

RESOLUTION NO. 2022-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-438-22 (FILE NO. 2022-013), SUBJECT TO CONDITIONS, TO ESTABLISH TWO TEMPORARY SAFE PARKING PROGRAM PARKING SPACES (EACH 30 FEET BY 10 FEET) ON EXCESS SAN PEDRO AVENUE PUBLIC RIGHT-OF-WAY EAST OF SAN PEDRO AVENUE LOCATED APPROXIMATELY 100 FEET NORTH OF THE ACE HARDWARE BUILDING AT 560 SAN PEDRO AVENUE (APN 023-073-110) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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, the Program includes the establishment of two side-by-side Program parking spaces (each 30’ by 10’) on excess San Pedro Avenue public right-of-way (ROW) located approximately 100’ north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110). Two pole signs will be installed to designate the area of public ROW being reserved for the Program parking spaces (File No. 2022-013)(“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 two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. 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 two 30’ by 10’ parking spaces in excess 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 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 two 30’ by 10’ parking spaces in excess 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 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-438-22 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 parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. The excess public ROW is partially paved and is informally used for parking during times of high coastal visitation, but is not a formal parking lot. Therefore, the use of the Program parking spaces will not impact the availability of established parking spaces 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, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. Therefore, the use of the Program parking spaces and the signage will not impact on the 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 public views to the ocean from State Route 1 would not be impacted due to the highway being elevated above the Program parking spaces. Additionally, existing development located west of the Program parking spaces partially block views to the ocean from State Route 1. Due to the increased elevation of the Coastal Trail east of the Program parking spaces and the visual disruption of existing development west of the Program parking spaces, the Project would not destruct the views to the sea from a trail. No vista points occur in the area. Therefore, the Project would not destruct the views 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 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 San Pedro Shopping Center 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, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coast access from the street. Therefore, the use of the Program parking spaces or the signage will not impact on the public physical access to the sea.

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 excess 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 site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-438-22 to establish two side-by-side Program parking spaces (each 30' by 10') and improvements on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

File No. 2022-013
Coastal Development Permit CDP-438-22
Safe Parking Program – San Pedro Avenue

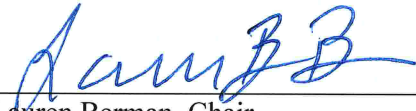
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of May 2022.

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

NOES, Commissioners: FERGUSON

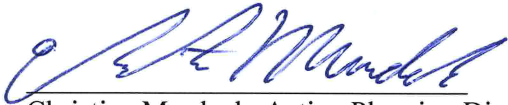
ABSENT, Commissioners: NONE

ABSTAIN, Commissioners: NONE



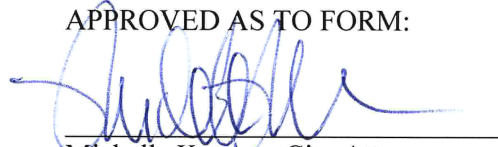
Lauren Berman, Chair

ATTEST:



Christian Murdock, Acting Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2022-013 – Coastal Development Permit CDP-438-22, to establish on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110).

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 – San Pedro Ave.” 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. Prior to Program operation, the Applicant shall delineate the Program parking spaces and non-Program parking spaces in the parking area.
6. Prior to Program operation, the Applicant shall evaluate the potential to locate the Program spaces in a pull-through configuration and construct and operate the spaces as pull-through spaces if able to be safely operated as determined by the City Engineer.
7. Prior to Program operation, the Applicant shall conduct an evaluation of the Program area to confirm i) that operation of the Program spaces will not adversely impact underground utilities across which the OSVs may operate, including but not limited to North Coast County Water District underground pipes; and, ii) that the soil compaction level is suitable for the vehicle weight of OSVs intended for parking in the Program spaces.
8. Prior to Program operation, the Applicant shall evaluate the necessity for rollaway protection to protect adjacent critical infrastructure including but not limited to North Coast County Water District pump infrastructure.
9. Prior to Program operation, the Applicant shall install stormwater control BMPs such as but not limited to straw wattles and shall maintain such during operation of the Program spaces.

File No. 2022-013
Coastal Development Permit CDP-438-22
Safe Parking Program – San Pedro Avenue

10. All Program participants shall comply with all BAAQMD regulations applicable to generators proposed for operation at the Program spaces.

END