



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: May 18, 2020

FILE: PSD-788-14
Heritage Tree Removal Authorization
Logging Operation Approval

ITEM: 3

PUBLIC NOTICE: Notice of Public Hearing was published in the Pacifica Tribune on April 22, 2020, and on May 6, 2020, and mailed to 268 surrounding property owners, occupants, and interested parties. The Planning Commission continued the public hearing on May 4, 2020, to the regular meeting of May 18, 2020.

OWNER AND APPLICANT: Javier Diaz-Masias
608 7th Avenue
San Bruno, CA 94066

PROJECT LOCATION: Undeveloped 38,765-square foot (sf) lot situated along the unimproved public right-of-way Oddstad Way, located approximately 275 feet southwest of the intersection of Rockaway Beach Avenue and Bay View Road (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010) – Rockaway Beach

PROJECT DESCRIPTION: File No. 2014-001 – Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval, for construction of a new three-story (two stories of residential area and one story of garage area), approximately 3,800-sf single-family residence with attached 787-sf three-car garage, and an approximately 360-foot street and utilities extension.

SITE DESIGNATIONS: General Plan: Very Low Density Residential (VLDR)
Zoning: Single-Family Residential Hillside (R-1-H)

RECOMMENDED CEQA STATUS: Adopt an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

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

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Christian Murdock, AICP, Senior Planner

PROJECT SUMMARY, RECOMMENDATION, AND FINDINGS

ZONING STANDARDS CONFORMANCE R-1-H DEVELOPMENT STANDARDS:

<u>Major Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size (sf)	5,000 (sf) min	38,765 sf ¹	No change
Lot Width	50'-0" min	182'-0"	No change
Lot Coverage	40% max	0%	8.7%
Height	35'-0" max	N/A	34'-8"
Landscaping	20% min	N/A	80.9% ²
Setbacks			
-Front	15'-0" min (house) 20'-0" min (garage)	N/A	25'-0" 25'-0"
-Side	5'-0"	N/A	116'-9" (south/left side) 62'-4" (north/right side)
-Rear	20'-0" min	N/A	36'-7" (house)
Parking	Two garage spaces (18' W X 19' L min)	N/A	Two garage spaces (25'-4" W X 20'-7" L)

¹ The City of Pacifica merged Lots 4-12 into a single lot on April 11, 2019 (San Mateo County Recorder Instrument No. 2019-026051).

² 3,158 sf (8.1%) new ornamental landscaping and 28,198 sf (72.7%) natural condition to remain.

Table 1: Zoning Standards Conformance

PROJECT SUMMARY

1. Background

Staff has reviewed this item and determined that conducting a public hearing to consider it is an essential government function. The subject project was scheduled for the Planning Commission meeting of May 4, 2020. However, the Planning Commission continued the item to the meeting of May 18, 2020, at staff's request.

A. Revised Project

The Applicant submitted revised project plans to the City on May 13, 2020. These revised project plans reflect changes recommended by City staff in discussions with the Applicant to reduce the scale and extent of grading and to enable preservation of all heritage trees on the Development Site. These revisions would eliminate the previously proposed 518-sf detached recreation room to the rear of the

¹ The City of Pacifica merged lots 4 through 12 into a single lot on April 10, 2019 (San Mateo County Recorder Document No. 2019-026051).

proposed single-family residence and the eastern yard area located to the left of the proposed single-family residence at Elevation 164.

The eliminated components of the project were included in the project plans evaluated during preparation of the Initial Study/Mitigated Negative Declaration (IS/MND) discussed in Section 7 of this staff report. The elimination of these previously proposed project components will reduce the volume of grading proposed on the Development Site and will, as a result, reduce potential impacts related to grading including traffic, air quality, noise, heritage tree removal, and other potential project impacts. Thus, the impacts evaluated in the IS/MND reflect a conservative evaluation of potential project impacts, and actual impacts from the project, if approved as currently proposed, would be less than those identified in the IS/MND.

Staff's evaluation of the project in the remainder of the staff report is based on the revised project plans.

2. Project Description

A. Project Site

The project site consists of two areas: a private lot where a single-family residence and associated improvements are proposed ("Development Site"); and, an undeveloped public right-of-way named "Oddstad Way" where an approximately 360-foot extension of street paving and utilities are proposed in relation to the proposed single-family residence ("R.O.W. Improvements"). The Development Site is an area known as "Lots 4-12 Oddstad Way" and consists of Lots 4-12 of Block 25 of the Rockaway Beach Subdivision No. 1. The lots were first created in 1908. The lots were generally 25 feet wide by 150 feet deep, although Lots 11 and 12 were trapezoidal in shape and 60.1 and 56 feet in width at their rear lot lines, respectively, with a common boundary of 153 feet in depth.

The Development Site totals approximately 38,765 square feet, or roughly 0.89 acres. As noted in Table 1, the City of Pacifica merged Lots 4-12 into a single lot in 2019. The Development Site is situated 275 feet southwest of the intersection of Rockaway Beach Avenue and Bay View Road (Figure 1). It is located on a northwest-facing hillside with an average slope of 34.98 percent rising toward the rear of the site in the direction of Fassler Avenue. The site, as well as the adjacent parcels in the immediate surrounding area, is currently undeveloped and covered with dense vegetation.



The R.O.W. Improvements are proposed within the undeveloped Oddstad Way public right-of-way. The built portion of the Oddstad Way public right-of-way terminates approximately 360 feet northwest of the site. The Oddstad Way public right-of-way is 40 feet in width, and connects to the developed public right-of-way of Rockaway Beach Avenue to the northwest and the partially developed public right-of-way of Troglia Terrace to the southeast. A small portion of Oddstad Way has already been developed to provide access to the garages of three existing single-family residences which have addresses on Rockaway Beach Avenue (house numbers 560, 598, and 600) but vehicular access from Oddstad Way. The proposed street extension would result in a dead end in front of the Development Site and would not connect through to Troglia Terrace. Nearly 2,000 feet of the Oddstad Way public right-of-way would remain undeveloped and unimproved to the southeast towards Troglia Terrace.

Other prominent features in the area include Fassler Avenue approximately 590 feet to the south, Rockaway Creek approximately 80 feet north of the Oddstad Way public right-of-way, and a privately-constructed drainage ditch which runs from east to west along the southern edge of the planned street extension.

B. Development Site Improvements

The proposed Development Site improvements include construction of several components, summarized as follows (Attachment C):

- 1) An approximately 3,800-sf three-story single-family residence with a 787-sf attached two-car garage (two stories of residential area and one story of garage area).

- 2) Construction of a driveway and underground utility connections.
- 3) Construction of a fire apparatus turnaround.
- 4) Construction of a series of retaining walls at the front and rear of the site to enable construction of the driveway and yard areas, respectively.
- 5) Installation of decorative landscaping and removal of several existing trees, including heritage trees.

i. Single-Family Residence

The proposed three-story single-family residence would consist of one story of attached garage area and two stories of residential area. The proposed materials are consistent across all four building elevations, with the main material consisting of horizontal cedar siding, and sections of gray stacked stone included as accents on the walls and on the entire chimney (Attachment D). Note that Attachment D depicts the previous project proposal and has not been updated to reflect the revised project plans; however, Attachment D remains reflective of the architectural design and materials of the proposed project, which have not changed in the revised project plans.

All elevations would feature large window areas. The front (north) and left (east) elevations would include glass and stainless steel balcony railings with the balconies wrapping the front and left elevations at the second and third story levels. The roof design would consist of a low pitch with composition shingles. Arbors supported by Tuscan columns would define several of the building's entrances including the front door. All elevations would include large numbers of down-facing light fixtures. The large two-car garage door would consist of wood panels with small window panes atop each section of the garage door.

The proposed single-family residence would include a total of five bedrooms, three full bathrooms, and one half bathroom. The first story would include a large two-car garage, laundry area, and utility closet. The second story would include a kitchen, living room, family room, office, guest bedroom, one full bathroom, one half bathroom, and a balcony. Access to the yard areas would be provided from the second floor. The third story would include four bedrooms, two bathrooms, a laundry area, and three balconies. The single-family residence would include an elevator and stairs to connect all three stories of the building.

ii. Driveway and Utility Connections

The project proposes a driveway 20 feet in width at the front property line, gradually widening to 25'-3" beyond the front setback line all the way to the garage. The driveway would be approximately 37 feet in length and have an 18 percent grade. The driveway surface is proposed as Turfstone pavers, a permeable material with paver stone interspersed with low-growing plant materials. The topography of the site would require construction of retaining walls on both sides of the driveway. The left side of the driveway (when viewed from the street) would have a retaining wall ranging from 5 to 7 feet above grade as measured from the lower side of the wall. The right side of the driveway would have a retaining wall ranging from 0'-6" to 6'-9" as measured from the lower side of the wall.

iii. Fire Apparatus Turnaround

The street extension proposed by the project would create a dead-end street more than 150 feet in length, which triggers a requirement to install a fire apparatus turnaround pursuant to Section D103.4 of the 2019 California Fire Code (“CFC”). The project proposes an “alternative hammerhead” type fire apparatus turnaround located along the front property line of the Development Site in the area of the former Lot 6. The fire apparatus turnaround would be constructed to the standards of Appendix D of the 2019 CFC (“Appendix D”), and would be surfaced with pervious pavers. As with the driveway to the proposed single-family residence, the topography of the project site would require construction of a continuous retaining wall around three sides of the fire apparatus turnaround in order to create a surface with a grade permitted by Appendix D. These retaining walls would range from less than one foot in height to 6’-5” as measured from the low sides of the walls.

iv. Retaining Walls and Yard Areas

Due to the steep topography of the Development Site (34.98 percent average slope) the project proposes additional retaining walls beyond those already described above to establish the driveway and fire apparatus turnaround, and those which will be discussed later in this report necessary for construction of the R.O.W. Improvements. The materials proposed for any/all of the retaining walls are not specified in the project plans.

The single-family residence would be flanked at the west, south, and east by either a single retaining wall (yard to the west) or terraces of four retaining walls (yards to south and east) up to 10’-0” in height as measured from the lower side, although most of these walls would be from 6 to 8 feet in height. These retaining walls would create yard areas to the rear, left, and right at elevation 154 feet, generally wrapping around the proposed single-family residence in a “U-shape.” This Elevation 154 yard area (rear, left, and right of residence) would be approximately 2,842 sf in area and measure from 12 to 26 feet deep from the back of the residence and approximately 150 feet in length.

Overall, grading on the Development Site would total roughly 1,975 cubic yards of net cut on the site, consisting of 2,047 cubic yards of cut and 72 cubic yards of fill. The prior project proposal included approximately 2,700 cubic yards of net cut, consisting of 2,869 cubic yards of cut and 122 cubic yards of fill. The net grading proposed for the Development Site would be reduced by approximately 27 percent.

v. Landscaping and Tree Removal

The Development Site improvements would involve the removal of approximately 31 trees of varying size. More than 20 of these trees have diameters of 6 inches or greater when measured at 12 inches above grade, and their removal would constitute a “logging operation” under City ordinances (discussed in greater detail later in this staff report). No heritage trees are proposed for removal on the Development Site. As a result, at least 20 heritage trees would be preserved on the Development Site. The prior project plans proposed to remove 46 trees, of which five were heritage trees.

Grading or construction would occur within the drip lines of certain heritage trees on the Development Site. The Applicant has prepared a tree protection plan (Attachment E) which includes measures to protect these trees from harm during the project.

C. Right-of-Way Improvements

The proposed right-of-way (R.O.W.) Improvements include construction of a street extension, sewer main line, water main line, and stormwater infrastructure.

i. Street Extension

The street extension component of the project proposes to construct a 20-foot wide paved extension from the current terminus of the improved Oddstad Way public right-of-way (located approximately at the midway point of the frontage of 598 Rockaway Beach Avenue). The street extension would be approximately 360 feet in length in a southeast direction. The extension would end at the eastern lot line of the former Lot 9.

The street extension would widen in front of the former Lot 3 to 30'-8" in width to create a parking bay which would enable on-street parking (on-street parking is prohibited on streets less than 26 feet in width pursuant to Appendix D). The widened parking bay segment of the proposed street would have two segments, one approximately 60 feet in length and the other, located along the frontage of former Lots 7 and 8, would be approximately 40 feet in length. The parking bays would be separated by the fire apparatus turnaround. In total, these parking bays should accommodate five cars parked in a parallel parking configuration.

The R.O.W. improvements would include a three-foot wide decomposed granite pedestrian path along the west/south (upslope) side of the proposed street extension.

a. Retaining Walls

- i.* The construction of the new street extension would require grading along the entire extent of the Oddstad Way public right-of-way up to the Development Site. Overall, grading for the R.O.W. Improvements would total roughly 960 cubic yards of net cut, consisting of 1,030 cubic yards of cut and 51 cubic yards of fill.

The minimal slopes permissible for street construction would result in the construction of several segments of retaining walls in the Oddstad Way public right-of-way. These would generally be clustered around the Development Site, east of the former Lot 4. A retaining wall would be constructed along the entire frontage of former Lots 4 and 5, with this retaining wall then extending south into the Development Site to create the fire apparatus turnaround. Another retaining wall would be constructed on the north side of the Oddstad Way public right-of-way across most of the frontage of Lot 150, the entire frontages of Lots 148 and 149, and most of the frontage of Lot 147.² This retaining wall

² Lots 150 through 156 are merged into a single lot owned by Ken Royce Inc. Lots 146-149 are merged into a single lot owned by John E. & M C Willett Trust.

would total approximately 124 feet in length along the frontages of Lots 147 through 150. The retaining wall would then turn 90 degrees and continue perpendicular to the Oddstad Way public right-of-way. The retaining wall would extend approximately 34 feet, terminating at the boundary of former Lots 9 and 10. This retaining wall would be constructed across 34 feet of the 40-foot width of the Oddstad Way public right-of-way.

The retaining wall on the south side of the Oddstad Way public right-of-way across the former Lots 4 and 5 would range from two to six feet in height. The retaining wall along Lots 147 through 150 would range from less than one foot to slightly more than three feet in height. The retaining wall perpendicular to the Oddstad Way public right-of-way would range from less than one foot in height to slightly less than six feet in height. The project plans do not specify the materials proposed for the retaining walls.

b. Tree removal

The R.O.W. Improvements would involve the removal of approximately eight trees of varying size, all of which have diameters of 6 inches or greater when measured at 12 inches above grade. Three of these trees are heritage trees proposed for removal, consisting of one Monterey pine and two Pittosporum species. No other heritage trees were identified in the Oddstad Way public right-of-way affected by the project. Grading or construction would occur within the drip lines of at least two heritage trees located on private property adjacent to the Oddstad Way public right-of-way. The Applicant has prepared a tree protection plan (Attachment E) which includes measures to protect these trees from harm during the project.

ii. Sewer Main Line

The R.O.W. Improvements would include installation of a new eight-inch sanitary sewer main. Staff from the Wastewater Division of the Public Works Department have reviewed the project and determined that an eight-inch sewer line is the minimum size to meet City requirements.

iii. Water Main Line

Provision of potable water is the responsibility of the North Coast County Water District (NCCWD). The NCCWD has reviewed the project proposal and determined that provision of water appears feasible upon installation of a new main line to NCCWD standards.

iv. Stormwater Infrastructure

The R.O.W. Improvements would include infrastructure designed to capture, convey, and treat stormwater. The project is a "regulated project" under provision C.3 of the Municipal Regional Permit for stormwater discharges issued as part of the City of Pacifica's National Pollutant Discharge Elimination System (NPDES) program. The project

is also subject to the standards in Chapter 12 “Storm Water Management and Discharge Control” of Title 6 of the PMC. These provisions and standards require that the project treat all stormwater flows generated by the project before discharge into a natural waterway. The treatment of stormwater is intended to reduce adverse impacts to water quality from development activities, both during construction and long-term operation of regulated projects.

The R.O.W. Improvements would include City standard curb and gutter along both sides of the street extension. The curb and gutter would capture stormwater from the Development Site and the street extension. The stormwater control plan (“SCP”) prepared by the Applicant identifies 11 drainage management areas (DMAs) from which stormwater discharges would be generated. Stormwater from all DMAs except DMA-R-2, would be conveyed by gravity into a bioretention area contained within a continuous series of 14 weirs located on the north side of the Oddstad Way public right-of-way. These weirs begin along the Lot 153 frontage and continue to the northwest until they terminate roughly midway along the frontage of 598 Rockaway Beach Avenue (approximately 150 feet in length). The bioretention area would ultimately convey treated stormwater to a 24 inch by 24 inch catchbasin in the center of the Oddstad Way public right-of-way and then through a 12-inch diameter underground pipe to the final discharge point. The final discharge point would be Rockaway Creek, with the 12-inch pipe connected through a hole drilled in the headwall of the existing creek culvert structure. Stormwater discharges from DMA-R2, located at the westernmost part of the Oddstad Way street extension, are not proposed to be treated in the Applicant’s SCP.

3. General Plan, Zoning, and Surrounding Land Uses

The General Plan designates the project site as Very Low Density Residential (Attachment B). The Very Low Density Residential, or VLDR, land use designation permits residential development which averages one-half to five acres per dwelling unit (i.e., 0.2 to 2 dwelling units per acre).

The General Plan narrative for the East Fairway Park-Valleymar-Rockaway neighborhood notes that

On both the north and south sides of the Rockaway Valley are undeveloped areas under 35 percent slope. In some cases, they were previously subdivided, based on standards no longer acceptable. Because of soils and geologic problems, visual impacts, as well as public safety hazards, such as limited emergency access and high potential for grass fires, very low density residential development is recommended for these remaining hillside areas. Again, the sizes of lots or number of units should be determined on a site-by-site basis. (General Plan, p. 43)

The project site is located within the R-1-H (Single-Family Residential Hillside) zoning district. The City Council identified the following purpose for the R-1-H zoning district when it was created in 1992:

The City Council finds and declares that certain hillside areas and certain areas of the City which are not located on developed public streets provide unique terrain features and add substantially to the character of the area such that the location, type, and visibility of development therein will affect the quality of the environment. The City Council finds that hillside development of sensitive areas should be regulated to ensure that any proposed development of houses and streets complies with the Pacifica Design

Guidelines and preserves the natural terrain while allowing residential development compatible with the slope limitations of the development site. In addition, development proposals on currently undeveloped public streets present issues relative to grading, access, visibility, and neighborhood character. The objectives of the R-1-H District are to ensure that new structures and streets are designed to protect the visual and natural resource qualities of the hillsides and to minimize adverse impacts on existing neighborhoods, drainage, traffic, land stability, and natural resources. (PMC Section 9-4.951)

The R-1-H zoning district applies the same permitted and conditional uses, as well as the same development standards such as setbacks, lot coverage, and maximum height, as the R-1 (Single-Family Residential) zoning district. Except, however, that the R-1-H zoning district requires approval of a site development permit prior to either of the following actions: i) Issuance of a building permit for any new structure; or, ii) issuance of a grading, encroachment, or building permit for the development of any unimproved, platted new street to an improved street. PMC Sections 9-4.953 and 9-4.954.

The site, as well as the adjacent parcels to the west and south, is currently undeveloped and covered with dense vegetation. North of the Oddstad Way public right-of-way there are single-family residences which take access from Rockaway Beach Avenue.

4. Municipal Code

The project requires Planning Commission approval of three entitlements prior to issuance of a building permit:

Site Development Permit

Section 9-4.953 of the PMC requires approval of a site development permit prior to issuance of a building permit for the single-family residence proposed on the Development Site because of its R-1-H zoning classification. Section 9-4.954 of the PMC similarly requires approval of a site development permit prior to issuance of a grading, encroachment, or building permit for construction of the proposed R.O.W. Improvements because of its R-1-H zoning classification.

Heritage Tree Removal Authorization

The proposed removal of heritage trees would require authorization by the Planning Commission in conjunction with its action on the discretionary site development permit pursuant to Section 4-12.07(a) of the PMC because it proposes to remove three heritage trees as part of the R.O.W. Improvements.

A *heritage tree* is defined as “(1) All trees within the City of Pacifica, exclusive of eucalyptus, 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; or (2) A tree or grove of trees, including eucalyptus, designated by resolution of the Council to be of special historical, environmental, or aesthetic value.”

Logging Operation

The project would require Planning Commission approval to conduct a logging operation because it proposes to remove more than 20 trees as required by Ordinance No. 636-C.S. and Ordinance No. 673-C.S. These ordinances regulate logging operations within the City, and define a *logging operation* as “any removal, destruction, or harvesting of twenty (20) or more trees within one (1) year from any

parcel or contiguous parcels in the same ownership within the City of Pacifica.” A *tree* is defined as any tree six inches in diameter as measured 12 inches from the ground.

5. Required Findings

The PMC sets forth required findings for certain permits or other authorizations/approvals considered by the Planning Commission. The findings or criteria required for approval of a site development permit, heritage tree removal authorization, and logging operation, are included below.

A. Site Development Permit. Section 9-4.3204(a) of the PMC states that a site development permit shall not be issued if the Commission makes any of the following findings:

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

Discussion:

The proposed project site is located on a hillside, and would be accessed by a street extension within the Oddstad Way public right-of-way. The Applicant has proposed R.O.W. Improvements which include a street of 20 feet in width, widening to 30’-8” to accommodate parking bays for on-street parking, and an adjacent three-foot wide pedestrian path on the south side of the Oddstad Way public right-of-way along the proposed street extension. The street design proposed by the Applicant does not meet City standards, however, and as a result has the potential to create a hazardous or inconvenient vehicular pattern.

The City Engineer has determined that the appropriate standard for the proposed street is the “Residential Collector Street” standard from Table 2 of Administrative Policy 42. The Residential Collector Street standard requires construction of a street 26 feet in width. Staff has included a condition of approval to require construction of the street extension in accordance with the Residential Collector Street standard. Additionally, the construction of one single-family residence in the Rockaway Beach neighborhood which consists exclusively of single-family residences would result in a traffic pattern consistent with the general character and intensity of the neighborhood.

The City Engineer has evaluated the proposed three-foot wide decomposed granite pedestrian path and determined it meets minimum width standards for disability access as well as general public use.

Because the project, as conditioned, would construct a street extension to the Residential Collector Street standard and because construction of a three-foot wide pedestrian path would meet minimum standards for pedestrian accessibility; therefore, staff does not believe there is evidence to make this finding.

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

Discussion:

The off-street parking area for the proposed single-family residence would be accessed via a new driveway connecting the proposed two-car garage to Oddstad Way. The proposed driveway would be 20 feet wide at the property line and would widen behind the front setback line to 25'-4" at the garage door opening. The driveway width would comply with the maximum 20-foot width limit in PMC Section 9-4.2813(c)(4).

The proposed driveway would be located roughly in the center of the Development Site's frontage. There are no driveways for other sites east of the Development Site and the nearest driveway to the west is more than 360 feet away. Therefore, there would be no immediate conflicts with traffic generated by other properties on Oddstad Way. The nearest driveway east or west of the project site associated with any future development would be more than 75 feet to the east, beyond the limits of the former Lot 12. Any future driveway on the north side of Oddstad Way, even if located directly across from the proposed driveway, would not cause a hazardous or inconvenient condition because the street would be 26 feet wide, as conditioned, which would allow safe backing out of either driveway while avoiding any cross-traffic.

Because the proposed off-street parking areas would be accessed from a driveway compliant with PMC standards; because the proposed driveway would be the only driveway for more than 360 feet along Oddstad Way; and, because the proposed driveway would remain distant from any future development approved on Oddstad Way, including directly across the street; therefore, staff does not believe there is evidence to make this finding.

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

Discussion:

This finding is most applicable to commercial projects and multi-family residential projects because single-family residences do not include service or storage areas, large expanses of paved areas, or parking lots. However, the project would include 80.9 percent of site area in a landscaped condition. This would be far in excess of the 20 percent minimum standard contained in PMC Section 9-4.402(i).

The project would not include service or storage areas or a parking lot. The project also would not include large expanses of paving on the Development Site (although the

R.O.W. Improvements necessarily would consist of large expanses of paving for the street extension). The paving which would exist on the Development Site includes the driveway, patio areas, and pedestrian pathways. The driveway would be constructed of Turfstone pavers, a type of pervious paving which integrates landscaped area within the paver structure. The Turfstone pavers would result in a soft aesthetic appearance which would not be objectionable to surrounding properties. The patio areas would be constructed with Stone Terrace permeable pavers. Except for a small patio area near the front entryway to the single-family residence, other patio areas on the site would either be screened from the street and other properties by trees or screened by the single-family residence. The pathways would be narrow in width and would not be extensive throughout the site; thus, they would not constitute expansive paved areas.

Because the project would include extensive landscaping; and, because paving improvements on the Development Site either would not constitute expansive paved areas, would integrate landscaping into their design, or would be screened from view; therefore, staff does not believe there is sufficient information to make this finding.

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

Discussion:

The proposed development would not unreasonably restrict light or air on the property or other property in the neighborhood. The proposed single-family residence would be setback substantially from all property lines at the rear, left, and right of the site. In regard to the front of the Development Site, the large front setback of 25 feet (in excess of the 15-foot minimum requirement in PMC Section 9-4.402(d)), combined with the 40-foot width of the Oddstad Way public right-of-way, would ensure sufficient distance between the proposed single-family residence and other improvements on the Development Site, and nearby properties across Oddstad Way, such that air and light to these properties would not be affected by the proposed project. The R.O.W. Improvements would primarily consist of paving at grade, as well as retaining walls with low heights which would not unreasonably restrict air or light on the subject property or property in the neighborhood.

The proposed single-family residence on the Development Site would not hinder or discourage the appropriate development or use of land and buildings in the neighborhood, or impair the value thereof. The Development Site improvements would comply with all zoning standards, would far exceed the minimum landscaping requirement, would be consistent with the Design Guidelines (as discussed in a later finding), and would preserve all heritage trees on the Development Site (as discussed in the review of the heritage tree removal authorization).

However, the proposed R.O.W. Improvements could hinder or discourage appropriate development and use of land and buildings in the neighborhood as currently proposed. As indicated in the project description contained in this staff report, the R.O.W. Improvements include retaining walls and stormwater treatment measures which either obstruct the entirety of the Oddstad Way public right-of-way or obstruct the frontages of other properties in the vicinity. Of note, a retaining wall nearly six feet in height would obstruct further extension of Oddstad Way in the event of future development to the east. Retaining walls would also obstruct a part or the whole of the frontages of Lots 147 through 150. Though not described previously, a portion of a retaining wall would also obstruct several feet of the frontage of the lot west of the former Lot 4. Stormwater treatment weirs would obstruct access in part or in whole to Lots 153 through 156 (the obstruction to a part of the 598 Rockaway Beach Avenue property is not of concern because the site already has an established point of access to the northwest).

These retaining wall and stormwater treatment weir obstructions could affect the ability to construct safe access to the affected properties. A lack of safe access to these properties would hinder or discourage their appropriate development, and has the potential to impair their value. Therefore, staff has included a condition of approval to require that the retaining walls and stormwater treatment weirs be constructed in a manner such that individual segments of these improvements could be readily removed and the function thereof be readily adapted to the removal, consistent with the original (unmerged) lot line boundaries of the Rockaway Beach Subdivision No. 1, to the satisfaction of the City Engineer. The City Engineer has assessed this issue and determined that it is feasible to design and construct the improvements in this adaptable fashion without adversely affecting their function. Inclusion of this condition of approval would resolve these adverse impacts to adjacent properties.

Because the project would have significant space from adjacent properties; because the project would preserve desirable heritage trees on the Development Site; because the R.O.W. Improvements would be low-lying; and because a condition of approval would ensure the ability to provide access to adjacent sites in the event of their future development; therefore, staff does not believe there is evidence to make this finding.

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

Discussion:

The proposed project includes the construction of a single-family residence and a street extension, neither of which are a commercial or industrial structure. Therefore, this finding is not applicable.

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

Discussion:

The proposed project does not include a subdivision and, therefore, is not entitled to consideration of excessive damage or destruction of natural features as permitted in certain instances in Chapter 1 of Title 10 of the PMC. In staff's assessment, the project as proposed would not excessively damage or destroy heritage trees and the natural grade of the site, but could potentially damage Rockaway Creek.

The prominent natural features on the Development Site and in the area of the R.O.W. Improvements are heritage trees and natural topography. The project would protect and retain all heritage trees present on the Development Site, thus leaving this natural feature unaffected by the project. However, as discussed in further detail below in consideration of the heritage tree removal authorization, the project would remove three heritage trees as part of the R.O.W. Improvements, but removal of the heritage trees in conjunction with the R.O.W. Improvements is not excessive because it is necessary for economically viable use of the Development Site. In addition to removal of some heritage trees, the project would involve construction and grading within the driplines of some heritage trees when constructing the Development Site and R.O.W. Improvements but a tree protection plan submitted by the Applicant would ensure construction and grading does not harm these trees. Grading of the R.O.W. Improvements is the minimum necessary to construct a street to City standards which is a pre-requisite to economically viable use of the project site. Therefore, grading for the R.O.W. Improvements would not constitute excessive damage or destruction of natural features. Otherwise, removal of trees on the Development Site is generally limited to the immediate area of development, and the same is true for the R.O.W. Improvements. Therefore, removal of non-heritage trees is not excessive as described in further detail in discussion of the logging operation approval below.

The project description describes the proposed creation of yard areas at Elevation 154 (rear, left, and right of residence). The Elevation 154 yard area is located proximate to the proposed single-family residence and would be directly accessible from the structure. It would measure slightly more than 2,800 sf in area. The Elevation 154 yard area (rear, left, and right of residence) would provide ample outdoor recreation area for the proposed development but would not be so large in proportion to the proposed single-family residence and the 0.89-acre project site to constitute excessive grading, and consequently would not damage or destroy natural features.

While grading-related impacts would not excessively damage or destroy natural features, the project as proposed has the potential to damage Rockaway Creek. As noted in the project description, stormwater discharges from Drainage Management Area (DMA) R-2 would not be captured and treated in the bioretention area prior to discharge into Rockaway Creek. The Applicant's Stormwater Control Plan ("SCP") states that the

steepness of the westernmost section of the street extension prevents capture and treatment of stormwater in this area. Staff's assessment of this issue does not support the conclusion in the SCP. Staff has included a condition of approval to require that the DMA-R2 stormwater discharges are captured and treated before discharge into Rockaway Creek.

The project would not damage or destroy rocks because these features are not known to be on the Development Site or in the area of the R.O.W. Improvements.

Because the project as conditioned would only remove trees and perform grading necessary to construct the R.O.W. Improvements, the single-family residence on the Development Site, and adequate yard areas on the Development Site; and, because the project, as conditioned, would treat all stormwater discharges before entering Rockaway Creek; therefore, staff does not believe there is sufficient evidence to make this finding.

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

Discussion:

As discussed more fully in the Design Guidelines discussion below, the project would not be monotonous. The proposed single-family residence on the Development Site would feature varying elements on all sides of the building. Each building elevation would feature interesting materials, roof angles, windows, and other elements, such as balconies and trellises. The building elements would be tied together with consistent materials across all elevations.

Because of the varying details on each building elevation, staff believes there is not sufficient evidence to make this finding.

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

Discussion:

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

Staff's assessment of the project is that the proposed improvements at the site are consistent with the City's adopted Design Guidelines. Major areas of project consistency and inconsistency (exterior lighting) with the Design Guidelines are discussed below:

SITE PLANNING

Site Improvements. Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features. For example, existing healthy trees and distinctive berms or rock outcroppings should be incorporated into site design. Buildings should be oriented to capitalize on views of hills and ocean.

Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.

Discussion:

The project, as revised, would incorporate all existing heritage trees on the Development Site into the overall site landscaping design. The project also would not include extensive removal of non-heritage trees outside of the immediate development footprint of the proposed single-family residence. The Elevation 154 yard area is modest in size and would not result in excessive grading to create level areas on the Development Site. There are no water courses or significant rocks on the Development Site.

Lighting. Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.

Discussion:

The project, as proposed, would not be consistent with this Design Guideline. The project proposes extensive exterior lighting on all building elevations as shown on Sheets A-5.1 and A-6.1. The project proposes 3 exterior light fixtures at the first story (garage) level, 26 at the second story level, and 17 at the third story level (a total of 46 exterior light fixtures). While these fixtures are down-facing light fixtures, the position of the proposed single-family residence on prominent topography above the lower elevation floor of the Rockaway valley where most existing development is located would be likely to result in these fixtures producing light that is not subdued as suggested in this Design Guideline.

Staff has included a condition of approval which would allow exterior lighting on the proposed single-family residence i) only in locations required by the California Residential Code, such as at doorways as a safety measure; ii) mounted in the ceiling of covered porch, deck, and balcony areas; and, iii) with one light fixture above the garage door. Landscaping lighting and safety lighting along pathways would be permitted provided the light fixtures are down-facing and located not more than four feet above the ground. The condition of

approval would provide for limited lighting to ensure safety while bringing down the overall amount of exterior light generated by the project. Staff estimates this condition of approval would reduce the number of exterior light fixtures attached to the proposed single-family residence by approximately 30 fixtures.

BUILDING DESIGN

Design. The style and design of new buildings should be in character with that of the surrounding neighborhood. This does not mean that new buildings should be identical to existing buildings on neighboring lots, but that new buildings should complement, enhance, and reinforce the positive characteristics of surrounding development. This can be accomplished by incorporating the dominant architectural features of an area into the design of new development. Such features may include bay windows, chimneys, balconies, porches, roof shapes, and other architectural details and materials. Additions to an existing structure should also retain and/or be consistent with the positive architectural features of the original structure.

Discussion:

The style and design of the proposed project is in character with the surrounding neighborhood in that the proposed single-family residence is not massive nor bulky comparative to its lot size. Although the proposed building approaches the maximum 35-foot height limit, this is largely a function of the steep topography of the Development Site and the City's method of measuring height. The proposed building only has two floors of residential floor area which is consistent with the modest scale of many homes in the Rockaway Beach neighborhood. The additional floor is a garage which is located at the lowest portion of the site, partially underground, to reduce overall building height.

Consistent with other homes in the Rockaway Beach neighborhood, the design of the proposed residence incorporates balconies, low profile roof shapes, composite shingle roofing material, wood siding, and a chimney in stacked stone material all of which collectively, complement, enhance, and reinforce the positive characteristics of surrounding development.

The design of the street-facing portions of the proposed single-family residence enhances the streetscape because the garage doors are de-emphasized from the street. The garage doors are not located on the front façade, instead they are located on the side elevation and are located partially below grade.

Scale. An important aspect of design compatibility is scale. Scale is the measure of the relationship of the relative overall size of one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be "out of scale" with its surroundings due to its relative height, bulk, mass, or density.

A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwellings, which are much larger than neighboring structures are therefore discouraged. The City's height limitation is a maximum only, and the maximum height may often be inappropriate when considered in the context of surrounding development and topography. The "carrying capacity" of a given site is also an important factor in determining appropriate scale and lot coverage. As with the height limitation, the City's lot coverage limitation is a maximum only.

Discussion:

The proposed single-family residence would be in character with the surrounding neighborhood in mass, scale, bulk and height. The established development pattern of homes in the Rockaway Beach neighborhood includes a mixture of one and two-story residences. Older homes in the neighborhood are generally small and constructed on non-conforming lots less than 5,000 sf in area. New homes constructed in the neighborhood tend to be larger than the older homes in the neighborhood. Most of the homes described here are located along Rockaway Beach Avenue. There are no developed homes on either side of the Development Site or in the immediate vicinity in any other direction. The lots immediately adjacent to the Development Site remain undeveloped.

While it would be one of the largest homes in the Rockaway Beach neighborhood, the project would also be located on a large site nearly one acre in size. This is larger than most all developed sites in the Rockaway Beach neighborhood. The large lot size and absence of existing development in the immediate vicinity of the Development Site would result in a building that would not be out-of-scale with its surroundings. Rather, this project would establish the appropriate scale for development along Oddstad Way, again, with the key relationship being between the size of the development site and the proposed structure.

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

Discussion:

The project has been well designed to create a sense of human scale by utilizing angular low pitched rooflines, a pedestrian pathway from the street, and ample balcony areas. The project also includes wall insets, window openings, and changes in materials and building planes to add interest and to reduce the apparent scale of the proposed building. These architectural features and details provide visual interest and variety on all building elevations.

Materials. Compatibility of materials is an essential ingredient in design quality. In areas with either historic or architecturally significant structures, the use of similar exterior construction materials should be used in new construction in order to maintain

neighborhood character. Consistency and congruity of materials and design elements on individual structures is also important.

Discussion:

The proposed materials are earth-tone, traditional, and common to single-family residences in general which makes the proposed materials compatible and consistent with the character of the established neighborhood in the Rockaway Beach neighborhood.

The project consistently uses the same materials across all elevations in different configurations and applications to ensure unity in the design while avoiding monotony. The key project materials include a composition roof shingle, cedar grooved horizontal siding, stacked stone, angled fascia boards, aluminum windows, trellises, and columns. These materials combine into a consistent and congruent design around the entire structure.

There are no historical or architecturally significant structures in the immediate vicinity of the project which would be relevant for determining architectural context.

Color. Building color should be compatible with the neighborhood and should reinforce and complement the visual character of the building's environment. Multiple colors applied to a single building should relate to changes of material or form.

Discussion:

The colors proposed for the single-family residence would be compatible on all elevations. The horizontal cedar siding would be unpainted and a natural wood color. The soft natural wood color would be accented by bronze-colored window frames and the white fascia boards.

Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur. Window treatment and trim, for example, should be carried out around the entire building, not just on the most visible sides.

Discussion:

All building elevations of the proposed single-family residence would be consistent in terms of color, materials, roof pitch, and architectural details. The same window types and trims would be carried around all elevations. Similarly, stainless steel and glass balcony railings would be installed at all balcony areas to provide consistency in appearance.

LANDSCAPING

Purpose. Landscaping should not be used to screen or hide an otherwise unacceptable building. Building architecture should stand on its own, with landscaping incorporated as an integral element of overall project design.

Discussion:

As discussed above and below in this discussion of Design Guidelines consistency, the project, as conditioned, would result in a building on the Development Site which would be desirable in its design and appearance and which incorporates suitable landscaping into the overall project design. The building architecture, through the incorporation of interesting elements, varying details, and a unified design across all elevations, would stand on its own. Landscaping proposed on the project site would help to soften the appearance of retaining walls, would complement the single-family residence, and would also make use of heritage trees and other existing trees to keep a mature appearance to the site's landscaping.

Amount and Variety. Applicants are encouraged to exceed the minimum amount of landscaping required by the Zoning Ordinance and landscape plans should incorporate a variety of plant species. The amount, scale, and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings should be complemented by large-scale landscaping. Development along major streets should also include large-scale trees.

Discussion:

The project, as conditioned, would include 80.9 percent of site area as landscaping. The amount of proposed landscaping is more than four times greater than the 20 percent minimum established in PMC Section 9-4.402(i). The landscape plan shown on Sheet A1.2 of Attachment C incorporates more than 50 different plant species to ensure a variety of plant species. The proposed plant species would vary in size from 1 gallon to 24-inch box. The project would also retain all heritage trees on the Development Site which would provide mature, large-scale landscaping immediately upon completion of the project.

Existing Landscape Elements. Where possible, existing landscape elements, such as native and heritage trees, should be retained and incorporated into landscape plans... Mature trees and tree groupings, as well as rock outcroppings should be considered design determinants.

Discussion:

The project would incorporate significant existing landscape elements, including all heritage trees and many non-heritage trees that are present on the site. These mature trees would provide developed landscaping while the new landscaping installations mature over a period of years. No rock outcroppings are known to be present on the project site.

HILLSIDE DEVELOPMENT

Excavation. *Large amounts of cut and/or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*

(a) Structures should relate to and follow site topography to work with the slope, not against it.

(b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land.

(c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.

(d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.

Discussion:

The proposed three-story single-family residence on the Development Site is generally oriented to the existing site contours which run crosswise on the site. The widest part of the building would be aligned parallel to the contours to minimize grading. The three stories of the building allow more floor area with less grading and disturbance of natural topography.

The R.O.W. Improvements are limited in their ability to be configured to align with existing site contours because the Oddstad Way public right-of-way has already been established as part of the Rockaway Beach Subdivision No. 1. However, the road will be constructed to the minimum width required by City standards which will avoid excessive grading from widening the road beyond the minimum acceptable width.

CONCLUSION

Because the project, as conditioned, would be consistent with Design Guidelines addressing Site Planning, Building Design, Landscaping, and Hillside Development, staff believes there is not sufficient evidence to make this finding.

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

Discussion:

The proposed development, as conditioned, would be consistent with the General Plan and other applicable laws of the City of Pacifica. Because the site is not located in the Coastal Zone, Local Coastal Plan consistency is not applicable to this project. General Plan consistency includes, but is not limited to, the following policies:

a. Land Use Element

- East Fairway Park-Valleymar-Rockaway Land Use Plan (General Plan p. 44a)

The project site is designated as Very Low Density Residential with an indicated density of one-half to five acres per dwelling unit. The proposed project includes one dwelling unit on a 38,765 sf (0.89 acre) lot, which is consistent with the General Plan land use designation for the site.

b. Circulation Element

- Policy No. 4: *Provide access which is safe and consistent with the level of development.*

As noted above under the findings for approval of a site development permit, the project, as conditioned, would include a 26-foot wide street consistent with the applicable Residential Collector Street standard in Table 2 of Administrative Policy No. 42. Providing a street constructed to City standards would provide access which is safe and consistent with the level of development.

- Policy No. 14: *Ensure adequate off-street parking in all development.*

The proposed project would comply with the off-street parking standards contained in Article 28 of Chapter 4 of Title 9 of the PMC. Specifically, the project would provide a large two-car garage as required by PMC Section 9-4.2818(a)(1) for single-family residences. On-street parking would be available on Oddstad Way; however, the project would also have sufficient driveway length to accommodate a parked car.

c. Conservation Element

- Policy No. 1: *Conserve trees and encourage native forestation; and*
Policy No. 3: *Protect significant trees of neighborhood or area importance and encourage planting of appropriate trees and vegetation.*

The project would preserve all heritage trees on the Development Site. Other trees on the Development Site would be removed only to the extent necessary for construction of the proposed single-family residence. A tree protection plan would ensure that heritage trees with drip lines located in the Oddstad Way public right-of-way and on the Development Site that will not be removed will also be protected during construction of the R.O.W. Improvements and the Development Site.

d. Historic Preservation Element

- Policy No. 1: *Conserve historic and cultural sites and structures which define the past and present character of Pacifica.*

As further described in the environmental review prepared for the project, the City performed a thorough investigation of potential cultural and tribal cultural resource impacts which could result from the project. The analysis concluded that the project would be unlikely to result in a significant adverse impact on any cultural or tribal cultural resources.

e. Community Design Element

- Policy No. 5: *Require underground utilities in all new development.*

The proposed project would install all utilities underground from the nearest joint pole or other point of connection. The utilities would be installed within a joint trench located within the Oddstad Way public right-of-way.

OTHER APPLICABLE LAWS

a. Off-Street Parking Standards in Article 28

- The proposed project would comply with the off-street parking standards contained in Article 28 of Chapter 4 of Title 9 of the PMC. Specifically, the project would provide a two-car garage as required by PMC Section 9-4.2818(a)(1) for single-family residences. On-street parking would also be available on Oddstad Way; however, the project would also have sufficient driveway length to accommodate a parked car.

b. R-1-H (Single-Family Residential Hillside) Zoning District Standards

- The proposed project would comply with the permitted and conditional uses authorized in the R-1-H zoning district as required by PMC Section 9-4.952 (reference to PMC Section 9-4.401) as well as the development regulations contained in PMC Section 9-4.953 (reference to PMC Section 9-4.402). The project proposes a single-family residential use which is consistent with the permitted uses of the R-1-H zoning district. The project would also comply with the minimum lot area per dwelling unit, minimum front setback, minimum side setback, minimum rear setback, maximum lot coverage, minimum landscaped area, and maximum height development standards of the R-1-H zoning district.

Therefore, because the proposed project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; and, because the project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 4 and 28 of

Chapter 4 of Title 9 of the PMC; there is sufficient evidence to conclude that, on balance, the project would be consistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

- B. Heritage Tree Removal Authorization. The criteria for granting authorization to remove one or more heritage trees is contained in PMC Section 4-12.05(c). This section of the PMC does not provide specific findings for approval of removal of heritage trees. Rather, it states that approval of heritage tree removal shall be based on the following criteria, which can be weighed overall when making a determination:
- i. 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;
 - ii. Whether the requested action is necessary for the economically viable use of the property;
 - iii. The topography of the land and effect of the requested action on it;
 - iv. The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, historic value, and general welfare of the area and the City as a whole;
 - v. The number of healthy trees the parcel is able to support; and
 - vi. Good forestry practices.

Discussion:

The Applicant submitted an arborist report describing the condition of all trees in the project area, including the three heritage trees proposed for removal as part of the R.O.W. Improvements (Attachment F). All heritage trees proposed for removal have a condition of "Fair" or better. Therefore, staff does not believe there is information to justify removal of the heritage trees based on Criterion (i).

The Applicant must provide vehicular access to the Development Site. Because the Development Site is located within an existing subdivision, that access currently is available only from the Oddstad Way public right-of-way. Therefore, construction of the R.O.W. Improvements is necessary within the Oddstad Way public right-of-way. The Oddstad Way public right-of-way is only 40 feet wide, and the minimum street width pursuant to the standard in Table 2 of Administrative Policy No. 42 is 26 feet. The project also requires six-inch curbs on both sides of the street, and construction of a minimum three-foot wide pedestrian pathway on one or both sides of the street. Therefore, the Applicant is constrained in construction of the street with only seven feet of deviation in the alignment possible within the public right-of-way.

Shifting the roadway in this fashion would not eliminate the need to remove the heritage trees which have been identified for removal because they would be located within the path of any street built to City standards within the available public right-of-way. Therefore, there is sufficient basis to justify removal of the heritage trees within the Oddstad Way public right-of-way under criterion (ii). The Applicant has provided a tree protection plan which would ensure the construction and grading within the dripline of certain heritage trees to complete the R.O.W. Improvements, as well as construction on the Development Site, would not harm the remaining heritage trees (Attachment E). Measures to protect the heritage trees include, but are not limited to, establishment of tree protection zones with exclusion fencing around the dripline of the trees to protect roots from damage or soil compaction, and special procedures for cutting of certain roots under the supervision of the project arborist.

The Applicant has not provided information to justify the proposed removal of heritage trees under Criteria (iii) through (vi).

Based on the analysis above, staff believes there is sufficient justification for removal of three heritage trees as part of the R.O.W. Improvements under Criterion (ii), and, thus, recommends authorization of heritage tree removal to construct the R.O.W. Improvements. Staff assesses that the removal of heritage trees to construct the R.O.W. Improvements is sufficiently justified under Criterion (ii) because no other means to access the Development Site is available, and vehicular access is necessary for economically viable use of the Development Site and is constrained to the subdivision's existing Oddstad Way public right-of-way. Staff further assesses that implementation of the recommendations in the tree protection plan will provide adequate protection to heritage trees on the Development Site and in the area of the R.O.W. Improvements such that these trees will be adequately protected from harm by the project.

- C. Logging Operation Approval. Ordinance Nos. 636-C.S. and 673-C.S. do not contain findings for approval of a logging operation. Section 5(a) of Ordinance No. 636-C.S., as amended by Ordinance No. 673-C.S., provides that logging operations which will be undertaken in conjunction with a permit requiring Planning Commission approval is exempt from the prohibition on logging operations, and said logging operation "shall be evaluated and approved or denied at a duly noticed public hearing by the [Planning] Commission... concurrently with the other permit(s)." Therefore, the following discussion will support the Planning Commission's evaluation of the proposed logging operation and staff's recommendation to approve it.

Discussion:

Staff has evaluated the proposed removal of three heritage trees for the construction of the R.O.W. Improvements. Based on the foregoing reasons stated under the authorization for heritage tree removal, above, staff recommends approval of the removal of the heritage trees necessary for construction of the R.O.W. Improvements as part of the logging operation. No heritage trees are proposed for removal on the Development Site.

Regarding the removal of non-heritage trees, staff recommends approval of the removal of all trees proposed for removal as part of the logging operation. Staff's analysis of the project supports a conclusion that only those trees necessary for construction of the R.O.W.

Improvements and those within the footprint of the project on the Development Site are proposed for removal. The Applicant has not proposed excessive tree removal in areas outside of the minimum footprint of the project area. Therefore, it is staff's assessment that the logging operation should be approved as described in this analysis.

6. Public Comments

The City received five public comments on the project prior to agenda packet publication, in addition to the public comments received on the Initial Study/Mitigated Negative Declaration discussed in the following section (Attachment H).

The comments submitted by Joanne Wilson have already been considered and responses provided as part of the Response to Comments described in Section 7 of this staff report, below. The comments submitted by Rob Greenwalt, Kira Federer, Marianne Willett, and Gloria Stofan address various aspects of the existing condition of the Rockaway Beach neighborhood in the vicinity of the project site such as substandard existing infrastructure, geotechnical hazards, noise, and scenic character. Staff has analyzed these issues for purposes of environmental review under the California Environmental Quality Act (CEQA) as discussed further in Section 7, below, as well as for purposes of permit approvals to authorize the project.

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project evaluated a range of potential environmental impacts, including but not limited to aesthetics, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation and circulation, which are impact areas implicated in the comment letters. The IS/MND and Response to Comments demonstrate with substantial evidence that effects on these resources would be less than significant or less than significant with mitigation. As a result, the project would not adversely impact existing substandard infrastructure or hillside stability, generate significant noise or traffic, or cause significant degradation to the aesthetic environment. Furthermore, as revised by the Applicant to eliminate significant amounts of grading, the project would have even fewer noise, traffic, and aesthetic impacts than analyzed in the IS/MND. The findings for permit approval also demonstrate that the project would be consistent with applicable City standards and would not, as conditioned, result in negative impacts on the project site or in the vicinity of the project.

The Federer comments also address the availability of the IS/MND and the Response to Comments prepared by the City. The City has followed all applicable laws and regulations regarding the availability of the IS/MND for public review and comment, and for release of the Response to Comments prior to taking action on the subject project. Staff should note that there is no legal requirement to provide responses to comments on an IS/MND. The City's preparation of such responses exceeded the minimum legal requirements of CEQA.

7. CEQA Recommendation

The California Environmental Quality Act (CEQA) requires public agencies to evaluate potentially significant environmental impacts prior to approving development projects and undertaking certain other discretionary activities. Pursuant to Section 21064.5 Public Resources Code and Section 15070(b) of the CEQA Guidelines, a mitigated negative declaration may be prepared for a project when the initial study identifies potentially significant environmental impacts but revisions in the project plans made or agreed to by the applicant before the mitigated negative declaration is released for public review would avoid or mitigate all such potentially significant impacts to less than significant levels, and there is no substantial evidence in the record that the project, as revised, may have a significant environmental impact. The City prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the project and made it available for public review and comment for a 30-day period from November 5, 2018, to December 5, 2018 (State Clearinghouse No. 2018112017)³. Staff also provided the IS/MND to each Planning Commissioner for review during the public comment period.

Staff thoroughly reviewed potential impacts to all environmental factors included in the initial study checklist (Appendix G of the CEQA Guidelines). The IS/MND for the proposed project identified potentially significant impacts to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation and circulation, and tribal cultural resources. In the case of each potentially significant impact identified in the IS/MND, staff was able to develop a mitigation measure or measures which would reduce the impact to a less than significant level. The mitigation measures identified in the IS/MND are included in the mitigation monitoring and reporting program (MMRP). Compliance with the MMRP is also a condition of approval.

The City received seven comment letters on the IS/MND, six of which were submitted by members of the public and one of which was submitted by a public agency, the Native American Heritage Commission (NAHC). Staff prepared a Response to Comments (RTC) for all comment letters received (Attachment I). The public comments received led to several clarifications to proposed mitigation measures included in the November 2018 public comment draft of the IS/MND (see the Errata Sheet in Attachment J). The clarifications to the mitigation measure are summarized as follows:

³ The IS/MND and technical appendices prepared for this project may be reviewed on the City's website at https://www.cityofpacific.org/depts/planning/environmental_documents.

<u>Environmental Factor</u>	<u>Mitigation Measure</u>	<u>Summary of Clarification</u>	<u>RTC Page</u>
Cultural Resources	V-1	Clarify the time period to be afforded to a most likely descendant to make a recommendation on the treatment of remains or grave goods if identified on the project site.	12
Noise	XII-2	Provide additional specificity to the requirements of noise reduction measures.	63
Biological Resources	IV-6	Clarify the procedure for authorizing removal of heritage trees in conjunction with review of a discretionary permit.	69
Biological Resources	IV-5(a) IV-5(b) IV-5(c)	Clarify requirements of consultation with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife (CDFW).	70-71
Aesthetics	I-1	Clarify that landscaping and surface treatments of proposed buildings, retaining walls, and debris walls will be among those project features reviewed for aesthetic characteristics prior to issuance of a building permit.	107
Cultural Resources	V-1	Clarify the performance standards related to implementation of the mitigation measure.	114
Hazards and Hazardous Materials	VIII-1	Add additional specificity to the mitigation measure, including reference to Appendix D, and other requirements of the fire apparatus turnaround.	115
Biological Resources	IV-3(a)	Clarify that non-target special status species should be included in reports to the City and CDFW.	119

Table 2: Summary of Revisions to Mitigation Measures Contained in the Response to Comments

All proposed revisions to the IS/MND are relatively minor, were provided to enhance the mitigation measures already proposed for potentially significant impacts, as part of responses to public comments and/or to merely clarify, amplify, or make insignificant modifications, and do not affect the adequacy of the conclusions presented therein. Therefore, none of the proposed revisions are substantial and recirculation of the IS/MND is not warranted, pursuant to CEQA Guidelines Section 15073.5.

Based on substantial evidence in the record, implementation of the mitigation measures as incorporated in the final MMRP (Attachment K) will reduce all potentially significant environmental impacts identified in the IS/MND to a less than significant level. Therefore, upon adoption of the IS/MND by the Planning Commission, the City will have satisfied the requirements of CEQA and no further environmental review is required.

8. Staff Analysis

The project, if approved, would result in construction of a new single-family residence and associated street and utilities extensions. As proposed, the project has certain characteristics which are inconsistent with the City's land use regulations and which also have the potential to cause significant environmental impacts. However, with the incorporation of conditions of approval and mitigation measures contained in the MMRP, all adverse project characteristics could be satisfactorily addressed, and all environmental impacts could be reduced to less than significant levels. Thus, staff recommends

approval of the project subject to the conditions in Exhibit A of the Resolution.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission **ADOPTS** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA) Guidelines, finding that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by imposing conditions of approval or mitigation measures; **APPROVES** Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation, by adopting the resolution included as Attachment A to the staff report including conditions of approval in Exhibit A of the resolution; and, **INCORPORATES** all maps and testimony into the record by reference.

ATTACHMENT LIST:

- Attachment A - Draft Resolution and COAs (DOCX)
- Attachment B - Land Use and Zoning Exhibit (DOCX)
- Attachment C - Project Plans (PDF)
- Attachment D - Color Renderings (PDF)
- Attachment E - Tree Protection Plan (PDF)
- Attachment F - Arborist Report (PDF)
- Attachment G - Biological Resources Assessment (PDF)
- Attachment H - Public Comments Received Before Agenda Packet Publication (PDF)
- Attachment I - Response to Comments "RTC" (IS/MND) (PDF)
- Attachment J - Errata Sheet (IS/MND) (PDF)
- Attachment K - Mitigation Monitoring and Reporting Program "MMRP" (IS/MND) (PDF)