

RESOLUTION NO. 2019-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-404-19 (FILE NO. 2019-012) TO CONSTRUCT A SIDEWALK ALONG THE WEST SIDE OF THE PALMETTO AVENUE RIGHT-OF-WAY BETWEEN 100 PALMETTO AVENUE (APN 009-401-060) AND THE INTERSECTION OF WESTLINE DRIVE AND PALMETTO AVENUE AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

WHEREAS, an application has been submitted to provide pedestrian facility improvements along the western edge of the existing Palmetto Avenue public right-of-way between 100 Palmetto Avenue (APN 009-401-060) and the intersection of Westline Drive and Palmetto Avenue in the Fairmont West 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 May 20, 2019, at which time the members of the Planning Commission, using their independent judgment, reviewed the proposed project and all evidence in the record related to such requests, including the staff report, public testimony, and all evidence presented both orally and in writing.

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 4 Categorical Exemptions under CEQA. CEQA Guidelines Sections 15301 and 15304, as described below, apply to the Project:

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. [...]

(c) Existing highway and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. [...]

15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to: [...]

(h) The creation of bicycle lanes on existing rights-of-way. [...]

The project includes the creation of a sidewalk, gutter, and curb in an existing developed right-of-way. Capable pedestrians currently walk along the west side of Palmetto Avenue, as supported by evidence of an existing social trail. The project would add a sidewalk feature to the existing street and right-of-way, which would negligibly expand the existing pedestrian use of the right-of-way, would provide accessibility to all including persons with disabilities, and would increase the safety of pedestrians by providing adequate facilities. The minor alteration of the existing right-of-way to include the sidewalk, gutter, and curb would not involve the removal of healthy, mature, scenic trees as evidenced by the tree protection plan prepared by the City Arborist, and would be comparable to the creation of a bicycle lane on existing rights-of-way.

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. Specific to subsection (e), the project would be limited to construction of a driveway approach at the outer limit of the historic Dollaradio property. The project would not involve vibrations or other disturbances which could damage the historic structure, or result in vertical construction of any sort which could change the visual environment or context in which the Dollaradio site is located. 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 4 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-404-19:

- (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: The creation of the proposed sidewalk connection would mitigate demand along Esplanade Avenue in west Edgemar Pacific Manor and Beach Boulevard Promenade Park in West Sharp Park as it would provide additional horizontal pedestrian coastal access in northern Pacifica.

Coastal Act Policy No. 18: *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would*

significant degrade such areas, and shall be compatible with the continuance of such habitat areas.

Discussion: The biological resources assessment states that the northern coastal scrub/coastal bluff scrub habitat and coastal dune/coastal bluff scrub habitat are considered ESHAs by the California Coastal Commission. Section 30107.5 of the California Coastal Act defines ESHAs as, “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”

The northern coastal scrub/coastal bluff scrub habitat and coastal dune/coastal bluff scrub habitat impacted by the project do not meet the first test for an ESHA which is finding the habitats as “rare”. These habitats are not categorized as rare and the special status species that may be found in these habitats were not observed during the site visit and have a low to no expected potential for occurring in the area due to the marginal quality of the habitat areas. The portions of the identified habitats impacted by the project do not meet the second test for an ESHA which is finding them “especially valuable because of their special nature or role in an ecosystem”. These areas were not found valuable because of their “special nature,” such as being an unusually pristine example of a habitat type or containing an unusual mix of species. In regards to the northern coastal scrub/coastal bluff scrub habitat the assessment states, “within the project area, this community has been disturbed by recreation and nearby development and contains numerous non-native species.” In regards to the coastal dune/coastal bluff scrub habitat, the assessment concludes that “[a]reas mapped as coastal dune/coastal bluff scrub [are] dominated by non-native ice plant or bare ground. No native plants occur within the coastal dune/coastal bluff scrub community in the proposed footprint of the sidewalk (i.e. project area) [...]” Furthermore, these areas were not found especially valuable because of their “role in the ecosystem” such as providing habitat for endangered species, protecting water quality, providing essential corridors linking one sensitive habitat to another, or providing critical ecological linkages. The project area includes marginal quality habitat on a street that experiences consistent traffic. The biological resources assessment identifies that the project area has the potential to be used as foraging habitat for two special status bird species but would otherwise have low to no potential to provide habitat, critical ecological linkage, essential corridors, or protect water quality for any sensitive species. Furthermore, the potential avian foraging habitat in the project area would be located adjacent to a street that experiences consistent traffic and due to the potential impacts from a wildlife-vehicle collision this habitat would not be found to be “especially valuable”. For all the reasons above, the northern coastal scrub/coastal bluff scrub habitat and coastal dune/coastal bluff scrub habitat within the project footprint do not meet the definition of an ESHA as defined by the California Coastal Commission. The biologist that prepared the biological resources assessment has reviewed this analysis and

agrees with the conclusion. Therefore, the proposed project would have no direct impacts on ESHAs.

Portions of the northern coastal scrub/coastal bluff scrub habitat, coastal dune/coastal bluff scrub habitat, and the red willow thicket located outside of the project area may be considered ESHAs. The draft conditions of approval would require the project to delineate work site boundaries during construction, implement measures to protect sensitive natural communities, and conduct biological monitoring. These design measures would reduce the potential for an impact on these areas. Furthermore, the proposed project includes restoration landscape areas which would remove the nonnative species from the northern coastal scrub/coastal bluff scrub habitat and coastal dune/coastal bluff scrub habitat areas and plant native species to improve the quality of the habitat areas. Finally, the implementation of the project would provide a formal path for the pedestrians that already walk along the project area. It is reasonable to assume that the presence of the sidewalk would significantly reduce human disturbance, reduce erosion caused by stormwater runoff, and reduce the spread of invasive species to the area, which would also improve the quality of the habitat areas in the long-term. Therefore, the proposed project would be compatible with the continuance of adjacent ESHAs.

Coastal Act Policy No. 24: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

Discussion: The proposed project is not characterized as new development because it would only make improvements to an existing street and right-of-way. Nevertheless, the project would not obstruct views because the sidewalk is flat. The proposed project would provide facilities to improve the scenic and visual qualities and accessibility of the coastal bluffs along Palmetto Avenue by making the coastline more accessible to pedestrians. The ADA-compliant ramps and sidewalk would also improve the accessibility for persons with mobility challenges, thereby promoting the existing character of the setting. In addition, the draft conditions of approval would require the project to install and maintain landscaping in compliance with a Restoration and Monitoring Plan pursuant to the recommendations in the biological resources assessment, thus restoring and enhancing the visual quality along the right-of-way.

Coastal Act Policy No. 26: New development shall:

- (a) Minimize risks to life and property in geologic, flood and fire hazard areas of high geologic, flood and fire hazards*
- (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.[...]*

Discussion: The proposed project is not characterized as new development because it would only make improvements to an existing street and right-of-way. Because the project is not considered “new development,” a site specific geologic or geotechnical report detailing the projected rate of bluff erosion along the project site was not performed. However, Pacific Institute erosion models show that coastal erosion is projected to reach the east side of Palmetto Avenue by 2100 should the bluff below Palmetto Avenue remain in an unarmored condition¹. Because the street is considered existing infrastructure it therefore is eligible for future shoreline protection if necessary under the City’s existing LCP.

To address any potential hazards from the bluff edge reaching the project, conditions of approval would require City staff to periodically repair and maintain the improvements to maintain safe conditions. Additionally, in the event that materials from the sidewalk fall onto the beach, a proposed condition of approval would require the applicant to clean or clear the fallen debris. Implementation of the draft conditions of approval would minimize risk to life and property in high geologic hazards.

The creation of the sidewalk would not impact the stability and structural integrity of the project site or surrounding area because the sidewalk would sit atop compacted soil. Furthermore, the sidewalk, curb, and gutter would provide a benefit to reduce stormwater related erosion to the area as it would direct stormwater runoff from the project area into the existing City stormwater system.

As discussed above, the creation of the sidewalk would not require the construction of protective devices. The proposed project would provide adequate facilities for the existing pedestrian use that occurs in the project area and would not create a new development. The immediate benefit that the proposed project would provide to the surrounding community would outweigh the comparatively minimal investment required for the sidewalk even if the life of project is limited due to coastal erosion.

¹ Environmental Science Associates (ESA), June 2018. *Sea Level Rise Vulnerability Assessment Pacifica, CA*. Prepared for City of Pacifica. Page 40.

The following excerpts from the LCP neighborhood narrative for the Fairmont West neighborhood provide further support for project approval:

Page C-19: *“It is recognized that the bluff-top and dune area seaward of Palmetto*

Avenue is subject to a high erosion rate. A 1972 study by the U.S. Army Corps of Engineers estimates the average erosion rate in this area to be approximately 2 feet per year. The study also recognizes that the erosion' usually occurs on a sporadic basis. Poor drainage, combined with wave undercutting and the nature of the area's geologic

substructure, have produced both minor and major bluff failures. Therefore, bluff erosion and bluff stability, in addition to potential seismic activity, are problems to be addressed through detailed geotechnical analysis prior to consideration of proposals for bluff development. Detailed geotechnical background is available for the southern site, however, further analysis will be necessary for any new development proposed in the area.

The City's Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The setback should be adequate to protect the structure for its design life. The appropriate setback for each site will be determined on a case-by-case basis, depending on the site specific circumstances and hazards.

A Seismic Safety and Safety Element policy prohibits the approval of new development which require seawalls as a mitigation measure. The policy also states that projects should not be approved which eventually will need seawalls for the safety of the structures and residents.”

Discussion: As discussed above, a site specific geologic or geotechnical report detailing the projected rate of bluff erosion along the project site was not performed, as the project is not considered new development. The proposed project would also provide adequate facilities for the existing pedestrian use that occurs in the project area. The project also includes a curb and gutter which would improve the storm drainage design for the area and minimize over-bluff drainage, a factor which contributes to accelerated bluff erosion.

Page C-20: *Southbound passersby are offered an open, highly scenic view of the entire length of Pacifica's coastline south to Pedro Point. This is one of the few areas in Pacifica where such views may be gained by pedestrian as well as vehicular, traffic. [...] This area lies in an important coastal view corridor. Coastal resources and their ability to attract visitors play an important role in Pacifica's economy.*

Discussion: The proposed project, by enhancing safe pedestrian access on a defined sidewalk, would expand accessibility to public views of the coastline south to Pedro Point from the project area by visitors.

Page C-23: *The City proposes a north-south pedestrian path beginning at the Daly City-Pacific boundary, along Palmetto Avenue and through bluff-top lands at locations determined safe by geologic studies.*

Discussion: The project would create a sidewalk in the area described which would be the only intra-Pacific connection between the Fairmont West and the West Edgemar/Pacific Manor neighborhoods. This portion of Palmetto Avenue is also within the route of the Coastal Trail, Bay Ridge Trail, and the Pacifica designated North-South City Trail, but currently lacks pedestrian facilities. The LCLUP identifies this area as an area that is able to attract visitors due to its high scenic value to pedestrians. The project would provide the facilities necessary to support many of the recreational designations and pedestrian connectivity needs in the area.

Article 44 of the PMC Zoning (Title 9, Chapter 4) includes Coastal Development Regulations that address the variety of special conditions within the CZ District. PMC Sections 9-4.4403 and 9-4.4404 discuss the need for habitat surveys and geotechnical surveys, respectively, for new developments. The proposed project is not considered new development as the project would only make improvements to an existing street and right of way. The proposed project would also provide adequate facilities for the existing pedestrian use that occurs in the project area. However, a biological resources assessment was conducted to identify biological resources in the project area and to identify project design measures to avoid and minimize impacts on biological resources. Lastly, construction and use of a sidewalk, by its very nature, is associated with low health and safety concerns due to geotechnical instability. The sidewalk would not impose heavy loads on the adjacent bluff, and would include an improved storm drainage design to minimize over-bluff drainage, a factor which contributes to accelerated bluff erosion. A draft condition of approval would require City staff to maintain and repair the sidewalk.

(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 proposed project is located immediately on or adjacent to the nearest public road to the shoreline, rather than being situated “between” the nearest public road to the shoreline. This distinction is important because the public recreation policies of Chapter 3 of the California Coastal Act prioritize shoreline property for recreational uses, and the public right-of-way implicated for the project is not shoreline property. There is real property located west of the road. Moreover, the public road is not suitable for recreational uses beyond pedestrian-related uses, and

the public road is needed to provide public access to shoreline properties which may support future coastal recreation uses. Therefore, this finding is not applicable.

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-404-19 to construct a sidewalk along the west side of the Palmetto Avenue right-of-way between 100 Palmetto Avenue (APN 009-401-060) and the intersection of Westline Drive and Palmetto Avenue, 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 20th day of May, 2019.

AYES, Commissioners: RUBINSTEIN, CAMPBELL, NIBBELIN, KRASKE,
BIGSTYCK

NOES, Commissioners: NONE

ABSENT, Commissioners: CLIFFORD, BERMAN

ABSTAIN, Commissioners: NONE



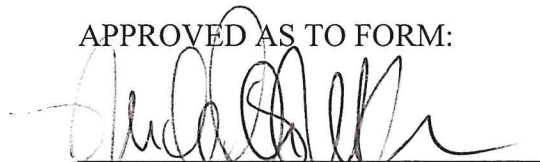
Oren Rubinstein, Vice Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2019-012 – Coastal Development Permit CDP-404-19 to construct a sidewalk along the west side of the Palmetto Avenue right-of-way between 100 Palmetto Avenue (APN 009-401-060) and the intersection of Westline Drive and Palmetto Avenue

Planning Commission Meeting of May 20, 2019

Planning Department

1. The Project shall be substantially in accord with the plans entitled “City of Pacifica Department of Public Works Engineering Division Palmetto Sidewalk Project”, dated April 2, 2019, except as modified by the following conditions.
2. Applicant shall incorporate all recommendations detailed in Section 7.0 Conclusions and Recommendations of the biological resources assessment for the Project entitled, “Palmetto Avenue Sidewalk Extension General Biological Resources Assessment”, prepared by MIG, dated June 2018, into the Project.
3. That 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 or Planning Commission 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.

4. In the event that there are conditions present indicating bluff-top instability , and debris from the project falls onto the beach located below the project as a result of such bluff-top instability, Applicant shall take reasonable steps to clean or clear the fallen debris. Applicant shall coordinate clean-up events with agencies such as the Coastal Commission, State Lands Commission, U.S. Department of the Interior, U.S. Army Corps of Engineers, or other agencies, as appropriate or otherwise required by law.
5. Applicant shall coordinate the final details of the new driveway approach to 100 Palmetto Avenue with the property owner of 100 Palmetto Avenue prior to installation.
6. In the event that there are conditions present indicating bluff-top instability at the project

site, Applicant shall periodically repair and maintain the Project.

7. Applicant shall ensure construction of the Project complies with the guidelines detailed in the Tree Protection Plan.
8. Pursuant to PMC section 9-4.4403(e)(2)iv), public access in the identified red willow thicket wetland is permitted, and shall be strictly managed, controlled and confined to the designated sidewalk.

*** END OF CONDITIONS ***