

RESOLUTION NO. 2021-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-426-21 (FILE NO. 2021-005) TO INSTALL SEVEN OCEAN ANIMAL ART SCULPTURES WITHIN PACIFICA BEACH PARK (APNS 016-292-120, 016-314-190, 016-314-210) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica Public Works Department (“Applicant”).

WHEREAS, the City of Pacifica City Council unanimously approved the concept plan for the Beach Boulevard Plaza Project during the regular City Council meeting on August 24, 2020, and further approved the delay of construction for the Beach Boulevard Plaza Project to be coordinated with the future Beach Boulevard Infrastructure Resiliency Project, with the exception of the ocean animal art sculptures; and

WHEREAS, an application has been submitted to install of seven ocean animal art sculptures in the Pacifica Beach Park (also known as Beach Boulevard Promenade) located on the western side of the Beach Boulevard between the intersection of Montecito Avenue and Clarendon Drive (APNs 016-292-120, 016-314-190, 016-314-210) in the West Sharp Park neighborhood (“Project”); and

WHEREAS, the Project requires approval of a Coastal Development Permit per Pacifica Municipal Code (PMC) Section 9-4.4303 because the project involves development within the Coastal Zone; and, the Project does not qualify as a category of exempted or excluded development; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on March 15, 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:

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 finding that the Project qualifies for Class 1 and Class 3 Categorical Exemptions under CEQA. CEQA Guidelines Sections 15301 and 15303, as described below, apply to the Project:

CEQA Guidelines Section 15301 states, in part:

15301. Existing Facilities

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 use beyond that existing at the time of the lead agency's determination. [...] The key consideration is whether the project involves negligible or no expansion of an existing use. [...]

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. [...]

The project includes installation of seven ocean animal art sculptures at an existing ocean-front public recreation area. The art sculptures would not result in an expansion of the existing public recreation use as the sculptures are only a visual element and are within the developed boundaries of the recreation area. The seven small structures would be a limited number of new, small structures. Additionally, none of the exceptions to the 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 may result in an impact on an environmental resource of hazardous or critical concern where 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): The project would not occur within an eligible State Scenic highway; therefore, the provisions of subsection (d) is not applicable to this project.
- Sec. 15300.2(e and f): The project does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (e) and (f) are not applicable to this project.

Because the project is consistent with the requirements for Class 1 and Class 3 exemptions and none of the exceptions to the exemption in Section 15300.2 apply, 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 hereby make the following findings for Coastal Development Permit CDP-426-21:

(i) *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: The City's certified Local Coastal Program (LCP) includes a 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. 4: Wherever appropriate and feasible, public facilities, including parking areas and facilities, shall be distributed throughout an area so as to mitigate

against the impacts, social or otherwise of overcrowding or overuse by the public of any single area.

Discussion: Installation of art sculptures within the existing public recreation area would help improve the visitor experience in the area. The ocean animal art sculptures are meant to refresh the public recreation area by incorporating some visual interest to the area.

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. [...]*

Discussion: Installation of art sculptures within the existing public recreation area would help improve the visitor experience in the area. The ocean animal art sculptures would be an enhancement to a free public recreational facility.

The following excerpts from the LCP neighborhood narrative for the West Sharp Park – South Side of Montecito, South to Sharp Park Municipal Golf Course neighborhood provide further support for project approval:

Page C-37: *“To protect the view from the public roadway’, promote public beach access, and control bluff erosion public acquisition and development in low intensity recreational uses is recommended for the +1-1/2 acre bluff-top area.”*

Discussion: The City did develop the bluff-top with low intensity recreational uses, including walking paths, picnic tables, benches, and parking spaces. This project would help refresh some interest in the existing recreation area by adding ocean animal art sculptures that would provide some new visual interest in the area, while maintaining the low intensity recreational use indicated in the LCLUP narrative.

Page C-76: Access Components, 8. Sharp Park Beach Frontage South of Pier
“Recommendations:

[...]

(6) The City should seek funding to develop the bluff-top beach recreation area.

(7) The City should operate and maintain the recreation area, beach access and parking area.”

Discussion: The City did develop the bluff top beach recreation area with paths, picnic tables, benches, and parking spaces. This project would help refresh some interest in the existing recreation area by adding ocean animal art sculptures that would provide some new visual interest in the area.

(ii) 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 would be located between the shoreline and the nearest public road (Beach Boulevard). The development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act for the reasons discussed below:

Section 30220 Protection of certain water-oriented activities Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Finding: The project includes installation of seven ocean animal art sculptures at an existing ocean front public recreation area. The project would support the existing water-oriented recreation activities and would conform with this policy.

Section 30221 Oceanfront land; protection for recreational use and development Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. (Amended by Ch. 380, Stats. 1978.)

Finding: The project includes installation of seven ocean animal art sculptures at an existing ocean-front public recreation area. The project would support continued ocean-front recreational use and would conform with this policy.

Section 30222 Private lands; priority of development purposes The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Finding: The project would not occur on private land, therefore conformity with this policy does not apply.

Section 30222.5 Oceanfront lands; aquaculture facilities; priority Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses. (Added by Ch. 1486, Stats. 1982.)

Finding: The existing public recreation areas are not suitable land for coastal dependent aquaculture because they are located on a bluff top and substantially landward of an existing permitted shoreline protection structure. Therefore, conformity with this policy does not apply.

Section 30223 Upland areas Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Finding: The project includes installation of seven ocean animal art sculptures at an existing ocean-front public recreation area. The project would support continued recreational use and would conform with this policy.

Section 30224 Recreational boating use; encouragement; facilities Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting nonwater-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Finding: The project site is not suitable for recreational boating use because it is located on a bluff top and substantially landward of an existing permitted shoreline protection structure. Therefore, conformity with this policy does not apply.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica finds the project exempt from the California Environmental Quality Act; and approves Coastal Development Permit CDP-426-21 to install of seven ocean animal art sculptures Pacifica Beach Park (also known as Beach Boulevard Promenade) located on the western side of the Beach Boulevard between the intersection of Montecito Avenue and Clarendon Drive (APNs 016-292-120, 016-314-190, 016-314-210), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

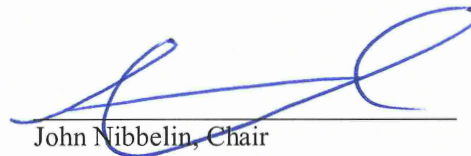
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 15th day of March, 2021.

AYES, Commissioners: Nibbelin, Berman, Godwin, Hauser


NOES, Commissioners: None

ABSENT, Commissioners: Domurat, Ferguson, Leal

ABSTAIN, Commissioners: None


John Nibbelin, Chair

ATTEST:


Tina Wehrmeister, Planning Director
/Assistant City Manager

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2021-005 – Coastal Development Permit CDP-426-21 to install seven ocean animal art sculptures Pacifica Beach Park (also known as Beach Boulevard Promenade) located on the western side of the Beach Boulevard between the intersection of Montecito Avenue and Clarendon Drive (APNs 016-292-120, 016-314-190, 016-314-210)

Planning Commission Meeting of March 15, 2021

Planning Department

1. The Project shall be substantially in accord with the plans entitled “Beach Blvd Public Plaza, Sheet L.1”, dated September 22, 2020, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. In the event of litigation filed to overturn the City's determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
3. In the event that future relocation of the art sculptures is necessary, the Applicant shall obtain a Coastal Development Permit prior to relocation or removal.

Building Department

4. Applicant shall obtain a building permit prior to construction.
5. Applicant shall incorporate applicable recommendations listed in Section 7 of the geotechnical report, entitled “Limited Geotechnical Investigation Report Planned Pacifica Beach Park Improvements Pacifica, California BSK Project No.: G19-174-10L” prepared by BSK Associates and dated September 11, 2019.

*** END OF CONDITIONS ***