

**RESOLUTION NO. 2021-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING TEMPORARY USE PERMIT TUP-1-21 (FILE NO. 2021-016), SUBJECT TO CONDITIONS, TO AUTHORIZE CONTINUED INSTALLATION OF A TEMPORARY STRUCTURE TO ENCLOSE OCEAN SHORE RAILROAD CAR NO. 1409 AND RESTORATION WORK ON THE RAILROAD CAR ON A PORTION OF THE VALLEMAR CENTER SHOPPING CENTER AT 2125 COAST HIGHWAY (APN 018-041-010), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Pacifica Historical Society (“Applicant”)

**WHEREAS**, the Planning Commission of the City of Pacifica approved Temporary Use Permit TUP-2-19 (File No. 2019-029) on November 4, 2019, authorizing Applicant to perform minor grading, to construct heavy timber cribbing, to install a historical railcar within a temporary enclosure, and to perform renovation work on the railcar; and

**WHEREAS**, Applicant placed the historical railcar, known as Ocean Shore Railroad Car No. 1409, at 2125 Coast Highway (also known as 2125 Cabrillo Highway and 168 Reina del Mar Avenue) on a portion of the Vallemar Center Shopping Center in December 2019, and has performed restoration work on an ongoing basis since that time; and

**WHEREAS**, the emergence of the novel coronavirus (COVID-19) pandemic and public health emergency abruptly slowed Applicant’s planned restoration work because of requirements to abide by public health precautions, including protocols limiting the number of persons who could work on the railcar at any given time due to social distancing requirements, causing the restoration project to take longer than initially estimated; and

**WHEREAS**, Applicant has submitted an application seeking authorization for the continued installation of Ocean Shore Railroad Car No. 1409 within a temporary enclosure, and the performance of renovation work on the railcar (“Project”); and

**WHEREAS**, the Project requires Planning Commission approval of a temporary use permit pursuant to section 9-4.2305(a) of the Pacifica Municipal Code (PMC) because the proposed use is not listed as a permitted or conditional use within the C-1 (Neighborhood Commercial) zoning district; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 21, 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 Class 4 exemption under California Environmental Quality Act (CEQA) Guidelines Section 15304, as described below:

Section 15304 (Minor Alterations to Land) of the CEQA Guidelines states in part:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

\* \* \* \* \*

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

\* \* \* \* \*

The Project fits into the scope of the Class 4 exemption in that it involves a minor temporary use of land to restore a railcar which will have no permanent effects on the environment.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the Project, as described below:

- Sec. 15300.2(a): There is no evidence in the record that the Project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The Project site is located within a substantially developed shopping center.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The Project involves the temporary placement of a railcar and enclosure structure. There are no other projects of this type in the area. Therefore, there is no foreseeable cumulative impact from this type of project which could have a significant environmental impact.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project would have a significant effect on the environment due to unusual circumstances. The Project site is designated for commercial use and includes renovation of an existing railcar on a portion of an existing, developed shopping center. As such, there are no identifiable unusual circumstances that would have a significant effect on the environment.
- Sec. 15300.2(d) through (f): The Project is not proposed near a designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical buildings. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements of a Class 4 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does make the following findings pertaining to Temporary Use Permit TUP-1-21:

- i. *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 Project proposes the continued temporary installation of Ocean Shore Railroad Car No. 1409 and minor restoration work utilizing small tools. The Applicant has indicated that no hazardous materials, such as lead or asbestos, are present within the railcar. The railcar Installation would continue in the fashion approved by TUP-2-19 with installation on wood cribbing within a temporary enclosure secured behind a fence.

Restoration work would be conducted during reasonable daytime hours from 8:00 AM to 5:00 PM, which are within the weekday work hours for construction projects operating under a building permit as set by PMC section 8-1.08 (7:00 AM to 7:00 PM). However, weekend construction hours are limited to 9:00 AM to 5:00 PM by the PMC and a condition of approval would ensure weekend renovation work is consistent with these limitations. These construction hour limitations are necessary to minimize adverse noise impacts to businesses within the shopping center and to nearby residents. The small size of the tools to be used during the restoration, and the small size of the generator needed to power certain of the tools, will further serve to limit potential noise impacts.

It is staff's assessment that the installation of security lighting is sufficient to address concerns about potential vandalism of the railcar because it will deter nefarious activity by increasing lighting in the area immediately surrounding the railcar. The installation of security lighting could have the potential to be disruptive to nearby residents, however. The placement of such lighting could shine into the windows of residents or affect their privacy within yard areas. Therefore, staff has recommended a condition of approval which would require review and approval of the exterior lighting plan and which would further require that all exterior lighting be down-facing and directed away from nearby residences.

Because restoration work would proceed in a manner consistent with hours of operation for large construction projects; because the tools and generator used would be small in size; because the installation of security lighting would be regulated; and, because no hazardous materials are present, therefore, the establishment, maintenance, and operation of the proposed use 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.

- ii. *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

The continued temporary installation and restoration of Ocean Shore Railroad Car No. 1409 would be consistent with the General Plan. Policy Nos. 1 and 2 of the Historic Preservation Element, included below, demonstrate the importance of the conservation of historic resources:

Historic Preservation Element Policy No. 1: *Conserve historic and cultural sites and structures which define the past and present character of Pacifica.*

Historic Preservation Element Policy No. 2: *Consider creative alternatives, which may include uses other than the original use, to protect and preserve historic sites and structures.*

Ocean Shore Railroad Car No. 1409 transported passengers along the OSRR from 1905 to 1920. This important period in early Pacifica history pre-dates the City's incorporation in 1957 when Pacifica existed as a collection of coastal neighborhoods. The creative application of the temporary use permit procedure to enable restoration of the railcar is essential to protect and preserve this historic resource.

Because the Project would conserve a historic resource which defines the past and present character of Pacifica, and because a creative alternative is necessary to protect and preserve the resource, therefore, the proposed Project is consistent with the General Plan.

The Local Coastal Plan is not applicable to the Project as the site is not located in the coastal zone.

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

Discussion

The City's adopted Design Guidelines have few provisions which pertain to temporary development. Nevertheless, the proposed Project would be consistent with the following adopted Design Guideline:

Lighting (Section I.A.3): *Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.*

As previously mentioned, the Planning Director would review and approve an exterior lighting plan which will ensure safety and security of the Project site while avoiding glare for neighbors. Therefore, the Project would be consistent with this Design Guideline.

Because the proposed use would be consistent with a Design Guideline related to lighting, there is evidence to support a conclusion that it is consistent with the City's adopted Design Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica approves Temporary Use Permit TUP-1-21, subject to conditions of approval attached as Exhibit A.

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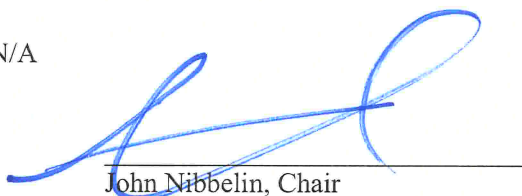
**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 21<sup>st</sup> day of June, 2021.

**AYES**, Commissioners: BERMAN, DOMURAT, FERGUSON, GODWIN,  
HAUSER, LEAL, NIBBELIN

**NOES**, Commissioners: N/A

**ABSENT**, Commissioners: N/A

**ABSTAIN**, Commissioners: N/A



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director/  
Assistant City Manager

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney