

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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February 27, 2009

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Charles Lester, Deputy Director
Ruby Pap, North Central Coast District Supervisor
Doug Macmillan, Coastal Planner

SUBJECT: **CITY OF PACIFICA LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-08.** Proposed major amendment to the Land Use Plan of the City of Pacifica Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's March 12, 2009 meeting to take place at the Portola Hotel and Spa at Monterey Bay, Two Portola Plaza, in Monterey.

SYNOPSIS

The City of Pacifica proposes to amend Figure 7 of the Rockaway Beach Specific Plan, which is part of the City's Land Use Plan (LUP), to allow office uses located entirely above the ground floor. **Staff recommends that the Commission deny the LCP Amendment as submitted and approve it if modified as suggested to address Coastal Act requirements.** The amendment was intended to allow a site-specific development at 270 Rockaway Beach Avenue but as submitted would apply to the entire Visitor Commercial land use designation within the Specific Plan area. This blanket change to the Rockaway Beach Specific Plan has not been fully analyzed by the City with respect to potential impacts to priority visitor-serving uses and public access. However, if the effect of the amendment is limited to the development at 270 Rockaway, it can be found consistent with the Coastal.

Staff Note: City of Pacifica LCP Amendment No. 1-08 was filed as complete on December 5, 2008. Pursuant to Coastal Act Section 30517, the Commission voted on February 5, 2009 to extend the 90-day time limit to act on the Amendment by a period of one year, from March 5, 2009 to March 5, 2010.

1. STANDARD OF REVIEW

The standard of review for proposed amendments to the City's certified Land Use Plan (LUP) is the Chapter 3 policies of the Coastal Act.

2. STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, approve the proposed amendment with suggested modification. The Commission needs to make two motions in order to act on this recommendation.

I. Denial as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-08 as submitted by the City of Pacifica.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Following the staff recommendation will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of the Land Use Plan Amendment No. 1-08 as submitted by the City of Pacifica and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. Approval with Suggested Modifications

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-08 for the City of Pacifica if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATION:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modification and adoption of the following



resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATION:

The Commission hereby certifies the Land Use Plan Amendment No. 1-08 for the City of Pacifica if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modification will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. Suggested Modification

The Commission hereby suggests the following modification to the proposed Land Use Plan amendment, which is necessary to make the requisite Land Use Plan consistency findings. If the City of Pacifica, by formal resolution of the Board of Supervisors, accepts the suggested modification within six months of Commission action (i.e., by March 12, 2009) the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. The City's proposed language is denoted in underline. Where applicable, text in **bold double underline** format denotes text to be added.

1. Modify Amended Rockaway Beach Specific Plan, Figure 7, Land Use Boundaries and Parking Locations, page 13, as follows:

“Allowable uses would include restaurants, motels, hotels, lodging houses and specialty shops associated with these uses, and office uses located entirely above the ground floor **for the property at 270 Rockaway Beach Avenue.**”

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

LCP Amendment Description

The City of Pacifica is requesting an amendment to the Rockaway Beach Specific Plan, Figure 7, Land Use Boundaries and Parking Locations, page 13, to allow office uses



located entirely above the ground floor. (Exhibit 1) Specifically, in the section called “Description of Uses”, under “Visitor Commercial” the revised sentence would read, “Allowable uses would include restaurants, motels, hotels, lodging houses and specialty shops associated with these uses, **and office uses located entirely above the ground floor.**” [Emphasis added.]

Background

The Rockaway Beach Specific Plan was adopted in 1986 as part of the Land Use Plan. The Coastal Commission certified the City's Local Coastal Program (LCP) in 1993. The intent of specific plans is to serve as a bridge between the policies of an LCP and individual development proposals. The City's goal for the Rockaway Beach Specific Plan is “to stimulate and attract quality private investment in this area thereby improving the City's economic health and tax base while strengthening the overall image and attractiveness of the area.”

The City of Pacifica's City Council passed Resolution No. 62-2008, submitting the LCP amendment to the Commission, on November 10, 2008. As required, the resolution states that the City intends to carry out the LCP amendment in a manner fully in conformity with the provisions of the Coastal Act and LUP. The City submitted the proposed LCP amendment to the Commission on November 13, 2008.

LUP Policies

As noted above, to approve the Local Coastal Program amendment, the Commission must find that the LCP, as amended, is consistent with the Coastal Act. Relevant policies include the following:

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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.

Discussion and Analysis



The City's amendment adds one sentence to the Rockaway Beach Specific Plan Figure 7, Land Use Boundaries and Parking Locations, Visitor Commercial uses: "...and office uses located entirely above the ground floor." The other allowable uses include restaurants, motels, hotels, lodging houses and associated specialty shops. The amendment would not change the area's zoning, which would remain C-1/CZ – Neighborhood Commercial/Coastal Zone, and permits retail and office uses. It would add offices as an above-ground use to the Visitor Commercial section of the Rockaway Beach Specific Plan area.

While the amendment was intended to apply solely to the property at 270 Rockaway Beach Avenue, as submitted, it would apply to all property with a Visitor Commercial designation within the Specific Plan area. Allowing offices uses as an above-ground use throughout all property designated Visitor Commercial in the Specific Plan Area would have the effect of encouraging commercial office development, a non-priority use, in a Visitor Commercial area which would potentially have a significant adverse cumulative impact on both public access and public parking.

The applicant who is the subject of the proposed amendment commissioned a Traffic Impact Analysis to assess the impact of the proposed 270 Rockaway Beach Avenue development on traffic patterns and parking in the immediate area. This analysis was peer reviewed and subsequently revised. It concluded that the additional traffic and parking demand generated by the development would not have a significant adverse impact on area traffic. However, the study did not look at the effect of adding commercial uses throughout the entire Visitor Commercial section of the Specific Plan area and the attendant additional traffic and parking impact. Rockaway Beach is a significant public access point and protecting both traffic capacity and public parking for public access purposes is important. Although there is significant public parking in the area, the City did not analyze the impact of adding office space, which has significant parking demand requirements, as an allowable use throughout the Specific Plan area. The proposed LUP amendment could be particularly problematic if other properties were developed without assessing the impact of the commercial development on public access and visitor serving uses. Therefore, the amendment as submitted is not consistent with Coastal Act public access policies and section 30222, which prioritizes visitor-serving uses over general commercial development.

However, the Commission can approve the amendment if suggested Modification No. 1, which would limit the scope of the amendment to the specific property at 270 Rockaway Beach Avenue (APNs 002-024-230 and 002-024-240), is adopted. As discussed below, application of the proposed specific changes only at the 270 Rockaway Beach Avenue development site would not conflict with the Coastal Act.

By limiting application of the proposed LUP amendment to 270 Rockaway Beach Avenue, the proposed LUP amendment would comprise infill development in a



Redevelopment Area and would replace an existing, long-vacant restaurant. In conjunction with the traffic analysis conducted for the 270 Rockaway Beach Avenue site and the limited scope of infill development that can occur at this site, commercial development of the 270 Rockaway Beach Avenue site must occur pursuant to a coastal development permit approved consistent with all applicable policies of the certified LCP, thereby ensuring that the approved development would avoid potential significant adverse individual and cumulative impacts to coastal resources.

With regard to visual resources, the City's maximum building height is 35 feet and this would not change under the proposed amendment. In addition, view corridors in the area are already interrupted by the existing Pacifica Motor Inn motel and the Holiday Inn Express motel, which abut the site and both of which are higher than 35 feet pursuant to approved variances. Coastal views from Highway 1 would not be blocked.

As modified, the Commission finds that the proposed LCP Amendment No. 1-08 is consistent with the public access and visitor serving policies of the Coastal Act.

Consistency with the California Environmental Quality Act (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal, or, as in this case, an LCP amendment submittal, to find that the approval of the proposed IP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. The above findings regarding consistency of the proposed Land Use plan amendment with the Coastal Act are incorporated herein in their entirety by reference.



As such, there are neither additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Exhibits:

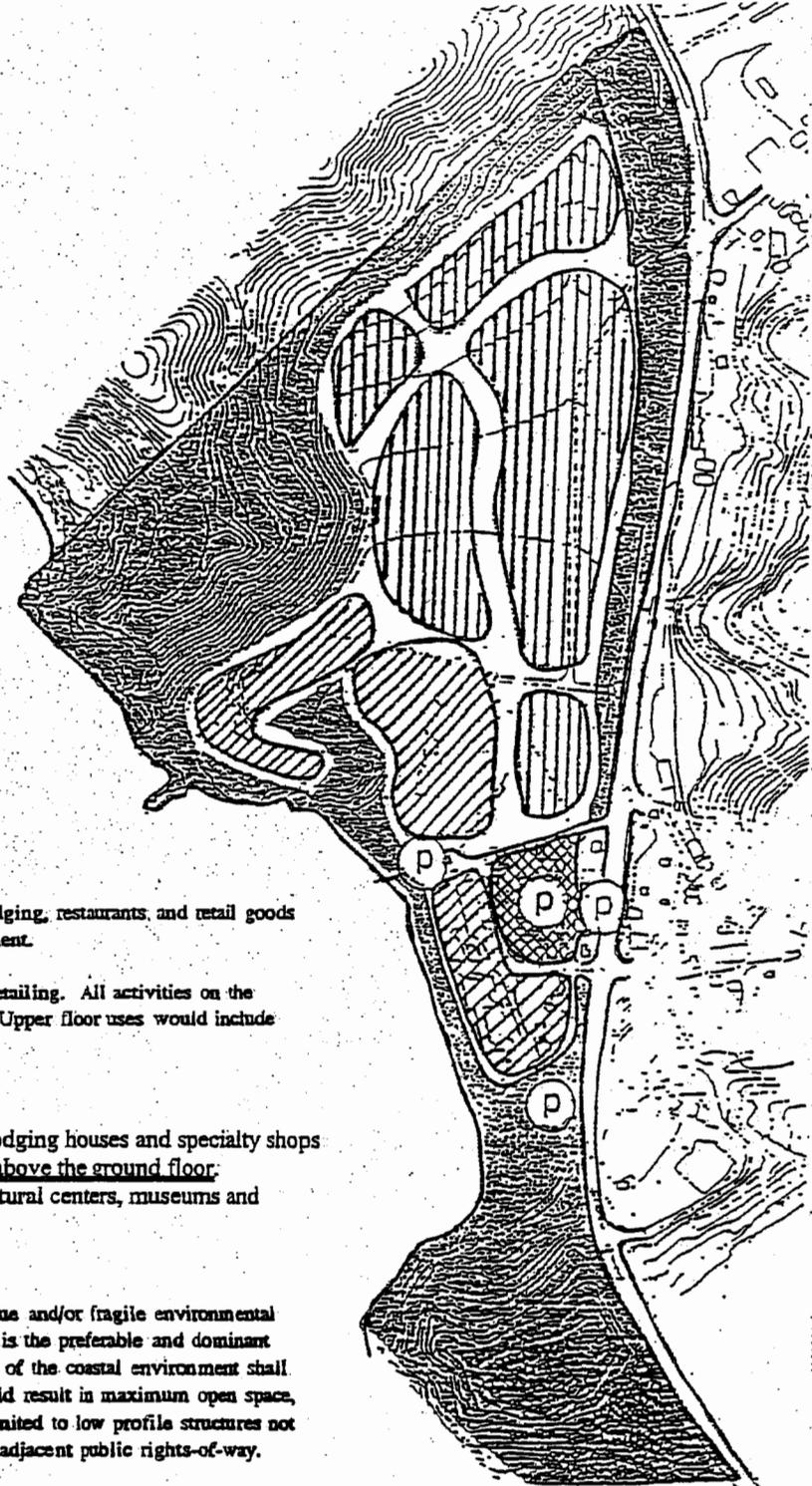
Exhibit 1 – Revised Rockaway Beach Specific Plan, Figure 7, Land Use Boundaries and Parking Locations, page 13.

Exhibit 2 – City of Pacifica Resolution No. 62-2008



Figure 7
Land Use Boundaries and
Parking Locations

Mixed Use	
Visitor Commercial	
Open Space/Recreation	
Parking	P
Business Commercial	



DESCRIPTION OF USES

Mixed Use

This land use category is intended to allow activities such as lodging, restaurants, and retail goods and services which enable visitors to enjoy the coastal environment.

Permitted uses include lodging houses and pedestrian oriented retailing. All activities on the ground floor shall be limited to retail and/or personal services. Upper floor uses would include retail, office or residential activities.

Visitor Commercial

Allowable uses would include restaurants, motels, hotels, lodging houses and specialty shops associated with these uses, and office uses located entirely above the ground floor. Other permitted uses include sports or athletic facilities, cultural centers, museums and other similar activities.

Open Space/Recreation

This land use category is limited to areas having high scenic value and/or fragile environmental characteristics. While open space for public use and enjoyment is the preferable and dominant activity, commercial uses that are in harmony with the character of the coastal environment shall be conditionally permitted. Such commercial development should result in maximum open space, public access and usage, extremely low building coverage, be limited to low profile structures not located on prominent ridgelines and preserve scenic vistas from adjacent public rights-of-way.

Parking

This use category is intended to allow commercial activities that provide employment and services to the community, but might be inappropriate in the Rockaway Beach neighborhood. Such commercial activities that would be encouraged include new office, business and research enterprises and financial institutions. Visitor commercial activities are also allowed and encouraged in the Business Commercial area.

RESOLUTION NO. 62-2008

A RESOLUTION OF THE CITY COUNCIL/REDEVELOPMENT AGENCY
AMENDING THE LCP TO ALLOW THE ROCKAWAY BEACH SPECIFIC
PLAN TO BE AMENDED TO ALLOW OFFICE ACTIVITY

WHEREAS, an application has been submitted to develop a 14,075 square foot parcel with a three-story commercial development on property classified C-1, Neighborhood Commercial; and

WHEREAS, the City Council of the City of Pacifica has adopted a Rockaway Beach Specific Plan on February 24, 1986 to provide a bridge between the Local Coastal Land Use Plan (LCP) and development proposals. The Specific Plan combines zoning regulations, capital improvement programs, and development standards which seek to stimulate and attract private investment in the area; and

WHEREAS, based on the results of the initial study, a Mitigated Negative Declaration has been prepared and adopted concluding that the project will not result in any significant effects on the environment; and

WHEREAS, on July 14, 2008, the City Council/Redevelopment Agency held a public hearing on the proposed project and Mitigated Negative Declaration, and considered all comments and testimony received pertaining thereto; and

WHEREAS, on November 10, 2008, the City Council/Redevelopment Agency held a public hearing to adopt a resolution amending the Local Coastal Land Use Plan (LCP) to allow the Rockaway Beach Specific Plan to be amended to allow office activity; and

WHEREAS, said project is intended to be carried out in a manner fully consistent with the provisions of the City's certified Local Coastal Plan and the California Coastal Act; and

WHEREAS, the amendment of the Local Coastal Land Use Plan (LCP) to allow the Rockaway Beach Specific Plan to be amended to allow office activity shall take effect after the California Coastal Commission also approves the amendment to the LCP; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council/Redevelopment Agency of the City of Pacifica does hereby amend the Local Coastal Program Land Use Plan that would amend the Rockaway Beach Specific Plan Figure 7, Land Use Boundaries and Parking Locations, page 13 to allow office uses located entirely above the ground floor, as indicated on the attached Exhibit A.

* * * * *

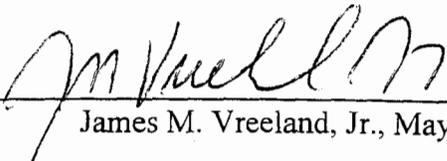
Passed and adopted at the regular meeting of the City Council of the City of Pacifica held on November 10, 2008 by the following vote of the members thereof:

AYES, Councilmembers: DeJarnatt, Hinton, Lancelle, Vreeland

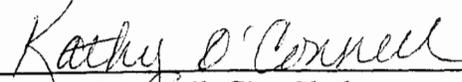
NOES, Councilmembers: Digre

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


James M. Vreeland, Jr., Mayor

ATTEST:


Kathy O'Connell, City Clerk

APPROVED AS TO FORM:


Cecilia Quick, City Attorney

* * * * *

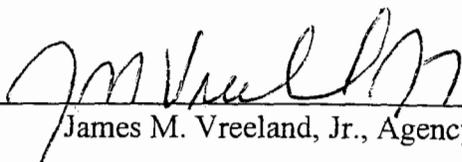
Passed and adopted at the regular meeting of the City Council/Redevelopment Agency of the City of Pacifica held on November 10, 2008 by the following vote of the members thereof:

AYES, Agencymembers:

NOES, Agencymembers:

ABSENT, Agencymembers:

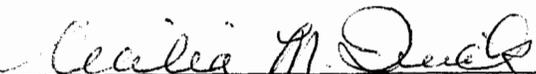
ABSTAIN, Agencymembers:


James M. Vreeland, Jr., Agency Chair

ATTEST:


Kathy O'Connell, Agency Clerk

APPROVED AS TO FORM:


Cecilia Quick, Agency Attorney