STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

W-18a

RECORD PACKET COPY

August 22, 2002

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steven Scholl, District Director
Chris Kern, North Central Coast District Supervisor
Peter T. Imhof, Coastal Planner

SUBJECT: **City of Pacifica LCP Amendment No. 2-02 (Major) (Extension of City-wide Growth Control Ordinance)**

1.0 AMENDMENT DESCRIPTION

The City of Pacifica is requesting an amendment to Section 9-5.11 of the Pacifica Municipal Code to extend an existing City-wide growth control ordinance for five years, from June 30, 2002 to June 30, 2007. This amendment does not change the mechanics of the ordinance, but merely extends its term.

Staff recommends that the Commission approve the LCP Amendment as submitted. The purpose of the growth control ordinance is to regulate the timing of residential development within the City so that new residential development does not exceed the City's ability to provide needed services and infrastructure to support the development or cause adverse impacts to coastal resources. Extension of the growth control ordinance would not change the basic provisions of the Implementation Plan which carries out the LUP. The growth control ordinance merely slows the rate of residential development by allocating a limited number of building permits each year and by requiring a vote of the electorate to rezone lands currently zoned for agriculture and hillside protection. Slowing the rate of residential development pursuant to the growth control ordinance ensures the adequacy of the Implementation Plan to carry out the policies of the LUP by: (1) helping to ensure that adequate public serves will be available to accommodate new residential development, (2) reducing adverse cumulative impacts on coastal streams and wetlands by reducing the number of residential construction sites active each year, thereby reducing the extent of exposed and eroding soils at construction sites, (3) helping to maintain the productivity of agricultural lands by limiting conversion of these lands to non-agricultural uses, and (4) preserving scenic and visual resources by limiting development of open space.

As submitted, the proposed IP amendment is fully consistent with and adequate to carry out the policies of the LUP, as modified and certified.

2.0 STANDARD OF REVIEW

Sections 30513 of the Coastal Act states that the "[t]he Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan." The provisions of the certified land use plan are thus the standard of review for implementing zoning ordinances. To approve the amendments to the Implementation Program (IP), the Commission must find that the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

3.0 EFFECTIVENESS OF IP AMENDMENT

Coastal Act Section 30514(a) states that the local government may amend its certified LCP and implementing ordinances, regulations, and other actions, but until the Commission certifies the amendment, the amendment shall not take effect. Section 13551(b)(2) of the Commission regulations provides that a local government may submit a proposed amendment as an amendment that will require formal local government adoption after Commission approval with suggested modifications. Section 13544 requires that the Executive Director and Commission certify that the City's actions in adopting the suggested modifications were adequate before the LCP amendment is considered effective. In accordance with Section 13551 of the Commission regulations, if the Commission certifies the amendment as submitted, because the local government's resolution of submittal so requested, the amendment shall take effect 30 days after certification. However, if the Commission certifies the amendment as submitted but with additional modifications, the local government must subsequently adopt the modifications suggested by the Commission, and the Executive Director in turn must confirm the local government's approval before the amendment becomes effective.

4.0 STAFF RECOMMENDATION

The staff recommends that the Commission certify the amendment to the IP for the City of Pacifica as proposed.

MOTION:

I move that the Commission reject the Amendment 2-MAJ-02 of the Implementation Program for the City of Pacifica as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies Amendment 2-MAJ-02 of the Implementation Program for the City of Pacifica as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

5.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

5.1 LCP Amendment Description

The City of Pacifica is requesting an amendment to Section 9-5.11 of the Pacifica Municipal Code to extend an existing, City-wide, growth control ordinance for five years. No substantive changes to the existing growth control ordinance are proposed.

The amended Section 9-5.11 of the Pacifica Municipal Code (**Exhibit 3**) provides:

> *Sec. 9-5.11. Termination. This Chapter shall terminate on June 30, 2007. On or after June 30, 2005, 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.*

The proposed LCP amendment thus extends the termination date of Section 9-5.11 of the Pacifica Municipal Code to June 30, 2007.

5.2 Background

The Coastal Commission certified the City's Local Coastal Program (LCP) in 1993. The LCP requires that all new development in the Coastal Zone be subject to the growth management procedures set forth in the Pacifica Municipal Code, Title 9, Chapter 5, except where exempt pursuant to that chapter. The full text of the City-wide growth control ordinance is found in Sections 9-5.01 through 9-5.11 of the Pacifica Municipal Code (**Exhibit 4**).

As noted above, Section 9-5.11 of the Pacifica Municipal Code contains a termination clause which limits the City's growth control ordinance to a five-year term. The existing termination clause caused the ordinance to expire on June 30, 2002. The proposed LCP amendment extends

the expiration date of the growth control ordinance for another five years to June 30, 2007. The LCP amendment does not change any of the substantive provisions of the ordinance.

The City of Pacifica's City Council passed Resolution No. 22-2002, submitting the LCP amendment to the Commission, on June 24, 2002 (**Exhibit 2**). As required, the resolution states that the City intends to carry out the LCP amendment in a manner fully in conformity with the provisions of the Coastal Act and LUP. The City submitted the proposed LCP amendment to the Commission on August 1, 2002.

The Commission previously approved a five-year extension of this ordinance at a hearing in June 1997. At that time, the Commission certified City of Pacifica LCP Amendment 1-97, extending the operation of Section 9-5.11 from June 30, 1997 to June 30, 2002.

The purpose of the growth control ordinance is to time the phasing of residential growth in the City so that development does not out pace the City's ability to provide needed services and infrastructure to support the growth. The ordinance establishes: (1) a public vote requirement to rezone any land in an Agricultural District or in a Hillside Preservation District, and (2) an allocation process for the development of residential lands.

With respect to the allocation process, the ordinance allocates a total of 70 building permits per year for residential development. The ordinance exempts from this allocation various uses such as: (1) the replacement, repair, remodeling or expansion of an existing dwelling unit, (2) exclusively commercial, industrial, or agricultural projects, (3) a single-family dwelling on an existing lot as in-fill development, (4) affordable housing units, (5) housing for the elderly and/or disabled, (6) second residential units, and (7) accessory dwelling units in the same structure as a commerical use in a commercial zoning district.

Except where dwelling units are exempt from this ordinance, the ordinance requires that no building permit be issued for a new dwelling unit until a Residential Development Allocation (RDA) has been issued by the City. The ordinance provides that unused allocations will accrue from year-to-year, creating an annual balance of unused RDA's. Individual applicants are entitled to 20 percent of the annual balance in any given year. Allocations for especially large projects can require multi-year accrual and/or phasing.

5.3 LUP Policies

As noted above, to approve the LCP amendment, the Commission must find that the Implementation Plan (IP), as amended, conforms with and is adequate to carry out the policies and land use plan map designations of the City's LUP. LUP policies applicable to the proposed amendment include the following policies respecting new development, agricultural lands, scenic and visual resources, and biological productivity and water quality.

5.3.1 New Development

Policy 23 of the City's certified Land Use Plan restates Section 30250 of the Coastal Act and provides in applicable part:

> *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

5.3.2 Agricultural Lands

LUP Policy 20 restates Section 30242 of the Coastal Act and provides in applicable part:

> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless:*
>
> *(a) Continued or renewed agricultural use is not feasible, or*
>
> *(b) Such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

5.3.3 Scenic and Visual Resources

LUP Policy 24 restates Section 30251 of the Coastal Act and provides in applicable part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scewnic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

5.3.4 Biological Productivity and Water Quality

LUP Policy 12 restates Section 30231 of the Coastal Act and provides:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisims and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial inferference with surface*

water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing the alteration of natural streams.

5.3.5 Discussion and Analysis

The Commission found at the time that the LCP was originally certified in 1993 that the Implementation Plan containing the growth control ordinance conformed with and was adequate to carry out the applicable policies of the City's certified LUP. No substantive changes to the previously certified and extended growth control ordinance are proposed; the IP amendment merely extends the ordinance for an additional 5 years to June 30, 2007. Extension of the growth control ordinance would not change the basic provisions of the rest of the Implementation Plan that carry out the LUP. The growth control ordinance merely slows the rate of residential development and adds a requirement of a vote of the electorate for the rezoning of land currently zoned for agriculture or hillside protection. The zoning provisions regarding the siting and design of development to minimize impacts on coastal resources are found elsewhere in the Implementation Plan, separate from the growth control ordinance provisions.

Slowing the rate of residential development pursuant to the growth control ordinance enhances the adequacy of the Implementation Plan to carry out the policies of the LUP that are designed to protect coastal resources. For example, by pacing residential development at a slower rate, the growth control ordinance better enables the City to ensure provision of adequate infrastructure and that new residential development does not outpace available public serves consistent with LUP Policy 23. By slowing development, the ordinance also reduces the magnitude of temporary construction impacts on coastal resources. For example, the cumulative sedimentation of streams in any given year caused by the erosion of exposed soils at construction sites would be reduced, consistent with LUP Policy 12's protection of biological productivity and water quality. Streams may be better able to assimilate sediment in runoff in smaller doses over a longer period of time than more extensive development and greater amounts of sedimentation in a shorter time. In addition, by requiring a vote to rezone lands within an agricultural district, the ordinance makes it more difficult to convert such lands from agriculture to non-priority uses, consistent with the intent of LUP Policy 20 to retain lands in agricultural production. Similarly, by requiring a vote to rezone a Hillside Protection District to other permissible use, the ordinance will make it more difficult to develop hillside open space, consistent with the intent of LUP Policy 24 to reduce the alteration of natural landforms and preserve scenic resources.

In view of the above considerations, the Commission finds that the Implementation Plan, as amended by LCP Amendment No. 2-MAJ-02, conforms with and is adequate to carry out the City's certified LUP.

6.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in

connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's LCP review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP and LCP amendment submitted for Commission review and approval. Nevertheless, the Commission is required when approving an LCP to find that the LCP does conform with the applicable provisions of CEQA.

As stated above, City of Pacifica LCP amendment 2-MAJ-02 consists of an Implementation Plan (IP) amendment. The Commission incorporates its findings on land use plan conformity at this point as it is set forth in full above.

The Commission finds that City of Pacifica LCP amendment 2-MAJ-02 will not result in significant unmitigated adverse environmental impacts within the meaning of CEQA. Further, any future individual development projects would require coastal development permits issued by the City of Pacifica or, in the case of original jurisdiction, by the Coastal Commission. Throughout the Coastal Zone, specific impacts associated with individual development projects area are assessed through the CEQA environmental review process, thereby assuring an individual project's compliance with CEQA. The Commission finds that there are no other feasible alternatives or mitigation measures within the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

EXHIBITS

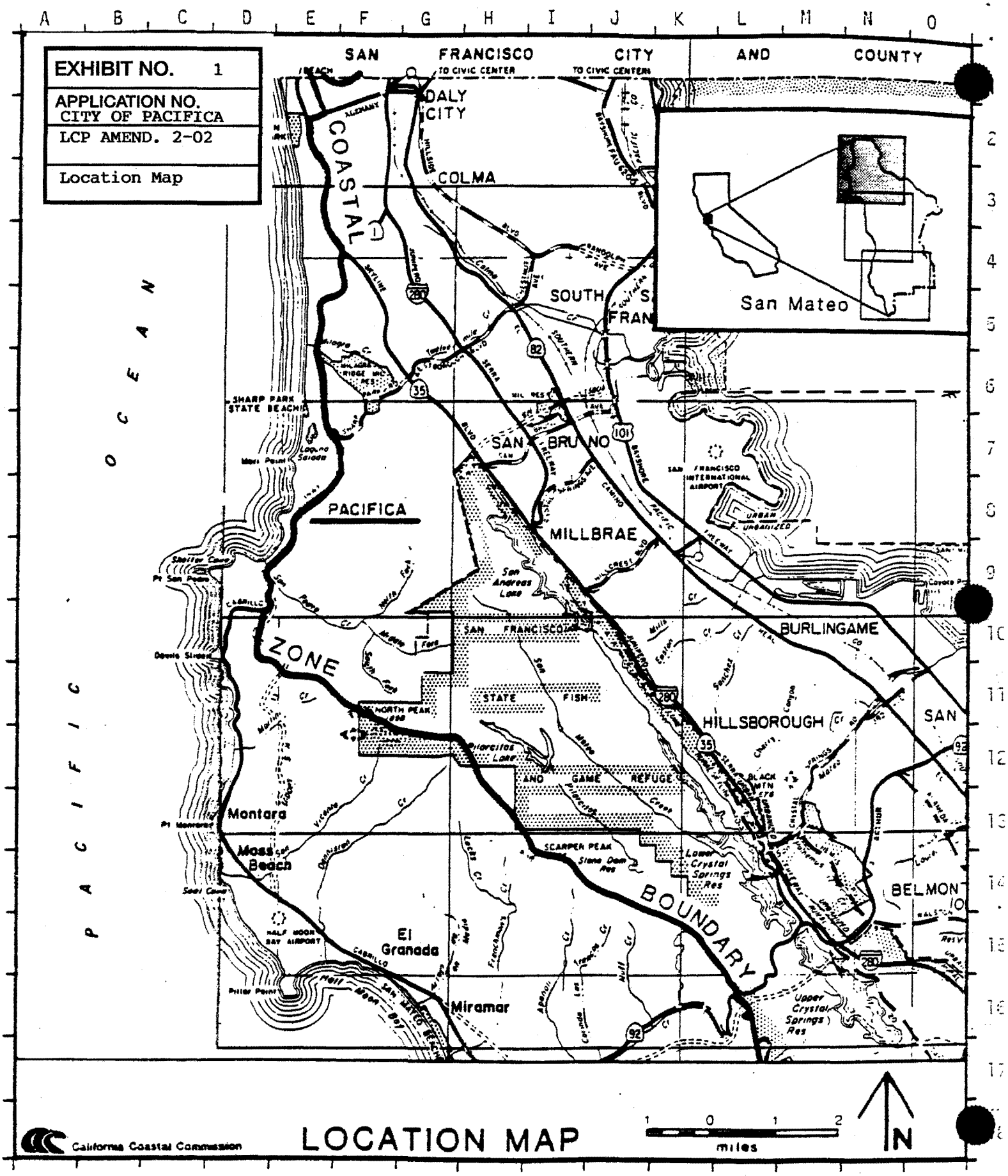
1. City of Pacifica Location Map

2. City Council Resolution No. 22-2002

3. City Council Ordinance 703-C.S., amending the termination language in Section 9-5.11 of Title 9, Chapter 5 of the Pacifica Municipal Code

4. Title 9, Chapter 5 (Sections 9-5.01 through 9-5.11) of the Pacifica Municipal Code (Pacifica Growth Control Ordinance)

EXHIBIT NO. 1
APPLICATION NO. CITY OF PACIFICA
LCP AMEND. 2-02
Location Map



California Coastal Commission

LOCATION MAP

County of San Mateo

RESOLUTION NO. 22-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING AN AMENDMENT TO THE ZONING CODE EXTENDING THE GROWTH CONTROL ORDINANCE

WHEREAS, effective February 24, 1982 the City of Pacifica adopted Ordinance No. 322-C.S. establishing a growth management system to regulate the rate of residential growth in the City of Pacifica; and

WHEREAS, effective July 8, 1993, the voters of the City of Pacifica adopted Ordinance No. 604-C.S. amending Ordinance No. 322-C.S. to reflect current land use goals in the City; and

WHEREAS, on May 28, 1997 the City Council adopted Ordinance No. 654-C.S. extending Ordinance No. 604-C.S. for five years; and

WHEREAS, Ordinance No. 604-C.S. expires on June 30, 2002 pursuant to section 9-5.11 of the Pacifica Municipal Code; and

WHEREAS, the City Council finds that amendment of Ordinance 604-C.S. 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 building permit balance combined with the annual allotment of 70 additional permits per year and various exemptions will allow the City to meet its regional fair share of housing needs as established by the Association of Bay Area Governments; and

WHEREAS, the proposed amendment is intended to be carried out in a manner totally in conformity with the California Coastal Act and implementing Local Coastal Plan, and will take effect thirty (30) days after adoption by City Council, and after approval by the California Coastal Commission, whichever is later; and

WHEREAS, the City Council finds and declares that amendment of Ordinance 604-C.S. is exempt from the California Environmental Quality Act (CEQA) for the following reasons:

(a) Amendment of Ordinance 604-C.S. is not a project within the meaning of Section 15378 of the State CEQA guidelines 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 current land use policies;

(b) This ordinance amendment is categorically exempt from CEQA per Sections 15307 and 15308 of the State 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. The Planning Director is hereby authorized and directed to file a Notice of Exemption for this ordinance amendment upon its adoption.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pacifica does hereby adopt the attached ordinance amending Ordinance 604-C.S.

* * * * * * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 24th of June 2002 by the following vote of the members thereof:

AYES, Councilmembers:	DeJarnatt, Gonsalves and Carr
NOES, Councilmembers:	None
ABSENT, Councilmembers:	Vreeland
ABSTAIN, Councilmembers:	Hinton

Barbara A. Carr, Mayor

ATTEST:

Flo Derby, City Clerk

APPROVED AS TO FORM:

Cecilia Quick, City Attorney

CITY HALL
170 Santa Maria Avenue • Pacifica, California 94044-2506
Telephone (650) 738-7300 • Fax (650) 359-6038
www.ci.pacifica.ca.us

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN MATEO)

I, Flo Derby, City Clerk of the City of Pacifica, County of San Mateo, State of California, do hereby certify that the attached is a full, true, and correct copy of Resolution No. 22-2002, the original of which is on file in my office, and that I have carefully compared the same with the original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Pacifica this 11th day of July, 2002.

Flo Derby
Flo Derby
City Clerk

Dated: July 11, 2002

ORDINANCE NO. 703-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING CHAPTER 5 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE: ARTICLE 11. RELATING TO GROWTH CONTROL: TERMINATION (TA-94-02)

The City Council of the City of Pacifica does hereby ordain as follows:

SECTION I. Section 9-5.11 of Title 9, Chapter 5 of the Pacifica Municipal Code, relating to Growth Control: Termination, is hereby amended to read in its entirety as follows:

> "Sec. 9-5.11. Termination. This Chapter shall terminate on June 30, 2007. On or after June 30, 2005, 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 II. The City Clerk shall cause a summary of this ordinance to be published once in the Pacifica Tribune, a newspaper of general circulation in the City of Pacifica, within fifteen (15) days of its adoption. This ordinance shall become effective thirty (30) days after its adoption by the City Council and not before approval of the California Coastal Commission.

* * * * * * * * * * * * *

The foregoing ordinance was introduced on June 24, 2002 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 8th day of July, 2002 by the following vote:

AYES, Councilmembers: DeJarnatt, Gonsalves & Carr

NOES, Councilmembers: None

ABSENT, Councilmembers: Vreeland

ABSTAIN, Councilmembers: Hinton

Barbara Carr, Mayor

ATTEST:

Flo Derby, City Clerk

APPROVED AS TO FORM:

Cecilia Quick, City Attorney

EXHIBIT NO. 3
APPLICATION NO. CITY OF PACIFICA
LCP AMEND. 2-02 City Council Ordinance 703-C.S. amending the termination language

CHAPTER 5. GROWTH CONTROL*

* Sections 9-5.01 through 9-5.15 codified from Ordinance No. 322-C.S., effective February 24, 1982 were to terminate on June 30, 1992. Ordinance Nos. 590-C.S., effective May 26, 1992 and 597-C.S., effective December 14, 1992, temporarily extended Ordinance No. 322-C.S. Sections 9-5.01 through 9-5.09, codified from Ordinance No. 603-C.S., effective April 8, 1993, terminated on June 30, 1993.

Sec. 9-5.01 Title.

This chapter may be cited as the "City of Pacifica Growth Management Ordinance."
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.02. Findings.

The voters of the City do find and declare as follows:

(a) Improperly managed residential growth within the City could adversely affect the City's capacity to provide adequate services to accommodate that growth. In particular, improperly managed residential growth could result in an overburdening of the City's sewage treatment facility, increased traffic congestion on streets and freeways, inadequate levels of police and fire protection, and adverse impacts on water resources and drainage systems.

(b) It is the intent of voters of the City to prevent these harms, to control the distribution and rate of growth of the City and to prevent the overextension of City services by adopting measures to properly manage the rate of residential growth within the City. Such measures will promote the public health, safety and welfare by ensuring that services provided by the City and other utility and service agencies operating in the City can be properly and effectively staged in a manner that will not overextend services and will allow the opportunity for deficiencies in existing services to be brought up to required and necessary standards as new development is approved and fees are collected for establishment of these services.

(c) Measures to control the rate of residential growth in the City are necessary to: insure that residential development does not outpace the City's ability to provide adequate and necessary services, prevent increased traffic congestion on Highway 1 and key intersections, preserve the quality of life of the community, and where possible to properly manage the process and timing of the conversion of open space resources and agricultural land to other uses.

(d) The City's available fiscal resources are set forth in the following documents: FY 1992—1993 Budget, City of Pacifica; 1992—1993 Financial Statement, City of Pacifica.

(e) The City's environmental resources are described in the City of Pacifica General Plan, the City of Pacifica Local Coastal Land Use Plan, and the 1988 City of Pacifica Open Space Task Force Report.

(f) The specific housing programs and activities being undertaken by the City are set forth in the 1990 Housing Element of the City of Pacifica as amended in 1992, which is incorporated by this reference. These include programs to preserve low and moderate income housing and subsidized and assisted housing developments, to promote the maintenance and rehabilitation of substandard units, to promote second residential units and mixed use developments, to use City resources to develop affordable housing and to provide incentives such as density bonuses for affordable housing.

(g) The potential development of lands zoned Agricultural and/or Hillside Preservation District (HPD) is of City-wide interest due to the size, location, visibility, slope, and/or current or potential agricultural productivity of such lands. These features make such lands different in character than other property in the City, 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, it is appropriate to adopt measures that will allow for a City-wide public vote on a proposal to rezone lands zoned "Agricultural" or "Hillside Preservation District" for purposes of significant development.

(h) Pacifica's Housing Element, adopted in November 1990, identifies Pacifica's share of the regional housing need. According to the Association of Bay Area Governments' (ABAG) 1989 publication entitled, Housing Needs Determinations, San Francisco Bay Region, Pacifica's fair share of the regional housing need between 1988 and 1995 is eight hundred eleven (811) units, or one hundred sixteen (116) units per year during the seven-year period. The proposed residential growth management ordinance will allow the building of at least seventy (70) units per year, in addition to exemptions for single-family dwellings on individual infill lots, affordable housing, housing for the elderly and/or disabled and mixed use. Therefore, the Growth Control Management Ordinance will not have an adverse impact on the City's ability to meet its share of the regional housing need, because the exemptions will provide more than enough permits to accommodate Pacifica's housing need for all income categories.

(i) The Growth Management Ordinance provides exemptions for affordable housing, housing for the elder-

EXHIBIT NO. 4
APPLICATION NO. CITY OF PACIFICA
LCP AMEND. 2-02 Title 9, Chapter 5
PAC Municipal Code (Page 1 of 4)

ly and/or disabled, second residential units, mixed uses and single-family dwellings on individual properties. These exemptions, along with the seventy (70) permits per year allowed by the Growth Management Ordinance, will allow the City to keep pace with the growth rate of the past decade. In addition, none of the surrounding communities (Daly City, San Bruno, South San Francisco) has adopted growth control measures, and the growth control measures adopted by San Mateo County for its unincorporated areas in the coastal zone have not been a constraint to housing development. Therefore, the proposed ordinance will not reduce housing opportunities in the region and Pacifica's Growth Management Ordinance will not have an impact on the region. In fact, the ordinance will work to increase housing opportunities by encouraging housing for lower income people, the elderly, and disabled.

(j) In order to meet its housing goals, including its fair share of the regional housing need as established by ABAG, Pacifica has adopted a Housing Element that contains housing programs and activities for the maintenance, improvement, and preservation of housing.

(k) In the process of formulating, reviewing and adopting the Growth Management Ordinance, the City has considered the effect of the Growth Management Ordinance on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources, concluding that the needs of its citizens can best be met by the adoption of this ordinance without adversely impacting the housing needs of the region.

(l) It is in the best interests of the City, in order to protect the health, safety, and general welfare of its citizens, to control the rate of new residential growth within the City by establishing an annual maximum number of new dwelling units authorized by building permits during each fiscal year, except where exempted herein.

(m) An annual maximum number of seventy (70) new dwelling units each year, in addition to those exempted from this chapter, will provide a supply of new housing consistent with the City's fiscal, environmental, and physical resources and capabilities and will enable Pacifica to meet its regional housing needs for all economic segments.

(n) The Growth Management Ordinance implements the policies of the City's General Plan and zoning ordinance and is fully consistent therewith.

Accordingly, the voters of the City of Pacifica do hereby ordain as follows in Sections 9-5.03 through 9-5.11.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.03. Annual allotment.

Except where dwelling units are exempt from this chapter pursuant to Section 9-5.04, no building permit shall be issued for a new dwelling unit until a residential development allocation (RDA) has been issued by the City.

During each fiscal year (commencing July 1st and ending June 30th) through June 30, 1997, the number of residential dwelling allocations for new dwelling units to be authorized by building permits in the City shall not exceed seventy (70) units. Each dwelling unit shall require one (1) residential development allocation on a one-for-one basis.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.04. Exemptions.

The following developments are exempt from the requirement to obtain a residential development allocation prior to issuance of a building permit pursuant to Section 9-5.03 of this chapter:

(a) Replacement, repair, remodeling or expansion of an existing dwelling unit on a one-for-one basis provided no additional dwelling units are created; and

(b) Exclusively commercial, industrial or agricultural projects; and

(c) One (1) single-family dwelling unit on an individual existing lot; and

(d) Affordable dwelling units, as defined in the City's Density Bonus Ordinance, Pacifica Municipal Code, Title 9, Article 41. Such units shall be maintained at the rent or resale price levels established in the City's Density Bonus Ordinance and shall continue to be maintained at those levels for the time periods established therein;

(e) Dwelling units exclusively for the elderly and/or disabled as defined in the City's Density Bonus Ordinance, Pacifica Municipal Code, Title 9, Article 41. Such units shall remain available for elderly and/or disabled persons for the time periods established in the Density Bonus Ordinance;

(f) Second residential units as defined by the City's Second Residential Unit Ordinance, Pacifica Municipal Code, Title 9, Article 4.5;

(g) Accessory dwelling units in the same structure as a commercial use in a commercial zoning district pursuant to the criteria set out in Pacifica Municipal Code, Title 9, Article 10;

(h) All exemptions previously authorized under the provisions of Ordinances Nos. 322-C.S., 590-C.S. or 597-C.S.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.05. Allocation.

(a) To implement the policies of this chapter, the City shall establish a procedure for the allocation of residential development allocations.

(b) The allocation procedure shall include a competitive allocation procedure to provide for the allocations in any fiscal year when the number of residential development allocations sought exceeds the number of residential development allocations which are available. The competitive allocation procedure shall implement the policies of this chapter and shall include criteria and a ranking process. Criteria shall include, but not be limited to, the following: ability of public facilities, utilities and services to meet the demands created by the project, presence or absence of adverse environmental impacts, site and architectural design quality, the provision of private or public usable open space, consistency with neighborhood character, and provision of affordable housing, senior housing and housing for the disabled. The Planning Commission shall consider each application for a Residential Development allocation at a public hearing and evaluate and rank the applications according to these criteria. The Planning Commission recommendations shall be forwarded to the City Council for review and approval. At a public hearing, the City Council shall consider the Planning Commission's recommendations and ranking. The City Council shall then adopt a final ranking list and award Residential Development Allocations pursuant to that list. The City Council may adopt, reject or modify the recommendations and ranking of the Planning Commission.

(c) When the number of available residential development allocations exceed demand, the City Council may issue residential development allocations without following the competitive evaluation system process set forth in subsection (b) above.

(d) Unused allocations shall accrue from year to year. Allocations which, on the effective date of this chapter, are available and unallotted under prior Ordinances 322-C.S., 590-C.S., 597-C.S., or 603-C.S., shall be carried over and shall be available for allocation pursuant to this chapter.

(e) Expiration. A residential development allocation shall expire on June 30 of the next fiscal year succeeding the year of issuance unless a building permit is issued prior to its expiration date. Upon expiration, the residential development allocation shall become available for reallocation.

(f) Extension. A residential development allocation may be extended by the City Council for a period not to exceed one year, provided that prior to the expiration of the residential development allocation, an application for an extension is filed with the Planning Department. The City Council may grant or deny a request for an extension. No public hearing shall be required for such an extension.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.06. Distribution and phasing.

(a) To insure an equitable distribution of building permits and to encourage in-fill development, no applicant may receive more than twenty (20%) percent of the available annual residential development allocations in any fiscal year.

(b) In order to permit phasing of multiunit projects, where such projects exceed the available annual allotment of residential development allocations, the allocation procedure shall include a procedure for the phasing of such projects over more than one fiscal year by reservation of succeeding year allotments. Such reservations shall be deducted from the number of residential development allocations to be awarded for the fiscal year under consideration.

(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.07. Agricultural land.

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, 1997:

(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.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.08. Hillside protection.

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, 1977:

(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.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.09. Relationship to other laws.

Nothing in this chapter shall be construed to exempt any person from compliance with any other applicable City ordinance, regulations, or code which is not in conflict with this chapter. In the event of such a conflict, the provisions of this chapter shall prevail. This chapter may be amended by the City Council.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.10. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held void, invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such decision shall not affect the validity of the remaining portions thereof.
(§ 1, Ord. 604-C.S., eff. July 8, 1993)

Sec. 9-5.11. Termination.

This chapter shall terminate on June 30, 2002. On or after June 30, 1999, 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.
(§ 1, Ord. 604-C.S., eff. July 8, 1993, as amended by § 1, Ord. 654-C.S., eff. May 28, 1997)