

RESOLUTION NO. 2021-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA INITIATING A TEXT AMENDMENT AND RECOMMENDING CITY COUNCIL APPROVAL OF TEXT AMENDMENT TA-120-21 TO AMEND ARTICLE 4.5 AND ARTICLE 43 OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT CONSTRUCTION (FILE NO. 2019-031) AND TO AMEND ARTICLE 51 OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE RELATED TO A REASONABLE ACCOMMODATION PROCESS FOR INDIVIDUALS WITH DISABILITIES (FILE NO. 2019-019) AND FINDING THE TEXT AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Initiated by: City of Pacifica

WHEREAS, the California Legislature enacted various bills since 2017 amending Sections 65852.2 and 65852.22 of the Government Code and adding Section 17980.12 to the Health and Safety Code pertaining to local regulation of accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) construction; and

WHEREAS, the City of Pacifica City Council adopted three ordinances for zoning text amendments (Ordinance No. 825-C.S. in 2017, Ordinance No. 841-C.S. in 2019, and Ordinance No. 854-C.S. in 2020) to maintain consistency between the City's provisions related to ADUs and JADUs and State Law and to retain local control over ADU and JADU construction; and

WHEREAS, federal and state fair housing laws, including the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 *et seq.*) and the California Fair Employment and Housing Act (Government Code § 12955 *et seq.*) prohibit discrimination against individuals with disabilities in housing and provide equal opportunity to use and enjoy a dwelling; and

WHEREAS, State Housing Element law (GC § 65583(c)(3) and (5)) requires that cities remove governmental constraints to the development of housing and promote housing opportunities for person with disabilities; and

WHEREAS, the City of Pacifica City Council adopted an ordinance for zoning text amendments (Ordinance No. 851-C.S.) that established a procedure for reasonable accommodation requests with respect to zoning regulations, permit processing, and building codes; and

WHEREAS, Public Resources Code Section 30514 provides that any ordinance enacted by the City Council which amends the City's zoning standards or zoning map shall not take effect within the Coastal Zone until the California Coastal Commission certifies an amendment to the City's Local Coastal Program; and

WHEREAS, the City of Pacifica submitted an application for a Local Coastal Program Amendments which included the ADU/JADU and reasonable accommodation zoning text amendments of Ordinance Nos. 825-C.S., 841-C.S., 851-C.S., and 854-C.S. to the California Coastal Commission on March 13, 2020 (LCP-2-PAC-20-0027-1); and

WHEREAS, the California Coastal Commission conditionally certified the proposed amendments to the Local Coastal Program Amendment, with modifications suggested by the Coastal Commission on June 9, 2021; and

WHEREAS, the City of Pacifica must accept, agree, and adopt the modifications to the zoning text certified by the California Coastal Commission and as reflected in Text Amendment TA-120-21 in order to effectuate the ADU/JADU and reasonable accommodation zoning text amendments in the Coastal Zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-120-21 on July 19, 2021.

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.
3. The proposed amendment recommended by the Planning Commission is consistent with the City's General Plan and Local Coastal Land Use Plan.
4. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under section 15282(h) of the CEQA Guidelines pertaining to "[t]he adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code," and under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. Furthermore, development of certain accessory dwelling units and junior accessory dwelling units that would result from this Ordinance would be further exempt from CEQA under Class 1,2, and/or 3 categorical exemptions as detailed in CEQA Guideline Sections 15301 through 15303 because the development of an accessory dwelling unit or junior accessory dwelling unit would occur within existing facilities, would include the replacement or reconstruction of an existing facility, or would be associated with new construction of a single-family dwelling. Additionally, the text amendments included in this Ordinance related to the reasonable accommodation process would be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the amendments in this Ordinance may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby recommend to the City Council approval of Text Amendment TA-120-21 to initiate an amendment of Articles 4.5 and 43 of Chapter 4 of Title 9 of the Pacifica Municipal Code related to ADUs and JADUs construction (File No. 2019-031) and amendment of Article 51 of Chapter 4 of Title 9 of the Pacifica Municipal Code related to a reasonable accommodation process (File No. 2019-019) as provided in Exhibit A to this Resolution.

* * * * *

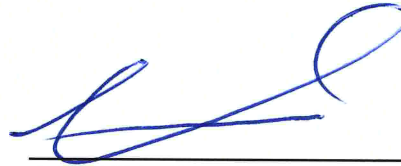
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 19th day of July, 2021.

AYES, Commissioners: Nibbelin, Berman, Domurat, Godwin, Hauser, Leal

NOES, Commissioners: None

ABSENT, Commissioners: Ferguson

ABSTAIN, Commissioners: None



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director/
Assistant City Manager

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 4.5 (ACCESSORY DWELLING UNITS); AMENDING ARTICLE 43 (COASTAL ZONE COMBINING DISTRICT), AND AMENDING ARTICLE 51 (REASONABLE ACCOMMODATION) OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE (TEXT AMENDMENT TA-120-21), AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (FILE NOS. 2019-031 and 2019-019)

WHEREAS, the California Legislature enacted various bills since 2017 amending Sections 65852.2 and 65852.22 of the Government Code and adding Section 17980.12 to the Health and Safety Code pertaining to local regulation of accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) construction; and

WHEREAS, the City of Pacifica City Council adopted three ordinances for zoning text amendments (Ordinance No. 825-C.S. in 2017, Ordinance No. 841-C.S. in 2019, and Ordinance No. 854-C.S. in 2020) to maintain consistency between the City's provisions related to ADUs and JADUs and State Law and to retain local control over ADU and JADU construction; and

WHEREAS, federal and state fair housing laws, including the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 *et seq.*) and the California Fair Employment and Housing Act (Government Code § 12955 *et seq.*) prohibit discrimination against individuals with disabilities in housing and provide equal opportunity to use and enjoy a dwelling; and

WHEREAS, State Housing Element law (GC § 65583(c)(3) and (5)) requires that cities remove governmental constraints to the development of housing and promote housing opportunities for person with disabilities; and

WHEREAS, the City of Pacifica City Council adopted an ordinance for zoning text amendments (Ordinance No. 851-C.S.) that established a procedure for reasonable accommodation requests with respect to zoning regulations, permit processing, and building codes; and

WHEREAS, Public Resources Code Section 30514 provides that any ordinance enacted by the City Council which amends the City's zoning standards or zoning map shall not take effect within the Coastal Zone until the California Coastal Commission certifies an amendment to the City's Local Coastal Program; and

WHEREAS, the City of Pacifica submitted an application for a Local Coastal Program Amendments which included the ADU/JADU and reasonable accommodation zoning text amendments of Ordinance Nos. 825-C.S., 841-C.S., 851-C.S., and 854-C.S. to the California Coastal Commission on March 13, 2020 (LCP-2-PAC-20-0027-1); and

WHEREAS, the California Coastal Commission conditionally certified the proposed amendments to the Local Coastal Program Amendment, with modifications suggested by the Coastal Commission on June 9, 2021; and

WHEREAS, the City of Pacifica must accept, agree, and adopt the modifications to the zoning text certified by the California Coastal Commission and as reflected in Text Amendment

TA-120-21 in order to effectuate the ADU/JADU and reasonable accommodation zoning text amendments in the Coastal Zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-120-21 on July 19, 2021, and adopted Resolution No. 2021-010 by a vote of 6-0 initiating and recommending City Council approval of Text Amendment TA-120-21; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on _____, 2021, and introduced Ordinance No ### on the same date.

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. Amendment. Sections 9-4.452, 9-4.453(c)(6), 9-4.453(d)(6), 9-4.453(h), 9-4.455(c) of Article 4.5 (Accessory Dwelling Units) of Chapter 4 of Title 9 of the Pacifica Municipal Code are hereby amended by deleting and replacing sections 9-4.452, 9-4.453(c)(6), 9-4.453(d)(6), 9-4.453(h), 9-4.455(c) in their entirety to read as follows:

"Sec. 9-4.452. Definitions.

For the purposes of this article, certain words and terms are hereby defined as follows:

- (a) "Accessory dwelling unit" or "ADU" shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:
- (1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

The definition of an accessory dwelling unit is distinct from the definition of a junior accessory dwelling unit.

- (b) "Accessory structure" shall mean a structure that is accessory and incidental to a dwelling located on the same site.
- (c) "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any time through an automated application, kiosk, or other method not requiring a live attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use.
- (d) "Coastal access parking area" shall mean the area identified on the IP's Coastal Access Parking Map.
- (e) "Cooking facilities" shall mean an area containing all of the following: a refrigeration appliance; a kitchen sink; a food preparation counter and storage cabinets; and a cooking appliance, each having a clear working space of not less than thirty (30") inches in front. For purposes of this article, "cooking appliance" shall include any

- appliance capable of cooking food, including, without limitation, a range, stove, oven, toaster oven, microwave, or hot plate.
- (f) "Efficiency unit" shall have the meaning as defined in Section 17958.1 of Health and Safety Code.
 - (g) "Existing space" shall mean all enclosed areas in existence that are contained within the exterior walls and roof of a dwelling unit or accessory structure.
 - (h) "Independent living facilities" shall mean all of the following facilities within a single accessory dwelling unit or junior accessory dwelling unit: permanent provisions for sleeping, eating, cooking, and sanitation.
 - (i) "Junior accessory dwelling unit" or "JADU" shall mean a unit that is contained entirely within a single-family dwelling, or which is combined with a newly-constructed detached accessory dwelling unit, and which provides complete independent living facilities for one or more persons. However, sanitation facilities may be shared with the associated single-family dwelling unit.
 - (j) "Multi-family dwelling" shall have the same meaning set forth for "Multiple dwelling" in Article 2 of this Chapter, and shall also include a two-family dwelling and any mixed use structure containing commercial floor area and one or more dwelling units.
 - (k) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 - (l) "Primary dwelling unit" means the first lawfully constructed single-family dwelling unit or multi-family dwelling unit that exists on a site.
 - (m) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - (n) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.
 - (1) If Section 65852.2 of the Government Code is amended subsequent to the effective date of this article to expressly permit the City to define "public transit" inclusive of a minimum level of transit service, then the following definition shall replace the preceding definition in subsection (n): "Public transit" shall mean a defined transit station or stop, with a regular service interval no longer than thirty (30) minutes during peak commute hours from 6:00—9:00 a.m. and 3:00—6:00 p.m. Monday through Friday, identified in a publicly available map where passengers, without a reservation, may board and disembark from a vehicle used in the public transit system, including, without limitation, a motor vehicle, streetcar, trackless trolley, bus, light rail system, rapid transit system, subway, train, or jitney, that transports members of the public for hire.
 - (o) "Sanitation facilities" shall mean a separate room containing a water closet (i.e., toilet), lavatory (i.e., sink), and bathtub or shower.
 - (p) "Site" shall mean a lawfully-created lot or parcel.
 - (q) "Sleeping facilities" shall mean an area dedicated to sleeping.
 - (r) "Tandem parking" shall mean that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
 - (s) "Two-family dwelling" shall mean a building, or portion thereof, used and designed as a residence for two (2) families living independently of each other and doing their own cooking in such building, including duplexes

Sec. 9-4.453. Development standards for accessory dwelling units.

[...]

(c) *Detached accessory dwelling units from single-family dwelling units.*

[...]

(6) *Landscaping.* A detached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for a detached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district. Paving shall only be allowed on a driveway and pathways, except that paving may be allowed to the minimum extent necessary to create a required off-street parking space for an accessory dwelling unit area as provided in subsection (h) of this section.

[...]

(d) *Attached accessory dwelling units to single-family dwelling units.*

[...]

(6) *Landscaping.* An attached accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for an attached accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district. In addition, the front setback shall be landscaped and adequately maintained. Paving shall only be allowed on a driveway and pathways, except that paving may be allowed to the minimum extent necessary to create a required off-street parking space for an accessory dwelling unit area as provided in subsection (h) of this section.

[...]

(h) *Parking.*

- (1) Parking for an accessory dwelling unit shall be provided as follows:
 - (i) Outside of the coastal access parking area, an accessory dwelling unit shall require one off-street parking space per accessory dwelling unit or per bedroom, whichever is less.
 - (ii) Within the coastal access parking area, an accessory dwelling unit shall require one off-street parking space per accessory dwelling unit.
 - (iii) No parking shall be required for an accessory dwelling unit described in subsection (6) of this subsection.
- (2) Off-street parking provided for an accessory dwelling unit may be covered or uncovered, and shall comply with the minimum dimensional requirements for ninety (90) degree compact parking spaces set forth in Section 9-4.2817 (Design standards for parking areas), including any space or spaces located within a garage. The minimum vertical clearance for any parking space shall be seven (7') feet.
- (3) Off-street parking provided for an accessory dwelling unit shall meet the standards in Section 9-4.2814 (Surfacing of parking areas).
- (4) Off-street parking provided for an accessory dwelling unit may be configured in setback areas except where expressly stated otherwise in this subsection.
 - (i) A required off-street parking space for an accessory dwelling unit may be allowed in any configuration provided in this subsection.
 - (aa) Within a driveway that conforms to the standards in Section 9-4.2813 (Access to parking facilities), except that parking for an accessory dwelling unit shall

not be located within a common driveway serving more than one dwelling unit.

- (ab) Tandem parking, either within a garage or within a driveway conforming to the standards in Section 9-4.2813 (Access to parking facilities).
- (ac) By the use of a mechanical automobile parking lift. A mechanical automobile parking lift shall be located within a garage, or else shall be located behind the minimum front, side, and rear setbacks for accessory structures in the underlying zoning district, as long as the mechanical automobile parking lift does not impact coastal views.
- (ad) “Swing” type parking. Approval of a site development permit shall not be required to authorize “swing” type parking for an accessory dwelling unit as permitted by this subsection.
 - (i) “Swing” type parking shall mean a type of off-street parking space that abuts and is perpendicular to a driveway conforming to the standards contained in Article 28 of this chapter. The design standards for a “swing” type parking space providing the required off-street parking for an accessory dwelling unit or junior accessory dwelling unit shall be as provided in this article. Approval of a site development permit shall not be required to authorize “swing” type parking for an accessory dwelling unit as permitted by this subsection.
 - (ii) A “swing” type parking space shall not be considered part of a driveway for purposes of maximum driveway width standards contained in Article 28 of this chapter.
 - (iii) The existing or shared driveway used to access a “swing” type parking space shall comply with the standards in Section 9-4.2813 (Access to parking facilities).
 - (iv) A “swing” type parking space shall be accessed from an existing or shared driveway only.
 - (v) The driveway approach used to access an existing or shared driveway from the street shall not be widened as part of the creation of a “swing” type parking space in order to preserve the maximum amount of available on-street parking.
 - (vi) Within a coastal access parking area, construction of a “swing” type parking space shall include a landscaping strip not less than three (3’) feet in width along the entire length of the space. The landscaping strip shall contain plants not less than two (2’) feet and not more than three (3’) feet in height as measured from the street side. These required plants shall be installed to create a continuous buffer and shall be maintained in a healthful condition.
 - (vii) Outside of a coastal access parking area, construction of a “swing” type parking space shall not result in paving within any required front setback comprising more than 75-percent of the front setback area, including but not limited to paving associated with the “swing” type parking space, an existing or proposed driveway, and pathways.
- (ae) Parallel parking space expansion from a driveway.
 - (i) “Parallel parking” shall mean a type of off-street parking space that abuts and is parallel to a driveway conforming to the standards contained in Article 28 of this chapter.

- (ii) A parallel parking space shall not be considered part of a driveway for purposes of maximum driveway width standards contained in Article 28 of this chapter.
 - (iii) The existing or shared driveway used to access a parallel parking space shall comply with the standards in Section 9-4.2813 (Access to parking facilities).
 - (iv) A parallel parking space shall be accessed from an existing or shared driveway only.
 - (v) The driveway approach used to access an existing or shared driveway from the street shall not be widened as part of the creation of a parallel parking space in order to preserve the maximum amount of available onstreet parking.
 - (vi) Construction of a parallel parking space shall not result in paving within any required front setback comprising more than 75-percent of the front setback area, including but not limited to paving associated with the parallel parking space, an existing or proposed driveway, and pathways.
- (ii) An off-street parking space for an accessory dwelling unit that is not required as described in subsection (1) of this subsection may be allowed in any configuration provided in subsection (4)(i), except for the configurations detailed in subsections (ad) and (ae).
- (5) If a garage which provides the required covered off-street parking space or spaces for a primary dwelling unit is converted in whole or in part into an accessory dwelling unit or is demolished to enable construction of an accessory dwelling unit, the required off-street parking space or spaces for the primary dwelling unit are not required to be replaced on site, except for a property located within the coastal access parking area where all required off-street parking spaces for uses on the site, including those attributable to accessory dwelling units, shall be accommodated on site. Any replacement off-street parking spaces shall conform to the same standards for required off-street parking for an accessory dwelling unit described in subsections (2) through (4) of this subsection, except for the configurations detailed in subsections (ad) and (ae) of subsection (4i), and may be provided in any configuration on the same site as the accessory dwelling unit, including as covered spaces, uncovered spaces, tandem spaces, or by the use of a mechanical automobile parking lift.
- (6) No off-street parking shall be required for an accessory dwelling unit located outside of the coastal access parking area in any of the following circumstances:
- (i) The accessory dwelling unit is located within one-half ($\frac{1}{2}$) mile of public transit as measured by a direct line from the location of the public transit to any portion of the lot on which the accessory dwelling unit is located.
 - (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (iii) The accessory dwelling unit is a type described in subsection (d), (e), (f) or (g), or is described in subsection (c) and is eight hundred (800) square feet of floor area or less.
 - (iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (v) When there is a car share vehicle located within one block of the accessory dwelling unit.
 - (vi) The accessory dwelling unit is a studio unit (i.e., a unit without a bedroom).

[...]

Sec. 9-4.455. Compliance with other regulations.

[...]

- (c) Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Section 30000 et seq. of the Public Resources Code) or the City's certified local coastal plan, except that the Planning Director shall consider a coastal development permit application for an accessory dwelling unit or a junior accessory dwelling unit administratively without a public hearing in accordance with the procedures for processing an administrative coastal development permit contained in Section 9-4.4306.
- (1) The provisions of Article 43, Coastal Zone Combining District, shall not apply to the construction of accessory dwelling units or junior accessory dwelling units that do not meet the definition of "development" as defined in Section 9-4.4302(z).
 - (2) For purposes of making the findings required for approval of an administrative coastal development permit, the development standards for an accessory dwelling unit provided in Section 9-4.453 and for a junior accessory dwelling unit provided in Section 9-4.454, shall be considered the minimum development standards. The Planning Director may require more stringent development standards of an accessory dwelling unit or junior accessory dwelling unit in relation to any or all of the minimum development standards, including but not limited to standards addressing height and setbacks, if determined necessary to make the findings for approval of an administrative coastal development permit as provided in Article 43, Coastal Zone Combining District."

Unless otherwise identified and amended herein all remaining sections of Article 4.5 of Chapter 4, Title 9 shall be unchanged.

Section 3. Amendment. Sections 9-4.4303(h)(2) and 9-4.4303(i)(2) of Article 43 (Coastal Zone Combining District) of Chapter 4 of Title 9 of the Pacifica Municipal Code are hereby amended by deleting and replacing sections 9-4.4303(h)(2) and 9-4.4303(i)(2) in their entirety to read as follow:

“Sec. 9-4.4303. Coastal development permit requirement.

[...]

- (h) *Exemptions.* The following projects shall be exempt from the requirement for a coastal development permit from the City of Pacifica:

[...]

- (2) Improvements of less than ten (10%) percent increase in building height, bulk or floor area to existing single-family structures and improvements normally associated with a single-family residence, such as garages, swimming pools, fences, storage sheds, and landscaping, but not including guest houses or self-contained residential units. However, a permit shall be required in the following situations because they involve a risk of adverse environmental impact:

- (i) Improvements to a single-family structure on, abutting, or adjacent to a beach or wetland, or where the structure or proposed improvement would encroach within fifty (50') feet of a coastal bluff;
- (ii) Significant alteration of landforms, including removal or placement of vegetation on a beach, wetland, or sand dune, or within fifty (50') feet of a coastal bluff;
- (iii) Expansion, replacement or construction of wells or septic systems; or
- (iv) Property located between the sea and the first public road paralleling the sea or within three hundred (300) feet of a beach or of the mean high tide line where there is no beach, whichever is the greater distance.

[...]

- (i) *Categories of excluded development.* Pursuant to Public Resources Code (PRC) Section 30610(e), specific developments within the coastal zone of the City are categorically excluded from the coastal development permit requirements of the Coastal Act and the Pacifica Local Coastal Program as specifically provided under the categories listed below.

[...]

- (2) Classes of single-family residences no larger than two (2) stories, built on lots zoned for single-family residences as a principal permitted use and which meet all zoning standards.
 - (i) New single-family residences no larger than two (2) stories, built on lots zoned for single-family residences as a principal permitted use and which meet all zoning standards,
 - (ii) Additions to existing single-family residences provided that the structure, including the addition, does not exceed two (2) stories and meets all zoning standards. In addition, single-family residential projects within the appeal jurisdiction shall be less than a ten (10%) percent increase in building height, bulk, or floor area of the existing structure;
 - (iii) Improvements normally associated with single-family residences such as garages, swimming pools, fences, storage sheds, and landscaping, but not including guest houses or self-contained residential units; and
 - (iv) Second residential units which meet all of the criteria as set forth in Pacifica Municipal Code 9-4.4.5. However, a coastal development permit shall be required for new single-family residences and for new second residential units located within the Coastal Commission's appeal jurisdiction as defined in PRC 30603(a)1-5 because a risk of adverse environmental impact is involved."

Unless otherwise identified and amended herein all remaining sections of Article 43 of Chapter 4, Title 9 shall be unchanged.

Section 4. Amendment. Section 9-4.5107(d) of Article 51 (Reasonable Accommodation) of Chapter 4 of Title 9 of the Pacifica Municipal Code is hereby amended by deleting and replacing section 9-4.5107(d) in its entirety to read as follows:

"Sec. 9-4.5107. Review and decision.

[...]

- (d) *Findings.* The reviewing authority shall issue a written decision to grant, grant with modifications, or deny a request for reasonable accommodation which shall be consistent with fair housing laws and based on the following factors:
- (1) That the housing which is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected pursuant to fair housing laws;
 - (2) That the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws, and alternatives that may provide an equivalent level of accommodation while complying with applicable land use or zoning regulations, policies, procedures, or practices are infeasible;
 - (3) That the requested reasonable accommodation would be constructed in a manner that is architecturally compatible with the subject property, to the maximum extent practicable, while still achieving the required functionality of the reasonable accommodation;
 - (4) That the requested reasonable accommodation would not impose an undue financial or administrative burden on the City;
 - (5) That the requested reasonable accommodation would not constitute a fundamental alteration of the City's land use or zoning regulations, policies, procedures, or practices, including the Local Coastal Program, as applicable;
 - (6) That the requested reasonable accommodation would not have significant adverse impacts on coastal resources; and
 - (7) That the requested accommodation would not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area."

Unless otherwise identified and amended herein all remaining sections of Article 51 of Chapter 4, Title 9 shall be unchanged.

Section 5. Coastal Access Parking Area Maps. The City Council hereby declares that the Implementation Plans (IP) Coastal Access Parking Area Maps, as referenced in Section 2 of this ordinance are attached hereto as Attachment 1 to this Ordinance and are incorporated into the Ordinance by reference.

Section 6. California Coastal Commission Acknowledgments. The City Council hereby acknowledges receipt of the Coastal Commission resolution of certification, including suggested modifications of Local Coastal Program Amendment No. LCP-2-PAC-20-0027-1; accepts and agrees to the modifications and adopts this Ordinance as the formal action required to satisfy the modifications; and agrees to issue coastal development permits subject to the approved amendment.

Section 7. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under section 15282(h) of the CEQA Guidelines pertaining to "[t]he adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code," and under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. Furthermore, development of

certain accessory dwelling units and junior accessory dwelling units that would result from this Ordinance would be further exempt from CEQA under Class 1,2, and/or 3 categorical exemptions as detailed in CEQA Guideline Sections 15301 through 15303 because the development of an accessory dwelling unit or junior accessory dwelling unit would occur within existing facilities, would include the replacement or reconstruction of an existing facility, or would be associated with new construction of a single-family dwelling. Additionally, the text amendments included in this Ordinance related to the reasonable accommodation process would be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the amendments in this Ordinance may have a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

Section 8. 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, sentence, clauses or phrases be declared unconstitutional.

Section 9. 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 in accordance with State law.

Section 10. Transmittal. The City Clerk is hereby ordered to transmit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 11. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For areas within the Coastal Zone, this Ordinance shall not become effective until the California Coastal Commission's Executive Director reports to the Commission his determination that the City's actions area legally adequate, and the Commission does not object to the Executive Director's determination and the California Coastal Commission files notice of the certification of the Local Coastal Program amendment with the Secretary of the Resources Agency.

PASSED AND ADOPTED this __ day of _____, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sue Beckmeyer, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah Coffey, City Clerk

Michelle Kenyon, City Attorney

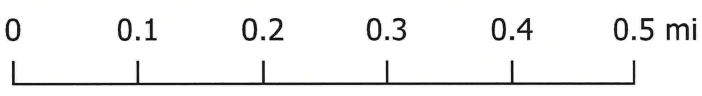
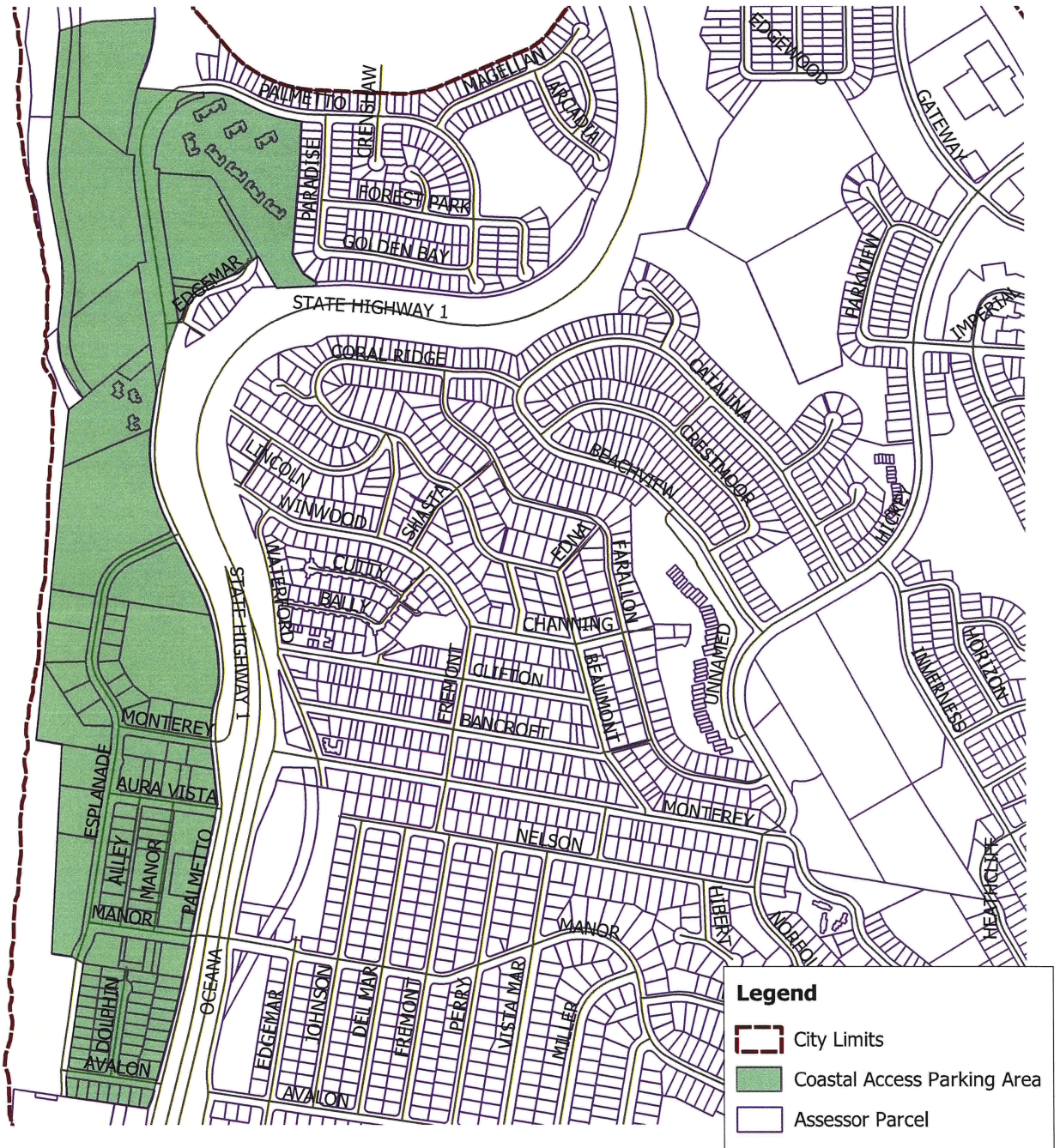
ATTACHMENT 1

COASTAL ACCESS PARKING MAP



Coastal Access Parking Area

Pacific Manor & Fairmont West Neighborhoods

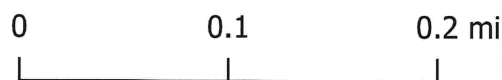
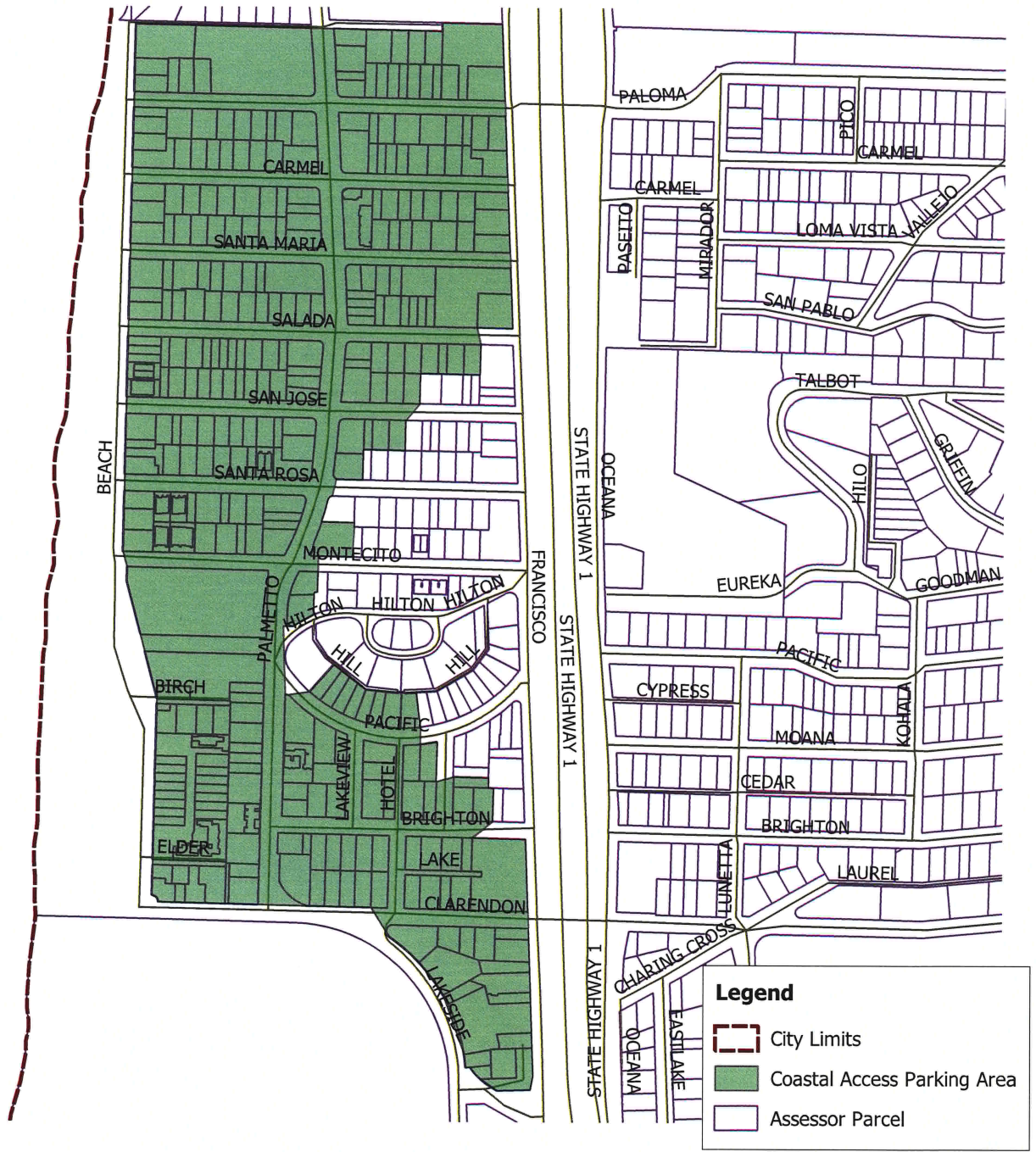


Pacifica Planning Dept.
Created: 7/14/2021
Adopted: Ordinance No. _____

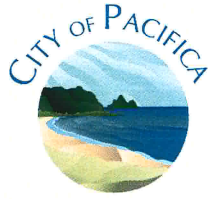


Coastal Access Parking Area

West Sharp Park Neighborhood



Pacifica Planning Dept.
Created: 7/14/2021
Adopted: Ordinance No. _____



Coastal Access Parking Area

Rockaway Beach Neighborhood



Legend

- City Limits
- Coastal Access Parking Area
- Assessor Parcel



Pacifica Planning Dept.
Created: 7/14/2021
Adopted: Ordinance No. _____



Coastal Access Parking Area

Pedro Point Neighborhood



