

Public Comments

Agenda Item # 3



From: Tina Yannazzo [REDACTED]
Sent: Monday, June 1, 2020 12:49 PM
To: Public Comment; Martin, Deirdre; Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; O'Neill, Mike
Subject: Firework Sales

[CAUTION: External Email]

Councilmembers,

I would like to express my support to continue the sale of safe and sane fireworks this year.

Due to the current pandemic we have been unable to travel and most cities have cancelled all public 4th of July and firework celebrations. We will be stuck at home and only be able to celebrate the birth of our country at our homes. One way to be able to show our pride in our country, respect for the men and women who have fought for our freedoms, generally enjoy the day and be able to forget for a few minutes the stresses of life right now is to spend time with our family and use some SAFE AND SANE FIREWORKS.

Over, the last few months we have dutifully adhered to the COVID-19 mandates and recommendations issued by both state and county officials. We believe we should be able to purchase state-approved fireworks as safely as groceries and will gather at home with just our family to enjoy each other, some good food, state-approved fireworks and our nation's birthday. Firework booths are located outside where social distancing can be adhered to.

Additionally, our non-profit organizations are suffering more than ever before due to the financial crisis caused by the pandemic. Prohibiting the sale of fireworks would cause our community's nonprofit groups to lose a major source of revenue for the programs they provide for the needy and youth as well as the City will lose critical sales tax and fee revenue. As a reminder, the city depends on the taxes and fees collected from the sale of SAFE AND SANE FIREWORKS to police our neighborhoods for the use of ILLEGAL FIREWORKS which will continue to be a problem even if LEGAL fireworks are not sold. I believe there will be even more of a problem with ILLEGAL FIREWORKS should our community not be able to purchase SAFE AND SANE FIREWORKS.

Respectfully,

Tina Yannazzo,

Pacifica Citizen and Treasurer Pacifica Tigersharks Pop Warner Football and Cheer

From: [Dennis Revell](#)
To: [Vaterlaus, Sue](#); [Martin, Deirdre](#); [Beckmeyer, Sue](#); [Bier, Mary](#); [O'Neill, Mike](#)
Cc: [Coffey, Sarah](#); [Woodhouse, Kevin](#); [Myers, Ron \[NCC Fire\]](#); [Steidle, Daniel](#); [Michelle Kenyon \[BWS Law\]](#); [Milton Broussard](#); [Cathy Castilone](#); [John Castilone](#)
Subject: City Council Meeting Monday, June 8th at 7:00 PM // AGENDA ITEM: CONSENT CALENDAR: 3. Ratification of an Emergency Order to Discharge of Fireworks and Fireworks Sales
Date: Friday, June 5, 2020 3:06:11 PM
Attachments: [Pacifica Exhibit A \(00037594xB1573\).pdf](#)
[Pacifica Exhibit B \(00037595xB1573\).pdf](#)
Importance: High

[CAUTION: External Email]

June 5, 2020

Mayor Deirdre Martin and
Members of the Pacifica City Council
170 Santa Maria Avenue
Pacifica, CA 94044

via email

RE: Our Client: American Promotional Events, Inc. (TNT Fireworks)

SUBJECT: City Council Meeting

DATE: Monday, June 8th at 7:00 PM

**AGENDA ITEM: CONSENT CALENDAR: 3. Ratification of an Emergency
Order to Discharge of Fireworks and Fireworks Sales**

Dear Mayor Martin and Councilmembers:

I am writing each of you in advance of this Monday night's City Council meeting, at the behest of the 10 Pacifica nonprofits who will be operating state-approved fireworks stands this year, in the hopes of generating some discussion between you and the city staff regarding the advisability of the modest amendment I'm requesting to one of the forms in the agenda packet. While I'm requesting this letter be part of the public record for this meeting, please be advised that I may be requesting that this item be discussed separately from the balance of the Consent Calendar and I may request to make verbal comments on it via the Zoom format.

As you know from the letter I sent you for the City Council meeting on May 26, 2020, in consultation with health officials across the state we developed the TNT Fireworks Stand Physical Distancing Protocol for the TNT Fireworks stands in 297 jurisdictions in 42 of California's counties, including the 10 Pacifica stands. All but one county has accepted that protocol as developed. Sonoma County asked us to take the sample "Social Distancing Protocol" form the State of California had given each of the counties (i.e., APPENDIX A) and modify it slightly to reflect a fireworks stand run by volunteers rather than the "brick and

mortar” retailers with employees that APPENDIX A was developed for.

The APPENDIX A in the staff report (for your ease of reference I have attached a copy at Exhibit A) is the same state sample form that Sonoma County is using (not all counties are using the sample form). An unmodified APENDIX A form could be really confusing for both the nonprofit volunteers in the stand and the public seeking to buy fireworks at the stand. For example as you can see, the mandated measures in this protocol to protect both people in the stands and the customers approaching the stand uses the terminology of “Employees” not “Volunteers”. You could easily see a volunteer concluding, “I don’t have to do that. I’m not an employee, I’m a volunteer.”

I have therefore taken the liberty of taking Appendix A from your staff report and have made the same changes to it that we did for Sonoma County (See Exhibit B attached hereto). If you compare my amended form at Exhibit B to the proposed form at Exhibit A, there are no substantive changes to the required protocols. There are only changes that conform to the type of retail location to which it is intended to regulate.

I hope you will see the wisdom of ensuring compliance with these protocols by making them more easily understood by those expected to follow them. Thank you

Best Regards,

Dennis C. Revell
President/CEO
Revell Communications

 Office
Mobile

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Exhibit

A

Appendix A: Social Distancing Protocol (Updated April 29, 2020)

Business name :

Facility Address:

Approximate gross square footage of space open to the public:

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

☐ Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; wear face coverings, as appropriate; and not shake hands or engage in any unnecessary physical contact.

☐ Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

☐ Everyone who can carry out their work duties from home has been directed to do so.

☐ All employees have been told not to come to work if sick.

☐ Symptom checks are being conducted before employees may enter the work space.

☐ Employees are required to wear face coverings, as appropriate.

☐ All desks or individual work stations are separated by at least six feet.

☐ Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

☐ Break rooms:

☐ Bathrooms:

☐ Other:

☐ Disinfectant and related supplies are available to all employees at the following location(s):

☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

☐ Soap and water are available to all employees at the following location(s):

☐ Copies of this Protocol have been distributed to all employees.

☐ Optional—Describe other measures:

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

☐ Limit the number of customers in the store at any one time to ; which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

☐ Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

☐ Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

Appendix A: Social Distancing Protocol (Updated April 29, 2020)

☐ Optional—Describe other measures:

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- ☐ Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- ☐ Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- ☐ Separate order areas from delivery areas to prevent customers from gathering.
- ☐ All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- ☐ Optional—Describe other measures:

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- ☐ Preventing people from self-serving any items that are food-related.
- ☐ Lids for cups and food-bar type items are provided by staff; not to customers to grab.
- ☐ Bulk-item food bins are not available for customer self-service use.
- ☐ Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- ☐ Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe:
- ☐ Optional—Describe other measures (e.g. providing senior-only hours):

Measures To Increase Sanitization (check all that apply to the facility):

- ☐ Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- ☐ Employee(s) assigned to disinfect carts and baskets regularly.
- ☐ Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else where people have direct interactions.
- ☐ Disinfecting all payment portals, pens, and styluses after each use.
- ☐ Disinfecting all high-contact surfaces frequently.
- ☐ Optional—Describe other measures:

* Any additional measures not included here should be listed on separate pages and attached to this document.

You may contact the following person with any questions or comments about this protocol:

Name: **Phone number:**

Exhibit B

Appendix A: Social Distancing Protocol

Nonprofit Organization's Name: .

Nonprofit Organization's Address:

Approximate gross square footage of space open to the public:

All fireworks stands are located on private business parking lots or property already opened to the public.

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

- ☐ Signage at each entrance of the fireworks stand and around it to inform all volunteers and customers that they should: avoid entering the stand if they have COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; wear facial covering, as appropriate; and not shake hands or engage in any unnecessary physical contact.
- ☐ Signage posting a copy of the Social Distancing Protocol a safe distance in all directions around the fireworks stands wherever possible.

Measures to Protect Volunteer Health (check all that apply to the fireworks stand):

- ☐ Everyone who can carry out their work duties from home has been directed to do so.
- ☐ All volunteers have been told not to come to volunteer at fireworks stand if sick.
- ☐ Symptom checks are being conducted before volunteers may enter the fireworks stand.
- ☐ Volunteers are required to wear facial covering, as appropriate.
- ☐ All volunteers in the stand will attempt to maintain a six feet separation.
- ☐ Educated volunteers to carry out COVID-19 mitigation plans and protocols.
- ☐ Provide training to volunteers on COVID-19 mitigation measures for customer-facing activities.
- ☐ Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:
 - ☐ Break rooms:
 - ☐ Bathrooms:
 - ☐ Other: Fireworks stands will be disinfected frequently. There are no break rooms or bathrooms facilities provided or available.
- ☐ Disinfectant and related supplies are available to all volunteers at the beginning, during and at the conclusion of their shift.

These supplies will be provided by the Fireworks Wholesaler.

- ☐ Hand sanitizer effective against COVID-19 is available to all volunteers at the following location(s): Click or tap here to enter text.

Will be provided by Fireworks Wholesaler.

- ☐ Soap and water are available to all volunteers at the following location(s):

Not Applicable

- ☐ Copies of this Protocol have been distributed to all volunteers.

- ☐ Optional—Describe other measures:

Measures to Prevent Crowds from Gathering (check all that apply to the fireworks stand):

- ☐ Limit the number of customers immediately in front of the fireworks stand at any one time, which allows for customers and volunteers to easily maintain at least six-foot distance from one another at all practicable times.

- ☐ Post a volunteer in front of the fireworks stand to ensure that the maximum number of customers in front of the fireworks stand set forth above is not exceeded.

- ☐ Placing per-person limits on goods that are selling out quickly to reduce crowds and lines.

Not Applicable

- ☐ Optional—Describe other measures: Set up an Express Order line and desk, where possible, that allows expedited transactions by people who have already decided what they want to buy.

Measures to Keep People at Least Six Feet Apart (check all that apply to the fireworks stand)

- ☐ Placing signs outside the fireworks stand reminding people to be at least six feet apart, including when in line.

- ☐ Placing tape or other markings at least six feet apart in customer line areas in front of the fireworks stand with signs directing customers to use the markings to maintain distance.

- ☐ Separate order areas from delivery areas to prevent customers from gathering.

- ☐ All volunteers have been instructed to maintain at least six feet distance from customers and from each other, except volunteers may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.

- ☐ Optional—Describe other measures:.

Measures to Prevent Unnecessary Contact (check all that apply to the fireworks stand):

- ☐ Preventing people from self-serving any items that are food-related.
(Not Applicable)
- ☐ Lids for cups and food-bar type items are provided by staff; not to customers to grab.
(Not Applicable)
- ☐ Bulk-item food bins are not available for customer self-service use.
(Not Applicable)
- ☐ Not permitting customers to bring their own bags, mugs, or other reusable items from home.
(Not Applicable)
- ☐ Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe:.
- ☐ Optional—Describe other measures (e.g. providing senior-only hours):
 - *Provide a special purchase line for seniors, first responders and health care workers where possible.*
 - *Instruct volunteers to wear disposable plastic gloves while in stand and to change them frequently.*
 - *Encourage volunteers to wear face coverings that cover their nose and mouth when in the stand. Where required by local mandate, require all volunteers to wear face coverings when in the stand. Provide such face coverings to volunteers if needed.*
 - *Set up and man an Express Order area outside the stand and at a distance from customers making their purchases at the stand, that, using pre-printed forms, will assist a customer to complete a list of items he/she desires to purchase so when they are at the stand their interactions with the stand volunteers is minimized.*

Measures To Increase Sanitization (check all that apply to the fireworks stand):

- ☐ Disinfecting wipes that are effective against COVID-19 are available in the fireworks stand.
- ☐ Volunteer(s) assigned to disinfect carts and baskets regularly.
(Not Applicable)
- ☐ Hand sanitizer, is available to the volunteers and customers at the stand, at the Express Order area, and anywhere else inside the stand or immediately outside the stand and anywhere else where people have direct interactions.
- ☐ Disinfecting all payment portals, pens, and styluses after each use.
- ☐ Disinfecting all high-contact surfaces frequently.
- ☐ Optional—Describe other measures:
 - *Instruct volunteers to wear disposable plastic gloves while in the stand and to change them frequently.*

* Any additional measures not included here should be listed on separate pages and attached to this document.

You may contact the following person with any questions or comments about this protocol:

Name:

Phone number:

Public Comments Oral Communications



*June 8, 2020
City Council Meeting*

From: Suzanne Moore [REDACTED]
Sent: Monday, June 8, 2020 11:45 AM
To: Public Comment
Cc: [REDACTED]
Subject: 6/8/20 City Council oral comments
Attachments: City Council remarks 6820 support PRC pilot.docx

[CAUTION: External Email]

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Pacifica City Council Oral Comments 6/8/20

From Suzanne Moore, Manor resident, homeowner, member of Pacifica Housing 4 All, and volunteer for the Unhoused in Pacifica Task Force

Pacifica is generous and hardworking. The times require it. Hardship has a way of reminding us what really is most important: home, family, community. Our Pacifica homeless face increased hardship since the risk for COVID 19 exposure is 5 times greater than that of the general population.

We need to remind ourselves who Pacifica's homeless are. According to the County survey conducted fall of 2019, Pacifica's vehicularly unhoused have strong ties to our community. Many were previously housed here or have family here, many are our working poor, many are over age 50, and the majority desire permanent housing.

The Parking Permit Pilot, drafted by the Pacifica Resource Center and our faith community, is a solution which increases safety for our entire community by assisting our homeless to stable housing. The pilot program vets participants; utilizes case management to address barriers to housing; and provides life services like hygiene, food, and waste disposal. The program reduces the number of our homeless in the best way possible - by providing a pathway to housing.

No money will be required from Pacifica's general fund. The pilot suggests the City provide in-kind services: the permitting process already planned and suitable parking slots for the pilot.

We are in urgent need of a Safe Parking Pilot. A second wave of COVID 19 is expected in the fall. This City and this Council can choose to give this Pilot a one-year trial to evaluate its impact and success. There is every indication this Pilot will save lives.

Congresswoman Jackie Speier challenged our community and said the right thing to do is often the hard thing to do. We have a solution,

and we need your support... support the PRC's Parking Permit Pilot and rapidly take steps to enact. Thank you.

From: Aimee Solway [REDACTED]
Sent: Monday, June 8, 2020 12:30 PM
To: Public Comment
Subject: Comment regarding Pacifica Police Department policies and funding.

[CAUTION: External Email]

My name is Aimee Solway and I am a resident of Pacifica. The recent protests moved me to investigate the policies of the Pacifica Police Department and I am quite concerned about some of them. The most troubling ones related to the use of force. Specifically, that PPD permits the use of teargas, allows for carotid (choke) holds, and does not have any mechanism that I could discern for civilian involvement in reviewing use of force or other questionable incidents.

Also, consistently with what is being asked by many people, I think it is time to divert funding from the Police Department and towards more appropriate social service agencies when responding to mental health related crises. Put quite simply - to a hammer, everything is a nail. It is unfair to everybody (but particularly to the individuals in crisis) to expect law enforcement officers to perform tasks better filled by social workers and mental health professionals. The unnecessary violence arising from these interactions has been well-documented.

I sent the above message to all of the members of the council, some of whom responded. I appreciate those members for taking the time to respond. I am, however, quite troubled at the suggestion that the above reforms require months of investigation and discussion. Particularly as to the modifications of permitted uses of force, they have already been adopted by the San Francisco Police Department and they are quite simple to accomplish. It is hard not to wonder if the Council is simply hoping to wait out the public outcry or for the state government to make this decision for them.

I will be watching tonight and I will be attending future city council meetings. And I vote.

Aimee Solway
Pacifica, CA

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From: Carolyn Jaramillo [REDACTED]
Sent: Monday, June 8, 2020 12:54 PM
To: Public Comment
Subject: Oral Communication: City Council Meeting June 8, 2020
Attachments: CC Remarks June 8, 2020.pdf; ATT00001.txt

[CAUTION: External Email]

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Oral Communication

Good evening, my name is Carolyn Jaramillo. I am a homeowner and a member of Pacifica Housing 4 All.

Thank you for all your hard work and dedication in keeping our city running during a pandemic. Tonight I have two "asks":

First: I urge you to pass a temporary eviction moratorium. The eviction moratorium in place now in San Mateo County is set to expire at the end of this month. If the Board of Supervisors does not extend this moratorium, we could see many people in our community forced to leave their homes.

Second: I urge you to pass the Permitted Parking Program as outlined by the Pacifica Resource Center and proposed months ago. I also ask that you publicize the provisions of this program in order to correct the misinformation that is being circulated. This program, a partnership between the City and the Faith Community, would give safety to people living in motor homes and help them get the assistance needed to obtain permanent housing.

Having more people homeless or in unsafe places does not make Pacifica safe, healthy, or compassionate.

Thank you for listening.

From: Kevin LaPorte [REDACTED]
Sent: Monday, June 8, 2020 1:20 PM
To: _City Council Group; Public Comment
Subject: Pacifica permit system reform

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a frequent Surfer at Pacifica State Beach at Lindamar, and I am deeply concerned that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.
Thank you for your consideration.

Kevin LaPorte

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From: Gus Horwith [REDACTED]
Sent: Monday, June 8, 2020 1:30 PM
To: Public Comment
Subject: Equitable Access to Pacifica State Beach for Surf Schools

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a resident of Moss Beach and a frequent surfer of Pacifica State Beach at Linda Mar. I was deeply disappointed to learn that the current permitting system for surf camps at Pacifica State Beach at Linda Mar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. Most specifically, I'd like to see the city council reform the permitting system so that new surf schools - including non-profit groups like Brown Girl Surf and City Surf Project - can apply for permits. In choosing who to award permits, I hope that the council will consider a racial equity lens.

Thank you for your consideration.

Gus Horwith

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From: Sarah Couturier [REDACTED]
Sent: Monday, June 8, 2020 1:30 PM
To: Public Comment
Subject: Reform of the Permitting System

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a frequent surfer at Pacifica State Beach at Lindamar. I was deeply disturbed and heartbroken to learn that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. For years I taught at a surf camp in Santa Monica and every summer we worked with Surf Bus Foundation to teach inner city youth about the ocean, environmental issues and guided them in the opportunity to learn how to surf and boogie board.

To not allow such a generous, life changing, empowering opportunity has created serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration.

In solidarity,

Sarah Couturier

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From: Jeff Guillet [REDACTED]
Sent: Monday, June 8, 2020 1:41 PM
To: Public Comment
Cc: _City Council Group; Woodhouse, Kevin; Wehrmeister, Tina; Brooks, Elizabeth; Michelle Kenyon [BWS Law]; shermfrederick [REDACTED]
Subject: Sea Wall Engineering Study Project

[CAUTION: External Email]

Dear City Council:

I am very pleased that the city is moving forward on replacing and extending the seawall to close the southern gap to protect its residents. However, I'm shocked to learn that the engineering firm that the city has chosen, GHD, is partnering with and subcontracting Environmental Science Associates (ESA) to perform significant portions of this \$1.5M project.

ESA provided the faulty cost benefit analysis and sea-level rise predictive maps for the proposed Local Coastal Plan. As you know, citizens raised numerous complaints about ESA's errant and non-peer reviewed data. So much so, that the City Attorney and City Council had to add the following disclaimers to the Local Coastal Land Use Plan (LCLUP):

- *"The cost-benefit analysis shall not be used for any future purpose by the City of Pacifica or its planning processes, including implementation of the Local Coastal Program, public infrastructure investment, permitting or other regulatory purposes."*
- *"Coastal Vulnerability Zone maps are not detailed to the parcel-scale and should not be used for real estate, financing, or insurance transactions, or other uses such as navigation, permitting, or regulatory uses."*

Yet, we see that GHD has contracted ESA to provide the same information for the sea wall engineering study to the tune of \$146,500. These tasks include *Flood Risk Assessment & Adaptation Plan* and *Environmental Conditions*, among other items.

It is well known that ESA is biased against sea walls and favors managed retreat. **I encourage City Council to insist that GHD not use ESA in any way for the seawall engineering project.**

City Council and the Planning Commission must ensure that ESA or anyone else is not allowed to use their previous errant data in any way. Allowing them to do so not only would be a violation of the disclaimer the City Attorney wrote, but it would be a case of "double-dipping", where ESA would be paid twice for the same work.

Please enter this complaint into the record for the city council meeting of June 8, 2020.

Respectfully,

Jeff Guillet
Seaside Dr., Pacifica

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From: Krista Ann [REDACTED]
Sent: Monday, June 8, 2020 1:46 PM
To: _City Council Group; ent@ci.pacifica.ca.us; Public Comment
Subject: The permitting system for Lindamar Beach is inequitable and needs to be reformed!

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a frequent Surfer at Pacifica State Beach at Lindamar and have been surfing there regularly for almost 10 years. I pay for an annual parking pass for beach parking lots, I participate regularly in clean up activities at Pacifica State Beach and surrounding parks, and I am also a member of the Pacific Beach Coalition.

I am deeply disturbed, saddened, and concerned to learn that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing. These groups offer education, mentoring, ocean stewardship, guidance, and so much more to their members.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration.

Sincerely,

--

Krista Ann Elkin



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From: Andrew Rubenstein [REDACTED]
Sent: Monday, June 8, 2020 2:20 PM
To: _City Council Group; Public Comment
Subject: Permitting Reform at Pacifica State Beach

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a resident of Pacifica and am a frequent Surfer at Pacifica State Beach at Linda Mar. I was surprised and deeply outraged to learn that the current permitting system for surf camps at Pacifica State Beach at Linda Mar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs.

This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration,

Andrew

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From: Megan Bayley [REDACTED]
Sent: Monday, June 8, 2020 2:26 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Dear Pacifica City Council members,

I am a frequent surfer and longtime parking pass holder at Pacifica State Beach at Linda Mar, and I was deeply upset to learn that the existing permit system for surf camps makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to operate their programs.

This has serious implications for racial equity in beach access at Pacifica State Beach. These groups primarily serve black and brown communities who, for reasons of structural racism in our society, have faced greater barriers to accessing the beach and the sport of surfing. The fact that paid surf camps may operate and nonprofits may not ensures that only the wealthy and privileged have access to surfing, and does nothing to diversify our community.

I strongly support taking measures to make Pacifica's beaches more equitable -- this includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration, and your efforts to provide ocean access to all people.

- Megan

--

Megan Bayley
[REDACTED]

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From: David Peter Simon [REDACTED]
Sent: Monday, June 8, 2020 2:38 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Hi

My name's David, I'm a frequent surfer at Pacifica State Beach / Linda Mar. I'm writing to understand more about the permitting practices and recommend we take a more equitable approach to beach access

I was surprised to learn the historical context regarding applying for a permit and would like an explanation about the limitations and constraints. As a California taxpayer, I'd strongly suggest we revisit the situation and ensure nonprofit groups like Brown Girl Surf, City Surf Project, and others can apply for a permit to run programs.

It feels wrong to not allow other organizations to apply for a permit. - especially non-profits, especially those who help people historically underrepresented at the beach enjoy the water.

I strongly support any measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thanks,
David

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From: Maddie Rose [REDACTED]
Sent: Monday, June 8, 2020 2:38 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Dear Pacifica City Council,

I am a resident and surfer of Linda Mar, Pacifica. I was overtaken with sadness to learn that the current permitting system for surf camps at Pacifica State Beach at Linda Mar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for all that you do, and thank you for listening.

Take care,
Madeline Schmidt

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

From: Bianca Valenti [REDACTED]
Sent: Monday, June 8, 2020 2:59 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Dear Honorable Members of Pacifica City Council,

I am a resident of San Francisco and I surf regularly at Pacifica State Beach at Lindamar.

I am outraged to learn that the current surf camp permitting system at Pacifica State Beach / Lindamar prohibits nonprofit groups like Brown Girl Surf and City Surf Project (which primarily serve communities of black, indigenous, & people of color) from access to the beach.

Now more than ever surfers including black, indigenous, & people of color need systems that not only allow access to the beach, but invest in and provide resources to ensure they thrive. I can't imagine a greater opportunity for the city of Pacifica to take a stance against racism than in surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when evaluating measures that impact beach access.

Thank you.

Bianca Valenti

++++
aka Big Wave BIANCA
[REDACTED]

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From: Hugh Gurin [REDACTED]
Sent: Monday, June 8, 2020 3:15 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

Dear Honorable Members of the Pacifica City Council,

I am a frequent visitor to Pacifica State Beach and longtime member of Pedro Point Surf Club. I am writing regarding the current permitting system for surf camps at Pacifica State Beach. As it stands, the system makes it impossible for wonderful nonprofit groups like Brown Girl Surf and others to apply for a permit to run surf instruction/water safety programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing in particular.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your time and consideration.

Sincerely,

Hugh Gurin

Hugh Gurin
[REDACTED]

Enjoy every sandwich.

From: Bethiah Rosa [REDACTED]
Sent: Monday, June 8, 2020 3:17 PM
To: Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a frequent Surfer at Pacifica State Beach at Lindamar. I was deeply upset to learn that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who for reasons of structural racism in our society have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration.

Bethiah Rosa

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From: Ken Tran [REDACTED]
Sent: Monday, June 8, 2020 3:31 PM
To: _City Council Group; Public Comment
Subject: Beach Permitting Issue

[CAUTION: External Email]

Dear Members of the Pacifica City Council,

I frequent Pacifica State Beach as a surfer on a weekly basis, and have been coming to the beach since I moved to California 8 years ago. I am an annual beach parking permit holder and I estimate that I spend thousands of dollars per year in the local Pacifica economy.

I strongly encourage you to take action to reform the permitting system for surf camps at Lindamar. These permits need to be made available to the community, and not just the local Pacifica community. Beach access is not like other local issues, because Lindamar is a gathering point of the entire bay area surf community, not just residents of Pacifica. I support Brown Girls Surf, City Surf Project, and other non-profit organizations whose goals are to promote accessibility and spread education about the value of environmental preservation through an oceangoing lifestyle.

Sincerely,
Ken Tran

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

From: Gloria Campos [REDACTED]
Sent: Monday, June 8, 2020 3:53 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

I am in support of permitting opening up to organizations and collective groups especially those with the intent to serve Black/Brown/communities of color/ and people who are low-income and who historically and at present do not have the same access to outdoor programs and opportunities. In support of ensuring beach access which has a long history since the founding of this country of being discriminatory and outright forcefully violent against Black, Indigenous and people of color. There is more we can do to ensure our beaches and outdoor spaces are equitably accessible to all folks regardless of status and social hierarchies. As you may already know restrictions based on geography disproportionately exclude communities of color, and using community ambassadors would be a better alternative to keep folks safe at beaches rather than having police enforce Shelter in Place rules. Thank you for moving us towards greater equity, which will benefit all of us.

Kind Regards,

Gloria Campos (Brown Girl Surf Volunteer)
[REDACTED]

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

From: Alyssa Cheung [REDACTED]
Sent: Monday, June 8, 2020 3:56 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Hello,

I am writing to express strong support behind efforts to change the permitting process to allow nonprofit surf organizations to operate at Pacifica State Beach in Lindamar.

I was born and raised in the Bay Area, and have been surfing in Pacifica for the past 12 years. I am also a Brown Girl Surf (BGS) volunteer. This organization means a lot to me because I have longed to see other surfers like me in the water, other women of color. But more importantly, BGS represents to me a tangible, deeply meaningful solution to the environmental injustices that exist throughout our state, and our home of the bay area. Youth of color face numerous barriers to reaching outdoor spaces; Pacifica's current permitting system represents one of these barriers.

By allowing non-profits like Brown Girl Surf and City Surf Project to operate at Pacifica State Beach, Pacifica will demonstrate its commitment to ensuring that our coasts are truly accessible to all. The protests these past few weeks have sought to stop the violence that people of color, especially our black and brown sisters and brothers, face on a daily basis. Police brutality is one form of violence, and environmental racism is another. While black and brown bay area youth disproportionately live in the most polluted urbanized parts of the bay area, access to the ocean ensures that these youth can enjoy healthy outdoor spaces, and access to the natural world that many of us take for granted. I won't list out the numerous benefits of access to outdoor spaces, but we can all agree they are numerous, and, essential, to human well-being.

I thank you, Mayor Martin, Mayor Pro Tem Beckmeyer, and Councilmembers Vaterlaus, Bier, and O'Neill, for your commitment to ensuring that this permit system is changed to allow nonprofits like Brown Girl Surf and City Surf Project to operate at Pacifica State Beach, and for your commitment to greater racial equity and access to the ocean and coasts that we all love and value.

Respectfully yours,

Alyssa Cheung
[REDACTED]

From: Sarah Warhaftig [REDACTED]
Sent: Monday, June 8, 2020 3:58 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Good Evening,

I am writing on behalf of Brown Girl Surf and many other non-profit organizations limited to beach access to deliver incredible programming through surf and environmental stewardship. As a proud volunteer at BGS and also a Program Director at a non-profit in Oakland, inequalities continue to hinder access for our youth in so many capacities. The beach should be accessible for ALL and I know the greater impact personally and on our young students how having equal access to thrive and be part of a community is monumental to their growth. Please stop limiting access to the outdoors and the great beaches that ALL should have access to.

Sarah Warhaftig

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From: Lawrence Rickford [REDACTED]
Sent: Monday, June 8, 2020 4:04 PM
To: _City Council Group; Public Comment
Subject: ORAL COMMUNICATIONS

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

I am a frequent surfer at Pacifica State Beach at Lindamar. I took my first surfing lessons at Linda. I was deeply disappointed to learn that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. As a African American surfer I am always in the minority when it comes to representation in the water. These groups serving mostly Black and brown communities help make the water a more equal and representative space. For too long structural racism in our society has created barriers for people of color to access the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration.

Lawrence

--

Lawrence Rickford
Director of Photography | Drone Operator | Colorist

Phone: [REDACTED]
Web: [REDACTED]
Vimeo: [REDACTED]
Instagram: [REDACTED]

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From: Dan H [REDACTED]
Sent: Monday, June 8, 2020 4:12 PM
To: _City Council Group; Public Comment
Subject: Equitable permitting system for surf camps at Pacifica State Beach

[CAUTION: External Email]

Dear Honorable Members of the Pacifica City Council,

My name is Dan Hanepen and I am a resident of Pacifica. I was enlightened recently by the Brown Girls Surf organization at the recent Solidarity in Surf paddle out that occurred at Pacifica State Beach last Friday 06/05/2020. Below is a suggested e-mail to send to the City Council, with some of my personal edits.

I and my family are frequent surfers at Pacifica State Beach at Lindamar. I learned that the current permitting system for surf camps at Pacifica State Beach at Lindamar makes it impossible for nonprofit groups like Brown Girl Surf, City Surf Project, and others to apply for a permit to run programs. This has serious implications for racial equity in beach access at Pacifica State Beach. These groups serve mostly Black and brown communities who, for reasons of structural racism in our society, have faced greater barriers to accessing the beach and the sport of surfing.

I strongly support taking measures to make Pacifica's beaches more equitable. This includes reforming the permitting system so that non-profit groups can apply for permits to operate regular surf programming, and that a racial equity lens is considered when considering measures that impact beach access.

Thank you for your consideration.

Dan Hanepen
[REDACTED]

Resident in Vallemar since 1999.

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From: jay bundy [REDACTED]
Sent: Monday, June 8, 2020 4:14 PM
To: Public Comment
Subject: Fwd: Brown Surf Surf

[CAUTION: External Email]

Hello,

My name is Jay Bundalian. I frequently surf Linda Mar. On behalf of the Brown Girl Surf organization, I would love for them to have access to Linda Mar state Beach.

This organization promotes diversity in surfing and especially with the female youth. On my regular mornings of surfing, I seen so many different cultures in and out of the water. Giving them access would mean so much for the community of SF and Oakland, which they serve. Giving them access will give the youth the same love, healing, and respect of the nature which can trickle into their everyday lives. The ocean has giving me so much happiness in and out of the water, and giving this organization access could do the same for so many children around the bay area

-Jay B

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Additional Meeting Materials



June 8, 2020
City Council Meeting

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA RATIFYING ORDER NO. 2020-02 OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO OPERATION OF OUTDOOR COMMERCIAL ACTIVITY IN THE PUBLIC RIGHT OF WAY AND ON PRIVATE PROPERTY DURING PERIOD OF LOCAL EMERGENCY DUE TO COVID-19

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code (“PMC”) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from the novel coronavirus (“COVID-19”); and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superseded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e on May 28, 2020 and Order No. c19-5f on June 4, 2020 and all referenced appendices (collectively, the “County Health Requirements”); and

WHEREAS, on May 4, 2020, by Executive Order N-60-20, the Governor of the State of California directed the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, pursuant to section 15(f)(xvi) of County Health Order No. c19-5f, “Essential Business” is defined in part to include, “...restaurants and other facilities that prepare and serve food, but only for delivery or carry out, except to the extent as modified by Appendix C-1 ...;” and

WHEREAS, Appendix C1 of County Order No. c19-5f issued on June 4, 2020, allows “outdoor dining”, effective June 6, 2020, subject to certain restrictions and provides that outdoor dining provides access to freshly prepared meals at a relatively low risk of transmission; because food service will be limited to outdoor areas, the

overall volume of increased activity will be modest; interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities; and risks associated with these operations can be substantially mitigated with conditions to ensure adequate social distancing and limit intermixing between households; and

WHEREAS, pursuant to PMC section 9-4.2308, the City of Pacifica requires that all commercial and industrial uses conducted in any Commercial (“C”) or Manufacturing (“M”) District be conducted entirely within an enclosed structure unless a use permit is obtained, except for certain specified temporary outdoor commercial activity; and

WHEREAS, pursuant to Chapter 2, of Title 7 of the PMC any activity in the public right-of-way, requires an encroachment permit from the City; and

WHEREAS, the City must consider making alterations to normal permitting requirements for certain outdoor commercial activity to allow businesses to extend their operations outdoors in a timely and safe manner, so as to provide a safe environment for customers; and

WHEREAS, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, in order to protect the health and safety of the City, while fostering economic well-being of the City's citizens and businesses, the City wishes to assist businesses in remaining open, or re-opening when lawfully permitted to do so; and

WHEREAS, when non-essential businesses are permitted to re-open pursuant to State and County orders, laws, and/or guidance, the City will suspend certain permit and license requirements in order to facilitate business operations in a manner that is consistent with County Health Requirements including all social distancing requirements, and protects the health and safety of the citizens of Pacifica; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is also empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, on June 5, 2020 at 6:30 p.m., the City Manager, in his capacity as Director of Emergency Services, issued Order No. 2020-02, pursuant to PMC section 4-2.06, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19; and

WHEREAS, on June 8, 2020, in accordance with Government Code section 54954.2(b)(2), the City Council determined that there was a need to take immediate action to ratify Order No. 2020-02 and that the need for action came to the attention of the City after the agenda for the June 8, 2020 City Council meeting was posted.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pacifica hereby finds that the City must take immediate action to permit certain outdoor commercial activity to allow businesses to extend their operations outdoors to prevent exposure to COVID-19 and to provide a safe environment for customers in compliance with State Executive Orders and Guidelines and County Health Orders.

BE IT FURTHER RESOLVED, that the City Council hereby ratifies and confirms Order No. 2020-02 of the Director of Emergency Services Relating to Operation of Outdoor Commercial Activity in the Public Right of Way and on Private Property During the Period of Local Emergency Due to COVID-19 and Exhibit A, attached thereto, which are attached hereto.

• • • • •

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 8th day of June, 2020, by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

By: _____
Mayor Deirdre Martin

ATTEST:

Sarah Coffey, City Clerk

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO
OPERATION OF OUTDOOR COMMERCIAL ACTIVITY IN THE PUBLIC RIGHT OF
WAY AND ON PRIVATE PROPERTY DURING PERIOD OF LOCAL EMERGENCY
DUE TO COVID-19 (ORDER NO. 2020-02)**

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code (“PMC”) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from the novel coronavirus (“COVID-19”); and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superseded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e on May 28, 2020 and Order No. c19-5f on June 4, 2020 and all referenced appendices (collectively, the “County Health Requirements”); and

WHEREAS, on May 4, 2020, by Executive Order N-60-20, the Governor of the State of California directed the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, pursuant to section 15(f)(xvi) of County Health Order No. c19-5f, “Essential Business” is defined in part to include, “...restaurants and other facilities that prepare and serve food, but only for delivery or carry out, except to the extent as modified by Appendix C-1 ...;” and

WHEREAS, Appendix C1 of County Order No. c19-5f, allows “outdoor dining,” subject to certain restrictions and provides that outdoor dining provides access to freshly prepared meals at a relatively low risk of transmission; because food service will be limited to outdoor areas, the overall volume of increased activity will be modest; interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities; and risks associated with these operations can be substantially mitigated with conditions to ensure adequate social distancing and limit intermixing between households; and

WHEREAS, pursuant to PMC section 9-4.2308, the City of Pacifica requires that all commercial and industrial uses conducted in any Commercial("C") or Manufacturing ("M") District be conducted entirely within an enclosed structure unless a use permit is obtained, except for certain specified temporary outdoor commercial activity; and

WHEREAS, pursuant to Chapter 2, of Title 7 of the PMC any activity in the public right-of-way, requires an encroachment permit from the City; and

WHEREAS, the City must consider making alterations to normal permitting requirements for certain outdoor commercial activity to allow businesses to extend their operations outdoors in a timely and safe manner, so as to provide a safe environment for customers; and

WHEREAS, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, in order to protect the health and safety of the City, while fostering economic well-being of the City's citizens and businesses, the City wishes to assist businesses in remaining open, or re-opening when lawfully permitted to do so; and

WHEREAS, when non-essential businesses are permitted to re-open pursuant to State and County orders, laws, and/or guidance, the City will suspend certain permit and license requirements in order to facilitate business operations in a manner that is consistent with County Health Requirements including all social distancing requirements, and protects the health and safety of the citizens of Pacifica; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is also empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Order to protect life, property and civil order.

NOW, THEREFORE, BE IT RESOLVED, that I, Kevin Woodhouse, as the Director of Emergency Services of the City of Pacifica do hereby declare that the following rules and regulations are necessary and order the following:

SECTION 1. Suspension of Use Permit and Special Use Permit Procedures. To facilitate the reopening of certain businesses to engage in outside activities in a manner that is consistent with State Guidelines, Executive Orders and County Health Requirements ("State and County Orders") related to COVID-19, the requirement to obtain a use permit for outdoor and temporary special use permit pursuant to Sections 9-4.2308 and 9-4.2305 of the Pacifica Municipal Code and any other regulations and/or policies that would otherwise prohibit businesses from engaging in their business activities outside are hereby suspended in accordance with the provisions of this Order.

SECTION 2. Application of this Order. Only those businesses that are authorized to operate pursuant to the County Health Requirements and require outdoor space in order to effectively run their business while complying with State and County Orders, are eligible to operate outdoors pursuant to the provisions of this Order. Nothing in this Order shall authorize a particular business to operate outside unless and until that business is authorized to operate pursuant to State and County Orders. All businesses must be in full compliance with all State and County Orders regarding business reopening and operation in order to comply with this Order.

SECTION 3. Temporary COVID-19 Outdoor Activities and Encroachment Agreement. Existing businesses that do not currently have a use permit or temporary special use permit to operate their business outside of an enclosed structure in any C or M district ("Outdoor Activities") shall be required to enter into a Temporary COVID-19 Outdoor Activities and Encroachment Agreement (hereinafter the "Outdoor Activities Agreement"), in the form provided by the City to be eligible to engage in Outdoor Activities. However, in order to allow certain businesses to begin operations as quickly as possible, Outdoor Activities that will occur completely within or on private property may commence, with property owner permission, on the effective date of County Health Order No. c19-5f, June 6, 2020, provided that an application for an Outdoor Activities Agreement is submitted to the City within ten business days of the date of this Order. Upon commencement of Outdoor Activities until the Outdoor Activities Agreement is executed, the minimum operational standards identified in Exhibit A, attached hereto, shall be observed. The Outdoor Activities Agreement may provide additional requirements and standards than those set forth in the minimum operational standards, if appropriate.

An Outdoor Activities Agreement on private property shall be available only to those current tenants of an existing shopping center or commercial structure and shall not be available to mobile businesses or vacant property or on property without commercial tenants.

The Director of Emergency Operations or his designee shall be authorized to enter into an Outdoor Activities Agreement with the applicant and shall be entitled to seek the review of any City staff regarding any and all site-specific considerations related to the proposed Outdoor Activities, and make any necessary changes to the Outdoor Activities Agreement based on those site-specific considerations, to ensure ongoing protection of the public health and safety of the City.

Outdoor Activities in the public right-of-way are also subject to the requirements of this Order including obtaining an Outdoor Activities Agreement prior to commencing any Outdoor Activities in the public right-of-way.

SECTION 4. Encroachment Into Public Right-of-Way. To streamline the issuance of temporary rights of encroachment into the public right-of-way, the City hereby amends its encroachment permit process as follows:

1. Pacifica Municipal Code §§ 7-2.101; 7-2.102, 7-2.105, 7-2.108, 7-2.109, 7-2.110, 7-2.111, 7-2.112 regarding encroachment permits shall not apply to businesses who enter into an Outdoor Activities Agreement for purposes of conducting Outdoor Activities in compliance with State and County Orders subject to the provisions of this Order.

2. Businesses seeking to encroach into the public right way for purposes of conducting Outdoor Activities in compliance with State and County Orders shall execute an Outdoor Activities Agreement in lieu of obtaining encroachment permits.

SECTION 5. No Interference with Private Property. Nothing in this Order relieves a business from any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations. Nothing in this Order is intended to circumvent private property agreements or leases and conveys no rights to operate a use or conduct commercial activities outdoors.

SECTION 6. Building Permit and Design Review Required. Nothing in this Order relieves a business from the requirement to obtain a building permit for Outdoor Activities if a building permit would otherwise be required, nor does this order relieve a business from complying with all provisions of the Building Code, including but not limited to, maximum occupancy requirements. Nothing in this Order relieves a business from the requirement to undergo design review for exterior alterations if such design review is required pursuant to applicable provisions of the Pacifica Municipal Code, except that temporary installments, including but not limited to, tents, fencing, barriers and enclosures, may be authorized in the Outdoor Activity Agreement to facilitate proposed Outdoor Activities.

SECTION 7. County Permits. Nothing in this Order relieves a business from the requirement to obtain any and all County permits regarding the provision of food and dining services.


SECTION 8. Violations of Order. Any violation of this Order or any other local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations of this order may result in the immediate termination of an Outdoor Activities Agreement and the cessation of any activities authorized by said Agreement and this Order.

SECTION 9. Effective Date of Order. This Order shall become effective on the date signed by the Director of Emergency Operations for the City of Pacifica and shall expire when repealed or upon a declared termination of the state of emergency regarding COVID-19 by the Pacifica City Council. This Order shall only apply to the extent businesses are authorized to operate pursuant to State and County orders regarding essential businesses.

Date and time: 6:30pm June 5, 2020


By: _____
Kevin Woodhouse, Director of Emergency Services

ATTEST:



Sarah Coffey, City Clerk

Exhibit A

Eligibility

1. Outdoor Activities (as defined in Order 2020-02) operations on private property shall be available only for those current tenants of the shopping center or commercial building and shall not be available to mobile businesses, or on vacant property, or on property without commercial tenants.
2. All Outdoor Activities conducted on private property must be done with consent of property owner.

Safety, Location, Accessibility

3. All Outdoor Activities shall be consistent with State Guidelines, Executive Orders and County Health Requirements issued by the State and County in response to COVID-19 ("State and County Orders"). Outdoor Activities must, at all times, be operated in accordance with State, and County Orders, including but not limited to, health guidelines regarding number of patrons, disinfectants, table spacing, use of shared materials, staff hygiene, and social distancing.
4. No permanent item or structures shall be installed on City of Pacifica property. No permanent or temporary signage shall be affixed to any publicly owned structure, including but not limited to streetlights, benches, bus shelters, or similar appurtenances.
5. The Outdoor Activity use area shall be contiguous to commercial structures or walkways immediately adjacent to structures. Businesses on private property shall utilize outdoor space contiguous to their tenant space unless authorized by the landlord to use other space contiguous to commercial structures or walkways immediately adjacent to structures. Notwithstanding the foregoing, a landlord may designate an alternative location for consolidated outdoor dining of take-away meals provided all other provisions of this Order and County Health Orders are followed.
6. Temporary barriers not exceeding three (3) feet in height shall be placed in a safe manner around the Outdoor Activity area.
7. The Outdoor Activity area must remain clear of drive aisles and fire lanes necessary to provide adequate vehicular circulation and access by public safety vehicles in the event of a fire, medical, or other emergency.
8. A temporary accessible ramp from curb to Outdoor Activity area is required if a permanent ramp is not already available.
9. Accessible parking stalls, accessible van loading areas, and associated paths of travel shall not be impeded by Outdoor Activity areas.

10. Restaurants shall not be permitted to expand beyond pre-Covid-19 seating capacity.
11. No permanent item or structures shall be installed on the outdoor use area.
12. All walkways and sidewalks shall maintain a four-foot clear path of travel.

Operations

13. Temporary canopies or tents must comply with fire requirements. Permits from the North County Fire Department are required for canopies or tents over 400 Sq Ft.
14. Hours of operation for Outdoor Activity uses shall not exceed the normal hours of operation for the corresponding business with which the outdoor use is associated.
15. Outdoor Activity use areas shall be maintained free of trash and debris.
16. Any outdoor alcohol consumption shall be in compliance with the rules and regulations of the Department of Alcoholic Beverage Control and County Health Orders.
17. No outdoor music or entertainment is permitted.
18. Outdoor cooking or grilling is not permitted.