

RESOLUTION NO. 966

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING AMENDMENTS TO COASTAL DEVELOPMENT PERMIT CDP-336-13, SUBJECT TO CONDITIONS, TO MODIFY AN EXISTING PERMIT TO CONSTRUCT A 400-SQUARE FOOT ADDITION TO AN EXISTING THREE-STORY SINGLE-FAMILY RESIDENCE ON A 5,700-SQUARE FOOT LOT LOCATED AT 111 KENT ROAD (APN 023-032-070), AND FINDING THE PROJECT EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Neil Kopping (“Applicant”).

WHEREAS, an application has been submitted to modify an existing permit to construct a 400-square foot addition to an existing three-story single-family residence on a 5,700-square foot lot located at 111 Kent Road (APN 023-032-070); and

WHEREAS, the project requires approval of a Coastal Development Permit because the project site is within the Coastal Zone and will increase building height, bulk, or floor area of an existing single-family structure by 10 percent or more; and, the project does not qualify as a category of excluded development since it is located within the Coastal Commission’s appeal jurisdiction; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on January 17th, 2017, 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.
3. The Project is categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines 15301 (14 Cal. Code Regs. §15301) and therefore directs staff to file a Notice of Exemption for the Project.

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-336-13 for development within the Coastal Zone:

1. The proposed development is in conformity with the City's certified Local Coastal Program.

- A. 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 project is consistent with the following LCLUP policies:
- i. 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.*
 - a. The proposed project does not interfere with the public's right of access to the sea. It will be undertaken on an existing developed lot relatively close to the shoreline, but more than 150 feet from the nearest public coastal access point. Between the sea and the subject site lies Kent Road. Therefore, the project will have no impact or otherwise interfere with the public's right of access to the sea.
 - ii. 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.]*
 - a. The new development proposed with this project is located within an existing developed area. The Pedro Point neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with single-family homes. Therefore, development will not occur outside of existing developed areas.
- B. Because the proposed project will be undertaken in an existing area substantially developed with single-family homes, and will be setback from the sea; therefore, there is substantial evidence in the record to support the Planning Commission's finding that the proposed development is in conformity with the City's certified Local Coastal Program.
2. 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.

- A. The subject site is not located between the nearest public road and the shoreline; therefore, this Coastal Development Permit finding does not apply to this project.

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

1. That the project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 exemption provided in Section 15301 of the CEQA Guidelines.
- A. 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:

Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

- B. The Planning Commission finds that substantial evidence establishes that this project is subject to this exemption. The project consists of construction of an addition to an existing single-family residence. As identified in the staff report and the attachments thereto, the project (1) includes an addition of 652 sq. ft. to an existing 1,010 sq. ft. structure, which is an addition of less than 10,000 sq. ft.; (2) will occur in an area where water, sewer, electrical, telecommunications, police, and fire infrastructure and services are available to allow for maximum development in the General Plan; and, (3) will occur in a substantially developed existing neighborhood which is not located in an environmentally sensitive area.

Therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

- C. The Planning Commission further finds that the evidence in the record supports a finding that none of the exceptions of Section 15300.2 of the CEQA Guidelines is applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Coastal Development Permit CDP-336-13 for construction of a 652 sq. ft. addition to an existing 1,010 sq. ft. lawful single-family residence at 111 Kent Road (APN 023-032-070), subject to conditions of approval included as Exhibit A to this resolution.

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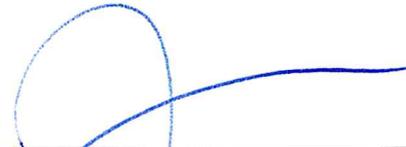
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 17th day of January 2017.

AYES, Commissioners: BARINGER;; CABELL; CLIFFORD; COOPER ;
EVANS; GORDON.

NOES, Commissioners: N/A

ABSENT, Commissioners: NIBBELIN

ABSTAIN, Commissioners: N/A



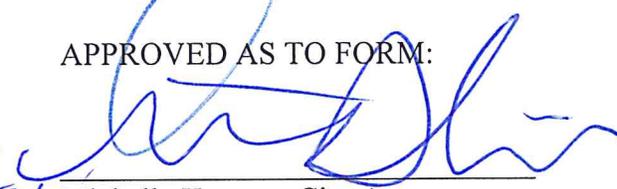
Josh Gordon, Chair

ATTEST:

APPROVED AS TO FORM:



Tina Wehrmeister, Planning Director



Michelle Kenyon, City Attorney