

**RESOLUTION NO. 2022-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-437-22 (FILE NO. 2022-012), SUBJECT TO CONDITIONS, TO ESTABLISH ONE ON-STREET TEMPORARY SAFE PARKING PROGRAM PARKING SPACE ON THE WEST SIDE OF THE FRANCISCO BOULEVARD PUBLIC RIGHT-OF-WAY, EAST OF 2400 FRANCISCO BOULEVARD (APN 016-322-230) AND APPROXIMATELY 32 FEET NORTH OF THE CLARENDON ROAD AND FRANCISCO BOULEVARD INTERSECTION, AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: City of Pacifica (Applicant)

**WHEREAS**, On February 28, 2022, the City of Pacifica City Council adopted Resolution No. 12-2022 to approve a three-year Temporary Safe Parking Program (“Program”) in the City of Pacifica which provides up to 13 parking spaces for Program participants living in an operational recreational vehicle, trailer or motorhome with operating toileting facilities a temporary parking space for a limited period of time while participants try to find permanent housing solutions; and

**WHEREAS**, the Program includes the establishment of one on-street Program parking spaces (total size of 30’ by 10’) on the west side of the Francisco Boulevard public right-of-way (ROW), east of 2400 Francisco Boulevard (APN 016-322-230) and approximately 32 feet north of the Clarendon Road and Francisco Boulevard intersection. Improvements, including installation of two pole signs and pavement markings, will be used to designate the area of public ROW being reserved for the Program parking space (File No. 2022-012)(“Project”); and

**WHEREAS**, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that the Project constitutes “development,” as defined in PMC Section 9-4.4302(z)(7), and the Project does not qualify as a category of excluded development; and

**WHEREAS**, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 16, 2022, 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 1 and 4 exemptions under CEQA Guidelines Sections 15301 and 15304 and the “Common Sense” exception, CEQA Guidelines Section 15061(b)(3), as described below:

**15301.** *“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. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. [...]*”

The Project includes reserving 30’ by 10’ of public ROW for the use by participants of the Program for a period of three years. The existing use of the public ROW allows for vehicle parking; therefore, the proposed use is a negligible expansion of the existing use.

**15304.** *“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 or 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 includes reserving 30’ by 10’ of public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs and pavement markings are minor alterations and do not involve removal of healthy, mature scenic trees.

Additionally, none of the exceptions applicable to a Class 1 and 4 exemptions in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): This exception does not apply to the Class 1 exemption. Furthermore, there is no evidence in the record that the Project would 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.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for Class 1 and Class 11 exemptions and none of the exceptions to applying Class 1 and 11 exemptions in Section 15300.2 of the CEQA Guidelines apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

Additionally, CEQA Guidelines Section 15061(b)(3) states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Project includes reserving 30’ by 10’ of existing public ROW for the use

by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs and pavement markings are minor alterations to the existing environment. It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-437-22 as required by PMC section 9-4.4304(k):

**1) *The proposed development is in conformity with the City’s certified Local Coastal Program.***

***Discussion:*** The City’s certified Local Coastal Program (LCP) includes the 1980 Local Coastal Land Use Plan (LCLUP) that contains policies to further the City’s coastal planning activities. Applicable policies and references in the City’s LCLUP are discussed further below:

***Coastal Act Policy No. 2:*** *Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.*

***Finding:*** The Program would reserve a small number of on-street parking spaces. Public access to the sea would be maintained between the Program parking space and the shoreline through the use of the existing sidewalk along the west side of Francisco Boulevard which connect to various public access points to the sea. The Code of Conduct associated with the Program would require Program participants to keep all personal property within the participants’ vehicles and would prohibit Program participants from blocking any access to the sidewalk. Additionally, the signage proposed at the site will be located within the public ROW, but outside of the street and path of travel on the sidewalk, similar to other existing traffic and parking signage along Francisco Boulevard. Therefore, the use of the Program parking space and the signage will not obstruct or degrade physical access along Francisco Boulevard and will not impact on the public’s right of access to the sea.

The Program parking space is located approximately 0.25-miles from the Clarendon Road coastal access point (Coastal Access Point No. 9 in LCLUP). In 2019, the City hired consultants to help prepare the Sharp Park Specific Plan. As a part of this effort the consultants prepared an Existing Conditions Report, which included a parking analysis for the West Sharp Park neighborhood<sup>1</sup>. While the block along Francisco Boulevard that would contain the Program parking space is not specifically included in the parking survey, surrounding block segments were included. The survey found that parking along the block along Francisco Boulevard immediately to the north and Clarendon Road immediately to the south of the Project were 0 to 25 percent utilized during weekday midday and weekday evenings. During the weekend midday, the block along Francisco Boulevard immediate to the north was 0 to 25 percent utilized and the block along Clarendon Road immediately to the west was 50 to 75 percent utilized. The Program would remove 30 linear feet of existing public parking along Francisco Boulevard, which is approximately 1.5 parking spaces for

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<sup>1</sup> Sharp Park Existing Conditions Report (December 2019), Chapter 4, Figures 4-7, 4-8, and 4-9. Available online:  
[https://static1.squarespace.com/static/5caf9fb565019f7d38d3fed4/t/5e30b764351c542c9b3ff5e2/1580251011094/Pacifica+ECR+compiled\\_reducedsize.pdf](https://static1.squarespace.com/static/5caf9fb565019f7d38d3fed4/t/5e30b764351c542c9b3ff5e2/1580251011094/Pacifica+ECR+compiled_reducedsize.pdf)

a standard vehicle. The beach parking lot along Beach Boulevard as well as the various streets west of the Program parking space provides significant free parking options to coastal visitors. Due to the distance of the Program parking space from the nearby coastal access point, the general availability of parking in the vicinity, and the various other available parking options closer to the nearby coastal access point, the reserved public ROW will not adversely affect coastal visitor parking and will not impact the public’s right of access to the sea.

*Coastal Act 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. [...]*

*Finding:* The Program parking space will provide a low cost temporary housing opportunity for Program participants for a limited period of time while participants in the Program seek permanent housing solutions. Therefore, the Project would encourage and provide housing opportunities for persons of low and moderate income.

Additionally, the City’s certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City’s zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As noted above, the Project site is not located within an underlying zoning district. However, it is located within the C-Z combining district and is subject to the supplementary standards contained in PMC Title 9, Chapter 4, Article 44 applicable to development in the Coastal Zone. Because of the nature of the activity involved with parking of Program vehicles in designated spaces on the existing Francisco Boulevard public ROW, the Program would not conflict with the habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations. Therefore, the Project would be in conformity with the City’s IP component of the certified LCP

For all the reasons provided above, the Project is in conformity with the City’s certified Local Coastal Program.

**2) *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 Project site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-437-22 to establish one on-street Temporary Safe Parking Program (“Program”) parking space (30’ by 10’, tandem orientation) and improvements on the west side of the Francisco Boulevard public ROW, east of 2400 Francisco Boulevard (APN 016-322-230) and approximately 32 feet north of the Clarendon Road and Francisco Boulevard intersection, subject to conditions of approval included in Exhibit A to this Resolution.

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## Exhibit A

**Conditions of Approval: File No. 2022-012 – Coastal Development Permit CDP-437-22, to establish one on-street Temporary Safe Parking Program parking space and improvements on the west side of the Francisco Boulevard public right-of-way (ROW), east of 2400 Francisco Boulevard (APN 016-322-230) and approximately 32 feet north of the Clarendon Road and Francisco Boulevard intersection.**

### Planning Commission Meeting of May 16, 2022

#### **Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled “OSV Permit Parking Spot Implementation – Francisco Blvd.” included as Attachment B of the May 16, 2022 Planning Commission staff report, except as modified by the following conditions.
2. The term of this approval shall be limited to the period of effectiveness of the Temporary Safe Parking Program approved by the City of Pacifica City Council in Resolution No. 12-2022. This approval shall have no further force or effect upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
3. The City of Pacifica shall remove associated signage and pavement markings upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
4. All vehicles and occupants of the spaces authorized in this approval shall comply with the terms, conditions, and other requirements of the Temporary Safe Parking Program, including but not limited to the Code of Conduct.

#### **Conditions added by Planning Commission at May 16, 2022 Planning Commission Hearing**

5. After not less than two months and not more than four months of operations, the Applicant shall prepare a written Operational Review Report summarizing operation of the Program space in relation to the adjacent North Coast County Water District (NCCWD) facility for review and consideration by the City Manager. The Applicant shall confer with the NCCWD to seek its input into the Report.
6. The Program space shall have a no parking buffer zone at the rear of the Program space (10' X 30') not less than 5' in depth and the full width of the program space (10'), with the exact depth at the discretion of the City Engineer.
7. All Program participants shall comply with all BAAQMD regulations applicable to generators proposed for operation at the Program spaces.

\*\*\*END\*\*\*