

RESOLUTION NO. 2022-005

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
FINDING THAT THE SUMMARY VACATION OF THE HOTEL WAY RIGHT-OF-
WAY BETWEEN PACIFIC AVENUE AND BRIGHTON ROAD IS CONSISTENT WITH
THE GENERAL PLAN AND LOCAL COASTAL LAND USE PLAN**

WHEREAS, the City of Pacifica's Public Works Department received a request to vacate a portion of the Hotel Way right-of-way (ROW) located between Pacific Avenue and Brighton Road in the West Sharp Park neighborhood; and

WHEREAS, the Hotel Way ROW is a strip of unimproved land approximately 221 feet long and 20 feet wide which runs along the side and rear of five residential properties, which was offered for dedication as a public right-of-way but not accepted as such, and has been used as private rather than public right-of-way; and

WHEREAS, state law generally requires that offers of dedication of right-of-way for street use shall remain open for acceptance of a legislative body until such time as the legislative body formally vacates the area ; moreover, in certain unique circumstances, none of which is applicable here, a city may impliedly accept an offer of dedication of a right-of-way by making improvements (e.g., paving) or otherwise affirmatively treating the property as a city street, which the City has not done; and

WHEREAS, granting the vacation request will confirm that the ROW is privately owned and not a public street; and

WHEREAS, Government Code Section 65402(a) and City of Pacifica Administrative Policy No. 5 (Street and Easement Vacation Procedure) requires that the Planning Commission find the vacation or abandonment of a public street consistent with the City's adopted General Plan before the City Council may act thereon; and

WHEREAS, at its regular meeting of March 7, 2022, the Planning Commission reviewed the proposed summary vacation of Hotel Way right-of-way between Pacific Avenue and Brighton Road and considered whether it is consistent with the City's General Plan and Local Coastal Land Use Plan, 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, that the Planning Commission finds its review of the proposed summary vacation of Hotel Way right-of-way between Pacific Avenue and Brighton Road is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines (Common Sense Exemption) and the categorical exemptions of Sections 15301 and 15305 (Class 1/Existing Facilities Exemption and Class 5/Minor Alterations in Land Use Limitations Exemption, respectively), including without limitation that proposed vacation will merely confirm that the ROW is not a public street, will not change development potential, and will not create any possibility of a significant effect on the environment, and because none of the exceptions of Section 15300.2 to the Class 1 and Class 5 Categorical Exemptions applies).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby find that the proposed summary vacation of Hotel Way right-of-way between Pacific Avenue and Brighton Road is consistent with the City of Pacifica General Plan and Local Coastal Land Use Plan, including but not limited to Policy No. 4 of the Circulation Element of the General Plan Coastal Act Policies No. 2 and 3 of the Local Coastal Land Use Plan.

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PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 7th day of March, 2022.

AYES, Commissioners: BERMAN, DOMURAT, GODWIN, HAUSER, NIBBELIN

NOES, Commissioners: N/A


ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: FERGUSON, LEAL

 FOR

John Nibbelin, Chair

ATTEST:



for Tina Wehrmeister, Assistant City
Manager/Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney