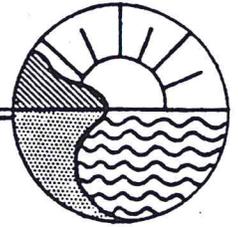


# AGENDA



## Planning Commission – City of Pacifica

DATE: March 4, 2013  
LOCATION: Council Chambers, 2212 Beach Boulevard  
TIME: 7:00 PM

### ROLL CALL:

### SALUTE TO FLAG:

### ADMINISTRATIVE BUSINESS:

- Approval of Order of Agenda
- Approval of Minutes: February 19, 2013
- Designation of Liaison to City Council Meeting of:

### CONSENT ITEMS:

None.

### PUBLIC HEARINGS:

None.

### CONSIDERATION ITEMS:

1. Adoption of Resolution Certifying that Vacation of Portions of Olympian Way and Pompeian Way conform to the General Plan. Recommended CEQA status: Exempt; Proposed Action: Approve Resolution.

### COMMISSION ITEMS:

None.

### COMMUNICATIONS:

#### Commission Communications:

#### Staff Communications:

#### Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

### ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

**NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.**

# CITY OF PACIFICA

## MEMORANDUM

**DATE:** March 4, 2013

**TO:** Planning Commission

**FROM:** Lee Diaz, Associate Planner

**SUBJECT:** **Agenda Item No. 1:** Adoption of Resolution Certifying that Vacation of Portions of Olympian Way and Pompeiian Way conform to the General Plan

---

On April 2, 2012 the Planning Commission adopted a resolution certifying that vacation of portions of Olympian Way and Pompeiian Way right of way (ROW) conformed to the General Plan. The portions of Olympian Way and Pompeiian Way right of way to be vacated were approximately 3,695 square feet of unimproved area (see attached site plan). The applicant subsequently amended its request to vacate those portions of right of way.

The City has received a new request from the same applicant to vacate portions of Olympian Way and Pompeiian Way right-of-way in the Pedro Point neighborhood. The configuration is different from the previous request. The portions of Olympian Way and Pompeiian Way right of way to be vacated are approximately 5,262 square feet of unimproved area (see attached location maps). The subject property is located next to a vacant lot at the end of Olympian Way. Portions of Pompeiian Way right-of-way located to the northeast have previously been abandoned.

Olympian Way and Pompeiian Way ROW were dedicated to the county for public use in the map "Pedro Point Terrace By-The-Sea" in 1908. A public right-of-way is a form of easement typically dedicated to the City during a subdivision for public use. There is no indication that the ROW was ever paved or used for vehicular use and this portion of Olympian Way and Pompeiian Way is no longer needed for vehicular traffic. Because it was never built it effectively land-locked the abutting vacant property which is privately owned. The vacation would allow access to that property. The portions of Olympian Way and Pompeiian Way to be vacated would be added to the abutting parcel which is zoned for single-family residential use. It is the responsibility of any private property owner to verify the condition of title, the city does not warrant or guarantee title to the property in any respect.

There is no lot line adjustment, application for a Subdivision Map Act certificate of compliance, or other discretionary application pending with respect to the Site or the property adjacent to the Olympian Way and Pompeiian Way right of way. Any such approval would require a further application and review by the City.

The Commission does not have any authority regarding approval or denial of the proposed vacation. The Commission's authority is limited to determining General Plan conformity. Prior to approval

by the City Council, the Commission must certify that the proposed vacation conforms to the City's General Plan.

The General Plan designates the area that includes the subject property as low density residential which permits 3-9 dwelling units per acre. The adjacent lots are zoned for single family development and also have a General Plan designation of low density residential. The minimum building site area in the R-1 district is 5,000 square feet.

According to the General Plan, "The goal of the planning in Pacifica is to provide a rational guide to public decision-making and private development which will conserve the unique qualities of Pacifica as a coastal community while making the City the best possible place in which to live, work and play. To achieve this end, the City will strive to provide a decent home and satisfying clear understanding of the rights and responsibilities of ownership and the maximum protection of the public's health and safety within the financial limitations of the City and its taxpayers." By vacating portions of Olympian Way and Pompeian Way right of way, all potential maintenance or liability would be eliminated which would be a fiscal benefit to the taxpayers.

The General Plan also states that "Paper streets created as a part of old subdivisions, filed when less stringent standards existed, were often laid without regard for topography. These streets are a problem in Pacifica's older neighborhoods. Resolution of these problems will require ordinance revisions and creative use of the City's governmental powers. Vacation of an unused portion of right of way would be an appropriate use of the City's powers to carry out this policy.

There are no other provisions of the General Plan that would be affected by the proposed vacation. Therefore, the proposed vacation appears to be in conformance with the applicable provisions of the General Plan.

California Environmental Quality Act (CEQA) – Staff recommends that the Planning Commission find that this project is exempt from CEQA pursuant to the following section of the California Environmental Quality Act;

15301. Existing Facilities: 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 use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of project which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

The proposed vacation of Olympian Way and Pompeiian Way right-of-way involves no expansion of use.

### **COMMISSION ACTION**

Move that the Planning Commission **ADOPT** the resolution next in order entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA CERTIFYING THAT THE PROPOSED SUMMARY VACATION OF PORTIONS OF OLYMPIAN WAY AND POMPEIIAN WAY RIGHT OF WAY CONFORM TO THE GENERAL PLAN."

Attachments:

1. Letter from James R. Donnell, August 27, 2012
2. Map (previous submittal)
3. Resolution with attached maps