

**RESOLUTION NO. 2022-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA  
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING  
TEXT AMENDMENT TA-121-22 TO AMEND CHAPTER 5 OF TITLE 9 OF THE  
PACIFICA MUNICIPAL CODE TO EXTEND CERTAIN PROVISIONS OF THE  
GROWTH MANAGEMENT ORDINANCE (TEXT AMENDMENT TA-121-22).**

---

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

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

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

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-121-22 on April 18, 2022.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all testimony, correspondence, staff reports, and other related materials.
3. Amendment of the GMO to extend it for five years, and making clarifying changes to PMC Section Sec. 9-5.07 [Agricultural land] and PMC Section 9-5.08 [Hillside protection] to reflect their continued enforceability, is consistent with the General Plan and the Local Coastal Program because it would ensure the electorate has a voice in decisions concerning the sensitive hillside resources and would prevent the conversion of agriculturally-zoned lands to other land uses, consistent with General Plan and Local Coastal Program policies including but not limited to the following:
  - A. General Plan, Open Space Element Policy No. 1: *Retain open space which preserves natural resources, protects visual amenities, prevents inappropriate development, provides for the managed use of resources, and protects the public health and safety.*
  - B. General Plan, Open Space Element Policy No. 3: *Encourage development plans which protect or provide generous open space appropriately landscaped. Balance open space, development and public safety, particularly in the hillside areas.*
  - C. General Plan, Community Design Element Policy No. 3: *Protect the City's irreplaceable scenic and visual amenities.*

- D. General Plan, Community Design Element No. 4: *Establish development standards that would keep open the steep slopes and visually prominent ridgelines.*
- E. General Plan, Linda Mar Neighborhood Narrative (p. 47): *A few parcels in agricultural land use remain in the area. Those which are economically viable should be encouraged to remain.*
- F. Local Coastal Land Use Plan (LCLUP) Policy No. 8: *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*
- G. LCLUP Policy No. 19: *The maximum amount of prime agricultural land shall be maintained in production to assure the protection of the areas' economy, and conflicts shall be minimized between agricultural and urban land uses through the following:*
  - (a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
  - (b) *By limiting conversions of agricultural lands around the periphery of urban areas to the land where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
  - (c) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
  - (d) *By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
  - (e) *By assuring that all divisions of prime agricultural lands and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*
- H. LCLUP Policy No. 20: *All other lands suitable for agricultural use shall not be converted to non-agricultural use unless:*
  - (1) *continued or renewed agricultural use is not feasible, or;*
  - (2) *such conversion would preserve prime agricultural land or concentrate development consistent with Policy 23. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*
- I. LCLUP Policy No. 21: *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses of their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

4. The Planning Commission finds and declares that amendment of the GMO is exempt from the California Environmental Quality Act (CEQA) because of the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because the GMO amendment would only modify the expiration date of existing provisions codified in the PMC to maintain the status quo, and because the GMO amendment would not result in any direct or indirect physical change

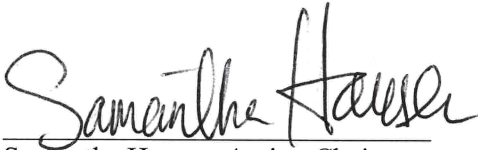
in the environment, it can be seen with certainty that there is no possibility that amendment of the GMO will have a significant effect on the environment; therefore, the ordinance is not subject to CEQA.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Pacifica does hereby recommend City Council adoption of an ordinance amending Sections 9-5.07, 9-5.08, and 9-5.11 of the Pacifica Municipal Code to extend certain provisions of the Growth Management Ordinance codified in Chapter 5 of Title 9 of the Pacifica Municipal Code for five (5) years as further detailed in Exhibit A to this Resolution.


\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 18<sup>th</sup> day of April 2022.

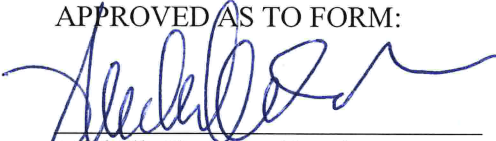
- AYES**, Commissioners: DOMURAT, FERGUSON, GODWIN, HAUSER, WRIGHT
- NOES**, Commissioners: N/A
- ABSENT**, Commissioners: BERMAN, LEAL
- ABSTAIN**, Commissioners: N/A

  
 Samantha Hauser, Acting Chair

ATTEST:

  
 Christian Murdock, Acting Planning Director

APPROVED AS TO FORM:

  
 Michelle Kenyon, City Attorney

# EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

**WHEREAS**, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on \_\_\_\_\_, 2022, and introduced Ordinance No. \_\_\_\_\_ on the same date.

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

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

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

“In order to maximize public participation in rezoning decisions concerning conversion of agriculturally zoned land to urban uses, to preserve the right of the local electorate to vote on significant zoning matters and to insure that development proposed for agricultural lands is appropriate to its unique character and importance, through June 30, 2027:

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

\_\_\_\_\_  
Mary Bier, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah Coffey, City Clerk

\_\_\_\_\_  
Michelle Kenyon, City Attorney