

ORDINANCE NO. 880-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING TEXT AMENDMENT TA-121-22 TO AMEND CHAPTER 5 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE TO EXTEND CERTAIN PROVISIONS OF THE GROWTH MANAGEMENT ORDINANCE.

WHEREAS, in 1993, the voters of the City of Pacifica adopted Ordinance No. 604-C.S. to add a new Chapter 5 of Title 9 of the Pacifica Municipal Code (“PMC”), the City of Pacifica Growth Management Ordinance (“GMO”), with an initial termination date of June 30, 1997; and

WHEREAS, the City Council has extended the GMO several times since then in five-year increments, most recently with the enactment of Ordinance No. 817-C.S. extending the GMO until June 30, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-121-22 on April 18, 2022, and adopted Resolution No. 2022-008 by a vote of 5-0 with two absences initiating and recommending City Council approval of the Text Amendment; and

WHEREAS, as provided in Section 9-5.11 of the PMC, the Planning Commission reviewed the GMO and determined that an extension of its termination date is appropriate and necessary to preserve the general health, safety, and welfare of the public in the City of Pacifica, and the City Council concurs with this determination of the Planning Commission; and

WHEREAS, the Planning Commission found that amendment of the GMO to extend its provisions for five years is consistent with the General Plan and the Local Coastal Program because it would ensure protection of sensitive hillside resources and would prevent the premature conversion of agriculturally-zoned lands to other land uses, and the City Council concurs with this finding of the Planning Commission; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on May 9, 2022, and introduced Ordinance No. 880-C.S. on the same date.

NOW, THEREFORE, the City Council of the City of Pacifica does hereby ordain as follows:

SECTION 1. CEQA Compliance. The City Council finds and declares that amendment of the GMO is exempt from the California Environmental Quality Act (CEQA) because of the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because the GMO amendment would only modify the expiration date of existing provisions codified in the PMC to maintain the status quo, and because the GMO amendment would not result in any direct or indirect physical change in the environment, it can be seen with certainty that there is no possibility that amendment of the GMO will have a significant effect on the environment; therefore, the ordinance is not subject to CEQA.

SECTION 2. Amendment. Section 9-5.07 “Agricultural land” of Chapter 5 of Title 9 of the Pacifica Municipal Code is hereby amended in its entirety to read as follows:

“In order to maximize public participation in rezoning decisions concerning conversion of agriculturally zoned land to urban uses, to preserve the right of the local electorate to vote on

significant zoning matters and to insure that development proposed for agricultural lands is appropriate to its unique character and importance, through June 30, 2027:

- (a) All land within the City which is zoned or designated Agricultural District on the zoning maps of the City as set forth in Chapter 4 of Title 9 of the Pacifica Municipal Code on or after the effective date of the ordinance codified in this chapter may not be rezoned or redesignated, and the "B" district with which the Agricultural District is combined may not be changed, without a vote of the people.
- (b) The uses to which land zoned or designated Agricultural District can be put and the structures which can be erected thereon are only the uses and structures permitted by the provisions of Chapter 4 of Title 9 of the Pacifica Municipal Code on the effective date of the ordinance codified in this chapter, unless otherwise approved by a vote of the people.”

SECTION 3. Amendment. Section 9-5.08 “Hillside protection” of Chapter 5 of Title 9 of the Pacifica Municipal Code is hereby amended in its entirety to read as follows:

“In order to maximize public participation in rezoning decisions concerning development of sensitive hillside lands, in order to preserve areas of open space where possible and to retain natural terrain by encouraging the concentration of dwellings and other structures on their sites, to help protect people and property from potentially hazardous conditions particular to hillsides, and to insure that development is compatible with the unique hillside resources of Pacifica, through June 30, 2027:

- (a) All land within the City which is zoned or designated Hillside Preservation District on the zoning maps of the City as set forth in Chapter 4 of Title 9 of the Pacifica Municipal Code on or after the effective date of the ordinance codified in this chapter may not be rezoned out of the Hillside Preservation District without a vote of the people.
- (b) The standards governing the Hillside Preservation District shall be the standards specified in the provisions of Chapter 4 of Title 9 of the Pacifica Municipal Code on the effective date of the ordinance codified in this chapter, unless otherwise approved by a vote of the people.”

SECTION 4. Amendment. Section 9-5.11 “Termination” of Chapter 5 of Title 9 of the Pacifica Municipal Code is hereby amended in its entirety to read as follows:

“This chapter shall terminate on June 30, 2027. On or after June 30, 2025, this chapter shall be reviewed and revised, if determined to be necessary, to insure consistency with the City's General Plan, including its Housing Element, or with other laws.”

SECTION 5. Severability. If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared unconstitutional.

SECTION 6. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in a newspaper of general circulation in accordance with State law.

SECTION 7. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

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PASSED AND ADOPTED this 23rd day of May , 2022 by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O’Neill, Vaterlaus.


NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.



Mary Bier (May 26, 2022 17:18 PDT)
Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature: OrdinanceNo880-CS_ExtendGrowthManagementOrdinance-Approved

Final Audit Report

2022-05-27

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