

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
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F7b

A-2-PAC-22-0031 (Pacifica Safe Parking Program – San Pedro Ave) August 12, 2022

EXHIBITS

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**LOCATION MAP – PACIFICA SAFE PARKING PROGRAM – SAN PEDRO AVE
CITY OF PACIFICA, SAN MATEO COUNTY**



**SITE PHOTOS – PACIFICA SAFE PARKING PROGRAM – SAN PEDRO AVE
CITY OF PACIFICA, SAN MATEO COUNTY**



OSV Permit Parking Spot Implementation - San Pedro Ave.

Summary

This is to get City road spots agreed upon by City Council ready for OSV parking. The elements are signage and pavement markings.

1. **Sign & Poles** – 2 signs (generally) denoting where the OSV spots are will be placed at each location, except otherwise said. One where the spot(s) begin and end.

Signs & Poles

Signs will be placed in front of expected parking areas. Poles to be 2" galvanized steel pipe, hardware to be tamper proof. New pole installation will be account of any possible ADA issues and place poles behind sidewalk when ROW exists.

Sample sign shown below. Pole and sign installation, per site plan layouts attached.



San Pedro

- 2 sign and pole installations





Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA
Planning, Building, and Code Enforcement
540 Crespi Drive • Pacifica, California 94044-3422
(650) 738-7341 • www.cityofpacifica.org

MAYOR
Mary Bier

MAYOR PRO TEM
Tygarjas Bigstyk

COUNCIL
Mike O'Neill
Sue Vaterlaus
Sue Beckmeyer

NOTICE OF FINAL LOCAL ACTION

California Coastal Commission
Attn: Julia Koppman Norton, District Supervisor
455 Market Street, Suite 228
San Francisco, CA 94105

June 8, 2022

VIA CERTIFIED MAIL

RE: Coastal Development Permit CDP-438-22 (File No. 2022-013), Safe Parking Program Spaces in Excess San Pedro Ave Right-of- Way

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and Pacifica Municipal Code Section 9-4.4304(n), this notice will serve to confirm that the City of Pacifica approved the above-referenced Coastal Development Permit, and to furnish the following additional information:

APPLICANT NAME/ADDRESS: Ryan Marquez, Associate Engineer, City of Pacifica Public Works Department, 151 Milagra Drive, Pacifica, CA 94044

PROJECT DESCRIPTION: Establish two on-street Safe Parking Program spaces, including minor right-of-way (ROW) improvements such as, signs and poles, and pavement markings in the right-of-way of San Pedro Avenue (north of 560 San Pedro Ave. APN 023-073-110) in Pacifica.

DECISION: The subject permit was approved by the Planning Commission of the City of Pacifica on May 16, 2022, based on the required findings contained and adopted in the resolution of approval.

APPEAL PROCEDURES: The appeals process may involve the following:

- LOCAL** ☒ The local appeal period ended on 5/26/2022 and no appeal was filed; or,
 ☐ The permit was appealed to and decided by the City Council, exhausting the local appeals process.
- STATE** ☒ The project IS within the Appeals Zone and the permit IS appealable to the State of California Coastal Commission if the appeal is made in writing to the Coastal Commission prior to the close of business on the 10th working day from the date of receipt of this notice by the Executive Director of the Commission. For additional information, contact the California Coastal Commission, 455 Market Street, Suite 228, San Francisco, CA 94105, (415) 904-5260; or,
 ☐ The project is NOT in the Appeals Zone and the permit is NOT appealable to the Coastal Commission.

Additional information may be obtained by contacting the Pacifica Planning Department at 540 Crespi Drive, Pacifica, CA 94044, (650) 738-7341, or permittech@pacifica.gov.

Christian Murdock
Acting Planning Director

Attachments: ☒ Resolution of Approval with conditions ☒ Staff Report(s) ☒ Meeting Minutes ☒ Project Plans

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Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: May 16, 2022

FILE: CDP-438-22

ITEM: 3

PUBLIC NOTICE: Notice of Public Hearing was published Pacifica Tribune on May 4, 2022, and mailed to approximately 50 surrounding property owners and occupants and posted in three locations in the vicinity of the project site.

APPLICANT: Ryan Marquez, Associate Engineer
City of Pacifica, Department of Public Works
151 Milagra Drive
Pacifica, CA 94044

PROJECT LOCATION: Excess San Pedro Avenue public right-of-way (ROW) located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110) - Pedro Point – Shelter Cove

PROJECT DESCRIPTION: File No. 2022-013 - Establish two Temporary Safe Parking Program (Program) parking spaces (each 30' by 10'). The parking spaces would be reserved for use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time. Improvements include installation of signage to denote location of the Program parking spaces.

SITE DESIGNATIONS: General Plan/Local Coastal Land Use Plan: N/A (Public right-of-way)
Zoning: C-Z (Coastal Zone Combining District)

RECOMMENDED CEQA STATUS: Class 1 Categorical Exemption, CEQA Guidelines Section 15301 "Existing Facilities"; Class 4 Categorical Exemption, CEQA Guidelines Section 15304 "Minor Alterations to Land"; and "Common Sense" exception, CEQA Guidelines Section 15061(b)(3).

ADDITIONAL REQUIRED APPROVALS: None. Subject to appeal to the City Council and the California Coastal Commission.

RECOMMENDED ACTION: Approve as conditioned.

PREPARED BY: Bonny O'Connor, AICP, Senior Planner

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PROJECT SUMMARY, RECOMMENDATION, AND FINDINGS

1. Project Background

On February 28, 2022, the City of Pacifica City Council adopted Resolution No. 12-2022 to approve a three-year Temporary Safe Parking Program (Program) in the City of Pacifica which provides up to 13 parking spaces for exclusive use by Program participants living in an operational recreational vehicle, trailer or motorhome with operating toilet facilities¹. The Program would allow temporary parking of such vehicles for a limited period of time in designated spaces approved by the City Council while Program participants seek permanent housing solutions². The resolution also authorized the City Manager to execute the Operations Agreement between the City of Pacifica and the Pacifica Resource Center (PRC), which details the terms, provisions, and obligations of the PRC and City to implement the Program. The City Council also adopted Ordinance No. 873-C.S. adding a new PMC Section 4-7.1207, which, among other things, specifies various parameters for the use of Regular, Provisional, and Short-Term Permits under the Program and amended PMC Section 5-2.03 to create an exemption from the City's 72-hour parking limitation for vehicles displaying either a valid Regular Permit or Provisional Permit under the Program.

The Program includes the establishment of two Program parking spaces (each 30' by 10') on excess San Pedro Avenue public right-of-way (ROW) located approximately 100 feet north of the Ace Hardware structure at 560 San Pedro Avenue (APN 023-073-110). Two pole signs will be installed to designate the area of public ROW being reserved for the Program parking spaces.

Program parking space locations both within and outside of the coastal zone include:

Location	Number of Spaces
West side of Oceana Boulevard, across from City of Pacifica Public Works Dept. at 151 Milagra Avenue	4
South side of Milagra Drive, across from City of Pacifica Public Works Dept. at 151 Milagra Avenue	1
East side of Lundy Way, north of Rifle Range Road	3
West side of Francisco Boulevard adjacent to North Coast County Water District at 2400 Francisco Boulevard ³	1
West side of Bradford Way near the Sharp Park Golf Course ⁴	2
<i>San Pedro Avenue in the dirt ROW in front of ACE Hardware (Project site)</i>	2

¹ The City Council approved the location of the Program parking spaces as part of the approval of a Settlement Agreement between the City of Pacifica and Plaintiffs, Sean Geary, Linda Miles, Jared Carr, Harry Bode, and Stephen Sanders on November 8, 2021 ([Pacifica City Council Resolution No. 72-2021](#))

² [Pacifica City Council Resolution No. 12-2022](#).

³ File No. 2022-012, Coastal Development Permit CDP-437-22

⁴ File No. 2022-014, Coastal Development Permit CDP-439-22

2. Project Description

The Project includes reserving two side-by-side parking spaces, each 30' by 10', within public ROW for exclusive use of Program participants for a period of three years. The City will install two pole signs adjacent to the Program parking spaces. An example of the proposed 12" by 18" signs is shown in Attachment B.

3. General Plan, Local Coastal Land Use Plan, Zoning, and Surrounding Land Uses

The Project site is not designated by the General Plan or Local Coastal Land Use Plan as the entire Project would occur within City of Pacifica ROW (Attachment C). The Project is located in the appeal zone of the Coastal Zone. The Pedro Point Shopping Center is located to the west of the Project, State Route 1 is located to the north and east of the Project, and Ace Hardware is located to the south of the Project.

4. Municipal Code and Other Development Regulations

The establishment of the Program parking spaces and implementation of the improvements⁵ in the Coastal Zone meets the definition of "development" per Pacifica Municipal Code (PMC) sec. 9-4.4302(z). Development in the Coastal Zone requires issuance of a Coastal Development Permit per PMC sec. 9-4.4303(a).

5. Required Findings

Coastal Development Permit CDP-438-22 – The Planning Commission shall grant a coastal development permit only when all of the following findings are made:

- 1) *The proposed development is in conformity with the City's certified Local Coastal Program.***

Discussion: The City's certified Local Coastal Program (LCP) includes the 1980 Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. Applicable policies and references in the City's LCLUP are discussed further below:

Coastal Act Policy No. 2: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.

⁵ Proposed signs are exempted from a sign permit per Pacifica Municipal Code (PMC) sec. 9-4.2904(s).

Finding: The Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. The excess public ROW is partially paved and is informally used for parking during times of high coastal visitation, but is not a formal parking lot. Therefore, the use of the Program parking spaces will not impact the availability of established parking spaces and will not impact the public's right of access to the sea.

Coastal Act Policy No. 3: *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.*

Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. Therefore, the use of the Program parking spaces and the signage will not impact on the public access to the shoreline and along the coast.

Coastal Act Policy No. 5: *Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]*

Finding: The Program parking spaces will provide a low cost temporary housing opportunity for Program participants for a limited period of time while participants in the Program seek permanent housing solutions. Therefore, the Project would encourage and provide housing opportunities for persons of low and moderate income.

Page C-104 of LCLUP: *New development within the viewshed shall not destruct the views to the sea from public roads, trails and vista points. [...]*

Finding: The public views to the ocean from State Route 1 would not be impacted due to the highway being elevated above the Program parking spaces. Additionally, existing development located west of the Program parking spaces partially block views to the ocean from State Route 1. Due to the increased elevation of the Coastal Trail east of the Program parking spaces and the visual disruption of existing development west of the Program parking spaces, the Project would not destruct the views to the sea from a trail. No vista points occur in the area. Therefore, the Project would not destruct the views to the sea from public roads, trails, and vista points.

Page C-106 of LCLUP: Design review shall be required of all new development that is subject to discretionary review in the Coastal Appeals Zone to the shoreline. To assure attractive, appropriate development that is compatible yet subordinate to its shoreline topography, factors such as architectural style, scale, site use, materials, signing, lighting and landscaping shall be considered.

Finding: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- Ensure at least a minimum standard of design through the application of consistent policies.
- Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- Provide a framework for review and evaluation of design proposals.
- Implement applicable General Plan and Local Coastal Plan goals and policies.
- Expedite and facilitate the planning permit process.
- Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

Due to the location of the Project in the public ROW, the minimal physical changes to the existing environment anticipated from the Project, and the temporary nature of the Project, many of the guidelines are not applicable to the Project. In staff's assessment, as conditioned, the Project is consistent with applicable City adopted Design Guidelines as discussed below (Design Guidelines guidance followed by staff discussion):

Infill Development, Neighborhood Compatibility

(c) A design which has the potential to negatively impact a neighbor's view, sunlight, and/or privacy, should be avoided.

Finding: The Program parking spaces are located between San Pedro Shopping Center and State Route 1. No residential properties are located adjacent to the Project. The Project will have no impact on a neighbor's view, sunlight, and/or privacy.

Coastal Development, Access

(a) Public access from the nearest public roadway to the shoreline and along the coast should be provided in the new development except as otherwise specified in the City's adopted Local Coastal Program Land Use Plan. [...]

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coast access from the street. Therefore, the use of the Program parking spaces or the signage will not impact on the public physical access to the sea.

Additionally, the City's certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As noted above, the Project site is not located within an underlying zoning district. However, it is located within the C-Z combining district and is subject to the supplementary standards contained in PMC Title 9, Chapter 4, Article 44 applicable to development in the Coastal Zone. Because of the nature of the activity involved with parking of Program vehicles in designated spaces on excess public ROW, the Program would not conflict with the habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations. Therefore, the Project would be in conformity with the City's IP component of the certified LCP.

For all the reasons provided above, the Project is in conformity with the City's certified Local Coastal Program.

2) Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Discussion: The Project site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

6. CEQA Recommendation

Staff analysis of the proposed Project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The Project qualifies for Class 1 and 4 exemptions under CEQA Guidelines Sections 15301 and 15304 and the "Common Sense" exception, CEQA Guidelines Section 15061(b)(3), as described below:

15301. *"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types*

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of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. [...]”

The Project includes reserving two 30' by 10' parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The proposed use is a negligible expansion of the existing use.

15304. *“Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:
 [...]”*

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;”

The Project includes reserving two 30' by 10' parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs are minor alterations and do not involve removal of healthy, mature scenic trees.

Additionally, none of the exceptions applicable to a Class 1 and 4 exemptions in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): This exception does not apply to the Class 1 exemption. Furthermore, there is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for Class 1 and Class 11 exemptions and none of the exceptions to applying Class 1 and 11 exemptions in Section 15300.2 of the CEQA Guidelines apply;

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 Temporary Safe Parking Program CDP - San Pedro Ave.
 May 16, 2022
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therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

Additionally, CEQA Guidelines Section 15061(b)(3) states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs are minor alterations to the existing environment. It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

7. Staff Analysis

The Project, as conditioned, would meet the necessary findings for approval of a Coastal Development Permit and would support the Program approved by City Council.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission **FINDS** the Project is exempt from the California Environmental Quality Act; **APPROVES** Coastal Development Permit CDP-438-22 by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution; and, incorporates all maps and testimony into the record by reference.

ATTACHMENT LIST:

Attachment A - Draft Resolution - San Pedro Ave	(DOCX)
Attachment B - Permit Parking Spots Scope - San Pedro Ave	(PDF)
Attachment C - Land Use and Zoning Exhibit - San Pedro Ave	(DOCX)

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-438-22 (FILE NO. 2022-013), SUBJECT TO CONDITIONS, TO ESTABLISH TWO TEMPORARY SAFE PARKING PROGRAM PARKING SPACES (EACH 30 FEET BY 10 FEET) ON EXCESS SAN PEDRO AVENUE PUBLIC RIGHT-OF-WAY EAST OF SAN PEDRO AVENUE LOCATED APPROXIMATELY 100 FEET NORTH OF THE ACE HARDWARE BUILDING AT 560 SAN PEDRO AVENUE (APN 023-073-110) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica (Applicant)

WHEREAS, on February 28, 2022, the City of Pacifica City Council adopted Resolution No. 12-2022 to approve a three-year Temporary Safe Parking Program (“Program”) in the City of Pacifica which provides up to 13 parking spaces for Program participants living in an operational recreational vehicle, trailer or motorhome with operating toileting facilities a temporary parking space for a limited period of time while participants try to find permanent housing solutions; and

WHEREAS, the Program includes the establishment of two side-by-side Program parking spaces (each 30’ by 10’) on excess San Pedro Avenue public right-of-way (ROW) located approximately 100’ north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110). Two pole signs will be installed to designate the area of public ROW being reserved for the Program parking spaces (File No. 2022-013)(“Project”); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that the Project constitutes “development,” as defined in PMC Section 9-4.4302(z)(7), and the Project does not qualify as a category of excluded development; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 16, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for Class 1 and 4 exemptions under CEQA Guidelines Sections 15301 and 15304 and the “Common Sense” exception, CEQA Guidelines Section 15061(b)(3), as described below:

15301. *“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or*

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Attachment: Attachment A - Draft Resolution - San Pedro Ave (4988 : Temporary Safe Parking Program CDP - San Pedro Ave.)

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Coastal Development Permit CDP-438-22
Safe Parking Program – San Pedro Avenue

former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. [...]”

The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The proposed use is a negligible expansion of the existing use.

15304. *“Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to: [...]*

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;”

The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs are minor alterations and do not involve removal of healthy, mature scenic trees.

Additionally, none of the exceptions applicable to a Class 1 and 4 exemptions in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): This exception does not apply to the Class 1 exemption. Furthermore, there is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for Class 1 and Class 11 exemptions and none of the exceptions to applying Class 1 and 11 exemptions in Section 15300.2 of the CEQA Guidelines apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

Additionally, CEQA Guidelines Section 15061(b)(3) states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of

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two pole signs are minor alterations to the existing environment. It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-438-22 as required by PMC section 9-4.4304(k):

1) *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: The City's certified Local Coastal Program (LCP) includes the 1980 Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. Applicable policies and references in the City's LCLUP are discussed further below:

Coastal Act Policy No. 2: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.

Finding: The Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. The excess public ROW is partially paved and is informally used for parking during times of high coastal visitation, but is not a formal parking lot. Therefore, the use of the Program parking spaces will not impact the availability of established parking spaces and will not impact the public's right of access to the sea.

Coastal Act Policy No. 3: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.

Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. Therefore, the use of the Program parking spaces and the signage will not impact on the public access to the shoreline and along the coast.

Coastal Act Policy No. 5: Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]

Finding: The Program parking spaces will provide a low cost temporary housing opportunity for Program participants for a limited period of time while participants in the Program seek permanent housing solutions. Therefore, the Project would encourage and provide housing opportunities for persons of low and moderate income.

Page C-104 of LCLUP: *New development within the viewshed shall not destruct the views to the sea from public roads, trails and vista points. [...]*

Finding: The public views to the ocean from State Route 1 would not be impacted due to the highway being elevated above the Program parking spaces. Additionally, existing development located west of the Program parking spaces partially block views to the ocean from State Route 1. Due to the increased elevation of the Coastal Trail east of the Program parking spaces and the visual disruption of existing development west of the Program parking spaces, the Project would not destruct the views to the sea from a trail. No vista points occur in the area. Therefore, the Project would not destruct the views to the sea from public roads, trails, and vista points.

Page C-106 of LCLUP: *Design review shall be required of all new development that is subject to discretionary review in the Coastal Appeals Zone to the shoreline. To assure attractive, appropriate development that is compatible yet subordinate to its shoreline topography, factors such as architectural style, scale, site use, materials, signing, lighting and landscaping shall be considered.*

Finding: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- a. Ensure at least a minimum standard of design through the application of consistent policies.
- b. Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- c. Provide a framework for review and evaluation of design proposals.
- d. Implement applicable General Plan and Local Coastal Plan goals and policies.
- e. Expedite and facilitate the planning permit process.
- f. Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

Due to the location of the Project in the public ROW, the minimal physical changes to the existing environment anticipated from the Project, and the temporary nature of the Project, many of the guidelines are not applicable to the Project. The Project is consistent with applicable City adopted Design Guidelines as discussed below:

Infill Development, Neighborhood Compatibility

(c) A design which has the potential to negatively impact a neighbor's view, sunlight, and/or privacy, should be avoided.

Finding: The Program parking spaces are located between San Pedro Shopping Center and State Route 1. No residential properties are located adjacent to the Project. The Project will have no impact on a neighbor's view, sunlight, and/or privacy. **A-2-PAC-22-0031**

Exhibit 4

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Packet Pg. 41

Coastal Development, Access

(a) Public access from the nearest public roadway to the shoreline and along the coast should be provided in the new development except as otherwise specified in the City's adopted Local Coastal Program Land Use Plan. [...]

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coast access from the street. Therefore, the use of the Program parking spaces or the signage will not impact on the public physical access to the sea.

Additionally, the City's certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As noted above, the Project site is not located within an underlying zoning district. However, it is located within the C-Z combining district and is subject to the supplementary standards contained in PMC Title 9, Chapter 4, Article 44 applicable to development in the Coastal Zone. Because of the nature of the activity involved with parking of Program vehicles in designated spaces on excess public ROW, the Program would not conflict with the habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations. Therefore, the Project would be in conformity with the City's IP component of the certified LCP.

For all the reasons provided above, the Project is in conformity with the City's certified Local Coastal Program.

2) Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Discussion: The Project site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-438-22 to establish two side-by-side Program parking spaces (each 30' by 10') and improvements on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

File No. 2022-013
 Coastal Development Permit CDP-438-22
 Safe Parking Program – San Pedro Avenue

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of May 2022.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

 Lauren Berman, Chair

ATTEST:

APPROVED AS TO FORM:

 Christian Murdock, Acting Planning Director

 Michelle Kenyon, City Attorney

Attachment: Attachment A - Draft Resolution - San Pedro Ave (4988 : Temporary Safe Parking Program CDP - San Pedro Ave.)

Exhibit A

Conditions of Approval: File No. 2022-013 – Coastal Development Permit CDP-438-22, to establish on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110).

Planning Commission Meeting of May 16, 2022**Planning Division of the Planning Department**

1. Development shall be substantially in accord with the plans entitled “OSV Permit Parking Spot Implementation – San Pedro Ave.” included as Attachment B of the May 16, 2022 Planning Commission staff report, except as modified by the following conditions.
2. The term of this approval shall be limited to the period of effectiveness of the Temporary Safe Parking Program approved by the City of Pacifica City Council in Resolution No. 12-2022. This approval shall have no further force or effect upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
3. The City of Pacifica shall remove associated signage and pavement markings upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
4. All vehicles and occupants of the spaces authorized in this approval shall comply with the terms, conditions, and other requirements of the Temporary Safe Parking Program, including but not limited to the Code of Conduct.

END

Attachment: Attachment A - Draft Resolution - San Pedro Ave (4988 : Temporary Safe Parking Program CDP - San Pedro Ave.)

OSV Permit Parking Spot Implementation - San Pedro Ave.

Summary

This is to get City road spots agreed upon by City Council ready for OSV parking. The elements are signage and pavement markings.

1. **Sign & Poles** – 2 signs (generally) denoting where the OSV spots are will be placed at each location, except otherwise said. One where the spot(s) begin and end.

Signs & Poles

Signs will be placed in front of expected parking areas. Poles to be 2" galvanized steel pipe, hardware to be tamper proof. New pole installation will be account of any possible ADA issues and place poles behind sidewalk when ROW exists.

Sample sign shown below. Pole and sign installation, per site plan layouts attached.



San Pedro

- 2 sign and pole installations



Land Use & Zoning Exhibit

City of Pacifica Planning Department

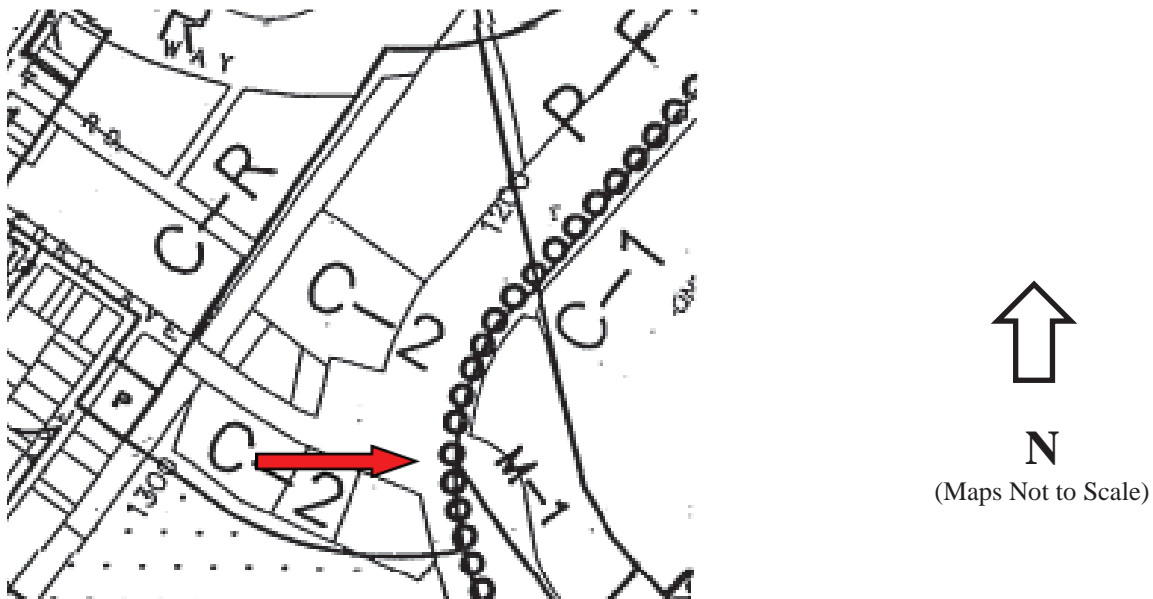
General Plan / Local Coastal Land Use Plan (1980) Diagram

Neighborhood: Pedro Point – Shelter Cove
Land Use Designation: N/A



Zoning Map Diagram

Zoning District: C-Z (Coastal Zoning Combining District)



3. CDP-438-22

File No. 2022-013 – Coastal Development Permit CDP-438-22
to establish two Temporary Safe Parking Program (Program) parking spaces (each 30' by 10'). The parking spaces would be reserved for use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time on access of San Pedro Avenue public right-of-way (ROW) located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110). Recommended CEQA Action: Class 1 and Class 4 Categorical Exemptions, CEQA Guidelines Sections 15301 and 15304 and "Common Sense" exception, CEQA Guidelines Section 15061(b)(3).

Sr. Planner O'Connor presented the staff report. She stated that PW Dep. Director Bautista was present as the applicant, Police Chief Steidle was present, and Executive Director Rees of PRC was available by phone to answer questions regarding the operation of the temporary safe parking program.

Acting Planning Director Murdock noted that the city received a written public comment after publication of the agenda packet on this location and they have provided it to the Commissioners as well as on the Planning Commission website and the back of the Council Chambers.

Chair Berman stated that, before she opens up for questions by the Commission and given that they asked a lot of questions on the last hearing item which probably apply to some questions they have with this item, she would like to ask Acting Planning Director Murdock to remind her if they have to do anything specific to state those back for the record on this item.

Acting Planning Director Murdock referred to his comment at the start of the last public hearing, each of these public hearings are distinct from one another and the record of each item is independent of the other. If there are key questions or points that the Commission wants on the record for this particular public hearing, they will need to make those points, but they can make them briefly such as "as further elaborated..." making some reference to the prior consideration but they will need to address those points in the record if they are germane to this particular item.

Chair Berman thanked him for the information and opened it up for questions.

Vice Chair Hauser stated that, based on the last hearing, she would like to clarify at this hearing that there are 13 spaces that Council has approved and the two that are the subject of this hearing require coastal development permit and, as part of the Municipal Code procedure, this has to come to the Planning Commission but these are previously determined spots as proposed by Council and staff can confirm that there is a lawsuit where this decision has to be made by May 29 in order to protect the city's liability interests.

Asst. City Attorney Sharma stated that she was correct, clarifying that pursuant a lawsuit, Gary vs the City of Pacifica, they have the obligation to approve 13 spaces and five of them are before the Planning Commission for the coastal development permitting process.

Vice Chair Hauser thanked her for that clarification, and she also stated, for the record, that she asked staff previously if the location would have any effect on the existing trees and she was told that they did not have an effect.

Commissioner Ferguson stated that, as this was a pro forma vote, with the city's local coastal program, local coastal act Policy No. 5, it states that lower cost visitor and recreational facilities and opportunities shall be protected. He stated that this is a parking lot that is full every single weekend with recreational uses. He stated that his favorite hiking spot in Pacifica is Pedro Point Headlands and the preferable parking spot is at the entrance to Devil's Slide, which is almost always full if you aren't there by 9:00 or 10:00 in the morning and the only other decent access point is the spots that they are talking about. He clarified that they were not creating just two spots, and the effect of this would be a permanent RV parking and they will attract other similar users and they will also have other vehicles that they are going to park around their OSVs. He stated that it is not just two spots, but it is more than that and he thought they will be in violation of that. He then referred to Section 30223 of the California Coastal Act talks about upland areas necessary to support coastal recreation and should be reserved for such uses, and he thought they were also in violation of that.

Acting Planning Director Murdock stated that, with respect to Policy No. 5 that he referenced, there was more than one component in that policy. He articulated his thoughts on the lower cost visitor and recreational facilities component, and there was a separate and equally important component, i.e., in housing opportunities for persons of low and moderate income shall be protected, encouraged and, where feasible, provided, and it goes on from there. He stated that there are multiple factors to balance, and it was helpful with his balancing of those factors, adding that the commissioners may want to articulate their balancing of those factors as well.

Commissioner Domurat concurred with the previous comments as he has also parked there to make use of San Pedro Mountain hiking. He stated that it is a very helter-skelter area and there is no rhyme or reason in how people park there and it becomes an issue. He stated that maybe, on another day and time, the city can look at formalizing some other kind of parking spaces to maximize that use. He stated that those are unimproved spaces that they are looking at and there will be some level of improvement that would define what that space looks like and where that is, and he asked if it was crushed rock and would have the signage so people know that those spots are definitely designated as the RV parking area.

Senior Planning O'Connor stated that she will PW Dep. Director Bautista respond.

PW Dep. Director Bautista stated that he was correct that there will be signage installed at the two spaces to delineate the area, and the two signs that they will use for the markings for those two spaces.

Commissioner Domurat asked if there would be some level of site prep for the road top, i.e., will it be crushed rock as it is dirt now.

PW Dep. Director Bautista stated that they have to work to see what kind of improvements to actually mark it.

Commissioner Wright stated that he goes to that hardware store quite a bit and drive by that parking lot almost every weekend and see that it is also full and he concurred with Commissioner Ferguson on his opinion on the violation of the policy. He asked, as a potential way to mitigate some of that concern, if it was possible to make those dirt spaces a no overnight parking zone to

have people who bring those additional cars be forced their cars in another location to increase the chances of availability for the general public who do want to utilize those trails.

PW Dep. Director Bautista stated that they would have to delineate the RVs correctly and then create signage to make sure there is no overnight parking such as the south side where the RV is parking as that would have to be signed correctly and the areas where they don't want overnight parking needs to be clearly marked and enforced by the police.

Commissioner Wright concluded that it is possible.

PW Dep. Director Bautista responded affirmatively.

Commissioner Leal stated that he reread the resolution Council made in terms of the 13 parking places, particularly to this area, and asked PW Dep. Director Bautista why these two spaces were chosen in this lot as opposed to other areas within the dirt lot, such as what was the benefit for these spots over other spots in the same area.

PW Dep. Director Bautista stated that he wasn't privy to the location of the spots, but he thought it was because they were closer to the trees and it was a more logical place to put the spots. He stated that, if it was possible to move them around, he thought for the settlement agreement they need to provide two spaces at that spot. He didn't know the context if they were the concrete locations.

Commissioner Leal stated that he asked because the two locations look to be directly uphill from appears to be city wastewater infrastructure and he realized there was probably going to be a skinny metal pole designating the signs but he was thinking of protecting the city infrastructure and, in the event that the spaces are what appears to be a slight upgrade from the infrastructure and there is a vehicle malfunction or loss of brakes, these vehicles are substantially larger than private vehicles and could potentially cause damage to the city infrastructure. He assumed the vehicles would be insured and registered and be handled by the RV owner's insurance, but he thought that was a risk, given the settlement, location and options they have in the parking lot, and he thought they may be able to avoid, given timing of when the spaces need to be approved and the options they may have in front of them to change the two locations and where their flexibility is to choose two different locations within this dirt lot. He didn't know what they were but he wanted to raise that in terms of context to existing city infrastructure. Given that these were the spots designated for two spots per the agreement and he didn't know what options they have as he thought perhaps there were additional spots to consider or if there is context as to why these two are the best ones, he would like to hear that.

Acting Planning Director Murdock stated that they believe there is flexibility within the confines of that overall dirt lot parking area to identify the two spaces and he thought staff has identified some preferred locations but it is within the Commission's discretion within that focused area to consider alternate locations as well.

Commissioner Godwin thought it would be good if they could extend the length of the spots so they were about 50 feet long if possible, and the other issue when you stay in an RV and most of the stuff is propane driven, if they are tilted at a slight angle, the appliances do not work well or at all. He thought it was important that, if you have a bobcat and these things are level and maybe put down some crushed stone so it is easy to use. He stay that they sell leveling blocks for RVs

but if the ground has a sufficient slope, they are challenging to put in and get it right so all the appliances work. He encouraged them to do that as he thought it would save a lot of pain.

Vice Chair Hauser stated that, if it pleases the chair or the Commission, if there are any members of the public online, they have probably been waiting and she thought it would be helpful to hear any input they may have, so she asked if it was okay for them to continue their questions and deliberations after the public hearing.

Chair Berman was fine with following the typical process and give an opportunity to the applicant to speak. She asked if there was any Commission opposition, and concluded there was none. She asked the applicant if he would like to say anything.

PW Dep. Director Bautista stated he has nothing further and will just answer questions.

Chair Berman opened the Public Hearing and, seeing no one in the audience, asked if anyone has called in.

Senior Planner O'Connor stated that the only member they have on the phone is Director Rees.

Chair Berman assumed she did not have a public comment and she closed the Public Hearing. She thanked Vice Chair Hauser as she thought it was beneficial in case someone was on the phone. She asked if anyone had any questions or comments as they were in the deliberation portion. She stated that it sounded like they have it in their purview to work with different locations within the parking lot and she wondered if it was possible to designate the two spots further west so they can be pull through spots and then installing a mountable curb or rubber ramp in the gutter to allow the vehicle to pull forward rather than trying to back up in the very tiny parking lot.

Commissioner Wright asked if there were grade considerations for that.

Chair Berman stated that there is some slope towards the right-of-way and she wasn't an oversize vehicle owner, but in her personal opinion, she thought it was doable.

Commissioner Wright asked, if they do that, if they can make a requirement that they have to chalk their wheels if they are going to be parked on that incline.

Chair Berman thought that may relate to what Commissioner Leal was bringing if there is brake failure.

Commissioner Godwin stated that, in order to have the appliances work, you have to have a level RV so a leveling block would be put under the thing you pull the tires up on top of a set of leveling blocks so a vehicle on a slope like that would have to be chocked almost to make it functional.

Commissioner Wright asked if there was no way you could roll out into the street.

Commissioner Godwin stated that it is like a ramp when you work on your car. You pull it up a couple of feet and it just sits there so you can get under to get to the oil filter, etc., and it is kind of

an arrangement where it is sloped on one side and flat on the top so you pull up the slope side and then the wheel sits on the flat part or maybe in a depression and it is safer than a chalk.

PW Dep. Director Bautista stated that, looking at the grade, it might not be possible to do that. He stated that there is a grade there and then there is a curb and to do a drive through type of scenario, that may not be possible. He stated that, if you did it the other way, you would be driving from the right-of-way to private property and then back out and we would not do that.

Chair Berman asked if it was possible to replace it with a mountable curb or a 3-inch curb. She stated that she has parked on a parking lot with a SUV and it can be hard to maneuver.

PW Dep. Director Bautista stated that he was looking at the 2D picture but it looks like there is a definite grade, and thought it is possible that they can look at it and it might be a visual he is not seeing in the picture.

Chair Berman stated that she would like that as she couldn't imagine trying to back out of a spot in a 30+ foot vehicle. She stated that, for this item, it would be no more than 30 feet and they might need to reconsider. She would appreciate looking at the feasibility of making the spot a pull-through spot.

Commissioner Ferguson asked if staff or PW can confirm if this is a sanitary sewer pumping station that is right in front of the proposed spots.

PW Dep. Director Bautista thought it was a water pump station.

Commissioner Ferguson asked if drinking water or storm water.

PW Dep. Director Bautista stated that it is North Coast County.

Commissioner Ferguson asked if they have an easement.

PW Dep. Director Bautista stated that it is their lot or it might be state land.

Commissioner Ferguson asked if any study was conducted as to the underground utilities as they are sizeable pipes if they are talking about draining water about the traffic rating of putting large vehicles directly on top of them and where they might pass underneath. He asked if they can confirm that it has been looked at.

PW Dep. Director Bautista thought, because it is a pump station, they are probably deep enough.

Commissioner Ferguson stated that they free air in front of the parking spot.

PW Dep. Director Bautista stated he didn't have the plans to see how these lines run and that would be a consideration.

Commissioner Ferguson stated that, as they have no discretion to postpone or not approve this, he thought it was a bit of a red flag that there is critical infrastructure directly underneath something they are proposing to put heavy vehicles. He stated that, if this were any other type of hearing, he

wouldn't even consider moving forward without knowing that had been vetted out and he thought it was a little concerning that they don't have any confirmation either.

Acting Planning Director Murdock thought it was an item that they could consider as condition of approval in the event that technical check did not pan out and the space could not be operated. He thought it was reasonable to consider, if the will of the Commission to do that. He stated that they can help with that language for a potential condition.

Commissioner Ferguson thought, if it just means moving to a different space within the lot as they discussed earlier, further away from the critical infrastructure, wherever that might be.

Acting Planning Director Murdock stated that he didn't know how the facility was designed but perhaps a condition in any instance to make sure that it is not going to adversely impact the infrastructure could be something the Commission considers.

Commissioner Ferguson stated that bollards to make it so it doesn't become a de facto drive through spot. He stated that, if those can't sustain being driven over by RVs, and people drive straight out of that spot as it is now as he has done it. He stated that there is nothing that says you can't do that. He stated that, if it is something that can't handle that, as he doubt it was engineered to be driven over by recreational vehicles and he thought they should put in the planning in advance to make sure it doesn't create problems. He stated that he didn't know if anyone noticed but they broke a 24-inch water main on Sloat Blvd., for basically doing that same thing in the city and it eroded all of Stern Grove, thus it does happen.

Vice Chair Hauser stated she would be in support of adding conditions for the traffic reading, as well as conditions pertaining to making sure they are not using North Coast County Water District's property without discussion. She would also be in favor of a condition that gives engineering staff the leeway to decide what the safest and most unencumbered space within the area would be. She would love for the Commission to weigh in. She thinks the questions they are asking seem to be really important feasibility questions and, given that this is happening quickly, she was concerned that there may be an analysis where they are not thinking to ask the question, such as if Commissioner Ferguson hadn't asked if the traffic graded for infrastructure, she wouldn't have thought of that. She wondered if they would be in favor of adding a general condition that prescribes that, at staff level, they will do a full safety analysis to make sure that there aren't any other kind of infrastructure to make sure all the items are captured before it is actually implemented, but they don't slow them down.

Chair Berman wondered if the applicant is capable of running such a study in the timeframe we have. She knew it wouldn't come back to Commission but whenever the stalls need to be implemented, and she also wondered if a general condition can be applied without any concern in being too general.

PW Dep. Director Bautista stated she was correct, and they could diligently look at the as-builts in the area and make sure they avoid any critical infrastructure.

Vice Chair Hauser asked if they could USA as well and maybe if there is something that seems concerning then pothole. She stated only if it seems concerning as she didn't want to spend a bunch of money on potholes.

PW Dep. Director Bautista stated that it was difficult as they are going to be drilling a hole and they will do the USA for standard purposes.

Chair Berman suggested they circle back to her other question.

Commissioner Godwin thought it would be safer if they parked the RVs perpendicular to the way they are at and rotate them 90 degrees and use the access. He knew it would take out more parking spots in the parking lot, but it would certainly get them away from the infrastructure and it looks a lot flatter to him from going to Ace Hardware and looking at the lot in real life. He reiterated that you rotate them 90 degrees and make them pull in a sport, maybe put in a turning circle at the far end where the parking lot dead ends.

Commissioner Wright stated he would also be concerned about making sure that whatever vehicle is parked there do pull as far forward as possible to allow the use of the other spaces and not encumber those other spaces. He trusted staff to make the appropriate decision if they need to relocate it in that dirt as to put it in the proper place, asking that they please consider the turning radiuses before doing that. He stated that, if it was him looking at driving an RV with what is proposed, he didn't think they would make that turn and get that vehicle in there. He stated that, once they get it in there, he didn't think they are getting it back out, thus, he was concerned about how tight that is going to be.

Chair Berman circled back to her question, if they were to have a general condition of approval, she asked if that was something the city can accept.

Acting Planning Director Murdock stated that, in general terms, yes. He thought part of their concern that prompted the discussion was that conditions of approval need to be able to determine compliance. If it too general, someone could argue that they haven't fulfilled the condition of approval and challenged the city's action. He thought they would want to hear more specifically the types of safety elements or tied to some specific measurable outcome. He also suggested they keep in mind that it would hopefully not unduly delay or frustrate the operation of the space. He stated that they are not aware of any in service date required by the settlement agreement. The date they believe is relevant and applicable here is issuance of the permit so some reasonable period of time, i.e., a couple of weeks to perform a safety analysis, they are not aware at this time of how that would be inconsistent with the settlement agreement. It seems perfectly rationale based on some of the water infrastructure concerns, but to articulate any other specific safety analysis that would be desired or, to the extent that its general relate it to an operational characteristic of the RVs themselves, such as assess the area of operations for potential infrastructure impacts based on the weight of the vehicle or some amount of specificity, either in the scope of the analysis or the impacts that are desired to be avoided.

Chair Berman thanked him as that gives them some direction. She was taking notes and, not seeing any other questions, they could start to try and form a motion. She stated that another item that wasn't discussed related to the water infrastructure and, if there is any concern with soil contamination, she guessed that would be a much more in depth study that likely Public Works and the city cannot perform now. She stated that there is already a parking lot.

Vice Chair Hauser stated that, regarding Acting Planning Director Murdock's question about the additional specificity to kind of what she intended, she thought what Chair Berman said about infrastructure was hitting the nail on the head. She added that staff assessed the level of

compaction to make sure that the soil is appropriate to support the vehicles. She also thought the contamination issue of the black water is probably going back to the operation of the program that is not under their purview because it is specific.

Chair Berman heard what she was saying, and added that she was thinking more about typical vehicle runoff which could potentially be more of a concern contamination wise, but there was already a parking lot there.

Commissioner Godwin stated that, if it was tarred, it would be more resistant.

Chair Berman stated that this area wasn't initially intended to be a parking lot, as it is not paved or striped, but it is used as a parking lot every day and is quite full, especially on weekends. Given that this is probably always going to be a parking lot, she asked if it is possibly at some time for the city to consider making this a paved parking lot that has some form of containment of runoff, for example. It has appropriate compaction and structural section to withstand the size vehicle that will park there. She knew that was a lofty request and question but, if this were a more proper parking lot, she didn't think anyone would be disappointed. She didn't know if the applicant has any thought on that. She assumed it is not in their purview to require that of this program.

Acting Planning Director Murdock offered these observations for the time being, and maybe they can think more about it. First, it is not the project the applicant has proposed and they would be changing the nature of the project and causes him some concern. He stated that if this project is inadequate, perhaps the remedy is to not approve the project. They would be changing the project significantly from what is proposed. Secondly, he didn't know if any assessment has been performed as to the city's ability to fund and carry out a project in the timeline for that, as capital improvements projects are supposed to undergo a particular process in the city and there could be significant associated delays, even if the funding is available. He would have concerns about the city being able to carry out its obligations under the settlement agreement to put these parking spaces in service, granted there is no specific deadline. He thought safety assessment over a couple of weeks sounds reasonable to him. He stated that a Public Works capital improvement project could take months, if not a year or more to construct, and he would have concerns about that with respect to the settlement agreement. He then referred to the specific concerns about runoff, and stated that there may be other measures like installation of straw waddles and such around the downslope component of this that maybe could be worked in to help get to some degree of containment. He then referred to the concern about vehicle fluids being discharged, stating that a fair argument could be made that paving it could actually increase the transport of those chemicals and substances, and he didn't know if it was a slam dunk to address that concern simply by paving it as additional runoff could occur as a result of that.

Chair Berman stated that, for the record, understanding that it doesn't relate to the project in front of them, she thought it would be beneficial for the city to eventually make this either official parking or give some definition to it. She understood that it doesn't relate to what they are looking at now. She referred to some notes she has on possible conditions requesting that staff and Public Works run through a due diligent feasibility study on locating the proper location for the oversized vehicle parking spots, and she thought that encompasses a lot of the concerns as it would wrap in the concerns with loads on underground infrastructure, as well as the capability of the soil there now, as to whether it needs to be crushed AB or whatever it is. She stated that she thought it would be beneficial to make these spots pull through spots as she thought it would be

very difficult to back out and try a three-point turn out. She asked, to the ability of Public Work's discretion, how that can come to fruition and if it is possible. She asked if there were any other conditions.

Commissioner Wright stated he would still like to see no overnight parking and some kind of rollaway protection.

Chair Berman referred to Commissioner Wright's mention of no overnight parking, and she thought clearly defining who is allowed to park overnight as saying no overnight parking would negate the permit being allowed at this time, but defining where these permit spots are allowing overnight parking and then the rest of the parking lot would not allow overnight parking.

Commissioner Ferguson stated overnight parking by permit only.

Chair Berman agreed. Then asked Commissioner Wright what the other item was.

Commissioner Wright stated rollaway protection.

Chair Berman agreed.

Vice Chair Hauser stated she would add erosion control BMPs, as staff has recommended, as well as confirming legal property rights as they explore the pull through to make sure they are not encroaching on NCCW property without their approval.

Chair Berman thought that could lump into the feasibility study as it wouldn't be feasible but she thought it could be a separate condition if needed.

Vice Chair Hauser stated that, if they are limiting the feasibility study to infrastructure, like compaction, she was open to it either way as long as it is looked up.

Chair Berman didn't know if a boundary has been studied in this area where the actual property line is with the boundary survey or easement during cumbrances.

PW Dep. Director Bautista stated that they haven't conducted a survey but they have been looking at the county's GIS to get approximation of where the boundaries are.

Commissioner Leal stated that there has been a lot of talk about poles around the site and initially brought up the site location or the parking space location and perhaps another location within that lot to explore is the southern, southwesterly end as that looked like easier to back into and pull out onto San Pedro Avenue. He stated that other comment/condition of approval he wanted to suggest is that the parking lot is kind of a make your own parking space, especially on the weekends, there are a lot of parking spaces that are made that you wouldn't think were parking spaces especially for over-sized vehicles like jeeps. His concern with that is based off of the documents and there doesn't appear to be any on the ground markings delineating the spaces. He stated that they have signage but they need at least 10 feet wide for these parking spaces and he realized the parking lot was unimproved, so he wondered if it was challenging to do on the ground designations or some other indicator and maybe additional poles and no parking between the signs except for having a permit. He stated that being able to delineate the width of the parking spaces for these vehicles in this lot so that making your own parking space doesn't

encumber these spaces if they are vacated for any amount of time. He stated either something on the ground or two poles if there is no parking between these lines for each spot, that delineates that so people don't encumber a foot or two into it so it is harder to park.

Commissioner Wright stated that he is slightly concerned about the turning radius to get into the parking lot for the large vehicle, but he is also worried on the weekend when everyone parks there and makes their own parking spot, as people don't always pull all the way forward, and he asked what happens if they get people with a 30-foot vehicle that want to get out and cannot. He thought they need to not just delineate the width but make sure that people for both the permitted vehicles and the unpermitted vehicles the sufficient room to navigate this space.

Chair Berman thought that it was something that could be a part of Public Works' feasibility study. She thought, if she were to do a feasibility study, she would have to look at access for everyone. She imagined that could fall under that requirement so feasibility of access. She thought a pull through spot would be the best for these recreational large vehicles.

Commissioner Wright asked if she had a recommended location on that lot for a said space.

Chair Berman stated, without knowing the infrastructure underneath, she would say the northwest location where the pull through would be that they have to turn into the parking lot and then the front of the vehicle would point to San Pedro Avenue and then they could pull forward to get out and some curb adjustments would be needed.

Vice Chair Hauser stated that she didn't want cut anyone off if there are some more comments but she would be willing to make a motion if they have condition of approval language that covers the eight things they talked about.

Chair Berman stated to hold that thought as she saw Commissioner Leal has a comment.

Commissioner Leal stated he has a comment and perhaps clarification. He thought that parking lot currently has no overnight parking according to signs he sees currently in place. He stated that, in terms of adding anything that is related to no overnight parking, to clarify those spaces that may be unnecessary for thinking of adding that as a condition of approval.

Chair Berman thought anything Public Works could do to eliminate confusion, especially for the people who live in the neighborhood, if they know it is typically no overnight parking and they start to see two oversized vehicles there all the time and it is not clearly signed, she thought there will be a lot of complaints and confusion. She asked, to whatever extent is possible, if the city can clearly define the parking lot. She then referred to her notes to help staff draft the conditions they are talking about, i.e., clearly defining at least the permit only parking spots allowed in the parking lot and the rest would be no overnight parking, clarification on the property line and encumbrances to ensure they aren't proposing vehicles park on land the city doesn't have rights to, erosion control measures to contain runoff to the best of their abilities, roll away protection given the minor slopes in the area that are significant for a large vehicle, overall feasibility study performed by Public Works that includes but not limited to the appropriate structural strength of the soil to support the loads anticipated with the oversized vehicles and confirming that the parking will not adversely impact infrastructure in general, not just underground, confirming access where feasible, and where feasible implement a pull through parking spot. She asked if she missed anything.

Acting Planning Director Murdock stated that they had their attempt to capture those points and added that it will help if the Commission will seek any input from the applicant with respect to them. He then stated, “prior to program operation, the applicant shall delineate the program parking spaces and non-program parking spaces in the parking area; prior to program operation, the applicant shall evaluate the potential to locate the program spaces in a pull-through configuration and construct and operate the spaces as pull-through spaces if able to be safely operated as determined by the city engineer; prior to program operation, the applicant shall conduct an evaluation of the program area to confirm 1) operation of the program spaces will not adversely impact underground utilities across which the OSVs may operate, including but not limited to North Coast County Water District underground pipes and 2) the soil compaction level is suitable for the vehicle weight of OSVs intended for parking in the program spaces; prior to program operation, the applicant shall evaluate the necessity for roll away protection to protect adjacent critical infrastructure, including but not limited to North Coast County Water District pump infrastructure; prior to program operation, the applicant shall install storm water control VMPs, such as but not limited to straw waddles and shall maintain such during operation of the program spaces”; and a carryover from the prior hearing, “all program participants shall comply with all Bay Area Air Quality Management District regulations applicable to generators proposed for operation at the program spaces.”

Chair Berman stated that it sounds good to her. She referred to the erosion control regarding the contamination concern, stating she worries that the contamination is more infiltration of oil or gasoline. While she understands there isn’t much they can do without repaving that surface, she supports erosion control measures for more surface drainage like straw waddle. She stated that she didn’t have any comment on the condition, but wanted to clarify her concerns with contamination or the fact that it is a pervious surface.

Commissioner Wright asked if there was no overnight parking in there also.

Vice Chair Hauser thought it was clarified that it is already existing.

Commissioner Wright stated that it was his understanding that it is not.

Police Chief Steidle stated that the whole area was no overnight parking and currently posted.

Vice Chair Hauser thought it was impressive that they drafted all that in three minutes. She agreed with Chair Berman’s thought about infiltration but understands that it is not the scope of this item and she would be happy to make a motion if it pleases the Chair.

Chair Berman approved making the motion.

Vice Chair Hauser moved that the Planning Commission FINDS the Project is exempt from the California Environmental Quality Act; APPROVES Coastal Development Permit CDP-438-22 by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution and those they just added; and incorporates all maps and testimony into the record by reference; Commissioner Domurat seconded the motion.

The motion carried **6-1**.

Ayes: Commissioners Domurat, Godwin, Hauser, Leal, Wright
and Chair Berman

Noes: Commissioner

DRAFT

RESOLUTION NO. 2022-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-438-22 (FILE NO. 2022-013), SUBJECT TO CONDITIONS, TO ESTABLISH TWO TEMPORARY SAFE PARKING PROGRAM PARKING SPACES (EACH 30 FEET BY 10 FEET) ON EXCESS SAN PEDRO AVENUE PUBLIC RIGHT-OF-WAY EAST OF SAN PEDRO AVENUE LOCATED APPROXIMATELY 100 FEET NORTH OF THE ACE HARDWARE BUILDING AT 560 SAN PEDRO AVENUE (APN 023-073-110) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica (Applicant)

WHEREAS, on February 28, 2022, the City of Pacifica City Council adopted Resolution No. 12-2022 to approve a three-year Temporary Safe Parking Program ("Program") in the City of Pacifica which provides up to 13 parking spaces for Program participants living in an operational recreational vehicle, trailer or motorhome with operating toileting facilities a temporary parking space for a limited period of time while participants try to find permanent housing solutions; and

WHEREAS, the Program includes the establishment of two side-by-side Program parking spaces (each 30' by 10') on excess San Pedro Avenue public right-of-way (ROW) located approximately 100' north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110). Two pole signs will be installed to designate the area of public ROW being reserved for the Program parking spaces (File No. 2022-013)("Project"); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that the Project constitutes "development," as defined in PMC Section 9-4.4302(z)(7), and the Project does not qualify as a category of excluded development; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on May 16, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for Class 1 and 4 exemptions under CEQA Guidelines Sections 15301 and 15304 and the "Common Sense" exception, CEQA Guidelines Section 15061(b)(3), as described below:

15301. *"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or*

former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. [...]”

The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The proposed use is a negligible expansion of the existing use.

15304. *“Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to: [...]*

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;”

The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of two pole signs are minor alterations and do not involve removal of healthy, mature scenic trees.

Additionally, none of the exceptions applicable to a Class 1 and 4 exemptions in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): This exception does not apply to the Class 1 exemption. Furthermore, there is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the activity would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for Class 1 and Class 11 exemptions and none of the exceptions to applying Class 1 and 11 exemptions in Section 15300.2 of the CEQA Guidelines apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

Additionally, CEQA Guidelines Section 15061(b)(3) states “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The Project includes reserving two 30’ by 10’ parking spaces in excess public ROW for the use by participants of the Program for a period of three years. The negligible temporary change of land use will have no permanent effects on the environment. Installation of

two pole signs are minor alterations to the existing environment. It can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-438-22 as required by PMC section 9-4.4304(k):

1) *The proposed development is in conformity with the City's certified Local Coastal Program.*

Discussion: The City's certified Local Coastal Program (LCP) includes the 1980 Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. Applicable policies and references in the City's LCLUP are discussed further below:

Coastal Act Policy No. 2: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.

Finding: The Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. The excess public ROW is partially paved and is informally used for parking during times of high coastal visitation, but is not a formal parking lot. Therefore, the use of the Program parking spaces will not impact the availability of established parking spaces and will not impact the public's right of access to the sea.

Coastal Act Policy No. 3: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.

Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coastal access from the street. Therefore, the use of the Program parking spaces and the signage will not impact on the public access to the shoreline and along the coast.

Coastal Act Policy No. 5: Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]

Finding: The Program parking spaces will provide a low cost temporary housing opportunity for Program participants for a limited period of time while participants in the Program seek permanent housing solutions. Therefore, the Project would encourage and provide housing opportunities for persons of low and moderate income.

Page C-104 of LCLUP: *New development within the viewshed shall not destruct the views to the sea from public roads, trails and vista points. [...]*

Finding: The public views to the ocean from State Route 1 would not be impacted due to the highway being elevated above the Program parking spaces. Additionally, existing development located west of the Program parking spaces partially block views to the ocean from State Route 1. Due to the increased elevation of the Coastal Trail east of the Program parking spaces and the visual disruption of existing development west of the Program parking spaces, the Project would not destruct the views to the sea from a trail. No vista points occur in the area. Therefore, the Project would not destruct the views to the sea from public roads, trails, and vista points.

Page C-106 of LCLUP: *Design review shall be required of all new development that is subject to discretionary review in the Coastal Appeals Zone to the shoreline. To assure attractive, appropriate development that is compatible yet subordinate to its shoreline topography, factors such as architectural style, scale, site use, materials, signing, lighting and landscaping shall be considered.*

Finding: The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- a. Ensure at least a minimum standard of design through the application of consistent policies.
- b. Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- c. Provide a framework for review and evaluation of design proposals.
- d. Implement applicable General Plan and Local Coastal Plan goals and policies.
- e. Expedite and facilitate the planning permit process.
- f. Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

Due to the location of the Project in the public ROW, the minimal physical changes to the existing environment anticipated from the Project, and the temporary nature of the Project, many of the guidelines are not applicable to the Project. The Project is consistent with applicable City adopted Design Guidelines as discussed below:

Infill Development, Neighborhood Compatibility

(c) A design which has the potential to negatively impact a neighbor's view, sunlight, and/or privacy, should be avoided.

Finding: The Program parking spaces are located between San Pedro Shopping Center and State Route 1. No residential properties are located adjacent to the Project. The Project will have no impact on a neighbor's view, sunlight, and/or privacy.

A-2-PAC-22-0031

Exhibit 4

Page 35 of 39

Coastal Development, Access

(a) Public access from the nearest public roadway to the shoreline and along the coast should be provided in the new development except as otherwise specified in the City's adopted Local Coastal Program Land Use Plan. [...]

Finding: As discussed under the Finding for Coastal Act Policy No. 2, the Program would reserve parking spaces within existing excess public ROW on the east side of San Pedro Avenue and would not impact current coast access from the street. Therefore, the use of the Program parking spaces or the signage will not impact on the public physical access to the sea.

Additionally, the City's certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As noted above, the Project site is not located within an underlying zoning district. However, it is located within the C-Z combining district and is subject to the supplementary standards contained in PMC Title 9, Chapter 4, Article 44 applicable to development in the Coastal Zone. Because of the nature of the activity involved with parking of Program vehicles in designated spaces on excess public ROW, the Program would not conflict with the habitat preservation, geotechnical suitability, grading and drainage, shoreline protection, public shoreline access, coastal view corridors, growth management procedures, or neighborhood commercial district supplementary regulations. Therefore, the Project would be in conformity with the City's IP component of the certified LCP.

For all the reasons provided above, the Project is in conformity with the City's certified Local Coastal Program.

2) Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Discussion: The Project site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-438-22 to establish two side-by-side Program parking spaces (each 30' by 10') and improvements on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 16th day of May 2022.

AYES, Commissioners: BERMAN, HAUSER, DOMURAT, GODWIN, LEAL, WRIGHT

NOES, Commissioners: FERGUSON

ABSENT, Commissioners: NONE

ABSTAIN, Commissioners: NONE


Lauren Berman, Chair

ATTEST:


Christian Murdock, Acting Planning Director

APPROVED AS TO FORM:

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2022-013 – Coastal Development Permit CDP-438-22, to establish on excess San Pedro Avenue public ROW located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110).

Planning Commission Meeting of May 16, 2022

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “OSV Permit Parking Spot Implementation – San Pedro Ave.” included as Attachment B of the May 16, 2022 Planning Commission staff report, except as modified by the following conditions.
2. The term of this approval shall be limited to the period of effectiveness of the Temporary Safe Parking Program approved by the City of Pacifica City Council in Resolution No. 12-2022. This approval shall have no further force or effect upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
3. The City of Pacifica shall remove associated signage and pavement markings upon termination of the Temporary Safe Parking Program unless expressly authorized in another action by the City Council.
4. All vehicles and occupants of the spaces authorized in this approval shall comply with the terms, conditions, and other requirements of the Temporary Safe Parking Program, including but not limited to the Code of Conduct.

Conditions added by Planning Commission at May 16, 2022 Planning Commission Hearing

5. Prior to Program operation, the Applicant shall delineate the Program parking spaces and non-Program parking spaces in the parking area.
6. Prior to Program operation, the Applicant shall evaluate the potential to locate the Program spaces in a pull-through configuration and construct and operate the spaces as pull-through spaces if able to be safely operated as determined by the City Engineer.
7. Prior to Program operation, the Applicant shall conduct an evaluation of the Program area to confirm i) that operation of the Program spaces will not adversely impact underground utilities across which the OSVs may operate, including but not limited to North Coast County Water District underground pipes; and, ii) that the soil compaction level is suitable for the vehicle weight of OSVs intended for parking in the Program spaces.
8. Prior to Program operation, the Applicant shall evaluate the necessity for rollaway protection to protect adjacent critical infrastructure including but not limited to North Coast County Water District pump infrastructure.
9. Prior to Program operation, the Applicant shall install stormwater control BMPs such as but not limited to straw wattles and shall maintain such during operation of the Program spaces.

10. All Program participants shall comply with all BAAQMD regulations applicable to generators proposed for operation at the Program spaces.

END

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
455 MARKET ST., SUITE 228
SAN FRANCISCO, CA 94105-2420
(415) 904-5260
NORTHCENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Central Coast

Appeal Number: A-2-PAC-22-0031

Date Filed: 6/24/2022

Appellant Name(s): Dina Micheletti

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Central Coast district office, the email address is NorthCentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision
Page 2

1. Appellant information:

Name: Dina Micheletti

Mailing address: 416 Athenian Way Pacifica CA 94044

Phone number: 650-898-8347

Email address: Pawzitively@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe: On May 15, 2022, I submitted a letter opposing CDP-438-22 to Planning
Commission staff

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I am informed and believe that the City of Pacifica charges a \$500 fee
to appeal decisions to City Council

1 If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local CDP decision being appealed2

Please identify the location and description of the development that was approved or denied by the local government.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s): City of Pacifica

Applicant Address: 540 Crespi Dr., Pacifica CA 94044

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see the attached letter and supporting evidence

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

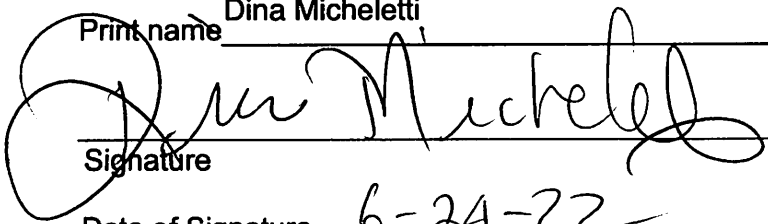
5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Dina Micheletti

Signature _____
Date of Signature 6-24-22

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

§ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

June 24, 2022

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: APPEAL of COASTAL DEVELOPMENT PERMIT CDP-438-22 (File No. 2022-013)

Dear Commission Staff:

I am appealing CDP-438-22 —approved by the Pacifica Planning Commission on May 16, 2022 — on the grounds that this proposed Oversized Vehicle (“OSV”) housing site development would jettison a popular free coastal-access parking lot (hereinafter, the “Free Coastal Parking Lot”), thereby materially interfering with the public’s Constitutional right to access to the California Coast. CDP-438-22 also violates and/or is inconsistent with numerous Coastal Act Policies intended to protect public recreation and access (including sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30222, 30223, and 30231), as well as Pacifica’s 1980 Local Coastal Land Use Plan (LCP), Policy Nos. 1-5, 8-9, 12, 18, 23, 25, 26.¹ The applicant is the City of Pacifica (hereinafter “City/Applicant”).

I have standing to file this appeal, and hereby respectfully request a more thorough review of CDP-438-22 by the California Coastal Commission, as an “aggrieved person” because I participated in the local CDP decision process by sending comments in advance of the May 16 hearing, which I incorporate as though set forth herein. *See* my May 15 letter opposing CDP-438-22, included herewith (the “May 15 Letter”). I am entitled to appeal the denial of CDP-438-22 directly to the Coastal Commission because Pacifica would have charged me a fee of approximately \$500 to appeal the Planning Commission’s decision to the City Council. The only other interested party of whom I am aware is Robert Horan, who resides at my address and who can be contacted using the information provided. For simplicity, I am filing this appeal on my behalf only.

Genesis of CDP-438-22:

The genesis of CDP-438-22 is a lawsuit filed by the ACLU on behalf of traditionally-unhoused OSV residents, in response to Pacifica’s effort to ban oversized-vehicle parking across the city. That suit (*Geary v. City of Pacifica*, (Case No. 3:21-cv-1780-VC)(N.D. Cal., 2021))) was filed in March 2021 and was almost immediately settled. The relevant portion of the settlement agreement does not mandate dedicated OSV parking for the general public or for recreational use; rather it provides that Pacifica shall allocate 13 parking spaces (two of which City/Applicant has slated for the Free Coastal Parking Lot), to occupied OSVs meeting certain criteria. Occupants will be screened, must sign a code-of-conduct contract, must pay a fee, and should be actively trying to find permanent housing. In other words, City/Applicant is not offering the spots in the Free Coastal Parking Lot to coastal visitors for

¹ It also ignores Pacifica’s zoning designations under the “Coastal Land Use Designation” section of its LCP, because this public parking lot is not designated or zoned for housing. **A-2-PAC-22-0031**

recreational use, it is turning the parking lot into an exclusionary housing site for pre-screened and pre-selected individuals who seek to live on premises, in their OSVs, as they search for alternative housing. Per the terms of the *Geary* settlement, these sites could literally be located anywhere in Pacifica, there is no need to allocate scarce coastal-access parking to this project.

Nonetheless, during the May 16 hearing, City/Applicant repeatedly told the Planning Commissioners that anything other than a “yes” vote on the three CDPs at issue (including any attempt to continue that hearing to try to obtain additional information on important environmental issues, such as potential black-water spills and discharges that could flow into the nearby Pedro Point Field waterway/culvert, a documented home to the California red-legged frog) would “imperil” the city’s legal position and threaten the *Geary* settlement. *E.g.*, Audio at 159:50-200:40, 2:21:30- 2:22:06, 2:26:05- 2:27:03.² This is inaccurate. Again, the *Geary* settlement and the related Court-ordered injunction merely require City/Applicant to allocate 13 spaces within city limits to OSV residents. Specifically, the locations “may be subject to change by the City as long as thirteen spaces with an average length of thirty (30) feet are maintained by the City as part of the [Safe Parking Program].” *See* Settlement Agreement at p. 4, ¶6(a)(6)(attached). The Settlement Agreement also provides that, if the Coastal Commission denies a permit application, City/Applicant can simply relocate the affected spaces. *Id.* The injunction says essentially the same thing. *See* order granting stipulated injunction, also attached. Nonetheless, the Commissioners took City/Applicant’s admonitions to heart, repeatedly expressing their belief that their votes were merely *pro forma*, and that they had no choice but to approve the three permits, including CDP-438-22, despite their misgivings. *E.g.*, Audio at 2:28:52 – 2:32:19; 3:08:01-3:08:45; and, most notably, Commissioner Ferguson’s comments at 3:44:26-3:46:08 re the *pro forma* nature of the vote and the detrimental effect of CDP-438-22 on coastal access. Therefore, to the extent that valid Planning Commission approval is a prerequisite to the final approval of this CDP, I respectfully submit that it *does not* exist here.³

Location and description of the development

City/Applicant describes the project location and scope as follows:

Location: “Excess San Pedro Avenue public right-of-way (ROW) located approximately 100 feet north of the Ace Hardware building at 560 San Pedro Avenue (APN 023-073-110) - Pedro Point Shelter Cove” *See* Notice of Final Local Action (“FLAN”) at packet page 30.

² “Audio” refers to the audio file of the May 16 hearing, which can be found at <https://cityofpacifica.egnyte.com/dl/N7UknZ7UCH>. While City/Applicant staff has valiantly attempted to summarize the hearing, the Audio file is a complete record of the entire proceeding. I cite to the Audio file when I feel it is vital to listen to the Commissioners’ own words and/or the summary in the FLAN is incomplete. In other instances, I cite to the FLAN.

³ When City/Applicant explained, at the May 16 hearing, why particular OSV housing sites were disbursed throughout Pacifica (as opposed to placing more OSVs in fewer locations, as is the norm elsewhere), City/Applicant essentially stated that its primary goal was to allocate the OSV sites in a manner that ensures the northern, central, and southern sections of Pacifica each houses its fair share of OSVs. Audio at 36:37-38:20. In other words, City/Applicant does not argue that the Free Coastal Parking Lot is the best site for its intended use, or that there are no other suitable alternatives. **A-2-PAC-22-0031**
City/Applicant concedes that each OSV housing site just happens to be located in what City/Applicant considers the right part of town to ensure that it “spreads the wealth,” so to speak. **Exhibit 5**

Project Description: “Establish two Temporary Safe Parking Program (Program) parking spaces (each 30’ by 10’). The parking spaces would be reserved for use by a Program participant(s) living in an operational recreational vehicle, trailer or motorhome with operating restroom facilities for a limited period of time. Improvements include installation of signage to denote location of the Program parking spaces.” *See* Flan at packet page 30.

City/Applicant’s location and project descriptions are incomplete, as is City/Applicant’s description of so-called “excess San Pedro Avenue right-of-way” as a lot that is only “informally used for parking during times of high coastal visitation, but is not a formal parking lot” (*see* FLAN at packet page 33). While the Free Coastal parking Lot (perfectly situated at the north entrance to the Pedro Point Headlands, within walking distance of Linda Mar Beach) *is* used for coastal visitation, it is wrong for City/Applicant to suggest that the lot is not a real parking lot, much less state that it is only “informally used.” This lot may no longer be fully paved or fully striped, however, the Free Coastal Lot is a bonafide coastal-access parking lot, with signage posted by the city (at the entrance to, and in the back), indicating that is a permitted, controlled site, intended for day-time parking.

The importance of this lot to persons seeking to exercise their Constitutional right to coastal access has swelled over the years as a result of the many parking variances City/Applicant has granted to virtually every new Pedro Point development, resulting in the loss of already scarce street parking.⁴ The Covid-19 pandemic has also drastically increased the public’s interest in coastal activities. As a Pedro Point resident, I can assure you that the Free Coastal Parking Lot is heavily used every day; usage is most definitely *not* limited to periods of “high coastal visitation.” For example, the included photographs (*see* pictures 2a-b) were taken late in the afternoon, on a cold, overcast Friday (May 13, 2022).⁵ As those pictures show, even with the bad weather and late in the day, the lot is almost at capacity. On sunny days, the lot is completely full, even during the week, providing a vital, free resource for up to approximately 16 or more cars, full of persons seeking to escape the inland heat and/or to engage in coastal recreational activities, including hiking, surfing, sunbathing, swimming, exercising, dog-walking, fishing, and other coastal activities.⁶

⁴ It is my understanding that Commission staff are already aware of parking issues in Pedro Point, so I won’t belabor the issue of our already dangerous, crammed, narrow streets and blind curves, with no available spaces left to fill with cars. Notably, however, City/Applicant has failed to provide the public with any parking or traffic studies, and has not taken any steps to mitigate the effect CDP-438-22 would have on coastal access.

⁵ City/Applicant’s picture of the Free Coastal Parking Lot appears to show 10 parked cars in the lot when the photo was snapped (presumably on a non-holiday weekday, which is when City/Applicant’s photographers are working). *See* FLAN at packet page 46.

⁶ The Free Coastal Parking Lot is also slightly uphill from and across the (very narrow) street from the Pedro Point Field waterway/culvert, a documented home to the California red-legged frog, and this area is prone to flooding, thus run off from any grey- or black-water spills/discharges could be detrimental to already threatened wildlife. These issues were not considered at the May 16 hearing, in violation of, *inter alia*, Coastal Act Policies 30230-31 and LCP Nos. 12 & 18. Also notable, CDP-438-22 does not consider the rejected application at 505 San Pedro Avenue CDP 2-19-0026 (RHODES MIXED-USE DEVELOPMENT). In connection with that application, Senior Ecologist Lauren Garske-Garcia, Ph.D. found the nearby parcel to be an ESHA-2-PAC-22-0031 Environmentally Sensitive Habitat Area.

From: KoppmanNorton, Julia@Coastal
To: Ringuette, Oceane@Coastal
Subject: FW: Oversized Vehicle Ordinance
Date: Thursday, July 14, 2022 2:30:58 PM
Attachments: [image001.png](#)

From: KoppmanNorton, Julia@Coastal
Sent: Tuesday, December 10, 2019 12:18 PM
To: Murdock, Christian <murdockc@ci.pacifica.ca.us>; Bautista, Sam <bautistas@ci.pacifica.ca.us>
Subject: Oversized Vehicle Ordinance

Hi Christian & Sam,

Thank you again for the call yesterday. If you could ensure this gets to Dan with the Police Department as well, that'd be great. As I said on the call, until we resolve how to enact the oversized vehicle ordinance in the Coastal Zone, the ordinance cannot go into effect in those areas. The basis for this is that this ordinance would change parking restrictions on roads in the Coastal Zone that would meet the definition of development (change in intensity or density of use). This can be resolved in one of two ways: either 1) through an LCP amendment, if there is an appropriate location to amend the text within the document as such, or 2) through a CDP the City would issue to the applicant (which would be appealable to the CCC) to implement the program and apply the restrictions on the roads.

As other jurisdictions have come forward and proposed these types of programs the Commission has been especially concerned with assuring these programs are Coastal Act-consistent regarding public access and environmental justice concerns. As a result of this, we would need to see that the program is narrowly tailored to address a specifically documented problem (through official data such as citations, police reports, or data collected in the community, etc.) and to then explain how the proposed parking restriction has been developed in a manner that has the least impact on public access (to streets and other public areas) and in a way that won't disproportionately affect a certain segment of the population, taking into account environmental justice implications. If there are actual or perceived impacts, we would ask for an explanation as to how Pacifica plans to address these impacts in a holistic manner. We have also asked other jurisdictions conducting parking restrictions to include a monitoring component to measure the parking program's effectiveness over time.

Please let me know if you have any questions, and let me know what the plan and timeline is for moving forward on this. Thanks!

Best,
Julia

Julia Koppman Norton
Coastal Planner

EXHIBIT A

PACIFICA SAFE PARKING PERMIT (PSPP) Participant Bill of Rights and Onsite Code of Conduct (Regular and Provisional Permit Holders)

The goal of the Pacifica Safe Parking Permit (PSPP) program is to provide unhoused individuals and families who are living in vehicles a place to park in a safe, secure, sanitary, and welcoming environment while they work toward returning to housing. All PSPP participants are asked to observe the following guidelines and code of conduct to maintain a safe and healthy space for everyone. All participants must read and have a signed agreement on file in order to participate in PSPP.

PARTICIPANT'S BILL OF RIGHTS

- a. Participant's rights will be exercised in ways that also respect the rights of other participants. No one's rights are absolute.
- b. All participants are entitled to enjoy a safe and healthful living environment at the program site.
- c. All participants are entitled to be treated in a manner that respects their dignity and individuality.
- d. All participants with disabilities, personal and cultural differences are entitled to reasonable accommodations under fair housing laws when such accommodations are necessary because of their disability, personal and cultural identity. The program will accommodate participants' needs (expressed, implicit or implied) as long as such accommodation will not result to an essential change in the program or structure.
- e. All participants are entitled to remain in the program while it is active and not be involuntarily removed without good cause and just procedures.
- f. All participants are entitled to just and standardized procedures for determining eligibility, admissions, sanctions and discharges, and resolving grievances.
- g. All participants are entitled to reasonable privacy and confidential treatment of personal, social, financial, medical, mental and behavioral health records, and in compliance with the participant's written consent to release information.
- h. All participants are entitled to the full exercise of their civil, constitutional, and legal rights.

PARTICIPANTS CODE OF CONDUCT:

- Participants will maintain quiet hours between 10p and 8a and will turn off generators during those hours.
- Participants will be considerate of neighbors near their PSPP designated space and will not loiter, trespass, publicly use drugs or alcohol, or use open flames or other burners at their designated PSPP space or in the neighborhood and the surrounding area.

- Participants will keep personal belongings within their vehicle at their designated PSPP space so that there are no personal belongings outside of the vehicle.
- Participants will conduct their living within their vehicle parked in their designated PSPP space and will not camp, cook, or live on the street, outside their vehicle, or in the neighborhood and surrounding areas.
- Participants will maintain a clear sidewalk in front of and around their designated PSPP space.
- Participants will maintain a safe and clean environment at their designated PSPP space, in or around their vehicle, free of:
 - hazardous materials
 - illegal weapons
 - illegal drugs
 - illegal activities
 - and violence.
- Participants will maintain and use the toilet in their vehicle parked at their designated PSPP space.
- Participants will properly dispose of gray and black water in the manner identified by PRC at a location that is authorized to dispose of gray and black water.
- Participants will properly dispose of all trash and recyclables.
- Participants will properly dispose all extinguished cigarettes and cigars in the garbage, not on the ground, and will not smoke within 30 feet of neighbors' doors, windows, or fence line.
- Participants will resolve all conflicts peacefully and with the support of PRC, as needed.
- Participants will abide by all laws.
- Participants will maintain PSPP's commitment to be culturally competent, equitable, and inclusive and will not act or make remarks that are ethnically degrading, racist, sexist, or homophobic.
- Participants will ensure that all visitors will abide by PSPP's Code of Conduct at all times.
- **PARTICIPANTS WITH PETS:**
 - Will keep them on leash when outside of their vehicle and will not tie them to the outside of the vehicle.
 - Will clean-up after their animals.

By signing below, I agree to participate in the Pacifica Safe Parking Permit (PSPP) program and have read and agree to the code of conduct in this agreement. I understand that failure to comply with this agreement may result in my disenrollment or prohibition from participating in the Pacifica Safe Parking Permit (PSPP) program. My participation in the Pacifica Safe Parking Permit (PSPP) program is voluntary and may be discontinued at any time by my choice or due to failure to comply with the code of conduct outlined in this agreement.

Participant Name (print): _____

Participant Signature

Date

Core Principles

Housing First

According to the webinar *Core Principles of Housing First and Rapid Re-Housing* issued by HUD and the United States Interagency Council on Homelessness (USICH), the Housing First approach is based on the following principles:

1. Housing is safe and affordable;
2. All people can achieve housing stability in permanent housing; supports may look different;
3. Everyone is “housing ready”; and
4. Improved quality of life, health, mental health, and employment can be achieved through housing.

Harm Reduction

Harm reduction policies, procedures, and practices aim to reduce the negative consequences of behaviors that are detrimental to the participant's health and well-being (i.e., abuse of drugs and/or alcohol, failure to be medication compliant, engaging in criminal activity, prostitution, choosing to sleep outside, etc.). In housing settings, harm reduction is intended to prevent a participant's loss of housing and/or termination from the program based solely on his or her inability to stop engaging in harmful behaviors.

PRC incorporates a harm reduction model utilizing all interventions possible, short of termination from the program, to enable the participant to reduce or minimize their risky behaviors, while at the same time assisting them to move into and become stabilized in permanent housing. Harm reduction is not intended to prevent the termination of a participant whose actions or behavior constitute a threat to the safety of other participants and staff.

Trauma-Informed Care

Trauma-informed care requires that every part of PRC's design and operation be approached with an understanding of trauma and the impact it has on those receiving services. Traumatic experiences can impact how clients receive services provided and the environment in which those services are delivered. PRC works to establish a safe and supportive environment, ensuring that all staff receive training on traumatic stress and its impact, as well as the relationship between trauma and mental health, substance use, and homelessness.

Cultural Competency, Racial Equity, and Inclusivity

At all levels, PRC works to provide programs that are culturally and linguistically competent, racially equitable, and gender inclusive, and address the needs of populations to be served, including, but not limited to, race and ethnicity, gender and gender identity, sexual orientation, economic class, age, family status, language spoken and understood, physical and mental disabilities, living situation, etc.

EXHIBIT B

PACIFICA SAFE PARKING PERMIT (PSPP) Participant Bill of Rights and Onsite Code of Conduct (Short-Term Permit Holders)

The goal of the Pacifica Safe Parking Permit (PSPP) program is to provide unhoused individuals and families who are living in vehicles a place to park in a safe, secure, sanitary, and welcoming environment while they work toward returning to housing. All PSPP participants are asked to observe the following guidelines and code of conduct to maintain a safe and healthy space for everyone. All participants must read and have a signed agreement on file in order to participate in PSPP.

PARTICIPANT'S BILL OF RIGHTS

- i. Participant's rights will be exercised in ways that also respect the rights of other participants. No one's rights are absolute.
- j. All participants are entitled to enjoy a safe and healthful living environment at the program site.
- k. All participants are entitled to be treated in a manner that respects their dignity and individuality.
- l. All participants with disabilities, personal and cultural differences are entitled to reasonable accommodations under fair housing laws when such accommodations are necessary because of their disability, personal and cultural identity. The program will accommodate participants' needs (expressed, implicit or implied) as long as such accommodation will not result to an essential change in the program or structure.
- m. All participants are entitled to remain in the program while it is active and not be involuntarily removed without good cause and just procedures.
- n. All participants are entitled to just and standardized procedures for determining eligibility, admissions, sanctions and discharges, and resolving grievances.
- o. All participants are entitled to reasonable privacy and confidential treatment of personal, social, financial, medical, mental and behavioral health records, and in compliance with the participant's written consent to release information.
- p. All participants are entitled to the full exercise of their civil, constitutional, and legal rights.

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other burners at their designated PSPP space or in the neighborhood and the surrounding area.

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- Participants will abide by all laws.
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- Participants will ensure that all visitors will abide by PSPP's Code of Conduct at all times.
- **PARTICIPANTS WITH PETS:**
 - Will keep them on leash when outside of their vehicle and will not tie them to the outside of the vehicle.
 - Will clean-up after their animals.

By signing below, I acknowledge I have read and agree to the code of conduct in this agreement. I understand that failure to comply with this agreement may result in the revocation of my permit. My participation is voluntary and may be discontinued at any time by my choice or due to failure to comply with the code of conduct outlined in this agreement.

Participant Name (print): _____

Participant Signature

Date

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According to the webinar *Core Principles of Housing First and Rapid Re-Housing* issued by HUD and the United States Interagency Council on Homelessness (USICH), the Housing First approach is based on the following principles:

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Harm reduction policies, procedures, and practices aim to reduce the negative consequences of behaviors that are detrimental to the participant's health and well-being (i.e., abuse of drugs and/or alcohol, failure to be medication compliant, engaging in criminal activity, prostitution, choosing to sleep outside, etc.). In housing settings, harm reduction is intended to prevent a participant's loss of housing and/or termination from the program based solely on his or her inability to stop engaging in harmful behaviors.

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