

RESOLUTION NO. 2024-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA TO DETERMINE THE REQUIREMENTS OF A PROPOSED PARCEL MERGER ARE CONSISTENT WITH ARTICLE 12 OF CHAPTER 1 OF TITLE 10 OF THE PACIFICA MUNICIPAL CODE FOR LOTS 36 THROUGH 46 OF BLOCK 26 OF BRIGHTON BEACH SUBDIVISION NO. 1 (RSM/5/29) (APN 016-232-140, 016-232-120, 016-232-110, 016-232-100, 016-232-090, 016-232-080, 016-252-170, 016-252-160, 016-252-150, AND 016-252-140) AND SUBJECT LOTS SHALL BE MERGED, AND FINDING THE PARCEL MERGER EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Initiated by: City of Pacifica

WHEREAS, the City Engineer of the City of Pacifica, in accordance with Pacifica Municipal Code ("PMC") Section 10-1.1202 recorded with the County of San Mateo and mailed to the Property Owner, via certified mail and regular mail, a Notice of Intent to Determine Status on January 2, 2024, regarding a merger of nonconforming parcels of land (APNs 016-232-140, 016-232-120, 016-232-110, 016-232-100, 016-232-090, 016-232-080, 016-252-170, 016-252-160, 016-252-150, and 016-252-140), consisting of Lots 36 through 46 of Block 26 of Brighton Beach Subdivision No. 1 (RSM 5/29) ("Subject Parcels"); and

WHEREAS, a property owner has 30 days from the time of recording of the Notice of Intent to Determine Status to request a hearing to determine the status of the property proposed to be merged pursuant to PMC Section 10-1.1203; and

WHEREAS, the Property Owner did not submit a written request for a hearing to the City Engineer by February 1, 2024; and

WHEREAS, the Planning Commission may make a determination that the parcels are or are not to be merged in accordance with PMC Section 10.1-1207; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a hearing on March 4, 2024, 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:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. This action is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 153061(b)(3) (General Rule Exemption) because it can be seen with certainty that the parcel merger will have no possibility to cause a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to the parcel merger:

- The Subject Parcels are continuously adjacent lots under common ownership based on visual observation of their shared boundaries in the Brighton Road Subdivision Map No. 1;
- The Subject Parcels are located within the R-3 (Multiple Family Residential) zoning district, which has a minimum lot area and lot width of 5,000 square feet and 50 feet, respectively (PMC Section 9-4.602); These standards are applied in PMC Section 9-4.602; and
- At least one of the Subject Parcels does not meet the standards of the R-3 zoning District.

Additionally, at least one of the Subject Parcels meet the requirements listed in PMC Section 10-1.1201(a) and (b):

Requirement 1 (PMC Section 10-1.1201(a)): *At least one of the affected parcels is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, which is also partially sited on a contiguous parcel or unit.*

Finding: The Planning Commission has determined that one or more of the Subject Parcels are undeveloped by any structure.

Requirement 2 (PMC Section 10-1.1201(b)): *With respect to any affected parcel, one or more of the following conditions exist:*

- a. Comprises less than 5,000 square feet in area at the time of the determination of merger;*
- b. Was not created in compliance with the applicable laws in effect at the time of its creation;*
- c. Does not meet current standards for sewage disposal and domestic water supply;*
- d. Does not meet slope stability standards;*
- e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;*
- f. Its development would create health or safety hazards; and*
- g. Is inconsistent with the applicable General Plan, Local Coastal Land Use Plan, and any applicable Specific Plan, other than the minimum lot size or density standards.*

Finding: The Planning Commission has determined that at least one of the Subject Parcels comprises less than 5,000 square feet in area at the time of the determination of merger. Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 each range between 2,178 to 4,356 square feet according to the dimensions of the Brighton Beach Subdivision No. 1 (RSM 5/29) map and no subsequent lot mergers have been found to apply to these Lots. Accordingly, the condition specified in PMC Section 10-1.1201(b)(1) has been met.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica determines that the requirements for merger have been met for the Subject Parcels and the Subject Parcels shall be merged in accordance with PMC Sections 10-1.1204 and 10-1.1207.

* * * * *

March 4, 2024

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PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of March 2024.

AYES, Commissioners: DEVINE, GODWIN, HAUSER, LEAL, WRIGHT

NOES, Commissioners: N/A

ABSENT, Commissioners: BERMAN, FERGUSON

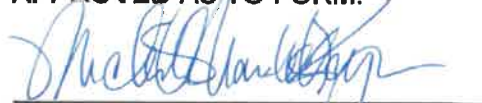
ABSTAIN, Commissioners: N/A


Samantha Hauser, Chair

ATTEST:


Christian Murdock, Planning Director

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney

