



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

7/25/2016

SUBJECT:

Consideration of Elections Code Section 9212 Report Analyzing Potential Impacts from the “Pacifica Initiative Amending Ordinance No. 391-C.S. to Authorize a Future Rezone of the Quarry Which Could Include Residential Development, Under Certain Conditions”; and Action to Either Adopt the Ordinance Within 10 Days or Adopt a Resolution Submitting the Initiative Petition to the Voters at the Regular Municipal Election to be Consolidated with the Statewide General Election on November 8, 2016.

STATEMENT OF ISSUES:

1. Consider report prepared in accordance with Elections Code Section 9212 ("9212 Report") analyzing potential impacts from the "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, under Certain Conditions."
2. Take one of the following actions:
 - A. Adopt, without alteration, the "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, under Certain Conditions," within 10 days.
 - B. Adopt a resolution submitting the "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, under Certain Conditions", without alteration, to the voters at the Regular Municipal Election to be consolidated with the Statewide General Election on November 8, 2016.

RECOMMENDED ACTION:

Consider and file the 9212 Report; and adopt the attached resolution ordering submission of the "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, under Certain Conditions", without alteration, to the voters at the Regular Municipal Election to be consolidated with the Statewide General Election on November 8, 2016.

STAFF CONTACT:

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BACKGROUND/DISCUSSION:

On May 16, 2016, proponents of the Quarry Initiative (the “Initiative”) submitted an initiative

petition entitled "Pacifica Initiative Amending Ordinance No. 391-C.S. to Authorize a Future Rezone of the Quarry Which Could Include Residential Development, Under Certain Conditions." The City Clerk certified the results of examination of the Initiative petition signatures to the City Council at a regular meeting on June 27, 2016, at which time the Council directed staff to prepare the 9212 Report to assess the potential impacts from adoption of the Initiative. By law, the City had 30 days from June 27 to prepare and consider the 9212 Report. Staff has prepared the attached 9212 Report in response to the Council's direction for consideration within the 30-day period allowed.

Based on the number of voters that signed the Initiative petition, Elections Code Section 9215(c) requires that, at the meeting when the 9212 Report is presented, the City Council shall either adopt the ordinance proposed by the Initiative within 10 days or order an election for voter consideration of the Initiative. The City Council must determine its desired action at this meeting. The City Council does not have the option of taking no further action.

Since any future development of the Quarry Site would be of great community interest, staff is not recommending adoption of an ordinance adopting the Initiative without voter approval. Thus, staff recommends the City Council receive and file the 9212 Report and adopt the attached resolution ordering placement of the Initiative on the ballot for the Regular Municipal Election to be consolidated with the Statewide General Election on November 8, 2016.

The 9212 Report

A 9212 Report provides the City Council with the opportunity to consider potential impacts of a proposed initiative prior to making a decision about adopting it or submitting it to the voters. Elections Code Section 9212 provides that a 9212 Report may contain any or all of the following regarding a proposed initiative:

- Its fiscal impact.
- Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- Its impact on the community's ability to attract and retain business and employment.
- Its impact on the uses of vacant parcels of land.
- Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- Any other matters the legislative body requests to be in the report.

Given the limited time provided by the law for preparation of a 9212 Report and because of the many inherent uncertainties associated with an Initiative that does not approve a specific development project, staff attempted to address as many of the above-mentioned report components as was feasible. In addition, staff included a section in the report responding to

questions submitted by the public, as directed by Council.

The Ballot Question

State law requires that a ballot question contain no more than 75 words and be a condensed version of the ballot title and summary. The proposed ballot question in the attached Resolution fulfills these requirements, and the slight revisions staff made to the ballot question since the June 27 meeting clarify the question within the allowable word limit.

Conclusion

Staff recommends that the Council receive and file the attached 9212 Report. Furthermore, because any future development of the Quarry Site would be of great community interest, staff recommends that the Council adopt the attached resolution ordering placement of the Initiative, without alteration, on the ballot of the Regular Municipal Election to be consolidated with the Statewide General Election on November 8, 2016; directing the City Clerk to transmit a copy of the Initiative to the City Attorney; and, directing the City Attorney to prepare an impartial analysis of the measure showing its effect on existing law and the operation of the measure.

FISCAL IMPACT:

The costs associated with placing the Initiative before the voters in November 2016 are approximately \$8,400, which includes the cost of printing the full Initiative text in the Voter Information Guide. These costs are in addition to the base cost for the election.

Adoption of the Ordinance without submission to voters would eliminate the associated election costs.

ORIGINATED BY:

Planning Department
City Manager's Office

ATTACHMENT LIST:

9212 Report For Quarry Initiative (PDF)



RESOLUTION NO. (ID # 1998)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA SUBMITTING TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2016 AN ORDINANCE PROPOSED BY INITIATIVE PETITION WHICH WOULD AMEND ORDINANCE NO. 391-C.S. TO AUTHORIZE A FUTURE REZONE OF THE QUARRY WHICH COULD INCLUDE RESIDENTIAL DEVELOPMENT, UNDER CERTAIN CONDITIONS

WHEREAS, a General Municipal Election will be held in the City of Pacifica on Tuesday, November 8, 2016, for the purpose of electing two (2) City Council members for a full term of four years to serve on the City Council; and

WHEREAS, on July 11, 2016, the City Council of the City of Pacifica requested the County Clerk of the County of San Mateo to consolidate the City's General Municipal Election with the County of San Mateo's Statewide General Election to be conducted on November 8, 2016, and further requested the County Clerk of the County of San Mateo to provide election services that normally are provided to the City of Pacifica; and

WHEREAS, an initiative measure, entitled "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, Under Certain Conditions" (the "Measure") has been circulated for placement on the ballot in the City of Pacifica; and

WHEREAS, the signed initiative petition sections have been submitted, and the City Clerk, with the assistance of the San Mateo County Chief Elections Officer, has examined the records of registration and ascertained that the petition is signed by the requisite number of voters to qualify for the ballot, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the proposed ordinance and thus is authorized and directed by statute to submit the proposed ordinance to the voters; and

WHEREAS, the City Council desires to submit to the voters a question of whether to adopt the ordinance and that this question be placed on the ballot; and

WHEREAS, the City Council desires to consolidate the election of the Measure with the General Municipal Election to be held on November 8, 2016.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Pacifica, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of submitting to the voters the following question:

Measure " ____ " ADOPTION OF INITIATIVE AMENDING ORDINANCE NO. 391-C.S. TO

AUTHORIZE A FUTURE REZONE OF THE QUARRY WHICH COULD INCLUDE RESIDENTIAL DEVELOPMENT, UNDER CERTAIN CONDITIONS

Shall the Initiative which amends Ordinance Number 391-C.S. to authorize residential development at the Rockaway Quarry, under certain conditions specified in the Initiative measure entitled “Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, Under Certain Conditions”, be adopted?	YES	
	NO	

Section 2. That the full text of the Measure to be submitted to the voters is attached to this Resolution as **Exhibit 1**.

Section 3. That the City Clerk is directed to transmit the Measure to the City Attorney and the City Attorney is directed to prepare an impartial analysis of the Measure in accordance with Elections Code section 9280 and to file that analysis no later than the deadline established by the San Mateo County elections official.

Section 4. That the full text of the Measure shall be printed in the voter information pamphlet.

Section 5. That the ballots to be used at the election shall be in form and content as required by law.

Section 6. That the City Clerk is authorized, instructed, and directed to contract for the procurement and furnishing of any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. That the polls for the election shall be open at seven o’clock a.m. of the day of the election and shall remain open continuously from that time until eight o’clock p.m. of the same day when the polls shall be closed, pursuant to Election Code section 10242, except as provided in section 14401 of the Elections Code of the State of California.

Section 8. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of San Mateo is hereby requested to consent and agree to the consolidation of the election for the Measure with the Statewide General Election to be held on Tuesday, November 8, 2016, for the purpose of submitting the Measure to the voters.

Section 9. That the City of Pacifica requests the services of the Board of Supervisors of San Mateo County and the Registrar of Voters to conduct said General Municipal election

and to consolidate such election. The Registrar of Voters is requested to provide all necessary election services and to canvass the returns of the General Municipal Election.

Section 10. That the City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed by section 10418 of the Elections Code.

Section 11. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 12. That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Election Department, each a certified copy of this resolution.

Section 13. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 14. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 15. That ballot arguments and rebuttals shall be filed in accordance with the following:

- A. That the primary arguments for and against this ballot measure shall be submitted to the City Clerk by 5:00 p.m. on the date established by the San Mateo County elections official for primary arguments.
- B. That rebuttal arguments shall be submitted to the City Clerk by 5:00 p.m. on the date established by the San Mateo County elections official for rebuttal arguments.
- C. That all arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Section 16. That a statement shall be printed in the ballot pursuant to Elections Code Section 9223 advising voters that they may obtain a copy of the Measure, at no cost, upon request made to the City Clerk.

Section 17. That the City Clerk shall certify the passage and adoption of this resolution and enter into the book of original resolutions.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica held on the 25th day of July 2016, by the following vote:

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

Sue Digre, Mayor

ATTEST:

Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney