

**RESOLUTION NO. 2022-015**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING LOCATION 9-1 OF COASTAL DEVELOPMENT PERMIT CDP-440-22 (FILE NO. 2022-015), SUBJECT TO CONDITIONS, TO INSTALL A WIRELESS DETECTION SYSTEM MODULE WITHIN STATE ROUTE 1 PUBLIC RIGHT-OF-WAY AND FINDING THE NEGATIVE DECLARATION PREPARED AND ADOPTED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ADEQUATE FOR PURPOSES OF COMPLYING WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: California Department of Transportation (Caltrans), Applicant

**WHEREAS**, an application for a Coastal Development Permit was submitted to install a wireless detection system module onto an existing structure, one variable message sign, and associated improvements at two locations within State Route (SR) 1 public right-of-way (ROW), including at Post Mile SM R42.58, specifically the northeastern corner of the SR 1 intersection with Reina Del Mar Avenue (herein referred to as “Location 9-1”) and at Post Mile SM R42.3 which is located immediately west of an undeveloped property (APN 018-140-700) on the east side of SR 1 between Reina del Mar Avenue and Fassler Avenue (herein referred to as “Location 9-2”) within the City of Pacifica (“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), and the Project does not qualify as a category of excluded development or an exemption; and

**WHEREAS**, the Project relates to a broader Caltrans State Route 1 Traffic Operational Systems Improvements project in San Mateo County (“SR 1 TOS Improvement Project”); and

**WHEREAS**, as part of its approval of the SR 1 TOS Improvement Project, Caltrans, acting as lead agency under the California Environmental Quality Act (CEQA), prepared an Initial Study (IS) and adopted a Negative Declaration (ND) (State Clearinghouse No. 2020080229) on May 10, 2021; and

**WHEREAS**, Caltrans filed a Notice of Determination (NOD) following its adoption of the IS/ND with the Office of Planning and Research on May 11, 2021; and

**WHEREAS**, the City of Pacifica, acting as a responsible agency under CEQA, considered the adequacy of the IS/ND adopted by Caltrans for purposes of performing environmental review of the subject Project to be undertaken within the City of Pacifica as required by CEQA; and

**WHEREAS**, the IS/ND adopted by Caltrans for the SR 1 TOS Improvement Project is hereby incorporated into this resolution by reference as if fully set forth herein; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 20, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

**WHEREAS**, the Planning Commission of the City of Pacifica on June 20, 2022 reached a decision with respect to Location 9-1 only, and as to Location 9-2, the Planning Commission continued the public hearing on the item to August 15, 2022..

**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 City of Pacifica, acting as a responsible agency under CEQA, was consulted pursuant to CEQA Guidelines Section 15072 and finds that based on the Caltrans adopted IS/ND (State Clearinghouse No. 2020080229), there is not a significant effect on agriculture and forest resources, air quality, cultural resources, mineral resources, noise, population and housing, public services, recreation, or tribal cultural resources, and that the proposed project would have a less-than-significant impact on geology and soils, hazards and hazardous materials, hydrology/water quality, greenhouse gas emissions, land use and planning, noise, transportation and traffic, utilities and service systems, and wildfire. The Planning Commission therefore finds that the IS/ND complies with CEQA for purposes of use a responsible agency pursuant to CEQA Guidelines Section 15231 because the City has no evidence that either of the following conditions has occurred:

- (a) The Negative Declaration was finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or
- (b) A subsequent EIR is made necessary by Section 15162 of the CEQA Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does make the following findings pertaining to Location 9-1 of Coastal Development Permit CDP-440-22 as required by PMC section 9-4.4304(k):

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

**Findings:** The City's certified 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. 1: Maximum access shall be conspicuously posted and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse.***

**Finding:** The project is a part of Caltrans larger effort to reduce traffic congestion and improve safety conditions along SR 1 in San Mateo County. Therefore, the proposed development at Location 9-1 would improve public safety for those travelling to and from coastal areas along the SR 1 corridor by reducing congestion and providing safety alerts

***Page C106 of LCLUP:*** *Public roadways and facilities within the coastal neighborhoods shall be designed to be compatible with the scale, intensity and character of the neighborhood and shall be consistent with environmental protection goals. Abused areas within Pacifica's Coastal Zone shall be restored as a part of future use and/or development of degraded areas.*

*Finding:* The proposed development at Location 9-1 would not be highly noticeable to the public and would not require any ground disturbance. Therefore, development at Location 9-1 would be compatible with the scale, intensity and character of the existing neighborhood.

As evaluated in the Caltrans SR 1 TOS Improvement Project Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act, the environmental impact of the Project would be less than significant.

For all the reasons provided above, Location 9-1 of the Project is compatible with the scale, intensity and character of the neighborhood and is consistent with environmental protection goals.

***Page C-112 of LCLUP:*** *Because Highway 1 is Pacifica's lifeline, its appearance and safety are critical to the City and its future.*

- *Safety and operational improvements and any future improvements shall ensure erosion control, protect coastal views and improve the visual edge of the highway.*
- *Because of its location and role in Pacifica, Highway 1 shall be considered as a multi-modal travel corridor. Consideration in planning improvements shall include pedestrian, bicycle, bus transit and emergency vehicle access within the corridor.*
- *Landscaping shall be included in highway improvements to ensure erosion control, protect coastal views and improve the visual edge of the highway.*

*Finding:* The project is a part of larger Caltrans effort to reduce traffic congestion and improve safety conditions along SR 1 in San Mateo County. The Project would be located to the east of SR 1 and therefore would not impact coastal views from SR 1. The proposed development at Location 9-1 would not be highly noticeable to the public and would not require any ground disturbance. Furthermore, the Project would not impact the views of the visual elements along SR 1 that establish the visual character for the area, such the coastal hills.

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. Due to the location and scope of the Project, the Project would not trigger habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations.

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.*

**Findings:** The Project site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Pacifica hereby:

1. Concludes that it has independently reviewed, analyzed, and considered the IS/ND, and conclusion reflect the Planning Commission's independent judgment and analysis.
2. Concludes that IS/ND in compliance with all legal standards

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pacifica does hereby continue the hearing for Location 9-2 of Coastal Development Permit CDP-440-22 to the regular meeting of the Planning Commission on August 15, 2022 and does hereby find the Caltrans-adopted IS/ND to be adequate for the purposes of complying with CEQA and approves Location 9-1 of Coastal Development Permit CDP-440-22 to install a wireless detection system module onto an existing structure within SR 1 public ROW at Post Mile SM R42.58 within the City of Pacifica, subject to conditions of approval included in Exhibit A to this Resolution.

\* \* \* \* \*

File No. 2022-015  
Coastal Development Permit CDP-440-22  
Caltrans SR 1 TOS Improvement Project

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 20<sup>th</sup> day of June 2022.

AYES, Commissioners: Berman, Ferguson, Godwin, Hauser, Wright


NOES, Commissioners: Leal

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. 2022-015 – Coastal Development Permit CDP-440-22, to install a wireless detection system module onto an existing structure, one variable message sign, and associated improvements at two locations within State Route 1 public right-of-way, including at Post Mile SM R42.58 and at Post Mile SM R42.3 in the City of Pacifica.**

### Planning Commission Meeting of June 20, 2022

#### Planning Division of the Planning Department

1. Development shall be substantially in accord with the Project Description detailed in Section 2 of the June 20, 2022 Planning Commission staff report for File No. 2022-015 (Coastal Development Permit CDP-440-22), to install a wireless detection system module onto an existing structure, one variable message sign, and associated improvements at two locations within State Route 1 public right-of-way, including at Post Mile SM R42.58 and at Post Mile SM R42.3 in the City of Pacifica, except as modified by the following conditions.
2. That the approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one-year extension provided, if in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one-year extension. In the event of litigation filed to overturn the City's determination on the development permits, the Planning Director may toll expiration of the development permits during the pendency of such litigation.
3. Applicant shall implement Avoidance and Minimization Measures and Project Features as detailed in the *State Route 1 Traffic Operational Systems Improvements Project (Post Miles 04 SM-1- 26.43 to 47.20) Initial Study with Negative Declaration* (May 2021, SCH No. 2020080229) prepared and adopted by California Department of Transportation, District 4.
4. Prior to start of construction, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
5. Applicant shall maintain its site in a fashion that does not violate any provision of the Pacifica Municipal Code.
6. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the start of construction.
7. Prior to the start of construction, Applicant shall submit a landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the watering schedule until the plant(s) are established. Landscaping materials shall be coastal compatible, drought tolerant and shall be predominantly native, and shall screen or soften the visual appearance of the service and

controller cabinets to the greatest extent possible as determined by the Planning Director. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.

8. The Applicant shall 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 ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's 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. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

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