

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

The subject proposal to construct a four unit apartment building fits within the scope of a Class 3 categorical exemption. Specifically, the project (1) includes four units; (2) is located within the R-3-G zoning district in an area where the approved development plan authorizes multiple unit residences; and, (3) would be undertaken within an urbanized area. All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): The presence of an Arroyo willow, which the CCC considers to be a wetland under a one parameter survey, is not an unusual circumstance. The California Native Plant Society, describes the Arroyo willow as “an abundant and widespread native tree or shrub that grows in northern, southern and central California” and identifies Pacifica as within its natural range⁵. Additionally, based on staff’s personal observations, Arroyo willows are common in Pacifica, particularly in the San Pedro

⁵ California Native Plant Society. 2016. Arroyo Willow. Website: [http://calscape.org/Salix-lasiiolepis-\(Arroyo-Willow\)?srchcr=sc57c996a34e156](http://calscape.org/Salix-lasiiolepis-(Arroyo-Willow)?srchcr=sc57c996a34e156). Accessed September 2, 2016.

Valley area⁶. Therefore, the presence of the Arroyo willow on site would not be considered an unusual circumstance.

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

Because the project is consistent with the requirements for a Class 3 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

7. Staff Analysis

The numerous development restrictions on the site, including the CCC 50 ft. sensitive area buffer and the Edgemar road easement, are the dominant factors driving the design choices for the project. The limited space and area available for development pushed the development to the north side of the irregularly shaped lot. Although, the proposed development would require a variance for setback encroachments by private decks and a parking exception for parking within the required rear yard, the proposed development, as conditioned, would meet the remaining zoning standards. Given the circumstances, the applicants have proposed a project that has balanced many competing regulations and design imperatives.

8. Summary

Staff has determined that, as conditioned, the project would satisfy all zoning regulations and applicable development standards, and would be consistent with the General Plan. The project would result in a new four unit multi-family residence that is, on balance, is consistent with the City's adopted Design Guidelines. The high-quality design of the proposed development sets a positive baseline for the largely undeveloped neighborhood, which future developments would have to meet or exceed. The project would provide adequately designed housing to the city, while still preserving and restoring environmentally sensitive areas. Thus, staff recommends approval of the project subject to the conditions in Exhibit B of the Resolution.

B. COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find the project is exempt from the California Environmental Quality Act; **APPROVE** amendment to Site Development Permit PSD-790-14; Variance PV-513-14; and Parking Exception PE-160-15 by adopting the attached resolution, including conditions of approval in Exhibit B; and, incorporate all maps and testimony into the record by reference.

Attachments:

- A. Land Use and Zoning Exhibit
- B. Draft Resolution and Conditions for Site Development Permit, Variance, and Parking Exception Approval
- C. Site Plan, Floor Plan, Elevations, and Landscape Plan

⁶ San Pedro Creek Watershed Coalition. 2016. Plants. Website: <http://www.pedrocreek.org/plants.html>. Accessed September 2, 2016.

- D. California Coastal Commission Notice of Intent to Issue a Permit (Application No. A-2-PAC-15-0046)
- E. Alternative Garage Design
- F. Three point turn template
- G. City of Pacifica Planning Commission Agenda, Staff Report, and Meeting Minutes for April 6, 2015

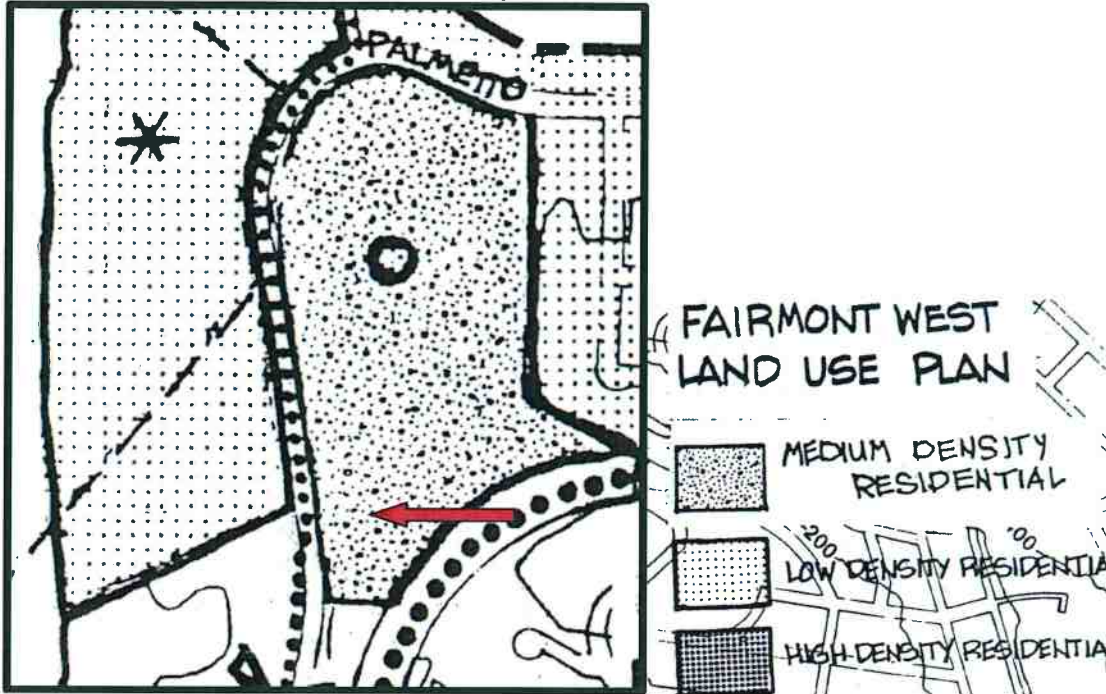
Land Use & Zoning Exhibit

City of Pacifica Planning Department

General Plan Diagram

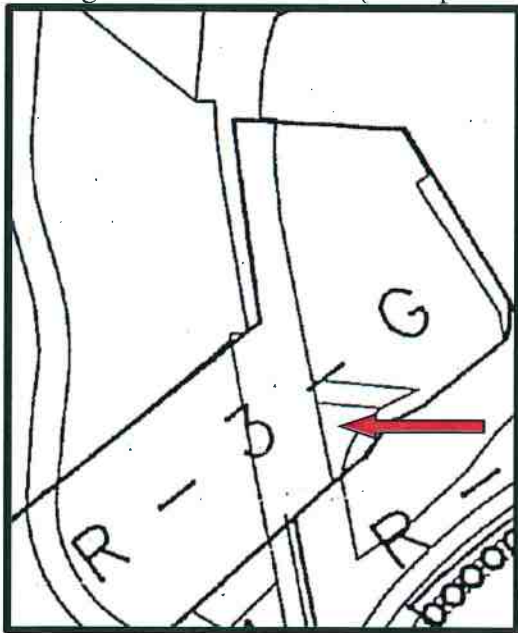
Neighborhood: Fairmont

Land Use Designation: Medium Density Residential



Zoning Map Diagram

Zoning District: R-3-G/CZ (Multiple Family Residential Garden District/Coastal Zone)



RESOLUTION NO _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING AMENDMENT TO SITE DEVELOPMENT PERMIT PSD-790-14; VARIANCE PV-513-14 AND PARKING EXCEPTION PE-160-15, SUBJECT TO CONDITIONS, FOR A FOUR UNIT APARTMENT BUILDING AT 4009 PALMETTO AVENUE (APN 009-402-270), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: David Blackman and Mike O'Connell ("Applicant").

WHEREAS, the Planning Commission approved, with conditions, Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15 for the applicant's proposed development of four detached studio apartments and carport on the project site (Resolution Nos. 914, 915, 916, and 917 respectively) at a regularly scheduled Planning Commission meeting on April 6, 2015; and

WHEREAS, an appeal was filed by the public to the City Council in opposition to the Planning Commission's action on April 15, 2015; and

WHEREAS, the City Council denied the appeals and upheld the Planning Commission's conditional approvals of PSD-790-14, CDP-347-14, PV-513-14, and PE-160-15 (Resolution No. 20-2015) on June 22, 2015; and

WHEREAS, an appeal was filed by the public to the California Coastal Commission (CCC) in opposition to the local decision of CDP-347-14 on July 10, 2015; and

WHEREAS, the applicant provided additional information and redesigned the development to the three-story, four-unit apartment building and the CCC approved with conditions, the revised development on April 13, 2016 (Application No. A-2-PAC-15-0046); and

WHEREAS, consistent with the CCC approval, an application has been submitted to amend Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to construct a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270); and

WHEREAS, the project requires a Site Development Permit because the project includes new development within the R-3-G (Multiple Family Residential Garden District) zoning district; and

WHEREAS, the project requires a Variance because the project includes private decks that encroach into the side setback beyond the allowed distance stated in PMC Section 9-4.2703; and

WHEREAS, the project requires a Parking Exception because the project includes parking in the required rear yard (PMC Section 9-4.2808) and a driveway that exceeds the allowable width per PMC Section 9-4.2813(c)(4); and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 6, 2016 at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines 15303(b) (14 Cal. Code Regs. §15301) and therefore directs staff to file a Notice of Exemption for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby not make the following findings pertaining to Site Development Permit PSD-790-14 for new construction within the R-3-G zoning district:

- a. Site Development Permit. In order to approve the amendment of site development permit PSD-790-14, the Planning Commission must not make any of the nine findings required by PMC Sections 9-4.3204(a). The following discussion supports the Commission's findings in this regard.
 - i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

Discussion: The size and intensity of the proposed operation would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern because the site is located in a multi-family residential district and the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

The proposed development is located in an area that does not provide pedestrian facilities along the street. Condition of Approval No. 15 would require the applicant to install a sidewalk along the front lot line of the property once the adjacent properties to the north are developed. In the meantime, parking availability on the street is abundant and visitors would be able to park wherever they are most comfortable parking and exiting their vehicle in relation to the passing traffic.

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

Discussion: As discussed above, the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

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

Discussion: Sufficient landscaped areas are provided around building and throughout the subject site that are available. No storage areas or large expanses of paved areas are proposed other than the required driveway. Each of the units will have private deck area and access to landscaping around the units. A total of 78 percent of the lot would be landscaped.

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

Discussion: The private decks off of Apartment #1 and #3 would project 1.5 feet beyond the require setback on the north side. This exceedance of the setback would not restrict light or air on the project site or adjacent properties, or discourage the appropriate development and use or values of land and buildings in the neighborhood. The remaining portions of the proposed project would meet all setback requirements.

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

Discussion: The proposed development would not include any commercial or industrial structure. Therefore, this finding is not applicable to the subject project.

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

Discussion: Without adequate review and approval by the City, two project elements could result in damage or destruction of natural features. First, grading at the site would reduce or eliminate some sloped areas to allow construction of the structure and driveway. The grading would result in construction of retaining walls. However, the approximately 15 percent slope in question is not visually prominent within the surrounding area. Second, unregulated removal of Heritage Trees can damage or destroy natural features in a neighborhood. However, the permit process in place for consideration of Heritage Tree removal ensures that such removal would not result in

damage or destruction of natural features unless justified to preserve the health and safety of nearby property owners and occupants. The property adjacent to the north of the project site has a heritage tree with a dripline within the proposed development area. A Heritage Tree permit would be required for development with the dripline of the heritage tree.

Because the City would review grading plans to ensure slope stability, because on-site grading does not involve prominent or scenic slopes, and because the City would review Heritage Tree removal permit for the site based on a site inspection to determine tree health and proposed project is designed to avoid the identified wetland near the front of the property, therefore, the project would not result in excessive damage or destruction of natural features.

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

Discussion: The applicant is proposing the use of various exterior materials throughout the building, including cedar shingles and siding, concrete, stucco, and stone tiles. Architectural features such as roof lines, decks and patios provide interesting and varying projections to the front the south side elevations to the building. The materials would be various earth and natural tones that change with the types of materials proposed.

The proposed landscaping would maintain the existing topography within the willow 50-foot buffer and would provide a mix of four different plant species, in addition to the planting of six coastal live oak trees. There is sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.

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

Discussion: Staff's assessment of the project is that the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following (Design Guidelines guidance followed by staff discussion):

Site Planning: *Locate site improvement such as buildings and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean. Site improvements should be designed to work with the site features. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.*

Discussion: Each apartment would have full ocean view out of the windows on the western elevation of the building and partial ocean views out of the windows on the northern or southern side elevations. Grading would be limited to the area necessary for the structure and its impact on natural features is further discussed above under a.vi.

Parking: *The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to rear or side of the property, rather than along*

street frontages.

Discussion: Parking would be placed within a ground floor garage or in an extended parking area in the rear of the property. A garage door and retaining wall would block public view of parking areas.

Scale. Scale is the measure of the relationship of the relative overall size of the one structure with one or more other structures. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density.

Discussion: Comparable structures in the area are limited to the three-story Pacific Point condominiums, which are located uphill from the proposed structure, and Pacific View Villas which are located southwest of the proposed project on Palmetto and located on a downhill slope. Pacific Point does not provide a good comparison due to the distance and from the proposed project and the different vantage point. Although the Pacific View Villas includes two and three story buildings, due to the down sloping lot, the profile of the buildings appear much smaller and do not serve as an adequate comparison for the project site. Without any comparable structures, the proposed project would not be out of scale with its surroundings. The proposed project meets the height, coverage, and density standards with its zoning and land use designation.

Details. Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.

Discussion: The proposed project would incorporate a variety of architectural details along the front, north and south elevations visible from Palmetto Avenue to create a sense of human scale. Balconies throughout the front elevation and details simulating rooflines above the windows on the second floor of the front elevation break up the total height of the proposed structure. Stairs and the shared patios on the south elevation create horizontal lines to break up the height of the building. Additionally, the exterior material of the structure would vary between cedar shingles, stucco, cedar siding, stone, and concrete, which support the human scale to the building.

Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur.

Discussion: The front elevation of the proposed structure would include the most architectural details; however the remaining elevations would include some architectural detail that provide consistency throughout the exterior of the building. The north and south elevations would include patios and railings that wrap around from the front elevation. The style of the windows on the north, south, and east elevations are similar to the style of the smaller windows on the front elevation (Apartments #2 and #3).

As supported by the discussions provided above, the proposed project would not be inconsistent with the City of Pacifica's adopted Design Guidelines.

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

Discussion: The proposed project would be consistent with the City of Pacifica's General Plan and other applicable laws of the City, as described in more detail throughout this document. The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan. The project also complies with all zoning standards and all other PMC requirements, with the exception of the proposed variance and parking exception.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Variance PV-513-14 for the encroachment of private decks within the side setback.

- i. *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;*

Discussion: The property is nearly an isosceles triangular shaped lot that has side lot lines that converge towards the rear of the property. The overlay of the Edgemar Road easement that runs along the south side of the property reduces the site to an irregular shaped area with a rear lot line that is significantly closer to the front lot line. A willow (*S. Iasiolepis*) patch located in the road easement along the front lot line qualifies as sensitive habitat as defined in the Local Coastal Land Use Plan. The CCC conditioned as part of the CDP approval that the proposed development would occur outside of a 50 ft. buffer around the willow patch, which prevents development within most of the west and south portions of the lot. As a result, the development is condensed to the northern side of the lot.

The only developed property zoned R-3-G/CZ is the Dollaradio facility across the street. Other properties in similar zoning districts, including R-3 are not typically burden with so many development restrictions that reduce the amount of developable land to just one area of the property. Without the variance Apartment #3 would have approximately 35 less square feet in their private deck resulting in a 55 square foot deck, and Apartment #1 would have approximately 32 less square feet in their private deck, resulting in a 143 square foot deck. Additionally, without the variance, the private deck off of Apartment #1 would include a 1 foot wide deck on the north elevation, which would result in an approximately 11.5 foot long portion of the deck that would be 1 foot wide. This portion of the deck would not provide any practical open space area and would only provide an aesthetic benefit. The variance would provide two of the units with private open space.

- ii. *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;*

Discussion: The variance would allow the private decks off of Apartments #1 and #3 to project 1.5 feet beyond the allowed north side setback. The variance would provide the residents of Apartment #1 and Apartment #3 with private open space as well as provide the proposed structure with architectural details that create interest on the front and north elevations of the building.

The property to the north of the project site is a vacant, 5,400 sf, nonconforming lot that is also in the R-3-G zoning district. The encroachment of the private decks 1.5 feet into the setback would not materially adversely affect the health or safety of persons residing on the project site or possible future neighbors at the adjacent property or materially affect the value or development potential of the neighboring property.

- iii. *Where applicable, that the application is consistent with the City's adopted Design Guidelines; and*

Discussion: As discussed under Section above, the proposed project is consistent with the City's adopted Design Guidelines.

- iv. *If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.*

Discussion: The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Parking Exception PE-160-15 for parking in the rear setback and a driveway width that exceeds 20 feet:

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

Discussion: The proposed development includes parking within the require rear yard (PMC Section 9-4.2808). The parking facilities are nearly in compliance with the requirements of the code as the garage, which is limited in size due to the development restrictions on the property, is utilized to the fullest extent for parking. Additionally, the multiple development restrictions do not provide for alternative onsite parking locations. Without the approval of this parking exception, the development would not provide the necessary parking spaces needed to be in compliance with the PMC.

The proposed development also includes a driveway proposed to be a 22-foot wide, pervious driveway to the front lot line and a 26-foot wide concrete pavement driveway from the front lot line to Palmetto Avenue. The applicant proposed a wider driveway to accommodate three point turns on site to prevent motorist from having to back onto Palmetto Ave. The driveway facilities are nearly in compliance with the requirements of the code as the driveway would have to accommodate vehicle maneuvers not typical performed on a standard driveway. Without the approval of this parking exception, the

development would not provide the necessary space to allow motorists to orient their vehicles into a forward fashion while exiting the site. Condition of Approval No. 4 would require the applicant to post “No Parking” signs along the driveway to ensure that the additional width is not used for parking.

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

1. That the project is exempt from CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines. Section 15303 states in part:

15303. New Construction or Conversion of Small Structures

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

- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

In this case, the project involves construction of a four unit apartment building. All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons. Therefore, the project is exempt from further analysis under CEQA.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): The presence of an Arroyo willow, which the CCC considers to be a wetland under a one parameter survey, is not an unusual circumstance. The California Native Plant Society, describes the Arroyo willow as “an abundant and widespread native tree or shrub that grows in northern, southern and central California” and identifies Pacifica as within its natural range. Additionally, based on staff’s personal observations, Arroyo willows are

common in Pacifica, particularly in the San Pedro Valley area. Therefore, the presence of the Arroyo willow on site would not be considered an unusual circumstance.

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

Because the project is consistent with the requirements for a Class 3 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to construct a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of September 2016.

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

Josh Gordon, Chair

ATTEST:

APPROVED AS TO FORM:

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney

Exhibit A

CONDITIONS OF APPROVAL: SITE DEVELOPMENT PERMIT PSD-790-14; VARIANCE PV-513-14 AND PARKING EXCEPTION PE-160-15, SUBJECT TO CONDITIONS, FOR A FOUR UNIT APARTMENT BUILDING AT 4009 PALMETTO AVENUE (APN 009-402-270)

Planning Commission Meeting of September 6, 2016

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Ocean Shore Apt. 4000 Palmetto, Pacifica, CA," dated June 15, 2016, except as modified by the following conditions.
2. The site development permit and variance permit approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
3. The applicant shall incorporate the three-point turn area revision shown in Attachment F of the September 6, 2016 Staff Report to the Planning Commission into the design of the development.
4. Prior to occupancy, the applicant shall post "No Parking" signs along the driveway. The applicant shall post signs along the driveway directing motorists to not back on Palmetto Avenue when egressing the property.
5. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
6. 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.
7. The Applicant shall obtain a Heritage Tree Permit prior to any construction within the dripline of a heritage tree as defined in PMC Section 4-12.02.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street, or gutter.
10. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

11. All required stormwater controls for development shall be met by the proposal.
12. Prior to issuance of building permit, the applicant shall incorporate into the building permit plans all the recommendations listed in the Engineering Geologic Site Review prepared by Earth Investigation Consultants on August 23, 2014, including but not limited to detailed, design level geotechnical investigation.
13. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

Building Division of the Planning Department

14. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division of Public Works Department

15. Property Owner shall, at his/her sole expense, construct a sidewalk along the entire property frontage of the property subject to this approval (APN 009-402-270) per City of Pacifica standard drawings and specifications, and to the satisfaction of the City Engineer. Prior to commencement of any work require by this condition of approval, Owner shall apply for an encroachment permit with Engineering Division and pay all fees and bond costs associated with any work within the right-of-way. This obligation to construct a sidewalk may be deferred through a Deferred Sidewalk Installation Agreement, which shall be approved by the City Attorney and executed, notarized and recorded on the Property by the Applicant/Owner prior to issuance of a building permit for any work at the project subject to this approval (APN 009-402-270). The Deferred Sidewalk Installation Agreement may condition sidewalk construction on final inspection conducted by any City inspector of any future development at the adjacent "Bowl" site (APN 009-402-260).
16. 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.
17. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Palmetto Avenue. Dust control and daily road cleanup will be

- strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
18. 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.
 19. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.
 20. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Palmetto Avenue, including existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Palmetto Avenue at the centerline;
 - iii. adjacent driveways within 25' of the property lines
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
 21. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
 22. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
 23. All utilities shall be installed underground.
 24. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.

25. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches.
26. The existing street pavement shall be cold-planed (ground) to a depth of 2" across the entire frontage of the property and out to the centerline of Palmetto Avenue, or to the extent of the longest utility trench if beyond the centerline, and an overlay of Caltrans specification ½" Type 'A' hot mix asphalt concrete shall be placed. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, a larger area may have to be ground & overlaid.
27. A registered professional shall provide hydrology calculations based on a 100-year storm for the project to determine the size of all proposed storm drain facilities and the impact on the existing system (storm drains, creeks, and waterways). If the calculations reveal that the city system would be negatively impacted, those impacts shall be mitigated to the satisfaction of the City Engineer.

Wastewater Department

28. Prior to issuance of a building permit, Applicant shall provide location of and size of sewer lateral appurtenances and city standard and specifications.

North County Fire Authority

29. Fire Sprinklers are required are required per PMC.
30. Applicant shall submit on a separate permit, or in conjunction with fire sprinkler submittal, underground supply mains. The plans shall be submitted to North Coast County Water District and approved by them prior to issuance of building permit.
31. Applicant shall provide a fire alarm detection system in compliance with 2013 CFC Chapter 9 section 907.
32. Applicant shall provide a horn/strobe on the address side of the building in compliance with 2013 CFC Chapter 9, section 903.4 to 903.4.2.
33. Applicant shall install clearly visible, illuminated address identification in compliance with 2013 CFC Chapter 5, Section 505.1 and 2.
34. Applicant shall provide a fire flow report from North Coast County Water District showing a flow in compliance with Table B105.
35. Applicant shall provide fire hydrants with hydrant location and spacing per 2013 CFC Appendix C Table C105.1 as determined by fire-flow of the building.
36. Applicant shall provide fire apparatus access requirements per 2013 CFC Appendix D for fire apparatus access requirements and extend to within 50 ft. of at least one exterior door that provides access to the interior of the building and to within 150 ft. of all portions of the building on the first floor. Surface to be all weather asphalt or concrete to comply with 2013 CFC Appendix D section D102.1 (reference standard NFPA 5000-7.1.5.2.2.1).
37. Applicant shall not begin construction without approved plans and a permit onsite at all times.

38. Applicant shall comply with Fire Apparatus Access per 2013 CFC Chapter 5 Fire Service Features, 501.4 for Fire Apparatus Access Roads and Water supply.
39. Applicant shall provide fire extinguishers as required in 2013 CFC Portable Fire Extinguishers 906.1 for the occupancy of the building.
40. Applicant shall conform to 2013 CFC Chapter 33 sections 3301 through 3317 regarding fire safety during construction.

END

Ocean Shore Apartments

Project Information

Project Description:

New residential building on an existing vacant lot in Pacifica, CA. Wood framed, three stories, 4 apt's, 2/1 one bedroom, 1/1 studio with a common area.

Project Address:

4000 Palmetto Ave Pacifica, CA

Designer:

DB Construction Inc. 3795 Kashi Ave Pacifica CA

Engineer:

Mike O'Connell Design Pacifica, CA

Code Notes

Type of Occupancy:

R27U

Construction Type:

VB

Number of Stories:

3

Work to conform to:

2010 CBC, CBC, OTC, OTC, OTC, OTC, OTC, OTC, 2015 Borough code, 2015 Code.

Data

Zoning / General Plan:

R27U - Multi-Family Residential, Coastal Zone, Medium Density Residential

Number of Units:

4 units proposed

Lot Size:

15,411 sqft, existing
4,605 sqft, per unit

Foot Print:

Building 2404 sqft (15%)
Hardscape (area not on plot outline) 1541 sqft (8%)
Landscape 11,556 sqft (78%)

Setbacks:

Front (West) = 15'
Rear (East) = 64'
Side (North) = 5'
Dev. Side (South) = 25'

Apt. 1&2 size

1 bedroom / 2 bath Apt - 1170 sqft, living

Apt 2&4 size

2 bedroom / 2 bath Apt - 1400 sqft, living

Total Living Spaces:

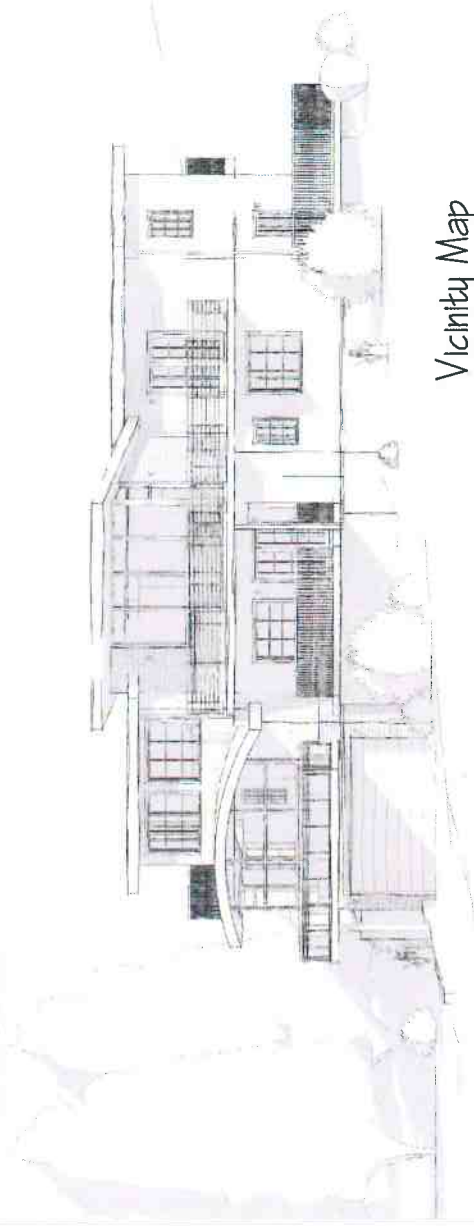
4672 sqft

Building Height:

34ft.

Parking

2/1 two bedroom apt require 2.2 = 4
2/2 one bedroom apt require 3.1 = 6
total parking = 10
8 total parking spots proposed



Vicinity Map



Drawing Index

- A1 Lower and Deck
- A2 Storage Floorplan
- A3 3rd Floor Apts 1&2
- A4 2nd Floor Apts 2&4
- A5 Elevations

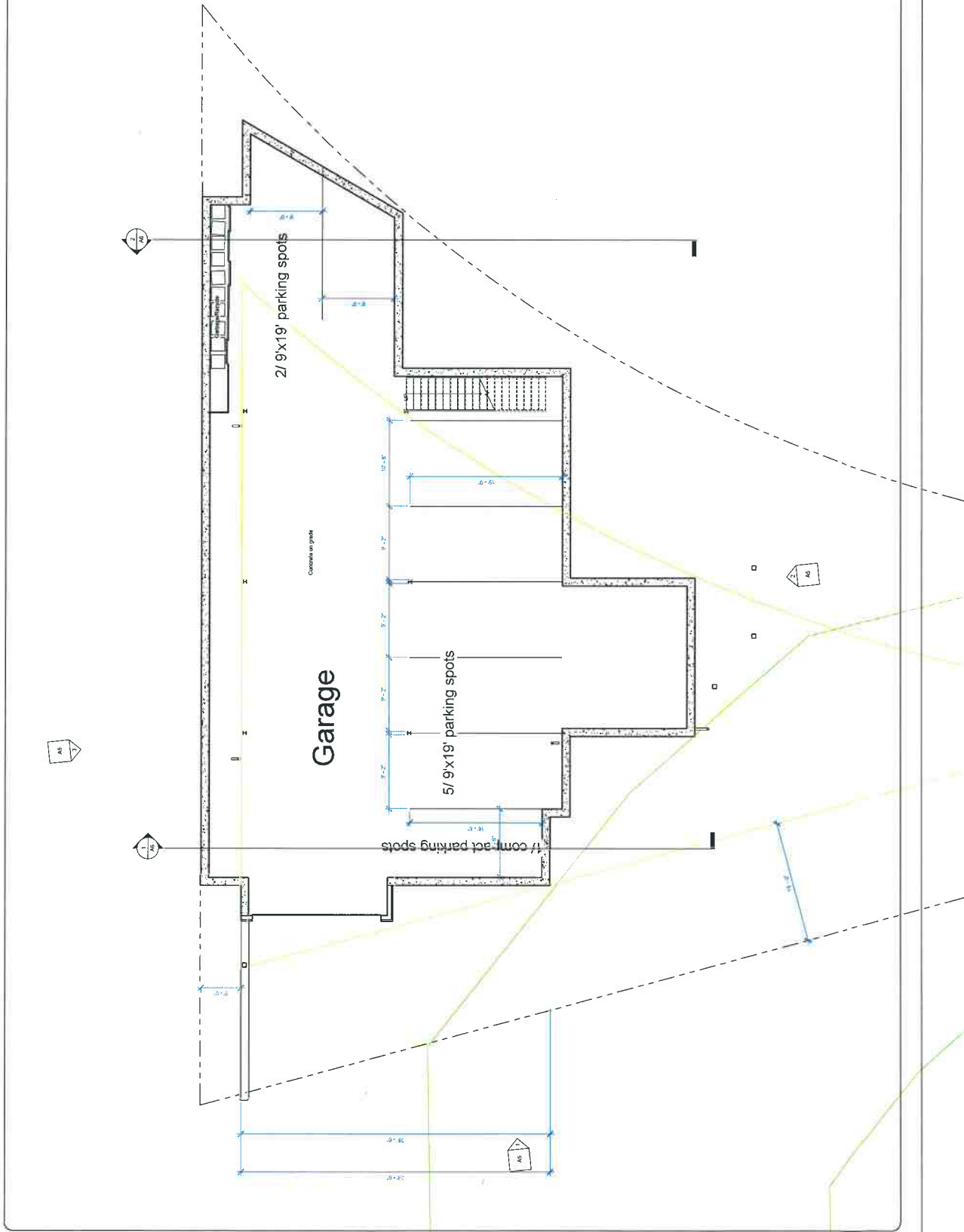
No.	Description	Date

Ocean Shore Apt. 4000 Palmetto Pacifica, CA	
Cover	
Project Number	Project Number
Date	June 15, 2016
Drawn by	Author
Checked by	Checker
A1	
Scale	



No.	Description	Date

Ocean Shore Apt. 4000 Palmetto Pacifica, CA	
Garage Floorplan	
Project Number	June 15, 2016
Drawn by	Author
Checked by	Checker
A2	
Scale	3/16" = 1'-0"





No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

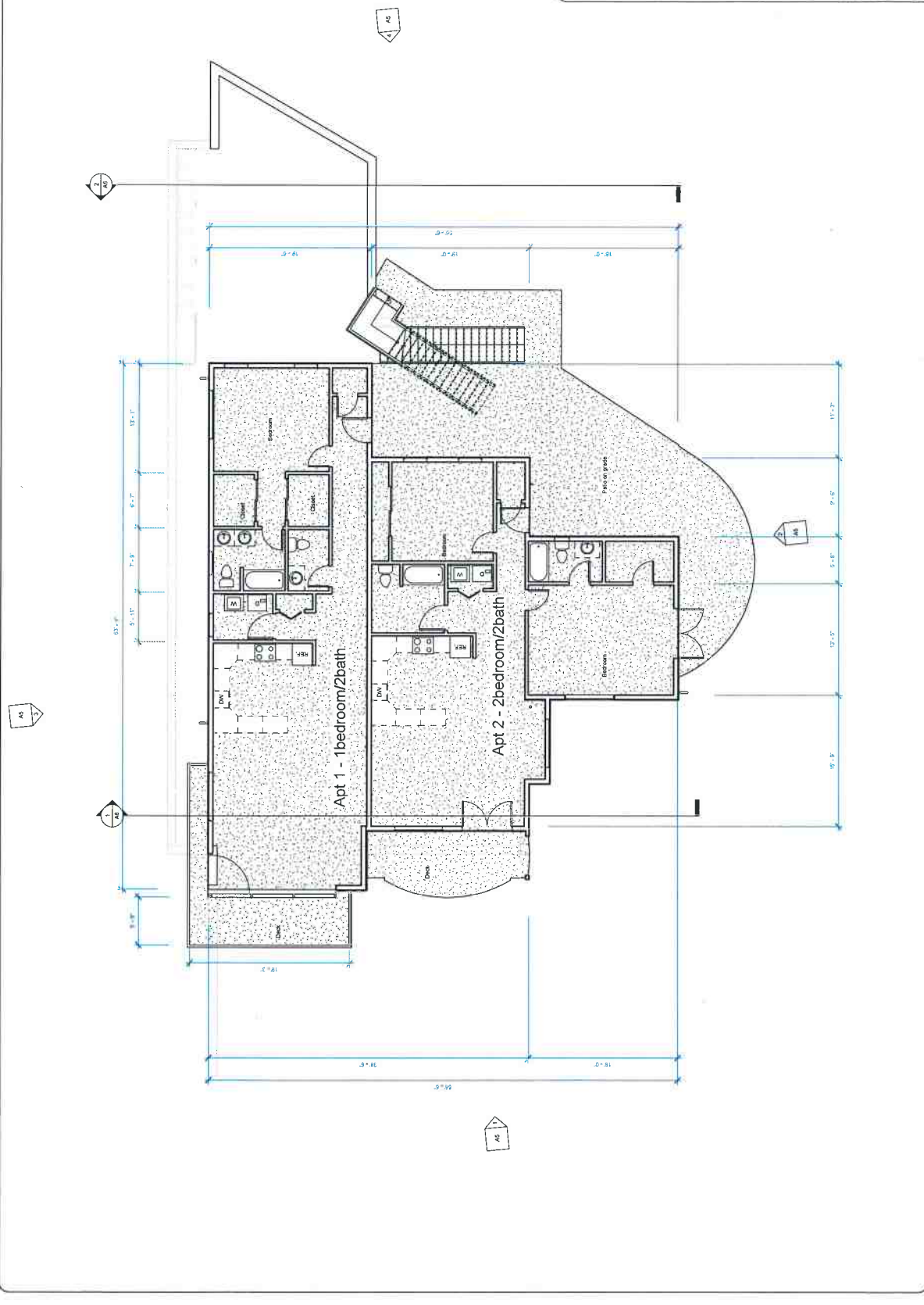
2nd Floor

Project Number
Date
Drawn By
Checked By

June 15, 2018
Author
Checker

A3

3/16" = 1'-0"
Scale





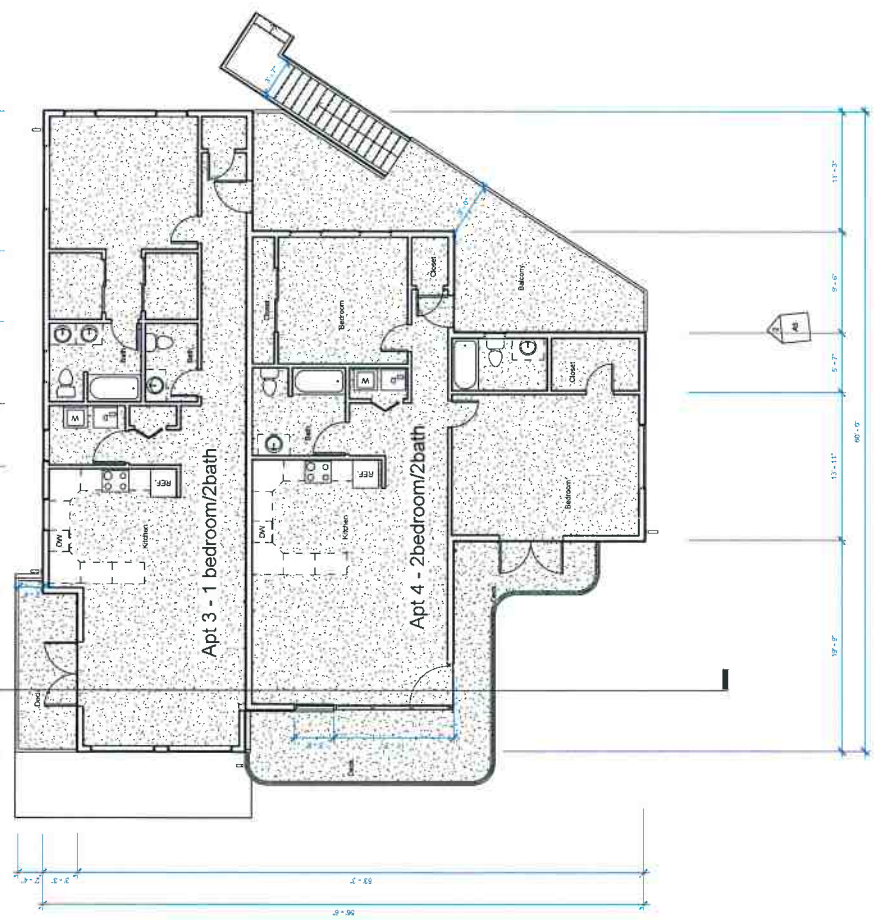
No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

3rd Floor

Sheet Number	Project Number
Date	Drawn by

Scale: 3/16" = 1'-0"



A4



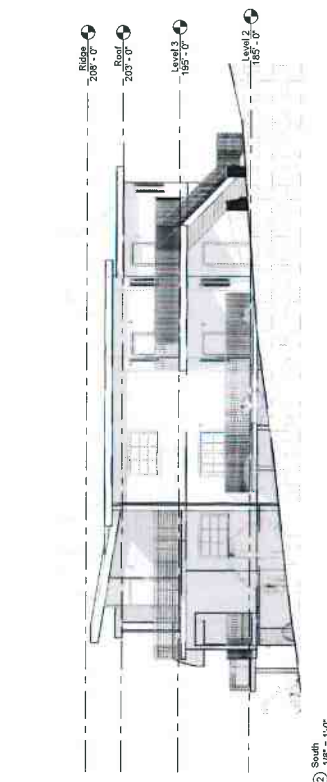
No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

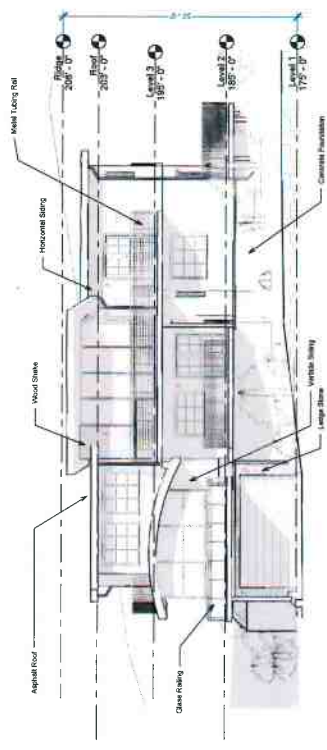
Elevations

Project Number: _____
Date: June 15, 2016
Drawn by: Blackman
Checked by: _____
Scale: 1/8" = 1'-0"

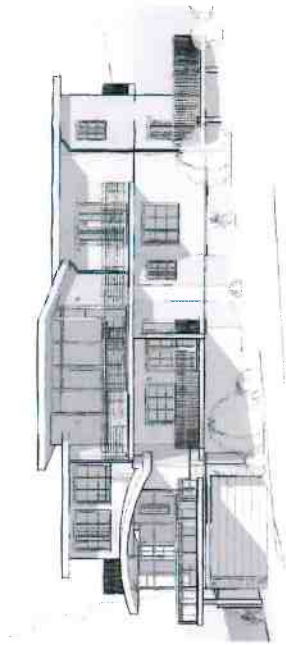
A5



② South 1/8" = 1'-0"



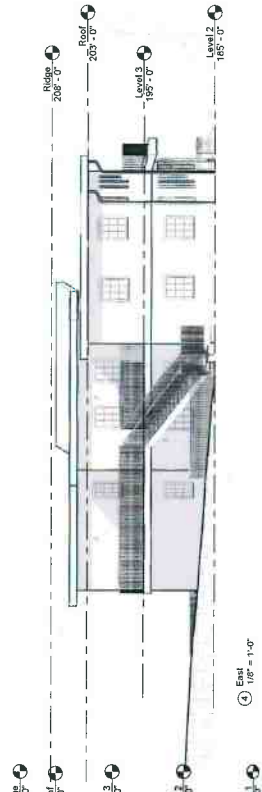
① West 1/8" = 1'-0"



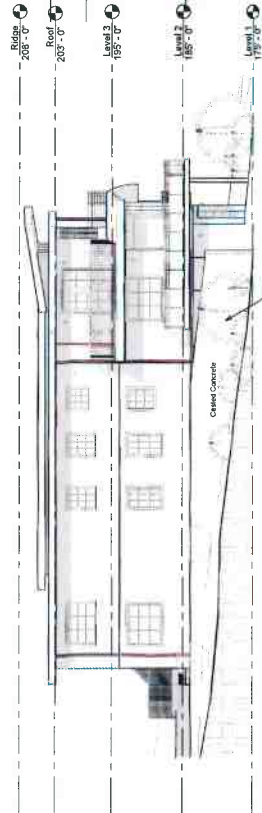
⑥ Overview Front Right



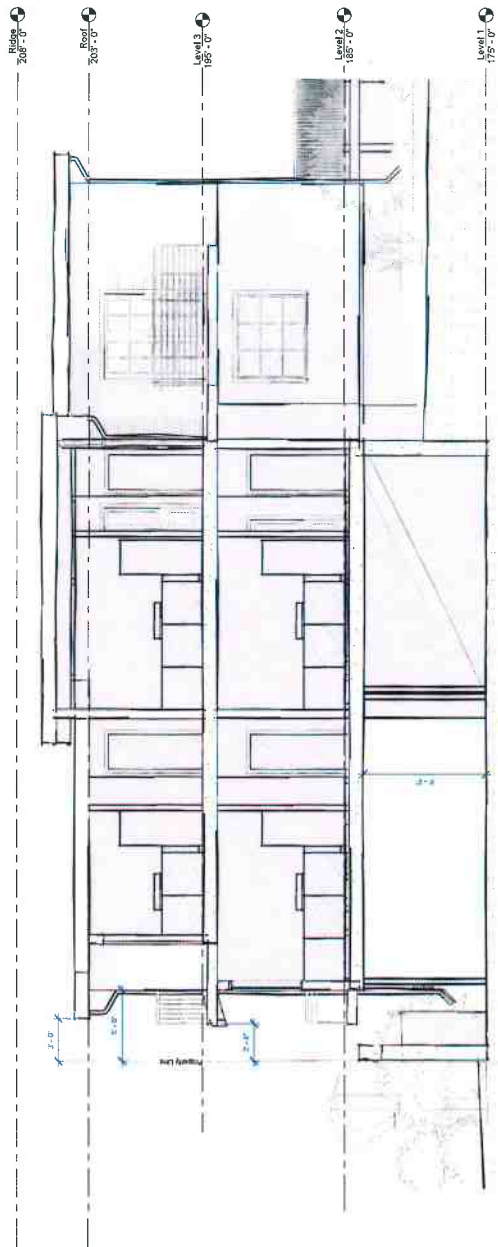
⑤ Overview Front Left



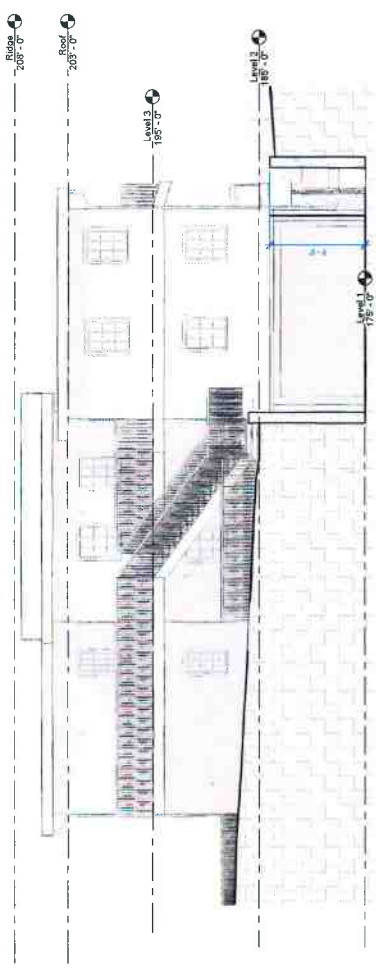
④ East 1/8" = 1'-0"



③ North 1/8" = 1'-0"



① Subgrade
1/4" = 1'-0"



② Rear Parking
3/16" = 1'-0"



No.	Description	Date

Ocean Shore Apt. 4000 Palmetto Pacifica, CA	
Sections	
Project Number	June 15, 2018
Drawn by	Author
Checked by	Checked
A6	
Scale	As indicated

ROUND HOUSE INDUSTRIES, INC.
 900 ROSITA ROAD
 PACIFICA, CA 94044
 650.303.0495

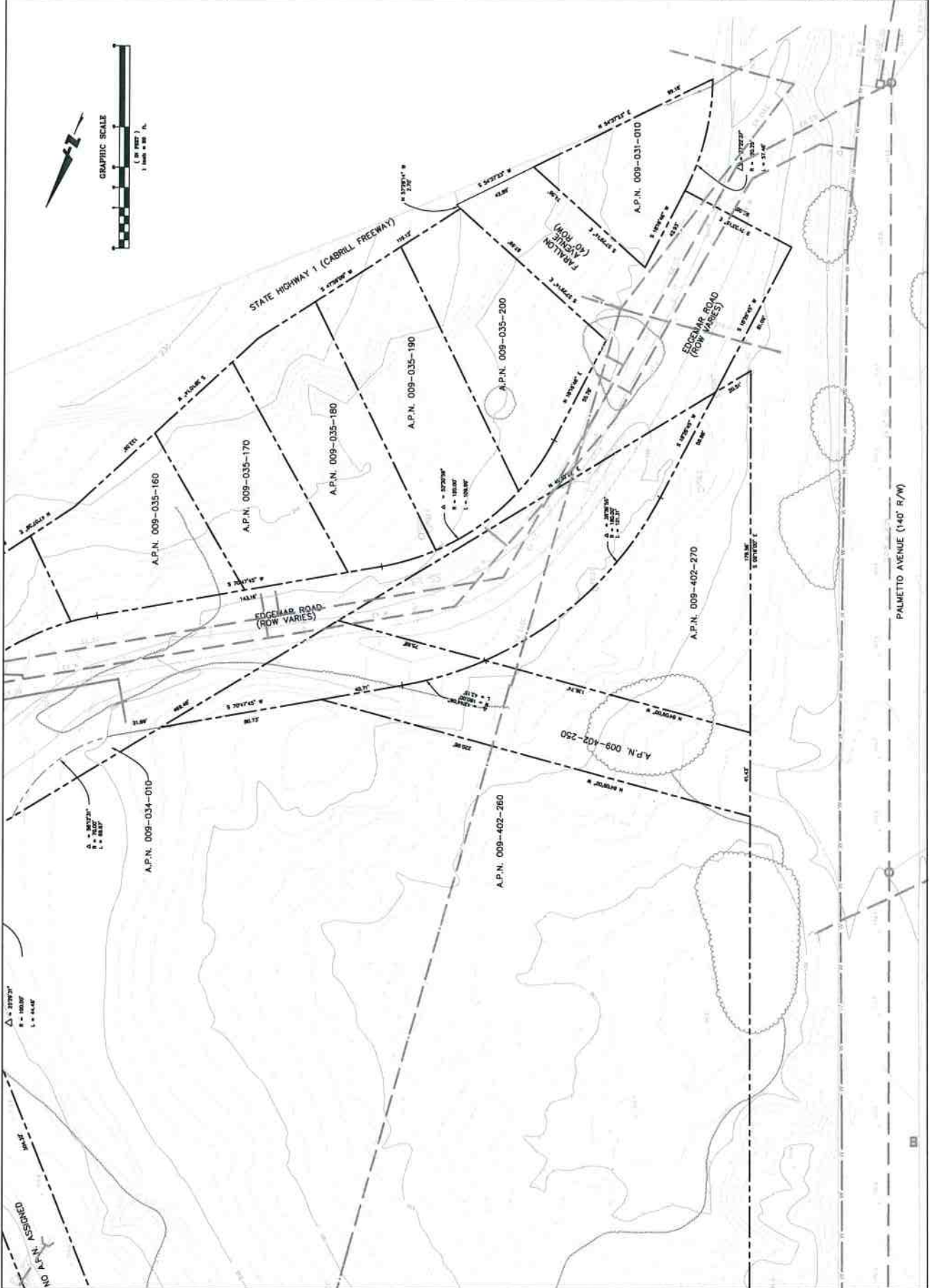
NO.	Revisions
	Approved

SCHEMATIC IMPROVEMENT PLANS
 4501 45th Avenue, Palmetto
 City of Palmetto, San Mateo County
 PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KETH AVENUE
 PACIFICA, CA 94044



DATE: 6/15/18
 SCALE: 1"=20'
 DRAWN: MO
 JOB NO: 2014-022
 SHEET

C2.01



ROUND HOUSE INDUSTRIES, INC.
 900 ROSITA ROAD
 PACIFICA, CA 94044
 650.303.0495

No.	Revisions

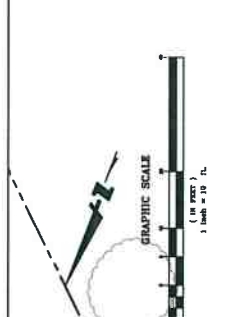
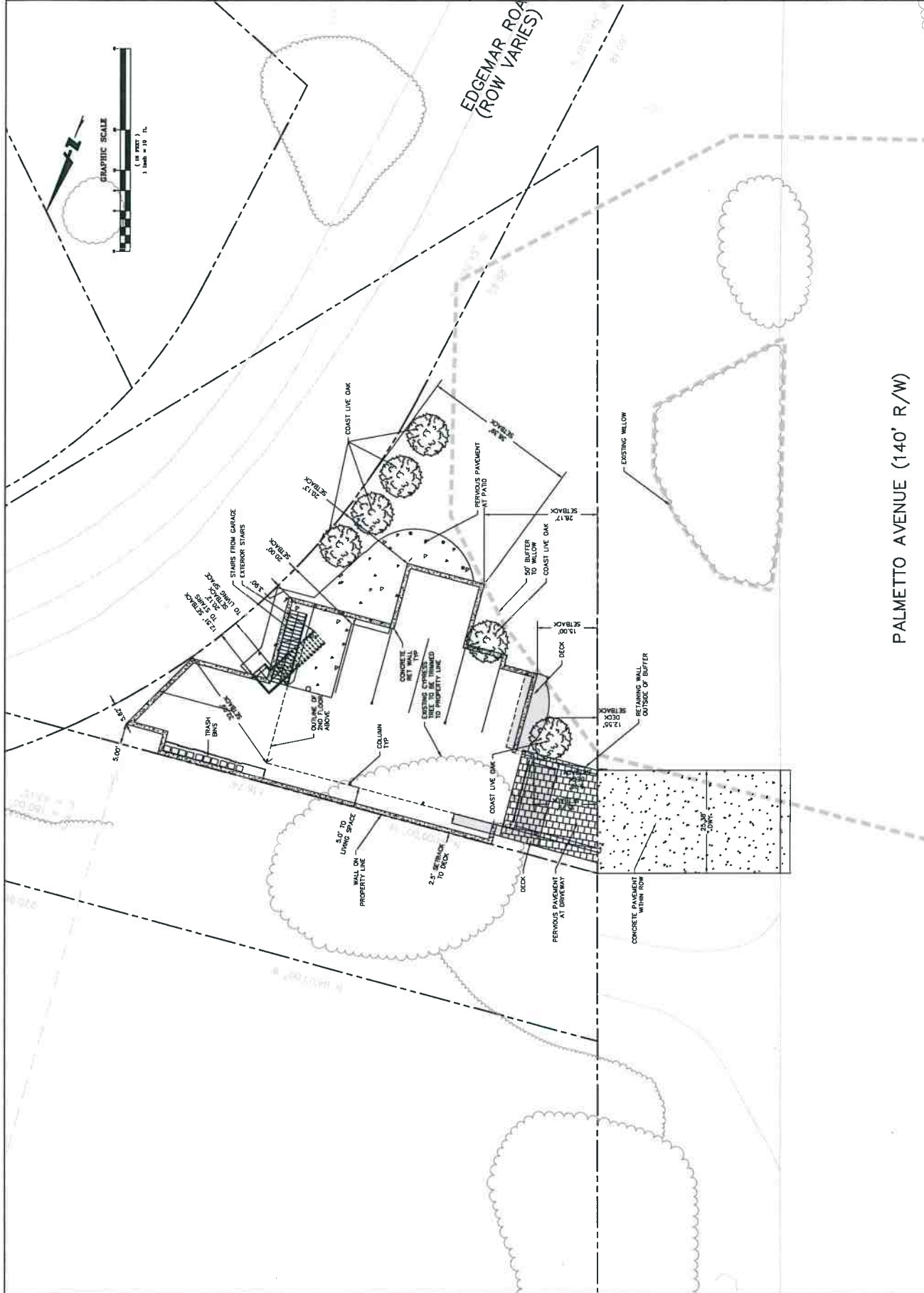
SITE PLAN

PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KEITH AVENUE
 PACIFICA, CA 94044

ARCHITECT: ROUND HOUSE INDUSTRIES, INC.
 900 ROSITA ROAD
 PACIFICA, CA 94044

CITY OF PACIFICA, SAN MATEO COUNTY
 4551 45TH AVENUE, 4561 PALMETTO AVENUE
 PALMETTO, CA 94024

DATE: 6.15.16
 SCALE: 1"=10'
 DRAWING NO: MO
 JOB NO: 2014-022
 SHEET: **C3.01**



PALMETTO AVENUE (140' R/W)

EDGE MAR ROAD
 (ROW VARIES)



SCHEMATIC IMPROVEMENT PLANS
5154, 4504, 4505, 4506, 4507, 4508, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4517, 4518, 4519, 4520, 4521, 4522, 4523, 4524, 4525, 4526, 4527, 4528, 4529, 4530, 4531, 4532, 4533, 4534, 4535, 4536, 4537, 4538, 4539, 4540, 4541, 4542, 4543, 4544, 4545, 4546, 4547, 4548, 4549, 4550, 4551, 4552, 4553, 4554, 4555, 4556, 4557, 4558, 4559, 4560, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575, 4576, 4577, 4578, 4579, 4580, 4581, 4582, 4583, 4584, 4585, 4586, 4587, 4588, 4589, 4590, 4591, 4592, 4593, 4594, 4595, 4596, 4597, 4598, 4599, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633, 4634, 4635, 4636, 4637, 4638, 4639, 4640, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, 4649, 4650, 4651, 4652, 4653, 4654, 4655, 4656, 4657, 4658, 4659, 4660, 4661, 4662, 4663, 4664, 4665, 4666, 4667, 4668, 4669, 4670, 4671, 4672, 4673, 4674, 4675, 4676, 4677, 4678, 4679, 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692, 4693, 4694, 4695, 4696, 4697, 4698, 4699, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4784, 4785, 4786, 4787, 4788, 4789, 4790, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4835, 4836, 4837, 4838, 4839, 4840, 4841, 4842, 4843, 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4905, 4906, 4907, 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920, 4921, 4922, 4923, 4924, 4925, 4926, 4927, 4928, 4929, 4930, 4931, 4932, 4933, 4934, 4935, 4936, 4937, 4938, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960, 4961, 4962, 4963, 4964, 4965, 4966, 4967, 4968, 4969, 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4984, 4985, 4986, 4987, 4988, 4989, 4990, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999, 5000

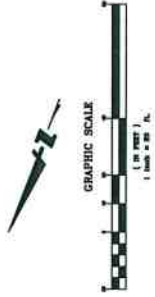
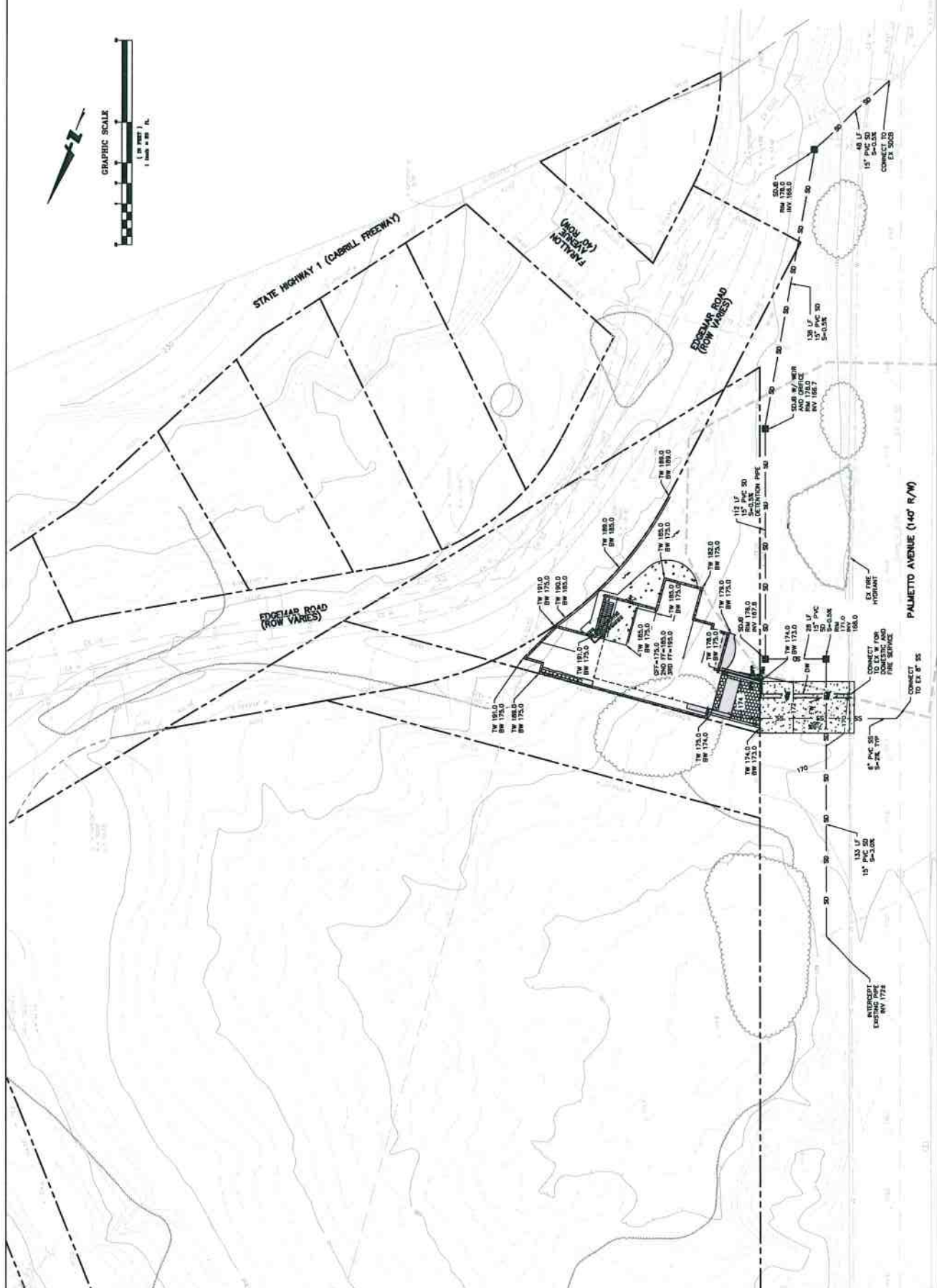
DATE: 6.15.16
SCALE: 1"=20'
DRAWING NO. 2014-072
JOB NO. 2014-072
SHEET

C4.01

ROUND HOUSE INDUSTRIES, INC.
900 ROSITA ROAD
PACIFICA, CA 94044
650.303.0495

GRADING, DRAINAGE,
AND UTILITY PLAN

Approved: _____
No. _____
Revisions: _____



MIKE O'CONNELL, P.E.
 900 ROSITA ROAD
 PACIFICA, CA 94044
 650.303.0495

SIGHT TRIANGLES

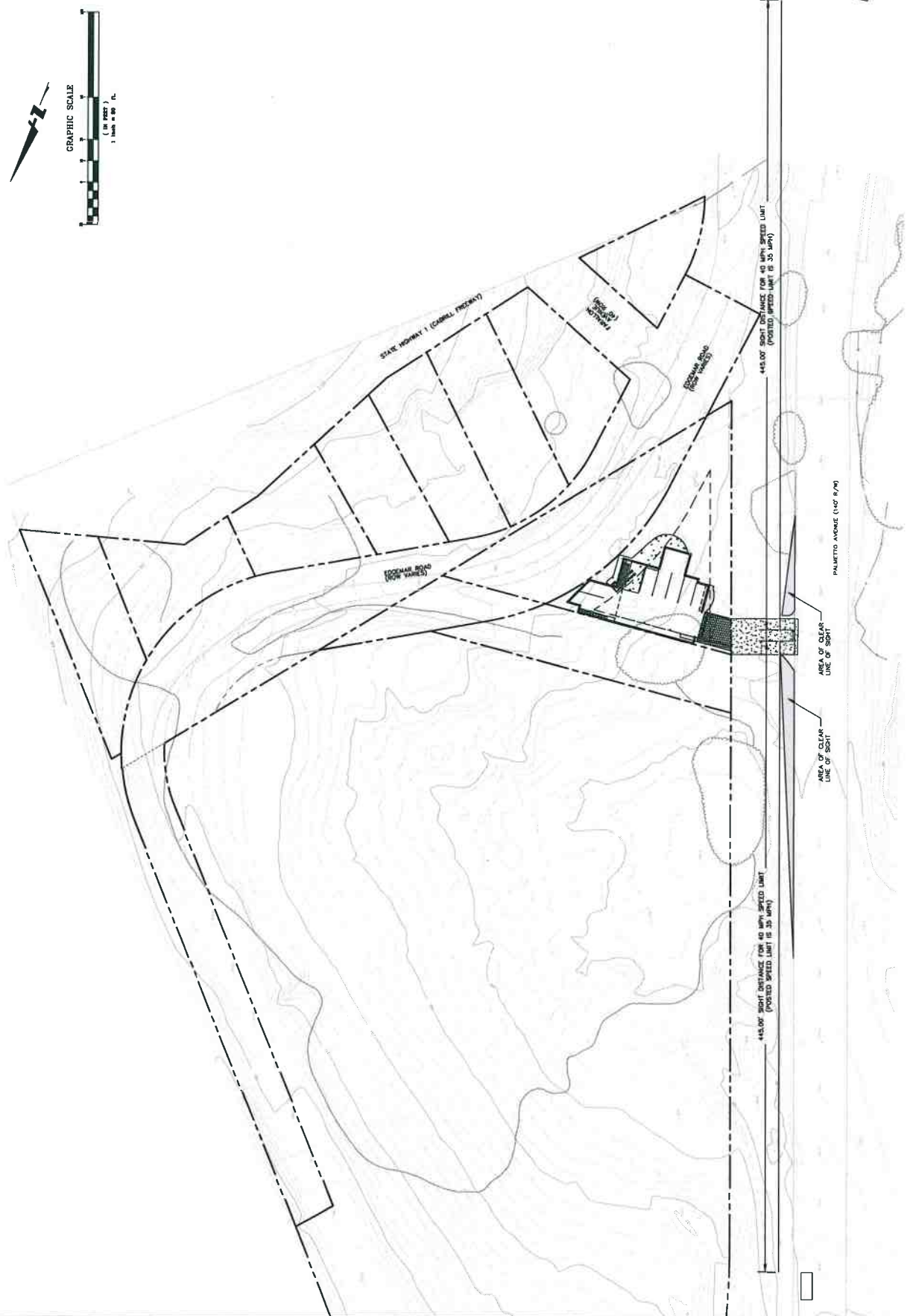
Revisions
 No. _____
 Approved _____

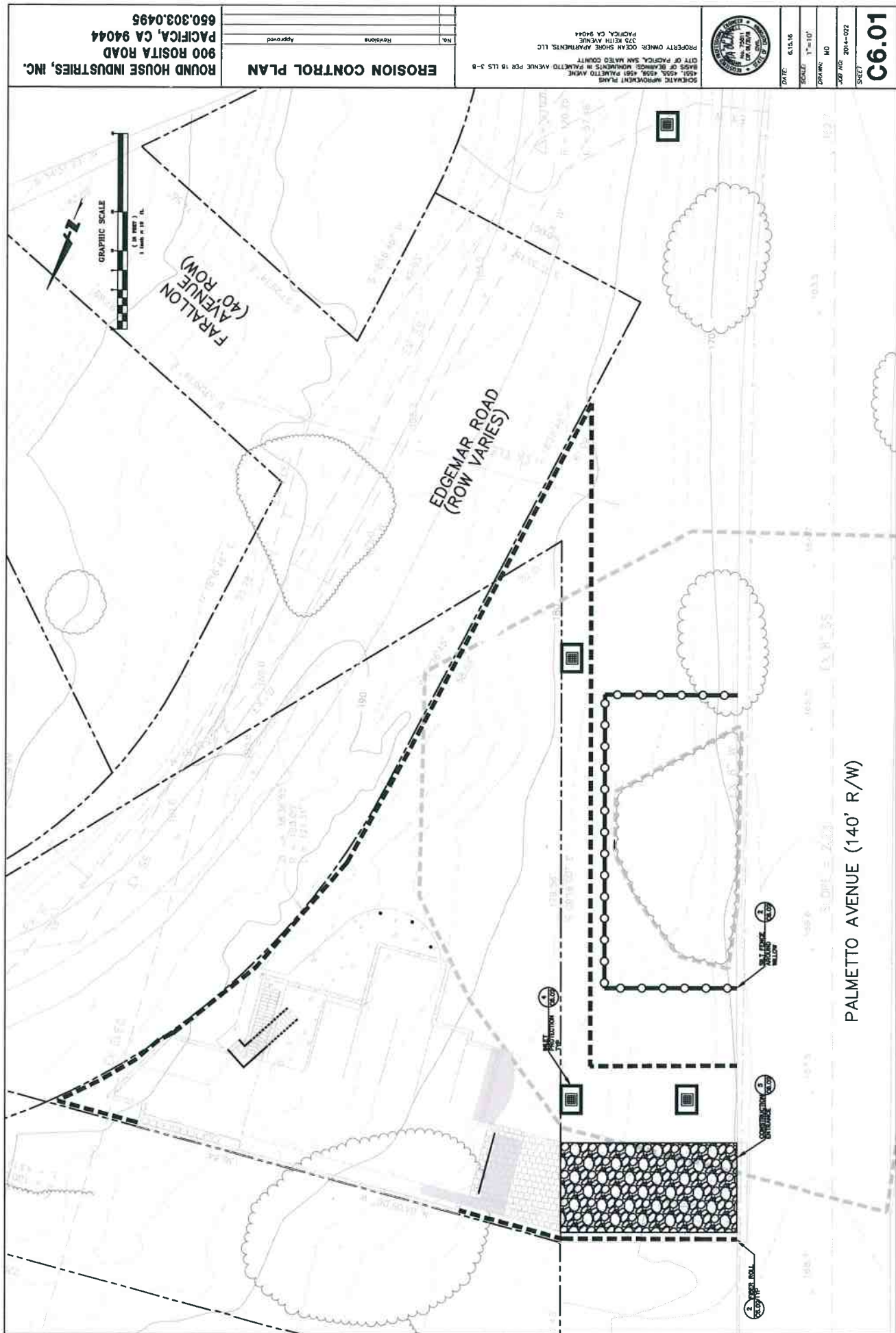
SCHEMATIC IMPROVEMENT PLANS
 4001 4500 4501 PALMETTO AVENUE
 BASIS OF DESIGN: IMPROVEMENTS IN PALMETTO AVENUE PER 18 ILS 3-B
 CITY OF PACIFICA, SAN MATEO COUNTY
 PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KEITH AVENUE
 PACIFICA, CA 94044



DATE: 12.02.15
 SCALE: 1" = 30'
 DRAWING NO.
 JOB NO: 2014-022
 SHEET

C5.01





ROUND HOUSE INDUSTRIES, INC.
 900 ROSITA ROAD
 PACIFICA, CA 94044
 650.303.0495

No.	Revisions	Approved

PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KEITH AVENUE
 PACIFICA, CA 94044

BASE OF RECORDS: MINUTES IN PALMETTO AVENUE PER 18 U.S. 3-8
 4551, 4553, 4555, 4559, 4561 PALMETTO AVENUE
 CITY OF PACIFICA, SAN MATEO COUNTY



DATE: 6/15/19
 SCALE: 1"=10'
 DRAWN: MD
 JOB NO: 2014-022
 SHEET

C6.01

ROUND HOUSE INDUSTRIES, INC.
 900 ROSITA ROAD
 PACIFICA, CA 94044
 650.303.0495

NO.	Revisions
	Approved

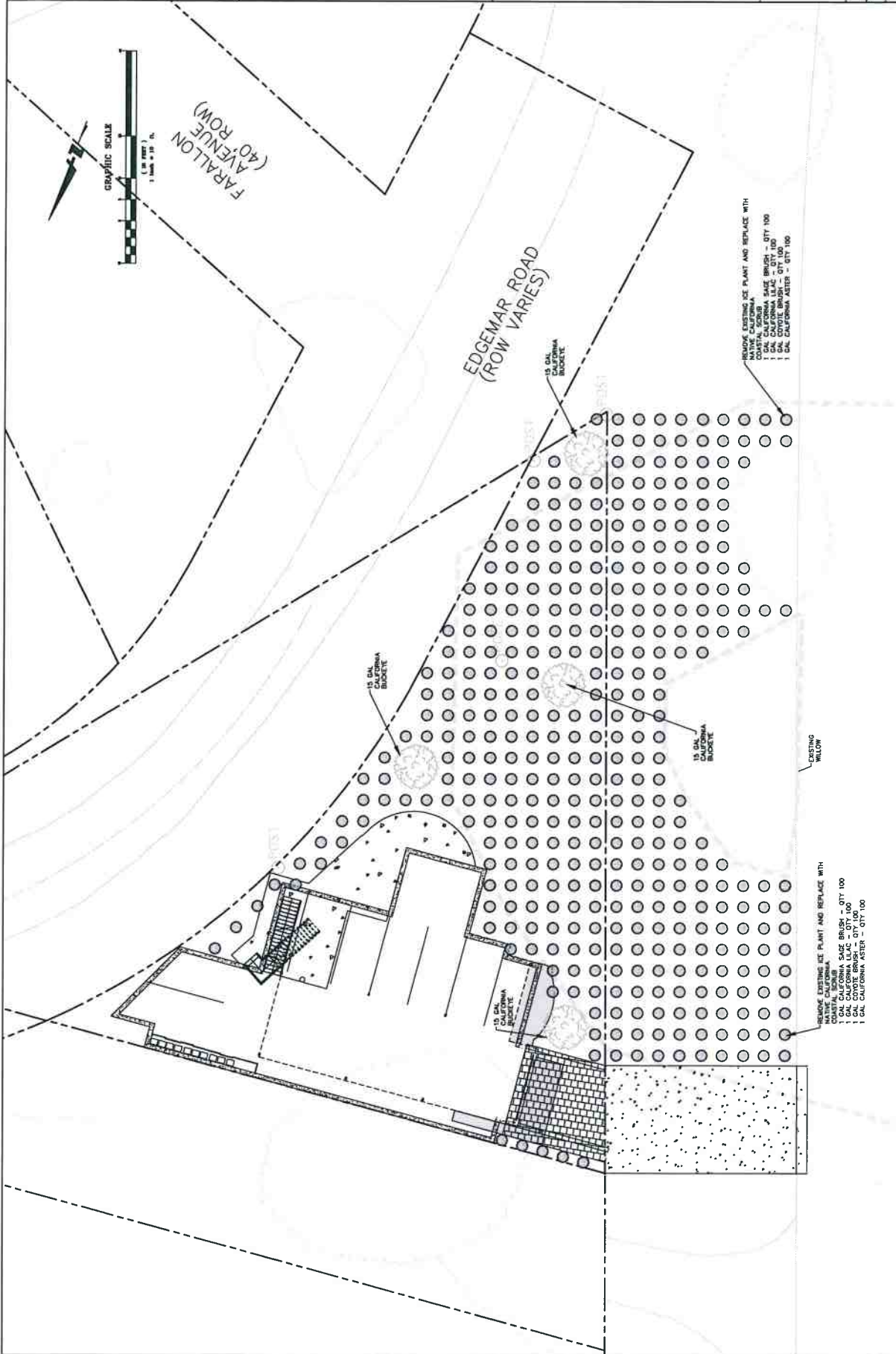
LANDSCAPE PLAN

SCENARIO IMPROVEMENT PLANS
 8501 KORN ROAD, 4000 4000 PALMETTO AVENUE
 BASES OF REVISIONS: COMMENTS IN PALMETTO AVENUE
 CITY OF PACIFICA, SAN MATEO COUNTY
 PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KORN AVENUE
 PACIFICA, CA 94044



DATE: 6.15.16
 SCALE: 1"=10'
 DRAWN: MO
 JOB NO.: 2014-022
 SHEET

C7.01



PALMETTO AVENUE (140' R/W)

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



Page 1

May 4, 2016

Permit Application No.: A-2-PAC-15-0046

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On **April 13, 2016**, the California Coastal Commission approved Coastal Development Permit No. **A-2-PAC-15-0046** requested by **David Blackman and Mike O'Connell** subject to the attached conditions, for development consisting of: **construction of a single three-story 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage** more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone at **4000 block of Palmetto Avenue in the City of Pacifica, San Mateo County (APN 009-402-270)**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. A-2-PAC-15-0046, please contact the Coastal Program Analyst identified below.

Sincerely,

John Ainsworth

May 4, 2016

Permit Application No.: A-2-PAC-15-0046

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

Acting Executive Director

Patrick Foster
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date	Permittee
------	-----------

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission and affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

May 4, 2016

Permit Application No.: A-2-PAC-15-0046

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

SPECIAL CONDITIONS:

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

This permit is granted subject to the following special conditions of approval:

- 1. Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the proposed project plans (**Exhibit 12**) except that they shall be revised and supplemented to comply with the following requirements:
 - a. Aesthetics.** The project shall be sited and designed, including through cutting it into the slope, to limit its visibility in the Palmetto Avenue/Highway One viewshed, and to otherwise reflect a rural coastal theme (such as simple and utilitarian lines and materials, including use of board and bats, stone veneer, corrugated metal, corten steel, and muted earth tone colors). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to the driveway, and all other project elements within the Palmetto Avenue/Highway One viewshed (including but not limited to walkways, paved areas, railings, lighting, and decorative landscaping). The driveway shall be colored or shall make use of other materials necessary to achieve compliance with this condition, and the driveway entrance on Palmetto Avenue shall be designed to avoid or, if infeasible to avoid, minimize above ground elements (such as pillars) and to ensure all allowed elements emphasize a rustic coastal aesthetic. At a minimum, the plans shall clearly identify all such project elements, and all materials and finishes to be used to achieve such design aesthetic (including but not limited to through site plans and elevations, materials palettes and representative photos, and product brochures).
 - b. Low Impact Development.** In order to prevent runoff and other environmental impacts, permeable material shall be used in lieu of standard concrete for construction of the driveway, outdoor patio, and all walkways. This may include the use of permeable concrete or stone pavers, open-cell concrete blocks, porous pavement, or other pervious material that allows water to drain and percolate into the soil below. The portion of the proposed driveway within the City of Pacifica's right-of-way shall be constructed with all-weather pervious paving acceptable to the City of Pacifica's Engineering Division and the North Coast County Fire Authority, and shall meet all relevant requirements of the California Fire Code, including access and load-bearing requirements at Appendix D, Section D102.1 (2013).
 - c. Utilities.** All utilities shall be installed underground.

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

- d. **Landscaping and Irrigation.** Outside decorative landscaping shall be limited to drought tolerant species, and outside irrigation shall be limited to drip or microspray systems.
- e. **Landscape Screening.** Revised Plans shall include a landscape screening component that is designed to most effectively screen the residence and driveway from the Palmetto Avenue/Highway One viewshed. Such landscape screening shall utilize native, drought tolerant and non-invasive plant species complementary with the mix of native habitats in the project vicinity. The landscape screening component shall include detailed information regarding species, sizes, and planting locations for all vegetation planted to screen the residence and driveway, and shall specify cut heights to ensure that such landscaping over time does not grow so tall as to impact any views from Highway One.
- f. **Exterior Lighting.** All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, shall be sited and designed to minimize their impact on views along Palmetto Avenue, shall be low-wattage, non-reflective, and shielded, shall utilize timers to minimize nighttime lighting, and shall have a directional cast downward such that no light will shine within the wetland habitat area and additional restoration area, as shown in **Exhibit 14**.
- g. **Post-Construction BMPs.** Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands post construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Management Handbooks (currently available at <https://www.casqa.org/resources/bmp-handbooks>). All BMPs shall be operated, monitored, and maintained for the life of the project.

All requirements above and all requirements of the approved Revised Project Plans shall be enforceable components of this CDP. The Permittees shall undertake development in accordance with the approved Revised Project Plans.

- 2. **Habitat Restoration Plan for the Wetlands Buffer Conservation Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two sets of a Habitat Restoration Plan for the wetlands buffer conservation area to the Executive Director for review and approval. The Plan shall at a minimum include:
 - a. **Restoration Area.** A detailed site plan of the on-site restoration area with habitat acreages identified, including but not limited to identification of the wetlands delineation as submitted by the Applicants to the Executive Director, dated July 29, 2015, identification of the 50-foot buffer surrounding the wetlands as generally described and shown by **Exhibit 14** attached to this staff report, and identification of where signage required by **Special Condition 2.e** will be placed.
 - b. **Baseline.** An ecological assessment of the current condition of the restoration area.
 - c. **Success Criteria.** Goals, objectives, and performance standards for successful restoration.

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(Upon satisfaction of special conditions)

- d. **Restoration Methods.** The final design and construction methods that will be used to ensure the restoration plan achieves the defined goals, objectives, and performance standards. Such methods shall include, at a minimum, removal of invasive vegetation, such as ice plant, and restoration with native coastal scrub.
- e. **Signage.** Provisions requiring the Permittee to place at least one interpretive sign that discourages pedestrian, canine, and other human-controlled use of or entry to the delineated wetlands. The sign shall also specify that no development is allowed within the wetland buffer area, and that this area is suitable only for passive recreation. The sign shall be of a size consistent with the City of Pacifica's sign requirements for public recreational areas, and shall be placed at a conspicuous location visible to tenants and visitors, situated in the vicinity of any amenities (such as a bench) installed along the outside edge of the buffer area. The Plan shall include the intended location and text of the sign to ensure it adequately identifies the extent of the wetland and buffer, as well as a sample mock-up of the materials and coloring planned for the sign to ensure it blends effectively with the surrounding natural landscape and overall character of the development.
- f. **Non-Native Species Management.** The Plan shall indicate that non-native species will be controlled within the restoration area.
- g. **Monitoring and Maintenance.** Provisions for monitoring and maintenance, including a schedule, maintenance activities, a quantitative sampling plan, fixed photographic points, interim success criteria, final success criteria for native and non-native vegetative cover, biodiversity and wetland hydrology, and a description of the method by which success will be evaluated.
- h. **Reporting.** Provision for submitting, for the review and approval by the Executive Director, monitoring reports prepared by a qualified specialist that assess whether the restoration is in conformance with the approved plan, beginning the first year after initiation of implementation of the plan, and annually for at least five years. Final monitoring for success will take place no sooner than 3 years following the end of all remediation and maintenance activities other than weeding. If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall within 90 days submit two sets of a revised or supplemental restoration program for the review and approval of the Executive Director. The revised or supplemental restoration program shall be processed as an amendment to the CDP unless the Executive Director determines that no CDP amendment is legally required. The program shall be prepared by a qualified specialist, and shall be designed to compensate for those portions of the original restoration that did not meet the approved plan's success criteria.

All requirements above, and all requirements of the approved Habitat Restoration Plan, shall be enforceable components of this CDP. The Permittees shall undertake all development in accordance with the approved Habitat Restoration Plan.

- 3. **Future Development Restriction.** This CDP is only for the development described in CDP No. A-2-PAC-15-0046. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the

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exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. A-2-PAC-15-0046. Accordingly, any future development associated with the residential project authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. A-2-PAC-15-0046 or shall require a separate CDP.

4. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the extent feasible, in order to have the least impact on public access and coastal resources, including by using inland areas on the subject property for staging and storing construction equipment and materials as feasible. Construction, including but not limited to construction activities and materials and equipment storage, is prohibited outside of the defined construction, staging, and storage areas.
 - b. **Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from wetland habitat. All work shall take place during daylight hours and lighting of wetland habitat is prohibited. From March 1 to July 1, the Permittee shall avoid construction on land on and adjacent to wetland habitat and otherwise avoid impacts, such as loud noise, that may affect nesting birds. If nesting birds are found during preconstruction surveys, a qualified biologist shall establish a 300-foot buffer (500 feet for raptors) within which no construction can take place. The established buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist.
 - c. **BMPs.** The plan shall identify the type and location of all erosion control/water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment discharge; (b) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain. including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
 - d. **Construction Site Documents.** The plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job

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site at all times, and that the CDP and the approved Construction Plan are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

- e. **Construction Coordinator.** The plan shall provide that a construction coordinator be available 24 hours a day for the public to contact during construction should questions arise regarding the construction. Contact information for the coordinator, including a mailing address, e-mail address, and phone number shall be conspicuously posted at the job site in a place that is visible from public viewing areas, along with information that the construction coordinator should be contacted in the case of any questions regarding the construction. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.
- f. **Restoration.** All areas impacted by construction activities shall be restored to their pre-construction condition or better within 72 hours of completion of construction.
- g. **Notification.** The Permittees shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittees shall undertake construction in accordance with the approved Construction Plan.

- 5. **Post-Construction Site Drainage and Erosion Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit, for the Executive Director's review and approval, a Site Drainage and Erosion Management Plan, including a drainage and erosion analysis of the proposed project site, prepared by a Registered Civil Engineer. The Permittees shall submit two copies of the Plan to the Executive Director and the Plan shall, at a minimum include the following:
 - a. A drainage and erosion analysis consisting of a written narrative and scaled plans. The flow of storm water onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage and erosion control on the site. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures, including future practices, shall be designed and submitted to the Executive Director for review and approval.
 - b. Provisions for all landscaping to be properly maintained and designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.

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- c. Provisions prohibiting the discharge of anything other than rainwater into the streets and storm drains, and requirements to seal all floor drains or piping that carry wastewater to storm drains.
 - d. Provisions requiring roof downspout systems from all structures to be designed to drain to a designated infiltration area or landscaped sections of the property.
6. **Landscape Screening Report.** Within two years of the commencement of construction, the Permittees shall submit, for the review and approval of the Executive Director, a landscape screening report prepared by a qualified specialist that certifies the landscape screening is in compliance with the requirements of **Special Condition 1**. If the landscape screening report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in **Special Condition 1**, the Permittees shall submit a revised or supplemental landscape screening plan for the review and approval of the Executive Director. The revised/supplemental landscape screening plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
7. **Coastal Hazards Response.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:
- a. **Coastal Hazards.** The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, and their interaction.
 - b. **Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy and use, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
 - c. **No Future Shoreline Protective Device.** No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CDP A-2-PAC-15-0046, including, but not limited to, residential areas or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CDP, the Permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agree that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235, and that new development shall in no way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, per LCP Policy Number 26.

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- d. Obligation to Provide Access.** In the event that coastal hazards eliminate access to the site due to the degradation and eventual failure of Palmetto Avenue as a viable roadway, the Permittees agree that, if necessary as determined by the City of Pacifica, to provide for construction of a substitute private road, allowing for effective ingress and egress from the site. The Permittees shall apply for a new CDP or an amendment to this CDP in order to conduct any such development related to realignment or construction of an access road, unless the Executive Director determines that a permit or amendment is not legally required.
- e. Future Removal of Development.** The Permittees shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential building and other development authorized under this CDP, when any government agency orders removal of the development due to imminent coastal hazards in the future or when the development becomes imminently threatened by coastal hazards. Development associated with removal or relocation of the residential building or other development authorized by this CDP shall require an amendment to this CDP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands, and lawfully dispose of the material in an approved disposal site. Such removal activities shall require an amendment to this CDP.
- 8. Coastal Hazards Risk.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns:
- a. Assume Risks.** To assume the risks to the Permittees and the property that is the subject of this CDP of injury and damage from coastal hazards in connection with this permitted development;
- b. Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;
- c. Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
- d. Permittees Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the Permittees.
- 9. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit to the Executive Director for review and approval documentation demonstrating that the Permittees have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. Wetlands and Buffer Conservation Area

- a. No development, as defined in section 30106 of the Coastal Act shall occur in the wetlands or the wetlands 50-foot buffer area as generally shown in **Exhibit 14** except for
- i) restoration activities and placement of signage consistent with the Habitat Restoration Plan, approved pursuant to **Special Condition 2** of this permit;

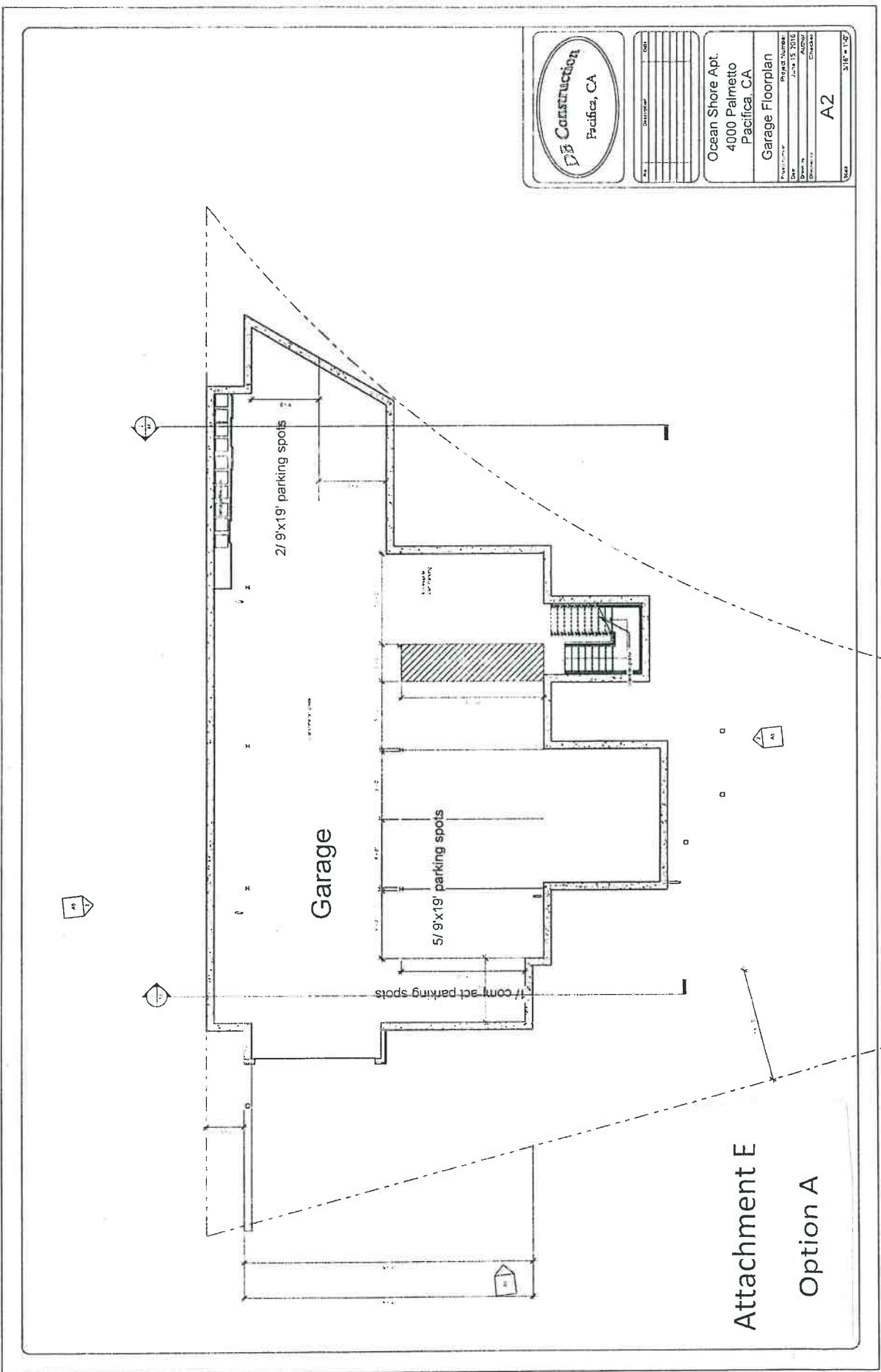
AND

- ii) if approved pursuant to an amendment to this permit, or a new coastal development permit, activities consistent with restoration or realignment of the City of Pacifica's right-of-way associated with Palmetto Avenue located on the subject property.
- b. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction document in a form and content acceptable to the Executive Director for the purpose of conserving the wetlands and 50-foot wetland buffer area generally shown on **Exhibit 14** of the staff report. The recorded document shall include a legal description of the applicant's entire legal parcel and an exhibit consisting of a formal metes and bounds legal description and a corresponding graphic depiction prepared by a licensed surveyor based on an onsite on the ground survey of the wetlands and 50-foot wetland buffer conservation area. The recorded document shall also reflect that development in the wetlands and 50-foot wetland buffer conservation area is restricted as set forth in this permit condition.
- c. The deed restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assignees, in perpetuity.



NO.	DESCRIPTION	DATE

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA
Garage Floorplan
Date: 10/15/2016
Drawn by: AUR
Checked by: C/Rob
Scale: A2
Sheet: 3/18" x 15"

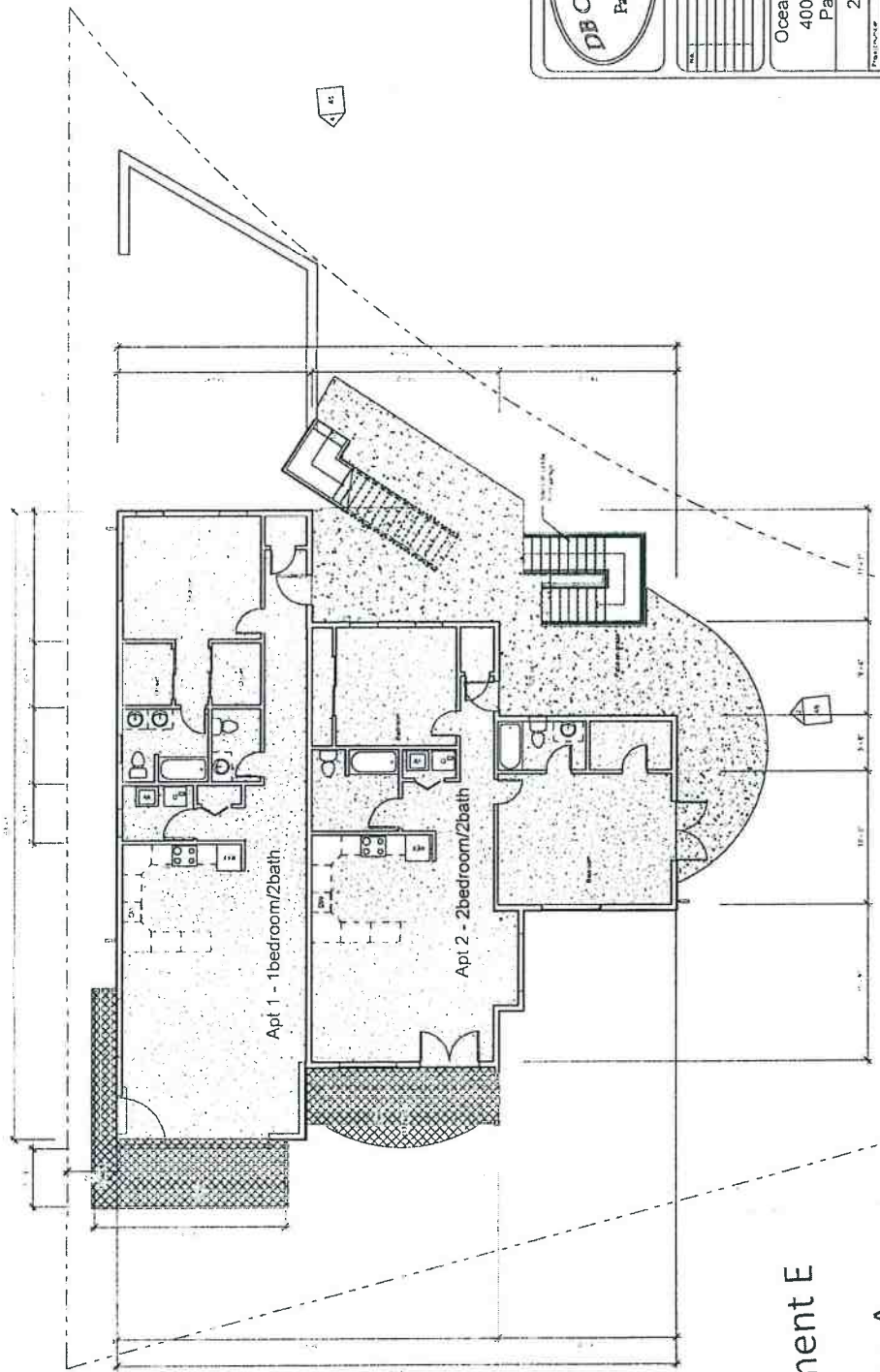


Attachment E
Option A

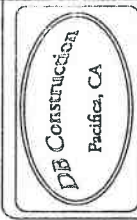


NO.	DESCRIPTION	DATE

Ocean Shore Apt. 4000 Palmetto Pacifica, CA	
2nd Floor	
PROJECT NO.	PROJECT NUMBER
DATE	JUNE 12, 2018
DESIGNED BY	CHECKED
DRAWN BY	SCALE
A3	
SHEET # 1 of 7	



Attachment E
Option A

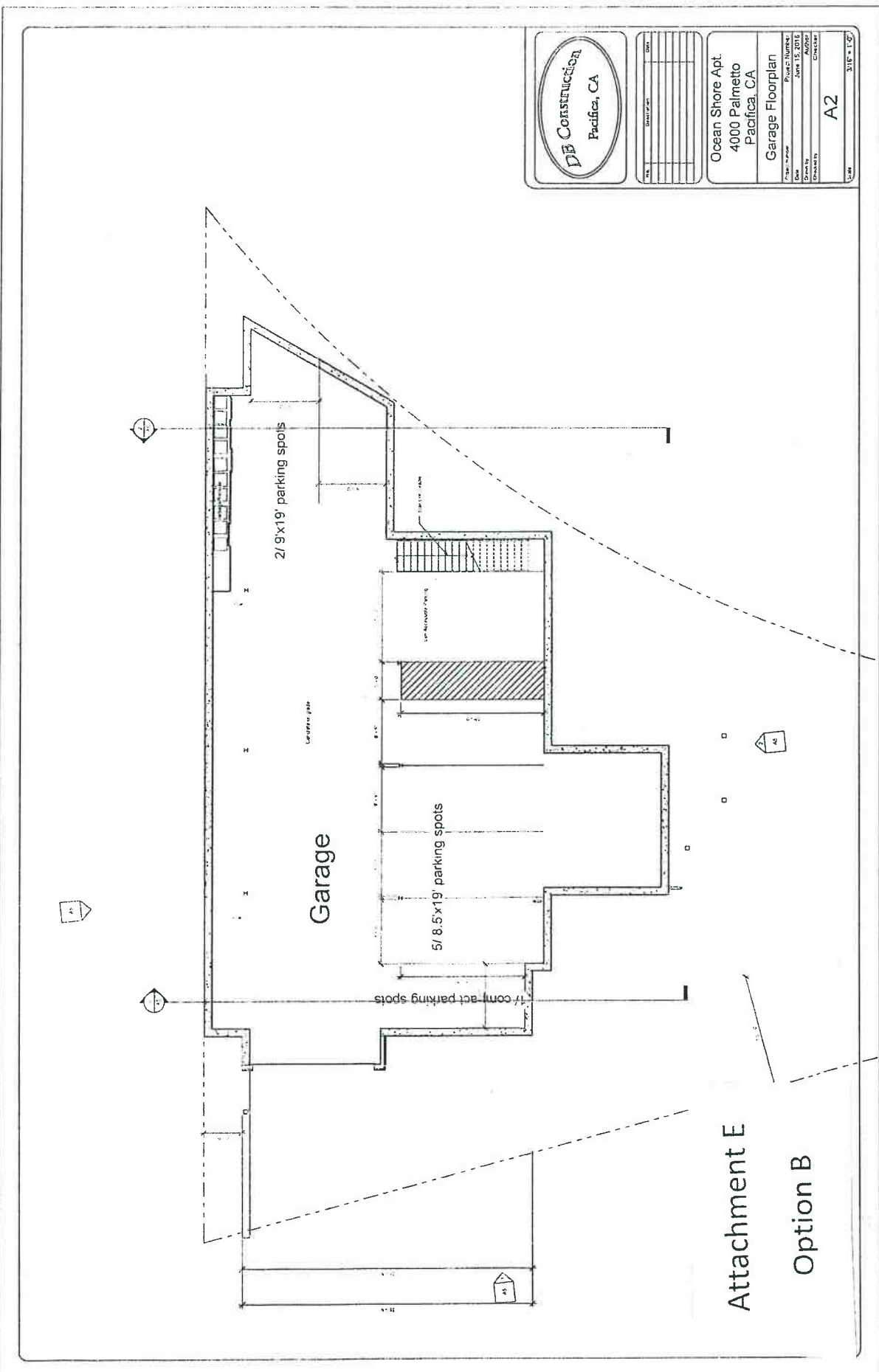


NO.	DATE	DESCRIPTION

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

Garage Floorplan

Project Number: _____
Date: June 15, 2016
Drawn by: A.M.O.R.
Checked by: _____
Scale: A2
Sheet: 3/16" x 11 1/2"



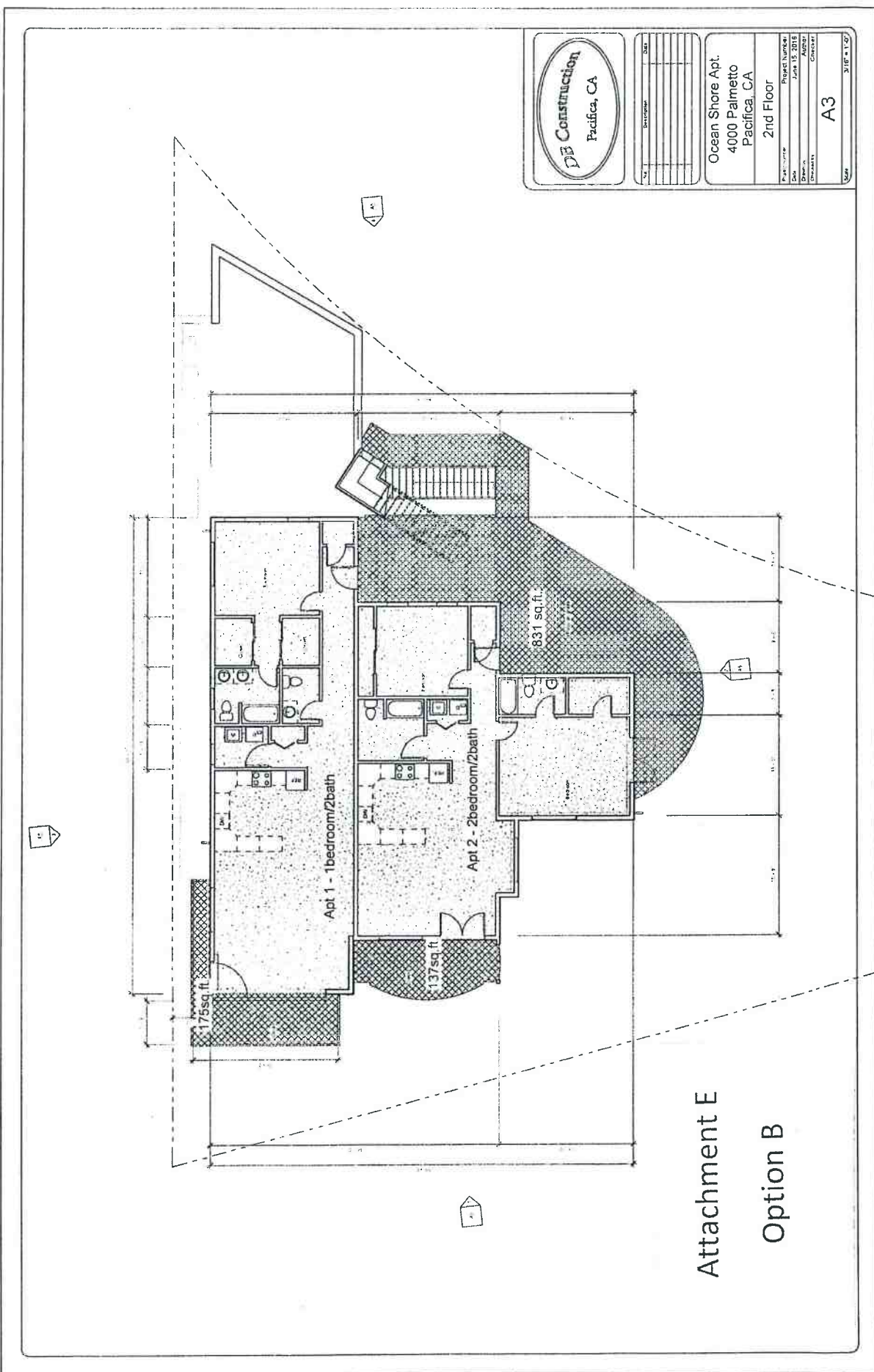
Attachment E
Option B



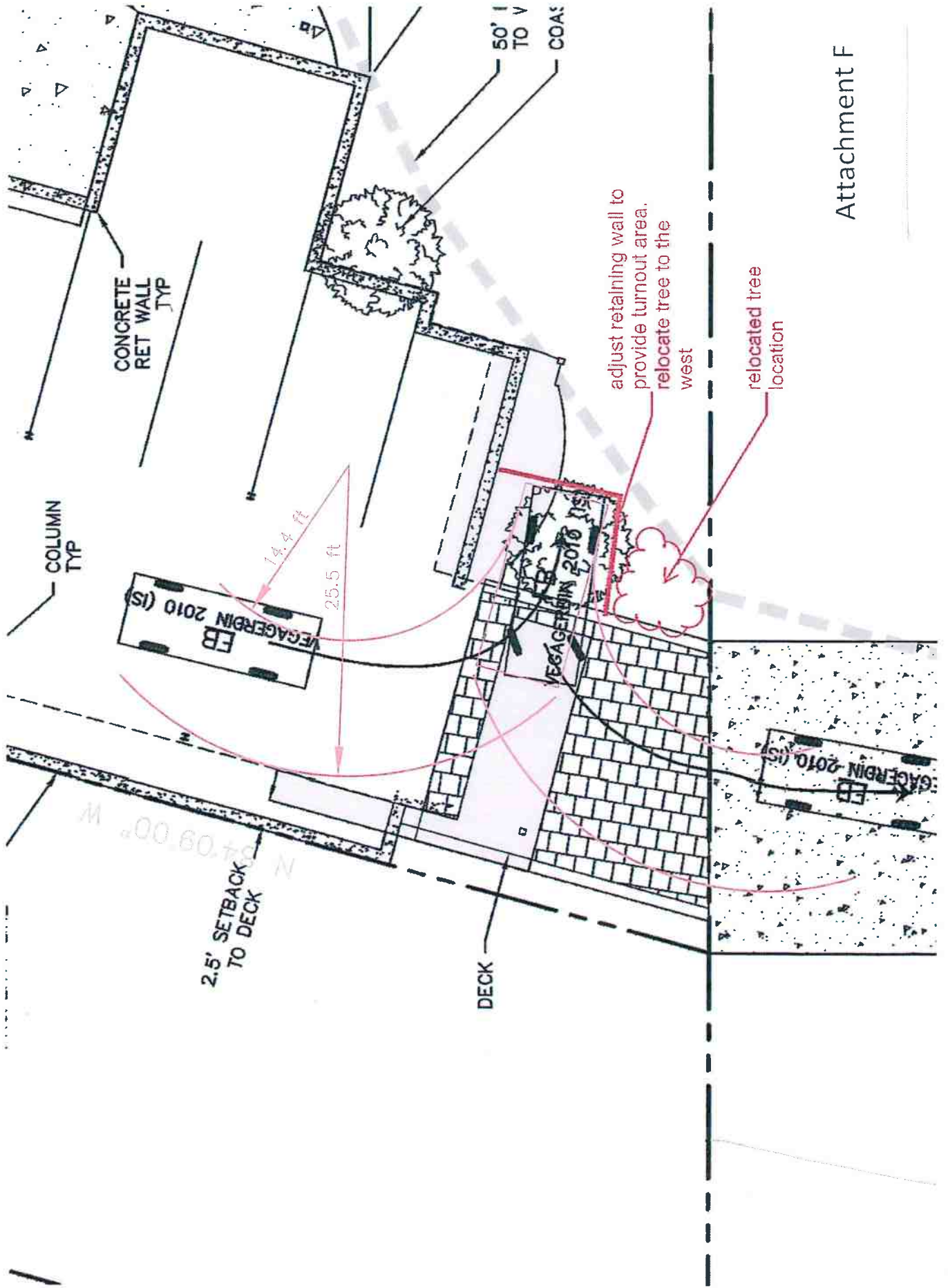
No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA
2nd Floor

Project Name:
Date: 04/15/2018
Drawn by: AJR/ML
Checked by:
Scale: A3



Attachment E
Option B





Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Agenda

DATE: April 6, 2015
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: March 16, 2015

Designation of Liaison to City Council Meeting

CONSENT ITEMS:

1. **CDP-338-13** **EXTENSION OF PERMITS** for the expansion of an existing 38-room Holiday Inn Express including an addition of 44 guest rooms and 2,010 square feet of retail space at 519 Nick Gust Way, Pacifica (APN 022-024-250 & -270 & -280). Proposed Action: Grant one (1) year extension
PSD-784-13
UP-028-13
PV-509-13

PUBLIC HEARINGS:

2. **SP-151-15** **SPECIFIC PLAN, SP-151-15**, filed by Javier M. Chavarria agent for the applicant/property owner, Sonora Shores III, LLC, to construct a 4,238+ square foot two story single-family residence on Lot 2 which is part of the development known as Harmony @ 1 located at Fassler and Roberts Road (APN 022-150-460). Proposed Action: Approve as conditioned.
3. **PSD-790-14** **SITE DEVELOPMENT PERMIT, PSD-790-14, COASTAL DEVELOPMENT PERMIT, CDP-347-14, VARIANCE, PV-513-14, AND PARKING EXCEPTION, PE-160-15**, filed by David Blackman and Mike O'Connell, property owners, to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN: 009-402-270). The property is zoned R-3-G, Multiple-Family Residential Garden. The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approve as conditioned.
CDP-347-14
PV-513-14
PE-160-15

CONSIDERATION ITEM:

None

COMMUNICATIONS:

Commission Communications:

Staff Communications:

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.

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 disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

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.



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: April 6, 2015

ITEM: 3

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on March 26, 2015 and 18 surrounding property owners were notified by mail.

FILE: PSD-790-14
CDP-347-14
PV-513-14
PE-160-15

**APPLICANT/
OWNERS:**

David Blackman & Mike O'Connell
375 Keith Avenue
Pacifica, CA 94044

LOCATION:

4000 Block of Palmetto Avenue (APN: 009-402-270)

**PROJECT
DESCRIPTION:**

Construction of four detached studio apartments and four stall carport

General Plan: Medium Density Residential

Zoning: R-3-G/CZ, Multiple-Family Residential Garden /Coastal
Zone

CEQA STATUS: Exempt: Section 15303 (b)

ADDITIONAL REQUIRED APPROVALS: None. Appealable to the City Council

RECOMMENDED ACTION: Approval, as conditioned.

PREPARED BY: Lee Diaz, Associate Planner

STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area:	7,500 s.f. (min.)	18,411 s.f.	No Change
Min. lot area per dwelling	2,300 s.f.	N/A	4,602.75 s.f. per dwelling
Min. dwelling size	450 s.f.	N/A	400 s.f.*
Bldg. Height:	35' (max.)	N/A	22'
Lot Coverage (bldgs):	50% (max.)	N/A	18%
Bldg. Setbacks:			
-Front (west):	15'	N/A	15'
-sides (north & south):	5'	N/A	5'/64'
-rear (east):	20'	N/A	118'
Deck Side yard setback	4'	N/A	3'*
Landscaping:	25% (min.)	N/A	71%
Min. Useable Open Space	450 s.f. per unit	N/A	200 s.f.*
Parking:	4 spaces (min.)	N/A	4 spaces
Guest Parking	1 space	N/A	1 space**

*Variance requested.

**Parking Exception required because the parking space is within the front yard setback

PROJECT SUMMARY

A. STAFF NOTES:

1. Site Description: The project site is located on the 4000 block of Palmetto Avenue in the Fairmont West neighborhood. The triangular shaped vacant site is approximately 18,411 square feet. The majority of the site is covered with coastal scrub. A large portion of the former Edgemar Road easement/right-of-way runs through the south side of the property. The topography of the site slopes from east to west at an average of approximately 20%. The site is bounded on the west by Palmetto Avenue and on the north by the property known as “the bowl,” and to the east and south by vacant property known as “the fish.” Further east on the bluff above the site is Highway 1, single-family homes, and the Pacifica Point Condominiums.

2. Project Summary: The proposed project is the construction of four detached studio apartments with outdoor deck area. The apartments would be constructed on a raised concrete podium deck. A detached carport to accommodate four on-site parking spaces is also being proposed on the southeast of the lot. Additionally, an unenclosed guest parking space is being proposed on the southwest portion of the lot, within the required front yard setback.

Each of the studio apartments is proposed to have approximately 400 square feet of gross floor area. The overall building height of each studio apartment would be 22 feet. The height of the carport would be approximately 12 feet.

Exterior materials for the studio apartments would include a living roofs, softwood clapboard siding, soda lime glass, stone veneer, and shingles. The proposal also includes preserving and/or

restoring the majority of the existing natural landscaping which mostly consists of drought tolerant coastal scrub.

Each of the dwelling units will contain approximately 150 square feet of private deck area and a 50 square foot front porch. Access to the parking area would be provided via a 20-foot wide driveway off Palmetto Avenue and through a 10 foot wide driveway that runs along the front area of the property.

A retaining wall is also being proposed along the front of the property on the southwest portion of the property. The retaining wall would be approximately 3.4 feet high above grade. The fence height regulations allow a maximum of 3 feet in height within the front yard setback. When there is a difference in the ground level on opposite sides of a retaining wall or fence, height is measured from the higher ground level. A condition of approval would require that the retaining wall does not exceed 3 feet in height.

Required Permits: The proposal would require a Site Development Permit, Coastal Development Permit, Variance, and Parking Exception.

3. Zoning, General Plan, Coastal Plan, and Surrounding Land Uses: The site is zoned R-3-G/CZ, Multiple Family Residential Garden/Coastal Zoning District which allows multi-family residential with a minimum lot area of 2,300 square feet per unit. The size of the lot is .42 acres which would permit a total of 8 dwelling units.

The General Plan and Local Coastal Land Use Plan designation of the site is Medium Density Residential. The General Plan establishes a maximum density of 10 to 15 dwelling units per acre, equivalent to 4 to 6 units for the subject site. In addressing the project site, the General Plan and Local Coastal Land Use Plan narratives state:

"The other vacant land (+/-5 acres) in this neighborhood is on the east side of Palmetto Avenue, south of the existing condominiums. This land is moderately sloping to level, and is partially covered with bluff scrub vegetation, a portion of which has been disturbed by excessive foot and bike traffic, resulting in some erosion. Geologically, the land is much more stable than the bluff area across Palmetto to the west, and it is also significantly below the grade of Coast Highway. Proper drainage improvements and prompt revegetation of exposed areas will be necessary should this land be developed in order to prevent erosion of the neighboring condominiums. Medium Density Residential use is recommended for this land and will contribute to the medium price housing stock in the neighborhood. The proposed land use designation and planning criteria for development of the site are consistent with Sections 30253 (2) (Geologic Stability), and 30250 (Concentrate Development)."

The applicants are proposing to preserve and/or restore the existing drought tolerant coastal scrub vegetation that covers the majority of the site. In terms of drainage, the applicants are proposing to install a bioretention area of approximately 350 square feet. The bioretention area would provide 350 cubic feet of stormwater storage. Stormwater will be conveyed from the overflow drain/bioretention area via a 12-inch storm drain pipe that would connect to the existing

catch basin 140 feet south of the property. The subject site would have a medium density consistent with the General Plan, Local Coastal Land Use Plan and Zoning. Additionally, a preliminary geologic site review was conducted on August 23, 2014 by Earth Investigations Consultants for the subject property. It was concluded that the site is not constrained by geologic hazards, such as landslides and fault rupture. It was also concluded that the potential for liquefaction is considered low. Therefore, from an engineering geologic standpoint, the site is considered suitable for the proposed residential development. It is recommended, however, that a design-level geotechnical investigation is completed once the proposed development plan has been established. A condition of approval will require that the applicant comply with the recommendation by Earth Investigations Consultants.

Further, on August 13, 2014 Toyon Environmental Planning and Ecological Solutions consultants conducted a site visit to assess the presence/absence of sensitive habitat areas. No rare or especially valuable species or habitat was observed during the site visit. In addition, no evidence of wetland hydrology appeared to be present on the site. It was concluded that the lot proposed to be developed does not qualify as either an “Environmentally Sensitive Habitat Area or as a Wetland.”

4. Municipal Code: The proposal would meet the majority of the development regulations. However, the proposal would not meet the minimum development standards for dwelling size. Each studio apartment is proposed to have approximately 400 square feet of gross floor area. Section 9-4.2313 (b) (1) of the Pacifica Municipal Code requires studios to contain a minimum of 450 square feet of gross floor area. A Variance would be required to allow the dwelling units to contain less than 450 square feet of gross floor area. Each of the studio apartments is also required to provide a minimum of 450 square feet of usable open space, per Section (-4.702 (h) of the Municipal Code. Each dwelling unit will contain approximately 150 square feet of private deck area and a 50 square foot front porch. Approval of a Variance would be required to allow each unit to provide less than 450 square feet of usable open space. Additionally, the deck of the studio apartment located to the rear of the property closer to the northern property line would be situated 3 feet from the side yard. Section 9-4.2703 of the Municipal Code requires that decks 30 inches above grade must be 4 feet away from the side yard. A condition of approval will require that the deck be 4 feet away from the side yard. Further, a Parking Exception would be required to allow the proposed guest unenclosed parking space to be located within the required 15 foot front yard setback. According to Section 9-4.2808 (a) of the Municipal Code, no required yard space in any residential district shall be used for parking.

5. Design: According to the City's Design Guidelines, "variety is a key ingredient in the appearance of multi-unit development. Developments which feature a series of identical structures that are visually monotonous are not acceptable. Building design should also incorporate variety in the type of materials, colors, and heights while maintaining a cohesive style." The proposed studio apartments have been designed to prevent them from looking identical and visually monotonous. Although, the height of each unit would be 22 feet, the elevation of each unit would vary visually breaking up the height of each unit. There are several architectural elements that also add visual interest to the proposed studio apartments and are visually compatible with the character of the surrounding area. Each residential unit would be

constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas with views of the Pacific Ocean. However, no public or private views to the surf line and the ocean beyond will be affected by the proposed development. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest. Although the design elements are different for each studio, they would maintain a cohesive style. Staff believes that the development's small scale and size, use of living roofs, preservation and/or restoration of the existing natural landscaping would minimize the visual impacts of the development.

6. CEQA Recommendation: Staff recommends that the Planning Commission find the project exempt from CEQA per section 15303 Class 3 (b) which states:

Section 15303. New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

The construction of four (4) studio apartments is consistent with this exemption. The project site is within an urbanized area that permits not more than six dwelling units.

7. Site Development Permit: Pursuant to Section 9-4.3204 of the Zoning Code, a Site Development Permit shall not be issued if the Commission makes any of the findings regarding potential traffic patterns, parking accessibility problems, insufficiently landscaped areas, the restriction of light and air on the property or other properties in the area, the creation of a substantial detriment to an adjacent residential district, damage to the natural environment, and insufficient site and structural design variety. In addition, the proposed development must be consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City. Staff believes that the design is consistent with the character of the surrounding neighborhood; that it will not create inconvenient traffic patterns or parking accessibility problems, adequate landscaping will be provided, and the proposal will not restrict light or air to surrounding buildings or discourage additional development in the area. The proposal will enhance the design variety and will not affect the surrounding natural environment. Each of the studio apartments is proposed to have approximately 400 square feet of gross floor area with an overall building height of 22 feet. Exterior materials would include living roofs, softwood clapboard siding, soda lime glass, stone veneer, and shingles. The proposal also includes preserving and/or restoring the majority of the existing natural landscaping which mostly consists of drought tolerant coastal scrub. Additionally, staff believes that the proposed construction of four (4) detached studio apartments, as conditioned, would be consistent with the General Plan, Local Coastal Land Use Plan, Zoning Code and, and other applicable laws of the

City. The development's small scale and size is appropriate for the area and to the R-3-G, Multiple Family Residential Garden Zoning and Medium Density Zoning Designations.

8. Coastal Development Permit: Section 9-4304 (k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program; and
2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Staff believes that the proposed development of four (4) detached studio apartments is in conformity with the City's Local Coastal Program, and public recreation policies of Chapter 3 of the California Coastal Act. The development's small size and scale is appropriate for the site, is compatible with nearby areas and will have limited, if any, visual consequences. Additionally, staff believes that the project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. It should also be noted that the project site is outside of the Coastal Commission appeals area.

9. Variance: The Code allows the Planning Commission to grant a Variance to development regulations when the following findings are made:

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- b. That the granting of the 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 improvements in the area; and
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

On the basis of such findings, the Commission may grant, conditionally grant, or deny the application for a Variance.

Staff believes that the topography of the property which slopes from east to west together with the triangular shape of the lot, and the former Edgemar Road “Easement/Right-Of-Way that runs through the south side of the property limits development of the site consisted with adopted standards. The minimum dwelling unit standards require that studio apartments contain a minimum of 450 square feet of gross floor area and provide a minimum of 450 square feet of useable open space per unit. In this case, each unit will provide 400 square feet of gross floor area and approximately 200 square feet of useable open space (150 square foot deck and 50 square foot porch).

Staff believes that granting the Variance will not, under the circumstances of the subject case, materially affect adversely the health or safety of persons residing 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. By allowing a decrease in the minimum gross floor area and useable open space would not affect the health or safety of persons residing or working in the neighborhood. Staff believes that the physical constrains of the property limits practical development of the site. In addition, the applicants are proposing a small scale development which is more appropriate for the site.

The proposed construction of four (4) detached studio apartments is consistent with the City’s Design Guidelines. The style, design and materials proposed would prevent the studio apartments from looking identical and visually monotonous. There are several architectural elements that would add visual interest to the proposed buildings and be visually compatible with the character of the surrounding area. Each unit would be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. The height of each unit would be 22 feet, however, the elevation of each unit varies visually breaking up the height of each unit. No public or private views would be affected by the proposed development. Additionally, the development’s small scale and size, use of living roofs and preservation and/or restoration of existing natural landscaping minimizes the visual impacts of the development.

10. Parking Exception: An unenclosed guest parking space is proposed within the required 15 foot front yard setback. Section 9-4.2808 (a) provides that no required yard space shall be used for parking in any residential district.

The Municipal Code states that the Planning Commission may grant exceptions to the parking requirements in the event of practical difficulties and unusual hardship. Findings need to be made that the parking facilities, as proposed, are as nearly in compliance with the requirements of the Code as is reasonably possible. Staff believes that parking facilities, as proposed, are nearly in compliance with the requirements of the Code as is reasonable possible. All the required on-site parking is being provided by the project. Staff believes that the topography which slopes from east to west, the triangular shape of the lot, and the former Edgemar Road “Easement/Right-Of-Way that runs through the south side of the property creates practical difficulties and unusual hardship to locate the unenclosed guest parking elsewhere on the property.

Further, the City’s Design Guidelines state that “the visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along the frontages.” The proposed carport and unenclosed guest parking space would be located on the front of the property. A condition of approval would require that the parking areas be screened with landscaping to minimize any visual impacts.

11. Summary: Staff, believes that the proposed construction of four (4) studio apartments, as conditioned, would be consistent with the City’s Design Guidelines, General Plan, Local Coastal Land Use Plan, Zoning Code and, and other applicable laws of the City. The small scale and size of the proposed studio apartments is appropriate for the area and to the R-3-G, Multiple Family Residential Garden Zoning and Medium Density Zoning Designations.

Each unit would be constructed on a raised concrete podium deck with living roofs, large windows and deck areas. The studios would be clustered toward the front of the property with views of the Pacific Ocean. No public or private views to the surf line and the ocean beyond will be affected. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest. The development’s small scale and size, use of living roofs and preservation and/or restoration of existing natural landscaping would further minimize the visual impacts of the development.

Staff also believes the proposal does not appear out of character with the existing mix of land uses. The design quality and attractiveness is equal to or greater than surrounding development.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA; **APPROVE** Site Development Permit, PSD-790-14, Coastal Development Permit, CDP-347-14, Variance, PV-513-13, and Parking Exception, PE-160-15, subject to the conditions of approval in Exhibit A and incorporate all maps and testimony into the record by reference, and **ADOPT** the following resolutions:

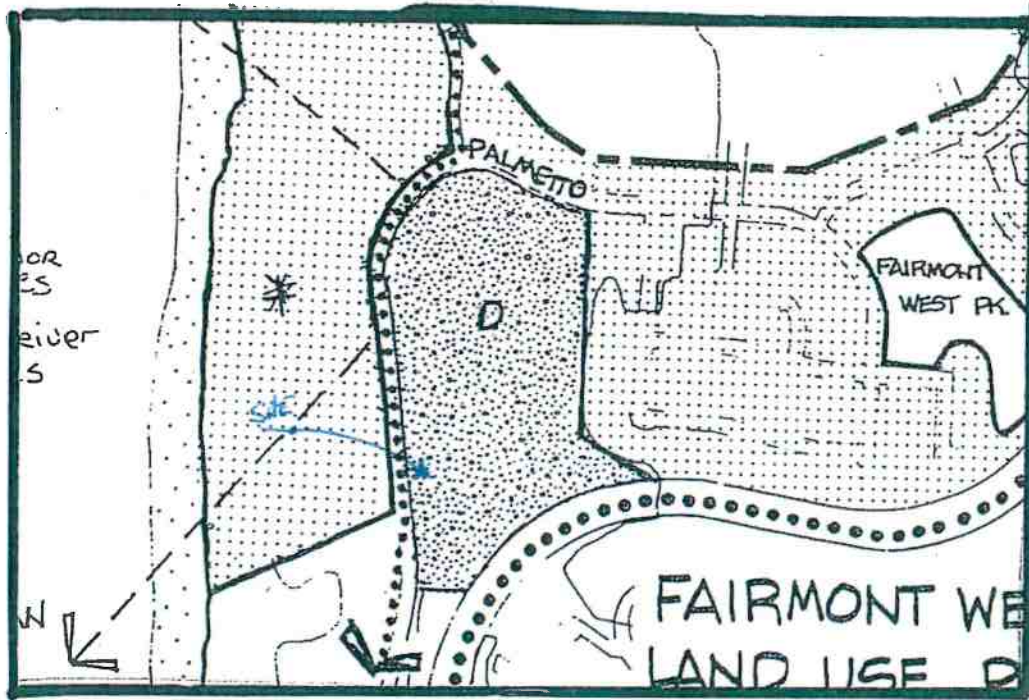
- P.C. Resolution for Site Development Permit
- P.C. Resolution for Coastal Development Permit
- P.C. Resolution for Variance
- P.C. Resolution for Parking Exception

ATTACHMENTS:

- a. Location Map
- b. P.C. Resolution (Site Development Permit)
- c. P.C. Resolution (Coastal Development Permit)
- d. P.C. Resolution (Variance)
- e. P.C. Resolution (Parking Exemption)
- f. Exhibit A for Resolutions – Conditions of Approval
- g. Conceptual Plans

General Plan Diagram

Existing Land Use: Medium Density Residential

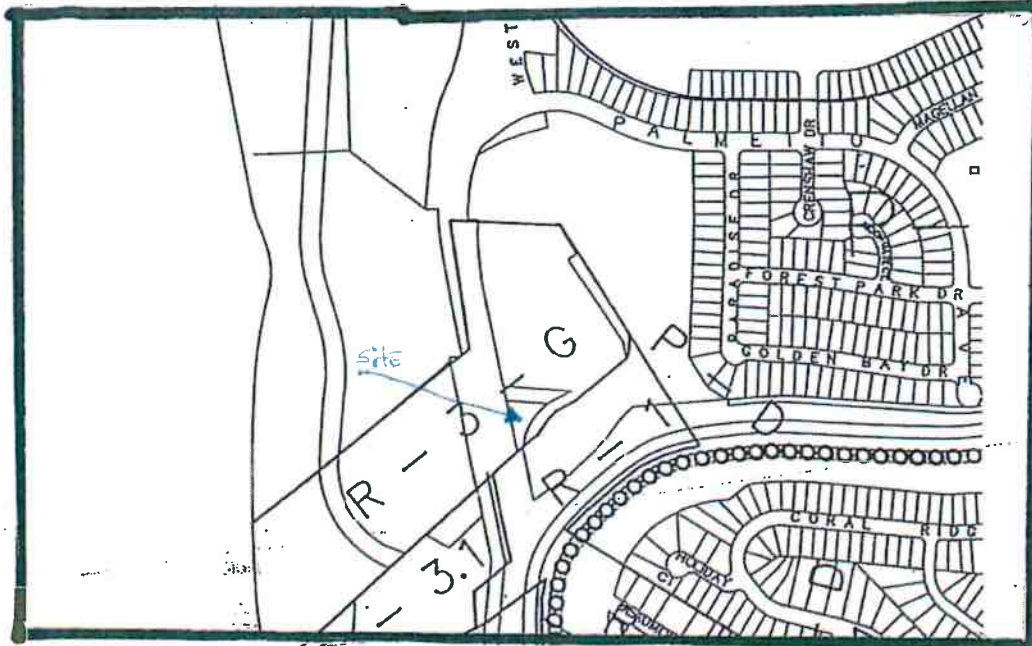


Neighborhood: Fairmont West

- ### Legend
- VERY LOW DENSITY RESIDENTIAL
 - LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - HIGH DENSITY RESIDENTIAL
 - MIXED USE: HIGH DENSITY/COMM.
 - COMMERCIAL
 - GENERAL COMMERCIAL
 - OPEN SPACE RESIDENTIAL
 - GREENBELT
 - PROMINENT RIDGE LINE
 - SPECIAL AREA
 - MARSH
 - OPEN SPACE / PUBLIC FACILITY
 - PROPOSED PARKING
 - NEIGHBORHOOD PARK
 - DEVELOPED / PROPOSED BEACH ACCESS
 - NORTH-SOUTH CITY TRAIL
 - PUBLIC FACILITY
 - UTILITIES
 - AGRICULTURE
 - CHURCH
 - FIRE STATION

Zoning Map Diagram

Existing Zoning: R-3-G, Multiple Family Residential Garden



- ### Legend
- #### ZONING DISTRICTS
- R-1 Single-Family Residential
 - R-2 Two-Family Residential
 - R-3 Multiple-Family Residential
 - R-3.1 Multiple-Family Residential
 - R-3-G Multiple-Family Residential Garden
 - R-5 High Rise Apartment
 - C-1 Neighborhood Commercial
 - C-1-A Commercial Apartment
 - C-2 Community Commercial
 - C-3 Service Commercial
 - O Professional Office
 - C-R Commercial Recreation
 - M-1 Controlled Manufacturing
 - M-2 Industrial
 - P Parking
 - A Agricultural
 - B Lot Size Overlay
 - P-F Public Facilities
 - P-D Planned Development
 - R-M Resource Management
 - O-S Open Space
 - R-3/L.D. Multiple-Family/Low Density Residential
 - R-1-H Single-Family Residential Hillside
 - CZ Coastal Zone Combining District
 - SA Special Area Combining District
 - HPD Hillside Preservation District
- + Requires Vote to Rezone
X Vote Required for Residential Development

LAND USE AND ZONING EXHIBIT
 City of Pacifica
 Community & Economic Development Department

↑
NORTH

 Scale:
N.T.S.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT (PSD-790-14), FOR THE CONSTRUCTION OF FOUR DETACHED STUDIO APARTMENTS AND CARPORT AT THE 4000 BLOCK OF PALMETTO AVENUE (APN 009-402-270), SUBJECT TO CONDITIONS

Initiated by: David Blackman & Michael O'Connell

WHEREAS, an application has been submitted to construct four (4) detached apartments and carport on a 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN 0209-402-270) on property classified R-3-G/-CZ, Multiple-Family Residential Garden District within the Coastal Zone Combining District; and

WHEREAS, a noticed of public hearing to consider the proposed development to all property owners located within 300 feet radius of the project site was sent via US Mail on March 26, 2015; and

WHEREAS, the Planning Commission has determined that the project is exempt from California Environmental Quality Act per section 15303 Class 3 (b) which states: Class 3 consists of construction and location of limited number of new, small facilities or A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The project site is a within an urban area and consists of four studio apartment consistent with this exemption; and

WHEREAS, the proposal will not create inconvenient traffic patterns or parking accessibility problems; and

WHEREAS, the proposal will provide adequate landscaping, in that the majority of the existing natural landscaping which consists of coastal scrub will be preserved and/or restored; and

WHEREAS, the proposed construction of four detached studios and carport will not restrict light or air on the property or other properties in the area, or discourage additional development in the area. The small scale and size of the development will have little or no impact on the property or other property in the area; and

WHEREAS, the Planning Commission finds that the proposal will enhance the design variety and will not affect the surrounding natural environment; and

WHEREAS, the Planning Commission finds that the proposed construction of four studio apartments with a carport would be consistent with the City's Design Guidelines, Local Coastal Land Use Plan, and Zoning Code. Each residential unit would be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest; and

WHEREAS, the proposed site is physically suitable for the type and density of development, the proposed project will cause no substantial environmental damage, and no public health problems will result from development of the subject parcels; and

WHEREAS, the proposed development is compatible with the surrounding neighborhood, which is bounded by Palmetto Avenue on the west, by vacant property known as “the bowl” on the north, and to the east and south by vacant property known as “the fish,” and further east on the bluff above the site by Highway 1, single-family homes and multi-family residential; and

WHEREAS, the proposed development will not be detrimental to the present or potential surrounding land uses; and

WHEREAS, the existing streets in the area of the proposed Project are adequate to carry anticipated traffic related to the Project, and the traffic generation from the four studio apartments will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve the Site Development Permit, subject to conditions of approval attached in Exhibit A.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of April 2015.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Mike Brown, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT (CDP-347-14), FOR THE CONSTRUCTION OF FOUR DETACHED STUDIO APARTMENTS AND CARPORT AT THE 4000 BLOCK OF PALMETTO AVENUE, SUBJECT TO CONDITIONS

Initiated by: David Blackman & Michael O'Connell

WHEREAS, an application has been submitted to construct four (4) detached apartments and carport on a 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN 0209-402-270) on property classified R-3-G/-CZ, Multiple-Family Residential Garden District within the Coastal Zone Combining District; and

WHEREAS, a noticed of public hearing to consider the proposed development to all property owners located within 300 feet radius of the project site was sent via US Mail on March 26, 2015; and

WHEREAS, the Planning Commission has determined that the project is exempt from California Environmental Quality Act per section 15303 Class 3 (b) which states: Class 3 consists of construction and location of limited number of new, small facilities or A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The project site is a within an urban area and consists of four studio apartment consistent with this exemption; and

WHEREAS, the project is in conformity with the City's certified Local Coastal Program in that multi-family residential is permitted at this particular location and as conditioned, the proposed construction of four studio detached apartments with a carport comply with the development standards; and

WHEREAS, the proposed construction of four detached studio apartments and carport is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act. The project which is located east of Palmetto Avenue will not negatively impact any access to existing coastal recreational facilities, nor will it increase demand for additional facilities or negatively affect any exiting oceanfront land or other coastal area suitable for recreational use; and

WHEREAS, the proposed site is physically suitable for the type and density of development, the proposed project will cause no substantial environmental damage, and no public health problems will result from development of the subject parcels; and

WHEREAS, the proposed development is compatible with the surrounding neighborhood, which is bounded by Palmetto Avenue on the west, by vacant property known as "the bowl" on the north, and to the east and south by vacant property known as

“the fish,” and further east on the bluff above the site by Highway 1, single-family, and multi-family residential; and

WHEREAS, the proposed small size and scale development will not be detrimental to the present or potential surrounding land uses; and

WHEREAS, the existing streets in the area of the proposed Project are adequate to carry anticipated traffic related to the Project, and the estimated traffic generation from the construction of four studio apartments will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern; and

WHEREAS, the proposed development will not be detrimental to the present or potential surrounding land uses; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve the Coastal Development Permit, subject to conditions of approval attached in Exhibit A.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of April 2015.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Mike Brown, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING VARIANCE (PV-513-14), FOR THE CONSTRUCTION OF FOUR DETACHED STUDIO APARTMENT AND CARPORT AT THE 4000 BLOCK OF PALMETTO AVENUE (APN 009-402-270), SUBJECT TO CONDITIONS

Initiated by: David Blackman & Michael O'Connell

WHEREAS, an application has been submitted to construct four (4) detached apartments and carport on a 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN 0209-402-270) on property classified R-3-G/-CZ, Multiple-Family Residential Garden District within the Coastal Zone Combining District; and

WHEREAS, a noticed of public hearing to consider the proposed development to all property owners located within 300 feet radius of the project site was sent via US Mail on March 26, 2015; and

WHEREAS, the Planning Commission has determined that the project is exempt from California Environmental Quality Act per section 15303 Class 3 (b) which states: Class 3 consists of construction and location of limited number of new, small facilities or A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The project site is a within an urban area and consists of four studio apartment consistent with this exemption; and.

WHEREAS, Section 9-4.2313 (b) (1) of the Pacifica Municipal Code requires that studio apartments contain a minimum of 450 square feet of gross floor area and Section 9-4.702 (h) requires a minimum of 450 square feet of useable open space per unit. Each unit will provide 400 square feet of gross floor area and approximately 200 square feet of useable open space (150 square foot deck and 50 square foot porch); and

WHEREAS, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification; the topography of the property slopes from east to west, the lot has a triangular shape, and a large portion of the former Edgemar Road "Easement/Right-Of-Way runs through the south side of the property which limits practical development of the site; and

WHEREAS, the granting of the 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; and

WHEREAS, the construction of four studio apartments and carport is consistent with the City's adopted Design Guidelines. The style, design and materials proposed would prevent the studio apartments from looking identical and visually monotonous. There are several architectural elements that would add visual interest to the proposed buildings and be visually compatible with the character of the surrounding area. Each unit would be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. The elevation of each unit would vary visually breaking up the height of each unit, and the development's small scale and size, use of living roofs and preservation and/or restoration of existing natural landscaping would minimize the visual impacts of the development.; and

WHEREAS, the proposed construction of four studio apartments is consistent with the applicable provisions of the Local Coastal Plan; and

WHEREAS, the proposed site is physically suitable for the type and density of development, the proposed project will cause no substantial environmental damage, and no public health problems will result from development of the subject parcels. The development's small scale and size is appropriate for the site and to the Zoning and General Plan designations; and

WHEREAS, the proposed development is compatible with the surrounding neighborhood, which is bounded by Palmetto Avenue on the west, by vacant property known as "the bowl" on the north, and to the east and south by vacant property known as "the fish," and further east on the bluff above the site by Highway 1, single-family, and multi-family residential; and

WHEREAS, the proposed development will not be detrimental to the present or potential surrounding land uses; and

WHEREAS, the existing streets in the area of the proposed Project are adequate to carry anticipated traffic related to the Project, and the estimated traffic generation from the construction of four studio apartments will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve the Variance, subject to conditions of approval attached in Exhibit A.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of April 2015.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Mike Brown, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PACIFICA APPROVING PARKING EXCEPTION (PE-160-15), FOR THE
CONSTRUCTION OF FOUR DETACHED STUDIO APRTMENTS AND
CARPORT AT THE 4000 BLOCK OF PALMETTO AVENUE (APN 009-402-270),
SUBJECT TO CONDITIONS**

Initiated by: David Blackman & Michael O'Connell

WHEREAS, an application has been submitted to construct four (4) detached apartments and carport on a 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN 0209-402-270) on property classified R-3-G/-CZ, Multiple-Family Residential Garden District within the Coastal Zone Combining District; and

WHEREAS, a noticed of public hearing to consider the proposed development to all property owners located within 300 feet radius of the project site was sent via US Mail on March 26, 2015; and

WHEREAS, the Planning Commission has determined that the project is exempt from California Environmental Quality Act per section 15303 Class 3 (b) which states: Class 3 consists of construction and location of limited number of new, small facilities or A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The project site is a within an urban area and consists of four studio apartment consistent with this exemption; and.

WHEREAS, Section 9-4.2808 (a) of the Pacifica Municipal Code states that in any residential district, no required yard space shall be used for parking. One unenclosed guest parking space is proposed within the required 15 foot front yard setback; and

WHEREAS, the Planning Commission may grant exceptions to the parking requirements in the event of practical difficulties and unusual hardship; the topography which slopes from east to west, the triangular shape of the lot, and the former Edgemar Road "Easement/Right-Of-Way that runs through the south side of the property creates practical difficulties and unusual hardship to locate the unenclosed guest parking elsewhere on the property; and

WHEREAS, the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements as is reasonably possible. Staff believes that parking facilities, as proposed, are nearly in compliance with the requirements of the Code as is reasonable possible. All the required on-site parking is being provided by the project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve the Variance, subject to conditions of approval attached in Exhibit A.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of April 2015.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Mike Brown, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval for the Construction of Four (4)
Detached Studio Apartments and Carport at the
4000 Block of Palmetto Avenue
(APN 009-402-270)
Planning Commission Meeting April 6, 2015

Planning Department

1. Development shall be substantially in accord with the plans entitled "SCHEMATIC IMPROVEMENT PLANS 451, 4555, 4559, 4561 PALMETTO AVENUE CITY OF PACIFICA, SAN MATEO COUNTY, CALIFORNIA," consisting of seven (7) sheets, RECEIVED JAN 05 2015, except as modified by the following conditions.
2. Prior to the issuance of a building permit, the applicant shall submit information on roofing material, exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. No retaining walls and/or other barriers in excess of 3 feet in height shall be constructed within the front yard setback.
4. The deck, if 30 inches or above grade, of the studio apartment located to the rear of the property closer to the northern property line shall be 4 feet away from the side yard.
5. The carport and unenclosed guest parking space shall be screened to the maximum extent feasible with native landscaping.
6. All paving area shall be permeable to the maximum extent feasible.
7. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
8. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out

**4000 Block of Palmetto Avenue
Conditions of Approval for Construction of four (4) detached Studio Apartments
April 6, 2015**

Page 2

- of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
9. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
 10. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
 11. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent property. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable, on all building elevations.
 12. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.
 13. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to approval of a building permit.

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14. The applicant/developer shall incorporate into the building permit plans all the recommendations listed in the Engineering Geologic Site Review for the proposed four (4) detached studio apartments prepared by Earth Investigations Consultants, on August 23, 2015.
15. All required stormwater controls for development shall be met by the proposal.
16. Building permit drawings and subsequent construction shall substantially conform to the approved planning application drawings. Any modifications shall be reviewed by the Planning Director, who shall determine whether the modifications require additional approval.
17. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
18. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

Engineering Department

19. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
20. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Palmetto Avenue. Dust control and daily road cleanup will be strictly enforced.
21. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.
22. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.

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23. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
24. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or whole street width across entire property frontage along Palmetto Avenue. All pavement markings and markers shall be replaced in kind.
25. Proposed new improvements within existing ROW shall be privately maintained and will require a Maintenance Agreement to be recorded.
26. Landscaping shall consist of pure native plants and to the satisfaction of the City Engineer.
27. An erosion control plan prior shall be submitted to the issuance of a building permit.
28. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

MINUTES

**CITY OF PACIFICA
PLANNING COMMISSION
COUNCIL CHAMBERS
2212 BEACH BOULEVARD**

April 6, 2015

7:00 p.m.

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

ROLL CALL: Present: Commissioners Vaterlaus, Evans, Cooper, Campbell, and Vice Chair Gordon
Absent: Commissioner Nibbelin and Chair Brown

SALUTE TO FLAG: Led by Commissioner Cooper

STAFF PRESENT: Planning Director Wehrmeister
Associate Planner Diaz

APPROVAL OF ORDER OF AGENDA Commissioner Cooper moved approval of the Order of Agenda; Commissioner Vaterlaus seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Vaterlaus, Evans, Cooper, Campbell and Vice Chair Gordon
Noes: None

**APPROVAL OF MINUTES:
MARCH 16, 2015** No quorum

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING:

None.

CONSENT ITEMS:

1. **CDP-338-13 EXTENSION OF PERMITS for the expansion of an existing**
 PSD-784-13 38-room Holiday Inn Express including an addition of 44 guest
 UP-028-13 rooms and 2,010 square feet of retail space at 519 Nick Gust
 PV-509-13 Way, Pacifica (APN 022-024-250 & -270 & -280).

Commissioner Vaterlaus moved that the Planning Commission **EXTEND** CDP-338-13, PSD-784-13, UP-028-13 and PV-509-13 to March 13, 2016; Commissioner Cooper seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Vaterlaus, Evans, Cooper, Campbell and
 Vice Chair Gordon
Noes: None

PUBLIC HEARINGS:

2. **SP-151-15** **SPECIFIC PLAN, SP-151-15, filed by Javier M. Chavarria, Agent for the applicant/property owner, Sonora Shores, III, LLC, to construct a 4,238+ square foot two-story, single-family residence on Lot 2, which is part of the development known as Harmony @ 1, located at Fassler and Roberts Road (APN: 022-150-460).**

Assoc. Planner Diaz presented the staff report.

Commissioner Cooper referred to Attachment A, and assumed that all the conditions were the same as previously approved by the Commission.

Assoc. Planner Diaz responded affirmatively.

Javier Chavarria of JC Engineering stated that he had pictures to help them visualize it better. He then described the process, mentioning that the project was ten years in the making, and he was there for final approval to start building the first home in 2015. He explained their goals in raising the standards for green building, including solar and electric car charger. He explained the various upgrades from the originally approved design, and stated that this was a design that will make Pacifica proud of the improvements they are making to the town.

Commissioner Campbell stated that he was on the Commission when they approved the project and was happy to see it come back. He commended him on meeting what they sought for the project when approved in 2007. He asked clarification of how the LEED standard certification was going to work.

Mr. Chavarria explained that the ordinance read that the building can be either LEED certified or have 100 green points. They were choosing the green point architecture, which was easier and less expensive to manage but does not lower the bar. He asserted that every element needed to be gold certified was incorporated in the home, but their system is more manageable and will save \$30,000-40,000 in documentation and paperwork but not be a lesser quality.

Commissioner Cooper stated that he was excited as it has been a long time. He had a concern about one overhead light that he thought attracts rather than blends into the landscaping.

Mr. Chavarria explained that it was the person preparing the renderings trying to get cute. He stated that none of the homes are going to have any isolated light poles. All the lighting will be low pollution, downward oriented. The only lights on poles will be the ones on street, already approved.

Commissioner Cooper appreciated the photos from other communities showing all the green grass, and how he had blended in natural landscaping in this design to avoid that and take pride in Pacifica's landscape. He mentioned a neighbor who was putting in a grey water system to use as landscaping. He acknowledged that it was not required, but he thought it was a very interesting idea.

Commissioner Evans referred to the LEED certification, and he stated that the papers they received restated the points necessary to achieve a LEED gold certification with platinum when possible. He thought he heard that he was not attaining the certificate but qualifying for it.

Mr. Chavarria responded affirmatively.

Commissioner Evans stated that, with LEED, people will check and keep track of the points, and he asked who would be doing that on this project.

Mr. Chavarria stated that it would be an independent qualified green rated consultant.

Commissioner Evans responded that he wanted to find out who would assure that the goals were met.

Mr. Chavarria understood and reiterated that there would be an independent rater.

Planning Director Wehrmeister stated that, at the applicant's expense, staff will be engaging a qualified rater who will be reviewing the building plans to make sure everything is as conditioned.

Assoc. Planner Diaz added that it was a condition of approval.

Commissioner Vaterlaus was glad to see the project coming forward. She referred to mention of aluminum windows on the coast but she felt they were a negative thing. She asked if it was part of the green standards to put in aluminum windows instead of more sustainable vinyl wood.

Mr. Chavarria stated that there are "aluminum" windows and there are "aluminum" windows. He explained that higher quality windows were more durable with a stronger type of aluminum and better in preventing draft, just a better product.

Commissioner Campbell referred to Commissioner Cooper's remark on the gray water system. He thought all homes are required to have a gray water system according to the approvals.

Mr. Chavarria responded affirmatively.

Vice Chair Gordon opened the Public Hearing.

Neal Schwartz, Pacifica, stated that he represented the developer. He was with Coldwell Banker and the realtor. He is also the president of the homeowners' association. He stated that this developer, besides the project, wants to give back to the community and is helping to bring to Pacifica the Assisted Living Center that the city needs so badly. They were closing escrow on that the following week and are planning to build that.

Kevin Russell, 100 Juanita, stated that his parents moved to Pacifica in 1970. He is the owner of Center Construction and is contracted to do the current infrastructure. He worked hard to get that contract and he was assured that he has a contract to build the house. He is a local and he has hired local subs as much as possible to build the infrastructure and will continue to do so on the house. He added that Center Construction has done quite a few green building projects over the

years and have qualified staff who know how to do green building, and everything in the home meets the highest standard of anything they have built.

Courtney Conlon, Pacifica, stated that she representing herself as a proud Pacifican for the past 38 years. She stated that she has invested in this community with three generations living in Pacifica. She stated that she has been walking up “Broccoli Hill” for years, and when she heard about this project, she thought this would help put Pacifica on the map. She has seen a lot of beautiful homes build in Pacifica but she felt the Harmony @ 1 project just looked amazing and she wholeheartedly supported it for additional tax revenue for the city, increased exposure to create synergy and hopefully will appeal to members of biotech and tech companies. She also felt it will help increase customers to our businesses and services. She asked that we move forward and not go back and forth stopping this amazing project for Pacifica. She urged that the commissioners approve this environmentally conscientious project.

Mr. Schwartz stated that he negotiated with Tesla and Tesla had almost okayed putting their battery pack system into every home, and with solar and the battery pack, most of the houses will not be in the grid.

Mr. Chavarria thanked everyone who participated and especially staff in the wonderful job of guiding and helping them to be where they are.

Vice Chair Gordon closed the Public Hearing.

Commissioner Campbell stated that he may be the only commissioner who voted for this project the first time around and was glad to have done so. He stated that, if you look at the conditions of approval, they did a good job of meeting what the Commission and Council was looking for in 2007. He stated that he had one item of concern, LEED certification, and he would like to hear from the commissioners or the planning department. He stated that with the original approval there was public interest and a lot of study sessions, and one of the big items was how they were going to get a green certified project on the hillside that would be a showcase for the community. He stated that the thinking was that LEED certification was the way to go. He mentioned that the letter of commitment at that time was to require integration of LEED standards into the project based on professional advice from a LEED certified expert to achieve the highest level of LEED certification. He thought it was made clear that the developer of each home would get a LEED certification and beyond to gold or higher, but LEED certification would be obtained with a LEED expert to confirm it. He was concerned and wanted to understand why they can't stay with the LEED certification standard agreed to in 2007.

Planning Director Wehrmeister understood that, at the time the project was approved, there wasn't a green building ordinance in the city and the Planning Commission decided, as proposed by the applicant, to establish a LEED certification condition as a requirement of the project. Subsequent to that, there was a green building ordinance adopted with language for an option of LEED certification or certain points on the green building standard. Following that, California adopted the green building ordinance, which she felt lead to an evolution of green building code requirements since 2007. Staff felt that the intent was being met, but they respect his recollection of the approval requirements and the Commission can clarify the requirement. She thought they could add a condition for this project and the remaining homes on the lots to require a LEED certification.

Commissioner Campbell thanked her.

Vice Chair Gordon thanked her for that clarification as well.

Commissioner Evans thought this was a wonderful plan. He stated that he was on the Open Space Committee when the Harmony @ 1 projected was presented to them. He was impressed by what he saw. He felt it was a wonderful project and will confirm that Pacifica is an equal or a step ahead of everyone else. He felt it was a great project. He would feel a little bit better if it were a certification. He stated that they were presenting this as a showcase, and he understood what staff was saying that things have changed. He thought it was a big thing then, and still was, but he was not going to condemn it for not having it. He agreed with Commissioner Campbell about having the certification but he could be swayed.

Commissioner Cooper acknowledged that the city was going to confirm the points earned from the green building and the developer would be doing the same thing. He assumed there would be a final report on how many points they obtain.

Planning Director Wehrmeister stated that the plan was to have an additional layer of building plan check and she envisioned giving the LEED or green point certifier a copy of the table that staff created and that person would specify how each condition was met.

Commissioner Cooper assumed there would be proper backup on the report that the green person will be doing.

Planning Director Wehrmeister expected that the person would reference the plan sheet and any additional inspections required in the field.

Vice Chair Gordon asked what the practical difference was in proceeding as the applicant wants with a point standard versus formal certification.

Planning Director Wehrmeister stated that she did not have green building technical expertise. She understands that LEED is a more expensive process to get the certification. As a result, she stated that some public facilities build to a LEED standard but don't formally get the LEED certificate due to cost. She suggested that the applicant might be able to clarify the difference between them.

Mr. Chavarria stated that their main reason they deviated from that, even if they do LEED, they still have to comply with the California green building code and have to go through the green point system. They reviewed the code to see if doing LEED would relieve them from complying with the aspects of the code. He stated that the bottom line was that LEED in 2007 was the only game in town. It has evolved to be more oriented towards commercial buildings and larger developments but green points have been adopted for residential because they were more manageable and the guidelines are easier to follow. He assured them that, by going green and not LEED, they were not giving up anything on the buildings, just a layer of bureaucracy and a layer of expense. He stated that the thought may be that, with the prices of the homes, the developers will be making a lot of money. He added that it has been a very expensive process. He referred to the requirements, and just on biological monitoring, they have more than \$200,000 now. He stated that they have taken every single environmental requirement seriously and they weren't trying to deviate but wanted to put the money in the quality of the homes where it should be.

Commissioner Vaterlaus referred to the green point check list in the package, and as pointed out by Mr. Chavarria, the standard was at 100 and they were at 152 on the checklist and she thought they have exceeded what was required in the green point rating. She was comfortable with the green point over the LEED.

Commissioner Campbell commented that, in San Francisco, you see a lot of commercial buildings rated as LEED. He then referred to Mr. Chavarria's comment that LEED was more geared toward commercial than residential, and asked staff's input on that.

Planning Director Wehrmeister stated that there is now a residential certification, but when first created, LEED was a commercial system.

Commissioner Campbell concluded that they have a residential now.

Planning Director Wehrmeister responded affirmatively.

Commissioner Campbell explained that he was questioning this because they had a letter of commitment that they would have the LEED certification and hours of city time went into the condition in 2007, and he didn't want to do a disservice to the public who spent time getting this particular item passed and had a commitment made, so he officially asked the applicant if they would reconsider getting the LEED certification. He thought, if you meet the LEED, you can meet the green building check list.

Mr. Chavarria stated that, if the Commission feels that the LEED is the way to go, they were not going to stop the project for that. He reiterated that green building is not a disservice to the community. He stated that they were more than willing to establish a condition similar to what was done with the Husson's residence recently that they will do what was comparable to the requirements of a LEED certification following the requirements of green points and can present to staff the LEED certification list without going through the specific process. He stated that they may be willing to obtain plain LEED certification but they were going substantially further with the green points.

Vice Chair Gordon stated that he didn't follow the last part.

Mr. Chavarria explained that their green point rating of 152 points was probably going to be better than a LEED gold or equal, however trying to achieve LEED gold creates a substantial amount of work. He thought that, if they have green points and LEED certification, it would be a good compromise that establishes that the building has some LEED certification but still complying with what the code was asking which was the green points.

Planning Director Wehrmeister thought the compromise that the applicant was proposing was that the home be constructed and be reviewed by the plan checker to a LEED standard but that the actual certification process not be required. She suggested that a condition be added that the project construct the home on Lot 2 to LEED gold standards and at least obtain a green point rating of 152. She thought they would be achieving what the Commission originally set out to do with the project.

Commissioner Campbell stated that he was comfortable with this, but asked in what way the city would verify the LEED standard.

Planning Director Wehrmeister stated that, under the conditions of approval, staff was required to hire the expertise that can do the plan check on these homes at the applicant's expense. Assuming that the project is approved at this meeting, that is the next to do item to get someone contracted to ensure both green point rating and LEED Gold standard are met.

Assoc. Planner Diaz added that there was a condition of approval that talks about hiring a certified building professional to look at all those standards.

Commissioner Cooper assumed that the amount of points in the base was 100 points for the green building code's standards.

Planning Director Wehrmeister responded affirmatively, adding that she used 152 which was what they came in with, to ensure that they don't go backwards.

Commissioner Cooper stated that the standard was set at 100 points and it seemed to increase that standard seemed a little onerous at this point since the development was approved at 100, and they were talking about whether there was a certification. Coming from public buildings, San Francisco builds to a silver standard all the time and we are currently going for gold and platinum for some terminal projects. He agreed that the process was very expensive. His perspective is that he wants to see the building conform to that standard because that was what it was for, to design to a standard that helps the environment and helps the landscape, codes. He felt having certification is a secondary concern. He didn't want to make it any more onerous than it already is for the builder. He personally felt the standards have been set within the approval and he didn't think there was any need to do any modifications.

Commissioner Campbell stated that he liked the idea of this condition of requiring the certification because they did have that commitment back in 2007 and he felt it was important to honor those types of commitments when making approvals. Referring to it being onerous, he didn't agree with that, adding that the conditions of approval in place since 2007 were known to everyone, including the new owner when they purchased the property. They weren't adding any burden over what was approved in 2007. He also thought they were backtracking by not requiring the certification which was fine, because he thought getting the certification was more form over substance in some instances, and he agreed on that point.

Commissioner Cooper stated that the standard in the documents was 100 points and they were currently saying it was 150 now. He assumed that was different than what was in the document.

Planning Director Wehrmeister agreed, adding that she was using what the applicant submitted for this particular home. She agreed that it didn't need to go above 100.

Commissioner Cooper concluded that the document says 100 points and he didn't want to make it more onerous than what the current document says.

Vice Chair Gordon thought that the compromise on the table was that they were going to require de facto LEED certification without actually having to go through getting the certification itself.

Planning Director Wehrmeister stated that it was for the Commission to decide. She clarified that she was trying to summarize the conversation that she was hearing which was adding a condition

to this specific plan that the project construct the home on Lot 2 to LEED gold standards and achieve at least 100 points on the green point rating system.

Vice Chair Gordon asked Commissioner Campbell how that sounded.

Commissioner Campbell thought it sounded good, and he thanked Commissioner Cooper for clarifying the point on the 100-point rating. He was good with that.

Commissioner Evans was also fine with the new condition. He understood the progression of the LEED certification process, more for professional buildings and business and he didn't want to put any more effort. He thought it was a wonderful thing that they were getting local home town contractors and he applauds him for that. He imagines local contractors will want to take a lot of pride in this.

Commissioner Cooper moved that the Planning Commission **APPROVE** Specific Plan SP-151-15 by ADOPTING the attached resolution for the proposed construction of a single-family residence on Lot 2 which is part of the Harmony @ 1 development; and incorporate all maps and testimony into the record by reference with an additional condition that:

1. The home on Lot 2 shall be constructed to LEED Gold standard and achieve at least 100 points on the Green Point Rating System.

Commissioner Campbell seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Vaterlaus, Evans, Cooper, Campbell and
Vice Chair Gordon
Noes: None

3. **PSD-790-14** **SITE DEVELOPMENT PERMIT, PSD-790-14, COASTAL**
CDP-347-14 **DEVELOPMENT PERMIT, CDP-347-14, VARIANCE,**
PV-513-14 **PV-513-14 AND PARKING EXCEPTION, PE-160-15,**
PE-160-15 **filed by David Blackman and Mike O'Connell, property owners,**
to construct four (4) detached studio apartments on a vacant
18,411 square foot parcel located at the 4000 block of Palmetto
Avenue (APN: 009-402-270). The property is zoned R-3-G,
Multiple-Family Residential Garden. The project is located in
the Coastal Zone. Recommended CEQA status: Exempt.

Planning Director Wehrmeister presented the staff report.

Vice Chair Gordon asked clarification that they had two separate motions that she was recommending was first, granting all the variances and second, granting the parking exception variance but not the other two variances.

Planning Director Wehrmeister stated that, for the parking exception, within the code, there were provisions to grant an exception and that was not truly a variance. The supplemental staff report that was provided at this meeting would only eliminate the variances and provides a condition that would require the units and the usable lot area to meet the code standard. As she mentioned, she thought the applicant will provide some additional analysis regarding that issue.

Vice Chair Gordon mentioned that they usually get the staff report a week in advance and they were able to read the material and study it, but he thought there was probably a lot of last minute exchanges between the applicant and Planning Department and they received some content that they just received and are digesting.

Commissioner Cooper referred to the CEQA exemption and recommendation and the provision referenced, reading a portion of Item B, and stated that this was four detached studio apartments, and he was curious why that was put in as the exception and whether there was some other reference.

Assoc. Planner Diaz explained that, if you read further, it says "in urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units."

Commissioner Evans referred to having just received this material and asked that they break it down because he was feeling lost.

Assoc. Planner Diaz stated that the large attachment was not about this project but a project known as the Bowl that was considered by the Commission, City Council and Coastal Commission many years ago.

Commissioner Evans stated that he saw the same address and wanted to check on that. He assumed he should disregard it.

Planning Director Wehrmeister stated that it was attached to a comment letter.

Assoc. Planner Diaz stated that Mr. Bohner's attached those documents to his letter.

Commissioner Evans stated that, as mentioned by Vice Chair Gordon, they received a lot of additional information at the last minute and he was moving very cautiously.

The public hearing was opened.

Mr. Blackman asked, if he could hand out copies. He then mentioned growing up in the neighborhood above this project and remembered the graded field. He and his co-owner, Mike O'Connell, were lifetime residents of Pacifica. He stated that the proposed unit were not for sale and would hopefully allow their kids to raise their families here. He reached out to the condominium association when they started the project, and they seemed receptive to the small concept with living roofs and he hoped they still were. The concerns the neighbors have was no project or opening the door for the Fish & Bowl. He clarified they were not opening the doors and were not adding any infrastructure, adding that the Bowl still has the same environmental constraints from ten years ago. He explained their decision in proposing four units with one story and living roofs which were not required by the city. He got the letter from Hal Bohner, a neighbor, and he met with him and he thought they had similar goals. He didn't think Mr. Bohner understood when he was protesting the variance and can hopefully answer his present position. He explained his thinking as they came to a decision on the scope of the project. He clarified that his project was not near the Bowl project and was not impacting anything, stating that the biologist was present to answer any questions. He tried to meet with all the condominium owners and be transparent.

Vice Chair Gordon stated that one of the issues was the minimum requirement of 450 square feet and they went to 400 but stated were willing to go up to 450. He asked him what the pros and cons were between 400 and 450.

Mr. Blackman stated that it wasn't a deal breaker. He didn't get that precise, and thought it was 417. He thought, if he added between 4 and 5 inches around the whole building he can get to the 450. He thought it was a mistake on quick reactions by Mr. Bohner but he could speak for himself regarding thinking that the variance should not be supported. He was shocked that he was asked to go bigger than he wanted. He stated that, to get the outdoor living space, they could grade the backyard and put lawn which he was opposed to, but will do it to simplify the process. The other option was to take the carport and not making it a living roof, and make it a roof deck. He added that his whole goal was to tread lightly. He didn't want the condominiums to see him from above. He was getting pushed away from his goal but they were okay to go to 450.

Vice Chair Gordon stated that the other variance was for the useable open space, and he asked if his rationale for wanting to go under was minimum disruption to the outdoor area.

Mr. Blackman responded affirmatively. He referred to the pictures, stating that all the projects were on podium decks so the coastal scrub can grow below it. He stated that the easiest project would have been similar to the existing condos but that wasn't what they wanted to do by taking the cheap route.

Vice Chair Gordon mentioned staff talking about utilizing the top of a car port.

Mr. Blackman stated that two suggestions that came up was to accommodate the extra outdoor space they need was about 1,000 square feet shy and one choice would be to put the lawn behind the units and the other choice was to take the car port and not have it sloped, make it flat, take the

living roof component off, making it more visible to the condominiums and make it a usable roof deck. He didn't think there was any need, but he understood where they were with the variance and a lot of push came from Mr. Bohner not having enough time to digest the project. He hopes he can speak for himself. If it was an issue on the variance, they can make that happen.

Commissioner Cooper thought it was a unique concept, adding that he hasn't seen a lot of them being built. He had a concern over converting the roof to a useable space. He thought it was asking for trouble as far as falling off the roof. He asked how they plan to keep people from falling off the roof.

Mr. Blackman asked if he was asking whether it stays as proposed.

Commissioner Cooper responded affirmatively.

Mr. Blackman didn't have any intention of people climbing on the roof. He mentioned that he has none, but he was willing to take any input from the commissioners if they want him to put some protective devices.

Commissioner Cooper stated that it was his only question, as he answered his question about the square footage. He still has a concern over the zoning issue.

Vice Chair Gordon opened the Public Hearing.

Caroline Henter, 5007 Palmetto, stated that she had questions relating to cars. She referred to access parking and safety. She wondered how residents of the development will get their cars to it from Palmetto and what the parking will be for the residents and guests. She also asked how workers and emergency crews will get to the development.

Vice Chair Gordon explained that there is no Q&A with the public but they can speak, ask questions and, at the end, the applicant has an opportunity to respond. They wait until everyone has spoken.

Mary Shapiro, 5003 Palmetto, stated that she was making observations on the staff report since she didn't know the format process. She was confused about them being studio apartments, as she thought the definition was that there was no bedroom, but the plans have a resting area with a closet. She was confused about the difference between a studio and a one-bedroom unit and whether it impacts the variance rules. She referred to a discrepancy where the size of the lot would permit a total of 8 dwellings, and below that, it mentions the equivalent of 4-6 units for the subject site. She didn't appreciate the context in understanding the differences and its ramifications regarding zoning. She mentioned a large ravine across the road developed from water, and she thought the drainage issue was important once you change the current land use. She didn't have access to the environmental and ecological reports or the other report attached. She didn't think of Pacifica as an urbanized area, especially the northern end, and she felt there was an issue of whether that applies. She was concerned about the potential traffic patterns. She looked at it, and thought there were likely to be two people living in those units and only one car per unit with one guest spot concerned her. She was concerned about whether the zoning would allow the units being used as Airbnb with people coming in and out rather than rentals for longer periods and the light pollution which she didn't think had been addressed in the report.

David Hirzel, 5009 Palmetto, stated that he previously lived in Moss Beach and is a residential building designer and he thinks about how residences are constructed. He was also aware of coastal erosion at the bluff tops. He questioned the suitability of this parcel development from a geological standpoint. He thought the encroachment of the ravine suggests an underlying weakness of the overall structure. He thought they have addressed it somewhat, but the ravine suggests an underlying weakness as well as the failure of the geology on Esplanade and Lands End. He mentioned a concern regarding unconnected drill piers tend to settle differentially and the building was going to have unlevel floors. He also mentioned that some of the fixes at the sea wall near Esplanade and Lands End in recent years did not address all of the issues. He questioned the suitability of development from a planning standpoint because of the variances and exceptions requested, stating that he felt it usually was a detriment to the neighborhood and community and should be looked at carefully. He referred to the storm water retention basin and he understood that rain water that falls upon a given piece of property after development has to be entirely retained upon that property and cannot be diverted into public drainage.

Jim Schenkel, 503 Palmetto, stated that he was involved with the Fish & Bowl proceedings in the past, and thought this applicant was suffering from the delayed effects of that earlier and unpleasant proceeding. He stated that they were all out because the last time was not a pleasant experience for anyone. He thought this applicant has done a good job. He understood that you can't build something completely invisible but he seemed to be sensitive to the idea that he was going to reduce it as much as possible and he applauds him for that. He then stated that the project was exempt from CEQA. Looking at Class 3B, he thought this was on the edge of whether it was small or not, and agreed with Ms. Shapiro that it isn't urban infill but an area about to be cracked open by development that has not occurred before. He gets that this is not part of the Fish & Bowl but he felt it could open the door to wider development in the area and he has questions about that. He then referred to Section 15300.2 and stated he was concerned about cumulative impact because, if this is permitted, it is more likely that the Fish and then Bowl will be developed. He also thought the location was particularly sensitive, and he didn't think they could use a categorical exemption when a reasonable possibility may have a significant effect on the environment due to unusual circumstances, mentioning that the premise that there are no wetlands there cannot be judged four years into a historical drought. He referred to staff's position that it fell outside the Coastal Commission's area, but they disagreed with that in 2005 or 2006 and he felt it should be considered in this application. He urged that they find it is not exempt from CEQA and an environmental impact report should be prepared.

Steve Rhodes, 5009 Palmetto, stated that he would like them to cast a no vote as he felt the project would destroy the natural habitat in the area and destabilize the geological areas around them. He asked that they examine this and ask themselves if this is in the best interest of Pacifica.

William Trichon, 5017 Palmetto, stated that he felt this was a done deal, and that staff feels the project should proceed but he urged the Commission to think of the big picture. He mentioned the problems with the Fish and Bowl and that they admitted that it will be hard to build on this spot, and he questioned why on this site because of all the small problems that, when added up, seem like their too much, mentioning all the variances, parking, etc. He felt they must maintain their environmental standards, including the loss of native habitat. He referred to the experts determining there were no wetlands in the area, which he thought might be because of the present drought, since the EIR for the Fish & Bowl confirmed that the adjacent properties did include wetlands. He agreed that they needed rental property but concluded that, because one can build

someplace doesn't mean that one should build there. He asked that they keep the Fish & Bowl as is because it is a treasure.

Victor Carmichael, 5005 Palmetto, asked why at this location. When talking to Mr. Blackman, it seemed a low key, minimalist project that was tolerable but it has a cumulative impact. He referred to the geological and hydrological problems that kept the area undeveloped, as well as community resistance. He stated that the past owner wanted it to be open space but, when she passed, her heirs put it on the market. He felt it was a miracle that we still had it, being a jewel. He thought the ravine would advance and they would ultimately need the project's location to realign the road. He also thought the footprint encroached on the city right-of-way. He also mentioned that there was not enough parking, and they will have to use Palmetto for parking, thus creating a parking hazard. He also didn't know how the heritage trees will survive. He then referred to the Coastal Commission's objections to the Fish's sensitive habitat and he felt this project was even closer to that area than the Bowl. He also felt it didn't make sense not to have an EIR on this.

Hal Bohner, Pacifica, referred to the process, then apologized for the Commission getting copies of the material he sent to the staff so late, but explained that the staff report was not made public until the previous Thursday when he then submitted his letter and material. He asked that it be emailed to them, but it was not given to them until this meeting. He was a bit angry that they were told they didn't need to look at it since it was a record with the Coastal Commission of an adjacent project and this project was in the middle of that previous project. He stated that it had information relevant to this project. He referred to the Coastal Commission's CEQA guidelines which he felt was directly relevant to this project which he felt required an EIR.

Skye Parker, Pacifica, stated that he was a designer and draftsman and attested to the taste of Dave Blackman. He felt he built some of the nicest houses in Pacifica.

Vice Chair Gordon closed the Public Hearing.

Mr. Blackman stated that he did his best to take notes. He stated that the urbanized definition of CEQA was taking the population of Pacifica and two neighboring cities, and if they are over 100,000, the entire city is an urban area. He explained that it was a technicality, not what it looked like. He stated that the comment that he was building in the public right-of-way and he stated that it was not true. He referred to one question of the general plan versus the zoning, which were slightly different. He thought staff might be able to answer that better. He stated that he was asked to do more parking and make the units bigger. He was shocked to be asked to do more and he was trying to tread lightly. He met the zoning requirements for the parking. He referred to pier settling and the engineer would answer that, adding that he didn't think it would be a problem. He referred to the cumulative impact, and stated that you can't add all the projects, even if they were neighboring projects. He stated that they had a bridge on Pedro Point rebuilt and they dredged the creek and tore up the habitat and that didn't require an EIR, adding that an EIR was a profound requirement, and costs \$80,000-\$100,000. He referred to the wetlands and drought, and they looked at all the work done, including the report Hal Bohner presented, and his biologist reviewed it, and he stated that he can answer any questions. He asserted that it was exempt from CEQA. He mentioned again that he could have built a six-unit building three stories tall and still been exempt from CEQA. He stated that there was no habitat that he was harming. He got everyone's sentiment, which he concluded was that they would like it to stay the way it is. He stated that it didn't seem fair, adding that he wished a lot of people would tear their house down and leave. He referred to the drainage, stating that they were 400 feet back from the coastal

bluffs and right now the Coastal Commission and Pacifica stated that it comes back at 2 feet a year and they were supposed to have 100 year life, and at that rate, they have 200 year life. He then referred to the ravine and stated that it was a man made phenomenon, which was drainage put in 1930 because Palmetto used to be Highway 56 and they put a pipe across to drain the Bowl. He stated that, if they look at the geological report, and stated that it hasn't moved in 50 years, because it was a man made phenomenon by a pipe that the city may or may not know is theirs to manage. He stated, if they want to correct or make it better, it was possible, but the drainage they are putting in was going to alleviate a lot of the water going down that ravine and we were benefitting the ravine. He stated that, since the Palmetto right-of-way used to be Highway 56, there was a lot of room to move Palmetto over. They have designed the project for at least 100 years. He understood people's concern about what was going on around the cliffs at Esplanade, but that was not the phenomenon where they are located.

Vice Chair Gordon referred to items on the table such as whether the project was exempt from CEQA and whether an EIR is required. He are asked if they were in staff's purview or the Commission's purview.

Planning Director Wehrmeister stated that, in taking an action on the project, they would be confirming staff's recommendation that this is a project exempt from CEQA. She stated that, if they are not comfortable with that, they can direct staff to bring back further facts for their consideration, such as case law on how this exemption has been interpreted by the courts. She thought the applicant has already provided the biological analysis but the item can be continued if the Commission would like more information.

Commissioner Cooper thought it was a wonderful design, adding that he had not seen a design like this before in preserving the landscaping, living roofs, and he thought it was an interesting project. He did have some concerns. He thought the concern for the drainage was of genuine concern, the bluffs being there, where the runoff is going to be for the parking and drainage. He also wanted to mention that the community and the Commission have been involved in a lot of the affordable housing in the area and lack of it. He stated that these are very small units and would not rent for very much, although he wasn't sure about that. He thought there might be an opportunity for some affordability within Pacifica for having such a small unit. He agreed with everyone that parking is always a concern, but they could have four units with blacktop everywhere and then they have no landscape so it was a give and take of what was adequate for the unit. He stated that, if you have ten people visiting in an apartment of 450 square feet, he didn't think there was going to be very much place for someone to stand. There will always be an issue of whether it is adequate and does it meet the guidelines of the city, which is the same concern here. He was concerned about the Airbnb use which he thinks is an interesting concept. He didn't know if the city actually has a restriction for Airbnb use for these types of units, mentioning that it has an effect on the people in the area about knowing where to park and the traffic patterns. He thought the structural uses are important but he thought there were ways around a lot of those settlement issues. He thought the condition for increases the size of the units to 450 sq. feet to meet the minimum size is of concern. He thought it was a nice concession for Mr. Blackman to offer to meet the zoning requirement; however, he still had some issues with the zoning requirements. He didn't consider it a single building but four individual buildings. As he listened to the discussion, but he thought there were issues with putting four detached structures on a property and calling it an apartment. He would like clarification on that. He thought there was a lot of information presented. He was interested in what had happened in the past but was not familiar with it at this time.

Commissioner Campbell appreciated the comments that this project was not the Fish & Bowl. It was before he was on the Commission and referred to one speaker mentioning that it was an unpleasant experience. He has a feeling that this project may be shadowed by that experience. He stated that, on looking at the project, this seemed to be the least amount of development that could occur on the site. He thought the design was nice. He didn't have too much issue with its cumulative effects. He understood the argument that it could open the door to Fish & Bowl development but this is just a separate parcel. He thought the CEQA issue was interesting as to whether they make the call about whether an EIR was required or not. He mentioned that the Supreme Court of California did come out on March 2 with a significant decision regarding this very exemption of 15303, Berkeley Hillside Preservation, which gave the city more latitude by cutting back on the exceptions to the exemption. He doubted whether an EIR would be required after that decision. He liked the fact that they came in under the maximum which was rare. He thought it was something for the adjoining landowners to look to.

Commissioner Vaterlaus agreed that it was not the Fish & Bowl. It was a separate parcel and should not be considered the same as the Fish & Bowl. She stated that the General Plan says he can build 4-6 units and these units are so much better than a three-story apartment building he could have built there with parking underneath that would not have blended in with the environment. She also mentioned that it was important that, even without a view ordinance, he considered the view of the neighbors. She felt they were much more desirable than they could have been. She thought it looked like a good project. She stated that the four parking spots were in the code and they only interpret the code so it doesn't have a variance.

Commissioner Evans stated that, after listening to everyone, he agreed that it was not the Fish & Bowl. He lived in the Pacific Point condos for ten years above him. He was against the Fish & Bowl back then and is now, but this is elevation is over the Bowl by quite a few feet. He stated that there are no trees on the project land. He asked Mr. Blackman asked what kind of paving he was looking at for the driveway.

Mr. Blackman stated that he had a few things to ask and thought it would muddy the waters. They were talking about making a pervious surface and eliminating the storm drain. He was also toying with the idea that he didn't want the sidewalk, and was a default by Engineering. He would rather skip the sidewalk. He also noticed that there were no ADA ramps on Drake Blvd. or where the sidewalk ends across the street and above and he wanted to make a concession and keep it rural where he was and he will spend his resources making ADA compliance on the rest of Palmetto. He thought there was enough on the plate and he will be quiet. He was thinking of further ideas to make the project more desirable to him and be less treading on the earth.

Commissioner Evans thought they would leave it to staff regarding sidewalks. He was interested in what he was thinking about permeable or blacktop.

Assoc. Planner Diaz stated that one of the conditions of approval is that all paving area shall be permeable to the maximum extent feasible.

Commissioner Evans stated that he walked the small piece of property with Mr. Blackman. He understood the idea of looking down at roof tops was not an idea he liked. He thought this was very ingenious to be looking down at growing roofs. This is about as invisible as you can get with buildings. The trees were between his property and Pacific Point which was a plus. He liked the idea of keeping as natural a surface as possible, mentioning that the sage growing

beneath the house was ingenious. He thought the parking was a concern. He mentioned that the plan said there was 445 sq. feet on both sides, and he thought it was in the middle between the two. He was comfortable with that with only four units. He applauded him for going smaller because they usually have complaints that it is too big. Going smaller saves land, materials, etc. He likes the project and understands it is a sensitive area but separate from the Fish & Bowl. What they decide can only be what is in front of them.

Vice Chair Gordon stated that they were only able to evaluate a project based on the four corners of the project. It wasn't fair to the applicant or process to base the project on another project and they weren't permitted to do it. He acknowledged concern by the public about endangered habitat and geological suitability and stated that there was a geotechnical report, a biologist report and he can't substitute his opinion for experts who have looked at the area and offered their opinion. He has to defer to the experts and say the parcel is suitable for the project. He mentioned one speaker who talked about Mr. Blackman asking for so many variances and it's a bad thing. He thought they have to look beyond the variances and ask why. He stated that, in a lot of the situations, he was asking for a variance to minimize the impact on the property and that's to be encouraged. He has no problem with the variances. He then referred to mention of new projects in town built by Mr. Blackman that were some of the nicest ones, and he agreed. He didn't always agree with him, but he felt this was very nice looking. He was in favor of the project but he has concerns that there was a lot of information dumped on them, not by fault of the public or staff, but just happened. They haven't had a lot of time to digest some of the information. He question whether some of the information regarding the Fish & Bowl should come into consideration here, but he was sensitive to shooting blind but didn't know how to address it. Referring to CEQA, he stated that he worked at a big law firm and they would have junior associates spend days analyzing the problem and giving them a report, but they don't have that luxury. He also would not say staff is wrong with so little time to study it.

Commissioner Vaterlaus referred to mention of rent control and Airbnb, and stated that they did not have rent control. She stated that there are many units in Pacifica that are vacation rental by owner and Airbnb.

Planning Director Wehrmeister stated that there is a separate use category for boarding house in the code. That is not what Mr. Blackman is applying for and would require a use permit. She heard that Airbnb was becoming more common.

Commissioner Cooper agreed with the commissioners that there were only certain things that the Planning Commission could decide, and his concerns regarding Airbnb, etc., were not in front of them but merely comments for future consideration by both Planning and Council. He thought it was important to bring those concepts to the public's attention. He stated that they rely upon staff for the determination of exceptions within CEQA, but they don't have a law staff to consult. It was a concern of his, but he has to defer to staff to make sure that they have done their homework and made proper recommendations.

Planning Director Wehrmeister stated that, they did run the comment letter by the City attorneys who were not concerned with staff's determination that it was exempt from CEQA.

Vice Chair Gordon assumed it was vetted and analyzed by their contract attorney.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans stated that, when something comes before them and they look at how it fits into the neighborhood, that is a big issue. He thought the idea of very small, minimal number of units being there, if it is built, is a statement to begin what should be there, if anything. He stated that we are in a small town around a large urban area, but we have to fit in with what the codes say. He stated that they do have the option of looking at what the neighborhood looks like when things are brought before them. He thought it was a good idea to have a very small development with very small units to say that was what they want, not the large three-story, six-unit apartment houses.

Commissioner Campbell reiterated that they were not there to second guess the biological and traffic opinions. He stated that one of the main points of the hearings was to allow the public supplement the administrative record prepared by staff with their own documents and opinions on the conclusions by staff on legal, biological analyses, etc., with a right of appeal. He felt that he has enough and heard enough to actually make a personal decision on the project, based on size and scope. He was almost ready to make a motion but would like consensus to not waste one.

Vice Chair Gordon thought there was one thing they should hash out before moving to a motion stage. He asked if the project was 400 square feet of living space. He acknowledged that the applicant was willing to go to 450, and he thought they should hash that out first before going to a motion.

Commissioner Cooper believed that there was a reason for the code being 450 square feet. He felt it was a minor concession for Mr. Blackman if he is willing to make it, but he thought they should ask him officially if he was willing to do that before they make a motion.

Planning Director Wehrmeister asked about the useable outdoor space.

Commissioner Cooper thought they were inviting an improper use of the top of a garage by allowing useable space on top of that carport and he would grant the exception for not having that additional space.

Vice Chair Gordon asked if he was in favor of the variance as is.

Commissioner Cooper responded affirmatively, but added that he would like to hear what everyone else has to say.

Vice Chair Gordon thought that each commissioner can have a chance to opine on these discrete issues, whether to grant the variance for the outdoor space being under the 450.

Commissioner Cooper stated that the outdoor space was a different variance. The variance for the 450 was that he increase the size of the units from 400 to 450 square feet and allow the variance for the outdoor useable.

Vice Chair Gordon stated that there were two discrete issues, the indoor and outdoor. He asked Mr. Blackman if he would be willing to make the concession to go up to 450 on the indoor.

Mr. Blackman stated that he was willing to go either way on either variance. Going to 450 won't affect the neighborhood that much, but losing the living roof over the carport or putting lawn in the back was going to make a pretty impact for the views above, and he would like to avoid

having him have more outdoor space. He stated that it was based on the topography, size, location, but that was his preference. He could go either way on either one of them, but two solutions he has for the outdoor living space is lawn or some type of useable space in the back, and they are saying it needs to be graded for the slope or putting a roof deck over the carport. Either would be breaking what he was trying to do in not impacting the view of the neighbors above. He would like both but would like the outdoor one at the least to be a good neighbor.

Vice Chair Gordon referred to the variance for the indoor space, he asked what his compelling reason. He asked if it was just how the plans were drawn up.

Mr. Blackman stated that he was serious. He has a house he rents in Pedro Point that was about 700 square feet and, before he had his fourth child, they had three girls and lived in 600 square feet and he was fine. He mentioned that a friend who lives in San Francisco just bought a 250 square foot by choice, and could afford anything. There were units down to 200 square feet in San Francisco. When stated that the code was put in during the 1980s, and he thinks it is obsolete and doesn't meet today's requirements.

Vice Chair Gordon asked what the difference was in square feet.

Mr. Blackman stated that, trying today to get the exact number, he didn't know if you were counting exterior plywood, exterior siding, but he believes it is 417 now. To get to 450, he thinks he has to expand the walls 4-5 inches around the whole thing. It was fairly negligible but bigger than he wants it to be, but he was fine with it.

Vice Chair Gordon thought it made sense for each to opine on those issues.

Commissioner Evans asked if there was a problem granting the variance for 400 square foot house instead of 450. He knows it's in the code, but they've never come upon forcing someone to make a bigger house. He feels it is fundamentally wrong. He wants to hear the idea, as he didn't see a problem in granting the variance for the size of the house.

Planning Director Wehrmeister stated that there were two issues, what the code says and the variance issue. The code says 450 and they can talk about. She stated that everything seems to be getting smaller in terms of rental units. But, that was what they have now and to grant a variance they have to make the findings under the code. Finding #1 in the staff report is what the Commission would need to focus on. Staff has provided them information but if there was anything else they feel is applicable to making the finding requirement, she stated that they could put in into the record and make it a part of the motion.

Vice Chair Gordon stated that they have a couple of moving parts.

Commissioner Vaterlaus thought as few variances as possible would be increasing the size of the dwelling to 450 but eliminating the outdoor space requirement to keep it in good visual perspective for the neighbors.

Vice Chair Gordon assumed she was against the variance on the indoor space and in favor of the variance in the outdoor space.

Commissioner Evans stated that he has no problem with the variance for the outdoor space. He didn't want growing grass. He felt we have to get away from grass. They have a beautiful area around there and a lot of land so he has no problem in the variance for that. He was having a difficult time requiring someone to make their house bigger. He felt it was not right, but he will go with the majority.

Commissioner Cooper stated that he had nothing further to say.

Vice Chair Gordon stated that he was trying to get a consensus in crafting a motion that reflects their consensus.

Commissioner Cooper agreed to not allowing the variance for the size of the unit and allowing the variance for the outdoor use.

Commissioner Campbell stated that he would grant both variances but he will go with the will of the Commission to get the deal done.

Vice Chair Gordon stated he was fine with the variance on the outdoor and didn't have a strong preference on the indoor. He would go either way. He thought it would be a cleaner project from a process standpoint if there was no variance on the indoor space but he didn't have a strong preference.

Commissioner Cooper moved that the Planning Commission find that the project is exempt from CEQA; **APPROVE** Site Development Permit, PSD-790-14, Coastal Development Permit, CDP-347-14, Variance, PV-513-13, and Parking Exception, PE-160-15, subject to the conditions of approval in Exhibit A, with an amendment to include a condition of approval requiring that each of the four (4) studio apartments shall be expanded to meet the minimum dwelling size of 450 square feet and incorporate all maps and testimony into the record by reference, and **ADOPT** the Resolution for Site Development Permit, Resolution for Coastal Development Permit, Resolution for Variance, with an amendment only approving the Variance for the 200 square feet of useable open space per unit, and deleting reference to the Variance for the 400 square foot minimum gross floor area of each studio apartment, and Resolution for Parking Exception; Commissioner Campbell seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Vaterlaus, Evans, Cooper, Campbell and
Vice Chair Gordon
Noes: None

CONSIDERATION:

None.

COMMISSION COMMUNICATIONS:

None.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister brought to their attention that, in their packet, there was an ethics primer prepared in part by the City's contract law firm and one thing to highlight was that, if they decide to meet with applicants that have projects that are going to be coming before the Planning Commission, it was fine but it should be a one-way communication, as they will ultimately be making a decision on the project. She also addressed the comments about the packet and materials received. She explained that part of what the department was trying to do was get projects before the Commission in a timely manner. They try to get things wrapped up as soon as possible, but they may be getting more packets in the future on Thursday and not a whole week ahead of the meeting. She stated that it was not unusual for contentious projects to have comments submitted at 4:55 on the day of the hearing, adding that it was not what happened in this situation. She stated that, in this case, they need to improve the process for getting supplemental items to the Commission quickly. She stated the project pipeline list is on the website and hopefully this make things more transparent. Those interested in development will hopefully continue to go to these sources and see what's coming before Commission and talk to staff earlier, rather than later. They do need to make sure they get the city-issued email addresses. They may have received a memo or not. They have to begin communicating with them through those email addresses and, if they get something electronically on a Thursday or Friday afternoon they can email it right out to them.

ORAL COMMUNICATIONS:

Skylar Parker, Pacifica, thanked them for the curb cutouts that they put in. He thought the city has a long way to go as far as trying to make it accessible. He stated that there were a few curb cutouts on the top of Paloma that he would like to draw their attention to. There is no curb cutout at the top of the sidewalk going up Paloma near the high school.

Vice Chair Gordon asked if he had a cross street.

Mr. Parker stated that the cross street would be the driveway going into Oceana High School. He stated that, if he gets on the sidewalk at the bottom and goes all the way to the top, he can't get off. He stated that, if you go all the way around to the front of the high school, there was no way to get out. He stated that it doesn't make much sense. He has to go in the street. On top of that, it was a high school and he didn't know if there were kids in wheelchairs who go to high school there, but if that gate is closed, they can't get into the neighborhood. He stated that it would be an awesome place for him to walk his dog.

Planning Director Wehrmeister stated that she will bring that to the attention of the Public Works Director.

Mr. Blackman stated that he was giving kudos back to Skye who taught him to use the software for the renderings. He stated that he would like to consider that with Palmetto. He stated that the engineering department didn't know how to be flexible with the sidewalks. They just think they need to go in, and there was no real code. He has another project, but they refer back to Planning as the ones making these sidewalks and Planning are thinking their making the sidewalks. He acknowledged that a lot of times, the sidewalks are good, but he would like to figure out how they can make that better negotiable because there were times when he would rather put his resources in sidewalks that would accommodate people. He stated that it was a big deal on Drake and Palmetto. It was a major shopping center and it doesn't have ADA accessibility on the sidewalks. He didn't know what he was asking for at this moment, but he was letting them be aware that Engineering keeps thinking Planning are making the decisions and Planning was thinking Engineering was making the decisions.

ADJOURNMENT:

There being no further business for discussion, Commissioner Vaterlaus moved to adjourn the meeting at 9:34 p.m.; Commissioner Cooper seconded the motion.

The motion carried 5-0.

Ayes: Commissioners Evans, Cooper, Campbell, Vaterlaus and
Vice Chair Gordon
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director Wehrmeister

3. **PSD-790-14** **AMENDMENT OF PSD-790-14, PV-513-14 and PE-160-15,**
PV-513-14 filed by applicants David Blackman and Mike O'Connell, to
PE-160-15 construct a single three-story, 3,169 square foot apartment building
 comprised of four dwelling units on the top two floors and an
 attached ground floor garage at 4009 Palmetto Avenue (APN 009-
 402-270) in Pacifica. Recommended California Environmental
 Quality Act (CEQA) status: Class 3 Categorical Exemption, Section
 15303(b).

Asst. Planner O'Connor presented the staff report.

Commissioner Cooper complimented her on the very thorough staff report. Regarding the alternative garage design, he asked if they have an ordinance that they have to have certified.

Planning Director Wehrmeister stated that it was a requirement of the adopted building codes, and not solely within the Pacifica Municipal Code.

Commissioner Cooper recalled when they approved the project previously, they had four units and he didn't think they spoke about van parking then.

Commissioner Cooper asked more explanation on the deck and how it protrudes into the setbacks, mentioning that it looks like a detached deck or self-supporting deck.

Asst. Planner O'Connor stated that there were two decks that project into the northern side setback. She stated that, with the ones on the north elevation, the code allows the decks to project into the side setback one foot and these project by two and a half feet.

Commissioner Cooper asked if this was on the second floor.

Asst. Planner O'Connor stated that it was the second and third.

Commissioner Cooper stated that he was looking at the north elevation and asked if it was the ones to the right, clarifying it was the ones with the curved roof, not the third one. He stated that he was asking if those decks were supporting a structure or independently supported from the columns and whether that is easily changed or the applicant has mentioned he could change those.

Asst. Planner O'Connor stated that they could be changed, but are not required for the structural integrity of the building. She stated that the shape and size of the decks provide reasonable private open space to the units. She stated that, by shortening them, it makes the space less usable.

Commissioner Cooper thought they face the roadside.

Asst. Planner O'Connor stated that, on page 85 of the site plans, you will see them on the left-hand side of the structure.

Commissioner Cooper stated that he saw that.

Commissioner Baringer stated that he ran into van accessibility all the time, but he didn't see an elevator on the plans. He thought, if someone is disabled to the extent that they need a van, he asked how they would get from the garage to the units. He felt it was appropriate to have accessibility when possible, but he questioned having a van parking with the understanding that it doesn't work. He wasn't sure they wanted to go down the path of having an elevator that services the entire building. He asked for help on the process of reviewing this from a practical standpoint.

Planning Director Wehrmeister stated that a van accessible space could also benefit those without a wheelchair.

Commissioner Baringer stated that he has a lot of experience with that and does not agree with that. He stated that he wasn't trying to incur additional expense for them, but he thought there needs to be a practical aspect. He stated that, if you have accessibility, you need to have it but not the illusion of it. He mentioned that, if they make this accessible, he has questions about the garage door height as most accessible vans can't fit in that garage door height. He thought they were creating something for a use that will probably never be required, adding that if you are going to have it accessible, he felt that would involve a substantial redesign and expense on the property. He added that he didn't think four units would trigger that, and he deferred to them.

Planning Director Wehrmeister stated that the building official was applying the building codes to the best of his ability. He appreciated the applicant's comment which was why he sought further opinions. She stated that there was a procedure for appealing the code official's determination.

Commissioner Clifford referred to the proposed turnaround space along the driveway which he thought has not been approved by the California Coastal Commission.

Asst. Planner O'Connor agreed, adding that it was new to the design.

Commissioner Clifford asked if there was any thought that there will be a problem with the California Coastal Commission on that change.

Asst. Planner O'Connor stated that staff doesn't anticipate an issue.

Commissioner Clifford referred to a drip line of a heritage tree which occurs within a proposed development, and stated that the applicant needs to obtain a heritage tree permit. He understood that the tree wasn't on the applicant's property but the drip line is.

Asst. Planner O'Connor responded affirmatively.

Commissioner Clifford asked if they were getting a removal permit for a tree not on their land and what was entailed for this project.

Planning Director Wehrmeister stated that when there was construction within the drip line of a heritage tree, a heritage tree permit is required with arborist's report to confirm protection of the tree during construction.

Commissioner Clifford concluded that they were protecting the roots of the tree.

Planning Director Wehrmeister responded affirmatively.

Commissioner Clifford wanted to be clear that they weren't authorizing them to cut down someone else's tree. He mentioned that they were being asked to deal with the two undercover parking spaces located in the rear yard, and he asked if that would need a parking exception.

Asst. Planner O'Connor responded affirmatively.

Commissioner Cooper referred to Commissioner Baringer's comments regarding van accessibility, and stated that, while he didn't want to belabor the point, he was sensitive to the ADA issues. He thought it triggered other issues within the development. He asked if one of the apartments was handicapped accessible. He asked whether they have to comply with all the ADA access, and whether they can even approve the project. He felt they can't negate the law in what ADA requires, but he asked what this triggered with van accessibility and whether it was a requirement.

Asst. Planner O'Connor referred to the only requirement brought to their attention from the certified access specialists.

Commissioner Cooper asked if they were licensed.

Asst. Planner O'Connor stated that there was a certification.

Commissioner Cooper asked if they had jurisdiction over our area.

Assoc. Planner Murdock stated that the CASp program was an additional certification to demonstrate their specialty credentials, but doesn't give them additional jurisdiction. He explained that it provides certain reports prepared by CASps to provide property owners certain legal protections. He stated that cities are required to have a certain number of CASps on their staff so they can raise treatment of accessibility to a higher level with a standard level of education and hopefully aim to more closely align interpretation of the requirements. He stated that it didn't always happen, and accessibility was a complicated field where many people can reasonably have a different opinion.

Commissioner Cooper stated that he was concerned as to whether it was a recommendation or a requirement and was interested in exploring that. He thought it could trigger a bunch of things.

Assoc. Planner Murdock stated that, as the Planning Director indicated, the building official was working through all the related and applicable accessibility requirements. He stated that sometimes they may not yield what seems a logical outcome, as in requiring an elevator to get from the accessible parking space to the accessible unit in an upper story, but it wasn't up to the building official to make it logical, but to interpret the law and apply it in the most fair and appropriate way. He stated that it looked as though the City building official and several experts have concluded that the requirement was for the van accessible space but there are varying opinions when applying accessibility, as there are with many building standards, and he remains open to reasonable interpretation by a CASp hired by the applicant. He stated that the issue in question for the Commission was that, in the event that the accessible space was or was not required in the final project, is the physical parameter of the building acceptable in compliance with findings having to be made.

Commissioner Cooper thought, if they approve the project and they don't put the requirement and the applicant moves forward from a building or regulatory standpoint and they require this, he asked if that was a proper way to go. He felt he wasn't qualified to make that decision on someone who has made a recommendation, but felt it was either required or not.

Planning Director Wehrmeister stated that the building official will make determination prior to issuing a building permit to verify that they are compliant with all accessibility requirements. She stated that it was not a condition that the Planning Commission needs to impose.

Acting Chair Evans asked whether, with the notice of intent to issue permit in the papers, they have already approved the project.

Planning Director Wehrmeister responded affirmatively.

Acting Chair Evans asked why they were meeting on this.

Planning Director Wehrmeister stated that there were layers of entitlement. The City issues a building permit based on the entitlements that the Planning Commission, or in this case City Council, approves. The revised project is completely different than what was locally approved. She stated that staff needed to bring it back to make sure they have the entitlements on the actual project being built.

Acting Chair Evans referred to the appeal made on the Commission's decision and the appeal to the Coastal Commission that started this, and asked what happened to the plans the Commission approved in April 2015. He asked if they went away because the Coastal Commission did not approve them.

Planning Director Wehrmeister stated that the Coastal Commission did not approve them and they worked with the applicant to come up with this alternative design.

Acting Chair Evans stated that he thought the project that came before them in 2015 was a perfect fit for that property, mentioning some of the specifics, and felt they now had a monstrosity twice the size and half the parking spaces and no green involved compared to the prior project, mentioning the various ways it fit in. He stated that those specifics, as well as the green element sold it to him. Then the Coastal Commission approved the present project. He commented that he was flabbergasted, adding that they were supposed to be guarding the coast but it went in the other direction. He understands that the Coastal Commission has final approval on coastal projects, but he felt this wasn't very smart at all.

Commissioner Cooper agreed with his fellow commissioners. He stated that this project was so different that it could be appealed to the City Council because it is different, and it follows the same process again. He was concerned that it will go to City Council and it will hold up the project. He agreed that the previous project was beautiful, and he felt the massing of the present project was different.

David Blackman, co-applicant, stated that he grew up in the neighborhood before the condos were built. He stated that he loved the original project. He stated that he met with the condominium association and Mr. Carmichael and Mr. Bohner, and they have told him that they

want to destroy his project, adding that it wasn't that they didn't like his project but were afraid of Keith Frohm coming back and they were setting an example. He stated that they have damaged the project beyond belief, adding that they have met everything from the Coastal Commission. He stated that they don't need another Coastal Development Permit which was done, but they were now amending the local site development permit, and they need to get the Planning Commission and Coastal Commission on the same side, adding that the Coastal Commission loved the original project and asked to get the appellants to back off because they were okay with it. He then mentioned all the people who also liked the project. He stated that ADA does not apply to homes, but they were doing fair housing. He agreed that, depending on who the building official was, it comes and goes. He stated that they agreed that they don't have to have an accessible path to the units. He explained that the accessible path makes this a van parking spot, mentioning that the path next to the parking spot was the accessible route they say they don't need. He stated that the Planning Department suggested that they not talk about accessibility with the Planning Commission because it was with the building department. He stated that he had asked the building official to be present to talk. He reiterated that it made no sense and the code did not require it. He stated that the Planning Department stated that, if they don't prevail with the building department, it was the van parking spot that goes nowhere. He then turned comments over to his co-applicant.

Mike O'Connell, co-applicant, stated that they were trying to bring the site development permit in line with the coastal development permit. He agreed that the project looked totally different, explaining that, when you get to the Coastal Commission you study a lot of things, mentioning several subjects and how the Coastal Commission works. He stated that they had the right to a speedy Coastal Commission hearing to do the substantial issue determination and the de novo review in one hearing, and they studied different alternatives. He stated that they had several different site plans and they tried to stay as close to the original concept as they could. He stated that the Coastal Commission decided the 50-foot buffer was most appropriate and they had to consolidate the units into one building and it was approved unanimously, adding that the Chair commended them for exhibiting flexibility, etc. He stated that the 50-foot buffer was felt to be the highest priority of the Coastal Commission. He explained that the reason for the decks on the north side with less of a setback was to break up the architectural elevation of the building. He added that they are cantilevered out from the building and there was not a structural column beneath them. He referred to Commissioner Clifford's turnout comment, explaining that he discussed with the Coastal Commission staff about several items, and he thought that they felt that as long as they weren't impeding on the buffer, it wasn't an issue. He then referred to several conditions, explaining some changes he thought were necessary, such as storm water control which they thought was addressed by an Engineering condition. The sidewalk condition probably needs additional language, considering the Coastal Commission's interest in the willow in the public right-of-way. He referred to the fire related conditions, mentioning some items needing clarification.

Commissioner Cooper asked if this boiled down to the willow tree.

Mr. O'Connell responded affirmatively.

Commissioner Cooper mentioned dealing with heritage trees on previous projects and he asked if they discussed any of that, adding that he thought this was more intrusive than the previous project.

Mr. O'Connell understood, adding that the Coastal Commission delineated wetlands differently and the willow triggered the wetland conditions.

Acting Chair Evans opened the Public Hearing.

Victor Carmichael, Pacifica, stated that they obviously share the same disappointment with everyone else in that this project is much less appealing than the original one. He stated that the original project should have been stopped because there were adjacent wetlands to consider, it threatened Palmetto Avenue, and there were traffic issues. He referred to the process the Coastal Commission took which caused it to become a huge project, and he felt that it will set a precedent that could be duplicated all over the Fish and Bowl by other developers. He mentioned that the ravine has some unknowns, mentioning some mysterious pipes. He asked that they hold off approving the project until they have further studies.

Hal Bohner, Pacifica, stated that he sent the Commission comments by email and asked if they received them. He wondered because he didn't hear in their discussion anything about what he had raised. He thought this hearing was premature, stating that the Coastal Commission did not issue a coastal development permit even though staff said they did, adding that there were conditions to be met before the permit would issue. He stated that there was a problem with the present project, mentioning a storm drain through the buffer of the wetlands, and he had a discussion with a Coastal Commission staff member who said that was not allowable. He stated that, if they approve the project with that storm drain, it will get appealed to the Coastal Commission and the Commission will say they have to put it somewhere else. He asked that they wait until the Coastal Commission finishes their process as they cannot begin any building until this is finalized. He stated that this project requires an environmental analysis, and he felt staff was incorrect on this. He felt, if they read his comments on this point, they would agree with him that an EIR must be done before they can approve this project.

David Hirzol, Pacifica, stated that he hasn't seen drawings of the new proposed project. On listening to the applicant's presentation, he thought they were successful in negotiations with the Coastal Commission and this project had very little relationship to the original permit approved. He thought this was like a bait and switch. He referred to the process but felt that the decisions made were irrelevant because it goes to the Coastal Commission and gets reconfigured into something entirely different and returns for approval. He encouraged the Commission to think about what happened. He stated that no one can profess to love Pacifica more than he does and most people want the best for the city and he felt that the best is decided here and not at a Coastal Commission meeting.

Acting Chair Evans closed the Public Hearing.

Mr. O'Connell referred to Mr. Carmichael's comments, stating that the willow was not on their property but in the public right-of-way, which was why it was not studied in the original application. When the Coastal Commission took jurisdiction of the CDP, their biologist asked them to look at it, and this was now where they were. He stated that there was a component of the project, the storm drain, originally designed to snake through their site and not be in the street and was intercepting the runoff that ends up in the pipes and creates erosion at the ravine. He talked to the Coastal Commission about Mr. Bohner's concern, and they don't care if it is in the street instead. He stated that their understanding was no structures, etc., in the street. He stated

that they could move the storm drain into the street, and he talked with Ray from Public Works who felt it was not an issue.

Mr. Blackman referred to the EIR comment, stating that Pacifica determined that it was exempt, the Coastal Commission made that determination, and their biologists said there were no significant impacts from their project as it exists, and every commissioner agreed and put those findings on paper and on the website. He mentioned that Mr. Bohner wants to shut the project down. He asked that the Commission approve the project, stating that it has been three years and they still have a long road ahead.

Commissioner Clifford stated that he heard them say they have no problem moving the storm drain so that it doesn't intersect the buffer.

Mr. Blackman agreed, adding that they talked to the Coastal Commission. He stated that their original intent was to make it minimal, adding that they wanted the storm drain on the east side so they wouldn't impair traffic, but it can easily go on the east side but will be more difficult for people to drive through. The Coastal Commission felt it was no problem to put it in the public right-of-way further out of the buffer, solving that issue today.

Commissioner Clifford concluded that they can change the condition to include that the storm drain will not be in the buffer zone.

Mr. Blackman suggested that they rely on the Coastal Commission so they don't have to bounce back and forth.

Commissioner Clifford stated that he couldn't speak for the rest of the Commission, but if it has to be there for their deliberation, he asked if it would not be a problem for them.

Mr. Blackman agreed, adding that it sounded like that was the plan.

Commissioner Cooper stated that this was a difficult one for him. He approved the original project, mentioning all the pluses, adding that he thought it was a step forward for the city. He was concerned that, if they approve this project, it doesn't sound like it is the end of it. He felt that was a concern and he thought it could be appealed again, because there is a lot of opposition. He felt they approved a good project, and he didn't think this project was as good as what was out there. He concluded that it was functional, and would like to hear what the other commissioners have to say.

Commissioner Clifford stated that he wasn't on the Commission when it was approved but was in the audience. He liked the other project better and this was 2.6 times the size and, as Commissioner Evans said, a lot of the green features are now gone. He stated that, unfortunately, they were here to approve this one.

Commissioner Baringer stated that he did not have the benefit of history in terms of what the previous project looked like, but he has been involved in what he calls the Coastal Commission whipsaw, and it was not a good place to be. He feels their pain. He felt it was important to look at the project before them and respond to that. He was concerned as to why they had to take such a drastic departure to something bulked up and vertical from something previously horizontal. He thought there might have been a better alternative than what they were looking at. He didn't

know why they had to have such a gross departure, but his problem was that what they wanted didn't meet an arbitrary buffer. He stated that there were a lot of apartment buildings in that area, and it was not like they were dealing with some pristine wilderness, but they have to respect the environment. He thought, if it were a 15-foot buffer and they got to keep the old project, which he felt, from the commissioner's comments, that they clearly liked it better. He stated that when people oppose a project and appeal it, that has unintended consequences when it comes back. He thought this might be one of those cases where they were able to meet the qualifications of the Coastal Commission but not 100% acceptable to us and you end up with a project that was not as desirable as the previous one.

Assoc. Planner Murdock stated that he hears them struggling with the bulk of the structure and how it is disjointed from what came before them previously. He stated that the Coastal Commission starts with 100-foot presumption of a buffer around wetlands areas, and they relaxed the buffer to 50 feet. He agreed that it feels like an arbitrary buffer, but that's what they determined on the Coastal Development Permit and likely what they stick to if the applicant were to go back with a revised project design. He stated that, even with the 50-foot buffer, the remaining developable area on the property is extremely limited, and the applicant's options of where to develop were reduced to this portion of the lot. He stated that, based on the general plan designation for the property, they have to build four units or pursue a general plan and local coastal plan amendment which was a more involved process. He stated that they are trying to come to terms with all the competing regulatory restrictions and he thought the minimum four-unit requirement has forced them to bulk up and make a larger, taller structure. He wanted to point out those issues as they weigh the project.

Acting Chair Evans referred to the site plans and the concrete wall for the first floor garage area that was on the property line on the north side and touches the Edgemar Road line on the east side. He asked how that can be with the setbacks.

Asst. Planner O'Connor stated that the wall on the north side lot line was considered the equivalent of a fence and can occur on the lot line without a setback.

Acting Chair Evans asked confirmation that it was not considered foundation for the other two stories.

Asst. Planner O'Connor stated not in that area, adding that the applicants may clarify that.

Commissioner Clifford stated that he didn't think the project before them was horrendous. He thought it had some nice architectural detail and was larger than what was brought before them before, but he didn't think it was a bad building. He thought, if the Commission had seen it first, they might have approved it but unfortunately they brought a better project the first time. He stated that it wasn't the applicants' fault and he didn't want to penalize them for having to bring something different to them. He asked the attorney if the Commission was allowed to ask questions of the public speakers after they have spoken. He stated that they ask the applicant a lot of questions, and he asked if they could ask the public a question.

Asst. City Attorney Visick stated that the public was just a one-way communication to them, adding that they can respond to what they said but they can't engage in a dialogue with them.

Commissioner Clifford thanked him for the clarification on how that worked.

Acting Chair Evans stated that he wanted to hear from the Fire Chief on items 34 through 38 in the conditions.

Deputy Fire Chief Johnson stated that those conditions were caused by the redesign. He referred to the fire hydrants, stating that if they are where stated, they meet the requirements. He explained that the others are included based on what they are building, which require different things.

Acting Chair Evans thanked him for the input.

Commissioner Cooper asked why the applicant was providing the fire flow report from the North County Water District, stating he thought they did the regular test on the flows in that area.

Deputy Fire Chief Johnson stated that they were required to provide that as part of the application.

Commissioner Cooper thought it was because it fell within the 30 feet.

Deputy Fire Chief Johnson stated that it was a question of how recent the previous one was and, in that area, it probably wasn't very recent. He stated that they need to know what the fire flow will be because, if not great enough, it may trigger other things in the code, and they don't want to find that out after the design is done.

Acting Chair Evans stated that he keeps thinking about what they approved before, which he thought was a beautiful project. He stated that apparently an appeal brought them to this point. He acknowledged that we all have the right to appeal but he felt that it was a shame that the powers over the city along the coast came to this conclusion. He stated that, within the intent to issue a permit, it mentioned approval of construction of a three-story, 3,169 square foot apartment building, and he again asks why they were even here since they already approved it. He stated that it seems so backwards. He appreciated what they are trying to do, but he didn't know if he could be in favor of this. He felt it was overblown.

Commissioner Clifford stated that he was thinking of moving the process along for approval since he thought it was likely that the decision would be appealed. He concluded that, if it is appealed, it is appealed.

Commissioner Baringer asked if he made a motion or was contemplating making a motion.

Commissioner Clifford stated that he was contemplating making a motion.

Commissioner Cooper reiterated that he feels for Mr. Blackman who put a lot of effort into this, but he didn't think that this was a great alternative to what was already approved in the area and he felt he would be doing a disservice by approving a 31-foot high apartment building in the area. He felt it was not what he would like to see. He felt it was important to develop the property as it is a beautiful piece of property but he didn't think this fits the area.

Commissioner Baringer reiterated that he didn't have the benefit of seeing the previous project, but he thought there were clearly external forces in effect limiting what creativity they may want

to exert on this. He stated that staff has done a good job trying to vet this as well as the applicant, and he felt it was clear that it will be appealed and it might come back to them again in yet another iteration. He stated that, at this point, he would support the project, knowing there will be additional commentary, adding that he felt it would be appealed either way.

Commissioner Cooper asked when they approved the original development project.

Acting Chair Evans stated it was April 6, 2015.

Commissioner Cooper asked if the permit approval for the original project was good for a year.

Asst. Planner O'Connor stated that the original project wasn't effective because the Coastal Commission had not acted on their CDP and, now that they have, and this is a different design, they would go back to what the condition of approval said which she thought was a year.

Commissioner Cooper concluded that it was expired at this time. He stated that the approval of the previous project was still good and he thought he could appeal to the Coastal Commission if he wanted to. He asked if that process was done.

Planning Director Wehrmeister stated that the original project was appealed to the Coastal Commission and the Coastal Commission approved a different project. They are present at this meeting to approve those revisions. She stated that, if the Commission was struggling with this, they have creative people working for the applicant. She stated that there was the possibility to continue this to see if there is any redesign potential.

Commissioner Cooper stated that he heard a lot of exceptions to the requirements that they put on this, adding that he didn't think he could reiterate those now. He was also confused about it, such as how this development would fit into the area.

Assoc. Planner Murdock thought the Commission was struggling with the bulk of the building. He stated that the original project was proposing four detached units, but specifically detached studio units of 450 sq feet each, but these are not the same which was yielding a larger footprint for the building. He stated that, in reviewing the architecture, appropriateness and applicability of the design guidelines, there may be a smaller project format that works for the Commission, but it may not be possible to get away from the multi-story design, given the minimum four-unit density requirement but perhaps an alternative for a studio or one-bedroom floor plans that might also yield a lesser parking requirement. He stated that it would have other impacts and they would need to see what redesigned plans look like.

Acting Chair Evans asked what would happen to the notice to approve.

Assoc. Planner Murdock stated that, to be fair, it may result in the applicant seeking an amendment for the Coastal Development Permit that the Coastal Commission approved, but he could not say whether they would be willing to do that. He stated that the Commission can only evaluate what was within its purview, the local entitlement, with no authority to act on the Coastal Development Permit.

Acting Chair Evans agreed that they can't tell the Coastal Commission what to do.

Commissioner Clifford stated that he sees two things, a Commission that is split with an even number of commissioners and he doubts they will get an approval tonight. He stated that he will move that they continue this until the next possible meeting to do that and hopefully they will have a full commission which would possibly help in their deliberations with additional thinking. He would also recommend that, at the continued meeting, they not only have a motion for approval but also a motion to deny the project so they have a real choice. He felt that at this time, they can't come to a conclusion because they only have a motion to approve.

Planning Director Wehrmeister suggested that they give staff and the applicant a full month to work on this, which would be October 3. She stated that they can bring back optional action items, but they would need specific direction from the Commission on what they would like them to work on, i.e., the bulk, the size of individual units, and other parameters to work with.

Commissioner Clifford stated that he likes green roofs and the bulk is an issue, so possibly all one-bedroom units or a couple of studios and a couple of one-bedroom units to reduce the bulk.

Commissioner Cooper agreed that the other Commissioners were around for this project and he thought it would be insightful to hear what they think of this project. He stated that he was having a tough time with it and, as Commissioners, they look to each other for insight and parameters they weren't thinking about. He would also like to defer this for a month, looking at the bulk of the building and working with the developer to reduce the height of the building and the bulk. He thought this was a greater impact on this area than the other units. He would like to look at alternate ideas for this structure. He would also like more investigation on the actual regulation of the van parking and the ADA access. He thought the Chief explained it that, when you go to a building of this height and mass, it triggers a lot of things. He asked if they can get lower so they don't trigger those, suggesting two duplexes or four units with a foot separation. He thought those were things that would help him decide that they are a better impact than this project. He stated that the applicant had issues with some of the conditions of approval and maybe they can work with him and clean those up, and possibly take some onerous ones out. He thought it was easy to put the fire hydrants on the plan and they don't have to have those conditions of approval for this project.

Commissioner Cooper moved that the Planning Commission defer decision on this project for four weeks.

Planning Director Wehrmeister asked that they continue to a date specific, which would be the regular planning commission meeting of October 3.

Acting Chair Evans stated that he cannot be at that meeting, adding that he didn't know if it made a difference.

Commissioner Cooper asked which meeting he could make.

Acting Chair Evans stated that he could make the next meeting, adding that he was going to notify staff about missing the meeting later.

Commissioner Cooper made a motion to continue this particular permit until October 17, 2016; Commissioner Clifford seconded the motion.

The motion carried **4-0**.

Ayes: Commissioners Baringer, Clifford, Cooper and Acting
Chair Evans.
Noes: None

Acting Chair Evans apologized to the applicants as they were back to the drawing board for some part of it.

CONSIDERATION ITEMS:

None.

COMMISSION COMMUNICATIONS:

Commissioner Cooper stated that the Planning Commission works hard to do the best job they can. He looked at the directory put out by the Chamber of Commerce, and suggested people look at it as it has maps, city services, etc., and he felt it was an excellent job and he thought it was worth recognizing that they put out a great product.

Acting Chair Evans stated that, as the Commission liaison, he attended the Library Advisory Committee meeting on August 17. He stated that they didn't get a lot done, but they went over some issues and there were a lot of things coming up and he invited the public to attend the meetings.

STAFF COMMUNICATIONS:

Planning Director Wehrmeister stated that the Library Advisory Committee meets on September 14 in Council chambers. She stated that the City Council has scheduled a sea level rise study session on September 27.

Commissioner Cooper asked the time.

Planning Director Wehrmeister thought it was at 6:00 p.m., but they will be notified of the exact time. She stated that she will forward an email regarding an event happening at the Safeway Fairmont for its grand opening. She stated that ABAG and MTC, preparing for One Bay Area, have released the preferred development scenario for the Bay Area for public review. They will bring an item to Council to update them on the projections for Pacifica which are in line with the development potential envisions in the General Plan. She stated that the Holiday Inn should be pulling their permit for the expansion this week, but she was not sure about the date to start construction. She stated that staff was staying abreast of the marijuana regulation, adding that they anticipate that laws will change and she and the Police Chief will be attending a seminar to stay up on police and land use considerations with dispensaries. She mentioned that the governor's by-right housing trailer bill was no longer going forward. She stated that the governor signed a bill for standardized training for all code enforcement officers in the state to ensure better, safer, more uniform enforcement throughout the state. She said that the state will determine what that will entail, and will probably give cities time to bring code enforcement officers up to training standard.

Acting Chair Evans asked if he should read the aggrieved continuation of the last one.

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
APPROVING AMENDMENT TO SITE DEVELOPMENT PERMIT PSD-790-14;
VARIANCE PV-513-14 AND PARKING EXCEPTION PE-160-15, SUBJECT TO
CONDITIONS, FOR A FOUR UNIT APARTMENT BUILDING AT 4009 PALMETTO
AVENUE (APN 009-402-270), AND FINDING THE PROJECT EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

Initiated by: David Blackman and Mike O'Connell ("Applicant").

WHEREAS, the Planning Commission approved, with conditions, Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15 for the Applicant's proposed development of four detached studio apartments and carport on the project site (Resolution Nos. 914, 915, 916, and 917, respectively) at a regularly scheduled Planning Commission meeting on April 6, 2015; and

WHEREAS, an appeal was filed to the City Council in opposition to the Planning Commission's action on April 15, 2015; and

WHEREAS, the City Council denied the appeals and upheld the Planning Commission's conditional approvals of PSD-790-14, CDP-347-14, PV-513-14, and PE-160-15 (Resolution No. 20-2015) on June 22, 2015; and

WHEREAS, an appeal was filed to the California Coastal Commission (CCC) in opposition to the local decision of CDP-347-14 on July 10, 2015; and

WHEREAS, the Applicant provided additional information and redesigned the project to be a three-story, four-unit apartment building and the CCC approved, with conditions, the revised project on April 13, 2016 (Application No. A-2-PAC-15-0046); and

WHEREAS, the Applicant now seeks to amend the City-issued permits to conform with the revised project described in the CCC's final approval of Coastal Development Permit CDP-347-14, and the Applicant has therefore submitted an application to amend Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to provide for the construction of a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270); and

WHEREAS, the Applicant's revised project would include installation of a new storm drain pipe that would interconnect with the existing 18-inch pipe that has the sleeved outfall in the ravine on west side of Palmetto and redirect the flow south down Palmetto Avenue to connect with the City's existing storm drain infrastructure; and

WHEREAS, If the project is approved, conditions of approval would require the Applicants to submit hydrology calculations to prove that the City's storm drain system would be able to handle the redirected flow from the new storm drain pipe and, in the event that the City determined that its storm drain system would be negatively impacted by the proposed improvement based on the review of the submitted calculations, the Applicants would be required, at their sole expense, to mitigate the negative impact on the City storm drain system to the satisfaction of the City Engineer, and occupancy of the

structure would be prevented until the Applicants mitigate any negative impact on the City's stormwater system; and

WHEREAS, the project requires a Site Development Permit because the project includes new development within the R-3-G (Multiple Family Residential Garden District) zoning district, as set forth in Pacifica Municipal Code (PMC) Sections 9-4.702(l) and 9-4.3201(a); and

WHEREAS, the project requires a Variance because the project includes private decks that encroach into the side setback beyond the allowed distance stated in PMC Section 9-4.2703; and

WHEREAS, the project requires a Parking Exception because the project includes parking in the required rear yard (PMC Section 9-4.2808) and a driveway that exceeds the allowable width per PMC Section 9-4.2813(c)(4); and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 6, 2016, at which time it considered the revised project, provided direction to staff regarding analysis of the revised project, and continued the public hearing until October 17, 2016; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a continued public hearing on October 17, 2016, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines 15303(b) ; 15302(c); and Section 15304 (f) and therefore directs staff to file a Notice of Exemption for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby not make the following findings pertaining to Site Development Permit PSD-790-14 for new construction within the R-3-G zoning district:

- a. Site Development Permit. In order to approve the amendment of site development permit PSD-790-14, the Planning Commission must not make any of the nine findings required by PMC Sections 9-4.3204(a). The following discussion supports the Commission's findings in this regard.
 - i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

Discussion: The size and intensity of the proposed operation would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern because the site is

located in a multi-family residential district and the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

The proposed development is located in an area that does not provide pedestrian facilities along the street. Condition of Approval No. 15 would require the applicant to install a sidewalk along the front lot line of the property once the adjacent properties to the north are developed. In the meantime, parking availability on the street is abundant and visitors would be able to park wherever they are most comfortable parking and exiting their vehicle in relation to the passing traffic.

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

Discussion: As discussed above, the development would provide a driveway and all of the required off-street parking which would prevent residents and visitors from having to park on the street. The development would provide a driveway adequate for motorists use while waiting to enter and exit the structure. The driveway would provide a turnaround location to allow for all traffic, particularly the cars parked in the most eastern parking spots, to egress in a forward fashion.

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

Discussion: Sufficient landscaped areas are provided around building and throughout the subject site that are available. No storage areas or large expanses of paved areas are proposed other than the required driveway. Each of the units will have private deck area and access to landscaping around the units. A total of 78 percent of the lot would be landscaped.

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

Discussion: The private decks off of Apartment #1 and #3 would project 1.5 feet beyond the require setback on the north side. This exceedance of the setback would not restrict light or air on the project site or adjacent properties, or discourage the appropriate development and use or values of land and buildings in the neighborhood. The remaining portions of the proposed project would meet all setback requirements.

- v. *That the improvement of any commercial or industrial structure, as shown on the*

elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;

Discussion: The proposed development would not include any commercial or industrial structure. Therefore, this finding is not applicable to the subject project.

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

Discussion: Without adequate review and approval by the City, two project elements could result in damage or destruction of natural features. First, grading at the site would reduce or eliminate some sloped areas to allow construction of the structure and driveway. The grading would result in construction of retaining walls. However, the approximately 15 percent slope in question is not visually prominent within the surrounding area. Second, unregulated removal of Heritage Trees can damage or destroy natural features in a neighborhood. However, the permit process in place for consideration of Heritage Tree removal ensures that such removal would not result in damage or destruction of natural features unless justified to preserve the health and safety of nearby property owners and occupants. The property adjacent to the north of the project site has a heritage tree with a dripline within the proposed development area. A Heritage Tree permit would be required for development with the dripline of the heritage tree.

Because the City would review grading plans to ensure slope stability, because on-site grading does not involve prominent or scenic slopes, and because the City would review Heritage Tree removal permit for the site based on a site inspection to determine tree health and proposed project is designed to avoid the identified wetland near the front of the property, therefore, the project would not result in excessive damage or destruction of natural features.

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

Discussion: The applicant is proposing the use of various exterior materials throughout the building, including cedar shingles and siding, concrete, stucco, and stone tiles. Architectural features such as roof lines, decks and patios provide interesting and varying projections to the front the south side elevations to the building. The materials would be various earth and natural tones that change with the types of materials proposed.

The proposed landscaping would maintain the existing topography within the willow 50-foot buffer and would provide a mix of four different plant species, in addition to the planting of six coastal live oak trees. There is sufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.

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

Discussion: Staff's assessment of the project is that the proposed improvements at the

site are consistent with the City's adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following (Design Guidelines guidance followed by staff discussion):

Site Planning: *Locate site improvement such as buildings and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean. Site improvements should be designed to work with the site features. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.*

Discussion: Each apartment would have full ocean view out of the windows on the western elevation of the building and partial ocean views out of the windows on the northern or southern side elevations. Grading would be limited to the area necessary for the structure and its impact on natural features is further discussed above under a.vi.

Parking: *The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to rear or side of the property, rather than along street frontages.*

Discussion: Parking would be placed within a ground floor garage or in an extended parking area in the rear of the property. A garage door and retaining wall would block public view of parking areas.

Scale. *Scale is the measure of the relationship of the relative overall size of the one structure with one or more other structures. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density.*

Discussion: Comparable structures in the area are limited to the three-story Pacific Point condominiums, which are located uphill from the proposed structure, and Pacific View Villas which are located southwest of the proposed project on Palmetto and located on a downhill slope. Pacific Point does not provide a good comparison due to the distance and from the proposed project and the different vantage point. Although the Pacific View Villas includes two and three story buildings, due to the down sloping lot, the profile of the buildings appear much smaller and do not serve as an adequate comparison for the project site. Without any comparable structures, the proposed project would not be out of scale with its surroundings. The proposed project meets the height, coverage, and density standards with its zoning and land use designation.

Details. *Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.*

Discussion: The proposed project would incorporate a variety of architectural details along the front, north and south elevations visible from Palmetto Avenue to create a sense of human scale. Balconies throughout the front elevation and details simulating rooflines above the windows on the second floor of the front elevation break up the total height of the proposed structure. Stairs and the shared patios on the south

elevation create horizontal lines to break up the height of the building. Additionally, the exterior material of the structure would vary between cedar shingles, stucco, cedar siding, stone, and concrete, which support the human scale to the building.

Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur.

Discussion: The front elevation of the proposed structure would include the most architectural details; however the remaining elevations would include some architectural detail that provide consistency throughout the exterior of the building. The north and south elevations would include patios and railings that wrap around from the front elevation. The style of the windows on the north, south, and east elevations are similar to the style of the smaller windows on the front elevation (Apartments #2 and #3).

As supported by the discussions provided above, the proposed project would not be inconsistent with the City of Pacifica's adopted Design Guidelines.

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

Discussion: The proposed project would be consistent with the City of Pacifica's General Plan and other applicable laws of the City, as described in more detail throughout this document. The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan. The project also complies with all zoning standards and all other PMC requirements, with the exception of the proposed variance and parking exception.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Variance PV-513-14 for the encroachment of private decks within the side setback.

- i. *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;*

Discussion: The property is nearly an isosceles triangular shaped lot that has side lot lines that converge towards the rear of the property. The overlay of the Edgemar Road easement that runs along the south side of the property reduces the site to an irregular shaped area with a rear lot line that is significantly closer to the front lot line. A willow (*S. lasiolepis*) patch located in the road easement along the front lot line qualifies as sensitive habitat as defined in the Local Coastal Land Use Plan. The CCC conditioned as part of the CDP approval that the proposed development would occur outside of a 50 ft. buffer around the willow patch, which prevents development within most of the west and south portions of the lot. As a result, the development is condensed to the northern side of the lot.

The only developed property zoned R-3-G/CZ is the Dollaradio facility across the street. Other properties in similar zoning districts, including R-3 are not typically burdened with so many development restrictions that reduce the amount of developable land to just one area of the property. Without the variance Apartment #3 would have approximately 35 less square feet in their private deck resulting in a 55 square foot deck, and Apartment #1 would have approximately 32 less square feet in their private deck, resulting in a 143 square foot deck. Additionally, without the variance, the private deck off of Apartment #1 would include a 1 foot wide deck on the north elevation, which would result in an approximately 11.5 foot long portion of the deck that would be 1 foot wide. This portion of the deck would not provide any practical open space area and would only provide an aesthetic benefit. The variance would provide two of the units with private open space.

- ii. *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;*

Discussion: The variance would allow the private decks off of Apartments #1 and #3 to project 1.5 feet beyond the allowed north side setback. The variance would provide the residents of Apartment #1 and Apartment #3 with private open space as well as provide the proposed structure with architectural details that create interest on the front and north elevations of the building.

The property to the north of the project site is a vacant, 5,400 sf, nonconforming lot that is also in the R-3-G zoning district. The encroachment of the private decks 1.5 feet into the setback would not materially adversely affect the health or safety of persons residing on the project site or possible future neighbors at the adjacent property or materially affect the value or development potential of the neighboring property.

- iii. *Where applicable, that the application is consistent with the City's adopted Design Guidelines; and*

Discussion: As discussed under Section above, the proposed project is consistent with the City's adopted Design Guidelines.

- iv. *If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.*

Discussion: The development has already obtained its Coastal Development Permit, which concludes that it is consistent with the Local Coastal Plan.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Parking Exception PE-160-15 for parking in the rear setback and a driveway width that exceeds 20 feet:

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

Discussion: The proposed development includes parking within the require rear yard (PMC Section 9-4.2808). The parking facilities are nearly in compliance with the requirements of the code as the garage, which is limited in size due to the development restrictions on the property, is utilized to the fullest extent for parking. Additionally, the multiple development restrictions do not provide for alternative onsite parking locations. Without the approval of this parking exception, the development would not provide the necessary parking spaces needed to be in compliance with the PMC.

The proposed development also includes a driveway proposed to be a 22-foot wide, pervious driveway to the front lot line and a 26-foot wide concrete pavement driveway from the front lot line to Palmetto Avenue. The applicant proposed a wider driveway to accommodate three point turns on site to prevent motorist from having to back onto Palmetto Ave. The driveway facilities are nearly in compliance with the requirements of the code as the driveway would have to accommodate vehicle maneuvers not typical performed on a standard driveway. Without the approval of this parking exception, the development would not provide the necessary space to allow motorists to orient their vehicles into a forward fashion while exiting the site. Condition of Approval No. 4 would require the applicant to post “No Parking” signs along the driveway to ensure that the additional width is not used for parking.

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

1. That the project is exempt from CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines. Section 15303 states in part:

15303. New Construction or Conversion of Small Structures

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

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

...

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

In this case, the project involves construction of a four unit apartment building. All areas within the City Limits of the City of Pacifica qualify as an urbanized area for the purposes of CEQA pursuant Public Resources Code Section 21071 because (1) Pacifica is an incorporated city; (2) Pacifica had a population of 37,234 persons as of the 2010 U.S. Census; and, (3) the population of Pacifica combined with the contiguous incorporated city of Daly City (population 101,123 persons as of the 2010 U.S. Census) equals at least 100,000 persons. Therefore, the project is exempt from further analysis under CEQA.

2. That the storm drain facility is exempt from CEQA as a Class 2 exemption provided in Section 15302 of the CEQA Guidelines. Section 15302 states in part:

15302. Replacement or Reconstruction

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

- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

In this case the storm drain infrastructure would be reconstructing the existing system to reroute the water south down Palmetto Avenue. The proposed storm drain would continue the same purpose as the existing system and would not substantially increase the overall capacity of the system from existing conditions.

3. That the storm drain facility is additionally exempt from CEQA as a Class 4 exemption provided in Section 15304 of the CEQA Guidelines. Section 15304 states in part:

15304. Minor Alterations to Land

Class 4 consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (f) Minor trenching and backfilling where the surface is restored

In this case the storm drain infrastructure would be placed within the existing developed Palmetto Avenue. The street would be trenched to install the infrastructure, and once installed, the trench would be backfilled and the street would be restored to preconstruction conditions. No trees would be removed as a part of this construction.

4. None of the exceptions to application of the Class 3 or Class 4 categorical exemptions provided in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): The location of the proposed project would not impact an environmental resource of hazardous or critical concern, where designated, precisely mapped, and officially adopted pursuant to federal, state, or local agencies. While

the willow tree may be considered a wetland by CCC under a one parameter survey, the willow does not meet the standard for the exception in Section 15300.2(a). Because the project would not impact an environmental resource of hazardous or critical concern, where designated, precisely mapped, and officially adopted pursuant to federal, state or local agencies, the exception in Section 15300.2(a) is inapplicable. Further, with respect to the willow, CCC determined that observance of the 50-foot buffer from the willow would, in its judgment, “avoid significant adverse effects on the environment within the meaning of CEQA.” Here, the only aspect of the project that is located within the 50-foot buffer is the storm drainage infrastructure. The applicants’ proposed relocated storm drainage would move the trenching activities from an undeveloped area within 50-buffer of the willow to a location within the already developed street.

- Sec. 15300.2(b): Staff reviewed the current status for the entitlements for the “bowl” property and found that Use Permit UP-882-01, Site Development Permit PSD-699-01, and Coastal Development Permit CDP-203-01 were extended for one year in 2011 and again for one year in 2012. It appears the City-issued permits for the bowl property expired on 8/12/2013. There is no foreseeable future development in the area to create a significant impact.
- Sec. 15300.2(c): The presence of an Arroyo willow, which the CCC considers to be a wetland under a one parameter survey, is not an unusual circumstance. The California Native Plant Society describes the Arroyo willow as “an abundant and widespread native tree or shrub that grows in northern, southern and central California” and identifies Pacifica as within its natural range¹. Further, as mentioned above, the CCC determined that observance of the 50-foot buffer from the willow would, in its judgment, “avoid significant adverse effects on the environment within the meaning of CEQA.” Additionally, the applicants’ proposed relocated storm drainage would move the trenching activities from an undeveloped area within 50-buffer of the willow to a location within developed street. Although construction within the already developed street would be located within the 50 foot buffer, the construction and use of the storm drainage would not create a significant adverse effect to the willow, as the new location within the street does not contribute to nor facilitate the health of the willow.
- Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 3, Class 2, and Class 4 exemption and none of the exceptions to applying the Class 3 or Class 4 exemptions provided in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

¹ California Native Plant Society. 2016. Arroyo Willow. Website: [http://calscape.org/Salix-lasirolepis-\(Arroyo-Willow\)?srchcr=sc57c996a34e156](http://calscape.org/Salix-lasirolepis-(Arroyo-Willow)?srchcr=sc57c996a34e156). Accessed September 2, 2016.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to construct a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 17th day of October 2016.

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

Josh Gordon, Chair

ATTEST:

APPROVED AS TO FORM:

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney

Exhibit A

CONDITIONS OF APPROVAL: SITE DEVELOPMENT PERMIT PSD-790-14; VARIANCE PV-513-14 AND PARKING EXCEPTION PE-160-15, SUBJECT TO CONDITIONS, FOR A FOUR UNIT APARTMENT BUILDING AT 4009 PALMETTO AVENUE (APN 009-402-270)

Planning Commission Meeting of October 17, 2016

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Ocean Shore Apt. 4000 Palmetto, Pacifica, CA," dated June 15, 2016, except as modified by the following conditions.
2. The site development permit and variance permit approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
3. The applicant shall incorporate the three-point turn area revision shown in Attachment F of the September 6, 2016 Staff Report to the Planning Commission into the design of the development. The applicant shall incorporate the storm drainage design revision to their application shown in Attachment D of the October 17, 2016 Staff Report to the Planning Commission into the design of the development.
4. Prior to occupancy, the applicant shall post "No Parking" signs along the driveway. The applicant shall post signs along the driveway directing motorists to not back on Palmetto Avenue when egressing the property.
5. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
6. 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.
7. The Applicant shall obtain a Heritage Tree Permit prior to any construction within the dripline of a heritage tree as defined in PMC Section 4-12.02.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street, or gutter.

10. The property owner(s) shall keep the property in a clean and sanitary condition at all times.
11. The development shall include all stormwater pollution prevention design features as detailed in the development application.
12. Prior to issuance of building permit, the applicant shall incorporate into the building permit plans all the recommendations listed in the Engineering Geologic Site Review prepared by Earth Investigation Consultants on August 23, 2014, including but not limited to detailed, design level geotechnical investigation.
13. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

Building Division of the Planning Department

14. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division of Public Works Department

15. Property Owner shall, at his/her sole expense, construct a sidewalk along the entire property frontage of the property subject to this approval (APN 009-402-270) per City of Pacifica standard drawings and specifications, and to the satisfaction of the City Engineer. Prior to commencement of any work require by this condition of approval, Owner shall apply for an encroachment permit with Engineering Division and pay all fees and bond costs associated with any work within the right-of-way. This obligation to construct a sidewalk may be deferred through a Deferred Sidewalk Installation Agreement, which shall be approved by the City Attorney and executed, notarized and recorded on the Property by the Applicant/Owner prior to issuance of a building permit for any work at the project subject to this approval (APN 009-402-270). The Deferred Sidewalk Installation Agreement may condition sidewalk construction on final inspection conducted by any City inspector of any future development at the adjacent "Bowl" site (APN 009-402-260).
16. 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.

17. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Palmetto Avenue. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
18. 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.
19. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.
20. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Palmetto Avenue, including existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Palmetto Avenue at the centerline;
 - iii. adjacent driveways within 25' of the property lines
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
21. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards.
22. No private structures, including but not limited to walls or curbs, fences, mailboxes, or stairs shall encroach into the public right-of-way.
23. All utilities shall be installed underground.

24. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.
25. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches.
26. The existing street pavement shall be cold-planed (ground) to a depth of 2" across the entire frontage of the property and out to the centerline of Palmetto Avenue, or to the extent of the longest utility trench if beyond the centerline, and an overlay of Caltrans specification ½" Type 'A' hot mix asphalt concrete shall be placed. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, a larger area may have to be ground & overlaid.
27. Prior to issuance of a building permit, Applicant shall submit hydrology calculations prepared by a registered professional engineer based on a 100-year storm for storm waters attributable to the project site only in order to determine the size of all proposed storm drain facilities and path of discharge into the storm drain system. If City staff determines the calculations reveal that the City system would be negatively impacted by storm water discharges attributable to the project site, the Applicant shall mitigate all such impacts to the satisfaction of the City Engineer prior to issuance of a certificate of occupancy for the structure(s) approved on the project site.

Additionally, prior to the issuance of either a building permit and/or encroachment permit for the installation of storm drainage improvements for areas other than the project site as voluntarily proposed by the Applicant, the Applicant shall submit hydrology calculations prepared by a registered professional engineer based on a 100-year storm drainage design for all such storm waters currently discharging through the outfall pipe located approximately 125 feet west-northwest toward the northwest corner of the project site. In the event that the City determines that the City storm drain system will be negatively impacted by the proposed improvement based on the review of the submitted calculations, the Applicant shall, at its sole expense, mitigate the negative impact on the City storm drain system to the satisfaction of the City Engineer.

Wastewater Department

28. Prior to issuance of a building permit, Applicant shall provide location of and size of sewer lateral appurtenances and city standard and specifications.

North County Fire Authority

29. Fire Sprinklers are required are required per PMC.
30. Applicant shall submit on a separate permit, or in conjunction with fire sprinkler submittal, underground supply mains. The plans shall be submitted to North Coast County Water District and approved by them prior to issuance of building permit.
31. Applicant shall provide a fire alarm detection system in compliance with 2013 CFC Chapter 9 section 907.
32. Applicant shall provide a horn/strobe on the address side of the building in compliance with 2013 CFC Chapter 9, section 903.4 to 903.4.2.

33. Applicant shall install clearly visible, illuminated address identification in compliance with 2013 CFC Chapter 5, Section 505.1 and 2.
34. Applicant shall provide a fire flow report from North Coast County Water District showing a flow in compliance with Table B105.
35. Applicant shall provide fire hydrants with hydrant location and spacing per 2013 CFC Appendix C Table C105.1 as determined by fire-flow of the building.
36. Applicant shall provide fire apparatus access requirements per 2013 CFC Appendix D for fire apparatus access requirements and extend to within 50 ft. of at least one exterior door that provides access to the interior of the building and to within 150 ft. of all portions of the building on the first floor. Surface to be all weather asphalt or concrete to comply with 2013 CFC Appendix D section D102.1 (reference standard NFPA 5000-7.1.5.2.2.1).
37. Applicant shall not begin construction without approved plans and a permit onsite at all times.
38. Applicant shall comply with Fire Apparatus Access per 2013 CFC Chapter 5 Fire Service Features, 501.4 for Fire Apparatus Access Roads and Water supply.
39. Applicant shall provide fire extinguishers as required in 2013 CFC Portable Fire Extinguishers 906.1 for the occupancy of the building.
40. Applicant shall conform to 2013 CFC Chapter 33 sections 3301 through 3317 regarding fire safety during construction.

END

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
DENYING AMENDMENT TO SITE DEVELOPMENT PERMIT PSD-790-14,
VARIANCE PV-513-14, AND PARKING EXCEPTION PE-160-15, FOR A FOUR UNIT
APARTMENT BUILDING AT 4009 PALMETTO AVENUE (APN 009-402-270); AND,
FINDING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW
UNNECESSARY PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE
SECTION 21080(B)(5).**

Initiated by: David Blackman and Mike O'Connell ("Applicant").

WHEREAS, the Planning Commission approved, with conditions, Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15 for the Applicant's proposed development of four detached studio apartments and carport on the project site (Resolution Nos. 914, 915, 916, and 917, respectively) at a regularly scheduled Planning Commission meeting on April 6, 2015; and

WHEREAS, an appeal was filed to the City Council in opposition to the Planning Commission's action on April 15, 2015; and

WHEREAS, the City Council denied the appeals and upheld the Planning Commission's conditional approvals of PSD-790-14, CDP-347-14, PV-513-14, and PE-160-15 (Resolution No. 20-2015) on June 22, 2015; and

WHEREAS, an appeal was filed to the California Coastal Commission (CCC) in opposition to the local decision of CDP-347-14 on July 10, 2015; and

WHEREAS, the Applicant provided additional information and redesigned the project to be a three-story, four-unit apartment building and the CCC approved, with conditions, the revised project on April 13, 2016 (Application No. A-2-PAC-15-0046); and

WHEREAS, the Applicant now seeks to amend the City-issued permits to conform with the revised project described in the CCC's final approval of Coastal Development Permit CDP-347-14, and the Applicant has therefore submitted an application to amend Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15 to provide for the construction of a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270); and

WHEREAS, the project requires a Site Development Permit because the project includes new development within the R-3-G (Multiple Family Residential Garden District) zoning district, as set forth in Pacifica Municipal Code (PMC) Sections 9-4.702(l) and 9-4.3201(a); and

WHEREAS, the project requires a Variance because the project includes private decks that encroach into the side setback beyond the allowed distance stated in PMC Section 9-4.2703; and

WHEREAS, the project requires a Parking Exception because the project includes parking in the required rear yard (PMC Section 9-4.2808) and a driveway that exceeds the allowable width per PMC Section 9-4.2813(c)(4); and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 6, 2016, at which time it considered the revised project, provided direction to staff regarding analysis of the revised project, and continued the public hearing until October 17, 2016; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a continued public hearing on October 17, 2016, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby deny Site Development Permit PSD-790-14 for new development proposed within the R-3-G zoning district based on the following findings:

A. *The proposed development is inconsistent with the City's adopted Design Guidelines.*

Discussion: The proposed improvements at the site are inconsistent with the City's adopted Design Guidelines. Major areas of project inconsistency with the Design Guidelines include the following (Design Guidelines guidance followed by discussion):

i. Site Planning, Site Improvements: Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features . . . Buildings should be oriented to capitalize on views of hills and ocean. Site improvements should be designed to work with the site features. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.

Discussion: The proposed development would require substantial grading of the existing approximately 15 percent slope of the site. A design that requires removal of so much of the existing grade to accommodate the development does not work with site features such as site topography, and an alternative design could better minimize lot grading. Additionally, the 35-foot height of the structure in comparison to the surrounding soft slopes would look out of place and unnatural compared to the existing natural features.

ii. Site Planning, Building Location: Buildings should be sited to consider shadows, changing climatic conditions, the potential for passive or active solar energy, safety, and privacy of adjacent outdoor spaces.

Discussion: The proposed development would locate the building to the far north side of the lot, and in addition, private decks off of Apartment #1 and #3 would

project 1.5 feet beyond the required setback on the north side. The location of the building so near the northern lot line, the 35 foot height of the structure, and encroachment into the required setback would result in a structure that casts shadows and restricts light onto the southern exposed side of the adjacent property to the north. For these same reasons, the building would compromise the privacy of the adjacent outdoor space on the property to the north. Due to the narrow shape of the adjacent lot to the north, this building location could significantly alter the preferred development layout of the adjacent lot to the north to allow for full southern sun exposure and optimal privacy.

In addition, the location of Apartments #1 and #3 at the north half of the structure and their elongated orientation from west to east – with no southerly exposure to sunlight – will result in undesirable dimness inside the units and will not capitalize on the potential for passive or active solar energy.

iii. Building Design, Design. The style and design of new buildings should be in character with that of the surrounding neighborhood.

Discussion. Under current conditions, the proposed 35-foot tall building would be surrounded by undeveloped land. Therefore, the isolated bulk of such a large building would be immediately obvious and out of character compared to the natural gradual slope of the surrounding setting.

If adjacent lands were developed, the proposed 35-foot tall building would also be out of character with the surrounding neighborhood to the south given its location on the border of the R-3-G and R-1 zoning districts. The parcels to the north of the project site are within the same R-3-G zoning district applicable to the project site. However, the parcels immediately to the south are within the R-1 zoning district, which primarily allows for single-family homes. Therefore, the project site is located in a transitional location between a small number of single-family homes likely to be built on the “Fish” site to the south, which are typically two stories high, and a greater number of multifamily residences likely to be built on the much larger “Bowl” site to the north, which are typically three stories tall. On the basis of its transitional character and location, the design of the project should have a height and bulk that accommodates a visual transition from the smaller single-family homes likely to be built to the south to the larger multifamily structures likely to be built to the north. The proposed project does not provide a transitional design. Rather the proposed project provides a design that maximizes the allowable height under the zoning standards, a height which is more appropriate for a large, multifamily apartment structure on a larger development site. Therefore, the design of the new building is out of character with the current and future surrounding neighborhood.

iv. Building Design, Scale. Scale is the measure of the relationship of the relative overall size of the one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be out of scale with its surroundings due to its relative height, bulk, mass, or density. . . . The City’s height limitation is a maximum only, and the maximum height may often be inappropriate when considered in the context of surrounding

development and topography.

Discussion: The properties adjacent to the project site are undeveloped. When the project is compared to the scale of the natural setting surrounding the site, it is out of scale with the surrounding neighborhood. From the Palmetto Avenue vantage point, the land on the east side Palmetto Avenue appears to have an overall gentle uphill slope to the Highway 1. The proposed project would create a massive, three-story structure in the area, which would interrupt the natural gradual slope of the existing setting. Thus, the structure would create height, bulk, and mass which is out of scale with the surroundings and topography.

If the properties adjacent to the project site were developed, the project would be expected to be out of scale with the structures to the south. As discussed above, the proposed project is located in a transitional location between single-family and large multi-family development sites. The proposed project does not provide a transitional scale. Rather the proposed project provides a scale that maximizes the allowable height under the zoning standards, a height more appropriate for a large, multifamily apartment residence. Accordingly, the scale of the new building is not compatible with the current and most likely future surroundings due to its relative height, bulk, and mass.

Further, the mass of the proposed 35-foot structure is out of scale with the nearest structures in the neighborhood, which do not have the same visual mass when viewed from Palmetto Avenue. The profile of the Pacific View Villas, located southwest of the proposed project on Palmetto, is much lower when viewed from the street. Thus, due to the topography of the site, the scale of the proposed 35-foot project that would feel comparably massive from Palmetto is out of character with the nearest buildings in the neighborhood.

v. Building Design, Privacy. Consideration should be given to the impact of development on the privacy of surrounding properties. Use judicious window placement and appropriate landscaping to help minimize the potential for loss of privacy.

Discussion. The proposed development would locate the building to the far north side of the lot, and in addition, private decks off of Apartment #1 and #3 would project 1.5 feet beyond the required setback on the north side. The crowding of the northern lot line, the 35 foot height of the structure, and encroachment into the required setback would impact the privacy on any future development on the adjacent northern parcel. In addition, the placement of nine windows and a French door on the north elevation at the second and third floor levels will intrude into the privacy of the adjacent property to the north with views from the subject site to the north.

Due to the narrow shape of the adjacent lot to the north, the project's encroachment into the side setback and excessive placement of windows on the north elevation could significantly alter the preferred development layout of the adjacent lot to the north to allow for optimal privacy.

vi. Building Design, Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur.

Discussion: The front elevation of the proposed structure would include the most architectural details; however, the remaining elevations would not contain the same level of architectural detail. As a result the north and south elevations of the structure appear more massive and monotonous than the front elevations, and result in an inconsistent architectural design. The north (left) and south (right) elevations would be visible to more receptors than the west (front) elevation as motorists traveling north and south along Palmetto Avenue would experience long duration views of these elevations. Furthermore, the east (rear) and north (left) elevations would be continually visible to residents of nearby residential developments to the north and east along Paradise Drive, Golden Bay Drive, and within the Pacific Point Condominiums development at 5001 to 5017 Palmetto Avenue.

vii. Coastal Development, Views. Development should be subordinate to coastal topography. The height and mass of the structures should be limited [...] in order to achieve development which is unobtrusive and visually compatible with land forms.

Discussion: The proposed development would be the maximum height allowed in the R-3-G zoning district. For reasons further detailed above, including the visually-jarring effect of a tall, out-of-scale structure, the 35-foot tall proposed building would result in a structure that is obtrusive and visually incompatible with the surrounding land forms.

viii. Multi-Unit Development, Building Siting and Orientation. Private outdoor space should be located on the southern building exposure to gain the maximum amount of sunlight wherever feasible. Buildings should be oriented to maximize southern exposure to window areas to encourage passive solar heating in winter months.

Discussion: As described above, the location of Apartment #1 and #3 at the north half of the structure obstructs their access to sunlight from the south because these units will not have any windows on the southern elevation of the building. Their elongated orientation from west to east – with no southerly exposure to sunlight – will result in undesirable dimness inside the units and will not capitalize on the potential for passive or active solar energy. The units' locations and orientations have also resulted in the placement of their outdoor spaces on the northern elevation of the building where minimal exposure to sunlight will be present. For these reasons, the proposed outdoor spaces and window placement of half the units in the project would not be located on the southern building exposure to maximize sunlight and encourage passive solar heating.

Because the project would involve excessive grading; because the project would not work with the site's topographical features; because the structure would encroach into the required side setback; because the structure would impact the privacy of adjacent parcels; because the location and orientation of two of the four dwelling

units would restrict their access to light and solar energy; because the design and scale of the three-story, 35-foot tall structure is out of character with the surrounding area and neighborhood; because the building lacks sufficient architectural detail on all elevations; and, because the project, specifically its height and mass, would not be subordinate to coastal topography; therefore, the project would be inconsistent with the City's adopted Design Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds consideration of the amendment to Variance PV-513-14 unnecessary because the Planning Commission has denied Site Development Permit PSD-790-14; therefore, construction of the proposed project would not occur.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds consideration of the amendment to Parking Exception PE-160-15 unnecessary because the Planning Commission has denied the Site Development Permit PSD-790-14; therefore, construction of the proposed project would not occur.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds review of potential environmental impacts from the project under CEQA is unnecessary pursuant to California Public Resources Code Section 21080(B)(5) because the Planning Commission has denied the project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby deny Site Development Permit PSD-790-14 and does not further consider Variance PV-513-14, and Parking Exception PE-160-15 to construct a three-story, 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage at 4009 Palmetto Avenue (APN: 009-402-270).

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 17th day of October 2016.

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

Josh Gordon, Chair

ATTEST:

APPROVED AS TO FORM:

Resolution of Denial

Site Development Permit PSD-790-14, Variance PV-513-14, and Parking Exception PE-160-15
4009 Palmetto Avenue (APN 009-402-270)

October 17, 2016

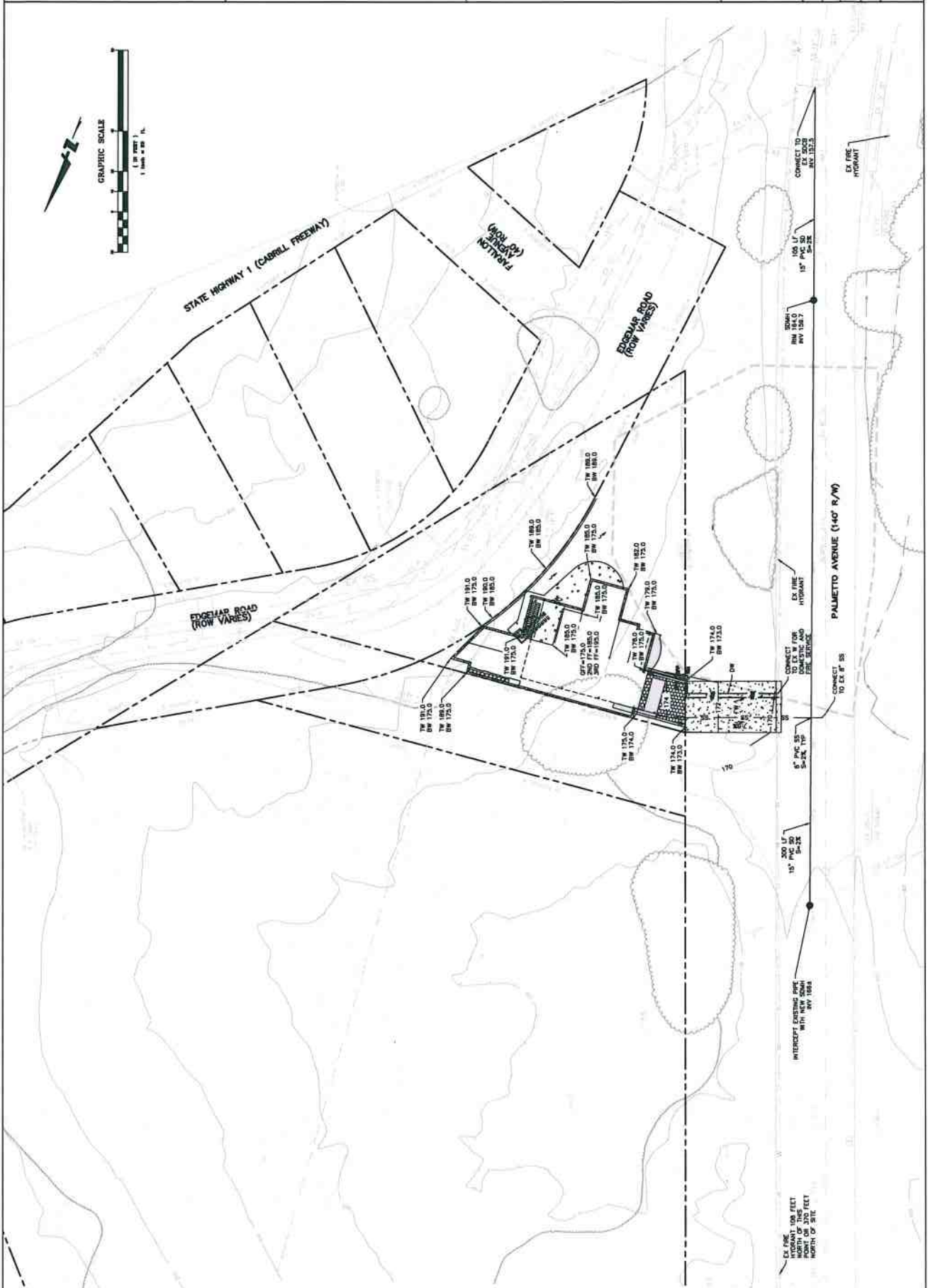
Page 7

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney



C4.01



ATTACHMENT D

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**MEMORANDUM**

TO: Stephanie Rexing, Coastal Planner, North Central Office, Coastal Commission

FROM: Laurie Koteen, Ph.D., Ecologist

RE: Palmetto Avenue Property, Pacifica, CA.

DATE: July 24, 2015

Documents Reviewed:

O'Connell, Michael P.E., Schematic Improvement Plans 4551, 4555, 4559, 4561, Palmetto Ave., City of Pacifica, San Mateo County, CA, received January 5, 2015 by City of Pacifica.

Rigney, Joe of Toyon Consultants, Letter to David Blackman of DB Construction Re: Sensitive Habitat Field Survey for Property on Palmetto Ave., dated August 26, 2014.

WRA, Delineation of Potential Jurisdictional Wetlands, A report prepared for: North Pacifica LLC, based on a Wetland Delineation completed on June 11, 1999.

This memo addresses a property overlooking the Pacific Coastline on Palmetto Avenue in Pacifica California. In reviewing the above listed documents, I concluded that a wetland may be present on site, and warrants the completion of a wetland delineation. The biological consultant who surveyed the property found two species classified as FACW, including a patch of Arroyo Willow, *Salix lasiolepis*. FACW is a classification developed by the Army Corps of Engineers that indicates a species "usually found in wetlands, but occasionally found in non-wetlands". The species of Poison hemlock, *Conium maculatum*, that was found is also classified as FACW. Because the California Coastal Commission only requires one indicator to be present on site for a wetland to be identified, the presence of these wetland indicator species, depending on their areal extent, at least strongly suggest that a wetlands is present on the site. Moreover, given that biological consultant visited the site in August 2014, a very dry time of year, and during a drought year, the lack of hydrological wetland indicators is unsurprising.

In addition, this property is directly adjacent to another Palmetto Avenue property, "the Pacifica Bowl", where a formal wetland delineation was performed previously. That delineation identified wetlands on the Pacifica Bowl property at a similar ground elevation to the indicated

location of the Arroyo willow on this property under the 3-parameter rule recognized by the Army Corps of Engineers. In June of this year, I visited the adjacent Pacifica Bowl property and found both vegetation and hydrologic wetland indicators were present. Given all these factors, a wetland delineation of the larger site at a wetter time of year should be performed before proceeding.



Figure 2. Coastal Commission Jurisdictional Wetland Features

Pacifica Bowl
San Mateo County, California



ENVIRONMENTAL CONSULTANTS

A-2-PAC-15-0046

Map Prepared Date: 11/27/2014
 Map Prepared By: pkozylarz
 Base Source: San Mateo County
 Data Source(s): WRA

EXHIBIT 15
 Page 1 of 1

Hal Bohner

Attorney

115 Angelita Avenue • Pacifica, CA 94044

650-359-4257

hbohner@earthlink.net

Sent via email to the addressees listed below on September 3, 2016

Planning Commissioners

Josh Gordon, Chair (gordonj@ci.pacifica.ca.us)
John Nibbelin, Vice Chair (nibbelinj@ci.pacifica.ca.us)
Charles (Chuck) Evans (evansc@ci.pacifica.ca.us)
Jeffrey Cooper (cooperj@ci.pacifica.ca.us)
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Jack Baringer (baringerj@ci.pacifica.ca.us)
Richard Campbell (campbellr@ci.pacifica.ca.us)

City of Pacifica Planning Department

Tina Wehrmeister, Planning Director (wehrmeister@ci.pacifica.ca.us)
Bonny O'Connor, Assistant Planner (o'connorb@ci.pacifica.ca.us)

Re: Proposed amendment of Site Development Permit AMEND PSD-790-14, AMEND PV-513-14, and AMEND PE-160-15 for construction of a new four-unit apartment building on existing vacant lot on the 4000 Block of Palmetto Avenue

Dear Commissioners and Planners:

I respectfully submit the following comments concerning the project identified above which will be considered by the Planning Commission September 6, 2016. Please consider my comments and include them in the record of the hearing.

I have studied the staff report on the project and discussed the project with Ms. Bonny O'Connor. I respectfully disagree with a number of conclusions staff has reached and urge that the Commission not approve the amended Site Development Permit or related permits. I will explain my basis for this request below.

- 1. Your Consideration of a AMEND PSD-790-14, AMEND PV-513-14, and AMEND PE-160-15 Is Premature**

Please understand that the California Coastal Commission has studied this project and their staff has written a report on it. I am including with this letter excerpts from the staff report. I am including only excerpts since the complete report is too large to attach to an email. APPEAL

STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING, report dated 3/30/2016. (Hereinafter Appeal Staff Report Excerpts)

Contrary to what the Pacifica staff report for the September 6, 2016 hearing states, the Coastal Commission has not issued a CDP – far from it. Before the Commission will issue a permit the developer must submit many studies and analyses to the Staff of the Commission for approval and it is likely that based on that review the project could be significantly changed again. The Planning Commission should wait for the Coastal Commission to finish processing the CDP before proceeding to consider a Site Development Permit or taking any other actions on the project. Furthermore, there is no apparent urgency for the Planning Commission to rush to consider a Site Development Permit at this time; the developer is not legally entitled to begin construction until the CDP has been issued.

In your packet for this hearing is a Coastal Commission document dated May 4, 2016 titled “Notice of Intent to Issue Permit” which emphatically states on the first page, **“Commission staff cannot issue the CDP until the applicant has fulfilled each of the ‘prior to issuance’ Special Conditions.”**

At the present time the Applicant has not fulfilled the special conditions, and before the applicant is able to fulfill the Special Conditions the project may be significantly altered. You have already seen that the project has been significantly altered in response to requirements of the Commission, and in fact on September 6 you are meeting once again concerning this project due to those alterations. Also, I am attaching an email exchange I have had with Patrick Foster, the Commission Staff person on this case. (Emails with Patrick Foster) As you can see from our exchange the drawings before you include a storm drainage system in the wetland buffer but Mr. Foster says that the Commission Staff will not allow it and that subject will be addressed when the developer attempts to fulfill Condition 5.

Please note that in addition to condition 5 there are many other conditions which must be fulfilled as well. Please defer your consideration of this project until the Commission has finished its process and issued a CDP.

2. An EIR Must Be Prepared

City Staff has concluded that the project is exempt from CEQA. However, I disagree with Staff’s conclusion. Staff has concluded that the project is categorically exempt from CEQA based on Sections 15303 and 15300.2 of the CEQA Guidelines. Staff admits that Section 15300.2 provides exceptions to the categorical exemption provided for in Section 15303 but concludes that none of the exceptions provided in 15300.2 are applicable in the present case. However, Staff’s analysis of §15300.2 is erroneous.

Section 15300.2 states:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

In this case a categorical exemption is not appropriate under any of parts (a), (b) or (c).

Section 15300.2 (a)

In the present case the project is located very close to and in part actually encroaches upon a particularly sensitive environment. This is clearly shown by the Coastal Commission's Appeal Staff Report.

The main reason the project before you is drastically different from the project as earlier designed is because the Commission found there to be wetlands very near the project site, and the Coastal Act requires protection of wetlands and a buffer area around wetlands. The Appeal Staff Report discusses wetlands e.g. 1) under the heading Biological Resources on pages 18-20 and 2) under the heading "Analysis" on pages 29-30. The Appeal Staff Report shows the location of the Wetlands with the indication "EXISTING WILLOW" and the buffer ("50.0' BUFFER TO WILLOW") on Drawings C3.01 and C4.01 which are pages 44 and 45 of the Excerpts attached to this letter).

It is thus clear that the project before you impacts an environmental resource of critical concern. The particularly sensitive resource has been designated and precisely mapped by the Coastal Commission.

Section 15300.2 (b)

The present project is not the only project which may be built in the area. Approximately 10 years ago the developer North Pacifica LLC proposed a large project for the Bowl area, which is immediately adjacent the present project site. The City granted permits for development and on appeal to the Coastal Commission the Commission denied the Coastal Development permit.

(The appeal number was A-2-PAC-05-018.) However, regardless of the denial developers continue to pursue the project. North Pacifica LLC has kept its City permits alive by renewing them each year. Furthermore, at the City Council hearing on June 22, 2015 concerning the present project at 4000 Palmetto Mr. Keith Fromm stated that he is one of the owners of the Fish property and was one of the developers of the Bowl. He indicated that he will not give up his right to develop the property without just compensation. Pacifica City Council meetings are recorded on video and are available on Youtube. Mr. Fromm's testimony can be viewed on Youtube at https://www.youtube.com/watch?v=JY03o0Y_IVE. His statement begins at about 1:02:20 (one hour, two minutes, twenty seconds) after the beginning of the meeting.

Section 15300.2 (c)

Contrary to your staff's conclusion there are clearly unusual circumstances in this case. In this case the Coastal Commission denied the prior project due to its impact on wetlands and required the project to be significantly modified to reduce its impact on the wetlands. Parts of the current project about the wetland buffer and parts of the project actually encroach on the buffer although Coastal Commission staff indicates that this is not allowable under the Coastal Act. Frankly, to contend this to be a common occurrence is absurd.

3. The Impact of the Project on the Manor Drive Overpass Must Be Addressed

Traffic to and from the Fairmont West neighborhood has major problems and the project would make those problems worse. The issue centers on the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection (sometimes called the Manor Drive overpass) which is not far from the project site. The Pacifica Local Coastal Land Use Plan (LUP) states (emphasis added):

“All local traffic to and from the [Fairmont West] neighborhood and northbound traffic must use the combined intersections of Palmetto Avenue/Manor Drive/Oceana Boulevard.” LUP p. C-21

“Streets within Fairmont West are adequate to accommodate traffic generated by additional commercial and residential development. However, due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection.”

“In order to accommodate and encourage expanded access opportunities and related visitor-serving land uses in the neighborhood to the south, residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area.”

This traffic issue is further illuminated in Pacifica Municipal Code Title 8, Chapter 18 titled, "TRAFFIC IMPACT MITIGATION FEES FOR THE IMPROVEMENT OF THE MANOR DRIVE/PALMETTO AVENUE/OCEANA BOULEVARD INTERSECTION." Chapter 18, Section 8-18.01 - Purpose states:

"This chapter is enacted for the purpose of establishing traffic impact mitigation fees to defray the actual costs of constructing improvements to the Manor Drive/Palmetto Avenue/Oceana Boulevard intersection, which improvements will be required to accommodate the increased traffic flow in the area resulting from future building activity in the City."

Chapter 18 was enacted in 1984 but to date the improvements contemplated for the intersection have not been constructed, and since 1984 the traffic problems there have become worse. Approval of the present project is contrary to the express requirement of the LUP that traffic issues be resolved before new construction is approved. However, this subject was not addressed in the City's staff report.

4. A Variance is not Justified

The staff report mentions an important requirement for granting a variance but otherwise ignores the requirement. Specifically, the Planning Commission may only grant a variance if:

the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification

In this case the Staff Report provides no evidence or facts concerning other property in the vicinity and no evidence to support a finding by the Commission concerning other property in the vicinity as stated in proposed Resolution PV-513-14.

The California courts have explained this requirement as follows (emphasis added):

In *Topanga*, the Supreme Court addressed a challenge to a county agency's decision to permit a variance. The high court held that a governing administrative agency, in adjudicating an application for a variance, must make findings which will enable the parties to determine whether and on what basis they may seek review and, in the event of review, to apprise the court of the basis for the agency's action. (*Id.* at p. 514.) Specifically, the planning committee's findings did not include comparative data from surrounding properties—information which was critical to a determination that the variance had been properly

permitted. (*Id.* at pp. 520–521.) Santa Clarita Organization for Planning the Environment, 197 Cal. App. 4th 1042 (2011)

In the present case there is no evidence in the record of comparative data from surrounding properties. Therefore it is improper to grant a variance. Moreover, it appears likely that the only reason the developer is requesting a variance is because the developer is trying to build more units on the parcel than is allowed by code. If he were to build fewer units perhaps no variance would be necessary.

Sincerely,

A handwritten signature in cursive script that reads "Hal Bohner".

Hal Bohner

Attachments:

- 1) Appeal Staff Report Excerpts
- 2) Emails with Patrick Foster

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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W16a

Appeal Filed: 7/10/2015
49th Day: Waived
Staff: P. Foster - SF
Staff Report: 3/30/2016
Hearing Date: 4/13/2016

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Number: A-2-PAC-15-0046

Applicants: David Blackman and Mike O'Connell

Appellants: Victor Carmichael (The Committee to Save the Fish and Bowl) and Hal Bohner

Local Government: City of Pacifica

Project Location: 4000 block of Palmetto Avenue in the City of Pacifica, San Mateo County (APN 009-402-270)

Project Description:

For Substantial Issue Determination: The project approved by the City provides for construction of four detached 450 square foot apartment units and a detached four-stall carport on a vacant 18,411 square foot lot, within a Medium Density Residential Zoning District (R-3-G/CZ)

For De Novo CDP Determination: The project proposed by the Applicant for de novo review provides for construction of a single three-story 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage

Staff Recommendation: Substantial Issue Exists; Approval with Conditions

PROCEDURAL NOTE

The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally, and at the discretion of the Chair, limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take additional public testimony.

SUMMARY OF STAFF RECOMMENDATION

On June 22, 2015, the City of Pacifica approved a coastal development permit (CDP) for the construction of four detached apartment units on a vacant lot, in a Medium Density Residential Zoning District (R-3-G/CZ) in the 4000 block of Palmetto Avenue in the City of Pacifica. The Appellants contend that the City-approved project raises LCP conformance issues with respect to the protection of biological resources, geotechnical issues and coastal hazards, traffic and parking, coastal access, and visual resources. Specifically, the Appellants contend the approved development is inconsistent with the City’s LCP because it would: 1) impact wetlands located within 100 feet of the proposed project; 2) be sited in a hazardous area which may increase erosion risks to the surrounding area and the potential need for future armoring and/or relocation of the development should managed retreat be required; 3) create potential traffic hazards by the proposed ingress/egress to Palmetto Avenue and the inadequacy of parking provided; 4) result in cumulative impacts on public access and recreation; and 5) adversely impact the scenic and visual character of the surrounding area.

Staff agrees the City-approved project raises substantial issues regarding the protection of biological resources, the potential risks associated with coastal hazards, scenic and visual resources and traffic impacts. Regarding biological resources, the LCP specifies in relevant part that for projects located within 100 feet of Environmentally Sensitive Habitat Areas (ESHA), including wetlands, a habitat survey shall be prepared by a qualified biologist to determine the extent of the sensitive habitats so that appropriate buffers and mitigation measures can be established to minimize potential impacts. The LCP also prohibits new development in wetlands and outlines specific development standards for new development proposed in wetland buffers, including that buffers shall be protected, no development adjacent to buffers shall reduce the biological productivity or water quality of the wetland, and potential impacts shall be mitigated. The City approved the proposed development based on a submitted biological report that reported no sensitive habitats onsite. However, an updated wetlands delineation submitted by the Applicants shows existing wetlands within 30 feet of the proposed structures and within 14 feet of the proposed driveway. Thus, the report used in the City approval did not determine the

exact location of wetlands, and did not recommend appropriate buffers or mitigation measures consistent with LCP requirements. As such, Staff believes the appeals raise a substantial issue with respect to the approved project's conformity with the biological resource protection policies of the certified LCP.

The City of Pacifica's LCP requires that that new development minimize risks to life and property in areas of high geologic hazard, requires development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The City's LCP also notes that in this neighborhood the bluff setback must be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions, as appropriate to the site's specific circumstances and hazards. The City approved the proposed development based on a geological report that found the ravine opposite the project site was relatively stable. However, there was no design-level geotechnical analysis and no analysis of future sea level rise or potential accelerated coastal erosion and the risks it may pose to the proposed development and intervening infrastructure such as Palmetto Avenue, which will be used to access the project. Therefore, Staff finds the appeals raise a substantial issue with respect to the approved project's conformity with the coastal hazards policies of the certified LCP, specifically with regard to the determination of site hazards and adequate setbacks, minimization of erosion hazards to surrounding areas, and the potential for future shoreline armoring.

The City approved the proposed development in part because it was designed to be minimally intrusive in size, scale and appearance relative to its surroundings. However, the proposed project is sited on an entirely undeveloped stretch of Palmetto Avenue within the Fairmont West neighborhood, an area designated by the City's LCP as an important coastal view corridor. The plan approved by the City at this location will inevitably contrast with the existing natural surroundings and fails to incorporate methods recommended by the LCP to protect views of coastal panorama, such as clustering of structures, minimized outdoor lighting, underground utilities, and landscape screening. As a result, Staff finds the appeals raise a substantial issue of conformance with the LCP policies regarding scenic and visual character.

Finally, traffic policies in the Pacifica LCP require that residential development in this area, Fairmont West, may not occur without resolution of traffic impacts that may affect the viability of access related and visitor-serving commercial development in the area. The City approval of the project concluded that access to and from the project site's parking area will not create a hazardous or inconvenient condition, but this determination cannot sufficiently address traffic impacts, as required by the LCP, without independent verification of the trips the Applicants assert will be generated by the proposed development. Thus Staff finds the appeals raise a substantial issue of conformity with LCP policies requiring traffic studies and resolution of traffic impacts.

Accordingly, Staff recommends that the Commission find that a **substantial issue** exists with respect to the City-approved project's conformity with the LCP, and that the Commission take jurisdiction over the CDP application for the proposed project.

For the purposes of de novo review, Staff has worked closely with the Applicants on these identified issues. The Applicants have provided additional information, including a wetland delineation conducted pursuant to Coastal Commission wetland criteria, an updated design-level geotechnical investigation and hazard reports, and an independently verified traffic analysis. Additionally, the Applicants now propose a series of changes to the City-approved project, including a revised plan for construction of a single three-story four-unit apartment building and ground floor garage, which incorporates additional indoor parking, landscape screening, permeable ground material, habitat restoration, and a 50-foot setback from identified wetlands. As currently proposed, the project would be consistent with the biological, geological hazard, visual resource, and access policies of the LCP and reduces any adverse environmental impacts to a less-than-significant level.

Staff therefore recommends that the Commission approve a CDP for the proposed development. The motion is found below on page 6.

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APPENDIX

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Coastal Commission Comment Letters
- Exhibit 3 – City Approved Project and Final Local Action Notice
- Exhibit 4 – Coastal Commission Appeals
- Exhibit 5 – Updated and Initial Biological Reports
- Exhibit 6 – Memo from Commission Staff Ecologist
- Exhibit 7 – Initial Geologic Site Reviews
- Exhibit 8 – Applicant’s Response to Appeal
- Exhibit 9 – Applicant’s Trip Generation Analysis
- Exhibit 10 – Initial Materials Renderings
- Exhibit 11 – Initial Correspondence
- Exhibit 12 – Updated Project Plans
- Exhibit 13 – Updated Materials Renderings
- Exhibit 14 – Wetland and Buffer Area Map
- Exhibit 15 – Wetland Delineation for Adjacent Property
- Exhibit 16 – Updated Geologic Site Reviews
- Exhibit 17 – Independent Traffic Study
- Exhibit 18 – New Correspondence

I. MOTIONS AND RESOLUTIONS

A. SUBSTANTIAL ISSUE DETERMINATION

Staff recommends a **NO** vote on the following motion. Failure of this motion, as is recommended by staff, will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-PAC-15-0046 raises no substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-PAC-15-0046 presents a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program.*

B. CDP DETERMINATION

Staff recommends a **YES** vote on the following motion. Passage of this motion, as is recommended by staff, will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-PAC-15-0046 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-2-PAC-15-0046 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the City of Pacifica certified Local Coastal Program and/or with the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions of approval:

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the proposed project plans (**Exhibit 12**) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Aesthetics.** The project shall be sited and designed, including through cutting it into the slope, to limit its visibility in the Palmetto Avenue/Highway One viewshed, and to otherwise reflect a rural coastal theme (such as simple and utilitarian lines and materials, including use of board and bats, stone veneer, corrugated metal, corten steel, and muted earth tone colors). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to the driveway, and all other project elements within the Palmetto Avenue/Highway One viewshed (including but not limited to walkways, paved areas, railings, lighting, and decorative landscaping). The driveway shall be colored or shall make use of other materials necessary to achieve compliance with this condition, and the driveway entrance on Palmetto Avenue shall be designed to avoid or, if infeasible to avoid, minimize above ground elements (such as pillars) and to ensure all allowed elements emphasize a rustic coastal aesthetic. At a minimum, the plans shall clearly identify all such project elements, and all materials and

finishes to be used to achieve such design aesthetic (including but not limited to through site plans and elevations, materials palettes and representative photos, and product brochures).

- b. Low Impact Development.** In order to prevent runoff and other environmental impacts, permeable material shall be used in lieu of standard concrete for construction of the driveway, outdoor patio, and all walkways. This may include the use of permeable concrete or stone pavers, open-cell concrete blocks, porous pavement, or other pervious material that allows water to drain and percolate into the soil below. The portion of the proposed driveway within the City of Pacifica's right-of-way shall be constructed with all-weather pervious paving acceptable to the City of Pacifica's Engineering Division and the North Coast County Fire Authority, and shall meet all relevant requirements of the California Fire Code, including access and load-bearing requirements at Appendix D, Section D102.1 (2013).
- c. Utilities.** All utilities shall be installed underground.
- d. Landscaping and Irrigation.** Outside decorative landscaping shall be limited to drought tolerant species, and outside irrigation shall be limited to drip or microspray systems.
- e. Landscape Screening.** Revised Plans shall include a landscape screening component that is designed to most effectively screen the residence and driveway from the Palmetto Avenue/Highway One viewshed. Such landscape screening shall utilize native, drought tolerant and non-invasive plant species complementary with the mix of native habitats in the project vicinity. The landscape screening component shall include detailed information regarding species, sizes, and planting locations for all vegetation planted to screen the residence and driveway, and shall specify cut heights to ensure that such landscaping over time does not grow so tall as to impact any views from Highway One.
- f. Exterior Lighting.** All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, shall be sited and designed to minimize their impact on views along Palmetto Avenue, shall be low-wattage, non-reflective, and shielded, shall utilize timers to minimize nighttime lighting, and shall have a directional cast downward such that no light will shine within the wetland habitat area and additional restoration area, as shown in **Exhibit 14**.
- g. Post-Construction BMPs.** Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands post construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Management Handbooks (currently available at <https://www.casqa.org/resources/bmp-handbooks>). All BMPs shall be operated, monitored, and maintained for the life of the project.

All requirements above and all requirements of the approved Revised Project Plans shall be enforceable components of this CDP. The Permittees shall undertake development in accordance with the approved Revised Project Plans.

2. **Habitat Restoration Plan for the Wetlands Buffer Conservation Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two sets of a Habitat Restoration Plan for the wetlands buffer conservation area to the Executive Director for review and approval. The Plan shall at a minimum include:
- a. **Restoration Area.** A detailed site plan of the on-site restoration area with habitat acreages identified, including but not limited to identification of the wetlands delineation as submitted by the Applicants to the Executive Director, dated July 29, 2015, identification of the 50-foot buffer surrounding the wetlands as generally described and shown by **Exhibit 14** attached to this staff report, and identification of where signage required by **Special Condition 2.e** will be placed.
 - b. **Baseline.** An ecological assessment of the current condition of the restoration area.
 - c. **Success Criteria.** Goals, objectives, and performance standards for successful restoration.
 - d. **Restoration Methods.** The final design and construction methods that will be used to ensure the restoration plan achieves the defined goals, objectives, and performance standards. Such methods shall include, at a minimum, removal of invasive vegetation, such as ice plant, and restoration with native coastal scrub.
 - e. **Signage.** Provisions requiring the Permittee to place at least one interpretive sign that discourages pedestrian, canine, and other human-controlled use of or entry to the delineated wetlands. The sign shall also specify that no development is allowed within the wetland buffer area, and that this area is suitable only for passive recreation. The sign shall be of a size consistent with the City of Pacifica's sign requirements for public recreational areas, and shall be placed at a conspicuous location visible to tenants and visitors, situated in the vicinity of any amenities (such as a bench) installed along the outside edge of the buffer area. The Plan shall include the intended location and text of the sign to ensure it adequately identifies the extent of the wetland and buffer, as well as a sample mock-up of the materials and coloring planned for the sign to ensure it blends effectively with the surrounding natural landscape and overall character of the development.
 - f. **Non-Native Species Management.** The Plan shall indicate that non-native species will be controlled within the restoration area.
 - g. **Monitoring and Maintenance.** Provisions for monitoring and maintenance, including a schedule, maintenance activities, a quantitative sampling plan, fixed photographic points, interim success criteria, final success criteria for native and non-native vegetative cover, biodiversity and wetland hydrology, and a description of the method by which success will be evaluated.
 - h. **Reporting.** Provision for submitting, for the review and approval by the Executive Director, monitoring reports prepared by a qualified specialist that assess whether the restoration is in conformance with the approved plan, beginning the first year after initiation of implementation of the plan, and annually for at least five years. Final

monitoring for success will take place no sooner than 3 years following the end of all remediation and maintenance activities other than weeding. If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall within 90 days submit two sets of a revised or supplemental restoration program for the review and approval of the Executive Director. The revised or supplemental restoration program shall be processed as an amendment to the CDP unless the Executive Director determines that no CDP amendment is legally required. The program shall be prepared by a qualified specialist, and shall be designed to compensate for those portions of the original restoration that did not meet the approved plan's success criteria.

All requirements above, and all requirements of the approved Habitat Restoration Plan, shall be enforceable components of this CDP. The Permittees shall undertake all development in accordance with the approved Habitat Restoration Plan.

- 3. Future Development Restriction.** This CDP is only for the development described in CDP No. A-2-PAC-15-0046. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. A-2-PAC-15-0046. Accordingly, any future development associated with the residential project authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. A-2-PAC-15-0046 or shall require a separate CDP.
- 4. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

 - a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the extent feasible, in order to have the least impact on public access and coastal resources, including by using inland areas on the subject property for staging and storing construction equipment and materials as feasible. Construction, including but not limited to construction activities and materials and equipment storage, is prohibited outside of the defined construction, staging, and storage areas.
 - b. Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from wetland habitat. All work shall take place during daylight hours and lighting of wetland habitat is prohibited. From March 1 to July 1, the Permittee shall avoid construction on land on and adjacent to wetland habitat and otherwise avoid impacts, such as loud noise, that may affect nesting birds. If nesting birds are found during preconstruction surveys, a qualified biologist shall establish a 300-foot buffer (500 feet for raptors) within which no construction can take place. The established buffer(s) shall remain in effect until the

young have fledged or the nest has been abandoned as confirmed by the qualified biologist.

- c. **BMPs.** The plan shall identify the type and location of all erosion control/water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment discharge; (b) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. **Construction Site Documents.** The plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that the CDP and the approved Construction Plan are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. **Construction Coordinator.** The plan shall provide that a construction coordinator be available 24 hours a day for the public to contact during construction should questions arise regarding the construction. Contact information for the coordinator, including a mailing address, e-mail address, and phone number shall be conspicuously posted at the job site in a place that is visible from public viewing areas, along with information that the construction coordinator should be contacted in the case of any questions regarding the construction. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.
- f. **Restoration.** All areas impacted by construction activities shall be restored to their pre-construction condition or better within 72 hours of completion of construction.
- g. **Notification.** The Permittees shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the

approved Construction Plan shall be enforceable components of this CDP. The Permittees shall undertake construction in accordance with the approved Construction Plan.

5. **Post-Construction Site Drainage and Erosion Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit, for the Executive Director's review and approval, a Site Drainage and Erosion Management Plan, including a drainage and erosion analysis of the proposed project site, prepared by a Registered Civil Engineer. The Permittees shall submit two copies of the Plan to the Executive Director and the Plan shall, at a minimum include the following:
 - a. A drainage and erosion analysis consisting of a written narrative and scaled plans. The flow of storm water onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage and erosion control on the site. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures, including future practices, shall be designed and submitted to the Executive Director for review and approval.
 - b. Provisions for all landscaping to be properly maintained and designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - c. Provisions prohibiting the discharge of anything other than rainwater into the streets and storm drains, and requirements to seal all floor drains or piping that carry wastewater to storm drains.
 - d. Provisions requiring roof downspout systems from all structures to be designed to drain to a designated infiltration area or landscaped sections of the property.
6. **Landscape Screening Report.** Within two years of the commencement of construction, the Permittees shall submit, for the review and approval of the Executive Director, a landscape screening report prepared by a qualified specialist that certifies the landscape screening is in compliance with the requirements of **Special Condition 1**. If the landscape screening report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in **Special Condition 1**, the Permittees shall submit a revised or supplemental landscape screening plan for the review and approval of the Executive Director. The revised/supplemental landscape screening plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
7. **Coastal Hazards Response.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:
 - a. **Coastal Hazards.** The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, and their interaction.

- b. Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy and use, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
 - c. No Future Shoreline Protective Device.** No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CDP A-2-PAC-15-0046, including, but not limited to, residential areas or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CDP, the Permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agree that no portion of the approved development may be considered an “existing” structure for purposes of Section 30235, and that new development shall in no way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, per LCP Policy Number 26.
 - d. Obligation to Provide Access.** In the event that coastal hazards eliminate access to the site due to the degradation and eventual failure of Palmetto Avenue as a viable roadway, the Permittees agree that, if necessary as determined by the City of Pacifica, to provide for construction of a substitute private road, allowing for effective ingress and egress from the site. The Permittees shall apply for a new CDP or an amendment to this CDP in order to conduct any such development related to realignment or construction of an access road, unless the Executive Director determines that a permit or amendment is not legally required.
 - e. Future Removal of Development.** The Permittees shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential building and other development authorized under this CDP, when any government agency orders removal of the development due to imminent coastal hazards in the future or when the development becomes imminently threatened by coastal hazards. Development associated with removal or relocation of the residential building or other development authorized by this CDP shall require an amendment to this CDP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands, and lawfully dispose of the material in an approved disposal site. Such removal activities shall require an amendment to this CDP.
- 8. Coastal Hazards Risk.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns:
- a. Assume Risks.** To assume the risks to the Permittees and the property that is the subject of this CDP of injury and damage from coastal hazards in connection with this permitted

development;

- b. **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;
 - c. **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
 - d. **Permittees Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the Permittees.
9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit to the Executive Director for review and approval documentation demonstrating that the Permittees have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. Wetlands and Buffer Conservation Area

- a. No development, as defined in section 30106 of the Coastal Act shall occur in the wetlands or the wetlands 50-foot buffer area as generally shown in **Exhibit 14** except for
 - i) restoration activities and placement of signage consistent with the Habitat Restoration Plan, approved pursuant to **Special Condition 2** of this permit;

AND

- ii) if approved pursuant to an amendment to this permit, or a new coastal development permit, activities consistent with restoration or realignment of the City of Pacifica's right-of-way associated with Palmetto Avenue located on the subject property.

- b. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction document in a form and content acceptable to the Executive Director for the purpose of conserving the wetlands and 50-foot wetland buffer area generally shown on **Exhibit 14** of the staff report. The recorded document shall include a legal description of the applicant's entire legal parcel and an exhibit consisting of a formal metes and bounds legal description and a corresponding graphic depiction prepared by a licensed surveyor based on an onsite on the ground survey of the wetlands and 50-foot wetland buffer conservation area. The recorded document shall also reflect that development in the wetlands and 50-foot wetland buffer conservation area is restricted as set forth in this permit condition.
- c. The deed restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assignees, in perpetuity.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The project is proposed on an undeveloped, triangular-shaped 18,411 square foot parcel in the 4000 block of Palmetto Avenue (APN 009-402-270) in the City of Pacifica, San Mateo County. The vacant parcel is predominately covered with coastal scrub, and a large portion of the former Edgemar Road right-of-way runs through the southern portion of the parcel. The southern edge of the parcel fronts Palmetto Avenue and moving east across the site, the slopes increase about 20%. The western portion of the site is also bounded by Palmetto Avenue, and the northern side is bounded by a property known as "The Bowl" (the subject of a prior Coastal Commission action on appeal to deny the subdivision and construction of a 43 unit residential development, A-2-PAC-05-018). To the east of the parcel, on the bluff there is single-family residential development, the Pacifica Point Condominiums and Highway 1. Please see **Exhibit 1** for a location map.

The site is zoned Multiple Family Residential Garden/Coastal Zoning District (R-3-G/CZ) which allows multi-family residential development with a minimum lot area of 2,300 square feet per unit, which would allow for a total of 8 dwelling units on this 0.42 acre site. The Land Use designation of the site is Medium Density Residential, which would allow for the development of 10-15 dwelling units per acre, or 4-6 units on the subject parcel.

The proposed project would be located in the City's designated Fairmont West neighborhood which is described by Pacifica's LCP as supporting low density residential development, subject to geotechnical and biological investigation, hazard setbacks, and a requirement to provide developed public access.

B. PROJECT DESCRIPTION

As originally proposed, the City of Pacifica conditionally approved a CDP to construct four detached studio apartments with a four stall carport in the Medium Density Residential, Multi-

Family Residential Garden/Coastal Zone (R-3-G/CZ). Each studio apartment would be constructed as a separate stand-alone structure, approximately 450 square feet in gross floor area, and built to a height of 22 feet. Each studio would be constructed on a raised concrete podium deck and would have an outdoor deck area. The deck area would be private to each dwelling and would be approximately 150 square feet with a 50 square foot front porch. The detached 4-stall carport would be built on the southeast portion of the lot, providing four on-site parking spaces and would be 12 feet in height. In addition, one open guest parking space is being proposed on the southwest portion of the lot, within the required minimum front yard setback. Access to the parking area would be provided by a 20 foot wide driveway off Palmetto Avenue and through a 10 foot wide driveway that runs along the front of the property.

The four apartments are proposed to be constructed with exterior materials such as softwood clapboard siding, soda lime glass, stone veneer, shingles and living roofs (see **Exhibit 10**) rendering of the project site looking east from the bluffs) in order to preserve and protect the majority of the existing natural surrounding landscape which mostly consists of drought-tolerant coastal scrub.

See **Exhibit 3** for the City's approval and proposed project plans.

C. CITY OF PACIFICA APPROVAL

On April 6, 2015, the City Planning Commission approved CDP-347-14 for the proposed development. Prior to this, on September 11, 2014, Commission Staff sent comments during the Development Review Coordination process to the City, citing concerns with biological resources and geological hazards. On April 15, 2015 an appeal was filed with the City of Pacifica by two of the current appellants (Victor Carmichael and Hal Bohner), citing concerns with the City Planning Commission's approval. On June 22, 2015, the City Council conducted a duly noticed public hearing to consider the appeal of the Planning Commission's action. Coastal Commission Staff sent an additional comment letter to the City regarding the appeal filed to the City Council for the proposed development. Commission Staff reiterated concerns raised in its September 11, 2014 comments transmittal and asked that a one-parameter wetland delineation and a detailed, design-level geotechnical investigation be required prior to the City's issuance of the CDP, in order to assess impact to coastal resources. See **Exhibit 2** for prior comment letters from Coastal Commission staff.

City Staff recommended the City Council approve CDP-347-14 for the proposed project and the City Council unanimously approved the proposed development with added conditions. Notice of the Council's final action on the CDP was received in the Coastal Commission's North Central Coast District Office on July 1, 2015 (see **Exhibit 3**). The Coastal Commission's ten-working day appeal period for this action began on July 2, 2015 and concluded at 5 p.m. on July 15, 2015. The subject appeals were received during the appeal period on July 10, 2015 and July 15, 2015 (see below and **Exhibit 4**). The Applicants waived time requirements for a hearing within 49 days, on August 11, 2015.

D. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. The subject project is appealable because it involves development that is located within 30 feet of wetlands located just west of the parcel. In addition, the subject parcel is located within 300 feet of the seaward face of a coastal bluff, seaward of the parcel and across Palmetto Avenue.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue. Since the staff is recommending substantial issue on the subject project, unless three or more Commissioners object to that recommendation, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its de novo review at the same or subsequent meeting.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will be allowed to testify to address whether the appeal raises a substantial issue with some restrictions. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants, and persons who previously made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the de novo portion of the appeal hearing and review the merits of the proposed project. Any person may testify during the de novo CDP determination stage of an appeal. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

E. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the City-approved project raises LCP conformance issues with respect to the protection of biological resources, geotechnical issues and coastal hazards, traffic and parking, coastal access, and visual resources. Specifically, the Appellants contend the

approved development is inconsistent with the policies of the Pacifica certified LCP because it : 1) impacts wetland areas located within 100 feet of the proposed project on adjacent parcels; 2) is sited in a hazardous area which may increase erosion risks to the surrounding area and the potential need to armor and/or relocate the development and associated adjacent infrastructure, should managed retreat be required in this area; 3) creates potential traffic hazards by the proposed project's ingress/egress to Palmetto Avenue and the inadequacy of parking provided; 4) results in cumulative impacts on public access and recreation in the area and 5) impacts the scenic and visual character of the surrounding area. See **Exhibit 4** for the complete appeals documents.

F. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission finds that the City's approval of the project presents a substantial issue.

Substantial Issue Analysis

Biological Resources

The Appellants contend that the approved project could result in adverse impacts to biological resources that exist in areas adjacent to the subject parcel. Specifically, the Appellants assert that delineated wetland areas were found within 100 feet of the proposed development. Development of a 43 unit residential complex that was proposed on the adjacent property (A-2-PAC-05-018, APNs 009-402-250 and -260, adjacent to the north and east), was previously denied by the Coastal Commission due to impacts to sensitive coastal wetland areas and sensitive coastal terrace prairie habitat areas. In addition, the Appellants assert that the City failed to analyze the cumulative impacts to biological resources by approving the proposed development, thereby allowing development proposals to ramp up in this area. See **Exhibit 4** for the full text of the Appellants' contentions. In a letter dated July 30, 2015 (see **Exhibit 8**), the Applicants responded to each of the appeal contentions. With regard to the sensitive habitat and wetland issues the Applicants acknowledge that the development as approved by the City will be within

about 30 feet of a wetland. However, they feel that the proposed development is designed so as to minimize impacts to the wetlands.

The Pacifica Local Coastal Program (LCP) Zoning Code Section 9-4.4403(b) specifies in relevant part that for projects located within 100 feet of ESHA, which includes wetlands per LCP Section 9-4.4403(a)(2), a habitat survey shall be prepared by a qualified biologist to determine the exact location of ESHA so that appropriate buffers and mitigation measures can be established to minimize potential ESHA impacts. LCP Zoning Code Section 9-4.4302(f) defines wetland buffers as “an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.” LCP Zoning Code Section 9-4.4403(b) prohibits new development in wetlands and outlines specific development standards for new development in wetland buffers including that buffers shall be protected, no development adjacent to buffers shall reduce the biological productivity or water quality of the wetland, and potential impacts shall be mitigated (see full text LCP Sections 9-4.4302 and 9-4.4403, below).

With respect to the City’s decision on this issue, the City noted that according to a biological report performed for the site by Toyon Environmental Planning, a site visit was conducted to assess the presence of sensitive habitat areas and “no rare or especially valuable species or habitat was observed during the visit.” The Toyon report further concluded “no evidence of wetland hydrology appeared to be present on the site.” Therefore, the City concluded that no areas on the property proposed to be developed qualified as ESHA or as wetlands. See **Exhibit 5** page 23 for the Toyon Report. After the initial appeal of the City Planning Commission’s decision on the project to the City Council, where the Appellants asserted this project was located in a “particularly sensitive environment,” the City Council reasoned that all habitats in the area that had been previously found to be sensitive were located on the adjacent property to the northeast and were not necessarily at issue in the current project because, “appellants(s) do not offer evidence regarding current habitat conditions” or “any evidence to support the contention that the project is in a particularly sensitive environment.”

The City relied upon the Toyon Report which concluded that no observable “rare or especially valuable species or habitat” were found during their visit to the site. The Toyon Report noted “a small stand of *Salix lasiolepis* was observed” but found that there was “no evidence of wetland hydrology” present anywhere on the site. After receiving the appeals, Coastal Commission staff ecologist, Dr. Laurie Koteen, reviewed the Toyon Report and concluded that a wetland may be present onsite as two facultative wetland (FACW) species were present on the project site: the patch of Arroyo Willow, *Salix lasiolepis*, and Poison hemlock, *Conium maculatum*. Dr. Koteen also concluded that given that the site assessment for the Toyon Report was done in August 2014, normally a very dry time of year, and also was performed during a drought year, the lack of hydrological wetland indicators on the property is unsurprising and that, in order to adequately analyze the habitats onsite, a wetland delineation performed at a wetter time of year would be warranted (see **Exhibit 6** for Dr. Koteen’s memo).

The Applicants had a 1-parameter wetland delineation prepared and sent to Commission Staff since the Commission received the appeals (See **Exhibit 5** page 1). This delineation was

performed on July 25, 2015 and confirms that the stand of willows just adjacent to the proposed development on the project site qualifies as a wetland, and therefore, as a sensitive habitat per LCP Section 9-4.4403(a)(2). Inconsistent with the LCP, the City approved project's driveway would be located 14 feet from the wetland area and the proposed detached structures will be 30 feet away. The LCP requires an appropriate buffer and mitigation measures to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the wetlands habitat areas (see full text of LCP Section 9-4403, below).

In addition, neither the recent Wetland Delineation nor the Toyon Report site assessment analyzed the adjacent properties for wetlands, when prior delineations done on these adjacent properties found the presence of wetlands. Because the stand of willows on the project site is within 30 feet of the proposed development, it is unclear how the proposed development may impact this onsite habitat in addition to previously delineated wetlands located adjacent to the proposed site. Thus, the City approval did not determine the full extent of wetlands on-site and adjacent to the subject parcel, did not ensure that the proposed development was adequately buffered from all wetlands, and did not include adequate mitigation measures to minimize potential impacts to wetlands consistent with LCP requirements. Thus, the appeals raise a substantial issue with respect to the approved project's conformity with the biological resources policies of the certified LCP (see LCP Sections 9-4302 and 9-4403, below).

Coastal Hazards

The Appellants contend that the City's approval of the proposed development did not adequately analyze the coastal hazards associated with this project. Specifically, a large ravine, which is carved into the bluffs located directly across Palmetto Avenue from the project site, would be located in close proximity to the development. The Appellants are concerned that allowing for new residential development in such close proximity to the ravine would contribute to the overall instability of the ravine and endanger the proposed development. In addition, Appellants raise concerns regarding the City's lack of analysis of the threat posed by future sea level rise and how such sea level rise may exacerbate bluff retreat and erosion. Namely, as bluff erosion increases as a result of sea level rise, the concern is that the bluff edge will move further landward, eventually threatening the Palmetto Avenue right-of-way. The proposed development is right in the path of a logical inland re-route of Palmetto Avenue, should Palmetto ever be threatened by sea level rise in the future. Finally, the Appellants raise concerns with how the proposed development may require future shoreline armoring as a result of accelerated bluff erosion. See **Exhibit 4** for the full text of the Appellants' contentions. In the aforementioned July 30, 2015 letter (**Exhibit 8**) from the Applicants, they assert that their geological report states the site is not constrained by geological hazards and that the ravine has been static for 55 years. Further, regarding sea level rise, the Applicants state that given the project is situated 180 feet above sea level, there would be no physical impacts to this development due to sea level rise and that any increased bluff erosion that occurs and threatens Palmetto Avenue would be required "first to armor Palmetto Avenue" and not their proposed development.

The Pacifica LCP incorporates Coastal Act Policies, which require that new development minimize risks to life and property in areas of high geologic hazard. LCP Policy 26 requires development to assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural

landforms along bluffs and cliffs (see LCP Policy 26, below). The proposed project site is located in the Fairmont West section of the City of Pacifica where a high rate of bluff erosion is a concern and the average bluff erosion rate is thought to be up to three feet per year. The City's LCP notes that at this location in the Fairmont West neighborhood, the Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The LCP further states that setback should be adequate to protect the structure for its design life, with the appropriate setback for each site to be determined on a case-by-case basis, depending on the site specific circumstances and hazards (see LCP Section 'Fairmont West - Geology', below). LCP Section 9-4.4404 (b) requires a geotechnical survey for new development in areas with land slide potential, evidence of ground shaking or earth movement. The survey must assess geologic conditions, hazards and determine appropriate setbacks and mitigation measures to accommodate a minimum 100 year event as discussed above (see LCP Section 9-4.4404, below).

The City's approval of the proposed development stated that the property in question is geologically more stable than the property containing the bluff areas located across Palmetto Avenue to the west, and that there was no evidence that this project would have significant impacts related to geological issues. Further the City concluded, according to an Earth Investigations Consultants preliminary geologic site review (see **Exhibit 7** page 4), that the site was not constrained by geologic hazards such as fault rupture or landslides, that the potential for liquefaction was low and that the site was considered suitable for the proposed development. The preliminary geologic site review also concluded that the headward part of the gorge that the Appellants are concerned with, which begins approximately 60 feet due west of the subject property line, is globally static and appears to have been static for the past 55 years. The site review further recommended that a design-level geotechnical investigation be performed prior to finalizing the final development plan and issuing a building permit.

The City approval included conditions that require the Applicants to comply with the site review's recommendations, require submission of an erosion control plan prior to issuance of a building permit and require drainage improvements and prompt revegetation of exposed areas to prevent erosion. While the Earth Investigations preliminary geologic site review concluded that the ravine was a static feature that had been static for the past 55 years, the review also concluded that a design-level geotechnical investigation should be conducted. While Coastal Commission Coastal Engineer Dr. Lesley Ewing agrees with the conclusion that the ravine is static and likely does not pose a threat to the proposed development, she did also agree that such a design level analysis and drainage plan should be required prior to issuance of the CDP, not the issuance of a building permit, to adequately evaluate the potential site hazards and ensure the proposed development is properly sited per the requirements of the LCP. This type of analysis is also required in order to assure the CDP has been issued in conformance with LCP policies which require that development be designed to minimize erosion impacts to surrounding areas.

With regard to future sea level rise and how it may exacerbate coastal bluff erosion, the City did not adequately analyze the potential impacts of such future sea level rise on this project or the intervening existing street development - Palmetto Avenue, located between the subject parcel and the bluffs - which this project will rely on for ingress/egress. The report contains no analysis of future sea level rise in this area, how such sea level rise may impact the already-rapid known

bluff erosion rate in this area, and whether or not this may result in the need for future shoreline armoring in this area. While the City's LCP declares the bluff erosion rate here is around 2 feet per year, that erosion rate will likely be exacerbated by future sea level rise and storm intensification due to global climate change. Given this potential, the bluff areas fronting this development and Palmetto Avenue may require shoreline armoring in the future.

Finally, the Earth Investigations preliminary geologic site review concluded that despite the ravine's static nature, there is evidence of localized surficial erosion and a low to moderate potential for undermining of the Palmetto Avenue roadway. The geologic site review concluded that this potential hazard, which could impact access to the proposed development, should be further evaluated in the design-level geotechnical investigation. While the City did make the completion of such a geotechnical investigation a required condition of approval prior to issuance of the building permit, the CDP for this development has already been approved by the City without analysis of important hazard information that could be gleaned from such an investigation. The Applicants sent Commission Staff an updated Geotechnical Commentary prepared by GeoForensics, Inc. on July 28, 2015 (see **Exhibit 7** page 1), which stated that based on observations, it would take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue Roadway. However, it is not clear from the July 28 letter whether or not accelerated bluff erosion from sea level rise was factored into this most recent geotechnical analysis. If and when Palmetto Avenue will be threatened by bluff erosion is currently unknown. Maintenance of Palmetto Avenue as a transportation route may require realignment of Palmetto Avenue to inland areas to avoid impact from sea level rise and coastal bluff erosion. At such time, the proposed development would be located where Palmetto Avenue may be realigned, and may result in the project needing access via another route such as the existing Edgemar right-of-way located in part on the property site. Thus, an analysis of the potential for coastal erosion to impact ingress and egress from the proposed project is required in order to assure long-term substantial conformance with the LCP policies requiring that development be designed to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (see LCP Policy 26, below). Therefore, the appeals raise a substantial issue with respect to the approved project's conformity with the coastal hazards policies of the certified LCP.

Traffic and Parking

The Appellants raise concerns that the project's access to Palmetto Avenue provides those entering the roadway very little warning of traffic northbound due to existing heritage trees lining the road and the ledge-like elevation of the right-of-way. Further, the Appellants assert that the traffic on Palmetto Avenue is fairly heavy at times with large semis carrying garbage and other smaller trucks using Palmetto Avenue to reach the Mussel Rock refuse transfer station in Daly City. The Appellants further assert that the City did not adequately analyze the traffic hazards to the project's residents, other pedestrians, cyclists and drivers using Palmetto Avenue. The Appellants also assert that although the parking provided in the proposed project design meets the requirements in the zoning code, the number provided "in practical terms" is inadequate - because the project only provides one stall per unit and one guest space for all four units (five in total) - and insufficient as the units may accommodate more than one driving adult. In the aforementioned July 30, 2015 letter from the Applicants (see **Exhibit 8**), the Applicants

assert that their project is so small that it will only generate only one AM-peak and one PM-peak hour trip a day. Further, the Applicants state that the project provides adequate sight stopping distance at the proposed driveway and therefore will have negligible impacts to traffic safety. Finally, regarding the adequacy of parking provided, the Applicants state that the project meets the City of Pacifica's off-street parking requirements, there are over 90 street parking spots in the area and it is rare to see more than 4 of these spots being utilized; therefore the parking provided onsite is more than adequate.

In terms of the hazards created by the project's impacts to traffic on Palmetto Avenue, the LCP offers limited guidance on the requirements to consider such hazards when designing proposed development. Though not a specific policy, in the section of the LCP that discusses this neighborhood, "Fairmont West," there is a discussion of traffic constraints in this area. Specifically, the LCP says "any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection." The discussion goes on to state, "residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area." Further, LCP Policy requires that public roadways within coastal neighborhoods be designed to be compatible with the scale, intensity and character of the neighborhood (see LCP Sections 'Fairmont West - Traffic' and 'Plan Conclusions - Community Scale and Design', below).

The City's analysis of the traffic hazards posed by the proposed development concluded that access to and from the site's parking area will not create a hazardous or inconvenient condition. The City's Department of Public Works and Engineering Division has reviewed the project and concluded that there will be no visibility issues for vehicles entering or exiting the site because the units are set back 55 feet from Palmetto Avenue and because the site is situated along a 445 feet straightaway along Palmetto that provides adequate sight distance in both the northerly and southerly direction. Because of this adequate sight distance provided, the access to this project is consistent with LCP requirements that public roadways within coastal neighborhoods be designed to be compatible with the scale, intensity, and character of the neighborhood and does not raise a substantial issue of conformance with the requirements of the LCP.

The Applicants prepared a trip generation analysis based upon the Institute of Transportation Engineers 2008 guidelines (see **Exhibit 9**). The analysis found that each studio apartment would generate 13 daily trips (or 3.19 trips, rounded up, per unit) and 1 trip (rounded up) at each of the AM and PM peak hours (AM hours 7-9 AM, PM hours 4-6 PM). This is a seemingly minimal impact to existing traffic on Palmetto Ave., but needs to be independently verified by an impartial traffic study that specifically looks at trip generation for development similar to the proposed development, in order to sufficiently address traffic impacts, as required by the LCP.

In terms of the parking provided, the Appellants acknowledge that the parking provided is consistent with the minimum space provision requirements in the City's Municipal Code (see Pacifica Zoning Code Section 9-4.2818, below), however the Appellants assert that in practical terms this is not enough parking provided and any spill over parking need will result in additional parking pressure being placed upon Palmetto Avenue. With respect to the City's

action on this proposal, the City did require adequate parking here in terms of what is required for four studio apartments (Zoning Code Section 9-4.2818 requires “one space for each studio” plus “one space to accommodate guest parking to be provided for each four (4) units”). However, the City did grant a variance to allow the required guest enclosed parking space to be located away from the other required parking within the required 15-foot front yard setback. The City findings required to allow for such a variance were met by the City in that placing the parking on this area of the lot will minimize impacts, as this is the flattest area and will minimize the necessity for grading, that allowing for the variance will not adversely affect health and safety of residents in the area because the impacts of such a variance will not impact any fellow residents, that the variance will not make the development inconsistent with the City’s design guidelines as this variance will not impact the design of the development, and that the variance will not make the development inconsistent with the General or Local Coastal Land Use Plan as this variance will not be inconsistent with the zoning designation or land use policies that apply. Caltrans has also weighed in on the parking provided stating that “any parking by residents or guests” of this development “on Palmetto Avenue would not have an impact on the state highway.”¹

In order to assure consistency with the applicable LCP requirement that any significant increase in the number of vehicles resulting from residential development in the vicinity along Palmetto Avenue be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection, independent verification of the Applicants’ trip generation analysis is required. Therefore, the Appellants’ contention raises a substantial issue with respect to the approved project’s conformity with LCP policies requiring traffic studies and resolution of traffic impacts (see LCP Sections ‘Fairmont West - Traffic’ and ‘Plan Conclusions - Community Scale and Design’, below). However, with respect to the Appellants’ parking contentions, because the City’s approval required the adequate provision of parking per the requirements in the code and because any spillover parking from the proposed development would be allowed to park on Palmetto, as Caltrans confirmed, there is adequate legal parking opportunity in existence along this stretch², the Appellants’ contentions do not raise a substantial issue of conformance with the LCP requirements regarding parking.

Public Access and Recreation

The Appellants contend that project would adversely impact public access and recreation in the bluff area by adversely affecting parking opportunities currently existing along Palmetto Avenue because parking for the project is insufficient and the spillover would impact the current limited availability of parking on Palmetto for the general public, hikers and other beach-goers. In addition, the Appellants argue that shoreline armoring that may be required in the future to protect this project would also adversely impact public access by creating impediments to available beach areas. In the aforementioned July 30, 2015 letter (see **Exhibit 8**) from the Applicants, they assert that since adequate parking is provided for the proposed development and there is adequate room in the right-of-way for future access trails and additional parking, the proposed project will have no impacts to public access and recreation in this area.

¹ Email Communication, Sandra Finnegan, Associate Transportation Planner, July 30, 2015.

² *Ibid.*

The City of Pacifica LCP incorporates the policies of the Coastal Act that require that public access is maximized and public recreation is guaranteed in all new development. The LCP further details public access requirements and recommendations as tailored to each neighborhood. The requirements and recommendations specific to the Fairmont West Area are: (1) trail access through the bluff-top properties should replace the requirement for beach access, as vertical beach access is difficult in this area; (2) the location of the trail access should be clearly designated by a sign placed on Palmetto and designed to reduce or minimize conflict between the residents and public using the access; (3) access should be provided by the developer of the bluff-top area open to the public but owned and maintained by the development or an appropriate public agency; and (4) adequate off-street parking should be provided for the residents in the new development, so that beach users can continue to use the existing on-street spaces (see LCP Section 'Fairmont West – Coastal Access').

The City's approval of the proposed development found that the project would not negatively impact any access to existing coastal recreation facilities or trails, nor would it increase the demand for additional facilities, or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The City did not require any additional parking for the project.

As previously stated, the City's approval included the amount of parking required for this size of development per the requirements in the City Municipal code, consistent with the access requirements specific to the Fairmont West area. Because the proposed development is so small in scale, it is doubtful that there will be much of a conflict in allowing any excess parking needs to be located on Palmetto. Further, Caltrans stated that "any parking by residents or guests" of this development "on Palmetto Avenue would not have an impact on the state highway."³ With regard to the impacts of any future potential shoreline armoring that may be requested, it is likely such an impact on public access could be mitigated through an analysis of the coastal hazard response that will be required for the proposed development. Therefore, the proposed project does not raise a substantial issue of conformance with the LCP policies regarding public access and recreation.

Scenic and Visual Character

Appellants assert that the placement of the proposed development in this location creates new residential development that is not contiguous with the surrounding areas to the north, south and east and will adversely affect views of the adjacent coastal resources to the west (the Northern Dunes). In addition the Appellants assert that the project would impact the scenic and visual qualities of the area, since the scenic and visual qualities of the area derive from the present open space character of the area, including the subject vacant parcel site, and that adding buildings and roadways cannot possibly be considered an improvement to the natural condition of the area. In the aforementioned July 30, 2015 letter from the Applicants (see **Exhibit 8**), they assert that in designing the project, they took great "care in protecting the scenic and visual qualities of the area" and that considering the small, single story with living roofs design, their "project should be considered a model for protecting scenic and visual qualities."

³ Email Communication, Sandra Finnegan, Associate Transportation Planner, July 30, 2015.

In terms of LCP requirements to protect visual character, the LCP protects visual and scenic qualities by requiring that individual qualities of each coastal neighborhood shall be protected by appropriate zoning, access and design regulations. Further, the LCP requires that new development within the viewshed not destruct views to the sea from public roads, trails and vista points. This can be achieved through height limitations and clustering which keep structures low and tight to protect view corridors, careful placement of landscaping to shield structures, use of natural appearing materials and colors on new buildings, and maximizing views of the sea (see LCP Policy 24, Section 'Fairmont West - Scenic Resources', and 'Plan Conclusions - Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation', below).

The current development proposed (multi-family residential) is allowed by the certified land use and zoning designation in this area. The City's approval of the proposed development points out that these structures will be small in scale and height (450 square feet and 22 feet in height), will be constructed with living roofs and natural blending materials such as clapboard, stone and soda lime glass, and would preserve and/or restore much of the existing natural landscape to minimize the visual impacts of the development. Please see **Exhibit 10** for visual renderings of the proposed development of the project site looking east from the bluffs.

Although the City approved development seems to be designed and conditioned so as to be minimally intrusive in size and appearance, the proposed project is sited on an entirely undeveloped stretch of Palmetto Avenue within the Fairmont West neighborhood, which is recognized in the LCP as an important coastal view corridor. Consequently, the structures the City approved at this location will inevitably contrast with the existing natural surroundings. Furthermore, the design fails to incorporate methods recommended by the LCP to protect views of coastal panorama, such as clustering of structures, minimized outdoor lighting, underground utilities, and landscape screening. Thus, the proposed development raises a substantial issue of conformance with the LCP policies regarding scenic and visual character.

Conclusion: Substantial Issue

The five factors used as guidance in determining whether a substantial issue exists, support a finding that the appeal raises a substantial issue. While the extent and scope of the development is small and the issues primarily local, the City's decision lacks adequate factual support regarding the proximity of the proposed development to wetlands and any potential impacts to these sensitive habitats and the long-term structural stability and proper siting of the project with respect to potential hazards. The coastal resources of wetlands and bluffs are significant, as they comprise sensitive habitat. In addition, there are potential traffic and visual impacts that could adversely affect public access and the visual character of the area. Approval of a potentially hazardous development adjacent to sensitive habitats in particular could adversely affect future interpretations of the City's LCP.

In conclusion, the City-approved project raises substantial issues regarding protection of biological resources, the risks associated with coastal hazards, traffic and visual resource impacts. Therefore, the Commission finds that the appeal raises a **substantial issue** of conformity of the approved project with the biological resources, coastal hazard, and traffic policies of the certified Pacifica LCP, and takes jurisdiction over the CDP application for the proposed project.

G. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this application is the City of Pacifica certified LCP. All Substantial Issue Determination findings above are incorporated herein by reference.

Revised Project Description

The Applicants have, upon discussions with Commission staff, proposed to modify the project approved by the City by combining the four detached and separate apartment units into a single three story building consisting of four attached apartments (2 two-bedroom and 2 one-bedroom units), totaling approximately 3,169 square feet in gross floor area, with a height of 35 feet. The building will include a common garage on the ground floor, a one-bedroom and two-bedroom apartment on the second floor, and a studio and two-bedroom apartment on the top floor. Each unit has access to a private deck area. The garage would provide eight on-site parking spots, accessible by a 22.8 foot wide driveway off Palmetto Avenue. The building is proposed to be constructed with visually compatible materials including wood shake, ledge stone, glass and metal tubing rails, and an asphalt roof.

Additional information received from the Applicants after the appeals were filed includes a wetland delineation conducted pursuant to Coastal Commission wetland delineation criteria, an updated design-level geotechnical, drainage and hazards report, and an independently verified traffic analysis.

Biological Resources

Applicable Policies

Pacifica's LCP provides for the preservation of habitat when development is proposed in the vicinity of wetlands. The provisions define wetland buffer zones, prohibit construction within such buffers, and require that any adjacent development avoid impacts to the biological resources of the wetland through a habitat survey and appropriate mitigation measures:

Section 9-4.4302 Definitions

(f) "Buffer" shall mean an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.

...

(aw) "Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens

Section 9-4.4403 Habitat preservation

(a) Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to protect, maintain, enhance and restore the following types of environmentally sensitive habitat as identified in the LCP Land Use Plan:

(2) Wetlands.

(b) Required survey. A habitat survey, prepared by a qualified biologist or botanist, may be required to determine the exact location of environmentally sensitive habitat areas and to recommend mitigation measures that minimize potential impacts to the habitat. This survey shall be submitted to and approved by the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development that meets one or more of the following criteria:

- (1) The project site is located within an environmentally sensitive habitat area as documented in the LCP Land Use Plan, or through the Director's on-site investigation and review of resource information; or*
- (2) The projected site is or may be located within 100 feet of an environmentally sensitive habitat area and/or has the potential to negatively impact the long-term maintenance of the habitat.*

(c) Survey contents. All habitat surveys shall include, at a minimum, the following information:

- (1) Survey methodology;*
- (2) Location map and topographical site plan indicating all existing and proposed structures and roads;*
- (3) Any rare and/or endangered plant and animal species, including the habitat envelope and the number of species observed;*
- (4) Delineation of all wetlands, streams and water bodies;*
- (5) Direct and indirect threats to habitat resulting from new development;*
- (6) Delineation of the secondary habitat buffer area to be provided along the periphery of the primary habitat; and*
- (7) Mitigation measures to reduce impacts and to allow for the long-term maintenance of environmentally sensitive habitats.*

(e) Development standards for wetlands and wetland buffer areas. The following minimum standards shall apply to a wetlands and wetlands habitat area.

- (1) No new development shall be permitted within a recognized wetlands habitat area;*
- (2) Limited new development may be permitted within a recognized wetlands habitat buffer area subject to the following standards:*
 - (i) Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water;*
 - (ii) All diking, dredging and filling activities shall comply with the provisions of the California Coastal Act, Sections 30233 and 30607.1;*
 - (iii) Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be adversely affected;*
 - (iv) Public access through wetlands shall be limited to low-intensity recreational, scientific or educational uses. Where public access is permitted, it shall be strictly managed, controlled and confined to designated trails and paths as a condition of project approval;*
 - (v) Alteration of the natural topography shall be minimized;*
 - (vi) Runoff and sedimentation shall not adversely affect habitat areas;*

- (vii) Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of wetlands;*
 - (viii) Where required, a permit shall be obtained from the Army Corps of Engineers;*
 - (ix) New development adjacent to the buffer shall not reduce the biological productivity or water quality of the wetlands due to runoff, noise, thermal pollution or other disturbances;*
 - (x) All portions of the buffer shall be protected pursuant to Section 9-4.4308, Permanent Environmental Protection;*
 - (xi) Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and*
 - (xii) Mitigation measures identified in the habitat survey shall be considered and made conditions of project approval where necessary to mitigate impacts.*
- (3) In the event that new development is not possible because the size of the buffer has rendered the site undevelopable, the buffer may be reduced in width if it can be demonstrated that a narrower buffer is sufficient to protect the habitat and new development may be permitted subject to standards established in subsection (e)(2) above.*

Additionally, Coastal Commission administrative regulations (Title 14, Division 5.5) specify the criteria for identifying wetlands:

14 CCR Section 13577

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

Analysis

Pacifica's LCP emphasizes the need to protect sensitive habitats within the coastal zone. LCP Section 9-4.4403(a) explicitly designates "wetlands" as sensitive habitat, and explains that related LCP provisions aim to protect, maintain, enhance and restore such habitat. LCP Section 9-4.4302(aw) defines wetlands as any land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens. More specifically, Coastal Commission administrative regulations state that an area is to be considered a wetland if the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Accordingly, whenever development is proposed within 100 feet of a potential wetland, LCP Section 9-4.4403(b) requires that a qualified expert conduct a habitat survey, including delineation of all wetlands, in order to identify the location and extent of environmentally sensitive habitat areas and recommend mitigation measures to minimize potential negative impacts. Based on the observation of facultative wetland (FACW)

species, Arroyo Willow (*Salix lasiolepis*) and Poison hemlock (*Conium maculatum*), at the western edge of the project site, the Applicants performed a wetland delineation on July 25, 2015. The delineation confirmed that the stand of Arroyo Willow adjacent to the proposed development qualifies as a wetland and is therefore protected under LCP Section 9-4.4403(a)(2).

LCP Section 9-4.4403(e) prohibits development within wetlands, and requires the application of appropriate buffer zones and mitigation measures to adequately protect wetlands from new development in order to ensure that a project will not adversely affect the area's biological resources. Considering this, Commission biologists Dr. John Dixon and Dr. Laurie Koteen determined it would be appropriate here to allow for a 50-foot buffer between the revised residential development plan and the sensitive habitat stand of willows, rather than the standard requirement of a 100-foot wetland buffer. Due to the small size of the subject parcel, a larger buffer requirement would essentially render the lot undevelopable. Further, given the wetland's proximity to the Palmetto roadway here, it is clear the wetland is surviving, even in close association with developed infrastructure. However, in order to assure the ongoing health of the wetland, any new development should be adequately buffered from the wetland to assure it is protected from adverse impacts. Therefore, consistent with LCP Section 9-4.4403(e)(3), a 50-foot buffer allows for residential development onsite with a design that maximizes the potential for a buffer to adequately protect the present habitat by creating as much physical separation as possible.

A previous delineation of the adjacent property to the north (APNs 009-402-250 and -260) demonstrates that the wetland area identified on the adjacent site lies approximately 50 feet from the shared property edge (see **Exhibit 15**). The proposed development incorporates a 5 foot setback from this edge, thereby ensuring an appropriate buffer is maintained between new construction and the adjacent wetland. The 50-foot buffer will assure protection of the sensitive habitats onsite and in the adjacent property, in conjunction with additional conditions of approval, including a Habitat Restoration Plan requiring buffer fencing, removal of ice plant and other invasives, and restoration with native plants (**see Special Condition 2**). Such a condition ensures that any alteration of landscaping located within the habitat buffer is limited to restoration and enhancement of habitat with native, non-invasive species, as required by LCP Section Section 9-4.4403(e)(2)(vii). The proposed project's driveway will be located slightly within the 50 foot buffer zone, covering approximately 130 square feet of the buffer. Therefore, an additional condition of approval will require low impact development (LID) through the use of permeable material in construction of the driveway and outdoor patio (**Special Condition 1.b**). This condition will prevent runoff and sedimentation from adversely affecting the biological productivity or water quality of the wetlands, pursuant to Section 9-4.4403(e)(2)(vi/ix).

Therefore, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies which provide for the preservation of habitat when development is proposed in the vicinity of wetlands.

Coastal Hazards

Applicable Policies

Pacifica's LCP establishes several requirements for new development to address geologic hazards, including a mandated geotechnical survey in areas particularly at risk from such hazards:

LCP – Policy No. 26

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood and fire hazard*
- (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 9-4.4404 Geotechnical suitability

b) Required survey. A geotechnical survey, consistent with the City's Administrative Policy No. 34 and prepared by a registered geologist or geotechnical engineer, shall be submitted to the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development located in the following settings:

- (1) Areas showing evidence of landslides or landslide potential;*
- (2) Areas showing evidence of ground shaking or earth movement;*
- (3) Within fifty (50') feet of a coastal bluff;*
- (4) On all slopes greater than fifteen (15%) percent; or*
- (5) Within sand dune habitats.*

(c) Survey contents. All geotechnical surveys shall, at a minimum, include the following information:

- (1) Geologic conditions, including soil, sediment, and rock types, and characteristics and structural features such as bedding, joints and faults;*
- (2) Evidence of past or potential landslide conditions and their implications for future development, as well as the potential effects of proposed development on landslide activity on-site and off-site;*
- (3) Potential ground shaking and earth movement effects of seismic forces;*
- (4) Net developable areas;*
- (5) Commonly accepted geotechnical standards, including hazard setbacks; and*
- (6) Mitigation measures demonstrating that potential risks could be reduced to acceptable levels.*

The proposed development is sited within the Fairmont West neighborhood where bluff erosion and stability are a major concern, both of which exacerbate the area's vulnerability to future landslides. Thus, Pacifica's LCP requires a detailed geotechnical analysis and specific bluff setback for development in this area, while prohibiting any future shoreline armoring related to the protection of such development:

LCP – Fairmont West, Geology

It is recognized that the bluff-top and dune area seaward of Palmetto Avenue is subject to a high erosion rate. A 1972 study by the U.S. Army Corp of Engineers estimates the average erosion rate in this area to be approximately 2 feet per year. The study also recognizes that the erosion usually occurs on a sporadic basis. Poor drainage, combined with wave undercutting and the nature of the area's geologic substructure, have produced both minor and major bluff failures. Therefore, bluff erosion and bluff stability, in addition to potential seismic activity, are problems to be addressed through detailed geotechnical analysis prior to consideration of proposals for bluff development.

...

The City's Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The setback should be adequate to protect the structure for its design life. The appropriate setback for each site will be determined on a case-by-case basis, depending on the site specific circumstances and hazards.

A Seismic Safety and Safety Element policy prohibits the approval of new developments which require seawalls as a mitigation measure. The policy also states that projects should not be approved which eventually will need seawalls for the safety of structures and residents.

Analysis

Development proposals in Pacifica must address geologic hazards unique to the coastal zone environment according to several provisions in the City's LCP. LCP Policy 26 establishes broad provisions mandating that new development projects be designed to minimize risks to life and property, while assuring stability and structural integrity without contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area. Further, LCP Section 9-4.4404(b) requires that an expert geotechnical survey be prepared in particularly vulnerable areas, including those showing evidence of landslides or landslide potential, and ground shaking or earth movement. The proposed development is sited within the Fairmont West neighborhood, which the LCP highlights as an area of concern for bluff erosion and stability, as well as seismic activity, thereby confirming the need for detailed geotechnical analysis. Of particular concern is a large ravine carved into the bluffs located across Palmetto Avenue, approximately 60 feet due west of the project site. The LCP section covering Fairmont West's geology specifically recognizes that the bluff-top and dune area seaward of Palmetto Avenue is subject to a high erosion rate, averaging approximately 2 feet per year, and that such erosion can occur in episodic fashion, potentially leading to major bluff failure due to the combination of wave undercutting and poor drainage. High erosion rates exacerbate the potential for landslides in this area, further justifying the requirement of a detailed geotechnical survey for the proposed project, consistent with LCP Section 9-4.4404(b)(1).

A geologic site review prepared for the Applicants by Earth Investigations Consultants determined the site was not constrained by geologic hazards such as fault rupture or landslides, that the potential for liquefaction was low and that the site was considered suitable for the proposed development. The site review also concluded that the headward part of the large ravine across Palmetto Avenue, is globally static and appears to have been static for the past 55 years.

The Applicants sent Commission staff an updated geotechnical commentary prepared by GeoForensics, Inc. on July 28, 2015 (see **Exhibit 7** page 1), which stated that based on observations, it would take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue Roadway. Commission staff geologist Dr. Mark Johnsson has reviewed these conclusions and concurs that the site will be stable; however he disagrees that it would take hundreds of years for the observed slope failures to encroach upon Palmetto Avenue. Drainage into the deep gully has carved a large canyon over many years. Although the drainage improvements proposed by the Applicants will eliminate or greatly reduce active erosion in the gully, unstable slopes will persist and potentially be subject to failure. Repetitive failures certainly could impinge on Palmetto Avenue, and it is impossible to predict the length of time before they could do so. The Applicants provided another comment letter from GeoForensics, Inc. on October 26, 2015, which concluded through further records review, site observations, and slope stability analysis that the roadway is unlikely to be damaged by a deep-seated slide event and that current bluff retreat rates would take over 160 years to reach Palmetto Avenue in the vicinity of the proposed project (see **Exhibit 16**). Dr. Johnsson notes that this figure of 160 years is based on the position of the coastal bluff at the mouth of the gully, not at the head of the gully. Staff subsequently requested the slope stabilization calculations (in addition to their results, provided previously), which the Applicants provided on January 21, 2016 (see **Exhibit 16**), whereupon Dr. Johnsson confirmed the calculations supported the most recent submitted stability appraisals provided by GeoForensics, Inc.

The initial site review when the proposed project was pending at the City level also concluded that a design-level geotechnical investigation should be conducted. Coastal Commission engineer Dr. Lesley Ewing agrees that potential site hazards should be adequately evaluated, requiring that a design-level analysis and drainage/erosion management plan be completed as a condition prior to issuance of the CDP (**Special Condition 5**). This will ensure the project is designed to minimize erosion impacts to surrounding areas, in accordance with LCP Policy 26(b) which requires new development to minimize risks to life and property in areas of high geologic hazard, while assuring stability and structural integrity of the project site.

The LCP section describing the geology of the Fairmont West neighborhood proceeds to explain that the City of Pacifica's Seismic Safety and Safety Element requires the bluff setback to adequately protect any proposed development for its design life by accommodating a minimum 100-year seismic, geotechnical, or storm event. The specific setback must be determined on a case-by-case basis, depending on site-specific circumstances and hazards. The Safety Element also prohibits the approval of new developments requiring seawalls as a preventative measure and states that a project may not be approved if it will eventually need seawalls for the safety of structures and residents. This is reinforced by LCP Policy 26(b), which holds that new development may not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The initial site review failed to analyze the potential impacts of future sea level rise on this project or the intervening existing street - Palmetto Avenue, located between the subject parcel and the bluffs - which this project will rely on for ingress and egress. In fact, the report contains no analysis of future sea level rise in the project area and does not evaluate whether this would result in the need for future shoreline armoring. Furthermore, even without taking sea level rise

into account, the Earth Investigations geologic site review provided evidence of localized surficial erosion and a low to moderate potential for undermining of the Palmetto Avenue roadway. The National Research Council (NRC) projects that by Year 2100, sea level in California may rise 17 to 66 inches above year 2000 levels for areas south of Cape Mendocino, such as the City of Pacifica (NRC 2012). Pacifica's coast regularly experiences erosion, flooding, and significant storm events, and sea level rise will only exacerbate these natural forces. Therefore, sea level rise and coastal bluff erosion may require inland realignment of Palmetto Avenue to maintain the roadway as a viable transportation route, and may ultimately result in the project needing access via another route, such as the existing Edgemar right-of-way. Therefore, this approval is conditioned upon an assumption of risk regarding coastal hazards (**Special Condition 8**), as well as an obligation on the part of the Applicants to provide alternate access to the development if and when Palmetto Avenue becomes degraded (**Special Condition 7.d**). In addition, a condition prohibiting any future shoreline armoring or protection for the new development (**Special Condition 7.c**) is required to ensure the CDP is issued in conformance with the LCP's section on the Fairmont West neighborhood, and Policy 26(b), both of which forbid new development that would require the construction of seawalls as protective devices.

Thus, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies which provide for minimizing the impacts of erosion and geologic instability when development is proposed in areas of high geologic hazard.

Traffic and Parking

Applicable Policies

Pacifica's LCP describes requirements to address traffic constraints, including analysis of expected traffic impacts in the Fairmont West neighborhood if residential development along Palmetto Avenue would significantly increase the number of vehicles in the area. Residential development in this neighborhood is prohibited unless potential traffic impacts to public access and visitor-serving commercial development are addressed:

LCP – Plan Conclusions, Community Scale and Design

Public roadways and facilities within the coastal neighborhoods shall be designed to be compatible with the scale, intensity and character of the neighborhood and shall be consistent with environmental protection goals.

LCP – Fairmont West, Traffic

...due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection. ...residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area. ... Decreasing densities on residential sites may alleviate traffic impacts, especially at peak hours, when flow is unstable and queues develop.

Pacifica's zoning code regulates parking requirements, depending on the size and type of development:

Pacifica Zoning Code – Section 9-4.2818 – Number of parking spaces required

(a) Residential.

(2) Multi-family, including studio, townhouses and condominiums. One space for each studio, one and one-half (1 ½) spaces for each one-bedroom unit, and two (2) spaces for each unit of two (2) or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four (4) units. When the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.

Analysis

Pacifica's LCP conclusion regarding "Community Scale and Design" demands a cohesive scheme for roads and amenities compatible with the size, intensity and character of a given neighborhood, consistent with environmental protection goals. The subject development is sited in the Fairmont West area of Pacifica. The LCP section that regulates development in this neighborhood refers to traffic capacity problems and requires that traffic studies address any significant increase in the number of vehicles resulting from additional residential development along Palmetto Avenue. These studies must anticipate peak hour impacts and access issues.

The Applicants prepared a traffic analysis based on the Institute of Transportation Engineers 2008 guidelines, which found that development of four studio units would generate 13 additional daily trips total, rounded up from an average of 3.19 trips per unit, including one additional trip at each of the AM and PM peak hours, from 7-9 AM and 4-6 PM, respectively (**Exhibit 9**). Independent verification of traffic generation by Hexagon Transportation Consultants found the development would generate approximately 27 daily vehicle trips, with two trips occurring during the AM peak hour and two trips during the PM peak hour (**Exhibit 17**). The independent study analyzed the development on a per-unit basis, without consideration of the number of bedrooms or square footage, or the type of unit (studio vs. 1- or 2-bedroom units). The independent analysis therefore expects 14 more daily trips than the Applicant's determination of expected traffic from four studio units. Despite this slight increase, the independent study offers an impartial opinion, which serves to verify that the development's traffic impact on Palmetto will be minimal relative to existing traffic in the area.

Pacifica's zoning code requires one and one-half parking spaces for each 1-bedroom unit and two spaces for each 2-bedroom unit, as well as one space to accommodate guest parking for every four units. The Applicant has addressed new parking requirements in light of the project redesign, which replaces four detached studio units with two 1-bedroom, and two 2-bedroom apartments all in one structure. Accordingly, the development provides eight parking spaces within the ground floor garage. Under the reasonable assumption that residents will average less than two cars per apartment, this parking should be more than sufficient to keep vehicles from taking up space along Palmetto Avenue on any regular basis. Consistent with the LCP, the Applicants have adequately addressed any potential adverse impacts to public access and visitor-serving commercial development in the area by providing an independently verified traffic

analysis and ample indoor parking, thereby obviating the need for further conditions to mitigate these issues.

Therefore, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies, which allow residential development in the Fairmont West neighborhood as long as significant traffic impacts are analyzed and sufficient parking is provided.

Scenic and Visual Character

Applicable Policies

Pacifica's LCP protects visual and scenic qualities by requiring that individual qualities of each coastal neighborhood be protected by appropriate zoning, access and design regulations:

LCP – Policy No. 24

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

LCP – Fairmont West, Scenic Resources

This area lies in an important coastal view corridor. ... Residential densities should be lowered as the City boundaries are approached. Particularly when the City bounds on areas of important national, scenic or recreational value, densities should be lowered in order to consolidate urban development and to preserve City character and scenic resources.

LCP – Plan Conclusions, Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation

The individual qualities of each coastal neighborhood shall be protected by appropriate zoning, access and design regulations. ... New development within the viewshed shall not destruct the views to the sea from public roads, trails, and vista points. Methods of achieving this could include height limitations which keep structures below the sight line, clustering structures to protect view corridors, careful placement of landscaping to shield structures, but leave the view unobstructed; use of natural appearing materials and color on new buildings, limit outdoor lighting, undergrounding utility lines, maximizing views of the sea in aligning new roadways, bicycle and pedestrian paths, use of open work fences where fencing is necessary within the sight line. Views of the coast and coastal panorama from public roadways shall be protected by limiting the height and mass of permitted structures, as well as clustering structures to be unobtrusive and visually compatible with landforms.

Sec. 9-4.402. - Development regulations

- (j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be twelve (12') feet;*

Analysis

Protection of scenic and visual character is a high priority of Pacifica's LCP, with policies that recognize the important value of the visual character of the coastal zone. LCP Policy 24 requires permitted development to maintain views to the ocean and along scenic coastal areas, minimize alteration of natural landforms, and remain visually compatible with the character of surrounding areas. The LCP's plan conclusion on "Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation" outlines different methods of achieving these goals, including height and mass limitations which keep structures out of sight lines, clustering structures to protect view corridors, careful placement of landscaping to shield structures, use of natural appearing materials and color on new buildings, limited outdoor lighting, and undergrounding utility lines. The LCP also recognizes the Fairmont West area as an important coastal view corridor and recommends that densities be lowered in this area to consolidate urban development and to preserve City character and scenic resources.

The revised new project design increases the height of the building to the maximum allowable zoning height of 35 feet and is proposed for construction with materials providing muted earth tones, such as wood shake, ledge stone, and vertical/horizontal siding. These design choices, along with a varied, multi-level façade and outdoor deck areas will help the structure blend well with the natural surroundings. The property itself slopes gradually upwards in an eastward direction and the apartment building is set back into the slope over 50 feet from Palmetto Avenue. The height and volume of the structure should remain relatively unobtrusive given the setback and lower elevation relative to the surrounding ridgeline, thereby protecting private and public views to the shoreline and ocean. However, in recognition that the development is sited on an undeveloped stretch of Palmetto Avenue, issuance of the permit will be conditioned upon submittal and implementation of a landscape screening plan and follow up report, exterior lighting limitations, and pre-approval of construction and design materials, in order to ensure that visual impacts of the development are minimized, consistent with the LCP (**Special Conditions 1 and 6**).

Consequently the revised project, as conditioned, is consistent with Pacifica's certified Land Use Plan policies, which provide for the protection of visual character and ocean views when development is proposed within a scenic coastal corridor.

CDP Determination Conclusion – Approval with Conditions

As conditioned, the Commission concludes that approval of the development adequately protects the site's biological resources, and adequately addresses impacts related to coastal hazards, traffic, and visual character. Accordingly, the Commission finds that the project, as conditioned, is consistent with the certified City of Pacifica LCP.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 requires that a specific finding be made in conjunction with CDP applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are

feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Pacifica is the lead agency responsible for CEQA review. The City found the project categorically exempt from CEQA as a Class 3 project that consists of the development of four dwelling units, which is allowed under CEQA Guidelines Section 15303, Class 3(b). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. The preceding CDP findings in this staff report have discussed the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources consistent with the requirements of Section 30235 of the Coastal Act. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Appendix A - Substantive File Documents

1. Coastal Commission Staff Report A-2-PAC-05-018
2. California Storm Water Quality Management Handbooks

Ocean Shore Apartments

Project Information

Project Description:

New residential building on existing vacant lot in Pacifica, CA. Wood framed, three stories, 4 apts, 2/1 bno bedroom, 2 one bedroom, with a common garage.

Project Address:

4000 Palmetto Ave Pacifica, CA

Designer:

DB Construction Inc, 2775 Keith Ave Pacifica, CA

Engineer:

Mike O'Connell Design Pacifica, CA

Code Notes

Type of Occupancy:

P2/U

Construction Type:

VB

Number of Stories:

3

Work to conform to:

2015 UPC, UPC, IRC, IRC, CMC, CMC, CEC, 2015 Eerra code, 2015 CBC

Data

Zoning / General Plan:

PG - Multi-Family Residential, Coastal Zone, Medium Density Residential

Number of Units:

4 units proposed

Lot Size:

18,411 sq.ft. existing
4,600 sq.ft. per unit

Foot Print:

Building 3169 sq.ft. (17%)
Hardscape/ driveway/ porch/ etc. 4,916 sq.ft.
Landscape 11,536 sq.ft. (78%)

Setbacks:

Front (West) = 15'
Rear (East) = 64'
Side (North) = 9'
Deck Sule setbacks = 4'

Apt 183 size

1 bedroom / 2 bath apt - 1170 sq.ft. living

Apt 284 size

2 bedroom / 2 bath apt - 1400 sq.ft. living

Total Living Space:

4620 sq.ft.

Building Height:

35 ft.

Parking

2/ one bedroom apt, require 2.2 = 4
2 one bedroom apt, require 1.5 = 3
guest parking = 1
8 total parking spaces proposed



Drawing Index

- A1 Cover and Data
- A2 Garage Floorplan
- A3 2nd Floor Apts 18-2
- A4 3rd Floor Apts 38-1
- A5 Elevations

Vicinity Map



No.	Description	Date

Ocean Shore Apt. 4000 Palmetto Pacifica, CA	
Cover	
Project Number	
Sheet Number	
Drawn by	
Checked by	
Scale	A1



No.	Description	Date

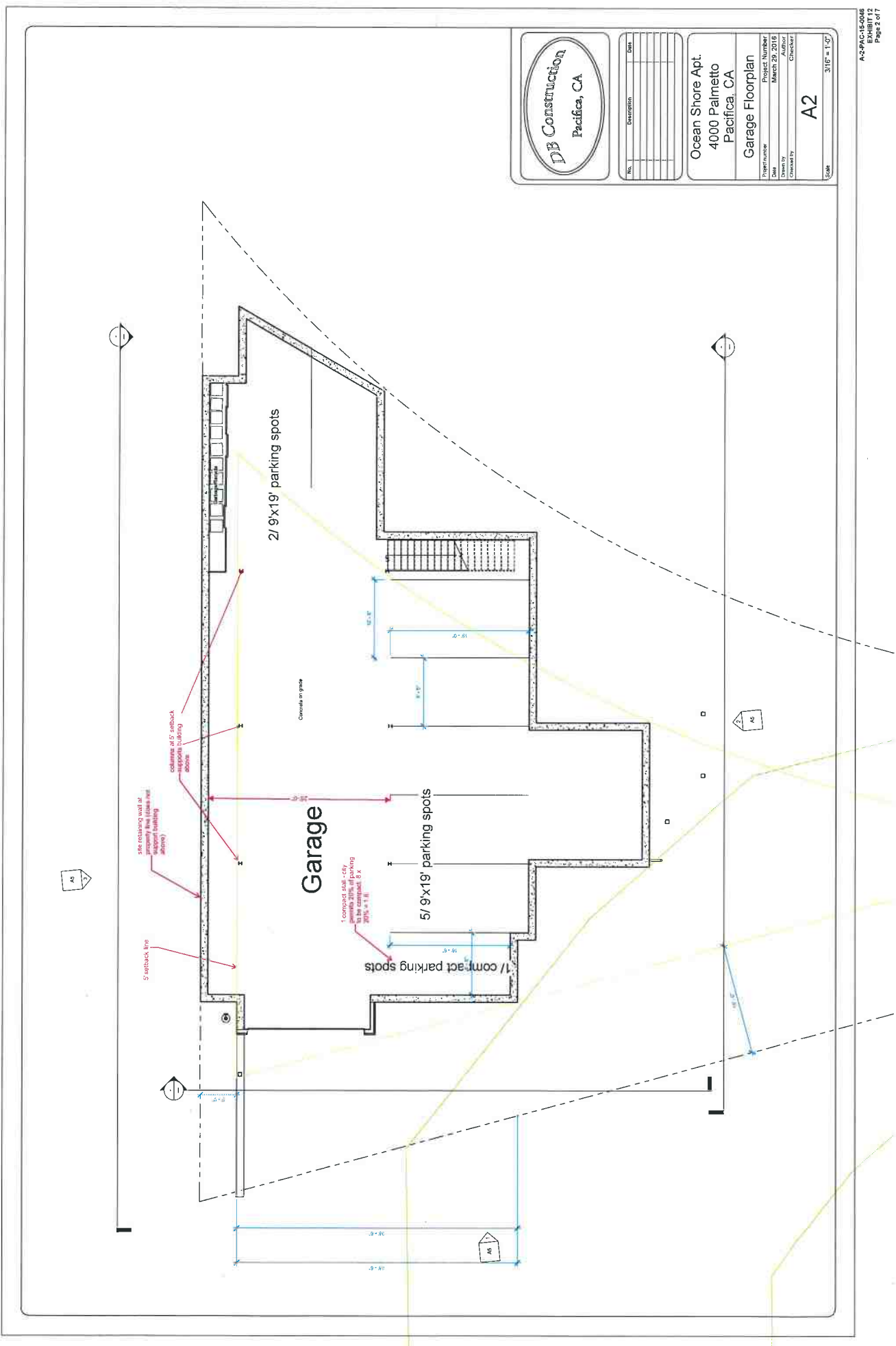
Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

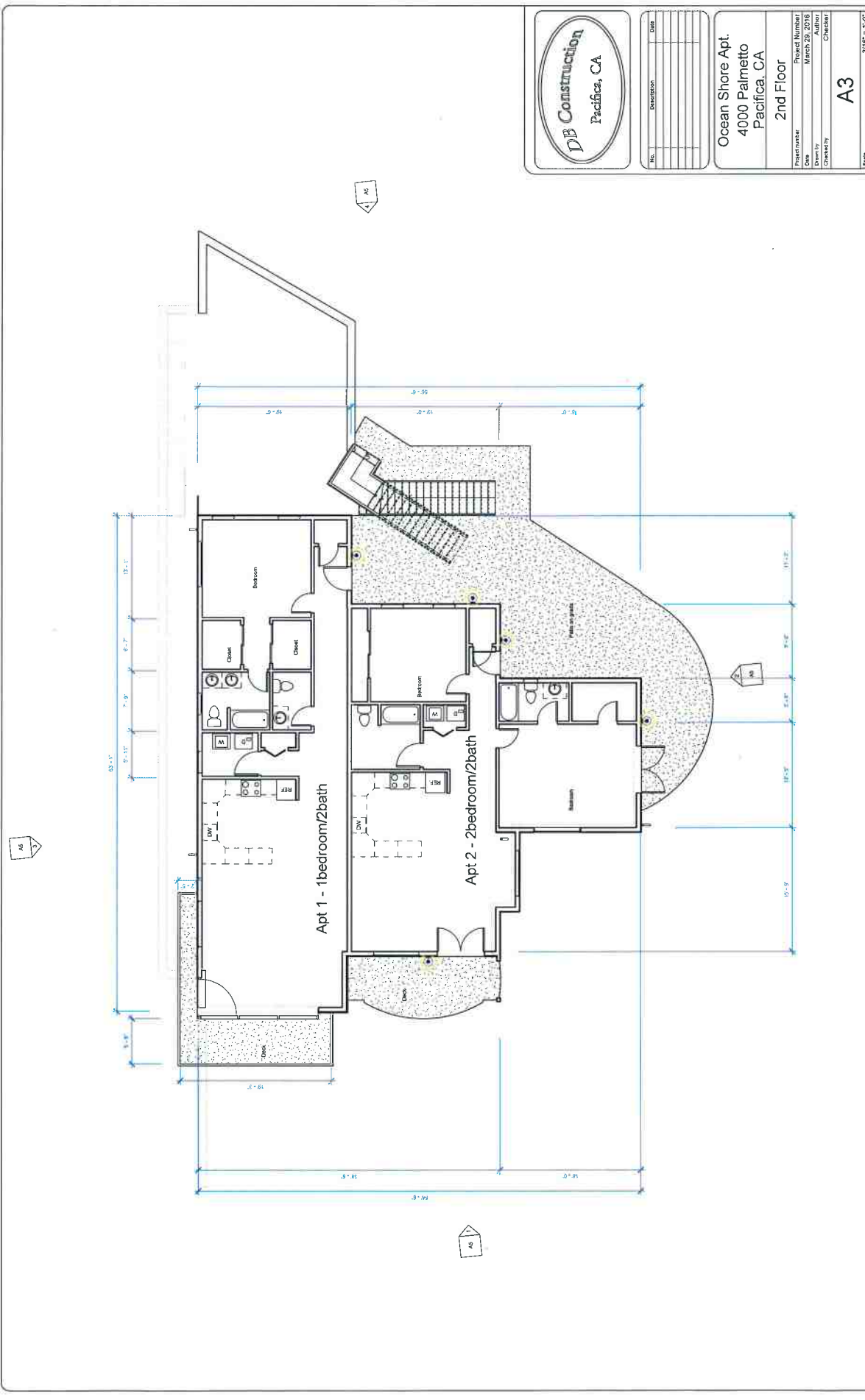
Garage Floorplan

Project Number: _____
Date: March 29, 2015
Drawn by: _____
Checked by: _____
Author: _____
Checker: _____

A2

Scale: 3/16" = 1'-0"





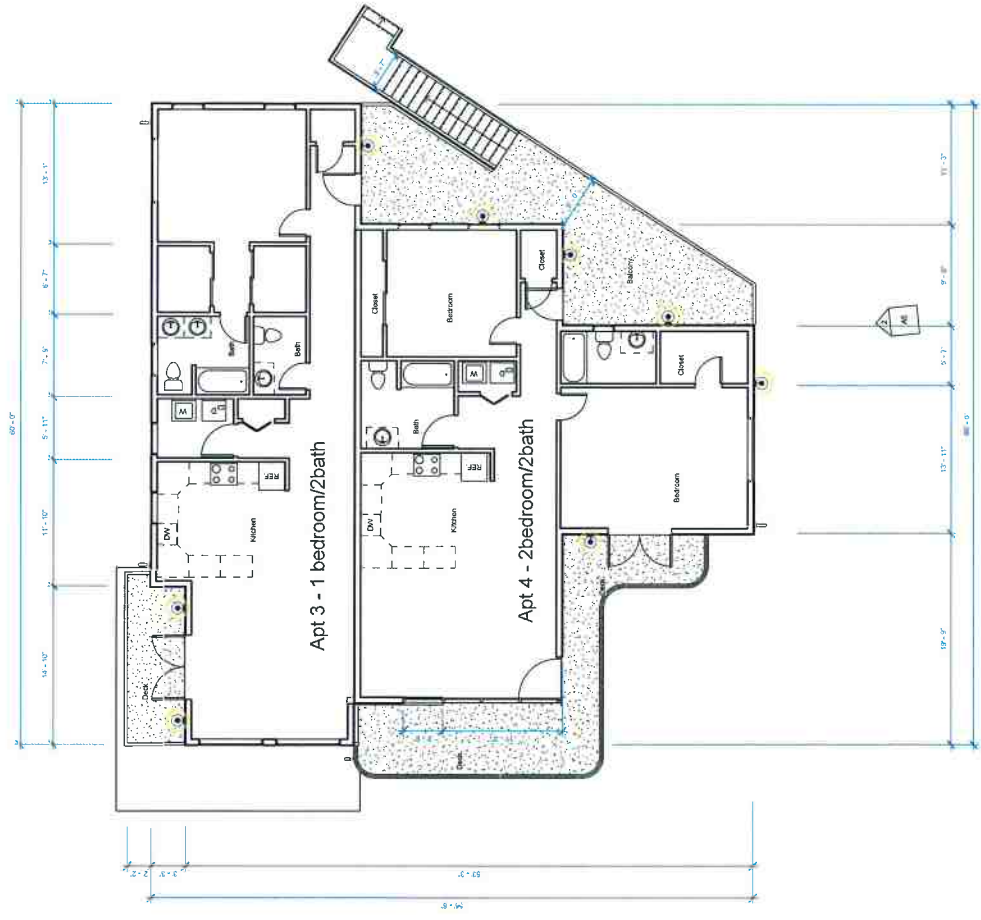
No.	Description	Date

Ocean Shore Apt.
 4000 Palmetto
 Pacifica, CA
 2nd Floor

Project Number: _____
 Date: March 29, 2015
 Drawn by: _____
 Checked by: _____

Scale: 3/16" = 1'-0"

A3



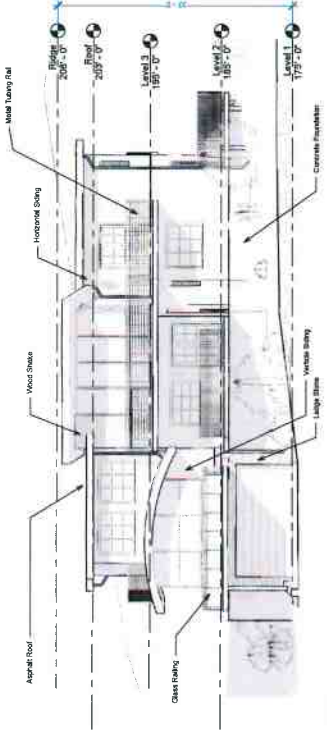
No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA
3rd Floor

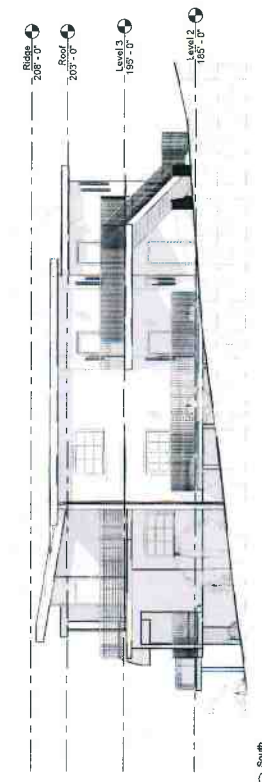
Project Number	
Revision	
Drawn by	
Checked by	

A4

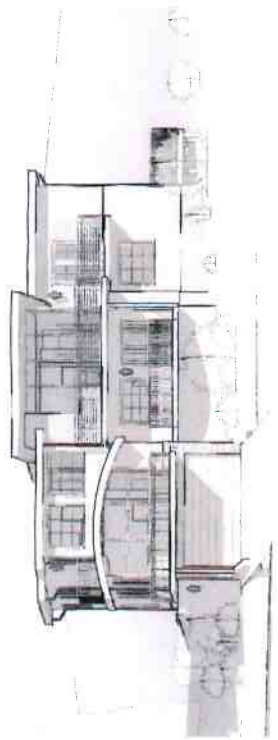
Scale: 3/16" = 1'-0"



① West
1/8" = 1'-0"



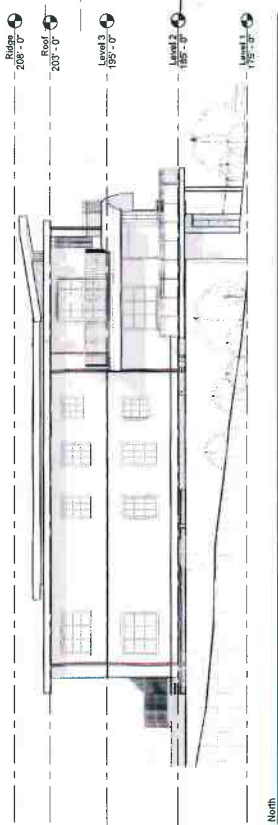
② South
1/8" = 1'-0"



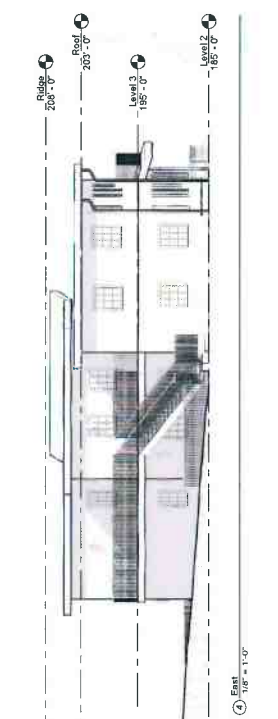
③ Overview Front Left
1/8" = 1'-0"



④ Overview Front Right
1/8" = 1'-0"



⑤ North
1/8" = 1'-0"



⑥ East
1/8" = 1'-0"



No.	Description	Date

Ocean Shore Apt.
4000 Palmetto
Pacifica, CA
Elevations

Project Number: _____
Date: MARCH 28, 2016
Drawn by: Blackman
Checked by: _____
Scale: 1/8" = 1'-0"

A5

650.303.0495
 900 ROSITA ROAD
 MIKE O'CONNELL, P.E.

Revisions	No.
Approved	

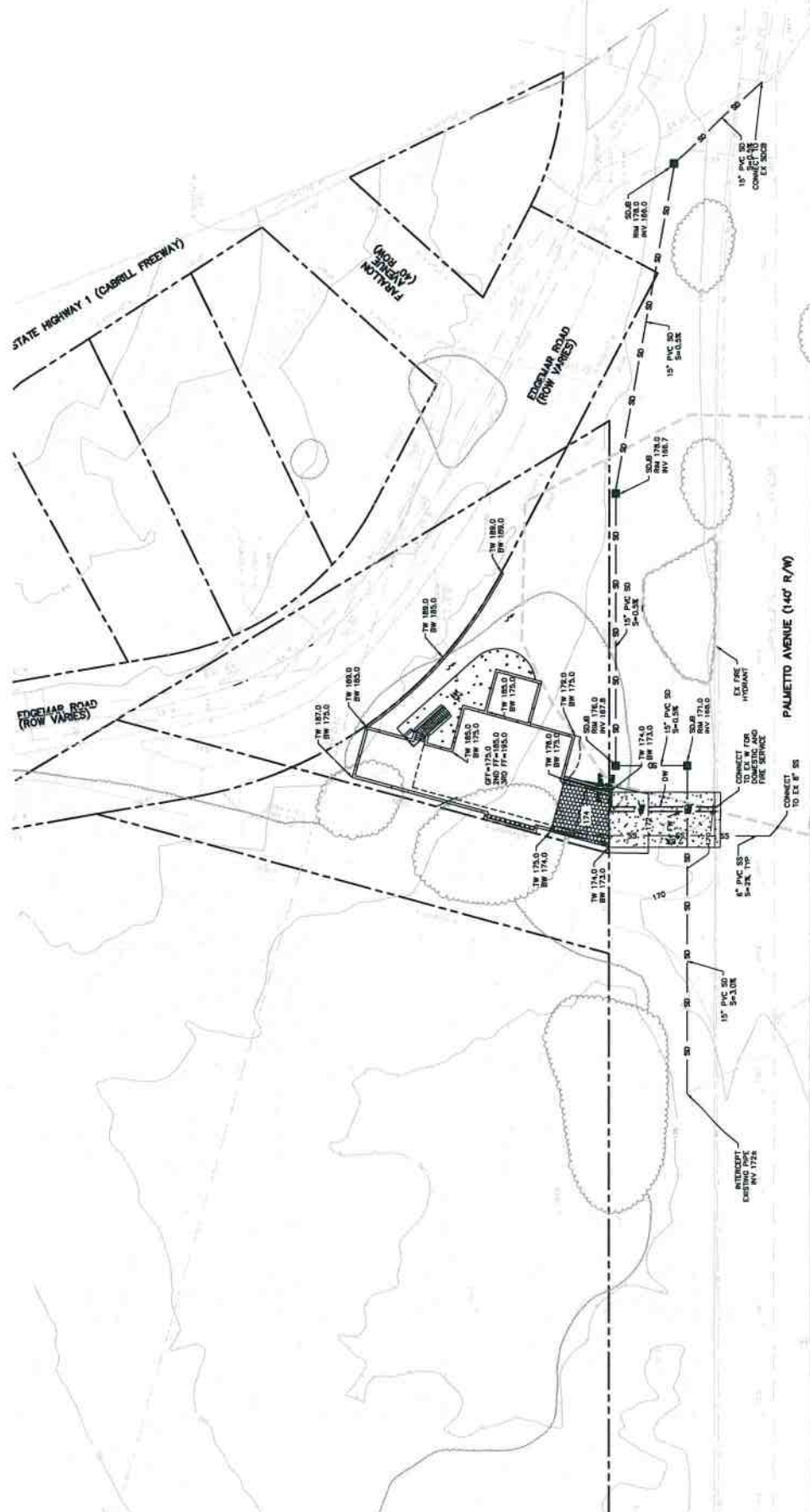
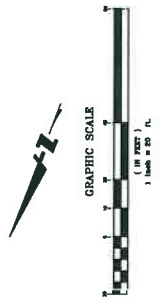
GRADING, DRAINAGE
 AND UTILITY PLAN

PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KENT AVENUE
 PACIFICA, CA 94044



DATE: 12.29.15
 SHEET: 1-20
 DRAWING: MO
 JOB NO: 2014-022
 SHEET

C4.01
 EXHIBIT 15
 PAGE 7 OF 7



RE: Project at 4000 Palmetto

From: "Foster, Patrick@Coastal" <Patrick.Foster@coastal.ca.gov>
To: Hal Bohner
Cc: Victor Carmichael <vcarmichael@comcast.net>
Subject: RE: Project at 4000 Palmetto
Date: Sep 2, 2016 5:36 PM

You are correct, the storm drain would have to be constructed outside of the buffer. This, along with any drainage effects on the health of the wetland, will all be addressed pursuant to Condition 5 of the CDP, requiring submission of a Drainage and Erosion Management Plan which must be approved by our biologist prior to issuance of the CDP.

-Patrick

From: Hal Bohner [mailto:hbohner@earthlink.net]
Sent: Friday, September 02, 2016 1:34 PM
To: Foster, Patrick@Coastal
Cc: Victor Carmichael
Subject: Re: Project at 4000 Palmetto

Hi, Patrick,

I was just looking at the "Notice of Intent to Issue Permit" for the project which is dated May 4, 2016. On page 10 Condition 10a appears to prohibit construction of the SD in the wetland buffer area. Am I understanding this correctly?

Thanks.

Hal

-----Original Message-----

From: Hal Bohner
Sent: Sep 2, 2016 12:25 PM
To: Patrick Foster
Cc: Victor Carmichael
Subject: Project at 4000 Palmetto

Hi, Patrick,

I just spoke a City staff person on the phone today who answered some questions I had asked yesterday. I'm attaching page C4.01 for reference. That page is part of a plan set which I expect that you have already, but if you don't please let me know.

1. In C4.01 you will see storm drain (SD) which runs generally north - south through the wetland buffer. At the north end of the SD there is a notation, "Intercept Existing Pipe INV 172 +/-". The existing pipe runs generally east - west. I was told that the new north-south SD will capture flow from the east-west pipe and carry it southward. I believe that the east-west pipe connects to the ravine and I believe that the interception of flow by the new SD may be intended to reduce or maybe eliminate flow from the pipe into the ravine.

2. Along the new SD there are square structures labeled SDJB. Apparently these are junction boxes which are inlets and they will capture surface flow and carry it to the SD.

This raises more questions in my mind. - -

The new SDJB's will capture surface flow and prevent it from reaching the wetland. That seems like a bad idea to me since a wetland obviously needs water. At a minimum a biologist should study the situation. Has the Coastal Commission issued a permit for construction of the new SD? Do you have any information about the east-west pipe and reduction of flow to the ravine?

Hal

O'Connor, Bonny

From: Hal Bohner <hbohner@earthlink.net>
Sent: Tuesday, September 20, 2016 8:19 PM
To: O'Connor, Bonny; Wehrmeister, Tina
Cc: dhbd@sbcglobal.net; vcarmichael@comcast.net
Subject: 4009 Palmetto - Wetland issues
Attachments: Pages from w16a-4-2016.pdf

Hello, Bonny and Tina,

The Staff Report dated March 30, 2016 for the Coastal Commission hearing of April 13, 2016 includes a report by the Commission's wetlands expert Dr. Koteen which discusses wetlands in the Bowl which are very close to the project at 4009 Palmetto. (See Exhibits 6 and 15 of the Staff Report which I have attached to this email)

Dr. Koteen says that the wetlands satisfy the 3-parameter test. The City of Pacifica must address that wetland in connection with the site development you are considering now. I request that at least you require the developer's consultant to provide a report on that wetland and the impact of the proposed project on the wetland. I hope that you agree with this, but if it would be helpful for me to provide further explanation of my position please let me know.

Hal

Click [here](#) to report this email as spam.

O'Connor, Bonny

From: Hal Bohner <hbohner@earthlink.net>
Sent: Tuesday, September 20, 2016 7:50 PM
To: O'Connor, Bonny; Wehrmeister, Tina
Cc: dhbd@sbcglobal.net; vcarmichael@comcast.net
Subject: RE: 4009 Palmetto

Hi, Bonny,

I don't agree with your interpretation. Here's how the General Plan defines Medium Density Residential:

[Medium Density Residential](#) - Indicates an average of 10 to 15 dwelling units per acre. Site conditions will determine specific density and building type. Site conditions include slope, geology, soils, access, availability of utilities, public safety, visibility, and environmental sensitivity. (page 32 of the General Plan – p. 38 of the pdf file)

I think the site conditions at 4009 Palmetto require deviation from the general standard of 10 units per acre minimum. In other words, the General Plan provides that the Planning Commission has the discretion not to require a minimum of four units for the project due to the wetlands and wetland buffer. In fact they could require a one unit project in view of the environmental sensitivity of the site.

Please let us have your thoughts on this.

Thanks.

Hal

From: o'connorb@ci.pacifica.ca.us [mailto:o'connorb@ci.pacifica.ca.us]
Sent: Monday, September 19, 2016 12:30 PM
To: hbohner@earthlink.net; wehrmeistert@ci.pacifica.ca.us
Cc: dhbd@sbcglobal.net; vcarmichael@comcast.net
Subject: RE: 4009 Palmetto

Hal,

It is the General Plan land use designation that is defining the density minimum. As detailed on page 3 of my September 6, 2016 planning commission staff report:

The project site's General Plan land use designation is Medium Density Residential (MDR). The General Plan establishes a density of 10 to 15 dwelling units per acre. The project site is 0.42 acre therefore the density for the project site is four to six units. The proposed four-unit apartment building is consistent with the use type and density allowed within the MDR land use designation.

Please let me know if you have further questions.

Thanks,
Bonny

Bonny O'Connor, AICP
Assistant Planner
Planning Department
City of Pacifica

1800 Francisco Blvd.
Pacifica, CA 94044
www.cityofpacifica.org

Email: o'connorb@ci.pacifica.ca.us
Phone: (650) 738-7443
Fax: (650) 359-5807

From: Hal Bohner [<mailto:hbohner@earthlink.net>]
Sent: Monday, September 19, 2016 11:18 AM
To: Wehrmeister, Tina; O'Connor, Bonny
Cc: Hirzel, David; Victor Carmichael
Subject: 4009 Palmetto

Hi, Tina and Bonny,

At our meeting last week I believe that you told us that the General Plan (or maybe the zoning) requires that the developer must build at least 4 units. I cannot see where in the zoning or planning rules this is required. Can you point me to that requirement please?

Thanks.

Hal

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This message has been scanned for malware by Websense. www.websense.com

O'Connor, Bonny

From: victor carmichael <vcarmichael@comcast.net>
Sent: Wednesday, September 28, 2016 10:37 AM
To: O'Connor, Bonny
Subject: Hydrology of Fish and Bowl

Follow Up Flag: Follow up
Flag Status: Flagged

Bonny:

Thanks for participating in the discussion (9/14) of the proposed 4000 Palmetto Ave project and letting us express our point of view. Also importantly it appears we were able to successfully convey the issue of the poorly understood hydrology (both natural and engineered) of the Fish and Bowl tracts and the adjacent ravine. There has never been a definitive study of the area with respect to its overall hydrological geology and biology. A Corp of Engineers mapping of wetlands in the 4.7 acre Bowl parcel was done back in the late 1990s but the Calif Coastal Commission's one-parameter wetland definition was not used.

The entire area is a mosaic of seasonal wetlands, several with potential of being more than one-parameter. But beyond the subject of sensitive environmental areas, knowledge of the entire drainage both surface and subsurface and how it interacts with the ravine would be seem to be very beneficial to the Planning Dept. This would seem to be especially the case since recent revised projections of sea level rise due to global warming will in the fairly near future seriously impact our city's entire coastline.

We were very pleased that Director Wehrmeister proposed that the city conduct further study. As this proceeds any preliminary information that comes to light that you could share with us would be very much appreciated.

Sincerely, V. Carmichael