

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
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Filed: April 25, 1996  
60th Day: June 24, 1996  
Staff: James Muth  
Staff Report: May 24, 1996  
Hearing Date: June 12, 1996  
Commission Action:

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director  
Tom Crandall, Deputy Director  
Steve Scholl, District Director  
James Muth, Coastal Planner

SUBJECT: **LCP Amendment No. 1-96 (minor) to the City of Pacifica's certified Local Coastal Program which makes a number of minor zoning text changes.** (for Commission review and action at its meeting of June 12, 1996 in San Rafael).

1. LCP Amendment Description and Discussion.

The LCP amendment includes a number of minor text changes to the City's zoning ordinance regulating: (1) retail food businesses, (2) the height of accessory buildings, (3) the encroachment of building porches, landings, and stairways into required yard setback areas, and (4) development of substandard lots.

The proposed changes to the regulations concerning retail food businesses provide new definitions for the terms "restuarant", "restuarant, fast food", and "restuarant, retail". The new definitions would permit a more streamlined administrative approval for certain types of retail foot establishments that primarily sell for off-site, retail consumption and meet certain other requirements. These businesses include sandwich shops, taquerias, and take-out restaurants. These uses currently require Planning Commission approval. As revised by this minor LCP amendment, these uses would be administratively approved if they meet the seating and floor area requirements in the City's zoning code.

The proposed change to the maximum height of accessory buildings, such as storage sheds and garages would set the new limit at 12 feet. Although the code currently limits the height of such structures to one story, the current definition of a story allows these buildings to be up to 35 feet in height. The current requirement has allowed large buildings in rear yards that have had impacts upon the light and air to adjacent property. The proposed amendment will eliminate this problem by setting a clear 12-foot height limit.

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The proposed change to the regulations concerning porches, landings, and outside stairways would broaden the circumstances under which the encroachment of such building features into yard setbacks areas is allowed to include those porches, landings, and outside stairways that extend across more than fifty (50)% of the building frontage. The current zoning code limits the width of decks and porches in required setback areas to 50 percent or less of the building frontage.

The proposed changes to the zoning code regarding development on nonconforming lots (1) clarify the definition of nonconforming lots to make it clear such lots include either lots which do not meet the minimum lot area or dimensional standards of the district in which they are located and (2) further limit the circumstances under which development on a nonconforming lot would not need a site development permit to those cases where a proposed development meets the lot coverage and landscaping requirements of the base district.

**2. Public Participation and Commission Review.**

The proposed LCP amendment was the subject of local public hearings before the City Planning Commission on February 20, 1996, and before the City Council on March 25, 1996. The LCP amendment submittal was filed as complete on April 25, 1996 and is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. A City of Pacifica resolution and ordinance for the LCP amendment are attached as Exhibits No. 1 and 2. Commission action must occur by June 24, 1996 (within 60 days of filing).

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554(a) of Title 14 of the California Code of Regulations because: (1) it makes changes in the wording of the zoning ordinance to make it more specific; (2) it does not change the kind, density, or intensity of use of land of the parcels that are subject to the LCP amendment; and (3) the changes are consistent with the land use plan as certified by the Commission. Pursuant to Section 13555 of the regulations, the Executive Director informed all interested parties by mail of his determination on May 24, 1996. The Commission will consider the Executive Director's determination at its June 12, 1996 meeting in San Rafael. At that time, the Executive Director will report to the Commission any objection to the determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact James Muth at (415) 904-5260 at the Commission's North Coast Area Office in San Francisco by June 6, 1996.

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If one-third of the appointed members of the Commission so request, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" LCP amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment is minor in nature, then the amendment shall take effect ten (10) working days after the Commission meeting and notice to Del Norte County under Section 30514(c) of the Coastal Act.

3. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

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**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA RECOMMENDING ZONING CODE AMENDMENTS TO SECTIONS REGULATING HEIGHT OF ACCESSORY BUILDINGS; ADDING DEFINITIONS FOR RETAIL RESTAURANTS, RESTAURANTS, AND FAST FOOD RESTAURANTS; PROJECTION OF PORCHES AND DECKS WITHIN FRONT YARD SETBACKS; AND CLARIFICATION OF LANDSCAPE, COVERAGE, AND CHARACTER OF SUBSTANDARD LOTS.**

Initiated by: City of Pacifica

**WHEREAS**, regular amendments to Zoning Ordinance are necessary to bring the regulations up-to-date;

**WHEREAS**, regulating the height of accessory buildings will preserve light and air and minimize impacts on surrounding properties;

**WHEREAS**, adding definitions for retail restaurants, restaurants, and fast food restaurants will provide for administrative consistency and allow some classes of eating establishments streamlined, administrative review;

**WHEREAS**, minor changes are proposed to code regulating porches, landings, and outside stairways as well as regulations for substandard lots to improve their clarity and effectiveness;

**WHEREAS**, the Planning Commission held a study session on May 15, 1995, and a duly noticed public hearing on February 20, 1996, to consider the proposed amendments to the Zoning Code;

**WHEREAS**, the Planning Commission finds that the attached amendments to the Zoning Ordinance are necessary to protect the public health, safety, and welfare;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pacifica does hereby recommend that the City Council adopt the attached Zoning Ordinance amendments as described in Exhibit A.


Passed and adopted at the regular meeting of the Planning Commission of the City of Pacifica held on February 20, 1996, by the following vote of the members thereof:

AYES, Commissioners:


NOES, Commissioners:


ABSENT, Commissioners:

ABSTAIN, Commissioners:

  
Donald Thompson,  
Chair

  
John W. Hill,  
Secretary

<b>EXHIBIT NO. 1</b>
APPLICATION NO. PAC LCP #1-96 minor
City Resolution
 California Coastal Commission

<b>EXHIBIT NO. 2</b>
APPLICATION NO. PAC LCP #1-96 minor
City Ordinance
 California Coastal Commission

ORDINANCE NO. 641-CS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AMENDING CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE:  
ARTICLE 4. RELATING TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1);  
ARTICLE 2. RELATING TO DEFINITIONS;  
ARTICLE 10. RELATING TO NEIGHBORHOOD COMMERCIAL DISTRICT (C-1);  
ARTICLE 11. RELATING TO COMMUNITY COMMERCIAL DISTRICT (C-2);  
ARTICLE 27. RELATING TO PROJECTIONS INTO YARDS;  
ARTICLE 30. RELATING TO NONCONFORMING LOTS

The City Council of the City of Pacifica does hereby ordain as follows:

**SECTION I.** Section 9-4.402(j) of Article 4., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Single-Family Residential District (R-1), is hereby amended to read in its entirety as follows:

"(j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be twelve (12') feet."

**SECTION II.** Section 9-4.2704(a)(3)(vi) of Article 27., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Accessory Buildings is hereby added to read in its entirety as follows:

"(vi) Building height shall not exceed twelve (12') feet."

**SECTION III.** Section 9-4.265.1 of Article 2., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Definitions, is hereby added to read in its entirety as follows:

"Section 9-4.265.1 Restaurant.

'Restaurant' shall mean an eating establishment that sells food primarily for consumption on-site and has more than one (1) seat per one-hundred fifty (150) square feet gross leasable floor area. Such establishments serve food cooked-to-order and provide table service. Typical restaurants include, but are not limited to, diners and dinner houses."

**SECTION IV.** Section 9-4.265.2 of Article 2., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Definitions, is hereby added to read in its entirety as follows:

"Section 9-4.265.2 Restaurant, Fast Food.

'Fast Food Restaurant' shall mean an eating establishment whose primary use is the quick selling of food in ready-to-consume individual servings. Such food is typically served over-the-counter in pre-packaged disposable containers. Fast food restaurants have more than one (1) seat per one-hundred fifty (150) square feet gross leasable floor area."

**SECTION V.** Section 9-4.265.3 of Article 2., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Definitions, is hereby added to read in its entirety as follows:

"Section 9-4.265.3 Restaurant, Retail.

'Retail Restaurant' shall mean an eating establishment that serves food primarily for consumption off-site, has less than or equal to one (1) seat per one-hundred fifty (150) square feet gross leasable floor area, and is located in a commercial space having less than or equal to 2000 square feet gross leasable floor area. Such establishments include, but are not limited to, bakeries, delicatessens, and take-out restaurants."

**SECTION VI.** Section 9-4.1001(a)(1) of Article 10., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Neighborhood Commercial District (C-1), is hereby amended to read in its entirety as follows:

"(1) Retail uses, such as food, drug, liquor, retail restaurants, and the like;"

**SECTION VII.** Section 9-4.1001(b)(12) of Article 10., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Neighborhood Commercial District (C-1), is hereby amended to read in its entirety as follows:

"(12) Restaurants and Fast Food Restaurants;"

**SECTION VIII.** Section 9-4.1101(a)(5) of Article 11., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Community Commercial District (C-2), is hereby amended to read in its entirety as follows:

"(5) Retail restaurants, Fast Food Restaurants, Restaurants, and bars;"

**SECTION IX.** Section 9-4.2703 of Article 27., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Porches, Landings and Outside stairways is hereby amended to read in its entirety as follows:

"Open porches, landings, and outside stairways may project not closer than (4') feet to any side lot line and not exceeding six (6') into any front or rear setback; provided, that the area is unenclosed (a roof and partial walls may be allowed within the front setback). On-grade stairways are permitted closer to the property line to provide a necessary connection between the street and a structure. Decks and other projections less than thirty (30") inches above grade are permitted within required setbacks."

**SECTION X.** Section 9-4.3002(a) of Article 30., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Nonconforming Lots, Structures, and Uses, is hereby amended to read in its entirety as follows:

*"Nonconforming lots.* All lots which do not meet the minimum lot area or dimensional standards of the district in which they are located are hereby deemed non-conforming lots. Undeveloped, nonconforming lots may be considered legal building sites and have a structure or building erected upon them provided any new structure or building meets all applicable development standards, except that mergers of lots or parcels which come into common ownership on or after July, 1, 1984, shall be accomplished pursuant to the merger procedures set forth in Article 12 of Chapter 1 of Title 10 of the Code. In addition, all regular building sites which contain 3,999 square feet or less and are located in any residential district shall be used solely for one single-family residence. Any structure for which a building permit is required and which is to be constructed on a nonconforming building site as described in this section shall require a site development permit, except new structures and modifications to existing structures located in R-1, Single-Family Residential Districts shall not require Site Development Permits if they meet development standards for lot coverage and landscaping and additional standards listed below;"

**SECTION XI.** Section 9-4.259(a) of Article 2., Chapter 4, Title 9 of the Pacifica Municipal Code, relating to Definitions, is hereby amended to read in its entirety as follows:


"(a) 'Nonconforming lot' shall mean a lot which does not meet the minimum lot area or dimensional standards of the zoning district in which such lot is located."

**SECTION XII.** The City Clerk shall cause a summary of this ordinance to be published once in the Pacifica Tribune, a newspaper of general circulation in the City of Pacifica, within fifteen (15) days of its adoption. This ordinance shall become effective thirty (30) days after its adoption by the City Council and not before approval of the California Coastal Commission.


\* \* \* \* \*

The foregoing ordinance was introduced on March 25, 1996 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 8th day of April, 1996 by the following vote:

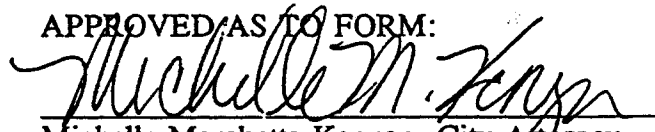
AYES, Councilmembers:	Edminster, Carr, Gonsalves and Mayor Castelli
NOES, Councilmembers:	None
ABSENT, Councilmembers:	Gotelli
ABSTAIN, Councilmembers:	None

  
Ellen Castelli, Mayor

ATTEST:

  
\_\_\_\_\_  
Charles J. English, City Manager Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney



## ZONING CODE REVISIONS

### Accessory Building Height

#### Article 4. R-1 Single-Family Residential District

##### Sec. 9-4.402. Development Regulations

(j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be ~~one-story~~ **twelve (12') feet.**

##### Sec. 9-4.2704. Accessory Buildings

(3) An accessory building may be located within the rear setback provided that:

**(vi) Building height shall not exceed twelve (12') feet.**

### Restaurants/Delicatessens

#### Article 2. Definitions

**Sec. 9-4.265.1. Restaurant.**  
"Restaurant" shall mean an eating establishment that sells food primarily for consumption on-site and has more than one (1) seat per one-hundred fifty (150) square feet gross leasable floor area. Such establishments serve food cooked to order and provide table service. Typical restaurants include, but are not limited to, diners and dinner houses.

**Section 9-4.265.2 Restaurant, Fast Food.** "Fast Food Restaurant" shall mean an eating establishment whose primary use is the quick selling of food in ready-to-consume individual servings. Such food is typically served over-the-counter in pre-packaged recyclable containers. Fast food restaurants have more than one (1) seat per one-hundred fifty (150) square feet gross leasable floor area.

**Sec. 9-4.265.3. Restaurant, Retail.**  
"Retail Restaurant" shall mean an eating establishment that serves food primarily for consumption off-site, has less than or equal to one

**EXHIBIT NO. 3**

**APPLICATION NO.**  
PAC LCP #1-96 minor  
zoning code  
revisions

(1) seat per one-hundred fifty (150) square feet of gross leasable floor area, and is located in a commercial space having less than 2000 square feet gross leasable floor area. Such establishments include, but are not limited to, bakeries, delicatessens, and take-out restaurants.

#### **Article 10. C-1 Neighborhood Commercial District**

##### **Sec. 9-4.1001. Permitted and Conditional Uses.**

(a) *Permitted Uses.* The following uses shall be permitted in the C-1 District:

(1) Retail uses, such as food, drug, liquor, bakeries, delicatessens, retail restaurants, and the like.

(b) *Conditional Uses.* Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

(12) Restaurants and fast food restaurants.

#### **Article 11. C-2 Community Commercial District**

##### **Sec. 9-4.1101. Permitted and conditional uses.**

(a) *Permitted uses.* The following uses shall be permitted in the C-2 District:

(5) Retail restaurants, fast food restaurants, restaurants, and bars,

#### **Porches, Landings and Stairways**

##### **Sec. 9-4.2703. Porches, landings, and outside stairways.**

Open porches, landings, and outside stairways may project not closer than (4') feet to any side lot line and not exceeding six (6') into any front or rear setback; provided, that the area is unenclosed (a roof and partial walls may be allowed within the front setback) and does not extend across more than fifty (50%) of the building frontage. On-grade stairways are permitted closer to the property line to provide a necessary connection between the street

and a structure. Decks and other projections less than thirty (30") inches above grade are permitted within required setbacks.

#### Non-Conforming Lots

##### Sec. 9-4.3002. Continuance of nonconformities

(a) *Nonconforming lots.* All lots which do not meet the minimum lot area ~~and~~ ~~of~~ dimensional standards of the district in which they are located are hereby deemed non-conforming lots. Undeveloped, nonconforming lots may be considered legal building sites and have a structure or building erected upon them provided any new structure or building meets all applicable development standards, except that mergers of lots or parcels which come into common ownership on or after July, 1, 1984, shall be accomplished pursuant to the merger procedures set forth in Article 12 of Chapter 1 of Title 10 of the Code. In addition, all regular building sites which contain 3,999 square feet or less and are located in any residential district shall be used solely for one single-family residence. Any structure for which a building permit is required and which is to be constructed on a nonconforming building site as described in this section shall require a site development permit, except new structures and modifications to existing structures located in R-1, Single-Family Residential Districts shall not require Site Development Permits if they meet R-1 development standards ~~for lot coverage and landscaping and additional standards~~ listed below;

##### Sec.. 9-4.259. Nonconforming.

(a) "Nonconforming lot" shall mean a lot which does not meet ~~the current lot area and frontage requirements~~ ~~the minimum lot area or dimensional standards~~ of the zoning district in which such lot is located.