

**ORDINANCE NO. 847-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING SECTIONS 1-4.01, 1-4.02 AND 2-1.133 OF THE PACIFICA MUNICIPAL CODE TO GOVERN APPEAL AND COUNCIL REVIEW OF DECISIONS OF COMMISSIONS AND COMMITTEES**

**WHEREAS**, the City Council of the City of Pacifica has established commissions and committees by action of the City Council under various resolutions or ordinances; and

**WHEREAS**, the City Council recently approved the “Keep Pacifica Beautiful Through Public Art Program,” which will be implemented by the Beautification Advisory Committee; and

**WHEREAS**, the City Council now desires to amend the Pacifica Municipal Code section 2-1.133 to provide Council with the ability to call-up any decision of the Beautification Advisory Committee which is appealable to Council and to call-up any action or recommendation of any commission or committee which is subject to review by the Council; and

**WHEREAS**, Title 1, Chapter 4, and specifically City of Pacifica Municipal Code section 1-4.01, which governs appeals of decisions by a board, commission, or City staff should be amended to include a right of appeal from decisions of the Beautification Advisory Committee; and

**WHEREAS**, appeal procedures in Title 1, Chapter 4 of the Pacifica Municipal Code should provide for imposition of an appeal fee to cover the administrative cost of appeals to the City Council within a time-frame that is consistent with the appeal deadlines in Title 9.

**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. Amended.** Section 2-1.133 of the Pacifica Municipal Code is hereby amended to read in its entirety as follows:

**Sec. 2-1.133. - Council call-up of decisions.**

Any decision of a board, commission, Beautification Advisory Committee or City staff member which is appealable to the Council and any action or recommendation of commissions and committees subject to review by the Council pursuant to this Code may be called up for Council review by any Councilmember in accordance with the following procedures:

- (a) The Councilmember shall file with the City Clerk a written request for review, with no need to cite the basis for call-up, within the time set by this Code for filing an appeal of the same decision;

- (b) The review shall be heard in the same manner as an appeal would be heard under this Code of the same decision, except that no appeal fee shall be assessed;
- (c) The Councilmember who called up the decision may participate in the review thereof; and
- (d) The Council may either approve, disapprove, or modify any decision.

**Section 3. Amended.** Section 1-4.01 of the Pacifica Municipal Code is hereby amended to read in its entirety as follows:

**Sec. 1-4.01. - Appeals.**

Unless otherwise specified by this Code, any decision of a board, commission, Beautification Advisory Committee or City employee which is appealable to the Council shall be subject to the requirements set forth in this chapter.

**Section 4. Amended.** Section 1-4.02 of the Pacifica Municipal Code is hereby amended to read in its entirety as follows:

**Sec. 1-4.02. – Filing an Appeal.**

Unless otherwise specified by this Code, the appellant shall file a notice of appeal with the City Clerk and pay any applicable appeal fee within ten (10) days after the date of the decision. Appeal fees shall be established by resolution of the City Council.

**Section 5. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

**Section 6. Severability.** If any section, subsection, sentence, clause or phrase 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, sentences, clauses or phrases be declared unconstitutional.

**Section 7. Publication.** The City Clerk is hereby ordered and directed to certify 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 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.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of August, 2019, by the following vote:

AYES: Vaterlaus, Martin, O'Neill, Beckmeyer, Bier.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Sue Vaterlaus, Mayor

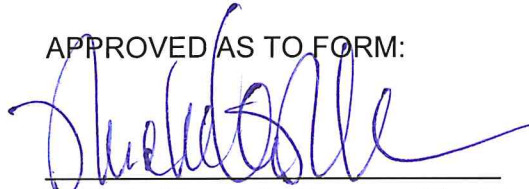
ATTEST:



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Sarah Coffey, City Clerk

APPROVED AS TO FORM:



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Michelle Marchetta Kenyon, City Attorney