

## RESOLUTION NO. 78-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA REFERRING THE PROJECT BACK TO THE PLANNING COMMISSION FOR RECONSIDERATION FOLLOWING THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) IN ACCORDANCE WITH SECTION 9-4.3208(b)(2) OF THE PACIFICA MUNICIPAL CODE FOR GENERAL PLAN AMENDMENT GPA-96-19, REZONING RZ-194-16, ZONING TEXT AMENDMENT TA-116-19, DEVELOPMENT AGREEMENT DA-4-21, SITE DEVELOPMENT PERMIT PSD-811-16, USE PERMIT UP-76-16, PARKING EXCEPTION PE-183-19, SIGN PERMIT S-129-19, VESTING TENTATIVE SUBDIVISION MAP SUB-233-16, AND HERITAGE TREE REMOVAL AUTHORIZATION, THAT WOULD AUTHORIZE CONSTRUCTION OF A MIXED-USE COMMERCIAL AND RESIDENTIAL PROJECT CONSISTING OF 3,165 SQUARE FEET OF COMMERCIAL AREA AND 19 RESIDENTIAL CONDOMINIUMS AT 570 CRESPI DRIVE (APN 022-162-310) AND CERTAIN OFF-SITE IMPROVEMENTS AT 540 CRESPI DRIVE (APN 022-162-420).**

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**WHEREAS**, an application has been submitted for construction of a 43,696-square foot (sf) mixed-use development including one two-story mixed-use building with three residential units and 3,165 sf of commercial space, two three-story residential buildings behind the street-facing mixed-use building consisting of 16 townhouse residential units; construction of a freestanding sign; merger of two parcels located at 540 and 570 Crespi Drive (APNs 022-162-420 and 022-162-310); removal of five heritage trees; a condominium subdivision; construction of off-site parking, circulation and landscaping improvements at 540 Crespi Drive; construction of a wetlands interpretive sign; a development agreement with certain public and developer benefits; a General Plan amendment to revise the “Commercial” land use designation; a zoning text amendment to revise the list of conditional uses in the C-2 (Community Commercial) zoning district; and a rezoning to change the zoning classification to the C-2 zoning district (“Project”); and

**WHEREAS**, pursuant to Public Resources Code Section 21080.1 and Section 15063 of the California Environmental Quality Act (“CEQA”) Guidelines located in Title 14, California Code of Regulations, the City, as CEQA lead agency, determined that prior to considering the approval of the Project that an Initial Study and Mitigated Negative Declaration should be prepared in accordance with CEQA and the CEQA Guidelines; and

**WHEREAS**, the City prepared an Initial Study/Mitigated Negative Declaration (IS/MND) dated December 2021 to consider, identify and analyze all potential environmental impacts of the proposed Project (State Clearinghouse No. 2021120126), which concluded that the Project could result in potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources, and that all the potentially significant impacts of the Project can be avoided or reduced to insignificance with implementation of mitigation measures; and

**WHEREAS**, the City provided notice of the availability of the IS/MND and its intent to adopt a mitigated negative declaration to and sought comments from all interested individuals and agencies on the IS/MND as required by CEQA by (i) Publishing “Notice of Intent to Adopt

a Mitigated Negative Declaration for the 570 Crespi Drive Project in the City of Pacifica” (“NOI”) in the Pacifica Tribune newspaper on December 8, 2021; (ii) Submission of the NOI to the County Clerk of the County of San Mateo for posting; (iii) Provision of copies of the NOI to individuals and organizations that previously submitted written requests for the notice; (iv) Publication of a Notice of Completion with the State Clearinghouse, State Clearinghouse No. 2021120126; and, (v) Posting of the draft IS/MND on the City of Pacifica Planning Department webpage; and

**WHEREAS**, pursuant to the above-described notices provided, the City made the IS/MND available for a 30-day review and comment period that ran from December 8, 2021, to January 10, 2022; and

**WHEREAS**, the City received no public or agency comment letters on the IS/MND during the 30-day public comment period; because no comments were received during the public comment period, the City has not prepared a Response to Comments (“RTC”) document to respond to comment letters received on the IS/MND; and

**WHEREAS**, the City prepared a Final IS/MND consisting of the IS/MND and a Mitigation Monitoring and Reporting Program (“MMRP”) which includes all of the mitigation measures identified in the IS/MND, along with the party responsible for monitoring implementation of the mitigation measures, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 7, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference, and adopted Resolution No. 2022-006 by a vote of 6-0 with one abstention to approve Site Development Permit PSD-811-16, Use Permit UP-76-16, Tentative Subdivision Map SUB-233-16, Sign Permit S-129-19, Parking Exception PE-183-19, and Heritage Tree Removal Authorization to approve the Project, and to initiate and recommend City Council approval of General Plan Amendment GPA-96-19, Rezoning RZ-194-16, Zoning Text Amendment TA-116-19, and Development Agreement DA-4-21; and

**WHEREAS**, a timely appeal of the Planning Commission’s adoption of Resolution No. 2022-006 was filed on March 17, 2022 (“Appeal”); and

**WHEREAS**, on May 9, 2022, the City Council continued the public hearing to consider the Appeal to June 27, 2022, in order to allow City staff additional time to review a proposed Project revision submitted by applicants Brendan and Eamon Murphy (“Applicant”); and

**WHEREAS**, on June 27, 2022, the City Council again continued the public hearing to consider the Appeal to a future date to be determined in order to allow City staff additional time to review information submitted by the Appellant; and

**WHEREAS**, on October 19, 2022, the Applicant requested that the City of Pacifica prepare an environmental impact report (EIR) in accordance with the CEQA; and

**WHEREAS**, the Planning Commission must consider the EIR prior to City Council consideration of the Project, and therefore, the City Council of the City of Pacifica cannot

consider the Appeal or approval of the Project until the EIR has been prepared; and

**WHEREAS**, Section 9-4.3208(b) of the Pacifica Municipal Code (PMC) provides that the City Council may consider an appeal either by holding a public hearing, using the same procedures as set forth in Section 9-4.3302 of the PMC; or, by referral back to the Planning Commission for reconsideration; and

**WHEREAS**, the City Council held a duly noticed public hearing on November 14, 2022, to consider the Appeal, 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 City Council 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 City Council relied upon and hereby incorporates by reference all correspondence, staff reports and other related materials and oral and written testimony at the hearing.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby refer the Project back to the Planning Commission for reconsideration after preparation of an EIR in compliance with CEQA, in accordance with Section 9-4.3208(b)(2) of the PMC.

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**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 14<sup>th</sup> day of November, 2022.

AYES, Councilmembers: *Beckmeyer, Bier, Bigstycck, O'Neill, Vaterlaus*

NOES, Councilmembers: *n/a*

ABSENT, Councilmembers: *n/a*

ABSTAIN, Councilmembers: *n/a*

  
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Mary Bier, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sarah Coffey, City Clerk  
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For Michelle Marchetta Kenyon, City Attorney