



PLANNING COMMISSION Agenda

Scenic Pacifica

Incorporated Nov. 22, 1957

DATE: December 19, 2016
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: December 5, 2016

Designation of Liaison to City Council Meeting: None required

Oral Communications:

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

CONSENT ITEMS: None

PUBLIC HEARINGS:

1. **Consideration of Coastal Development Permits to Demolish Structures at 528 and 532 Esplanade Drive:**
 - 1a. **COASTAL DEVELOPMENT PERMIT CDP-378-16**, filed by City of Pacifica, to demolish a one-story, 910 square foot, single family residence at 528 Esplanade Drive, in Pacifica (APN 009-161-010). Recommended CEQA status: Class 1 Categorical Exemption, Section 15301. Recommended Action: Approved, as conditioned.
 - 1b. **COASTAL DEVELOPMENT PERMIT CDP-377-16**, filed by owner Tom and Melissa Wilson, to demolish a one-story, 910 square foot, single family residence at 532 Esplanade Drive, in Pacifica (APN 009-161-020). Recommended California Environmental Quality Act (CEQA) status: Class 1 Categorical Exemption, Section 15301. Recommended Action: Approved, as conditioned.
2. **PSD-757-06, UP-965-06, SUB-211-06** **SITE DEVELOPMENT PERMIT PSD-757-06, USE PERMIT UP-965-06, AND TENTATIVE SUBDIVISION MAP (CONDOMINIUM) SUB-211-06**, filed by Shaohong "Simon" Weng; Pinkstone LLC, to extend the expiration date of permits for the construction of nine condominiums located at 1567 Beach Boulevard (APN 016-011-190). Recommended Action: Deny Extension Request.

CONSIDERATION ITEMS: None

COMMUNICATIONS:

Commission Communications:

Staff Communications:

ADJOURNMENT

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

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

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



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: December 19, 2016

FILE: CDP-378-16

ITEM: 1.a

PUBLIC NOTICE: Notice of Public Hearing was published in Pacifica Tribune on December 7, 2016, and mailed to 68 surrounding property owners and occupants.

APPLICANT City of Pacifica Public Works Department
155 Milagra Drive
Pacifica, CA 94044

PROJECT LOCATION: 528 Esplanade Avenue (APN 009-161-010)

PROJECT DESCRIPTION: Abatement and demolition of a one-story, 910 square foot, single family residence at 528 Esplanade Avenue, in Pacifica (APN 009-161-010). Site would be graded to allow infiltration and positive drainage to the storm drain system at 528 Esplanade Avenue.

Project also includes removal of any debris from the beach. This activity would require separate approval from the Coastal Commission which has permit jurisdiction over the beach and base of bluff.

SITE DESIGNATIONS: General Plan: Low Density Residential (LDR)
Zoning: R-1 (Single-Family Residential) / CZ (Coastal Zone Combining)

RECOMMENDED CEQA STATUS: Class 1 Categorical Exemption, Section 15301(I)(1)

ADDITIONAL REQUIRED APPROVALS: California Coastal Commission approval of work on beach/bottom of bluff. Planning Commission's action on the Coastal Development Permit for demolition of the structure is appealable to the City Council and Coastal Commission. If approved, a Building Permit is required for the demolition after the appeal period has closed.

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Bonny O'Connor, Assistant Planner

1. BACKGROUND

The property at 528 Esplanade Ave. contains one of two remaining homes on the west side of the 500-block of this street (the other being 532 Esplanade). Ten homes to the south of this location were demolished during the 1997-1998 El Niño when bluff erosion made the structures unsafe to occupy. In their place, a public trail with seating was installed and is considered a part of the California Coastal Trail. This trail was funded with assistance from the Coastal Conservancy and the California Coastal Commission.

In 2016, the remaining two properties experienced storm damage and as a result the properties are unsafe to occupy. On December 12, 2016, City Council authorized the City to execute a Purchase and Sale Agreement to obtain 528 Esplanade.

The home at 532 Esplanade Ave. has been moved toward the front of the lot and the owner is pursuing Hazard Mitigation Grant Program (HMGP) funds from the State to demolish the structure. It should be noted that if the property at 532 Esplanade is awarded the HMGP grant, this property would be dedicated to the City as a condition of the grant and the full future trail segment between the 400 and 500-blocks of Esplanade would be under City ownership.

The City has planning grant funding to design the portion of the Coastal Trail at the 400-block of Esplanade, immediately north of the subject property. The grantor of the 400-block planning funds, the Coastal Conservancy, has provided written support for including the 528 and 532 properties in the project scope. The overall timing for the City to plan the future Coastal Trail connection, obtain permits, and obtain funds for construction trail is unknown. Therefore the City is proposing to demolish the residence at 528 Esplanade as soon as funds for the demolition are obtained in order to remove the attractive nuisance of an abandon residence from the neighborhood.

2. PROJECT DESCRIPTION

The applicant would abate any hazardous material associated with the approximately 68 year old structure (e.g. lead, asbestos) and dispose of the material in accordance with federal, state, and local regulations. The one-story, 910 square foot, single family residence at 528 Esplanade Avenue, in Pacifica (APN 009-161-010) would then be demolished and materials would be removed and disposed off-site. The site would be graded to allow infiltration and positive drainage to the storm drain system at 528 Esplanade Avenue. The existing concrete pavement may be left in place if it allows for positive drainage to the street.

Project also includes removal of any debris from the beach. This activity would require separate approval from the Coastal Commission which has permit jurisdiction over the beach and base of bluff.

3. GENERAL PLAN, ZONING, AND SURROUNDING LAND USE

The project site is located in an area designated by the general plan as LDR (Low Density Residential). Surrounding properties to the east, and south of the project site are located in the same General Plan land use designation as the project site, with the exception of the Manor Post Office, which is designated Commercial. The property to the north is designated Medium Density Residential. The Pacific Ocean is located west of the project site.

The project site is located in the R-1 (Single Family Residential) / CZ (Coastal Zone Combining District) zoning district. Surrounding properties to the south and east are located in the same zoning district as the project site, with the exception of the Manor Post Office, which is in zoning district C-1 (Neighborhood Commercial District). The surrounding property to the north is in zoning district R-3.1 (Multi Family Residential).

Single family residences are located to the south and the east of the site. The Manor Post Office is also located to the east of the site. The Esplanade Bluff is located to the north of the project.

4. MUNICIPAL CODE

The project requires issuance of a Coastal Development Permit (CDP) under Section 9-4.4304(k) of the Pacifica Municipal Code (PMC) prior to issuance of a building permit for demolition of the existing structure. Issuance of a CDP requires the Planning Commission to make two findings, as follows:

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

5. REQUIRED FINDINGS

In order to approve the subject Coastal Development Permit (CDP-378-16), the Planning Commission must make the two findings required by PMC Section 9-4.4304(k). The following discussion supports the Commission's findings in this regard.

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

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

Coastal Act Policy 24. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

Discussion: While not new development, the project involves demolition of the single family residence. The single family home is one of two remaining structures on the west side of Esplanade Ave in the area. The owner of the other structure (532 Esplanade Ave) is pursuing HMGP grant funding to demolish the residence. Demolition of the residence would remove one

of the final structures that interrupt a potential panoramic coastal view from the Manor Avenue and Esplanade Ave intersection. The demolition would enhance visual quality in this area, which is consistent with this LCP policy.

Coastal Act Policy 26. New development shall:

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

Discussion: While not new development, the project involves demolition of an existing single family residence which, in its current eroded status, conflicts with the provisions of subsections (a) and (b) of this policy. The existing residence is situated on a coastal bluff top subject to persistent and progressive erosion. This erosion has progress into the project site and undermined the property, creating a risk to life and property on the project site and on the adjoining beach at the base of the bluff. The risk is associated with a catastrophic failure of the slope and/or the structural integrity of the structure. Demolition of the residence at the project site would eliminate the risks of catastrophic failure of the structure, minimizing risks to life and property. Undertaking grading work would assure stability and structural integrity by retaining similar net surface infiltration by incorporating a low permeability barrier and specific drainage improvements to direct water efficiently to the storm drain system in the street, resulting in the bluff top retreat risks being substantially similar to the existing conditions.

The project is consistent with this policy also because demolition of the residence would advance the provisions of subsections (c) and (d) since the demolition would eliminate a potential source of vehicle miles traveled; it would eliminate a source of demand for gas, water, and electrical energy usage; and, it would be undertaken in accordance with the regulations and permit requirements of the Bay Area Air Quality Management District (BAAQMD).

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

On page C-26 of the LCLUP, regarding the property immediately to the north of the project site, it states, "the setback [for development] shall be sufficient to protect the developed portion of the site assuming erosion resulting [from] a 100-year recurrent seismic or storm event."

Discussion: The project site is substantially vulnerable to a 100-year recurrent seismic or storm event. Bluff erosion has continually affected the site which has led to its current unstable condition. Demolition of the residence would create a setback in which no buildings exist on this property.

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

Discussion: The proposed demolition of the single family residence can be found in conformity with the public recreation policies (Sections 30220-30224) of Chapter 3 of the California Coastal Act. The demolition of the single family residence would not impact public recreation. The bluff top orientation of the site makes it unsuitable for the coastal boating and fishing activities described in Chapter 3 of the California Coastal Act. The demand for coastal recreation activities in this area has been provided for at a more suitable location via the beach access pathway at 100 Esplanade Drive and at the Pacifica Municipal Pier in the Sharp Park neighborhood. Therefore, the demolition of the single family residence would have no effect on public recreation.

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 1 exemption under CEQA Guidelines Section 15301(i)(1). CEQA Guidelines Section 15301(i)(1) states, in part:

15301. Existing Facilities

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

- i) *Demolition and removal of individual small structures listed in this subdivision:*
- 1) *One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.*

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

- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances. .

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

Because the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

7. CONCLUSION

In staff's opinion, as conditioned, the project is consistent with the General Plan, Local Coastal Land Use Plan, and the Pacifica Municipal Code. The project would remove an attractive nuisance of an abandoned structure as well as remove materials from the site that have potential to fall down the bluff in the event that property further erodes. The project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply. Therefore, staff recommends approval of the CDP.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission finds the project is exempt from the California Environmental Quality Act; **APPROVE** Coastal Development Permit CDP-378-16, by adopting the resolution included as Attachment A 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.

Attachments:

- A. Draft Resolution and Conditions of Approval
- B. Land Use and Zoning Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-378-16, SUBJECT TO CONDITIONS, FOR ABATEMENT AND DEMOLITION OF A ONE STORY SINGLE FAMILY RESIDENCE AT 528 ESPLANADE AVENUE (APN 009-161-010), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica ("Applicant").

WHEREAS, an application has been submitted to abate and demolish an existing one story, single family residence at 528 Esplanade Avenue (APN 009-161-010); and

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

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on December 19, 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 make the following findings pertaining to Coastal Development Permit CDP-378-16:

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

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

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

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

Discussion: While not new development, the project involves demolition of the single family residence. The single family home is one of two remaining structures on the west side of Esplanade Ave in the area. The owner of the other structure (532 Esplanade Ave) is pursuing HMGP grant funding to demolish the residence. Demolition of the residence would remove one of the final structures that interrupt a potential panoramic coastal view from the Manor Avenue and Esplanade Ave intersection. The demolition would enhance visual quality in this area, which is consistent with this LCP policy.

Coastal Act Policy 26. New development shall:

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

Discussion: While not new development, the project involves demolition of an existing single family residence which, in its current eroded status, conflicts with the provisions of subsections (a) and (b) of this policy. The existing residence is situated on a coastal bluff top subject to persistent and progressive erosion. This erosion has progress into the project site and undermined the property, creating a risk to life and property on the project site and on the adjoining beach at the base of the bluff. The risk is associated with a catastrophic failure of the slope and/or the structural integrity of the structure. Demolition of the residence at the project site would eliminate the risks of catastrophic failure of the structure, minimizing risks to life and property. Undertaking grading work would assure stability and structural integrity by retaining similar net surface infiltration by incorporating a low permeability barrier and specific drainage improvements to direct water efficiently to the storm drain system in the street, resulting in the bluff top retreat risks being substantially similar to the existing conditions.

The project is consistent with this policy also because demolition of the residence would advance the provisions of subsections (c) and (d) since the demolition would eliminate a potential source of vehicle miles traveled; it would eliminate a source of demand for gas, water, and electrical energy usage; and, it would be undertaken in accordance with the regulations and permit requirements of the Bay Area Air Quality Management District (BAAQMD).

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

On page C-26 of the LCLUP, regarding the property immediately to the north of the project site, it states, "the setback [for development] shall be sufficient to protect the developed portion of the site assuming erosion resulting [from] a 100-year recurrent seismic or storm event."

Discussion: The project site is substantially vulnerable to a 100-year recurrent seismic or storm event. Bluff erosion has continually affected the site which has led to its current unstable condition. Demolition of the residence would create a setback in which no buildings exist on this property.

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

Discussion: The proposed demolition of the single family residence can be found in conformity with the public recreation policies (Sections 30220-30224) of Chapter 3 of the California Coastal Act. The demolition of the single family residence would not impact public recreation. The bluff top orientation of the site makes it unsuitable for the coastal boating and fishing activities described in Chapter 3 of the California Coastal Act. The demand for coastal recreation activities in this area has been provided for at a more suitable location via the beach access pathway at 100 Esplanade Drive and at the Pacifica Municipal Pier in the Sharp Park neighborhood. Therefore, the demolition of the single family residence would have no effect on public recreation.

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

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

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

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

- i) Demolition and removal of individual small structures listed in this subdivision:*
- 1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.*

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

- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances. .
- Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-378-16 for abatement and demolition of an existing one story, single family residence at 528 Esplanade Avenue (APN 009-161-010), 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 19th day of December 2016.

Coastal Development Permit CDP-378-16
528 Esplanade Avenue (APN 009-161-010)
December 19, 2016
Page 5

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: Coastal Development Permit CDP-378-16 to Abate and Demolish an Existing One Story, Single Family Residence at 528 Esplanade Avenue (APN 009-161-010)

Planning Commission Meeting December 19, 2016

Planning Division

1. That the approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
2. Applicant shall obtain all necessary building permits from the Building Division prior to demolition.
3. The applicant shall conduct construction in accordance with the Bay Area Air Quality Management District (BAAQMD) Best Management Practices for fugitive dust control. The following will be required for all construction activities within the project area. These measures will reduce fugitive dust emissions primarily during soil movement and grading activities, but also during vehicle and equipment movement on unpaved project sites:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
 - All vehicle speeds on unpaved roads shall be limited to 15 mph;
 - All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage

- shall be provided for construction workers at all access points;
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
 - A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
4. Building permit submittal shall include site fencing to protect the public from the bluff edge and discourage illegal dumping.
 5. The property owner shall continue to monitor and maintain the site after the structure is removed. This includes periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.
 6. Activities on the beach and bluff base below the structure are in the jurisdiction of the Coastal Commission. Any work including beach closure shall be in consultation with the Coastal Commission and shall receive all required permits and approvals of the Commission.

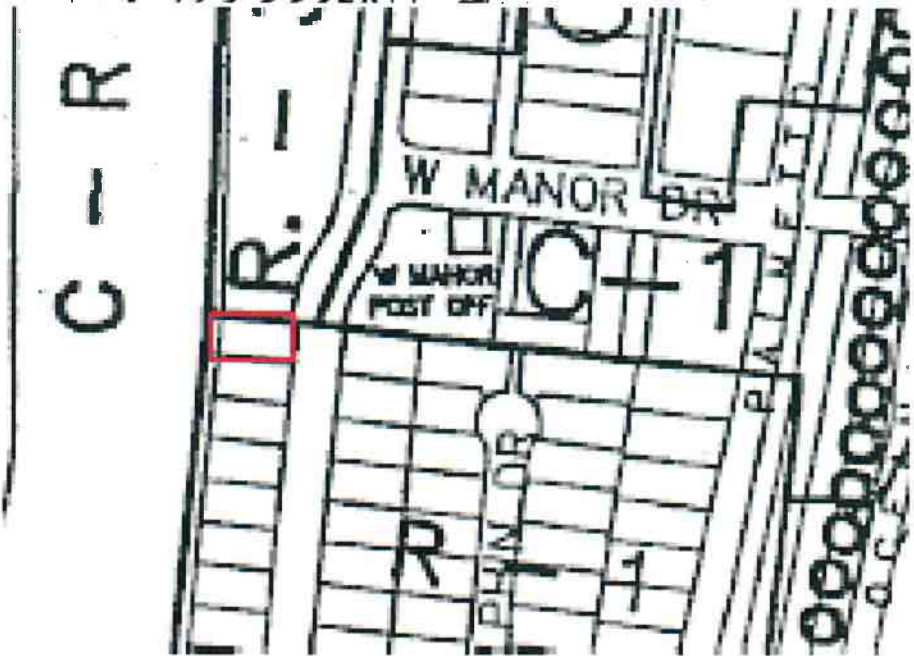
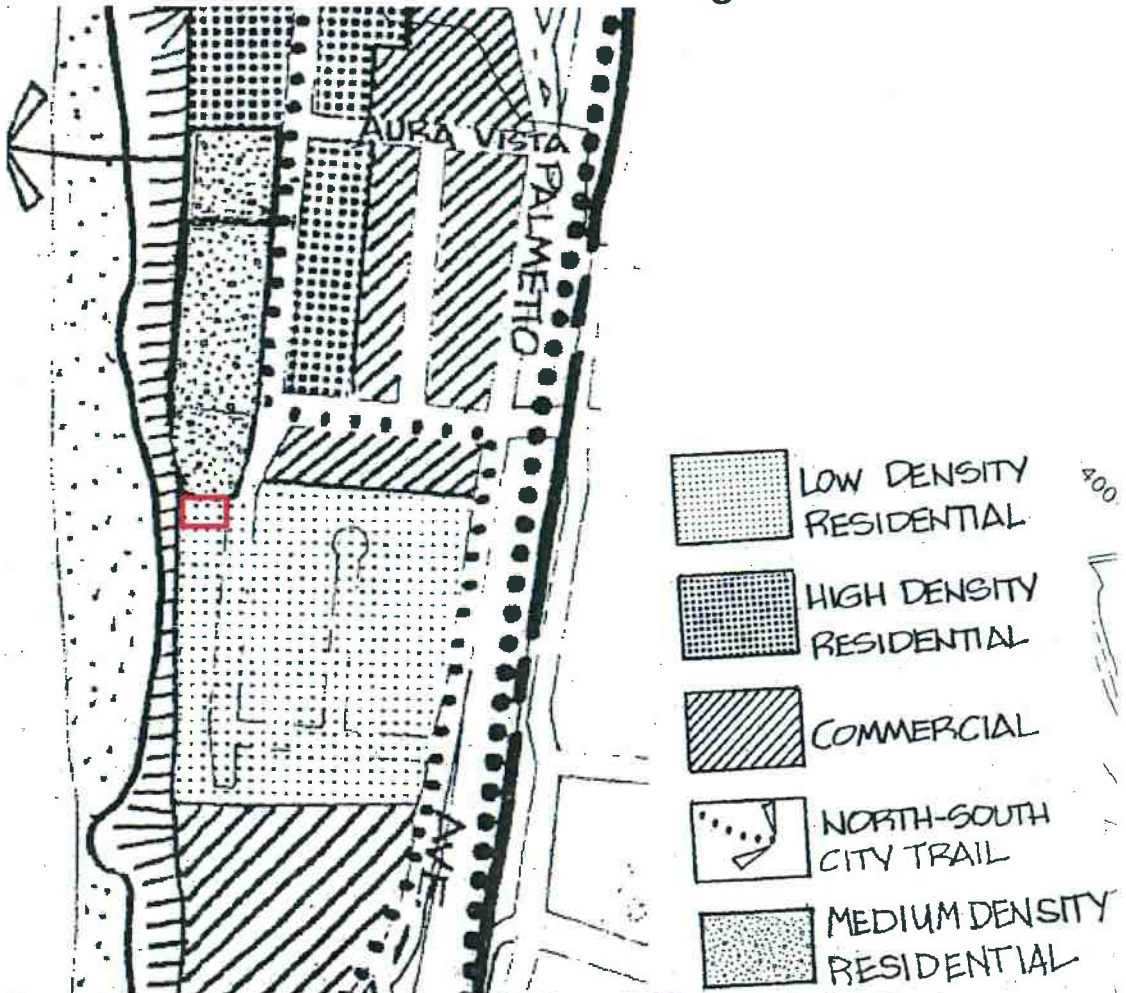
Engineering Division of Public Works

7. Demolition shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction to control erosion/siltation. The project will comply with current Regional Water Quality Control Board permit requirements and the Municipal Regional Stormwater NPDES Permit (MRP) requirements and standards.
8. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud and dirt tracked, onto Esplanade Drive. Dust control and daily road cleanup will be strictly enforced.
9. 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.
10. All site utilities shall be terminated to the satisfaction of the Director of Public Works or City Engineer.
11. Lane closures shall be coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Esplanade Drive.

Building Division

12. All necessary grading permits shall be acquired.
13. Demolition permits shall be acquired for the existing structure.

Land Use and Zoning Exhibit





Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: December 19, 2016

FILE: CDP-377-16

ITEM: 1.b

PUBLIC NOTICE: Notice of Public Hearing was published in Pacifica Tribune on December 7, 2016, and mailed to 68 surrounding property owners and occupants.

APPLICANT/OWNERS: Tom and Melissa Wilson
532 Esplanade Avenue
Pacifica, CA 94044

PROJECT LOCATION: 532 Esplanade Avenue (APN 009-161-020)

PROJECT DESCRIPTION: Abatement and demolition of a one-story, 910 square foot, single family residence at 532 Esplanade Avenue, in Pacifica (APN 009-161-020). Site would be graded to allow infiltration and positive drainage to the storm drain system at 532 Esplanade Avenue.

Project also includes removal of any debris from the beach. This activity would require separate approval from the Coastal Commission which has permit jurisdiction over the beach and base of bluff.

SITE DESIGNATIONS: General Plan: Low Density Residential (LDR)
Zoning: R-1 (Single-Family Residential) / CZ (Coastal Zone Combining)

RECOMMENDED CEQA STATUS: Class 1 Categorical Exemption, Section 15301(l)(1)

ADDITIONAL REQUIRED APPROVALS: California Coastal Commission approval of work on beach/bottom of bluff. Planning Commission's action on the Coastal Development Permit for demolition of the structure is appealable to the City Council and Coastal Commission. If approved, a Building Permit is required for the demolition after the appeal period has closed.

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Bonny O'Connor, Assistant Planner

1. BACKGROUND

The property at 532 Esplanade Avenue contains one of two remaining homes on the west side of the 500-block of this street (the other being 528 Esplanade Avenue). Ten homes to the south of this location were during the 1997-1998 El Niño when bluff erosion made the structures unsafe to occupy. In their place, a public trail with seating was installed and is considered a part of the California Coastal Trail.

In 2016, the remaining two properties experienced storm damage and as a result the properties are unsafe to occupy. In April 2016, the applicants received an Emergency CDP (ECDP-368-16) to temporarily move the house closer to the sidewalk on the property until the applicant was able to secure another lot to relocate the structure. In August 2016, the ECDP was extended. The house currently remains on jacks near the front lot line of the property. Meanwhile, the applicants have been pursuing Hazard Mitigation Grant Program (HMGP) funding from the State to demolish the structure. It should be noted that if the property at 532 Esplanade is awarded the HMGP grant, this property would be dedicated to the City as a condition of the grant and the full future trail segment between the 400 and 500-blocks of Esplanade would be under City ownership.

The remaining time until the applicant receives the grant funds is approximately one year, however, the applicant is applying to obtain the CDP for demolition at this time in the event that future storms further damage the property and immediate action needs to be made.

2. PROJECT DESCRIPTION

The applicant would abate any hazardous material associated with the approximately 68 year old structure (e.g. lead, asbestos) and dispose of the material in accordance with federal, state, and local regulations. The one-story, 910 square foot, single family residence at 532 Esplanade Avenue, in Pacifica (APN 009-161-020) would then be demolished and materials would be removed and disposed off-site. The site would be graded to allow infiltration and positive drainage to the storm drain system at 532 Esplanade Avenue. The existing concrete pavement may be left in place if it allows for positive drainage to the street.

Project also includes removal of any debris from the beach. This activity would require separate approval from the Coastal Commission which has permit jurisdiction over the beach and base of bluff.

3. GENERAL PLAN, ZONING, AND SURROUNDING LAND USE

The project site is located in an area designated by the general plan as LDR (Low Density Residential). Surrounding properties to the north, east, and south of the project site are located in the same General Plan land use designation as the project site. The Pacific Ocean is located west of the project site.

The project site is located in the R-1 (Single Family Residential) / CZ (Coastal Zone Combining District) zoning district. Surrounding properties to the north, south and east are located in the same zoning district as the project site.

Single family residences are located to the north and the east of the site. South of the site is the existing California Coastal Trail.

4. MUNICIPAL CODE

The project requires issuance of a Coastal Development Permit (CDP) under Section 9-4.4304(k) of the Pacifica Municipal Code (PMC) prior to issuance of a building permit for demolition of the existing structure. Issuance of a CDP requires the Planning Commission to make two findings, as follows:

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

5. REQUIRED FINDINGS

In order to approve the subject Coastal Development Permit (CDP-377-16), the Planning Commission must make the two findings required by PMC Section 9-4.4304(k). The following discussion supports the Commission's findings in this regard.

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

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

Coastal Act Policy 24. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

Discussion: While not new development, the project involves demolition of the single family residence. The single family home is one of two remaining structures on the west side of Esplanade Ave in the area (528 Esplanade is the other). The owner is pursuing HMGP grant funding to demolish the residence. Demolition of the residence would remove one of the final structures that interrupt a potential panoramic coastal view from the Manor Avenue and Esplanade Ave intersection. The demolition would enhance visual quality in this area, which is consistent with this LCP policy.

Coastal Act Policy 26. *New development shall:*

- a) *Minimize risks to life and property in areas of high geologic, flood and fire hazard;*
- b) *Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way*

require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs;

- c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;*
- d) Minimize energy consumption and vehicle miles traveled; and,*
- e) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses*

Discussion: While not new development, the project involves demolition of an existing single family residence which, in its current eroded status, conflicts with the provisions of subsections (a) and (b) of this policy. The existing residence is situated on a coastal bluff top subject to persistent and progressive erosion. This erosion has progress into the project site and undermined the property, creating a risk to life and property on the project site and on the adjoining beach at the base of the bluff. The risk is associated with a catastrophic failure of the slope and/or the structural integrity of the structure. Demolition of the residence at the project site would eliminate the risks of catastrophic failure of the structure, minimizing risks to life and property. Undertaking grading work would assure stability and structural integrity by retaining similar net surface infiltration by incorporating a low permeability barrier and specific drainage improvements to direct water efficiently to the storm drain system in the street, resulting in the bluff top retreat risks being substantially similar to the existing conditions.

The project is consistent with this policy also because demolition of the residence would advance the provisions of subsections (c) and (d) since the demolition would eliminate a potential source of vehicle miles traveled; it would eliminate a source of demand for gas, water, and electrical energy usage; and, it would be undertaken in accordance with the regulations and permit requirements of the Bay Area Air Quality Management District (BAAQMD).

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

On page C-26 of the LCLUP, regarding the property immediately to the north of the project site, it states, "the setback [for development] shall be sufficient to protect the developed portion of the site assuming erosion resulting [from] a 100-year recurrent seismic or storm event."

Discussion: The project site is substantially vulnerable to a 100-year recurrent seismic or storm event. Bluff erosion has continually affected the site which has led to its current unstable condition. Demolition of the residence would create a setback in which no buildings exist on this property.

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

Discussion: The proposed demolition of the single family residence can be found in conformity with the public recreation policies (Sections 30220-30224) of Chapter 3 of the California Coastal Act. The demolition of the single family residence would not impact public recreation. The bluff top orientation of the site makes it unsuitable for the coastal boating and fishing activities

described in Chapter 3 of the California Coastal Act. The demand for coastal recreation activities in this area has been provided for at a more suitable location via the beach access pathway at 100 Esplanade Drive and at the Pacifica Municipal Pier in the Sharp Park neighborhood. Therefore, the demolition of the single family residence would have no effect on public recreation.

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 1 exemption under CEQA Guidelines Section 15301(i)(1). CEQA Guidelines Section 15301(l)(1) states, in part:

15301. Existing Facilities

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

- i) Demolition and removal of individual small structures listed in this subdivision:
 - 1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.**

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

- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances. .
- Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

7. CONCLUSION

In staff's opinion, as conditioned, the project is consistent with the General Plan, Local Coastal Land Use Plan, and the Pacifica Municipal Code. The project would remove materials from the site that have potential to fall down the bluff in the event that property further erodes. The project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply. Therefore, staff recommends approval of the CDP.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission finds the project is exempt from the California Environmental Quality Act; **APPROVE** Coastal Development Permit CDP-377-16, by adopting the resolution included as Attachment A 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.

Attachments:

- A. Draft Resolution and Conditions of Approval
- B. Photos of 532 Esplanade Avenue.
- C. Land Use and Zoning Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-377-16, SUBJECT TO CONDITIONS, FOR ABATEMENT AND DEMOLITION OF A ONE STORY SINGLE FAMILY RESIDENCE AT 532 ESPLANADE AVENUE (APN 009-161-020), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Melissa and Tom Wilson (“Applicant”).

WHEREAS, an application has been submitted to abate and demolish an existing one story, single family residence at 532 Esplanade Avenue (APN 009-161-020); and

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

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on December 19, 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 make the following findings pertaining to Coastal Development Permit CDP-377-16:

- a) *The proposed development is in conformity with the City’s certified Local Coastal Program.*

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

Coastal Act Policy 24. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted

development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.

Discussion: While not new development, the project involves demolition of the single family residence. The single family home is one of two remaining structures on the west side of Esplanade Ave in the area (528 Esplanade is the other). The owner is pursuing HMGP grant funding to demolish the residence. Demolition of the residence would remove one of the final structures that interrupt a potential panoramic coastal view from the Manor Avenue and Esplanade Ave intersection. The demolition would enhance visual quality in this area, which is consistent with this LCP policy.

Coastal Act Policy 26. New development shall:

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

Discussion: While not new development, the project involves demolition of an existing single family residence which, in its current eroded status, conflicts with the provisions of subsections (a) and (b) of this policy. The existing residence is situated on a coastal bluff top subject to persistent and progressive erosion. This erosion has progress into the project site and undermined the property, creating a risk to life and property on the project site and on the adjoining beach at the base of the bluff. The risk is associated with a catastrophic failure of the slope and/or the structural integrity of the structure. Demolition of the residence at the project site would eliminate the risks of catastrophic failure of the structure, minimizing risks to life and property. Undertaking grading work would assure stability and structural integrity by retaining similar net surface infiltration by incorporating a low permeability barrier and specific drainage improvements to direct water

efficiently to the storm drain system in the street, resulting in the bluff top retreat risks being substantially similar to the existing conditions.

The project is consistent with this policy also because demolition of the residence would advance the provisions of subsections (c) and (d) since the demolition would eliminate a potential source of vehicle miles traveled; it would eliminate a source of demand for gas, water, and electrical energy usage; and, it would be undertaken in accordance with the regulations and permit requirements of the Bay Area Air Quality Management District (BAAQMD).

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

On page C-26 of the LCLUP, regarding the property immediately to the north of the project site, it states, "the setback [for development] shall be sufficient to protect the developed portion of the site assuming erosion resulting [from] a 100-year recurrent seismic or storm event."

Discussion: The project site is substantially vulnerable to a 100-year recurrent seismic or storm event. Bluff erosion has continually affected the site which has led to its current unstable condition. Demolition of the residence would create a setback in which no buildings exist on this property.

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

Discussion: The proposed demolition of the single family residence can be found in conformity with the public recreation policies (Sections 30220-30224) of Chapter 3 of the California Coastal Act. The demolition of the single family residence would not impact public recreation. The bluff top orientation of the site makes it unsuitable for the coastal boating and fishing activities described in Chapter 3 of the California Coastal Act. The demand for coastal recreation activities in this area has been provided for at a more suitable location via the beach access pathway at 100 Esplanade Drive and at the Pacifica Municipal Pier in the Sharp Park neighborhood. Therefore, the demolition of the single family residence would have no effect on public recreation.

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

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

15301. Existing Facilities

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

- i) Demolition and removal of individual small structures listed in this subdivision:*
 - 1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.*

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

- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances. .
- Sec. 15300.2(d) through (f): The project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemption in Section 15300.2 apply, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-377-16 for abatement and demolition of an existing one story, single family residence at 532 Esplanade Avenue (APN 009-161-020), 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 19th day of December 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: Coastal Development Permit CDP-377-16 to Abate and Demolish an Existing One Story, Single Family Residence at 532 Esplanade Avenue (APN 009-161-020)

Planning Commission Meeting December 19, 2016

Planning Division

1. That the approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
2. Applicant shall obtain all necessary building permits from the Building Division prior to demolition.
3. The applicant shall conduct construction in accordance with the Bay Area Air Quality Management District (BAAQMD) Best Management Practices for fugitive dust control. The following will be required for all construction activities within the project area. These measures will reduce fugitive dust emissions primarily during soil movement and grading activities, but also during vehicle and equipment movement on unpaved project sites:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
 - All vehicle speeds on unpaved roads shall be limited to 15 mph;
 - All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage

shall be provided for construction workers at all access points;

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
 - A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
4. Building permit submittal shall include site fencing to protect the public from the bluff edge and discourage illegal dumping.
 5. The property owner shall continue to monitor and maintain the site after the structure is removed. This includes periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.
 6. Activities on the beach and bluff base below the structure are in the jurisdiction of the Coastal Commission. Any work including beach closure shall be in consultation with the Coastal Commission and shall receive all required permits and approvals of the Commission.

Engineering Division of Public Works

7. Prior to issuance of building permit, Applicant shall provide a soil stabilizing plan for the site post demolition for review and approval by the Engineering Division. Prior to the finalization of the building permit, the Applicant shall implement the soil stabilization plan to the satisfaction of the City Engineer.
8. Demolition shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction to control erosion/siltation. The project will comply with current Regional Water Quality Control Board permit requirements and the Municipal Regional Stormwater NPDES Permit (MRP) requirements and standards.
9. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud and dirt tracked, onto Esplanade Drive. Dust control and daily road cleanup will be strictly enforced.
10. 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.

11. All site utilities shall be terminated to the satisfaction of the Director of Public Works or City Engineer.
12. Lane closures shall be coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Esplanade Drive.

Building Division of the Planning Department

13. All necessary grading permits shall be acquired.
14. Demolition permits shall be acquired for the existing structure.
15. Applicant shall abate and dispose of hazardous materials in accordance with federal, state, and local regulations.
16. Prior to issuance of building permit, Applicant shall calculate the amount of off-haul associated with the demolition.

**Wilson House Move
532 Esplanade Avenue
Pacifica, CA 94044**

PHOTOGRAPHS OF SITE AND SURROUNDING AREA:



Level view of back of 532 Esplanade Avenue pre house move



Overhead aerial view of back of 532 Esplanade, pre house move



Aerial long view of 532 and 528 Esplanade Ave., pre house move



Street view to South of 532 Esplanade, post house move

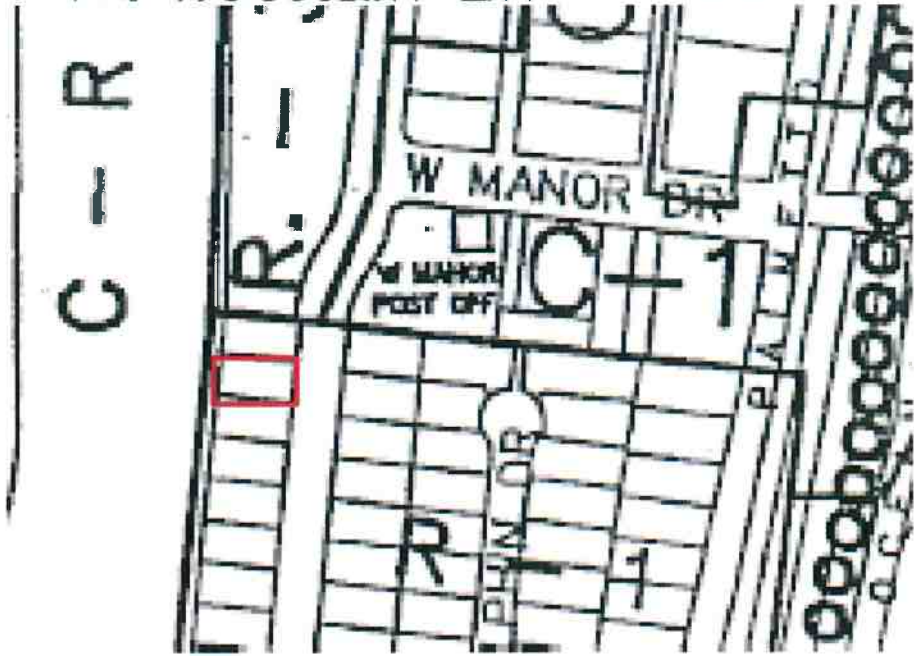
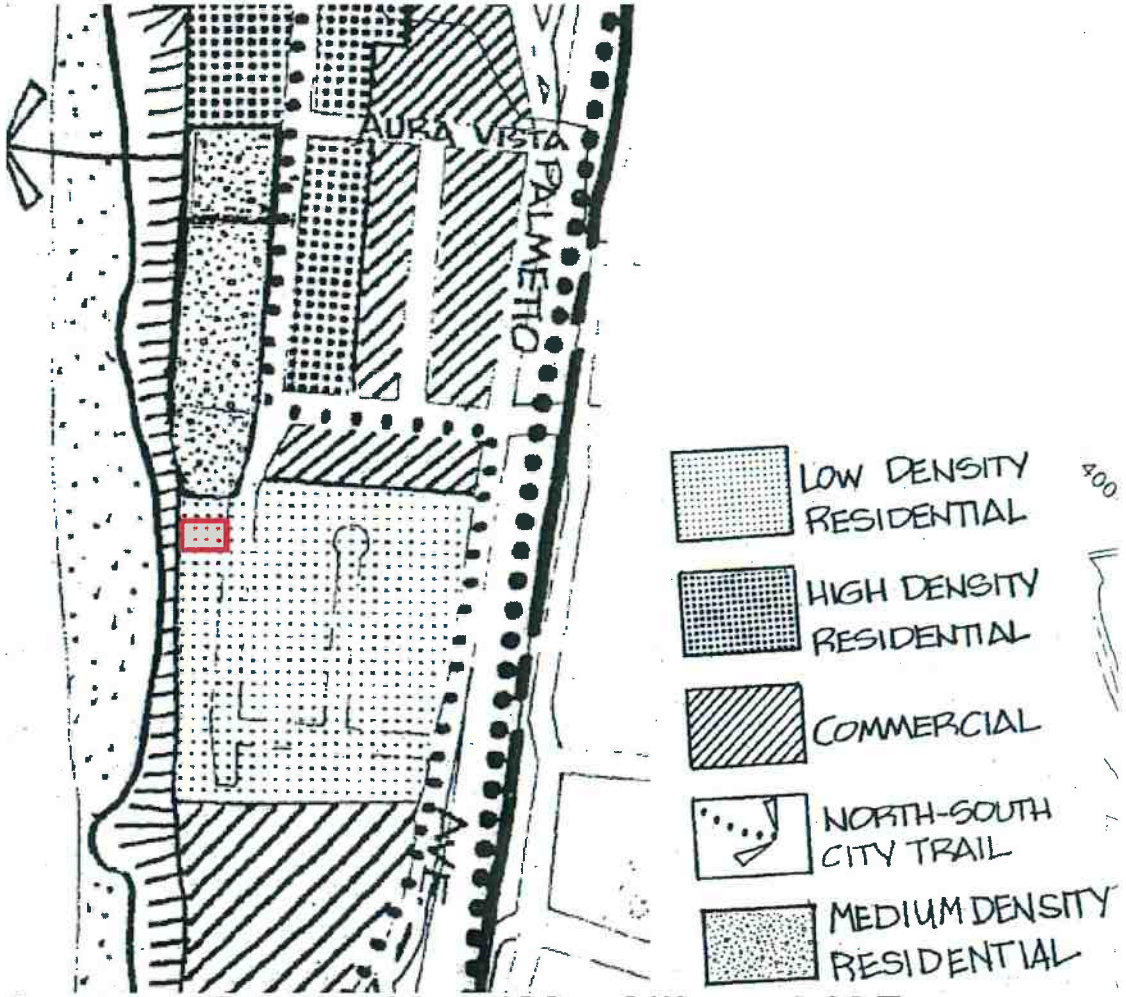


Street view to north of 532 Esplanade Avenue, post house move



Rear view of 532 Esplanade Avenue, post house move

Land Use and Zoning Exhibit





Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: December 19, 2016

FILE: PSD-757-06

UP-965-06

ITEM: 2

SUB-211-06

SUBJECT: Request to Extend Expiration Date of Site Development Permit PSD-757-06, Use Permit UP-965-06, and Tentative Subdivision Map (Condominium) SUB-211-06 for the Construction of Nine Condominiums

PROJECT LOCATION: 1567 Beach Boulevard (APN 016-011-190) – Sharp Park

APPLICANT Shaohong “Simon” Weng

AND OWNER: Pinkstone LLC

P.O. Box 505

Brisbane, CA 94005

RECOMMENDED ACTION: Deny extension request

PREPARED BY: Tina Wehrmeister, Planning Director

BACKGROUND:

On May 14, 2007, the City Council, on appeal, conditionally approved Site Development Permit PSD-757-06, Use Permit UP-965-06, Coastal Development Permit CDP-275-06, and Tentative Subdivision Map (Condominium) SUB-211-06 for the development of a vacant parcel with a nine-unit, three-story condominium building with a subterranean garage at 1567 Beach Boulevard. Following City Council approval, the CDP-275-06 was appealed to the California Coastal Commission (CCC). The CCC approved the CDP, Case No. A-2-PAC-07-022, on March 7, 2008.

Since final approval of permits by the City and the CCC, the applicant has requested several extensions of these permits. Most recently, on September 8, 2015, the Planning Commission approved an extension of the expiration date to October 7, 2016. The CCC, on March 28, 2016, separately extended the expiration date of CDP A-2-PAC-07-022 to March 7, 2017.

This is the sixth extension request for this project. The applicant is requesting the permit extension to allow additional time to complete the building permit approval process.

MUNICIPAL CODE:

The Planning Commission has discretion to approve or deny extension requests under the Pacifica Municipal Code (PMC) sections cited below for applicable permits. The applicant filed the extension

request in a timely manner, as specified below. This item has also been duly noticed to the public via newspaper notice and direct mail to property owners and residents within 300 feet.

Site Development Permit:

Sec. 9-4.3206. - Renewal.

Site development permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Commission. The Commission may grant or deny an application for renewal.

Use Permit:

Sec. 9-4.3308. - Renewal.

Use permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Commission. The Commission may grant or deny an application for renewal. No public hearing shall be required for renewal; provided, however, no condition of the use permit may be added, altered, or amended without first holding a public hearing pursuant to the provisions of Section 9-4.3302 of this article.

Subdivision:

Due to the automatic tentative map extensions granted by the State legislature this map is not expired and is therefore, not discussed in this report. If the Site Development Permit and Use Permit are not extended the map cannot be recorded as it will no longer comply with local zoning regulations.

DISCUSSION:

Staff is recommending that the Site Development Permit and Use Permit are not extended. The Municipal Code does not provide criteria for determining when an extension is appropriate. When making recommendations regarding extension requests, staff considers whether or not circumstances have changed and, if yes, whether or not those circumstances suggest that an extension would be appropriate. Staff provides the following analysis for the Commission's consideration:

1. *Changes in Federal, State, Regional, and Local Regulatory Requirements*

- a. **Pacifica Zoning Regulations – Inclusionary Housing Requirements (PMC Title 9, Chapter 4, Article 47):** The project was entitled prior to the Inclusionary Housing Ordinance taking effect and therefore does not comply with these requirements. Inclusionary requirements would require this project to provide one below market rate unit or an alternative as specified in the ordinance and if approved by the Planning Commission (i.e. off-site construction, land dedication, payment in lieu of providing a unit, or a combination). The City Council has identified affordable housing as a priority goal in their adopted Work Plan; therefore, staff considers non-compliance with this requirement to be significant.

- b. **California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit:** The project design does not comply with the City's current Municipal Regional Permit (MRP) for stormwater discharges, which took effect November 19, 2015. The MRP is one of the local instruments for implementation of the Federal Clean Water Act. Compliance with the MRP is required by the Pacifica Storm Water Management and Discharge Control Ordinance found in PMC Title 6, Chapter 12 (recent updates adopted on December 12, 2016). The MRP was previously amended and updated in October 2009 and November 2011. Therefore, since project approval in 2008, the project has not complied with three MRP updates.

The MRP requires comprehensive site design and engineering controls to manage stormwater discharges in order to protect water quality. As currently approved, the project does not include measures such as bioretention areas, flow-through planters, or pervious paving to retain, treat, and/or infiltrate all stormwater at the site. The result is that all stormwater from the site will discharge into the City storm sewer system untreated into the ocean. Untreated stormwater discharges negatively impact public health and safety by introducing pollutants into water bodies, including the adjacent Pacific Ocean. Unfortunately, implementation of MRP requirements at this late stage in the project could require a significant redesign to the site to establish drainage management areas and installation of appropriate treatment measures. Staff's opinion is that such a change to the project should be part of a comprehensive review of the site design, rather than a late-stage consideration designed around the current project.

- c. **Building Standards Code Updates:** An application for a building permit for the project was submitted on December 26, 2013. The 2010 California Building Code (CBC) was in effect at that time. Six days later, the 2013 CBC took effect on January 1, 2014. On January 1, 2017, the 2016 CBC will take effect.

A project's application date determines the building standards applicable during building permit review. However, it is unusual for a project to undergo a building permit review for nearly three years. Of all building permits issued by the City in 2016, the mean length of review from application to building permit issuance was 19 days, and the median was 9 days. The lengthiest review took 263 days. As of this report, the subject application has been in processing for 1,089 days. Furthermore, due to the specific timing of the building permit application immediately preceding an earlier CBC update, the project is approaching the effective date of yet another CBC update. Thus far, the City has reviewed the project for 2010 CBC compliance. If the subject permits are extended, the project may receive a building permit based on building standards two triennial CBC cycles out-of-date.

Construction of the project in accordance with 2010 CBC requirements would not be in the best interests of public health and safety. The 2013 CBC implemented a wide array of energy compliance requirements and green building standards that were not in effect in the 2010 CBC. The 2016 CBC has significantly expanded many of these requirements, resulting in buildings that are much more energy efficient than was required under the 2010 CBC. Enhanced energy compliance standards and green building standards protect the environment and are important regulations implemented by local agencies to combat

the effects of global warming and climate change.

In staff's opinion, it is not in the interests of public health and safety for the design, review, and permitting of the project to occur under the significantly outdated 2010 CBC standards.

2. Changes in Beach Boulevard Seawall Conditions

An existing shoreline protective device (SPD) is located adjacent to the project site and is intended to protect the project site from the effects of the Pacific Ocean. During the winter storms of 2015-2016, the portion of the SPD – more commonly known as the Beach Boulevard Seawall – located north of the Pacific pier experienced a partial failure. Staff reported to the City Council on October 10, 2016 (see Attachment C) that the north portion of the seawall needs to be replaced. Given the new information about the condition of the seawall staff felt this was a significant changed circumstance when analyzing this extension request. The project is proposing a significant amount of site disturbance including underground parking and it is appropriate to restudy project design and engineering solutions.

3. California Environmental Quality Act

A Mitigated Negative Declaration was adopted for this project. Given the information discussed above, the analysis of potential impacts related to Geology and Soils and Hydrology and Water Quality should be revisited to ensure that the project would not have any potentially significant impacts on the environment and that appropriate mitigation measures are implemented if any potentially significant impacts are identified.

4. Required Findings

Staff also considered whether the record for this project would allow for the entitlements to be issued again if the original application were being reviewed today. Given the changes that have occurred since initial project approval, the following findings cannot be made without additional factual support in the record:

- a. Site Development Permit - A site development permit shall not be issued if the Commission makes any of the following findings:

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

In the years that have passed since initial approval, the project is now inconsistent with the following Pacifica Municipal Code requirements: Inclusionary Housing Ordinance (Title 9, Chapter 4, Article 47), Storm Water Management and Discharge Control Ordinance (Title 6, Chapter 12); and Building Code (Title 8).

- b. Use Permit - The Commission shall grant a use permit only upon making all of the following findings:

(i) That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

The failure of the seawall and need to replace the northern portion of the wall are clear indicators that additional study is needed to factually make this finding. An alternative project design and engineering solutions may be appropriate.

(ii) That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.

In the years that have passed since initial approval, the project is now inconsistent with the following Pacifica Municipal Code requirements: Inclusionary Housing Ordinance (Title 9, Chapter 4, Article 47), Storm Water Management and Discharge Control Ordinance (Title 6, Chapter 12); and Building Code (Title 8).

CONCLUSION:

The project at 1567 Beach Blvd. is no longer consistent with applicable laws and regulations, new information about the condition of the seawall is a significant changed circumstance that warrants re-analyzing the project design and engineering, and all findings required to approve the project can no longer be made based on the information in the record. For these reasons, staff is recommending that the extension request be denied.

If the Planning Commission accepts staff's recommendation and does not extend the permits, this action will not preclude a new project proposal in the future.

RECOMMENDED ACTION:

Motion to adopt the resolution denying the request to extend expiration date of Site Development Permit PSD-757-06 and Use Permit UP-965-06 for the construction of nine condominiums.

Attachments:

- A. Extension Request from Applicant dated October 3, 2016
- B. Written comment regarding extension dated December 12, 2016
- C. October 10, 2016 City Council Staff Report on Sea Level Rise and Climate Change (report only, attachments available on-line with Council agenda item)
- D. Project Staff Report, October 16, 2006

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA DENYING REQUEST TO EXTEND EXPIRATION DATE OF SITE DEVELOPMENT PERMIT PSD-757-06 AND USE PERMIT UP-965-06 FOR THE CONSTRUCTION OF NINE CONDOMINIUMS AT 1567 BEACH BOULEVARD (APN 016-011-190)

WHEREAS, a request has been submitted to extend the expiration date of Site Development Permit PSD-757-06 and Use Permit UP-965-06 for the construction of nine condominiums at 1567 Beach Boulevard (APN 016-011-190); and

WHEREAS, the Planning Commission has discretion to approve or deny extension requests under Pacifica Municipal Code sections 9-4.3206 and 9-4.3308; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on December 19, 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 this decision, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. Since final approval of Site Development Permit PSD-757-06 and Use Permit UP-965-06 on March 7, 2008 the following changes in Federal, State, Regional, and Local Regulatory Requirements have become effective and were not in effect when the project was approved and are therefore not applicable to the project:
 - a. Pacifica Zoning Regulations – Inclusionary Housing Requirements (PMC Title 9, Chapter 4, Article 47)
 - b. California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit and Municipal Regional Permit Updates
 - c. Building Standards Code Updates

Not applying the new and updated standards above is not in the interests of public health and safety as detailed in the associated staff report that is part of the record. Specifically, the project would not comply with enhanced energy compliance standards and green building standards that protect the environment

and are important regulations implemented by local agencies to combat the effects of global warming and climate change; the project does not treat stormwater discharges as required under the Municipal Regional Permit which will negatively impact public health and safety by introducing pollutants into water bodies, including the adjacent Pacific Ocean; and the project does not comply with local inclusionary housing requirements which were adopted to address the severe shortage of affordable housing, to assist the City of Pacifica in meeting its share of Regional Housing Need Allocations, and implement the State Mandated General Plan Housing Element.

4. Changes in Beach Boulevard seawall conditions have occurred, specifically the Beach Boulevard Seawall – located north of the Pacifica pier experienced a partial failure.
5. The following Findings required to approve the project cannot be made without additional factual support in the record:
 - a. Site Development Permit - A site development permit shall not be issued if the Commission makes any of the following findings:

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

In the years that have passed since initial approval, the project is now inconsistent with the following Pacifica Municipal Code requirements: Inclusionary Housing Ordinance (Title 9, Chapter 4, Article 47), Storm Water Management and Discharge Control Ordinance (Title 6, Chapter 12); and Building Code (Title 8).

- b. Use Permit - The Commission shall grant a use permit only upon making all of the following findings:

(i) That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.

The failure of the seawall and need to replace the northern portion of the wall are clear indicators that additional study is needed to factually make this finding. An alternative project design and engineering solutions may be appropriate.

(ii) That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.

In the years that have passed since initial approval, the project is now inconsistent with the following Pacifica Municipal Code requirements: Inclusionary Housing Ordinance (Title 9, Chapter 4, Article 47), Storm Water Management and Discharge Control Ordinance (Title 6, Chapter 12); and Building Code (Title 8).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds and determines that the project at 1567 Beach Blvd. is no longer consistent with applicable laws and regulations, new information about the condition of the seawall is a significant changed circumstance that warrants re-analyzing the project design and engineering, and all findings required to approve the project can no longer be made based on the information in the record. Therefore, expiration dates for Site Development Permit PSD-757-06 and Use Permit UP-965-06 for the construction of nine condominiums at 1567 Beach Boulevard (APN 016-011-190) are not extended and are considered expired.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 19th day of December 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

Simon Weng
Pinkstone LLC
340 Maclane street
Palo Alto, CA 94306
October 3, 2016

City of Pacifica
Dept of Planning and Building

To Whom it may concern,

My name is Shaoyang Weng, Pinkstone LLC, I 'd like to apply for permit extension for 9 units condo project for "1567 beach blvd" while the design is still in process..

Thank you very much for your help.

Sincerely yours,



Simon Weng

Wehrmeister, Tina

From: Nancy Merchant [REDACTED]
Sent: Monday, December 12, 2016 5:29 PM
To: Wehrmeister, Tina; Gordon, Josh; Nibbelin, John; Evans, Chuck; Cooper, Jeffrey; Clifford, Tom; Baringer, Jack; Campbell, Rich
Subject: 12-19-16 Hearing on 1567 Beach Blvd. Permit Extension

December 12, 2016

Tina Wehrmeister, Planning Director
Planning Commissioners
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Re: December 19, 2016 Planning Commission Hearing
1567 Beach Boulevard Permit Extension
Site Development Permit PSD-757-06, Use Permit UP-965-06 and
Tentative Subdivision Map (Condominium) SUB-211-06

Dear Director Wehrmeister and Commissioners:

I am writing to you regarding the permit extension for **1567 Beach Boulevard**, a proposed 9-unit condominium with a subterranean parking garage adjacent to the seawall, which was ultimately approved by the Coastal Commission in 2008. My concern is that since so much time has elapsed since the approvals, I would like to be assured that the project will be scrutinized in light of the damage to the seawall sustained this year, as well as new science regarding climate change, sea level rise and revisions to the Local Coastal Plan.

I have always thought the idea of an underground garage immediately adjacent to the seawall is a bad idea, due to the reciprocal relationships between the seawall, the infrastructure and new and existing development, and the safety of future residents. Since I am not an engineer, perhaps the idea is not as foolish as I believe. However, I would like the determination to be made by a professional who is serving Pacifica's and future residents' long-term best interests; not the developer's.

The storms and high tides of 2015-16 would have put any occupants of this proposed project in danger, not to mention the risks to property that would have occurred from a flooded underground garage. As you may know, in mid-January one of the residents at 1 Paloma Avenue, two buildings away from the proposed site, was pinned against the side of her building when she went outside to investigate after hearing and feeling the waves hit above her bedroom window during the night. A rogue wave bashed through her fence and pushed additional debris in her yard against her. A Mini Cooper car was pushed into another parked car on Paloma Avenue and the engine compartment was filled with sand and rocks. There were several periods of consecutive days of prolonged overtopping coinciding with king tides, making any access along Beach Blvd. hazardous at best.

I find it ironic that the notice for this hearing includes items about demolishing two homes on Esplanade that were yellow-tagged following the storms earlier this year. I would hate to see a similar catastrophic event befall new development along our coast, particularly if allowed in spite of currently conceivable outcomes. Thus, I

urge you to deny the permit extension. I also encourage the City to prohibit subterranean garages from any developments along Beach Boulevard, particularly north of the pier, since the wall construction north of the pier is more of a retaining wall than a seawall. In light of the vulnerable location at 1567 Beach Boulevard, I think it would be wise that any development on this site also not exceed the scale of the existing homes on Beach Boulevard north of the pier.

In the Pacifica City Council Study Session on Sea Level Rise in September 2016, City Manager Lorie Tinfow states, "Since the effects of sea level rise and climate change are projected to continue and worsen, now is the time to determine how the City will proceed in terms of not just repairing the immediate damage but looking ahead and creating a policy direction for the next 30, 50, 100 years."

Thank you very much for the opportunity to express my views.

Sincerely,

Nancy Merchant

[REDACTED]
[REDACTED]
[REDACTED]

Click [here](#) to report this email as spam.



CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

10/10/2016

SUBJECT:

Report on City Response to Sea Level Rise and Climate Change

RECOMMENDED ACTION:

Accept report and provide direction on actions related to sea level rise and climate change.

STAFF CONTACT:

Lorie Tinfow, City Manager

650-738-7409

ltinfow@ci.pacifica.ca.us

Van Dominic Ocampo

Public Works Director

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ocampov@ci.pacifica.ca.us

Christian Murdock

Associate Planner

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BACKGROUND/DISCUSSION:

The City of Pacifica has a history of sustaining significant damage to public and private property during extreme storm events. Last winter, the City once again sustained damage as a result of the El Nino storm conditions. The recent damage focused attention on a broader range of issues-not just repairing the current damage but also how sea level rise and climate change are contributing to coastal erosion and inundation risk.

This report (1) summarizes the City efforts to repair damage sites and begin to protect City infrastructure that have included submitting grant requests to State and Federal agencies, (2) reports on other activities that contribute to the discussion including an updated engineering study of City property located at 2212 Beach Blvd. and a recent study session held to begin to collect input from the community, and (3) requests direction from the Council on how to proceed on immediate and near-term issues.

In addition, the City has been granted funds by the California Coastal Commission to prepare an update to our draft Local Coastal Plan Update that addresses sea level rise. More information about this process is included here as well.

Update on Funding for and Repairs to 2016 Winter Storm Damage

Following the initial proclamation of emergency on January 22, 2016, City staff were in contact with San Mateo County’s Office of Emergency Services (County OES) and the California Office of Emergency Services (CalOES) seeking financial assistance in responding to storm damage that exceeded our financial ability. With the help of the Mayor and City Councilmembers, we received considerable attention from our County, State and Federal elected officials as well as the staff of the agencies that could help us respond to the emergency.

We also contacted the City’s insurance provider and submitted claims for the damage, many of which have been approved although with deductibles. Concurrent with filing claims, we pursued State grant funds from the California Disaster Assistance Act (CDAA) fund. We have been notified that the CDAA has agreed to cover 75% of our deductibles and 75% of the repairs not covered by insurance. A summary of the status is included as Attachment 1.

As you can see on the attached summary, a total of twelve (12) sites were damaged by storm-related conditions and the total cost is estimated at \$3.3 million with the City’s direct financial responsibility estimated to be \$656,000. The source of City funding is expected to be from *Fund 30 Excess ERAF*.

Near-Term Mitigation Efforts Identified

Also as a result of last winter’s storms, we have become aware of two larger scale projects needed to reduce the City’s vulnerability to sea level rise and climate change.

- ❖ **Project 1. Revetment of the bluff along 300 block of Esplanade Avenue.** This area is the well-known site of three apartment buildings with a history of bluff erosion that was most recently captured by drone footage. Without adequate efforts to protect the bluff edge, the adjacent roadway and all utilities within it are at risk. We have made the property owner aware of the risk but so far no action has been taken. The cost of revetment efforts to reinforce the bluff edge and protect the toe of the bluff between the existing revetments at Lands End Apartments to the north and the Bluffs Apartments to the south (similar to the protections in place at those locations) is estimated to be \$4 million.

During our exploration of financial resources, we learned that the State’s Hazard Mitigation Grant Fund was a possible source of funds for this project and have submitted a grant request. We received letters of support from a variety of sources including Congresswoman Jackie Speier and the California Coastal Commission. If we are successful, the grant would cover 75% of the cost (\$3 million; this is also the maximum available from this grant source) with the remaining 25% coming from other City sources. We are still awaiting a final response.

- ❖ **Project 2. Replacement of the northern section of the Beach Blvd. sea wall.** The Beach Blvd. sea wall near the intersection of Beach Blvd. and Santa Maria Avenue sustained major damage last winter and was the impetus for declaring a local emergency. This damage was just the latest in a history of structural failures.

We have learned that the sea wall was constructed in two sections over two different time periods. The section north of the Pacifica Pier was built in 1984 using a

methodology that is more like a retaining wall rather than a true sea wall. Its first failure was noted three months after completion; since then, there have been a number of sink holes and other points of failure that have undermined the promenade.

The section of sea wall south of the Pacifica Pier was constructed in 1987 using different engineering methodology and is more robust. To date, no breaches have occurred and no adjacent properties have sustained flooding. Please see a copy of a previous report that explains the sea wall construction included as Attachment 2.

Staff is clear that replacement of the northern section of the sea wall is needed to protect the adjacent roadway (Beach Blvd.) and the underground utilities housed there. The cost of this project is unknown at this time but is certainly in the millions of dollars.

For both of these projects, the City has contacted the US Army Corps of Engineers (USACE) and filed letters requesting funding for “further study”, which is the first step in their project consideration process. The scale of both of these projects would benefit from the support and expertise of the USACE. Our requests are currently under consideration.

Other Efforts Undertaken Related to this Report

In addition to responding to the storm damage as described above, the City has also been engaged in a number of activities connected to sea level rise and climate change. Several that are particularly relevant are described below.

- ❖ **Updated Engineering Study for “Beach Blvd.” site.** Over the past year, the City has moved ahead with plans for the development of City-owned property located at 2212 Beach Blvd. A hotel, restaurant, and new library are envisioned for the site. Questions about the potential for future impacts of sea level rise on the property were analyzed in an environmental impact report released in 2013 but with the recent storm events, staff engaged well-known engineering firm Moffat & Nichol to review the site again.

Moffat & Nicol issued a report that showed the site was expected to be free from flooding assuming the sea wall and beach remained, through at least 2100. As stated earlier, the southern section of the sea wall has sustained no failures and adjacent properties have been free of flooding. A copy of the Moffat & Nichol report is included here as Attachment 3.

- ❖ **Participation in Regional Efforts.** Over the past year or so, City staff and Council members have participated in two regional efforts focused on sea level rise and climate change:
 - ***San Francisco Littoral Cell Coastal Regional Sediment Management Plan:*** the plan has been prepared by a workgroup of State, Federal and local agencies with the stated purpose to “provide sufficient information for the public to understand potential coastal change issues and for decision makers to develop policies or execute management projects for the future vitality of the entire region”. The workgroup published a draft plan in January 2016. We and others have expressed concerns

about the draft plan because it draws conclusions based on analysis that contains a serious gap in data—that is, the lack of sediment transport data for Pacifica's and Daly City's coastlines. The final report is under revision now and expected to be released by December 2016. For more information, please visit http://dbw.ca.gov/csmw/crsmp_sf.aspx.

- **San Mateo County Sea Level Rise Vulnerability Assessment Report:** this effort has been to identify existing sites throughout the County that are vulnerable to sea level rise and conduct analysis for use in future planning. Three sites in Pacifica were evaluated including the Beach Blvd. sea wall. A final report is expected later in 2016. For more information, please see <http://seachangesmc.com/current-efforts/vulnerability-assessment/>
- ❖ **Sea Level Rise Study Session held September 27, 2106.** The City's Sea Level Rise Study Session attracted more than 60 people. After the Mayor opened the meeting, audience members formed small groups and engaged in conversations about sea level rise that were facilitated by City staff. Council members listened in to the discussions to hear what folks had to say about this important topic. Following the discussions, each group reported out their comments which were summarized for the Council's consideration and is included as Attachment 4.

Key takeaways from the comments are that we have many well informed people who are interested in helping the City respond to the challenges of sea level rise and climate change; our funding challenges are well understood and some residents suggested we explore a tax assessment and development impact fees to help with the costs; and others requested that we investigate measures taken by other countries such as the Netherlands and create an online site to post information.

Just prior to the study session, we received a number of email messages addressed to the City Council on the topic of sea level rise. Copies are included with this report as Attachment 5. A compendium of information about the related history of Sharp Park Golf Course was also submitted and asked to be shared with the City Council. A copy is included as Attachment 6.

- ❖ **Local Coastal Plan Update Grant and Process.** The City has received a grant of \$188,800 from the California Coastal Commission to update our Local Coastal Plan to address sea level rise. The multi-step process would be conducted over a two-year period and includes preparing an assessment of the issues, developing an adaption plan, incorporating the assessment and adaptation plan into the local coastal plan, public engagement throughout the process, and ultimately certification by the City and the California Coastal Commission. For more information, see copy of grant application included as Attachment 7. Note: the dates provided are estimated and may be adjusted to reflect actual circumstances.

Sea Level Rise Poses a Shared Risk

As shared with the Council previously, the area immediately at risk is located in the "Coastal Zone" which includes the land area west of Highway 1; in this area is located the following:

- 12% of our population which translates to thousands of residents;
- The majority of our older, and therefore more affordable, housing stock;
- 5 of our 6 hotels (80% of the rooms) that generate transient occupancy tax revenues for City operations and bring visitors who patronize our businesses;
- More than half of our businesses which provide vitality to the community and, again, tax revenue for City operations;
- Public facilities that include City Hall, North Coast County Water District, Ingrid B. Lacy Middle School, the Pacifica Pier, drainage outfalls, and the waste water pumping stations and force main.
- Significant public recreational assets including beaches, coastal trails, the Beach Blvd. promenade, parks and Sharp Park Golf Course.

The loss or disruption of these activities could have far reaching impacts and affect everyone in Pacifica, not just those living or doing business in the Coastal Zone. The risks and actions to take will become clearer as we gather more information and conduct the assessment process included in the Local Coastal Plan Update process.

Immediate Action Needed

Much has been said about how the City should respond over the coming decades to the impacts expected from sea level rise and climate change however, communities such as Pacifica that have development adjacent to bluffs and beaches are facing more immediate choices for those vulnerable areas.

In Pacifica’s case, approximately 40% of the coastline has adjacent development (public infrastructure, homes and businesses) while the remaining 60% is undeveloped (beach, open space, etc.).

Since January, City staff has been taking actions needed to protect public infrastructure for which the City is responsible and for which funding is available to us. Specifically, we have applied for grants and sought assistance needed to protect the roadways and underground utilities located in Esplanade Avenue, Beach Boulevard, and Rockaway Beach Avenue.

We would like Council’s explicit direction to continue these efforts as they consume staff resources and ultimately will require additional funding beyond our financial capacity.

The Path Forward in the Long Term

Most likely, Pacifica will need a blend of strategies to respond to the impacts of sea level rise and climate change in the long term. Some of the options may include:

- Sand placement--to maintain beach viability that protects developed areas and continues to provide recreational access
- Sand retention structures--artificial reefs are one engineering option to consider; there are others

- Armoring--protecting existing assets (streets, utilities, etc.) via revetment and other engineering strategies
- Managed retreat--planning ahead to move assets at risk away from the sea hazard

Costs estimates for these options are not yet available but clearly all will require funding beyond the City's current means.

Because the changes will occur gradually, time is a significant factor in determining how to proceed. Our planning for 5 years vs. 50 years vs. 100 years may each look different. In addition, other changes will occur such as technological advancements that may offer innovative responses to the issues.

The process associated with developing the Local Coastal Plan Update over the next two years will help lead the City to develop an appropriate long term direction and policy. In the meantime, we are requesting specific direction to guide our activities now.

Direction Requested from City Council Tonight

1. Should City staff continue our efforts to protect City roadways and utilities that are threatened by sea level rise and climate change?
2. Specifically, shall we continue to pursue funding for all storm damage including the near term mitigation projects needed to protect City assets from future damage, i.e., revetment of Esplanade Avenue and replacement of Beach Blvd. sea wall?
3. Does Council authorize staff to take all steps necessary to pursue the assistance of the USACE or other government agencies in advancing our efforts to protect existing City assets (i.e., streets, utilities, waste water pump station, etc.)?
4. All grant sources currently cover only a portion of the total cost of repairs or mitigation projects. City funds are limited. What other methods of funding would the Council like to explore-for example, shall we begin exploring the possibility of a local tax assessment or development fee as suggested by participants at the study session?
5. In reviewing the process of updating our Local Coastal Plan described in the report and in more detail in Attachment 7, what other information would the Council find helpful for future consideration of a sea level rise policy and plan development?

FISCAL IMPACT:

The full fiscal impact of this report is difficult to quantify at this time. However, here is a summary of what we currently know:

- Total costs for repairs to the 12 damaged sites shown on Attachment 1 are estimated at \$3.3 million; in addition to the insurance funds and CDAA grants, City funds of \$656,000 will be required for completion; these funds will likely come from *Fund 30 Excess ERAF*.
- The two mitigation projects--revetment of Esplanade Avenue and replacement of the

northern section of Beach Blvd. sea wall--will require substantial funding. At this time, we have requested grant funds for the Esplanade project from the State of California's Hazard Mitigation Grant Program and have requested assistance with both sites from the US Army Corps of Engineers for "further study" (the first step of their project process). Neither has been confirmed yet; both options provide only partial funding. Staff continues to seek additional funding options.

- Total costs associated with implementing the update to our draft Local Coastal Plan are estimated at \$248,170. The California Coastal Commission grant provides \$188,800. City "in kind" services, primarily staff time devoted to the effort, make up the balance and are estimated at \$59,370. These costs are already included in department budgets.
- The risks associated with sea level rise and climate change could result in significant adverse financial impacts including the loss of business activity, transient occupancy tax revenue (TOT), and property tax revenues. For example, TOT generates approximately \$2 million annually; sales tax revenues also generate approximately \$2 million; total property tax revenue is approximately \$10.5 Million. Reductions in any of these areas would negatively affect the City's ability not only to respond to emergencies but also maintain ongoing operations that serve the entire community.

ORIGINATED BY:

City Manager's Office
Planning Department
Engineering

ATTACHMENT LIST:

- Attachment 1 2016 Winter Storm Project Status 10-3016 (PDF)
- Attachment 2_Presentation_2-8-2016_Beach Blvd SeaWall (PDF)
- Attachment 3_M&N Coastal Hazards Technical Report wES (PDF)
- Attachment 4_SeaLevelRise_StudySession_Comments FINAL (PDF)
- Attachment 5_SeaLevelRiseStudySession_EmailInput_Consolidated (PDF)
- Attachment 6_SFPublicGolfAlliance_20160824 (PDF)
- Attachment 7_CCC Grant for LCP Update (PDF)

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: October 16, 2006

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on October 4, 2006 and 46 surrounding property owners and 54 residents were notified by mail.

FILE: CDP-275-06
PSD-757-06
UP-965-06
SUB-211-06

APPLICANT: William L. Riddle
Best Design & Construction
100 Old County Road, Ste 100 C
Brisbane, CA 94005

OWNER: Pacifica Beach LLC
428 Broadway
Millbrae, CA 94030

LOCATION: 1567 Beach Boulevard (APN: 016-011-190)

PROJECT DESCRIPTION: Construction of 9 Condominium Residential Units.

General plan: High Density Residential
Zoning: R-3/CZ, Multi-Family Residential/Coastal Zone

CEQA STATUS: Negative Declaration prepared and recommended for adoption .

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval, as conditioned

R-3 STANDARDS CONFORMANCE AND ARTICLE 24 CLUSTER HOME REQUIREMENTS:

Standards	Required	Existing	Proposed
Lot Area	5,000 s.f.	17,962 s.f.	No Change
Lot Width	50'	102.5'	No Change
Bldg. Height	35' (max.)	N/A	34'-10"
Lot Coverage	60%	N/A	58.9%
Landscaping	20%	N/A	22%
Useable Open Space:			
-single family	450 s.f. per unit	N/A	467 s.f. per unit
Private Open Space	150 s.f. per unit	N/A	150 s.f. – 1,735 s.f.
Bldg. Setbacks:			
-Front (west):	15'	N/A	20'
-garage	20'	N/A	20'
-side (north)	5'	N/A	5'
-Side (south)	5'	N/A	5'
-rear (east)	20'	N/A	20'
Parking:			
-multi-family	18	N/A	18
-guest Parking	2	N/A	3

PROJECT SUMMARY

DISCUSSION

1. Project Description/Background: The applicant proposes to develop the subject property with a three-story building consisting of approximately 10,575 square feet of subterranean garage area and nine (9) condominium residential units with three levels of living area totaling approximately 18,768 square feet. Each condominium would contain 3 bedrooms with 2-1/2 baths. Building height would be approximately 34 feet 10 inches. The total living area of the residential units would range between 2,011 to 2,269 square feet. There will be 4,211 square feet of common and private open space. The subterranean garage would provide twenty-one (21) garage parking spaces; two for each unit and three guest spaces. Storage area for each residential unit will also be provided within the garage area. Access to parking area would be provided via a 20-foot wide driveway off Beach Boulevard. The entrance to the garage would be located on the north side of the building. Retaining walls are also being proposed along the west and east sides of the driveway. The retaining wall west of the driveway would be 0.5 to 1.2 feet high above grade. The plans also show the height of the retaining wall east of the driveway to be 3.8 to 6.5 feet in height. They would all comply with the City's height regulations pertaining to retaining walls. The proposal also includes 3,915 square feet of on-site landscaping which meets the minimum requirement of the Zoning Ordinance. The applicant is also proposing to landscape 603 square feet of public right-of-way located along the north side of the subject site.

An encroachment permit would be required to allow landscaping on City right-of-way. Space for a fire truck turnaround would also be provided as required by the Fire Department in the front area of the proposed building. A portion of the turnaround would be located within the front property boundaries of the subject site. No on-street parking would be allowed within the turnaround area. Currently, there is no existing on-street parking within this area. Therefore, no on-street parking would be affected by the turnaround. In addition, the Fire Department will not allow vehicles to pick up and drop off passengers within the turnaround area.

The proposed plans call for an increase of the local seawall directly in front of the subject site from 23.7 feet to 27 feet to protect Beach Boulevard and the proposed below-grade garage from wave overtopping. The road (Beach Boulevard) in front of the proposed development is required to be improved to accommodate the fire turn around and access to the garage. This portion of the road would be elevated and aligned with the seawall improvements. Thus, there would be virtually no visible changes to the existing seawall due to the road alignment.

Each unit would be owned separately, with maintenance of the building and common areas regulated by a property homeowners association.

The site originally consisted of seven lots. The lots were merged into one 17,962 square foot lot in 1985 under the City's Merger Ordinance. The subject property is relatively flat and is located on the north end of Beach Boulevard in the West Sharp Park neighborhood. The site directly fronts the Pacific Ocean and is partially covered with ice plant, small shrubs and non-heritage trees. The vacant site was originally developed with a two-story single family residence, and a two-car detached garage. The residence was demolished approximately two years ago. The detached garage remains on the site.

On July 18, 2005, the Planning Commission held a study session and reviewed an earlier version of the currently proposed 9 unit condominium residential project.

2. Zoning, General Plan, Local Coastal Land Use Plan, and Surrounding Land Uses: The property is zoned R-3, Multi-Family Residential and is located within the Coastal Zone Combining District. The General Plan and Local Coastal Land Use Plan designation for the subject property is High Density Residential. The General Plan and Local Coastal Land Use Plan establish a maximum density of 16 to 21 dwelling units per acre. The size of the lot is 17,962 square feet which would permit a total of 8.6 dwelling units. The R-3 zoning also requires a minimum lot area of 2,075 square feet per unit. Section 9-4.2312 of the Municipal Code allows rounding when calculating density. Therefore, a total of 9 units would be permitted.

The subject property fronts the Pacific Ocean on the west side. Other surrounding uses include single-family residences to the north, four-plex, single-family, duplex, and triplex residential structures to the south, and a large 3-story 71 unit apartment complex to the east. Further west is the City's Wastewater Treatment Plant, which is the subject of an ongoing reuse study. The construction of nine (9) condominium residential units would be consistent with the General

Plan, Local Coastal Land Use Plan, zoning designation, Design Guidelines, and surrounding land use.

3. Design Guidelines: Based on the existing plans, the project is consistent with the applicable provisions of the City's Design Guidelines regarding infill development. Current compliance with the Design Guidelines includes sufficient architectural detail for cohesiveness, visual relief and variety. The three-story building would incorporate variety in the type of materials and rooflines while maintaining a cohesive style that would be compatible with the existing mixed development in the West Sharp Park neighborhood. In addition, every residential unit will have private courtyards and/or balconies and sufficient common and private open space. Proposed exterior features include steeped pitch roofs with dormers, slate tile roofing, stucco exterior walls and river stone facing on the first level. The front area also seems to employ some interesting architectural elements that give it visual interest. The project will be sufficiently landscaped along Beach Boulevard and north of the proposed building, meeting City standards and adding interest to the streetscape.

4. Municipal Code and Regulatory Standards: The nine (9) condominium residential unit development meets the applicable zoning ordinance regulations for multi-family residential and clustered development including minimum lot area per dwelling unit, site coverage, front setbacks, sideyard setbacks, rear setbacks, parking, landscaping, open space, private open space, storage space, and structure height.

In terms of parking, a total of 20 parking spaces would be required by the Zoning Code for the proposed residential use and a total of 21 parking spaces would be provided. Multi-family residential projects with two or more bedrooms require two parking spaces. Nine of these parking spaces must be in a garage or carport. In addition, one space to accommodate guest parking must be provided for every four (4) units.

As shown on the site plan, the applicant is proposing a total of 16 full size parking spaces including a handicapped space and 5 compact spaces (18 residential spaces and, 3 guest parking spaces). Therefore, the project complies with the required on-site parking requirements. 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 off-street parking would all be located inside a garage and would have minimal visual impacts. In addition, the garage entrance will be located on the north side of the building further enhancing the front area.

5. Use Permit: Pursuant to the provisions of the Zoning Code, the Commission may grant a Use Permit only upon making all of the following findings:

1. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the

general welfare of the City.

2. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.
3. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

Staff believes that the proposed building containing a total of nine (9) condominium residential units will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City; and that the use is consistent with the City's adopted Design Guidelines, applicable provisions of the General Plan, Local Coastal Use Plan, and other applicable laws of the City. Staff also believes that the project, as conditioned, will be compatible with the character of the surrounding land use, and will not affect traffic circulation in the area or obstruct light normally enjoyed by the adjacent properties.

6. 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 hazards, 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 mixed neighborhood; that it will not create inconvenient traffic patterns, and the proposal will not restrict light or air to surrounding buildings or discourage additional development in the area. Additionally, the proposal would enhance the design variety of the area and will not affect the surrounding natural environment.

7. 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 building containing nine (9) condominium residential units is in conformity with the City's Local Coastal Program, and public recreation policies of Chapter 3 of the California Coastal Act. The project is located on an infill site, surrounded predominately by residential development. The project is consistent in scale compared to surrounding 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.

8. Environmental Review (CEOA): A Mitigated Draft Negative Declaration has been prepared and circulated. The Draft Mitigated Negative Declaration was available for public review and comment for 30 days, beginning August 9, 2006, and ending September 8, 2006. No comments were received. Based on the findings of the Initial Study including the attached mitigation monitoring program, as prepared for the project, it has been determined that the project could have a significant impact upon the environment regarding Geology and Soils, Hydrology and Water Quality, and Aesthetics (visual), but with implementation of the proposed and agreed-upon mitigation measures the potential impacts will be avoided or reduced to insignificant levels. It has also been determined that the project will not have a significant adverse affect upon wildlife resources or the habitat upon which wildlife depends, either individually or cumulatively. Therefore, a Mitigated Negative Declaration has been prepared and attached for adoption (see attachment b & c). Below is a discussion of the three major issues addressed in the Negative Declaration: geology and soils, hydrology and water quality, and aesthetics.

Geology and Soils - The applicant submitted a supplemental geotechnical report and coastal hazard studies for the project site. The supplemental geotechnical report augments a previous geotechnical investigation prepared for the subject site. These reports were also peer reviewed by the City's geotechnical consultant. According to the supplemental geotechnical report, there have been no reported occurrences of permanent ground deformation in the site area during major, historic earthquakes. Based on the studies performed for the site, it was determined that liquefaction at the site to be low. Given a low liquefaction potential, the supplemental geotechnical report concludes that the risk is also low for lateral spreading or earthquake-induced landsliding of the bluff affecting the site.

Moreover, all proposed development on the site would be constructed according to Uniform Building Code requirements and based upon the observed geologic conditions of the site. The project is an infill site, surrounded by existing roads and other development.

As such, the Project is feasible from a geotechnical standpoint. Any significant impact to Geology and Soils would be reduced below the level of significance with implementation of the recommended mitigation measures listed in the Mitigation Monitoring Program:

Hydrology and Water Quality - The project involves construction of housing within the 100-year flood zone. The site is also adjacent to areas of 100-year coastal flood with velocity (wave

action); base flood elevations and flood hazard areas. A Tsunami hazard evaluation was performed by Skelly Engineering for the subject site on October 31, 2005. According to the plans, the site is fronted by a quarry stone revetment and is about 30 feet above Mean Sea Level. In light of recent events, Skelly Engineering examined tsunami damage in southern Thailand. Areas behind even low height seawalls experienced far less damage than unprotected areas. Structures built to a reasonable building code (UBC) did not experience damage as significant as poorly constructed structures. Skelly Engineering concluded that since the proposed development is designed to code (UBC), is protected by a quarry stone revetment, and is over 25 feet above sea level it is reasonably safe from tsunami hazards. A peer review of the Skelly Engineering Tsunami hazard evaluation was performed by the City's Geotechnical consultant, Cotton Shires and Associates on November 18, 2005. Cotton, Shires and Associates were satisfied with the tsunami analysis performed by Skelly Engineering.

Seawall

A coastal hazard study for the subject site was also performed by Skelly Engineering in May 2004. According to Skelly Engineering, the Beach Boulevard revetment and wall system is severely overtopped at elevations of about +23 feet MSL. The overtopping occurs on average a few times per year. The wave driven water coming over the top of the wall is observed to be between 1 to +2 feet in height. This would dictate that the revetment/seawall system needs to be at least to +25 feet MSL in height to provide full protection to below-grade garage and the site.

As a result, the applicant modified the proposed plans to increase the existing seawall directly in front of the subject site from 23.7 feet to 27 feet such that the proposed below-grade garage will be more protected from wave overtopping. The entrance to the garage was also shifted from Beach Boulevard to the north side of the building. As mentioned earlier, the road (Beach Boulevard) in front of the proposed development is required to be improved to accommodate the fire turn around and access to the garage. This portion of the road will be raised and aligned with the proposed seawall height extension. Both the road and seawall would be at the same elevation. As a result, the modified seawall would look visually the same as the existing seawall. As such, no aesthetic impacts would result by raising the existing seawall. However, staff is recommending a condition of approval that the final design of the seawall be reviewed and approved by the Planning Director and Public Works Director.

On April 13, 2006, the City's geotechnical consultant reviewed the revised plans. They were still concerned that although the potential for overtopping of the seawall will be reduced, the potential for temporary flooding of the garage remains as indicated on the project plans. Additional discussion of potential for flooding at the subject site was provided by the applicant's engineer. As currently designed, the proposed project meets the current standards for coastal engineering and the current standards and guidelines for mitigation of coastal hazards. The project also conforms to FEMA standards and guidelines for coastal development. Under rare (extreme design) conditions the garage area of the proposed development may be subject to some flooding. However, due to the elevation of the shore protection fronting the site, the setback of

the development from the shoreline, the orientation of the garage entrance, the drainage within the garage, and the flood management plan, the likelihood that water will enter the garage is relatively small. Any water that does enter the garage will be evacuated by a pumping system. This analysis from Skelly Engineering was reviewed by the City's geotechnical consultant, Cotton, Shires and Associates and the City's Engineering Division of Public Works. All parties accepted the discussion from Skelly Engineering regarding flooding hazards.

The proposed project is located well above the beach level. The finished floor of the garage is at elevation +21.5 MSL. In addition, the wave runup will have to travel over the top of the new shore protection at elevation +27 feet MSL. With respect to drainage of the proposed garage, the proposed sump pump would remove standing water and drain it to the City sanitary sewer. The garage floor would be sloped toward the center to help confine standing water in that area. If the sum pump is unable to keep up with the water for any period, the sloped garage floor would help lift the parked automobiles out of any temporary standing water. Additionally, the concrete of the garage floor is proposed to have a textured no-slip finish to avoid slip and fall hazards from standing water. The CC&R's will also require that all other storage be off the ground.

Additionally, Coastal Act Policy 26 (a) states that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. In this case, the proposed seawall height extension would minimize risks to life and property that is located in a flood zone by protecting the existing road (Beach Boulevard) and the proposed below-grade garage from wave overtopping.

Further, Coastal Act Policy 26 (b) states that new development shall 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 project involves an increase in height to an existing seawall by 3.3 feet. No natural landforms would be altered along the bluff area. The increase in height of the seawall is necessary to protect the road (Beach Boulevard) and the new structure from wave action.

California Coastal Commission staff was contacted on August 1, 2006 regarding the proposed increase in height of the seawall. Staff stated that they have little concern over the proposed height extension of an existing seawall, especially because the subject property opposite the seawall is an infill site.

Once the final design for the project has been determined, Cotton, Shires and Associates recommends that the design be reviewed by Skelly Engineering for compliance with their May 2004 report and for suggestion of possible design features to minimize or eliminate adverse impact due to waver overtopping. As a mitigation measure, the applicant would be required to submit final plans to Skelly Engineering for review to the satisfaction of the City Engineer and will also be required to be peer reviewed by the City's geotechnical consultant.

Aesthetics - There are specific scenic vistas designated in the Pacifica General Plan along Highway 1, but none are located within the project site. The project is not located near a designated state scenic highway nor is it visible from Highway 1.

Additionally, Coastal Act Policy No. 24 requires that "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 of visually degraded areas." The project may impair or eliminate private coastal views from nearby existing residential structures, in much the same way that the view of others further inland is altered by the presence of those homes. The project aesthetic impacts are considered less than significant because the general public view is not appreciably affected and because the alteration of private views is consistent with the effect of development in urban Pacifica.

Immediately adjacent is a two-story apartment complex south of the site and two and one story single-family residential structures north of the site. A large three story 71 unit apartment building exists to the rear (east) of the subject site. While the City's Design Guidelines encourage avoidance of negative impacts to such views, private views are not protected by any City ordinances.

The future construction of nine (9) residential units would include indoor lighting, and outdoor lighting for safety purposes, that would be visible from a distance. As a mitigation measure, outdoor lighting would need to be designed to minimize glare and spillover to surrounding properties. Regarding daytime glare, the future construction of nine (9) condominium units will be required to use non-mirrored glass to minimize daytime glare as a mitigation measure.

5. Staff Analysis: Based upon the above discussion, staff believes the findings necessary to grant the Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map for the proposed project can be made, and has determined that the proposal is consistent with the General Plan, Local Coastal Plan and other applicable policy documents. For example, the goals of the Housing Element of the General Plan state in part:

- Strive to provide a decent home and satisfying environment for each resident; and,
- Protect the social mix, variety, and fundamental character of each neighborhood by providing for the safety and welfare of all residents equally.

Staff believes that the proposal preserves and enhances the mix of uses in the area, and provides additional housing opportunities in the area. The proposal will not disturb the existing neighborhood character. The subject property is surrounded by existing single family residential structures to the north, four-plex, single-family, duplex, and triplex residential structures to the south, and a large three-story apartment complex containing 71 units directed to the rear of the

property. The proposal does not appear to be out of character with the existing mix of land uses. A multi-residential development appears to be consistent with the types of future uses anticipated in the area and with the residential nature of the neighborhood.

Additionally, the West Sharp Park district policy in the Land Use Element further states that the City should "protect and continue the low and moderate income housing which provides the unique character and social mix of the neighborhood."

The project contains nine (9) condominium residential units that are designed in an attached configuration that is considered to be more affordable than single-family homes on single-family lots. The proposed 9 units would be developed at a high density, which is higher than the low-density developments throughout West Sharp Park. These higher density homes would add to the median priced housing stock of the city in conformance with this Coastal Act Policy and would not threaten the low and moderate income housing which provides the unique character and social mix of the neighborhood.

RECOMMENDATIONS AND FINDINGS

B. Recommendation:

Staff recommends that the Planning Commission APPROVE Coastal Development Permit (CDP-275-06), Site Development Permit (PSD-757-06), Use Permit, (UP-965-06) and Tentative (Condominium) Map (SUB-211-06), to allow the construction of nine (9) condominium residential units at 1567 Beach Boulevard (APN 016-011-190), subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the Plans titled "NEW CONSTRUCTION OF 9 UNIT CONDOMINIUM BUILDING, 1567 BEACH BLVD., PACIFICA, CA," consisting of fifteen (15) sheets revised on 01/2006.
2. As a condition of the Tentative (Condominium) Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action, or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-211-06. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.
3. As a condition of the Coastal Development Permit, Site Development Permit and Use Permit, the applicant shall hereby agree to 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. 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.

4. The final design of the seawall shall be reviewed by and subject to the approval of the Planning Director and Public Works Director.
5. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.
6. All project-related easements shall be to the satisfaction of the City Engineer, Planning Director and City Attorney, and shall be recorded prior to or concurrent with the Final Map.
7. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the 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 need.
8. The applicant shall submit a final landscape plan for approval by the City Planner prior to the issuance of a building permit. All landscaping shall be maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides. The landscape plan shall show each type, size and location of plant materials. The landscaping shall be installed prior to occupancy. Landscaping materials included on the plan shall be appropriate to site specific characteristics such as soil type, topography, climate, amount of timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment. All landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.
9. All transformers, HVAC units, and backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of concrete or masonry walls, berming, painting and landscaping, to the satisfaction of the Planning Director.
10. Wastewater from vehicle and equipment washing operations shall not be discharged to the

storm drain system.

11. Roof drains shall discharge and drain way from the building foundation to an unpaved area wherever practicable.
12. Declaration of Covenants, Conditions & Restrictions (CC&Rs). Prior to issuance of a building permit, the developer/owner shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions & Restrictions and Equitable Servitude's which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs and assigns, and shall be approved as to form and content by the City Attorney and Planning Director, which accomplishes the following:
 - a) The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
 - b) There shall be a Homeowners Association to manage the project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of the building exteriors, exterior lighting, common areas, utility areas within common areas, parking, landscaping and building signage, sanitary sewer, and private storm drain, and other features. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
 - c) The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, of all building exteriors, exterior lighting, parking, landscaping, signage, sanitary sewer, private storm drain and other features and utility facilities within common areas, to the satisfaction of the City of Pacifica. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
 - d) The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for the purpose of financing the maintenance, repair and replacement of the building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.
 - e) The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.
 - f) Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
 - g) Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.
 - h) The Declaration shall establish procedures for designating a project "Manager," if different than the "Agent," who shall at all times be responsible for security and/or

maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.

- i) The Declaration shall include a provision that the provisions relating to this condition 11 shall not be amended without prior approval in writing from the City of Pacifica.
 - j) The Declaration shall specify that the owners of each of the residential units on the subject property shall comply with all other applicable conditions of approval for the project.
 - k) The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs.
13. The property owner(s) shall keep the property in a clean and sanitary condition at all times.
 14. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
 15. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.
 16. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program adopted as part of the Mitigated Negative Declaration (MDR) and attached to the Resolution Certifying the MDR. Prior to the Final Map approval, the project must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the Mitigation, Monitoring and Reporting Program.
 17. No building permit shall be issued until a Growth Management Ordinance allocation for each of the new residential units has been granted.
 18. Increase storm water runoff shall minimize through the use of on-site detention facilities to the maximum extent feasible as determined by the Planning Director and City Engineer.

Public Works Department/Engineering Division:

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 completion of the building permit.

20. Applicant shall install stainless steel railing to match existing along the proposed wall addition to the existing seawall.
21. Applicant must submit a revised Tentative Map that has the signature and stamp of a qualified licensed surveyor or engineer.
22. Applicant shall submit a final map for the proposed condominium residential project. All required monumentation shall be shown on the map and set prior to recordation of the map.
23. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative (Condominium) Map and any conditions imposed on this project, prior to approval of the final map.
24. Applicant shall submit design plans and necessary reports and engineering calculations for the construction of all on-site and off-site improvements, and they must be approved by the Director of Public Works or the City Engineer prior to the execution of the Subdivision Improvement Agreement. All plans, reports and calculations shall be signed and stamped by a qualified professional. The improvement plans shall include a topographic survey performed by a licensed surveyor. Construction of these improvements shall be to the satisfaction of the Director of Public Works or the City Engineer.
25. Should the applicant desire to record the final map prior to completion and acceptance of improvements, a bond in an amount determined by the Director of Public Works or the City Engineer shall be provided. The bond maybe in the form of cash, instrument of credit or surety bond.
26. Applicant shall maintain all on-site and off-site improvements constructed and modified for this project and shall enter into a Maintenance Agreement with the City prior to Final Map approval.
27. Applicant shall dedicate a Public Utility Easement for all utilities, including sanitary sewer, that lie outside the public right-of-way.
28. Applicant shall dedicate a Private Storm Drainage Easement for the proposed storm drain system. This system shall be privately maintained and must be designed for a 100-year storm and to the satisfaction of the Director of Public Works or the City Engineer.

29. Applicant shall dedicate a Public Access Easement and Emergency Vehicle Access Easement for the sidewalk and cul-de-sac that lie outside the public right-of-way.
30. Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.
31. Applicant shall grind a minimum of 2 inches of the existing Asphalt Concrete along Beach Blvd from Paloma Avenue to Bella Vista and replace in kind.
32. Applicant shall construct a standard curb ramp at each corner of Paloma Avenue and Beach Boulevard.
33. An Encroachment Permit shall be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.

Fire Department

34. The City's geotechnical consultant must evaluate design plans for the road leading into the building to ensure cliff side stability..
35. Since the cul-de-sac is not a full 66' in diameter, the entire cul-de-sac shall be red curbed and signs shall be installed stating "No Parking or Stopping – Fire Lane," to the satisfaction of the Fire Department.
36. A fire hydrant is shown on the south side of the building, half way into the building. This fire hydrant shall be relocated to the corner of Beach Boulevard and Paloma Avenue. The fire hydrant at the north side of the building shall remain as proposed.

Building Department

37. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. The applicant shall implement Best Management Practices during all phases of construction for the project.

Wastewater Division of Public Works

38. The applicant shall provide a video of the sewer lateral line. Depending upon the condition of the existing sewer line, if there are any visible signs of leakage, the applicant shall replace parts or the whole sewer to current specifications and codes to satisfaction of the City Engineer.

39. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged into the storm drain system.

C. **FINDINGS:**

1. **Adoption of Mitigated Negative Declaration:** The Planning Commission finds that on the basis of the Mitigated Negative Declaration and the whole record before it, that there is no substantial evidence that the proposed project, as conditioned, will have any significant adverse impacts on the environment. The Commission also finds that the Mitigated Negative Declaration reflects the Commission's independent judgment and analysis.

2. **Findings for Tentative (Condominium) Map:** The Planning Commission finds that the proposed Tentative (Condominium) Map and design and improvements of the proposed condominium subdivision, as conditioned, are consistent with the applicable portions of the General Plan, Local Coastal Program Land Use Plan, and Zoning Ordinance. In addition, the Commission finds that the site is physically suitable for the type and density of development, no substantial environmental damage will be caused by the project, and no public health problems will result from development of the subject parcel. The property is an infill site surrounded by existing residential development.

3. **Findings of Approval for Site Development Permit:** The Planning Commission determines that the proposed nine (9) unit condominium residential development, as conditioned, is consistent with the General Plan, Local Coastal Program Land Use Plan, Zoning Ordinance and applicable City laws. Specifically, the location, size and intensity of the proposed condominium project, including design, is consistent with the character of the surrounding neighborhood; and the proposal will not restrict light or air to surrounding buildings or discourage additional residential development in the area. Adequate landscaping would be provided on the site. The proposal enhances the design variety of the area and would not impact traffic patterns in the vicinity. The Commission also finds that, as conditioned, the proposal is consistent with the applicable provisions of the City's Design Guidelines.

4. **Findings for Approval of a Use Permit:** The Planning Commission finds that the proposed nine (9) unit condominium development will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City; and that the use is consistent with the City's adopted Design Guidelines, applicable provisions of the General Plan, Design Guidelines, and other applicable laws of the City. In particular, the Commission finds that the project, as conditioned, will be compatible with the character of the surrounding land use, and will not affect traffic circulation in the area. The Commission further finds that the proposal will not obstruct light normally enjoyed by the adjacent properties, and the quality of building design and materials is equal to or greater than that of the surrounding development.

5. Findings for Approval of Coastal Development Permit: The Planning Commission finds that the proposed nine (9) unit condominium residential development is, as conditioned, in conformity with the City's Local Coastal Program, and Public recreation policies of Chapter 3 of the California Coastal Act. In particular, the proposal is located on an infill site, surrounded predominately by residential development. The project is consistent in scale compared to surrounding areas and will have limited, if any, visual consequences. 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. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources. Additionally, the proposed condominium development would provide necessary housing opportunities in the area.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

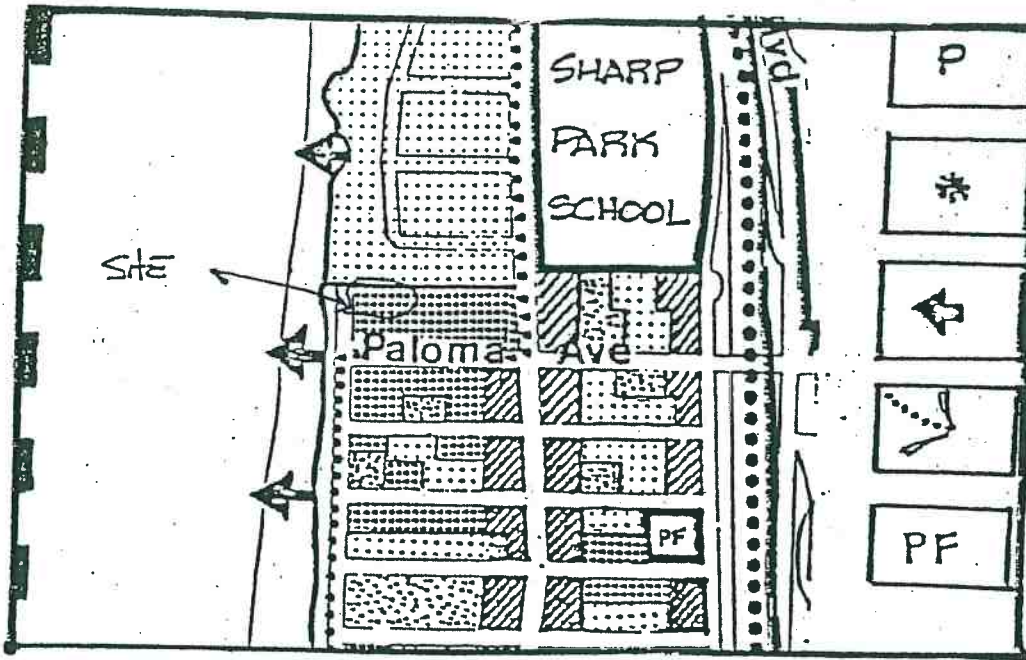
Move that the Planning Commission **ADOPT** the attached resolutions next in order entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR A NINE (9) UNIT CONDOMINIUM DEVELOPMENT AT 1567 BEACH BOULEVARD (APN 016-011-190)," and **APPROVE**, CDP-275-06, PSD-757-06, UP-965-06, and SUB-211-06, subject to conditions one (1) through thirty-nine (39), and adopt the findings contained in the October 16, 2006 staff report and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Mitigated Negative Declaration
- c. Resolution (Adoption of Mitigated Negative Declaration) and Mitigation, Monitoring and Reporting Plan
- d. Conceptual Plans (Planning Commission only)

General Plan Diagram

Existing Designation: High Density Residential

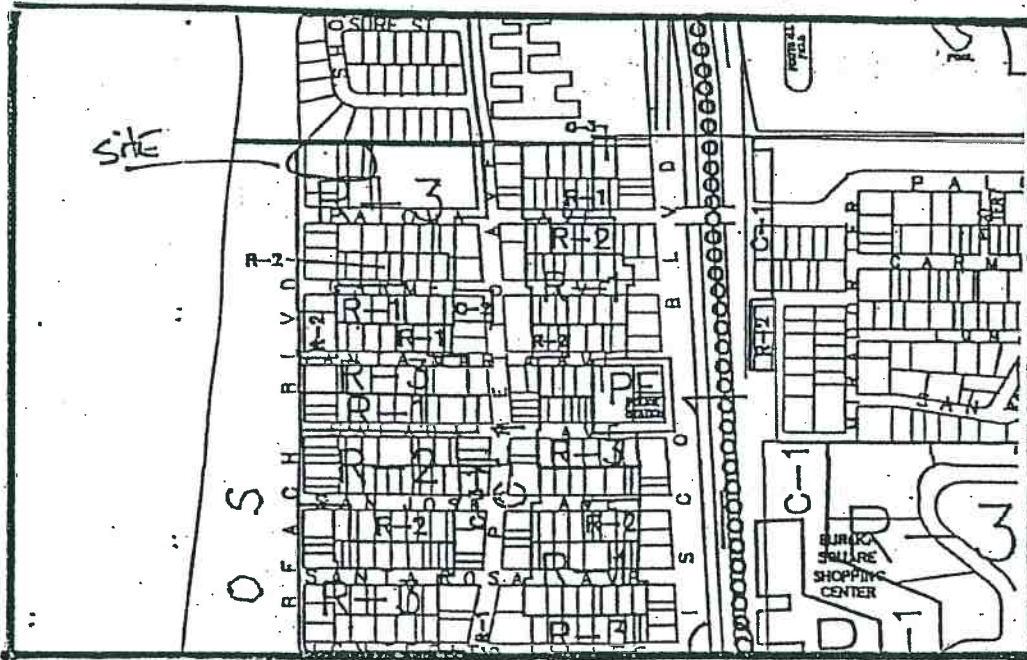


- ### Legend
- VERY LOW DENSITY RESIDENTIAL
 - LOW DENSITY RESIDENTIAL
 - MEDIUM DENSITY RESIDENTIAL
 - HIGH DENSITY RESIDENTIAL
 - MIXED USE/ HIGH DENSITY/COMM.
 - COMMERCIAL
 - GENERAL COMMERCIAL
 - OPEN SPACE RESIDENTIAL
 - GREENBELT
 - PROMINENT RIDGE LINE
 - SPECIAL AREA
 - MARSH
 - OPEN SPACE / PUBLIC FACILITY
 - P PROPOSED PARKING
 - * NEIGHBORHOOD PARK
 - + DEVELOPED / PROPOSED BEACH ACCESS
 - NORTH-SOUTH CITY TRAIL
 - PF PUBLIC FACILITY
 - U UNLABLED
 - Ag AGRICULTURE
 - + CALACA
 - A FIRE STATION

Neighborhood: WEST SHARP PARK

Zoning Map Diagram

Existing Classification: R-3, Multiple-Family Residential



- ### 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
 - 6 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-1-L 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 Develop

ATTACHMENT 2



LAND USE & ZONING EXHIBIT

City of Pacifica

Planning & Economic Development Department



Scale:
N.T.S.