

CALIFORNIA COASTAL COMMISSION

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March 21, 2002

TO: Commissioners and Interested Parties

RECORD PACKET COPY

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Chris Kern, North Central Coast District Supervisor
Peter T. Imhof, North Central Coast AnalystSUBJECT: **City of Pacifica Local Coastal Program Amendment 1-MAJ-02 (2022
Palmetto Avenue Redesignation and Rezoning)**

1.0 AMENDMENT DESCRIPTION

The proposed amendment to the City of Pacifica's certified Local Coastal Program (LCP) involves an amendment to the City's Land Use Plan (LUP) to redesignate from High Density Residential to Commercial and rezone from R-3, Multiple-Family Residential to C-1, Neighborhood Commercial the western 1/3 of the property at 2022 Palmetto Avenue (APN 016-181-410). The parcel in question was formed by the merger of three, previously existing parcels under the City's merger law. As a result of the merger, the parcel is presently split-zoned Neighborhood Commercial and Multiple-Family Residential.¹ The proposed redesignation and rezoning will bring the western third of the parcel into conformity with the commercial designation and zoning of the rest of the parcel.

The parcel in question, owned by the Edsell Family Trust, is an undeveloped, corner lot of 7,067 square feet, located at the northwest corner of Palmetto Avenue and Santa Rosa Avenue in the West Sharp Park area of Pacifica, one block from Beach Boulevard and the municipal pier (**Exhibits 1-3**). The West Sharp Park area of Pacifica is an urbanized and densely developed residential neighborhood with retail commercial uses scattered along Palmetto Avenue. The subject parcel straddles the boundary of the present commercial and residential zones.

No development is proposed as part of the LCP amendment, although the property owner intends to develop the property with a mixed-use commercial/residential development and associated parking and has separately applied to the City of Pacifica for a coastal development permit. The development contemplated by the property owner consists of a 6,610 square-foot, three-story, residential and commercial mixed-use building, with 4 upper floor apartments and 1,740 square feet of ground floor commercial space, plus a 390 square-foot detached storage/recreation building, on the 7,067 square-foot vacant site.

¹ The entire parcel is also zoned "Coastal Zone Combining District." No change is proposed as a part of the LCP amendment to this zoning classification.

2.0 BACKGROUND

The single parcel which is the subject of this LCP amendment (APN 016-181-410) was originally composed of three separate lots, two lots fronting Palmetto Avenue (APNs 016-181-120 & 130) and one lot fronting Santa Rosa Avenue (APN 016-181-140). The two lots fronting Palmetto were originally designated Commercial and zoned C-1, Neighborhood Commercial. The lot fronting Santa Rosa Avenue was designated High Density Residential and zoned R-3, Multiple-Family Residential.

In 1985, two of the three original lots (formerly APNs 016-181-120 & 140), which were under common ownership, were merged by the City pursuant to its merger law. In 2001, the current property owner, the Edsell Family Trust, purchased all three of the original lots, which were subsequently merged to form a single parcel (APN 016-181-410). The single, merged parcel retained the original land use designation and zoning of the pre-merger lots.

On November 19, 2001, the City of Pacifica Planning Commission, in addition to approving a permit application for a 6,610 square-foot, residential and commercial mixed-use building, recommended that the City Council adopt amendments to the LCP to bring the entire property under the commercial LUP designation and zoning classification.

On December 17, 2001, by Resolutions 52-01 and 53-01, the City of Pacifica City Council certified a Negative Declaration for the proposed development on the site and approved the LCP amendment (**Exhibits 5 and 6**). The City Council simultaneously adopted Ordinance No. 696-C.S., rezoning the western portion of the parcel from R-3, Multiple-Family Residential to C-1, Neighborhood Commercial (**Exhibit 7**).

3.0 STANDARD OF REVIEW

To approve the amendments to the Land Use Plan, the Commission must find the LUP, as amended, will be consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the Implementation Plan (IP), the Commission must find that the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

4.0 SUMMARY OF STAFF RECOMMENDATION

The LCP amendment involves the redesignation and rezoning of a presently split-zoned parcel on the boundary of commercial and residential zones in an already developed neighborhood. The redesignation and rezoning will make the zoning of the parcel uniform with the commercial zoning which already covers the eastern 2/3 of the parcel. The parcel is in an existing urbanized area of the City of Pacifica located one block from the City pier. The redesignation and rezoning will result in an additional 2,250 square feet of commercially zoned property contiguous with an existing commercially zoned area. The redesignated and rezoned property will provide potential additional visitor-serving uses appropriate to the site and location.

For these reasons, the proposed LUP amendment is accordingly consistent with and adequate to carry out the policies of Chapter 3 of the Coastal Act and the certified LUP. Similarly, the IP zoning classifications are site-appropriate and conform to the LUP designations and policies. Staff recommends certification of both the proposed LUP and IP amendment as submitted.

5.0 EFFECTIVENESS OF LUP AMENDMENT

Coastal Act Section 30514(a) states that the local government may amend its certified LCP and implementing ordinances, regulations, and other actions, but until the Commission certifies the amendment, the amendment shall not take effect. In accordance with Section 13551 of the Commission regulations, if the Commission certifies the amendment as submitted, because the local government's resolution of submittal so requested, the amendment shall take effect 30 days after certification. However, if the Commission certifies the amendment as submitted but with additional modifications, the local government must subsequently approve the modifications suggested by the Commission, and the Executive Director in turn must confirm the local government's approval before the amendment becomes effective. Section 13551(b)(2) of the Commission regulations provides that a local government may submit a proposed amendment as an amendment that will require formal local government adoption after Commission approval with suggested modifications. Section 13544 requires that the Executive Director and Commission certify that the City's actions in adopting the suggested modifications were adequate before the LCP amendment is considered effective.

PART I: LUP AMENDMENT

6.0 STANDARD OF REVIEW FOR LUP AMENDMENT

Section 30514(b) of the Coastal Act states that "[a]ny proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513 [except that no substantial issue determination is required]."

Sections 30512(c) states that "[t]he Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 [of the Coastal Act]." The applicable standard of review for the proposed LUP amendment is therefore the policies of Chapter 3 of the Coastal Act.

7.0 STAFF RECOMMENDATION FOR LUP AMENDMENT

The staff recommends that the Commission certify the amendment to the LUP for the City of Pacifica as proposed.

MOTION:

I move that the Commission certify Amendment 1-MAJ-02 of the certified Land Use Plan for the City of Pacifica as submitted.

STAFF RECOMMENDATION TO CERTIFY AS SUBMITTED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies Amendment 1-MAJ-02 of the certified Land Use Plan for the City of Pacifica as submitted and adopts the findings set forth below on grounds that the land use plan 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 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 and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

8.0 FINDINGS AND DECLARATIONS TO APPROVE LUP AMENDMENT

The Commission hereby finds and declares:

8.1 LUP Amendment Description

The LUP Amendment would redesignate the western 1/3 (approximately 2,250 square feet) of the property at 2022 Palmetto Avenue (APN 016-181-410) from High Density Residential to Commercial, consistent with the remaining two-thirds of the site (approximately 4,817 square feet) (**Exhibit 4**). This redesignation brings the entire parcel into conformity with the Commercial designation of adjacent lots fronting Palmetto Avenue.

8.2 Description of Site and Adjacent Land

The parcel to be redesignated is an undeveloped, corner lot of 7,067 square feet, located at the northwest corner of Palmetto Avenue and Santa Rosa Avenue in the West Sharp Park area of Pacifica, one block from Beach Boulevard and the municipal pier (**Exhibit 3**).

The West Sharp Park area of Pacifica is an urbanized and densely developed residential neighborhood with retail commercial uses scattered along Palmetto Avenue. The subject parcel straddles the boundary of the present commercial and residential zones. All adjacent parcels fronting Palmetto Avenue are similarly designated Commercial. The adjacent parcel to the west of the subject property is a developed lot designated High Density Residential. All adjacent lots fronting San Jose Avenue to the north are designated Medium Density Residential and developed with residential uses (**Exhibit 4**).

8.3 Relevant Coastal Act and LCP Provisions

8.3.1 Coastal Act Policies

Coastal Act Section 30222 of the Coastal Act provides:

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.

Coastal Act Section 30250(a) provides:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30251 provides:

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas . . .

Coastal Act Section 30252 provides in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by . . . (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads . . .

Coastal Act Section 30253 provides:

New development shall: . . . (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

8.3.2 LUP and Zoning Classifications

The full text of the applicable LUP designations and zoning code provisions for the City of Pacifica are attached hereto as Appendices A and B, respectively.

8.4 Discussion

8.4.1 Priority of Visitor-Serving Commercial Uses

Section 30222 of the Coastal Act provides:

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.

The subject property is located one block from Beach Boulevard and the Pacifica municipal pier in the West Sharp Park area of Pacifica. Beach access exists at points along Beach

Boulevard. The Pacifica LCP defines the Commercial LUP designation to include a “variety of potential commercial uses . . . including visitor-serving commercial, retail commercial, office, heavy commercial and light industrial. The type of commercial use for a site is stated in the General Plan Land Use Description” (Appendix A). The Coastal Land Use description contained in the Pacifica LCP notes that West Sharp Park “is an established low and moderate income residential neighborhood” and expressly calls for “sufficient new commercial activities attractive to fishermen and other visitors to provide support for the area while continuing the essential neighborhood commercial activities which need to be close at hand in a lower income area . . .”

The property owner has proposed to develop the property consistent with the certified LCP amendment with a mixed residential and commercial development which, in addition to 4 residential units above the retail space below, would include 1,740 square feet of ground floor commercial retail space. In addition to serving the immediate neighborhood, possible retail and commercial uses in such a development consistent with the Commercial land use designation could potentially serve fishermen as well as foot traffic and visitors walking to and from Beach Boulevard.

Given the proximity of the subject property to Beach Boulevard and the pier as well as the existing development in the area, the Commission finds that Commercial designation of the subject property facilitates development of priority visitor-serving commercial recreational uses in this location and that the LCP Amendment conforms to Section 30222 of the Coastal Act.

8.4.2 Infrastructure and Proximity to Existing Developed Areas

Section 30250(a) provides:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30252 provides in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by . . . (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads . . .

The West Sharp Park area of Pacifica is a developed, urban area located between Ocean Boulevard and the seashore. New development on the affected property would be in the heart of this already developed part of the City, and would serve to concentrate development. Development of the affected site with a commercial or mixed-use commercial/residential project would constitute infill development consistent with adjoining uses. Providing for neighborhood commercial facilities serving the adjacent and nearby residential areas would also help to minimize use of roads leading to the shore.

Water service in the City of Pacifica is provided by the North Coast County Water District. Adequate water connections presently exist to serve new commercial uses such as that proposed for the subject property. Sewer service is provided by City. Similarly, adequate sewer treatment capacity presently exists to serve development proposed for this parcel.

The Commission finds that the affected property is located within an existing developed area, that adequate public services exist to serve the affected property and that the LCP Amendment therefore conforms to Section 30250 and 30252(2) of the Coastal Act.

8.4.3 Visual Resources

Coastal Act Section 30251 provides:

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas . . .

Coastal Act Section 30253 provides:

New development shall: . . . (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The area immediately surrounding the affected property is already developed with single-family residential and apartment buildings, and with commercial retail uses scattered along Palmetto Avenue. Because the West Sharp Park area is already developed, new, infill development of the property consistent with the commercial land use designation and zoning, such as that proposed by the property owner, would not be likely to affect views or the visual character of the area.

Per the Commercial land use designation and the proposed C-1, Neighborhood Commercial zoning, mixed residential and commercial uses with dwelling units above commercial uses are permissible, with a residential density of one dwelling unit per 2,000 square feet of lot area. Per Zoning Code Section 9-4.2312, a fractional number of units can be rounded up to the next whole number. In addition, Commercial C-1 zoning allows a maximum 35-foot building height and requires no setbacks from the streetfront. Development consistent with these requirements on a corner lot along a commercial street such as Palmetto Avenue is consistent with the massing of existing, nearby development and preserves a defined street frontage. The building proposed by the property owner and already permitted by the City Planning Commission, contingent on certification of this LCP amendment by the Commission, would have a total height of 32.5 feet at the roof ridge and 35 feet at the highest roof peak. In addition, the proposed building would have no street set backs along either Palmetto Avenue or Santa Rosa Avenue, thereby perserving the street frontage and giving the street corner clear definition.

New development on the affected property, such as that approved by the City Planning Commission, requires a coastal development permit from the City of Pacifica. Any such development must to conform to all of the policies of the City's certified LCP, including the

visual resource policies, and the applicable zoning. In particular, the Pacifica LCP incorporates in its visual resource policies Sections 30251 and 30253 of the Coastal Act.

Given the already developed character of the immediately surrounding area and the visual resource policies of the City's LCP, which are applicable to any coastal development permit and permitted development, the Commission finds that the LCP Amendment conforms to Sections 30251 and 30253 of the Coastal Act.

PART II: IMPLEMENTATION PROGRAM AMENDMENT

As submitted, the proposed IP amendment is fully consistent with and adequate to carry out the policies of the LUP, as modified and certified.

9.0 STANDARD OF REVIEW FOR IMPLEMENTATION PROGRAM AMENDMENT

Sections 30513 of the Coastal Act states that the "[t]he Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan."

The provisions of the certified land use plan are thus the standard of review for implementing zoning ordinances. To approve the amendments to the Implementation Program (IP), the Commission must find the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

10.0 STAFF RECOMMENDATION FOR IMPLEMENTATION PROGRAM AMENDMENT

MOTION:

I move that the Commission reject the Amendment 1-MAJ-02 of the Implementation Program for the City of Pacifica as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies Amendment 1-MAJ-02 of the Implementation Program for the City of Pacifica as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program will meet the requirements of 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 Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation

measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

11.0 FINDINGS TO APPROVE IMPLEMENTATION PROGRAM AMENDMENT

The Commission hereby finds and declares:

11.1 Description

The City proposes to amend the IP to rezone the western 1/3 of the property at 2022 Palmetto Avenue (APN 016-181-410) from R-3, Multiple-Family Residential to C-1, Neighborhood Commercial. This zoning change is consistent with the current zoning of the eastern 2/3 of the property fronting Palmetto Avenue and conforms to the amended Commercial LUP designation for the same portion of the property.

11.2 Analysis

The City's C-1, Neighborhood Commercial, classification is an existing zoning classification which is adequate to implement the certified Commercial LUP designation. C-1 zoning permits commercial development together with residential uses above commercial at a density of 1 unit for every 2,000 square feet of lot coverage. The eastern 2/3 of the subject parcel are already fall within this zoning category. The proposed IP amendment would extend the C-1, Neighborhood Commercial zone approximately 25 feet westward along Santa Rosa Avenue and add approximately 2,250 square feet. This IP amendment would also eliminate the existing Neighborhood Commercial/Multiple-Family Residential split-zoning of the parcel and result in consistent Neighborhood Commercial zoning for the entire parcel.

The Commission finds that the IP, as amended to rezone the western 1/3 of the affected property, will conform with and adequately carry out the policies of the LUP, as modified and certified, because the proposed IP amendment and resulting Neighborhood Commercial zoning would (1) facilitate development of priority visitor-serving commercial recreational uses, (2) concentrate development by allowing for infill development of the property consistent with adjoining uses and Section 30250, and (3) provided for commercial facilities within or adjoining residential areas so as to minimize use of roads consistent with Section 30252(2).

12.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's LCP review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP and LCP amendment submitted for Commission review and approval. Nevertheless, the Commission is required when approving an LCP to find that the LCP does conform with the applicable provisions of CEQA.

As stated above, City of Pacifica LCP amendment 1-MAJ-02 consists of a Land Use Plan (LUP) amendment and a new Implementation Plan (IP). The Commission incorporates its findings on Coastal Act and land use plan conformity at this point as it is set forth in full above.

**City of Pacifica Coastal Program Amendment 1-MAJ-02
(City of Pacifica)**

The Commission finds that City of Pacifica LCP amendment 1-MAJ-02 will not result in significant unmitigated adverse environmental impacts within the meaning of CEQA. Further, any future individual development projects would require coastal development permits issued by the City of, in the case of original jurisdiction, by the Coastal Commission. Throughout the Coastal Zone, specific impacts associated with individual development projects area assessed through the CEQA environmental review process' thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures within the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

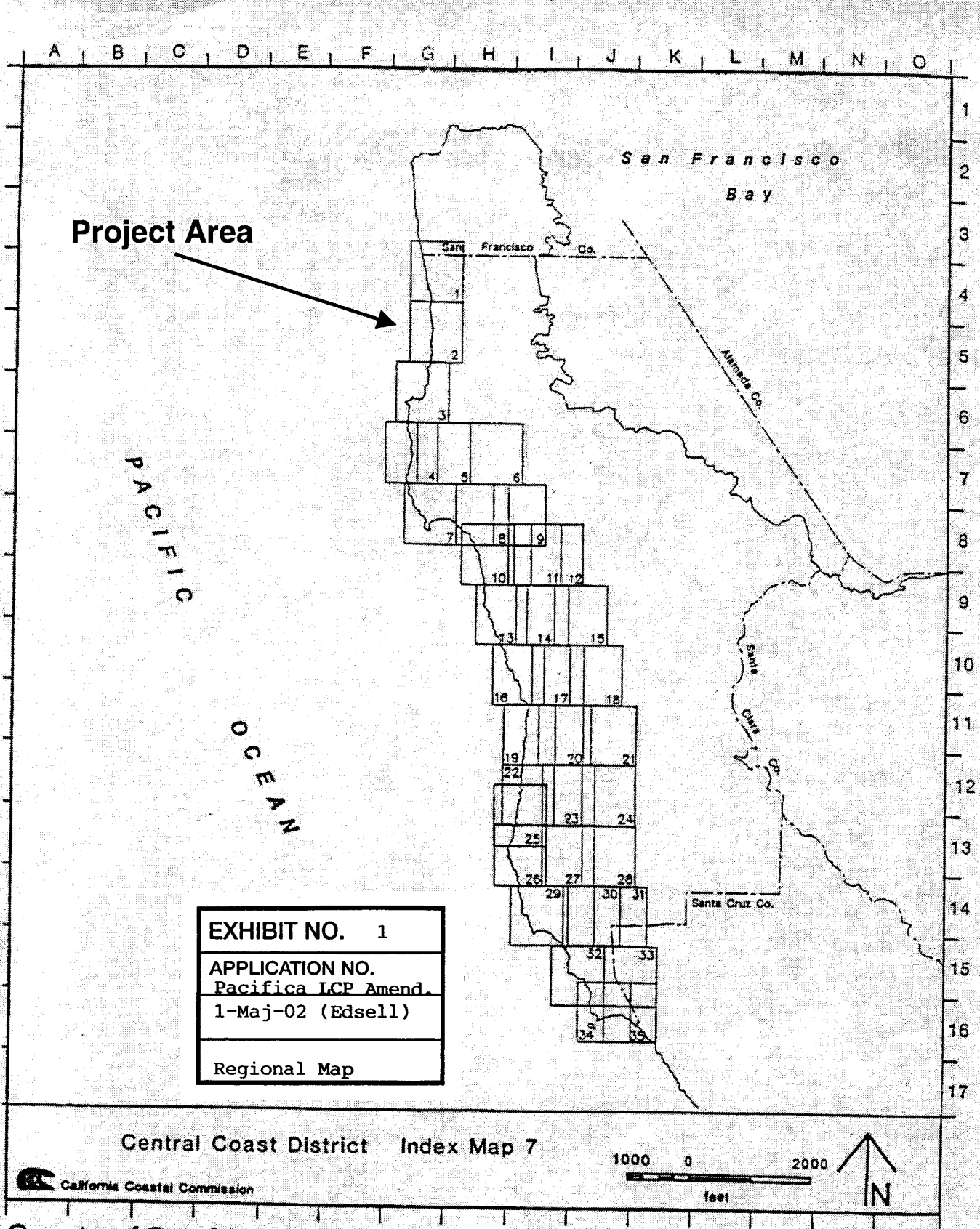
EXHIBITS

1. Regional Map
2. Location Map
3. Site Map
4. Area to be Redesignated and Rezoned
5. City of Pacifica City Council Resolution 52-01
6. City of Pacifica City Council Resolution 53-01
7. Ordinance No. 696-C.S.

APPENDICES

Appendix A: Applicable Pacifica LUP Designations

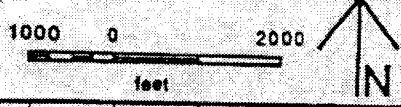
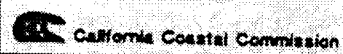
Appendix B: Applicable Pacifica Zoning Code Provisions



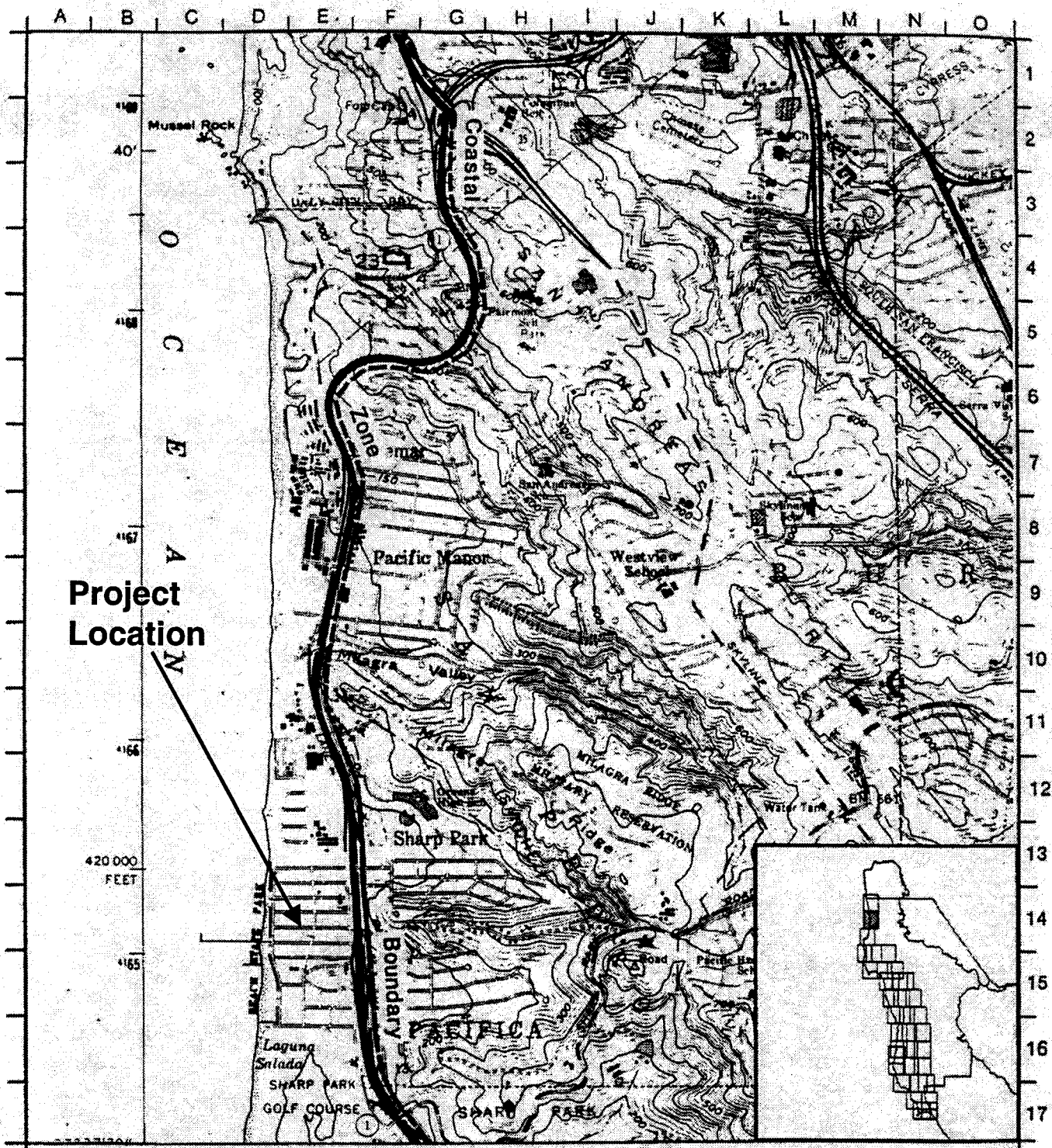
Project Area

EXHIBIT NO. 1
APPLICATION NO. Pacifica ICP Amend. 1-Maj-02 (Edsell)
Regional Map

Central Coast District Index Map 7



County of San Mateo



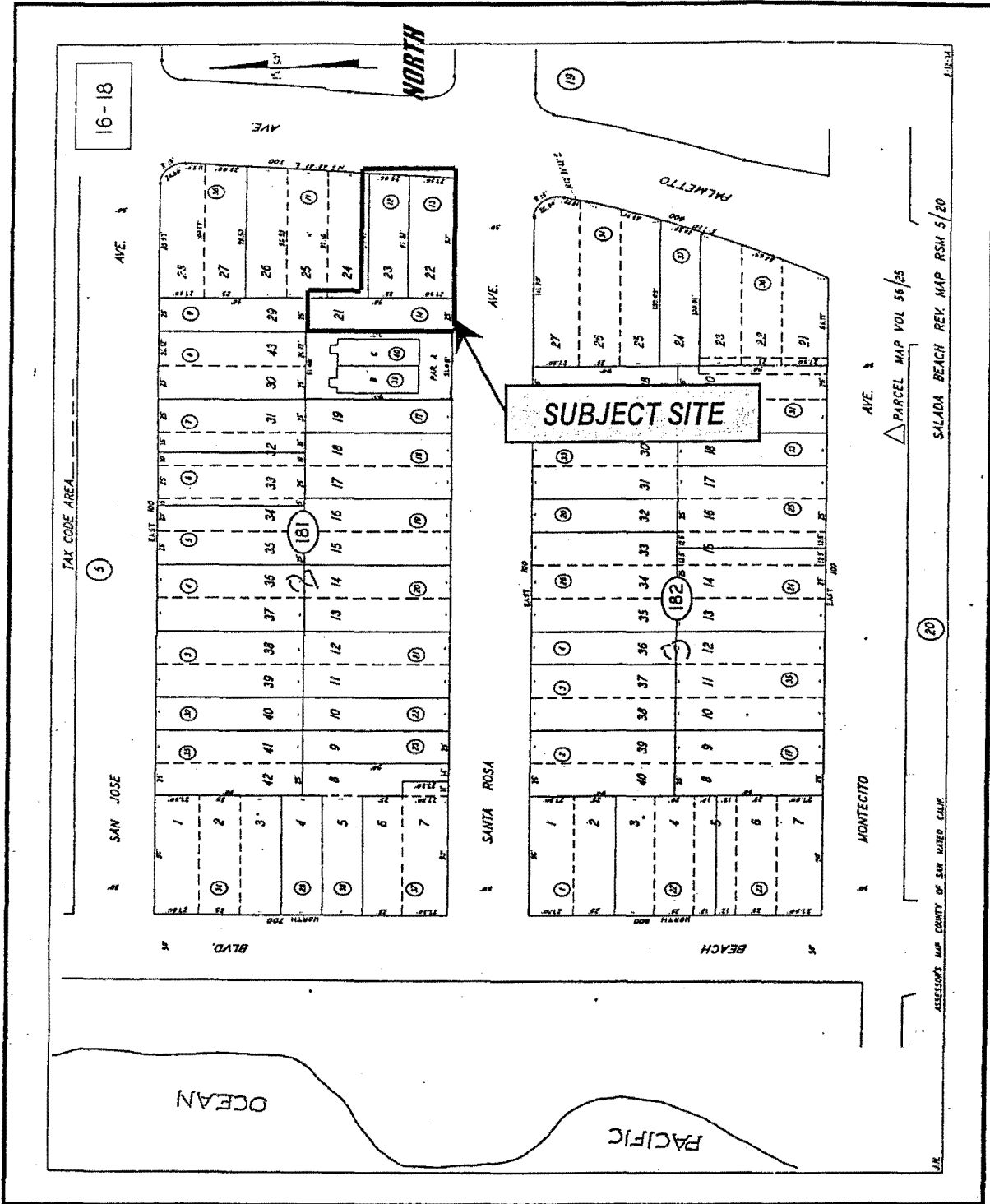
Project Location

California Coastal Commission

County of San Mateo

EXHIBIT NO.	2
APPLICATION NO.	Pacifica LCP Amend.
	1-Maj.-02 (Edsell)
Location map	

Sheet 2 of 35



Title: SITE LOCATION MAP

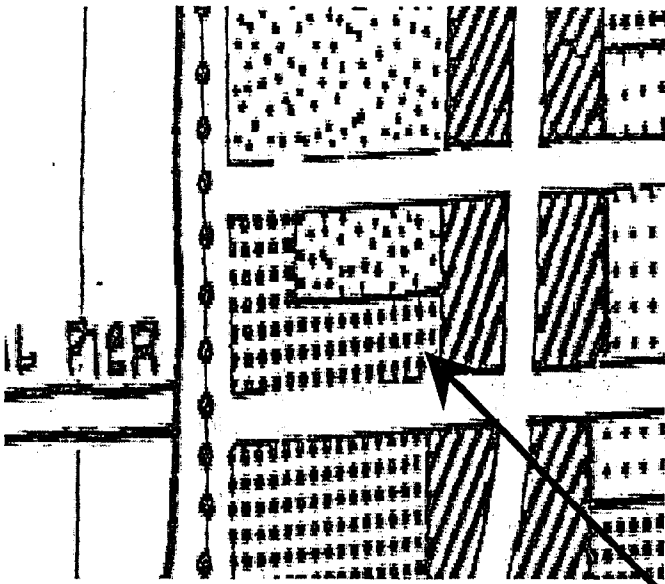
Project: PROPOSED MIXED-USE PROJECT - N.W. CORNER OF PALMETTO AND SANTA ROSA AVENUES



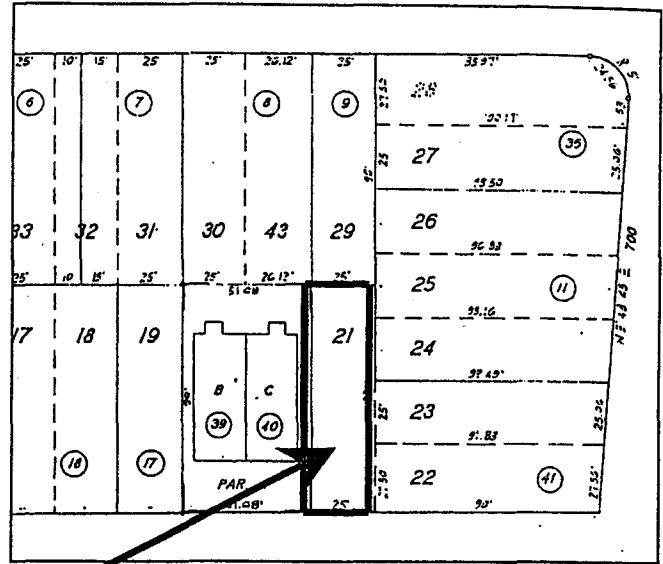
CITY OF PACIFICA
 Planning & Economic Development Department

EXHIBIT NO.	3
APPLICATION NO.	Pacifica LCP Amend.
	1-Maj.-02 (Edsell)
Site map	

LAND USE DIAGRAM



General Plan & LCP Land Use Plan
NORTH



Location Map
NORTH

AREA TO BE RE-DESIGNATED

PART OF APN: 016-181-410
(Former APN: 016-181-140)

EXISTING LAND USE DESIGNATION

HIGH DENSITY RESIDENTIAL

PROPOSED LAND USE DESIGNATION

COMMERCIAL

Project: **EDSELL MIXED-USE DEVELOPMENT -**

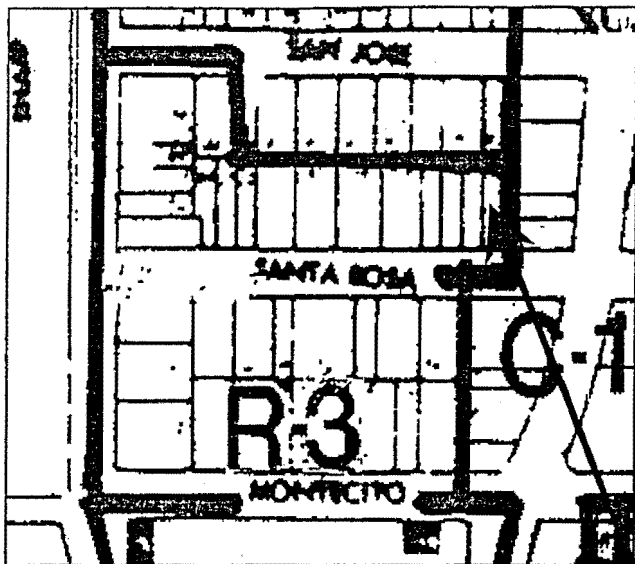
N.W. CORNER OF PALMETTO & SANTA ROSA AVE'S, 2022 PALMETTO AVENUE



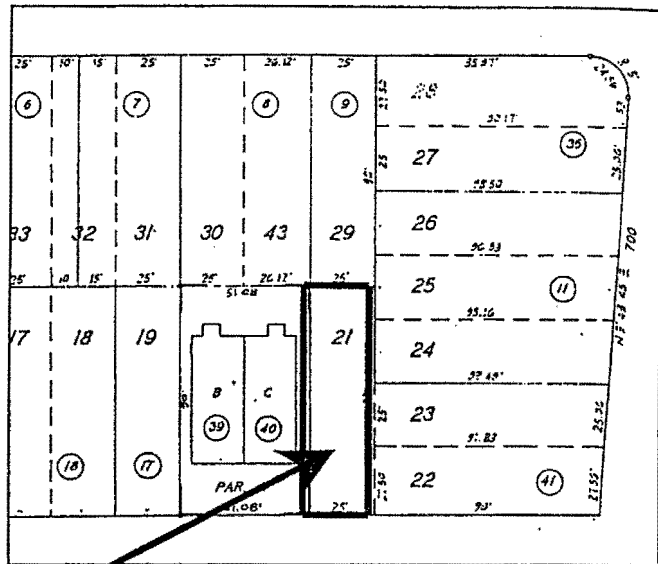
CITY OF PACIFICA
Planning & Economic Development Department

EXHIBIT NO.	4
APPLICATION NO.	Pacifica LCP Amend.
	1-Maj.-02 (Edsell)
(Page 1 of 2)	

ZONING EXHIBIT



Zoning Map
NORTH



Location Map
NORTH

AREA TO BE REZONED

PART OF APN: 016-181-410

(Former APN: 016-181-140)

EXISTING ZONING

R-3, MULTIPLE-FAMILY RESIDENTIAL

CZ, COASTAL ZONE COMBINING DISTRICT

PROPOSED ZONING

C-1, NEIGHBORHOOD COMMERCIAL

CZ, COASTAL ZONE COMBINING DISTRICT

Project: **EDSELL MIXED-USE DEVELOPMENT –**

N.W. CORNER OF PALMETTO & SANTA ROSA AVE'S, 2022 PALMETTO AVENUE



CITY OF PACIFICA
Planning & Economic Development Department

10 PLANNING.

RESOLUTION NO. 52-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA CERTIFYING THE NEGATIVE DECLARATION FOR THE EDSSELL MIXED- USE DEVELOPMENT PROPOSED AT 2022 PALMETTO AVENUE APN 016-181-410

Applicant: George Edsell

WHEREAS, an application has been submitted to develop the vacant 7,067 square-foot property located at the northwest corner of Palmetto and Santa Rosa Avenues, at 2022 Palmetto Avenue (APN 016-181-410), with a partial three-story mixed-use development comprising ground-floor commercial and upper floor residential (apartment) uses, totaling approximately 6,610 square feet of gross floor area; and

WHEREAS, said application includes a General Plan and Local Coastal Program (LCP) land use amendment, re-designating the westerly approximately one-third of the property from High Density Residential to Commercial, Rezoning the same portion of the property from R-3 to C-1, as well as a Use Permit, Site Development Permit, Coastal Development Permit, and Parking Exceptions; and

WHEREAS, a Negative Declaration has been prepared, publicized, and reviewed in accordance with applicable law and, together with the staff report of November 19, 2001, including the Findings and Conditions of Approval contained within the latter, constitute an adequate, accurate, objective, and complete Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA guidelines; and

WHEREAS, On November 19, 2001, the Planning Commission did hold a duly noticed public hearing and certified the Negative Declaration; and

WHEREAS, On December 17, 2001, the City Council did hold a duly noticed public hearing to consider the Negative Declaration and the proposed rezoning and General Plan/Local Coastal Plan amendment; and

WHEREAS, the Negative Declaration for the subject project consists of the Initial Study dated August 22, 2001, the Planning Commission staff report and minutes of November 19, 2001, and the City Council staff report and minutes of December 17, 2001; and

WHEREAS, the City Council has independently reviewed and analyzed the Negative Declaration and considered the information contained therein prior to certifying the Negative Declaration, and

EXHIBIT NO.	5
APPLICATION NO.	Pacifica LCP Amend.
	1-Maj-02 (Edsell)
(Page 1 of 2)	

WHEREAS, the information and analysis contained in the Negative Declaration reflect the City's independent judgment as to the environmental consequences of the proposed project, and

WHEREAS, the City Council also finds that no evidence exists in the record that the project will have the potential for any adverse effect, either individually or cumulatively on wildlife resources or the habitat upon which wildlife depends, based on findings of fact: a) the property is a previously disturbed infill site, in an urban area, surrounded entirely by existing development; and, b) there are no known wildlife resources within the project boundaries or in the immediate vicinity of the project site.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pacifica does hereby certify the Negative Declaration with di minimis impact findings for the mixed-use project at 2022 Palmetto Avenue.

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 17th of December, 2001.

AYES, Councilmembers: Vreeland, Hinton, DeJarnatt, Gonsalves & Carr

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

Barbara A. Carr
Barbara A. Carr, Mayor

APPROVED AS TO FORM:

ATTEST:

Cecilia M. Quick
Cecilia M. Quick, City Attorney

Flo Derby
Flo Derby, City Clerk

4

EXHIBIT NO. 6
APPLICATION NO. Pacifica LCP Amend. 1-Maj.-02 (Edsell)
(Page 1 of 2)

RESOLUTION NO. 53-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ADOPTING AN AMENDMENT TO THE LAND USE ELEMENTS OF THE
GENERAL PLAN AND LOCAL COASTAL PROGRAM (LCP) FOR PORTION
OF PROPERTY LOCATED AT 2022 PALMETTO AVENUE;
PART OF APN 016-181-410.

Applicant: George Edsell

WHEREAS, the City Council of the City of Pacifica did adopt a General Plan on July 28, 1980 by Resolution No. 46-80; and

WHEREAS, the applicant has requested a change to the General Plan and Local Coastal Program (LCP) land use designations for the westerly approximately one-third of the property located at the northwest corner of Palmetto and Santa Rosa Avenues, 2022 Palmetto Avenue (part of APN 016-181-140) from High Density Residential to Commercial, to establish a single land use designation for the entire property, allowing development of the proposed Edsell mixed-use (residential and commercial) project; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on November 19, 2001 and adopted a resolution recommending that the proposed amendment to the General Plan and Local Coastal Plan be adopted; and

WHEREAS, the City Council has determined that the proposed re-designation of the portion of the subject property is consistent with the neighboring residential and commercial uses, and is consistent with the intent and purposes of the underlying C-1 and CZ zoning districts applicable to the property; and

WHEREAS, the City Council has determined that proposed re-designation to Commercial is most appropriate to that allowed under the proposed C-1 zoning for the property, which is also a part of the project; and

WHEREAS, the City Council has also determined that re-designating the portion of the subject property to Commercial will not have any greater impact on or be less consistent with neighboring residential and commercial development than that allowed under the current zoning for the property; and

WHEREAS, on December 19, 2001, the Planning Commission did hold a duly noticed public hearing to consider the proposed General Plan and Local Coastal Program land use amendments; and

WHEREAS, a Negative Declaration was prepared, circulated and recommended for certification stating that the referenced application, including the proposed General

Plan and Local Coastal Program land use amendments, will not significantly adversely affect the environment, either in the alteration of the site or by creating short- or long-term adverse impacts; and

WHEREAS, the proposed land use amendments are consistent with the applicable provisions of the City's General Plan, certified Local Coastal Program including Land Use Plan, and California Coastal Act; and

WHEREAS, the proposed land use amendments are intended to be carried out in a manner totally in conformity with the California Coastal Act and implementing Local Coastal Plan, and will take effect thirty (30) days after adoption by the City Council, and after approval by the California Coastal Commission, whichever is later.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica does hereby re-designate the portion of property at 2022 Palmetto Avenue (APN 016-181-410) from High Density Residential to Commercial pursuant to the attached LAND USE DIAGRAM.

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 17th of December, 2001.

AYES, Councilmembers: Vreeland, Hinton, DeJarnatt, Gonsalves & Carr

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

Barbara A. Carr
Barbara A. Carr, Mayor

APPROVED AS TO FORM:

ATTEST:

Cecilia M. Quick
Cecilia M. Quick, City Attorney

Flo Derby
Flo Derby, City Clerk

11

Planning

ORDINANCE NO. 696-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 12, CHAPTER 4, TITLE 9 OF PACIFICA PLANNING AND ZONING CODE TO REZONE A PORTION OF THE PROPERTY LOCATED 2022 PALMETTO AVENUE (PART OF APN: 016-181-410) FROM R-3 (MULTIPLE-FAMILY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL).

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

Section 1. The City Council did, on December 17, 2001 duly hold a public hearing and the City Council does hereby find and determine that:

1. The Planning Commission, on November 19, 2001, recommended the Rezoning of a portion of the subject property from R-3 to C-1.
2. The Rezoning to C-1 is in conformance with the General Plan and with Articles 10, 35, 43 and 44 of the Pacifica Planning and Zoning Code.
3. The Rezoning to C-1 is consistent with the provisions of the certified Local Coastal Plan and California Coastal Act.
4. Specific findings of fact for adoption of the proposed amendment are contained in the November 19, 2001 Planning Commission staff report and the City Council concurs with said findings and incorporates the findings herein by reference.

Section 2. Rezoning. Section Map 7, Title 9, Chapter 4, of the Pacifica Municipal Code is hereby amended to rezone the portion of the subject property, as indicated in the attached ZONING EXHIBIT and described below:

1. Rezone from R-3 (Multiple-Family Residential) to C-1 (Neighborhood Commercial) the following:

Part of APN: 016-181-410: Lot 21 in Block 2, as shown on that certain map entitled "REVISED MAP OF SALADA BEACH, SAN MATEO COUNTY, CALIFORNIA," filed in the office of the County Recorder of San Mateo County, State of California, on August 5, 1907, in Book 5 of Maps at Page(s) 20. (Former APN: 016-181-140)

EXHIBIT NO.	7
APPLICATION NO.	Pacifica ICP Amend
	1-Maj.-02 (Edsell)
	(Page 1 of 2)

Section 3. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in the Pacifica Tribune, a newspaper of general circulation in the City of Pacifica, in accordance with Government Code Section 36933. This ordinance shall become effective thirty (30) days after its adoption by City Council and not before approval of the California Coastal Commission.

* * * * *

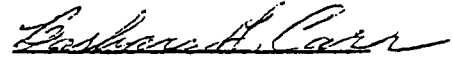
Passed and adopted at the regular meeting of the City Council of the City of Pacifica held on the 14th day of January, 2002 by the following vote of the members thereof:

AYES, Councilmembers: Vreeland, Hinton, DeJarnatt, Gonsalves & Carr

NOES, Councilmembers: None

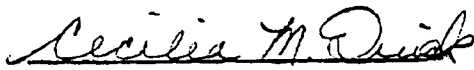
ABSENT, Councilmembers: None

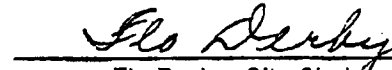
ABSTAIN, Councilmembers: None


Barbara A. Carr, Mayor

APPROVED AS TO FORM:

ATTEST:


Cecilia M. Quick, City Attorney.


Flo Derby, City Clerk

COASTAL LAND USE DESIGNATION DEFINITIONS

The Local Coastal Land Use Map shows the general location of the public and private land uses proposed for the future in Pacifica. The Map is not detailed or specific. The intent is to show the predominant use intended for an area. The Map illustrates the thrust of development expected within the City in the next 20 years. The categories of uses shown on the Map are described below:

Open Space Residential - designates an average density of more than three acres for each residential unit. The exact site area per unit will be determined by the existing conditions on the site such as slope, geology, soils, access, availability of utilities, public safety, visibility and environmental sensitivity.

Very Low Density Residential - indicates residential development which averages one-half to three acres per dwelling unit. The number of units per site will be determined by the physical conditions of the site, including slope, geology, soils, access, availability of utilities, public safety, visibility and environmental sensitivity.

Low Density Residential - indicates an average of 3 to 9 dwelling units to the acre. The specific density and type of units will be determined by site conditions, including slope, geology, soils, access, availability of utilities, public safety, visibility and environmental sensitivity.

Medium Density Residential - indicates an average of 10 to 15 dwelling units per acre. Site conditions will determine specific density and building type. Site conditions include slope, geology, soils, access, availability of utilities, public safety, visibility and environmental sensitivity.

High Density Residential - designates an average of 16 to 25 dwelling units to the acre. The precise density, distribution and type of unit will be determined by physical constraints, including slope, geology, soils, availability of utilities, public safety, visibility and environmental sensitivity.

Commercial - indicates the variety of potential commercial uses the City might attract including visitor-serving commercial, retail commercial, office, heavy commercial and light industrial. The type of commercial recommended for a site is stated in the General Plan Land Use Description.

Beach and Commuter Parking - designated areas where the priority use is public parking. Underlying zoning of these areas will be consistent with adjacent land uses. Priority will be placed on the City seeking funding to implement use.

Article 10. C-1 Neighborhood Commercial District*

* Sections 9-4.1001 through 9-4.1003, codified from Ordinance No. 363, as amended by Ordinance Nos. 382, 419, 425, and 137-C.S., effective December 12, 1974, repealed by Ord. No. 350-C.S., effective November 10, 1982.

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, retail restaurants, and the like;
- (2) Personal services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, and banks and financial institutions;
- (3) Business and administrative offices when located entirely above the ground floor of any commercial structure;
- (4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and
- (5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

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

- (1) Service stations;
- (2) Retail alcohol sales in conjunction with service stations;
- (3) Mini-markets and similar retail uses in conjunction with service stations;
- (4) Conversion of service stations from full-service to self-service;
- (5) Motels and drive-in restaurants;
- (6) Veterinary hospitals and clinics (small animals);
- (7) Special care and child care facilities;
- (8) Business and administrative offices, if located on the ground floor;
- (9) Amusement machine arcades as a new or a part of an existing use;
- (10) Massage, health, or bathing establishments;
- (11) One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of 2,000 square feet; and
- (12) Restaurants and fast food restaurants.

(§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by § V, Ord. 440-85, eff. March 13, 1985, § VI (A), Ord. 491-C.S., eff. October 28, 1987, § 3, Ord. 538-C.S., eff. December 27, 1989, § III (A), Ord. 610-C.S., eff. March 16, 1994 and §§ VI and VII, Ord. 641-C.S., eff. May 8, 1996)

Sec. 9-4.1002. Development regulations.

Development regulations in the C-1 District shall be as follows:

- (a) Minimum building site: 5,000 square feet;
- (b) Minimum lot dimensions: fifty (50') foot width;
- (c) Setbacks: none, unless established by the site development permit;
- (d) Minimum landscape area: ten (10%) percent;
- (e) Maximum height: thirty-five (35') feet;
- (f) Parking: as set forth in Article 28 of this chapter;
- (g) Permits for site development: as set forth in Article 32 of this chapter;
- (h) All uses shall be conducted entirely within an enclosed structure, except as otherwise provided in Article 23 of this chapter;
- (i) A use permit shall be required for all new construction projects abutting an R District. A use permit may be required for any change of use when the site abuts an R District. The use permit determination process described below may be utilized for any change of use when a site abuts an R District if the use is a permitted use in the district and when hours are limited to 8:00 a.m. to 9:00 p.m. Within five (5) working days after the submittal of a written request for any new use set forth in this subsection, the Planning Administrator shall determine in writing whether a use permit shall be required. Such determination shall be based on an analysis of the compatibility of the proposed use with adjacent residential development, including, but not limited to, noise, traffic, circulation, odors, hours of operations, site design and improvements. In the event the Planning Administrator determines that no use permit is required, the decision shall be placed on the next Commission agenda as an administrative calendar item, and any two (2) Commissioners may request that a use permit be obtained. Existing individual shopping centers may apply for a use permit for a master list of uses permitted without further use permits; and
- (j) In the Coastal Zone, when a new use or a change of use is proposed, a use permit determination shall be required for all permitted uses other than visitor-serving commercial uses. The process for a use permit determination shall be as set forth in Section 9-4.1002(i). The determination of the Planning Administrator shall be based on an analysis of the balance of visitor-serving commercial uses with other commercial uses, and consistency with the individual neighborhood narratives and the plan conclusions and other relevant policies of the LCP Land Use Plan. The provisions of Section 9-4.4410 shall also apply. (§ II, Ord. 350-C.S., eff. November 10, 1982, as amended by § 3 Ord. 554-C.S., eff. June 13, 1990, and § III (B) and (C), Ord. 610-C.S., eff. March 16, 1994)

9-4.464

of the ordinance codified in this article and if the property owner requests legalization, the Commission may waive the parking and lot requirement standards. It shall be the applicant's responsibility to provide evidence that the inn was in existence prior to the date of adoption of the ordinance codified in this article. The waiver of the standards for illegal inns shall be discretionary, and such waiver shall depend on individual circumstances and the ability to make findings for approval.

(§ 1, Ord. 559-C.S., eff. November 7, 1990)

Article 5. R-2 Two-Family Residential District

Sec. 9-4.501. Permitted and conditional uses.

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

- (1) Single-family dwellings on parcels less than 5,800 square feet in area;
- (2) Two-family dwellings;
- (3) Accessory buildings and uses;
- (4) Child day care homes for twelve (12) children or less; and
- (5) Special care facilities for six (6) or fewer persons.

(b) *Conditional uses.* Conditional uses allowed in the R-2 District, subject to obtaining a use permit, shall be as follows:

- (1) Two-family dwelling groups (more than one main building);
- (2) Child care day homes for more than twelve (12) children and special care facilities for more than six (6) persons;
- (3) Conditional uses allowed in the R-1 District; and
- (4) Single-family dwellings on parcels larger than 5,800 square feet in area.

(§ 4.02, Ord. 363, as amended by § 2, Ord. 419, and § 1, Ord. 466; repealed by § I, Ord. 355-C.S., eff. December 8, 1982; reenacted by § II, said Ord. 355-C.S., as amended by § IV (A) and (B), Ord. 491-C.S., eff. October 28, 1987, and § 12, Ord. 538-C.S., eff. December 27, 1989)

Sec. 9-4.502. Development regulations.

Development regulations in the R-2 District shall be as follows:

- (a) Minimum building site area: 5,000 square feet;
- (b) Minimum lot area per dwelling unit: 2,900 square feet;
- (c) Minimum lot width: fifty (50') feet;
- (d) Required minimum setback: same as R-1 standards;

(e) Maximum height of structures: same as R-1 standards;

(f) Maximum lot coverage by all structures: fifty (50%) percent;

(g) Minimum landscaped area: twenty (20%) percent;

(h) In the case of conditional uses, additional regulations may be required;

(i) Parking: as set forth in Article 28 of this chapter; and

(j) Permits for site development: as set forth in Article 32 of this chapter.

(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § 2, Ord. 405-C.S., eff. May 23, 1984)

Article 6. R-3 Multiple-Family Residential District

Sec. 9-4.601. Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-3 District:

- (1) Duplexes and multiple-family dwellings;
- (2) Accessory buildings and uses;
- (3) Child day care homes for twelve (12) children or less; and
- (4) Special care facilities for six (6) or fewer persons.

(b) *Conditional uses.* Conditional uses allowed in the R-3 District, subject to obtaining a use permit, shall be as follows:

- (1) Single-family dwellings;
- (2) Rooming houses and boardinghouses;
- (3) Lodges, clubs, clubrooms, and dormitories;
- (4) (Repealed by § V (B), Ord. 491-C.S., eff. October 28, 1987)
- (5) Conditional uses as allowed in the R-1 and R-2 Districts; and
- (6) Coastal access.

(§ 4.03, Ord. 363, as amended by § 2, Ord. 419, § 2, Ord. 466, § 1, Ord. 474, §§ I and II, Ord. 355-C.S., eff. December 8, 1982, § 3, Ord. 405-C.S., eff. May 1984, and § V (A) and (B), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.602. Development regulations.

Development regulations in the R-3 District shall be as follows:

- (a) Minimum site area: 5,000 square feet;
- (b) Minimum lot area per dwelling unit: 2,075 square feet;
- (c) Minimum lot width: fifty (50') feet;
- (d) Minimum setbacks: same as R-1 standards;

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(e) Maximum height of structures: same as R-1 standards;

(f) Maximum lot coverage: sixty (60%) percent;

(g) Minimum landscaped area: twenty (20%) percent;

(h) Minimum usable open space: 400 square feet per unit;

(i) In the case of conditional uses, additional regulations may be required;

(j) Parking: as set forth in Article 28 of this chapter; and

(k) Permits for site development: as set forth in Article 32 of this chapter.

(§ II, Ord. 355-C.S., eff. December 8, 1982, as amended by § 4, Ord. 405-C.S., eff. May 23, 1984, and § 13, Ord. 538-C.S., eff. December 27, 1989)

Article 6.5. R-3/L.D. Multiple-Family Density Residential District

Sec. 9-4.651. Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-3/L.D. District:

(1) All uses permitted in the R-3 District.

(b) *Conditional uses.* Conditional uses allowed in the R-3/L.D. District, subject to obtaining a use permit, shall be as follows:

(1) Single-family dwellings;

(2) Clustered housing pursuant to Article 24 of this chapter;

(3) Child day care day homes for more than twelve (12) children and special care facilities for more than six (6) persons;

(4) Parks and playgrounds.

(§ 1, Ord. 541-C.S., eff. January 10, 1990)

Sec. 9-4.652. Development regulations.

Development regulations in the R-3/L.D. District shall be as follows:

(a) Minimum site area: 7,500 square feet;

(b) Minimum lot area per dwelling unit: 4,840 square feet;

(c) Minimum lot width: fifty (50) feet;

(d) Minimum setbacks: same as R-1 standards;

(e) Maximum height of structures: same as R-1 standards;

(f) Maximum lot coverage: fifty (50%) percent;

(g) Minimum landscaped area: twenty-five (25%) percent;

(h) Minimum usable open space: 450 square feet per unit;

(i) In the case of conditional uses, additional regulations may be required;

(j) Parking: as set forth in Article 28 of this chapter; and

(k) Permits for site development: as set forth in Article 32 of this chapter.

(§ 1, Ord. 541-C.S., eff. January 10, 1990)

Article 7. R-3-G Multiple-Family Residential Garden District*

* Article 7 entitled "Multiple-Family Residential District (R-3.1)", consisting of Section 9-4.701, codified from Ordinance No. 363, as amended by Ordinance Nos. 419, 466, and 474, repealed by Section I, Ordinance No. 355-C.S., effective December 8, 1982.

Sec. 9-4.701. Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-3-G District:

(1) All uses permitted in the R-3 District.

(b) *Conditional uses.* Conditional uses allowed in the R-3-G District, subject to obtaining a use permit, shall be as follows:

(1) All conditional uses in the R-3 District.

(§ II, Ord. 355-C.S., eff. December 8, 1982)

Sec. 9-4.702. Development regulations.

Development regulations in the R-3-G District shall be as follows:

(a) Minimum site area: 7,500 square feet;

(b) Minimum lot area per dwelling unit: 2,300 square feet;

(c) Minimum lot width: sixty (60) feet;

(d) Minimum setbacks: same as R-1 standards;

(e) Maximum height of structures: same as R-1 standards;

(f) Maximum lot coverage for all structures: fifty (50%) percent;

(g) Minimum landscaped area: twenty-five (25%) percent;

(h) Minimum usable open space: 450 square feet per unit;

(i) Maximum height of structures: same as R-1 standards;

(j) In the case of conditional uses, additional regulations may be required;

(k) Parking: as set forth in Article 28 of this chapter; and

(l) Permits for site development: as set forth in

