

RESOLUTION NO. 70-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA TO APPROVE
THE OUTDOOR COMMERCIAL PERMIT GUIDELINES AND FINDING THE
OUTDOOR COMMERCIAL PERMIT GUIDELINES EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) (FILE NO. 2022-017)**

Initiated by: City of Pacifica

WHEREAS, Outdoor Commercial Permit Guidelines were prepared to provide additional details of the standards for development within the designated outdoor commercial area pursuant to the Outdoor Commercial Permit ordinance (“Ordinance”); and

WHEREAS, after duly noticing the public hearing for August 15, 2022, the Planning Commission of the City of Pacifica on August 15, 2022, continued the hearing for Text Amendment TA-122-22 to September 6, 2022, in response to staff’s request for additional time to prepare the ordinance; and

WHEREAS, the Planning Commission of the City of Pacifica held a public hearing on the proposed amendments contained in Text Amendment TA-122-22 on September 6, 2022 and adopted Resolution No. 2022-019 recommending that the City Council approve the Outdoor Commercial Permit ordinance (“Ordinance”) and Outdoor Commercial Permit Guidelines by a vote of 6-0 (with one absence); and

WHEREAS, the City Council of the City of Pacifica provided feedback to staff on the draft Outdoor Commercial permit Guidelines on September 26, 2022; and

WHEREAS, the City Council of the City of Pacifica adopted Ordinance No. ## on October 10, 2022.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its finding, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The proposed Outdoor Commercial Permit Guidelines are consistent with the City’s General Plan and Local Coastal Land Use Plan.
4. This action is exempt from the California Environmental Quality Act (“CEQA”), pursuant to section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. Additionally, the text amendment would qualify for a Class 1 Categorical Exemption, CEQA Guidelines Section 15301 “Existing Structures”,

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Class 3 Categorical Exemption, CEQA Guidelines Section 15303 “New Construction or Conversion of Small Structures”, and Class 4 Categorical Exemption, CEQA Guidelines Section 15304 “Minor Alterations to Land.” The Outdoor Commercial Permit Guidelines support the minor alteration of existing public or private developed areas resulting in a negligible expansion of existing use. The Outdoor Commercial Permit Guidelines may result in the construction of small structures such as parklets. Furthermore, the Outdoor Commercial Permit Guidelines may result in minor temporary use of land having negligible or no permanent effect on the environment.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby approve the Outdoor Commercial Permit Guidelines included as Exhibit A to this Resolution.

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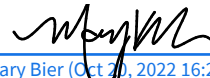
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 10th day of October 2022:

AYES, Councilmembers: Beckmeyer, Bier, Bigstycck, O’Neill, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a



Mary Bier (Oct 20, 2022 16:21 PDT)

Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

CITY OF PACIFICA

OUTDOOR COMMERCIAL PERMIT GUIDELINES

The City of Pacifica has established a program to allow existing commercial businesses an opportunity to extend their operations outdoors, including in the public right of way. All terms are as defined in Pacifica Municipal Code section 9-4.5201 and all regulations pertaining to Outdoor Commercial Permits are provided in Pacifica Municipal Code section 9-4.2500 et seq. and should be reviewed in conjunction with these Guidelines.

I. General standards

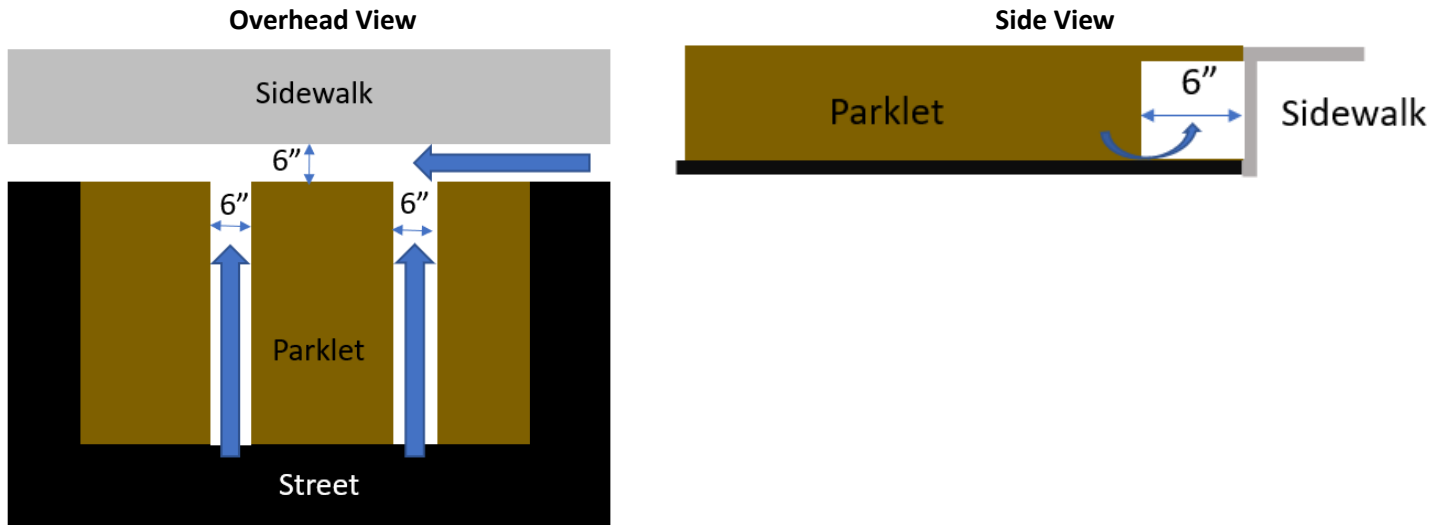
- A. The designated outdoor commercial area cannot impede the flow of curbside drainage.
- B. Structures and parklets plans shall be prepared by Licensed B or C-5 Contractor, built to approved plans by a general contractor, have a California Registered Structural or Civil Engineer certification
- C. Space underneath and surrounding structures, parklets, or furniture shall be kept clean and shall be maintained free of debris and obstruction to allow for proper drainage.
- D. Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least 10 feet from the edge of any umbrella canvas, any tree foliage, and any other combustible materials. Approved portable fire extinguishers complying with the California Fire Code shall be in place and accessible within 75 feet travel distance.
- E. All wiring and electrical cords must be exterior rated, GFCI protected, and UL listed. Cords shall not extend above the City right-of way. Permittees are not allowed to tap into existing City electrical connections. Electrical cables and extension cords shall be placed in a manner that does not create a tripping hazard.
- F. All development must meet the California Building Code and any construction necessary to conduct the outdoor commercial use must obtain a building permit from the City of Pacifica when applicable.
- G. Designated outdoor commercial areas shall be kept in a safe and clean condition at all times, free of debris, grime, and graffiti, and all landscaping shall be kept in good health or replaced as necessary.
- H. All outdoor Furniture (tables, chairs, umbrellas, planters, fencing, etc.) shall be maintained in clean and working order. Furniture must be heavy enough to withstand high winds in order to protect guests and pedestrians. Furniture shall be stored inside or secured to prevent use during non-operation hours of the business sponsor. All furnishings may need to be stored inside the business from time to time to accommodate maintenance, cleaning, special events, or during periods of inclement or hazardous weather. Weights used to anchor fixtures and furnishings shall not create tripping hazards for pedestrians.

II. Additional standards for a designated outdoor commercial area in the parking lane of a public right-of-way

- A. The designated outdoor commercial areas must be a defined space separating the space for pedestrians from bicyclists and vehicular traffic. These requirements include:

1. Perimeter wall or rail must be 3 feet minimum and 42 inches maximum height and must not obstruct views of traffic.
 2. Perimeter wall or parklet ends and corners must be capable of withstanding 500 pounds of horizontal force. Confirmation of these requirements must be provided by a certified structural engineer.
 3. Additional street side platform or wall reinforcement capable of withstanding 500 pounds of horizontal force must be placed a minimum of every 15 feet
 4. Parking stops and reflective delineators must be placed at the traffic flow side of the Perimeter wall or parklet. Parking stop may not be required if perimeter wall or parklet is directly adjacent to sidewalk “bulb-out”.
- B. If not proposing a parklet, the designated outdoor commercial areas in the parking lane of a public right-of-way can utilize the existing road. Painting the road, poured concrete, or loose particles such as sand or stone are not permitted.
- C. Parklets shall meet the following Parklet Standards
1. Platform surface materials should be textured or treated with a non-skid coating to ensure a safe walking surface.
 2. Paneled decking is preferred as it allows for easy access under the deck if needed.
 3. Parklet floor load-bearing weight minimum is 100 pounds per square foot.
 4. The deck of a parklet platform shall be flush with the sidewalk without a horizontal or vertical separation greater than ½ inch. Vertical separation between the deck of the parklet platform and the sidewalk shall be between ¼ inch and ½ inch high shall be beveled with a slope not steeper than 1:4 (25%).
 5. Bolting into the street or penetrating the surface of the road in anyway is prohibited. Bolts may penetrate the joint of the curb and sidewalk.
 6. The parklet shall be an open design that allows for pedestrians on either side of the street to see into the parklet. Continuous opaque walls are not permitted.
 7. The parklet should be designed as an extension of the sidewalk and should have multiple points of entry.
 8. The design should include planting areas that utilize native, drought-tolerant plants. Plantings can be used to discourage seating in areas such as the tops of walls.
 9. Parklets and plantings shall be maintained in good condition, free of graffiti and litter. Elements that are visually or structurally degraded shall be replaced expeditiously.
 10. Overhead elements shall provide a minimum vertical clearance of 84” above the top of the platform. Structures shall have a maximum height of 108” (8.5’) as measured from the top of the platform.
 11. There shall be no electrical fixtures or features within the parklet. Lighting may originate from the associated business and shall not shine into the street or otherwise interfere with vehicular travel. Battery or solar powered lighting elements are permitted within the designated open space area. Parklets must be illuminated to ensure safety but shall not cause glare for surrounding businesses or residents.
 12. A six-inch wide minimum clear gutter space must be provided along the entire length of the parklet adjacent to the curb. Barrier adjacent to vehicle lane should incorporate two, six-inch clearance paths. (See Figure 1)

Figure 1



III. Additional standards for a designated outdoor commercial area on the sidewalk of a public right-of-way

- A. No structures or parklet shall be placed on the sidewalk.
- B. Furniture may be placed within the designated outdoor commercial areas.
- C. A minimum width of 4 feet shall be maintained along the sidewalk. No Furniture shall be placed or allowed to remain on any sidewalk that inhibits the minimum 4-foot passage.
- D. Movable delineating barriers such as a fence or planters not more than 42 inches in height shall be placed to separate the designated sidewalk outdoor commercial area and furniture from the 4-foot sidewalk passageway.

IV. Additional standards for a designated outdoor commercial area on Private Property

- A. The designated outdoor commercial area cannot impede the flow of onsite drainage. Built facilities shall provide for proper drainage.
- B. The designated outdoor commercial area must remain outside of necessary emergency vehicle access lanes.
- C. Parklets on private property shall meet the applicable Parklet Standards listed in Section II.C, above.
- D. Designated outdoor commercial areas on private off-street parking areas must have a defined space separating the space from vehicular traffic. These requirements include:
 - 1. Perimeter wall or rail must be 3 feet minimum and 42 inches maximum height and must not obstruct views of vehicles.
 - 2. Perimeter wall or parklet ends and corners must be capable of withstanding 500 pounds of horizontal force. Confirmation of these requirements must be provided by a certified structural engineer.
 - 3. Additional street side platform or wall reinforcement capable of withstanding 500 pounds of horizontal force must be placed a minimum of every 15 feet










For Signature: ResolutionNo70-2022_Outdoor Commercial Permit Guidelines-Approved

Final Audit Report

2022-10-20

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By:	Sarah Coffey (scoffey@pacifica.gov)
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