

**ORDINANCE NO. 817-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AMENDING CHAPTER 5 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE TO  
EXTEND THE GROWTH MANAGEMENT ORDINANCE (TA-107-17)**

**WHEREAS**, in January 1982, the voters of the City of Pacifica adopted Ordinance No. 322-C.S., an initiative ordinance which provided for controlled residential growth through 1992; and

**WHEREAS**, in 1993, the voters of the City of Pacifica updated multiple sections of the ordinance, including extending the expiration date for the ordinance to June 30, 1997; and

**WHEREAS**, the City Council has extended the Growth Management Ordinance (“GMO”) several times since then in five year increments. Most recently, the City Council enacted Ordinance No. 789-C.S. extending the GMO until June 30, 2017; and

**WHEREAS**, on May 15, 2017, the Planning Commission adopted Resolution No. 972 recommending that the City Council adopt an ordinance to extend the GMO for five years and to amend the Pacifica Municipal Code to reflect the new expiration date; and

**WHEREAS**, the City Council finds that amendment of the GMO to extend it for five years is necessary so that the timing of residential growth in the City does not outpace the City’s ability to provide public services and infrastructure for such growth, and therefore extension of the said ordinance is necessary to protect the public health, safety, and welfare; and

**WHEREAS**, the City Council finds that the current unused Residential Development Allocations combined with the annual allotment of 70 additional permits per year and various exemptions will allow the City to meet its Regional Housing Needs Allocations as established by Association of Bay Area Governments; and

**WHEREAS**, the potential development of lands zoned Agricultural and/or Hillside Preservation District is of City-wide interest due to the size, location, visibility, slope, and/or current or potential agricultural productivity of such lands and it is therefore reasonable that such lands be rezoned by means of procedures which will afford the widest possible public participation and input. Therefore, the City Council finds that amendment of the GMO to extend it for five years is necessary and will help maintain the productivity of agricultural lands by limiting conversion of these lands to non-agricultural uses and preserving scenic and visual resources by limiting development of open space; and

**WHEREAS**, the City Council finds that amendment of the GMO to extend it for five years is consistent with the General Plan, Local Coastal Plan and the Coastal Act; and

**WHEREAS**, the City Council finds and declares that amendment of the GMO is exempt from the California Environmental Quality Act (CEQA) for the following reasons:

- a. Amendment of the GMO is not a project within the meaning of Public Resource Code Section 21065 because it has no potential for resulting in a physical change

in the environment, directly or indirectly. The purpose of this ordinance is to extend the current ordinance as a reflection of the current land use policies;

- b. This ordinance amendment is categorically exempt from CEQA per Sections 15307 and 15308 of the CEQA Guidelines. This ordinance amendment is a regulatory action taken by the City in the exercise of its constitutional and statutory authority to assure the maintenance, restoration, or enhancement of a natural resource or protection of the environment where the regulatory process involves procedures for the protection of the environment.
- c. This ordinance amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. For the reasons set forth above, it can be seen with certainty that there is no possibility that this ordinance amendment will have a significant effect on the environment, and therefore, the ordinance is not subject to CEQA.

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

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

**SECTION II. Amendment.** Chapter 5 of Title 9 of the Pacifica Municipal Code (Growth Control) is hereby amended as follows (deletions in ~~strike through~~, additions in underline):

Section 9-5.11. - Termination.

This chapter shall terminate on June 30, ~~2022~~2017. On or after June 30, ~~2020~~2015, 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 III. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the statute (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

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

**SECTION V. 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 once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

**SECTION VI. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For areas within the Coastal Zone, this Ordinance shall not become effective until the California Coastal Commission certifies an amendment to the City's local coastal program pursuant to Section 30514 of the Public Resources Code.

\* \* \* \* \*

Passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 26<sup>th</sup> day of June, 2017, by the following vote:

AYES, Councilmembers: Martin, Vaterlaus, Digre, Keener, O'Neill

NOES, Councilmembers: None

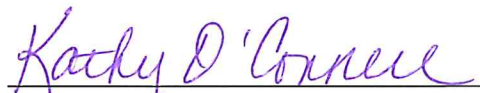
ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

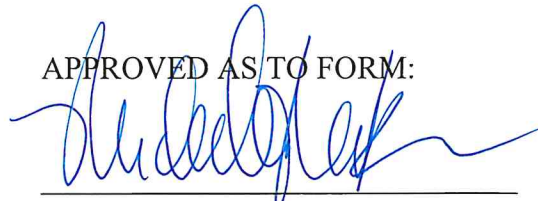


Mike O'Neill, Mayor

ATTEST:

  
Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

  
Michelle Kenyon, City Attorney