

ORDINANCE NO. 849-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING GENERAL PLAN AMENDMENT GPA-97-19 TO APPLY THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND REZONING RZ-202-19 TO CHANGE THE ZONING CLASSIFICATION TO R-3 (MULTIPLE-FAMILY RESIDENTIAL), ON A VACANT LOT ON SALADA AVENUE KNOWN AS LOT 37 OF BLOCK 1 OF THE REVISED SALADA BEACH SUBDIVISION (APN 016-050-400) (FILE NO. 2017-021); AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, an application has been submitted to amend the General Plan land use designation from Medium Density Residential to High Density Residential, to change the zoning classification from the R-2 (Two-Family Residential) zoning district to the R-3 (Multiple-Family Residential) zoning district, to construct a new 1,398-square foot (sf) single-family residence on a 2,250-sf nonconforming lot, and to deviate from the off-street parking standards for a single-family residence (“Project”), at the Project site located on a vacant lot on the south side of Salada Avenue approximately 325 feet west of the intersection of Palmetto Avenue and Salada Avenue (APN 016-050-400) in the West Sharp Park neighborhood (File No. 2017-021); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed Project on July 15, 2019, and adopted Resolution No. 2019-026 recommending City Council approval of GPA-97-19 and Rezoning RZ-202-19, and approving Site Development Permit PSD-818-17, Coastal Development Permit CDP-387-17, Use Permit UP-116-19, and Parking Exception PE-174-17, on July 15, 2019; and

WHEREAS, an appeal was filed by Cindy Abbott (“Appellant”) on July 24, 2019, in opposition to the Planning Commission’s action (“Appeal”); and

WHEREAS, the City Council of the City of Pacifica did hold a duly noticed public hearing on September 9, 2019, at which time it denied the Appeal in part as it related to GPA-97-19 and Rezoning RZ-202-19 and waived the first reading and introduced by title the Ordinance approving General Plan Amendment GPA-97-19 and Rezoning RZ-202-19. The City Council referred Site Development Permit PSD-818-17, Coastal Development Permit CDP-387-17, Use Permit UP-116-19, and Parking Exception PE-174-17 to the Planning Commission for further review.

NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Findings. Specific findings of fact for approval of the General Plan Amendment and Rezoning are contained in the Planning Commission Resolution No. 2019-026 adopted on July 15, 2019, including without limitation findings related to the consistency of residential development with the General Plan, and the City Council concurs with said findings and incorporates the findings herein by reference.

Section 3. Amendment. The West Sharp Park Land Use Map of the General Plan of the City of Pacifica, as described in the Land Use Element: Description by Neighborhood of the Pacifica General Plan, is hereby amended as depicted in Attachment A-1 to this Ordinance. The specific area affected by this reclassification is more particularly described in the legal description included as Attachment A-3 to this Ordinance.

Section 4. Reclassification. Section Map 7 of the Zoning Map of the City of Pacifica, as described in Section 9-4.302 of the Pacifica Municipal Code, is hereby amended as depicted in Attachment A-2 to this Ordinance. The specific area affected by this reclassification is more particularly described in the legal description included as Attachment A-3 to this Ordinance.

Section 5. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance qualifies for a Class 3 exemption under CEQA. CEQA Guidelines Section 15303, as described below, applies to adoption of the Ordinance because the Project involves authorizing future construction of up to one single-family residence in a residential zone. Therefore, the Project is exempt from further analysis under CEQA.

- 1. That the Project is exempt from CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines, which state in pertinent part as follows:

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

* * * * *

In this case, the Project involves a General Plan amendment and rezoning which would enable future construction of one single-family residence in a residential zone. Therefore, the Project is exempt from further analysis under CEQA.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, 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 residential neighborhood and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. The Project is within a substantially developed residential neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project will have a significant effect on the environment due to unusual circumstances. The

Project site is a vacant lot with very flat topography and no habitat value. It is zoned for residential development and the Project will involve residential development consistent with the residential zoning. Therefore, there are no unusual circumstances applicable to the Project.

- Sec. 15300.2(d) through (f): The Project is not proposed near a 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 a Class 3 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.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

* * * * *


PASSED AND ADOPTED this 23rd day of September, 2019, by the following vote:

AYES: Vaterlaus, Martin, O'Neill, Beckmeyer, Bier.

NOES: None.

ABSTAIN: None.


ABSENT: None.


Sue Vaterlaus, Mayor

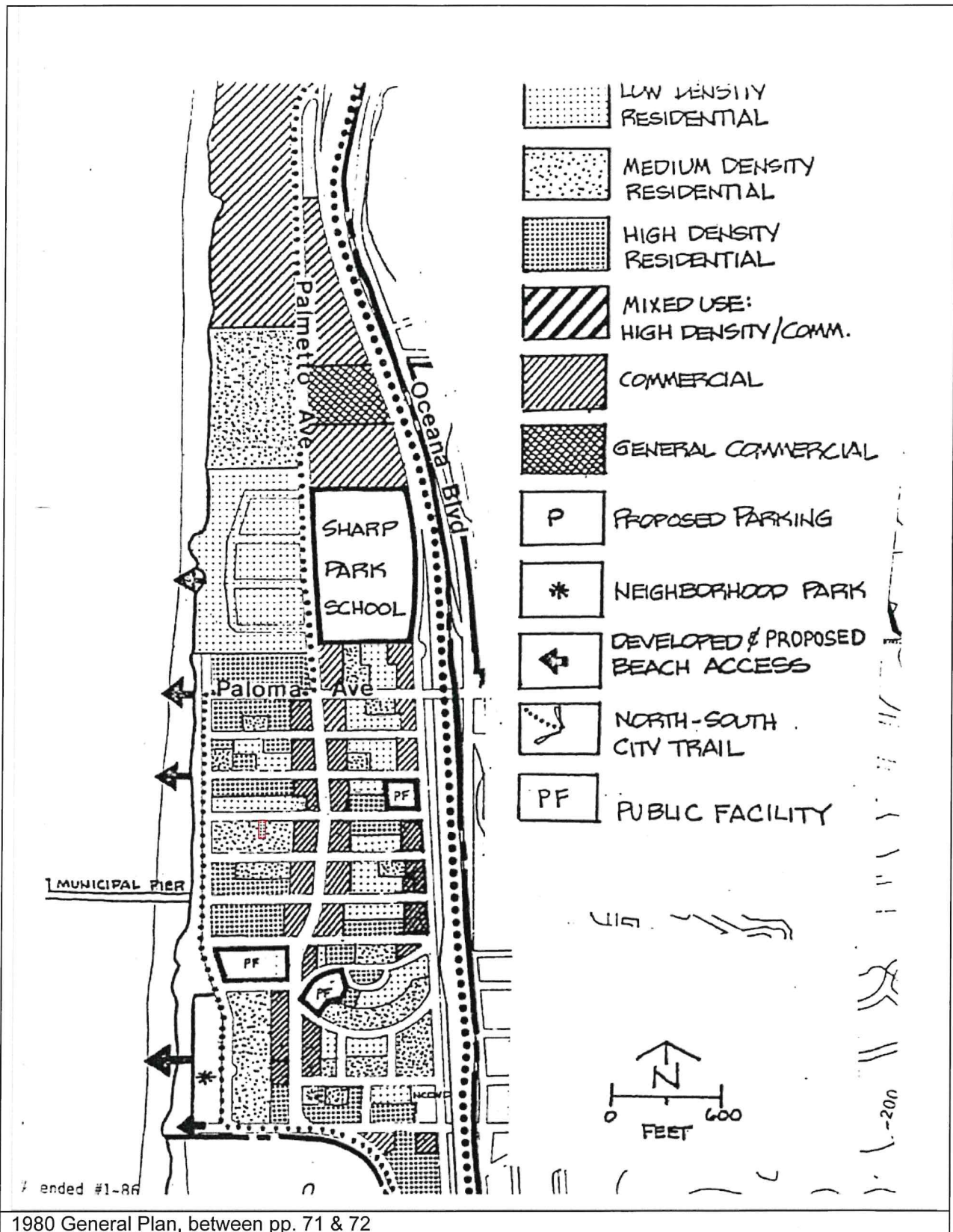
ATTEST:


Sarah Coffey, City Clerk

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney

ATTACHMENT A-1



ended #1-86

ATTACHMENT A-3

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PACIFICA,
COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 37 IN BLOCK 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "REVISED MAP
SALADA BEACH, SAN MATEO CO. CAL." FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAN MATEO COUNTY ON AUGUST 5, 1907 IN BOOK 5 OF MAPS AT PAGE 20.

APN 016-050-400

JPN 016-005-050-05