

**CALIFORNIA COASTAL COMMISSION**

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SFS



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Date Filed: August 16, 1999  
60th Day: October 15, 1999  
Staff: Darryl Rance  
Staff Report: September 24, 1999  
Hearing Date: October 13, 1999  
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
Steven Scholl, Deputy Director  
Darryl Rance, Coastal Planner

SUBJECT: **CITY of PACIFICA LCP IMPLEMENTATION PLAN  
Amendment No. 2-97 Major, (Zoning Text Additions and  
Amendments regarding Special Care Facilities) (Meeting of  
October 13, 1999, in Oceanside.)**

## SYNOPSIS

### Amendment Description

The City of Pacifica is requesting that the Commission certify LCP Amendment No. 2-97 to the City's Implementation Plan to make certain zoning text additions regarding Special Care Facilities for more than six residents in the Single-Family Residential (R-1) District and to establish general regulations regarding development of Special Care Facilities for more than six residents. The amendment would specifically add language that allows the use of residences for Special Care Facilities in the R-1 Zoning District and would additionally establish specific criteria for the creation and operation of Special Care Facilities in all residential and commercial zoning districts.

### Summary of Staff Recommendation

Staff recommends that the Commission certify the amendment as submitted. As submitted, the Implementation Plan as amended conforms with and is adequate to carry out the City's certified Land Use Plan.

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The Special Care Facility uses affected by the amendment would be limited in scale and consistent with the residential uses currently allowed by the certified Land Use Plan in the R-1 District. Furthermore, the proposed amendment would require a conditional use permit for Special Care Facilities, thus ensuring that the City would be able to mitigate any impacts of these uses on coastal resources through a discretionary permit review process.

The staff recommends that the Commission approve the Implementation Plan amendment as submitted. The amendment, which consists of changes to the zoning text, is proposed in accordance with the County's certified Land Use Plan.

Analysis Criteria

To approve the zoning text amendment, the Commission must find that the Implementation Plan (IP), as amended, conforms with and is adequate to carry out the Land Use Plan (LUP) policies of the City's certified LCP.

Additional Information

For further information, please contact Darryl Rance at the North Central Coast Area Office (415) 904-5268. Correspondence should be sent to the California Coastal Commission at the above address, attention "Darryl Rance".

**I. STAFF RECOMMENDATION, MOTIONS AND RESOLUTION FOR IMPLEMENTATION PLAN AMENDMENT No. 2-97**

Staff recommends that after a public hearing, the Commission adopt the following resolution and findings:

The resolution is properly introduced by the following motion:

**"I move that the Commission reject the zoning text amendment in LCP Amendment No. 2-97 (Major) to the City of Pacifica's Implementation Plan as submitted by the City."**

Staff recommends a No vote, and adoption of the following resolution and findings. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present would result in rejection of the amendment request.

RESOLUTION:

The Commission hereby certifies LCP Amendment No. 2-97 (Major) to the Implementation Plan of the City of Pacifica's LCP for the specific reasons discussed in the following findings on the grounds that the zoning ordinance, as amended conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. As submitted, the amendment does not have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act (CEQA).

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**II. FINDINGS:**

The Commission finds and declares as follows for Amendment 2-97 (Major) to the City of Pacifica Local Coastal Program:

**A. Amendment Description:**

The City of Pacifica is requesting that LCP Amendment No. 2-97 (Major) amend the certified Implementation Plan to make certain zoning text additions and revisions regarding special residential care facilities (more than six residents). The amendment would add language pertaining to the use of residences for these purposes in the Single-Family Residential (R-1) zoning district within the coastal zone. The amendment would further establish criteria for special residential care facilities in all residential and commercial zoning districts. The full text of the amendment is shown in Table 1.

The proposed text amendments would amend Section 9-4.401 of the Municipal Code regarding the permitted and conditional uses in the R-1, Single-Family Residential District, to allow Special Care Facilities, serving from 7 to 12 residents, with the approval of a Special Use Permit. In addition, Article 23, general Provisions and Exceptions, would be amended to include standards for Special Care Facilities serving more than six (6) residents, regardless of the zoning district. This portion of the amendment would clarify and standardize requirements for Special Care Facilities throughout the City.

In general, the text amendments are minor in nature and will seek to clarify development standards for all special care facilities with six or more residents. Facilities subject to a use permit process would have to meet the existing findings for approval, while still meeting the required development standards. The minimum development standards include parking requirements, locational criteria and provision for usable open space.

Table 1 includes the proposed zoning text additions to the R-1, Single-Family Residential Zoning District and the General Provision and Exceptions Sections of the Municipal Code.

**Table 1 – Proposed Coastal Zoning Text Additions**

Action	Zoning Code Section	Zoning Text Additions
Add	<b>Article 4 § 9-4.401(b)(9)</b>	<p><b><u>R-1, Single-Family Residential District</u></b>                      (b) <i>Conditional Uses</i>. Conditional uses are allowed in the R-1 District, Subject to obtaining a use permit, shall be as follows:                      ...                      (9) Special care facilities for more than six (6) persons consistent with the use criteria described in Section 9-42315.</p>
Add	<b>Article 23 § 9-42315</b>	<p><b><u>General Provisions and Exceptions</u></b>                      (a) Purpose. This section is intended to regulate special care facilities, as defined in Section 9-4.273.1, with more than six (6) residents not including staff. Special care facilities serving six (6) or fewer residents not including staff, are permitted in all zoning districts that permit single-family residences and</p>

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		<p>shall not be required to meet any requirement of this Section. Any lot developed or used pursuant to this section shall not thereafter be used for any purpose other than a special care facility unless and until the City Planner has certified in writing that the alternative use satisfies all applicable and then existing land use regulations pertaining to the classification of the lot.</p> <p>(b) <i>Special Care Facilities Use Criteria.</i> When the proposed use meets the requirements of this Chapter including the conditions set forth in Section 9-4.3303 and all the following criteria, residential care facilities serving more than six (6) persons in addition to care givers may be permitted by approval of a Use Permit in all residential and commercial zoning districts, as defined in this Chapter.</p> <ol style="list-style-type: none"><li>(1) There are no other special care facilities serving more than six (6) persons not including staff within 500 radial feet of the perimeter of the subject property. If proposed facilities are located within the 500-foot minimum horizontal distance, the Planning Commission may determine facility over-concentration if impacts in the area are considered significant.</li><li>(2) The proposed use shall be conducted in a manner and with facilities that comply with Federal, State, and local law and such compliance will be in a condition of all use permits issued pursuant to this section. The operator of the facility shall give written notice of any suspension or revocation of its State license to the City Manager within seven (7) days of said suspension or revocation.</li><li>(3) Special care facilities shall include a common dining area as well as common living areas and amenities to facilitate program activities.</li><li>(4) There shall be a minimum of 100 square feet of useable open space area per resident, not including staff. Indoor common living areas and amenities to facilitate program activities may be counted towards this requirement up to a maximum of 75% of the total open space required.</li><li>(5) Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and siting areas, gardens, putting greens and similar recreation areas.</li><li>(6) Where additional stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies or lanais shall be provided in an amount, dimension, area and location as determined to be adequate by the Planning Commission.</li></ol> <p>(c) <i>Hearings and notices required.</i> Special care facilities serving more than six (6) residents, not including staff, may be permitted in those zoning districts enumerated in this Chapter upon securing a use permit and complying with all hearing a notice requirements as set forth in Article 33 of this Chapter, except as otherwise provided in this section.</p>
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Special Care Facilities. – The current Pacifica Municipal Code defines “Special Care Facility” as:

*“Special Care Facility” shall mean a State-authorized certified or licensed family care home, foster home, or group home serving mentally disordered or otherwise handicapped persons, dependant or neglected children, or elderly persons on a twenty-four (24) hour-per-day-basis. “Special Care Facility” shall also include twenty-four (24) hour shelters for victims of family violence, homeless persons, or other need categories.*

Special Care facilities for six or fewer persons are permitted by right, with no planning permits or public hearings required, within all residential zoning districts. This is consistent with State law, which requires residential care facilities to be viewed as single-family residential uses when caring for six (6) or fewer individuals. Currently, residential care facilities for six (6) or more individuals may be established with approval of a use permit in all residential districts except the R-1, Single-Family Residential zoning district.

It should be noted that Special Care Facilities and child care facilities of any size are conditionally permitted in all Commercial zoning districts City-wide. In addition, convalescent homes and nursing homes are permitted City-wide in any zoning district and any general plan designation with approval of a Conditional Use Permit. The Zoning Code does not formally define the terms “Convalescence Home” and “Nursing Home.” However, according to State law, convalescent homes, nursing homes and hospitals are not considered residential uses and are more intensive uses than residential care facilities, because such facilities include skilled nursing and medical care.

California State law restricts the ability of local jurisdictions to regulate certain types of facilities; however, the City may still generally regulate special care facilities serving seven or more residents through the use permit process. Federal and State law requires, however, that the City make reasonable accommodations to afford prospective residents the opportunity to live in the housing of their choice. The Federal Fair Housing Act and State Fair Housing Law indicate that it is unlawful to discriminate through public land use practices. According to Federal Law, discrimination includes “a refusal to make reasonable accommodations that may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”

The current zoning code sections that address allowable (principal and conditional) uses within residential use areas are contained in Article 4 of the City certified LCP. All but one of the residential zoning categories (R-1) now permit Special Care facilities with approval of a Conditional Use Permit. The proposed zoning text addition to the (R-1) zoning district reflects a recommendation to permit Special Care Facilities as a conditionally permitted use in all areas zoned for single-family residential development. The current Zoning Ordinance allows up to a maximum of 6 persons in a residential care facility in the R-1 Zoning District; in all other residential zoning districts, more than 6 residents are allowed with the approval of a Conditional Use Permit. The City has concluded that the proposed text amendments is a logical approach to providing care for the elderly and disabled in a residential setting and would also further the goals of the City’s Housing Element.

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Special Care Facility Use Criteria. – In an effort to provide consistent standards for Special Care Facilities in all residential and commercial zoning districts, the City is proposing to add Section 9-4.2315 to Article 23, General Provisions and Exceptions. The specific criteria outlined in Section 9-4.2315 must be met to qualify for conditional use permit approval. The conditional use permit review process would enable the City to evaluate development proposals to determine if it meets minimum development standards, parking requirements, locational criteria and provisions for usable open space. Additionally, any proposal to change use or intensity of use or develop a new structure to house a special care facility within the coastal zone would remain subject to coastal development permit approval. Thus, the City would continue to evaluate and mitigate potential project-related impacts to coastal resources through the certified Local Coastal Program.

### Conclusion

The City of Pacifica is developed with full urban services including adequate sewer, water and storm water run-off capacity to accommodate various densities of residential development. Additionally, the locational criteria for Special Care Facilities that would apply under the proposed General Provisions and Exceptions section would allow the City to evaluate individual project proposals under a Conditional Use Permit process and determine facility over-concentration, if impacts within a specific area are considered significant. Moreover, any new development, as defined in Section 9-4.231.05 of the Coastal Zoning Ordinance (same as Coastal Act definition of "development"), including the development of Special Care Facilities within the coastal zone would remain subject to the coastal development permit review. Therefore, the proposed Implementation Plan amendment would not lead to future increases in the intensity or density of use of the property not already contemplated by the City and the Commission when the LCP was certified.

### B. Consistency with and Adequacy to Carry Out the Land Use Plan

To approve the amendment, the Commission must find that the amendments to the Zoning Ordinance will conform with and adequately carry out the provisions of the LUP as certified.

The zoning code amendments would apply to the R-1, Residential Single-Family zoning district and would further establish general criteria for the establishment and operation of Special Care Facilities in all residential and commercial zoning districts city-wide. These areas are designated with corresponding Land Use Plan classifications. The LUP classifications are very broadly defined in the certified LUP, indicating what base use types are allowable within the designation but generally not specifying allowable uses. The residential care uses proposed to be added by the proposed Implementation Plan amendment are limited in scale and would be consistent with the residential uses allowed by the certified Land Use Plan in the zoning districts where these uses would be allowed. Given that (1) the uses addressed by the proposed Implementation Plan amendment are consistent with the respective residential and commercial uses allowed in these areas by the Land Use Plan, and (2) the text describing the LUP residential use classifications are broadly defined, the Commission finds that the proposed Implementation Plan amendment conforms with the use limitations of the certified LUP.

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Furthermore, the proposed amendment would require approval of a Conditional Use Permit to establish a Special Care facility within an (R-1) zoning district. The amendment would further establish consistent standards to regulate Special Care Facilities as conditionally permitted uses within all residential and commercial zoning districts. Moreover, the City would be able to mitigate any impacts of new development related to these uses on coastal resources through a coastal development permit process. Through the review of permit applications, the City can ensure that LUP policies that apply to new development regarding the protection of environmentally sensitive habitats and other coastal resources can be carried out. The City must condition the permits to include mitigation or deny the permits to ensure that such resources are protected consistent with the certified LCP.

Those uses that would be allowed by the proposed amendment as conditionally permitted uses would still require a coastal development permit. The County would thus have the opportunity to review conformance of the proposed use, intensity and attendant physical development with certified LUP policies. Therefore, the Commission finds that as submitted, the proposed amendment to the Implementation Plan conforms with and adequately carries out the certified Land Use Plan.

D. California Environmental Quality Act (CEQA).

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In approving the proposed amendment, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) requires that the Commission not approve or adopt an LCP:

*... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.*

As discussed in the findings above, the LCP amendment, as submitted, is in full conformance with the requirements of the Coastal Act. As submitted, the Commission finds that approval of the amendment will not result in significant adverse environmental effects within the meaning of CEQA. Thus, the Commission finds that approval of the LCP as submitted is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

# ORDINANCE NO. 657-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 4 AND ARTICLE 23 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE, TO ALLOW SPECIAL CARE FACILITIES FOR MORE THAN SIX (6) RESIDENTS IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICTS AND TO ESTABLISH GENERAL REGULATIONS REGARDING DEVELOPMENT OF SPECIAL CARE FACILITIES FOR MORE THAN SIX (6) RESIDENTS.

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

**SECTION 2.** Section 9-4.401(b)(9) is hereby added to Article 4, Title 9 of the Pacifica Municipal Code, relating to the R-1 (Single-Family Residential) to read as follows:

**ARTICLE 4.            R-1 Single-Family Residential District**

**Section 9-4.401        Permitted and conditional uses.**

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

- (9) Special care facilities for more than six (6) persons consistent with the use criteria described in Section 9-4.2315.

**SECTION 2.** Section 9-4.2315 is hereby added to Article 4, Title 9 of the Pacifica Municipal Code relating to special care facilities to read as follows:

**ARTICLE 23.            General Provision and Exceptions**

**Section 9-4.2315        Special Care Facilities.**

(a) *Purpose.* This Section is intended to regulate special care facilities, as defined in Section 9-4.273.1, with more than six (6) residents not including staff. Special care facilities serving six (6) or fewer residents not including staff, are permitted in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this Section. Any lot developed or used pursuant to this Section shall not thereafter be used for any purpose other than a special care facility unless and until the City Planner has certified in writing that the alternate use satisfies all applicable and then existing land use regulations pertaining to the classification of the lot.

EXHIBIT NO.	1
APPLICATION NO.	PACIFICA LCP AMEND
NO.	2-97
Ordinance No.	657-CS



(b) *Special Care Facilities Use Criteria.* When the proposed use meets the requirements of this Chapter including the conditions set forth in Section 9-4.3303 and all the following criteria, residential care facilities serving more than six (6) persons in addition to caregivers may be permitted by approval of a Use Permit in all residential and commercial zoning districts, as identified in this Chapter.

1. There are no other special care facilities serving more than six (6) persons not including staff within 500 radial feet of the perimeter of the subject property. If proposed facilities are located within the 500-foot minimum horizontal distance, the Planning Commission may determine facility overconcentration if impacts in the area are considered significant.
2. The proposed use shall be conducted in a manner and with facilities that comply with Federal, State and local law and such compliance will be a condition of all use permits issued pursuant to this section. The operator of the facility shall give written notice of any suspension or revocation of its State license to the City Manager within seven (7) days of said suspension or revocation.
3. Special care facilities shall include a common dining area as well as common living areas and amenities to facilitate program activities.
4. There shall be a minimum of 100 square feet of usable open space area per resident, not including staff. Indoor common living areas and amenities to facilitate program activities may be counted towards this requirement up to a maximum of 75% of the total open space area required.
5. Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, gardens, putting greens and similar recreation areas.
6. Where additional stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies or lanais shall be provided in an amount, dimension, area and location as determined to be adequate by the Planning Commission.

(c) *Hearings and notices required.* Special care facilities serving more than six (6) residents, not including staff, may be permitted in those zoning districts enumerated in this Chapter upon securing a use permit and complying with all hearing and notice requirements as set forth in Article 33 of this Chapter, except as otherwise provided in this section.

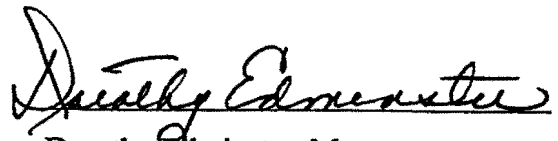
**SECTION II.** This ordinance shall become effective thirty (30) days after its final passage, and for properties located within the Coastal Zone, the ordinance shall not become effective until approved by the California State Coastal Commission.

**SECTION III.** The City Clerk shall cause 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.


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The foregoing ordinance was introduced on November 10, 1997 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 24th day of November, 1997 by the following vote:

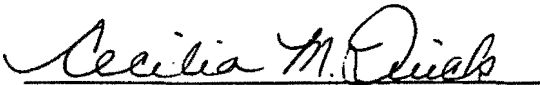
**AYES:** DeJarnatt, Gonsalves, Carr, Hinton and Edminster  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
Dorothy Edminster, Mayor

ATTEST:

  
\_\_\_\_\_  
David Carmany, City Manager

APPROVED AS TO FORM:

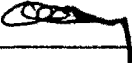
  
\_\_\_\_\_  
Cecilia M. Quick, City Attorney

SECTION V.

STATE OF CALIFORNIA            )  
COUNTY OF SAN MATEO        ) ss.  
CITY OF PACIFICA             )

I, David Carmany, City Manager-Clerk of the City of Pacifica, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 657-C.S., duly passed, approved, and adopted by the City Council of the City of Pacifica at a regular meeting of said Council duly held on November 10, 1997, and thereafter duly signed by the Mayor or the Mayor Pro Tempore, as indicated; that said ordinance has been published pursuant to law; and that the Council of said City consists of five (5) members and said ordinance was passed by the following vote of said Council, to wit:

AYES:           DeJarnatt, Gonsalves, Carr, Hinton and Edminster  
NOES:           None  
ABSENT:        None  
ABSTAIN:       None

  
\_\_\_\_\_  
City Clerk of the City of Pacifica

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CALIFORNIA  
COASTAL COMMISSION

**DRAFT**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
RECOMMENDING COASTAL COMMISSION APPROVAL  
OF LCP AMENDMENT NO. 2-97**

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**WHEREAS**, the City Council of Pacifica adopted Ordinance No. 657-C.S. on November 24, 1997; and

**WHEREAS**, said Ordinance amends title 9 of the Pacifica Municipal Code to conditionally allow special care facilities for more than six (6) residents in the Single-Family Residential (R-1) district and establishes development regulations for such facilities; and

**WHEREAS**, amendments to Title 9 of the Pacifica Municipal Code require that the City's adopted Local Coastal Plan (LCP) be amended; and,

**WHEREAS**, the City Council finds that the proposed LCP amendment is intended to be carried out in a manner fully in conformity with the Coastal Act;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pacifica does hereby recommend that the California Coastal Commission approve Pacifica LCP Amendment NO. 2-97, which shall take effect automatically upon approval by the Coastal Commission.

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Passed and adopted at the regular meeting of the City Council of the City of Pacifica held on (DATE) by the following vote of the members thereof:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers

ABSTAIN, Councilmembers:

EXHIBIT NO.	2
APPLICATION NO.	PACIFICA LCP AMEND
	NO. 2-97
	City Council
	Resolution

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Dorothy Edminster, Mayor

ATTEST:

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David Carmany, City Manager

APPROVED AS TO FORM:

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Cecilia Quick, City Attorney

