

RESOLUTION NO. 2021-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING AMENDMENTS TO USE PERMIT UP-975-07 AND COASTAL DEVELOPMENT PERMIT CDP-282-07, SUBJECT TO CONDITIONS, REVISING THE MARKET SEASON AND PERMISSIBLE RANGE OF HOURS OF OPERATION OF THE PACIFICA FARMERS' MARKET LOCATED IN THE PUBLIC RIGHT-OF-WAY OF OLD COUNTY ROAD IN THE ROCKAWAY BEACH AREA, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica ("Applicant")

WHEREAS, on April 16, 2007, the Planning Commission of the City of Pacifica approved Use Permit UP-975-07 and Coastal Development Permit CDP-282-07 to operate the Pacifica Farmers' Market on Old County Road in the Rockaway Beach Area between 446 Old County Road (APN 022-027-140) and a City-owned parking lot located to the northeast (APNs 022-027-220 and 022-027-240); and

WHEREAS, in a letter dated January 24, 2021, the current operator of the Pacifica Farmers' Market, Coastside Farmers' Markets, requested to amend the market season and hours of operation of the Pacifica Farmers' market located in the Rockaway Beach Area, to start in April and continue through December, on Wednesdays only, from 2:00 PM to 6:30 PM; and

WHEREAS, the Project requires amendments of Use Permit UP-975-07 and Coastal Development Permit CDP-282-07 to authorize the modified market season and a revised permissible range of hours of operation; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on March 1, 2021, 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 a Class 1 exemption under CEQA. Guidelines Section 15301, as described below, applies to the Project:

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 beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

The proposed revision to the market season and permissible range of hours of operation would not have a significant effect on the environment. The expansion of the market season and permissible range of hours of operation are minor, and would not result in potential impacts to the environment that are substantially different than the existing Farmers' Market use.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Use Permit UP 975-07 and Coastal Development Permit CDP-282-07-19 as required by PMC section 9-4.3303 and PMC section 9-4.4304(k), respectively:

- I. Required Finding: *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

Discussion: The revision to the market season and range of permissible hours of operation of the Farmers' Market will not be detrimental to the health, safety, and welfare of people residing or working in the area or to the City. The Farmers' Market has been operating in the Rockaway Beach area since 2007 and its impact to the street has not caused health or safety concerns. Operation of the Farmers' Market is valuable to the community and to visitors and provides access to fresh fruits, vegetables, and other food products that improves public health, safety, and welfare of persons residing or working in the neighborhood and elsewhere in the City. Additionally, the proposed amendment is minor in nature and would not change the fundamental operation of the market or generate different impacts than those considered in the original permit approval.

- II. Required Finding: *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.*

Discussion: Revising the market season and permissible range of hours of operation is consistent with provisions of the General Plan and Local Coastal Plan ("LCP") that encourage increased commercial development (General Plan, p. 78) and visitor-serving uses within commercial districts of the Coastal Zone, such as the Rockaway Beach area west of Highway 1. The LCP encourages, in particular, lower-cost visitor-serving uses in the Coastal Zone (LCP Policy No. 5, p. C-5). By attracting visitors to the area, the expanded Farmers' Market season and permissible range of hours of operation would increase potential spillover economic activity from visits to surrounding businesses in the Rockaway Beach area. Visitors of the Farmers' Market would be encouraged to shop at nearby stores, and the proximity of the Farmers' Market to Highway 1 makes it an accessible location to attract passing drivers.

- III. Required Finding: *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Discussion: Consistency with the City's adopted Design Guidelines is not applicable to the subject project because it does not include development of any permanent structures.

- IV. Required Finding: *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: Revised operations of the Farmers' Market as proposed would be in conformity with the City's certified Local Coastal Program. Revisions to the market season and permissible range of hours of operation would be minor, and by extending both would enhance a low-cost visitor-serving use as supported and encouraged by LCP 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. New housing in the Coastal Zone shall be developed in conformity with the standards, policies, and goals of the local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

With its location inside the Rockaway Beach neighborhood, the LCP identifies this area as a commercial center with an emphasis on visitor-serving commercial uses. The LCP highlights the City's role in promoting commercial and economic development in Rockaway Beach, in particular visitor-serving development (LCP, p. C-44 through C-45). Existing businesses in the vicinity of the Farmers' Market could also benefit from the Farmers' Market's pedestrian traffic and help Rockaway Beach maintain its status as one of Pacifica's main commercial centers. Supporting the operation of the Farmers' Market illustrates the City's effort in promoting commercial activity and economic development at Rockaway Beach.

- V. Required Finding: *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 location of the Farmers' Market on Old County Road is not the nearest public road to the shoreline. The nearest public road to the shoreline is Dondee Way, located west of the Farmers' Market location. Therefore, the policies of Chapter 3 of the California Coastal Act do not apply.

BE IT FURTHER RESOLVED that all conditions of approval of the City's 2007 approval of Use Permit UP 975-07 and Coastal Development Permit CDP-282-07-19 shall be superseded and replaced by those conditions of approval in Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve amendments to Use Permit UP-975-07 and Coastal Development Permit CDP-282-07 revising operation of the Pacifica Farmers' Market, subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

File No. 2021-004
Pacifica Farmers' Market
March 1, 2021

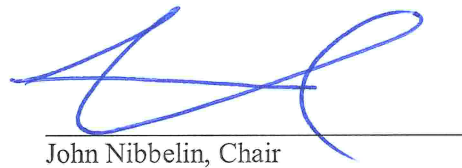
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica,
California, held on the 1st day of March, 2021.

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

NOES, Commissioners:

ABSENT, Commissioners: FERGUSON

ABSTAIN, Commissioners:



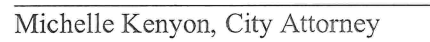
John Nibbelin, Chair

ATTEST:



Tina Wehrmeister,
Assistant City Manager/Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2021-004 – Amendments to Use Permit UP-975-07 and Coastal Development Permit CDP-282-07, to revise operation of the Pacifica Farmers' Market's market season and hours of operation, in the public right-of-way of Old County Road in the Rockaway Beach neighborhood.

Planning Commission Meeting of March 1, 2021

Planning Division of the Planning Department

1. Operation of the Farmers' Market shall occur within that area indicated in Exhibit B to this Resolution.
2. The Farmers' Market operator ("Operator") shall maintain the site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code. The site shall be kept in a clean and sanitary condition at all times.
3. All Farmers' Market signage shall be subject to review and approval by the Planning Director, prior to installation.
4. Vendors' booths shall not block any driveways.
5. The approved market season shall be on Wednesdays only from April through December, inclusive.
6. The Farmers' Market may begin to setup and operate in a manner open to customers, inclusive of clean-up and vacation of the site, between the hours of 1 PM and 7:30 PM. The Farmer's Market shall be limited to four hours of consecutive operation while open to customers, excluding therefrom a period of one hours immediately before and 30 minutes immediately after such four-hour period as required for setup and cleanup/vacation, respectively.
7. As it relates to the approved range of operating hours allowable in Condition No. 6, the approved hours of operation while open to customers shall be 2 PM to 6 PM, plus a setup period from 1 PM to 2 PM, and a cleanup and vacation period from 6 PM to 6:30 PM. The City Manager may authorize in writing a different period of operating hours, consistent with the limitations in Condition No. 6, upon written request of the Operator. Any such modification of operating hours by the City Manager shall not require an amendment to Use Permit UP-975-07 or Coastal Development Permit CDP-282-07.
8. The City Engineer shall ensure that "No Parking" signs shall be installed in accordance with applicable laws to reflect the approved market season and hours of operation prior to commencement of the Farmers' Market in reliance on this approval.

*** END OF CONDITIONS ***

File No. 2021-004
Pacifica Farmers' Market
March 1, 2021

Exhibit B

Farmers' Market Site Plan

Robert,

Engineering

Please indicate on this site plan the dimensions you need and I will put it in plan.

