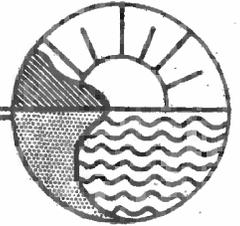


AGENDA



Planning Commission - City of Pacifica

DATE: August 19, 2013
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM
ROLL CALL:
SALUTE TO FLAG:
ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda
Approval of Minutes: July 15, 2013
Designation of Liaison to City Council

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- PSD-784-13, UP-028-13, CDP-338-13, PV-509-13**
ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND ADOPTION OF MITIGATION MONITORING PROGRAM, AND APPROVAL OF A SITE DEVELOPMENT PERMIT, PSD-784-13, USE PERMIT, UP-028-13, COASTAL DEVELOPMENT PERMIT, CDP-338-13, VARIANCE, PV-509-13, AND A WAIVER OF SPECIFIC PLAN DEVELOPMENT PROVISIONS REGARDING PARKING AND FLOOR AREA RATIO (FAR), filed by N.D. Patel, property owner, to expand an existing 38-room Holiday Inn Express located at 519 Nick Gust Way (APN: 022-024-250 & -270 & -280). A total of 44 guest rooms and 2,010 square feet of retail space would be added to the existing building. The existing parking garage would also be expanded to provide 24 additional parking spaces, 9 bicycles parking spaces and 4 motorcycle parking spaces. Other improvements/additions include a meeting room, great room, fitness area, storage facilities and new bathrooms. The overall height of the proposed addition would be approximately 44 feet, 7 inches. For aesthetic purposes, a tower on the corner of Rockaway Beach and Old County with an overall height of 50 feet 3 inches is also featured. The project is located in the Coastal Zone. Recommended CEQA status: Mitigated Negative Declaration has been prepared for adoption. Proposed Action: Adopt Mitigated Negative Declaration and approve project as conditioned.

COMMISSION ITEMS:

None.

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

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

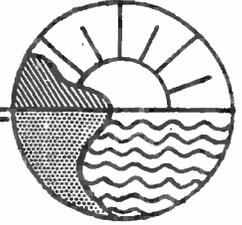
ADJOURNMENT

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

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

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

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: August 19, 2013

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on August 7, 2013 and 16 surrounding property owners and interested agencies were notified by mail.

FILE: PSD-784-13
UP-028-13
CDP-338-13
PV-509-13

**APPLICANT/
OWNER:** N.D. Patel
519 Nick Gust Way
Pacifica, CA 94044

LOCATION: 519 Nick Gust Way (APN: 022-024-250 & -270 & -280)

**PROJECT
DESCRIPTION:** Expansion of an existing 38-room Holiday Inn Express.

General Plan: Commercial
Zoning: C-1/CZ, Neighborhood Commercial/Coastal
Zone

CEQA STATUS: A Mitigated Negative Declaration has been prepared for adoption

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval, as conditioned.

PREPARED BY: Lee Diaz, Associate Planner

STANDARDS CONFORMANCE:

Standards	Required	Existing	Proposed
Lot Area:	10,000 s.f. (min.)	32,704 s.f.	No Change
FAR	65% (max.)	166%	182%*
Bldg. Height:	35' (max.)	N/A	44' 7"
Lot Coverage (bldgs):	N/A	81.7%	86.5%
Bldg. Setbacks:			
-Front (east):	N/A	N/A	18'-5"
-sides (north & south):	N/A	N/A	5'/6.5'
-rear (west):	N/A	N/A	5'-7"
Landscaping:	10% (min.)	11.87%	13.5%
Parking:	51 spaces (min.)	34 spaces	24 spaces*

*Specific Plan waiver of FAR and parking requirements requested.

PROJECT SUMMARY

A. STAFF NOTES:

1. Site Description: The subject property is located on the west side of Highway 1, at the southwest corner of Rockaway Beach Avenue and Old County Road. The property consists of three parcels totaling 32,704 square feet of lot area. No heritage trees are located on the site. The site currently contains a 38-room hotel, a vacant two-story building with related parking that once served as a restaurant, a vacant two-story residential structure and a large deck. The vacant buildings and large deck will be demolished to make room for the hotel expansion, parking garage and retail space. The Planning Commission recommended approval of the existing 38 room hotel on December 16, 1996. Approval of a height variance and a waiver of Specific Plan development provisions regarding parking and floor area ratio (FAR) was also recommended by the Planning Commission. On January 13, 1997 the City Council approved the plans including the variance, parking and FAR waiver. The parking waiver was for 4 parking spaces and the waiver for the FAR was 166% where 65% is the maximum permitted. The original approval did not include the 13,674 square foot lot which currently contains the vacant two-story commercial structure that was used a restaurant. The applicant recently acquired that portion of the property to expand the hotel. It should be noted that at the time the original hotel was approved, the Planning Commission made recommendations on permits within their purview to the Redevelopment Agency for final approval. The City Council served as the Redevelopment Agency. Since there is no longer a Redevelopment Agency the final approvals are now granted by the Planning Commission.

On May 19, 2008 the Planning Commission recommended approval of a three-story commercial (retail/office) building with subterranean parking on the 13,764 square foot site. On July 14, 2008, the City Council approved the requested permits which included an amendment to the Rockaway Beach Specific Plan to allow office activity, and a waiver of Specific Plan requirements regarding parking and floor area ratio (FAR.). The parking waiver was for 26 on-site parking spaces and the FAR waiver was for 138%. The developer never pursued

construction of the project. The 26 parking waiver expired with this project and is not counted toward the current proposal.

2. Project Summary: The proposed project is the expansion of an existing 38-room Holiday Inn Express. A total of 44 guest rooms and 2,010 square feet of retail space would be added to the existing building. The existing 8,500 square foot parking garage would also be expanded to provide 24 additional parking spaces, 3 bicycles parking spaces and 2 motorcycle parking spaces. Two existing guest rooms will be relocated within the existing building to allow access to the new addition on the north side of the building. Other improvements/additions include a meeting room, great room, fitness area, storage facilities and new bathrooms.

The north side of the existing hotel along Old County Road and Rockaway Beach Avenue would be expanded to accommodate the parking garage, retail space and 36 new guest rooms. As mentioned above, a vacant building with related parking that once housed the Horizons Grill Restaurant occupies the northern portion of the site. It will be demolished to make room for the hotel addition, parking garage and commercial/retail space. The three-story addition consists of the garage including storage area and stairways and commercial retail area on the first floor. The second floor would contain 17 new guest rooms, and fitness area. The third story would have 19 new guest rooms.

The expansion on the south side would also feature three stories of building area. This portion of the property is currently occupied by an existing two-story single-family residence that would be demolished to accommodate 8 new guest rooms and other improvements. The ground level would provide a great room, meeting area, three bathrooms, pantry area, and storage areas. The proposed second and third floor plans would contain 4 new guest rooms on each floor. The proposed expansion on both the north and south sides of the existing building will total approximately 35,617 square feet plus 8,405 square feet of garage area. The overall height of the proposed addition would be approximately 44 feet, 7 inches, whereas the height of the existing building is approximately 41 feet. For aesthetic purposes, a tower on the corner of Rockaway Beach and Old County Road with an overall height of 50 feet, 3 inches is also featured.

Additionally, there will be 539 square feet of new deck area on the southwest side of the building and 936 square feet of additional landscaping. Outdoor benches within the proposed landscaped area along Old County Road will also be provided for the public. Access to parking area would be provided via a 25-foot wide driveway off Old County Road and Nick Gust Way.

The applicant included preliminary green building features such as exterior and interior materials with 10% recycled contents, new water efficient landscaping and irrigation, water efficient fixtures, wood framed elements to be F.S.C. certified, etc. A LEED certification would also be required by the City Ordinance during the building permit process.

Required Permits: Pursuant to the Rockaway Beach Specific Plan, all new development proposals require a Use Permit, Site Development Permit and Coastal Development Permit. In addition to these permits the project also includes a height variance, a waiver of the Specific Plan's development regulations regarding Floor Area Ratio (FAR) and minimum on-site parking.

3. Specific Plan, General Plan, Coastal Plan, Zoning, and Surrounding Land Uses: The City Council adopted the Rockaway Beach Specific Plan on February 24, 1986 to provide a bridge between the Local Coastal Land Use Plan and development proposals. The Specific Plan combines zoning regulations, capital improvement programs, and development standards which seek to stimulate and attract private investment in the area.

The Rockaway Beach Specific Plan establishes overall objectives addressing land use and development, traffic circulation and parking, and the physical appearance and design of buildings. The Plan also provides independent development standards for the Rockaway Beach Specific Plan Area and augments existing standards provided in the Zoning Code. These regulations are designed to implement the General Plan's goals and develop the visitor-serving commercial potential of the area.

The General Plan/Local Coastal Program Land Use Plan designation for the entire Rockaway Beach area is Commercial. The Zoning designation of the site is C-1/CZ (Neighborhood Commercial/Coastal Zone Combining District). Both the General Plan and the Local Coastal Land Use Plan encourage the development of visitor-serving commercial uses. The Specific Plan land use designation for the property is Visitor Commercial. The allowable uses for the Visitor Commercial designation include restaurants, motels, hotels, lodging houses and specialty shops associated with these uses. Other permitted uses include sports or athletic facilities, cultural centers, museums and other similar activities.

The land uses in the Rockaway Beach Specific Plan include a preference for developments that provide public recreation opportunities. Although the proposal does not include a dedication of land for public recreation, the hotel will provide needed visitor-serving commercial uses in the area. According to the Rockaway Beach Specific Plan, visitor-serving commercial uses which upgrade the physical character of the area should be encouraged. In addition, exiting housing which precludes successful visitor serving land uses should be eliminated. The proposal includes the removal of an abandoned single-family dwelling and a vacant commercial building that has been unoccupied for the last 10 years.

Surrounding uses include hotels to the west, Rockaway Creek to the south, Highway right-of-way to the east, and a combination of commercial and residential uses to the north.

4. Municipal Code and Design Guidelines: The proposal meets most of the development standards for the C-1 (Neighborhood Commercial) Zoning District. No minimum setbacks are required in the C-1 zone unless established as part of the Site Development Permit. However, a variance is required for the overall height of the proposed expansion which would be approximately 44 feet, 7 inches, where the maximum height permitted is 35 feet. The height of the existing hotel is 41 feet.

a) Building Use and Site Design: As discussed above, the proposed expansion will consist of three stories with a maximum height of 44 feet 7 inches. A tower element that reaches 50 feet 3 inches would also be featured for visual interest. Retail space and parking would be featured on

the first floor, and 44 new guest rooms on the second and third floors, for approximately 35,617 square feet of gross floor area, exclusive of the 8,405 square foot 24 new car garage. The proposed project would remove a portion of the existing building, a vacant single-family residence, an existing deck and a vacant two-story structure. The proposed project would remain almost entirely within the current development footprint. The second and third floors would cantilever over the first by approximately 3 feet, which are still within the current footprint. Only a small patio and a flow-through planter would be constructed outside of the current development footprint.

Coastal Act Policy No. 24 requires that “the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to, and along, the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality of visually degraded areas.” The project may impair or eliminate private coastal views from nearby existing residential structures, in much the same way that the view of others further inland is altered by the presence of those homes. Furthermore, the alteration of private views is consistent with the effect of development in urban Pacifica and is consistent with the General Plan.

The City’s maximum building height is 35 feet. The Rockaway Beach Specific Plan indicates that buildings two stories in height are permitted; however, three stories may be permitted if a finding can be made that such height will not restrict “coastal view potential” from Highway 1 more than would a two-story structure and will provide an increase in public open space over and above that which would have normally been provided. The proposed maximum height of the building is 44 feet 7 inches. Because the north side of the parcel rises slightly in elevation, the proposed overall height of the building would be higher than the existing hotel as measured at the finished grade, between the lowest point on the site to the topmost point of the roof. A Variance has been requested to allow the increase in building height.

Staff has reviewed the ocean view corridor from Highway 1 and concludes that the applicant’s proposal to construct three-stories on the subject site would not reduce the coastal view more than would a two-story building on the site. The existing vacant two-story structure located on the north portion of the site already affects the ocean views. Additionally, the reduction of height to 35 feet would eliminate one story or the off-street parking area, or would eliminate the gables, an important architectural feature of the building. The existing vegetation and buildings preclude most coastal views from Highway 1 as it parallels the West Rockaway Beach planning area. The elevation of Highway 1 increases as it progresses to the south, thereby opening up limited view of the headlands property and the beach through the Rockaway Beach neighborhood. The primary view from the highway is of the beach and headlands and can be seen from the highway immediately south of the developed portion of the Rockaway Beach neighborhood. The ocean is not visible from this particular viewpoint. Public open space will be provided as part of the development. Benches along the proposed landscaped area fronting Old County Road will be provided to the public. Currently, there is no public space on the subject site. The Rockaway Beach area also has abundant open space less than a block from the site, including a public plaza, an ocean promenade, beach area, and hiking trails.

The proposed design is consistent in scale, massing and height with that of the existing 3-story Holiday Inn Express and with the 3-story Pacifica Motor Inn that abut the site on the south and west sides. The proposal would not substantially degrade the visual character or quality of the site and its surroundings. Proposed exterior features include gable roofs, standing metal roofing, cement plaster siding, cement shiplap siding and trim to match existing exterior finishes. The project will be sufficiently landscaped, meeting City standards and adding interest to the streetscape.

For aesthetic purposes, a tower on the corner of Rockaway Beach and Old County is also featured. The tower will peak at a height of 50 feet 3 inches. Under section 9-4.2501 of the Zoning Ordinance, cupolas, flagpoles, monuments, parapet walls, gas storage holders, water tanks, church steeples and similar structures and mechanical appurtenances are allowed to exceed the height limits with approval of a Site Development Permit. The additional height would not adversely affect scenic vistas. The project would not block scenic vistas from publicly accessible areas or from other existing development. Further, the project is not highly visible from Linda Mar and Pedro Point neighborhoods. The project is mainly visible from a small portion of Highway 1 and from small segments of Fassler, Rockaway Beach Avenue and Roberts Road. On December 15, 2003 the Planning Commission approved a tower element at 446 Old County Road that reaches a height of 54 feet.

b) Intensity: The Specific Plan permits a maximum floor area to lot area ratio (FAR) of 65% for this area. The original hotel was granted a FAR waiver for 166%. The lot was only 19,030 square feet when the original hotel was approved. The lot is now 32,704 square feet. The expansion together with the existing hotel would amount to an FAR of 182%. A waiver is permitted upon establishing the necessary findings, as contained at the end of this report, and which relate to the public health, safety and welfare, and overall Specific Plan objectives. Considering that the project, in terms of proposed use and design, is consistent with the Specific Plan objectives and the site is constrained due to its size, and location, staff considers the waiver reasonable. The overall goal of the Specific Plan is to stimulate and attract quality private investment in this area thereby improving the City's economic health and tax base while strengthening the overall image and attractiveness of the area. The proposal would provide 44 additional hotel rooms and 2,010 square feet of retail space which should help stimulate the economic health and tax base of the City. Other projects in the Redevelopment Area, Pacific Motor Inn (103%), 400 Old County Road (111%), 446 Old County Road (129%), and 225 Rockaway Beach (130%), were all granted FAR waivers.

c) Parking: The City Council previously discussed the matter of parking in the West Rockaway Beach area in March and April 1998. According to the City Council, it was found that sufficient parking is available, and any existing parking problems are most likely related to the lack of conveniently located centralized spaces rather than total quantity. Other projects in the Rockaway Beach Area, 400 and 420 Old County Road were granted parking waivers. 400 Old County Road was granted a parking waiver for 29 spaces in May 1998 and 420 Old County was granted a waiver for 4 spaces in March 2002. Additionally, a parking waiver for 6 spaces was recently approved by the Planning Commission on February 19, 2013 for a mixed-use project at

411 Dondee Way.

On December 16, 1996 the Planning Commission also recommended approval of a waiver for 4 on-site parking spaces for the original proposal which provided parking for 34 spaces where 38 parking spaces were required. On January 13, 1997 the City Council approved the parking waiver.

The proposed expansion requires a total of 51 (44 for the guest rooms and 7 for the retail space) on-site parking spaces. Per Rockaway Beach Specific Plan standards, one space per guest room and one space per 300 square feet of gross leasable area for retail are required.

As a result of the expansion, 9 parking spaces would be eliminated from the existing 34-car parking garage. One of those spaces would be converted to provide parking for 2 motorcycle spaces. The parking ordinance allows credit for 1 parking space omitted for each 2 motorcycle spaces provided. The proposed expansion will provide 24 additional parking spaces (18 standard spaces, 2 handicapped and 4 compacts spaces) and 2 additional motorcycle spaces. The applicant is allowed an additional credit for 1 parking space for providing the 2 additional motorcycle spaces. Additionally, 9 bicycle parking spaces would also be provided. The total amount of parking that will be provided would be 49 spaces and 4 motorcycle spaces. Therefore, the proposal would require a parking waiver for 34 parking spaces.

An ordinance adopted by the City Council in 1986 allows an in-lieu fee to be paid for each parking space that cannot be provided on-site in the West Rockaway Beach Area. In order to assist in development activities, the in-lieu parking fee payment allows the use of public parking in considering parking requirements on private property. These fees will be used to further reduce any parking impacts by the eventual construction of an additional parking facility. Currently, the fee is set at \$3,000 per space for a total of \$102,000 that will be required to be paid prior to the issuance of the building permit if the project is approved. Findings for approval of the waiver of the parking requirements are contained at the end of this report.

A parking analysis was also done by RKH Civil and Transportation Engineering taking into consideration that the peak parking demands for the individual uses do not all occur at the same time of the day and that the retail and restaurant uses will “capture” a percentage of demand from on-site and existing near-by uses. The analysis indicates a peak parking demand of 75 spaces at full occupancy. The development would be providing 49 vehicles and 4 motorcycle spaces on-site spaces. A parking survey of the Rockaway Beach area was performed on a Friday and Saturday which are typically the busiest days for non-business hotel parking demands. It was recognized that parking occupancy will vary from day to day, seasonally, and during times of unusual events. However, it was determined that there is adequate on-street parking available to accommodate overflow parking from the hotel. The unmet demand would be accommodated in other existing public parking facilities in the West Rockaway area, and on Old County Road directly across from the subject site 17 existing spaces would also be available. The beach south parking lot located adjacent to the site contains 59 parking spaces. The City parking lot on Old County Road is located one block from the site and provides 58 spaces.

The proposed project would also be located directly south from a Farmer's Market that operates from May to November on Wednesday afternoons from 2:30 PM to 6:30 PM. The actual location of the Farmer's Market is between 446 Old County Road and the entrance to the City-owned parking lot. The peak parking demand typically occurs during the late evening through the early morning hours with a second short peak occurring at checkout/check-in time around 11:00 AM. Because the peak parking demand for the project will not occur during the hours of the Farmer's Market, the project will not significantly impact parking demand during the hours of the Farmers Market.

5. Site Development Permit: Pursuant to Section 9-4.3204 of the Zoning Code, a Site Development Permit shall not be issued if the Commission makes any of the findings regarding potential traffic patterns, parking accessibility problems, insufficiently landscaped areas, the restriction of light and air on the property or other properties in the area, the creation of a substantial detriment to an adjacent residential district, damage to the natural environment, and insufficient site and structural design variety. In addition, the proposed development must be consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City. Staff believes that the design is consistent with the character of the surrounding neighborhood; that it will not create inconvenient traffic patterns or parking accessibility problems, adequate landscaping will be provided, and the proposal will not restrict light or air to surrounding buildings or discourage additional development in the area. The proposal will enhance the design variety and will not affect the surrounding natural environment. Additionally, staff believes that the proposed hotel expansion would be consistent with the City's Design Guidelines, General Plan, Local Coastal Land Use Plan, Zoning Code and uses permitted under the proposed Specific Plan amendment, and other applicable laws of the City. According to the Rockaway Beach Specific Plan, visitor-serving commercial uses which upgrade the physical character of the area should be encouraged. In addition, the exiting vacant house, which precludes successful visitor serving land uses, will be eliminated. The proposal includes the removal of a vacant single-family dwelling and a vacant commercial building that has been unoccupied for the last 10 years.

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

1. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.
2. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.
3. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

Staff believes that the proposed hotel expansion will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City; and that the use is consistent with the City's adopted Design Guidelines, applicable provisions of the General Plan, Rockaway Beach Specific Plan, Local Coastal Plan, and other applicable laws of the City. Staff also believes that the project, as conditioned, will be compatible with the character of the surrounding land use, and will not affect traffic circulation in the area. The proposal will also not obstruct light or reduce views normally enjoyed by the adjacent properties.

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

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- b. That the granting of the variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular improvements in the area; and
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

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

Staff believes that the location and surroundings of the property limits the ability to expand the existing hotel. The site is small, unusually shaped, bordered by three roadways, a creek, and existing development limiting practical development of the site. According to the Rockaway Beach Specific Plan, the three-story building may be approved if the "coastal view potential" is not reduced more than a two-story building. Staff has determined that the three-story addition would not eliminate a significant amount of view more than the two-story building that exists on the site. Because the north side of the parcel rises slightly in elevation, the proposed overall height of the building would be higher than the existing hotel as measured at the finished grade, between the lowest point on the site to the topmost point of the roof.

Staff believes that granting the Variance will not, under the circumstances of the subject case, materially affect adversely the health or safety of persons residing in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area. By allowing an increase in the maximum height limit, it would not affect the health or safety of

persons residing or working in the neighborhood. The proposed hotel expansion is compatible with the existing hotel and is an overall improvement to the site from its existing conditions.

The proposed hotel expansion is consistent with the City's Design Guidelines, where applicable. The style, design and materials proposed are consistent with the existing building and are not unlike what is existing in the area, and the building is not out of scale with the neighborhood. In addition, the gables and tower are important architectural features. The coastal view potential is not further eliminated as a three-story building more than a two-story building, thereby meeting the criteria set forth in the Specific Plan. Further, the articulation of wall planes on the building facades create more architectural interest than single-plane walls. This reduces the overall massing of the structure, and reduces the visual impact of the building height.

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

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

Staff believes that the proposed hotel expansion is in conformity with the City's Local Coastal Program, and public recreation policies of Chapter 3 of the California Coastal Act. The project is located on an infill site, surrounded predominately by a mix of commercial and residential development. The project is consistent in scale compared to surrounding areas and will have limited, if any, visual consequences. Additionally, staff believes that the project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use.

9. Environmental Review (CEQA): A Mitigated Draft Negative Declaration has been prepared and circulated. The Draft Mitigated Negative Declaration was available for public review and comment for 30 days, beginning March 1, 2008, and ending April 18, 2008. Two comments were received and are discussed further below. Based on the findings of the Initial Study including the attached mitigation monitoring program, as prepared for the project, it has been determined that the project could have a significant impact upon the environment regarding Biological Resources, Cultural Resources, Hydrology and Water Quality, and Noise, but with implementation of the proposed mitigation measures the potential impacts will be avoided or reduced to insignificant levels. It has also been determined that the project will not have a significant adverse affect upon wildlife resources or the habitat upon which wildlife depends, either individually or cumulatively. Therefore, a Mitigated Negative Declaration has been prepared and attached for adoption (see attachment a & b). Below is a brief discussion of the some pertinent issues addressed in the Mitigated Negative Declaration: Biological Resources,

Hydrology and Water Quality, Noise, and Traffic:

Biological Resources - Live Oak Associates, Inc. prepared a biological assessment of the project site. The subject property includes two main habitat types, developed/ruderal and urban creek. The developed/ruderal habitat is described as presently disturbed land, and urban creek is described as a natural occurring creek flowing through an urban environment. The project area outside of the creek corridor is currently developed or ruderal. This portion of the project area comprises of the existing hotel with an attached deck, a vacant two-story residential structure. Vegetation is very minimal in these areas. The majority of the area is dominated by low-growing non-native herbaceous vegetation. Species on the site include wild oats, riggut, Italian ryegrass, soft chess, Italian thistle, cheeseweed mallow, dwarf mallow, wild radish, white stemmed filaree, agapanthus, burclover, scarlet pimpernel, bristly ox tongue, and calla lily. No heritage trees are located on the site.

Rockaway Creek is a small perennial creek comprised of a single stream and drainage from the surrounding hill which drains through a channel scoured annually by winter rains through the urbanized Rockaway neighborhood and under Highway 1 via an extended culvert before ultimately flowing into the Pacific Ocean at Rockaway Beach. In the vicinity of the site, Rockaway Creek is generally clean of garbage debris and herbaceous plants flourish. Biotic values for the reach of Rockaway Creek associated with the site are low, offering minimal canopy cover and an understory comprised mainly of a mixture of native and non-native herbaceous plants and vines, with dense low vegetation within the channel. A portion of the channel occurs within the subject property boundary.

Landscaped plants include sandhill sage, hibiscus, rosemary, and calla lily. Minimal overstory canopy is provided by one small arroyo will on the opposite bank from the site, a culvert along the upstream boundary of the site and a footbridge along the downstream boundary. Naturally growing vegetation include annual bluegrass, agapanthus, black mustard, poison hemlock, white stemmed filaree, sweet fennel, white ramping fumitory, English ivy, smooth cat's ear, cheeseweed mallow, dwarf mallow, burclover, watercress, sour grass, bristly ox tongue, Himalayan blackberry, California blackberry, curly dock, German ivy, solanum, nasturtium, and stinging nettle.

Riparian systems serve as dispersal corridors and islands of habitat for an estimated 83% of amphibians and 40% of reptiles in California (Brode and Bury 1984). Healthy riparian systems offer a diversity of vegetative layers and as such these habitats tend to support a diverse array of native wildlife as well as provide movement corridors for some animal species between other habitat types. For this reason, riparian habitats tend to possess high biotic value. However, the reach of Rockaway Creek associated with the project offers only low value habitat for wildlife due to a general lack of structural diversity and woody plants, the extended culvert acting as a barrier to upstream movement that crosses Highway 1, abundant predators such as raccoons and feral cats, and commercial buildings existing under the drip line or within 10 feet of top of the bank both on site and upstream.

The existing development along the southern portion of the site is situated approximately three

feet from the top of the creek bank. As mentioned earlier, the proposed project would remain within the current development footprint. The only encroachment on the creek proposed is in the location of a small patio and flow-through planter on the southwestern corner of the site. The patio and flow-through planter box would be constructed in the ruderal habitat outside of the current development footprint. The flow-through planter would be approximately 5 feet 8 inches from the top of the bank of the creek and the deck would be approximately 2 feet 7 inches from the top of the bank. Flow-through planters are designed to detain and treat runoff without allowing seepage into the underlying soil. Pollutants are removed as the runoff passes through the soil layer and is collected in an underlying layer of gravel or drain rock. A pipe underdrain will be directed to a storm drain and an overflow inlet conveys flows that exceed the capacity of the planter. The flow-through planter box is being installed per the requirements of Provision C-3 of the San Mateo Countywide Water Pollution Prevention Program (STOPPP). Live Oak Associates, Inc. determined that the encroachment of the deck and flow through planter would not pose any significant impacts to the creek. The purpose of the flow-through planter as a water quality featured planted with native vegetation adapted to creek or wet conditions offset this very minor encroachment according to Live Oak Associates, Inc.

According to the biological evaluation, the vacant building to the north provides suitable roosting habitat for the pallid bat and big free-tailed bat, as well as more common bat species protected by the California Fish and Game Code. Mitigation measures will require that the applicant implement to ensure that mortality to special status bats from future ground disturbances is avoided.

The site is not located within a federally protected wetland. No known unique, rare, or endangered species are known to inhabit the site nor is the development location expected to change the diversity of any animals or species in the area. The site location is not a known animal migratory route, riparian habitat, or sensitive natural community, nor will the project have an effect on any such places. Because this is a previously developed site with no heritage trees, the project does not conflict with any local policies protecting biological resources. The project is not included in any adopted Habitat Conservation Plan, Natural Community Plan or any other approved conservation plan. No significant impact on Biological Resources would occur from the Project if the following mitigation measures recommended by the August 11, 2012 biological evaluation for “Holiday Inn Express Expansion Project, 519 Nick Gust Way” are implemented.

1. A detailed bat survey should be conducted to determine if bats are roosting or breeding in the onsite buildings prior to demolition. A qualified bat specialist will look for individuals, guano, staining, and vocalization by direct observation and potential waiting for nighttime emergence. The survey should be conducted during the time of year when bats are active, between April 1 and September 15. If demolition is planned within this timeframe, the survey should be conducted within 30 days of demolition. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days. If demolition is planning outside of this timeframe (September 16 through March 31), the survey should be conducted in September prior to demolition. If no bats are observed to be roosting or breeding in these structures, then no further action would be required, and demolition can proceed.

2. If a non-breeding bat colony is found in the structures to be demolished, the individuals should be humanely evicted via the partial dismantlement of the buildings prior to demolition under the direction of a qualified bat specialist to ensure that no harm or “take” would occur to any bats as a result of demolition activities. If a maternity colony is detected in the buildings, then a construction-free buffer should be established around the structure and remain in place until it has been that the nursery is no longer active. Demolition should preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.
3. Measures taken during construction activities should include placing construction fencing along the creek to ensure that construction activities do not inadvertently impact these areas. The project will also be required to follow all Best Management Practices.
4. To minimize the impacts of light and glare entering the creek corridor, lighting should be avoided at the edge of the creek corridor. All lighting on the property should be directed away from the creek corridor whenever possible. Any lighting for pathways on the property should be bollard-type lighting (lights that are low to the ground and do not create much glare).

Hydrology and Water Quality - The project will result in covering and/or compacting land that was previously developed with a smaller commercial building on the north side and a residential unit on the south side. The subject site is almost entirely covered with concrete and asphalt, except for some small planting areas along the south, west and north side of the existing building. Because the project will be creating or replacing over 10,000 square feet of impervious surface, it is subject to Provision C.3 of the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) which requires that existing stormwater runoff levels be maintained by incorporating site design and source control measures as well as storm water treatment Best Management Practices to protect water quality.

Further, all project grading would take place in the dry season to minimize immediate erosion/siltation effects. Nonetheless, erosion/siltation controls would be required during the construction process. San Mateo County Storm Water Pollution Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures would be employed during construction as part of the project which would protect water quality in the nearby ocean.

The project is not anticipated to violate any water quality standards or waste discharge requirements. The project is required to be in compliance with Provision C-3 of the San Mateo Countywide STOPPP. The Municipal waste discharge requirements are satisfied because staff from the Wastewater Division of the Public Works Department have reviewed the project and indicated that the sewer connection for the expansion is feasible. Given compliance with all state and local requirements, the project and the proposed mitigation measures, no other impacts are anticipated that would substantially degrade water quality.

The project will be connected to existing improved drainage facilities which include curbs, gutters and storm drains that eventually reach the ocean. The streets and storm drain currently accommodate surface drainage and the additional drainage created by the development would be minimal. According to Wastewater Department staff, the project will not result in additional stormwater runoff that will exceed the capacity of the existing storm water drainage systems. The project will also be required to maintain existing stormwater runoff levels pursuant to Provision C.3 of the San Mateo Countywide STOPPP. Flow-through planters have been incorporated into the proposed site design and will be installed along a portion of the expansion that faces Old County Road and on the southwest corner of the proposed expansion. The entire project site except for the new landscaping will be paved and drainage will not result in substantial erosion or siltation on- or off-site nor will it increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site.

Noise - The expansion of the existing hotel would represent a new source of noise in the area. However, the anticipated noise is expected to be minimal and consistent with existing noise levels in the surrounding neighborhood. Thus, the project will not result in exposure or generation of noise in excess of applicable standards. Moreover, there will be no ground borne noise or vibrations. Although there will be no permanent increase in ambient noise levels, there will be a temporary increase due to construction. Noise will occur during project construction, as with all new construction projects, resulting in increased exterior noise levels within the project vicinity. The hotel guests staying at the existing hotel would be affected by the construction noise. The construction noise, however, would be short-term. According to the owner of the Holiday Inn Express, there is no actual time when the guests are typically in their rooms. Checkout time, however, is at 12:00 p.m. The City of Pacifica's Noise Ordinance regulates construction activities for any project for which a building permit is required within the City of Pacifica. The construction hours are 7:00 a.m. to 7:00 p.m. on Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays.

Traffic: RKH Civil and Transportation Engineering prepared a Traffic Impact Analysis for the Old County Commercial Development. This report was peer reviewed by Hexagon Transportation Consultants. The study area included three intersections on State Route 1 (Route 1 and Crespi Drive, Route 1 and Fassler Avenue/Rockaway Beach and Route 1, Reina Del Mar Avenue). Four scenarios have been developed and analyzed in this study. These include existing conditions, background conditions, project conditions and near-term cumulative conditions. The Traffic Impact Analysis also describes LOS (Levels of Service) categories which describe traffic flow conditions and range from A through F, with LOS A describing the best, free-flowing traffic conditions and LOS E and F describing unstable and/or forced traffic conditions, limited operating speeds and/or maneuverability and the occurrence of stoppages and/or delays. In the case of a LOS F the delay would be 60 seconds or more. The City of Pacifica currently considers intersections operating at a LOS E or F to be unacceptable. The City of Pacifica concludes that a project has a significant traffic impact for signalized intersections in Pacifica, if for any peak hour:

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions, or

- The intersection is already operating at an unacceptable LOS E and the addition of project traffic causes both the critical-movement delay at the intersection to increase by two (2) or more seconds and the demand-to-capacity ratio (V/C) to increase by more than 0.010, or
- The intersection is already operating at an unacceptable LOS F and the addition of project traffic causes both the critical-movement delay at the intersection to increase by one (1) or more seconds and the demand-to-capacity ratio to increase by more than 0.010.

The existing conditions on Route 1 are such that during AM (7-9AM) and PM (4-6PM) peak hours on an average weekday, motorists are faced with heavy traffic and congestion. Two intersections; the intersection at Reina Del Mar Avenue and Route 1 and the intersection at Fassler Avenue and Route 1, are particularly congested and currently operate at unacceptable Levels of Service during at least one peak hour period. During AM peak hours both of the above referenced intersections operate at LOS E which is considered unacceptable. During PM peak hours the Route 1/Fassler Avenue/Rockaway Beach and Route 1/Reina Del Mar Avenue intersections operate at LOS C, which is acceptable. Route 1 and Crespi Drive intersection currently operates at LOS B in the AM peak hours and LOS A during the PM peak hours which is acceptable.

The AM peak hour delays are related to northbound traffic and the PM peak hour delays affect southbound traffic. The project is expected to generate 29 additional vehicle trips during AM peak period and 26 new vehicle trips during the PM peak period. Project generated traffic will create a significant impact at the intersection of Route 1 and Fassler Avenue/Rockaway Beach Avenue during the morning street peak hour. However, modifying the Rockaway Beach Avenue approach to Route 1 to provide a separate right-turn lane and a separate left-through lane will mitigate the impact the project added traffic will have on the intersection during the morning street peak hours. The project adds minimally to the delay at the other two intersections. Both the RKH Draft Traffic Study and the Hexagon peer review of the traffic study concluded that the project with the recommended modification at Rockaway Beach Avenue approach to Route 1 would not have a significant adverse project or cumulative traffic impact because the project would increase delays only minimally at the study intersections and would result in delay and volume-to-capacity ratio increases that fall below the thresholds of significance. Therefore, based on the City's level of service standard and thresholds of significance, the project would not cause a significant impact on traffic at these intersections.

Additionally, based on its knowledge of traffic patterns near the project site, including the non-signalized intersection at Old County Road and Rockaway Beach Avenue, the Pacifica Engineering Department concluded that the project would not result in any safety hazards or significant traffic impacts on such roads or intersections.

On May 6, 2013 the City received comments from the California Coastal Commission and Ken and Steve Aronovsky on the Mitigated Negative Declaration.

The California Coastal Commission has concerns with respect to biological resources and potential hazards, in light of the project's proximity to the creek and wetlands on the southern side of the property. The Coastal Commission feels that an appropriate buffer zone between the creek and the proposed development does not appear to comply with the City of Pacifica Local Coastal Policy C-99 which requires buffer zones along creeks. As a general rule a buffer of at least 100 feet measured from the outward edge of riparian vegetation would be appropriate. Additionally, the Coastal Commission stated that an analysis of potential on-site public recreational access opportunities such as beach access and coastal trailhead should be explored. The Coastal Commission is further concerned with future sea level rise and/or increase storm surge into the creek, which may lead to flooding of the proposed site.

Staff response to Coastal Commission comments:

The area of the proposed southerly addition adjacent to the creek has had previous development over the years. Remnants of various structures are still evident on the ground. These are shown on the plans demarcated by dashed line with notation. While plants and perhaps small animals and insects can certainly appear in this area, they are not likely to stay since the property owner must perform repeated maintenance activities as is needed in the currently facility. Maintenance range from removal of debris as a result of high wind events and occasional overflow of the creek. Furthermore, it would seem that since there has already been a long history of built structures on this north side of the creek all the way to the edge of the ocean, there really isn't a long continuous area of natural habitat this is likely to foster a more lasting community of floral and fauna. The application of the 100-foot buffer retroactively in this area does not appear to serve the spirit of its original intention. Additionally, Coastal Policy C-99 also says that "buffer zones should be identified by environmental study and should be adequate to protect identified habitat areas associated with the creek or riparian vegetation from impacts of development or use on adjacent land." The applicant's biological consultant, Live Oaks Associates Inc., in a report dated May 28, 2013 and July 14, 2013 analyzed the development near the creek and determined that the development including the encroachment of the small deck and flow-through planter would not create any significant impacts to the creek.

In terms of potential on-site public recreational access opportunities such as beach access and coastal trailhead, public open space will be provided as part of the development. Benches along the proposed landscaped area fronting Old County Road will be provided to the public. Currently, there is no public space on the subject site only a dilapidated vacant building that has been vacant for over 10 years. The West Rockaway Beach area also has abundant recreational opportunities and open space located less than a block from the site, including a public plaza, an ocean promenade, beach area, and hiking trails. The site is physically bounded by sidewalks, streets, pedestrian bridge and a dedicated park. The applicant is proposing to improve the current depilated state of this block which would encourage the public to frequent these local recreational amenities that currently exist in the area.

With regards to potential hazards, these natural events will occur no matter how the development is constructed. The proposed southerly addition relieves that general area from potential scouring of the lands above the northern bank of the ever changing flow-line of the creek. The

proposed structure, held by piles and structural floors, serves to compact the soil and help encapsulate it from onrush waters.

FEMA flood maps indicate that the creek is under flood zone A. This zone has no historical data for base flood elevation although it is generally understood to stay within its banks. The proposed addition will be at least well above a freeboard of 12 inches. According to FEMA published maps, the proposed project is located outside the 100-year storm base plane area. Since the existing and proposed addition is generally open on the ground floor, waters in a rare flood event would not be prevented from flowing out to lower elevations (of which most of the area, including the creek and ocean is further down than the subject site). Additionally, since the existing structure is, and the new structure will be, supported on structural concrete piles and slab construction, it is the most likely to survive flood or sea level rise than conventionally founded building.

Staff response to Ken and Steve Aronovsky's comments:

Ken and Steve Aronovsky are concerned with the generation of excessive ground borne vibration and ground borne noise levels. They believe that the intense vibration of the ground caused by the movement of heavy machinery involved in the related construction activities could destabilize the existing land/soil and buildings in the vicinity, potentially placing the existing Holiday Inn Express, 290 Rockaway Beach, and other nearby buildings in jeopardy. They also believe that the existing Holiday Inn Express building and the building at 290 Rockaway Beach Avenue are situated on poorly compacted fill soil just a few hundred feet from the cliff above the ocean potentially placing the cliff in jeopardy of subsidence and collapse. They feel that significant vibration caused by the movement of heavy machinery could cause an earthquake like shaking effect of the very precarious poorly compacted soil and all buildings situated on this unstable soil.

They also believe that the loud noise and vibration from the heavy machinery will cause a distraction and a dangerous driving environment for the thousands of vehicles driving through the Rockaway Beach Avenue intersection on Highway 1.

Additionally, they state that it is very difficult to enter Rockaway Beach Avenue from Old County Road to access to Highway 1 because of the "very little roadway." They believe that the increase in vehicles coming from the Holiday Inn Express will cause a traffic "Catastrophe" and vehicle accidents, and a dangerous turning situation on Rockaway Beach Ave.

Staff response to Ken and Steve Aronovsky's comments:

The construction of a building is regulated by the International Code Council (ICC), and California Building Codes, which minimize seismic safety risks associated with commercial construction in a seismically active area. Geotechnical engineers are also required by building codes to be employed prior to and during the design of the structure and during construction to alleviate any soil related problems associated with the building under construction and the existing buildings immediately adjacent to the building under construction.

The subject site is generally flat and surrounded by existing roads and other commercial development. Rockaway Creek is located to the southwest of the existing hotel. Moreover, all proposed development on the site would be constructed according to ICC code requirements and based upon the observed geologic conditions of the site.

Furthermore, the applicant submitted a geotechnical report, which concluded that the site is suitable for the proposed construction and would not result in significant geological impacts, provided the recommendations presented in the geotechnical report are incorporated in the project design and construction. The most critical geotechnical items include the foundation type to be constructed and the existing surface soil, which along the creek side of the building consists of poorly compacted fill. In addition, some minor settlement and lateral movement has occurred adjacent to the existing creek; however, it is anticipated that the planned improvements will be founded upon piers that extend well below this depth. By following the recommendations of the geotechnical report as part of the project, no significant geological impacts will occur. A condition of approval will require that the applicant comply with all of the recommendations listed in the geotechnical report.

In terms of noise generated by the construction equipment, the noise from construction equipment is no louder than the traffic related noise already emanating from vehicles traveling on Highway 1. Noise will occur during project construction, as with all new construction projects, resulting in increased exterior noise levels within the project vicinity. The construction noise, however, would be short-term. The City of Pacifica's Noise Ordinance regulates construction activities for any project for which a building permit is required within the City of Pacifica. The construction hours are 7:00 a.m. to 7:00 p.m. on Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Given the temporary nature of the noise, the limitation on the hours of construction and the implementation of mitigation measures (compressors and other small stationary equipment will be shielded and equipment exhaust will face away from noise-sensitive buildings and regular equipment maintenance and mufflers will be required on all construction equipment to control noise), the potential noise impact associated with construction would be less than significant levels.

With regard to comments on the project's traffic impacts, a traffic impact analysis was prepared as part of the environmental review of this project. It is also discussed earlier in the staff report. RKH Civil and Transportation Engineering prepared a Traffic Impact Analysis for the proposal. This report was peer reviewed by Hexagon Transportation Consultants. The study area included three intersections on State Route 1 (Route 1 and Crespi Drive, Route 1 and Fassler Avenue/Rockaway Beach and Route 1, and Reina Del Mar Avenue).

The existing conditions on Route 1 are such that during AM (7-9AM) and PM (4-6PM) peak hours on an average weekday, motorists are faced with heavy traffic and congestion. Two intersections; the intersection at Reina Del Mar Avenue and Route 1 and the intersection at Fassler Avenue and Route 1, are particularly congested and currently operate at unacceptable Levels of Service during at least one peak hour period. During AM peak hours both of the above referenced intersections operate at LOS E which is considered unacceptable. During PM peak

hours the Route 1/Fassler Avenue/Rockaway Beach Avenue, and Route 1/Reina Del Mar Avenue intersections operate at LOS C, which is acceptable. Route 1 and Crespi Drive intersection currently operates at LOS B in the AM peak hours and LOS A during the PM peak hours which is acceptable.

The AM peak hour delays are related to northbound traffic and the PM peak hour delays affect southbound traffic. The project is expected to generate 29 additional vehicle trips during AM peak period and 26 new vehicle trips during the PM peak period. Project generated traffic will create a significant impact at the intersection of Route 1 and Fassler Avenue/Rockaway Beach Avenue during the morning street peak hour. However, modifying the Rockaway Beach Avenue approach to Route 1 to provide a separate right-turn lane and a separate left-through lane will mitigate the impact the project added traffic will have on the intersection during the morning street peak hours. The project adds minimally to the delay at the other two intersections. Both the RKH Draft Traffic Study and the Hexagon peer review of the traffic study concluded that the project with the recommended modification at Rockaway Beach Avenue approach to Route 1 would not have a significant adverse project or cumulative traffic impact because the project would increase delays only minimally at the study intersections and would result in delay and volume-to-capacity ratio increases that fall below the thresholds of significance. Therefore, based on the City's level of service standard and thresholds of significance, the project would not cause a significant impact on traffic at these intersections.

10. Summary: Staff considers the proposed hotel expansion to be consistent with the overall plan objectives defined in the Rockaway Beach Specific Plan. Specifically, the project expands additional visitor-serving, hotel/commercial activity as part of an integrated development pattern. The overall goal of the Specific Plan is to stimulate and attract quality private investment in this area thereby improving the City's economic health and tax base while strengthening the overall image and attractiveness of the area. The proposal includes the removal of a dilapidated vacant single-family dwelling and a vacant commercial building that has been unoccupied for the last 10 years, thereby substantially improving the area.

Staff also believes the proposal does not appear out of character with the existing mix of land uses. The design quality and attractiveness is equal to or greater than surrounding development. Additionally, the height and size of the building will not diminish any views from the Highway 1 corridor.

RECOMMENDATIONS AND FINDINGS

B. Recommendation:

Staff recommends that the Planning Commission ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and APPROVE the Site Development Permit (PSD-784-13), Use Permit (UP-028-13), Coastal Development Permit (CDP-338-13), Variance, (PV-509-13), and waiver of Specific Plan development provisions regarding parking and Floor Area Ratio (FAR), for the expansion of the Holiday Inn Express located at 519 Nick Gust Way, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the Plans titled “HOLIDAY INN EXPRESS PACIFICA ADDITION, 519 NICK GUST WAY, PACIFICA, CA, 94044 consisting of twenty-two (22) sheets, revised on 07-12-13.
2. The three parcels (022-024-250 & -270 & -280) shall be merged into one parcel prior to the approval of the building permit.
3. Prior to the issuance of a building permit, the applicant/developer shall pay an in-lieu parking fee for the continued development of centralized parking in the West Rockaway Beach Area. This fee shall be calculated at the rate of \$3,000 per space for the 34 spaces required, but not provided on site, equivalent to \$102,000.
4. Prior to the issuance of a building permit, the applicant/developer shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.
5. The applicant shall incorporate into the building permit plans all the recommendations listed in the geotechnical investigation for the proposed three story commercial building prepared by Michelucci & Associates, Inc., dated December 30, 2011.
6. The applicant shall incorporate into the building permit plans all the recommendations listed in the Traffic Study for the proposed three story hotel expansion prepared by RKH Civil and Transportation Engineering., revised on October 15, 2012.
7. All improvements to the State right-of-way shall require an encroachment permit from Caltrans.
8. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction to control erosion/siltation.
9. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent buildings. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable on all building elevations.
10. Adequate, accessible, and convenient Recycling Areas shall be provided within the development. The dimensions of Recycling Areas shall be adequate to accommodate receptacles sufficient to meet the recycling needs of the Development Project. An adequate

number of bins or containers shall be provided in Recycling Areas to allow for the collection and loading of recyclable materials generated by the Development Project. Recycling Areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation. Recycling areas shall provide unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to Recycling Areas. Areas adjacent to Recycling Areas shall be adequately protected from any adverse impacts associated with Recycling Areas by means of measures such as adequate separation, fencing and landscaping. Recycling Areas shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be located adjacent to the solid waste collection areas.

11. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
12. The applicant/developer shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. All landscaping shall be maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides. The landscape plan shall show each type, size and location of plant materials. The landscaping shall be installed prior to occupancy. Landscaping materials included on the plan shall be appropriate to site specific characteristics such as soil type, topography, climate, amount of timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment. Landscaping shall incorporate native plants. All landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.
13. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
14. Building permit drawings and subsequent construction shall substantially conform to the approved planning application drawings. Any modifications shall be reviewed by the Planning Director, who shall determine whether the modifications require additional approval by the Planning Commission.

15. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant’s project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.
16. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director’s satisfaction.
17. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program adopted as part of the Mitigated Negative Declaration and attached to the Resolution adopting the Mitigated Negative Declaration. Prior to building permit approval, the project applicant must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the MMRP.
18. The following BMP controls shall be implemented at the construction site:
 - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction site;
 - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

- Apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to expose stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

19. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to approval of a building permit.

20. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the creek, storm drain system, the street or gutter.

21. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

22. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

Fire Department:

23. Fire sprinkler system shall be "one-system."

24. Fire alarm system shall be "one-system."

25. Photovoltaic system shall comply with NCFR requirements.

26. Fire apparatus access shall meet all fire code requirements.

27. Fire flow for type and size of structure shall be met.

Public Works Department/Engineering Division:

28. All proposed utility laterals shall be underground.
29. Applicant shall install curb ramps at the intersection of Rockaway Beach Avenue and Old County Road and at the end of Nick Gust Way.
30. Applicant shall install restripe the crosswalk at the intersection of Rockaway Beach Avenue and Old County Road.
31. Applicant shall install a new sidewalk, curb and gutter t the end of Nick Gust Way.
32. Drainage for the proposed planters shall connect to the existing storm drain inlet along Old County Road.
33. Applicant shall install a new streetlight at the end of Nick Gust Way.
34. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
35. An Encroachment Permit must be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.
36. Applicant shall overlay existing asphalt with minimum 2 inch AC the whole street width across the entire property frontage along Nick Gust Way and to the centerline of Rockaway Beach and Old County Road.
37. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point(s) are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.

C. FINDINGS:

1. Findings for Adoption of Mitigated Negative Declaration: The Planning Commission finds that on the basis of the Mitigated Negative Declaration and the whole record before it, that there is no substantial evidence that the proposed project, as conditioned, will have any significant adverse impacts on the environment provided mitigation measures contained in the Mitigation Monitoring and Reporting Program are incorporated. The Commission also finds that the Mitigated Negative Declaration reflects the Commission's independent judgment and analysis.

2. Findings of Approval for Site Development Permit: The Planning Commission determines that the proposed hotel/commercial expansion as conditioned, is consistent with the General

Plan, Local Coastal Plan, Municipal Zoning Code, Rockaway Beach Specific Plan, and other applicable City laws. Specifically, the location, size and intensity of the proposed hotel expansion, including design, is consistent with the character of the surrounding neighborhood; and the proposal will not restrict light or air to surrounding buildings or discourage additional residential development in the area. The proposal enhances the design variety of the area and would not impact traffic patterns in the vicinity or create parking accessibility problems. Sufficient landscaping and public open space areas would also be provided. The Commission also finds that, as conditioned, the proposal is consistent with the applicable provisions of the City's Design Guidelines for coastal, infill and commercial development. The Commission further finds that the proposed development, as conditioned, is consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City.

The Planning Commission also determines that the decorative tower that would extend beyond the roofline of the three story hotel development would enhance the positive characteristics of the building and of the surrounding neighborhood mix. The Commission further finds that the proposed tower extension is consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City:

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

4. Findings for Approval of Coastal Development Permit: The Planning Commission finds that the proposed hotel expansion is, as conditioned, in conformity with the City's Local Coastal Program, and Public recreation policies of Chapter 3 of the California Coastal Act. In particular, the proposal is located on an infill site, surrounded by existing development including commercial, residential and mixed uses. The project is consistent in scale compared to surrounding areas and will have limited, if any, visual consequences. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources.

5. Findings for Specific Plan Waiver (Parking and Floor Area Ratio): The Planning Commission finds that the project as proposed will not, under the circumstances of the particular case materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case,

be materially detrimental to the public welfare or injurious to property or improvements in the area. In addition, the Commission finds that the proposed hotel expansion is consistent with overall Rockaway Specific Plan objectives and promotes the goals and purposes contained therein. In particular, the proposal will establish visitor serving uses in the area and is consistent with previously approved projects. The Commission also finds that parking needs for the project are adequately provided, given existing parking supply and demand, and proposed conditions including required contribution of in-lieu fees. Further, two public parking lots and 17 public parking spaces exist near the site. The beach south parking lot is located adjacent to the site and contains 59 parking spaces. The City parking lot on Old County Road is located one block from the site and provides 58 spaces. The 17 parking spaces are located directly across the site on Old County Road. In addition, the Commission finds that the increase in FAR for the project will not increase the parking beyond the project's means nor for that of surrounding businesses.

6. Findings for a Variance: The Commission finds that, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of Zoning Ordinance provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The special circumstances that apply to the property are: 1). The site is small, rises slightly in elevation, unusually shaped, bordered by three roadways, a creek, and existing development subsequently limiting practical development of the site;. 2). According to the Rockaway Beach Specific Plan, the three-story buildings may be approved if the “coastal view potential” is not reduced more than a two-story building. Staff has determined that the three-story addition would not eliminate a significant amount of view more than the two-story building that exists on the site; 3). There are developments in the Rockaway Beach area that exceed the maximum building height permitted; the proposed hotel expansion would be consistent with previously approved developments in the vicinity.

The Commission finds that granting the Variance will not, under the circumstances of the subject case, materially affect adversely the health or safety of persons residing in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area. The Planning Commission finds that the subject site, by allowing an increase in the maximum height limit, would not affect the health or safety of persons residing or working in the neighborhood. The proposed hotel expansion is compatible with the existing hotel and is an overall improvement to the site from its existing conditions.

The Commission finds that the proposed hotel expansion is consistent with the City's Design Guidelines, where applicable. The style, design and materials proposed are consistent with the existing building and are not unlike what is existing in the area, and the building is not out of scale with the neighborhood. In addition, the gables and tower are important architectural features. The coastal view potential is not further eliminated as a three-story building more than a two-story building, thereby meeting the criteria set forth in the Specific Plan. Further, the Commission finds that articulation of wall planes on the building facades create more architectural interest than single-plane walls. This reduces the overall massing of the structure, and reduces the visual impact of the building height.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

1. Move that the Planning Commission **ADOPT** the attached resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the expansion of the Holiday Inn Express attached as an exhibit.
2. Move that the Planning Commission **APPROVE** PSD-784-13, UP-028-13, CDP-338-13, PV-509-13, and waiver of Specific Plan development provisions regarding parking and Floor Area Ratio (FAR), subject to conditions one (1) through thirty-seven (37) and adopt the findings contained in the August 19, 2013 staff report and incorporate all maps and testimony into the record by reference, and **ADOPT** the following resolutions:
 - P.C. Resolution for Site Development Permit
 - P.C. Resolution for Use Permit
 - P.C. Resolution for Coastal Development Permit
 - P.C. Resolution for Variance

ATTACHMENTS:

- a. Initial Study/Mitigated Negative Declaration
- b. Letter from California Coastal Commission, dated May 6, 2013
- c. Letter via email from Ken & Steve Aronovsky, dated May 5, 2013
- d. Resolution (Adopting Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan)
- e. P.C. Resolution (Site Development Permit)
- f. P.C. Resolution (Use Permit)
- g. P.C. Resolution (Coastal Development Permit)
- h. P.C. Resolution (Variance)
- i. Conceptual Plans (Planning Commission only)