

RESOLUTION NO. 2019-009

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA DETERMINING THE REQUIREMENTS FOR MERGER HAVE BEEN MEET FOR LOTS 37 THROUGH 44 OF BLOCK 25 OF ROCKAWAY BEACH SUBDIVISION NO. 1 (RSM 6/53) (APN 022-064-100 AND 022-064-110) (FILE NO. 2019-007), AND FINDING THE LOT MERGER EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Hearing requested by: David Blackman ("Property Owner").

**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 February 4, 2019, regarding nonconforming parcels of land (APNs 022-064-100 and 022-064-110), consisting of Lots 37 through 44 of Block 25 of Rockaway Beach Subdivision No. 1 (RSM 6/53) (the "Subject Lots"); 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 submitted a written request for a hearing to the City Engineer on February 26, 2019; and

**WHEREAS**, the City Engineer is required to set a time, date, and place for a hearing before the Planning Commission within 30 days following the receipt of the owner's request and notify the owner by certified mail pursuant to PMC Section 10-1.1203; and

**WHEREAS**, the City Engineer sent a Notice of Hearing on Determination of Status including the time, date, and place for the hearing to the Property Owner via certified and regular mail on March 8, 2019 (date on letter is March 7, 2019); and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a hearing on March 18, 2019, 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.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby make the following finding that the project qualifies as a "common sense" exemption detailed under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

The exemption provided in CEQA Guidelines Section 15061(b)(3) is applicable because lot merger does not involve creation of new lots nor would result in a physical change which would directly or indirectly have the potential to cause a significant effect on the environment. The lot merger would reduce the development potential of the area by merging previously separate development sites into one lot zoned for a single-family dwelling or other uses permitted in the R-1-H (Single-Family Residential Hillside) zoning district. Furthermore, the zoning of the site would require a discretionary permit (i.e. Site Development Permit) prior to development, which would be subject to CEQA.

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

- The Subject Lots are continuously adjacent lots under common ownership based on visual observation of their shared boundaries in the Rockaway Beach Subdivision Map No. 1;
- The Subject Lots are located within the R-1-H (Single-Family Residential Hillside) zoning district as shown in zoning Section Map 24. The R-1-H zoning district has a minimum lot area and lot width of 5,000 square feet and 50 feet, respectively, as shown in the development standards for the R-1-H zoning district. These standards are applied in PMC Section 9-4.953 by reference to PMC Section 9-4.402; and
- At least one of the Subject Lots does not meet the standards of the R-1-H zoning District.

Additionally, at least one of the Subject Lots meets 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:** Staff has determined that one or more of the Subject Lots are undeveloped by any structure. Staff's determination is based on a search of City of Pacifica building permit records, which did not include a permit for any structures; San Mateo County Assessor Land Use code for the Subject Lots, which indicate Property Use Code (00) indicating "Vacant Land"; and, aerial photograph observation which show no obvious indicators of a structure being present on the Subject Lots.

***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:** Staff determined that at least one of the Subject Lots comprises less than 5,000 square feet in area at the time of the determination of merger. Lots 37, 38, 39, 40, 41, 42, 43, and 44 are each 3,750 square feet according to the dimensions of the Rockaway Beach Subdivision No. 1 (RSM 6/53) 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 Lots and the Subject Lots shall be merged in accordance with PMC Section 10-1.1204.

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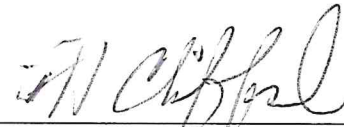
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 18<sup>th</sup> day of March 2019.

AYES, Commissioners: Clifford, Nibbelin, Kraske, Berman, Bigstyk

NOES, Commissioners: None

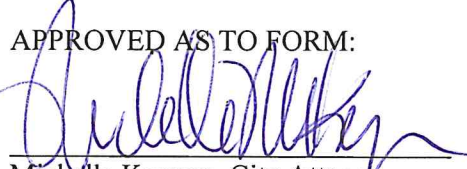
ABSENT, Commissioners: Campbell, Rubinstein

ABSTAIN, Commissioners: None

  
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Thomas Clifford, Vice Chair

ATTEST:

  
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Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:  
  
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Michelle Kenyon, City Attorney