

**RESOLUTION NO. 2022-010**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-439-22 (FILE NO. 2022-014), SUBJECT TO CONDITIONS, TO ESTABLISH TWO ON-STREET TEMPORARY SAFE PARKING PROGRAM PARKING SPACES ON THE WEST SIDE OF THE BRADFORD WAY PUBLIC RIGHT-OF-WAY (EAST OF 2600 FRANCISCO BLVD, APN 016-430-020) AND IMMEDIATELY SOUTHWEST OF THE STATE ROUTE 1 EXIT 505 (“SHARP PARK ROAD”) OFF RAMP AND BRADFORD WAY INTERSECTION AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: City of Pacifica (Applicant)

**WHEREAS**, On February 28, 2022, the City of Pacifica City Council adopted Resolution No. 12-2022 to approve a three-year Temporary Safe Parking Program (“Program”) in the City of Pacifica which provides up to 13 parking spaces for Program participants living in an operational recreational vehicle, trailer or motorhome with operating toileting facilities a temporary parking space for a limited period of time while participants try to find permanent housing solutions; and

**WHEREAS**, Program includes the establishment of two on-street Program parking spaces (total size of 60’ by 10’) in tandem orientation on the west side of the Bradford Way public right-of-way (ROW) (east of 2600 Francisco Blvd, APN 016-430-020) and immediately southwest of the State Route 1 Exit 505 (“Sharp Park Road”) off ramp and Bradford Way intersection. Improvements, including installation of two pole signs and pavement markings, will be used to designate the area of public ROW being reserved for the Program parking spaces (File No. 2022-014)(“Project”); and

**WHEREAS**, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that the Project constitutes “development,” as defined in PMC Section 9-4.4302(z)(7), and the Project does not qualify as a category of excluded development; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 16, 2022, 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:

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

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for Class 1 and 4 exemptions under CEQA Guidelines Sections 15301 and 15304 and the “Common Sense” exception, CEQA Guidelines Section 15061(b)(3), as described below:

**15301.** *“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 existing or former use. 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 use. [...]”*

The Project includes reserving 60’ by 10’ of public ROW for the use by participants of the Program for a period of three years. The existing use of the public ROW allows for vehicle parking; therefore, the proposed use is a negligible expansion of the existing use.

**15304.** *“Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:  
[...]*

*(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;”*

The Project includes reserving 60’ by 10’ of public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs and pavement markings are minor alterations and do not involve removal of healthy, mature scenic trees.

Additionally, none of the exceptions applicable to a Class 1 and 4 exemptions in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): This exception does not apply to the Class 1 exemption. Furthermore, there is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for Class 1 and Class 11 exemptions and none of the exceptions to applying Class 1 and 11 exemptions in Section 15300.2 of the CEQA Guidelines apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

Additionally, CEQA Guidelines Section 15061(b)(3) states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Project includes reserving 60’ by 10’ of existing public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs and pavement markings are minor alterations to the existing environment. It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-439-23 as required by PMC section 9-4.4304(k):

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

***Discussion:*** The City’s certified Local Coastal Program (LCP) includes the 1980 Local Coastal Land Use Plan (LCLUP) that contains policies to further the City’s coastal planning activities. Applicable policies and references in the City’s LCLUP are discussed further below:

***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.*

***Finding:*** The Program would reserve two on-street parking spaces on the existing street. Public access to the sea would be maintained between the Program parking spaces and the shoreline through the use of the existing sidewalk along the west side of Bradford Way which connects to various public access points to the sea. The Code of Conduct associated with the Program would require Program participants to keep all personal property within the participants’ vehicles and would prohibit Program participants from blocking any access to the sidewalk. Additionally, the signage proposed at the site will be located within the public ROW but outside of the street and sidewalk, similar to other existing traffic and parking signage along Bradford Way. Therefore, the use of the Program parking spaces or the signage will not obstruct or degrade physical access along Bradford Way and will not impact on the public’s right of access to the sea.

The Program parking spaces are located an approximately equal distance from the two closest coastal access point accessible from the sidewalk along Bradford Way, which are Clarendon Road (Coastal Access Point No. 9 in LCLUP) and Top of Mori Point (Coastal Access Point No. 9 in LCLUP). These coastal access points are approximately 0.75-miles away from the Program parking spaces. The Program would remove 60 linear feet of existing public parking along Bradford Way. The segment of Bradford Way containing the Program parking spaces provides approximately a 0.25-mile of on-street parking, which is generally only minimally used at any time. Due to the distance of the Program parking spaces from nearby coastal access points and the general high availability of on-street parking along Bradford Way, the reserved public ROW will not adversely affect coastal visitor parking and will not impact the public’s right of access to the sea.

***Coastal Act Policy No. 3:*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal*

*resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.*

*Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

*Finding:* As discussed under the Finding for Coastal Act Policy No. 2, public access to the sea would be maintained between the Program parking spaces and the shoreline through the use of the existing sidewalk along the west side of Bradford Way which connects to various public access points to the sea and which would not be obstructed or otherwise affected by the Project. The Code of Conduct associated with the Program would require Program participants to keep all personal property within their vehicles and would prohibit Program participants from blocking any access to the sidewalk. Additionally, the signage proposed at the site will be located within the public ROW but outside of the street and sidewalk, similar to other existing traffic and parking signage along Bradford Way. Therefore, the use of the Program parking spaces or the signage will not impact public access to the shoreline and along the coast.

***Coastal Act Policy No. 5:*** *Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]*

*Finding:* The Program parking spaces will provide a low cost temporary housing opportunity for Program participants for a limited period of time while participants in the Program seek permanent housing solutions. Therefore, the Project would encourage and provide housing opportunities for persons of low and moderate income.

***Page C-104 of LCLUP:*** *New development within the viewshed shall not destruct the views to the sea from public roads, trails and vista points. [...]*

*Finding:* The Program will involve parking of certain operational recreational vehicles, trailers or motorhomes in designated Program spaces along the west side of Bradford Way. These vehicles will be located between motorists traveling along Bradford Way and the coast. However, due to tree density within the Sharp Park Golf Course, coastal views are not available along Bradford Way. No vista points or trails are located in the vicinity east of the Program parking spaces. Therefore, the use of the Program parking spaces would not destruct the view to the sea from public roads, trails and vista points.

***Page C-106 of LCLUP:*** *Design review shall be required of all new development that is subject to discretionary review in the Coastal Appeals Zone to the shoreline. To assure attractive, appropriate development that is compatible yet subordinate to its shoreline topography, factors such as architectural style, scale, site use, materials, signing, lighting and landscaping shall be considered.*

*Finding:* The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- a. Ensure at least a minimum standard of design through the application of consistent policies.

- b. Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- c. Provide a framework for review and evaluation of design proposals.
- d. Implement applicable General Plan and Local Coastal Plan goals and policies.
- e. Expedite and facilitate the planning permit process.
- f. Provide direction for design and redesign of projects.

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

Due to the location of the Project in the public ROW, the minimal physical changes to the existing environment anticipated from the Project, and the temporary nature of the Project, many of the guidelines are not applicable to the Project. The Project is consistent with applicable City’s adopted Design Guidelines as discussed below:

**Infill Development, Neighborhood Compatibility**

*(c) A design which has the potential to negatively impact a neighbor’s view, sunlight, and/or privacy, should be avoided.*

*Finding:* The Program parking spaces are located between Sharp Park Golf Course and State Route 1. No residential properties are located adjacent to the Project. The Project will have no impact on a neighbor’s view, sunlight, and/or privacy.

**Coastal Development, Access**

*(a) Public access from the nearest public roadway to the shoreline and along the coast should be provided in the new development except as otherwise specified in the City’s adopted Local Coastal Program Land Use Plan. [...]*

*Finding:* As discussed under the Finding for Coastal Act Policy No. 2, public access to the sea would be maintained between the Program parking spaces and the shoreline through the use of the existing sidewalk along the west side of Bradford Way which connects to various public access points to the sea. The Code of Conduct associated with the Program would require Program participants to keep all personal property within their vehicles and would prohibit Program participants from blocking access to the sidewalk. Additionally, the signage proposed at the Program spaces will be located within the public ROW but outside of the street and sidewalk, similar to other existing traffic and parking signage along Bradford Way. Therefore, the use of the Program parking spaces or the signage will not impact public access from the nearest public roadway to the shoreline and along the coast.

Additionally, the City’s certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City’s zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As noted above, the Project site is not located within an underlying zoning district. However, it is located within the C-Z combining district and is subject to the supplementary standards contained in PMC Title 9, Chapter 4, Article 44 applicable to development

in the Coastal Zone. Because of the nature of the activity involved with parking of Program vehicles in designated spaces on the existing Bradford Way public ROW, the Program would not conflict with the habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations. Therefore, the Project would be in conformity with the City’s IP component of the certified LCP.

For all the reasons provided above, the Project 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.***

***Discussion:*** The Project would be located between the shoreline and the nearest public road (Bradford Way). The City finds that the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act for the reasons discussed below:

***Section 30220 Protection of certain water-oriented activities*** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***Finding:*** The Project includes reserving two Program parking spaces on an existing public street. The existing public street is not suited for water oriented recreational activities. Therefore, conformity with this policy does not apply.

***Section 30221 Oceanfront land; protection for recreational use and development*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (Amended by Ch. 380, Stats. 1978.)*

***Finding:*** The Project includes reserving two Program parking spaces on an existing public street located east of the existing oceanfront Sharp Park Golf Course. The Project would not impact the Sharp Park Golf Course. The Project would not impact oceanfront recreational use and would conform with this policy.

***Section 30222 Private lands; priority of development purposes*** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

***Finding:*** The Project would not occur on private land, therefore conformity with this policy does not apply.

***Section 30222.5 Oceanfront lands; aquaculture facilities; priority*** *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses. (Added by Ch. 1486, Stats. 1982.)*

*Finding:* The Project includes reserving two Program parking spaces on an existing public street. The existing public street is not suited for coastal dependent aquaculture. Therefore, conformity with this policy does not apply.

***Section 30223 Upland areas*** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

*Finding:* The Project includes reserving two Program parking spaces on an existing public street. The area is not necessary to support coastal recreational uses due to the distance of the Program parking spaces from nearby coastal access points, the general high availability of parking along Bradford Way, and the location of the Program parking spaces outside of the Coastal Access Parking area. Therefore, conformity with this policy does not apply.

***Section 30224 Recreational boating use; encouragement; facilities*** *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

*Finding:* The Project includes reserving two Program parking spaces on an existing public street. The area is not suitable for recreational boating use. Therefore, conformity with this policy does not apply.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-439-22 to establish two on-street Temporary Safe Parking Program (Program) parking spaces (60’ by 10’, tandem orientation) and improvements on the west side of the Bradford Way public right-of-way (east of 2600 Francisco Blvd, APN 016-430-020) and immediately southwest of the State Route 1 Exit 505 (“Sharp Park Road”) off ramp and Bradford Way intersection, subject to conditions of approval included in Exhibit A to this Resolution.

\* \* \* \* \*

File No. 2022-014  
Coastal Development Permit CDP-439-22  
Safe Parking Program – Bradford Way

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16<sup>th</sup> day of May 2022.

AYES, Commissioners: BERMAN, HAUSER, DOMURAT, FERGUSON, GODWIN,  
LEAL, WRIGHT

NOES, Commissioners: NONE

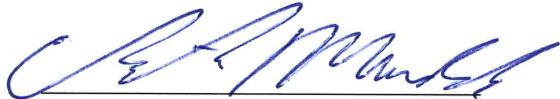
ABSENT, Commissioners: NONE

ABSTAIN, Commissioners: NONE



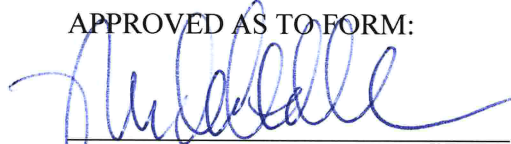
Lauren Berman, Chair

ATTEST:



Christian Murdock, Acting Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney



## **Exhibit A**

**Conditions of Approval: File No. 2022-014 – Coastal Development Permit CDP-439-22, to establish two on-street Temporary Safe Parking Program parking spaces and improvements on the west side of the Bradford Way public right-of-way (east of 2600 Francisco Blvd, APN 016-430-020).**

### **Planning Commission Meeting of May 16, 2022**

#### **Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled “OSV Permit Parking Spot Implementation – Bradford Way” included as Attachment B of the May 16, 2022 Planning Commission staff report, except as modified by the following conditions.
2. The term of this approval shall be limited to the period of effectiveness of the Temporary Safe Parking Program approved by the City of Pacifica City Council in Resolution No. 12-2022. This approval shall have no further force or effect upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
3. The City of Pacifica shall remove associated signage and pavement markings upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
4. All vehicles and occupants of the spaces authorized in this approval shall comply with the terms, conditions, and other requirements of the Temporary Safe Parking Program, including but not limited to the Code of Conduct.

#### **Conditions added by Planning Commission at May 16, 2022 Planning Commission Hearing**

5. That the Applicant may combine the two 10' X 30' Program parking spaces into a contiguous space for not more and not less than two OSVs to be parked, in order to enable flexible Program management for OSVs of different sizes.
6. The Program space shall have a no parking buffer zone at the front and rear of the Program spaces (10' X 60') not less than 5' in depth and the full width of the program space (10'), with the exact depth at the discretion of the City Engineer.
7. All Program participants shall comply with all BAAQMD regulations applicable to generators proposed for operation at the Program spaces.
8. Prior to Program operations, the City Engineer shall evaluate Bradford Way between Sharp Park Road and Fairway Drive to implement pavement striping and lane tapers, and any red curb markings and "no parking" signage required to implement the pavement striping and lane tapers, in compliance with applicable traffic engineering standards to the maximum extent practicable.

\*\*\*END\*\*\*