

ORDINANCE NO. 894-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
TO ENACT A NEW ARTICLE 53 “EMERGENCY SHELTERS,” TO AMEND ARTICLE 11
“C-2 COMMUNITY COMMERCIAL DISTRICT,” TO AMEND ARTICLE 14
“O PROFESSIONAL OFFICE DISTRICT,” TO AMEND ARTICLE 15 “C-R COMMERCIAL
RECREATION DISTRICT”, AND TO MAKE VARIOUS OTHER MINOR CONFORMING
AMENDMENTS, OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE (PMC),
AND FINDING THE TEXT AMENDMENT EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
(FILE NO. 2023-013; TEXT AMENDMENT TA-124-23)

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of the General Plan; and

WHEREAS in 2008, the State legislature passed Senate Bill 2 (California Government Code Section 65583(a)(4)), which requires jurisdictions to identify at least one zone where emergency homeless shelters may be permitted by right with sufficient capacity to accommodate the local need for emergency shelters; and

WHEREAS in 2022, the State legislature passed Assembly Bill 2339 (amended California Code Section 65583 and 65863), which adds additional specificity on how jurisdictions plan for emergency shelters and ensure sufficient capacity for low-income in their housing elements; and

WHEREAS, the Planning Commission of the City of Pacifica held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-124-23 on November 6, 2023, and adopted Resolution No. 2023-013 by a vote of 5-0 (with two absences) to recommend City Council approval; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on November 27, 2023, and introduced Ordinance No. ### including modifications to Section 9-4.2315-Special Care Facilities of Article 23 of Chapter 4, “Zoning”, Article 2, “Definitions”, of Chapter 4, “Zoning”, Section 9-4.2818 of Article 28, “Off-street Parking and Loading”, of Chapter 4, “Zoning”, and amend the “Permitted and Conditional Uses” for Sections 9-4.1001, 9-4.601, 9-4.401, 9-4.501, and 9-4.651 of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code.

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

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Compliance with CEQA. This action is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15269 Emergency Projects and Section 15301 Existing Facilities. The specific action is necessary to prevent or mitigate an emergency. The proposal is for a text amendment of the Pacifica Municipal Code to allow the temporary housing of individuals experiencing homelessness and may consist of the minor alteration of existing public or private developed areas or development of emergency shelter facilities to provide facilities to shelter individual’s experiencing homelessness. Additionally, minor text amendments of the Pacifica Municipal Code include updates to the definitions and permitted uses sections to be consistent

with the State of California's definitions for "Community care facilities" and "Family Daycare homes". Other text amendments include updating the definitions, permitted uses, and off-street parking sections of the Pacifica Municipal Code to integrate the development regulations of "Emergency Shelters". These amendments incorporate existing law and do not create any new environmental impacts.

Section 3. Enactment. Article 53, "Emergency Shelters" is hereby added to Chapter 4, "Zoning" of Title 9, "Planning and Zoning" of the Pacifica Municipal Code as follows:

"Article 53. Emergency Shelters

Sec. 9-4.5300 Purpose and intent

The purpose of this article is to provide for the development of emergency shelters in compliance with the requirements of State law including but not limited to California Government Code section 65583.

Sec. 9-4.5301: Definitions

The following definition shall apply to this article:

- (a) "Emergency Shelter" shall mean housing with minimal supportive services that is limited to occupancy of up to six (6) months by persons who are homeless, victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.), or other persons requiring temporary housing. Emergency shelter shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

Sec. 9-4.5302: Location of emergency shelters

An emergency shelter shall be a permitted or conditional use allowable in the C-2 (Community Commercial) zoning district, as set forth in Section 9-4.5304 below, subject to the standards identified in this article.

Sec. 9-4.5303: Development regulations

An emergency shelter shall conform to all development regulations of the zoning district in which it is located, except for the off-street parking requirement, which is set forth in Section 9-4.2818. A modification to a development regulation of the underlying zoning district may be permitted subject to approval of a use permit by the Planning Commission. Design standards for parking areas shall be consistent with Section 9-4.2817.

Sec. 9-4.5304: Performance standards

In addition to the development standards set forth in Section 9-4.5303 above, an emergency shelter shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

- A. Facility Requirements and Operation. Each operator of an emergency shelter shall have a written management plan that uses best practices to address the housing needs of those using the shelter. The written management plan shall address the performance standards in this section.
- B. Emergency Shelter Management. Emergency shelters shall provide on-site personnel during hours of operation when individuals who are utilizing the emergency shelter are present. The plan shall include procedures for screening residents to ensure compatibility with services provided at the facility.
- C. Waiting and client intake areas. The size of indoor waiting areas shall be sufficient to

accommodate the expected number of clients without infringing upon the public right-of-way. Emergency shelters shall provide 10 square feet of interior waiting and client intake space per bed. Waiting and client intake areas may be used for other purposes as needed when client intake is not in progress.

- D. Number of Beds or Persons per Facility. An emergency shelter with up to 20 persons or beds shall be a permitted use in the zoning district(s) identified in Section 9-4.5302. An emergency shelter with 21 to 30 persons or beds shall be a conditional use requiring approval of a use permit in the zoning district(s) identified in Section 9-4.5302.
- E. Limited Terms of Stay. The maximum term of stay for any individual at an emergency shelter is up to six (6) months.
- F. Security. The emergency shelter shall have at least one on-site security personnel during all hours when it is in operation.
- G. Storage. Each emergency shelter shall provide secure areas for personal property adequate for the number of individuals served on a daily basis. No personal property of facility occupants may be stored outside of an enclosed structure.
- H. Compliance. The emergency shelter shall comply with applicable State and local uniform housing and building code requirements, and State and Federal laws (e.g. biological resources, paleontological resources, wetlands, hazardous materials storage and disposal, and other resources) as required.
- I. Lighting. The emergency shelter shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
- J. Coordination. The operator shall establish a liaison staff to coordinate with City staff and police, school district officials, local businesses, and residents on issues related to the operation of the facility.
- K. Other Amenities. The emergency shelter shall include other amenities as may be required that are consistent with the state's provisions for emergency shelter, as determined by the Planning Director or designee prior to or concurrent with compliance plan review.

Sec. 9-4.5305: Compliance plan review procedures.

Every operator of an emergency shelter shall prepare and submit for review and approval a compliance plan demonstrating how the facility will comply with the requirements of this Article prior to occupancy of the facility.

- 1. Application. A request for compliance plan review shall be made in writing by the operator of the emergency shelter on a form prescribed by the Planning Director. The application shall be accompanied by a set of plans, a letter of explanation describing the details of the proposed emergency shelter, and an explanation of how the facility would comply with all requirements of this Article. The application for compliance review shall be accompanied by a fee as established by Administrative Policy No. 2.
- 2. Compliance Determination. The Planning Director or designee shall make a written determination whether the submitted compliance plan sufficiently demonstrates compliance with the requirements of this Article. The determination of the Planning Director is subject to appeal pursuant the provisions of Article 36 of this Chapter.

Sec. 9-4.5306. Enforcement

The City may enforce this article by any means permitted by law, including, but not limited to, those penalty provisions set forth in Chapter 2 of Title 1 of this Code. The City Council may establish fines for violating this article by resolution.”

Section 4. Amendment. The Pacifica Municipal Code is hereby amended as follows:

- A. **Section 9-4.1401** “Permitted and conditional uses and development regulations” of Article 14, “O Professional Office District” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec.9-4.1401. Permitted and conditional uses and development regulations.

The permitted uses in the O District and the development regulations therefor shall be as set forth in Article 11 of this chapter for the C-2 District, except that Emergency Shelters are not a permitted use in the O District.

- B. **Section 9-4.1501** “ Permitted and conditional uses and development regulations” of Article 15, “C-R Commercial Recreation District” of Chapter 4, “Zoning” of Title 9 “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec. 9-4.1501. Permitted and conditional uses and development regulations.

The permitted uses in the C-R District and the development regulations therefor shall be as set forth in Article 11 of this chapter for the C-2 District, except that Emergency Shelters are not a permitted use in the C-R District.

- C. Article 2, “Definitions” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

~~Sec. 9-4.273.1. - Special care facility.~~

~~“Special care facility” shall mean a State authorized certified or licensed family care home, foster home, or group home serving mentally disordered or otherwise handicapped persons, dependent and neglected children, or elderly persons on a twenty-four (24) hour-per day basis. “Special care facility” shall also include twenty four (24) hour shelters for victims of family violence, homeless persons, or other need categories.~~

Sec. 9-4.229.1 - Community care facilities.

“Community care facility” shall mean any facility, place, or building that is maintained and operated to provide non-medical residential care, treatment, adult daycare, or foster family agency services, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes uses listed in Section 1502(a) of the California Health and Safety Code, as may be amended from time to time. A “community care facility” shall not include a “family daycare home.”

Sec. 9-4.225. - Child- Family daycare homes.

~~“Child daycare home” shall mean private single-family residence licensed by appropriate State or County agencies for the daycare or instruction of children.~~

Family Daycare Homes, as defined by the State, are facilities that regularly provide care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day and are licensed by the State of California.

- D. **Section 9-4.401** “Permitted and conditional uses” of Article 4, “R-1 Single-Family Residential District” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown

in underline) as follows:

Sec. 9-4.401. Permitted and conditional uses.

- (a) *Permitted uses.* The following uses shall be permitted in the R-1 District:
- (1) One single-family dwelling per lot;
 - (2) Accessory buildings and uses;
 - (3) Child Family daycare homes for ~~twelve (12)~~ fourteen (14) children or less;
 - (4) ~~Special-~~ Community care facilities for six (6) or fewer persons;
 - (5) Manufactured homes consistent with Chapter 14 of Title 8 of this Code;
 - (6) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and
 - (7) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.
- (b) *Conditional uses.* Conditional uses allowed in the R-1 District, subject to obtaining a use permit, shall be as follows:
- (1) Churches and schools;
 - (2) Parks and playgrounds;
 - (3) Landscaped public or private parking lots when adjacent to any C District;
 - (4) Crop and tree farming;
 - (5) Mobile home parks;
 - (6) (Repealed by Ord. 825-C.S., eff. November 8, 2017);
 - (7) Bed and breakfast inns with no more than three (3) guest rooms;
 - (8) Clustered housing pursuant to Article 24 of this chapter; and
 - (9) ~~Special-~~Community care facilities for more than six (6) persons consistent with the use criteria described in Section 9-4.2315.

- E. **Section 9-4.501** “Permitted and conditional uses” of Article 5, “R-2 Two Family Residential District” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~striketrough~~ and additions shown in underline) as follows:

Sec. 9-4.501. Permitted and conditional uses.

- (a) *Permitted uses.* The following uses shall be permitted in the R-2 District:
- (1) Single-family dwellings on parcels less than 5,800 square feet in area;
 - (2) Two-family dwellings;

- (3) Accessory buildings and uses;
 - (4) ~~Child~~ Family daycare homes for ~~twelve (12)~~ fourteen (14) children or less;
 - (5) ~~Special~~ Community care facilities for six (6) or fewer persons;
 - (6) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and
 - (7) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.
- (b) *Conditional uses.* Conditional uses allowed in the R-2 District, subject to obtaining a use permit, shall be as follows:
- (1) Two-family dwelling groups (more than one main building);
 - (2) ~~Child~~ Family daycare homes for more than ~~twelve (12)~~ fourteen (14) children and ~~special~~ community care facilities for more than six (6) persons;
 - (3) Conditional uses allowed in the R-1 District; and
 - (4) Single-family dwellings on parcels larger than 5,800 square feet in area.

F. **Section 9-4.601** "Permitted and conditional uses" of Article 6, "R-3 Multiple-Family Residential District" of Chapter 4, "Zoning" of Title 9, "Planning and Zoning" of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strike through~~ and additions shown in underline) as follows:

Sec. 9-4.601. Permitted and conditional uses.

- (a) *Permitted uses.* The following uses shall be permitted in the R-3 District:
- (1) Duplexes and multiple-family dwellings;
 - (2) Accessory buildings and uses;
 - (3) ~~Child~~ Family daycare homes for ~~twelve (12)~~ fourteen (14) children or less;
 - (4) ~~Special~~ Community care facilities for six (6) or fewer persons;
 - (5) Indoor or outdoor cultivation of cannabis for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter; and
 - (6) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.
- (b) *Conditional uses.* Conditional uses allowed in the R-3 District, subject to obtaining a use permit, shall be as follows:
- (1) Single-family dwellings;
 - (2) Rooming houses and boardinghouses;

- (3) Lodges, clubs, clubrooms, and dormitories;
- (4) (Repealed by § V (B), Ord. 491-C.S., eff. October 28, 1987)
- (5) Conditional uses as allowed in the R-1 and R-2 Districts; and
- (6) Coastal access.
- (7) Family daycare homes for more than fourteen (14) children and community care facilities for more than six (6) persons;

G. **Section 9-4.651** "Permitted and conditional uses" of Article 6.5, "R-3/L.D. Multiple-Family Density Residential District" of Chapter 4, "Zoning" of Title 9, "Planning and Zoning" of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec. 9-4.651. Permitted and conditional uses.

- (a) Permitted uses. The following uses shall be permitted in the R-3/L.D. District:
 - (1) All uses permitted in the R-3 District.
- (b) Conditional uses. Conditional uses allowed in the R-3/L.D. District, subject to obtaining a use permit, shall be as follows:
 - (1) Single-family dwellings;
 - (2) Clustered housing pursuant to Article 24 of this chapter;
 - (3) Child-Family daycare homes for more than ~~twelve (12)~~ fourteen (14) children and ~~special~~ community care facilities homes, for more than six (6) persons;
 - (4) Parks and playgrounds.

H. **Section 9-4.1101** "Permitted and conditional uses" of Article 11, "C-2 Community Commercial District" of Chapter 4, "Zoning" of Title 9, "Planning and Zoning" of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec. 9-4.1101. Permitted and conditional uses.

- (a) Permitted uses. The following uses shall be permitted in the C-2 District:
 - (1) Retail stores and shops;
 - (2) Personal and business service establishments, including financial institutions;
 - (3) Offices;
 - (4) Newspaper, printing, and lithography plants not exceeding five thousand (5,000) square feet in net usable area;
 - (5) Retail restaurants, fast food restaurants, restaurants and bars;
 - (6) Household appliance and furniture sales and service in conjunction with sales;

- (7) Veterinary hospitals and clinics;
 - (8) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter; and
 - (9) Accessory dwelling units and junior accessory dwelling units, subject to the standards of Article 4.5.
 - (10) Emergency Shelters for twenty (20) or less persons or beds, subject to the standards of Article 53.
- (b) Conditional uses. Conditional uses allowed in the C-2 District, subject to obtaining a use permit, shall be as follows:
- (1) Social halls, clubs, theaters, and nightclubs;
 - (2) Pet care and sales establishments, including boarding and grooming;
 - (3) Vehicle and boat sales and service in conjunction with sales;
 - (4) Plumbing, heating, electrical, and appliance repair, service, and supply shops;
 - (5) Specialty auto service, such as oil changing facilities, not in conjunction with service stations;
 - (6) Car washes;
 - (7) Health/fitness clubs;
 - (8) All uses allowed as either a permitted or conditional use in the C-1 District and which are not listed as permitted uses in the C-2 District; and
 - (9) Firearms sales, subject to the provisions of Section 9-4.2316.
 - (10) Marijuana testing operation, subject to the provisions of Article 48 of this chapter, including without limitation any restriction on the establishment of such use in certain locations.
 - (11) Emergency Shelters for more than twenty (20) persons or beds but not more than 30, subject to the standards of Article 53.
- i. **Section 9-4.2315** “Special care facilities” of Article 23, “General Provision and Exceptions” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec. 9-4.2315. - ~~Special~~ Community care facilities.

(a) *Purpose.* This section is intended to regulate ~~special~~ community care facilities, as defined in Section 9-4.229.1

<https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART2DE_S9-4.273.1SPCAFA>, with more than six residents not including staff. Special Community care facilities serving six or fewer residents not including staff are permitted in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this section. Any lot developed or used pursuant to this section shall not thereafter be used for any purpose other than a ~~special~~ community care facility unless and until the Planning Director City Planner has certified in writing

that the alternate use satisfies all applicable and then existing land use regulations pertaining to the classification of the lot.

(b) *Special Community care facilities criteria.* When the proposed use meets the requirements of this chapter including the conditions set forth in [Section 9-4.3303 <https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART33USPE_S9-4.3303GRFICO>](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART33USPE_S9-4.3303GRFICO) and all the following criteria, residential community care facilities serving more than six persons in addition to caregivers may be permitted by approval of a use permit in all residential and commercial zoning districts, as identified in this chapter.

(1) There are no other special community care facilities serving more than six persons not including staff within 500 radial feet of the perimeter of the subject property. If proposed facilities are located within the 500-foot minimum horizontal distance, the Planning Commission may determine facility overconcentration if impacts in the area are considered significant.

(2) The proposed use shall be conducted in a manner and with facilities that comply with Federal, State and local law and such compliance will be a condition of all use permits issued pursuant to this section. The operator of the facility shall give written notice of any suspension or revocation of its State license to the City Manager within seven (7) days of said suspension or revocation.

(3) Special Community care facilities shall include a common dining area as well as common living areas and amenities to facilitate program activities.

(4) There shall be a minimum of 100 square feet of usable open space area per resident, not including staff. Indoor common living areas and amenities to facilitate program activities may be counted towards this requirement up to a maximum of seventy-five (75%) percent of the total open space area required.

(5) Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, gardens, putting greens and similar recreation areas.

(6) Where additional stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies or lanais shall be provided in an amount, dimension, area and location as determined to be adequate by the Planning Commission.

(c) *Hearings and notices required.* Special Community care facilities serving more than six residents not including staff, may be permitted in those zoning districts enumerated in this chapter upon securing a use permit and complying with all hearing and notice requirements as set forth in [Article 33 <https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART33USPE>](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART33USPE)

of this chapter, except as otherwise provided in this section.

- J. **Subsection (a) of Sec. 9-4.2818** “Number of parking spaces required” of Article 28, “Off-Street Parking and Loading”, of Chapter 4 “Zoning”, of Title 9 “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strikethrough~~ and additions shown in underline) as follows:

Sec. 9-4.2818. Number of parking spaces required.

The number of off-street parking spaces required for the uses set forth in this section shall be as follows:

Use	Requirements
(a) <i>Residential.</i>	
(1) Single-family and two-family	Two (2) garage spaces per unit. In addition, where adequate driveway

(2) Multi-family, including studio, townhouses and condominiums

length to accommodate a parked car does not exist or on-street parking is unavailable, a minimum of one guest parking space per unit shall be provided.

One space for each studio, one and one-half (1 ½) spaces for each one-bedroom unit, and two (2) spaces for each unit of two (2) or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four (4) units. When the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.

(3) Residential projects within the Hillside Preservation District

Spaces shall be provided as required by Section 9-4.2258 of Article 22.5 of this chapter.

(4) Mobile home parks

Two (2) spaces for each site (parking may be tandem). For associated guest parking and recreation facilities, one space for each five (5) sites.

(5) Dwelling units especially designed for, and to be occupied by, persons sixty-two (62) years of age or more

One space for every two (2) units. In addition, one space to accommodate guest parking shall be provided for each five (5) units.

(6) Lodging houses and boardinghouses

One garage space for each two (2) lodging rooms, plus garage space for the owner or manager.

(7) Private clubs and lodges with sleeping facilities

One parking space for each two (2) lodging rooms, plus parking spaces equal in number to twenty (20) percent of the capacity, in persons, for the remainder of the building.

(8) Residential projects with affordable units

Projects which provide affordable units in accordance with the density bonus program as set forth in Article 41 of this chapter, which projects have ten (10) or more required spaces, may provide up to one-third (1/3) of the total required parking spaces for compact cars.

(9) Accessory dwelling units
Emergency Shelter

(10)

Spaces shall be provided as required by Article 4.5 of this chapter. One (1) space per employee or volunteer on

duty when the shelter is open to individuals utilizing the emergency shelter.

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 accordance with State law.

Section 7. Coastal Act Compliance. The City Council hereby certifies that the zoning text amendment described herein is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code 30000 *et seq.*). The zoning text amendment described herein shall take effect for areas within the Coastal Zone immediately upon certification by the California Coastal Commission ("CCC") if approved by the CCC as submitted. If the CCC certifies the zoning text amendment subject to modifications, final approval by the City Council shall be required prior to the zoning text amendment taking effect. The Planning Commission shall provide a recommendation to the City Council regarding any modifications proposed by the CCC prior to final City Council consideration and approval.

Section 8. 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. For areas within the Coastal Zone, this Ordinance shall take effect as provided in Section 7.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 11th day of December, 2023, by the following vote:

AYES, Councilmembers: *Beckmayer, Bier, Bigstyk, Boles, Waterlaus*

NOES, Councilmembers: *na*

ABSENT, Councilmembers: *na*

ABSTAIN, Councilmembers: *na*

Tygarjas T. Bigstyk
Tygarjas Twyrls Bigstyk, Mayor

ATTEST:

Sarah Coffey

Sarah Coffey, City Clerk

APPROVED AS TO FORM:

Michelle Kenyon

Michelle Kenyon, City Attorney