



CITY OF PACIFICA
OPEN SPACE & PARKLAND ADVISORY COMMITTEE
January 17, 2024, 6:00 – 7:30 P.M.
Auditorium, Pacifica Community Center, 540 Crespi Drive, Pacifica

CALL TO ORDER:

ADMINISTRATIVE BUSINESS: (5 minutes)

Roll Call

Approval of Order of Agenda

Approval of Minutes of November 15, 2023 (distributed to OSPAC with Agenda)

PUBLIC COMMUNICATIONS:

Public Comment - *This portion of the agenda is available to the public to address the Committee on any issue within the subject matter jurisdiction of the Committee that is not on the agenda (3 minutes per speaker).*

Committee Communications -

INFORMATIONAL ITEMS: (5 minutes)

1. **Update by GGNRA/GGNPC -**
2. **Update by City Council -**

STAFF COMMUNICATIONS: (5 minutes)

3. **Development project updates**

DISCUSSION ITEMS:

4. **Review of the City Council-OSPAC Joint Study Session on 8/28/2023, pertaining to consideration of revisions to OSPAC's authorizing resolution. (60 minutes)**
 - **Recommended Action:** Discuss Joint Study Session on OSPAC authorizing resolution update and consider requesting City Council adoption of an amended authorizing resolution.
5. **Propose and Confirm February Ahni Trail Workday (10 minutes)**

ADJOURNMENT

***Please note that timeframes were provided at the request of the Committee Chair and are meant to provide guidance and not limitations.*

THE CITY OF PACIFICA WILL PROVIDE SPECIAL ASSISTANCE FOR PERSONS WITH DISABILITIES 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, ADVANCED NOTICE IS NECESSARY. ALL MEETING ROOMS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES



CITY OF PACIFICA
OPEN SPACE & PARKLAND ADVISORY COMMITTEE
November 15, 2023, 6:00 – 7:30 P.M.
Auditorium, Pacifica Community Center, 540 Crespi Drive, Pacifica

In attendance was Chair Patton, McDermod, Tan, Goodmiller, Natesan and Cardona., Planning Director Murdock, and Staff Liaison Lin were also present. Arnos and Lancelle were absent.

CALL TO ORDER: *Chair Patton* called the meeting to order at 6:02 PM.

ADMINISTRATIVE BUSINESS: (5 minutes)

Roll Call A quorum was confirmed.

Approval of Order of Agenda – *Unanimously approved.*

Approval of Minutes of August 16th, 2023 (distributed to OSPAC with Agenda) –

Unanimously approved.

PUBLIC COMMUNICATIONS:

Public Comment - *This portion of the agenda is available to the public to address the Committee on any issue within the subject matter jurisdiction of the Committee that is not on the agenda (3 minutes per speaker).*

Nick L (Pacifica) introduced himself as the President of Protect San Pedro Mountain and wanted to follow up to provide clarification on the proposed development of Linda Mar Woods, as he felt that it was not properly presented in the last meeting. *Lusson* commented that Old San Pedro Mountain Road was not owned by the developer of the proposed project, and that they do not have legal rights to develop on that road. *Lusson* continued to state that the proposed development aims to remove a large number of trees on that mountain for over a hundred units of housing.

Laurie G (Pacifica) commented that she has been an active participant over the last few meeting in regards to the continued parking concerns over at Mori Point. She has been in contact with Darren Brown from GGNRA, but just wanted to make it known to the committee that the situation has not yet improved and remained the same.

Committee Communications

Patton announced that Amanda Skaggs has resigned and introduced the newest OSPAC committee member, Remi Tan.

Tan introduced himself as a 26-year resident of Pacifica and stating that he has served as a member for other committees in the City, a former planning commissioner, as well as being on the Green Building Task Force and Climate Action Task Force. *Tan* continued to state that he was interested in serving as a part of this committee primarily due to a number of projects that developers have been attempting to use the builder's remedy on, and hope to see how this committee can help clarify these concerns.

INFORMATIONAL ITEMS: (10 minutes)

1. Update by GGNRA/GGNPC –

Darren Brown (GGNRA) provided an update starting with work to improve the wayfinding and navigation issues. He announced that the team would try to work on and bring on a consultant team to start developing preliminary alternatives for parking at the main trailhead at Mori Point Way. He continued to state that while progress has been made, it has not been successful as the public were still receiving direction to Fairway Drive a few days after the change. *Darren Brown (GGNRA)* announced that a set of preliminary improvements on Mori Point Road have been made, but are not yet ready to share with the public as a meeting with CalTrans, the City, and GGNRA staff will need to take place first.

Patton asked if there is an estimated timeline for when he might receive public comment on those plans.

Darren Brown (GGNRA) stated that he anticipates the preliminary improvements would be ready for public comment sometime early next year, depending on when the feedback meeting takes place.

Cardona thanked Darren for his updates, and asked if the alternative design options were for additional parking.

Darren Brown (GGNRA) responded that they only own parts of Mori Point Road, with only 3-4 parking spots right now. Looking what can be done at Mori Point Road and immediately off of Mori Point Road for parking alternatives.

Goodmiller asked if Darren has had any success in having a person-to-person contact to resolve the wayfinding issues.

Darren Brown (GGNRA) answered that he has been unsuccessful.

Tan thanked Darren for his updates, and announced that the current navigation for the trailhead is working for Google Maps.

Darren Brown (GGNRA) responded that it has not been as successful for other platforms, such as Apple Maps.

Tan asked if GGNRA have a parking agreement with Shelldance.

Darren Brown (GGNRA) confirmed that they do, and that sometimes visitors do park around or behind the nursery areas.

2. Update by City Council -

Planning Director Murdock provided an update on behalf of the City Council liaison with that the City Council held a study session regarding the LCLUP update, and that the first of three planned community meeting is in progress. The next opportunity for engagement is to be held on 12/5 in the Auditorium for a roundtable discussion on potential alternative modifications that the City can propose back to the California Coastal Commission.

STAFF COMMUNICATIONS: (5 minutes)

3. Development project updates

Staff Liaison Lin announced new updates for 570 Crespi (OSTF Lot 32) and Hillside Meadows (OSTF Lot 50)

DISCUSSION ITEMS:

4. **Ohlone Portola Heritage Trail Presentation by Sam Herzberg (SMC Parks Senior Planner) (15 minutes)**

Patton introduced Sam Herzberg (SMC Parks Senior Planner) for his presentation on the Ohlone Portola Heritage Trail.

Herzberg surveyed the committee and the public on their knowledge with the Ohlone Portola Heritage Trail, and provided a two-part presentation.

Cardona thanked *Herzberg* for his informative presentation, and requested if he could send an executive summary digitally over so that OSPAC may discuss if necessary at a later time.

Tan thanked *Herzberg* and requested if there is a map available.

Herzberg answered that the map is available online for download.

McDermod thanked *Herzberg* for the presentation on the historical significance, and asked if the County of San Mateo have a separate interpretative plan.

Herzberg confirmed that one is available online.

Tan asked if there are any funding available to help the City of Pacifica implement these measures.

Herzberg answered that there are none.

Tan asked Planning Director Murdock if there are any idea to help fund for these measures.

Planning Director Murdock responded that the significance of these proposals would be for discussion at a City Council hearing.

Kontrabecki (Project Applicant) asked in reference to the presentation, section 25, 26, and 27 are owned by the property owner he represents, and wanted to confirm if there are maps available online to confirm this.

Herzberg confirmed that they are available online.

5. **Review of the 8/28 City Council-OSPAC Joint Study Session. (30 minutes)**

a. **Discussion of potential processes and information and other topics covered at the 8/28 joint study session.**

Cardona motion to move this to the January meeting due to time constraint.

Patton second the motion.

6. **Propose and Confirm December 9th Ahni Trail Workday (5 minutes)**

Aaron R (Pacifica) provided an update on his work with drainage repair on the trail.

McDermod motioned for a December 9th Ahni Trail Workday.

Natesan second the motion

ADJOURNMENT. *Patton* adjourned at 7:35 PM.

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DRAFT



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA
Planning, Building, and Code Enforcement
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MAYOR
Sue Vaterlaus

MAYOR PRO TEM
Sue Beckmeyer

COUNCIL
Mary Bier
Tygarjas Bigstycck
Christine Boles

Open Space and Parkland Advisory Committee

January 17, 2024

Agenda Item No. 4

Subject: Review of the City Council-OSPAC Joint Study Session on 8/28/2023, pertaining to consideration of revisions to OSPAC's authorizing resolution.

Prepared by: James Lin, Associate Planner

Discussion

Introduction

On August 28, 2023, the City Council and Open Space & Parkland Advisory Committee (OSPAC) held a joint study session to discuss committee survey results and consider revisions to OSPAC's authorizing resolution. The joint study session concluded with City Council consideration of various options in response to OSPAC's request for amendments to its authorizing resolution. These various options and staff's recommendations to OSPAC are discussed further in this report.

Summary and Status

The OSPAC voted 7-0 (with one absence and one vacant seat) at its regular meeting on August 16, 2023, to transmit the draft resolution included as Attachment B to City Council. The request from OSPAC was for City Council adoption of the draft resolution, which would replace OSPAC's current authorizing resolution adopted by City Council in 2015 (City Council Resolution No. 44-2015, Attachment C). As summarized in the City Council staff report from the joint study session included as Attachment D, key provisions in the draft resolution that are not in the current authorizing resolution are summarized as follows:

1. A statement that "equitable access to Parklands and Open Spaces is an important component of addressing systemic injustices and inequalities."
2. Key issues for the OSPAC's advice in the open space context include "equity, access, safety, connectivity, economics, scenic beauty, and effects on adjacent neighborhoods."
3. The OSPAC's unique qualifications to "engage the public, to provide valuable recommendations on [open space issues] and provide input in a community forum to safeguard the benefits of Open Spaces and Parklands for current and future generations."
4. Addition of California Coastal Conservancy lands to those within the OSPAC's purview.

5. Engagement and collaboration with other City Committee's and the Pacifica Land Trust to "protect Open Space lands described in the City's General and Coastal Plans."
6. Members may assist staff with identifying sources of funding for open space preservation, acquisition, enhancement, and maintenance. Funding sources could be as varied as grants, bond or parcel tax measures or community fund raising resources.
7. A requirement for development project applicants to participate in a public study session during the OSPAC's monthly meetings.
 - a. The requirement would apply to vacant parcels in the Hillside Preservation District (HPD) and vacant parcels adjacent to existing parklands, or existing and proposed trails (the current authorizing resolution only applies to properties listed in the Open Space Task Force report)
 - b. The purpose of the study session is for the applicant to share their design and vision, to establish an opportunity for the public to have a voice, and for the OSPAC to work with the applicant collaboratively in the early conceptual stage, as soon as practicable after the initial application package is submitted and as a condition of an application being deemed "complete" for further processing, to bring stakeholders together to identify opportunities to bring value to the project and for open space preservation, natural resource protection, and public benefit.
 - c. Recommendations and comments from the OSPAC would be incorporated into the Planning Department's staff report to the Planning Commission on the project proposal.

Staff's analysis and recommendation supported Items 1 through 6 in the above list. However, as further detailed in the August 28 staff report (Attachment D) and in staff's remarks at the meeting, various legal and practical considerations prevented staff from supporting Item 7 – a requirement for development project applicants to participate in an OSPAC study session as part of the development review process. Staff additionally recommended City Council consideration of the following:

8. Direct OSPAC to focus on implementation of one or more recommendations in the Open Space Task Force (OSTF) Report that have not been completed.
9. Add coordination of trail improvement social "work days" to the OSPAC's list of responsibilities.

The City Council carefully considered and deliberated about OSPAC's requests and staff's recommendations. Council did not direct addition of a mandate to OSPAC's authorizing resolution (Item #7, above) but did express receptiveness to Items 1 through 6 and 9 in the lists above. Council's deliberation also supported the following actions by OSPAC and/or Planning Department staff supporting OSPAC:

- A. Drafting of an invitation letter to present at OSPAC for project sites identified in the OSTF Report that Planning Department staff would provide to applicants.
- B. Improved and expanded reporting to OSPAC at time of initial application submission for project sites identified in the OSTF Report.
- C. Conduct of a "retreat" for OSPAC to improve organizational capacity and team building.
- D. A General Plan amendment that formally connects the recommendations of the OSTF Report to the Conservation, Land Use, and/or other elements of the City's General Plan to ensure a mechanism for formal consideration of the OSTF in City decision making including development review.
- E. An update to the OSTF Report to modernize parcel descriptions and to remove sites already acquired for preservation or sites that have been developed.

Minutes from the August 28 joint study session are included as Attachment E.

Staff’s further analysis of this matter, based on its assessment of the outcome of the August 28 study session and the Planning Department’s organizational capacity in light of the City Council’s adopted Strategic Plan work items, has resulted in a recommendation to amend OSPAC’s authorizing resolution to add Items 1 through 6, 9, and A through D in the lists above. Staff’s rationale for this recommendation is summarized below.

<u>Item #/ Letter</u>	<u>Topic</u>	<u>Rationale</u>
1	A statement that “equitable access to Parklands and Open Spaces is an important component of addressing systemic injustices and inequalities.”	Appropriate Revision: A value statement that reflects the important role of open space.
2	Key issues for the OSPAC’s advice in the open space context include “equity, access, safety, connectivity, economics, scenic beauty, and effects on adjacent neighborhoods.”	Appropriate Revision: A listing of key factors warranting OSPAC’s evaluation in relation to open space.
3	The OSPAC’s unique qualifications to “engage the public, to provide valuable recommendations on [open space issues] and provide input in a community forum to safeguard the benefits of Open Spaces and Parklands for current and future generations.”	Appropriate Revision: A value statement on the importance of OSPAC’s role in the community.
4	Addition of California Coastal Conservancy lands to those within the OSPAC’s purview.	Appropriate Revision: Addition of relevant publicly-owned lands consistent with other categories of publicly-owned lands already included in the authorizing resolution.
5	Engagement and collaboration with other City Committee’s and the Pacifica Land Trust to “protect Open Space lands described in the City’s General and Coastal Plans.”	Appropriate Revision: Authorizes additional actions necessary to effectively carry out OSPAC’s advisory function on open space matters.
6	Members may assist staff with identifying sources of funding for open space preservation, acquisition, enhancement, and maintenance. Funding sources could be as varied as grants, bond or parcel tax measures or community fund raising resources.	Appropriate Revision: Authorizes additional actions necessary to effectively preserve, acquire, enhance, and maintain open space.
7	A requirement for development project applicants to participate in a public study session during the OSPAC’s monthly meetings. a. The requirement would apply to vacant parcels in the Hillside Preservation District (HPD) and vacant parcels adjacent to existing parklands, or existing and proposed trails (the current authorizing resolution only applies to properties listed in the Open Space Task Force report)	Revision Not Appropriate: Various legal and practical considerations make a mandatory presentation to OSPAC inappropriate. In addition, there was not clear support expressed by City Council at the August 28 joint study session for this amendment.

	<p>b. The purpose of the study session is for the applicant to share their design and vision, to establish an opportunity for the public to have a voice, and for the OSPAC to work with the applicant collaboratively in the early conceptual stage, as soon as practicable after the initial application package is submitted and as a condition of an application being deemed “complete” for further processing, to bring stakeholders together to identify opportunities to bring value to the project and for open space preservation, natural resource protection, and public benefit.</p> <p>c. Recommendations and comments from the OSPAC would be incorporated into the Planning Department’s staff report to the Planning Commission on the project proposal.</p>	
8	Direct OSPAC to focus on implementation of one or more recommendations in the Open Space Task Force (OSTF) Report that have not been completed.	Revision Not Appropriate: There was not clear support expressed by City Council at the August 28 joint study session for this amendment.
9	Add coordination of trail improvement social “work days” to the OSPAC’s list of responsibilities.	Appropriate Revision: Formalizes an ongoing open space advisory and improvement function already being performed by OSPAC members as a social activity.
A	Drafting of an invitation letter to present at OSPAC for project sites identified in the OSTF Report that Planning Department staff would provide to applicants.	Appropriate Revision: Will improve the function of the invitation process currently utilized by staff by allowing OSPAC to state in its own words the value of presenting to OSPAC for a developer. OSPAC may consider drafting this letter as a whole or establishing a subcommittee for this specific function.
B	Improved and expanded reporting to OSPAC at time of initial application submission for project sites identified in the OSTF Report.	Appropriate Revision: Will improve the information provided to OSPAC and the public at time of application for projects proposed on sites in the OSTF Report. An example report template is included as Attachment F.
C	Conduct of a “retreat” for OSPAC to improve organizational capacity and team building.	Appropriate Revision: Authorize, but do not mandate, that OSPAC may conduct a “retreat” for stated purposes subject to available City funding and staff support.
D	A General Plan amendment that formally connects the recommendations of the OSTF Report to the Conservation, Land Use, and/or other elements of the City’s General Plan to ensure a mechanism for	Appropriate Revision: Makes a critical connection between two important City planning documents – the General Plan and OSTF Report – which will enable the

	formal consideration of the OSTF in City decision making including development review.	City to formally consider the OSTF Report's recommendation outside of the OSPAC setting.
E	An update to the OSTF Report to modernize parcel descriptions and to remove sites already acquired for preservation or sites that have been developed.	Revision Not Appropriate: Planning Department staff is currently assigned a significant workload under existing City Council Strategic Plan priorities and other mandates. Staff is not likely to have the bandwidth for a major update to the OSTF Report for at least 1-2 years and possibly longer. The City Council may separately prioritize this work at an appropriate time and need not direct this update in OSPAC's authorizing resolution at this time.

Staff has prepared a draft resolution for OSPAC's consideration (Attachment A) that incorporates the recommended amendments. If determined by OSPAC to be acceptable, staff recommends a motion to recommend City Council adoption of the amended resolution. Adoption of the amended resolution by City Council would conclude the OSPAC phase of the ongoing City Council effort to review all commission and committee authorizing resolutions.

OSPAC Action

Move to recommend City Council adoption of the draft resolution included as Attachment A to the staff report and to rescind City Council Resolution No. 44-2015.

Attachment:

Attachment A –DRAFT Resolution Recommended by Staff to Amend OSPAC Authorizing Resolution and Rescind City Council Resolution No. 44-2015

Attachment B –DRAFT Authorizing Resolution suggested by OSPAC to replace Resolution No. 44-2015 (Transmitted by OSPAC majority vote for discussion with Pacifica City Council at a Study Session – 8/28/2023)

Attachment C – Resolution No. 44-2015 (Current OSPAC Authorizing Resolution)

Attachment D – City of Pacifica Council Agenda Summary Report (8/28/2023)

Attachment E – City of Pacifica City Council Partial Minutes from 8/28/2023

Attachment F – DRAFT Template Report for Open Space Task Force Report Projects

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ADOPTING A NEW AUTHORIZING RESOLUTION FOR THE OPEN SPACE AND
PARKLAND ADVISORY COMMITTEE AND RESCINDING RESOLUTION NO. 44-
2015**

WHEREAS, Resolution No. 44-2015 of the City Council of the City of Pacifica (“Authorizing Resolution”) established the Open Space and Parkland Advisory Committee (“OSPAC”) subject to the criteria contained therein; and

WHEREAS, open spaces, parklands, prominent hills, ridgelines, bluffs, beaches, recreational opportunities, and viewsheds are fundamental to Pacifica’s essence. The beauty, character, ecology, history, and quality of life afforded by these natural features provides residents and visitors alike with mental and physical health benefits and contributes to Pacifica’s economy; and

WHEREAS, equitable access to open spaces and parklands is an important component of addressing systemic injustices and inequalities; and

WHEREAS, the City Council and OSPAC held a joint study session to review the Authorizing Resolution and consider whether revisions were necessary on August 28, 2023.

NOW THEREFORE BE IT RESOLVED that the OSPAC shall continue to operate and will be comprised of nine (9) members selected by the Council from the community at large; and

BE IT FURTHER RESOLVED that the OSPAC shall operate consistent with the duties, responsibilities, goals, and objectives as stated in this Resolution, and shall operate consistent with the City of Pacifica Municipal Code and City of Pacifica Commission and Committee Handbook as both may be periodically amended by the City Council; and

BE IT FURTHER RESOLVED, while some of the recommended actions of the Open Space Task Force Report (“OSTF Report”) have been completed, the OSTF Report should remain the basic reference for the OSPAC; and

BE IT FURTHER RESOLVED, the OSPAC shall advise the City Council on issues pertaining to open space and parklands, including advisement on issues of equity, access, safety, connectivity, economics, scenic beauty, and effects on adjacent neighborhoods. The OSPAC is uniquely qualified to engage the public, to provide valuable recommendations on these topics, and provide input in a community forum to safeguard the benefits of open spaces and parklands for current and future generations; and

BE IT FURTHER RESOLVED, the OSPAC shall advise the City Council on: (1) The Policy and Procedures of the National Park Service ("NPS") as they relate to areas of the Golden Gate National Recreation Area ("GGNRA") within the City of Pacifica and adjacent communities; (2) Issues surrounding the transfer of ownership of Cattle Hill and the Pedro Point Headlands to the NPS; (3) Access to and operation of the San Mateo County Parks in and around the City of Pacifica including the San Pedro Valley County Park and the Devil's Slide Trail County Park; (4) Access to and operation of lands owned by the California Coastal Conservancy; (5) Access to and improvement and operation of open space lands owned or controlled by the City of Pacifica; and (6) Ways in which these areas can contribute to the economy of the City; and

BE IT FURTHER RESOLVED, the OSPAC may assist City staff with identifying sources of funding (e.g., grants, bond or parcel tax measures or community fund raising resources) for open space preservation, acquisition, enhancement, and maintenance; and

BE IT FURTHER RESOLVED, the OSPAC may plan and undertake periodic trail improvement social "work days" for trails located on City-owned property in full coordination with the City Manager; and

BE IT FURTHER RESOLVED, the OSPAC may conduct an annual retreat, within the City, to improve organizational capacity and team building when determined necessary by the Chair of OSPAC, in full coordination with the City Manager and subject to available City funding and staff support for the OSPAC; and

BE IT FURTHER RESOLVED, during a future annual review of implementation of the General Plan the City Council will consider whether a General Plan amendment that formally connects the recommendations contained in the OSTF Report to one or more elements in the City's General Plan is appropriate to ensure a mechanism exists for formal consideration of the OSTF Report in City decision making including development review; and

BE IT FURTHER RESOLVED, the OSPAC support staff shall prepare a staff report describing projects proposed on sites listed in the Open Space Task Force report and summarizing the project's relationship to the site description in the OSTF Report. Support staff shall present this staff report at the first OSPAC meeting practicable following submission of the application; and

BE IT FURTHER RESOLVED, the OSPAC may advise applicants on properties listed in the OSTF Report if such applicants voluntarily agree to present their projects to the OSPAC. Recommendations of the committee will be solely advisory. The OSPAC shall be authorized to draft and from time-to-time amend an invitation letter that Planning Department staff shall furnish to applicants for projects on properties listed in the OSTF Report, which letter shall outline the positive outcomes that may result from an application presentation to receive advisory

feedback from the OSPAC; and

BE IT FURTHER RESOLVED, the OSPAC may from time to time be required to engage and collaborate with other City Committees and Pacifica's Land Trust in furtherance of its authorized activities; and

BE IT FURTHER RESOLVED that this Resolution is intended to supersede the Authorizing Resolution in its entirety and Resolution No. 44-2015 is hereby rescinded.

* * * * *

Passed and adopted at a regular meeting of the City Council of the City of Pacifica on February 12, 2024, by the following vote of the members thereof:

AYES, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

Sue Vaterlaus, Mayor

ATTEST:

Sarah Coffey, City Clerk

Michelle Marchetta Kenyon, City Attorney

DRAFT Authorizing Resolution suggested by OSPAC to replace Resolution 44-2015
(Transmitted by OSPAC majority vote for discussion with Pacifica City Council at a Study
Session – 8/28/2023)

1 WHEREAS, the Council reviewed the function of the Open Space and Parkland Advisory
2 Committee (OSPAC) and held a study session on _____, 2023; and
3

4 WHEREAS, the City of Pacifica has had a long history of open space committees with the latest
5 being OSPAC, a result of combining the Open Space Advisory Committee and the Golden Gate
6 National Recreation Area Advisory Committee via City Council Resolution 44-2015 on
7 November 23, 2015; and
8

9 WHEREAS, Pacifica’s Open Spaces and Parklands and associated prominent hills, ridgelines,
10 bluffs, beaches, recreational opportunities, and viewsheds are fundamental to Pacifica’s
11 essence. The beauty, character, economy, history, and the quality of life for the citizens of
12 Pacifica attracts residents and visitors to Pacifica, and provides them with mental and physical
13 health benefits; and
14

15 WHEREAS, the Opens Spaces and Parklands of Pacifica support a unique coastal flora and fauna
16 that require intact and connected habitats to thrive, and this biodiversity is essential to
17 ecosystem diversity and resilience which is critical to maintaining the community and public
18 benefits derived from Open Spaces and Parklands; and
19

20 WHEREAS, significant Parklands and Open Spaces in and around Pacifica are owned and
21 managed by the

- 22 • National Park Service as part of the Golden Gate National Recreational Area (GGNRA), such
23 as Mori Point, Milagra Ridge, and Sweeney Ridge;
- 24 • San Mateo County through its Parks Department (SMCP), such as San Pedro Valley Park and
25 Devil’s Slide Trail
- 26 • the City of Pacifica, including Cattle Hill and lands on Pedro Point Headlands
- 27 • the California Coastal Conservancy such as lands on Pedro Point; and
28

29 WHEREAS, some of the recommended actions of the Open Space Task Force Report have been
30 completed, the report will remain the fundamental reference for the Open Space and Parkland
31 Advisory Committee; and
32

33 WHEREAS, equitable access to Parklands and Open Spaces is an important component of
34 addressing systemic injustices and inequalities; and
35

36 WHEREAS, an Advisory Committee whose sole focus of consideration is Open Space and
37 Parklands, including advisement on issues of equity, access, safety, connectivity, economics,
38 scenic beauty, and effects on adjacent neighborhoods. OSPAC is uniquely qualified to engage
39 the public, to provide valuable recommendations on these topics, and provide input in a
40 community forum to safeguard the benefits of Open Spaces and Parklands for current and
41 future generations; and
42

DRAFT Authorizing Resolution suggested by OSPAC to replace Resolution 44-2015
(Transmitted by OSPAC majority vote for discussion with Pacifica City Council at a Study
Session – 8/28/2023)

43 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica does hereby
44 reauthorize the creation of the Open Space and Parkland Advisory Committee (OSPAC)
45 consisting of nine (9) members selected from the community at large and appointed by the City
46 Council with goals and objectives as stated in this resolution; and

47
48 BE IT RESOLVED that the committee shall continue to advise the City Council on open space
49 issues, making recommendations to the City Council on:

- 50 (1) issues related to lands owned or managed, or considered for ownership or
51 management, by the GGNRA and SMCP within and adjacent to the City of Pacifica; and
52 (2) issues related to Open Space owned by the City of Pacifica and the Coastal Conservancy
53 associated considerations such as transfer of ownership to an appropriate long-term
54 owner; and
55 (3) opportunities for existing and potential future Open Space and Parklands to provide
56 public benefit and continue to enrich the well-being of Pacifica’s residents and visitors.
57 Including consideration of Open Space and Parkland related issues of access, use,
58 connectivity, safety, economics, scenic beauty, preservation and effects on adjacent
59 neighborhoods; and

60
61 BE IT RESOLVED that OSPAC will engage and collaborate with other City Committees and
62 Pacifica’s Land Trust to protect Open Space lands described in the City’s General and Coastal
63 Plans; and

64
65 BE IT RESOLVED that planning project applicants shall be required to participate in a public
66 study session during OSPAC’s monthly meetings for properties listed in the Open Space Task
67 Force report, as well as vacant parcels in the Hillside Preservation District (HPD), vacant
68 adjacent to existing parklands, or existing and proposed trails. The purpose of the study session
69 is for the applicant to share their design and vision, to establish an opportunity for the public to
70 have a voice, and for OSPAC to work with the applicant collaboratively in the early conceptual
71 stage, as soon as practicable after the initial application package is submitted and as a condition
72 of an application deemed “complete”, to bring stakeholders together to identify opportunities
73 to bring value to the project and for open space preservation, natural resource protection, and
74 public benefit. Recommendations and comments from OSPAC would be incorporated into the
75 Planning Department’s staff report on the project proposal; and

76
77 BE IT RESOLVED, that Committee members may assist staff with identifying sources of funding
78 for open space preservation, acquisition, enhancement, and maintenance. Funding sources
79 could be as varied as grants, bond or parcel tax measures or community fund raising resources;
80 and

81
82 Passed and adopted at a regular meeting of the City Council of the City of Pacifica on
83 _____, 2023 by the follow vote of the members thereof:

84

RESOLUTION NO. 44-2015
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
CREATING AN OPEN SPACE AND PARKLAND ADVISORY COMMITTEE AND
RESCINDING RESOLUTION NO. 31-2013

WHEREAS, a subcommittee of the Council reviewed the function of City Commissions and Committees and held a Study Session on March 20, 2013; and

WHEREAS, natural areas and parks surround the City of Pacifica, contribute to its beauty and character, and remain a valued asset for our community; and

WHEREAS, there was an Open Space Advisory Committee without an authorizing resolution and a Golden Gate National Recreation Area Advisory Committee with an expired authorizing resolution; and

WHEREAS, the Council determined that it would be beneficial to combine the functions of the two committees into one committee called the Open Space and Parkland Advisory Committee that would consider issues related to natural areas that are proposed to be dedicated to the Golden Gate National Recreation Area ("GGNRA"), lands that are proposed to be dedicated open space, parklands that are under the jurisdiction of the GGNRA and areas operated by San Mateo County Parks Department; and

WHEREAS, the committee shall also advise the City Council on other pertinent open space issues, the current priority objectives of the committee shall be to make recommendations to the City Council on: (1) The Policy and Procedures of the National Park Service ("NPS") as they relate to areas of the GGNRA within the City of Pacifica and adjacent communities; (2) Issues surrounding the transfer of ownership of Cattle Hill and the Pedro Point Headlands to the NPS; (3) Access and operation of the San Mateo County Parks in the City of Pacifica including the San Pedro Valley County Park and the Devil's Slide Trail County Park; and (4) Ways in which these areas can contribute to the economy of the City; and

WHEREAS, the committee may also advise applicants on properties listed in the Open Space Task Force report and on other open space issues. Recommendations of the committee will be solely advisory; and

WHEREAS, while some of the recommended actions of the Open Space Task Force Report have been completed, the report should remain the basic reference for the Open Space and Parkland Advisory Committee; and

WHEREAS, The Open Space and Parkland Advisory Committee will be comprised of nine (9) members selected by the Council from the community at large; and

WHEREAS, on June 10, 2013, the City Council adopted Resolution No. 31-2013, a Resolution of the City Council of the City of Pacifica Creating an Open Space and Parkland Advisory Committee (the "OSPAC Resolution"); and

WHEREAS, on November 23, 2015 the City Council considered amending the OSPAC Resolution.

NOW THEREFORE BE IT RESOLVED that Resolution No. 31-2013 is hereby rescinded; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby authorize the creation of the Open Space and Parkland Advisory Committee to consist of 9 members appointed by the City Council with the goals and objectives as stated in this resolution.

* * *

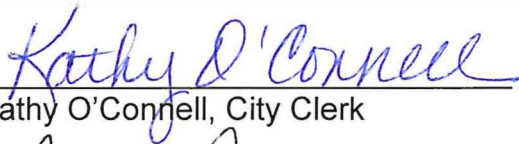
Passed and adopted at a regular meeting of the City Council of the City of Pacifica on November 23, 2015, by the following vote of the members thereof:

AYES, Councilmembers:	Keener, O'Neill, Nihart, Digre, Ervin
NOES, Councilmembers:	None
ABSENT, Councilmembers:	None
ABSTAIN, Councilmembers:	None



Mike O'Neill, Mayor

ATTEST:


Kathy O'Connell, City Clerk

APPROVED AS TO FORM:


Michelle Marchetta Kenyon, City Attorney



CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

8/28/2023

SUBJECT:

Joint Study Session of City Council and Open Space & Parkland Advisory Committee (OSPAC) to discuss committee survey results and consideration of revisions to OSPAC's authorizing resolution.

RECOMMENDED ACTION:

Provide direction to the City Manager after consideration of survey results and OSPAC's request.

STAFF CONTACT:

Christian Murdock, AICP, Planning Director - (650) 738-7341
cmurdock@pacifica.gov

BACKGROUND/DISCUSSION:

The City Council's Priority Work Plan for Fiscal Year (FY) 2022-23 included *Item No. 13 – Review City Commission and Committee Charters*. Staff's efforts on this item started in the third quarter of FY 2022-23 and have continued into FY 2023-24. The following is a brief outline of efforts on this work plan item both generally and specific to consideration of the "charter" (i.e., authorizing resolution) for the Open Space and Parkland Advisory Committee (OSPAC):

- **April 11, 2022:** Adoption of FY 2022-23 Priority Work Plan. This action established a review of all commission and committee charters as a priority for the City Council.
- **March 27, 2023:** City Council discussion and direction on order of commission/committee reviews and approach to gathering information from commission/committee members about their work.
- **April 10, 2023:** City Council creation of an ad hoc subcommittee to work on the review of commission/committee charters. The ad hoc subcommittee, consisting of Mayor Bigstyk and Councilmember Bier, has assisted staff with the creation of survey questions for the OSPAC members to gauge their responses on various topics related to their work.
- **July 17, 2023:** Consistent with the City Council ad hoc subcommittee's input, staff launched an online survey to seek individual OSPAC member input.
- **July 19, 2023:** Discussion of collective survey questions by committee members at the monthly OSPAC meeting.
- **August 16, 2023:** OSPAC vote on draft resolution (i.e., charter) for City Council consideration (Attachment A).

I. OSPAC's Requested Modifications to Its Charter

The OSPAC voted 7-0 (with one absence and one vacant seat) at its regular meeting on August 16, 2023, to transmit the draft resolution in Attachment A to City Council. The draft resolution is the OSPAC's preferred new authorizing resolution to replace the existing authorizing resolution adopted in 2015 (discussed further, below). Key provisions in the draft resolution not in the current authorizing resolution are summarized as follows:

- A statement that "equitable access to Parklands and Open Spaces is an important component of addressing systemic injustices and inequalities."
- Key issues for the OSPAC's advice in the open space context include "equity,

access, safety, connectivity, economics, scenic beauty, and effects on adjacent neighborhoods.”

- The OSPAC’s unique qualifications to “engage the public, to provide valuable recommendations on [open space issues], and provide input in a community forum to safeguard the benefits of Open Spaces and Parklands for current and future generations.”
- Addition of California Coastal Conservancy lands to those within the OSPAC’s purview.
- Engagement and collaboration with other City Committee’s and the Pacifica Land Trust to “protect Open Space lands described in the City’s General and Coastal Plans.”
- Members may assist staff with identifying sources of funding for open space preservation, acquisition, enhancement, and maintenance. Funding sources could be as varied as grants, bond or parcel tax measures or community fund raising resources.
- A requirement for development project applicants to participate in a public study session during the OSPAC’s monthly meetings
 - The requirement would apply to vacant parcels in the Hillside Preservation District (HPD) and vacant parcels adjacent to existing parklands, or existing and proposed trails (the current authorizing resolution only applies to properties listed in the Open Space Task Force report)
 - The purpose of the study session is for the applicant to share their design and vision, to establish an opportunity for the public to have a voice, and for the OSPAC to work with the applicant collaboratively in the early conceptual stage, as soon as practicable after the initial application package is submitted and as a condition of an application being deemed “complete” for further processing, to bring stakeholders together to identify opportunities to bring value to the project and for open space preservation, natural resource protection, and public benefit.
 - Recommendations and comments from the OSPAC would be incorporated into the Planning Department’s staff report to the Planning Commission on the project proposal.

City Council Creation of the OSPAC

In 2013, the City Council decided to combine two prior committees with varying responsibilities to advise City Council on open space matters – the Open Space Advisory Committee and Golden Gate National Recreation Area Advisory Committee – to create the OSPAC. The City Council directed the work of the OSPAC by resolution in 2013 and again by rescinding the 2013 resolution and adopting Resolution No. 44-2015 on November 23, 2015 (the “Resolution”; Attachment B). The Resolution provides the stated objectives of the OSPAC, which are to make recommendations to the City Council on: (1) the policy and procedures of the National Park Service (“NPS”) as they relate to areas of the GGNRA within the City of Pacifica and adjacent communities; (2) Issues surrounding the transfer of ownership of Cattle Hill and the Pedro Point Headlands to the NPS; (3) access and operation of the San Mateo County Parks in the City of Pacifica including the San Pedro Valley County Park and the Devil’s Slide Trail County Park; and (4) ways in which these areas can contribute to the economy of the City.

The Resolution also states that the OSPAC may advise applicants¹ on properties listed in the

¹ This provision in Resolution No. 44-2015 reads as follows: “...the committee may also advise applicants on properties listed in the Open Space Task Force report and on other open space issues. Recommendations of the committee will be solely advisory.”

Open Space Task Force (OSTF) Report² and specified that the OSTF Report should “remain the basic reference” for the OSPAC.

Open Space Task Force Report

The First Edition of the Open Space Task Force Report (OSTF) was published in 1988, with an updated Second Edition published in 2000. The OSTF included 34 recommendations to City Council. Many of the recommendations contained in the OSTF Report have been implemented since 1988. A number of recommendations recognized the role of the Planning Commission in development review and setting land use policy, and were structured as recommendations to the Planning Commission on General Plan, zoning, and other land use regulation amendments that would further the purposes of the OSTF Report. Notably, review of development projects by an open space committee was not one of the 34 recommendations to City Council contained in the OSTF Report. In fact, Recommendation 14.a states that the OSTF Report “should be used as a reference by the City Council, the Planning Commission, the PB&R Commission and City staff to identify issues of concern when evaluating land use proposals and when considering issues relating to open space.”

In recent years, the OSPAC has generally performed work consistent with the Resolution. Notable efforts have included assisting the community with neighborhood impacts from increased visitation to Mori Point since the onset of the COVID-19 pandemic. The OSPAC has also led the annual Preservation Award nomination process, and OSPAC Members have organized social clean-up events on Cattle Hill to improve/restore trails on that City-owned open space.

II. Survey of OSPAC Members

The City Council has directed that the charter update process include a survey of the commission/committee members. The process outlined by the ad hoc subcommittee includes a survey of the commission/committee collectively, discussed at a regular meeting thereof, and an individual member survey completed privately using an online survey tool. The surveys are intended to gauge the opinions of commission/committee members about their service to the City and opportunities to improve the functioning of their commissions/committees. A summary of each survey is provided below:

Collective Survey

The OSPAC discussed the collective survey questions at its regular meeting on July 19, 2023. The collective survey included seven questions addressing various aspects of the OSPAC’s work including the types of activities the OSPAC should undertake and advice the OSPAC should provide to City Council. A summary of the discussion is included as Attachment C. Eight of the OSPAC’s nine members were present for the discussion.

Some common themes in the OSPAC’s discussion included members’ beliefs that the OSPAC provides an important community engagement function, that it could provide a role to facilitate funding for open space stewardship and transfers to other management agencies, that the OSTF Report may be due for an update, and that the OSPAC’s charter should be expanded to provide a formal role in development project review.

Individual Survey

The individual OSPAC member online survey was available for over one month prior to the joint

² The OSTF Report is comprised of [Volume 1](#) and [Volume 2](#).

study session. Detailed responses to the individual survey are included as Attachment D. Some responses have been modified to preserve the confidentiality of respondents. The survey asked seven questions about the feelings of each OSPAC member related to their service on the committee, and about ways the OSPAC's operations could be improved.

Six of the nine OSPAC members responded to the individual survey. In general, the OSPAC members seemed satisfied with their work and with their initial training upon joining the committee. Some common themes included members reporting their perceptions the meetings could be run in a way to increase participation and collaboration among members, and that online participation options could expand public involvement/participation. Some members also reported their belief that the OSPAC should have an expanded charter, such as to provide a formal role in development project review, and to ensure alignment with established City Council priorities. Members also provided individual input on various other items.

III. Staff Analysis

The OSPAC's request to City Council in Attachment A involves five key topic areas:

1. Policy statements and clarifications, such as the importance of equity as an open space consideration, and the importance of the OSPAC's role as a community forum for discussion and consideration of open space issues.
2. Expansion of the OSPAC's purview to advise on open space matters for lands owned by an additional public agency, the California Coastal Conservancy.
3. Creation of a coordination role for the OSPAC with other City committees and the Pacifica Land Trust, a 501(c)(3) nonprofit organization.
4. Authorization of the OSPAC to consider funding sources related to open space.
5. Expansion of the OSPAC's role in the development review process, including the types of properties subject to its review.

Staff is generally supportive of the OSPAC's requests in #1, 2, 3, and 4, and believes they generally align with the recommendations in the OSTF Report. However, as summarized below, staff has numerous concerns related to OSPAC's requests in #5.

Development Review Process

The development project review process is highly regulated by Federal, State, and local law. Significant experience and expertise is required to effectively administer this process, and the City faces legal exposure if irregularities occur. The Planning Commission is the City body primarily charged with administering the development review process. It has attained a sufficient level of experience and expertise by meeting twice monthly to consider development projects and land use policy items, and is aided with significant staff support from the Planning Department and City Attorney's Office as well as legislative documents such as the City's General Plan and Zoning Regulations. Currently, the OSPAC is an advisory body only and meets once per month and infrequently³ receives presentations from development project applicants, and the Resolution provides that the OSTF Report remains the "basic reference" for the OSPAC. Amending the OSPAC's charter to change from an advisory body to the Council to making recommendations on development projects would be a significant change. As the Planning Commission has historically and regularly performs this development review function, commissioners are well versed in the complex areas involved in planning reviews, such as

³ Since 2020, the OSPAC has received presentations from four applicants for projects within the OSTF Report. By contrast, the Planning Commission has considered 38 development project applications between 2020-2022. Both the Planning Commission and the OSPAC receive staff support from the Planning Department.

California Environmental Quality Act (CEQA), Subdivision Map Act, and other legal land use principles.

The OSPAC's request in #5, if granted by City Council, would be to effectively establish the OSPAC as an additional planning agency component of the City's development review process which is closely governed by State Law. Empowering the OSPAC to consider development projects will create another layer of administration. Another consideration is that to perform the duties of another development review body, the OSPAC would need additional education and training to effectively perform the duties described in the draft resolution (Attachment A). Such additional training would include topics such as the City's relevant legislative and policy documents (e.g., the General Plan, Local Coastal Land Use Plan, Zoning Code, etc.), due process principles under U.S. and State Constitutions, limits on governmental exactions on private property such as nexus and rough proportionality, the CEQA, the Subdivision Map Act and other fundamental laws that restrict government regulation on private development permits. While the OSPAC Members could certainly be trained on these additional areas of expertise, this would require a major commitment of Planning Department and City Attorney's Office staff resources to train and advise OSPAC members. Planning Department and City Attorney's Office staff resources are already significantly committed to execution of the City Council's [FY 2023-2030 Strategic Plan](#) and other routine departmental functions. For example, staff and the City Attorney's office would need to spend considerable effort in amending the Municipal Code to include OSPAC as an additional planning body in the City's development review process. Additionally, the City Clerk's Office staff would also need to become involved to ensure annual completion of Form 700 financial conflict of interest disclosures and periodic Assembly Bill (AB) 1234 ethics training that would be required for an expanded OSPAC role in the development review process.

An expanded role for the OSPAC in the development review process would also increase costs for project applicants. Staff estimates that, at minimum, review by the OSPAC would add at least \$1,000 to processing costs for Planning Department staff time alone, and potentially significantly more when City Attorney's Office assistance is required. Projects within the OSTF Report presented to the OSPAC have included not only larger multi-unit development projects, but also single-family residential projects. Cost increases of this sort can be impactful to individual applicants for smaller projects.

Providing the OSPAC an expanded role in the development review process also calls into question the appropriateness of such an action relative to other City commissions/committees. Economic development issues are of increasing importance to the City, and the Economic Development Committee could follow the OSPAC's example and request review of development projects to advise on matters related to revenue generation and economic development. Or, the Emergency Preparedness & Safety Committee could request review of development projects in areas perceived to be hazardous. Similar examples could be provided for other commissions/committees. A process requiring hearings by multiple commissions/committees to consider development projects would be untenable under current staffing conditions. The City's current development review process recognizes the need for a reasonable level of review and centralizes the responsibility to consider all relevant factors of a development with the Planning Commission.

Lastly, and perhaps most importantly, there may be legal impediments to adding this level of review as part of the application review process. For example, the OSPAC would not be able to consider ministerial projects that are not subject to a discretionary review hearing (e.g., ADUs or SB 9 projects). In addition, for those projects that are subject to the Permit Streamlining Act (PSA), which requires, among other things, that certain housing development projects be reviewed for completeness within thirty (30) calendar days of receipt of the application against

an established list of items necessary for a determination of completeness,⁴ adding this additional layer of review which is not a part of the City’s established checklist could interfere with the City’s ability to make the determination of completeness within the PSA timelines. Moreover, the California Department of Housing and Community Development (HCD) would likely reject any completeness item that requires a developer to have a hearing with the OSPAC. The HCD is the state agency charged with administering state housing laws. Adding processes and costs for residential development projects may not withstand increasing scrutiny of local development review processes by the HCD. The agency has taken an aggressive approach in recent years to oppose local land use regulations that add processing time, vague procedural hurdles, and cost to processing of residential projects. Indeed, HCD’s comment letter on the City’s draft 2023-2031 Housing Element already calls into question some of the City’s existing development review procedural requirements⁵.

It is with consideration of the factors outlined above that the City Manager recommends against additional procedural requirements for housing projects at this time. Similarly, the City Manager recommends against expanding the site eligibility criteria for review by the OSPAC to include vacant parcels in the Hillside Preservation District (HPD) and vacant parcels adjacent to existing parklands, or existing and proposed trails. It is challenging to define these parcels without specific, extensive analysis. Furthermore, inclusion of these criteria could potentially add hundreds of sites to the requirement for review by the OSPAC, further burdening staff and increasing processing costs for affected applicants. A major increase in the number of projects required to be heard by the OSPAC could also limit the ability of the committee to focus on other priority work identified by the City Council.

IV. City Manager Recommendation

The City Manager recommends the following in relation to the OSPAC charter:

1. Validate the ongoing relevance of provisions in the existing OSPAC authorizing Resolution.
2. Consider the addition of OSPAC’s requests in #1, 2, 3, and 4 but provide more clarity on the extent of the authority and new roles of the OSPAC.
3. Direct OSPAC to focus on implementation of one or more recommendations in the OSTF Report that have not been completed.
4. Add coordination of trail improvement social “work days” to the OSPAC’s list of responsibilities.
5. Direct staff to incorporate these revisions into an updated draft resolution to be considered by City Council at a future meeting.

ALTERNATIVE ACTION:

In analyzing this issue, staff identified a narrowly expanded role for the OSPAC in the development review process that might be feasible for the Council to consider, but still carries staff resource and development review timeline impacts and costs, and potential legal concerns:

- Establish a requirement for Planning Department staff to present to the OSPAC prior to application completeness, but not as a requirement for completeness for certain development projects subject to discretionary review.
 - Staff bears the responsibility to present, with notice of the opportunity to

⁴ Government Code § 65943(a).

⁵ See comments in the “Local Processing and Permit Procedures” section of the HCD’s comment letter dated August 8, 2023. The comments call into question “highly discretionary” processes with “subjective findings and minimal guidance to promote certainty and objectivity” in relation to approval of multifamily housing.

- participate provided to applicants.
- Limit site eligibility criteria to only those sites identified in the OSTF Report.
- Due to Permit Streamlining Act time constraints on project processing and other legal mandates for project review, limit Planning Department staff analysis to attachment of the existing project plans as submitted, with a brief summary of the key project characteristics (e.g., number of residential units and commercial floor area proposed), and summary of OSTF Report site narrative.
- Provide specific criteria to be evaluated by the OSPAC, as follows:
 - Evaluate the relationship of the project to the key site features identified in the OSTF Report.
 - Identify opportunities to create or expand public access, or prevent loss of existing public access, on or through the site to existing publicly-owned open space areas surrounding the project site.
- Establish a two-year sunset after which the expanded development review provisions shall expire unless extended by the City Council.
- Require the OSPAC annual report before the two-year sunset to describe the specific input provided for each project reviewed, a summary of Planning Department and City Attorney’s Office staff time utilized to support the project reviews, and a calculation of costs to project applicants associated with the reviews.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

City Council’s Priority Work Plan for Fiscal Year (FY) 2022-23 included *Item No. 13 – Review City Commission and Committee Charters*.

FISCAL IMPACT:

No direct fiscal impact from this study session item. Fiscal impacts to the City and/or project applicants could result from an expanded role for OSPAC in the development review process.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:



CITY OF PACIFICA
CITY COUNCIL MINUTES

Council Chambers
2212 Beach Blvd
Pacifica, CA 94044

Mayor Tygarjas Bigstyk
Mayor pro Tem Sue Vaterlaus
Councilmember Sue Beckmeyer
Councilmember Mary Bier
Councilmember Christine Boles

SPECIAL AND REGULAR MEETING

August 28, 2023 (MONDAY)
www.cityofpacifica.org

Mayor Tygarjas Bigstyk called the meeting to order on August 28, 2023 at 5:35 PM

5:30 PM - JOINT STUDY SESSION - CITY COUNCIL AND OPEN SPACE & PARKLAND ADVISORY COMMITTEE

Mayor Bigstyk called the study session to order at 5:35 p.m.

City Clerk Coffey took a verbal roll call of Councilmembers.

Mayor pro Tem Vaterlaus requested participation remotely via Zoom pursuant to AB 2449 Emergency Circumstances clause, stating that it is due to an emergency physical illness.

Mayor Bigstyk explained the requirements, including disclosing any other individuals above the age of 18 years old present at her remote location.

Mayor pro Tem Vaterlaus stated that her husband, Brent Vaterlaus, and son, Ryan Vaterlaus, are currently in the room.

City Clerk Coffey asked for a roll call vote of Council to approve Mayor pro Tem Vaterlaus' participation via Zoom due to emergency circumstances. She then took a vote by verbal roll call.

APPROVE REMOTE PARTICIPATION PURSUANT TO AB2449 - VATERLAUS (EMERGENCY CIRCUMSTANCES)
RESULT: ADOPTED [UNANIMOUS]
AYES: Bigstyk, Vaterlaus, Beckmeyer, Bier, Boles

Joint Study Session of City Council and Open Space & Parkland Advisory Committee (OSPAC) to discuss committee survey results and consideration of revisions to OSPAC's authorizing resolution.

PROPOSED ACTION: Provide direction to the City Manager after consideration of survey results and OSPAC's request.

Mayor Bigstyk stated that the joint study session between Council and Open Space and Parkland Advisory Committee (OSPAC) is to discuss committee survey results and

consideration of revisions to OSPAC's authorizing resolution. He asked City Clerk to take a verbal roll call of OSPAC members.

City Clerk Coffey took a verbal roll call of the OSPAC members present: Chair Arlene Patton, Vice Chair JoAnne Arnos, Sarah Cardona, Ian McDermod, Julie Lancelle, Lauren Goodmiller, Ellen Natesan, and Amanda Skaggs.

City Manager Woodhouse and Planning Director Murdock presented the staff report.

Councilmember Boles thanked OSPAC for their service. She read that they have reviewed four projects since 2020 and wondered if other developers were invited but declined from participating.

Planning Director Murdock stated that they have made the offer to all applicants with projects on sites in the Open Space Task Force report but not all have taken up the opportunity to present to OSPAC.

Councilmember Boles asked if they have an idea of how many declined.

Planning Director Murdock thought the majority opted not to present to OSPAC.

Councilmember Boles referred to OSPAC's request to include HPD and land adjacent to existing parcels and asked how many parcels they are talking about.

Planning Director Murdock estimated 100 or more additional parcels.

Councilmember Boles asked the City Attorney, regarding development projects, to confirm there are no legal issues with the current mandate.

Asst. City Attorney Sharma confirmed.

Councilmember Boles asked if the Planning Director could explain the project process for OSPAC, and Planning Director Murdock explained how staff keeps OSPAC up-to-date on projects within the Open Space Task Force report at their meetings.

Councilmember Bier asked staff how the opportunity is presented to developers.

Planning Director Murdock stated it is an optional opportunity and not mandated.

Chair Patton referred to Councilmember Boles' questions and stated they need more dialogue regarding developers and their acceptance/declination of presentations to OSPAC.

Planning Director Murdock thought they could add to their report that they extended an invitation and whether they received an acceptance.

Vice Chair Arnos followed up regarding Councilmember Boles' question and suggested a different process to consider, such as a minor development plan or more background. She also noted a more direct approach from OSPAC to Planning to the developer.

Planning Director Murdock responded to two topics: 1) a more in-depth description of the project and 2) formalize how the invitation to developers is conveyed.

Councilmember Beckmeyer thanked the committee members for being here and shared some thoughts on their process.

Councilmember Bier stressed that the relationship building piece is important.

Councilmember Boles shared some information about previous OSPAC meetings and asked if there was a fee for this process now.

Planning Director Murdock stated that they do charge for staff time preparing for the OSPAC presentation. In response to Mayor Bigstyc's question of the general cost, Planning Director Murdock estimated \$1000 for preparation time and meeting presentation.

Committee Member Skaggs asked if \$1000 was the cost given to each of the four projects since 2020 or the cost for a more formalized process.

Planning Director Murdock stated the latter, as the current process is about \$500; the process requested by OSPAC would be more expensive, requiring a more intensive staff report.

Ms. Skaggs asked if a less formal option would be more viable.

Planning Director Murdock thought the low-cost process is what OSPAC has currently requested and can't imagine it being less formal with less staff time and less money.

Ms. Skaggs asked about additional options and costs associated with them.

Planning Director Murdock stated that it was open for Council direction on the method. Regarding the process, they have the least formal and structured process possible currently, and along the lines of OSPAC's suggestions would be more expensive. He stated that, as Vice Chair Arnos mentioned, the OSPAC members need some amount of information and analysis to understand the project in relation to the Open Space Task Force report, which takes staff time to prepare.

City Manager Woodhouse thought cost was an important topic, but there is no private development application process that does not reimburse the cost for the city and all time is billed to that developer. He then acknowledged that the current quick update process will cost the developer less than a more robust one.

Vice Chair Arnos referred to the budget funds OSPAC has.

City Manager Woodhouse stated that this has come up for other committees and commissions, and there is no such thing as separate funding for them but all city publicly funded dollars. He stated that the issue was a gift of public funds to a private entity and is the cost recovery basis for charging all of the staff time related to private projects. If OSPAC had its own budget and allocated it to certain projects that came before, that would be an inequitable treatment of public funds between development projects across the board.

Vice Chair Arnos concluded that they don't have a budget.

City Manager Woodhouse stated that it does have a budget because any work plan items directed by Council are funded by the city so they do indirectly have a budget that Planning

manages through, i.e., training for OSPAC members. To exempt certain projects would be an inequitable treatment of private development projects.

Vice Chair Arnos understood.

Committee Member Ellen Natesan asked what would be different or added to the current reports they are generating if under a more formal required process.

Planning Director Murdock thought, if there is the expectation that OSPAC will have a more in-depth analysis and recommendations, they would need to do more background information as to how the project relates to the General Plan, etc., that could modify a project, in addition to follow-up process.

Ms. Natesan asked if the background research would be done for the Planning Commission or wouldn't have been done otherwise.

Planning Director Murdock stated it depends on the project and the degree they need to prepare regarding different policies and issues regarding open space; this would be a deep and focused open space related analysis that probably wouldn't be done for Planning Commission.

Ms. Natesan asked about developers' concerns about costs.

Planning Director Murdock thought time was more important to applicants than money in most cases as it can impact the project timeline.

Mayor pro Tem Vaterlaus asked how much additional time it will take and how OSPAC can make a decision based on a portion of the information. She also asked where the funds could be located from.

Planning Director Murdock stated that scheduling under OSPAC's current request could add 1-2 months: Considering the process, they would not be able to make the first OSPAC meeting after application submittal, thus 1-2 months in best case scenario, and meetings may be canceled, adding 1-2 months more. Regarding information, OSPAC is trying to balance engaging with applicants early enough where applicants may be willing to make changes to the project and having enough information to understand the project. Thus, OSPAC may need to speak to requesting engagement with applicants prior to application completeness.

Chair Patton stated funding may be available from grants with OSPAC and staff's collaboration. Regarding what they hope to recommend to Planning or Council, they would like to comment in terms of Open Space Task Force Report in terms of natural resource, adjacency, etc.

Ms. Natesan stated that, in terms of commenting on a project, it would help to look at the project at a high level in the context of the larger landscape trail. She referred to various funding types, where they can help get a grant to address the various issues.

Mayor Bigstyk opened public comments.

Peter Loeb, Pacifica, stated he is present mainly because he was on the Council that created OSPAC, as well as Sue Digre and Julie Lancelle, and he explained the reason for creating that report, and didn't support a new level of legislative review but supports an opportunity to have a conversation with a developer.

Clif Lawrence, Pacifica, stated he read the staff report which was about time and money, and he wanted to present them a different view, sharing his thoughts on the process.

Sue Digre, Pacifica, stated she agrees with both speakers, and shared her thoughts and suggestions on the public being engaged in the process of government by and for the people.

Remi Tan, Pacifica, stated he wanted to share his comments on the need for this committee reviewing the projects in the HPD.

Dinah Verby, Pacifica, stated that she is speaking as an individual but most Pacificans know she is the Vice President of the Pacifica Land Trust Board and is looking at this issue through that lens as well. She supports restoring OSPAC's original function rather than expanding and shared her thoughts on the issue.

Mayor Bigstycck closed public comments.

Councilmember Boles asked about the end time of the meeting, and Mayor Bigstycck checked with Asst. City Attorney Sharma. Asst. City Attorney Sharma stated it is the purview of the body to keep going as desired, provided that, if they get too late in the hour, she would have concerns. She thought extending about 30 minutes should be okay.

Mayor Bigstycck concluded going to 7:30 would be acceptable.

Asst. City Attorney Sharma responded affirmatively.

Mayor Bigstycck appreciated everyone who attended and commented and he appreciated all the community sentiment and respectful tone. He thanked OSPAC for their presence and expressed his hope that they all feel comfortable that this is a conversation. He welcomed every viewpoint during the discussion. He stated that he would like to take about 20 minutes for the discussion, or more if necessary, but he would like to reserve the last 15 minutes for Council to deliberate about direction.

Committee Member Sarah Cardona stated that they are learning a lot about how the city works. She stated that they want to find ways to work together to maintain the beautiful Pacifica we have while balancing the decision-making and better understanding of the Planning Commission to enable more lines of communication. She also stated that there are many ways OSPAC can support funding with staff.

Mayor Bigstycck shared his thoughts on a liaison from OSPAC and asked staff for feedback.

Asst. City Attorney Sharma referred to the liaison's role which is to represent the views of the majority of the body. She shared her thoughts on the issue and concluded a concern she would have on the formality that such a decision takes to come to. Referring to the Housing Element process and HCD, she mentioned the trend of state laws and any additional hurdles or costs will be scrutinized by the state.

Councilmember Boles asked if Planning Commission is trained on and aware of the Open Space Task Force Report and OSPAC issues.

City Manager Woodhouse mentioned what the Planning Commission reviews regarding the

application staff analyzed; there are master plans that can be analyzed and included in the report to the Planning Commission.

Councilmember Boles concluded that nothing precludes an OSPAC member from coming to Planning Commission meetings for projects under the Open Space Task Force Report and commenting as an individual.

City Manager Woodhouse stated any Commission or Committee member can speak as an interested citizen on a project.

Vice Chair Arnos stated that their committee has had experience with liaisons, which was for sharing information and building community.

Planning Director Murdock commented further on the question of why there aren't liaisons from other committees or commissions present at the Planning Commission meeting to share information and perspectives. He mentioned thoughts on other considerations and the difficulty in defining where the line is to be drawn for providing the opportunity for several committees to share information and perspectives from their advisory documents.

Mayor Bigstycyk referred to the staff report regarding the Open Space Task Force Report being used as a reference for various committees to identify issues of concern. He asked if staff included that information when a development comes before the Planning Commission.

Planning Director Murdock didn't think there were many projects advanced to the Planning Commission from the Open Space Task Force Report; the relevance of the Open Space Task Force Report wasn't clear with no formal role in regulations evaluated and applied to projects, so they may consider where that role is carved out or not in the General Plan or zoning regulations that apply to the development.

Mayor Bigstycyk had two questions: 1) Would they amend the General Plan to include specific reference to the Open Space Task Force Report in such a way that it becomes a requirement of Planning Commission? 2) Is the nature of the narrative in the report such that it might give clear indications to Planning Commission on the latitude they may have related to that document regarding suggestions on a project.

Planning Director Murdock thought it was yes, when it makes sense to make that a General Plan amendment, adding that the Open Space Task Force Report is mentioned in the General Plan but doesn't have any implementing or guiding policies related to applying that when considering General Plan consistency. Regarding the effectiveness of the Open Space Task Force Report to provide a more formalized role, he wasn't sure. He concluded that, if Council is considering a General Plan amendment, they need to think about how the Open Space Task Force Report can be updated to identify open space opportunities and how they can be capitalized in the development process.

Mayor Bigstycyk thought he was saying the Open Space Task Force Report could be more powerful for the Planning Commission if updated and he asked if there was a role for OSPAC during the update process.

Planning Director Murdock stated that yes, if the General Plan were amended to explicitly reference the report, the Open Space Task Force Report would need to be updated and then could provide a useful tool; to whatever extent OSPAC continues to have a role in reviewing

projects, an update to articulate and highlight what those Open Space opportunities are to be capitalized on is essential to having an effective review of the development project and provide up front guidance. He stated that they can have significant community input into a plan update process in a way that is not as easy to achieve in a single meeting on a specific project.

Councilmember Beckmeyer stated Planning Director Murdock was echoing her thoughts throughout the course of this meeting. It was informative to hear the perspective of those who came before and she felt they were at a place that is striking her as not being that different from past times when there was keen interest in development. Now it is coming from HCD. She thought there was some urgency around this community regarding a need and desire for collaboration for legal reasons. She stated that the Open Space Task Force Report is not the law, but an opportunity.

Ms. Natesan sees the value in an updated document, but updating a large document would be expensive, time-consuming, and controversial. She has some concerns about launching the process of revising it while projects and developments are moving through; the underlying process is to engage early with the community and developers to find opportunities.

Vice Chair Arnos thought the Committee would be open to some compromise to tighten up the invitations, get developers to come, get the community to come, and allow the public to call in. She felt they were a valuable committee and they want to build community. She appreciated this meeting to do this as it is important to the committee and thanked Council for the time.

Councilmember Boles thanked Vice Chair Arnos for her comments. She asked if there were other ways they can strengthen the process now, define their purview and role to help them do their job, and get more projects to come before them. She referred to their meetings allowing more public participation. She stated that staff was looking for input on prioritizing the items that weren't completed, and she would like to hear from everyone on what they think are the most important things they want to work on.

Chair Patton thought, in their proposed resolution, they outlined what they thought were the most important things to their committee. They all understood there were some legal constraints in terms of what can be done, but they feel that a real opportunity is being lost because they aren't being engaged the way they could be. In support of what Ms. Natesan was saying, she thought they have to tread very carefully with updating with the Open Space Task Force Report. From her perspective, when she read the Open Space Task Force Report for the first time, she saw an aspirational document; from a land owner point of view, here's a way of being included and identifying some of the more significant environmental issues.

Councilmember Bier stated she is ready to give her feedback and direction, and she thanked them for responding to the survey. She thinks there is room for some changes in meeting structure where every single commissioner has an opportunity to speak. She thinks having OSPAC being very involved in creating the invitations to our developers and the community is important. If they have an opportunity to look at budget next year, they can have a budget for brochures or flyers where OSPAC is able to express how important it is with a positive opportunity about it.

Mayor pro Tem Vaterlaus thought the first thing to do would be to standardize the letter between OSPAC and Planning as it is an ask for the developer to see if they want to come but she didn't think you can make them. The public has the opportunity to speak at Council and Planning Commission meetings and it would give them an additional place to speak about a project. She

didn't feel like OSPAC should be making decisions on development. She stated that the city has a list of all projects that anyone in the public can go to and see if people have submitted projects and where they are in the process, if done, incomplete, and has information.

Councilmember Boles was leaning towards keeping the process as it is, informal and not required, but she wants to strengthen the process and do more to encourage more participation by developers. She asked whether they can ask a developer to outreach to find neighbors and further define the role, purview, and what items would be discussed, which is part of the communication to the developer. She was uncomfortable saying to add all HPD sites or add all the sites that are adjacent to what is existing now, but if OSPAC was to make a list, as there is a map in the General Plan of sites that are currently HPD, she thought it would be easy to add those parcels. She thinks having a thoughtful process of reviewing and deciding what sites would be added would be good. She would love to see a map digitized as well as Zoom meetings. She noted OSPAC input in various city aspects could be helpful as well.

Councilmember Beckmeyer stated that she is looking forward to working on this further. She thought it was important to have a meeting between OSPAC and the Planning Commission at some time.

Mayor Bigstyk felt the importance of updating the Open Space Task Force Report was highlighted by Councilmember Boles. He thought studying what that would mean at an OSPAC meeting and seeing where it could go would be a good first step. He heard consistently was a letter penned by the Chair and Vice Chair inviting applicants to voluntarily come which sounds like a good idea. He stated updating OSPAC on what is going on at different sites would benefit from reference materials like the Open Space Task Force Report. He thought OSPAC could discuss what would be helpful to discuss as a group, including retreat opportunities. He would like to pitch back to OSPAC on a debrief and deconstruction of how they felt about this study session and if they all feel like they would like to come back and engage with Council more; he suggested staff listen to what OSPAC says and encouraged a second round of discussion.

City Manager Woodhouse wanted to understand and be more specific about the direction. He stated that Mayor Bigstyk is directing OSPAC to take this up and discuss and staff to bring back potential future joint study session again. He felt there has been a lot of input and ideas shared, as well as robust discussion. The goal is revisions to the charter and direction. Staff could take all of that as they do with other issues and process it and bring it back to a consideration item for the Council to have that more robust discussion about what to decide to do and what direction to give. If it is being kicked back to OSPAC, his request would be to provide more clear direction about what they are discussing and bringing back to Council.

Councilmember Bier thought this is the time to extend their study sessions because they are taking the time to review charters, including an extended conversation with OSPAC.

Mayor Bigstyk stated he is recommending that this item go back to OSPAC for them to debrief on it so they can deliberate on how they felt heard and on which issues they might like to discuss more with Council.

Chair Patton understood that they would bring the discussion back to OSPAC, get more information from where they came from, and potentially return for another joint study session.

**JOINT STUDY SESSION - City Council and Open Space & Parkland Advisory Committee
No Vote Required.**

ADJOURN JOINT STUDY SESSION

Mayor Bigstycyk adjourned the study session at 7:42 p.m.

7:00 PM OPEN SESSION - REGULAR MEETING OF CITY COUNCIL

Call to Order

Mayor Bigstycyk reconvened the regular meeting at 7:55 p.m.

Attendee Name	Title	Status	Arrived
Tygarjas Bigstycyk	Mayor	Present	
Sue Vaterlaus	Mayor pro Tem	Remote	
Sue Beckmeyer	Councilmember	Present	
Mary Bier	Councilmember	Present	
Christine Boles	Councilmember	Present	

City Clerk Coffey took a verbal roll call.

Mayor pro Tem Vaterlaus requested participation remotely via Zoom pursuant to AB 2449 Emergency Circumstances clause, stating that it is due to an emergency physical illness.

Mayor Bigstycyk explained the requirements, including disclosing any other individuals above the age of 18 years old present at her remote location.

Mayor pro Tem Vaterlaus stated that no individuals were currently in the room with her.

City Clerk Coffey asked for a roll call vote of Council to approve Mayor pro Tem Vaterlaus' participation via Zoom due to emergency circumstances. She then took a vote by verbal roll call.

**APPROVE REMOTE PARTICIPATION PURSUANT TO AB2449 - VATERLAUS
(EMERGENCY CIRCUMSTANCES)
RESULT: ADOPTED [UNANIMOUS]
AYES: Bigstycyk, Vaterlaus, Beckmeyer, Bier, Boles**

Staff Present: Kevin Woodhouse, City Manager; Deepa Sharma, Asst. City Attorney; Lisa Petersen, PW Director; Yulia Carter, Asst. City Manager; Christian Murdock, Planning Director; Maria Sarasua, Police Chief; Bob Palacio, PB&R Director; Bill Amable, Dep. Fire Chief; Tara



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Open Space and Parkland Advisory Committee (Date)

Agenda Item No. #

Subject: (This section will indicate the location of the submitted planning application and a project title, if applicable.)

Discussion

Introduction

(This section will provide when the application was received by the City, site location, background, proposed scope of work, and summaries of other key components extracted from the Open Space Task Force Report.)

Project Summary and Status

(This section will provide additional details to the proposed scope of work, current permit status, site plan, massing diagram, and any additional architectural drawings that the architect/engineer has granted permission for the Planning Department to publicly distribute and post online pursuant to Senate Bill 1214 (SB 1214).)

Figure 1. Vicinity Map and Aerial View

(A satellite aerial image and/or vicinity map will be provided here.)

Figure 2. Approximate Development Site

(A site plan, massing diagram, and additional drawings/plan if granted permission will be provided here.)