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## PLANNING COMMISSION Staff Report

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**DATE:** June 18, 2018

**FILE:** CDP-390-17

**ITEM:** 2

**PUBLIC NOTICE:** Notice of Public Hearing was published in Pacifica Tribune on June 6, 2018, mailed to 199 surrounding property owners and occupants, and posted at three locations in the vicinity of the site.

**APPLICANT** Brian Brinkman  
648 Navarre Drive  
Pacifica, CA 94044

**OWNER:** John Rice  
164 Amapola  
Pacifica, CA 94044

**PROJECT LOCATION:** Vacant parcel located on the north side of Olympian Way approximately 1,150 feet west of its intersection with Grand Avenue. (APN 023-038-350).

**PROJECT DESCRIPTION:** Construct a two-story, 3,819-square foot (sf) single-family dwelling on a 12,498-sf vacant lot.

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

**RECOMMENDED CEQA STATUS:** Class 3 Categorical Exemption, CEQA Guidelines Section 15303.

**ADDITIONAL REQUIRED APPROVALS:** None. Subject to appeal to the City Council and California Coastal Commission.

**RECOMMENDED ACTION:** Approve as conditioned.

**PREPARED BY:** Ranu Aggarwal, Contract Planner

**ZONING STANDARDS CONFORMANCE:**

<b>Major Standards</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size (sq. ft.)	5,000	12,498	No change
Lot Width	50' min	125'	No change
Lot Coverage	40% max	0%	22.36%
Height	35'-0" max	N/A	33'-6"
Landscaping	20% min	N/A	72.37% (landscaping & natural vegetation)
Setbacks			
-Front	15'-0" min (house) 10'-0" min (garage) <sup>1</sup>	N/A	15'-0" (house) 10'-0" (garage)
-Side	5'-0" min	N/A	15'-4" (West) 19'-8" (East)
-Rear	20'-0" min (house)	N/A	55'-0"
Parking	Two garage spaces (18'-0" W X 19'-0" L min)	N/A	Three garage spaces (29'-5" W X 20' L)

1. Allowable front setback for the garage per PMC Section Sec. 9-4.2704(b)

**1. BACKGROUND**

This project was initially scheduled for a public hearing on April 16, 2018. Subsequent to the publication of the agenda packet for the meeting of April 16, 2018, staff learned of a misunderstanding regarding the heritage tree proposed to be removed on the site. Therefore, staff needed additional time to analyze the applicant's requested heritage tree removal for consistency with Chapter 12 of Title 4 of the Pacifica Municipal Code ("Preservation of Heritage Trees") and requested that the hearing be continued. The applicant submitted an arborist report, dated May 11, 2018, prepared by Kielty Arborist Services, LLC, which identified the heritage tree proposed for removal as a large Monterey pine located in the northwestern portion of the site to the rear of the proposed building footprint. The heritage tree removal is analyzed in Section 4, below.

**2. PROJECT SUMMARY**

**A. General Plan, Zoning, and Surrounding Land Uses**

The subject site is within the Low Density Residential (LDR) General Plan designation (Attachment A), which permits residential development at an average density of three to nine units per acre (an average lot area of 4,840-14,520 square feet per unit). The proposal would meet this density standard and be consistent with the General Plan.

The subject site is located within the R-1 (Single Family Residential) zoning district with a CZ (Coastal Zone Combining) district overlay. Surrounding land uses consist primarily of lots containing single-family residences. Homes along Olympian Way are mostly two- and three-story structures built on steep cross slopes along the street. Elsewhere in the vicinity, large vacant hillside parcels exist to the south and

west of the site and beyond is the unincorporated area of San Mateo County.

## **2. Municipal Code and Other Development Regulations**

The applicant's proposal requires one development permit under the Pacifica Municipal Code (PMC) - a Coastal Development Permit (CDP). The Planning Commission must make two findings in order to approve a CDP (PMC Sec. 9-4.4304(k)):

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

The project also requires a permit for the removal of a heritage tree on-site. Per PMC Section 4-12.02(c)(1), heritage trees are trees "which have a trunk with a circumference of fifty (50") inches (approximately sixteen (16") inches in diameter) or more, measured at twenty-four (24") inches above the natural grade". The grant of a heritage tree removal permit is subject to certain criteria listed in PMC Section 4-12.05.

Staff's analysis of the proposed project in light of the required findings for approval of a CDP and heritage tree removal permit are included later in Section 4 of this report.

## **3. Project Description**

### *A. Project Site*

The vacant site is located in the Pedro Point neighborhood at the southern fringe of the City. It has an approximately 35 percent downhill slope from south to north, to the rear of the property. The site has partial tree cover with a request for a heritage tree removal (a large Monterey pine tree noted # 32 on the Proposed Site Plan (Sheet A1.1)). The applicant has proposed a three-car garage and driveway. The driveway may be as wide as 40 feet as allowed for lots with frontages greater than 50 feet by PMC Section 9-4.2813(g).

### *B. Proposed Single-family Residence*

The applicant proposes to construct a new 3,819 sq. ft., single-family residence on a vacant 12,498 sf lot. The site's steep slope is reflected in the design of the project, including the terracing of the building pad to minimize grading and retaining walls around the building. However, the backfill required to accommodate the elevation of the first floor level of the home will require retaining walls on either side of the front yard up to thirteen (13') feet, measured to the lower adjacent ground level. The taller of the exposed concrete retaining walls would be located to the sides of the driveway and home with minimal visibility from the public right-of-way. PMC Section 9-4.2502(b) provides that the height of retaining walls must be measured from the higher adjacent ground level, meaning that despite their large height, the retaining walls will be a maximum of one (1') foot in height pursuant to the zoning regulations. The one-foot height is below the three (3') foot height limit for walls in the front yard (PMC Section 9-4.2502(a)). Yet, to achieve the intent of the zoning regulations with respect to the limited

height of fences and walls in the front setback, staff has included Condition of Approval No. 2 which will limit the height of retaining walls in the front setback to not more than three (3') feet when measured from the lower side. Staff has also included Condition of Approval No. 3 which will ensure all exposed retaining wall surfaces shall have a decorative finish so that they are aesthetically appealing.

The single-family residence at first floor would consist of a garage, entry, three (3) bedrooms and associated bathrooms. An open plan kitchen is also proposed at first floor level. The lower level below would include a game room, a family room, an additional bedroom, two bathrooms, and storage. The main exterior access to the residence would be at first floor via on-grade path and from the driveway. A modest front porch would provide access from the front of the building. The porch would project 3'-0" into the front setback as allowed by PMC Section 9-4.2703. Interior access between the floors would be provided by a stairway, located in the front portion of the house.

The project is not subject to the site development permit requirements in PMC Section 9-4.3201(d) (e.g., "mega home" ordinance) because the project's floor area would be less than the 3,839 sf floor area threshold for a 12,498 sf lot.

#### *C. Landscaping*

The applicant proposes to install a mix of ground cover and shrubs within the front portion of the property as part of a cohesive landscaping plan including native drought tolerant landscaping. At the sides and rear of the site, additional landscaping is not identified. A detailed landscape plan shall be required at the building permit stage per Condition of Approval No. 11. Condition of Approval No. 11 also requires planting of a replacement tree to compensate for the removal of the heritage tree as part of the landscaping plan for the site. The tree species and placement on the site would be subject to Planning Director review and approval.

The project proposes to remove a large Monterey pine, which is 32.5" in diameter at 24" above grade. Per PMC Section 4-12.02(c) (1) trees in the City, "which have a trunk with a circumference of fifty (50") inches (approximately sixteen (16") inches in diameter) or more, measured at twenty-four (24") inches above the natural grade" are heritage trees. The removal of this tree is analyzed in Section 4 below.

#### *D. Public Right of Way*

The existing built width of Olympian Way is about half the width of the 40-foot wide public right-of-way fronting the site. The street narrows further along the property frontage, creating a hazardous circulation pattern which requires drivers to maneuver their vehicles to the side when passing the project site on Olympian Way. According to the Trip Generation Manual (9<sup>th</sup> Edition) of the Institute of Transportation Engineers, a single-family residence typically generates 10 vehicular trips per day. Therefore, in order to ensure a safe circulation pattern for the project due to its intensification of vehicular trip generation from zero to 10 trips per day as a result of the development of a vacant lot into a single-family residence, it is necessary to make improvements to the public right-of-way in front of the subject.

Because of the existing built condition of Olympian Way as it narrows in front of the project site, Condition of Approval No. 27 requires the applicant to widen the street between the left and right

property lines within the public right-of-way as demonstrated on Sheet A1.1 of Attachment C. The widening is necessary to make the street width fronting the project site consistent with the street width on either side of the project site, thus reducing a hazardous circulation pattern. These improvements will be needed along a thirty (30') feet wide segment of the public right-of-way in front of the property, with the improvements consisting of ensuring there are two eleven (11') feet wide drive isles and a four (4') feet sidewalk. The street widening would be accomplished by additional paving ranging from several inches to a maximum of approximately six (6') feet in width. Beyond the travel lane widening the project would also require a parking bay to satisfy the site's guest parking requirement as stated in PMC Section 9-4.2818(a)(1). Because the portion of the project's driveway located on private property is not long enough to accommodate the guest parking space within the driveway, the construction of a parking bay is necessary.

The project also will require other private improvements such as a driveway and retaining walls in the public right-of-way to reach the proposed structure, given the distance from the edge of the new street paving to the front property line and the site's topography. A condition of approval from the Engineering Division will require an encroachment permit for any structures within the public right-of-way, which permit would need to be issued prior to issuance of a building permit.

#### **4. Required Findings**

##### **COASTAL DEVELOPMENT PERMIT**

In order to approve the subject Coastal Development Permit, 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.

- i. Required Finding: *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed project is consistent with the applicable policies and the LCLUP as detailed below. Of note, the project would be located within an existing developed area and would be consistent with surrounding land uses and densities.

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

Discussion. The proposed project will be undertaken on an existing lot more than 500 feet from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and several streets. Therefore, the project would have no impact or otherwise interfere with the public's right of access to the sea.

- Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to*

*accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources... [the remainder of this policy pertains to land divisions and visitor-serving facilities, neither of which are part of the subject project.]*

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

- Coastal Act Policy No. 24. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

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

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

Discussion: The subject site is not located between the nearest public road and the shoreline; Kent Road and Blackburn Terrace are public roads located between the project site and the shoreline. Therefore, this Coastal Development Permit finding does not apply in this case.

### **HERITAGE TREE REMOVAL**

The project proposes the removal of a heritage tree on the site: a Monterey Pine located down slope from the proposed building foot print to its rear in the northwestern portion of the site. Heritage tree removal in the City shall be based certain criteria per PMC Section 4-12.05. This criteria are:

- 1) The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its ability to host a plant which is parasitic to another tree which is in danger of being infested by the parasite;
- (2) Whether the requested action is necessary for the economically viable use of the property;
- (3) The topography of the land and effect of the requested action on it; and
- (4) Good forestry practices.

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

*Criterion 2:* The tree is located in a somewhat centralized portion of the site and would be in close proximity to the proposed structure, which is located as proposed so as to meet the front setback for the residence and not to exceed the height limit on a site that slopes steeply down from the residence. Per the project arborist, Monterey pines have a medium weak branch strength rating and are intolerant of construction impacts such as grading or root trimming which would be necessary for construction of the project as proposed. The subject tree is located within 30 feet of the proposed building foot print, which is the calculated root zone of the tree. Any proposed construction/grading within this root zone would have an adverse impact on this tree's health and stability and its location reduces the buildable area of the lot, substantially. To avoid the tree and its dripline entirely, staff estimates the project would need to be reduced in size by approximately 50 percent and confined entirely to the eastern half of the site. Such a reduction would unnecessarily constrain design of a single-family residence on such a large-sized parcel, limiting usability of a large portion of the site which has otherwise limited utility due to its severe slope (e.g., it would be unsuitable for outdoor usable area because it is too steep to safely traverse).

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

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

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

In summary, the project is consistent with Local Coastal Land Use Plan policies, and there is substantial evidence in the record to support Planning Commission approval of a Coastal Development Permit. Furthermore, upon consideration of the criteria for grant a tree removal permit, the proposed removal of a Monterey pine tree on the site can be supported.

**5. CEQA Recommendation**

Staff analysis of the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA) as a Class 3 exemption. Section 15303 ‘New Construction or Conversion of Small Structures’ of the CEQA Guidelines states, in part:

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

\* \* \* \* \*

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

\* \* \* \* \*

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

Exceptions to the exemption in Section 15300.2 of the CEQA Guidelines would not apply:

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

identifiable impacts to the environment would occur.

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

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

## **6. Staff Analysis**

The proposed single-family residence would comply with all zoning standards, would be consistent with the City's LCP, would not have a negative effect on coastal resources, and would be consistent and compatible with the predominantly single-family residential development surrounding the site. As designed, the project would integrate with the architecture and materials of the surrounding area. For these reasons and others set forth in this staff report, staff recommends Planning Commission approval of the project.

## **COMMISSION ACTION**

### **MOTION FOR APPROVAL:**

Move that the Planning Commission **FIND** the project is exempt from the California Environmental Quality Act; **APPROVES** Coastal Development Permit CDP-390-17 by adopting the attached resolution, including conditions of approval in Exhibit A; and, incorporates all maps and testimony into the record by reference.

### **ATTACHMENT LIST:**

Attachment A - Land Use and Zoning Exhibit (DOCX)  
Attachment B - Draft Resolution and COAs (DOCX)  
Attachment C - Project Plans (PDF)  
Attachment D - Arborist Report (PDF)