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## CITY OF PACIFICA

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# Response to Christine Bole's Op Ed Regarding Application of the Hillside Preservation District Standards to the Fassler Avenue Project

June 4, 2021

This is a response to the op ed recently submitted by Ms. Christine Boles in the Pacifica Tribune, which can be found [here](#), regarding application of the Hillside Preservation District (HPD) standards generally and how they were applied to a specific project under construction on Fassler Ave. One message of Ms. Boles' piece appears to encourage citizen involvement in the development review process, which City Staff also encourages. An open and transparent public process to review development proposals provides an opportunity for the decision-makers to consider all viewpoints regarding the project, including from the applicant, staff and the public before the project is approved. However, Ms. Boles' analysis of HPD regulations is not completely accurate and she leaves out some critical information about the Fassler project. Additionally, she states that the Planning Commissioners and City Council were misled. This is false and necessitates providing this "For the Record" response.

As a preliminary matter, it is important to note that the regulations can be found in Article 22.5 of the City's Zoning Code. Section 9-4.2257 sets forth a formula to determine the maximum allowable land coverage for development within the HPD. Under that section, maximum allowable site coverage must include all areas of the site occupied or covered by buildings, pavement, and grading, except for recreation facilities and active recreation areas which can be utilized by all residents of the development. That Section also provides that the Planning Commission can recommend the exclusion of certain dedicated public streets from the definition of coverage, provided such public streets serve a major, City-wide circulation function and would not otherwise be necessary to the design and function of the individual project. Additionally, the HPD regulations recognize that the City must consider a property owner's Constitutional right to economic use of property. Section 9-4.2257 states the following: "It is the intent of this section to allow the reasonable use of hillside lands consistent with the objectives of this article in such a manner so as not to be confiscatory."

Based on the language in Article 22.5 the City's analysis of a development project within the HPD must consider more than just the slope. As such, Ms. Bole's statement that "Once you get to a slope of 40%, you can't build anything" does not accurately reflect the language in the HPD regulations. Additionally, the statement that only recreational features are exempt from coverage is not accurate. As stated in Section 9-4.2257, the exemption is also provided for certain dedicated public streets.

The HPD standards were correctly applied to the Fassler project. In fact, many in the community may be happy to know that development regulations resulted in clustering of the development on a small portion of the site, protecting nearly 90% of the site from development of buildings in the future and nearly two-thirds of the site from any disturbance (including allowable recreational features). The Fassler project also resulted in abandonment of future development rights for nine dwelling units that could have been proposed on the site (i.e., the project could have had 37% more units), and the creation of a new on-site trail network that can be accepted for public use by the City or another appropriate agency in the future. These were all positive outcomes of the public process and expanded the City's open space network which currently makes up approximately 50% of the land area within the City limits.

City Staff agrees that active public involvement is an important and a welcome part of development review in Pacifica. To learn more about active planning applications, visit [here](#) on the City's website. You may also request to receive notifications of available Planning Commission packets by emailing [permittech@pacifica.gov](mailto:permittech@pacifica.gov).