

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-399-18 (FILE NO. 2018-040), SUBJECT TO CONDITIONS, FOR REMODELING AND ENLARGEMENT OF A 643 SQUARE FOOT (SF) FIRST FLOOR DWELLING UNIT BY 974 SF WITHIN THE EXISTING FOOTPRINT OF A TWO-STORY, THREE UNIT MULTI-FAMILY RESIDENTIAL BUILDING ON A 7,500 SF PARCEL AT 1 CARMEL AVENUE (APN 016-012-190) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Derek Vinh ("Agent").

WHEREAS, an application has been submitted to remodel and enlarge a 643 sf existing first floor dwelling unit by 974 sf within the existing footprint of a two-story, three unit multi-family building at 1 Carmel Avenue (APN 016-012-190); and

WHEREAS, the property is located in the Coastal Zoning Combining District, which requires any development to obtain a Coastal Development Permit unless specifically excluded (PMC Sec. 9-4.4303(a), (h)); and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 4, 2018, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the project qualifies for Class 1 and Class 3 exemption provided in Section 15301 'Existing Structures' and Section 15303 'New Construction or Conversion of Small Structures' of the CEQA Guidelines, respectively, as described below:

15301. Existing Structures

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

consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

* * * * *

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

* * * * *

The subject proposal to remodel the existing interior laundry room, storage areas and ante space between these areas and the existing attached garages first within the scope of Class 1 categorical exemption because the project proposes interior alterations within an existing building foot print to enlarge one unit within a three unit multi-family residential building.

15303. New Construction or Conversion of Small Structures

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

* * * * *

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

* * * * *

The subject proposal to enlarge a 643 sf, one bedroom multi-family residential unit to 1,617 sf unit fits within the scope of the Class 3 categorical exemption because the project consists of modifications to a multifamily dwelling unit in a three unit multifamily residential building in the R-3 (Multi-Family Residential) zoning district where the subject building 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. Although the project site is located within 300 feet of the mean high tide line in the area of Sharp Park Beach, it is separated from the beach by Beach Boulevard, which defines the western property of the subject site. Area to the east of Beach Boulevard is substantially developed and the project includes remodeling within the existing foot print of the building on the subject site.

- 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 includes remodeling within the existing foot print of a three dwelling unit residential building to enlarge one of the dwelling units. No recent development of other projects of the same class has occurred within the vicinity of the project site and successive projects of the same type in the area are not anticipated to have a significant cumulative impact.

- 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 project 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 1 and 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Coastal Development Permit CDP-399-18:

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 of the LCLUP. Of note, the project would be located within an existing developed area within the existing foot print of an existing building 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 within 300 feet of the mean high tide line. However, it will not interfere with the public's right of access to the sea as it is located within an existing building on the eastern side of Beach Boulevard, whereas this street provides access to the sea to the west.

- 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 project proposes development within the existing foot print of a building, served by public services and utilities and will not have significant adverse effects on coastal resources.

- 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 includes remodeling of 974 sf. of area to enlarge the size of an existing residential unit within the existing footprint of a multi-family residential building. The project would not impact scenic coastal areas along the ocean and scenic coastal areas as it would not significantly change the exterior of the existing building and will remain within the existing 19'-2" height of the building, which is less than the 35-foot height limit established by the applicable zoning. Therefore, the project would not impact any public views to the ocean and scenic areas.

- Coastal Act Policy No. 26. *New development shall: ...(b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area ; or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Discussion: The subject project consists of interior remodeling involving construction of partition walls within the existing footprint of an existing building. The building is wood framed construction with conventional spread footing foundation and observed to be in good condition structurally. The project is not anticipated to impact the stability and structural integrity of the building as it proposes construction of partitions walls for interior remodeling only.

An existing seawall/revetment structure (commonly known as the “Beach Boulevard Seawall”) is located across Beach Boulevard, to the west of the project site. This seawall is intended to provide protection from the effects of high tides and storm surge. The project site is located in front of the northern section of the wall, which has undergone emergency repair on a number of occasions since its installation in 1984. The subject project involving the enlargement of an existing dwelling unit within the existing foot print of an existing building would not negatively impact the status of the seawall. Measures to strengthen the northern section of the Beach Boulevard Seawall to protect development on the east side of Beach Boulevard are not anticipated to substantially alter natural landforms as there is already a seawall in this location.

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; Beach Boulevard is a public road located between the project site and the shoreline. Therefore, this Coastal Development Permit finding does not apply to the subject project.

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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds the project is exempt from the California Environmental Quality Act; approves Coastal Development Permit CDP-399-18 for remodeling and enlargement of a 643 sf first floor dwelling unit by 974 sf within the existing foot print of a two story, three unit multi-family residential building on a 7,500 sf parcel at 1 Carmel Avenue (APN 016-012-190), subject to conditions of approval included as Exhibit A to this resolution.

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Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of September, 2018.

AYES, Commissioners:

Remodel and Enlarge a Dwelling Unit
1 Carmel Avenue (APN APN 016-012-190)
September 4, 2018
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NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Richard Campbell, Chair

ATTEST:

APPROVED AS TO FORM:

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Coastal Development Permit CDP-399-18, for the remodel and enlargement of a 643 square foot dwelling unit by 974 square feet with in the existing foot print of a three unit multi-family residential building at 1 Carmel Avenue (APN 016-012-190)

Planning Commission Meeting of September 4, 2018

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled "Interior Renovation" received by the City of Pacifica on August 28, 2018, except as modified by the following conditions.
2. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
3. That the approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
4. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
5. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
6. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
7. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to,

damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

Engineering Division of Public Works Department

8. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
9. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Olympian Way. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
10. Existing curb, sidewalk or street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
11. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the building.
12. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property

- b. a site plan, showing:
 - i. the whole width of right-of-way of Olympian Way, including existing and proposed improvements such as, but not limited to, new pavement, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Carmel Avenue and Beach Boulevard at the centerline;
 - iii. adjacent driveways within 25' of the property lines;
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
13. An Encroachment Permit must be obtained for all work within public right-of-way or City easements. All proposed improvements within public right-of-way shall be constructed per City Standards.
14. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
15. All utilities shall be installed underground from the nearest box or joint pole.

North County Fire Authority

16. The Applicant shall install smoke detectors and CO monitors per California Building Code (CBC).

*** END ***