

RESOLUTION NO. 2020-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA FINDING THAT OPERATION OF THE OUTDOOR SEATING AREA ESTABLISHED IN CONJUNCTION WITH THE “TACO BELL CANTINA” AT 5200 COAST HIGHWAY (APN 022-191-190) IS SUBSTANTIALLY IN CONFORMANCE WITH USE PERMIT UP-106-18 APPROVED WITH RESOLUTION NO. 2018-004 OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA, AND FINDING THE ANNUAL REVIEW EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, the Planning Commission of the City of Pacifica approved UP-106-18 to permit an existing nonconforming outdoor seating area established in conjunction with the existing restaurant “Taco Bell Cantina” at 5200 Coast Highway (APN 022-191-190), adjacent to Pacifica State Beach, subject to conditions of approval included as Exhibit A to Resolution No. 2018-004, at a duly noticed public hearing on October 1, 2018; and

WHEREAS, Condition No. 19 of Exhibit A of Resolution No. 2018-004 of the Planning Commission of the City of Pacifica requires the Planning Commission to perform an annual review of Use Permit UP-106-18 commencing one year from the date of the final approval of the Department of Alcoholic Beverage Control license for alcoholic beverage service in the outdoor seating area or final approval of the Coastal Development Permit/Exemption by the California Coastal Commission (“CCC”), whichever occurs later; and

WHEREAS, the Department of Alcoholic Beverage Control issued a license for alcoholic beverage service in the outdoor seating area on February 27, 2019 and the CCC issued a Coastal Development Exemption on May 8, 2019; and

WHEREAS, the annual review process shall afford the Planning Commission with the ability to modify the conditions of approval, and to evaluate whether ongoing operation of the site is in accordance with the use permit; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on November 2, 2020, to conduct an annual review of Use Permit UP-106-18, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

WHEREAS, conduct of the annual review is not a “project” pursuant to § 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the City of Pacifica does hereby find that the operation of the outdoor seating area established in conjunction with the existing restaurant “Taco Bell Cantina” at 5200 Coast Highway (APN 022-191-190) is substantially in conformance with Use Permit UP-106-18.

BE IT FURTHER RESOLVED that the next annual review of Use Permit UP-106-18 shall be on or after November 2, 2021.

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Michelle Marchetta Kenyon, City Attorney