

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
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# Th9b

**Prepared March 26, 2021 for April 15, 2021 Hearing**

**To:** Commissioners and Interested Persons

**From:** Jeannine Manna, North Central Coast District Manager  
Julia Koppman Norton, Coastal Planner

**Subject: De Minimis Amendment Determination for City of Pacifica LCP  
Amendment Number LCP-2-PAC-20-0075-2 (Single Parcel Rezone)**

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### **City of Pacifica's Proposed Amendment**

The City of Pacifica is proposing to modify the Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to modify the land use and zoning designations for a vacant parcel on Salada Avenue (APN 016-050-400). The land use designation for the parcel on the West Sharp Park land use map (in the LUP) will be updated from medium density residential to high density residential and the zoning designation will be updated from R-2 (Two-Family Residential) to R-3 (Multiple-Family Residential) in the IP to reflect the land use changes. The parcel is currently nonconforming and substandard with regards to LCP standards for minimum lot area required per dwelling unit within the R-2 district (it is 2,250 square feet when 2,900 square feet is required per dwelling unit). The City believes that the R-3 designation is a better fit, because 2,250 square feet of lot area is required per dwelling unit in the R-3 district, which would allow the parcel to be conforming with respect to lot density, and would allow for one dwelling unit to be built on the site. Finally, although the proposed amendment would technically up-zone the single parcel from R-2 to R-3, the allowable residential density of the parcel would not be increased beyond one single allowable dwelling unit.

### **De Minimis LCP Amendment Determination**

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis" if the amendment meets the following three criteria:

1. The proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and it is consistent with Coastal Act Chapter 3.
2. The proposed amendment does not propose any change in use of land or water or allowable use of property.

3. The proposed amendment was properly noticed by the local government at least 21 days prior to submittal to the Commission (i.e., by posting notice on-site and off-site in the affected area, publishing notice in the local newspaper, and/or mailing notice to owners and occupants of affected and contiguous properties).

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the Executive Director's de minimis LCP amendment determination at that time, then the amendment is set for a future public hearing as a regular LCP amendment. If not, then the amendment is deemed approved and it becomes a certified part of the LCP ten days after the date it is reported to the Commission (in this case, it would be certified on April 25, 2021 in that scenario).

**The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis.**

### **De Minimis LCP Amendment Analysis**

Each of the de minimis criteria is discussed briefly below.

#### **1. No impact to coastal resources and consistency with Coastal Act Chapter 3**

Under the parcel's current land use and zoning designations, the residential lot does not meet the minimum size requirements to allow for the development of a dwelling unit. The proposed amendment would enable one dwelling unit to be built on the subject site in a manner consistent with the LCP density requirements and with the density of the existing surrounding neighborhood development. At this time it appears residential use of this property would not impact coastal resources, individually or cumulatively, as there is no evidence that development of a single-family residence would cause any impacts to public views, access, habitats, or other protected resources. Additionally, any future development on the site would be required to go through a CDP review process and be found consistent with LCP coastal resource protection policies, ensuring that any future allowed development would adequately protect coastal resources. Thus, the proposed amendment will not adversely affect coastal resources, it is consistent with Coastal Act Chapter 3, and it thus meets the first de minimis LCP amendment criterion.

#### **2. No change in use of land or allowable use of property**

The amendment does not change the residential designations that apply to this property, rather it only modifies the pre-requisites for such residential use in a way that would accommodate the same residential density as would be allowed currently. Thus, the amendment does not change the use or allowable use of this property, and it meets the second de minimis LCP amendment criterion.

#### **3. Provision of public notice**

The City provided public notice in advance of both the Planning Commission hearing (held on July 15, 2019) and the City Council hearing (held on September 9, 2019) where the proposed amendment was considered. For the Planning Commission hearing, a newspaper advertisement notice was printed on July 3, 2019 in the Pacifica Tribune. For the City Council hearing, a newspaper advertisement notice was printed on

August 28, 2019 in the Pacifica Tribune. In addition, the proposed text was sent through the Planning Commission and City Council email lists and was made available on the City's website for public inspection, all in advance of the City's hearings. The City received public comments that primarily addressed concerns with parking for the site. The amendment submittal was subsequently received by the Commission on November 9, 2020 (and filed as complete on March 17, 2021), over a year after being noticed locally. Therefore, the 21-day noticing requirement has been satisfied, and the proposed amendment meets the third and final de minimis LCP amendment criterion.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City exempted the proposed amendment from environmental review (citing CEQA Section 15303).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (14 CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects, individual or cumulative, that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Concurrence**

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 15, 2021 meeting to be held online as a virtual meeting and teleconference. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Julia Koppman Norton at the North Central Coast District Office in San Francisco by phone (at 415-904-5260) or email (at [julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)). If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by 5:00 pm on April 9, 2021.

### **Procedural Note – LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on March 17, 2021. It amends the LUP and IP and the 90-working day action deadline is July 26, 2021. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until July 26, 2021 to take a final action on this LCP amendment.

**Exhibit**

Exhibit 1 – Proposed LCP Map Changes