CITY OF PACIFICA
CITY COUNCIL AGENDA

Mayor Sue Vaterlaus
Mayor Pro Tem Deirdre Martin
Councilmember Sue Beckmeyer
Councilmember Mary Bier
Councilmember Mike O'Neill

November 12, 2019 (TUESDAY)
www.cityofpacific.org

Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

PLEASE SILENCE CELL PHONES DURING MEETING

6:30 PM CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: City Manager

7:00 PM OPEN SESSION

Call to Order
Roll Call
Salute to the Flag led by Local Veterans from American Legion Post 238 / Veterans of Foreign Wars (VFW)
Closed Session Report

SPECIAL PRESENTATIONS

A. Proclamation - Greg Cochran for Service on Parks, Beaches & Recreation Commission
B. Proclamation - August Murphy for Service on Parks, Beaches & Recreation Commission
C. Proclamation - United Against Hate Week
D. Presentation - SAMTRANS MicroTransit / OnDemand Pilot Program Update

CONSENT CALENDAR

Persons wishing to address the Council on any Consent Calendar item may do so at this time. Each speaker will be allotted three minutes. Those wishing to address the Council on any item listed on the agenda should submit a speaker card to the City Clerk.
Items on the consent calendar will be adopted by one motion unless a Councilmember or person in the audience requests, before the vote on the motion, to have an item discussed. Time limit on comments is three minutes or less.

1. Approval of Disbursements for 10/01/19 through 10/15/19.
   **PROPOSED ACTION:** Move to approve attached list of disbursements for 10/01/19 through 10/15/19.

2. Approval of Minutes
   **PROPOSED ACTION:** Move to approve the minutes of the regular City Council meeting held on October 28, 2019.

3. Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.
   **PROPOSED ACTION:** Accept report and make a determination that conditions of local emergency continue to exist within the Pacifica Coastline from Westline Drive to the end of Beach Boulevard.

4. Termination of Local Emergency at Hickey Boulevard
   **PROPOSED ACTION:** Move to adopt Resolution Terminating Proclamation of Local Emergency at Hickey Boulevard.

5. Cancellation of December 23, 2019 City Council Meeting
   **PROPOSED ACTION:** Move to approve cancellation of the December 23, 2019 regular City Council meeting.

6. Authorization of contract with HdL to provide cannabis business inspection/audit services.
   **PROPOSED ACTION:** Move to authorize the City Manager to sign a contract with Hinderliter, de Llamas and Associates (HdL) to provide cannabis inspection compliance and financial audit services one (1) year from the effective date unless the agreement term is amended to extend the term of the Agreement or the Agreement is terminated in accordance with its terms.

   **PROPOSED ACTION:** Move that the City Council issue one (1) residential development allocation for construction of a single-family residence at 21 Ohlone Ct. within the Harmony at One Subdivision (APN 022-150-030).

8. Fourth Amendment to Consultant Services Agreement for On-Call Planning and Related Services Between the City of Pacifica and Consulting Firm Raney Planning & Management, Inc.
   **PROPOSED ACTION:** Move to approve Fourth Amendment to the Agreement for Consultant Services between the City of Pacifica and Raney Planning & Management, Inc., to increase the cost ceiling amount by $100,000 with a total contract amount not to
9. Resolution Approving the County of San Mateo Building Department Mutual Aid Agreement and Authorizing the City Manager to Sign the Agreement.

**PROPOSED ACTION:** Move to Adopt the Resolution Approving the County of San Mateo Building Department Mutual Aid Agreement and Authorizing the City Manager to Sign the Agreement.

10. Adopt a resolution authorizing application for, and receipt of, SB 2 Planning Grants Program Funds in the amount of $160,000.

**PROPOSED ACTION:** Adopt the resolution authorizing the City Manager to execute the grant agreement and all other documents necessary to secure SB 2 Planning Grants Program Funds in the amount of $160,000.

11. Adopt the resolution next in order a Resolution of the City Council of the City of Pacifica accepting completion and directing the City Manager to file Notice of Completion for the Cattle Hill Parking Lot and Trailhead Improvement Project; and Authorize the City Manager to release the retention funds to the contractor.

**PROPOSED ACTION:** Move to Adopt the resolution next in order a Resolution of the City Council of the City of Pacifica accepting completion and directing the City Manager to file Notice of Completion for the Cattle Hill Parking Lot and Trailhead Improvement Project; and Authorize the City Manager to release the retention funds to the contractor.

12. Resolution revising the job description and title for the Director of Public Works/City Engineer and Deputy Director of Public Works – Field Services & Engineering classification

**PROPOSED ACTION:** Move to adopt Resolution revising the job description and title for the Director of Public Works/City Engineer classification and revising the job description, title and salary for the Deputy Director of Public Works - Field Services & Engineering classification.

13. Adoption of an Ordinance to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (Text Amendment TA-116-19, File No. 2019-019) and finding that No Further Environmental Review is Necessary Under the Provisions of the California Environmental Quality Act (CEQA).

**PROPOSED ACTION:** Move to waive the second reading and adopt the ordinance titled, “An Ordinance of the City Council of the City of Pacifica to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (TA-116-19; File No. 2019-19), and Finding that No Further Environmental Review is Necessary Pursuant to California Code of Regulations 15162 as the Ordinance was Contemplated as Part of 2015-2023 Housing Element for Which a Negative Declaration was Adopted Pursuant to the California Environmental Quality Act (CEQA)."
ORAL COMMUNICATIONS
This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. Any person wishing to address the Council shall be recognized by the Mayor during Oral Communications, provided, however, that during the Oral Communications portion of the agenda, only items not on the agenda for that meeting may be addressed. All remarks shall be addressed to the Council as a body and not to any member thereof. Councilmembers shall not enter into debate with speakers under Oral Communications. A maximum time of three minutes will be allowed for any speaker. Pursuant to Pacifica Municipal Code Title 2, Chapter 1, Section 2-1.118 any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding officer and, if such conduct continues, may, at the direction of the presiding officer, be ordered barred from further audience before the Council during the meeting.

COUNCIL COMMUNICATIONS
The purpose of Council Communications is for Councilmembers to inform each other of items of potential interest to other Councilmembers, such as interagency meetings.

STAFF COMMUNICATIONS
The purpose of Staff Communications is for the City Manager to offer announcements as appropriate.

PUBLIC HEARINGS
14. Introduction of an Ordinance to Adopt the 2019 Edition of the California Building Standards Code and Fire Code with Local Amendments, including amendments that would exceed the minimum energy efficiency standards established by the State (Reach Codes)

PROPOSED ACTION: Move to introduce by title only and waive the first reading of an Ordinance of the City Council of the City of Pacifica:

- Repealing and replacing Chapters 1 (Building Code), 2 (Mechanical Code), 3 (Plumbing Code), 4 (Electrical Code), 5 (International Property Maintenance Code), 6 (Energy Code), 7 (Green Building Code), 7.5 (Residential Code), 8 (Historical Buildings Code, 8.5 (Existing Buildings Code), 9 (Reference Standards) of Title 8 of the Pacifica Municipal Code, to adopt by reference the 2019 California Building Standards (California Code of Regulation, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12) and the 2018 International Property Maintenance Code and making certain amendments thereto;

- Repealing and replacing Article 1 (California Fire Code) of Chapter 3 (Fire Protection) of Title 4 of the Pacifica Municipal Code to adopt the 2019 California Fire Code and making certain amendments thereto; and

- Find adoption of the ordinance exempt from the California Environmental Quality Act; and

Provide direction to Staff to schedule the second reading of the Ordinance on November 25, 2019.
CONSIDERATION

15. Pacifica Libraries Project Citizen Outreach Program update and tracking survey results
PROPOSED ACTION: The City Manager recommends that the City Council receive and file this update and direct staff to continue citizen outreach as summarized in this report.

16. Update on Motorhomes and the Unhoused in Pacifica
PROPOSED ACTION: Accept report and provide staff with further direction.

17. 2212 Beach Blvd Hotel Development Update
PROPOSED ACTION: 1) Authorize the City Manager to execute consultant contracts up to $15,000 for a hotel market study for the 2212 Beach Blvd site and, if determined necessary by the City Manager, up to $20,000 for hotel development broker services; 2) Discuss and consider whether to continue to follow the current development timeline as approved by the City Council on February 25, 2019, or whether to direct the City Manager to pursue an alternative timeline as outlined in this report.

18. Consideration of a new City of Pacifica logo design.
PROPOSED ACTION: Consider whether to change the current City of Pacifica logo to a new logo design.

ADJOURN

NOTICE: If you challenge a city’s zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any city administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of the final decision.

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager’s Office (650) 738-7301, or send request via email to: coffeys@ci.pacifica.ca.us if you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

The Pacifica Municipal Code is available on line at the City’s website (www.cityofpacific.org/municode);

HOW TO OBTAIN CITY COUNCIL AGENDAS

Posted agendas:
Agendas are posted no later than Friday prior to the City Council meeting date, at the entrance to City Hall, 170 Santa Maria Avenue

View on the Internet:
Follow the link to Council agenda, at www.cityofpacifica.org

E-mail subscription:
Send a request to Sarah Coffey, at coffeys@ci.pacifica.ca.us
City Clerk’s Office/City Manager’s Office
City Hall, 170 Santa Maria Avenue, 2nd Floor
Council meetings:
Agendas are available at the City Council meeting

HOW TO REACH YOUR GOVERNMENT OFFICIALS

- Governor Gavin Newsom, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Jerry Hill, 1528 So. El Camino Real, Suite 303, San Mateo CA 94402 (650) 212-3313
- Assembly Member Kevin Mullin, 1528 South El Camino Real, Suite 302 San Mateo, CA 94402 (650) 349-2200
- Congresswoman Jackie Speier, 155 Bovet Road, Suite 780, San Mateo CA 94402 (650) 342-0300
- Senator Kamala Harris, 50 United Nations Plaza, San Francisco CA 94102 (213) 894-5000
- Senator Dianne Feinstein, #1 Post Street, Suite 2450, San Francisco CA 94104 (415) 393-0707
- President Donald J. Trump, 1600 Pennsylvania Ave. NW, Washington DC 20500

CITY COUNCIL

- Mayor Sue Vaterlaus, vaterlauss@ci.pacifica.ca.us
- Mayor pro Tem, Deirdre Martin, martind@ci.pacifica.ca.us
- Councilmember Sue Beckmeyer, beckmeryers@ci.pacifica.ca.us
- Councilmember Mary Bier, bierm@ci.pacifica.ca.us
- Councilmember Mike O’Neill, o’neillm@ci.pacifica.ca.us
SUBJECT:
Approval of Disbursements for 10/01/19 through 10/15/19.

RECOMMENDED ACTION:
Move to approve attached list of disbursements for 10/01/19 through 10/15/19.

STAFF CONTACT:
Lorenzo Hines Jr.
Assistant City Manager
(650) 738-7301
lhines@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
Staff has submitted the following disbursements for Council approval:
Disbursements dated 10/01/19 through 10/15/19 in the amount of $1,673,616.43 as written on regular checks numbered 48755-48989 (Attachment 1). These disbursements are for Fiscal Year 2019-2020.

FISCAL IMPACT:
These disbursements are within budgeted appropriations.

ORIGINATED BY:
Finance Department

ATTACHMENT LIST:
FY 2019-2020 Disbursements 48755-48989 (PDF)
<p>|| BANK | CHECK # | CHECK AMT | CHECK DATE | VENDOR # | ADDR # | VENDOR NAME | STATUS |
|---|---|---|---|---|---|---|---|
| 1 | 48755 | $327.97 | 10/03/19 | 00045 | 2 | ALBERTYONS / SAFEWAY | OUTSTANDING |
| 1 | 48756 | $73.00 | 10/03/19 | 00136 | 0 | ALISEMBA | OUTSTANDING |
| 1 | 48757 | $662.42 | 10/03/19 | 00153 | 0 | ALPINE AWARDS, INCORPORATED | OUTSTANDING |
| 1 | 48758 | $37.50 | 10/03/19 | 00001 | 12 | ASHAULT, STEVE | OUTSTANDING |
| 1 | 48759 | $98.44 | 10/03/19 | 00009 | 2 | AT&amp; T MOBILITY | OUTSTANDING |
| 1 | 48760 | $400.00 | 10/03/19 | 04561 | 0 | AYNA, ANGEL | OUTSTANDING |
| 1 | 48761 | $1750.97 | 10/03/19 | 03885 | 1 | BATTLE ROUGH MEDIA | OUTSTANDING |
| 1 | 48762 | $55.10 | 10/03/19 | 00001 | 17 | BAXTER, HERTA | OUTSTANDING |
| 1 | 48763 | $1590.00 | 10/03/19 | 04609 | 0 | BAY AREA TRAFFIC SOLUTIONS INC | OUTSTANDING |
| 1 | 48764 | $76.00 | 10/03/19 | 04799 | 1 | BAYWORK | OUTSTANDING |
| 1 | 48765 | $310.66 | 10/03/19 | 03793 | 1 | BK TECHNOLOGIES, INC. | OUTSTANDING |
| 1 | 48766 | $2172.21 | 10/03/19 | 03335 | 0 | BLUE RIBBON SUPPLY COMPANY | OUTSTANDING |
| 1 | 48767 | $208.98 | 10/03/19 | 04810 | 0 | BODY ARMOR OUTLET, LLC | OUTSTANDING |
| 1 | 48768 | $6828.64 | 10/03/19 | 02502 | 0 | BURKE WILLIAMS &amp; SORENSEN LLP | OUTSTANDING |
| 1 | 48769 | $446.60 | 10/03/19 | 04005 | 0 | CAL SCHOOL &amp; SPORT | OUTSTANDING |
| 1 | 48770 | $201.00 | 10/03/19 | 00001 | 5 | CALIFORNIA STATE OF | OUTSTANDING |
| 1 | 48771 | $1055.46 | 10/03/19 | 00001 | 206 | CALLAHAN, FRANCES | OUTSTANDING |
| 1 | 48772 | $307.48 | 10/03/19 | 04452 | 0 | CAPICCO INC. | OUTSTANDING |
| 1 | 48773 | $138.18 | 10/03/19 | 00483 | 0 | CDM GOVERNMENT, INC. | OUTSTANDING |
| 1 | 48774 | $1984.41 | 10/03/19 | 05007 | 0 | CHILD CARE CARRIERS | OUTSTANDING |
| 1 | 48775 | $1073.72 | 10/03/19 | 05510 | 0 | CINTAS CORPORATION #464 | OUTSTANDING |
| 1 | 48776 | $244.58 | 10/03/19 | 03246 | 0 | COAST COUNTIES PETERBILT &amp; COAST COUNTIES PAC | OUTSTANDING |
| 1 | 48777 | $372.22 | 10/03/19 | 02168 | 1 | COMCAST | OUTSTANDING |
| 1 | 48778 | $6335.00 | 10/03/19 | 00001 | 268 | COONEY, ANN | OUTSTANDING |
| 1 | 48779 | $3330.10 | 10/03/19 | 00001 | 10 | COTTON, SHIRE &amp; ASSOCIATES, INC. | OUTSTANDING |
| 1 | 48780 | $20731.22 | 10/03/19 | 00001 | 1 | CSS CONSULTANTS, INC. | OUTSTANDING |
| 1 | 48781 | $1873.43 | 10/03/19 | 00001 | 6 | CURTIS &amp; SONS, L.N. | OUTSTANDING |
| 1 | 48782 | $65.55 | 10/03/19 | 00001 | 5 | CUSTOM TOPS, INC. | OUTSTANDING |
| 1 | 48783 | $157.89 | 10/03/19 | 00001 | 2 | DENTONI TRUCK PARTS &amp; SERVICE | OUTSTANDING |
| 1 | 48784 | $56.43 | 10/03/19 | 04601 | 0 | DIRECT ROME REMODELING | OUTSTANDING |
| 1 | 48785 | $26.48 | 10/03/19 | 02634 | 0 | DISH | OUTSTANDING |
| 1 | 48786 | $181402.05 | 10/03/19 | 02130 | 0 | DRYCO CONSTRUCTION, INC. | OUTSTANDING |
| 1 | 48787 | $2147.69 | 10/03/19 | 00702 | 0 | DYNAMIC NETWORK FACTORY INC. | OUTSTANDING |
| 1 | 48788 | $8338.76 | 10/03/19 | 00741 | 1 | ENGINEERING DATA SOFTWARE, INC | OUTSTANDING |
| 1 | 48789 | $12893.43 | 10/03/19 | 03458 | 0 | EPO INC | OUTSTANDING |
| 1 | 48790 | $77.24 | 10/03/19 | 00758 | 0 | EXPERIAN | OUTSTANDING |
| 1 | 48791 | $2346.58 | 10/03/19 | 01960 | 0 | EOA INC | OUTSTANDING |
| 1 | 48792 | $133.98 | 10/03/19 | 04807 | 0 | FORD, PAT | OUTSTANDING |
| 1 | 48793 | $224.11 | 10/03/19 | 00002 | 47 | FUJIKAWA, JOHN (PETTY CASH) | OUTSTANDING |
| 1 | 48794 | $84122.63 | 10/03/19 | 00001 | 0 | G. BORTOLOTTO &amp; COMPANY, INC. | OUTSTANDING |
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| 1 | 48798 | $205.31 | 10/03/19 | 01786 | 0 | HD SUPPLY CONSTRUCTION &amp; INDUSTRIAL WHITE CAP | OUTSTANDING |
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| 1 | 48801 | $157.56 | 10/03/19 | 01092 | 1 | KBA DOCUMENTS | OUTSTANDING |
| 1 | 48802 | $2315.28 | 10/03/19 | 01812 | 2 | KBA DOCUMENTS | OUTSTANDING |
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CAL-STEAM INC.#2504
CALPICO INC.
CALTEST ANALYTICAL LAB
CAMACHO'S CONCRETE FLATWORK
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DIETERLE, DANA (PETTY CASH)
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ELLA AND JAYESH PATEL
EMD MILLIPORE CORPORATION
ENVIRONMENTAL EXPRESS, INC.
EVANTEC CORPORATION
FEDEX
FLYERS ENERGY, LLC
FORD STORE
FREYER & LAURETA, INC.
HACH COMPANY
HERC RENTALS INC.
IDEXX LABORATORIES
INSTITUTE FOR LOCAL GOVERNMENT
JAMES FORD, INC.
JEFFERSON UNION HIGH SCH DIST
KIMBALL MIDWEST
KUBWATER RESOURCES, INC.
LARRY WALKER ASSOCIATES
LINDA MAR HARDWARE
MACKAY METERS, INC.
MALONEY CONSTRUCTION
MAZE & ASSOCIATES
MC MASTER-CARR SUPPLY COMPANY
MCDONALD, WILLIAM
MCNAMARA TRANSPORT, INC.
MUNICIPAL CODE CORPORATION
MUNICIPAL MAINTENANCE EQUIPMENT, INC.
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NO MORE DIRT INC.
NORTH COAST COUNTY WATER DIST.
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OFFICE TEAM
PACIFIC MANOR HARDWARE, INC.
PACIFIC WATER SYSTEMS
PACIFICA FIREFIGHTERS ASSOCIATION
PACIFICA SCHOOL DISTRICT

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R & S ERECTION OF SAN MATEO
RESCUE ROOTER
RICHARD M. CLARK
RK ENGINEERING, INC.
SAN MATEO COUNTY FORENSIC LAB
SCHAAF & WHEELER
SEAVIEW TIRE & BRAKE CENTER
SERVICE PRESS, INC.

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Attachment: FY 2019-2020 Disbursements 48755-48989 (3103 : Disbursements - Dated 10/01/19 through 10/15/19)

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TOTAL # OF ACH CHECKS: 0  TOTAL AMOUNT: 0.00
TOTAL # OF UNISSUED CHECKS: 0

NO CHECKS ISSUES FROM 10/01 - 10/02/19.
SUBJECT:
Approval of Minutes

RECOMMENDED ACTION:
Move to approve the minutes of the regular City Council meeting held on October 28, 2019.

STAFF CONTACT:
Sarah Coffey, City Clerk
coffeys@ci.pacific.ca.us
650-738-7307

BACKGROUND/DISCUSSION:
Approval of minutes of the regular City Council meeting held on October 28, 2019 (Attachment A).

FISCAL IMPACT:
None.

ORIGINATED BY:
City Clerk

ATTACHMENT LIST:
Attachment A: Minutes of October 28, 2019 City Council Meeting (PDF)
October 28, 2019 (MONDAY)
www.cityofpacifica.org

Mayor Sue Vaterlaus called the meeting to order on October 28, 2019 at 7:01 PM

6:30 PM CLOSED SESSION

Mayor Vaterlaus called the meeting to order at 6:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: City Manager

7:00 PM OPEN SESSION

Mayor Vaterlaus reconvened the meeting at 7:01 p.m.

Staff Present: Kevin Woodhouse, City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Joe Spanheimer, Police Captain; Thomas Myers, Econ. Dev. Manager; Sam Bautista, PW Dep. Director, Field Svcs/Engrg.; Louis Sun, PW Dep. Director, Wastewater Div.; Ray Donguines, Sr. Civil Engineer; Christian Murdock, Sr. Planner; Bonny O’Connor, Assoc. Planner; Mike Perez, PB&R Director; Sarah Coffey, City Clerk.

Salute to the Flag led by Mayor pro Tem Martin
Closed Session Report
City Attorney Kenyon stated there was no reportable action.
SPECIAL PRESENTATIONS

A. Proclamation - Arbor Day and Tree City U.S.A. Qualification

Mayor Vaterlaus read a proclamation in honor of Arbor Day. She then invited members of the Tree City Pacifica group to come forward.

Gail Benton Shoemaker, Pacifica, stated that she was representing Tree City Pacifica, as well as Sandy Ayers and Tom Weber, and they were working in conjunction with the city, the school district, Vallemar Conservators, 4-H and scouts to hold an Arbor Day celebration on November 9. She stated that, on that day, they will have a presentation by Sandy Ayers on how to plant trees, as well as have groups in attendance, including firemen. She invited Council and the city to attend the event, adding that they will also be having a guided walk around Calera Creek to talk about trees and Arbor Day. She stated that trees beautify the city while fighting climate change.

Mayor Vaterlaus asked her to repeat the location and time.

Ms. Benton stated that they are meeting in front of the school district office and the first four trees will be planted in front of the school district office at 375 Reina del Mar. They will start at 10 a.m. and go to approximately 1:00 p.m.

They then took a picture.

B. Proclamation - Ohlone-Portola Heritage Day

Mayor Vaterlaus then read a second proclamation honoring Ohlone-Portola Heritage Day.

PB&R Director Perez stated that there wasn't much more to say following the proclamation, but he did say that on November 2 the City will be hosting the Ohlone-Portola Heritage Day at the Community Center from 10:00-3:00 and co-hosting with the GGNRA as well as San Mateo County Parks. He stated that they have had a lot of participation with this event, as well as many years in the past, from the Pacifica Historical Society. He stated that this trail effort started at least four years ago from the county effort they heard about, and this Saturday, they welcomed the public, adding that they will have opportunities for hikes with a lot of activities in the Center as well. He stated that the opening ceremony will be at 11:00 with a dedication of the mural, which he stated looks a lot different on the west side of the building. He stated that, if the public wants more information, they can contact PB&R or go to the www.cityofpacifica.org/opht website, adding that early hikers can reserve a spot on the 8:30 a.m. hike with several hikes at 2:00 or 2:30 with a shuttle from the community center to the Fassler parking lot which is a new parking lot with ribbon cutting for that on the 30th.

Councilmember Bier thanked him for all the work he did for the past year or so.

PB&R Director Perez thanked her.

Mayor pro Tem Martin acknowledged that he has been working on this for a long time, as well as others such as past mayors, etc.

PB&R Director Perez stated that, if they come on Saturday, they will be welcomed by Mayor Vaterlaus.
CONSENT CALENDAR

Mayor Vaterlaus stated that someone from the public would like Item #10 removed.

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<th>CONSENT CALENDAR ITEMS #1 - #9:</th>
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1. Approval of Disbursements for 09/16/19 through 09/30/19.
   **PROPOSED ACTION:** Move to approve attached list of disbursements for 09/16/19 through 09/30/19.

2. Approval of Minutes
   **PROPOSED ACTION:** Move to approve the minutes of the Special City Council meeting held on September 30, 2019 and the regular City Council meeting held on October 14, 2019.

3. Quarterly Investment Reports dated 09/30/2019
   **PROPOSED ACTION:** Review and accept the Quarterly Investment Reports dated 09/30/2019.

4. A resolution authorizing the submittal of all applications to the State Department of Parks and Recreation for the Per Capita Grant Program funds to support future recreation projects.
   **PROPOSED ACTION:** Adopt a resolution authorizing the submittal of all applications to the State Department of Parks and Recreation for the Per Capita Grant Program to support future parks and recreation projects.

5. Re-Certification of the Sewer System Management Plan
   **PROPOSED ACTION:** Move to approve the re-certification of the Sewer System Management Plan (SSMP).

6. Approval of Amendment No. 4 to the Consultant Agreement between the City of Pacifica and 4LEAF, Inc (4LEAF) in the Amount of $94,194 for completing the Wet Weather Equalization Basin Project (EQ Basin) Project.
   **PROPOSED ACTION:** Move to approve Amendment No. 4 to the Consultant Agreement (Attachment 1) between the City of Pacifica and 4LEAF in the Amount of $94,194 for completing the Wet Weather Equalization Basin Project; and authorize the City Manager to execute the amendment.

7. First Amendment to Consultant Services Agreement for Engineering services in connection with private development, mapping support and related services between the City of Pacifica and CSG Consultants, Inc.
   **PROPOSED ACTION:** Approve the First Amendment to the Consultant Services Agreement for engineering services in connection with private development, mapping support and related services between the City of Pacifica and CSG Consultants, Inc.,
authorize compensation not to exceed $60,000 and authorize the City Manager to execute the First Amendment.

   PROPOSED ACTION: Move to approve the response to San Mateo Civil Grand Jury Report Titled “Electric Vehicle Adoption in the Cities and County of San Mateo”

9. Approval of lease agreement between the City of Pacifica and Stephen Johnson Photography for the premises located at 1220-C Linda Mar Boulevard (located in the Pacifica Center for the Arts); authorizing the City Manager to execute the lease agreement and finding the lease categorically exempt from the California Environmental Quality Act (“CEQA”).
   PROPOSED ACTION: Adopt the resolution approving lease agreement between the City of Pacifica and Stephen Johnson Photography for the premises located at 1220-C Linda Mar Boulevard (located in the Pacifica Center for the Arts); authorizing the City Manager to execute the lease agreement and finding the lease exempt from CEQA.

    PROPOSED ACTION: Move to waive the second reading and adopt the ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending Pacifica Municipal Code Title 3, Chapter 15, “Bidding Procedures for Public Projects” To Add Section 3-15.10 “Federal Procurement”, and finding the provisions exempt from the California Environmental Quality Act (CEQA).

Item #10 Discussion:
Mayor Vaterlaus opened public comments, mentioning Thursday Roberts.

Mayor pro Tem Martin asked if she meant Item #12.

Ms. Roberts stated that she did.

City Attorney Kenyon stated that they can make another motion for Item #10.

CONSENT CALENDAR ITEM #10:
RESULT: ADOPTED [UNANIMOUS]
MOVER: Mike O'Neill, Councilmember
SECONDER: Mary Bier, Councilmember
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O'Neill
ORAL COMMUNICATIONS

Marsha Murphy, Pacifica, stated that she has been noticing a lot of activity on NextDoor when she has power regarding the RVs on the street, and she repeated to Council that they could do something about that, such as find safe parking for people managed by the Resource Center with a pathway to stable housing. She stated that, in the recent canvassing, they found out 90% of the people to whom the spoke were from Pacifica and had strong ties. She supported anything the city can do to support fellow Pacificans as they are not there by choice, but what has been happening to a lot of people.

Carolyn Jaramillo, Pacifica, stated that she has lived in Pacifica for 31 years and attended Council and goal setting meetings. She keeps the goal as important to remind all our leaders and everyone to always put compassion as the center of any policy. She felt it was difficult to do, but it was a goal of Council at their first goal setting meeting and she felt it was the essential and moral thing to do. She agreed with Ms. Murphy’s comments and referred to people disagreeing with people living in their motor homes. She stated that Anita Rees corrected them when they were saying RVs and reminded that no one living on the streets was for recreation but it was a motor home and they have ties with Pacifica and are doing their best. She stated that many of them need time to get over a bad patch in their life, and she thought that was something Council should consider and be patient and willing to put compassion at the center of any policy they make. She could not see how anyone could justify forcing those living in their motor homes to leave Pacifica.

Suzanne Moore, Pacifica, stated that on October 25, she was fortunate to attend a forum hosted by the Housing Leadership Council. She stated that one workshop was on safe parking, with panelists, Pastor Paul Baines of Project We Hope in East Palo Alto and Officer Chris Rasmussen of Redwood City police liaison for the homeless. She stated that We Hope started their safe parking program in May with service hours from 7:30 p.m. to 7:30 a.m., with about 20 motor homes on the site, and a waiting list. She stated that the program vets participants and prioritizes East Palo Alto residents, families, veterans and elders, provides restrooms and showers, mobile waste service unit and case management to assist clients towards safe, affordable housing. She stated that, in less than 6 months, they have found homes for 15 of the motor home vehicle dwellers and are providing waste management to reduce illegal dumping and increased safety through the vetting process. She stated that Officer Rasmussen acknowledged the success of We Hope and reported how the vetting process has contributed to public safety. She stated that in describing Redwood City’s vehicularly housed, he stated that 95% are quiet and include the working poor, those more fragile and lack skills to find housing and those displaced economically. He also believes a small portion, about 5%, are what he calls “bad apples” and are responsible for criminal activities, drug use and illegal dumping. She stated that, through the vetting process, We Hope excludes that element from participation and the result has increased safety for both program participants and the community as a whole. She mentioned that Pacificans were concerned about reducing the number of motor homes on our streets, reducing illegal dumping, increasing public safety and providing a pathway to safe affordable housing. She was encouraged to find that We Hope program is able to successfully address all these important issues.

Gloria Stofan, Pacifica, stated that she just got her power back an hour ago and was disoriented. She stated that she needs to be put on record that the RVs are an issue that she needs to address as a safety and health issue. She stated that there is a plan that Anita Rees and some of them are willing to support. She knows they will be able to solve and create a
grouping of people who hopefully they can work with. She stated that Ms. Rees has a good plan and she hoped they will get to where they will be able to go ahead with their plan.

Julie Starobin, Pacifica, stated that she knows Council is getting a lot of complaints about motor homes, but she supports the efforts of Council to help unhoused people. She knows the task force is working hard and Pacifica Resource Center are also working hard to create safe parking areas. She acknowledged that it has been done in other cities and felt we can do it here. She commended Council for supporting that. She stated that Chaya Gordon sent a note saying that she hoped to be at the meeting to make her comments, but her health didn't allow it. She thanked them for letting her statement be read. It stated that these were difficult times, nationally and locally, and as a Pacifican, she felt she must speak out against a motor home ban. She felt there were other ways to deal with the needs of unhoused Pacificans. She asked them to consider that this could be them or any Pacificans and she asked that they remember the hard times that people have experienced previously in our country, such as the Great Depression. She mentioned stories about people helping others whom they didn't even know as together we sink or swim. She stated that we were fortunate to have the Pacifica Resource Center led by Anita Rees who has come up with a plan to guide the city through a way to help unhoused Pacificans. She stated that a motor home ban will not help the process, but would make it worse. She asked that, instead, they work on solutions many of which have been suggested to move forward together.

Catarina Williams, Montara, stated that she has been a Montara resident for five years and prior to that five years in Pacifica. She asked how Council was thinking about and hoped to address future power outages where the stop lights go out and traffic is backed up including spending 20 minutes in the tunnel over the weekend. She spoke to the Captain of Pacifica Police who explained that in order to have all police moving traffic, it would take about half of the police force, and in the event of a serious emergency they don't want to have police officers in risk of their own safety. She proposed that the community come together and figure out a way to have backup generators and other ways to at least operate the stop lights in the event that everyone needs to move out quickly. She would like to hear Council's ideas while she realized that CalTrans and PG&E were involved as well, and she wondered what can be done. She mentioned that power was out in Half Moon Bay but the lights were working in Half Moon Bay and she didn't know what the difference was. She hoped in the future they can have a more cohesive system to drive out of the city.

Deni Asnis, Pacifica, stated that, regarding the power outage, she appreciated PG&E workers for all the work they have been doing, and in particular in Pacifica to get our power back up. She also supported the plan of the Pacifica Resource Center for safe parking for motor homes and Council's work on this. She stated that the plan has had a lot of input and work, and the best, fairest, most equitable and most humane action to take was to allow the work to go forward so a safe place can be created for people who need that, adding that these are desperate times for many people and we need to take care of each other as part of the community.

Ellen Hage, Pacifica, stated that for most residents, the last couple of days have been stressful with the power outage, minor when compared to neighbors living in vehicles or outdoors because they have no affordable homes. She mentioned a flyer she has from the previous year from St. Vincent DePaul, explaining that they support people who are in need. She stated that, for most of us, cold means turning on the heat and bundling up but this is not the case for the homeless. She stated that increasing San Mateo County housing costs have displaced many people who are now sleeping in their cars or on the street. She stated that these are neighbors
who need our help more than ever. She referred to a Pacifica motor home homeless PRC survey suggested that all surveyed had strong ties to Pacifica with 90% working and 50% over 50 years of age, and 50% economically displaced from former Pacifica housing. She stated that the number of motor homes on the streets could be reduced by a 24-hour safe parking lot with case management for a pathway to stable housing. She stated that PRC and Anita Rees are prepared and just need city support.

**Ian Butler** stated he was asked to join the San Mateo County Cannabis Association, a nonprofit 501(c)(6). He stated that it was representing all of the dispensaries that exist so far and several that are working to exist, basically every business in the county that was happening or about to be. He stated that they have had two meetings and his job was community liaison. He stated that Pacifica can pat themselves on the back because we are the most proactive in the county and we could be proud of that as we don’t usually have the opportunity to be the leading edge of something. He stated that it was a lot more difficult for these businesses to break even than they were hoping it would be as there are a lot of regulations at the state, county and city levels and a lot of things for which they have to pay. He stated that, to get that income from their business, we want to make sure that they are able to thrive. He stated that he didn’t have any suggestions to that end, but he thought they will need more help to thrive. He mentioned one idea being discussed is allowing consumption lounges in town. He stated that we weren’t ready for that when we came up with our ordinance, but he thought the community was warming up to it and it might be time to think about that. He stated that generally, communities that allow consumption bring about one-third more money than communities that do not. He stated that we want to bring people into town to use our dispensaries, purchase their legal marijuana and then want them to have a place to use it as they can’t smoke it on the beach or street, but they would like them to go to the beach so they can buy it, consume it at the lounge and then stroll at the beach, get “munchies” at the restaurants, etc. He added that a lot of people don’t have a safe, legal place where they can consume and the way the law is written they cannot smoke outside in public. He stated that he will be reporting more stuff as he learns more.

**Betsy Giovannoni, Pacifica**, stated that she has lived in Pacifica for over 40 years and loves her community. She was concerned about some members of it who have fallen on difficult times. She asked Council to be a beacon of compassion for those in our community in need of help. She urged them to vote against banning RVs in Pacifica as they are people’s homes who don’t have other options and she also asked them to support an urgent ordinance to implement just cause eviction protection for our residents.

Mayor Vaterlaus stated that just cause evictions was on the agenda and this is for items not on the agenda. She stated that she can come back and talk on Item #12 on that.

Ms. Giovannoni stated that all she wanted to ask was that they be a beacon of compassion for our community.

**COUNCIL COMMUNICATIONS**

Mayor pro Tem Martin stated that she attended a Peninsula Clean Energy deep dive session with one of the directors emeritus and she learned the amp losses equal to the square root of the amount of energy going through. She thought it was mind-blowing to sit on the boards as a councilmember but don’t have any background, but a passion for clean energy. She stated that Peninsula Clean Energy is committed to providing clean energy for 5% less than the cost of PG&E. She stated that from 4:00 p.m. to 9:00 p.m. every night 51% of the energy used is natural gas and not clean. She asked them to think about that when they go home and putting
on the lights, washing clothes, etc., and suggested that they think about doing those things after 9:00 p.m. or during the day when clean energy is mostly used. She also learned about the Public Utilities Commission and California Independent System Operator whose job it is to dole the energy out and make sure there is enough, as well as learning about resource adequacy, revenue requirements, and she felt more equipped to represent the city and also feels more passionate about making sure we are all committed to reducing greenhouse gas emissions and getting clean energy to where it needs to be. She stated that everyone came with interesting knowledge, and one comment regarding the current shutoffs was that California was a desirable place to live and the PUC has committed to providing everyone with energy. She stated that we lived in places where we have never lived, and it was getting harder to get clean energy to places and keeping up with maintaining the pathways to that energy. She asked everyone to think about energy usage and reducing it. She mentioned that November 17-23 was Pacifica United Against Hate Week and we were standing united against hate. She mentioned that flyers are available and if any organization wants to do something in support of that, the city will help promote that and she would be happy to help promote getting people there. She also promoted the Ohlone-Portola celebration on November 2, starting with a hike, and they can get all the information on the city's webpage. She also reminded everyone that the upcoming weekend was daylight savings time change, and will get an extra hour. She thanked everyone who was so patient over the past few days, and she thanked PG&E for being there. She stated that she drove to Monterey and counted 15 PG&E vehicles on the way down and more on the way back. She also thanked staff, Public Works, Police Department, as they all have families and were probably without power. She mentioned that there may be more outages and she suggested being prepared.

Councilmember Bier appreciated everyone who came out and were being civically engaged. She stated that she attended the League of California Cities conference and she was there for one day but learned a lot, attending workshops such as one discussing cities in Silicon Valley are using technology to keep in contact with their community. They have a lot of money and were doing a lot with technology, adding that the most important part of her trip was attending the coastal cities meeting where they were together talking about the local coastal plans and sea level rise and how they are working with the Coastal Commission. She thought it was interesting to be around the table with all the cities and hear what they have in common and are different but are coming together to talk about them. She missed the Emergency Preparedness Committee again and apologized to those on the committee, but assured them she will be there next month. She attended Ohlone Day at the Sanchez Adobe, stating that it was beautiful and Pacifica should be proud. She mentioned a new frozen yogurt place on Francisco Blvd. She was excited to have a merchant like him in the community. She mentioned that he had a place on Palmetto and as he catered to young people, he didn’t want to be close to the cannabis shops so he closed up on Palmetto and moved his shop to Francisco and when all the kids were coming to patronize his place they could come without having to walk past the cannabis shops. She thanked him, and stated that she will have his name the next time.

Councilmember O’Neill attended the San Mateo County visitor’s bureau monthly event at the Pedro Point Brewery in Pacific Manor. He was also at the League of California Cities, stating that they went to different workshops on different topics. He was at the coastal one. He also attended a union classified training class and a whole seminar on labor management for employers and labor.

Councilmember Beckmeyer stated that she was at the League of Cities and agreed that the highlight for her was the coastal cities meeting. She stated that the environmental policy review committee was enlightening as they were discussing one of the resolutions. She was the voting
delegate for Pacifica and she wanted to be well-informed. She thought it was interesting that Imperial Beach was bringing forward an issue with a resolution which passed regarding untreated sewage flowing into the ocean in Southern California because of a river that flows through Mexico and into Southern California and lets it out at the ocean. She was struck by how much work we do in this community with our limited resources and how aware and focused we are on protecting health, our ocean. She felt it was distressing to think that south of us it was going on unabated so she was pleased that the resolution passed as it will allocate funds and focus on improvement the treatment plant there and requiring sewage treatment. She felt it was important that Pacifica can help with statewide issues. She stated that, out of 471 cities and 61 coastal cities, she worked hard at the meeting to enlighten cities who are not coastal cities about the issues we are facing about our erosion, sea level rise, local coastal plan and the need to protect our infrastructure, homes, businesses, citizens in light of what we know is happening with climate change and sea level rise. She felt it was worth the time to take time off work and make that happen. She learned a lot about housing and land use issues which she didn’t know, adding that she had so much more to learn. She referred to some of the topics addressed, adding that it was very productive. She also attended the Pacifica School Volunteers Board meeting.

Mayor Vaterlaus stated that she also attended the San Mateo County Convention and Visitors Bureau and thanked the Green Enchilada and Pedro Point Brewing for having it in Pacifica.

Councilmember O’Neil mentioned Grape in the Fog.

Mayor Vaterlaus acknowledged that Grape in the Fog was also part of it. She stated that they usually have them on the peninsula and it was nice to have it here. She stated that she attended the fire and disaster resiliency meeting which led into a lot of topics that we are going through in Pacifica. She stated that Paradise had a plan and it didn’t work. She acknowledged that sometimes things don’t work the way you think they are going to because things change in disasters and we can only do the best that we can do. She stated that it was a hard meeting, but they have resiliency and are coming back. She went to accessory dwelling units, adding that we have an ordinance about that, but she learned more in the coastal cities group. She attended the ribbon cutting for Bookkeeping Plus, stating that they have been in business for 40 years and it was a re-grand opening. She also attended the Council of Cities at a company called Zoox in Foster City which has a new type of self-driving car which they are currently testing in San Francisco. It will have no steering wheel and the people will face each other, and is an interesting concept but not yet ready for the public. She stated that the Ohlone-Portola opening of the new interpretative center is not quite finished but was a great event with a lot of people present. She worked to talk to the Police with the Asst. City Manager to try and get the traffic to move smoothly. She stated that, as mentioned, we are unable to put our police force out there. She mentioned that they did have two people and they got help from PG&E. She talked to CalTrans and they were saying that we have generators now that are coming for the lights and in the future we will have that issue. She stated that it wasn’t a Pacifica issue, but a regional issue. She stated that people on the coast need to understand that it is regional and not just a Pacifica issue. She went to the Community Resource Center and it was packed with people who were charging their phones, coming from a generator. She thanked Pacifica for having that center, PG&E for providing items and everyone in Pacifica for being patient during it. She stated that we can keep our fingers crossed that at 4:30 a.m. our power does not go out again. She asked everyone to get the San Mateo County alerts, www.smcalert.info and if everyone has the alerts it will help because we will know more about what is going on and we can also get PG&E alerts. She stated that she was going to address the uncomfortable issue of the RV situation. She stated that most of the complaints she gets are related to the RVs. She
thanked the task force, acknowledging that they haven’t completed their job yet, but many people got up and said there is a plan even though she has not seen any plan and they haven’t had the time to come forward to give them a plan. She stated that it has to stop as it is increasing. She stated that she had a friend who was in Wyoming, and they asked her where she was from. When she said Pacifica, they responded that they were going to move there with their RV so they can live by the water in Pacifica for free. She stated that was not right. She stated that we have massive dumping that happened in the Park Mall which the city took care of because they had to, but it was private property. She stated that the garbage company was talking constantly about the issues of picking up huge bags of fecal matter. She stated that it was not right for all of the other 38,000 citizens in Pacifica, whom we represent. She has compassion for the people but she didn’t think Pacifica can continue to support this going further. She referred to a housing program that could house 12 RVs and we had 38 at the first count and probably have 200 now, as they are everywhere. She stated that it was on YouTube where people are saying to go to Pacifica as it was easy and you won’t get caught and nothing will happen to them and they can park on the ocean. She didn’t agree that 90% of the people are from Pacifica because she has seen many people and there are people who drive here, go to work, come back to the RV, sleep there at night and go back to the valley. She stated that there are different types of people living in RVs and she has not seen any suggestions and she felt it was a health and safety issue that needs to be taken care of. She would like to propose on the next agenda that they study the initial ordinance they had about overnight parking for the RVs.

STAFF COMMUNICATIONS

City Manager Woodhouse stated that it has been a busy couple of weeks, adding that he was also at the League of California Cities meeting with a back to back conference to Tennessee for the International City / County Managers Association annual meeting with over 4,000 city managers around the country and the world. He referred to the public safety power shutoff to augment what Mayor Vaterlaus said. He stated that, while it has been inconvenient as well as a detrimental few days to Pacificans, businesses, city organizations, they were all thankful that there has not been a significant fire emergency or other issue that they have had to deal with. He added that it does not diminish the inconvenience that this PG&E shutoff has caused locally with very little planning time. He stated that he returned on Wednesday and had very little time in working with very limited and changing information from PG&E about the windstorm. He thanked all city staff, North County Fire Authority staff who were also deployed to the Kincade fire up north, the police department and their work related to the PSPS. He stated that PD also has personnel deployed to the Kincade fire to help with those evacuations. He stated that PW Dept. and Wastewater Division have really been working since Friday to make sure everything is geared up so our sanitary sewer stuff works, signage, barricades are in place for the anticipated shutoff, adding that PB&R had significant community activities planned for the weekend which they were able to pull off by borrowing some generators. He mentioned the communication aspect within the staff, etc., to keep those systems rolling. He concluded that it was a huge team effort working in a chaotic environment. He mentioned that the traffic signals were one of the hugest inconveniences in town on Sunday and they worked with Caltrans to secure back up generators, but it didn’t happen as neither of them could secure them to back up traffic signals which only operate on battery power for a short time and ultimately need a generator to run them. He stated that, as traffic worsened, the police began traffic control at a couple of intersections on Highway 1 and were joined by a PG&E traffic control subcontractor. He stated that they didn’t know PG&E had that source available which was part of the chaos. He stated that, with these PSPS’s, there will be a lot of debriefing after this incident leading into the next one if this becomes the new normal. He stated that the debriefing will not just be in
Pacifica, but regional and across the state on how to better handle this. He stated that he spoke with Senator Hill’s office on Friday about the need for equipment like generators to plan for traffic signals or other needs. He stated that the city was committed to improving our response, and they have secured city generators, not PG&E or Caltrans, and they city will be pursuing reimbursement from them. He stated that they have secured generators to have traffic signals be operational. He stated that there is a new PS plan to start the following day and will not affect any but the southern part of Pacifica. He stated that the best way to know is to dial in your address on the PG&E website to know if it will affect them as the maps are too general. He stated that it won’t be as significant as the present one, and the traffic signals will not be affected. He stated that we are all grappling on how to best move forward through these times with the PSPSs and we will learn and become better at it. He then stated that the city has been providing information to encourage community members who use the GGNRA trails to comment on the proposed new trail regulations that GGNRA is considering. He stated that the city responding to extend the deadline which was originally on October 28, and they were just informed that they have extended the comment to November 27 and we all have more time to provide comments to GGNRA, and the city will provide the information of where to go to provide comments. They have not heard that the GGNRA will be doing any specific outreach in Pacifica but the deadline was extended and he urges Pacificans to comment on the regulations. He stated that, on October 30 at 3 pm, there is the Jean F. Fassler parking lot ribbon cutting at the end of Fassler Avenue and the public is invited to that.

Mayor Vaterlaus also thanked all the staff, adding that it was trying for everyone.

PUBLIC HEARINGS

11. Introduction of an Ordinance to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (Text Amendment TA-116-19, File No. 2019-019) and finding that No Further Environmental Review is Necessary Under the Provisions of the California Environmental Quality Act (CEQA); the Planning Commission Recommended Approval of the Zoning Amendments by a Vote of 6-0 on September 16, 2019

PROPOSED ACTION: Move to waive the first reading and introduce by title only An Ordinance of the City Council of the City of Pacifica to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (TA-116-19; File No. 2019-19), and Finding that No Further Environmental Review is Necessary Pursuant to California Code of Regulations 15162 as the Ordinance was Contemplated as Part of 2015-2023 Housing Element for Which a Negative Declaration was Adopted Pursuant to the California Environmental Quality Act (CEQA).

Assoc. Planner O’Connor presented the staff report.

Mayor Vaterlaus opened the public hearing, and seeing no one, closed the public hearing.

Councilmember O’Neill moved to waive the first reading and introduce by title only An Ordinance of the City Council of the City of Pacifica to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation
Requests (TA-116-19; File No. 2019-19), and Finding that No Further Environmental Review is Necessary Pursuant to California Code of Regulations 15162 as the Ordinance was Contemplated as Part of 2015-2023 Housing Element for Which a Negative Declaration was Adopted Pursuant to the California Environmental Quality Act (CEQA); seconded by Councilmember Beckmeyer.

Councilmember Bier thanked staff and Planning Commission for all their work.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mike O’Neill, Councilmember
SECONDER: Sue Beckmeyer, Councilmember
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill

CONSIDERATION


PROPOSED ACTION: Hear a presentation about Assembly Bill 1482, the “Tenant Protection Act of 2019,” and consider whether to direct the City Manager and City Attorney to return at the November 12, 2019 meeting, for consideration of an Urgency Ordinance for Just Cause Eviction Protections.

City Manager Woodhouse initially presented the staff report and stated that City Attorney Kenyon can add any information she has.

City Attorney Kenyon stated that the bill proposed by the Governor was being challenged at this time. She also mentioned having to do research to assure that the findings needed could be made, mentioning some specifics.

Councilmember O’Neill referred to the previous Hawkins that did not affect single family homes and thought this Bill 1482 does affect single family homes.

City Attorney Kenyon stated that it does not. She stated that she can tell them who it does affect. It applies to most multi-family dwellings with the following exemptions, units constructed in the last 15 years, a rolling 15 years, meaning that units built in 2006 would not be covered in 2020 but would be covered in 2021, and condominiums and single family homes unless owned by a corporation or real estate investment trust. She stated that those are generally corporate rentals that they loan out to their executives, duplexes where the owner lives in one of the units so, if not owner occupied, it would be subject to this law.

Councilmember O’Neill asked if it covers the landlord’s son or daughter.

City Attorney Kenyon stated that it would have to be the property owner, not a family member, and tenants who have lived in the unit for less than one year.

Councilmember O’Neill asked for clarification that those are the people not covered.

City Attorney Kenyon responded affirmatively, clarifying that it only covers those in possession of the rental unit for at least 12 months.

Councilmember O’Neill stated that covered means their rent and the just cause eviction part will be enforceable on them.
City Attorney Kenyon responded affirmatively.

Councilmember Beckmeyer asked if she could speak to the legal challenge, how long it takes and the impact of that as she understood that, having been signed by the Governor, the law has a retroactive rent cap rollback to September 1.

City Attorney Kenyon stated that it was back to March 2019.

Councilmember Beckmeyer concluded that the eviction would not take effect until January 1.

City Attorney Kenyon clarified that it would be January 1, 2020. She stated that, regarding the ongoing litigation, while she has not read the lawsuit, her understanding was that it was a taking challenge to the rent stabilization portion of AB1482 and specifically regarding relocation payments that are required as a part of AB1482 and she stated that those provisions were specifically being challenged, adding that there could also be other provisions being challenged. She referred to the just cause eviction and when it goes into effect, stating that there is a difference of opinion on what it means with regard to effect on current tenants as a tenant may receive an eviction notice between now and January 1 but that may not go into effect until after January 1, 2020 and there was a difference of opinion as to whether or not this AB1482 would prohibit actual eviction after January 1, 2020, as some people believe it only relates to the notice, and if a notice was sent prior to January 2020, it would be effective, and there are other tenant right advocates that believe that AB1482 was intended to impact termination, such as an actual termination after January 2020 would not be allowed unless in compliance with AB1482. She explained that there is a disagreement between attorneys and they don’t know how it will play out.

Councilmember Bier asked if there was any data collecting pieces to AB1482, specifically how are they going to collect the information communities need to know to enforce it.

City Attorney Kenyon stated that AB1482 says rent increases can’t exceed a certain percentage, so she didn’t know if there was data cities need to collect to apply the rent restrictions. She stated that it will go into effect on January 1, 2020 regarding the rent stabilization and rents cannot be increased more than the percentage allowed in AB1482.

Councilmember Bier thought that was 5%.

Mayor Vaterlaus stated it was 5% plus cost of living.

City Attorney Kenyon agreed with that.

Councilmember Bier stated that her main concern was how communities are actually going to know what was going on unless they are collecting data.

Councilmember O’Neill concluded she was asking how it is enforced.

Councilmember Bier responded affirmatively.

Councilmember O’Neill asked if it was a state agency or a local agency. He asked, if a tenant was raised 15%, who they would complain to.
City Manager Woodhouse understood that the law does not specify how enforcement is to occur.

City Attorney Kenyon understood that was one of the concerns with the law of how it would get enforced and implemented. She thought that, if the law was in effect, practically it would be enforced if a landlord submitted a rent increase that was higher than what AB1482 allowed, and the tenant did not pay that increase, the landlord would presumably file an unlawful detainer action and the tenant would use AB1482 as a defense.

Mayor pro Tem Martin asked the City Manager and City Attorney if they have been contacted by any other city attorneys in surrounding San Mateo County cities about such an urgency ordinance.

City Attorney Kenyon stated that she has spoken to the city attorney of Redwood City and they are considering an urgency ordinance related to just cause and rent stabilization at their meeting and her understanding through this attorney was that Daly City was only considering the just cause urgency ordinance. She didn’t know their results.

Mayor pro Tem Martin assumed that was because they were both meeting at this same time.

Mayor Vaterlaus stated that she has a paper that says that a notice of exemption must be given to any tenants in a single family dwelling to make them exempt. She stated that there was a notice of exemption that was going to come out for single family dwellings otherwise they are according to that paperwork. She thought it was very up in the air with many interpretations. She has tried to read many of them and everyone has their own interpretation. She stated that her question of how it would be enforced got answered. She stated that, if you are in a rental for more than 12 months, you have to give a 60-day notice. She stated, if you gave a notice on November 1, the person would have to move out at the end of December and by the time they get to this, it won’t even apply and most people have lived for longer than 12 months in their units and that was all this ordinance applies to.

Mayor pro Tem Martin thought it was the opposite.

City Attorney Kenyon stated that, if Pacifica adopts an urgency ordinance prior to January 2020 and a landlord were to submit an eviction notice between now and November 1, then that tenant would be protected for any eviction notice from the date after Pacifica adopted the urgency ordinance but likely not before. She further stated that, depending on when an urgency ordinance were adopted, the tenant would be protected from the time that Pacifica adopted the urgency ordinance to January 2020 which is when AB1482 goes into existence.

Mayor pro Tem Martin concluded that the gray area was whether or not, if someone receives an eviction notice but has not yet reached their date of eviction of the 25th, because they have not reached their eviction date they would be protected.

City Attorney Kenyon agreed that it was a gray area with AB1482 and she suggests, if the Council adopts an urgency ordinance, they clarify that so that it would no longer be unclear. She stated that a lot of text in AB1482 is unclear.

Mayor Vaterlaus thought it was very vague.
Mayor pro Tem Martin felt it was an urgency ordinance and that was the point of it, that it was urgent as there are people out there in need of this ordinance.

Mayor Vaterlaus asked if there was actual evidence of that because she has not received one comment on any person going through eviction and she thought she would be a likely person to receive that.

Councilmember Bier thought they would talk about that during deliberation.

Mayor Vaterlaus stated that she was asking the question.

Councilmember Bier stated that she has heard from community members and she could elaborate on that now or during deliberations.

Mayor Vaterlaus stated that they have a lot of people who want to talk.

City Attorney Kenyon stated that the City Manager alerted her to something she forgot to mention, specifically for an urgency ordinance to pass, it does require a 4/5 vote.

Mayor Vaterlaus opened public comments.

**Thursday Roberts, Pacifica**, stated that she is a renter in Pacifica. She stated that they have been having this problem for quite some time with housing costs and people being displaced. She was happy that the state was trying to do something to keep people in their houses, but she thought the problem was, if you get evicted or lose your housing in Pacifica, there was no place else to go and have to probably leave the entire state to find a place that is affordable. She stated that, for the people being evicted now ahead of when these regulations go into effect, it was sad that they are that close to being protected and then not. She didn’t know why the state didn’t realize that this was a missing part of the legislation but someone dropped the ball and didn’t include the just cause to take effect from the time when it was signed to January 1 when it goes into effect as this is what happens and why they are talking about it with the other ordinance. She acknowledged that not everyone gets evicted but some people do and there is no where for them to go. She understood that, if she was evicted and had no where to live, her best option would be to keep her job here and live in a car or RV. She was in favor of protecting the people who are currently housed to remain housed and allow them the protection to make it until the new ordinance comes into effect which will protect everyone starting in January.

**Ian Butler, Pacifica**, stated that this ordinance passed the assembly on a vote of 46 Democrats voting in favor and 4 voting against. He stated that anyone who is a Democrat and has Democratic values, they can agree that this shares their values. He thought most of the Council were Democrats and he thought this was what the state and the Democratic Party believes in very strongly. He stated that the emergency ordinance would be pretty simple and a lot easier to implement than the local ordinance they were going to do. He stated that it was to make sure that what the assembly voted on is able to go into place as intended without people taking advantage of a loophole in the law. He stated that it was simple and straight forward and, if you are a Democrat with democratic values, it would make a lot of sense to vote for this emergency ordinance to go into place.

**Chris Redfield, Pacifica**, urged Council not to go forward with the urgency ordinance regarding tenant protection. It was his opinion that it was a veiled attempt to take away one person’s rights and give them to someone else. He stated that rent, by its very nature, is temporary. He
stated that the informed voters of Pacifica soundly rejected rent control and he was for a home for all situation because of the threat of rent control. He stated that the timing of this urgency ordinance is purely symbolic at the real expense of Pacificans. He stated that AB1482 will only exacerbate the existing supply of housing and hamstring further habitable development. He stated that this request is estimated at a cost of staff time at a minimum of $5,000. He stated that he knows of a group that can put $5,000 to much better use.

John Keener, Pacifica, stated that he supports an urgency ordinance to extend just cause for eviction protection to tenants for a period until January 1 when AB1482 takes effect.

Marsha Murphy, Pacifica, stated that she was reading her comment from the Working Families Alliance, i.e., they strongly urge Council to consider a temporary moratorium on rent increases and no fault evictions until January 1, 2020. They believe that safe, dignified and affordable housing is a basic human right and the cornerstone of strong communities and housing policies must increase affordability, prevent displacement and include regulation of rent increases and evictions and long term efforts must dictate sufficient land and resources to produce, protect and preserve affordable housing for all. They referred to the AB1482 legislation which takes effect on January 1, 2020, but stated that in the meantime tenants are vulnerable to no fault evictions and excessive rent increases and they are seeing evidence of these actions in Pacifica. She stated that rent increases and no fault eviction in anticipation of the law would defeat its intent and purpose while rent gouging and displacement will substantially impair the act’s effective implementation. To protect the community during the upcoming holidays, they encouraged Council to consider an urgency ordinance that will cap annual rent increases and apply eviction standards in line with the act language and Costa Hawkins state law on allowable rental units. She then referred to a book by Richard Rothenstein and his recent talk on how our government segregated America, which was the result of government action at the federal, state and local levels, and present research makes clear that the Bay Area is in the midst of a new era of residential segregation as tenants are displaced from the places they call home. They stated that we must not allow historical injustices of race and housing to be repeated and passed on to another generation. They urged Council to take a stand and act today.

Carolyn Jaramillo, Pacifica, had questions about the research necessary before Council could pass an urgency ordinance, how it would be gathered or how they would find out how many have been given an eviction notice. She asked if they will survey the real estate agencies and also mentioned a statement that said the evictions would have to jeopardize public peace, health and welfare and asked how they determine how many evictions could be given before the public peace would be disturbed, what effects they have on health and whether they would consult with public health officials, etc., and shared publicly or not. She also asked how and who would determine the public safety, such as possibly police. She stated that the Millbrae just passed such an ordinance for just cause eviction. She hoped the research will figure out how much damage, harm and suffering will be inflicted on people who are evicted and hoped the research will go in both directions.

Carl Gosline, Pacifica, stated he was going to speak on his situation so they have a human face and might consider his plight more compassionately. He mentioned being born on the East Coast, and stopped at several cities across the states until he arrived in the Bay Area and realized this was his true home. He got a job in printing, worked his way up. He ultimately bought two locations from the franchise owner for whom he worked, met his wife through that and married and had two children. He bought several houses in San Francisco and the economy tanked and they lost their houses and their marriage crumbled. They got divorced and he went back to being a renter. He moved to Pacifica for tranquility, lower rent and more space...
as he needed a second bedroom to house his daughter. He stated that he has been in Pacifica for ten years, is 68 and should be able to retire but he doesn’t see it since he lost everything. He stated that, on October 1, he received a certified letter from the landlord notifying him of his termination of tenancy. He acknowledged that under present law he didn’t have to give him any reason but he thought it related to AB1482 and he has been paying under market rent and he wants him out of there and jack up the price and re-rent it on January 1 at a higher rate. He stated that he didn’t approach him to see if he was interested in paying more and didn’t answer his phone calls and finally sent a generic mail. He urged them to consider a just cause provision, although he thought he falls in the gray area as he got served on October 1.

Suzanne Moore, Pacifica, stated that when Governor Newsom signed AB1482, the tenant protection act, he was joined by many Californians who supported the law, tenants, advocates, legislators, property owners and faith-based leaders. She stated that the California Apartment Association, Josh Howards, was present at the signing, as well as various local legislators, such as Jerry Hill, etc., and the legislation came out of the hard work of a diverse group of Bay Area stakeholders. She stated that the Committee to House the Bay Area was tasked to create a policy package to address the housing crisis. She stated that one participant reported sitting in a room for 18 months and was forced to hear each other’s stories and the product of this act of listening is a three-piece, tenant protection, preservation of affordable housing and safe affordable housing production. She stated that this act is truly historic and the work of diverse stakeholders written to protect tenants from rent gouging and no fault evictions while allowing landlords a fair rate of return. She stated that sadly California communities, including Pacifica are seeing evidence of high rent increases and evictions prior to January 1. She stated that, to protect tenants during the holiday season, several San Mateo County communities are seeking early protection of 1482 and she supports a Pacifica urgency ordinance and petition Council to place it on the November 12 agenda for vote. She felt it was consistent with Pacifica’s housing goals and supported by California state leaders and was the right thing to do.

Gloria Stofan, Pacifica, stated that she was happy that Governor Newsom signed AB1482 as it was meant to happen. She stated that they have been coming to present and speak about the housing crisis in the Bay Area and it will finally be implemented on January 1. She asked Council, City Manager to consider the urgency ordinance for just cause eviction as the need was important for renters now being evicted for no cause and are receiving a large rent increase before January 1. She stated that the ordinance would bridge two months before AB1482 is actually implemented. She stated that her son got a termination of tenancy just like the previous speaker. She asked that Council support this urgency ordinance.

Jerome Foley, Pacifica, stated that he read the poster at the entrance of the chamber that read “Pacifica stands against hate” which he thought was a wonderful public stance to embrace. He also hoped that, as a city, they stand against cold indifference to the difficulties, struggles and hardships that some community members face every day. He stated that he remembers from a social studies class he took years ago a class on that topic that one of the greatest and noblest roles of government and one of the greatest and noblest responsibilities of those who serve in government was not only to provide for but to protect the most vulnerable in society. He proposed that thought as they deliberate, not just the urgency ordinance but all matters that they deliberate on which affect the most vulnerable in our city.

Julie Starobin, Pacifica, stated that she agrees with what others have said and she repeated that even the California Association of Apartment Owners accepted this new law which definitely states that single family homes are exempt. She felt that greed and spite is driving evictions two months before the law takes effect when most people who are renters don’t even know they
can appeal, know they don’t have to leave and try to hold on until the first of the month. She stated that passing this urgency ordinance would definitely help them.

Deni Asnis, Pacifica, asked Council to ask City Manager to make the urgency ordinance report on the agenda of the next Council meeting. She stated that the urgency ordinance complements AB1482 which will help protect renters beginning in January. She stated that this stop-gap portion is needed as people are very vulnerable. She mentioned all the people affected by the fires specifically one renter who could not afford renter’s insurance and has nothing. She stated that the ordinance was in the spirit of the state law that will go into effect as well as within Pacifica’s goals for housing. She asked them to support Pacifica and show that Pacifica cares about renters such as Millbrae and LA. She stated that they have a chance to act humanely and with care.

Ellen Hage, Pacifica, stated she also urged them to pass this urgency ordinance to protect renters in Pacifica until the new law takes effect with the tenant protection act of 2019. She stated that she and other members of Faith in Action Bay Area attended a Daly City Council meeting to support families from three apartment buildings who are being evicted before AB1482 goes into effect. She stated that it was heartbreaking listening to parents and children speak to City Council begging them to pass an urgency ordinance so they wouldn’t lose their homes. Specifically one father shared how his family had been good renters for 17 years, paid rent on time and received a 60-day eviction notice from the landlord before AB1482 takes effect. He asked where his family will go. She stated that evictions are taking place in Pacifica as well. She stated this evening, Pacifica, Daly City, Redwood City Councils were all in session addressing this critical issue of protecting renters until January. She stated that they have an opportunity to make Pacifica a city of compassion and a stated goal for all of our residents. She stated that passing an urgency ordinance was consistent with Pacifica’s housing goal and keeps those currently housed in a home. She stated that Governor Newsom also signed another law to limit 10% rent increase to protect renters displaced from fires so they won’t be gouged by landlords. She asked again to pass the urgency ordinance.

Delia McGrath, Pacifica, stated that she was listening to those who also support this emergency ordinance and she had a question - how would it feel if you got an eviction notice. She imagined most of them were housing secure as she feels she is, but they don’t know. She stated that it won’t be anything off their backs to go ahead and do this compassionate urgent ordinance.

Sue Digre, Pacifica, stated that she was in favor of the emergency ordinance, and the main reason is the role of government is to protect the safety, health and welfare of all citizens. A fair return on an investment is certainly what they do and have protected, but we need to protect all residents which includes those who, if a landlord chooses to go beyond the fair and reasonable return on investment to get whatever at the price of having fellow residents have to flee like refugees in their own town and to save their jobs and kids in school, they go to cars, bushes or RVs and the role of government is to protect all for health, safety and well being. She stated that they already heard that being under bushes or in cars was not a healthy situation for the entire community, much less for those who have to do that in order to survive. She stated that it is about people and Council having the unique discretionary powers that no staff member has and they have to stand for all the people, adding that they are not against landlords, but for a fair investment but when it comes to other residents having to flee to cars, RVs and bushes, then we have a health problem with feces, etc. She agreed it could be coming from YouTube saying they can come here but she suggested that they separate them out as who is really a Pacifican and having issues and whose out there to get what they can get. She encouraged
them to go for this ordinance as it was the people asking them and they are the people’s representatives and are employed by the people.

Jonathan Markham, Pacifica, stated he was the pastor of New Life Christian Fellowship and has been in Pacifica for about 20 years. He stated that very recently a significant group of pastors and faith leaders gathered together to talk about the challenges of homelessness and home ownership in Pacifica and recognizing the enormity of the problem. He stated that we have very diverse congregations, and the leaders of those congregations were passionately in favor of Council passing this sort of ordinance. He stated that the faith community wants to urge them to do everything they can to be a compassionate community and take care of those who need it most.

Wanda Whitaker, Pacifica, stated that she supports the passage of the emergency ordinance, explaining that one reason she would like them to consider that is that she wants to have a voice for seniors. She stated that this, in effect, will impact senior citizens more than anyone. She stated that she sees it happening all the time but there is nothing to support seniors, and once they get notices, there is no where for them to go. She stated that they can try to get senior housing but there are waiting lists for that senior housing with thousands of names before they can have a home. She thought they should be thinking of seniors and other families with children which is the least that they can do. She believes there are fair landlords as she knows some and is not against landlords. She thought they could possibly have some type of rent board to help out with these types of circumstances like other cities have adopted. She asked that Council be fair about this urgent ordinance.

Mayor Vaterlaus closed public comments.

Mayor pro Tem Martin stated that she wanted to clarify for the record that they were talking about providing staff with direction as to whether or not they want them to do more work and coming back with an urgency ordinance for Council to hear. She stated that AB1482 was dubbed the anti-gouging bill and she thought it was interesting because in the past few days she has seen so much gouging going on and the motivation behind it is so obviously greed. She was not saying that it directly relates to landlords, but we are all losing power and there are people who went out and bought all the generators at local Home Depot and Lowe’s and are selling them for four times the rate on Craig’s List. She stated that she lost two refrigerators and acknowledged she was lucky to have two, but they had friends who took their frozen food. She stated that there was a woman with an 8-day old baby who needs warm breast milk down the road. She stated that her office closed and they were not able to work from the office and they were lucky enough to rent a conference room in a hotel and they tripled the price of that conference room. She stated that Elvis said money is not the root of all evil, it is greed. She was shocked when she hears the stories. She stated that pulling back this bill for a couple of months to do any sort of damage control that they can is the right thing to do. She encouraged Council to consider putting it together as there were enough communities in San Mateo County and they can make it happen fairly quickly and there are also examples like Sacramento County, Santa Cruz County, etc., stating that the southern California cities have historically been on the cusp of Democratic Republicans and if it is there and being heard in Anaheim, etc., she felt it was important and affecting everyone. She urged anyone who was associated with realtors or in contact with landlords to engage their networks and let them know what is going on and ask them to take a compassionate stance on this. She asked that all her friends do that. She thanked all the Pacificans who came out, stating that they almost have everyone represented, the faith based community with several pastors who are very supportive of this, advocates for tenant rights, former government officials with two former mayors speaking in
support of this issue and renters directly affected as well as those not directly affected and locals who live in Pacifica and have dedicated their retirement to making sure that the people they serviced their entire professional career are not displaced because of greed. She stated that they don’t spend their money on high rents as opposed to their medicine. She recommended that they put a few thousand dollars, actually more than $5,000, but that is nothing to give back to our community with a more peace of mind.

Councilmember Beckmeyer stated that, in terms of the applicability of this ordinance, there was a 60-day period that renters have if they are to be evicted. She asked if that was correct.

City Attorney Kenyon stated it was correct, adding that if they have had possession of it for more than 12 months.

Councilmember Beckmeyer thought she heard them say that there was a lot of uncertainty about the law itself, and she asked if that was accurate or how enforceable AB1482 is in its present state.

City Attorney Kenyon stated that she would have some concerns about some claims being made about AB1482, but she also thinks that there are ways to address those concerns. She didn’t think AB1482 is necessarily illegal on its face and there may be some provisions that could do with some more clarity to avoid confusion. She didn’t believe it was an illegal act by the state.

Councilmember Beckmeyer referred to the 60-day rule, and asked if we were already in that period, which is 60 days and then a five-day notification. She stated that she was not a realtor and she hasn’t rented in a long time so she didn’t know about that. She did understand that 60 days is pretty close to January 1 from where they are now.

Mayor Vaterlaus stated that it was November 1, stating that you can give a notice on November 1 that says you have 60 days.

Councilmember Bier stated that she has had people come to her and she met with a group of people who have received eviction notices and who are too afraid to come to the meeting and probably would not want to reach out to her co-council because of the fear as they still have to find a place to live after this. She stated that, regardless of what Council does, they will still have to find a place to live. She stated that it was touching for her to have them reach out to her because they trusted that she will not put their name out in public and do what she can to help them feel safe and secure. She stated that they all know with the passing of AB1482 tenants are vulnerable to no fault evictions and she was asking them to put something in place to protect these people, especially over the holidays. She stated that, if they receive an eviction notice on November 1, that means they have to work all the way through the holidays to find a place to live which stresses them and their family. She stated that it was a horrible thing to do during the holidays. She was concerned about being able to collect information to find out what is really going on in our community and she was going to request that they get information on how other communities are collecting information on rent increases and evictions. She stated that, when Measure C came around, it was scary, horrible and what happened in the community was there was a lot of fear and bad feelings and a lot of action around that. She felt that now we have an opportunity because there has been a state law signed that they can give a little bit of cushion for the people and after January 1, whatever the state is going to do with it is up to them, but here in Pacifica we can be sure that the gray area isn’t so gray. She was requesting that staff bring back an urgency ordinance for them to review on November 12.
Mayor Vaterlaus thought it was an extremely difficult situation. She stated that they went through it before and what people want to bring into law can cause the unintended consequences of people given notice which she felt was really wrong. She stated that she manages property for other people and has about 25 properties she manages and not one landlord has asked to give an eviction notice, or asked her to raise anyone’s rent ahead of this. She stated that, because these are all single family owners that care about the people and she understood that there are people who don’t care about other people, but we all do. She was not sure that this was the way to do it. She stated that they don’t even know that this law is actually going to take effect in the end because of the challenges to the laws. She was trying to find Millbrae to see if they passed an urgency ordinance and she couldn’t find it on the internet. She questioned how they are going to enforce this bill as we don’t have a rent control board and we can’t establish a rent control board because the city doesn’t have the money to establish a rent control board. She questioned if people will police themselves. She didn’t know how they are going to enforce it when it comes into effect. She questioned, with the limited time they have, and this coming forward in November, whether it was going to do any good. She stated that, if people are giving eviction notices on November 1, they don’t know that yet. She felt it was a gray area and a difficult item.

Councilmember Bier stated that even one person getting evicted during this time is too many. She asked if staff had direction.

City Manager Woodhouse stated that they need a motion and a vote with majority direction as to whether they are going to pursue it or not.

Mayor pro Tem Martin asked if Councilmembers Beckmeyer or O’Neill had any input.

Councilmember O’Neill stated he didn’t have any and will probably vote no.

Councilmember Beckmeyer stated that she has had all her questions answered.

Councilmember Bier moved to have staff come back with an urgency ordinance to be placed on the agenda on November 12; seconded by Mayor pro Tem Martin.

Mayor Vaterlaus called a five-minute break then resumed the meeting.

RESULT: DEFEATED [2 TO 3]
MOVER: Mary Bier, Councilmember
SECONDER: Deirdre Martin, Mayor Pro Tem
AYES: Martin, Bier
NAYS: Vaterlaus, Beckmeyer, O’Neill

13. Grant to the Pacifica Historical Society to cover Planning Department Fees Related to Oceanshore Railcar Relocation Temporary Use Permit.
PROPOSED ACTION: Move to approve Resolution next in order Adopting a Budget Adjustment for Fiscal Year 2019-2020 to authorize the transfer of up to $2,000 from the General Fund Undesignated Balance to the Planning Department budget as a grant to the Pacifica Historical Society to cover Planning Department fees necessary to process a Temporary Use Permit for the relocation of the Oceanshore Railcar.
City Manager Woodhouse presented the staff report.

Mayor Vaterlaus opened public comments.

**Shirlee Gibbs, Pacifica**, stated she is on the Board of Directors of the Pacifica Historical Society. She stated that they currently have enough funds in their Ocean Shore Railroad Account to further their restoration of the passenger car, but they know they will disappear quickly when they move the car from its present location at the Calera Creek site to the new location. She stated that they have signed a two-year contract with the Pereira family to move to a vacant space behind Vallemar Station Restaurant. She stated that a local general contractor has been hired and insurance purchased for the car as well as liability insurance for volunteers who work on the train car. She stated that they also purchased building materials. She stated that presently the only means of income they have to restore the car is from their monthly rummage sales and it takes a lot of 50 cents to $5 items to make up the amount of this conditional use permit. She stated that they are fortunate enough to have a building in which to house their sale and volunteers to staff it. She stated that they were also grateful to the citizens who donate to them monthly. She stated that their sale on Friday and Saturday of each month brings in approximately 300 people to view the museum. She stated, when they first started to remodel the Little Brown Church, it takes a lot of cupcake sales to complete the restoration. She stated that they did it through hard work and dedicated volunteers and they now have a beautiful community museum that they can be proud of. She stated that the passenger car of the Ocean Shore Railroad traveled down here between 1912 and 1920 and they have contacted a grant writer and have planned fund-raising events to supplement the income from their rummage sales. She asked that Council give consideration to refunding the cost of their conditional use permit.

**Deidra Crow, Pacifica**, stated that she has called Pacifica home for 65 years. She commented on the economic boost to Pacifica that will happen once the car is restored. She stated that rail fans and out of town friends will visit Pacifica and stay and dine here as a part of visiting the museum that will be located inside the railroad car. She stated that railroad groups throughout the western United States will be invited to view their newly renovated railcar and museum as well. She stated that many often have regional meetings and would love to have us as their host during their meetings, and we would make that facility available to them. She stated that they will need a permanent place to stay, but first things first as they need to finish the car. She thanked staff and Council for all their cooperation and help and they are closer than they have ever been. She finished two successful volunteer days with a marvelous turnout. They cleaned up the site and moving forward with the move as soon as they can.

**Kathleen Manning, Pacifica**, stated that they have a little temerity to come and ask for a handout, but they hope that they will see this as a boon to the city. She gave a short rundown on how they raised money in the past. A few people have made major financial contributions, hosted events with railroad experts give talks and presentations, railroad days at the museum, and the rummage sales that they have every month where people generously give them wonderful things to sell. She stated that they were also looking for grants and have the popular Pacifica jack cheese.

**Sue Digre, Pacifica**, stated that she is repeating what she has said many times. She was happy to hear the City Manager mention the economic boon for the city. She stated that the Historical Society is not only working on one thing at one time, but three things at least going on,
if not four, as the cheese is already achieved, specifically they created the Little Brown Church Museum, they have a docent program, and the railcar has been out of site but as it becomes more visible to people they will see more interest in that. She stated that Pacifica has a varied and rich history and even as a Navy brat she didn’t know of any other place where the history was as unique as this. She stated that the Historical Society has put their best into it and the rest of the community must become more aware and the city legislators because when they sign a letter and speak up for something, it gives the local energy more blessings. She hoped they were coming with pride and Council realizes that pride and invests in the city’s future economics.

Mayor Vaterlaus closed public comments.

Mayor Vaterlaus thinks the railcar is a benefit to our community and a great addition to the Little Brown Church. She can see it in the future and believes there are a lot of rail buffs. She has gone to the museum for the train day and even at the Ohlone lunch. She appreciated all the hard work they have done on this and she hopes that they have the funds moving forward to continue to do the work and the continuation of the permits and the money they will need to continue the permits after this initial one.

Councilmember O’Neill agreed with Mayor Vaterlaus’ remarks.

Councilmember Beckmeyer moved to direct the City Manager to put into the budget $2,000 for a transfer of up to $2,000 from the General Fund Undesignated Balance to the Planning Department budget as a grant to the Pacifica Historical Society to cover Planning Department fees necessary to process a Temporary Use Permit for the relocation of the Ocean Shore railcar; seconded by Councilmember O’Neill.

City Manager clarified that the motion was to adopt the resolution doing everything she just said.

Councilmember Beckmeyer amended her motion to add to adopt a resolution for the actions as she previously stated.

Mayor pro Tem Martin loves this, thinks it’s great and appreciated that one of the fellow Councilmembers put this forth. She stated that, because she has a pulpit, she will use it. She pointed out that they tout being a compassionate community yet they declined to comment on the welfare of Pacificans needing an urgency ordinance. She stated that we tout sustainability yet we decline climate action coordinator position for $120,000 for one year, but without comment, we approved $2,000 to the Historical Society which is well deserved, and she thanked them for their hard work.

Councilmember Bier was so glad they got the car moved to where they were going to move it to, because there are other railcars there and it fits perfectly there.

Mayor pro Tem Martin stated that her grandfather was a railroader and worked for Redding Railroad. Her father was also a railroader and worked for Redding Railroad and then Norfolk Southern and Conrail in 43 years and she fully supports railroads and all things railcar.
14. Appointments to the Economic Development Committee; Emergency Preparedness & Safety Commission; Library Advisory Committee; Open Space and Parkland Advisory Committee; and Parks, Beaches & Recreation Commission

**PROPOSED ACTION:**
1) Move to appoint three (3) applicants to the Economic Development Committee for one partial term expiring October 2020 and two full-terms to expire October 2023;
2) Move to appoint three (3) applicants to the Emergency Preparedness & Safety Commission for one partial term expiring October 2022 and two full-terms to expire October 2023;
3) Move to appoint one (1) applicant to the Library Advisory Committee;
4) Move to appoint one (1) applicant to the Open Space and Parkland Advisory Committee for a partial term expiring May 2021; and
5) Move to appoint two (2) applicants to the Parks, Beaches & Recreation Commission for a partial term expiring May 2020 and a partial term expiring May 2023.

City Clerk Coffey presented the staff report.

Mayor Vaterlaus called a break, then reconvened the meeting.

Mayor Vaterlaus stated that they will make separate motions to make appointments to individual committees.

Councilmember Beckmeyer understood what the City Clerk was saying about having a short seat and she asked if they make a recommendation in the motion as to who goes in which seat or how does it work.

City Clerk Coffey stated that you would want to make a motion to appoint an individual by name to the selected positions. She stated that for the Economic Development Committee there were three vacancies with one a partial term that expires October 2020 and two for full terms expiring 2023, and their motion would want to specify which to appoint to the partial term.

City Attorney Kenyon stated that they would want to have public comment now for all of the committees.

Mayor Vaterlaus opened public comments, and seeing no one, closed public comments.

For Economic Development Committee: Councilmember Beckmeyer moved that they appoint Lyssa Grimaldo and Farzad Saidy and Sean Thompson with Farzad Saidy to the seat ending October 2020; seconded by O'Neill.

5-0
AGENDA ITEM #14-1: APPOINTMENTS TO ECONOMIC DEVELOPMENT COMMITTEE
RESULT: ADOPTED [UNANIMOUS]
MOVER: Sue Beckmeyer, Councilmember
SECONDER: Mike O’Neill, Councilmember
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill

City Clerk Coffey stated that for Emergency Preparedness & Safety Commission they have three vacancies, one for a partial term expiring October 2022 and two full terms expiring October 2023.


5-0

AGENDA ITEM #14-2: APPOINTMENTS TO EMERGENCY PREPAREDNESS & SAFETY COMMISSION
RESULT: ADOPTED [UNANIMOUS]
MOVER: Mike O’Neill, Councilmember
SECONDER: Mary Bier, Councilmember
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill

Councilmember Bier moved to appoint Christine Bywater to the Library Advisory Committee; seconded by Mayor pro Tem Martin.

5-0

AGENDA ITEM #14-3: APPOINTMENT TO LIBRARY ADVISORY COMMITTEE
RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Bier, Councilmember
SECONDER: Deirdre Martin, Mayor pro Tem
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill

Councilmember O’Neill moved to appoint Kurt Davis to the Open Space Parkland Advisory Committee. He asked if it was a full term.

City Clerk Coffey stated that it was for a partial term expiring May 2021.

Councilmember O’Neill stated he was asking for information.

Mayor pro Tem Martin asked if she said Douglas Hladky for Emergency Preparedness.

Councilmember O’Neill stated that they were on Open Space.

City Clerk Coffey confirmed it was for Open Space & Parkland Advisory Committee.

Mayor pro Tem Martin stated that they also got him for Emergency Preparedness.
City Clerk Coffey stated that there were a few applicants that had noted interest in several of the committees.

Mayor Vaterlaus stated that it was Kurt Davis.

Councilmember Bier also stated that it was Kurt Davis.

Mayor pro Tem Martin understood.

Councilmember O’Neill re-iterated that he made a motion to appoint Kurt Davis for Open Space & Parkland Advisory Committee.

Councilmember Beckmeyer seconded the motion.

4-1

| AGENDA ITEM #14-4: APPOINTMENT TO OPEN SPACE & PARKLAND ADVISORY COMMITTEE |
| RESULT: ADOPTED [4 TO 1] |
| MOVER: Mike O’Neill, Councilmember |
| SECONDER: Sue Beckmeyer, Councilmember |
| AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill |
| NOES: Martin |

For Parks, Beaches & Recreation Commission:

Councilmember O’Neill asked if they were the same terms or two different ones.

Councilmember Beckmeyer stated that one was for May 2020 and one for May 2023.

City Clerk Coffey stated that they were both partial terms as they were vacancies from resignations and are partial terms of different lengths, one expiring May 2020 and one expires May 2023.

Mayor pro Tem Martin moved to appoint Gail Benton Shoemaker to partial term expiring May 2023 and Jim Heywood to partial term expiring May 2020; seconded by Councilmember O’Neill.

5 - 0
AGENDA ITEM #14-5: APPOINTMENTS TO PARKS, BEACHES & RECREATION COMMISSION:
RESULT: ADOPTED [UNANIMOUS]
MOVER: Deirdre Martin, Mayor pro Tem
SECONDER: Mike O’Neill, Councilmember
AYES: Vaterlaus, Martin, Beckmeyer, Bier, O’Neill

ADJOURN

Mayor Vaterlaus adjourned the meeting at 10:00 p.m. in honor of all the first responders, people who have homes, have lost their homes and everyone who has been evacuated and thank goodness Pacifica has electricity back and are all safe.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully Submitted,

Sarah Coffey, City Clerk

__________________________
Sue Vaterlaus, Mayor
SUBJECT:

Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.

RECOMMENDED ACTION:

Accept report and make a determination that conditions of local emergency continue to exist within the Pacifica Coastline from Westline Drive to the end of Beach Boulevard.

STAFF CONTACT:

Sam Bautista, PW Deputy Director
bautistas@ci.pacifica.ca.us
650-738-3771

Sarah Coffey, City Clerk
coffeys@ci.pacifica.ca.us
650-738-7307

BACKGROUND/DISCUSSION:

On January 22, 2016 the Director of Emergency Services proclaimed the existence of a local emergency along the Pacifica coastline from Westline Drive to the end of Beach Boulevard due to El Nino storm activity. Extreme wave heights for extended periods of time caused top-of-bluff retreat at several locations along the Pacifica coast and damage to City infrastructure as described below:

- Failure of the sea wall and promenade on Beach Blvd. in the vicinity of Santa Maria Avenue, which have been repaired.
- Undermining of a seven foot diameter storm drain outfall and concrete headwall for the discharge of Milagra Creek into the Pacific Ocean. This project is currently out to bid.

The City Council ratified this proclamation at its regular meeting of January 25, 2016. Since that date, additional damage had occurred along Beach Boulevard and Esplanade Avenue.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least every 60 days until the City Council terminates the local emergency. Conditions of local emergency still exist since the City Council first acted to declare a local emergency on January 25, 2016.

The City is using city staff to manage the emergency work related to the 310-330 Esplanade Infrastructure Preservation and the 400 Esplanade Infrastructure Preservation projects. These projects are vital to addressing the emergency conditions resulting from the bluff erosion. City staff is working with the California Governor’s Office of Emergency Services (Cal OES) in the repairs of public infrastructure.

The City Manager recommends that the City Council make a determination that conditions of
local emergency continue to exist within the Pacifica Coastline from Westline Drive to the end of Beach Boulevard.

**FISCAL IMPACT:**

None.

**ORIGINATED BY:**

Public Works
City Clerk

**ATTACHMENT LIST:**
SUBJECT:
Termination of Local Emergency at Hickey Boulevard

RECOMMENDED ACTION:
Move to adopt Resolution Terminating Proclamation of Local Emergency at Hickey Boulevard.

STAFF CONTACT:
Kevin Woodhouse
City Manager
(650) 738-7409
woodhousek@ci.pacifica.ca.us

Louis Sun
Deputy Director of Public Works – Waste Water
(650) 738-4660
sunl@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
On Saturday, September 28, 2019, Public Works Wastewater Division determined that the sewer line on Hickey Boulevard from Skyline Boulevard to Firecrest Avenue was unexpectedly damaged at several locations and large cavities formed as a result of the erosion caused by the broken sewer main. These eroded conditions and the creation of large cavities under the street pavement threaten the health and safety of persons and property, including critical public infrastructure because they can cause sink holes to occur. The damaged sewer main was caused by outside contractors working in the area.

The City of Pacifica’s Emergency Plan and Section 4-2.01 et seq. of the Pacifica Municipal Code empower the City Manager, acting as the Director of Emergency Services, to proclaim the existence of a local emergency when there is an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City.

The proclamation is subject to ratification by the City Council at the earliest possible time. The proclamation of the existence of a local emergency further designates the City Manager or designated representative to act on behalf of the City for public assistance and for individual assistance for purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance.

Additionally, pursuant to Section 3-15.09 (A) of the Pacifica Municipal Code, in cases of an emergency the City Manager is authorized to proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The City must comply with Public Contract Code Section 22050, which
provides a process for City Council’s review of the emergency action, if notice of bids to let contracts for public projects will not be given because of the emergency.

In this case, the City Manager determined that the eroded conditions and the creation of large cavities under the street pavement presented a potential sinkhole danger and threatened the health and safety of persons and property, including critical public infrastructure, which required immediate attention and constituted an emergency pursuant to Pacifica Municipal Code Section 4-2.02 and Public Contract Code Section 1102.

Such conditions are, or are likely to be, beyond the handling capability of the City’s services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair pursuant to Pacifica Municipal Code section 3-15.09 without giving notice for bids to let contracts. Immediate action is, and continues to be necessary, due to the clear and imminent danger presented by the eroded conditions and the large cavities under the street pavement on Hickey Boulevard from Skyline Boulevard to Firecrest Avenue. As such, on October 3, 2019 the City Manager did proclaim the existence of a local emergency within the City. The Proclamation of Local Emergency is attached to this staff report as Attachment 1.

Pursuant to Public Contract Code Section 22050, Council reviewed and affirmed, by an unanimous vote, the emergency action taken by the City Manager at the October 14, 2019 City Council meeting after the issuance of the proclamation (October 14, 2019).

Since Council’s ratification of the proclamation of the local emergency, City staff has completed the emergency repair at Hickey Boulevard. The situation resulting from the emergency conditions of extreme peril is now deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within Pacifica. The City Manager, as Director of Emergency Services, and staff now recommend the City Council approve the termination of the local emergency.

ALTERNATIVE ACTION:

Council may choose to not approve the termination of local emergency; however, such action may prolong an unnecessary declaration of an emergency to the general public. Staff does not recommend this alternate action.

FISCAL IMPACT:

The fiscal impacts associated with the emergency declared are covered under emergency CIP Projects and no additional budget authority is necessary as sufficient funds have been previously approved in the Wastewater Enterprise Fund for FY 2019-20 to pay for emergency CIP projects; however, staff will seek restitution and compensation from the outside contractor which caused this damage.

ORIGINATED BY:

Public Works - Wastewater Division

ATTACHMENT LIST:

Attachment A - Proclamation of Local Emergency - Hickey Blvd. (PDF)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA TERMINATING PROCLAMATION OF LOCAL EMERGENCY AT HICKEY BOULEVARD

WHEREAS, Section 4-2.01 et seq. of the Pacifica Municipal Code empowers 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, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on Saturday, September 28, 2019, Public Works Wastewater Division received a call out regarding a possible Sanitary Sewer Overflow on Hickey Boulevard near Gateway Drive; and

WHEREAS, after Public Works Wastewater Division staff investigated, and determined the sewer line on Hickey Boulevard from Skyline Boulevard to Firecrest Avenue was damaged at several locations and large cavities were forming from the erosion caused by the broken sewer main; and

WHEREAS, upon further investigation Staff learned that the damaged to the sewer main was caused by outside contractors conducting communication project using jack and bore method, and during construction their bore machine broke City’s sewer main at multiple locations on Hickey Boulevard; and

WHEREAS, these erosion conditions and the creation of large cavities under the street pavement presented potential sink hole danger and threatened the safety of persons and property, including critical public infrastructure which require immediate attention and constitute an emergency pursuant to Pacifica Municipal Code section 4-2.02; and
WHEREAS, such conditions were beyond the handling capability of the City’s services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair pursuant to Pacifica Municipal Code section 3-15.09 without giving notice for bids to let contract; and

WHEREAS, a local emergency existed in Pacifica in accordance with the proclamation thereof by the Director of Emergency Services on the 3rd day of October, 2019 and its ratification by the City Council on the 14th day of October, 2019 as a result of conditions of extreme peril to the safety of persons and property caused by damaged city sewer mains at several locations, and large cavities was forming from the erosion caused by the broken sewer main along Hickey Boulevard from Skyline Boulevard to Firecrest Avenue; and

WHEREAS, these erosion conditions and the creation of large cavities under the street pavement present potential sink hole danger and threaten the safety of persons and property, including critical public infrastructure; and

WHEREAS, the situation resulting from said conditions of extreme peril is now deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within Pacifica; and

WHEREAS, the City Manager, as Director of Emergency Services, and staff recommend that the City Council terminate the Proclamation of Local Emergency.

NOW, THEREFORE BE IT RESOLVED by the City Council of of the City of Pacifica, that the Proclamation of Local Emergency along Hickey Boulevard from Skyline Boulevard to Firecrest Avenue is hereby terminated.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of November 2019, by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

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Sue Vaterlaus, Mayor

APPROVED AS TO FORM:

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Michelle Marchetta Kenyon, City Attorney

ATTEST:

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Sarah Coffey, City Clerk
PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Section 4-2.01 et seq. of the Pacifica Municipal Code empowers 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, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on Saturday, September 28, 2019, Public Works Wastewater Division received a call out regarding a possible Sanitary Sewer Overflow on Hickey Boulevard near Gateway Drive; and

WHEREAS, after Public Works Wastewater Division staff investigated, and determined the sewer line on Hickey Boulevard from Skyline Boulevard to Firecrest Avenue was damaged at several locations and large cavities was forming from the erosion caused by the broken sewer main; and

WHEREAS, upon further investigation that the damaged to the sewer main was caused by outside contractors conducting communication project using jack and bore method, and during construction their bore machine broke City’s sewer main at multiple locations on Hickey Boulevard; and

WHEREAS, these erosion conditions and the creation of large cavities under the street pavement present potential sink hole danger and threaten the safety of persons and property, including critical public infrastructure which require immediate attention and constitute an emergency pursuant to Pacifica Municipal Code section 4-2.02; and

WHEREAS, such conditions are or are likely to be beyond the handling capability of the City’s services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair pursuant to Pacifica Municipal Code section 3-15.09 without giving notice for bids to let contracts; and

WHEREAS, the City provides this written notification to the San Mateo County and State CalEMA’s Regional and Headquarter offices of a proclamation of local emergency; and

WHEREAS, such proclamation shall be subject to confirmation by the Pacifica City Council at the earliest possible time.

NOW, THEREFORE, BE IT PROCLAIMED that, in accordance with State Law and the City of Pacifica Municipal Code, the Director of Emergency Services proclaims the existence of a local emergency along Hickey Boulevard from Skyline Boulevard to Firecrest Avenue.

DATED: October 3, 2019

By: Kevin Woodhouse  
Director of Emergency Services
SUBJECT:
Cancellation of December 23, 2019 City Council Meeting

RECOMMENDED ACTION:
Move to approve cancellation of the December 23, 2019 regular City Council meeting.

STAFF CONTACT:
Sarah Coffey, City Clerk
650-738-7409
coffeys@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
The City Council traditionally cancels the second council meeting in December to allow for a vacation period during the holiday season. Should the Council wish to cancel the regular City Council meeting scheduled to be held on Monday, December 23, 2019, the next regularly scheduled council meeting will be Monday, January 13, 2020.

FISCAL IMPACT:
None.

ORIGINATED BY:
City Clerk

ATTACHMENT LIST:
SUBJECT:
Authorization of contract with HdL to provide cannabis business inspection/audit services.

RECOMMENDED ACTION:
Move to authorize the City Manager to sign a contract with Hinderliter, de Llamas and Associates (HdL) to provide cannabis inspection compliance and financial audit services one (1) year from the effective date unless the agreement term is amended to extend the term of the Agreement or the Agreement is terminated in accordance with its terms.

STAFF CONTACT:
Daniel Steidle, Chief of Police
650-738-7314
Steidled@pacificapolice.org

Lorenzo Hines, Assistant City Manager
650-738-7301
Hinesl@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
In November 2017, Article 48 of Chapter 4 of Title 9 of the Pacifica Municipal Code was enacted regarding the regulation of cannabis business operations in the City of Pacifica. The complexity and uniqueness of cannabis business operations were understood by staff and City Council, with the understanding that inspections to assure compliance with state and local law, as well as fiscal audits were desired. The following municipal code section allows for these activities to occur:

Pacifica Municipal Code Sec. 9-4.4803. - Cannabis operations-General provisions.
   e) City access to and inspection of required records. A duly designated City Police Department or Finance Division representative may enter and shall be allowed to inspect the premises of every cannabis operation as well as the financial and membership records of the cannabis operation required by this article at any time during the cannabis operation's designated business hours, or at any appropriate time to ensure compliance and enforcement of the provisions of this article. It shall be unlawful for any owner, operator, or any other person having any responsibility over the operation of the cannabis operation to refuse to allow, impede, obstruct or interfere with an inspection of the cannabis operation or the required records thereof. A cannabis operation shall not conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis operation under this article.

Also in November 2017, Chapter 18 of Title 3 of the Pacifica Municipal Code was enacted relating to cannabis business operation tax. The following section relates to the enforcement component of the cannabis business operation tax:
Sec. 3-18.13. - Enforcement

(b) The City Manager shall have the power to examine and audit all financial and operational records of cannabis operations as well as persons engaged in the retailer of a cannabis operation, including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of a cannabis operation or persons engaged in the operation of a cannabis operation, for the purpose of ascertaining the amount of tax, if any, required to be paid by the provisions of this chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this chapter. If such cannabis operation or person, after written demand by the City Manager, refuses to make available for audit, examination or verification such books, records, or equipment as the City Manager requests, the City Manager may, after full consideration of all information within the City Manager's knowledge concerning the cannabis operation and its business and activities of the person so refusing, make a determination of the tax due using the procedures set forth in this chapter. Said assessment shall include the reasonable costs and expenses borne by the City in conducting an audit and examination pursuant to this section.

Currently, the City contracts with HdL for services related to sales taxes. HdL was also utilized as a consultant for the City during the creation of cannabis business ordinances.

The HdL cannabis services team has experience implementing medicinal and adult use cannabis regulatory programs including land-use regulations and permit processes, developing regulatory ordinances, staffing plans, cost recovery fees, business tax fees, and audit programs to ensure businesses are maintaining regulatory and tax compliance. HdL has conducted over 10,000 cannabis compliance inspections and investigations in California, Colorado and Nevada.

Under the proposed contract, HdL will conduct two on-site compliance inspections annually for each permitted cannabis business to determine compliance with State and/or local laws, including but not limited to PMC 4.4803 (e) and recognized best practices. In addition, HdL will conduct an annual financial audit of each permitted cannabis business as directed by the City Manager, or his designee, pursuant to PMC 3-18.13 (B) to verify the accuracy of the revenue reported to the City during the review period and will recommend a tax/fee assessment should the audit reveal any unreported revenue.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Contracting for compliance inspection and fiscal audits of cannabis business operations supports the City Council goals of maintaining a Healthy and Compassionate Community and Fiscal Sustainability.

FISCAL IMPACT:

The maximum yearly expenditure under this contract is $54,000. For FY 2019-20, staff anticipates only $17,000-$20,000 will be expended from this contract, given that only two of the City’s six cannabis business licensees are actually open. These contract expenditures will be supported by the $23,000 in cannabis public safety licensing fees the City will receive during FY 2019-20.

ORIGINATED BY:

Police
Assistant City Manager
ATTACHMENT LIST:

Attachment 1: HdL Cannabis Services Agreement (DOCX)
PROFESSIONAL SERVICES AGREEMENT

AGREEMENT

This Professional Services Agreement ("Agreement") is made and entered into this _____ day of ____________, 2019 (“Effective Date”) by and between the City of Pacifica ("City"), and Hinderliter, de Llamas and Associates, a California Corporation ("Consultant" or “HdL”). City and Consultant are sometimes individually referred to as “Party” or “City” or “Consultant” or collectively as “Parties.”

RECITALS

WHEREAS, City has determined that it requires the following professional services from an independent consultant: to provide Cannabis Management Services, more particularly described in the Scope of Services, attached hereto and hereinafter incorporated by reference as Exhibit A; and

WHEREAS, Consultant represents and warrants that it is fully qualified to perform such professional services by virtue of specialized experience and training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, the City Council of the City on _______________, by Resolution No. _______ authorized execution of this Agreement on behalf of the City in accordance with the City Municipal Code and/or other applicable law;

NOW, THEREFORE, City and Consultant, for the consideration hereinafter described, mutually agree as follows:

1. SCOPE OF SERVICES

Consultant shall provide all materials and labor to perform this Agreement as set forth in Exhibit A attached hereto. In the event of a conflict between the language of Exhibit A and this Agreement, this Agreement shall prevail.

2. TERM

The Agreement term will commence on the Effective Date and expire one (1) year from the Effective Date unless the Agreement term is amended to extend the term of the Agreement or the Agreement is terminated in accordance with its terms.
3. PAYMENT TERMS AND NOT TO EXCEED AMOUNT

   a. City agrees to pay Consultant for Services that are actually performed in accordance with this Agreement and the rates identified in Exhibit B attached hereto and hereinafter incorporated by reference. To be eligible for payment, Consultant invoices must be submitted not more often than monthly to the City and list the Services performed and the amounts to be paid according to the cost categories and prices in Exhibit B.

   b. In no event will the City’s obligation to pay the Consultant under this Agreement exceed $54,000 (the “Not to Exceed Amount”), unless this Agreement is first modified in accordance with its terms.

   c. Where the Proposal provides for compensation on a time and materials basis, Consultant must maintain adequate records to permit inspection and audit of Consultant’s time and material charges under this Agreement. Consultant will make such records available to the City during normal business hours upon reasonable notice. If the Not to Exceed Amount is greater than $10,000, then in accordance with California Government Code § 8546.7, this Agreement shall be subject to the examination and audit of the California State Auditor, at the request of the City or as part of any audit of the City, for a period of three years after final payment.

   d. All invoices submitted by Consultant to City shall be paid no later than thirty (30) days following the invoice date. City shall not be invoiced for any Services totaling less than an hour in any month. Any invoices not paid in accordance with the Thirty (30) day payment terms, shall accrue monthly interest at a rate equivalent to ten percent (10%) per annum until paid.

4. INDEPENDENT CONTRACTOR

Consultant and City agree that the Consultant will perform the Services as an independent contractor and not as an employee or agent of the City. Persons employed or utilized by Consultant in the performance of the Services will not be employees or agents of the City. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

5. NON-ASSIGNMENT

This Agreement is not assignable either in whole or in part by Consultant without the written consent of the City.
6. STANDARD OF PERFORMANCE

a. Consultant will perform the Services in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged, in the same or similar geographical area in which Consultant practices its profession, and will prepare all work products required by this Agreement in accordance with such standards. Consultant will comply with federal, state and local laws and regulations applicable to performance of the Services, including but not limited to, the California Building Standards Code as in effect in the City, the Americans with Disabilities Act, any air pollution control laws and regulations applicable to Consultant, and any laws and regulations related to any copyright, patent, trademark or other intellectual property right involved in performance of the services. Consultant's Failure to comply with any law(s) or regulation(s) applicable to the performance of the services hereunder shall constitute a material breach of this agreement.

b. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

7. OTHER GOVERNMENTAL REGULATIONS

To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

8. INDEMNITY

To the maximum extent permitted by law, Consultant shall, at its own expense, indemnify, defend with counsel acceptable to the City, (which acceptance will not be unreasonably withheld), and hold harmless City and its officers, officials, employees, agents and volunteers ("Indemnitees") from and against any and all liability, loss, damage, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, civil penalties and fines, expenses and costs (including, without limitation, claims expenses, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature, whether actual, alleged or threatened, arising out of or in connection with the Services or Consultant's failure to comply with any of the terms of this Agreement, regardless of any fault or alleged fault of the Indemnitees.

The Consultant's obligation to indemnify, defend and hold harmless under this provision shall not be excused because of the Consultant's inability to evaluate Liability, or because the Consultant evaluates Liability and determines that the Consultant is not or may not be liable. The Consultant must respond within 30 calendar days to any tender for defense and indemnity by the City, unless the time for responding is extended by an
authorized representative of the City in writing. If the Consultant fails to accept tender of
defense and indemnity within 30 calendar days, in addition to any other remedies
authorized by law, so much of the money due or that may become due the Consultant
under this Agreement as shall reasonably be considered necessary by the City, may be
retained by the City until disposition has been made of the matter subject to tender, or
until the Consultant accepts the tender, whichever occurs first.

The Consultant waives any and all rights to express or implied indemnity against the
Indemnitees concerning any Liability of the Consultant arising out of or in connection
with the Services or Consultant’s failure to comply with any of the terms of this
Agreement.

9. INSURANCE

Consultant and Consultant’s employees, subcontractors, consultants and other agency
shall procure, provide and maintain at all times during the performance of this
Agreement, and for such additional periods as described herein, the insurance listed
below with insurers licensed to do business in the State of California and with a Best's
rating of no less than A:VII.

Commercial Automobile Liability Insurance. Commercial Automobile Liability Insurance
providing bodily injury liability and property damage, to protect against all liability arising
out of the use of any owned, leased, passenger or commercial automobile at a
minimum amount of $1,000,000 combined single limit and $2,000,000 aggregate.
Coverage shall apply to hired and non-owned autos.

Commercial General Liability Insurance. Commercial General Liability Insurance, with
limits providing a minimum amount of $1,000,000 combined single limit coverage for
each occurrence, $2,000,000 general aggregate and $2,000,000 products/completed
operations aggregate. The insurance shall cover all operations including but not limited
to the following: (1) premises, operations and mobile equipment liability; (2) completed
operations and products liability; (3) contractual liability insuring the obligations
assumed by CONSULTANT in this Agreement; (4) broad form property damage liability;
(5) personal injury liability endorsement, including death; and (6) automobile bodily
injury and property damage insurance, including all owned, hired and non-owned
equipment.

Professional Liability Insurance. Professional Liability Insurance protecting against
liabilities arising out of or in connection with negligent acts, errors, or omissions of
Consultant and Consultant’s employees, subcontractors, consultants and other agency
in connection with this Agreement, at a minimum amount of $2,000,000 combined
single limit coverage and $2,000,000 aggregate, on a "claims made basis" with a
continuation of coverage extension for liabilities for two years from the date the Services
are substantially complete. Such professional liability policies shall include coverage for
liability assumed by the CONSULTANT under this Agreement.
Workers Compensation Insurance. Workers Compensation insurance, occupational disease insurance and employer’s liability insurance shall be required with minimum limits as required by law, covering all workplaces involved in this Agreement.

Policy Terms. Concurrently with execution of this Agreement, Consultant shall provide City with Certificates of Insurance evidencing that Consultant has obtained or maintains the insurance required by this Section. The Certificates shall be on forms acceptable to City. Consultant shall also furnish City with original endorsements with the following documentation:

- Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after City shall have received written notification thereof from Consultant by United States mail;
- Providing that Consultant’s insurance shall apply separately to each insured against whom claim is made or suit is brought, and include a “separation of insureds” or “severability” clause which treats each insured separately, except with respect to the limits of the insurer's liability (cross-liability endorsement);
- Excepting Consultant’s professional liability insurance, naming City, its City Council, boards, commissions, committees, officers, employees and agents as additional insureds (“Additional Insureds”); and
- Providing that for any claims relating to Consultant’s services hereunder, Consultant's insurance coverage shall be primary insurance with respect to City, its City Council, boards, commissions, committees, officers, employees and agents, and that any insurance or self-insurance maintained by City for itself, its City Council, boards, commissions, committees, officers, employees and agents shall be in excess of Consultant's insurance and shall not be contributory with it.

- It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverages requirements and/or limits shall be available to the Additional Insured, including but not limited to any umbrella or excess insurance. Furthermore, the requirements for coverage and limits shall be the greater of: (a) the minimum coverage and limits specified in this Agreement; or (b) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured.

Material Breach. If Consultant fails to maintain insurance coverage or provided insurance documentation which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. City, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, City may purchase the required insurance coverage, and without further notice to Consultant, may deduct from sums due to Consultant any premium costs advanced by City for such insurance. These remedies shall be in addition to any other remedies available to City.
10. LICENSES & PERMITS

a. BUSINESS LICENSE

Before the City will issue a notice to proceed with the Services, Consultant must acquire, at their expense, a business license from the City in accordance with the City’s Municipal Code. Such licenses must be kept valid throughout the Agreement term.

b. OTHER LICENSES AND PERMITS

Consultant represents and warrants to City that Consultant and its employees and agents have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

11. OWNERSHIP OF WORK PRODUCTS AND TREATMENT OF DOCUMENTS

All reports and other documents prepared by Consultant pursuant to this Agreement shall be and remain the property of the City. Any modification or reuse of such documents by the City without Consultant’s prior written consent will be at the City’s sole risk. Any proprietary software or other proprietary system used to perform the Services shall be owned by the Consultant. Except as may be otherwise required by law, Consultant will disclose no data, plans, specifications, reports or other documents pertaining to the Services without the prior written consent of City.

12. TERMINATION AND REMEDIES

a. City and Consultant may terminate this Agreement for convenience by giving at least thirty (30) days written notice to the other Party providing the termination effective date. City shall pay Consultant for all Services actually performed in accordance with this Agreement through the termination effective date.

b. If Consultant materially breaches any term of this Agreement, in addition to any other remedies the City may have at law or equity, the City may:

   (1) Terminate the Agreement by notice to the Consultant specifying the termination effective date;

   (2) Complete the unfinished Services itself or have the unfinished Services completed, and/or;

   (3) Charge Consultant, or deduct from monies that may be due or become due the Consultant under this Agreement, the difference between the cost of completing the unfinished Services pursuant to this Agreement and the amount that would otherwise be due Consultant had Consultant completed the Services in accordance with this Agreement.
13. **BINDING EFFECT AND ASSIGNMENT PROHIBITION**

This Agreement is binding upon City, Consultant, and their successors.

14. **CONFLICT OF INTEREST PROHIBITION**

a. City and Consultant will comply with the requirements of the City’s Conflict of Interest Code adopted pursuant to California Government Code §87300 et seq., the Political Reform Act (California Government Code §81000 et seq.), the regulations promulgated by the Fair Political Practices Commission (Title 2, §18110 et seq. of the California Code of Regulations), California Government Code §1090 et seq., and any other ethics laws applicable to the performance of the Services and/or this Agreement. Consultant may be required to file with the City Clerk a completed Form 700 before commencing performance of the Services unless the City Clerk determines that completion of a Form 700 is not required, pursuant to City’s Conflict of Interest Code. Form 700 forms are available from the City Clerk.

b. Consultant may not perform Services for any other person or entity that, pursuant to any applicable law or regulation, would result in a conflict of interest or would otherwise be prohibited with respect to Consultant’s obligations pursuant to this Agreement. Consultant agrees to cooperate fully with City and to provide any necessary and appropriate information requested by City or any authorized representative concerning potential conflicts of interest or prohibitions concerning Consultant’s obligations pursuant to this Agreement.

c. Consultant may not employ any City official, officer or employee in the performance of the Services, nor may any official, officer or employee of City have any financial interest in this Agreement that would violate California Government Code §1090 et seq. Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 et seq., the entire Agreement is void and Consultant will not be entitled to any compensation for Consultant’s performance of the Services, including reimbursement of expenses, and Consultant will be required to reimburse City for any sums paid to Consultant under this Agreement. Consultant understands that, in addition to the foregoing, penalties for violating Government Code §1090 may include criminal prosecution and disqualification from holding public office in the State of California.

d. Any violation by Consultant of the requirements of this provision will constitute a material breach of this Agreement, and the City reserves all its rights and remedies at law and equity concerning any such violations.
15. APPLICABLE LAW AND VENUE

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and the interpretation of this Agreement. Any action or proceeding that is initiated or undertaken to enforce or interpret any provision, performance, obligation or covenant set forth in this Agreement shall be brought in a state court in San Mateo County or the U.S. District Court for the Northern District of California.

16. RECOVERY OF ATTORNEYS' FEES

If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret any term of this Agreement, the prevailing party will be entitled to reasonable attorneys’ fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

17. THIRD PARTIES

Nothing contained in this Agreement shall create a contractual relationship with, or cause of action in favor of, a third party against either the City or Consultant. Consultant’s Services hereunder are being performed solely for the benefit of City. Notwithstanding the foregoing, City shall be an express third-party beneficiary of all contracts between Consultant and any subcontractors or subconsultants for any services performed in connection with, or in furtherance of, this Agreement.

18. WAIVER

No failure on the part of either Party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder. A waiver by either City or Consultant of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party’s rights with respect to any other further breach.

19. SEVERABILITY

If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged will remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

20. NOTICES

All notices sent by a Party under this Agreement shall be in writing and shall be deemed properly delivered to the other Party as of the date of receipt, if received on a business
day prior to 3:00 PM local time, or otherwise on the next business day after receipt, provided delivery occurs personally, by courier service, or by U.S. mail to the other Party at its address set forth below, or to such other address as either Party may, by written notice, designate to the other Party. Notices to Consultant shall be sent to HINDERLITER, de LLAMAS and ASSOCIATES, 120 S State College Blvd., Suite 200, Brea, CA 92821; and notices to CITY shall be sent to CITY OF PACIFICA, 2075 Coast Highway, Pacifica, CA 94044.

21. ENTIRE AGREEMENT

This Agreement expresses the full and complete understanding of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous proposals, agreements, representations and understandings, whether written or oral, with respect to the subject matter. This Agreement may not be amended or modified except in writing signed by each of the Parties. This Agreement shall be construed as to its fair meaning and not strictly for or against either Party. The headings hereof are descriptive only and not to be construed in interpreting the provisions hereof.

22. COUNTERPARTS; AUTHORITY

This Agreement may be executed in any number of counterparts, each of which will constitute an original and all of which, when taken together, will constitute one agreement. Any signature pages of this Agreement transmitted by facsimile or sent by email in portable document format (PDF) will have the same legal effect as an original executed signature page. Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms

***
IN WITNESS WHEREOF, the parties have caused their authorized representative to execute this Agreement on the date first written above.

CITY

By: ____________________________
   KEVIN WOODHOUSE, City Manager

CONSULTANT
HINDERLITER, DE LLAMAS & ASSOCIATES
A California Corporation

By: ____________________________
   ANDREW NICKERSON, President

ATTEST:

By: ____________________________
   Sarah Coffey, City Clerk

APPROVED AS TO FORM:

By: ____________________________
   Michelle Marchetta-Kenyon, City Attorney

Exhibits: Exhibit A – Scope of Work
          Exhibit B – Compensation
EXHIBIT A
SCOPE OF SERVICES

The City of Pacifica is seeking the services of HdL Companies to provide annual financial audits and compliance inspections of all permitted cannabis businesses operating within the City. The City has also expressed interest in a number of other possible services, including providing background checks for individuals associated with cannabis businesses applications. The specific objectives contained within this scope of services are as follows:

**Objective 1: On-Site Business Compliance Inspections**
HdL will conduct two on-site compliance inspections annually for each permitted cannabis business to determine compliance with State and/or local laws, including but not limited to PMC 4.4803 (e) and recognized best practices. If HdL identifies any non-compliant activities, we will provide the City with a recommended appropriate action to address the deficiency and to ensure future compliance by the permittee.

The cost for these services includes all of the following:

- Notifying permittee of pending inspection
- 2-hour on-site inspection to ensure that each business complies with all State and local laws and regulatory protocols for all of the following:
  - Inventory management
  - Cash handling procedures
  - Access control
  - Video surveillance
  - Product safety
  - Alarm system maintenance and safety
  - Lock standards
  - Packaging and labeling
  - Waste management
  - Transportation documentation
  - Surveillance equipment maintenance
  - Occupational badges
  - Business records
  - Other items as necessary to ensure compliance with laws

- Preparation of a draft report detailing the findings of the inspection and providing recommendations for improvement where needed. If the inspection identifies any violations of law or other non-compliance issues, then HdL will prepare a notice to comply as an included part of the report. The notice will be issued to the business by the City.
- All travel costs associated with the inspections.
- All phone, email and other communications involved in preparing for, scheduling and coordinating the inspections and providing the report.

**Objective 2: Conduct Annual Financial Audits**
HdL will conduct an annual financial audit of each permitted cannabis business as directed by the City Manager, or his designee, pursuant to PMC 3-18.13 (B) to verify the accuracy of the revenue reported to the City during the review period and will recommend a tax/fee assessment should the audit reveal any unreported revenue. As part of the process, HdL will conduct an analytical review of the business using the proprietary Cannabis Analytical Tracking Solution (CATS™) program to ensure there is no diversion of product or cash. Our unique audit approach allows us to identify if a cannabis operator is under-reporting its taxes/fees or diverting product from its facility. HdL audit staff will also use information gathered as a part of compliance inspections to assist with the financial audit.

HdL will help the City prepare a notification letter to send to the business to start the audit. The letter will contain pertinent information about the audit, including a list of the records requested and a request for access to the business’ point of sale system. HdL recommends the notification letter be sent by the City to encourage cooperation from the business and communicate HdL’s authority to conduct the audit. The audit shall include:

- Field visit
- Gross receipts verification
- CATS™ Analytic Review
- Inventory review (subject to access to the track and trace system)
- POS data entry requirements review
- Preparation and issuance of report
- Exit conference with the City

HdL will provide a draft audit report to the commercial cannabis business, which will be issued to the business by the City. The business will be given the appropriate time to respond or appeal the report in accordance with the City ordinances including, but not limited to, PMC sections 3-18.14(b) and 3-17.10 and 3-17.13. HdL will review any documentation provided by the business to dispute the findings and will adjust the tax/fee assessment as necessary prior to issuing the final report to the City.

**Objective 3: Contingency (Optional)**
Consultant shall be available to provide up to 10 hours of additional assistance on an as-needed basis at the City’s request. Such assistance may include monitoring of changes to State laws and regulations, understanding of the industry, participation in conference calls, responding to staff inquiries via phone and email, reviewing staff reports to the City Council, assisting with responses to inquiries from the public, or other issues yet to be determined as requested by the City. Contingency funds may only be accessed upon authorization from the City.
**Additional Services**
This cost does not include any follow-up re-inspection or review of any supplemental documents provided to address or contest any findings of non-compliance, nor does it include any assistance with the appeal of any enforcement action taken by the City. Any costs associated with such additional services must first be approved by the City and would be billed at HdL’s hourly rate.

**Background Checks**
HdL is also qualified to provide supplemental background checks for principals of the business as part of the application process. In addition, HdL shall provide background checks for employees who will be working at the regulated businesses as requested by City. The cost to provide initial background checks shall be $300 per person for management staff and $150 per person for line staff. For annual renewals they shall be $150 per person for management staff and $100 per person for line staff. Price includes an employee identification card designed by HdL with the City’s logo which meets all State requirements.

**Additional Compliance Inspections**
HdL’s Cannabis Management Team has over 46 years combined experience conducting approximately 16,000 cannabis compliance inspections, financial audits and investigations in Colorado, California and Nevada. HdL can provide annual compliance inspections at the following rates for each cannabis business permitted in the City.

- **A.** Conduct three (3) compliance inspections annually for each permit at a rate of $3,750.
- **B.** Conduct four (4) compliance inspections annually for each permit at a rate of $5,000.
EXHIBIT B
COMPENSATION

Services are broken down into specific line items in the cost table below. Some of these services may include both fixed costs for developing and initiating each of the various components of the program and variable costs based on the number of applicants or businesses. HdL’s fees are based on time, materials and travel-related expenses associated with the execution of the services.

All costs under objectives 1 and 2 of this proposal would be borne by the cannabis business as a part of their annual permit cost. The hours and costs in the table below do not include any additional items that are not contemplated by this scope of services. Any additional services requested by the City will be billed at HdL’s hourly rate. The hourly rates, plus travel related costs are in effect as of the Effective Date are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>$300</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>$250</td>
</tr>
<tr>
<td>Compliance Manager</td>
<td>$250</td>
</tr>
<tr>
<td>Audit Manager</td>
<td>$250</td>
</tr>
<tr>
<td>Senior Policy Advisor</td>
<td>$250</td>
</tr>
<tr>
<td>Project Administrator</td>
<td>$195</td>
</tr>
<tr>
<td>Senior Auditor</td>
<td>$195</td>
</tr>
<tr>
<td>Senior Compliance Inspector</td>
<td>$195</td>
</tr>
<tr>
<td>Administrative</td>
<td>$75</td>
</tr>
</tbody>
</table>

### Scope of Service Objectives

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective 1:</strong></td>
<td>Conduct annual financial audits of all licensed cannabis businesses.</td>
<td>$6,000 per permittee per year</td>
</tr>
<tr>
<td><strong>Objective 2:</strong></td>
<td>Conduct 2 regulatory compliance reviews annually for each cannabis business to ensure ongoing compliance with State and local regulations¹.</td>
<td>$2,500 per permittee per year</td>
</tr>
<tr>
<td><strong>Objective 3 (Optional):</strong></td>
<td>Provide a contingency of up to 10 hours of additional assistance, to be used as needed at the City’s request.</td>
<td>10 hours/$3,000</td>
</tr>
</tbody>
</table>

**TOTAL**                                                                 $8,500 per permittee per year
SUBJECT:

Issue One (1) Residential Development Allocation Under the City’s Growth Management Ordinance for Construction of a Single-Family Residence at 21 Ohlone Ct. (formerly 4096 Fassler Ave.) within the Harmony at One Subdivision (APN 022-150-030).

RECOMMENDED ACTION:

Move that the City Council issue one (1) residential development allocation for construction of a single-family residence at 21 Ohlone Ct. within the Harmony at One Subdivision (APN 022-150-030).

STAFF CONTACT:

Tina Wehrmeister, Planning Department Director
(650) 738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

In January 1982, the Pacifica City Council adopted Ordinance No. 322-C.S., which provided for controlled residential growth through 1992. The provisions of the GMO are codified in Chapter 5 of Title 9 of the Pacifica Municipal Code. Additionally, portions of Chapter 5, Title 9 were revised in July, 1993 by Ordinance No. 604-C.S., including extending the expiration date for the ordinance to June, 1997. The City Council has extended the “Growth Management Ordinance” (GMO) several times since 1997. Most recently, the City Council enacted Ordinance No. 817-C.S. extending the GMO until June 30, 2022. The purpose of the GMO is to control the rate of residential growth in the City to ensure:

- 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, properly manage the process and timing of the conversion of open space resources and agricultural land to other uses.

The GMO establishes a process for issuing a residential development allocation, or RDA, prior to issuance of a building permit for construction of a new dwelling unit. The GMO authorizes 70 RDAs per year and provides that unused allocations will accrue from year-to-year, creating a rollover balance. Individual applicants are entitled to no more than 20 percent of the annual balance of RDAs during a given fiscal year. Certain types of new residential development are exempt from the requirement for an RDA, including without limitation individual single-family dwellings on existing lots; affordable and senior housing; and accessory dwelling units.

The Competitive Evaluation System procedures for issuance of RDAs provide that, in years when there are fewer applicants than available permits, the City Council can grant allocations
on an as-needed basis throughout the year. As of the most recent availability of 70 new RDAs for Fiscal Year 2019-2020 on July 1, 2019, the balance of unallocated RDAs was 1,757. No other RDA applications are pending. An excess of available RDAs has accrued due to the slow pace of residential development in Pacifica in recent years.

PMC section 9-5.11 indicates that after June 30, 2020, Chapter 5 will 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.

Current Request
Staff has received a request for one RDA to permit construction of one single-family residence on an undeveloped lot contained within the Harmony at One Subdivision (APN 022-150-030). The site is located at the eastern terminus of Ohlone Court, one of two recently-named streets within the Harmony at One Subdivision (the other being Ohlone Drive).

The allocation for the project, if granted, would be taken from the balance of 1,757 RDAs, resulting in a balance of 1,756 available RDAs. Additionally, if the allocation for this project is granted, it would expire on June 30, 2021, unless a building permit has been issued by such date.

Prior Project Approvals
The Planning Commission conditionally approved the Harmony at One project on October 15, 2007. Condition No. 59 of the Planning Commission's approval required granting of an RDA prior to issuance of a building permit for all new residential units. The Planning Commission conditionally approved the subject single-family residence by adopting Resolution No. 2018-005 on October 1, 2018 (Attachment A). Condition No. 17 of Resolution No. 2018-005 requires compliance with various conditions of approval of the original Harmony at One project, including but not limited to Condition No. 59 requiring the granting of an RDA prior to issuance of a building permit.

California Environmental Quality Act
The City previously reviewed development of the subject site in the “Harmony @ 1 Roberts Road Subdivision Final Environmental Impact Report,” certified by the Planning Commission on October 15, 2007, and certified by the City Council on November 13, 2007. The draft and final EIRs are available for review on the Planning Department’s website at the following link: <http://www.cityofpacifica.org/depts/planning/environmental_documents>.

As captured in Resolution No. 2018-005, the Planning Commission found that the proposed single-family residence is in substantial conformance to the development of Lot D which was evaluated in the Final EIR. Thus, no further environmental review is necessary.

ALTERNATIVE ACTION:
N/A

FISCAL IMPACT:
No direct fiscal impact.

ORIGINATED BY:
Planning Department
ATTACHMENT LIST:
Attachment A - Planning Commission Resolution No. 2018-005 (PDF)
RESOLUTION NO. 2018-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-822-17 AND USE PERMIT UP-87-17 (FILE NO. 2017-023), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A VACANT LOT IN THE A (AGRICULTURE)/B-5 (LOT SIZE OVERLAY)/HPD (HILLSIDE PRESERVATION DISTRICT OVERLAY) ZONING DISTRICT AT 4096 FASSLER AVENUE (APN 022-150-030), AND FINDING THE PROJECT CONSISTENT WITH THE "HARMONY@1 ROBERTS ROAD SUBDIVISION FINAL ENVIRONMENTAL IMPACT REPORT" CERTIFIED BY THE PLANNING COMMISSION ON OCTOBER 15, 2007, AND CERTIFIED BY THE CITY COUNCIL ON NOVEMBER 13, 2007.

Initiated by: Ray Johnston ("Applicant").

WHEREAS, an application has been submitted to construct a new 5,899-square foot, two-story single-family residence and a 735-square foot three-car detached garage on an 86,940 square foot vacant lot at 4096 Fassler Avenue (APN 022-150-030) also known as Lot D of the Harmony @ 1 subdivision; and

WHEREAS, the project requires approval of a Site Development Permit, prior to issuance of a building permit, pursuant to Section 9-4.1901(d)(1) of the Pacifica Municipal Code because the project site is located in an A (Agriculture) zoning district; and

WHEREAS, the project requires approval of a Use Permit, prior to issuance of a building permit, pursuant to Section 9-4.1901(d)(1) of the Pacifica Municipal Code because the project site is located in A (Agriculture) zoning district; and

WHEREAS, the Planning Commission desires to authorize amendments to the conditions of approval applicable to the Harmony @ 1 subdivision approved by the Planning Commission on October 15, 2007, which exceptions affect Condition No. 2 of that approval related to maximum floor area of residential units and Condition No. 4 of that approval relating to fences; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on October 1, 2018, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

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

A. The above recitals are true and correct and material to this Resolution.

B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby find that the project is consistent with the "Harmony@1 Roberts Road Subdivision Final Environmental Impact Report", certified by the Planning Commission on October 15, 2007 and certified by the City Council on November 13, 2007.
The Final EIR evaluated development of a single-family residence with an attached accessory dwelling unit (i.e., second unit) on the subject site, Lot D. A summary of the development’s characteristics as evaluated in the Final EIR is contained in Table 1, below:

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Size/Area (in square feet)</th>
<th>Height</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residence with attached ADU</td>
<td>4,300</td>
<td>26'-2&quot;</td>
<td>Floor area reduced from 5,949 sq. ft. in the Draft EIR. Draft EIR included detached ADU of 750 sq. ft.</td>
</tr>
<tr>
<td>Impervious surface (structure plus hardscape)</td>
<td>17,500</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Table 1 – Summary of Lot D Development in Final EIR*

The floor area of the single-family residence with attached accessory dwelling unit on Lot D was evaluated at a height of 26'-2", a floor area of 4,300 square feet, and a total on-site impervious surface proposed at 17,500 sq. ft. The proposed project’s floor area of 5,899 sq. ft. is an increase of 37% over the 4,300 sq. ft. floor area evaluated in the Final EIR. However, the building height has been reduced by 4.7% to 25'-0" from 26'-2", and total impervious surface on the site has been reduced by 54% to 8,019 sq. ft. from 17,500 sq. ft.

Although much larger in floor area than the project evaluated in the Final EIR, the Planning Commission has not identified any significant environmental impact attributable to the floor area increase. Rather, the nature of the project remains the same (one single-family residence), and the environmental impacts of development of a single-family residence at the site were properly evaluated and mitigated in the Final EIR. Moreover, building height and impervious surface on the site have been reduced, reinforcing a determination that impacts are equal to or less than those evaluated in the Final EIR.

Therefore, when considering the project as a whole, the proposed project is substantially consistent with the development evaluated in the Final EIR, and does not include substantial changes from the project evaluated in the Final EIR which could result in potentially significant environmental impacts. The Planning Commission accordingly has concluded that the project is substantially consistent with the Final EIR, and that the circumstances provided in Public Resource Code section 21166 for requiring a subsequent or supplemental EIR have not been met.

Although the subject project does not require additional environmental review, it remains subject to important mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP) included as part of the Harmony @ 1 Final EIR which would reduce potentially significant impacts from the entire project to a less than significant level. The MMRP is included as Exhibit B to this Resolution and incorporated by reference and Exhibit A of this Resolution includes a condition of approval to require compliance with the MMRP.
BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby find that development of Lot D shall be subject to the 2007 Conditions of Approval Nos. 1-2, 4-21, 26-30, 33-35, 38-56, and 58-79 of the Harmony @ 1 subdivision approved by the Planning Commission on October 15, 2007, included as Exhibit C to this Resolution and incorporated herein by reference. Except, however, that the Planning Commission expressly grants the following amendments to the Harmony @ 1 subdivision conditions of approval identified below as they apply to Lot D of the Harmony @ 1 subdivision:

A. Condition No. 2: The maximum floor area of all residential units on the subject site, including without limitation any accessory dwelling unit (ADU) which shall be constructed on the site, shall be 5,899 square feet.

B. Condition No. 4: Fencing and gates on the site may be installed subject to the following standards:

- Fencing shall be limited to the front setback area and may be installed along the front property line.

- Fence height shall be limited to four feet provided the fence installed qualifies as an “open work” fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).

- The fence shall be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.

- Additional fencing may be installed outside of the front setback in the area surrounding the pool and spa to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J of the staff report of October 1, 2018, for an enclosed area not to exceed 6,000 square feet.

BE IT FURTHER RESOLVED that the City of Pacifica has not restricted development of the subject site Lot D to conformance with the Harmony @ 1 subdivision covenants, conditions, and restrictions (CC&Rs) and that development of the site may proceed in accordance the authority granted by this Resolution issuing the above entitled Permits.
BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Site Development Permit PSD-822-17:

a. That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.

Development of a single-family residence on the subject site was envisioned as part of the Harmony @ 1 subdivision at which time traffic patterns in the area were evaluated and subdivision improvements including the access road for the Harmony @ 1 subdivision were designed and constructed accordingly. As a result, construction of the subject residence and subsequent traffic would not create hazardous or inconvenient vehicular or pedestrian traffic patterns as access to this lot was incorporated in the plans for the Harmony @ 1 subdivision. This access is provided through the subdivision access road that culminates in a cul-de-sac at the western property line of the subject project site. The project would include a 14'-0" wide driveway from an existing 20'-0" curb cut to provide access to the proposed garage and interior of the site. The proposed driveway width complies with the applicable standard in PMC Section 9-4.2813(c)(2). The site is also fronted by a sidewalk which provides pedestrian connectivity beyond the Harmony @ 1 subdivision.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

b. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses.

The project would include a driveway entrance of 14'-0" in width, which complies with the standard in section 9-4.2813(c)(2) of the PMC. The proposed garage and driveway would exceed the two covered parking spaces and two uncovered guest parking spaces requirements of the HPD zoning standards. These parking areas would provide ample off-street parking such that vehicles parking at or near the site would not create a hazardous or inconvenient condition to adjacent or surrounding uses.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

c. That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.

The applicant has proposed to locate the trash storage area (a service area within the meaning of this finding) inside the detached garage structure, which is set into the hillside. Proposed plantings on either side of the driveway would partially screen the detached garage and the
guest parking area to its rear from the cul-de-sac providing entry to the site. The adjoining building site area located to the northwest of the 1.99-acre project site is separated from the proposed buildings on the site with existing scrub and proposed landscaping. The parking area on the site for guest parking is so located that it is not anticipated to be visible from adjoining properties through the tree screen proposed near the entrance to the subject property, on the northwestern side.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

d. That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.  

The parcels of the Harmony @ 1 subdivision to the northwest of the project site are currently undeveloped; thus, the proposed development could not restrict or cut out light or air from structures on property in the neighborhood. The large setbacks proposed with the subject development, ranging from 40 to 180 feet would also ensure that if such adjacent properties are developed in the future, access to light and air would remain unaffected. Also, adjacent properties in the Harmony @ 1 subdivision have prescribed building areas on each lot which were carefully reviewed at the time of subdivision approval to ensure each lot could be appropriately developed in the future, irrespective of any development on the subject site. As such, the proposed development will not unreasonably restrict or cut out light and air on the property or on other property in the neighborhood, and will not discourage the development of other sites in the subdivision for residential use or impair their value.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

e. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area.

The proposed development is a residential project and no improvements to any commercial or industrial structures are proposed. Therefore, this finding is inapplicable to the subject project.

f. That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of the Municipal Code.

The 1.99-acre project site contains native grasses and its perimeter is vegetated with manzanita, Monterey Cypress and other native plant materials in good condition. In the vicinity of the area of the lot proposed for development, there is one tree identified as a “pine” on Sheet C-2 of Attachment J, the grading plan for the project. As the grading plan demonstrates, no grading will occur within the dripline of this tree which is a heritage tree.
All previous modifications to natural features were approved as part of the Harmony subdivision in accordance with the subdivision regulations set forth in Chapter 1 of Title 10 of the Pacifica Municipal Code.

Based on the grading plan for the project, the Planning Commission does not believe the proposed development will excessively damage or destroy natural features on the site, and does not believe there is evidence to make this finding.

g. *That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.*

The proposed building would include a number of architectural details and site design elements that would avoid monotony in the external appearance, such as mixture of dark colored, vertically oriented cladding on the walls of the proposed residence with some feature elements clad in cast concrete panels of a light buff color and large expanses of glass with some punched window openings. The angled roofs above the two wings of the building and the separation between them create visual interest. Paving on the site would also include a mix of pervious and impervious pavers, and variation in plantings. The applicant has also proposed raised planters in the pool area. All of these site design features would create interest in the external appearance of the development.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

h. *That the proposed development is inconsistent with the City’s adopted Design Guidelines.*

In the Planning Commission’s assessment the proposed project, as conditioned, is consistent with the City’s adopted Design Guidelines. Major areas of project consistency with the Design Guidelines include the following (Design Guidelines guidance followed by discussion):

SITE PLANNING

a. Site Improvements. *Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features. For example, existing healthy trees and distinctive berms or rock outcroppings should be incorporated into site design. Buildings should be oriented to capitalize on views of hills and ocean.*

Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.
Discussion
The proposed building is oriented to take advantage of the views of the Pacific Ocean to the south and southwest. The location of building on the site takes advantage of the relatively flat areas toward the central portion of the site while the grading for the driveway is minimized as a result of the location of the garage closer to the access to the site and its construction into the hillside. The site contains native vegetation communities, which in some of the northern portion of the site and in the southwestern corner of the site area are proposed to be left in place.

b. Building Location. Buildings should be sited to consider shadows, changing climatic conditions, the potential for passive or active solar energy, safety, and privacy of adjacent outdoor spaces.

Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved whenever possible.

Discussion
The applicant has proposed to make use of the prevailing wind patterns and solar exposure in the building’s orientation for passive solar for heating and daylighting. The proposed project is situated such that it would not impact adjacent structures or properties with respect to existing views, privacy and solar access of surrounding properties.

c. Lighting. Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.

Discussion
The applicant has proposed several fixtures of four different types of exterior lighting, including wall sconces, stair step lights, ground flush driveway lights and landscape low shielded lights that would stand approximately 4 to 6 feet above ground level. These fixtures are proposed to be “dark sky compliant.” Dark Sky Compliant is a designation given to outdoor lighting fixtures that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light such that the fixtures don’t contribute to light pollution. Additionally, the Planning Commission has included a condition of approval requiring that exterior lighting include buffering techniques to reduce light and glare impacts to adjacent properties.
d. Screening. Exterior trash and storage areas, service yards, landing docks and ramps, electrical utility boxes, etc., should be screened from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design. Such facilities should be conveniently located, but must not interfere with the circulation and parking on the site.

Discussion
The trash storage area for the residence is proposed to be enclosed within the detached garage and would thus be screened from adjacent properties and the cul-de-sac leading to the site. A walkway on the northeastern side of the garage structure will provide access for the trash storage area from the residence and the main driveway that would not obstruct vehicular circulation from and to the property.

e. Parking. The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along street frontages. Ample landscaping should be used to help screen parking areas from both exterior and interior views.

Discussion
The proposed detached garage is proposed to be located toward the front of the property. This structure is setback in the graded terrain in this area; this factor in combination with the proposed green roof and garage doors will create a pleasing design that will serve to mitigate visual impacts. However, the garage and the guest parking area to the rear of the garage would be visible from the cul-de-sac. The applicant has proposed plantings at the front of the property, however, the choice and location of shrubs is not appropriate to adequately screen these areas from views from the cul-de-sac to the property. The Planning Commission has included a condition of approval requiring that a final landscape plan submitted for approval, prior to building permit issuance, to address the visual impacts of the detached garage and the parking area in appropriate choice of plantings.

BUILDING DESIGN

f. Details. Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.

Discussion
The proposed building would include a number of architectural details that would provide a pleasant aesthetic. The mix of dark colored, vertically oriented cladding on the walls of the proposed residence with some feature elements clad in cast concrete panels of a light buff color creates visual interest with contrast of colors and textures as do the expanses of glass with some punched window openings. The overall form of the building with two wings breaks up the mass of the building to create a sense of human scale.
g. Materials. Compatibility of materials is an essential ingredient in design quality. In areas with either historic or architecturally significant structures, the use of similar exterior construction materials should be used in new construction in order to maintain neighborhood character. Consistency and congruity of materials and design elements on individual structures is also important.

Discussion
The variation in cladding described above is compatible with other features. The Harmony @ 1 subdivision was envisioned to employ a new form of architecture called the “Coastal Green Architecture”. This form of architecture was specified for the planned development component of the subdivision. Although not exactly alike, the materials palette of the proposed home is compatible with the architecture envisioned for the planned development portion of the Harmony @ 1 subdivision as it employs prominent glass, concrete, and vertical cladding on its exterior.

h. Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur. Window treatment and trim, for example, should be carried out around the entire building, not just on the most visible sides.

Discussion
The proposed building is architecturally consistent on all four elevations. The applicant has carried the same materials, architectural detailing, and lighting theme throughout all sides of the building.

LANDSCAPING

i. Amount and Variety. Applicants are encouraged to exceed the minimum amount of landscaping required by the zoning ordinance and landscaping plans should incorporate a variety of plant species. The amount, scale, and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings should be complemented by large-scale landscaping. Development along major streets should also include large scale trees.

Discussion
The project proposes an ample amount and variety of landscaping that exceeds the minimum amount required. As proposed, the project would include several native species of plants as well as some turf and cultivated landscape, including pathways and ornamentals. Large trees proposed on a berm toward the rear of the landscaped area would provide an appropriate backdrop to the structure. However, the project proposes significant amounts of new landscaping in an area occupied by native vegetation communities including Grasslands, and Northern Coastal Scrub. Therefore, the Planning Commission has included a condition of approval requiring that the choice
of species and landscape plan be reviewed by a qualified biologist to ensure consistency of the landscape plan and plantings with local native ecosystems.

As conditioned, the Planning Commission’s assessment is that the proposed development would be consistent with the City’s Design Guidelines. As a result, the Planning Commission does not believe that there is evidence to make this finding.

i. That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

The proposed residential development, as conditioned, would be consistent with the General Plan and other applicable laws of the City, including but not limited to Hillside Preservation District (HPD) standards as explained above, except to the extent that as proposed it does not comply with two conditions of approval from the Harmony @ 1 subdivision. The project is not located in the Coastal Zone and hence, the Local Coastal Plan is not applicable. General Plan consistency includes, but is not limited to, the following policies:

GENERAL PLAN

a. Circulation Element

- Policy No. 4: Provide access which is safe and consistent with the level of development.

  The project proposes the construction of a single-family residence and associated improvements with access provided from a cul-de-sac designed and developed as part of the Harmony @ 1 subdivision improvements. The proposed 14'-0" driveway meets the single family residential driveway standard as per

- Policy No. 11: Safety shall be a primary objective in street planning and traffic regulations.

  Appendix D of the 2016 California Fire Code, in Section D103.4, requires that dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround dimensions as specified in Table D103.4. Table D103.4 establishes that dead-end fire apparatus access roads between 151 and 500 feet in length shall provide one of the following: 120-foot hammerhead; 60-foot "Y", or 96-foot diameter cul-de-sac in accordance with Figure D103.1.

  The section of the Harmony @ 1 access road connecting to the subject site has a dead end length of approximately 480 feet. The cul-de-sac dimension fronting the project site has a diameter of approximately 66 feet, well short of the 96-foot requirement applied by Section D103.4. Therefore, the cul-de-sac does not satisfy 2016
California Fire Code requirements and may present a safety hazard relative to
development at the site by impeding emergency vehicle response.

In order to evaluate the functionality of the cul-de-sac in its reduced dimensions,
North County Fire Authority firefighters drove two fire apparatus around the cul-de-
sac in non-emergency conditions during daylight hours with dry weather on
September 19, 2018. The first apparatus, a fire engine, was able to complete the
turnaround with minor difficulty. However, the ladder truck, a larger apparatus, was
able to complete the turnaround with great difficulty. In less than ideal conditions,
such as during an emergency at nighttime or during foggy weather, the narrowness of
the existing cul-de-sac may hamper efficient and effective emergency vehicle access.

In order to address this safety hazard with the street fronting the project site, the
Planning Commission requires modifications to the cul-de-sac as requested by the
North County Fire Authority prior to occupancy of the proposed structure. The first
is the installation of “no parking” signage throughout the cul-de-sac. The second is
red curb paint on all curbs within the cul-de-sac. The third is stenciled text on the red
curbs indicating “No Parking – Fire Lan.” By prohibiting parking within the cul-de-
sac, the absence of parked vehicles will functionally widen the diameter of the cul-
de-sac. Doing so will enable fire apparatus responding to an emergency at the project
site to more efficiently and safely complete a turnaround than would be possible if
vehicles parked within the cul-de-sac, thus restricting its width.

The Planning Commission has included a condition of approval to require these
modifications to the cul-de-sac. As conditioned, the Planning Commission believes
there is evidence to find the proposed project would be consistent with this General
Plan policy.

- Policy No. 14: Ensure adequate off-street parking in all development.

The applicant has proposed to provide three parking spaces in a detached garage and
four guest parking spaces in an uncovered parking area for the project, which is in
compliance with the applicable HPD parking requirements.

b. Community Design Element

- Policy No. 3. Protect the City's irreplaceable scenic and visual amenities.

The site is visible from the residential area in Linda Mar to the south, from portions
of Highway 1 to the southwest, and areas in Pedro Point and Pacifica State Beach
located beyond Highway 1 toward the southwest of the site. However, the residence
as designed would have minimal impact on views of the hillside from these areas. It
would predominantly be clad in dark, non-reflective colors, which would help it
blend with the hillside. In addition, the height of the proposed residence is more than
one foot shorter than the structure reviewed in the certified EIR and previously
approved for development. Therefore, the proposed project would protect the City’s irreplaceable scenic and visual amenities.

- Policy No. 5: Require underground utilities in all new development.

The applicant has proposed, and a condition of approval would ensure, that all utilities shall be installed underground on the project site.

c. Land Use Element

- Policy No. 8: Land use and development shall protect and enhance the individual character of each neighborhood.

The project is located south of Fassler Avenue in an area of the Linda Mar Neighborhood which has not yet been developed. However, the proposed construction of a single-family residence is consistent with the predominant use in this area which is low density residential. More specifically, the subject site is located at the eastern end of the Harmony @ 1 subdivision, which also has not been developed. Yet the proposed building carries forward some of the “Coastal Green Architecture” elements envisioned for the planned development component of the Harmony @ 1 subdivision and is anticipated to be compatible with its surroundings when developed.

d. Seismic Safety and Safety Element

- Policy No. 1: Prohibit development in hazardous areas unless detailed site investigation ensures that risks can be reduced to acceptable levels.

The applicant prepared a site-specific preliminary geotechnical assessment for the project. The geotechnical engineer who prepared the assessment concluded that the geotechnical development of this site is controlled by the potential presence of locally moderately expansive soils and some areas of steep slopes, but is aided by generally good quality bedrock material at shallow depths. The geotechnical report includes recommendations for the design of the foundation system that would derive its support from the site bedrock to combat seasonal expansive soil movement. The Planning Commission has incorporated a condition of approval requiring incorporation of the recommendations in the “Geotechnical Report Update”, dated July 6, 2017, prepared by GeoForensics Inc. into the design and construction of the proposed residence and associated improvements.

As discussed in greater detail above, the project’s proposed floor area and fencing are inconsistent with Conditions No. 2 and 4 of the Harmony @ 1 subdivision, respectively. On the basis of the high-quality site design and building architecture, as well as the consideration of potential environmental impacts contained below, the Planning Commission grants an amendment to Condition No. 2 to allow a project floor area of up to 5,899 square feet to allow the deviation proposed by the Applicant. However, the
Planning Commission does not allow the deviation proposed by the Applicant to Condition No. 4 pertaining to fencing.

Condition No. 4 of the Harmony @ 1 subdivision appears to have intended to limit fencing throughout the subdivision in order to maintain aesthetics and a rustic feel to the hillside development location. This is evidenced by the proximate relationship required between the fencing and the homes (must be “near” homes), the limited purposes for which fencing may be installed (e.g., as a pet, child, or personal yard enclosure), and the limited area which the fencing may enclose (2,500 sq. ft.). By contrast, the applicant has proposed small-stock metal fencing with tubes measuring either one-half inch by one-half inch or one-inch by two-inches, finished with paint or powder-coated (see Sheet A001 of Attachment J), to enclose nearly the entire property. The applicant’s proposed fencing is, on its face, inconsistent with Condition No. 4.

To balance the applicant’s desire for some type of fencing with the aesthetic considerations of Condition No. 4, the Planning Commission requires several modifications to the fencing at the site, as follows:

- Limit fencing to the front setback area including installation along the front property line.
- Limit fence height to four feet provided the fence installed qualifies as an “open work” fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).
- Require the fence to be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.
- Allow additional fencing surrounding the pool and spa area to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J, for an enclosed area not to exceed 6,000 square feet.

The modifications to proposed fencing required by the Planning Commission would allow the applicant to establish a delineated property boundary at the entry to the property (including a vehicle gate) while ensuring the fence is an appropriate height and design for the character of the neighborhood, and ensuring the safety of children surrounding the pool area. The Planning Commission has included a condition of approval to address staff’s suggested amendments to Condition No. 4. As conditioned in this section, the Planning Commission does not believe there is evidence to make the finding.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Use Permit, UP-87-17:

i. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.
The project requires a use permit because it involves the construction of a single-family dwelling unit in the A (Agriculture) zoning district. A site-specific geotechnical investigation indicates that the project is located in an area of locally moderately expansive soils and some areas of steep slopes, but is aided by generally good quality bedrock material at shallow depths. Given the incorporation of the recommendations incorporated in the “Geotechnical Report Update”, dated July 6, 2017, prepared by GeoForensics Inc. can be safely constructed.

The project is also part of the Harmony @ 1 subdivision and thus, relies on the infrastructure reviewed and approved for the subdivision to ensure safe operation of any development on the subject site. Such infrastructure includes curb-and-gutter for storm drain purposes and street improvements for vehicular and pedestrian access. As confirmed with Associate Engineer Lawrence Henriquez on September 21, 2018, subdivision improvements for the Harmony @ 1 subdivision have yet to be completed. As such, construction of the proposed single-family residence could only safely occur and operation of the site safely commence upon completion of all subdivision improvements as verified by the City Engineer. A condition of approval in this regard has been added to the draft resolution of approval. In addition, as discussed more fully in above, the cul-de-sac fronting the subject site which serves as the fire apparatus turnaround does not comply with the standards for such turnarounds contained in Appendix D of the 2016 California Fire Code. Accordingly, parking restrictions must be imposed to maintain the existing diameter of the cul-de-sac for fire apparatus.

Upon incorporation of conditions of approval addressing conformance to geotechnical engineering recommendations, completion of subdivision improvements, and preservation of the diameter of the fire apparatus turnaround, the Planning Commission can make this finding.

ii. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.

As described in further detail in a section above discussing the site development permit, the project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, Land Use, Seismic Safety and Safety Elements, if approved as conditioned. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and conditionally permissible uses of the A (Agriculture) district and the standards of the HPD district, except that it would not comply with two conditions of approval from the Harmony @ 1 subdivision as currently proposed. If modified as proposed above, the project would be consistent with applicable conditions of the Harmony @ 1 project by virtue of the exceptions granted by the Commission. The project is not located in the local coastal zone and is thus, not subject to the policies of the local coastal plan.
iii. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

As described in further detail above in the section above discussing the site development permit, the project would be consistent with the City’s adopted Design Guidelines. In particular, the project would be consistent with guidelines related to Site Planning, Building Design and Landscaping.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Site Development Permit PSD-822-17 and Use Permit UP-87-17 for construction of a new 5,899 square foot, two-story single-family residence and a 735 square foot three-car detached garage on an 86,940 square foot vacant lot at 4096 Fassler Avenue (APN 022-150-030); subject to all of the conditions of approval included as Exhibit A, attached hereto and hereinafter by reference to this resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 1st day of October, 2018.

AYES, Commissioner: CAMPBELL, CLIFFORD, GORDON, KRAKES, NIBBELIN, RUBINSTEIN, STEINK

NOES, Commissioner: N/A

ABSENT, Commissioner: N/A

ABSTAIN, Commissioner: N/A

[Signature]
Richard Campbell, Chair

ATTEST:

Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney
Exhibit A

Conditions of Approval: File No. 2017-032 for Site Development Permit PSD-822-17 and Use Permit UP-87-17 to Construct a Single-family Residence on a Vacant Lot in the A (Agriculture)/B-5 (Lot Size Overlay)/HPD (Hillside Preservation District Overlay) Zoning District, 4096 Fassler Avenue (APN 022-150-030)

Planning Commission Meeting of October 1, 2018

Planning Division

1. Development shall be substantially in accord with the plans titled “Pacifica Residence 4096 Fassler Ave. Pacifica CA 94044” and stamped received on September 25, 2018, except as modified by the following conditions.

2. That the approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, if in the Planning Director’s sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.

3. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant’s project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and/or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

4. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.

5. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. The final plan shall endure compatibility of the proposed landscaping with the existing on site vegetation communities and shall be reviewed and approved by a qualified biologist at the applicant’s expense. The landscape plan shall also show screen planting at the entrance of the property to conceal the visibility of the garage and the guest parking from the cul-de-sac in front of the property. All landscaping shall be maintained and designed to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides
and pesticides. The final landscaping plan shall be to the satisfaction of the Planning Director. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of occupancy.

6. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.

7. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.

8. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director’s satisfaction.

9. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director’s satisfaction.

10. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction.

11. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.

12. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

13. Prior to issuance of a building permit, Applicant shall demonstrate to the satisfaction of the Building Official and Planning Director that the recommendations contained in the “Geotechnical Report Update”, dated July 6, 2017, prepared by GeoForensics Inc., have been incorporated into the design and construction of the proposed residence and associated improvements.

14. Prior to issuance of a certificate of occupancy, Applicant shall demonstrate that it has recorded this Resolution and Conditions of Approval on the subject property in the San Mateo County Recorder’s Office.
15. That a building permit shall not be issued for development on the subject site until the subdivision improvements associated with the Harmony @ 1 subdivision have been completed to the satisfaction of the City Engineer.

16. Applicant shall comply with all provisions of the Mitigation Monitoring and Reporting Plan (MMRP) of the "Harmony@1 Roberts Road Subdivision Final Environmental Impact Report, certified by the Planning Commission on October 15, 2007 and certified by the City Council on November 13, 2007.

17. That development of Lot D shall be subject to Conditions of Approval No. 1-2, 4-21, 26-30, 33-35, 38-56, and 58-79 of the Harmony @ 1 subdivision. Except, however, that the Planning Commission expressly grants the following amendments to the Harmony @ 1 subdivision conditions of approval identified below as they apply to Lot D of the Harmony @ 1 subdivision:

A. Condition No. 2: The maximum floor area of all residential units on the subject site, including without limitation any accessory dwelling unit (ADU) which shall be constructed on the site, shall be 5,899 square feet.

B. Condition No. 4: Fencing and gates on the site may be installed subject to the following standards:

- Fencing shall be limited to the front setback area and may be installed along the front property line.
- Fence height shall be limited to four feet provided the fence installed qualifies as an “open work” fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).
- The fence shall be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.
- Additional fencing may be installed outside of the front setback in the area surrounding the pool and spa to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J of the staff report of October 1, 2018, for an enclosed area not to exceed 6,000 square feet.

Engineering Division

18. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
19. Before construction can begin, a seasonally-appropriate erosion control plan must be approved by the City Engineer showing how mud or other contaminants will be prevented from being tracked into the street or washed into the storm drain system.

20. A Grading Permit is required per the Pacifica Municipal Code; a haul route must be approved in advance by the City Engineer.

21. The following notes are required to be prominently shown on the plans:

A. “Streets and sidewalks shall be maintained clear of construction materials and debris at all times. Daily cleanup will be enforced.”
B. “Construction equipment or vehicles must not be parked on the street overnight.”
C. “Holes or trenches in “public” areas (outside of the individual parcel) must be backfilled before leaving each night unless written permission is provided by the City Engineer, which must be requested at least 24 hours in advance. No open holes or trenches may be left without being adequately protected to prevent persons or vehicles from entering them.”
D. “Lighted barricades must be placed at obstructions or other hazards in “public” areas at night.”
E. “All recorded survey points shall be protected and preserved. If any survey points are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.”
F. “Existing curb and sidewalk adjacent to this parcel’s frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
G. “Any damage to public or private property - whether adjacent to subject parcel or not - that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
H. “All utilities shall be installed underground from the nearest main or joint pole.”

22. If any cuts or excavations are made in the newly paved street, whether in asphalt or concrete paving, additional mitigation measures will be imposed.

Wastewater Division

23. Prior to issuance of building permit, Applicant shall provide location and size of sewer lateral, appurtenances, and City standards and specifications.

North County Fire Authority

24. Prior to the issuance of a certificate of occupancy, the Applicant shall install “no parking” signage throughout the cul-de-sac in conjunction with red curb paint and stenciled “No Parking – Fire Lane” text on same curbs throughout the cul-de-sac in accordance with Appendix D of the 2016 California Fire Code, to the satisfaction of the Fire Chief.
25. Prior to issuance of a certificate of occupancy, Applicant shall provide a sprinkler system per NFPA 13D.

26. Applicant shall obtain fire flow information from North Coast Water.

27. Prior to issuance of a certificate of occupancy, the structure shall have clearly visible address identification to the satisfaction of the Fire Chief.

*** END OF CONDITIONS ***
4.0 MITIGATION, MONITORING, AND REPORTING PLAN

This Mitigation, Monitoring and Reporting Plan (MMRP) has been prepared pursuant to CEQA Guidelines (California Code of Regulations, Title 14), which state the following:

"In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency, [here, the City of Pacifica (City)] shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." (CEQA Guidelines §15097(a))

“The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. ‘Reporting’ generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. ‘Monitoring’ is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both.” (CEQA Guidelines §15097 (c))

Table 1 lists the potentially significant impacts and proposed mitigation measures identified in the Environmental Impact Report (EIR). The Table also lists certain impacts that, although less than significant and no mitigation is required, the EIR suggests additional measures as good practice to further reduce the already less than significant impact. Table 1 also describes the timing of implementation of the mitigation measures (i.e., when the measure will be implemented) and the City department or individual responsible for ensuring implementation of the measures. Finally, Table 1 describes the City department of individual responsible for monitoring the mitigation measures.

According to CEQA Guidelines Section 15126.4 (a) (2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” Therefore, the City Council will consider whether to adopt the mitigation measures when it considers whether to approve the project.
### Impact
The custom homes could have a significant visual impact if they are not designed and constructed using the Coastal Green Architecture described in this EIR.

### Significance of Impact Before Mitigation:
Potentially Significant

### Significance of Impact After Mitigation:
Less-than-Significant

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<td><strong>AESTHETICS</strong></td>
<td>Measure AES-1: The Codes, Covenants and Restrictions (CC&amp;Rs) for the Harmony @ 1 development shall, consistent with the Project Description (section 2.0) and Project Design Features (section 4.2.2) herein, fully define the intent of the term “Coastal Green Architecture.” The CC&amp;Rs shall provide detailed descriptions of specific measures or features that shall be imposed to ensure that the custom homes conform to the definition of Coastal Green Architecture and incorporate the design measures discussed in this EIR that reduce or eliminate visual impacts. The specific features to be described in the CC&amp;Rs shall include, but not be limited to, the following design and construction measures: Homes shall be located in the building envelope presented in the Preliminary Grading Plan described in this EIR. Excavation of the building pad. The homes shall be designed with a lowered or excavated building pad in order to reduce the mass of the homes. The degree or amount of excavation shall be determined by the custom home architect, the Harmony @ 1 Architectural Control Committee, and the City’s design review process. Berming: The CC&amp;Rs shall require berming of excavated soil to help hide homes, and shall describe desirable locations and methods for such berming.</td>
<td>Implementation Responsibility: Individual lot owners shall submit building plans to HOA Architectural Control Committee (ACC) and City of Pacifica for design review. Lot owners shall submit a letter to City Planning Department confirming ACC’s review and acceptance of the proposed building design. Timing: City Planning Department shall confirm compliance with Design Guidelines prior to City issuance of Building Permits.</td>
<td>Monitoring Responsibility: City of Pacifica Planning Department.</td>
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<td>Hidden garages: The CC&amp;R shall describe what constitutes a “hidden garage” and establish when a home shall have the garage under the main structure in order to minimize visual impacts. Living Roofs: The CC&amp;R shall describe what constitutes a “living roofs” and establish when a home shall include a living roof in order to minimize visual impacts. The CC&amp;R shall describe appropriate exterior materials and color palette to ensure compatibility of the homes with the surrounding area.</td>
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**Impact:** The proposed project could have nighttime light and glare impacts.

**Significance of Impact Before Mitigation:** Potentially Significant

**Significance of Impact After Mitigation:** Less-than-Significant

**Measure AES-2:** To ensure night light and glare from the project is minimized the following measures shall be implemented:

- Exterior lighting shall include low mounted, downward casting and shielded light that does not cause spillover onto adjacent properties.
- No flood lights shall be used in public areas or the conserved habitat areas. Night security lighting within residential lots shall be restricted to normal exterior lighting.
- Language shall be added to the development’s CC&R stating that lighting fixtures shall not be located at the periphery of individual lots. Lighting shall be restricted to the area immediately around the house and any landscaped areas.

**Implementation Responsibility:**
Applicant shall submit exterior lighting plan to City Planning Department.

**Timing:**
City Planning Department shall review lighting plan for conformance prior to Building Permit approvals.

**Monitoring Responsibility:**
City of Pacifica Planning Department.

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<td><strong>BIOLOGY</strong></td>
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| **Impact:** Conserved open space areas could be damaged if used for construction staging areas or if heavy construction equipment strays into open space areas.  
**Significance of Impact Before Mitigation:** Less-than-Significant, Recommended as a Good Practice Measure  
**Significance of Impact After Mitigation:** Less-than-Significant | **Measure BIO-1:** Prior to construction, a temporary barrier fence shall be erected along the northern open space habitat areas to prevent damage to the areas during construction of project infrastructure improvements. Authorized construction staging areas shall be designated on the final version of the site plan so all contractors know where they are allowed to park vehicles and equipment and store building materials. Appropriate construction staging areas would include existing roads or areas slated for development or grading. Storm water runoff and management of any fluids would be according to the required Storm Water Pollution Prevention Plan, described in the Hydrology section. Storm water runoff from construction staging areas shall be directed away from open space habitat areas. | **Implementation Responsibility:** Applicant shall designate construction equipment staging areas on the final grading plan submitted to the City Building Division. The final grading plan shall provide details on how the open space areas would be protected from construction disturbance. Applicant shall erect barrier fence to prevent equipment access into open space habitat areas. Applicant shall include these measures in project specifications. The HOA shall be responsible for maintaining the fencing.  
**Timing:** A qualified biologist shall make weekly inspections of the site during construction to assure fences are left intact and biological resources in open space areas have not been damaged.  
**Documentation specifying staging areas shall be submitted to the City Building Division** | **Monitoring Responsibility:** City of Pacifica Building Division of Planning Department | |
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<td>IMPACT: The project proposes removal of 122 Monterey pine and 3 Monterey cypress trees most of which are diseased and in poor condition, but provide wildlife habitat. 31 trees occur in the project road and building envelope areas, 48 occur on individual lots outside of the construction zone, and 46 occur on a lot to be held in private open space. (For impacts to Heritage Trees, see Measure BIO-3).</td>
<td>Measure BIO-2: In order to provide continued wildlife values on the project site, trees in designated open space areas (Lot A, Lot B and Parcel A) shall not be removed. Tree removal on individual lots shall be approved only upon demonstration that 1) the tree is within the designated building envelope and removal is required for construction, 2) the tree is close to the building envelope and its condition represents a safety hazard to the proposed residence, or 3) the tree is substantially dead (at least 50%) as determined by a certified arborist or if visually apparent. Homeowners shall be encouraged to retain impaired trees where there is no impact to use and enjoyment of property. Conditional tree removal would prevent unnecessary reductions in wildlife resources on the site while protecting the safety and enjoyment of property by landowners. All trees specified for removal in Specific Plans for individual lots shall be replaced with a native species.</td>
<td>prior to grading permit approvals. Biological monitoring shall occur throughout construction of project improvements.</td>
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**Implementation Responsibility:**
Applicant shall specify tree protection language in CC&Rs. Lot owners shall specify all trees proposed for removal on site development plan submitted to City Planning Department.

**Timing:**
Site plans showing tree removal locations shall be submitted to City Planning Department prior to site plan approval.

**Monitoring Responsibility:**
City of Pacifica Planning Department.

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<td><strong>Significance of Impact After Mitigation:</strong> Less-than-Significant</td>
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<td><strong>IMPACT:</strong> Construction of the proposed project would result in the removal of 12 trees that meet the definition of Heritage Tree in the local ordinance. With preservation of trees on the private open space parcel under Measure BIO-2, the number of heritage trees removed by the project is reduced to 7.</td>
<td>Measure BIO-3: The Applicant shall comply with all provisions of the City's Municipal Code (sec. 4-12-04) for preservation of Heritage Trees. Prior to the removal of the 7 Heritage Trees, the Applicant must obtain a Heritage Tree Removal Permit from the City. The Applicant shall replace the 7 Heritage Trees removed with 7 new native shrub/tree species suitable for the site (e.g. coast silk tassel (Garrya elliptica), California buckeye (Aesculus californica), or others). Recommended planting locations are shown in Figure 17 of this EIR.</td>
<td>Implementation Responsibility: Applicant shall show location of heritage tree replacements on a planting plan submitted to the City Planning Department.</td>
<td>Monitoring Responsibility: City of Pacifica Planning Department.</td>
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<td><strong>Significance of Impact Before Mitigation:</strong> Potentially Significant</td>
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<td><strong>Significance of Impact After Mitigation:</strong> Less-than-Significant</td>
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<td><strong>IMPACT:</strong> The new residential use and increased human activity on the site could adversely impact</td>
<td>Measure BIO-4: The development’s Covenants, Codes, and Restrictions (CC&amp;Rs) shall contain language that shall ensure the protection of all open space habitat (including Lot A, other open space areas and the portions of lot 11 that are not built</td>
<td>Implementation Responsibility: Applicant shall include required language in CC&amp;Rs submitted to</td>
<td>Monitoring Responsibility: City of Pacifica Planning Department.</td>
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<td>biological resources found within the open space habitat areas and</td>
<td>upon) from degradation as a result of resident activities and shall ensure that the open space habitat is managed and protected in a manner that would ensure the long-term viability of all the biological resources currently found on the project site. The CC&amp;Rs shall include provisions that prevent activities within the open space habitat that would permanently damage native vegetation, cause erosion, or harass or harm wildlife. These restrictions do not apply to any authorized native habitat management efforts such as invasive species control, erosion repair, or native plant revegetation. The CC&amp;Rs shall include the following restrictions on human activity: New volunteer trails within the open space areas shall be controlled so that trails do not damage vegetation and cause erosion. All pets (dogs and cats) shall be controlled within open space areas so that they do not hunt, harm, or harass wildlife or otherwise damage biological resources. Residents shall not store or dispose of items (including yard trimmings) within the open space areas. The use of rodenticides within the open space areas shall be prohibited unless approved by CDFG. Management of the open space areas shall also include the control of feral cats, and limitations on domestic cat ownership. The large, vegetated drainage along the eastern boundary of the project property may contain</td>
<td>City as project specifications. Applicant shall submit habitat Management and Monitoring Plan to City Planning Department and US Fish and Wildlife Service (USFWS) for review and approval. Applicant shall submit evidence of consultation with USFWS to City.</td>
<td>City Planning Department shall review Management Plan and USFWS documentation prior to issuance of Building Permits.</td>
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<td>USACE jurisdictional waters (this drainage does not support perennial flow, but has a defined drainage channel). The drainage shall be protected from impacts of runoff from urban areas, damage due to humans or pets, or other activities that degrade the natural habitat.</td>
<td>In addition, through consultation with City of Pacifica, US Fish and Wildlife Service and the CDFG, a Management and Monitoring Plan shall be developed and implemented for the open space areas and the portions of lot 11 that are not built upon. The Plan shall include the following: 1. A description of the goals of the Management Plan. The goals should foster the protection of native habitat and wildlife diversity at the site, should protect the wildlife corridor, and should support a healthy ecosystem. 2. A description of methods to protect and enhance native habitat on the site, including coastal terrace prairie, coastal riparian scrub, and northern coastal scrub. A program to control exotic invasive plant species shall be included in these methods. 3. A description of the methods to protect and enhance habitat of sensitive species on the site, including the Mission blue butterfly, the San Francisco dusky-footed woodrat, the loggerhead shrike, and the white-tailed kite, and how individually-owned lots with restriction on them (see Measure BIO-10) may fit into the scheme.</td>
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<td>4. A schedule of management and enhancement activities. Management activities shall address open space habitat areas and include routine maintenance and care of replacement and screening trees planted as part of the project.</td>
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<td>5. Annual monitoring and reporting, including surveys of the species of concern and the results of any enhancement activities undertaken at the site.</td>
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<td>6. An educational component, so that lot owners understand the purpose of the management plan and can choose to apply the measures to their own lots.</td>
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<td>The applicant or homeowner's association shall request a letter of concurrence from the US Fish and Wildlife Service that the management plan will not result in take of the Mission blue butterfly or any other federally-listed species.</td>
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<td>Impact:</td>
<td>Non-native, invasive plants could escape from landscaped areas within yards and colonize and spread into the open space areas, converting native habitat and significantly reducing biological diversity.</td>
<td>Measure BIO-5: The development's Covenants, Codes, and Restrictions shall contain language restricting all landscape planting so that those plants identified by the California Invasive Plant Council (Cal-IPC) in Table 1 of the California Invasive Plant Inventory shall not be planted. In addition, only native plant species may be used for landscaping that are consistent with the regional plant communities found in the local region. A qualified biologist shall review all proposed planting lists and compare it to the most recent Cal-IPC list to ensure no invasive plants on the list are planted. The biologist shall also check the plants to insure consistency with local</td>
<td>Implementation Responsibility: Applicant shall include language prohibiting invasive species identified in Cal-IPC Invasive Plant Inventory. Applicant shall submit letter from qualified biologist confirming plant lists specified on landscaping plans do not contain species on most recent Cal-IPC inventory list and are</td>
<td>Monitoring Responsibility: City of Pacifica Planning Department.</td>
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<td>Potentially Significant</td>
<td>native ecosystems. The biologist shall inspect the plants at the time of installation to make sure that no substitutions have been made by the landscape contractor. (The most recent version of the California Invasive Plant Inventory can be found at <a href="http://www.cal-ipc.org/ip/inventory/pdf/Inventory2006.pdf">http://www.cal-ipc.org/ip/inventory/pdf/Inventory2006.pdf</a>. This measure shall apply to all landscaping within the project site, including landscaping of common areas and within each of the housing lots.</td>
<td>consistent with local native ecosystems. Biologist shall inspect landscaping after installation. Subsequent homeowners shall submit landscape plans to HOA for review. HOA shall provide written confirmation to City that homeowner landscape plans comply with this measure. <strong>Timing:</strong> City Planning Department shall review CC&amp;Rs for compliance with measure prior to issuance of Grading Permit. Biologist letter of inspection shall be submitted to City Planning Department prior to issuance of Occupancy Permits. HOA documentation shall be submitted to City Planning Department prior to issuance of Building Permits.</td>
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<td>Significance of Impact After Mitigation: Less-than-Significant</td>
<td>Measure BIO-6: Invasive species shall be removed during project construction on a quarterly basis within the graded areas and on adjacent open space lands. Species to be removed include existing invasive species on site, such as French broom, fennel, pampas grass, and cotoneaster as well as any</td>
<td><strong>Implementation Responsibility:</strong> Applicant shall include measures to control exotic species in Grading Plan specifications and in habitat Management Plan</td>
<td>City of Pacifica Planning Department.</td>
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<td><strong>Impact:</strong> Construction of the proposed project would result in ground disturbance that could facilitate the spread of invasive plant species</td>
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<td>within the designated open space areas on site, and result in increased erosion that would adversely impact plant and wildlife habitat.</td>
<td>others that establish as a result of project grading activities. In addition, to ensure long term control of invasive species, this provision shall be included in the Management Plan required in Measure BIO-4.</td>
<td>established by the HOA. &lt;br&gt;&lt;br&gt;Timing: &lt;br&gt;City Planning Department shall review Grading Plan and Management Plan for compliance prior to issuance of Building Permits.</td>
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**Significance of Impact Before Mitigation:** Potentially Significant  <br><br>**Significance of Impact After Mitigation:** Less-than-Significant  

**Impact:** Special status bird species could use and potentially nest within the project site. Project construction could adversely impact the breeding of special status bird species resulting in violation of CDFG code and the Migratory Bird Treaty Act and a significant impact.  

**Significance of Impact Before Mitigation:** Potentially Significant  

**Measure BIO-4:** If any trees or shrubs are proposed to be removed during the nesting season (February 15 to August 31), pre-construction surveys for nesting birds shall be conducted. This measure shall apply to all construction occurring on the project site, both the infrastructure improvements and construction within each of the housing lots. The surveys shall identify active nests and establish a disturbance buffer if nests are located. A minimum buffer of 50 feet is required by CDFG for songbird nests and a minimum of 250 feet for raptor nests. Construction activity within an established buffer area is prohibited until nesting is complete.  

**Implementation Responsibility:** Applicant and subsequent homeowners shall submit pre-construction surveys to City Planning Department.  

**Timing:** City Planning Department shall review results of nesting bird survey and determine Grading Plan compliance with measure prior to issuance of Grading Permit.  

| Monitoring Responsibility: City of Pacifica Planning Department. | | |

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<td><strong>Impact:</strong> Construction of the proposed project would result in the removal of four to six San Francisco dusky footed woodrat houses within the proposed roadway on the north side of the property, and potentially one more woodrat house from grading of building sites on the western portion of the property. Removal of coastal scrub habitat could adversely impact carnivores in violation of CDFG code if any are denning there.</td>
<td><strong>Measure BIO-8:</strong> The following mitigation plan shall be implemented:</td>
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<td><strong>Significance of Impact Before Mitigation:</strong></td>
<td>1. <strong>Preconstruction surveys for woodrat houses.</strong> A preconstruction survey for woodrat houses shall be conducted within all areas proposed for disturbance, prior to any disturbance on site. These surveys shall include surveys for carnivore dens (such as bobcat) on site. If any carnivore dens are detected within the construction area, CDFG shall be contacted for guidance to avoid impacting any dens.</td>
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<td>**Control of non-native species. The</td>
<td>2. <strong>Preconstruction woodrat house dismantling and/or relocation.</strong> For all woodrat houses that will be impacted by construction impacts, the houses shall be dismantled and relocated to appropriate locations within the open space areas on the project site, and any woodrats captured and released into their relocated houses. House dismantling and/ or relocation shall be conducted only when necessary, during the non-breeding season (September to February), and under guidance from the CDFG.</td>
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<td>3. **Control of non-native species. The</td>
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<td>After Mitigation: Less-than-Significant</td>
<td>management of the onsite common open space area (Lot A) per Measure BIO-4, shall include control of non-native invasive weeds to maintain the native plant species that provide important cover and food resources for the San Francisco dusky-footed woodrat, prohibit the use of rodenticides within the open space area unless approved by CDFG and the control of feral cats and limitations on domestic cat ownership.</td>
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<td>Impact: While suitable aquatic habitat for California red-legged frog (CRLF) and San Francisco garter snake (SFGS) is not present with the project site, there remains an extremely low chance that CRLF and/or SFGS could disperse through the project site from the eastern border. Project construction has a low potential to impact dispersing CRLF and SFGS, however if take of either of these species occurred, it would be significant.</td>
<td><strong>Measure BIO-9:</strong> A qualified biologist shall be retained by the applicant to oversee construction and ensure that take of the San Francisco garter snake or California red-legged frog does not occur during construction. The following procedures shall apply: Prior to any grading or vegetation removal, a biologist shall conduct a preconstruction survey for San Francisco garter snake and California red-legged frog. During construction, a trained biologist or a trained on-site monitor (such as the construction foreman) shall check the site in the morning and in the evening for the presence of California red-legged frog and San Francisco garter snake. This includes checking holes, under vehicles and under boards left on the ground. If any CRLF or SFGS are found, construction shall be halted until they disperse naturally, and the monitor shall immediately notify the biologist in charge and the USFWS. Construction shall not proceed until adequate measures are taken to prevent dispersal of any individuals into the construction zone, as directed by the USFWS. Subsequent recommendations made by</td>
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<td>Impact: Construction of the proposed project could impact the federally endangered Mission blue butterfly. Mission blue butterfly adults have not been observed on site during field surveys however eggs were found on the host plants. The site plan for Lot 11 has</td>
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<td>the USFWS shall be followed. The monitor shall not handle or otherwise harass the animal. The biologist in charge shall train the on-site monitor in the identification of CRLF and SFGS. The biologist in charge shall visit the site at least once a week during construction and confer with the trained on-site monitor. Construction workers shall be informed of the potential presence of California red-legged frog and San Francisco garter snake, that these species are to be avoided, that the foreman must be notified if they are seen, and that construction shall be halted until authorization to proceed is obtained from the USFWS. Construction workers shall be informed that harassment of these species is a violation of federal law. During construction, all holes shall be covered at night to prevent CRLF and/or SFGS from becoming trapped in holes on the construction site.</td>
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**Measure BIO-10:** Project development shall avoid Mission blue butterfly host plant *Lupinus formosus* and provide a minimum 50-foot setback from areas containing the host plant. Any parcel containing Mission blue butterfly host plants shall be subject to a CC&R provision that requires the owner to obtain permission from the US Fish and Wildlife Service to undertake any activities that result directly or indirectly in the removal of Mission blue butterfly host plants. The owners of lots containing Mission blue host plant shall also coordinate with the Homeowner’s Association in the implementation of

**Implementation Responsibility:**
Applicant and subsequent homeowners shall include location of *Lupinus formosus* on site plans for individual lots. Grading Plans for lots containing *Lupinus formosus* shall specify 50’ buffer zones around plants with protective fencing.

**Monitoring Responsibility:**
City of Pacifica Planning Department.

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<td>been redesigned to avoid the Mission blue host plant Lupinus formosus.</td>
<td>the open space management plan required in Measure BIO-4.</td>
<td>A qualified biologist shall monitor during site grading activity to ensure adequate placement of fencing and that no damage occurs to plants. Biologist shall submit monitoring report to City Planning Department documenting monitoring activity and results.</td>
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**Impact:** The project is subject to applicable state and federal laws governing endangered species.

**Significance of Impact Before Mitigation:** Potentially Significant

**Significance of Impact After Mitigation:** Less-than-Significant

**Measure BIO-11:** The applicant shall obtain all necessary permits from California Department of Fish and Game and U.S. Fish and Wildlife Service as required by federal and State law to avoid, minimize, or offset impacts to any species listed under either the State or federal Endangered Species Acts or protected under any other State or federal law. Evidence that the applicant has secured any required authorization from these agencies shall be submitted to the City of Pacifica Planning Department prior to issuance of any grading or building permits for the project.

**Implementation Responsibility:** Applicant shall submit evidence of project compliance with State and federal Endangered Species Act to City Planning Department.

**Timing:** City Planning Department and Building Division shall review documentation for compliance prior to issuance of Grading Permits.

**Monitoring Responsibility:** City of Pacifica Planning Department and Building Division.

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<td><strong>GEOLOGY</strong></td>
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| Impact: Strong ground shaking associated with a major earthquake in the region could impact the project development by causing damage or collapse of buildings or endanger the health and welfare of persons. | **Measure GEO-1:** The new residential construction and any other site improvements shall comply with the provisions of Title 24 of the California Administrative Code, and the most recent edition of the Uniform Building Code, Seismic Zone 4 standards, or local seismic requirements, whichever is most stringent. All recommendations included in the June 19, 2006 EIC preliminary soil investigation report shall be met, including: 1) City review of all plans and specifications and observation by the project geotechnical engineer of foundation excavations to ensure compliance with the recommendations in the project geotechnical report; and 2) Observation and testing of engineered fill, finish subgrade and aggregate base for new pavements by the project geotechnical engineer. | Implementation Responsibility: Applicant and subsequent lot owners shall submit detailed construction plans incorporating recommendations of EIC soil investigation report (dated June 19, 2006). Project Geotechnical Consultant shall inspect foundation excavations and engineered fill and submit observations to City Engineer for review. **Timing:** City Building Official, City Engineer and City Geotechnical Consultant shall review site plans and specifications for each lot for compliance with EIC report recommendations. City shall confirm compliance with soil recommendations prior to issuance of Grading Permits. City Engineer shall review observation letter from Project | **Monitoring Responsibility:** City of Pacifica Building Division of Planning Department. | **Initials**________  
**Date**________ |

Harmony @1EIR – Final  
City of Pacifica – October 2007  
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<td>Impact: Surficial landslides affecting the Roberts Road cut slope will continue to degrade the cut slope and produce sediment onto the traveled roadway.</td>
<td>Measure GEO-2: A detailed remediation plan that addresses the surficial landsliding affecting the Roberts Road cut slope shall be prepared by a qualified engineering geologist. The remediation plan shall identify any grading and drainage improvements necessary to, prevent future landsliding. The remedial grading improvements shall be implemented by the applicant.</td>
<td>Implementation Responsibility: Applicant shall submit a landslide remediation plan to City Engineer.</td>
<td>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</td>
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<td>Impact: The potential for erosion of the clayey sand surface soils on the project site is moderate to high. Erodible soils at the site present potentially significant impacts.</td>
<td>Measure GEO-3: The impacts from erosion can be mitigated by incorporating appropriate grading and drainage measures into the project design. A final grading plan and drainage plan shall be prepared for the project. These plans shall provide for positive drainage on building pads and removal of water from foundation areas into area drains and closed pipe systems which carries runoff to a suitable drainage facility located below the erodible colluvial deposits which exist downhill of the ridgeline. Slopes shall be graded so that water is directed away from the slope face. Permanent slopes shall be protected from erosion through the use of erosion-</td>
<td>Implementation Responsibility: Applicant shall incorporate these measures into the Final Grading and Drainage Plan.</td>
<td>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</td>
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<td>Significance of Impact After Mitigation: Less-than-Significant</td>
<td>Resistant vegetation and jute netting. Erosion control seed mixes used on site shall utilize native grasses and forbes appropriate for the site to replace and improve existing habitat values of grasslands disturbed on the site. Temporary erosion control measures such as positive gradients away from slopes, straw bales, silt fences and swales shall be used during construction.</td>
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<td>Impact: Although considered unlikely by the EIC report (June 2006), deep erosion and landsliding on the southern slopes could impact Lots 9 and 10. Significance of Impact Before Mitigation: Potentially Significant Significance of Impact After Mitigation: Less-than-Significant</td>
<td>Measure GEO-4: Although the house sites appear to be sufficiently far from the deep erosion gullies and landsliding on the southern slopes and existing data indicates that the house sites are on shallow bedrock, design-level geotechnical investigations for Lots 9 and 10 shall be conducted to determine whether surface or subsurface drainage improvements are necessary to prevent accelerating erosion trends in these gully areas and to mitigate encroachment into the building sites. Any necessary improvements shall be implemented by applicant or future owners of Lots 9 and 10.</td>
<td>Implementation Responsibility: Applicant or subsequent lot owners shall submit design-level geotechnical investigation for Lots 9 and 10. Recommendations of investigation shall be incorporated into project site plans. Timing: Building Official, City Engineer, and City Geotechnical Consultant shall review geotechnical investigation for Lots 9 and 10. City Engineer shall review site plans to determine compliance with recommendations of geotechnical report prior to issuance of Grading Permits.</td>
<td>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</td>
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<td>Impact: The near surface clay soils and bedrock have a moderate plasticity as discussed in the EIC report. Expansive soils can detrimentally affect building foundations, slabs, pavements, retaining walls and other site improvements.</td>
<td>Measure GEO-5: The EIC report provides recommended measures for mitigating the effects of expansive soils on the project improvements. These protective measures include: 1) mixing on-site soils to a plasticity index of 15 or less; 2) moisture conditioning of fill materials to three percent over optimum; and 3) overexcavation of slab subgrade areas. The following additional measures shall also be taken to minimize the effects of expansive soils: a) providing a layer of non-expansive granular materials beneath slabs-on-grade as a cushion against building slab movement; b) the use of aggregate base under exterior flatwork; and c) control of irrigation adjacent to the new buildings.</td>
<td>Implementation Responsibility: City shall include these measures on the building permits. Timing: The City Building Division shall review plans for compliance prior to issuance of Building and Grading Permits.</td>
<td>City of Pacifica Building Division of Planning Department.</td>
<td>Initials__________ Date__________</td>
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**HYDROLOGY**

<p>| Impact: The proposed project could result in water quality impacts to the city's storm drain line and Calera Creek as a result of increased generation of surface water runoff from construction grading | Measure HYD-1: The applicant shall apply to the RWQCB to obtain coverage under the State General Construction Activity NPDES Permit. The applicant shall comply with all provisions and conditions of the general permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). Project construction shall conform to the requirements of the general permit and the SWPPP. Construction BMPs that will be used to reduce or avoid impacts shall | Implementation Responsibility: Applicant to prepare Notice of Intent (NOI), Storm Water Pollution Prevention Program (SWPPP) and Storm Management Program (SMP) per the San Francisco Regional Water Quality Control Board | Monitoring Responsibility: City of Pacifica Planning Department and Building Division | Initials__________ Date__________ |</p>
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<td>activities.</td>
<td>include:</td>
<td>guidelines as listed in the websites (also see <a href="http://www.swrcb.ca.gov/stormwtr/construction.html">http://www.swrcb.ca.gov/stormwtr/construction.html</a></td>
<td>SWPPP shall be submitted to City Engineering Division.</td>
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<td>• Keeping materials out of the rain by covering exposed piles of soil or construction materials with plastic sheeting; sweeping paved surfaces that drain to creeks or wetlands; using dry cleanup methods whenever possible, and if water must be used, use just enough to keep the dust down;</td>
<td>Timing: City Engineer, City Building Division, and City Planning Department shall review prior to issuance of Grading Permit.</td>
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<td>• Use of hay bales or other mechanical barriers to trap sediment on the project site and prevent discharge into storm water drainage;</td>
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<td>• Scheduling construction activities for periods of dry weather; and</td>
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<td>• Restricting fueling of construction vehicles to approved staging areas.</td>
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<td>Impact: Up to six acres of the project site would be developed with building envelopes and roads. Site development will introduce impervious surfaces to the property and increase the amount of stormwater runoff generated on site. Detention basins constructed for the</td>
<td>Measure HYD-2: The Project shall implement the site design, source control, and stormwater treatment measures detailed in the Stormwater Control Plan, included as Appendix B. The project applicant shall also enter an Operations and Maintenance (O&amp;M) agreement with the City, as required by the County-wide NPDES permit. This O&amp;M agreement shall run with the land.</td>
<td>Implementation Responsibility: Applicant shall submit engineered drawings of detention basins and a signed Operations and Maintenance agreement with the City of Pacifica to the City Building Division. Timing: City Engineer, City Building Division, and City Planning Department shall review.</td>
<td>Monitoring Responsibility: City of Pacifica Planning Department and Building Division.</td>
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<td>stomwater plan and engineering drawings prior to issuance of Grading Permit.</td>
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<td>City Planning Department and Building Division shall review operation and maintenance agreement prior to issuance of Grading Permit.</td>
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**TRAFFIC**

**Impact:** The project access road intersects Roberts Road on the inside of a curve where there are inadequate sight line distances for vehicles exiting the project street onto Roberts Road. The limited visibility creates unsafe an unsafe traffic condition.

**Significance of Impact Before Mitigation:** Potentially Significant

**Significance of Impact After Mitigation:** Less-than-Significant

**Measure TRC-1:** Project slopes at the intersection of the new access road and Roberts Road shall be trimmed back to establish the minimum safe sight line distance of 200 feet. The site distance at the driveway shall be increased as much as feasible beyond the minimum requirement to provide additional safety at the intersection. Landscaping placed in these areas shall be restricted in height to prevent reduction of the sight line.

**Implementation Responsibility:**

Applicant shall submit documentation demonstrating adequate sight line distances and necessary treatment of sight corners to City Engineer.

**Timing:**

City Engineer shall review documentation for compliance prior to issuance of Grading Permit.

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Conditions of Project Approval

November 27, 2007

Cowan-Newton, LLC
338 Horizon Way, Suite 200
Pacifica, CA 94044

Re: SUB-213-07, PSD-763-07, UP-978-07, RZ-188-07 and DP-70-07 – Subdivision of 65 acres of vacant land into 14 residential lots, with 27.3 acres proposed as common open space and development of an adjoining two-acre vacant lot with one-single family home with a second residential unit south of Fassler Avenue and east of Roberts Road, Pacifica, CA (APN: 022-150-420, 022-150-310, and 022-150-030)

Dear Stuart and Tait:

The Planning Commission of the City of Pacifica, at their regular meeting of October 15, 2007 APPROVED a Tentative Subdivision Map, Development Plan, Use Permit, and Site Development Permit subject to approval by the City Council of the Rezoning, and the City Council, at their regular meeting of November 13, 2007, APPROVED the Rezoning and Development Plan for the above referenced project.

These permits are approved subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the Plans titled “PRELIMINARY GRADING AND DRAINAGE PLAN 13 RESIDENTIAL LOT SUBDIVISION, PACIFICA, CALIFORNIA,” consisting of ten (10) sheets, dated 08/02/07 and with the plans titled “DUNSTAN/HUSSON Sunset breezehouse 4096 FASSLER AVENUE, PACIFIC CALIFORNIA A.P.N. 022-150-030, consisting of nine (9) sheets, dated 09-24-07.

2. The maximum floor area of all the residential units shall be 4,300 square feet. Floor area shall mean the gross measurement of all enclosed floor area from outside wall to outside wall with the following exceptions: (a) Garages; (b) areas where there is no floor (i.e. “open-to-be-low” areas); (c) Outdoor decks and patios, whether covered or uncovered. In addition, all accessory buildings or
structures, whether attached to the main structure or not, should be included in the 4,300 square foot size limitation including but not limited to gazebos, clubhouses, pool houses, spa structures, conservatories, greenhouses, guest structures, play houses, studios and offices. All accessory buildings should be attached to the house where possible, and/or designed with the same visual impact mitigation measures applied to the main structures. The only exception could be a small tool or storage shed attached to the house behind the berm side of the home so as to be invisible from all views.

3. As proposed by the applicant, the CC&Rs shall include a provision that no second residential units shall be allowed on Lots 1-11.

4. Only living and natural fencing shall be allowed near the homes as a pet, child or personal yard enclosure, not to exceed 2,000 square feet, and no fencing or tree lining of the overall property line shall be permitted.

5. No lots shall be allowed to be further subdivided.

6. The maximum height for the single-family residential project is 29 feet, measured at the finished grade, between the lowest point on the site covered by any portion of a building to the topmost point of the roof.

7. All retaining walls, grading and paving shall blend into the hillside by using natural colors, texture and materials, to the satisfaction of the Planning Director.

8. The applicant shall plant 100 trees to screen the access road from northern views with a variety of trees to promote species habitat.

9. The applicant shall be required to construct two (2) Below Market Rate Units consistent with the City’s Inclusionary Housing Ordinance provisions regarding alternatives.

10. The first Below Market Rate Unit shall be constructed prior to occupancy of the eighth market rate residence and the second Below Market Rate Unit shall be construction prior to occupancy of the tenth market rate residence

11. The developer shall execute an inclusionary Zoning Compliance Agreement prior to recordation of the Final Map.

12. The applicant shall submit a final landscape plan for the single-family residence with a second unit on the 2-acre homesite parcel prior to the issuance of a building permit. All landscaping shall be maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides. The landscape plan shall show each type, size and location of plant materials. The landscaping shall
be installed prior to occupancy. Landscaping materials included on the plan shall be appropriate to site specific characteristics such as soil type, topography, climate, amount of timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment. Landscaping shall incorporate [native plants]. All landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.

13. As a condition of the Tentative Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action, or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-213-07. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.

14. Adequate, accessible, and convenient Recycling Areas shall be provided within the development. The dimensions of Recycling Areas shall be adequate to accommodate receptacles sufficient to meet the recycling needs of the Development Project. An adequate number of bins or containers shall be provided in Recycling Areas to allow for the collection and loading of recyclable materials generated by the Development Project. Recycling Areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation. Recycling areas shall provide unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to Recycling Areas. Areas adjacent to Recycling Areas shall be adequately protected from any adverse impacts associated with Recycling Areas by means of measures such as adequate separation, fencing and landscaping. Recycling Areas shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be located adjacent to the solid waste collection areas.

15. Plant-guild colonies shall be planted, where not directly under a structure, and shall be fenced off during construction for protection of flora and fauna, and shall be reviewed by a qualified botanist for the purpose of long term conservation.

16. All construction equipment and materials shall be kept on each individual building site and only on the street for short periods of time and never shall be kept in the designated open space areas.
17. Leaf blowers that create noise pollution shall be prohibited.

18. All toxic pesticides and herbicides shall be prohibited.

19. The applicant shall provide a documented plan and management program for the protection of native species including guild-colonies, trees and significant habitat.

20. In conjunction with a certified botanist, a detailed preservation/implementation/maintenance plan for natural and landscaped areas that preserves/provides over-all landscaping that is contiguous with existing native flora for a fully integrated habitat-friendly site covering all periods of construction and the lifetime of the project shall be implemented.

21. All permanent landscaping shall be primarily native plants and non-native/drought tolerant plants and trees. Fruits and vegetable gardens in private yard spaces shall be excluded. All of the individual lots shall be kept in their natural state or planted to be botanically contiguous with existing plant guild colonies.

22. Prior to occupancy and as proposed by the applicant, the applicant shall incorporate the green building elements described in the project information materials to all the Planned Development units including, but not limited to the following:

- Design and landscape to create comfortable micro-climates and reduce heat island effects based on the recommendations of our landscape designer.
- Maximize onsite storm water management through landscaping and/or permeable pavement
- Use water-conserving landscape technologies such as drip irrigation, moisture sensors, and watering zones
- Use of drought tolerant native and non-native, plant materials and tree groupings to reduce visual impact of man-made structures.
- No planting of invasive species (such as pampas grass, scotch broom, etc…) may be introduced to the hillside.
- Preserve existing vegetation and protect soil during construction, to the extent possible
- Whenever possible, use recycled rubble for backfill drain rock.
- Use flyash in concrete based on the specific standards set forth by the City of Pacifica or the County of San Mateo
- Use prefabricated forms or save and reuse wood form boards for construction of homes, whenever possible
- Use sustainably harvested lumber (FSC certified) for wood framing
- Use durable roofing materials as suggested by standards set forth by the City of Pacifica or the County of San Mateo
- Use sustainable siding materials as suggested by standards set forth by the City of Pacifica or the County of San Mateo
- Utilize low profile, flat roof structures that minimize visual impact
- Use roof structures that can support passive and active solar solutions
- Exterior colors are to utilize more "earth" tones rather than bright, light reflective hues. Specific colors will be detailed in the homeowner's handbook to be created in conjunction with local artists
- Plan windows and skylights, light shelves, and window treatments to provide daylight that improves indoor environments
- Choose window sizes, frame materials, and glass coatings to optimize energy performance
- Stop air leakage at doors and windows
- Use water-conserving plumbing fixtures
- Use water-saving appliances and equipment
- Insulate hot and cold water pipes
- Use heat recovery equipment, tankless water heaters and/or on-demand hot water circulation pumps
- Pre-plumb for future gray water use for toilet flushing and landscape irrigation
- Design lighting levels for actual use, and use task lighting to reduce general lighting levels
- Use lighting that minimizes glare, reflection and light pollution
- Use energy-efficient lamps and lighting fixtures
- Use lighting controls that save energy such as occupancy sensors
- Use ENERGY STAR® appliances
- Utilize natural gas where possible since it is less polluting than burning fossil fuels in a power plant to generate electricity.
- Use passive solar design where feasible, thermal mass, and insulation to reduce space heating needs
- Use natural ventilation and passive cooling whenever possible
- Use wall, floor, and ceiling insulation that exceeds minimum State requirements. Use high-efficiency equipment including furnaces, boilers, fans, and pumps. Place ductwork within conditioned living space, seal joints properly, and clean before occupancy.
- Use recycled-content, formaldehyde-free fiberglass insulation, cellulose insulation, or other green insulation products.
- Separate ventilation for indoor pollutant sources and provide advanced filtration to improve indoor air quality.
- Use clean and efficient alternatives to wood-burning fireplaces
- Use solar hot-water systems for domestic use and swimming pools
- Use solar hot-water systems for space heating
- Pre-plumb for a solar hot-water system
- Use artistic wind columns to generate electricity for the light poles
- Use low light polluting street lights.
- Use low- or no-VOC, formaldehyde-free paints, stains, and adhesives
- Use low- or no-VOC carpets, furniture, particleboard, and cabinetry.
• Use natural materials such as wool and sisal for carpets and wall coverings
• Install plug-in electric car ports in garages.
• Dramatically reduce demand for energy and natural resources (water, petroleum, gas, coal, through renewable tie-in’s, building designs that minimize footprint on sensitive habitat. – The goal is to create an energy footprint that is smaller than most 1,500 square foot homes.
• Every home will be built to minimize visual impact
• Locate structures to minimize off-site views – Every home has been excavated lower to hide the home and many other specific strategies to minimize the visual impact.
• There shall be design review by the city including design criteria and standards for each dwelling.
• Limit the amount of turf to less than 2,000 square feet
• **Incorporate Natural Cooling** – Any combination of natural cooling techniques can be used to reduce overheating in homes. Use deep window overhangs and/or trellises primarily on south and west facing glass to provide a balance between summer cooling and winter heating through solar gain. Natural cooling reduces the need for air conditioning, saves money on energy bills, and utilizes “fresh air” to make homes more comfortable.
• **Design Plumbing for Solar Water Heating** – Insulated pipes are pre-installed to a hot water closet or mechanical room for solar water heating installation.
• **Solar Water System** – Solar water heating systems use solar panels to collect heat from the sun. The hot water is stored for use at a later time. Water pre-heated by a solar system can also supplement use of a standard water heater. Use these systems for domestic use and heating of swimming pools. Consider use of solar hot water systems for space heating.
• **Demand or Tankless Water Heaters** – The National Renewable Energy Laboratory (NREL) found that even in high-water-use homes (e.g., about 86 gallons per day), demand or tankless heaters are at least 8-14 percent more efficient than storage tanks. For low-water-use homes (e.g., about 41 gallons per day and less), demand heaters were 24-34 percent more efficient than storage tanks.
• **Integrate Photovoltaic (PV) Systems** – All homes are required to have some form of solar power. All PV systems are to be integrally designed into the roof structure. A minimum of 50% of power should come from renewable sources with a goal of 80%.
• **Grey water systems.** All homes are required to have a gray water system such as ReWater captures, filters and reuses shower, tub, bathroom sink, and laundry water, which is about 50% of all water used inside a residence. From an average 3.2-person home, this annual flow is 46,000 gallons of water. That water is then used in an underground drip irrigation system, which is up to 60% more efficient than sprinklers. An automated process keeps half the house’s wastewater from being turned into sewage, which saves treatment costs.
• **Water harvesting systems.** All homes are required to have rain catchment systems connected to roof edge guttering and also to driveway runoff channels. The tanks are fiberglass, and are partially buried beside each house. A small pump connects the rainwater catchment system to the grey water tank so that this
Exterior Treatments, Siding and Roofing:
- Use a green or living roof
- Use sustainable decking materials

Wood and Framing:
- Use spacings, sizes, and modular dimensions that minimize lumber use and optimize performance
- Use engineered lumber or metal stud framing to replace solid-sawn lumber
- Use reclaimed or salvaged lumber

Windows and Doors:
- Provide shading on east, west and south windows with overhangs, awnings, or deciduous trees.

Plumbing:
- Use sustainable materials for pipes

Heating and Cooling:
- Use ceiling fans and use a whole-building fan for night-time cooling

Renewable Power and Solar Energy
- Generate clean electricity onsite using wind turbines

Interior Materials:
- Use exposed concrete as a finished floor
- Use sustainable materials for flooring, trim, and interior surfaces
- Use recycled-content floor tile, carpets and pads, cabinets, and countertops
- Use reclaimed/salvaged, sustainable harvested (FSC certified), or engineered wood for flooring and trim, or use wood alternatives such as bamboo and cork

Other Green Alternatives:
- Use insulated concrete forms
- Use structural insulated panels to replace wood-framed walls
- Use natural building materials and techniques
- Use other sustainable methods or materials used
- Use ceiling fans and use a whole-building fan for night-time cooling
- Provide shading on east, west and south windows with overhangs, awnings, or deciduous trees
- Installation of radiant heating systems
water is all used for irrigation. www.rainwater.org offers some useful data on these systems.

- The developers will install small, silent wind power turbines on 5-10 streetlight poles on the main spine road. This will ensure that streetlights are energy-neutral.
- Use structural insulated panels to replace wood-framed walls. These types of walls have up to a 55 R rating and are incredible energy efficient. We are standardizing on Thermasteel Systems. (www.thermasteelsystems.com)
- Use natural building materials and techniques – Homeowners are encouraged to use natural building materials and techniques that are environmentally-friendly, minimize waste and comes from sustainable sources.
- Other sustainable methods or materials used. We require active participation in the recycling program provided by the city of Pacifica.
- Dishwasher – The most water-efficient dishwashers currently on the market use about 4 gallons of hot water per load, which is half as much as the least efficient ones. Dishwashers using half the amount of water as a standard dishwasher also require only half as much energy to heat the water.
- Refrigerator – The refrigerator is the single biggest power consumer in most households. Energy Star labeled refrigerators incorporate a number of advanced features to save energy while keeping food fresh. They are readily available in side-by-side, freezer top or bottom models, and many even offer through door ice and water features.
- Clothes Washer – Horizontal axis washing machines (front-loaders) use 60% less energy due to much lower water consumption. Energy Star washers often spin-dry clothes better, resulting in energy conservation during the drying process as well.
- Clothes Dryer – The dryer is typically the second-biggest electricity-using appliance after the refrigerator. Compared to electric dryers, using a natural gas dryer can cut costs per load in half. Models with a moisture sensor may further reduce energy use by an additional 15%. Homeowners are encouraged to search for dryers that can run on solar power.
- Cooking Stove – Gas with electric ignition stove tops and ovens are twice as efficient as electric or gas with pilot light models. Ovens with a self-cleaning function are up to 20% more energy-efficient due to the increased insulation required to withstand the higher temperatures sustained during the cleaning cycle.

23. Prior to occupancy and to the maximum extent feasible as determined by the Planning Director, the applicant shall incorporate the green building elements described in the project information materials (suggested recommendations) to all the Planned Development units including, but not limited to the following:

Site and Landscape;
- Reduce building footprint — smaller is better
- Use recycled rubble for backfill drain rock

Waste Reduction and Management;
- Use recycled aggregate in non-structural concrete
24. A certified green building professional, at the developer’s expense, shall review the green building elements proposed by the applicants for compliance with green building practices identified in condition 22 and 23 above.

25. The green building elements proposed by the applicants in condition 22 and 23 above shall be incorporated into the CC&R’s.

26. The applicant shall incorporate the green building elements proposed by the applicant in condition 22 and 23 above to the affordable units on the 2-acre dedication parcel and on the 2-acre homesite parcel to the maximum extent feasible as determined by the Planning Director.

27. As proposed by the applicant, all the new buildings shall be designed and constructed to attain all necessary points to achieve LEED certification and shall seek to obtain a Gold standard whenever possible.

28. As proposed by the applicant, the applicant shall record in a form acceptable to the City Attorney a restriction against the property requiring that the approximately 27.3 acre area of land shown on the Tentative Subdivision Map on the central and southern portions as open space will remain open space in perpetuity. The recorded open space restriction shall run with the land, and any future conditions, covenants and restrictions ("CC&R's") for the project also shall require that the approximately 27.3 acre area of land shall remain open space and shall not be developed.

29. The following programs shall be implemented by the applicant/developer:

a. Cowan Spieg! Teaching Garden – Proposal to work with the school district, students and/or individual schools to create a garden project.

b. Mission Blue Habitat Expansion – Support the creation and expansion for the Mission Blue Butterfly. Create a safe sanctuary for the butterflies to reproduce, creating one of the largest natural butterfly sanctuaries in the state.

c. Native Wildflower Project – Purchase seeds and bulbs and work with students and volunteers to help spread them throughout the property.
d. **100 Tree Initiative** – Partner with local arborists and Go Native Nursery to plant native trees that will provide protection from the wind, minimize visual impact of man-made structures and be around for decades to come.

e. **Bird Sanctuary** – Actively work with experts, the Autobahn Society and volunteers to create safe places for birds to breed and live.

f. **Habitat Model** – Designate a large portion of the project to creating habitat for animals and plants to have a protected area to thrive.

g. Buyers’ club for our environmental products and services. Anyone in Pacifica wishing to aggregate their purchasing power, can group their purchases reducing the overall cost for items such as gray water systems, water harvesting, solar, wind, plants, etc.

30. The CC&R’s and Design Guidelines provided by the applicant shall control design, styles, size, materials, fencing, colors, design of private outdoor space and use of native and non-native drought tolerant landscaping.

31. An architectural committee shall be created by the Homeowners Association, consisting of an architect, environmental consultant, and developers. They shall remain members of this committee until all homes are designed and built to meet the strict standards set forth in the design guidelines and adopted as conditions of approval for this project. All builders shall be required to adhere to the standards set forth by the architectural committee and the conditions of approval.

32. Lots 7, 8 and 11 homes will have living roofs, and living roofs are strongly recommended for all homeowners as a way to further mitigate visual impacts.

33. The applicant shall plant trees near all the retaining walls as recommended by a certified arborist.

34. The applicant shall provide wind generated power to the maximum extent feasible as determined by the Planning Director.

35. The applicant shall provide an overall plan for watershed management plan including the usage of permeable hard-scapes, berms and swales and other significant measures to retain storm water on-site, replenishing groundwater and minimizing impacts to local wastewater systems.

36. Each homeowner within the Planned Development shall be required to purchase and maintain a rainwater harvesting system for collection, retention and re-use of water for gardens and landscaping. All homes shall have systems connected to roof edge guttering and also to driveway runoff channels connected to adequate holding tanks and properly designed usage systems.

37. All homes within the Planned Development shall provide a gray-water system, such as ReWater, that captures and filters shower, tub, bathroom sink, and laundry water that is then used in underground drip irrigation systems.
38. The applicant shall create standards and implement a maintenance program for private road street lighting, paths, common areas and any other street furniture subject to approval of the Planning Director.

39. Pollution from man-made lighting shall be minimized by using low pollution light poles as well as requiring homeowners to take measures to minimize light pollution from outdoor lights and indoor lights through, placement, window tinting and other strategies recommended by our architect and/or city planners.

40. The applicant shall provide the required amount of parking for the project and shall integrate permeable parking bays and/or sidewalks, patios, driveways and other hardscapes subject to approval of the Planning Director and City Engineer.

41. All recreational vehicles shall be stored in garages or out of site from the homes below.

42. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.

43. All project-related easements, including drainage easement shall be to the satisfaction of the City Engineer, Planning Director and City Attorney, and shall be recorded prior to or concurrent with the Final Map.

44. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed.

45. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

46. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner and any homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
47. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.

48. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.

49. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.

50. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.

51. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

52. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building style, materials and colors, and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.

53. The applicant shall hereby agree to indemnify, defend and hold harmless the City; its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant’s project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to
defend the City as set forth above, the City shall retain the right to select the
counsel who shall defend the City.

54. All transformers, HVAC units, and backflow preventors and other ground-
mounted utility equipment shall be shown on the landscape and irrigation plans
and shall be located out of public view and/or adequately screened through the
use or combination of concrete or masonry walls, berming, painting and
landscaping, to the satisfaction of the Planning Director.

55. Wastewater from vehicle and equipment washing operations shall not be
discharged to the storm drain system.

56. Roof drains shall discharge and drain way from the building foundation to an
unpaved area wherever practicable.

57. Declaration of Covenants, Conditions & Restrictions (CC&R). Prior to issuance
of a building permit, the developer/owner shall prepare and record with the San
Mateo County Recorder’s Office a Declaration of Covenants, Conditions &
Restrictions and Equitable Servitude’s (one set of CC&R shall be prepared for the
2-acre dedication parcel and a separate set shall be prepared for the 63 acre parcel
that will contain 13 residential lots) which shall run with the land and be binding
on all future owners and occupants of each of the residential units within the
subject property and their successors, heirs and assigns, and shall be approved as
to form and content by the City Attorney and Planning Director, which
accomplishes the following:

a) The Declaration shall be binding upon each of the owners of each of the
residential and commercial units on the subject property and their heirs,
successors and assigns.

b) There shall be a Homeowners Association to manage the project. The
Declaration shall specify that the Homeowners Association shall be
responsible for the repair, maintenance and replacement of the building
exteriors, exterior lighting, parking, common areas, utility areas within common
areas, parking, landscaping and building signage, sanitary sewer, private
storm drain and other features. Maintenance of the private storm drain shall
be the responsibility of the applicant and property owners.

c) The Declaration shall establish standards and guidelines for the maintenance,
repair and replacement, where applicable, all building exteriors, exterior
lighting, park, parking, landscaping, signage, sanitary sewer, private storm
drain, and other features and utility facilities within the common areas, to the
satisfaction of the City of Pacifica. Maintenance of the private storm drain
shall be the responsibility of the applicant and property owners.

d) The Declaration shall establish a mechanism for placing assessments against
the owners of all residential and commercial units within the subject property
for the purpose of financing the maintenance, repair and replacement of the
building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.

e) The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.

f) Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.

g) Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.

h) The Declaration shall establish procedures for designating a project “Manager,” if different than the “Agent,” who shall at all times be responsible for security and/or maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.

i) The Declaration shall include a provision that the provisions relating to this condition 57 shall not be amended without prior approval in writing from the City of Pacifica.

j) The Declaration shall specify that the owners of each of the residential on the subject property shall comply with all other applicable conditions of approval for the project.

k) The Declaration shall include the provisions required to be included in the CC&Rs by the MMRP. The MMRP requires provisions to be included in the CC&Rs when it requires the applicant to provide evidence of continuing maintenance or other responsibility of the HOA or other similar entity.

l) The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs by the MMRP or these conditions.

58. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

59. No building permit shall be issued until a Growth Management Ordinance allocation for each of the new residential units has been granted.

60. If archaeological resources (archeological, paleontological or human remains) are discovered during project ground disturbance activities all immediate work shall be stopped until a qualified archaeologist is consulted to ensure no harm to resources.

61. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program (Harmony @ 1 Roberts Road Subdivision) adopted as part of the Environmental Impact Report and attached to
the Resolution Certifying the EIR. Prior to Final Map approval, the project applicant must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the MMRP.

Public Works Department/Engineering Division:

62. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.

63. In lieu of requiring to overlay half of the street width of Fassler Avenue and Roberts Road along the property frontage, applicant shall apply a slurry seal the whole width of Fassler Avenue and Roberts Road from the project’s entrance at Roberts Road to the project’s entrance at Fassler Avenue and the whole intersection of Roberts Road and Fassler Avenue. All pavement markings and markers that are damaged or affected shall be replaced in kind.

64. All proposed sanitary sewer system and storm drain system including detention basins up to their connection to the existing mains shall be privately maintained and shall be reflected in the project’s CC&Rs.

65. To comply with the current requirements of the California Regional Water Quality Board and the San Mateo Countywide Storm Water Pollution Prevention Program, applicant shall submit both electronic and hard copy of the report produced using Bay Area Hydrology Model (BAHM) software that analyze the hydromodification effects of land development and sizing solutions to mitigate the increased runoff of the project.

66. Applicant shall submit a Final Map for APN 022-150-420 for the 15-lot (13 residential lots, a dedication of a 2 acre lot for affordable housing and a public access lot) and a Final Parcel Map for APN 022-150-310 for the 3-lot subdivision (2 residential lots and a public access lot). All required monumentations shall be shown on the map and set prior to recordation of the map. The map shall be submitted to the Engineering Division and approved by the City Engineer and staff. Prior to approval of these maps, a Subdivision Improvement Agreement must be executed and all necessary fees and bonds associated with this agreement must be paid by the applicant.

67. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the
approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the final map.

68. Prior to the execution of the Subdivision Improvement Agreement, applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but not limited to:
   a. All plans and reports must be signed and stamped by a California licensed professional.
   b. Plan, profile and cross sections of the proposed roadways including the cul-de-sacs. The proposed road must have a maximum grade of 15%.
   c. Structural section for all proposed roadway shall be a minimum of 3 inches Asphalt Concrete and 12 inches of Aggregate Base.
   d. The design of the entrances at Fassler Avenue and Roberts Road. The entrance design at Roberts Road including the proposed retaining wall shall be per the site distance recommendation of the traffic engineer. The entrances must have curb ramps at each corner.
   e. A more current topographic survey performed by a California licensed surveyor.
   f. Hydrology Calculations based on a 100-year storm for the design of the proposed storm drain system and its appurtenances including the detention basin. The design shall also incorporate the recommendations from BAHM as required above.
   g. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the road and retaining wall.
   h. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.

69. Construction of site improvements must be to the satisfaction of the City Engineer.

70. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.

71. The existing curb along the southside of Fassler Avenue within the property frontage shall be painted in red to prevent illegal parking on Fassler.

72. All construction trucks and deliveries to the site are prohibited during morning peak hours. Construction traffic shall avoid residential areas. The primary construction access to the site shall be from Highway 1 via Sea Bowl Lane and from northbound Highway 1 shall be via Fassler Avenue. Construction equipment shall use available noise suppression devices and properly maintain
and muffle loud construction equipment. Construction equipment shall avoid
unnecessary idling when within 500 feet of residence.

73. Fassler Avenue and Roberts Road shall be maintained clear of construction
equipments, materials and debris, especially mud and dirt tracks. Dust control
and daily road cleanup will be strictly enforced. There shall be no construction
vehicles parked along Roberts Road.

74. BAAQMD Construction Best Management Practices (BMPs) shall be employed
to reduce dust emission during the construction phase. The project construction
documents shall specify the following BMPs as dust control measures:

- Water all active construction sites at least twice daily.
- Cover all trucks hauling soil, sand and other loose materials or require all trucks
to maintain at least 0.6 meters (2 feet) of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all
  unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily with water sweepers all paved access roads, parking areas and
  staging areas at construction site.
- Sweep streets daily with water sweepers if visible soil material is carried onto
  adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas
  (previously graded areas inactive for ten days or more.
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to expose
  stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public
  roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when winds exceed 40 kilometers per
  hour (25 miles per hour).

Public Works Department/Wastewater Division:

75. No wastewater (including equipment cleaning wash water, vehicle wash water,
cooling water, air conditioner condensate, and floor cleaning wash water) shall be
discharged to the storm drain system, the street or gutter. New storm drain inlets
shall be protected from being blocked by large debris such as plastic bags and
bottles to the Public Work Director’s satisfaction.

Building Division of Planning

76. Construction shall be in conformance with the San Mateo Countywide Storm
Water Pollution Prevention Program. The applicant shall implement Best
Management Practices during all phases of construction for the project.
77. A design level geotechnical report shall be submitted characterizing the soil conditions of each residential structure and retaining walls including drainage and grading. A peer review of the geotechnical report shall be required.

Fire Department:

78. Prior to occupancy, a final letter from North Coast County Water District shall be submitted stating that the District is able to provide sufficient water flow and pressure to the fire hydrants and automatic fire sprinkler systems.

79. A fire hydrant shall be required at the end of the cul-de-sac to serve the proposed single-family residence on the 2-acre lot.

Notice

Pursuant to Government Code section 66020(d), the City hereby provides you with written notice that the above-described dedications, reservations and/or other exactions have been imposed on the approval of Tentative Subdivision Map, SUB-213-07, Site Development Permit, PSD-763-07, Use Permit, UP-978-07, Rezoning, RZ-188-07, and Development Plan, DP-70-07. The 90-day period in which you may protest the above-described dedications, reservations and/or other exactions has begun. If you fail to protest the above-described dedications, reservations and/or other exactions pursuant to Government Code section 66020, you may be legally barred from filing a legal challenge. Any challenge may also be barred by other applicable provisions of law.

When you apply for a building permit, compliance with all conditions of approval should be indicated on the plans. If you have any questions, please call me at (650) 738-7341.

Sincerely,

Michael Crabtree
Planning Director

Attachment: MMRP

cc: Project File
William Husson & Kerrie Dunstan, 46 Franklin Ave., South San Francisco, CA 94080
County Assessors/Building/Engineering
CHRON File
EXPIRATION DATES:

The Tentative Subdivision Map, Site Development Permit, and Use Permit, will expire on November 26, 2008 unless a final map has been approved and recorded with the County of San Mateo.

PLEASE NOTE THIS IS NOT A BUILDING PERMIT
SUBJECT:
Fourth Amendment to Consultant Services Agreement for On-Call Planning and Related Services Between the City of Pacifica and Consulting Firm Raney Planning & Management, Inc.

RECOMMENDED ACTION:
Move to approve Fourth Amendment to the Agreement for Consultant Services between the City of Pacifica and Raney Planning & Management, Inc., to increase the cost ceiling amount by $100,000 with a total contract amount not to exceed $500,000 and to extend the completion date to December 30, 2020; and authorize the City Manager to execute the Fourth Amendment to the Agreement.

STAFF CONTACT:

Joshua Montemayor, Management Analyst II
(650) 738-7342
montemayorj@ci.pacifica.ca.us

Tina Wehrmeister, Planning Director
(650) 738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
The Planning Department has experienced an increase in the number and complexity of development project applications as well as City-wide planning and legislative initiatives. Foreseeing that the current and projected workload would exceed available staff resources, and in order to allow the Planning Department staff to focus on implementing items identified in the City Council’s adopted Work Plan, the Planning Department engages professional planning firms to augment its staff. After issuing a request for proposals and reviewing qualifying proposals, on May 3, 2016, within the City Manager’s purchasing authority as provided in City’s Administrative Policy No. 76, the Planning Department engaged Raney Planning and Management, Inc. ("Raney") with a consultant services agreement ("Agreement") for contract planning and related services for a term of one year and a total amount not to exceed $50,000 (Attachment 2). The City Council has approved several amendments to the Agreement previously to reflect ongoing needs of the Planning Department:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Date Executed</th>
<th>Cost Ceiling Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>November 15, 2016</td>
<td>Not to exceed $150,000</td>
</tr>
<tr>
<td>Second</td>
<td>August 14, 2017</td>
<td>Not to exceed $250,000</td>
</tr>
<tr>
<td>Third</td>
<td>September 10, 2018</td>
<td>Not to exceed $400,000</td>
</tr>
</tbody>
</table>

Since execution of the Third Amendment to the Agreement with Raney in 2018, the Planning Department has determined that several projects it has and is currently processing are not exempt from environmental review under the California Environmental Quality Act (CEQA), and
therefore, require more extensive environmental analysis. While the existing Scope of Work within the Agreement allows for the performance of CEQA review, the costs associated with this work are projected to exceed the existing cost ceiling of $400,000. Accordingly, the Planning Department is seeking an increase in the Cost Ceiling amount identified in Section 2.1 (“Compensation”) of the Agreement by $100,000, with a total contract amount not to exceed $500,000. The Planning Department is also seeking an extension of the completion date identified in Section 3.1 (“Effective Date”) of the Agreement from June 30, 2019 to December 30, 2020.

**ALTERNATIVE ACTION:**

Deny approval of the Fourth Amendment to the Agreement. If the Council denies the requested authorization, staff would need to direct time to complete in-house environmental review documents in accordance with CEQA in addition to establishing contracts with various consultants possessing the technical expertise to analyze specific environmental resource topics that are beyond staff’s qualifications. The impact of this increased workload would negatively affect staff’s ability to address other general responsibilities, including priorities on the City Council’s adopted Work Plan.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

The tasks being performed by Raney are not directly associated with any of the projects and initiatives on the City Council’s adopted Work Plan, as compliance with CEQA and planning permit review is a general responsibility of the City as a local public agency. However, the environmental review that is required under CEQA discloses the physical impacts of a project on the environment and may include opportunities for additional community input beyond the minimum requirements of the Pacifica Municipal Code. Furthermore, hiring a consultant allows experts to perform complex technical analyses for which staff is unqualified. The benefits and efficiencies of engaging professional planning firms to perform the environmental reviews required under CEQA would promote the City Council’s goals related to fiscal sustainability, a connected community, and, preserving and enhancing natural resources.

**FISCAL IMPACT:**

The amount of the requested contract budget increase of $100,000 was included in the Fiscal Year 2019-2020 Planning Department Budget as a developer-reimbursed expenditure and requires no additional appropriation. Because the expense is paid by project applicants, there is no net fiscal impact to the City. Raney’s current billing rates under the Agreement are included as Attachment 3.

**ORIGINATED BY:**

Planning Department

**ATTACHMENT LIST:**

Attachment 1 - Fourth Amendment to Consultant Services Agreement Between City and Raney Planning & Management, Inc.  (PDF)
Attachment 2 - Original 2016 Agreement between City and Raney Planning & Management, Inc.  (PDF)
Attachment 3 - Raney Billing Rates 2019  (PDF)
FOURTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This Fourth Amendment to Agreement for Consultant Services (the "Fourth Amendment") is made and entered into this _____ day of ___________________ 2019, by and between THE CITY OF PACIFICA, a municipal corporation (hereinafter referred to as "CITY") and Raney Planning & Management, Inc., a California Corporation (hereinafter referred to as "CONSULTANT").

RECITALS

WHEREAS, on May 3, 2016, CITY and Consultant entered into that certain agreement entitled “Agreement for Consultant Services” (“Agreement”) to provide contract and related services; and

WHEREAS, on November 15, 2016, the City and Consultant entered into a First Amendment to that Agreement to increase the cost ceiling under the Agreement; and

WHEREAS, on August 14, 2017, the City and Consultant entered into a Second Amendment to that Agreement to increase the cost ceiling and effective date under the Agreement; and

WHEREAS, on September 10, 2018, the City and Consultant entered into a Third Amendment to that Agreement to increase the cost ceiling and effective date under the Agreement; and

WHEREAS, City and Consultant now desire to enter into this Fourth Amendment to increase the Cost Ceiling in section 2.1 ("Compensation") and extend the completion date identified in section 3.1 ("Effective Date") of the Agreement.

AGREEMENT

NOW, THEREFORE, for the considerations hereinafter set forth, the parties hereby amend the Agreement as follows:

1. Section 2.1 of the Agreement, “Compensation” is hereby amended to read as follows:

   Compensation. Compensation for the Services shall be in accordance with Exhibit A, Compensation, attached hereto and incorporated herein. It is agreed that the compensation for the Services shall not exceed $500,000 ("Cost Ceiling").

2. Section 3.1 of the Agreement, “Effective Date” is hereby amended to read as follows:

   Effective Date. This Agreement shall become effective upon execution of the second signature and shall remain in full force and effect until the Services are completed (the “Term”). CONSULTANT agrees to complete all services by December 31, 2020.
3. **Agreement in Effect.** Except as amended by this Fourth Amendment, the Agreement shall remain in full force and effect.

4. **Counterpart Signatures.** This Fourth Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the date set forth above.

**CITY OF PACIFICA**

By:______________________________ Date_________________

   Kevin Woodhouse, City Manager

Approved As To Form

By:______________________________

   Michelle Marchetta Kenyon, City Attorney

**CONSULTANT**

____ Raney Planning & Management Inc.

By:______________________________ Date_________________

By:______________________________ Date_________________
AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services (the "Agreement") is made and entered into this 29th day of April, 2016, by and between THE CITY OF PACIFICA, a municipal corporation (hereinafter referred to as "CITY") and Raney Planning & Management, Inc., a California corporation (hereinafter referred to as "CONSULTANT").

RECITALS

WHEREAS, CITY requires contract planning and related services described herein;

WHEREAS, CONSULTANT is qualified to perform such services; and

WHEREAS, CONSULTANT has agreed to provide CITY with such services on the terms and conditions set forth herein.

NOW, THEREFORE, for the considerations hereinafter set forth, CONSULTANT and CITY agree as follows:

ARTICLE 1 - SCOPE OF SERVICES

1.1. Scope of Work. CONSULTANT agrees to furnish the services for contract planning as requested by the Planning Director (the "Services").

1.2. Compliance with Law. The Services shall be performed in accordance with all applicable federal, state and local laws, ordinances, rules, regulations and orders.

1.3. Time is of the Essence. CONSULTANT agrees to diligently prosecute the Services. In the performance of this Agreement, time is of the essence.

1.4. Professional Competence. CONSULTANT represents that it has the professional skills necessary to perform the Services and that it will perform the Services in a skillful and professional manner. CONSULTANT represents that it has all the necessary licenses to perform the Services and shall maintain them throughout the term of this Agreement. CONSULTANT agrees that the Services shall be performed in a manner consistent with practices usual and customary to the Building Industry profession, California Building Code, and California Building Standards Commission. CITY and CONSULTANT agree that CONSULTANT is in responsible charge of the Services. Acceptance by CITY of the Services does not operate as a release of CONSULTANT from professional responsibility for the Services performed.

1.5. Independent Contractor. CONSULTANT is an independent contractor and not an employee of CITY. CONSULTANT expressly warrants that it will not represent that it is an employee of CITY.

1.6. Confidentiality. CONSULTANT agrees to maintain in confidence and not disclose to any person, firm, governmental entity, or corporation, without CITY's prior written
consent, any trade secret or confidential information, knowledge or data relating to the products, process, or operation of CITY. CONSULTANT further agrees to maintain in confidence and not to disclose to any person, firm, governmental entity, or corporation any data, information, technology, or material developed or obtained by CONSULTANT during the performance of the Services. The covenants contained in this Section 1.6 shall survive the termination of this Agreement for whatever cause.

1.7. Ownership of Material. Any reports and other material prepared by or on behalf of CONSULTANT under this Agreement (collectively, the "Documents") shall be and remain the property of CITY. All Documents not already provided to CITY shall be delivered to CITY on the date of termination of this Agreement for any reason. The Documents may be used by CITY and its agents, employees, representatives, and assigns, in whole or in part, or in modified form, for all purposes CITY may deem appropriate without further employment of or payment of any compensation to CONSULTANT.

1.8. Documentation. CONSULTANT shall keep and maintain full and complete documentation and accounting records, employee time sheets, and correspondence pertaining to the performance of the Services, and CONSULTANT shall make such documents available for review and/or audit by CITY and CITY's representatives at all reasonable times for at least four years after the termination of this Agreement or completion of the Services.

1.9. Testimony. CONSULTANT agrees to testify at CITY's request if litigation is brought against CITY in connection with the Services. Unless the action is brought by CONSULTANT or is based upon CONSULTANT's negligence, CITY will compensate CONSULTANT for the preparation and the testimony at CONSULTANT's standard hourly rates.

ARTICLE 2 - COMPENSATION

2.1. Compensation. Compensation for the Services shall be in accordance with Exhibit A. Compensation, attached hereto and incorporated herein. It is agreed that the compensation for the Services shall not exceed $50,000 ("Cost Ceiling").

2.2. Invoices. CONSULTANT shall submit monthly invoices in a form satisfactory to CITY on or before the tenth day of each month for Services provided during the preceding month. CONSULTANT shall submit time and cost records as necessary to substantiate performance of the Services. Within 35 days after receipt of each such invoice, CITY shall verify the accuracy of the invoice, correct the charges where appropriate and as discussed and mutually agreed with CONSULTANT, and make payment to CONSULTANT in an amount equal to the amount of such invoice, as verified or corrected by CITY. No payment hereunder shall be construed as evidence of acceptance of any of CONSULTANT's work. CITY reserves the right to withhold payment from CONSULTANT on account of Services not performed satisfactorily, delays in CONSULTANT's performance of Services, or other defaults hereunder. CONSULTANT shall not stop or delay performance of the Services under this Agreement on account of payment disputes with CITY.
2.3. **Status Reports.** Together with each monthly invoice, CONSULTANT shall submit a status report detailing the amount expended on the Services to that date and the remaining amount to be expended before the Cost Ceiling is reached. CONSULTANT shall notify CITY in writing when payments have reached 90 percent of the Cost Ceiling.

2.4. **Withholding.** In lieu of holding retention, CITY shall withhold CONSULTANT's final payment until the Services are complete and CITY has received all Documents. CONSULTANT shall diligently continue and complete performance of the Services if the Services are not complete at the time CONSULTANT has performed services up to the Cost Ceiling.

**ARTICLE 3 - TIME OF PERFORMANCE**

3.1. **Effective Date.** This Agreement shall become effective upon execution of the second signature and shall remain in full force and effect until the Services are completed (the "Term"). CONSULTANT agrees to complete all services by May 1, 2017.

3.2. **Termination.** This Agreement may be terminated at any time by CITY upon written notice to CONSULTANT.

3.3. **Final Payment.** CONSULTANT shall be entitled to compensation for Services performed up to the time of such termination, it being understood that any payments are full compensation for the Services rendered under this Agreement.

3.4. **Other Remedies.** Nothing in this Article 3 shall be deemed to limit the respective rights of the parties to terminate this Agreement for cause or otherwise to exercise any rights or pursue any remedies which may accrue to them.

**ARTICLE 4 - DESIGNATED CONTACTS**

4.1. **CITY Contact.** CITY designates the Planning Director as its contact who shall be responsible for administering and interpreting the terms and conditions of this Agreement, for matters relating to CONSULTANT's performance under this Agreement, and for liaison and coordination between CITY and CONSULTANT. In the event CITY wishes to make a change in CITY's representative, CITY will notify CONSULTANT of the change in writing.

4.2. **CONSULTANT Contact.** CONSULTANT designates Cindy Gnus, Senior Vice President as its contact, who shall have immediate responsibility for the performance of the Services and for all matters relating to performance under this Agreement. Any change in CONSULTANT's designated contact shall be subject to written approval by CITY.

**ARTICLE 5 - INDEMNIFICATION AND INSURANCE**

5.1. **Indemnification.** CONSULTANT shall, to the fullest extent allowed by law, with respect to claims, liability, loss, damage, costs, or expenses, including reasonable attorney's and expert witness fees, awards, fines, penalties, or judgments, arising out of or
relating to the Services (collectively "Claims"), defend, indemnify, and hold harmless CITY, its Officials, officers, employees and agents (the "CITY Parties"), except to the extent the Claims are attributable to CITY Parties' gross negligence or willful misconduct. CONSULTANT shall defend the CITY Parties as required by California Civil Code Section 2778, and with counsel reasonably acceptable to those parties. CONSULTANT shall have no right to seek reimbursement from the CITY Parties for the costs of defense. The obligations contained in this Section 5.1 shall survive the termination of this Agreement for whatever cause for the full period of time allowed by law and shall not in any way be limited by the insurance requirements of this Agreement.

5.2. **Health and Safety.** CONSULTANT may perform part of the Services at sites which contain unknown working conditions and contaminated materials. CONSULTANT shall be solely responsible for the health and safety of CONSULTANT's employees during the performance of the Services.

5.3. **Insurance.** CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency shall procure, provide and maintain at all times during the performance of this Agreement, and for such additional periods as described herein, the insurance listed below with insurers licensed to do business in the State of California and with a Best's rating of no less than A:VII.

A. **Comprehensive Automobile Liability Insurance.** Comprehensive Automobile Liability Insurance providing bodily injury liability and property damage, to protect against all liability arising out of the use of any owned, leased, passenger or commercial automobile at a minimum amount of $1,000,000 combined single limit and $1,000,000 aggregate. Coverage shall apply to hired and non-owned autos.

B. **Commercial General Liability Insurance.** Commercial General Liability Insurance, with limits providing a minimum amount of $1,000,000 combined single limit coverage for each occurrence, $2,000,000 general aggregate and $2,000,000 products/completed operations aggregate. The insurance shall cover all operations including but not limited to the following: (1) premises, operations and mobile equipment liability; (2) completed operations and products liability; (3) contractual liability insuring the obligations assumed by CONSULTANT in this Agreement; (4) broad form property damage liability; (5) personal injury liability endorsement, including death; and (6) automobile bodily injury and property damage insurance, including all owned, hired and non-owned equipment.

C. **Professional Liability Insurance.** Professional Liability Insurance protecting against liabilities arising out of or in connection with negligent acts, errors, or omissions of CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency in connection with this Agreement, at a minimum amount of $1,000,000 combined single limit coverage and $1,000,000 aggregate, on a "claims made basis" with a continuation of coverage extension for liabilities for two years from the date the Services are substantially
complete. Such professional liability policies shall include coverage for liability assumed by the CONSULTANT under this Agreement.

D. **Workers Compensation Insurance.** Workers Compensation insurance, occupational disease insurance and employer's liability insurance shall be required with minimum limits as required by law, covering all workplaces involved in this Agreement.

E. **Policy Terms.** Concurrently with execution of this Agreement, CONSULTANT shall provide CITY with Certificates of Insurance evidencing that CONSULTANT has obtained or maintains the insurance required by this Section 5.3. The Certificates shall be on forms acceptable to CITY. CONSULTANT shall also furnish CITY with original endorsements with the following documentation:

- Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after CITY shall have received written notification thereof from CONSULTANT by United States mail;
- Providing that CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, and include a "separation of insureds" or "severability" clause which treats each insured separately, except with respect to the limits of the insurer's liability (cross-liability endorsement);
- Naming CITY, its City Council, boards, commissions, committees, officers, employees and agents as additional insureds ("Additional Insureds"); and
- Providing that for any claims relating to CONSULTANT's services hereunder, CONSULTANT's insurance coverage shall be primary insurance with respect to CITY, its City Council, boards, commissions, committees, officers, employees and agents, and that any insurance or self-insurance maintained by CITY for itself, its City Council, boards, commissions, committees, officers, employees and agents shall be in excess of CONSULTANT's insurance and shall not be contributory with it.
- It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverages requirements and/or limits shall be available to the Additional Insured, including but not limited to any umbrella or excess insurance. Furthermore, the requirements for coverage and limits shall be the greater of: (a) the minimum coverage and limits specified in this Agreement; or (b) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured.

F. **Material Breach.** If CONSULTANT fails to maintain insurance coverage or provided insurance documentation which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. CITY, at its sole option, may terminate this Agreement and obtain damages from CONSULTANT resulting from said breach. Alternatively, CITY may purchase the required insurance coverage, and without further notice to CONSULTANT, may deduct from sums due to CONSULTANT any premium costs advanced by CITY for...
such insurance. These remedies shall be in addition to any other remedies available to CITY.

ARTICLE 6 - NOTICES

All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by facsimile or reputable overnight courier and shall be deemed received upon the earlier of: (1) if personally delivered, the date of delivery to the address of the person to receive such notice; (2) if delivered by Federal Express or other overnight courier for next business day delivery, the next business day; (3) if sent by facsimile, with the original sent on the same day by overnight courier, the date on which the facsimile is received, provided it is before 5:00 P.M. Pacific Time; or (4) if sent electronically, the date of delivery on the confirmed read receipt. Notice of change of address shall be given by written notice in the manner described in this Article 6. Rejection or other refusal to accept or the inability to deliver because of a change in address of which no notice was given shall be deemed to constitute receipt of the notice or communication sent. Unless changed in accordance herewith, the addresses for notices given pursuant to this Agreement shall be as follows:

If to CITY:

City Manager  
170 Santa Maria Avenue  
Pacifica, CA  94040  
Phone: (650) 738-7409  
Facsimile: (650) 359-6038  
Email: ltifnaw@ci.pacifica.ca.us

If to CONSULTANT: Raney Planning & Management, Inc.  
Cindy Gnos, AICP, Senior Vice President  
1501 Sports Drive, Suite A  
Sacramento, CA  95834  
Phone: (916)372-6100  
Facsimile: (916)419-6108  
Email: cindygnos@raneymanagement.com

ARTICLE 7 - MISCELLANEOUS

7.1. Entire Agreement. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by an amendment in writing signed by each party.

7.2. No Assignment. The Services are deemed unique and CONSULTANT shall not assign, transfer, subcontract or otherwise substitute its interest in this Agreement or any of its obligations hereunder without the prior written consent of CITY. As limited by this Section 7.2, this Agreement is to be binding on the successors and assigns of the parties hereto.
7.3. **Severability.** If any part of this Agreement is determined to be unconstitutional, invalid or beyond the authority of either party, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement can be interpreted to give effect to the intentions of the parties.

7.4. **Counterparts.** This Agreement may be signed in counterparts and, when fully signed, such counterparts shall have the same effect as if signed in one document.

7.5. **Choice of Law.** This Agreement and all matters relating to it shall be governed by the laws of the State of California without reference to its choice of laws principles and venue shall be in the appropriate court in San Mateo County, California.

7.6. **Waiver.** No failure on the part of either Party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder. A waiver by either CITY or CONSULTANT of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party's rights with respect to any other further breach.

7.7. **Mediation.** In the event the parties are unable to resolve a dispute arising under this Agreement through good faith negotiations, the parties agree to submit the matter to mediation with a mutually agreeable mediator. Prior to the mediation, the parties shall exchange any documents reasonably necessary to resolve the matter to be mediated.

7.8. **Attorney's Fees.** If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.

7.9. **Interpretation.** In the event this Agreement is ever construed in any dispute between the parties, it and each of its provisions shall be construed without regard to the party or parties responsible for its preparation and shall be deemed to have been prepared jointly by the parties. The rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement.

7.10. **Authority.** Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms.
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CITY OF PACIFICA

By: Lorie Tinfow, City Manager

Date 5-3-16

Approved As To Form

By: Michelle Marchetta Kenyon, City Attorney

CONSULTANT

Raney Planning & Management, Inc.

By: Tim Raney, President

Date 4-29-16

By: ____________________________

Date ____________________________
EXHIBIT A

Compensation

2016 BILLING RATES

The following is a summary of Raney Planning & Management, Inc. (Raney) Billing Rates for the provision of environmental and planning services.

Tim Raney, AICP, President $200/hour
Cindy Gnus, AICP, Senior Vice President $170/hour
Nick Pappani, Vice President $150/hour
Rod Stinson, Division Manager / Air Quality Specialist $140/hour
Senior Associate $120/hour
Kevin Valente, Associate $100/hour
Administrative $60/hour

OTHER COST INFORMATION

- Overhead charges for technical sub-consultants, travel, and copying/printing: 10%
- Travel: Billed at cost
- Copying and Printing: Billed at cost
ENVIRONMENTAL AND PLANNING 2019 BILLING RATES

The following is a summary of Raney, a division of Raney Planning & Management, Inc., Billing Rates for the provision of environmental and planning services. Please note that Raney will provide a complete scope of services and cost estimate by task based on hours, upon request.

Tim Raney, AICP, President $200/hour
Cindy Gnos, AICP, Senior Vice President $170/hour
Nick Pappani, Vice President $160/hour
Rod Stinson, Division Manager $150/hour
Angela DaRosa, Assistant Division Manager $130/hour
Senior Associate $125/hour
Associate $110/hour
Administrative $60/hour

AIR QUALITY 2019 BILLING RATES

The following is a summary of the Billing Rates for the provision of air quality and GHG analysis services. Please note that Raney will provide a complete scope of services and cost estimate by task based on hours, upon request.

Rod Stinson, Air Quality Specialist $150/hour
Angela DaRosa, Air Quality Specialist $150/hour
Jacob Byrne, Air Quality Technician $130/hour

OTHER COST INFORMATION

- Overhead charges for technical sub-consultants, travel, and copying/printing: 10%
- Travel: Billed at cost
  - It should be noted that Raney charges mileage at the Federal Standard Mileage Rate provided by the IRS.
- Copying and Printing: Billed at cost
  - Black & White (8.5” x 11”): 15¢/per page
  - Color (8.5” x 11”): 30¢/per page
  - Oversized prints (11” x 17”): 30¢/per page
SUBJECT:

Resolution Approving the County of San Mateo Building Department Mutual Aid Agreement and Authorizing the City Manager to Sign the Agreement.

RECOMMENDED ACTION:

Move to Adopt the Resolution Approving the County of San Mateo Building Department Mutual Aid Agreement and Authorizing the City Manager to Sign the Agreement.

STAFF CONTACT:

Tina Wehrmeister, Planning Director
(650)738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

This item authorizes the City Manager to sign the revised San Mateo Building Department Mutual Aid Agreement (“Agreement”). The purpose of this Agreement is to provide an organized means of requesting and providing voluntary mutual aid with neighboring entities during the event of a disaster. This provision of aid is similar to what exists among the public works, police and fire services. The City Council previously authorized the City’s participation in the prior version of the mutual aid agreement on May 8, 2017.

This Agreement will be for a term of ten years, from November 1, 2019 to November 1, 2029 but any Party may withdraw from this Agreement, with or without cause, upon 120 days prior written notice. This revised Agreement primarily clarifies and updates the insurance requirements for each party to the Agreement. Staff has conferred with our insurance provider who has indicated that the insurance requirements are reasonable. Generally, the Agreement provides a process for the party requesting assistance to seek assistance in a local emergency from other parties to the Agreement and the manner in which other parties may provide that assistance. The Agreement, however, does not require a party to provide assistance or incur any liability for not complying with the request for aid.

ALTERNATIVE ACTION:

Do not approve the Agreement. This is not recommended as the City may be unable to receive Building Department mutual aid assistance if necessary in the future.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Approval of the Agreement is consistent with the Council goal of “Maintaining a Safe Community” which includes supporting our first responders (police, fire, public works), responding to storm emergencies, protecting our infrastructure (streets, sidewalks, water), and engaging in emergency preparedness activities.
FISCAL IMPACT:

There is no direct fiscal impact associated with approving the Agreement. However, if mutual aid is requested in the future, the agreement requires that the "Requesting Party" reimburse the "Assisting Party" for all of its costs of providing assistance. The advantage provided to the "Requesting Party" by the Agreement is that pre-existing arrangements for the provision of services are often necessary to promptly obtain reimbursement from the State (California Disaster Assistance Act), or Federal Emergency Management Agency (FEMA) funds.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:

Exhibit 1 - Building Mutual Aid Agreement   (PDF)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
APPROVING A COUNTY OF SAN MATEO BUILDING DEPARTMENT
MUTUAL AID AGREEMENT

WHEREAS, the County of San Mateo and the cities in San Mateo County have expressed a mutual interest in the establishment of a plan to encourage building department mutual aid agreements; and

WHEREAS, the Pacifica City Council has determined that it would be in the City's best interest to participate in a Building Department Mutual Aid Agreement; and

WHEREAS, Section 8630 et seq. of the State of California Government Code grants local agencies full power to provide mutual aid pursuant to established agreements; and

WHEREAS, a form of agreement for building department mutual aid has been presented to this Council and considered.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF PACIFICA AS FOLLOWS:

1. The County of San Mateo Building Department Mutual Aid Agreement (Exhibit 1) is hereby approved; and

2. The City Council authorizes the City Manager to sign the County of San Mateo Building Department Mutual Aid Agreement in the form attached to this resolution as Exhibit 1, with minor revisions that may be approved by the City Manager and the City Attorney, and to execute any other necessary documents to effectuate the terms of the Agreement.

*       *       *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of November 2019, by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Sue Vaterlaus, Mayor

APPROVED AS TO FORM:  ATTEST:

Michelle Marchetta Kenyon, City Attorney  Sarah Coffey, City Clerk
SAN MATEO COUNTY OPERATIONAL AREA
BUILDING SAFETY INSPECTION PROGRAM MUTUAL AID AGREEMENT

This Building Safety Inspection Program Mutual Aid Agreement ("Agreement" or "Mutual Aid Agreement") is made and entered into as of the Effective Date by and between the parties set forth below (hereinafter individually referred to as "Party" or collectively referred to as the "Parties" to this Agreement).

WHEREAS, it is desirable and necessary for the protection of life, property and the environment that each of the parties hereto voluntarily aid and assist each other by the interchange of building safety inspection services and resources in the event of an emergency; and

WHEREAS, many building officials in San Mateo County have expressed an interest in the establishment of a plan to facilitate and encourage mutual aid agreements among building officials throughout San Mateo County; and

WHEREAS, the Parties have determined that it would be in their best interests to enter into a mutual aid agreement that implements a plan and sets forth procedures and responsibilities of the Parties whenever emergency personnel, equipment, and facility assistance is provided from one Party’s building official to the other; and

WHEREAS, no Party should be in a position of unreasonably depleting its own resources, facilities, or services by providing such mutual aid; and

WHEREAS, such an agreement is in accord with the California Emergency Services Act ("Act") (California Government Code Section 8550 et seq.) and specifically Section 8631 of the Act; and

WHEREAS, all Parties must use protocols established in the Standardized Emergency Management System ("SEMS") and the National Incident Management System ("NIMS") to be eligible for possible State or federal reimbursement of response-related personnel and resource costs.

In consideration of the conditions and covenants contained herein, the Parties agree as follows:

SECTION 1 - DEFINITIONS

For this Agreement, the following terms shall be ascribed the following meanings:

A. "Assisting Party" shall mean the Party to this Agreement that is providing mutual aid.

B. "Coordinator" shall mean the Coordinator of a Party (the local jurisdiction) providing mutual aid. This will typically be the Local Building Official. The Coordinator for each Party is responsible for all matters relative to building safety inspection mutual aid, to include but not be limited to requests, responses, and reimbursement.
C. “Local Building Official” shall mean the individual or designee who fulfills the functionally equivalent role of a city or town Building Official.

D. “Local Emergency” shall mean the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons or property within the territorial limits of one of the Parties caused by human or natural conditions such as air pollution, fire, flood, storm, wind, earthquake, explosion, transportation accident, hazardous material problem, tsunami, sudden or severe energy shortage, epidemic, riot or other occurrences, other than conditions resulting from a labor controversy, which occurrences, or the immediate threat thereof, are likely to be beyond the control of the personnel, equipment, or facilities of that Party to this Agreement and which personnel, equipment or facilities of the other Party are therefore desired to combat.

E. “Operational Area” shall mean San Mateo County and all the jurisdictions within the County that are Parties to this Agreement. Consistent with SEMS and NIMS, the Operational Area is an intermediate level of the State emergency services organization, which serves as a link in the systems of communications and coordination between the political subdivisions comprising the Operational Area and the Regional or State Emergency Operations Center(s).

F. “Operational Area Coordinator” shall mean the San Mateo County Office of Emergency Services (“OES”) Director or their designee, who shall coordinate the Local Building Officials for the Safety Assessment Program (“SAP”).

G. “Requesting Coordinator” shall mean the Coordinator of a Party requesting mutual aid.

H. “Requesting Party” shall mean the Party to this Agreement that is requesting mutual aid.

I. “Safety Assessment Program” or “SAP” shall mean the California OES program that provides professional engineers and architects and certified building inspectors to assist local governments in safety evaluation of their built environment in the aftermath of disaster.

SECTION 2 – DESIGNATION OF COORDINATOR

Coordinators shall be designated by each Party. The title, name, address, and phone number of the Coordinator shall be provided to the Operational Area Coordinator. If the designated coordinator changes, the Parties shall notify the Operational Area Coordinator as soon as practical after the appointment has been made.

SECTION 3 – MUTUAL AID

When a Local Emergency has been proclaimed by a Party’s governing body or authorized official, the Requesting Coordinator may request assistance from the Parties in accordance with the Procedures Guide attached as Exhibit A to this Agreement. In situations where extreme
imminent threat to life, property, or the environment exists, the San Mateo County Manager or the President of the San Mateo County Board of Supervisors may waive the requirement for a proclamation before providing assistance upon request from a City Manager of the affected jurisdiction and under the presumption that such a proclamation will be made in accordance with all local and State regulations as promptly as reasonably possible.

SECTION 4 – TERM
The term of this Agreement is for ten years, from November 1, 2019 to November 1, 2029.

SECTION 5 – AVAILABILITY
The Parties agree that the mutual aid extended under this Agreement is to be available and furnished in all cases of Local Emergencies regardless of type, provided that such mutual aid does not compromise any Party’s ability or capacity to respond to calls for service within its own jurisdiction. When a request for assistance is received, the Coordinator offering assistance will promptly advise of the extent of their response, and provide whatever personnel, equipment, and facilities are available without jeopardizing the safety of persons or property within their jurisdiction. No Party receiving a request for assistance shall be under any obligation to provide assistance or incur any liability for not complying with the request.

SECTION 6 – RETURN OF RESOURCES
When the Assisting Party’s personnel, equipment, or facilities are no longer required, or when the Assisting Party advises that the resources are required within their own jurisdiction, the Requesting Coordinator shall immediately arrange for the return of those resources.

SECTION 7 – SAFEKEEPING OF RESOURCES
The Requesting Party shall be responsible for the safekeeping of the resources provided by the Assisting Party. The Requesting Coordinator shall remain in charge of the incident or occurrence and shall maintain control and direction of the resources provided by the Assisting Party. The Requesting Party may include a request for the provision of supervisory personnel to take direct charge of the resources provided by the Assisting Party, under the general direction of the Requesting Coordinator. The Requesting Party shall make arrangements for feeding and/or assisting personnel, and for fueling, servicing, and repair of equipment unless the Coordinator providing the assistance agrees that these arrangements are not necessary or are to be provided by the Assisting Party.
SECTION 8 – EMPLOYMENT STATUS

The Assisting Party’s personnel who participate in the response shall not be deemed employees of the Requesting Party, nor shall any personnel of the Requesting Party be deemed employees of the Assisting Party. However, while acting under this Agreement, and solely for the purposes of indemnification and immunity, the Assisting Party’s personnel shall be considered special employees on a temporary basis and authorized agents of the Requesting Party.

SECTION 9 – WORKER’S COMPENSATION

Each Party shall provide, at its sole expense, the required worker’s compensation insurance coverage necessary for its own employees. In the event that any employee or employees of an Assisting Party alleges in a worker's compensation claim that they are special employees on a temporary basis of the Requesting Party, the Assisting Party agrees to indemnify, defend (with counsel acceptable to Requesting Party), and hold harmless the Requesting Party against the claims, and all expenses, losses, damages, costs, and judgments (including attorneys’ fees) relating to or arising out of the alleged special employee status. Nothing herein requires the Assisting Party to indemnify, defend, or hold harmless the Requesting Party against any worker’s compensation claim or portion of the claim unrelated to the alleged special employee status.

SECTION 10 – INSURANCE

Each Party shall maintain during the term of this Agreement such bodily injury liability and property damage liability insurance as shall protect Party and all of its employees/officers/agents while providing aid pursuant to this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage which may arise from Party’s actions under this Agreement, whether such actions be by the Party, any subcontractor, anyone directly or indirectly employed by either of them, or an agent of either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall not be less than the amounts specified below. Self-insurance shall be acceptable to meet this requirement.

- Comprehensive General Liability: $2,000,000
- Automobile Liability: $1,000,000

All Parties agree to furnish verification of coverage with original certificates and applicable endorsements or copies of applicable policy language upon request by any Party.

SECTION 11 – MUTUAL AID COSTS

The Requesting Party agrees to pay all reasonable direct, indirect, administrative, and contracted costs incurred by the Assisting Party as a result of providing assistance under this Agreement,
based upon the standard rates applicable to the Assisting Party’s internal operations. Any Assisting Party must obtain approval from the Requesting Party prior to purchase of any goods or equipment in order to be eligible for reimbursement. The Requesting Party shall pay such costs as soon as reasonable after receipt of a detailed invoice. Payment shall occur within six (6) months but may be delayed if agreed upon by both Parties. The Requesting Party shall not assume any liability for the direct payment of any salary or wages to any officer, employee, or agent of the Assisting Party.

SECTION 12 – DEFENSE AND INDEMNIFICATION

12.1 Claims Arising from Sole Acts or Omissions of a Party. Each Party to this Agreement hereby agrees to defend and indemnify the other Parties to this Agreement, their agents, officers and employees, from any claim, action or proceeding against another Party, to the extent arising out of its own acts or omissions in the performance of this Agreement. At each Party’s sole discretion, each Party may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve any Party of any obligation imposed by this Agreement. Parties shall notify each other promptly of any claim, action or proceeding and cooperate fully in the defense.

12.2 Claims Arising from Concurrent Acts or Omissions. The Parties hereby agree to defend themselves from any claim, action, or proceeding arising out of the concurrent acts or omissions of the Parties. In such cases, the Parties agree to retain their own legal counsel, if necessary, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in Subsection 12.3 and/or Subsection 12.4, below.

12.3 Joint Defense. Notwithstanding Subsection 12.2 above, in cases where Parties agree in writing to a joint defense, Parties may appoint joint defense counsel to defend the claim, action, or proceeding arising out of the concurrent acts or omissions of Parties. Joint defense counsel shall be selected by mutual agreement of said Parties. Parties agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in Subsection 12.4 below. Parties further agree that no Party may bind the others to a settlement agreement without the written consent of the others.

12.4 Reimbursement and/or Reallocation. Where a trial verdict allocates or determines the comparative fault of the Parties, those Parties may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault. The Parties expressly waive pro rata allocation of liability under Government Code Section 895.6.

SECTION 13 – NO WAIVER

This Agreement shall in no way abrogate or waive any of the immunities available under Federal, State, and local law and regulations, including but not limited to the California
Emergency Services Act, Government Code Section 8655 et seq., and the California Government Claims Act, Government Code Section 810 et seq.

SECTION 14 – RECORDS
When mutual aid is provided, the Requesting and Assisting Parties will keep account records of the personnel, equipment, mileage, and materials provided as required by Federal and State law, the California Disaster Assistance Act, and Federal Emergency Management Agency (“FEMA”) guidelines to maximize the possibility of Federal and State disaster reimbursement. Each Party shall have access to another Party’s records for this purpose upon reasonable request.

SECTION 15 – EFFECTIVE DATE
This Agreement shall take effect immediately upon its execution by the President of the County of San Mateo Board of Supervisors and one or more other Parties.

SECTION 16 – WITHDRAWAL
Any Party may withdraw from this Agreement, with or without cause, upon delivery of one-hundred twenty (120) days prior written notice to the Operational Area Coordinator.

SECTION 17 – PRIOR AGREEMENTS
To the extent that they are inconsistent with this Agreement, all prior agreements for building department mutual aid between the Parties are hereby null and void. This Agreement does not preclude any routine or shared services which the Parties may provide, may already have contracted for, or may contract for in the future.

SECTION 18 – MULTIPLE REQUESTS
When more than one city is impacted by an emergency, requests for building safety inspection mutual aid under this Agreement will be channeled through the Operational Area Coordinator to ensure maximum effectiveness in allocating resources to the Party with the highest priority needs.

SECTION 19 – MEDIATION
Should any dispute arise out of this Agreement, any Party may request that it be submitted to mediation. The Parties involved in the dispute shall meet in mediation within 30 days of a
request. The mediator shall be agreed to by the mediating Parties; in the absence of an agreement, the Parties shall each submit one name from mediators listed by either the American Arbitration Association, the State Mediation and Conciliation Service, or other agreed-upon service. The mediator shall be selected by a blind draw.

SECTION 20 – OPERATIONAL AREA COORDINATOR

The Operational Area Coordinator shall be responsible for:

A. Receipt of new members to the Agreement.
B. Maintaining a current list of signatory Parties.
C. Establishing and maintaining a list of Coordinators.
D. Circulating annually a list of all Parties and Coordinators to all signatory Parties.
E. Arranging for amendments to the Agreement as may be necessary.
F. Allocating resources in the event of multiple requests as provided in Section 18.

SECTION 21 – EXECUTION

All Parties agree that any other qualified public agency may become a Party to this Agreement by executing a duplicate copy of this Agreement and sending same to the Operational Area Coordinator, addressed as follows:

San Mateo County Office of Emergency Services
400 County Center
Redwood City, CA 94063-1665

SECTION 22 – AUTHORITY TO ENTER INTO AGREEMENT

Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective Party.

SECTION 23 – THIRD PARTY BENEFICIARIES

Nothing set forth in this Agreement shall create, nor is it intended to create, third party beneficiaries with rights to enforce any clause, condition or term of this Agreement, or assert a claim or cause of action for breach of this Agreement.
SECTION 24 – SEVERABILITY

Should any term or provision of this Agreement be determined to be illegal or in conflict with any law, the validity of the remaining portions or provisions shall not be affected thereby. Each term or provision of this Agreement shall be valid and enforced as written to the fullest extent permitted by law.

* * *

San Mateo County Operational Area Building Safety Inspection Program Mutual Aid Agreement
This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, and in agreement with this Agreement’s terms, the Parties, by their duly authorized representatives, affix their respective signatures:

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EXHIBIT A
SAN MATEO COUNTY OPERATIONAL AREA
BUILDING SAFETY INSPECTION PROGRAM MUTUAL AID AGREEMENT
PROCEDURES GUIDE

I. PURPOSE

The purpose of this Procedures Guide is to provide Parties to the San Mateo County Operational Area Building Safety Inspection Program Mutual Aid Agreement with a practical set of guidelines on how to effectively provide and receive building safety inspection assistance. The terms of the Agreement shall govern in the event there is any actual or apparent conflict between this Procedures Guide and the Agreement. The following provisions are suggested guidelines only and not binding on any agency, except to the extent an agency wishes to request assistance pursuant to this Agreement, in which case these guidelines shall be followed. These provisions should be modified and expanded as necessary by an Amendment to the Agreement to meet the unique needs, emergency organizational structure, and working relationships of each operational and regional area.

II. TENETS OF OPERATIONAL AREA BUILDING SAFETY INSPECTION MUTUAL AID

1. The most effective means of providing timely assistance to a jurisdiction impacted by a disaster is to have agreements in place in advance of the disaster.
2. Assistance is voluntary.
3. Assistance provided shall be reimbursed by the requesting jurisdiction.
4. Jurisdictions should reasonably commit their own resources before requesting mutual aid.
5. A Proclamation of a Local Emergency is necessary to activate the Agreement, unless waived per Section 3 of the Agreement.
6. Cooperative planning and training are desirable to enhance the effectiveness of providing mutual aid when needed.

III. PROCEDURES FOR BUILDING SAFETY INSPECTION MUTUAL AID

1. Designated Building Official Coordinator

The Agreement specifies that the “Coordinator” shall mean the person designated by each Party to act on behalf of that Party on all matters relative to building safety inspection mutual aid, including but not limited to requests, responses, and reimbursement.
The Coordinator should be a person who during a disaster would be authorized to request Safety Assessment Program (“SAP”) resources. The Coordinator should also be in a position to authorize the providing agency to release personnel and equipment to the agency impacted by the disaster.

Alternate coordinators should be designated in case the primary coordinator is unavailable during the disaster. Each Party should submit the name and contact information of the Coordinator and alternate to the Operational Area Coordinator, and keep that information up-to-date.

2. **WebEOC Communication**

To obtain building safety inspection assistance, a planned method of communicating requests is essential. This includes using WebEOC as the primary means to process the request and maintain lines of communication. WebEOC should be used to request assistance using the Resource Task (ICS-213RR). Communication via telephone, radio, microwave, etc. may be necessary in the early phases of an incident to ensure requests are being received and processed in a timely manner, and may also be used as secondary communication channels.

3. **Resource Lists and Contacts**

It is strongly recommended that lists of building safety inspector resources (including quantity and type of personnel, equipment, and materials) be developed for each participating agency in the Operational Area. Each Coordinator should upload their resource list to WebEOC, and provide a copy to the Operational Area Coordinator. The Operational Area Coordinator will populate the list in the resources section of the County WebEOC. Coordinators should regularly review and update their lists and provide updated information to the Operational Area Coordinator. Such lists are essential for the Operational Area Coordinator to quickly identify which agencies have the particular types of resources needed by the requesting agency.

SMCAAlert will be used to notify all Building Officials/designated Coordinators in the Operational Area of a resource request.

4. **Arrange Care for Assisting Forces**

The Agreement requires that the Requesting Party be responsible for the safekeeping of the resources provided by the Assisting Party.

5. **Documentation for Reimbursement**

In accordance with the Agreement, each Requesting and Assisting Party is required to keep accounting records of the personnel, equipment, and materials provided under the Agreement as required by the Federal Stafford Act administered by the Federal Emergency Management Administration (FEMA) and State guidelines. This requirement is to maximize the Requesting Party’s ability to receive reimbursement for costs expended to receive mutual aid.

6. **Proclamation of Emergency**

The Agreement requires that a Local Emergency be proclaimed by an authorized official or the governing body of the impacted jurisdiction prior to requesting resources, unless the requirement
is waived pursuant to Section 3 of the Agreement. A State of Emergency should also be requested through the Operational Area for approval by the Governor to authorize State reimbursement and, if warranted, a request for a Presidential Proclamation of Emergency to authorize federal reimbursement. Each Party should include in their emergency plan a provision to seek a proclamation from the authorized official in their jurisdiction as soon as they can reasonably determine that the disaster will be beyond the scope of mutual aid assistance. Because cumulative estimates of damage across the County may be combined to establish a basis for reimbursement from the State and a gubernatorial declaration of emergency, the collection and provision of damage estimates to the Operational Area Coordinator for any incident that might have Countywide implication is important in obtaining external resources.

7. **Agency in Charge**

The Agreement provides that the Requesting Coordinator shall remain in charge of the incident and provide direction to and control of the resources provided by the Assisting Party. The Requesting Party may also request that the Assisting Party provide supervisory personnel to take direct charge of the resources provided under the overall direction of the Requesting Coordinator. The Assisting Party should comply with all reasonable directions from the Requesting Coordinator. However, the Assisting Party should not be obligated to perform any work that it reasonably believes would unduly jeopardize the safety of its employees.

8. **Checklists for Requesting Mutual Aid**

Each Party to the Agreement is encouraged to develop checklists for their Coordinator to use in assuring that all required steps are followed to properly and effectively seek and provide building safety inspection mutual aid for the benefit of the impacted area and protection of the Assisting Party. These checklists should establish who is to carry out each essential function both internally to the agency and externally, and contact numbers and means for reaching those individuals.

Exhibit A-1 (San Mateo County Operational Area Building Safety Inspection Program Checklist for Mutual Aid Assistance) is a sample checklist.
EXHIBIT A-1
SAN MATEO COUNTY BUILDING SAFETY INSPECTION PROGRAM
CHECKLIST FOR MUTUAL AID ASSISTANCE

I. Pre-Event

Develop procedures at the Operational Area to carry out mutual aid including checklists of actions, resource lists, etc.

II. Post Event

1. Agency experiencing event quickly assesses estimated extent of damage and availability of local resources to respond.

2. If it is apparent that outside resources will be needed to effectively deal with the emergency, promptly request a proclamation of Local Emergency.

3. Upon a proclamation of Local Emergency (or waiver under Section 3 of the Agreement), request mutual aid assistance via WebEOC from the Operational Area Coordinator according to pre-established procedures in WebEOC.

4. Ensure request is specific as to type and quantity of resources needed, when to report, who to report to, how long resources may be needed, and type of work to be performed.

   Once an Assisting Party is located to satisfy the resource request, the Operational Area Coordinator will determine how quickly these resources can be made available and notify the Requesting Party.

5. The Requesting Party will make all necessary arrangements to care for the Assisting Party’s personnel and equipment if needed.

6. The Requesting Party will carefully document all costs for each specific damage site according to State and Federal procedures for eligible reimbursement. Carefully record the names of assisting personnel and equipment at each site, hours worked, and mileage. Parties should ensure that expenses and activities are documented on the required forms, which include:

   a. ICS Form 214 Unit Log
   b. FEMA 90127 Force Account Labor Summary
   c. FEMA 90128 Force Account Equipment Summary
7. The Requesting Party should return the Assisting Party’s resources as soon as possible.
SUBJECT:

Adopt a resolution authorizing application for, and receipt of, SB 2 Planning Grants Program Funds in the amount of $160,000.

RECOMMENDED ACTION:

Adopt the resolution authorizing the City Manager to execute the grant agreement and all other documents necessary to secure SB 2 Planning Grants Program Funds in the amount of $160,000.

STAFF CONTACT:

Tina Wehrmeister, Planning Director
(650) 738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND:

In 2017, Governor Brown signed the Building Homes and Jobs Act (SB 2, 2017), which established a $75 recording fee on real estate documents to increase the housing supply in California.

These funds are now available to local agencies via a non-competitive grant program. The amount available is based on population. Pacifica is allocated $160,000 for eligible activities which include:

- Updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans.
- Updates to zoning ordinances.
- Environmental analyses that eliminate the need for project-specific review.
- Local process improvements that expedite local planning and permitting.

DISCUSSION:

This grant opportunity has been made available to support very specific eligible activities and can be used to support activities already authorized as long as funded activities occur after the Notice of Funding Availability was issued (March 29, 2019). The Sharp Park Specific Plan fits this criteria and specific plans with California Environmental Quality Act (CEQA) streamlining are a State Priority Policy Area, as defined in the grant guidelines.

Staff has prepared the required grant application (Attachment A). As described in the grant application:

The Sharp Park Specific Plan will implement the following General Plan/Local Coastal Plan policy amendments, specifically related to housing production, that have received
preliminary endorsement by the City Council and Planning Commission:

- Prioritize in-fill development, allowing mixed-use development at higher densities along the Palmetto Avenue and Francisco Boulevard corridors;

- Increase the maximum permissible density of the High Density Residential and Mixed Use Neighborhood land use designations to 30 units per acre for sites of 0.5 acres or more in size and ensure consistency with State Housing Element law pertaining to sites presumed suitable for affordable housing development;

- Revise the Mixed Use Center designation to set a minimum density of 30 dwelling units per acre, to provide continuous transition from proposed 30-unit maximum density indicated in Mixed Use Neighborhood designation for sites ½-acre and larger (16 to 30 dwelling units per acre); and

- Policies that allow building height flexibility in order to achieve intended density ranges.

The City must prepare an Environmental Impact Report (EIR) prior to adopting the Specific Plan. Adoption of the EIR will facilitate CEQA streamlining (under multiple CEQA provisions) if projects are consistent with the Specific Plan.

This proposal is consistent with the intended grant guidelines and will free budget to achieve additional housing related initiatives contained in the Council work plan including:

- Leveraging funding for the Accessory Dwelling Unit One Stop Shop Pilot, which is matched 1-1 by San Mateo County; and
- Developing an affordable housing impact fee

These programs will be presented in future Council agendas, consistent with timelines presented in the Council Work Plan (Attachment B).

**ALTERNATIVE ACTION:**

None identified. Seeking SB2 grant funding is consistent with the City Council’s FY 19-20 Work Plan initiatives.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

This item is consistent with the following Council adopted goals and Work Plan initiatives:

- “A Healthy and Compassionate Community” includes addressing affordable housing and mental health services, investigating strategies related to homelessness, and supporting youth services.

- Initiative 3 - Continue efforts to support affordable housing initiatives, including evaluation of developing an affordable housing impact fee.

**FISCAL IMPACT:**

None. With submission of this grant application, the City seeks to receive $160,000 for eligible activities (preparation of the Sharp Park Specific Plan).
ORIGINATED BY:
Planning Department

ATTACHMENT LIST:
Attachment A - Grant Application (PDF)
Attachment B - Initiative 3 Work Plan (PDF)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS
PROGRAM FUNDS

WHEREAS, the State of California, Department of Housing and Community
Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28,
2019, for its Planning Grants Program (PGP); and

WHEREAS, the City Council of the City of Pacifica desires to submit a project
application for the PGP program to accelerate the production of housing and will submit a 2019
PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning
Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to $123 million under the SB 2
Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to
Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes
of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica as
follows:

1. The City Council is hereby authorized and directed to apply for and submit to the
Department the 2019 Planning Grants Program application in the amount of $160,000.

2. In connection with the PGP grant, if the application is approved by the Department, the
City Manager is authorized to enter into, execute, and deliver a State of California
Agreement (Standard Agreement) for the amount of $160,000, and any and all other
documents required or deemed necessary or appropriate to evidence and secure the
PGP grant, the City’s obligations related thereto, and all amendments thereto
(collectively, the “PGP Grant Documents”).

3. The City shall be subject to the terms and conditions as specified in the Standard
Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP
guidelines published by the Department. Funds are to be used for allowable
expenditures as specifically identified in the Standard Agreement. The application in full
is incorporated as part of the Standard Agreement. Any and all activities funded,
information provided, and timelines represented in the application will be enforceable
through the executed Standard Agreement. The City Council hereby agrees to use the
funds for eligible uses in the manner presented in the application as approved by the
Department and in accordance with the Planning Grants NOFA, the Planning Grants
Program Guidelines, and 2019 Planning Grants Program Application.

4. The City Manager is authorized to execute the City of Pacifica Planning Grants Program
application, the PGP Grant Documents, and any amendments thereto, on behalf of the
City as required by the Department for receipt of the PGP Grant.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of November 2019, by the following vote:

**AYES**, Councilmembers:

**NOES**, Councilmembers:

**ABSENT**, Councilmembers:

**ABSTAIN**, Councilmembers:

Sue Vaterlaus, Mayor

APPROVED AS TO FORM:  
Michelle Marchetta Kenyon, City Attorney

ATTEST:  
Sarah Coffey, City Clerk
SB 2 Planning Grants Program Application

State of California
Governor Gavin Newsom

Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency

Ben Metcalf, Director
Department of Housing and Community Development

2020 West El Camino, Suite 500
Sacramento, CA 95833
Website: http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml
Email: sb2planninggrant@hcd.ca.gov

March 28, 2019
Revised July 10, 2019
SB 2 Planning Grants Application

Planning Grants Program Application Packaging Instructions

The applicant is applying to the Department of Housing and Community Development (Department) for a grant authorized underneath the Planning Grants Program (PGP) provisions of SB 2 (Chapter 364, Statutes of 2017). The PGP program is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. Please refer to the SB 2 Planning Grants Program Guidelines and Notice of Funding Availability (NOFA) for detailed information on eligible activities, applicants, and awards. If you have questions regarding this application or the PGP, email sb2planninggrant@hcd.ca.gov.

If approved for funding, this grant application will be a part of your Standard Agreement with the Department. In order to be considered for funding, all sections of this application, including attachments and exhibits if required, must be complete and accurate.

Pursuant to Section X of the NOFA, all applicants must submit a complete, signed, original application package and an electronic copy on CD or USB flash drive containing the following documentation, in the order listed below, to the Department by the specified due date in the Notice of Funding Availability (NOFA) in order to be considered for award:

1) A complete, signed, original application (the Department will only accept this fillable pdf as the application) with the following attachments:

   a. Attachment 1: State and Other Planning Priorities (All applicants must submit this form to self-certify compliance)

   b. Attachment 2: Nexus to Accelerating Housing Production - NOTE: if the applicant is proposing only Priority Policy Areas (PPA), as defined in section VIII, subsection (3) of the NOFA, do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.

2) A fully executed resolution authorizing application for, and receipt of, PGP funds (see Attachment 3: Sample Resolution).


4) If the applicant is partnering with another local government or other entity pursuant to Article II, Section 200 of the SB 2 Planning Grant Program Guidelines (the “Guidelines”), include a copy of the legally binding agreement.

5) Other documentation (e.g., letters of support, scope of work, etc.) if needed.

NOTE: All local governments must submit a separate, signed application package, notwithstanding whether it will partner with another form of government or entity. Only one application per locality will be accepted by the Department. Joint applications are not allowed.
A. Applicant Information

Pursuant to Article II, Section 200 of the Guidelines, local governments may partner through legally binding agreements with other forms of governments or entities. However, all local governments must submit separate, signed application packages that identify their respective responsibilities and deliverables, even if partnering with other entities.

| Is the applicant partnering with another eligible local government entity? |
|-----------------------------|-----------------------------|
| ☑ No                        | "Yes"                       |
| "If Yes, the application package must include a fully executed copy of the legally binding agreement. Provide the partners' name(s) and type(s) below for reference only." |

<table>
<thead>
<tr>
<th>Complete the following Applicant information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Name</td>
</tr>
<tr>
<td>Applicant’s Agency Type</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Zip Code</td>
</tr>
<tr>
<td>County</td>
</tr>
<tr>
<td>Website</td>
</tr>
<tr>
<td>Authorized Representative Name</td>
</tr>
<tr>
<td>Authorized Representative Title</td>
</tr>
<tr>
<td>Phone</td>
</tr>
<tr>
<td>Fax</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Contact Person Name</td>
</tr>
<tr>
<td>Contact Person Title</td>
</tr>
<tr>
<td>Phone</td>
</tr>
<tr>
<td>Fax</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Partner(s) Name (if applicable)</td>
</tr>
<tr>
<td>Partner Agency Type</td>
</tr>
<tr>
<td>Partner(s) Name (if applicable)</td>
</tr>
<tr>
<td>Partner Agency Type</td>
</tr>
<tr>
<td>Proposed Grant Amount</td>
</tr>
</tbody>
</table>

B. Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the Planning Grants Program (PGP), the City of Pacifica assumes the responsibilities specified in the 2019 Notice of Funding Availability and PGP guidelines, and certifies that the information, statements, and other contents contained in this application are true and correct.

Signature: _______________________________ Name: _______________________________ Kevin Woodhouse

Date: _______________________________ Title: _______________________________ City Manager
C. Threshold Requirements

Pursuant to Section 201(a) through (d) of the Guidelines, all applicants must meet the following threshold criteria in items 1-4 below to be eligible for an award.

1. Does the applicant have an adopted housing element found to be in substantial compliance by the Department on or before the date of the applicant’s submission of their SB 2 Planning Grant application?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Date of HCD Review Letter: 5/20/15</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>The Applicant requests HCD to consider housing element compliance threshold as met due to significant progress achieved in meeting housing element requirements.</td>
</tr>
</tbody>
</table>

2. Has the applicant submitted to the Department the Annual Progress Report (APR) for the current or prior year on or before the date of submission of their SB 2 Planning Grant application?

<table>
<thead>
<tr>
<th>Yes</th>
<th>APR</th>
<th>Date Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>2017 CY Report</td>
<td>3/19/18</td>
</tr>
<tr>
<td>☑</td>
<td>2018 CY Report</td>
<td>3/21/19</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Is the applicant utilizing one of the Priority Policy Areas listed below (as defined in section VIII, subsection (3) of the NOFA)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>*If the applicant is proposing only Priority Policy Areas, do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>Rezone to permit by-right</td>
</tr>
<tr>
<td>☐</td>
<td>Objective design and development standards</td>
</tr>
<tr>
<td>☑</td>
<td>Specific Plans or form based codes coupled with CEQA streamlining</td>
</tr>
<tr>
<td>☐</td>
<td>Accessory Dwelling Units or other low-cost building strategies</td>
</tr>
<tr>
<td>☐</td>
<td>Expedited processing</td>
</tr>
<tr>
<td>☑</td>
<td>Housing related infrastructure financing and fee reduction strategies</td>
</tr>
</tbody>
</table>

| No   | If an applicant is not proposing Priority Policy Areas, the application must include an explanation and document the plans or processes’ nexus and impact on accelerating housing production based on a reasonable and verifiable methodology and must submit Attachment 2 in the Application pursuant to section VIII, subsection (3) of the NOFA. |
|☐    | The applicant is proposing PPAs and other activities not considered PPAs and is demonstrating how these activities have a nexus to accelerating housing production by submitting Attachment 2. |

4. Does the applicant demonstrate that the locality is consistent with State Planning or Other Priorities, as certified in Attachment 1?

*If No, consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years, as certified in Attachment 1.

| Yes  | ☑  | *No  | ☐ |

5. Is a completed and signed resolution included with the application package?

See Attachment 3, “Sample Resolution”

| Yes  | ☑  | No  | ☐ |
D. Proposed Activities Checklist (Section VI, items (1) through (17) of the NOFA)

Check all activities the locality is undertaking for their PGP efforts below. Activities must match Section E. Project Description, and Section F. Timeline and Budget.

<table>
<thead>
<tr>
<th></th>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>✔ updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans</td>
</tr>
<tr>
<td>2</td>
<td>updates to zoning ordinances</td>
</tr>
<tr>
<td>3</td>
<td>✔ environmental analyses that eliminate the need for project-specific review</td>
</tr>
<tr>
<td>4</td>
<td>✔ local process improvements that improve and expedite local planning</td>
</tr>
<tr>
<td>5</td>
<td>a smaller geography with a significant impact on housing production including an overlay district, project level specific plan or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas</td>
</tr>
<tr>
<td>6</td>
<td>the creation or enhancement of a housing sustainability district pursuant to AB 73 (Chapter 371, Statutes of 2017)</td>
</tr>
<tr>
<td>7</td>
<td>✔ workforce housing opportunity zone pursuant to SB 540 (Chapter 369, Statutes of 2017)</td>
</tr>
<tr>
<td>8</td>
<td>zoning for by-right supportive housing, pursuant to Government Code section 65551 (Chapter 753, Statutes of 2018)</td>
</tr>
<tr>
<td>9</td>
<td>zoning incentives for housing for persons with special needs, including persons with developmental disabilities</td>
</tr>
<tr>
<td>10</td>
<td>rezoning to meet requirements pursuant to Government Code Section 65583.2(c) and other rezoning efforts to facilitate supply and affordability</td>
</tr>
<tr>
<td>11</td>
<td>rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps)</td>
</tr>
<tr>
<td>12</td>
<td>pre-approved architectural and site plans</td>
</tr>
<tr>
<td>13</td>
<td>regional housing trust fund plans</td>
</tr>
<tr>
<td>14</td>
<td>✔ funding plans for SB 2 Year 2 going forward</td>
</tr>
<tr>
<td>15</td>
<td>infrastructure financing plans</td>
</tr>
<tr>
<td>16</td>
<td>✔ environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary and part of a proposed activity with a nexus to accelerating housing production</td>
</tr>
<tr>
<td>17</td>
<td>✔ Other activities demonstrating a nexus to accelerating housing production</td>
</tr>
</tbody>
</table>
E. Project Description

Provide a description of the project and the scope of work to be performed below. Use Appendix A for additional information if necessary. Note: If partnering with another local government or entity, be sure to clarify the responsibilities and deliverables of your locality pursuant to such partnership.

Project Description: The City is currently preparing the "Sharp Park Specific Plan" which will build off the concurrent comprehensive General Plan and Local Coastal Plan Updates. The Sharp Park Specific Plan will implement the following General Plan/Local Coastal Plan policy amendments, specifically related to housing production, that have received preliminary endorsement by the City Council and Planning Commission:

- Prioritize in-fill development, allowing mixed-use development at higher densities along the Palmetto Avenue and Francisco Boulevard corridors;

- Increase the maximum permissible density of the High Density Residential and Mixed Use Neighborhood land use designations to 30 units per acre for sites of 0.5 acres or more in size and ensure consistency with State Housing Element law pertaining to sites presumed suitable for affordable housing development;

- Revise the Mixed Use Center designation to set a minimum density of 30 dwelling units per acre, to provide continuous transition from proposed 30-unit maximum density indicated in Mixed Use Neighborhood designation for sites ½-acre and larger (16 to 30 dwelling units per acre); and

- Policies that allow building height flexibility in order to achieve intended density ranges.

The City must prepare an Environmental Impact Report (EIR) prior to adopting the Specific Plan. The City proposes to prepare a Program EIR per CEQA Guidelines Section 15168. This will facilitate the CEQA streamlining under Section 15168(o) and (d) if projects are consistent and considered later activities under the program. Preparation of the Program EIR will also facilitate the opportunity for projects to utilize Public Resources Code Section 21159.24, which allows urban infill residential development that meets certain criteria to be exempt from CEQA. The City would facilitate the Statutory Infill Housing Exemption by providing updated community level environmental review, as defined by Public Resources Code Section 21159.20, for properties designated for residential development by the General Plan. In addition, the City may utilize the SB 226 CEQA streamlining provisions that went into effect January 1, 2013. SB 226 was adopted as part of the CEQA Guidelines in Section 15183.3 and uses including Appendix M and N to the CEQA Guidelines to streamline review.

Finally, since the Program EIR is for a Specific Plan, future development will also utilize an expanded exemption under Government Code Section 65457 that will apply to certain residential, commercial, and mixed-use projects that are consistent with a specific plan adopted pursuant to Government Code, Article 8, Chapter 3, and would be exempt from CEQA.

The policy amendments and CEQA streamlining discussed above will expedite the local permitting process.
[Continued in Appendix A]
### SB 2 Planning Grants Application

#### F. Project Timeline and Budget

<table>
<thead>
<tr>
<th>Objective</th>
<th>Responsible Party</th>
<th>Est. Cost</th>
<th>Begin</th>
<th>End</th>
<th>Deliverable</th>
<th>*PPA</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete existing conditions, issues, and opportunity report</td>
<td>Applicant</td>
<td>$ 0</td>
<td>7/15/19</td>
<td>10/31/19</td>
<td>Existing conditions report, market demand evaluation memo</td>
<td>Yes</td>
<td>Funding from other sources</td>
</tr>
<tr>
<td>Continue outreach and prepare Specific Plan vision summary</td>
<td>Applicant</td>
<td>$ 0</td>
<td>9/16/19</td>
<td>11/1/19</td>
<td>Stakeholder mtgs., workshop, study session, draft/final vision plan</td>
<td>Yes</td>
<td>Funding from other sources</td>
</tr>
<tr>
<td>Prepare land use concepts, preferred plan and key strategies</td>
<td>Applicant</td>
<td>$ 44,590</td>
<td>11/4/19</td>
<td>2/14/20</td>
<td>Preferred Plan and policy framework, additional amendments</td>
<td>Yes</td>
<td>Partial SB 2 funding and other source funding</td>
</tr>
<tr>
<td>Draft Specific Plan</td>
<td>Applicant</td>
<td>$115,410</td>
<td>2/28/20</td>
<td>6/30/20</td>
<td>Admin., screencheck, and public review drafts</td>
<td>Yes</td>
<td>SB 2 funding</td>
</tr>
<tr>
<td>Prepare EIR</td>
<td>Applicant</td>
<td>$ 0</td>
<td>12/28/20</td>
<td>7/31/20</td>
<td>NOP, scoping meeting, admin., screencheck, public draft, NOC</td>
<td>Yes</td>
<td>Funding from other sources</td>
</tr>
<tr>
<td>Hearings and adoption</td>
<td>Applicant</td>
<td>$ 0</td>
<td>6/1/20</td>
<td>7/31/20</td>
<td>Final EIR, Spec Plan, GP, LCP, public hearings</td>
<td>Yes</td>
<td>Funding from other sources</td>
</tr>
<tr>
<td>Other</td>
<td></td>
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<tr>
<td>Other</td>
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<td>Other</td>
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<tr>
<td>Total Est. Cost</td>
<td></td>
<td>$ 160,000</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

*Priority Policy Area (PPA)
## G. Legislative Information

<table>
<thead>
<tr>
<th>District</th>
<th>#</th>
<th>Legislator Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Congressional District</td>
<td>14</td>
<td>Congresswoman Jackie Speier</td>
</tr>
<tr>
<td>State Assembly District</td>
<td>22</td>
<td>Assembly Member Kevin Mullin</td>
</tr>
<tr>
<td>State Senate District</td>
<td>13</td>
<td>Senator Jerry Hill</td>
</tr>
</tbody>
</table>

Applicants can find their respective State Senate representatives at [https://www.senate.ca.gov/](https://www.senate.ca.gov/), and their respective State Assembly representatives at [https://www.assembly.ca.gov/](https://www.assembly.ca.gov/).
SB 2 Planning Grants Application

Attachment 1: State and Other Planning Priorities Certification (Page 1 of 3)

Pursuant to Section 201(d) of the Guidelines, all applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities by certifying that at least one activity was completed in 1) State Planning Priorities (i.e., Infill and Equity, Resource Protection, Efficient Development Patterns) or 2) Other Planning Priorities (i.e., Affordability, Conservation, or Climate Change). Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years.

Complete the following self-certification by selecting one or more of the policy areas in the following tables by inserting the date completed for each applicable action, briefly describing the action taken, and certifying.

### State Planning Priorities

<table>
<thead>
<tr>
<th>Date Completed</th>
<th>Brief Description of the Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Promote Infill and Equity</strong></td>
<td>Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.</td>
</tr>
<tr>
<td>11/30/18</td>
<td>Palmetto Streetscape Project - $3.4 million dollar project to rehabilitate the main street (Palmetto) in the Sharp Park Specific Plan area and support future in-fill dev.</td>
</tr>
<tr>
<td><strong>Seek or utilize funding or support strategies to facilitate opportunities for infill development.</strong></td>
<td></td>
</tr>
<tr>
<td>8/6/19</td>
<td>Approved for participate in a ADU One Stop Shop technical support pilot program with San Mateo County. This program seeks to increase and support ADU construction.</td>
</tr>
<tr>
<td><strong>Other (describe how this meets subarea objective)</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Completed</th>
<th>Brief Description of the Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Promote Resource Protection</strong></td>
<td>Protecting, preserving, and enhancing the state’s most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.</td>
</tr>
<tr>
<td>11/23/15</td>
<td>Facilitated purchase of a 5 ac. property located in the Pedro Point Headlands. The acquisition will allow future connection between two segments of the CA Coastal Tr.</td>
</tr>
<tr>
<td><strong>Actively seek a variety of funding opportunities to promote resource protection in underserved communities.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Other (describe how this meets subarea objective)</strong></td>
<td></td>
</tr>
<tr>
<td>4/27/15</td>
<td>Council adopted resolution supporting formation of Priority Conservation Area at Pedro Point which was approved and adopted by Association of Bay Area Governments.</td>
</tr>
</tbody>
</table>

**Encourage Efficient Development Patterns**

Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:

(1) Uses land efficiently.
### SB 2 Planning Grants Application

**Attachment 1: State and Other Planning Priorities Certification (Page 2 of 3)**

1. **Is built adjacent to existing developed areas to the extent consistent with environmental protection.**

2. **Is located in an area appropriately planned for growth.**

3. **Is served by adequate transportation and other essential utilities and services.**

4. **Minimizes ongoing costs to taxpayers.**

5. **Other (describe how this meets subarea objective)**

---

**Other Planning Priorities**

#### Affordability and Housing Choices

Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.

<table>
<thead>
<tr>
<th>Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8/6/19</strong> Selected as a partner agency in &quot;One Stop Shop&quot; ADU technical assistance program. Includes web application to help homeowners understand requirements</td>
</tr>
</tbody>
</table>

Upzoning or other zoning modifications to promote a variety of housing choices and densities.

Utilizing surplus lands to promote affordable housing choices.

Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.

Other (describe how this meets subarea objective)
**Attachment 1: State and Other Planning Priorities Certification (Page 3 of 3)**

**Conservation of Existing Affordable Housing Stock**

*Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other (describe how this meets subarea objective)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Climate Adaptation**

*Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/11/17</td>
<td>Adoption of updated Flood Damage Prevention Ordinance.</td>
</tr>
</tbody>
</table>

*Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/21/19</td>
<td>Home for All community engagement program. Included outreach and invitation to vulnerable populations including homeless and vehicularly housed.</td>
</tr>
</tbody>
</table>

**Other (describe how this meets subarea objective)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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</thead>
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<tr>
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</table>

**State and Other Planning Priorities Certification**

I certify under penalty of perjury that all of the information contained in this PGP State Planning and Other Planning Priorities certification form (pages 9, 10, and 11 of this application) is true and correct.

Certifying Officials Name: ____________________________

Certifying Official's Title: __________________________

Certifying Official's Signature: _______________________

Certification Date: _________________________________
Attachment 2: Application Nexus to Accelerating Housing Production

Fill out Attachment 2 only if the applicant answered “No” to item 3 in Section C or is utilizing Policy Priority Areas AND other activities not designated as such. Applicants answering “Yes” to question 3 in Section C and utilizing ONLY Priority Policy Areas are automatically deemed to demonstrate a nexus to accelerating housing production, and do not need to complete this form.

Pursuant to section VIII, subsection (4) of the NOFA, applicants shall demonstrate how the application includes a nexus to accelerating housing production. Please complete the following chart by providing information about the current conditions and expected outcomes with respect to the planned activity and housing production. Please attach documentation as necessary and see the NOFA for additional details. Quantify how the activity accelerates production below and use Appendix B to explain the activity and its nexus to accelerating housing production if necessary.

<table>
<thead>
<tr>
<th>Type (Select at least one)</th>
<th>*Baseline</th>
<th>**Projected</th>
<th>***Difference</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timing (e.g., reduced number of processing days)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Development cost (e.g., land, fees, financing, construction costs per unit)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)</td>
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<tr>
<td>Entitlement streamlining (e.g., number of approvals)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feasibility of development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure capacity (e.g., number of units)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact on housing supply and affordability (e.g., number of units)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Baseline – Current conditions in the jurisdiction (e.g. 6-month development application review, or existing number of units in a planning area)

**Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g. 2-month development application review)

***Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)
Attachment 3: Sample Resolution

RESOLUTION NO. 2019-XX
A RESOLUTION OF THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF ____________[CITY, COUNTY NAME]__
AUTHORIZING APPLICATION FOR, AND RECEIPT OF,
SB 2 PLANNING GRANTS PROGRAM FUNDS

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the [City Council/County Board of Supervisors] of ____________[City/County]__ desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to $123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF ____________
RESOLVES AS FOLLOWS:

SECTION 1. The [City Council/County Board of Supervisors] is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application released March 28, 2019 in the amount of $___________.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the [insert designee title, e.g. City Manager, Executive Office, etc.] is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of $___________, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the [City/County’s] obligations related thereto, and all amendments thereto (collectively, the “PGP Grant Documents”).

SECTION 3. The [City/County] shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The [City Council/County Board of Supervisors] hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The [insert the title of City Council/County Board of Supervisors Executive or designee] is authorized to execute the [City/County] of ____________ Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the [City/County] as required by the Department for receipt of the PGP Grant.

ADOPTED _____________. 2019, by the [City/County] Board of Supervisors of the County of ____________
by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN: ____________ County Executive

ATTEST: APPROVED AS TO FORM:

County Clerk County Attorney
Appendix A

*Use this area for additional information if necessary.*

Quantified estimates: Quantified estimates for increased housing production in the Sharp Park Specific Plan area are approximately 150-160 units. This development potential will benefit from the exemption and streamlining benefits described above and is estimated to reduce permit processing time by approximately six to twelve months and to reduce costs by approximately $50,000 - $150,000 per project (depending of which type of CEQA document would have been required pre-exemption/streamlining).

Community Engagement: The City of Pacifica has conducted robust community engagement around the topic of housing. Engagement began in February 2019 after the County of San Mateo selected Pacifica to participate in the Home for All community engagement program. The program is designed to introduce factual information about the current housing situation affecting the Bay Area region, and then to identify potential solutions which reflect a community's values. The Home for All program focuses on extensive public outreach to achieve inclusive participation by community members from all segments of the Pacifica community, not only those who are already highly engaged. The City’s efforts culminated in two community meetings, or “community conversations,” held on April 13, 2019 and May 21, 2019. Nearly 200 community members, business owners, and elected officials participated in the meetings. During the small-group discussions held at the meetings, many shared their personal experiences with finding or keeping affordable housing, their concerns about family and friends being unable to remain in Pacifica due to high housing costs, and fears about how new housing developments might alter the character of the community. The potential housing solutions of greatest interest to those attending the Home for All conversations were: In-fill development; Mixed-use development; Affordable housing (i.e., below-market rate or “BMR”); Workforce housing; Accessory Dwelling Units (ADUs); and Home sharing.

Following the conclusion of the Home for All process, which focused on the community’s experience with housing in Pacifica, staff began direct community engagement on the broader range of issues to be addressed with the Sharp Park Specific Plan and concurrent comprehensive General Plan and Local Coastal Plan Updates. Staff planned and conducted five community meetings throughout June and July 2019. In total, more than 250 people attended the five neighborhood meetings.

The seven total community meetings comprised an extensive public engagement effort where more than 400 residents engaged on the issues of housing in Pacifica, the draft General Plan and LCP, and the new Sharp Park Specific Plan.

Implementation/Next Steps: The Sharp Park Specific Plan will be drafted over the next several months with additional community engagement and participation opportunities. A formal public comment period on the Specific Plan and Environmental Document will occur in early 2020 and Planning Commission recommendation and City Council adoption occurring May – June 2020.
SB 2 Planning Grants Application

Appendix B

*Use this page to explain the nexus to accelerating housing production or for project description.*
3. Continue efforts to support affordable housing initiatives, including evaluation of developing an affordable housing impact fee.

Description: The scope of work for FY2019-20 related to affordable housing has numerous components targeted at improving housing supply in Pacifica. These components include:
   a. Community engagement about housing issues and input into major planning documents such as the General Plan/Local Coastal Plan Update and Sharp Park Specific Plan;
   b. Implement the policies of the Housing Element and the Below Market Rate (Inclusionary) Housing Ordinance;
   c. Seek grant funding related to housing production planning, such as SB2 funding;
   d. Evaluate developing an affordable housing impact fee;
   e. Seek opportunities to partner with an affordable housing developer for a project on City owned land or private property.
   f. Continue housing knowledge and best practices sharing on housing issues, as well as tracking housing-related legislation.

Goals Fulfilled:
   - Fiscal Sustainability
   - An Engaged Community
   - Healthy/Compassionate Community

Current Status:
   a. Community Engagement about Housing:
      The Planning Department has completed seven large community convenings on the topics of housing (Home for All) and the General Plan/Local Coastal Plan Update and Sharp Park Specific Plan projects. Additional engagement will be conducted as summarized under milestones, below.

   b. Housing Element and BMR Ordinance:
      Implementation of the Housing Element and Below Market Rate (Inclusionary) Housing Ordinance are a part of the normal course of business for the Planning Department. There are Housing Element action items to be completed this year including adoption of a Reasonable Accommodation Ordinance and necessary updates to the Municipal Code regarding supportive housing. The City has a contract with a consultant to assist with housing related ordinance updates.

   c. Grant Funding Search:
      Planning Staff is currently developing project scopes for SB2 funding based on community feedback received at community convenings discussed above. The City has also been notified that Pacifica has been accepted to participate in a pilot program hosted by the San Mateo County Home For All initiative to provide technical assistance to property owners hoping to construct new accessory dwelling units (ADUs).
d. Affordable Housing Impact Fee:
Pacifica has participated in an affordable housing fee nexus study. The next step is to prepare a presentation to Council for direction regarding fee adoption and updates to the nexus study.

e. Evaluation of Affordable Housing Sites:
The City invites discussions with affordable housing developers. In the next year, staff will proactively initiate discussion with housing partners regarding key development sites.

f. Tracking housing issues and legislation:
On-going as a part of the normal course of business for the Planning Department. An important component of this item is the City’s participation in the countywide housing consortium 21 Elements which includes quarterly meetings to exchange housing information and periodic email exchanges on emerging housing issues/legislation.

Budget Notes: The City Council has allocated approximately $345,000 in the Planning Department budget to support affordable housing initiatives described above. This would be offset by grant funding from the State (SB2 program funding) in the amount of $160,000. This does not include additional community engagement included in the General Plan/Local Coastal Plan Update and Sharp Park Specific Plan project budgets. The Housing In-Lieu Fund has a balance of $272,890.

Target Completion Date: On-going
Lead/Support Department: Planning Department

Milestones:

- Completed updates to the Accessory Dwelling Unit Ordinance to encourage accessory units and comply with State statutory requirements;
- Submitted a compliant Housing Element Annual Progress Report to HCD which is a requirement to qualify for housing related grant opportunities;
- Prepared objective standard application checklists for new housing development proposals pursuant to State statutory requirements;
- Participated in the Home For All initiative and facilitated two community housing conversation meetings;
- On-going, continue to monitor owned BMR units;
- By Fall 2019, Council to consider authorizing the City Manager to sign an agreement to participate in the One Stop Shop ADU pilot program with the County;
• By Fall 2019, begin to draft ordinances to implement action programs in the Housing Element with the goal of having ordinances to Council prior to the end of 2019;
• By November 30, 2019, submit SB 2 grant program to State Department of Housing and Community Development;
• By Winter/Spring 2020, hold housing impact fee study session with Council for direction;
• On-going, continue to meet with and respond to inquiries from prospective developers, including affordable housing developers.
SUBJECT:
Adopt the resolution next in order a Resolution of the City Council of the City of Pacifica accepting completion and directing the City Manager to file Notice of Completion for the Cattle Hill Parking Lot and Trailhead Improvement Project; and Authorize the City Manager to release the retention funds to the contractor.

RECOMMENDED ACTION:
Move to Adopt the resolution next in order a Resolution of the City Council of the City of Pacifica accepting completion and directing the City Manager to file Notice of Completion for the Cattle Hill Parking Lot and Trailhead Improvement Project (Attachment 1); and Authorize the City Manager to release the retention funds to the contractor.

STAFF CONTACT:
Sam Bautista, P.E., Deputy Director of Public Works
(650) 738-3771
bautistas@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
On August 12, 2019, Council approved the Construction Services Agreement with DRYCO Construction, Inc. for the Cattle Hill Parking Lot and Trailhead Improvement Project in the amount of $231,402 and approved a budget authority in the amount of $254,542. In addition, the City Council approved the naming of the Cattle Hill Parking Lot as the “Jean F. Fassler Parking Lot.” The project constructed five (5) standard and one ADA van parking stalls, an ADA accessible walkway to the trailhead, permeable and weather-resistant pavement, signage to include hours and rules, relocated pedestrian access gate at trailhead with boulders, conduits for a future electric vehicle charging station, and a vehicular access gate with automatic locks. This Project will complement the Ohlone-Portola Heritage Trail committee’s vision by providing improved access to the trails. The County of San Mateo approved a Measure K grant to fund the construction of the parking lot.

During construction, City-approved change-orders totaled $13,015 thus giving a contract grand total of $244,417.00. The changes consisted of additional storm drain installation, grading work, and hydroseeding. On October 30, 2019, the City held a ribbon cutting and dedication ceremony for the parking lot.

The following tables show the total project cost and funding:
Project Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Construction Contract</td>
<td>$231,402.00</td>
</tr>
<tr>
<td>Change Orders</td>
<td>$13,015.00</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$244,417.00</strong></td>
</tr>
</tbody>
</table>

Project Funding

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Mateo County Measure K Grant</td>
<td>$250,000.00</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$250,000.00</strong></td>
</tr>
</tbody>
</table>

As the project is now complete and staff is satisfied with the contractor’s work, it is appropriate to record the formal Notice of Completion with the San Mateo County Recorder’s Office. This recorded document is the legal notice that the City considers the project complete and that we intend to pay the contractor for the full and complete contract price. This also puts all subcontractors and suppliers on notice that if they have any claims for payment from the contractor, they have 30 days to file claims for payment against the City. This provision of contract law protects subcontractors from contractors who may not pay them properly. It also protects the City from claims against us for any nonpayment on the part of the contractor. The City withheld 5% of the contract amount, $12,220.85, as retention to make sure that all subcontractors and suppliers have been paid. The City will release the retention if no claims are received.

The City Manager is recommending the adoption of the attached resolution accepting completion of the project and the filing of the Notice of Completion (Attachment 1) with the San Mateo County Recorder’s Office.

ALTERNATIVE ACTION:

Council may choose not to adopt the resolution accepting completion of the project, but as the work has been satisfactorily completed, the contractor may file a claim against the City for non-payment of retention, if there are no claims.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Approval of the construction contract and related agreements for the Cattle Hill Parking Lot and Trailhead Improvement Project is consistent with the following Council adopted Goals:

- **Stewardship of City Infrastructure:** includes repairing/replacing outdated city facilities such as city hall, the libraries, fire stations, etc., improving streets, and responding to impacts of sea level rise. The construction of the new parking lot will provide improved access to the trails and open space for residents and visitors to enjoy.

FISCAL IMPACT:

There is no fiscal impact associated with the filing of the Notice of Completion. The total
Construction cost amounted to $244,417.00, within Council's approved project budget of $254,542.00. The project was delivered under budget and on schedule. Once the Notice of Completion has been recorded, the City will pursue grant reimbursement from the County.

**ORIGINATED BY:**

Engineering

**ATTACHMENT LIST:**

Attachment 1 - Notice of Completion (PDF)
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
ACCEPTING COMPLETION AND DIRECTING THE CITY MANAGER TO FILE
NOTICE OF COMPLETION FOR THE
CATTLE HILL PARKING LOT AND TRAILHEAD IMPROVEMENT PROJECT

RESOLVED by the City Council of the City of Pacifica, California, that

WHEREAS, the City Engineer of the said City has filed with the City Clerk of said City, his Certificate as to the completion of all of the work provided to be done under and pursuant to the contract between said City and DRYCO Construction, Inc., on August 12, 2019, and

WHEREAS, it appears to the satisfaction of this Council that said work under said contract has been fully completed as provided in said contract and the plans and specifications therein referred to, and

NOW, THEREFORE, it is ordered as follows:
1. That acceptance of completion of said work be, and it is hereby, made and ordered.
2. That the City Manager is directed to file for record with the County Recorder of the County of San Mateo, Notice of Completion thereof, pursuant to Section 3093 of the Civil Code of the State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of November 2019, by the following vote:

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

CITY OF PACIFICA

Sue Vaterlaus, Mayor

APPROVED AS TO FORM: ATTEST:

Michelle Marchetta Kenyon, City Attorney Sarah Coffey, City Clerk
NOTICE OF COMPLETION
CITY OF PACIFICA
FOR THE CATTLE HILL PARKING LOT &
TRAILHEAD IMPROVEMENT PROJECT

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the Civil Code of the State of California, by Segundo S. Bautista, P.E., City Engineer of the City of Pacifica, California, that the contract awarded to DRYCO Construction, Inc. on August 12, 2019, has been completed in accordance with the plans and specifications for said work filed with the City Clerk, and approved by the City Council of said City.

That said work and improvements were actually completed on the 15th day of October 2019 and that acceptance of completion of said work was ordered by the City Council of said City, adopted on the 12th day of November 2019, and that the name of the surety on the contractor's bond for labor and materials on said project is Contractors Bonding and Insurance Company.

That said work consisted of the construction of a parking lot and trailhead improvements at Cattle Hill Parking Lot, located at the eastern end of Fassler Avenue.

Name and address of Owner: City of Pacifica
170 Santa Maria Avenue
Pacifica, California 94044

Segundo S. Bautista, P.E.
City Engineer

VERIFICATION

The undersigned states that he is the City Engineer of the City of Pacifica and that he makes this verification on behalf of said entity; that he has read the foregoing, and knows the contents thereof, and that the facts stated therein are true.

Segundo S. Bautista, P.E.
City Engineer

Executed at Pacifica, California, on November 12, 2019.
SUBJECT:

Resolution revising the job description and title for the Director of Public Works/City Engineer and Deputy Director of Public Works – Field Services & Engineering classification

RECOMMENDED ACTION:

Move to adopt Resolution revising the job description and title for the Director of Public Works/City Engineer classification and revising the job description, title and salary for the Deputy Director of Public Works - Field Services & Engineering classification.

STAFF CONTACT:

Kevin Woodhouse, City Manager
(650) 738-7409
kwoodhouse@ci.pacifica.ca.us

Lorenzo Hines Jr., Assistant City Manager
(650) 738-7301
lhines@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

The City Manager is recommending adoption of the revised job description for the Director of Public Works/City Engineer and Deputy Director of Public Works - Field Services & Engineering classifications.

Upon the retirement of the Director of Public Works/City Engineer and in preparation of recruiting for the new Director, Human Resources evaluated both the Director of Public Works/City Engineer classification and Deputy Director of Public Works - Field Services & Engineering classification. It is common in many similar agencies for the City Engineer responsibilities to be separate from the Director classification. Typically, other cities have a separate independent classification of City Engineer or add on the City Engineer responsibilities to the Deputy Director of Public Works classification. Currently, the City of Pacifica has the City Engineer responsibilities fall under the Director of Public Works classification.

The City’s current classification structure for the Director of Public Works is designed to oversee the areas of Wastewater, Field Services, and Engineering. Since this classification is currently responsible for overseeing all three areas, the added responsibility of City Engineer is likely to limit the candidate pool for the classification. The proposed job description changes remove the City Engineer responsibilities from the Director classification and add it to the Deputy Director classification.

Both job descriptions including current job description showing non-formatted related proposed changes in track changes and a clean version of the proposed job description are attached. The proposed job descriptions have been reviewed by the City Manager’s Office, current incumbent
Based on a review of similar positions in comparable agencies as well as current and best practices, the monthly salary range for the position of Deputy Director of Public Works/City Engineer is recommended to be increased by 3% above the minimum salary and 3% above the maximum salary. The current monthly salary range is $12,329 - $14,463. The recommended monthly salary is $12,699 - $14,897.

Since the City Engineer responsibilities are being removed from the classification of Director of Public Works. A 2% reduction below the minimum and maximum salary is recommended. The current monthly salary range is $15,654 - $18,002. The recommended monthly salary is $15,341 to $17,642.

**FISCAL IMPACT:**

The current total maximum compensation for the position of Deputy Director of Public Works - Field Services and Engineering is $173,556 per fiscal year. With the proposed salary increase, the total maximum compensation will be increased to $178,764 per fiscal year. The increased difference is approximately $5,208.

The current total maximum compensation for the position of Director of Public Works/City Engineer is $216,024 per fiscal year. With the proposed salary reduction, the total maximum compensation will be decreased to $211,704 per fiscal year. The decreased difference is approximately $4,320.

The anticipated additional fiscal impact for the remainder of the fiscal year is approximately $400.

**ORIGINATED BY:**

Human Resources  
City Manager’s Office

**ATTACHMENT LIST:**

Attachment A - Track Changes Job Description - Director of Public Works (PDF)  
Attachment B - Proposed Job Description - Director of Public Works (PDF)  
Attachment C - Track Changes Job Description - Deputy Director of Public Works (PDF)  
Attachment D - Proposed Job Description - Deputy Director of Public Works (PDF)
RESOLUTION NO. _________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA REVISING THE JOB DESCRIPTION FOR DIRECTOR OF PUBLIC WORKS/CITY ENGINEER AND DEPUTY DIRECTOR OF PUBLIC WORKS - FIELD SERVICES & ENGINEERING

WHEREAS, the job description and new title for the Director of Public Works/City Engineer has been revised via job analysis and reviewed by staff; and

WHEREAS, the job description and new title for the Deputy Director of Public Works – Field Services and Engineering has been revised via job analysis and reviewed by staff; and

WHEREAS, staff has completed the necessary review to establish the new salary range for the position of Director of Public Works at $15,341 - $17,642 per month.

WHEREAS, staff has completed the necessary review to establish the new salary range for the position of Deputy Director of Public Works/City Engineer (Field Services & Engineering) at $12,699 - $14,897 per month.

NOW, THEREFORE, be it resolved by the City Council of the City of Pacifica that the job descriptions, new titles and salaries listed above is hereby revised and authorized.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 12th day of November 2019, by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Sue Vaterlaus, Mayor

APPROVED AS TO FORM: ATTEST:

Michelle Marchetta Kenyon, City Attorney Sarah Coffey, City Clerk
DEFINITION
Reporting to the City Manager, this position directs and leads the Public Works Department encompassing the Wastewater, Field Services, and Engineering Divisions, and performs professional engineering work in connection with the operation of the Wastewater Treatment Plant, and design and construction of streets, storm drainage facilities, solid waste systems, sewers, and other public works; and other related work as required by the City Manager.

ESSENTIAL FUNCTION REQUIREMENTS
Ability to manage and supervise the work of subordinate technical personnel and contractors; ability to work well with others and to maintain effective relations with the public; ability to clearly present oral reports at public meetings; ability to review and evaluate development of projects of varying complexity, and to recommend alternative solutions to various engineering problems; ability to design, check and review a multitude of engineering projects and necessary field activities to ensure the orderly progress, completion and quality of work within the constraints of available time and resources; ability to develop and administer public improvement contracts for public works projects; ability to walk on uneven surfaces, climb and inspect construction projects on site.

EXAMPLES OF DISTINGUISHING CHARACTERISTICS
This is a full-time, senior management position that requires significant leadership, administrative, analytical, and technical skills.

SUPERVISION RECEIVED/EXERCISED
Receives administrative direction from the City Manager. Exercises direction and supervision over division heads, professional staff, administrative staff and technical staff members.

ESSENTIAL AND IMPORTANT DUTIES
- Supervises plans, organizes, manages, leads and directs the overall operations of Public Works.
- Leads and supervises the operation, improvements, performance, auditing and monitoring, and budgeting for the Wastewater, Field Services, and Engineering Divisions; negotiates and monitors contracts for same; acts as City liaison with appropriate regulatory agencies, government entities, architects, engineers, and contractors; prepares, supervises and reviews the preparation of more difficult and complex designs, plans, specifications of capital projects including presentation to committees, commissions and staff; develops Public Works Department.
- Meets with Division Managers and other key department staff to share information, to discuss issues (current, emerging, potential) regarding projects, policies, and programs and to determine priorities and resource management issues on a regular basis.
• **Develops** preliminary and final reports, studies, plans and programs for proposed projects; reviews.

• **Reviews** proposals, plans and specifications submitted for approval for various private and City developments and projects. May provide

• Acts as City liaison with appropriate regulatory agencies, government entities, architects, engineers and contractors.

• Oversees consultants and professionals hired by the City for the purposes of designing and completing public works construction projects and studies.

• Assists the Planning Department with current development issues.

• Responds to questions from the general public including conducting correspondence and attending meetings.

• Provides high-level staff support to City and inter-agency committees, including citizen advisory committees and commissions. May serve as on committees as needed.

• Oversees the development and administration of the department's capital and operating budgets.

• Directs the forecast of additional funds needed for construction, staffing, equipment, materials, and supplies.

• Monitors and approves expenditures.

• Understands procurement of equipment and professional services.

• Reviews legislation and ensures compliance with laws, regulations, statutes, and codes that impact Department operations.

• Develops and implements Departmental and City Council policies, goals, and objectives.

• Performs related duties and responsibilities as required and other duties as assigned.

**EMPLOYMENT STANDARDS**

*Any combination of education and experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to qualify is:*

**Education and Training:**

Graduation from an accredited college or university with a Bachelor’s Degree in Engineering, Public or Business Administration or a closely related field. A graduate degree in Engineering, Public Administration or Business Administration is highly desirable.

**Experience:**

Ten (10) years of professional experience related to public works administration, operations, or related field that demonstrates an increasing amount of responsibilities, including three (3) years of supervisory experience.

**Licenses:**

Must possess a valid California Class C driver’s license and have a satisfactory driving record.

**Knowledge of:**

• Principles, methods and practices and techniques of civil engineering as applied to public administration, including the planning, designing, operations and
construction functions of municipal public works facilities, including streets, trails, parks, storm drainage facilities, seawall, pier, traffic government.

- Principles and construction projects, practices of municipal finance and budgeting.
- Effective leadership techniques and practices.
- Design principles, methods, materials, and techniques used in the construction and maintenance of public works, utilities or building construction projects.
- Design principles, strengths of materials, principles of mechanical, electrical and structural engineering and surveying as they apply to the design of public works structures.
- Engineering and construction management methods.
- Technical, legal, financial and public relations issues involved in the conduct of municipal public works programs.
City of Pacifica: Director of Public Works / City

- Modern developments, current literature and sources of information on engineering laws and regulations.
- Applicable Federal, state and local laws, legal issues and regulatory codes related to design, construction, operations, maintenance and Subdivision Map Act.
- Principles and practices of municipal management, including supervision and evaluation of personnel, budget planning and preparation and public relations.

**Skill/Ability to:**
- Reviewing Prepare and certifying engineering estimates, plans, drawings, present clear and specifications.
- Performing difficult engineering work in well-organized written and construction of oral reports to the City Manager, City Council, the public works facilities and others as required.
- Interpreting Provide effective leadership and coordinate the activities of assigned functional areas.
- Establish and maintain effective working relationships with the City Council, staff and the public.
- Analyze complex budgetary, management or operational problems and propose solutions.
- Devise effective and efficient operation methods or procedures.
- Identify opportunities for process improvement and make recommendations to enhance governmental operations.
- Interpret and accurately apply applicable Federal, state, and local policies, procedures, codes, laws, ordinances and regulations.
- Understanding and implementing laws, regulations, policies and procedures.
- Prepare construction contracts and requests for proposal; as well as administer contracts.
- Planning, organizing and supervising work and engineering projects.
- Directing, planning, supervising, scheduling and evaluating the work of subordinate staff and engineering projects.
- Developing and implementing improvements to systems, organization, and operations within the Department.
- Taking a proactive approach to customer service issues and hold others within the department accountable for this effort.
- Making process improvement changes to streamline procedures.
- Working in a safe manner following City industry best practices and the City's safety practices and procedures in a variety of environments; model.
- Model and coach others in correct City safety practices; and identify, correct, and report safety hazards.
- Maintaining confidentiality regarding sensitive information.
- Representing the City and the department effectively in contacts with representatives of other agencies and the public.
- Communicating clearly and concisely, both verbally and in writing, which includes preparing clear and concise written reports.
- Applying computer programs related to the work, including presentation, project management, GIS, and data management applications; using a personal computer,
City of Pacifica: Director of Public Works / City

- Making effective oral presentations.
- Establishing and maintaining work in both an office environment and outdoors, including working in inclement weather and emergency situations.
- Work evenings and weekends, and respond off-hours to various emergency situations.
- Establish and maintain cooperative and effective working relationships with those contacted in the course of the work, such as with employees, contractors, consultants, elected and appointed officials, and the public.

Education and Experience
Graduation from an accredited four-year college or university with a degree in Civil Engineering; 10 years of professional civil engineering experience related to public works design, construction administration, preferably in local government; considerable working knowledge of the principles and practices of civil engineering and public works administration, particularly as they apply to local government codes and ordinances.
LICENSES

Possession of a valid California driver’s license, and a Professional Civil Engineer license.

PHYSICAL DEMANDS AND WORKING CONDITIONS

Must possess the mobility to work in a standard office setting, to inspect various City infrastructure sites, including climbing ladders and stairs, attending meetings; strength, stamina and mobility to perform heavy physical work, drive a motor vehicle and heavy construction equipment and to lift and move materials and equipment weighing up to 90 pounds and heavier with the use of proper equipment, as necessary and in emergency situations; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone.

Will be required to work in both an office environment and outdoors, including working in inclement weather and emergency situations. Must be willing to work evenings and weekends, and respond off hours to various emergency situations. May work in an environment where exposed to machinery, chemicals, uneven surfaces, noise, vibration, and confined spaces.

SALARY AND HOURS

Salary range $13,854 – $15,932 per month

This is a full-time, exempt, salaried 40 hours per week position. Must be available for regular standby assignments and work emergency hours as required.

Effective
Adopted Date: July 1, 2016

Status: Exempt

Approved Date:
Resolution:

Bargaining Unit: N/A – Unrepresented

Revised Date: Dates: 6/2016; 11/2019
Resolution:

Former Titles: Director of Public Works/City Engineer

Abolished:
DIRECTOR OF PUBLIC WORKS

DEFINITION
The Director of Public Works directs and leads the Public Works Department encompassing the Wastewater, Field Services and Engineering Divisions, and performs related work as required by the City Manager.

DISTINGUISHING CHARACTERISTICS
This is a full-time, senior management position that requires significant leadership, administrative, analytical, and technical skills.

SUPERVISION RECEIVED/EXERCISED
Receives administrative direction from the City Manager. Exercises direction and supervision over division heads, professional staff, administrative staff and technical staff members.

ESSENTIAL AND IMPORTANT DUTIES
- Plans, organizes, manages, leads and directs the overall operations of Public Works.
- Leads and supervises the operation, improvements, performance, auditing and budgeting for the Public Works Department.
- Meets with Division Managers and other key department staff to share information, to discuss issues (current, emerging, potential) regarding projects, policies, and programs and to determine priorities and resource management issues on a regular basis.
- Develops preliminary and final reports, studies, plans and programs for proposed projects.
- Reviews proposals, plans and specifications submitted for approval for various private City developments and projects.
- Acts as City liaison with appropriate regulatory agencies, government entities, architects, engineers and contractors.
- Oversees consultants and professionals hired by the City for the purposes of designing and completing public works construction projects and studies.
- Assists the Planning Department with current development issues.
- Responds to questions from the general public including conducting correspondence and attending meetings.
- Provides high-level staff support to City and inter-agency committees, including citizen advisory committees. May serve as on committees as needed.
- Oversees the development and administration of the department’s capital and operating budgets.
- Directs the forecast of additional funds needed for construction, staffing, equipment, materials, and supplies.
- Monitors and approves expenditures.
- Understands procurement of equipment and professional services.
• Reviews legislation and ensures compliance with laws, regulations, statutes, and codes that impact Department operations.
• Develops and implements Departmental and City Council policies, goals, and objectives.
• Performs related duties and responsibilities as required and other duties as assigned.

EMPLOYMENT STANDARDS
Any combination of education and experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to qualify is:

Education and Training:
Graduation from an accredited college or university with a Bachelor’s Degree in Engineering, Public or Business Administration or a closely related field. A graduate degree in Engineering, Public Administration or Business Administration is highly desirable.

Experience:
Ten (10) years of professional experience related to public works administration, operations, or related field that demonstrates an increasing amount of responsibilities, including three (3) years of supervisory experience.

Licenses:
Must possess a valid California Class C driver’s license and have a satisfactory driving record.

Knowledge of:
• Principles, practices and techniques of public administration, including the operations and functions of municipal government.
• Principles and practices of municipal finance and budgeting.
• Effective leadership techniques and practices.
• Design principles, methods, materials, and techniques used in the construction and maintenance of public works, utilities or building construction projects.
• Engineering and construction management methods.
• Technical, legal, financial and public relations issues involved in the conduct of municipal public works programs.
• Modern developments, current literature and sources of information on engineering laws and regulations.
• Applicable Federal, state and local laws, legal issues and regulatory codes related to design, construction, operations, maintenance and Subdivision Map Act.
• Principles and practices of municipal management, including supervision and evaluation of personnel, budget planning and preparation and public relations.
Skill/Ability to:

- Prepare and present clear and well-organized written and oral reports to the City Manager, City Council, the public and others as required.
- Provide effective leadership and coordinate the activities of assigned functional areas.
- Establish and maintain effective working relationships with the City Council, staff and the public.
- Analyze complex budgetary, management or operational problems and propose solutions.
- Devise effective and efficient operation methods or procedures.
- Identify opportunities for process improvement and make recommendations to enhance governmental operations.
- Interpret and accurately apply applicable Federal, state, and local policies, procedures, codes, laws, ordinances and regulations.
- Prepare construction contracts and requests for proposal, as well as administer contracts.
- Direct, plan, supervise, schedule and evaluate the work of subordinate staff and engineering projects.
- Develop and implement improvements to systems, organization and operations within the Department.
- Take a proactive approach to customer service issues and hold others within the department accountable for this effort.
- Work in a safe manner following industry best practices and the City’s safety practices and procedures in a variety of environments.
- Model and coach others in correct City safety practices and identify, correct and report safety hazards.
- Maintain confidentiality regarding sensitive information.
- Represent the City and the department effectively in contacts with representatives of other agencies and the public.
- Communicate clearly and concisely, both verbally and in writing, which includes preparing clear and concise written reports.
- Work in both an office environment and outdoors, including working in inclement weather and emergency situations.
- Work evenings and weekends, and respond off-hours to various emergency situations.
- Establish and maintain cooperative and effective working relationships with those contacted in the course of the work, such as with employees, contractors, consultants, elected and appointed officials, and the public.

Adopted Date:

Status: Exempt
Bargaining Unit: N/A – Unrepresented

Revised Dates: 6/2016; 11/2019

Former Titles: Director of Public Works/City Engineer

Abolished:
DEPUTY DIRECTOR OF PUBLIC WORKS — /CITY ENGINEER (FIELD SERVICES & ENGINEERING)

**DEFINITION**
Under general supervision of the Director of Public Works, the Deputy Director of Public Works/City Engineer (Field Services & Engineering) performs high-level management, administrative and technical duties; supervises directly or through subordinate levels of supervision all in support of Field Services and Engineering; performs related work units of as required by the Director of Public Works.

**DISTINGUISHING CHARACTERISTICS**
This is a full-time, high-level management position that requires significant administrative, analytical, and technical skills. This position serves as the City’s Engineer and may function as the department on a day-to-day basis; functions as department head in the absence of the department head.

**SUPERVISION RECEIVED/EXERCISED**
Receives administrative direction from the Director of Public Works. Exercises direction and supervision over professional staff, administrative staff and technical staff members.

**ESSENTIAL FUNCTION REQUIREMENTS AND IMPORTANT DUTIES**
- Under administrative direction, plans, directs and manages the Field Services Division and Engineering Division in connection with the maintenance of City infrastructure, engineering design, construction, inspection, of public works projects and the capital improvement program; assists the Planning Department with Current Development issues; may staff one or more citizen advisory committees; performs.
- Assists the Planning Department with current development issues, complying with zoning ordinances, the Subdivision Map Act and other relevant regulations.
- Reviews and signs subdivision, parcel or record maps.
- Performs advanced professional engineering assignments on a wide range of municipal projects of a complex nature; serves, often serving as the project manager on a variety of projects; and does related work as required. Prepares and monitors Division/Department budget.

The Deputy Director of Public Works is required to perform a variety of advanced-level engineering duties that require exercising independent judgment and initiative in prioritizing, scheduling, assigning and coordinating work.

**EXAMPLES OF DUTIES**
- Recommends and assists in development and implementation of departmental policies, goals, and objectives.
- Supervises, coordinates, and reviews all public works engineering activities, including plan check review of complex private development projects, engineering design, inspection, contract administration, and construction management for Capital Improvement projects.
- Oversees consultants and professionals hired by the City for the purposes of designing and completing public works construction projects and studies.
- Establishes criteria for design, construction, and inspection of public works projects.
• Oversees the inspection of public works construction by contractors for established plans and specifications.

• Supervises and participates in the development and administration of the department’s capital and operating budgets; directs the forecast of additional funds needed for construction, staffing, equipment, materials, and supplies; monitors and approves expenditures.

• Prepares work programs and special engineering studies.

• Reviews and prepares plans and specifications, as well as advertise for bids construction and maintenance projects; accepts or rejects such specifications and bids; verifies computations, plans, specifications, and estimates for public works facility’s projects; reviews and signs engineering drawings and land record maps.

• Conducts negotiations on engineering matters and accepts or rejects change order requests related to contracts.

• Responds to questions from the general public including conducting correspondence and attending meetings.

• Develops record maintenance systems, procedures, and training necessary for maintaining effective liaison with other City departments.

• Serves as department head in the absence of the director, including attending and participating in City Council, community and board and commission meetings.

• Provides high-level staff support to City and inter-agency committees, including citizen advisory committees. May serve as on committees as needed.

• Provides high-level staff support to various City Council subcommittees and appointed citizen committees.

• Supervises and participates in the development and administration of the department’s capital and operating budgets.

• Directs the forecast of additional funds needed for construction, staffing, equipment, materials, and supplies.

• Monitors and approves expenditures.

• Understands procurement of equipment and professional services.

• Prepares and monitors Division budgets.

• Recommends and assists in development and implementation of Departmental and City Council policies, goals and objectives.

• Performs related duties and responsibilities as required and other duties as assigned.
EMPLOYMENT STANDARDS

Any combination of education and experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to qualify is:

Education and Training:
Graduation from an accredited college or university with a Bachelor’s Degree in Civil Engineering or a closely related field. A graduate degree in Engineering, Public Administration or Business Administration is highly desirable.

Experience:
Seven (7) years of professional civil engineering experience involving design, plan checking, project management and construction management that demonstrates an increasing amount of responsibilities. Municipal professional engineering and supervisory experience is highly desirable.

Licenses:
Must possess a valid California Class C driver’s license and have a satisfactory driving record.

Possession of a valid license as a registered Civil Engineer issued by the California State Department of Registration for Engineers is required at time of appointment.

Knowledge of:
- Principles, methods and practices of civil engineering as applied to the planning, designing and construction of municipal public works facilities, including streets, trails, parks, storm drainage facilities, seawall, pier, traffic and construction projects.
- Design principles, methods, materials, and techniques used in the construction and maintenance of public works, utilities or building construction projects.
- Design principles, strengths of materials, principles of mechanical, electrical and structural engineering and surveying as they apply to the design of public works structures.
- Engineering and construction management methods.
- Technical, legal, financial and public relations issues involved in the conduct of municipal public works programs.
- Modern developments, current literature and sources of information on engineering laws and regulations.
- Applicable Federal, state and local laws, legal issues and regulatory codes related to design and, construction, operations, maintenance and Subdivision Map Act.
- Principles and practices of municipal management, including supervision and evaluation of personnel, budget planning and preparation and public relations.

Skill in/Ability to:
- Preparing Review and certify engineering estimates, plans, drawings and specifications.
- Performing Difficult engineering work in design and construction of public works facilities.
- Interpreting and accurately applying Federal, state, and local policies, procedures, codes, laws, ordinances and regulations.
- Understand and implement laws, regulations, policies and procedures.
- Preparing construction contracts and requests for proposal; as well as administer contracts.
- Planning, organizing and supervising the work of engineering projects.
City of Pacifica: Deputy Director of Public Works – Field Services &

- Planning, supervising, directing, scheduling and evaluating the work of subordinate staff and engineering projects.
- Develop and implement improvements to systems, organization, and operations within the division.
- Take a proactive approach to customer service issues and hold others within the department accountable for this effort.
- Make process improvement changes to streamline procedures.
- Work in a safe manner following City industry best practices and the City’s safety practices and procedures in a variety of environments; model.
- Model and coach others in correct City safety practices; and identify, correct, and report safety hazards.
- Maintain confidentiality regarding sensitive information.
- Represent the City and the department effectively in contacts with representatives of other agencies and the public.
- Communicate clearly and concisely, both verbally and in writing; preparing clear and concise written reports.
- Apply computer programs related to the work, including presentation, project management, GIS, and data management applications; using a personal computer, the Internet and other engineering technological resources.
- Making effective oral presentations.
- Establish and maintaining Work in both an office environment and outdoors, including working in inclement weather and emergency situations.
- Work evenings and weekends, and respond off-hours to various emergency situations.
- Establish and maintain cooperative and effective working relationships with those contacted in the course of the work, such as with employees, contractors, consultants, elected and appointed officials, and the public.
Education and Experience

Any combination of experience and training that would provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

**Education:**
Graduation from an accredited college or university with a Bachelor's Degree in civil engineering or a closely related field. Master's Degree in Engineering, Public Administration or Business Administration is desirable.

**Experience:**
Five years of increasingly responsible professional civil engineering experience involving design, plan checking, project management and construction management.

Adopted Municipal professional engineering and supervisory experience is highly desirable.

**LICENSE(S)**
Possession of a valid certificate of registration as a Civil Engineer issued by the State Department of Registration for Professional Engineers. Possession of or the ability to obtain a valid California Class C driver's license and have a satisfactory driving record. Such licenses and certifications shall be maintained during employment.

**PHYSICAL DEMANDS AND WORKING CONDITIONS**
Sufficient mobility and physical flexibility to negotiate difficult project sites and construction terrain where crouching, bending, stooping, climbing and/or kneeling would be required. Vision to adequately and quickly review plans and specifications, read printed materials, and a computer screen. Mental alertness and comprehension to learn and retain technical and administrative information, terminology, equipment, policies, procedures and safety practices. Physical stamina to work extended or irregular hours and attend lengthy meetings and attentively follow proceedings. Ability to maintain sustained posture in a seated position for prolonged periods of time. Ability to speak clearly and write clear and concise English.

Work in a standard office environment with some exposure to outdoors, mechanical hazards, traffic, and electrical hazards. Travel to different sites and locations.

**SALARY AND HOURS**
Salary Range: $10,911 – $12,800 per month.
This is a full-time, salaried, exempt 40 hours per week position. Must be available for regular, standby assignments and work emergency hours as required.

**Effective Date:** July 1, 2016

**Status:** Exempt — At Will
Bargaining Unit: N/A – Unrepresented

Revised Dates: 6/2016; 11/2019

Former Titles: Deputy Director of Public Works – Field Services and Engineering

Abolished:
DEFINITION
The Deputy Director of Public Works/City Engineer (Field Services & Engineering) performs high-level management, administrative and technical duties in support of Field Services and Engineering; performs related work as required by the Director of Public Works.

DISTINGUISHING CHARACTERISTICS
This is a full-time, high-level management position that requires significant administrative, analytical, and technical skills. This position serves as the City's Engineer and may function as the Director in the absence of the Director.

SUPERVISION RECEIVED/EXERCISED
Receives administrative direction from the Director of Public Works. Exercises direction and supervision over professional staff, administrative staff and technical staff members.

ESSENTIAL AND IMPORTANT DUTIES
- Under administrative direction, plans, directs and manages the Field Services Division and Engineering Division.
- Assists the Planning Department with current development issues, complying with zoning ordinances, the Subdivision Map Act and other relevant regulations.
- Reviews and signs subdivision, parcel or record maps.
- Performs advanced professional engineering assignments on a wide range of municipal projects of a complex nature, often serving as the project manager as required.
- Supervises, coordinates and reviews all public works engineering activities, including plan check review of complex private development projects, engineering design, inspection, contract administration, and construction management for Capital Improvement projects.
- Oversees consultants and professionals hired by the City for the purposes of designing and completing public works construction projects and studies.
- Establishes criteria for design, construction and inspection of public works projects.
- Prepares work programs and special engineering studies.
- Reviews and prepares plans and specifications, as well as advertise for bids construction and maintenance projects; accepts or rejects such specifications and bids; verifies computations, plans, specifications, and estimates for public works facility’s projects; reviews and signs engineering drawings.
- Conducts negotiations on engineering matters and accepts or rejects change order requests related to contracts.
- Responds to questions from the general public including conducting correspondence and attending meetings.
• Serves as department head in the absence of the director, including attending and participating in City Council, community and board and commission meetings.
• Provides high-level staff support to City and inter-agency committees, including citizen advisory committees. May serve as on committees as needed.
• Supervises and participates in the development and administration of the department’s capital and operating budgets.
• Directs the forecast of additional funds needed for construction, staffing, equipment, materials, and supplies.
• Monitors and approves expenditures.
• Understands procurement of equipment and professional services.
• Prepares and monitors Division budgets.
• Recommends and assists in development and implementation of Departmental and City Council policies, goals and objectives.
• Performs related duties and responsibilities as required and other duties as assigned.

EMPLOYMENT STANDARDS
Any combination of education and experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to qualify is:

Education and Training:
Graduation from an accredited college or university with a Bachelor’s Degree in Civil Engineering or a closely related field. A graduate degree in Engineering, Public Administration or Business Administration is highly desirable.

Experience:
Seven (7) years of professional civil engineering experience involving design, plan checking, project management and construction management that demonstrates an increasing amount of responsibilities. Municipal professional engineering and supervisory experience is highly desirable.

Licenses:
Must possess a valid California Class C driver’s license and have a satisfactory driving record.

Possession of a valid license as a registered Civil Engineer issued by the California State Department of Registration for Engineers is required at time of appointment.

Knowledge of:
• Principles, methods and practices of civil engineering as applied to the planning, designing and construction of municipal public works facilities, including streets, trails, parks, storm drainage facilities, seawall, pier, traffic and construction projects.
• Design principles, methods, materials, and techniques used in the construction and maintenance of public works, utilities or building construction projects.
• Design principles, strengths of materials, principles of mechanical, electrical and structural engineering and surveying as they apply to the design of public works structures.
• Engineering and construction management methods.
• Technical, legal, financial and public relations issues involved in the conduct of municipal public works programs.
• Modern developments, current literature and sources of information on engineering laws and regulations.
• Applicable Federal, state and local laws, legal issues and regulatory codes related to design, construction, operations, maintenance and Subdivision Map Act.
• Principles and practices of municipal management, including supervision and evaluation of personnel, budget planning and preparation and public relations.

Skill/Ability to:
• Review and certify engineering estimates, plans, drawings and specifications.
• Perform difficult engineering work in design and construction of public works facilities.
• Interpret and accurately apply applicable Federal, state, and local policies, procedures, codes, laws, ordinances and regulations.
• Prepare construction contracts and requests for proposal, as well as administer contracts.
• Direct, plan, supervise, schedule and evaluate the work of subordinate staff and engineering projects.
• Develop and implement improvements to systems, organization, and operations within the Department.
• Take a proactive approach to customer service issues and hold others within the department accountable for this effort.
• Work in a safe manner following industry best practices and the City’s safety practices and procedures in a variety of environments.
• Model and coach others in correct City safety practices and identify, correct and report safety hazards.
• Maintain confidentiality regarding sensitive information.
• Represent the City and the department effectively in contacts with representatives of other agencies and the public.
• Communicate clearly and concisely, both verbally and in writing; preparing clear and concise written reports.
• Apply computer programs related to the work, including presentation, project management, GIS, and data management applications, using a personal computer, the Internet and other engineering technological resources.
• Work in both an office environment and outdoors, including working in inclement weather and emergency situations.
• Work evenings and weekends, and respond off-hours to various emergency situations.
• Establish and maintain cooperative and effective working relationships with those contacted in the course of the work, such as with employees, contractors, consultants, elected and appointed officials, and the public.

Adopted Date:

Status: Exempt

Bargaining Unit: N/A – Unrepresented

Revised Dates: 6/2016; 11/2019

Former Titles: Deputy Director of Public Works – Field Services and Engineering

Abolished:
SUBJECT:

Adoption of an Ordinance to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (Text Amendment TA-116-19, File No. 2019-019) and finding that No Further Environmental Review is Necessary Under the Provisions of the California Environmental Quality Act (CEQA).

RECOMMENDED ACTION:

Move to waive the second reading and adopt the ordinance titled, “An Ordinance of the City Council of the City of Pacifica to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (TA-116-19; File No. 2019-19), and Finding that No Further Environmental Review is Necessary Pursuant to California Code of Regulations 15162 as the Ordinance was Contemplated as Part of 2015-2023 Housing Element for Which a Negative Declaration was Adopted Pursuant to the California Environmental Quality Act (CEQA)."

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BACKGROUND / DISCUSSION:

On September 16, 2019, the Planning Commission considered the draft ordinance to enact a new Article 51 “Reasonable Accommodation” and to amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to establish a procedure for consideration of reasonable accommodation requests. Providing reasonable accommodation is one way for local jurisdictions to provide relief from land use and zoning regulations and procedures that have the effect of discriminating against the development, siting, and use of housing for individuals with disabilities. Examples of reasonable accommodations may include, but are not limited to, reduced setbacks for accessibility improvements; or, reduced minimum landscaping coverage for hardscape additions, such as widened driveways, parking areas or walkways.

The Planning Commission adopted Resolution 2019-032 recommending that the City Council approve the draft Reasonable Accommodation Ordinance.

This ordinance was introduced at the October 28, 2019 regular City Council meeting (staff report is attached as Attachment A) and is now in order for adoption.
**ALTERNATIVE ACTION:**

The proposed ordinance is consistent with state and federal law. The Council may choose to amend the ordinance, or may refer the zoning ordinance to the Planning Commission for further study.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

The adoption of a reasonable accommodation ordinance is in line with the following goal of the Council:

A. **“A Healthy and Compassionate Community”** includes addressing affordable housing and mental health services, investigating strategies related to homelessness, and supporting youth services.

**FISCAL IMPACT:**

The cost for the first eight hours of staff time associated with processing a reasonable accommodation request will be incurred by the City. The cost for staff time beyond eight hours will be reimbursed by the applicant, unless the applicant is approved for a reasonable accommodation for the cost. The City does not anticipate receiving many reasonable accommodation requests and, therefore, does not anticipate any significant fiscal impact to the City by adopting this ordinance.

**ORIGINATED BY:**

City Clerk
Planning Department

**ATTACHMENT LIST:**

Attachment A: Staff Report - October 28, 2019  (PDF)
ORDINANCE NO. (ID # 3112)

ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA TO ENACT A NEW ARTICLE 51 “REASONABLE ACCOMMODATION” AND TO AMEND ARTICLE 38 “ADMINISTRATION” OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE TO ESTABLISH A PROCEDURE FOR CONSIDERATION OF REASONABLE ACCOMMODATION REQUESTS (TA-116-19; FILE NO. 2019-19), AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY PURSUANT TO CALIFORNIA CODE OF REGULATIONS 15162 AS THE ORDINANCE WAS CONTEMPLATED AS PART OF 2015-2023 HOUSING ELEMENT FOR WHICH A NEGATIVE DECLARATION WAS ADOPTED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, federal and state fair housing laws, including the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq.) and the California Fair and the California Fair Employment and Housing Act (Government Code § 12900 et seq.) (collectively “Fair Housing Laws”), prohibit discrimination against individuals with disabilities in housing and provide equal opportunity to use and enjoy a dwelling; and

WHEREAS, State Housing Element law (GC § 65583(c)(3) and (5)) requires that cities remove governmental constraints to the development of housing and promote housing opportunities for person with disabilities; and

WHEREAS, the California Department of Housing and Community Development encourages cities to adopt written procedures for reasonable accommodation requests with respect to zoning regulations, permit processing, and building codes in light of the aforementioned laws and a city’s affirmative duty to comply with Fair Housing Laws; and

WHEREAS, on May 11, 2015, the Pacifica City Council adopted a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the 2015-2023 Housing Element Update (State Clearinghouse No. 2015032024), which includes Action Program No. 6 to create a reasonable accommodation program and procedure to allow deviations from zoning standards for projects that improve access for persons with disabilities. Staff is not aware of any substantial evidence of new information or substantial changes in the project or circumstances that would disclose a new or more severe impact than those considered in the Initial Study and Checklist analysis prepared for the Negative Declaration for the 2015-2023 Housing Element Update; and

WHEREAS, establishing a reasonable accommodation process consistent with Fair Housing Laws in land use, zoning and building regulations, will provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-116-19 (File No. 2019-019) on September 16, 2019 and adopted Resolution No. 2019-032 by a vote of 6 to 0, with one absence, initiating and recommending City Council approval of Text Amendment TA-116-19 on September 16, 2019; and

WHEREAS, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on October 28, 2019 and introduced Ordinance No. ## on October 28, 2019.
NOW, THEREFORE, the City Council of the City of Pacifica does ordain as follows:

Section 1. 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 2. Enactment. Article 51, “Reasonable Accommodation” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby enacted as follows:

“Article 51. – Reasonable Accommodation

Sec. 9-4.5101 Purpose

This article provides a procedure to request reasonable accommodation in the application of land use or zoning regulations, policies, procedures, or practices, as necessary, to ensure equal access to housing and facilitate the development of housing for individuals with disabilities as provided under fair housing laws.

Sec. 9-4.5102 Definitions

(a) “Fair housing laws” shall mean the “Fair Housing Amendments Act of 1988” (42 U.S.C. Section 3601 et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the “California Fair Employment and Housing Act” (California Government Code Section 12900 et seq.), including reasonable accommodations required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended.

(b) “Disability” shall include physical disability, medical disability, and medical condition as defined in California Government Code Section 12926.

(c) “Reasonable accommodation” shall mean a modification in the application of land use or zoning regulations, policies, procedures, or practices when necessary to eliminate barriers to housing opportunities for a person with a disability to have an equal opportunity to access a dwelling, including public and common use spaces.

(d) “Reviewing authority” shall mean the appropriate decision making body as described in Section 9-4.5107.

(e) “Zoning Administrator” shall mean the office of Zoning Administrator as detailed in Article 38 of this chapter.

Sec. 9-4.5103 Applicability

This article applies to any person with a disability, their representative, or any developer or provider of housing for individuals with disabilities, who requests a reasonable accommodation when the application of land use or zoning regulations, policies, procedures, or practices acts as a barrier to fair housing opportunities for a person with a disability in accordance with fair housing laws. A reasonable accommodation does not affect an individual’s obligations to comply with other applicable regulations not at issue in the requested accommodation.

Sec. 9-4.5104 Notice to the Public of Availability

Notice shall be prominently displayed at the public information counter in the Planning Department and on the City’s website, advising the public of the availability of a procedure for eligible individuals to apply for a reasonable accommodation. Any required form(s) and other information for requesting reasonable accommodation shall be available to the public in the Planning Department and on the City’s website.
Sec. 9-4.5105 General Provisions

(a) A request for reasonable accommodation from land use or zoning regulations, policies, procedures, or practices may be filed at any time that the accommodation is necessary to ensure equal access to housing. Examples include, but are not limited to, reduced setbacks for accessibility improvements; reduced minimum landscaping coverage for hardscape additions, such as widened driveways, parking areas or walkways; or heritage tree removal to allow construction of accessibility features. A request for reasonable accommodation pursuant to this Article shall not regulate the standards set forth in Title 8 (Building Regulations) of the PMC.

(b) Where improvements or modifications approved through a reasonable accommodation would generally require a variance or a parking exception, the reasonable accommodation shall satisfy this requirement and a variance or parking exception shall not be required.

(c) If an individual with a disability needs assistance in making a request for reasonable accommodation, the City will endeavor to provide the assistance necessary to ensure that the process is accessible to the requestor. The requestor may be represented at all stages of the proceeding by a person designated by the requestor as his or her representative.

Sec. 9-4.5106 Fees

There shall be no fee for the first eight (8) hours of City staff time processing a reasonable accommodation request under this article. Fees for staff time in excess of this allowance, or for costs associated with other studies required pursuant to a request, shall be charged in accordance with the hourly rate as set forth in the fee schedule, as adopted by City Council, and shall require a deposit submitted by the requestor. A requestor may seek a reasonable accommodation for payment of fees in excess of the eight hour allowance.

Sec. 9-4.5107 Review and Decision

(a) Reviewing Authority.

(1) A request for reasonable accommodation shall be reviewed by the Zoning Administrator without a public hearing pursuant to Section 9-4.3802 when no other discretionary approval is sought.

(2) If the project for which the request is being made also requires one or more related discretionary approvals (including, but not limited to, use permit, coastal development permit, site development permit, etc.), then to the extent feasible, the requestor shall file the request for reasonable accommodation together with any related application for discretionary approval and the reasonable accommodation request. The appropriate decision making body in accordance with the procedures provided in this title for the other related discretionary approval shall be the reviewing authority for the reasonable accommodation request.

(b) Review.

(1) A request for reasonable accommodation shall be submitted on a form provided by the City and shall include all the information necessary to fairly and adequately review the reasonable accommodation request in accordance with the intent of this article, and any applicable fees. The information required may include, but shall not be limited to:

(i) Name and address of the individual or entity requesting reasonable accommodation.

(ii) Address of the property for which accommodation is requested.
(iii) The current use of the property that is the subject of the request.
(iv) Description of the requested accommodation and the regulation, policy or procedure for which accommodation is sought.
(v) The reason that the requested accommodation may be necessary for the individual with the disability to use and enjoy the dwelling.
(vi) A site plan and/or floor plan of the property demonstrating the location of the reasonable accommodation, and including interior dimensions, property line setbacks, and height of the accommodation.
(vii) Name and address of the property owner.
(viii) Authorization by the property owner to implement the reasonable accommodation.

(2) Any information identified by a requestor as confidential shall at all times be retained in a manner so as to respect the privacy rights of the requestor and shall not be made available for public inspection, unless required by law.

(c) Public Notice and Timing.

(1) The Zoning Administrator shall make a written determination on a reasonable accommodation request within forty-five (45) days of finding the information related to the request complete when no discretionary approval is sought. The Zoning Administrator shall make its determination of the reasonable accommodation request without issuing a public notice and without conducting a public hearing.

(2) When a reasonable accommodation request is being requested in conjunction with a related discretionary approval, public noticing for the reasonable accommodation shall occur in compliance with the public noticing procedure for the discretionary approval. The reviewing authority for the discretionary approval shall make a determination on a reasonable accommodation request in compliance with the review procedure for the associated discretionary approval, including but not limited to any requirement for public notice or public hearing; except, however, approval of a variance or parking exception shall not be required for purposes of deviating from development standards directly related to the requested reasonable accommodation.

(3) If necessary to reach a determination on any request for reasonable accommodation, the reviewing authority may request further information from the requestor or others consistent with this article and the fair housing laws, specifying in detail what information is required. If a need for further information is made of the requestor, the time period to issue a determination shall be stayed until the requestor responds to the request.

(d) Findings. The reviewing authority shall issue a written decision to grant, grant with modifications, or deny a request for reasonable accommodation which shall be consistent with fair housing laws and based on the following factors:

(1) That the housing which is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected pursuant to fair housing laws;

(2) That the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws, and alternatives that may provide an equivalent level of accommodation while complying with applicable land use or zoning regulations, policies, procedures, or practices are infeasible;
(3) That the requested reasonable accommodation would be constructed in a manner that is architecturally compatible with the subject property, to the maximum extent practicable, while still achieving the required functionality of the reasonable accommodation;

(4) That the requested reasonable accommodation would not impose an undue financial or administrative burden on the City;

(5) That the requested reasonable accommodation would not constitute a fundamental alteration of the City’s land use or zoning regulations, policies, procedures, or practices, including the Local Coastal Program, as applicable; and

(6) That the requested accommodation would not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

(e) Decision

(1) The reviewing authority’s written decision shall provide a description of the subject property, the reasonable accommodation requested, conditions of approval (if any), and findings pursuant to subsection (d). The requestor shall be given notice of the right to appeal. The decision shall be mailed to the requestor, to any person who provided written comment on the request, and to any other person who requests notice.

(2) Any approved reasonable accommodation shall be subject to any conditions imposed on the approval consistent with the purposes of this article.

(3) The reviewing authority may approve alternative accommodations that provide equivalent and reasonable levels of accommodation to the requestor.

(4) The written decision of the reviewing authority shall be final, unless appealed as set forth in Section 9-4.5108.

(5) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property subject to the request shall remain in full force and effect.

(6) It shall be at the discretion of the reviewing authority whether to include a condition of approval to a request for reasonable accommodation under this article to provide for its rescission or automatic expiration under appropriate circumstances.

(7) Any nonconformity with land use or zoning regulations, policies, procedures, or practices which may be created as a result of approval of a reasonable accommodation request shall not be a basis for future development or redevelopment in reliance on that nonconformity.

Sec. 9-4.5108 Appeals

(a) In the event the requestor or any aggrieved person is not satisfied with the action of the Zoning Administrator on the determination of a reasonable accommodation request, a written appeal may be made within ten (10) days after the action and shall be filed in accordance with Section 9-4.3804.

(b) In the event the requestor or any aggrieved person is not satisfied with the action of the Planning Commission on the determination of a reasonable accommodation request, a written appeal to the Council may be made within ten (10) days after the action. Such appeal shall be filed with the City Clerk and accompanied by a fee as set forth in Section 9-4.3602 of Article 36 of this chapter.

(c) If an individual needs assistance in filing an appeal described in this section, the City shall provide assistance to ensure that the appeals process is accessible.
(d) Any information identified by a requestor as confidential shall at all times be retained in a manner so as to respect the privacy rights of the requestor and shall not be made available for public inspection, unless required by law.

(e) Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available in accordance with the law.

(f) Any appeal of a discretionary approval decision which may have been considered by the reviewing authority in conjunction with the request for reasonable accommodation pursuant to Section 9-4.5107, shall be appealed in accordance with the appeal procedures provided in this title for the discretionary approval being appealed.”

**Section 3. Amendment.** Article 38, “Administration*” of Chapter 4, “Zoning” of Title 9, “Planning and Zoning” of the Pacifica Municipal Code is hereby amended (deletions shown in strikethrough and additions shown in underline) as follows:

“Article 38. - Administration

[...]

Sec. 9-4.3802. - Zoning Administrator: Powers and duties.

(a) The Zoning Administrator shall have all the powers and duties of a Board of Zoning Adjustment as set forth in Sections 65900 through 65907 of Article 3 of Chapter 4 of Title 7 of the Government Code of the State.

(b) Except as otherwise provided and if authorized by the Commission, the Zoning Administrator may hear and decide the following:

1. Minor modifications;
2. Site development permits;
3. Use permits;
4. Variances;
5. Sign permits; and
6. **Reasonable accommodation requests; and**
7. Other planning permits.

In connection with the applications provided for in this subsection, the Zoning Administrator shall have all the duties and responsibilities set forth in this chapter for the Commission.

(c) At any public hearing the Zoning Administrator shall be governed by the provisions of this chapter in the granting of permits and variances and shall grant the same only when making the findings required by the pertinent provisions of this chapter.

(d) The Zoning Administrator may refer any application or permit or variance directly to the commission without a hearing or without making a decision thereon, and the Commission shall then proceed to hear such applications as provided in this chapter for hearings by the Commission in such cases.

1. **This subsection shall not apply to reasonable accommodation requests filed in accordance with Article 51 of this chapter when no related discretionary approval is sought.**

(e) As used in this chapter, any of the powers of the Planning Administrator or Zoning Administrator may be performed by the Planning and Building Director.

[...]

Sec. 9-4.3805. - Effect of permits, and variances, and approvals.
No use permit, permit granting a variance, reasonable accommodation approval, or other planning permit shall have any force or effect until the applicant therefor actually received such permit or approval designating the conditions of its issuance thereon and signed by the Zoning Administrator. No such permit or approval shall be issued until the time for filing appeal from decisions of the Zoning Administrator has expired or, in the event of such appeal, until after the expiration of the appeal period after the final determination thereof by the Commission.”

**Section 4. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance was reviewed under the provisions of the California Environmental Quality Act (CEQA) as part of the City of Pacifica Housing Element Update – 2015-2023 Negative Declaration (State Clearinghouse No. 2015032024) and further finds that there is no substantial evidence, in light of the whole record, of any new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted. Furthermore, no substantial changes or circumstances are proposed that would disclose a new or more severe impact than those considered in the Initial Study and Checklist analysis prepared for the Negative Declaration for the 2015-2023 Housing Element Update. As such, there is no further environmental review necessary pursuant to California Code of Regulations section 15162 based on the environmental review conducted as part of the City of Pacifica Housing Element Update – 2015-2023 Negative Declaration (State Clearinghouse No. 2015032024), which was adopted pursuant to City Council Resolution No. 13-2015.

**Section 5. Severability.** If any section, subsection, sentence, clause or phase 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 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. 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** this ___ day of __________, 2019 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

____________________________
Sue Vaterlaus, Mayor

ATTEST: APPROVED AS TO FORM:
(ID # 3112) at 11/12/2019 7:00 PM City Council Regular Meeting
SUBJECT:

Introduction of an Ordinance to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (Text Amendment TA-116-19, File No. 2019-019) and finding that No Further Environmental Review is Necessary Under the Provisions of the California Environmental Quality Act (CEQA); the Planning Commission Recommended Approval of the Zoning Amendments by a Vote of 6-0 on September 16, 2019

RECOMMENDED ACTION:

Move to waive the first reading and introduce by title only An Ordinance of the City Council of the City of Pacifica to Enact a New Article 51 “Reasonable Accommodation” and to Amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to Establish a Procedure for Consideration of Reasonable Accommodation Requests (TA-116-19; File No. 2019-19), and Finding that No Further Environmental Review is Necessary Pursuant to California Code of Regulations 15162 as the Ordinance was Contemplated as Part of 2015-2023 Housing Element for Which a Negative Declaration was Adopted Pursuant to the California Environmental Quality Act (CEQA).

STAFF CONTACT:

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BACKGROUND:

On September 16, 2019, the Planning Commission considered the draft ordinance to enact a new Article 51 “Reasonable Accommodation” and to amend Article 38 “Administration” of Chapter 4 of Title 9 of the Pacifica Municipal Code to establish a procedure for consideration of reasonable accommodation requests. As further described in the Planning Commission staff report (Attachment A), this ordinance was prepared with consideration of the federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act (“Fair Housing Laws”). These Fair Housing Laws prohibit discrimination against individuals with disabilities in housing and require that local jurisdictions take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. Providing reasonable accommodation is one way for local jurisdictions to provide relief from land use and zoning regulations and procedures that have the effect of discriminating against the development, siting, and use of housing for individuals with disabilities. Examples of reasonable accommodations may include, but are not limited to, reduced setbacks for accessibility improvements; or, reduced minimum landscaping coverage for hardscape additions, such as widened driveways, parking areas or walkways.

Additionally, California’s Housing Element statute requires that local governments identify constraints to providing housing for individuals with disabilities and to develop strategies for
removing those constraints. Action Program No. 6 in the City’s adopted 2015-2023 Housing Element\(^1\) calls for the development of written procedures for reasonable accommodation requests with respect to zoning regulations.

The Planning Commission adopted Resolution 2019-032 recommending that the City Council approve the draft Reasonable Accommodation Ordinance (Attachment B).

**DISCUSSION:**

The proposed amendments would enact a new Article 51 to Chapter 4 (Zoning) of Title 9 (Planning and Zoning) of the Pacifica Municipal Code to establish a procedure for requesting reasonable accommodation in the City’s land use and zoning regulations for persons with disabilities as protected by Fair Housing Laws.

**Applicability.** Under the proposed ordinance, requests for reasonable accommodation could be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when a modification or exception to the zoning or land use regulations, practices, policies or procedures would eliminate regulatory barriers and provide an individual with a disability equal housing opportunities.

**Process.** The proposed ordinance establishes that the Zoning Administrator shall make a written determination, without a public hearing or public notification, on a reasonable accommodation request within 45 days of finding the information related to the request complete, and when no discretionary permit is required. Within 10 days of the Zoning Administrator’s written determination, an appeal may be filed to the Planning Commission by any aggrieved person.

If the request for a reasonable accommodation would also require one or more discretionary permits (e.g., use permit, coastal development permit), the proposed ordinance establishes that the review authority, public noticing, and determination process for the reasonable accommodation shall be the same as that established for the respective discretionary permit(s).

**Fees.** The proposed ordinance would require that a fee for staff time in excess of the first eight hours, or for costs associated with other studies required pursuant to a request, shall be charged in accordance with the hourly rate as set forth in the fee schedule adopted by City Council. A requestor may seek a reasonable accommodation for payment of fees.

**Findings.** The proposed ordinance sets forth the following list of findings to be considered when reviewing a request for reasonable accommodation, all of which are required for approval.

A. That the housing which is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected pursuant to fair housing laws;
B. That the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws, and alternatives that may provide an equivalent level of accommodation while complying with applicable land use or zoning regulations, policies, procedures, or practices are infeasible;
C. That the requested reasonable accommodation would be constructed in a manner that is architecturally compatible with the subject property, to the maximum extent practicable, while still achieving the required functionality of the reasonable accommodation;
D. That the requested reasonable accommodation would not impose an undue financial or administrative burden on the City;

E. That the requested reasonable accommodation would not constitute a fundamental alteration of the City’s land use or zoning regulations, policies, procedures, or practices, including the Local Coastal Program, as applicable; and

F. That the requested accommodation would not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.

The proposed ordinance contains provisions to preserve the privacy of any disabled individual requesting a reasonable accommodation. Any information identified by requestor as confidential shall at all times be retained in a manner so as to respect the privacy rights of the requestor and shall not be made available for public inspection, unless required by law.

In addition to adding a new Article 51, “Reasonable Accommodation” to Chapter 4 (Zoning) of Title 9 (Planning and Zoning) of the Pacifica Municipal Code, amendments to Article 38, “Administration” are proposed to clarify the Zoning Administrator’s authority to make decisions on reasonable accommodation requests.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The action to adopt this Ordinance was reviewed under the provisions of the California Environmental Quality Act (CEQA) as part of the City of Pacifica Housing Element Update – 2015-2023 Negative Declaration (State Clearinghouse No. 2015032024). Staff is not aware of any new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted. Furthermore, staff is not aware of any substantial changes or circumstances proposed that would disclose a new or more severe impact than those considered in the Initial Study and Checklist analysis prepared for the Negative Declaration for the 2015-2023 Housing Element Update. As such, staff does not believe that any further environmental review is necessary pursuant to California Code of Regulations section 15162 based on the environmental review conducted as part of the City of Pacifica Housing Element Update – 2015-2023 Negative Declaration (State Clearinghouse No. 2015032024), which was adopted pursuant to City Council Resolution No. 13-2015.

ALTERNATIVE ACTION:

The proposed ordinance is consistent with state and federal law. The Council may choose to amend the ordinance, or may refer the zoning ordinance to the Planning Commission for further study.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

The adoption of a reasonable accommodation ordinance is in line with the following goal of the Council:

A. “A Healthy and Compassionate Community” includes addressing affordable housing and mental health services, investigating strategies related to homelessness, and supporting youth services.

FISCAL IMPACT:

The cost for the first eight hours of staff time associated with processing a reasonable accommodation request will be incurred by the City. The cost for staff time beyond eight hours
will be reimbursed by the applicant, unless the applicant is approved for a reasonable accommodation for the cost. The City does not anticipate receiving many reasonable accommodation requests and, therefore, does not anticipate any significant fiscal impact to the City by adopting this ordinance.

**ORIGINATED BY:**

Planning Department

**ATTACHMENT LIST:**

Attachment A - 9-16-19 Planning Commission Staff Report and Attachments (PDF)
Attachment B - PC Resolution 2019-032 (PDF)
SUBJECT:

Introduction of an Ordinance to Adopt the 2019 Edition of the California Building Standards Code and Fire Code with Local Amendments, including amendments that would exceed the minimum energy efficiency standards established by the State (Reach Codes)

RECOMMENDED ACTION:

Move to introduce by title only and waive the first reading of an Ordinance of the City Council of the City of Pacifica:

- Repealing and replacing Chapters 1 (Building Code), 2 (Mechanical Code), 3 (Plumbing Code), 4 (Electrical Code), 5 (International Property Maintenance Code), 6 (Energy Code), 7 (Green Building Code), 7.5 (Residential Code), 8 (Historical Buildings Code, 8.5 (Existing Buildings Code), 9 (Reference Standards) of Title 8 of the Pacifica Municipal Code, to adopt by reference the 2019 California Building Standards (California Code of Regulation, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12) and the 2018 International Property Maintenance Code and making certain amendments thereto;

- Repealing and replacing Article 1 (California Fire Code) of Chapter 3 (Fire Protection) of Title 4 of the Pacifica Municipal Code to adopt the 2019 California Fire Code and making certain amendments thereto; and

- Find adoption of the ordinance exempt from the California Environmental Quality Act; and

Provide direction to Staff to schedule the second reading of the Ordinance on November 25, 2019.

STAFF CONTACT:

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BACKGROUND/DISCUSSION:

Every three years (“Triennial”), the State of California adopts new changes to the California Building Standards Code, pursuant to the California Code of Regulations, Title 24. Every city
and county is required to adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code. If no such ordinance is adopted, the standards set forth in Title 24 are still imposed on the city or county by default. Sections 17958, 17958.5, 17958.7, and 18941.5 of the Health & Safety Code provide that a city or county may make amendments to the California Building Standards that are reasonably necessary because of local climatic, geological, or topographical conditions.

California Government Code sections 50022.2 and 50022.3 require that for certain codes that are adopted by reference, such as the International Property Maintenance Code, the City must conduct the first reading of the ordinance and then schedule a public hearing for the second reading of the ordinance. Certain notice requirements for the second reading of the ordinance are set forth in Government Code sections 50022.3, which include publication of the notice in a local newspaper prior to the scheduled date of the second reading.

The proposed ordinance, included as Attachment 1, will repeal and re-enact portions of Pacifica Municipal Code (PMC) Title 8 (Building Regulations) and Title 4, Chapter 3, Article 1 (Fire Code), with local amendments. The Building/Fire local amendments are reasonably necessary due to the local climatic, geological, and topographical conditions of the City, as detailed in the required findings of the ordinance (Attachment 6).

With the exception of new local amendments to the Energy Code described below, the City of Pacifica has consistently over several code cycles, adopted the local amendments contained in the proposed ordinance. Such local amendments are typical of the triennial update and are not changing from the existing Code and include but are not limited to: Building Code, Residential Code, Fire Code, Plumbing Code, Electrical Code, Energy Code and Green Buildings Code.

Public Resources Code section 25402.1(h) (2) and section 10-106 of the Building Energy Efficiency Standards establish a process which allows local adoption of amendments to statewide energy standards that are more stringent than the statewide standards (called "Reach Codes") if they are found to be cost effective, and require buildings to be designed to consume no more energy than permitted by Title 24 and approved by the California Energy Commission.

On July 8, 2019, the City Council received a report and heard a presentation regarding the inclusion of local amendments to the 2019 Building Code update and directed Staff to prepare Reach Codes for the Council’s consideration (see Attachment 5 for the July 8 staff report). Council indicated support for further study and development of Reach Codes provided that the following concerns are addressed as summarized below:

Public Notice: Notice of this agenda item was placed in the Pacifica Tribune. In addition, staff sent email notices regarding Council’s consideration of reach codes to contractors in our permit data base.
City Council Concerns | Outcome
--- | ---
1. Cost effectiveness of construction and operation. | A supplemental memorandum from TRC Advanced Energy found Pacifica’s proposed Reach Codes to be cost effective, as determined by a cost effectiveness analyses conducted by the California Statewide Codes and Standards Program (see Attachments 2, 3 and 5).
2. Impact on additions and remodels of mixed-fuel homes. | The proposed Reach Codes apply to new construction, and not additions or remodels.
3. Impact on Accessory Dwelling Units (ADUs). | With the intent of encouraging housing, ADUs will be exempt from electrification as this would likely trigger an electrical service upgrade to the main panel of dwelling unit.
4. Effect of Reach Codes on Coastal Commission residential building guidelines. | No effect. Areas within the Coastal Zone are under the purview of the California Coastal Commission as they relate to Land Use policy issues, and not Building Code policy issues.

New Local Amendments to the Energy Code (Proposed Reach Codes)
At the July 8 meeting, the Council authorized the City Manager to submit a letter of intent to develop Reach Codes for Council’s consideration to Peninsula Clean Energy (PCE) in order to receive $10,000 in grant funding to off-set costs in relation to development of Reach Codes.

The proposed Reach Codes, which are found in Section 16 of the proposed ordinance (Attachment 1), are consistent with Climate Action Plan (CAP) goal 4.1.1 which states the City should “Require Green Building Practices in Both the New Construction and Remodel Market.” While the baseline state code has made great strides in implementing green building practices, Reach Codes provide an opportunity to achieve greater emission reductions. Greenhouse gas (GHG) free electricity can best be realized by electrification of new and existing buildings. Electrification transitions buildings away from natural gas and gasoline to clean energy. By developing electrification Reach Codes, Pacifica can potentially save energy and reduce GHG emissions. PCE is a community choice aggregator and the primary provider of clean electricity in San Mateo County with an intended goal to provide 100% renewable electricity for all its customers by 2025. The City of Pacifica recognizes the benefit of greenhouse gas free electricity and participates in the PCE program. As mentioned earlier, the City received a $10,000 grant from PCE for technical assistance to develop Reach Codes with a commitment to participate in the initiative to further reduce climate pollution.

A summary of the proposed Reach Codes is provided below. The proposed Reach Codes were chosen based on simplifying PCE’s model Reach Codes to less convoluted requirements, feasibility and cost-effectiveness, significant greenhouse gas reductions (providing the greatest environmental benefit), and ease of implementation.
### Summary of Proposed Reach Codes Requirement/Standards

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<th>Building Type</th>
<th>Requirements/Standards</th>
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| New Residential Buildings (Single-family and three stories or less multifamily) | 1. Require electric fuel source for space heating, water heating and clothes dryers.  
2. Natural gas can be used (if desired) for cooking appliances and fireplaces.  
3. If natural gas appliances are used, locations must also be electrically pre-wired for future electric appliance installation. |
| Accessory Dwelling Units (ADUs)                                             | 4. All ADU types shall be exempt from Reach Code requirements.                                                                                           |
| New Non-Residential Buildings and High-Rise Multifamily Buildings (Three stories and greater) | 5. Require to use electricity as the fuel source for all appliances, including but not limited to heating/cooling appliances, cooking appliances, fireplaces and clothes dryers.  
6. Require to install a minimum amount of on-site solar based on square footage:  
a. Less than 10,000 square feet requires a minimum of three kilowatt photovoltaic system.  
b. Greater than or equal to 10,000 square feet requires a minimum of five kilowatt photovoltaic system.  
7. Exceptions to using natural gas shall include:  
a. Public agency owned and operated emergency operation centers (such as fire and police stations) can use natural gas.  
b. Nonresidential kitchens (such as for-profit restaurants) may use natural gas with Building Official approval.  
8. If natural gas appliances are used for any of the above exceptions, locations must also be electrically pre-wired for future electric appliance installation. |

### Cost Effectiveness Analysis

In order to comply with Public Resources Code section 25402.1(h) (2) and section 10-106 of the Building Energy Efficiency Standards, the City Council must find that the proposed Reach Codes are cost effective and require buildings to be designed to consume no more energy than permitted by Title 24.

The proposed Reach Codes were found to be cost effective as determined by a cost effectiveness study conducted by the California Statewide Codes and Standards Program. Additionally, TRC Advanced Energy provided a memorandum which analyzed the study conducted by the California Statewide Codes and Standards Program and concluded that the proposed amendments set forth in the Reach Codes for new construction and solar production are cost effective.

The studies and memorandum in Attachments 2, 3, and 4 present the research and cost
effectiveness analysis of various building prototypes with different Reach Code options. The studies conducted by the California Energy Codes and Standards act as tools for local jurisdictions to select different Reach Code options ranging from increased efficiency to all-electric requirements. For Pacifica, the studies and the memo prepared by TRC Advanced Energy provide evidence that the proposed amendments for new construction and solar production are cost effective.

As originally discussed at the July 8, 2019 study session, a majority of the cost savings is experienced upfront in the construction phase by avoiding the cost to install natural gas infrastructure. The proposed ordinance encourages electric readiness by requiring that natural gas appliance locations be electrically pre-wired for future electric appliance installation and therefore mitigating retrofit costs in the future.

**Consideration of Reach Codes in Other Jurisdictions**

Other neighboring jurisdictions such as cites of San Mateo, Menlo Park, and Brisbane have adopted or expressed support for similar approaches to Reach Codes. Other local cities such as Atherton and South San Francisco are not exploring Reach Codes at this time.

**Summary**

Staff is recommending that the City Council conduct the first reading of the proposed ordinance to adopt by reference the 2019 Edition of the California Building Standards Code and Fire Code with the local amendments identified in the ordinance, including the proposed Reach Codes that would exceed the minimum energy efficiency standards established by the State. The Reach Codes as summarized in the table above are determined to meet the cost effectiveness requirement.

Staff also recommends that Council provide direction to Staff to schedule the second reading of the ordinance on November 25, 2019 in order to comply with the noticing requirements set forth in Government sections 50022.2 and 50022.3.

If Council adopts the proposed ordinance at the second reading, the local amendments will need to be submitted to various state agencies for review. The Reach Codes will need to be submitted to the California Energy Commission for consideration and approval.

**CEQA:**

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of this ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as actions by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

**ALTERNATIVE ACTION:**

The Council may decline to adopt local amendments or request modifications. However, the proposed local amendments carrying over from previous years (as opposed to new amendments) have been identified in order to protect the public, health, and safety in consideration of local climatic, geological, and topographical conditions present in the City of Pacifica as described in the findings contained in the proposed ordinance.
The Council may decline to adopt or make amendments to the proposed Reach Codes. If the City Council desires to make further substantive amendments beyond those identified in the proposed ordinance, it is unlikely that the proposed ordinance would be implemented by January 1, 2020. Reach Codes may be adopted at any time, however, by adopting Reach Codes before the beginning of the triennial code cycle, the implementable time is maximized and it makes it easier for the enforcing department.

Council may alternatively direct Staff to further evaluate the Reach Code options and adopt the proposed ordinance in Attachment 1 without the Reach Codes included.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

Adoption of the proposed ordinances is consistent with the following Council adopted Goals:

- Maintaining a Safe Community: adoption and implementation of the California Building Standards Code ensures that the public health and safety is maintained through safe construction methods.
- Council Initiative No. 9: Consideration of Reach Codes is consistent with City Council initiative to *complete an update to the Climate Action Plan and continue implementation of measures to reduce greenhouse gas emissions, including evaluating whether to form a City climate action committee.*

**FISCAL IMPACT:**

Staff costs to prepare Reach Codes and associated studies have been off-set by a $10,000 grant from Peninsula Clean Energy for technical support. Adoption of the “baseline” Title 24 Building Code was factored into the Planning Department budget for FY 19-20, including City Attorney Office support.

**ORIGINATED BY:**

Planning Department

**ATTACHMENT LIST:**

Attachment 1 - Proposed Ordinance for 2019 Building Code and Fire Code Update with Local Amendments (DOCX)
Attachment 2 - Hyperlink to Statewide Reach Code Residential Cost Effectiveness Study
Attachment 3 - Hyperlink to Statewide Reach Code Nonresidential Cost Effectiveness Study
Attachment 4 - TRC Memorandum on Cost Effectiveness Analysis (DOCX)
Attachment 5 - July 8, 2019 Reach Code Study Session (PDF)
Attachment 6 - Findings Supporting Local Amendments (DOCX)
ORDINANCE NO. ________________


WHEREAS, the State of California has adopted and published the 2019 California Building Standards Code (California Code of Regulations, Title 24); and

WHEREAS, the 2019 California Building Standards Code contains, amongst other parts, the California Building Code (Title 24, Part 2), California Residential Code (Title 24, Part 2.5), California Electrical Code (Title 24, Part 3), California Mechanical Code (Title 24, Part 4), California Plumbing Code (Title 24, Part 5), California Energy Code (Title 24, Part 6), California Historical Buildings Code (Title 24, Part 8) California Fire Code (Title 24, Part 9), California Existing Buildings Code (Title 24, Part 10) and the California Green Building Standards Code (Title 24, Part 11), the California Reference Standards (Title 24 Part 12); and

WHEREAS, State law requires a new edition of Title 24 every three years; and

WHEREAS, Sections 17922, 17958, and 18941.5 of the California Health & Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code; and

WHEREAS, Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code provide that a city or county may make amendments to the California Building Standards to make changes or modifications that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Public Resources Code section 25402.1(h) (2) and section 10-106 of the Building Energy Efficiency Standards establish a process which allows local adoption of amendments to statewide energy standards that are more stringent than the statewide
standards ("Reach Codes") if they are found to be cost effective, and require buildings to be designed to consume no more energy than permitted by Title 24 and approved by the California Energy Commission; and

WHEREAS, at a public meeting on July 8, 2019, the City Council received a presentation on reach codes and the City Council authorized the City Manager to submit a letter of intent to Peninsula Clean Energy committing the City to developing Reach Codes for Council’s future consideration, which provide energy efficiency standards that are more stringent than statewide standards; and

WHEREAS, a cost effectiveness study conducted by the California Statewide Codes and Standards Program, funded by the California investor-owned utilities, found that certain residential and non-residential prototypes in new construction to be cost effective for all California climate zones which included all-electric measures as part of multiple packages and that study is sufficient to justify Pacifica reach code requirements; and

WHEREAS, the City of Pacifica’s consultant, TRC Advanced Energy, has performed an additional cost effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code contained in this ordinance which is attached hereto and incorporated herein as Exhibit A to this ordinance; and

WHEREAS, the City of Pacifica is comprised of a number of cul-de-sacs off of Highway 1, which divides the City into distinct districts. Each of these districts is isolated from each other by the topography of the City. The City is bordered to the west by the Pacific Ocean and to the east bay hills that separate the City from the other communities; and

WHEREAS, a series of overpasses span Highway 1. The collapse of one or more of these overpasses would greatly restrict access to the majority of the City. Highway 1 narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City. Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are steep, between 10 to 19 percent in grade, and wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas; and

WHEREAS, the City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone, as shown in the Alquist-Priolo Earthquake Fault Zone Act of 1972. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning. A major seismic event would create a
Citywide demand on fire protection service, which would be beyond the response capacity of the fire department. Structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the City; and

WHEREAS, the City of Pacifica is unique in its climatic conditions. According to records found at the National Weather Service, the average yearly rainfall for the City is approximately 25" to 30", with a high of 65" in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80’s to 90’s Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wildland interface that surrounds the City, the potential for a major fire is high; and

WHEREAS, Pacifica is located adjacent to the Pacific Ocean and significant areas of the City are subject to extreme wave heights, severe bluff erosion and flooding which cause damage to public facilities and private property, especially during heavy rainfall and El Nino winters; and

WHEREAS, due to its proximity to the Pacific Ocean, Pacifica is at risk from a potential tsunami hazard if a major earthquake occurs in the Pacific Ocean resulting in a wave run-up. The approximate wave run-up height of 20 feet presents a risk to structures and individuals in the area, as there are approximately 900 existing dwelling units within Pacifica’s tsunami run-up area, as well as important community services and facilities; and

WHEREAS, Pacifica is framed by ridges of the Coast Range on the east and is home to 37 mountain summits and peaks. Hillside stability is a critical hazard. Slope failures and superficial landslides are a significant hazard, and runoff from heavy rain or ground-shaking are most likely to activate landslides in the hilly terrain; and

WHEREAS, Pacifica is exposed to more extreme weather than elsewhere in the Bay Area, including strong winds, almost constant exposure to salt air and frequent heavy rains during the winter months. The off-shore high pressure system and upwelling of deeper, cold water just off the coast result in frequent summer fog; and

WHEREAS, adoption of this ordinance will update the City of Pacifica’s building standards for all types of buildings to reflect the most recent improvements in design and construction techniques, and will provide a level of safety to building occupants intended by the State in its code adoption process; and

WHEREAS, the California Building Code, the California Residential Code, and California Fire Code have not fully addressed the climatic, geological, or topographical conditions in the City of Pacifica and as such, amendments are necessary to address the climatic, geological and topographical, climactic considerations identified herein; and
WHEREAS, the City Council of Pacifica is not required to make an express finding for amendments necessary to carry out the application of the Building Standards Code and/or that do not otherwise modify a Building Standard; and

WHEREAS, certain amendments to the California Building Standards Code have been recommended by the Pacifica Fire Marshal; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council held on November 12, 2019 and November 25, 2019, including any supporting reports by City staff, and any information provided during public hearings and the City has given proper notice of the adoption of the various building codes and standards by reference pursuant to California Government Code sections 50022.2 and 50022.3.

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

Section 1. 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 2. Environmental Review. The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), in that the adoption of State codes and the local amendments herein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b) (3) and 15378(b) (5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of this ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as actions by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

Section 3. Local Amendments. The City Council of the City of Pacifica expressly finds and declares in accordance with Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code that the amendments, additions, and deletions to the California Building Standards set forth below are reasonably necessary because of the local climatic, geological, and topographical conditions described above and more specifically identified in the findings attached hereto and incorporated herein as Exhibit B to this ordinance.

Section 4. Cost Effectiveness. The City Council finds that a cost effectiveness analysis conducted by the California Statewide Codes and Standards Program and funded by the California investor-owned utilities are sufficient to justify Pacifica reach code requirements contained in this ordinance and are cost effective. TRC Advanced Energy has performed an additional cost effectiveness analysis as required by the California Energy Commission for the local amendments to the California Energy Code. Based on these studies and analysis the City Council finds that the local amendments to the California Energy Code contained in this ordinance are cost effective and will require buildings to
consume no more energy than permitted by the California Energy Code, Title 24, Part 6.

Section 5. Repeal of Chapter 1 of Title 8. Chapter 1 ("Building Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 6. Replacement: Adoption of Chapter 1 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 1 to read as follows:

"CHAPTER 1 BUILDING CODE"

Section 8-1.01 – Adoption of the California Building Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 35, including Chapter 1 Division II Scope and Administration, Appendix C ("Group U – Agricultural Buildings"), Appendix G ("Flood-Resistant Construction"), Appendix I (Patio Covers) and Appendix J ("Grading"), of that certain Code designated as the California Building Code, 2019 Edition [CCR Title 24, Part 2], which incorporates and amends the 2018 Edition of the International Building Code published by the International Code Council and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City. A new Chapter 1 ("Building Code") of Title 8 ("Building Regulations") is hereby added to the Pacifica Municipal Code to read as follows:

Section 8-1.02 – Amendments: Section 1.11.2.1 ("Enforcement")

Section 1.11.2.1.1 of Chapter 1, Division I shall be amended to read as follows:

The City of Pacifica specifically delegates the enforcement of building standards adopted by the State Fire Marshal, and published in the Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, as they relate to Group R-3 Occupancies (one and two family dwellings) to the Building Official of the City of Pacifica.

Section 8-1.03 – Amendments: Section 113 ("Board of Appeals")
Section 113 shall be amended to read as follows:

Section 113.1 General. Whenever reference is made in any provision of Title 8 ("Building Regulations") of the Pacifica Municipal Code to the “Board of Appeals,” it shall mean the Emergency Preparedness and Safety Commission. The Emergency Preparedness and Safety Commission will hear appeals, and such appeals shall be processed in accordance with the provisions of Section 113 of the Pacifica Building Code.

Section 8-1.04 – Amendments: Section 105.3.3 ("Application for a Permit")

Section 105.3.3 shall be added to read as follows:

Section 105.3.3 Improvements Required Prior to the Issuance of Building Permits and Exceptions.

The City Engineer shall require, prior to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the City where such permit is required and where no public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities exist, the construction of such public improvements along such property, constructed in accordance with the City of Pacifica’s Engineering Standards, as part of the construction of such structure or improvements.

Exceptions:

(1) When it is not practical to establish grades prior to the completion of construction of the structure, the City Engineer may require an executed agreement by the property owner stating he/she will construct public improvements, including street paving, sidewalks, gutter and/or curb and miscellaneous facilities at such time as the City may deem it feasible.

(2) Sidewalks shall not be required prior to the issuance of a building permit for the construction of any structure or improvements upon unimproved property in areas where the Council has, by resolution, deemed that sidewalks are not required. The City Engineer may require an executed agreement by the property owner stating he/she will construct the improvements at such time the City may again require them.

Section 8-1.05 – Amendments: Section 105.5 ("Expiration").

Section 105.5 shall be amended to read as follows:
105.5 Expiration of Permit—Generally. Except as set forth in Section 105.5.1, every permit issued for property within the City of Pacifica shall expire by limitation and become null and void as follows:

(1) If work authorized by such permit is not commenced within 12 months days from the issuance date of such permit.

(2) If work authorized by such permit is commenced within 12 months from the issuance date of such permit, such permit shall expire by limitation and become null and void 180 days after the date of the last successful inspection by the City's Building Division. For purposes of this section, “successful inspection” shall mean a required inspection (as provided in Section 110.3 of this Code or elsewhere in this Code) in which work inspected was determined by the Building Official or his/her designee to meet all applicable minimum code requirements and the inspection was documented as successful.

(3) Notwithstanding any provision of Subsections 105.5(A)(1) and 105.5(A)(2), no permit shall be extended, and therefore, no permit shall be valid, for any period exceeding two (2) years from the original date of issuance.

In the event of permit expiration, before work authorized by the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a “renewal permit”). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or Chief Planning Official. The applicant must pay all applicable fees, including but not limited to, a plan check fee and building permit fees, in the amount then established by resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by the Building Division to determine compliance of existing conditions and materials with this Code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.

In the event of permit expiration, any work performed under that permit is “unpermitted” as defined in Section 113.1 of this chapter, and is subject to the legalization provisions of Section 117 of this chapter.

Section 8-1.06 – Amendments: Section 105.5.1 (“Expiration of Permit for Unpermitted Structures or Grading”)

Section 105.5.1 shall be added to read as follows:
Section 105.5.1 Expiration of Permit for Unpermitted Structures and Grading. Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an “unpermitted structure” or “unpermitted grading” (as each of these terms are defined in Section 114.1.1 and 114.1.2, respectively, of this chapter) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the date on which the permit was issued. The Building Official may, in his or her sole discretion, extend the validity of the permit for a period not exceeding 180 days beyond the initial 60 day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit, if the Building Official determines that substantial progress has been made toward completing the work authorized by the permit.

Section 8-1.07 – Amendments: Section 105.6 (“Suspension or Revocation”)

Section 105.6 is hereby deleted in its entirety, and a new section 105.6 is hereby added to read as follows:

105.6 Suspension or Revocation of Permit. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building and Safety Division, and/or where work is not in accordance with the direction of the Building and Safety Division.

Section 8-1.08 Amendments: Section 105.8 (“Hours of Construction”)

Section 105.8 shall be added to read as follows:

Section 105.8 Hours of Construction: The hours of construction for any project for which a building permit is required within the City of Pacifica shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Section 8-1.09 – Amendments: Section 109.4 (“Work Commencing before Permit Issuance”)

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Section 109.4 is hereby deleted in its entirety, and a new section 109.4 is hereby added to read as follows:

109.4 Work Commencing Before Permit Issuance. Whenever any work for which a permit is required by this Code has been commenced without first obtaining such permit, an investigation and processing fee equal to the amount of the required permit fee or as otherwise established by the most current fee schedule adopted in the City of Pacifica Municipal Administrative Policy No. 2 shall be collected at the time of application for the required permit and prior to the issuance of the required permit, irrespective of whether a permit is subsequently issued.

Section 8-1.10 – Amendments: Section 111.2.1 (“Certificate Issued”)

Section 111.2.1 shall be added to read as follows:

111.2.1 Improvements Prior to Occupancy of Structures and Utility Service Exceptions.

(a) No new structure for which a building permit is required shall be occupied or otherwise used, nor shall utility services be supplied thereto, until such public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities required by Section 105.3.3 have been installed and approved by the City Engineer and until such time as the Planning Director has been satisfied that all planning department requirements for the project have been met.

(b) When it is, in the opinion of the City Engineer and/or the Planning Director, not practicable to complete public improvements including street paving, sidewalk, gutter and/or curb, miscellaneous facilities or planning department conditions prior to completion of construction of the structure, a completion bond in an amount determined by the City Engineer and/or Planning Director to be adequate to insure completion shall be posted for the completion of the required improvements.

Exception: The Building Official may authorize the installation of gas and/or electric utilities in buildings for the purpose of testing equipment prior to completion of construction when the Building Official has determined that such utilities are necessary for the testing of required equipment prior to the final inspection of the building.

Section 8-1.11 – Amendments: Section 113 (“Board of Appeals”)

Section 113 is hereby deleted in its entirety, and a new section 113 is hereby added to read as follows:

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**Section 113 Board of Appeals**

113.1 Scope of Appeal.

(a) Notwithstanding the provisions of the Technical Codes, an appeal is limited to the following orders, decisions, or determinations of the Building Official or his/her designee:

1. Denials of the proposed use of alternative materials, design or method of construction, installation, and/or equipment;

2. Orders to Vacate and/or Not Enter a building, structure or premises; however, such order shall not be stayed during the pendency of the appeal;

3. Orders to Demolish a building or structure; however, an order to vacate that may be issued in conjunction with the Order to Demolish shall not be stayed during the pendency of the appeal.

(b) The right of appeal shall not exist for determinations of the Building Official, or a designee thereof, that a violation of any provision of the Technical Codes exists in a building or structure, or portion thereof, or on any premises.

113.2 Appeal Procedure.

Any person who is aggrieved by an order, decision or determination of the Building Official as provided in Section 113.1 may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding. Appeals shall be heard as follows:

1. Appeals shall be heard before the Emergency Preparedness and Safety Commission ("Commission"). As soon as practicable after receiving the request, the City Clerk shall set a date for the Commission to hear the appeal, which date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each party written notice of the time and place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the party personally, or by mailing a copy thereof, postage prepaid, addressed to each appealing party at the address(es) shown on the request. Continuances of the appeal hearing may be granted by the Commission on request of the appealing person for good cause shown, provided such request is made no later than
24 hours prior to the scheduled hearing, or upon request of the Building Official or his or her designee for good cause shown, or on the Commission’s own motion.

(2) At the time and place set forth in the notice of hearing, the Commission shall hear the testimony of the appealing person(s), the Building Official, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the order, decision or determination being appealed. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. Appeal hearings are informal, and formal rules of evidence and discovery do not apply.

(3) Upon the conclusion of the appeal hearing, the Commission shall, on the basis of the evidence presented at the hearing, determine whether the order, decision or determination should be affirmed, modified, or rescinded. A copy of the Commission’s written decision shall be served upon the appealing person by first class mail or by personal service. Notwithstanding any other provision of the Pacifica Municipal Code, the determination of the Commission shall be final and binding.

(4) If the appellant fails to appear, the Commission shall cancel the hearing and send a notice thereof to the appellant by first class mail. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant’s waiver of the right to appeal. In such instances, the order, decision or determination of the Building Official shall be final and binding.

Section 8-1.12 – Amendments: Section 114.4 (“Violation Penalties”)

Section 114.4 is hereby deleted in its entirety, and a new section 114.4 is hereby added to read as follows:

114.4 Violation Penalties. Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 2 of Title 1 of the Pacifica Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

Section 8-1.13 – Amendments: Section 117 (“Procedures for Legalizing Unpermitted Structures or Grading”)

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Section 117 shall be added to read as follows:

117. Procedure for Legalizing Unpermitted Structures or Grading.

117.1 Permits. Any person who wishes to legalize an “unpermitted structure” or “unpermitted grading” (as each of these terms are defined in Section 114.4.1. of this Code), shall obtain all applicable permits. Unpermitted structures and grading shall comply with all current Technical Code requirements and other required approvals pursuant to the Pacifica Municipal Code in order to be legalized.

Permits obtained to legalize unpermitted structures or grading shall expire as set forth in Section 105.5 of this Code.

117.2 Plans.

117.2.1 Structures. Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director for review and approval.

117.2.2 Grading. Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official and Planning Director for review and approval.

117.3 Inspections. Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

117.4 Investigation Fees.

117.4.1 Investigation. Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, “special investigation” shall include, but is not limited to, inspecting premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.
117.4.2 Fee. A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be assessed as provided in Section 109 of this Code.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this code nor from any penalty prescribed by law.

117.5 Unpermitted Structures or Grading Which Cannot be Legalized. If the Planning Director determines that the City’s zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections and approvals.

Section 8-1.14 – Amendments Section 903.1.1 (Automatic Sprinkler Systems)

Section 903.1.1 is added to read

903.1.1 Parking Garages. Areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 1. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2500 sq. ft. to as low as 1500 sq. ft. if:

(1) 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls,

(2) The car stacker areas are divided up into 1500 sq. ft. areas via 1-hour fire rated walls, and

(3) One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.
One-hour fired rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

Section 8-1.15 – Amendments: Section 903.2 (“Automatic Sprinkler Systems, Where Required”)  

Section 903.2 is hereby deleted in its entirety, and a new section 903.2 is hereby added to read as follows:

**903.2 Required Installations.**

A. Newly Constructed Buildings and Structures. An automatic fire sprinkler system shall be installed in all new occupancies and locations.

   Exception. Detached U Occupancies not exceeding 1,000 square feet in size, when accessory to an R-3 Dwelling.

B. Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout all buildings when an addition of 500 square feet, or more in area is added to the building.

   Exception. 1. R-3 One- and Two-Family Dwellings.

   2. When specifically exempted by the Fire Code Official

Section 8-1.16 – Amendments: Section 1507.8 (“Wood Shingles”)

Section 1507.8 is hereby added to read as follows:

**1507.8 Wood Shingles.** The use of wood shingles for roofs on new construction is prohibited. Existing wood shingle roofs may be recovered or repaired by using fire retardant treated shingles. Additions or alterations to existing structures may have wood shingles roofs of fire retardant treated shingles if the existing roof covering is of wood shingle construction.

Section 8-1.17 – Amendments: Section 1507.9 (“Wood Shakes”)

Section 1507.9 is hereby added to read as follows:

**1507.9 Wood Shakes.** The use of wood shakes for roofs on new construction is prohibited. Existing wood shake roofs may be recovered or repaired by using fire retardant treated shakes. Additions or alterations to existing structures may have wood shake roofs of fire retardant treated shakes if the existing roof covering is of wood shake construction.
Section 8-1.18 – Amendments: Appendix J, Section J103.1 (“Permits Required”)

Section J103.1 of Appendix J shall be amended to read as follows:

\textit{J103.1 Permits required.}

(a) Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the building official. A grading permit does not include the construction of retaining walls or other structures.

(b) No grading, excavating or filling shall be conducted between the hours of 6:00 p.m. and 7:00 a.m. of any day, or on Saturday or Sunday at any time, without the prior approval of the Building Official. The Building Official shall notify the Department of Public Safety whenever such approval has been granted.

(c) The period between October 1 and April 31, inclusive, is hereby determined to be the period in which heavy rainfall normally occurs in the City of Pacifica. No grading, excavating or filling requiring a grading permit pursuant to Appendix J of the California Building Code as herein amended shall be authorized by the Building Official during that period unless he or she determines in writing that such work will not endanger the public health or safety and that appropriate erosion control devices or methods will be provided.

(d) Any grading, excavating or filling which requires a grading permit and, having been granted said permit, either begins during or extends into the period between October 1 and April 31, inclusive, shall be protected by temporary devices to prevent erosion. Proposed erosion control devices or methods shall be submitted with the grading plans to the Building Official and approval of both the grading plan and the erosion control devices and methods must be obtained not later than September 30. All such approved erosion control devices or methods shall be installed not later than October 1 for previously approved ongoing earthwork operations. For earthwork operations approved by the Building Official to start between October 1 and April 31, inclusive, all approved erosion control devices must be in place before earthwork activities may commence.

(e) When determined by the Building Official that a bond is required in order to insure that the work will be completed in accordance with the approved plans, specifications and conditions of approval, due to the nature, location, time of year or amount of work to be done, such bond shall be in conformance with City of Pacifica Administrative Policy No. 48. Surety bonds, cash bonds, instruments of credit or other forms of security shall comply with the provisions of City of Pacifica Administrative Policy No. 48."
Section 7. Repeal of Chapter 2 of Title 8. Chapter 2 ("Mechanical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 8. Replacement: Adoption of Chapter 2 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 2 to read as follows:

"CHAPTER 2
MECHANICAL CODE"

Section 8-2.01 – Adoption of the California Mechanical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 17, including Appendix F ("Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design") of that certain Code designated as the California Mechanical Code, 2019 Edition [CCR Title 24, Part 4], which incorporates and amends the 2018 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Mechanical Code for the City."

Section 9. Repeal of Chapter 3 of Title 8. Chapter 3 ("Plumbing Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 10. Replacement: Adoption of Chapter 3 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 3 to read as follows:

"CHAPTER 3
PLUMBING CODE"

Section 8-3.01 – Adoption of the California Plumbing Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters
1 through 17 including Appendix A ("Recommended Rules for Sizing the Water Supply System"), Appendix B ("Explanatory Notes on Combination Waste and Vent Systems"), Appendix C ("Alternate Plumbing Systems"), Appendix D ("Sizing Storm Water Drainage Systems"), Appendix E ("Manufactured/Mobile Home Parks and Recreational Vehicle Parks"), Appendix G ("Sizing of Venting Systems"), Appendix I ("Installation Standard for PEX tubing systems for Hot and Cold Water Piping Systems"), Appendix J ("Combination of Indoor and Outdoor Combustion and Ventilation Opening Design"), Appendix K ("Potable Rainwater Catchment Systems") of that certain code designated as the California Plumbing Code, 2019 Edition [CCR Title 24, Part 5], which incorporates and amends the 2018 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Plumbing Code for the City.

Section 8-3.02 – Amendments: Section 719 ("Cleanouts")

Section 719.7 is hereby added to read as follows:

719.7 Cleanouts. When a main sewer is located in the street, alley, or easement, there shall be provided a cleanout within the City right-of-way at the property line. The riser shall be of cast iron, the same size as the drain served, brought up to grade level by a wye and branch fitting, and the top of same shall be provided with a regulation cleanout of four inch (4") minimum size within a sidewalk box, with removable cover.

Section 11. Repeal of Chapter 4 of Title 8. Chapter 4 ("Electrical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 12. Replacement: Adoption of Chapter 4 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 4 to read as follows:

"CHAPTER 4
ELECTRICAL CODE"

Section 8-4.01 – Adoption of the California Electrical Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 9, including Article 89, of that certain Code designated as the California
Electrical Code, 2019 Edition [CCR Title 24, Part 3], which incorporates and amends the 2017 Edition of the National Electrical Code published by the National Fire Protection Association and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Electrical Code for the City.

Section 8-4.02 – Amendments: Section 89.108.4 (“Permits, Fees, Applications and Inspections”)

Section 89.108.4 is hereby amended to read as follows:

89.108.4.1 Permits.

(a) Except as exempted in paragraph (b) of this subsection, a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, movement, or alteration of any electrical system.

(b) Consistent with the requirements of Section 17960 of the Health and Safety Code, the local enforcing agency shall enforce the requirements of this code, but shall exempt the following activities from a permit or inspection.

(1) Listed plug and cord connected temporary decorative lighting.

(2) Reinstallation of attachment plug receptacles, but not the outlets therefore.

(3) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.

(4) Installation or maintenance of communication wiring, devices, appliances, apparatus or equipment.

(5) The ordinary care and maintenance of an established installation of electrical equipment by the owner, operator, or user thereof shall not require an electrical permit, except that ordinary care and maintenance shall not be construed as including additions to such installations or other work, such as the repair or replacement of any electrical wiring, appliance, or apparatus which is a fixed part of such installation. The replacement of lamps and fuses and plug-in apparatus and the repair of plug-in apparatus and similar work shall be construed as ordinary care and maintenance.
Exemptions from permit and inspection requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any other provision of law or this code.

Section 8-4.03 – Amendments: Section 300.9 (“Raceways in Wet Locations Above Grade”)

Section 300.9 is hereby amended to read as follows:

300.9 Raceways in Wet Locations Aboveground. Where raceways are installed in wet locations above grade, the interior of these raceways shall be considered to be a wet location. Insulated conductors and cables installed in raceways in wet locations above grade shall comply with 310.10(C). Raceways exposed to the elements shall be of rigid galvanized, aluminum or rigid nonmetallic conduit.

Section 8-4.04 – Amendments: Section 8-4.04 (“Streamlined permitting process for small residential rooftop solar energy systems”) is hereby added to read as follows.

(a) Purpose. The purpose of this section is to adopt an expedited, streamlined permitting process that complies with the 1978 California Solar Rights Act and AB 2188 (Chapter 521, Statutes of 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This section allows the City to achieve these goals while protecting the public health and safety.

(b) Definitions.

1. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

2. Association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, or as otherwise defined in Section 4080 of the Civil Code.

3. City means the City of Pacifica
(4) **Common interest development** means any of the following:

(i) A community apartment project; or

(ii) A condominium project; or

(iii) A planned development; or

(iv) A stock cooperative.

(5) **Electronic submittal** means the utilization of one or more of the following:

(i) Email; or

(ii) The Internet.

(6) **Reasonable restrictions** on a solar energy system means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(7) **Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance** means:

(i) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law: an amount exceeding ten (10%) percent of the cost of the system, but in no case more than One Thousand and no/100th ($1,000.00) Dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten (10%) percent, as originally specified and proposed.

(ii) For photovoltaic systems that comply with state and federal law: an amount not to exceed One Thousand and no/100th ($1,000.00) Dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten (10%) percent as originally specified and proposed.

(8) **Small residential rooftop solar energy system** means all of the following:

(i) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
(ii) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards including paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(iii) A solar energy system that is installed on a single-family or duplex-family dwelling.

(iv) A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

(9) **Solar energy system** means either of the following, as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code:

(i) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(ii) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(10) **Specific, adverse impact** means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) **Applicability.** This section applies to the permitting of all small residential rooftop solar energy systems in the City of Pacifica. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this section are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require a new permit. Routine operation and maintenance shall not require a permit.

(d) **Solar energy system requirements.** All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the City, and the North County Fire Authority.

(1) Solar energy systems for heating water in single-family residences and solar collectors used for heating water in commercial or
swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing Code and California Mechanical Code.

(2) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(e) **Submittal requirements.** All documents required for the submission of an expedited solar energy system application shall be made available on the City website and elsewhere as deemed appropriate by the Building Official.

(1) An applicant may submit a permit application and associated documents for a small residential rooftop solar energy system by electronic submittal. As an alternative, an applicant may submit a permit application and associated documents at the Building Division counter during regular business hours.

(2) An applicant’s electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.

(3) The City shall adopt a checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.

(4) The small residential rooftop solar energy system permit process, standard plans, and the checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans, contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research.

(b) **Plan review, permit, and inspection requirements.** The Building Division shall provide a ministerial, nondiscretionary plan check review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the enactment of this section.

(1) The Building Division shall process, review, and approve an application for the installation or use of a small residential rooftop solar energy system in the same manner as an application for review of an architectural modification to the property, and approval shall not be willfully avoided or delayed.
(2) The Building Official’s review of an application subject to this section shall be limited to whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the Building Official, in consultation with the Planning Director, makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the City may require the applicant to apply for a use permit pursuant to the provisions of Article 33 of Chapter 4 of Title 9 of the Pacifica Municipal Code.

(i) The decision to require a use permit may be appealed to the Planning Commission.

(ii) The Planning Commission may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the bases for the rejection of potential feasible alternatives of preventing the adverse impact.

(iii) Any conditions imposed on an approval of a use permit to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible. Such conditions shall fall within the meaning of “reasonable restrictions on a solar energy system” as that term is defined in this section.

(3) An application for a small residential rooftop solar energy system that satisfies the information requirements in the checklist described in Section 8-4.04(e)(3), as determined by the City, shall be deemed complete.

(4) Upon confirmation by the City that an application is complete, the City shall, consistent with this section and subdivision (b) of Government Code Section 65850.5, approve the application and issue all required permits or authorizations.

(5) The City shall not condition approval of an application for a small residential rooftop solar energy system on the approval of an association.
(6) If the City deems an application incomplete, the City shall issue to the applicant a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance.

(7) If an application for the installation of a small residential rooftop solar energy system is not denied in writing within forty-five (45) days from the date of receipt of the application, the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.

(8) Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review, which inspection shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, and the subsequent inspection need not conform to the requirements of this section.

(9) A separate fire inspection may be performed by the North County Fire Authority, if required, in the event the City does not have an agreement with the Fire Authority to conduct fire safety inspections on its behalf.

Section 13. Repeal of Chapter 5 of Title 8. Chapter 5 ("2012 International Property Maintenance Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 14. Replacement: Adoption of Chapter 5 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 5 to read as follows:

“CHAPTER 5
2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 8-5.01 – Adoption of the 2018 International Property Maintenance Code.

For the purpose to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein, Chapters 1 through 8, including Appendix A (“Boarding Standard”) of that certain code designated as the International Property Maintenance Code, 2018 Edition published by the International Code Council, which is on file in the office of the City Clerk for public record and
inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City.”

Section 15. Repeal of Chapter 6 of Title 8. Chapter 6 ("Energy Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 16. Adoption of Chapter 6 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 6 to read as follows:

"CHAPTER 6
ENERGY CODE

Sec. 8-6.01 – Adoption of the California Energy Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 9, and Appendix 1-A of the of that certain Code designated as the California Energy Code, 2019 Edition [CCR Title 24, Part 2.5], published by the California Energy Commission and as adopted by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said Code shall be known as the Building Code for the City.

Sec. 8-6.02 – Amendments: Section 100.0 ("Scope")

Section 100.0, subpart (e), “Sections applicable to particular types of buildings” is hereby amended to read as follows:

(e) Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.
   EXCEPTION to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.
   A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of
Subsections B, C, D or E, as applicable; and shall be an All-Electric Building as defined in Section 100.1(b) unless one of the following exceptions is applicable:

EXCEPTION 1: All Residential buildings may contain non-electric Cooking Appliances and Fireplaces.

EXCEPTION 2: Public agency owned and operated emergency centers.

EXCEPTION 3: Accessory dwelling units as defined in Article 4.5 – Accessory Dwelling Units.

EXCEPTION 4: Non-residential buildings containing a for-profit restaurant open to the public may be approved at the discretion of the Building Official for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include barbeque-themed restaurants and pizza ovens. The Building Official shall grant this exception if they find the following:

1. There is a business-related reason to cook with a flame;
2. This need cannot be reasonably achieved with an electric fuel source;
3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance;
4. The applicant shall comply with the pre-wiring provision of Note 1 below.

The Building Official’s decision shall be final unless the applicant files an appeal pursuant to Section 8-1.11 of this ordinance.

Note 1: If natural gas appliances are used in any of the above exceptions 1-3, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer’s recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;

2. Both ends of the unused conductor or conduit shall be labeled with the words “For Future Electric appliance” and be electrically isolated;
3. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. “For Future Electric Range;”) and

4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If any of the exceptions 1-4 are granted, the Building Official shall have the authority to approve alternative materials, design and methods of construction or equipment per CBC 104.

[SUBPARTS B-E AND TABLE 100.0A OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.03 - Amendments: Section 100.1 (“Definitions and Rules of Construction”)

Section 100.1(b), “Definitions” is hereby amended by adding the following definition:

ALL ELECTRIC BUILDING: is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

Sec. 8-6.04 – Amendments: Section 110.2 (“Mandatory Requirements for Space Conditioning Equipment”)

Section 110.2 is hereby amended to read as follows:

SECTION 110.2 – MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT

Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)(2)(A) may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

[SUBPARTS A-F SHALL BE INCORPORATED OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.05 – Amendments: Section 110.3 (“Mandatory Requirements for Service Water Heating Systems and Equipment”)

Section 110.3, subpart (a), “Certification by Manufacturers” is hereby amended to read as follows:

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SECTION 110.3 – MANDATORY REQUIREMENTS FOR SERVICE WATER-HEATING SYSTEMS AND EQUIPMENT

(a) Certification by manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

[SUBPART (1) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.06 – Amendments: Section 110.4 (“Mandatory Requirements for Service Water Heating Systems and Equipment”)

Section 110.4 (a) is hereby amended to read as follows:

SECTION 110.4 – MANDATORY REQUIREMENTS FOR POOL AND SPA SYSTEMS AND EQUIPMENT

(a) Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)(2)(A), may be installed only if the manufacturer has certified that the system or equipment has all of the following:

[SUBPARTS (A) (1-4) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS]

Sec. 8-6.07 – Amendments: Section 110.5 (“Natural Gas Central Furnaces, Cooking Equipment, Pool and Spa Heaters, and Fireplaces: Pilot Lights Prohibited”)

Section 110.5 is hereby amended to read as follows:

SECTION 110.5 – NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED

Any natural gas system or equipment, meeting the requirements of Section 100.0 (e)(2)(A), listed below may be installed only if it does not have a continuously burning pilot light.

[SUBPARTS (A)-(E) OF THIS SECTION SHALL BE INCORPORATED WITH NO AMENDMENTS].

Sec. 8-6.08- Amendments: Section 110.10 (“Mandatory Requirements for Solar Ready Buildings”)

Section 110.10 is hereby amended to read as follows:

SECTION 110.10 – MANDATORY REQUIREMENTS FOR SOLAR READY BUILDINGS AND SOLAR PANEL SYSTEM REQUIREMENTS FOR NON-RESIDENTIAL NEW BUILDINGS

(a) Covered Occupancies.

1. Single Family Residences. Single family residences located in subdivisions with ten or more single family residences and where the application for a tentative subdivision map for the residences has been deemed complete or
approved by the enforcement agency, which do not have a photovoltaic system installed, shall comply with the requirements of Section 110.10(b) through 110.10(e).

2. Low-rise Multifamily Buildings. Low-rise multi-family buildings that do not have a photovoltaic system installed shall comply with the requirements of Section 110.10(b) through 110.10(d).

3. Hotel/Motel Occupancies and High-rise Multifamily Buildings. Hotel/motel occupancies and high-rise multifamily buildings with ten habitable stories or fewer shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 2.

4. Nonresidential Buildings. Nonresidential buildings with three habitable stories or fewer, other than healthcare facilities, shall comply with the requirements of Section 110.10(b) through 110.10(d) and Table 2.

Table 2: Solar panel requirements for all new nonresidential and high rise residential buildings

<table>
<thead>
<tr>
<th>Square footage of building</th>
<th>Size of panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000 sq. ft.</td>
<td>Minimum of 3-kilowatt PV systems</td>
</tr>
<tr>
<td>Greater than or equal to 10,000 sq. ft.</td>
<td>Minimum of 5-kilowatt PV systems</td>
</tr>
</tbody>
</table>

EXCEPTION: As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 square feet, additional to any other solar thermal equipment otherwise required for compliance with Part 6.

(b) Solar Zone.

1. Minimum Solar Zone Area. The solar zone shall have a minimum total area as described below. The solar zone shall comply with access, pathway, smoke ventilation, and spacing requirements as specified in Title 24, Part 9 or other Parts of Title 24 or in any requirements adopted by a local jurisdiction. The solar zone total area shall be comprised of areas that have no dimension less than five feet and are no less than 80 square feet each for buildings with roof areas less than or equal to 10,000 square feet or no less than 160 square feet each for buildings with roof areas greater than 10,000 square feet.

A. Single Family Residences. The solar zone shall be located on the roof or overhang of the building and have a total area no less than 250 square feet.

EXCEPTION 1 to Section 110.10(b)1A: Single family residences with a permanently installed domestic solar water-heating system meeting the installation criteria specified in the Reference Residential Appendix RA4 and with a minimum solar savings fraction of 0.50.

EXCEPTION 2 to Section 110.10(b)1A: Single family residences with three habitable stories or more and with a total floor area less than or equal to 2000 square feet and having a solar zone total area no less than 150 square feet.
EXCEPTION 3 to Section 110.10(b)1A: Single family residences located in the Wildland-Urban Interface Fire Area as defined in Title 24, Part 2 and having a whole house fan and having a solar zone total area no less than 150 square feet.

EXCEPTION 4 to Section 110.10(b)1A: Buildings with a designated solar zone area that is no less than 50 percent of the potential solar zone area. The potential solar zone area is the total area of any low-sloped roofs where the annual solar access is 70 percent or greater and any steep-sloped roofs oriented between 90 degrees and 300 degrees of true north where the annual solar access is 70 percent or greater. Solar access is the ratio of solar insolation including shade to the solar insolation without shade. Shading from obstructions located on the roof or any other part of the building shall not be included in the determination of annual solar access.

EXCEPTION 5 to Section 110.10(b)1A: Single family residences having a solar zone total area no less than 150 square feet and where all thermostats are demand responsive controls and comply with Section 110.12(a), and are capable of receiving and responding to Demand Response Signals prior to granting of an occupancy permit by the enforcing agency.

EXCEPTION 6 to Section 110.10(b)1A: Single family residences meeting the following conditions:
A. All thermostats are demand responsive controls that comply with Section 110.12(a), and are capable of receiving and responding to Demand Response Signals prior to granting of an occupancy permit by the enforcing agency.
B. Comply with one of the following measures:
   i. Install a dishwasher that meets or exceeds the ENERGY STAR Program requirements with a refrigerator that meets or exceeds the ENERGY STAR Program requirements, a whole house fan driven by an electronically commutated motor, or an SAE J1772 Level 2 Electric Vehicle Supply Equipment (EVSE or EV Charger) with a minimum of 40 amperes; or
   ii. Install a home automation system capable of, at a minimum, controlling the appliances and lighting of the dwelling and responding to demand response signals; or
   iii. Install alternative plumbing piping to permit the discharge from the clothes washer and all showers and bathtubs to be used for an irrigation system in compliance with the California Plumbing Code and any applicable local ordinances; or
iv. Install a rainwater catchment system designed to comply with the California Plumbing Code and any applicable local ordinances, and that uses rainwater flowing from at least 65 percent of the available roof area.

B. Low-rise and High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings. The solar zone shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project, and shall have a total area no less than 15 percent of the total roof area of the building excluding any skylight area. The solar zone requirement is applicable to the entire building, including mixed occupancy.

EXCEPTION 1 to Section 110.10(b)1B: High-rise Multifamily Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings with a permanently installed solar electric system having a nameplate DC power rating, measured under Standard Test Conditions, of no less than one watt per square foot of roof area.

EXCEPTION 2 to Section 110.10(b)1B: High-rise multifamily buildings, hotel/motel occupancies with a permanently installed domestic solar water-heating system complying with Section 150.1(c)8Bill, and an additional collector area of 40 square feet.

EXCEPTION 3 to Section 110.10(b)1B: Buildings with a designated solar zone area that is no less than 50 percent of the potential solar zone area. The potential solar zone area is the total area of any low-sloped roofs where the annual solar access is 70 percent or greater and any steep-sloped roofs oriented between 90 degrees and 300 degrees of true north where the annual solar access is 70 percent or greater. Solar access is the ratio of solar insolation including shade to the solar insolation without shade. Shading from obstructions located on the roof or any other part of the building shall not be included in the determination of annual solar access.

EXCEPTION 4 to Section 110.10(b)1B: Low-rise and high-rise multifamily buildings with all thermostats in each dwelling unit are demand response controls that comply with Section 110.12(a), and are capable of receiving and responding to Demand Response Signals prior to granting of an occupancy permit by the enforcing agency. In addition, either A or B below:

A. In each dwelling unit, comply with one of the following measures:
   i. Install a dishwasher that meets or exceeds the ENERGY STAR Program requirements with either a refrigerator that meets or exceeds the ENERGY STAR Program requirements or a whole house fan driven by an electronically commutated motor; or
   ii. Install a home automation system that complies with Section 110.12(a) and is capable of, at a minimum, controlling the
appliances and lighting of the dwelling and responding to demand response signals; or
iii. Install alternative plumbing piping to permit the discharge from the clothes washer and all showers and bathtubs to be used for an irrigation system in compliance with the California Plumbing Code and any applicable local ordinances; or
iv. Install a rainwater catchment system designed to comply with the California Plumbing Code and any applicable local ordinances, and that uses rainwater flowing from at least 65 percent of the available roof area.

B. Meet the Title 24, Part 11, Section A4.106.8.2 requirements for electric vehicle charging spaces.

EXCEPTION 5 to Section 110.10(b)1B: Buildings where the roof is designed and approved to be used for vehicular traffic or parking or for a heliport.

EXCEPTION 6 to section 110.10(b)1B: Performance equivalency approved by the building official.

2. Azimuth. All sections of the solar zone located on steep-sloped roofs shall be oriented between 90 degrees and 300 degrees of true north.

   A. No obstructions, including but not limited to, vents, chimneys, architectural features, and roof mounted equipment, shall be located in the solar zone.

   B. Any obstruction, located on the roof or any other part of the building that projects above a solar zone shall be located at least twice the distance, measured in the horizontal plane, of the height difference between the highest point of the obstruction and the horizontal projection of the nearest point of the solar zone, measured in the vertical plane.

EXCEPTION to Section 110.10(b)(3): Any roof obstruction, located on the roof or any other part of the building that is oriented north of all points on the solar zone.

   C. The solar zone needs to account for shading from obstructions that may impact the area required in 110.10(b)1B. When determined by the Building Official that conditions exist where excessive shading occurs and solar zones cannot be met, a performance equivalency approved by the Building Official may be used as an alternative.

4. Structural Design Loads on Construction Documents. For areas of the roof designated as solar zone, the structural design loads for roof dead load and roof live load shall be clearly indicated on the construction documents.
NOTE: Section 110.10(b)(4) does not require the inclusion of any collateral loads for future solar energy systems.

(c) Interconnection Pathways.
   1. The construction documents shall indicate a location reserved for inverters and metering equipment and a pathway reserved for routing of conduit from the solar zone to the point of interconnection with the electrical service.
   2. For single family residences and central water-heating systems, the construction documents shall indicate a pathway for routing of plumbing from the solar zone to the water-heating system.

(d) Documentation. A copy of the construction documents or a comparable document indicating the information from Sections 110.10(b) through 110.10(c) shall be provided to the occupant.

(e) Main Electrical Service Panel.
   1. The main electrical service panel shall have a minimum busbar rating of 200 amps.
   2. The main electrical service panel shall have a reserved space to allow for the installation of a double pole circuit breaker for a future solar electric installation. The reserved space shall be permanently marked as “For Future Solar Electric”.

Section 17. Repeal of Chapter 7 of Title 8. Chapter 7 (“Green Building Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 18. Replacement: Adoption of Chapter 7 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 7 to read as follows:

“CHAPTER 7
GREEN BUILDINGS CODE

Sec. 8-7.01 – Adoption of the California Green Buildings Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, conservation of building materials, waste management and sustainability for all buildings and structures in the City of Pacifica, Chapters 1 through 8 of that certain code designated as the California Green Buildings Code, 2019 Edition [CCR Title 24, Part 11], published by the California Building Standards Commission and as adopted by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Building Code for the City.
Sec. 8-7.02 - Amendments: Section 4.304.1 ("Outdoor potable water use in landscape areas")

Section 4.304.1 of the California Buildings Code is hereby amended to read as follows:

4.304.1 Outdoor potable water use in landscape areas.

New residential developments shall comply with one of the following options:

1. The current California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELO); or
2. Projects with aggregate landscape areas less than 2,500 square feet may comply with the MWELO’s Appendix D Prescriptive Compliance Option.

Sec. 8-7.03 - Amendments: Section 5.304.2 ("Outdoor water use in landscape areas")

Section 5.304.2 of the California Buildings Code is hereby added to read as follows:

5.304.2 Outdoor water use in landscape areas.

When water is used for outdoor irrigation for new construction projects requiring a building or landscape permit, plan check or design review, the following shall apply:

The California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO) commencing with Section 490 of Chapter 2.7, Division 2, Title 23, California Code of Regulations.

Sec. 8-7.04. – Amendments: Section 8-7.04 ("Streamlined permitting process for electric vehicle charging systems") is hereby added to read as follows:

(a) Purpose. The purpose of this section is to adopt an expedited, streamlined permitting process for electric vehicle charging stations that complies with Assembly Bill 1236 (Chapter 598, Statutes 2015, Cal. Gov’t Code § 65850.7) to achieve timely and costly-effective installations of electric vehicle charging stations. The ordinance encourages the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the City of Pacifica, and expanding the ability of property owners to install electric vehicle charging stations. The ordinance allows the City of Pacifica to achieve these goals while protecting the public health and safety.

(b) Definitions.

1. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and
built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(2) "Electronic submittal" means the utilization of the City's online building permit web portal.

(3) "Specific, adverse impact" means a significant, quantifiable, direct, and unavailable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) City building permit required.

(1) A city building permit is required to install an electric vehicle charging station. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(2) An application for a City building permit to install an electric vehicle charging station shall be processed in accordance with Government Code Section 65850.7.

(d) Review of applications. The following expedited, permitting process applies to applications for a building permit to install an electric vehicle charging station:

(1) Application. The City will make the following available on the City's website: the City's standard building permit application form; and the City's standard electric vehicle charging station plan form and checklist. The checklist will include all requirements that an electric vehicle charging station must meet to be eligible for review and approval under this section. An application to install an electric vehicle charging station may be submitted electronically.

(2) Application review. An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist, and is consistent with all applicable laws and health and safety standards. If an application is deemed incomplete, the Building Official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the Building Official will perform an expedited review of the
application and all submittals.

(3) Permit issuance. A building permit will be issued following the Building Official's approval of an application for an electric vehicle charging station and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically.

(4) Inspection and authorization to operate. As soon as practicable after the applicant notifies the Building Official that an electric vehicle charging station has been installed, the Building Official will inspect the system to verify compliance with the building permit. If the Building Official determines that a system was not installed in compliance with a building permit, the Building Official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No electric vehicle charging station may be operated unless the Building Official verifies in writing that it complies with the building permit.

(e) Electric vehicle charging station installation requirements.

(1) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

(2) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

(3) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

(4) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(f) Requirements cumulative. The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of
a utility provider, that must be satisfied before an electric vehicle charging station may be installed or operated."

Section 19. Repeal of Chapter 7.5 of Title 8. Chapter 7.5 ("Residential Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that that commenced prior to the enforcement date of this ordinance.

Section 20. Replacement: Adoption of Chapter 7.5 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 7.5 to read as follows:

“CHAPTER 7.5
RESIDENTIAL CODE

Sec. 8-7.5.01 – Adoption of the California Residential Code.

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 10, including, Appendix H ("Patio Covers"), Appendix J ("Existing Buildings and Structures"), Appendix L ("Sound Transmission"), Appendix Q ("Tiny Homes"), Appendix X ("Emergency Housing"), and Appendix V ("Swimming Pools Safety Act") of that certain code designated as the California Residential Code, 2019 Edition [CCR Title 24, Part 2.5], which incorporates and amends the 2018 Edition of International Residential Code as published by the International Code Council and as amended by the State of California, which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as the Building Code for the City.

Sec. 8-7.5.02 - Amendments: Section R101.1 ("Title").

Section R101.1 of the California Residential Code is hereby amended to read as follows:

R101.1 Title. These regulations shall be known as the Residential Code of the City of Pacifica, hereafter referred to as “this Code.”

Sec. 8-7.5.03 - Amendments: Section R105.3.3 ("Application for permit: improvements required prior to the issuance of building permits and exceptions").

Section R105.3.3 of the California Residential Code is hereby added to read as follows:

R105.3.3 Improvements required prior to the issuance of building permits and exceptions.
(a) The City Engineer shall require, prior to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the City where such permit is required and where no public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities exist, the construction of such public improvements along such property, constructed in accordance with the City of Pacifica’s Engineering Standards, as part of the construction of such structure or improvements.

(b) When it is not impractical to establish grades prior to the completion of construction of the structure, the City Engineer may require an executed agreement by the property owner stating he/she will construct public improvements, including street paving, sidewalks, gutter and/or curb and miscellaneous facilities at such time as the City may deem it feasible.

(c) Sidewalks shall not be required prior to the issuance of a building permit for the construction of any structure or improvements upon unimproved property in areas where the Council has, by resolution, deemed that sidewalks are not required. The City Engineer may require an executed agreement by the property owner stating he/she will construct the improvements at such time the City may again require them.

Sec. 8-7.5.04 - Amendments: Section R105.5 (“Expiration”).

Section R105.5 of the California Residential Code is hereby amended to read as follows:

**R105.5 Expiration of Permit—Generally.**

(a) Except as set forth in Section R105.5.1, every permit issued for property within the City of Pacifica shall expire by limitation and become null and void as follows:

(1) If work authorized by such permit is not commenced within 12 months from the issuance date of such permit.

(2) If work authorized by such permit is commenced within 180 days from the issuance date of such permit, such permit shall expire by limitation and become null and void 180 days after the date of the last successful inspection by the City’s Building Division. For purposes of this section, “successful inspection” shall mean an required inspection (as provided in Section R109.1 of this Code or elsewhere in this Code) in which work inspected was determined by the Building Official or his/her
designee to meet all applicable minimum code requirements and the inspection was documented as successful.

(3) Notwithstanding any provision of Subsections R105.5(A)(1) and R105.5(A)(2), no permit shall be extended, and therefore, no permit shall be valid, for any period exceeding Two (2) years from the original date of issuance.

(b) In the event of permit expiration, before work authorized pursuant by the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a “renewal permit”). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or Planning Director. The applicant must pay all applicable fees, including but not limited to, a plan check fee and building permit fees, in the amount then established by resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by the Building Division to determine compliance of existing conditions and materials with this Code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.

(c) In the event of permit expiration, any work performed under that permit is “unpermitted” as defined in Section R113.1.1 of this chapter, and is subject to the legalization provisions of Section R115 of this chapter.

Sec. 8-7.5.05. Amendments: Section R105.5.1 (“Expiration of permit for unpermitted structures or grading”).

Section R105.5.1 of the California Residential Code is hereby added to read as follows:

R105.5.1 Expiration of Permit for Unpermitted Structures. Notwithstanding any provision of Section R105.5, if a building permit was issued in order to bring an “unpermitted structure” (as this term is defined in Section R113.1.1 of this chapter) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the date on which the permit was issued. The Building Official may, in his or her sole discretion, extend the validity of the permit for a period not exceeding 180 days beyond the initial 60 day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit, if the Building Official determines that substantial progress has been made toward completing the work authorized by the permit.
Sec. 8-7.5.06. - Amendments: Section R105.6 (“Suspension or revocation”).

Section R105.6 is hereby deleted in its entirety and a new Section R105.6 is hereby added to read as follows:

*R105.6 Suspension or Revocation of Permit.* The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building & Safety Division, and/or where work is not in accordance with the direction of the Building & Safety Division.

Sec. 8-7.5.07 - Amendments: Section R105 (“Permits: Hours of Construction”)

Section R105.10 is hereby added to read as follows:

*R105.10 Hours of Construction.* The hours of construction for any project for which a building permit is required within the City of Pacifica shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday. The hours of construction shall be limited to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Sec. 8-7.5.08. - Amendments: Section R108.2 (“Fees: schedule of permit fees”).

Section R108.2 of the California Residential Code is hereby amended to read as follows:

*R108.2 Schedule of permit fees.* On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, fees and charges for each permit shall be assessed and paid as required, in accordance with the most current fee schedule adopted in the City of Pacifica Municipal Administrative Policy No. 2.

Sec. 8-7.5.09. - Amendments: Section R108.6 (“Fees: work commencing before permit issuance”).

Section R108.6 of the California Residential Code is hereby amended to read as follows:

*R108.6 Work commencing before permit issuance.* Whenever any work for which a permit is required by this Code has been commenced without first obtaining such permit, an investigation and processing fee equal to the amount of the required permit fee or as otherwise established by the most current fee schedule adopted.
in the City of Pacifica Municipal Administrative Policy No. 2 shall be collected at the time of application for the required permit and prior to the issuance of the required permit, irrespective of whether a permit is subsequently issued.

Sec. 8-7.5.10. - Amendments: Section R110.3.1 ("Certificate of occupancy: certificate issued: improvements prior to occupancy of structures and utility service exceptions").

Section R110.3.1 of the California Residential Code is hereby added to read as follows:

R110.3.1 Improvements prior to occupancy of structures and utility service exceptions.

(a) No new structure for which a building permit is required shall be occupied or otherwise used, nor shall utility services be supplied thereto, until such public improvements, including street paving, sidewalk, gutter and/or curb and miscellaneous facilities required by Section R105.3.3 have been installed and approved by the City Engineer and until such time as the Planning Director has been satisfied that all planning department requirements for the project have been met.

(b) When it is, in the opinion of the City Engineer and/or the Planning Director, not practicable to complete public improvements including street paving, sidewalk, gutter and/or curb, miscellaneous facilities or planning department conditions prior to completion of construction of the structure, a completion bond in an amount determined by the City Engineer and/or Planning Director to be adequate to insure completion shall be posted for the completion of the required improvements. Exception: The Building Official may authorize the installation of gas and/or electric utilities in buildings for the purpose of testing equipment prior to completion of construction when the Building Official has determined that such utilities are necessary for the testing of required equipment prior to the final inspection of the building.

Sec. 8-7.5.11. - Amendments: Section R112 ("Board of appeals").
Section R112 of the California Residential Code is hereby deleted in its entirety, and a new Section R112 is hereby added to read as follows:

**SECTION R112
APPEALS**

*R112.1 Scope of Appeal.*

(a) Notwithstanding the provisions of the Technical Codes, an appeal is limited to the following orders, decisions, or determinations of the Building Official or his/her designee:

(1) Denials of the proposed use of alternative materials, design or method of construction, installation, and/or equipment;

(2) Orders to Vacate and/or Not Enter a building, structure or premises; however, such order shall not be stayed during the pendency of the appeal;

(3) Orders to Demolish a building or structure; however, an order to vacate that may be issued in conjunction with the Order to Demolish shall not be stayed during the pendency of the appeal.

(b) The right of appeal shall not exist for determinations of the Building Official, or a designee thereof, that a violation of any provision of the Technical Codes exists in a building or structure, or portion thereof, or on any premises.

*R112.2 Appeal Procedure.* Any person who is aggrieved by an order, decision or determination of the Building Official as provided in Section 112.1 may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding. Appeals shall be heard as follows:

(1) Appeals shall be heard before the Emergency Preparedness and Safety Commission ("Commission"). As soon as practicable after receiving the request, the City Clerk shall set a date for the Commission to hear the appeal, which date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each party written notice of the time and place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the party personally, or by mailing a copy thereof, postage prepaid, addressed to each appealing party at the address(es) shown on the request. Continuances of the appeal...
hearing may be granted by the Commission on request of the appealing person for good cause shown, provided such request is made no later than 24 hours prior to the scheduled hearing, or upon request of the Building Official or his or her designee for good cause shown, or on the Commission’s own motion.

(2) At the time and place set forth in the notice of hearing, the Commission shall hear the testimony of the appealing person(s), the Building Official, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the order, decision or determination being appealed. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. Appeal hearings are informal, and formal rules of evidence and discovery do not apply.

(3) Upon the conclusion of the appeal hearing, the Commission shall, on the basis of the evidence presented at the hearing, determine whether the order, decision or determination should be affirmed, modified, or rescinded. A copy of the Commission’s written decision shall be served upon the appealing person by first class mail or by personal service. Notwithstanding any other provision of the Pacifica Municipal Code, the determination of the Commission shall be final and binding.

(4) If the appellant fails to appear, the Commission shall cancel the hearing and send a notice thereof to the appellant by first class mail. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant’s waiver of the right to appeal. In such instances, the order, decision or determination of the Building Official shall be final and binding.

Sec. 8-7.5.12. - Amendments: Section R113.1 (“Violations: unlawful acts”).

Section R113.1 of the California Residential Code is hereby amended to read as follows:

R113.1 Unlawful Acts. Irrespective of whether a notice of violation has been issued pursuant to Section R113.2 of this Code, it shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation or land regulated by the Technical Codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the Technical Codes.

R113.1.1 Unpermitted Structures. No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this section, “unpermitted structure” shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with

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a valid permit as issued by the Building Official which subsequently expired and became null and void.

Sec. 8-7.5.13. - Amendments: Section R113.4 ("Violations: violation penalties").

Section R113.4 of the California Residential Code is hereby amended to read as follows:

R113.4 Violation Penalties. Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 2 of Title 1 of the Pacifica Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

Sec. 8-7.5.14. - Amendments: Section R115 ("Procedure for legalizing unpermitted structures").

Section R115 of the California Residential Code is added to read as follows:

R115 Procedure for Legalizing Unpermitted Structures.

R115.1 Permits. Any person who wishes to legalize an "unpermitted structure" (as this term is defined in Sections R113.1.1 of this Code), shall obtain all applicable permits. Unpermitted structures shall comply with all current Technical Code requirements and other required approvals pursuant to the Pacifica Municipal Code in order to be legalized.

Permits obtained to legalize unpermitted structures shall expire as set forth in Section R105.5.1 of this code.

R115.2 Plans.

R115.2.1 Structures. Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director for review and approval.

R115.2.2 Grading. Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining...
properties, and a soils report shall be submitted to the Building Official and Planning Director for review and approval.

R115.3 Inspections.

R115.3 Inspections. Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

R115.4 Investigation Fees.

R115.4.1 Investigation. Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, “special investigation” shall include, but is not limited to, inspecting premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

R115.4.2 Fee. A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be assessed as provided in Section R108.4.2 of this chapter.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this code nor from any penalty prescribed by law.

R115.5 Unpermitted Structures Which Cannot be Legalized.

If the Planning Director determines that the City’s zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.
Sec. 8-7.5.15. - Amendments: Section R202 ("Definitions").

Section R202 of the California Building Code is amended to include the following:


*Electrical Code.* Chapter 4 ("Electrical Code") of Title 8 ("Building Regulations") of the Pacifica Municipal Code.


*Historical Buildings Code.* Chapter 8 ("Historical Buildings Code") of Title 8 ("Building Regulations")


*Technical Codes.* Chapters 1, 2, 3, 4, 5, 7, and 7.5 of Title 8 ("Building Regulations") of the Pacifica Municipal Code.

Sec. 8-7.5.16 – Amendments: Section R313. ("Townhouse automatic fire sprinkler systems")

Section R313.1 of the California Residential Code shall be amended to read as follows

R313.1 Townhouse Automatic Fire Extinguishing Systems.

1. An automatic residential fire sprinkler system shall be installed in Townhouses.
2. Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

Exception. When an addition to an R-3 occupancy is less than 1,000 square feet in size no sprinklers are required in either the addition or the existing building.

Sec. 8-7.5.17 – Amendments: Section 313.2 One- and Two-family dwellings automatic fire extinguishing system.

Section R313.2 of the California Residential Code shall be amended to read as follows:

R313.2 One-and Two-family dwelling automatic fire extinguishing system.

1. An automatic residential fire extinguishing system shall be installed in all new one-and two-family dwellings.

2. Existing One- and Two-Family dwellings. An automatic fire sprinkler system shall be installed when an addition is added to the building.

Exception: When an addition to an R-3 occupancy is less than 1,000 square feet in size no sprinklers are required in either the addition or the existing building.

Section 21. Repeal of Chapter 8 of Title 8. Chapter 8 (“Historical Buildings Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impede, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 22. Replacement: Adoption of Chapter 8 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 8 to read as follows:

“CHAPTER 8
HISTORICAL BUILDINGS CODE

Sec. 8-8.01 – Adoption of the California Historical Buildings Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all historical buildings and structures in the City of Pacifica, adopts that certain Code designated as the California Historical Buildings Code, 2019 Edition [CCR Title 24, Part 8].”

Section 23. Repeal of Chapter 8.5 of Title 8. Chapter 8 (“Existing Buildings Code”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its
entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 24. Replacement: Adoption of Chapter 8.5 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 8.5 to read as follows:

“CHAPTER 8.5
EXISTING BUILDINGS CODE

Sec. 8-8.5.01 – Adoption of the California Existing Buildings Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all existing buildings and structures in the City of Pacifica, adopts that certain Code designated as the California Existing Buildings Code, 2019 Edition [CCR Title 24, Part 10].”

Section 25. Repeal of Chapter 9 of Title 8. Chapter 9 (“Reference Standards”) of Title 8 (“Building Regulations”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.

Section 26. Replacement: Adoption of Chapter 9 of Title 8. Title 8 of the Pacifica Municipal Code is hereby amended to add Chapter 9 to read as follows:

“CHAPTER 9
REFERENCE STANDARDS CODE

Sec 8-9.01 – Adoption of the California Reference Standards

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Pacifica, adopts that certain Code designated as the California Reference Standards Code 2019 Edition [CCR Title 24 Part 12].”

Section 27. Repeal of Article 1 of Chapter 3 of Title 4. Article 1 (“Fire Code”) of Chapter 3 (“Fire Protection”) of Title 4 (“Public Safety”) of the Pacifica Municipal Code is hereby repealed in its entirety; however, such repeal shall not affect or excuse any violation of said chapter that occurred prior to the effective date of this ordinance; nor shall such repeal impeded, impact, or negate any administrative, civil, or criminal enforcement of said chapter that commenced prior to the enforcement date of this ordinance.
Section 28. Replacement: Adoption of Article 1 of Chapter 3 of Title 4. Chapter 3 of Title 4 of the Pacifica Municipal Code is hereby amended to add Article 1 as follows:

“ARTICLE 1
FIRE CODE

Sec. 4-3.101 – Adoption of the California Fire Code

For the purpose of regulating the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures and grading in the City of Pacifica, Chapters 1 through 67, including Appendix B ("Fire-Flow Requirements for Buildings"), Appendix C ("Fire Hydrant Locations and Distribution"), Appendix D ("Fire Apparatus Access Roads"), and Appendix F ("Hazard Ranking"), Appendix L ("Requirements for Fire Fighter Air Replenishment Systems") of that certain code designated as the California Fire Code, 2019 Edition [CCR Title 24, Part 9], published by the International Code Council, amended by the State of California and as adopted and/or amended by the Office of the State Fire Marshal, which is on file in the Office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions, and deletions set forth in this chapter, and said code shall be known as Fire Code for the City of Pacifica. All other previously adopted ordinances not modified by this article and amendments shall remain.

Sec. 4-3.102. - Establishment and duties of the Bureau of Fire Prevention.

The California Fire Code shall be enforced by the Fire Prevention Services Bureau in the Fire Department of the City, which Bureau is hereby established and which shall be operated under the supervision of the Fire Chief.

The Fire Marshal in charge of the Fire Prevention Services Bureau shall be appointed in accordance with the provisions of Article 4 of Chapter 5 of Title 2 of this Code and Council Resolution No. 82-69.

The Fire Chief may detail such members of the Fire Department as shall from time to time be necessary.

Sec. 4-3.103. - Amendments: Section 105.1.1 ("Permits required").

Section 105.1.1 is amended by adding the following paragraph at the end of the section:

The city council of the City of Pacifica may if it so desires, establish by resolution permit fees in connection with any permit required or authorized to be issued by the fire chief or any other authorized representative of the fire department.

Sec. 4-3.104. - Amendments: Section 105.6 ("Required operational permits").
Section 105.6 is amended by adding the following at the end of the section:

105.6.50 Institutions and day care. An operational permit is required to operate any and all occupancies that are set forth under Group I Occupancies, and Group E Occupancy of Title 24 of the California Code of Regulations, each accommodating more than six people.

105.6.51 Residential care facility. An operational permit is required to operate a residential care/assisted living facility as set forth under Group R, Division 4 Occupancies.

Sec. 4-3.105. - Amendments: Section 201.5 ("Definitions").

Section 201.5 is added to read as follows:

201.5 Definitions.

(a) Wherever the word "jurisdiction" is used in said California Fire Code, it shall be held to mean the City of Pacifica.

(b) Wherever the term "Corporation Counsel" is used in said California Fire Code, it shall be held to mean the City Attorney.

(c) Wherever the words "Fire Code Official" are used in said California Fire Code, they shall be held to mean the Fire Marshal.

Sec. 4-3.106 – Amendments: Section 509 (" Fire Protection and Utility Equipment Identification and Access")

Section 509.1.2 is added to read as follows:

509.1.2: Utility Identification in Multi-Family Tenant Buildings. Utility markings of all gas and electric utility services in multi-family tenant buildings shall be visibly and legibly marked with the unit identification.

Sec. 4-3.107. - Amendments: Section 505.1.

Section 505.1 is amended by adding the following at the end of the section:

Said numbers shall be internally or externally illuminated in all new construction, or when alterations or repairs of existing construction occur.

The size and location of address numbers for multi-family dwellings and all other occupancies shall be as designated by the fire marshal.

Sec. 4-3.108. - Amendments: Section 507.5.7.
Section 507.5.7 is added to read as follows:

507.5.7 Hydrants. All new fire hydrants shall be UL listed, or equivalent, wet barrel type having a minimum of two 2 ½” and one 4 ½” outlets, all equipped with national standard threads (Clow 860, or approved equivalent). The minimum fire service main size permitted is six inch (6”).

Sec. 4-3.109 – Amendments: Section 903.2.21 ("Car Stackers")

Section 903.1.2 is added to read as follows:

903.2.21 Car Stackers. Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 1. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2,500 sq. ft. to as low as 1,500 sq. ft. if:

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls,

2. The car stacker areas are divided up into 1,500 sq. ft. areas via 1-hour fire rated walls, and

3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

Sec. 4-3.110. - Amendments: Section 903.2 ("Automatic sprinkler systems").

Section 903.2 is hereby amended to read as follows:

903.2 Required Installations.

A. Newly Constructed Buildings and Structures. An automatic fire sprinkler system shall be installed in all new occupancies and locations.

1. Exception. Detached U-1 occupancies not exceeding 1,000 square feet in size.
B. Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout all buildings when an addition is added to the building.

1. Exception. When an addition to a R-1 or R-3 occupancy is less than 1,000 square feet in size and when an addition to all other occupancies is less than 500 square feet in size, no sprinklers are required in either the addition or the existing building.

Sec. 4-3.111. - Amendments: Section 903.4.2 ("Sprinkler system supervision and alarms").

Section 903.4.2 is amended by added the following to the end of the paragraph:

In addition to the audible device(s) required by this section, an approved strobe light shall be located on the exterior of the building in an approved location.

Sec. 4-3.112. - Amendments: Section 904.2.2 ("Commercial hood and duct systems").

Section 904.2.2 is amended by added the following to the end of the paragraph:

The location(s) of all cooking appliances that are protected by an approved automatic fire extinguishing system shall be permanently identified either by a wall mounted "approved" appliance floor plan or marked on the floor in a manner approved by the Fire Marshal.

Sec. 4-3.113. - Amendments: Section 907.7.3 ("Acceptance tests and completion").

Section 907.7.3 is amended by adding the following paragraph:

Each fire alarm system shall have posted at the main control panel instructions for silencing and resetting the system, the day and night phone numbers of the person responsible for the property, and the company or individual providing maintenance services for the alarm system.

Sec. 4-3.114. - Amendments: Section 907.8.1 ("Maintenance required").

Section 907.8.1 is amended by adding the following paragraph:

Owners and operators of group R-1 occupancies shall provide documentation to the Fire Department, such as annual inspection forms, which confirm that all smoke detection devices and equipment within apartment units are installed and are in good operating condition.

Sec. 4-3.115. - Amendments: Section 914.3.9 ("Firefighter air replenishment system").

Section 914.3.9 is added to read as follows:
914.3.9 Firefighter Breathing Air Replenishment. All Group B and Group R occupancies, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of fire department vehicular access, shall be equipped with an approved Firefighter Breathing Air Replenishment System as outlined in Appendix L. Such a system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by fire department, rescue, and other personnel in the performance of their duties. Location and specifications of access stations to, and the installation of, such air replenishment systems shall be made in accordance with the requirements of the fire chief.

Sec. 4-3.116. - Amendments: Section 5608.1 ("Fireworks display").

Section 5608.1 is amended by adding the following paragraph:

The sale and discharge of safe and sane fireworks is permitted only as provided in the Pacifica Municipal Code.

Sec. 4-3.117. - Amendments: Section 5608.1.2 ("Dangerous fireworks prohibited").

Section 5608.1.2 is hereby added to read as follows:

5608.1.2 Dangerous Fireworks Prohibited. Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except those designated as "safe and sane" and approved by the State Fire Marshal. No person under the age of eighteen (18) shall be permitted to purchase or sell "safe and sane" fireworks. The Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement park, or other organization or for the use of fireworks by artisans in the pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Chief and shall be of such character and so located, discharged, or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person, and shall be in accordance with Chapter 33 of said California Fire Code.

Sec. 4-3.118. - Amendments: Section 5706.2.4.4 ("Locations where above-ground tanks are prohibited").

Section 5706.2.4.4 is amended by adding the following paragraph at the end of the section:

The storage of flammable or combustible liquids in above-ground outside storage tanks is prohibited in all areas of the City except for those areas with the zoning designation of Public Facilities District. Notwithstanding the foregoing, the Fire Chief may grant a permit for such storage in other areas of the City if the Chief...
determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Chief may impose such conditions and requirements upon the issuance of the permit, as the Chief deems necessary or appropriate.

Sec. 4-3.119. - Amendments: Section 6104.2 ("Maximum capacity within established limits").

Section 6104.2 is amended by adding the following paragraph at the end of the first paragraph:

The aggregate storage of liquefied petroleum gas at any one installation in excess of two thousand (2,000) gallons (7,570 L) is prohibited in all areas of the City except for those areas with the zoning designation of Public Facilities District. Notwithstanding the foregoing, the Fire Chief may grant a permit for such storage in other areas of the City if the Chief determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Chief may impose such conditions and requirements upon the issuance of the permit, as the Chief deems necessary or appropriate.

Sec. 4-3.120. - Amendments: Appendix D, Section D102 ("Required access").

Section D102.2 is added to read as follows:

Section D102.2. Fire department access shall extend to within 50 feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

Exception: one- or two-family dwellings or townhouses protected with 13D or 13R may be permitted to be increased to 150 ft. (46 m).

Sec. 4-3.121. - Amendments: Appendix D, Section D102 ("Required access").

Section D102.3 is added to read as follows:

Large Buildings. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft. (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

Sec. 4-3.122. – Amendments: Appendix D, Section D102 ("Required access").
Section D102.4 is added to read as follows:

Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft. 6 in. (4.1 m).

Sec. 4-3.123. – Amendments: Appendix D, Section D102 (“Required access”).

Section D102.5 is added to read as follows:

Exception: When fire department access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the AHJ shall be authorized to require fire protection features in addition to those already required.

Sec. 4-3.124. – Amendments: Appendix D, Section D101 (“General”).

Section D101.2 is added to read as follows:

D101.2 - Definition. Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to at facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.

Sec. 4-3.125. – Amendments: Appendix D, Section D103 (“Minimum specifications”).

Section D103.7 of the fire code is added to read as follows:

D103.7 - Marking where fire lanes on private property have been designated by the Fire Marshal, curbs shall be painted red on the side or sides of the street or access route where parking is prohibited and no parking signs or other appropriate notice prohibiting obstructions, as approved by the Fire Marshal, shall be provided and maintained by the owner.”

Section 29. Severability. The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 30. Effective Date. This Ordinance shall be effective as of January 1, 2020.

Section 31. Publication. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation as required pursuant to state law and shall cause this ordinance to be entered into the Pacifica municipal code.
The foregoing ordinance was introduced on November 12, 2019 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on November 25, 2019 by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSENT, Councilmembers:

Sue Vaterlaus, Mayor

ATTEST:  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:  
Michelle Kenyon, City Attorney
MEMORANDUM

To: Gabriel Taylor, Peter Strait (California Energy Commission)
From: Farhad Farahmand, Abhijeet Pande (TRC)
CC: Joshua Montemayor (City of Pacifica), Rafael Reyes (Peninsula Clean Energy)
Re: Interpretation of Cost Effectiveness Analysis as it Relates to All-Electric Reach Code Proposal

As part of an amendment to the California Building Standards Code, the City of Pacifica is seeking a requirement for all new construction buildings to be all-electric with limited exceptions for residential buildings, nonresidential buildings, and accessory dwelling units. All residential building types may contain non-electric cooking appliances and fireplaces, and accessory dwelling units are exempt from all provisions of reach code requirements. Certain categories of nonresidential buildings such as for-profit restaurants open to the public and publicly owned and operated emergency centers are also proposed to be exempt.

This memo serves to clarify the cost-effectiveness justification of these proposals as required by California Code of Regulations (CCR), Title 24, Part 1, §10-106 and request the Energy Commission’s preliminary approval of this justification. If approved, this interpretation will be included with Pacifica’s application to the Energy Commission.

The statewide investor owned utility codes and standards program developed a new construction cost effectiveness analysis for all California climate zones which included all-electric measures as part of multiple packages. These analyses have been attached, and:

- Were performed for both residential and nonresidential buildings
  - The residential prototypes included 4 end-uses in analysis: space heating, water heating, cooking, and clothes drying. These assumed savings from avoided natural gas infrastructure to and within the residence.
  - The nonresidential prototypes included 2 end-uses in analysis: space heating and water heating. These also assumed savings from avoided natural gas infrastructure to and within the building.
- Found that it is cost-effective to construct all-electric buildings compared to the 2019 Standards ACM baseline, including all end-uses analyzed, partially due to upfront cost savings associated with foregoing a natural gas connection to the building.

Pacifica’s code proposal would allow the construction of code-compliant all-electric buildings which has been shown to be cost-effective compared to a code-compliant mixed-fuel building using the TDV cost-effectiveness metric.
MEMORANDUM (continued)
To: Gabriel Taylor and Peter Strait (CEC)  
Re: Interpretation of Pacifica Reach Code  
November 4, 2019

We seek your preliminary confirmation that the existing cost effectiveness studies completed are sufficient to support Pacifica’s proposal.

- In residential buildings, a proposed building with electric space- or water-heating is already compared to a standard building with these electric end-uses. Thus, no cost effectiveness criteria is explicitly required for the electrification of these end-uses.

- In nonresidential buildings, the prototypes examined in the cost effectiveness analysis only included space heating and water heating electrification. Other end uses targeted in the Pacifica ordinance are unregulated appliances such as cooking, clothes drying which are not modeled in Title 24 compliance calculations. Adding requirements for these end uses to be electric does not impact the TDV budget for the building or compliance with Title 24.

Nonetheless, these appliances will impact the overall first cost of the code-compliant all-electric building as well as operational impacts. These impacts however are likely to be insignificant compared with the net present value savings of around $25,000 for the retail occupancy and $1.3M for hotel occupancies. ¹ Electric cooking and clothes drying first cost difference compared to natural gas versions are between $800-$2000 per appliance. ² Operational cost increases are around $2,000 per appliance over the building’s lifetime. ³ Thus the added first and operational costs for electric appliances are unlikely to be greater than the significant cost savings resulting from eliminating natural gas infrastructure. We thus propose that existing cost-effectiveness studies should be sufficient to justify Pacifica requirements.

Any guidance on this approach and/or code language format is much appreciated.

¹ These cost figures are interpolated for the 0% code-compliant all-electric prototypes. The nonresidential reach code cost effectiveness analysis did not isolate an energy code compliant all-electric package, but presented results for a federal code minimum building (which was not energy code compliant in this jurisdiction’s climate zone) and for a cost-effective package of energy efficiency measures (which was found to be energy code compliant by a large margin in the jurisdiction’s climate zone).
² Induction cooking prices can vary widely, based on online retailer search. Lower cost induction cooktops are available. Clothes dryer costs attained from two sources:
   2) Residential Building Electrification in California, prepared for SMUD, LADWP, and PG&E by E3. (April 2019)
³ Figures for cooking and clothes drying appear to be similar:
   1) Cooking figure based on range top technology assessment by Fishnick. https://fishnick.com/equipment/techassessment/5_range_tops.pdf
   2) Clothes drying figure based on aforementioned E3 study from April 2019.
SUBJECT:

Provide direction regarding the inclusion of local amendments to the 2019 Building Code update that would require specified buildings in Pacifica to exceed the minimum energy efficiency standards and electric vehicle charging infrastructure requirements established by the State (Reach Codes).

RECOMMENDED ACTION:

1. Hear a presentation about Reach Codes and determine whether to direct the City Manager to prepare for consideration local amendments to the 2019 Building Code that would exceed the minimum energy efficiency standards and electric vehicle charging infrastructure requirements established by the State.

2. Authorize the City Manager to submit a letter of intent to develop Reach Codes for Council’s future consideration to Peninsula Clean Energy in order to receive $10,000 in grant funding to off-set costs relating to development of Reach Codes.

STAFF CONTACT:

Tina Wehrmeister, Planning Director
(650)738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:

The purpose of this report is to provide general information about Reach Codes and receive direction regarding further study and development of Reach Codes for consideration by the City Council later this year. Direction received will assist the City Manager and the Planning Director with management of resources and schedules over the next several months. This item would not obligate the Council to adopt Reach Codes. However, development of draft ordinances for consideration and required studies as discussed in this report will require fairly significant time and resources in the Planning Department and City Attorney’s Office; therefore, staff would like to determine if the Council would like to consider Reach Codes prior to expending resources.

Representatives from Peninsula Clean Energy and their consultants will attend the Council meeting, assist with the presentation, and be available to answer questions. Peninsula Clean Energy is a community choice energy program and locally controlled community organization that enables residents and businesses to have a choice regarding where their energy comes from including clean renewable sources with reduced greenhouse gas emissions. PCE, the San Mateo County Office of Sustainability, and Silicon Valley Clean Energy are partnering to support adoption of Reach Codes and electric vehicle charging infrastructure, to reduce greenhouse gas emissions.

California Building Standards Code - the California Code of Regulations (CCR) Title 24 is published by the California Building Standards Commission and applies to all buildings.
Title 24 contains requirements for structural, mechanical, electrical, plumbing, energy conservation, green building, fire/life safety, and accessibility. Cities and counties are required by state law to enforce CCR Title 24, commonly referred to as “the Building Code.”

Triennial Code Adoption Cycle - State law requires a new edition of Title 24 every three years. The primary purpose for this cycle is to adopt and amend for California the most recent editions of national model codes, such as the International Building Code, National Electrical Code, Uniform Plumbing Code, and others. This ensures that the Building Code is up to date with best practices regarding building safety, indoor air quality, energy efficiency, etc.

Local Amendments Permitted - Local governments are authorized under state law to adopt local ordinances that make amendments to Title 24. Amendments must not lessen the effect or intent of Title 24 (can be more rigorous) and require that the Council make findings that the amendment(s) is reasonably necessary because of local climatic, geological, topographic or environmental conditions. Local amendments must be adopted for each new tri-annual update to Title 24 and must be submitted and filed with the State.

Introduction to Reach Codes - State law establishes a process which allows local adoption of energy standards that are more stringent than the statewide standards (see local amendments, above). For energy standards specifically, there is an added requirement that the California Energy Commission (CEC) approve the local amendment and find that the standards will be cost effective and require buildings to be designed to consume no more energy than permitted by Title 24. These local amendments to energy standards are called “Reach Codes” because they are reaching beyond the minimum requirements with the goal of decreasing emissions.

Agencies that adopt Reach Codes must submit to the CEC: (1) the proposed energy standards; (2) the local jurisdiction’s findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards; (3) a statement or finding by the local jurisdiction that the local energy standards will require buildings to be designed to consume no more energy than permitted by Title 24, Part 6; and (4) any findings, determinations, declarations or reports, including any necessary CEQA document. CEC staff will review these documents, post for a 60-day comment period, and bring the application before the full CEC for approval.

2019 Title 24 Update - Before introducing more information about Reach Codes, it is important to note the energy efficiency progress being made under the state code (baseline). The CEC reports:

<table>
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<th>Energy and Emissions</th>
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<tr>
<td>With rooftop solar electricity generation (required for new homes), homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. This will reduce greenhouse gas emissions by 700,000 metric tons over three years.</td>
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<td>Nonresidential buildings will use about 30 percent less energy under the 2019 standards.</td>
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<th>Cost Impacts</th>
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<td>On average, the 2019 standards will increase the cost of constructing a</td>
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new home by about $9,500 but will save $19,000 in energy and maintenance costs over 30 years. Based on a 30-year mortgage, the Energy Commission estimates that the standards will add about $40 per month for the average home, but save consumers $80 per month on heating, cooling and lighting bills.

*Information based on state averages and not specific to Pacifica. Source: An overview of the 2019 Building Energy Efficiency Standards, California Energy Commission

Model Reach Codes - Peninsula Clean Energy (PCE) is providing technical support and grant assistance to agencies considering adoption of Reach Codes. As part of this effort, a model Reach Code (with options) has been developed (Attachment A) and cost effectiveness studies are on-going. Each agency will adopt measures that are appropriate for their community and are not required to adopt the model code in its entirety. In summary the model Reach Codes:

Energy and Emissions

Allow natural gas, but incentivize electric buildings by creating higher energy efficiency requirements for natural gas (mixed-fuel) buildings. The model Reach Codes offer applicants a variety of options to select from to comply:

- **Performance Pathway** - Demonstrate compliance using a compliance margin and CEC-approved modeling software.
- **Prescriptive Pathway** - Demonstrate compliance using a list of specific measures

Mandatory Requirements - Install circuit and/or load capacity to accommodate future electric retrofit, removing a cost barrier to future electrification by installing supportive systems at time of construction.

Applicants self-selecting to construct an all-electric building must only comply with the 2019 Code baseline requirements.

Energy and emissions reduction is greater than 2019 Code but estimates vary depending on adopted code amendments.

Cost Impacts

PCE and their consultants are currently developing cost effectiveness studies for model codes. Currently, the program is relying on cost-effectiveness studies prepared by California Energy Codes & Standards.*

For single-family homes, mixed-fuel with higher efficiency requirements is considered cost effective. An all-electric home requirement is not cost effective at this time but has the greatest emission reductions. The 2019 Code (baseline) is the most cost effective but would have the least emission reduction.

For single-family construction costs, the California Energy Codes & Standards study found that the typical cost to construct an electric building is approx. $6,000 less than a mixed-fuel building.

*Information based on state averages and not specific to Pacifica. Source: An overview of the 2019 Building Energy Efficiency Standards, California Energy Commission
For non-residential construction, the California Energy Codes & Standards study found that there is ample opportunity for cost effective energy efficiency improvements. The one outlier is small hotels which did not cost effectively exceed the state’s energy performance standards.


**Electric Vehicle Charging Reach Code** - Separate from the energy standard Reach Codes discussed above, PCE is also encouraging agencies to exceed the CalGreen electric vehicle (EV) charging requirements. In September 2017, the City of Pacifica adopted Ordinance 823-C-S requiring EV charging with new multi-family and commercial construction. Pacifica’s code already exceeds the 2019 CalGreen amendments for commercial construction.

For multi-family units, PCE is encouraging agencies to require level two EV charging for each unit. The demand for electric vehicles is high and increasing. This suggested local amendment would ensure that all residential units will have the ability to charge vehicles at their designated residential parking space.

Amendments to the CalGreen requirements do not require cost efficiency analysis.

CalGreen already requires level two EV charging capability in new single family homes.

On a per parking space basis, as part of the 2019 CALGreen EV code development, the California Air Resources Board estimated between 8 and 17 metric tons in avoided greenhouse gas emissions annually per EV ready multifamily space in 2025.

**Regional Efforts to Encourage Reach Codes** - Peninsula Clean Energy (PCE), the San Mateo County Office of Sustainability, and Silicon Valley Clean Energy are working collaboratively to support jurisdictions seeking to adopt Reach Codes with the goal of reducing the region’s carbon footprint.

The tri-annual building code update provides an opportunity to achieve an economies of scale for technical support of local jurisdictions considering Reach Codes. Earlier this year, PCE issued an RFP and hired a consultant to assist in this process. Technical assistance includes:

- A $10,000 incentive to each city that brings reach codes to their councils for a vote
- Development of model Reach Codes and assistance with specific language for jurisdictions
- Report and presentation templates and attendance at meetings
- Information and presentations on cost effectiveness
- Housing Impact analysis
- Carbon Emissions Savings estimates
- Assistance with CEC submittal requirements
- Implementation assistance including permit and inspection checklists and staff training
To date the San Mateo County cities who have submitted letters of intent to adopt Reach Codes include: Burlingame, Brisbane, San Mateo, Portola Valley, Redwood City, and Millbrae.

**Summary** – The City of Pacifica’s Climate Action Plan (CAP) goal 4.1.1 states that the City should “Require Green Building Practices in Both the New Construction and Remodel Market.” While the baseline state code has made great strides in implementing green building practices, Reach Codes provide an opportunity to achieve greater emission reductions. With this goal in mind, the City Manager is recommending that the City Council determine whether Reach Codes should be developed for future Council consideration to be included in the local amendments in the 2019 tri-annual code update that are deemed to be cost effective as determined by a cost effectiveness study to be prepared for the City of Pacifica.

The EV Reach Code for multi-family structures suggested by PCE does not require a cost effectiveness study and is recognized to add construction costs.

As stated above, agencies are not required to adopt model codes in their entirety and may select Reach Codes that are appropriate for their jurisdiction and found to be cost effective. If directed to prepare Reach Codes, staff will analyze options, conduct a cost effectiveness study, and prepare a recommendation for Council consideration later this year.

**ALTERNATIVE ACTION:**
Do not direct staff to develop Reach Codes. The baseline 2019 Building Code will be brought to Council for adoption later this year.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**
Consideration of this item is consistent with City Council initiative #9 (emphasis added) - Complete an update to the Climate Action Plan and continue implementation of measures to reduce greenhouse gas emissions, including evaluating whether to form a City climate action committee.

**FISCAL IMPACT:**
Staff costs to prepare Reach Codes and associated studies will be off-set by the $10,000 PCE grant and technical support. Adoption of the “baseline” Title 24 Building Code was factored into the Planning Department budget for FY 19-20, including City Attorney Office support. There will be additional staff and City Attorney resources required to prepare Reach Codes for consideration.

**ORIGINATED BY:**
Planning Department

**ATTACHMENT LIST:**
A. Draft Model Reach Codes (PDF)
Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions. Also, amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

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<td>Article 1 - Fire Code</td>
<td>A, B, C</td>
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Attachment: Attachment 6 - Findings Supporting Local Amendments (3105 : Introduction of an Ordinance to Adopt the 2019 Edition of the...
Key to Justification Supporting Amendments to Title 24 of the California Code of Regulations

A. CLIMATIC CONDITIONS
   I. The City of Pacifica is unique in its climatic conditions. According to records found at the National Weather Service, the average yearly rainfall for the City is approximately 25” to 30”, with a high of 65” in 1995. This rainfall normally occurs from November to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period can range into the 80’s to 90’s Fahrenheit and are frequently accompanied by light to gusty winds. With the extensive Urban-Wild land interface that surrounds the City, the potential for a major fire is high.
   II. Pacifica is exposed to more extreme weather than elsewhere in the Bay Area, including strong winds, almost constant exposure to salt air and frequent heavy rains during the winter months. The off-shore high pressure system and upwelling of deeper, cold water just off the coast result in frequent summer fog.

B. GEOLOGICAL CONDITIONS
   I. Pacifica is located adjacent to the Pacific Ocean and significant areas of the City are subject to extreme wave heights, severe bluff erosion and flooding which cause damage to public facilities and private property, especially during heavy rainfall and El Nino winters.
   II. Due to its proximity to the Pacific Ocean, Pacifica is at risk from a potential tsunami hazard if a major earthquake occurs in the Pacific Ocean resulting in a wave run-up. The approximate wave run-up height of 20 feet presents a risk to structures and individuals in the area, as there are approximately 900 existing dwelling units within Pacifica’s tsunami run-up area, as well as important community services and facilities.
   III. Pacifica is framed by ridges of the Coast Range on the east and is home to 37 mountain summits and peaks. Hillside stability is a critical hazard. Slope failures and superficial landslides are a significant hazard, and runoff from heavy rain or ground-shaking are most likely to activate landslides in the hilly terrain.

C. TOPOGRAPHICAL CONDITIONS
   I. The City of Pacifica is comprised of a number of cul-de-sacs off of Highway 1, which divides the City into distinct districts. Each of these districts is isolated from each other by the topography of the City. The City is bordered to the west by the Pacific Ocean and to the east by hills that separate the City from the other communities.
   II. A series of overpasses span Highway 1. The collapse of one or more of these overpasses would greatly restrict access to the majority of the City. Highway 1 narrows at two points in the City. A major accident at these choke points also restricts the ability to provide emergency services throughout the City. Several of the districts within the City, such as Vallemar, Rockaway, and Pedro Point have narrow roads in which parking is either not permitted or is limited to one side of the street only. The roads are steep, between 10 to 19 percent in grade, and wind along the contours of the hillsides. These conditions add to the response times of emergency vehicles and also limit the number of emergency vehicles that can be sent to any particular address in these areas.
   III. The City of Pacifica is subject to ground tremors from large seismic events along the San Andreas, Loma Prieta, and Seal Cove faults. A part of the City is within the Alquist/Priolo special studies zone, as shown in the Alquist-Priolo Earthquake Fault Zone Act of 1972. Seismological evidence indicates there is a probability of an earthquake in the region ranging from 5 to 7 on the Richter Scale. This potential for earthquakes influences fire protection planning. A major seismic event would create a Citywide demand on fire protection service, which would be beyond the response capacity of the fire department.
Structural damage to the overpasses on Highway 1 would seriously delay emergency vehicle access to major parts of the City.
SUBJECT:

Pacifica Libraries Project Citizen Outreach Program update and tracking survey results

RECOMMENDED ACTION:

The City Manager recommends that the City Council receive and file this update and direct staff to continue citizen outreach as summarized in this report.

STAFF CONTACT:

Tina Wehrmeister, Planning Director
(650) 738-7341
wehrmeistert@ci.pacifica.ca.us

BACKGROUND:

The City of Pacifica has been working toward constructing modern library facilities to meet the community’s needs for two decades. The process began in the late 1990s when the City of Pacifica joined a number of other cities and San Mateo County to form the San Mateo County Libraries Joint Powers Authority (Library JPA). Since that time, the Pacifica Library Foundation, the Pacifica Friends of the Library, the Library JPA, San Mateo County, and the City have been working together to take the steps needed to make a new library a reality.

Aligned with these efforts, on November 23, 2015 the City Council directed staff to take several actions toward constructing a New Pacifica Public Library culminating with placement of a construction funding bond measure on the November 2016 ballot.

The 2016 measure received majority support for a new library facility but failed to get the two-thirds super majority needed to pass a dedicated construction funding tax measure. Although a General Obligation bond failed to pass, there was majority voter support for new library facilities. Therefore, Council directed staff, the Library Advisory Committee (LAC), and project architecture firm Group 4 to study options for a dual facility service model; conduct public outreach; reconfirm the 2011 needs assessment findings; and evaluate all possible library site locations.

The Pacifica Libraries Opportunities Report, summarizing work, findings, and recommendations regarding direction items above, was presented to the City Council on January 22, 2018. After receiving public comment and deliberating, the Council selected a two-branch system strategy (1 Large Branch + 1 Small Branch) and directed staff to report back with information regarding operational and financial feasibility. The Council also selected the existing Sharp Park Library site for the large branch and concurred with the LAC’s recommendation that Sanchez Library continue to be the location for the small branch. Council directed that partnering opportunities should be evaluated.
On September 24, 2018, the City Council received a report on how a second library could be accommodated utilizing an “Open Access” Library and Community Programming operational model for the Sanchez Library and directed the City Manager to conduct community outreach regarding this innovative approach and report back to Council. Concurrently, the project architect Group 4 continued conceptual design modeling for the Sharp Park Library and received community input on design values to inform their design work.

On February 25, 2019 the City Council held a study session on conceptual design options for the libraries developed by the LAC and Group 4 and informed by extensive community outreach. At this study session, the Council selected Pacifica’s Town Commons as the preferred design option for Sharp Park Library and received an update on floor plan and possible expansion options at Sanchez Library.

After the February study session, the LAC authorized a report editing subcommittee to meet with City and Library staff and Group 4 to refine the Conceptual Design Report and prepare a final draft report reflecting the City Council’s feedback. The LAC also provided input on the Citizen Outreach Program. On May 28, 2019, the City Council approved the Library Project Conceptual Design Report, received voter survey results, directed that additional citizen outreach be conducted, and retest a potential future bond measure with likely voters at the end of the outreach effort and report results to the City Council.

This report provides an update on methods and means of outreach conducted to date, analytic data on outreach effectiveness, and results of a likely voter tracking survey conducted in late October.

**DISCUSSION:**

*Citizen Outreach Program*

As part of a comprehensive citizen outreach program to educate the community about the need for new libraries, the Library Advisory Committee, City staff, and communications consultant BergDavis have launched the following:

- New dedicated Library Project website launched (late August)
- Digital promotion to drive awareness and website visits, including:
  - Hearst advertising
  - Social media advertising
- Postcard mailer to Pacifica voters (week of September 14)
  - Also distributed to libraries and the community at local events
- Weekly inclusion in *Connect with Pacifica* newsletter
- *Pacifica Tribune* op-ed
- Event outreach (Fog Fest, Farmers Market, Coastal Clean-Up, etc)
- Social media posts on the City’s Nextdoor and Facebook accounts

Analytics gathered from the project website, Hearst, and social media suggest that the most effective forms of outreach were (in order of effectiveness): Hearst advertising, post card mailer, and social media. Effectiveness is measured by number of impressions (i.e. the number of people who were served the ad) and click-throughs to the project website.
As of November 5, 2019 there were nearly 2,500 total visits to the project website by almost 1,500 visitors, distinguished by their IP address.

In addition to advertising and building/monitoring the project website, a social medial tool kit was prepared and distributed to the LAC to assist them with their own posts, as their role on the Committee is to also be project ambassadors to their various networks. Staff continues to support LAC members with project presentations, as needed, and is working with Chair Abbott to plan a specific outreach meeting for Sharp Park residents.

**Voter Tracking Survey Results**
The next step in the citizen outreach program was to poll likely voters to determine what type of impact outreach is having and if the current approach may need to be adjusted. The City engaged FM3 to conduct a tracking survey, which was conducted at the end of October. The purpose of this type of survey is to provide feedback on outreach efforts. It is not a “full” survey like the one completed in February. The key takeaways from the October tracking survey include:

- The right direction/wrong track numbers for Pacifica are generally holding steady since our survey earlier this year, though maybe a modestly less optimistic and modestly more mixed (though not any more negative).
- Impressions of the City and Library are generally similar to that previous survey, as well. Impressions might be a little better for City government overall and a little worse for the Library, but the differences are around the survey’s margin of sampling error, so not much should be read into them without additional data points.
- Nearly two-thirds of survey respondents (65%) said they have heard something recently about the libraries and one in five (19%) said they’ve heard a “great deal.” And, what they’ve heard is largely all about the potential measure plans.
- The initial vote on a potential bond measure is largely unchanged from our last survey at 65%, just under the two-thirds vote threshold required for passage.

FM3 Research will provide a more detailed presentation on survey outcomes at the Council meeting on the 12th.

**Recommendation**
The City will continue with the outreach efforts listed under the “Citizen Outreach Report” section above, with the following additions based on the most recent polling results:

- 22% of respondents cited competing spending priorities as the number two reason for opposing the Library Project. We believe this opposition can be reduced through a parallel education campaign emphasizing that the Library Project will not divert funds from other city projects.
- 27% of respondents learned about the Library Project through the local newspaper. For this reason, we recommend adding inclusion of the Library Project in future bi-monthly op-ed columns to the Citizens Outreach strategy.
- Once additional project details have been finalized, we recommend continuing presentations to relevant business and community organizations.

**ALTERNATIVE ACTION:**
None identified.
RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

This item is consistent with the following Council adopted goals and Work Plan initiatives:

- Stewardship of City Infrastructure, including repairing/replacing outdated city facilities.
- Initiative 5 - Continue Efforts Toward Construction of a New Sharp Park Library and a Renovated Sanchez Library

FISCAL IMPACT:

There is sufficient budget for the outreach effort in the Library planning account. Library planning efforts are funded by Measure A and a previous Excess ERAF one-time contribution.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:
SUBJECT:
Update on Motorhomes and the Unhoused in Pacifica

RECOMMENDED ACTION:
Accept the report and provide staff with further direction.

STAFF CONTACT:
Daniel Steidle, Chief of Police
650-738-7314
steidled@pacificapolice.org

BACKGROUND/DISCUSSION:
At the February 11, 2019 City Council meeting, the topics of motorhome parking and a Safe Parking Program were discussed. The City Council declined to restrict motorhome parking at that time, and discussed a variety of ideas about a Safe Parking Program and more. Due to the complexity of the issues surrounding motorhomes in Pacifica, the Council agreed to consider during its Goal Setting Workshop on March 9, 2019, whether this issue should be prioritized for additional work during FY2019-20.

The February 11, 2019, staff report is included with this report (Attachment 1). The terms oversized vehicle, trailers, “RV” and “Recreational Vehicle” were used in the February 11, 2019 staff report. These terms have been replaced with “motorhome” for this report. At the February 11, 2019 City Council meeting, the City Manager recommended amending the Pacifica Municipal Code to address the health and safety issues by making the following changes:

- Prohibit the parking of motorhomes on any city street between the hours of 10 p.m. - 6 a.m.;
- Provide an exemption to allow loading/unloading for trips or cleaning of the vehicle for up to 24 hours with a special temporary parking permit that would be issued by the Police Department; and
- Prohibit parking of motorhomes within 50 feet of an intersection.

On April 25, 2019, the City Council adopted Goals and Priority Projects for FY2019-20 as discussed at the March 9, 2019, Goal Setting Workshop. Priority Project #2 is to “Convene and participate in a Pacifica task force on homelessness and recreational vehicles, and consider task force final recommendations related to City laws, policies, property, programs/operations, or funding.”

At the May 13, 2019, City Council meeting, City Manager Woodhouse addressed Council and provided a memorandum which outlined a process for forming a task force to address the issue of homelessness and motorhomes. City Manager Woodhouse, in his memo, stated “Recently,
the City Council deferred a decision about revising parking ordinances related to over-sized vehicles (including RVs) until potential alternatives to address the vehicularly-housed are evaluated, such as a Safe Parking Program or other alternatives. In Pacifica, there has been a proliferation in recent years, and much more in recent months, of inhabited over-sized vehicles parked on the streets. Recognizing the magnitude of this challenge and the City’s resource limitations, the City Council identified the need for a Task Force of diverse stakeholders representing the full spectrum of viewpoints about this topic to volunteer their time and energy to research and define the homelessness and over-sized vehicle challenges in Pacifica and assess potential solutions, identify start-up and operating funding for any recommended solutions, and present its recommendations to the City Council and community. The City’s role in this Task Force will be to participate as one of many stakeholders and to bring City information to the table. Following the Task Forces’ presentation of its recommendations, the City Council will consider next steps that relate to City laws, policies, property, programs/operations, or funding.

Moving forward with the task force, City Manager Woodhouse and Anita Rees, Executive Director of the Pacifica Resource Center, selected members of the Unhoused in Pacifica (UP) Task Force through an application and interview process. The UP Task Force, as an independent community task force, met for the first time on August 7, 2019, with assistance from the Institute for Local Government to help facilitate their kick-off meetings. The task force has continued its work, meeting regularly as a full task force as well as working in subgroups to conduct their research and formulate potential options for dealing with these issues. It is anticipated that the UP Task Force will be hosting public input meetings in the near future, as well as presenting their research to the City Council, tentatively scheduled for the December 9th City Council meeting.

From January 1, 2019 through October 31, 2019, the City has received 777 official complaints regarding motorhomes - 743 to the Pacifica Police Department and 34 to staff at City Hall. Social media postings have also been seen that reflect both frustration from the community regarding the influx of motorhomes as well as compassion for the people that reside in them. Most complaints surround parking for extended periods of time in a neighborhood, littering complaints, as well as several complaints of illegally dumping human waste from motorhome tanks. On October 19, 2019, staff dealt with a complaint at the Park Mall shopping center where human waste had been dumped, likely from a motorhome. This incident gained attention from community members as photographs of the waste were placed on social media, drawing comments and concern.

Councilmembers also continue to receive numerous complaints from community members regarding the issues associated with motorhomes in Pacifica. Mayor Vaterlaus has requested that this item be brought before Council at this time in order for the issues to be revisited.

Since the February 11, 2019 City Council meeting, at least two bay area cities have adopted ordinances prohibiting or restricting, in some form, the parking of motorhomes. The City of Mountain View recently adopted two separate ordinances to address oversized vehicles, including motorhomes. Those ordinances were adopted on October 22, 2019. One ordinance prohibits parking on certain narrow streets (less than or equal to 40 feet in width), while the other ordinance prohibits parking of oversized vehicles on any streets or portions of streets adjacent to Class II bikeways. Both ordinances provide exceptions to the prohibition including any wheelchair-accessible vans, vehicles displaying a disabled placard or license plate. The ordinance prohibiting parking on certain narrow streets will not become effective until June 30, 2020. The City of Mountain View has also taken steps to implement a safe parking program within the City.
The City Council of the City of Berkeley also adopted on March 26, 2019 an ordinance prohibiting parking campers and RVs during certain hours and directed staff to create a three-month permit program (with the possibility for renewal), to be offered on a one-time basis to existing priority populations.

Both the City of Berkeley and the City of Mountain View’s ordinances were adopted due to various health and safety concerns presented by the significant increase in motorhomes being parked on city streets. It is important to note that some advocacy groups have raised allegations that ordinances that prohibit motorhome parking directly target homeless and disabled individuals and as such, the ordinances allegedly violate provisions of the U.S. Constitution, including the 8th Amendment (Cruel and Unusual Punishment) based on the recent 9th Circuit holding in Martin v. Boise, 920 F.3d 584 (9th Cir., 2019) (“Martin”). The holding in the Martin case addressed the narrow enforcement issue of whether “criminalizing” sitting, sleeping, lying (forms of “resting,” which the Court sees as an unavoidably human activity) in the absence of shelter space is a violation of the Eighth Amendment.

It is unclear how courts would apply the Martin decision to ordinances prohibiting or limiting motorhome parking. However, ordinances drafted by cities should be mindful of the holding in Martin and should be justified based on specific health and safety concerns which are caused by the location and duration of parked motorhomes. The City of Mountain View’s ordinances, for example, focused on specific safety concerns that the City had relating to bicyclists using bike lanes crowded by motorhomes as well as narrow streets being made more dangerous by the presence of large motorhomes. Staff recommends using this same approach should Council give direction to proceed with preparation of an ordinance.

The City Manager requests the following direction from Council:

1) Does Council desire that staff prepare and bring back for consideration an ordinance amending the Municipal Code as recommended by the City Manager on February 11, 2019: or alternative amendments discussed and directed by the Council?

2) If yes to (1) above, does Council desire to consider such an ordinance at the December 9, 2019, City Council meeting, or a Council meeting sometime after January 1, 2020, after the UP Task Force has presented their research to the Council in December?

Due to the need to carefully consider health and safety concerns related to the significant increase in motorhomes being parked on City streets when drafting the specifics of an ordinance, the earliest staff could bring a draft ordinance to the Council, if directed to do so, would be December 9, 2019.

ALTERNATIVE ACTION:

The Council may choose to consider the following alternatives:

1. Request further information be brought back for additional Council discussion and consideration;

2. Take no action at this time.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:
“A Healthy and Compassionate Community” includes addressing health and safety issues created by parking of motorhomes in City streets as well as continuing to work with homeless community members to connect them with services.

“Maintaining a Safe Community” includes addressing health and safety issues created by parking of motorhomes in City streets.

**FISCAL IMPACT:**

The fiscal impact related to accepting this report and providing direction to staff is limited to staff time unless amendments to the Municipal Code are requested, which will require additional legal review and expenditures to the City Attorney budget. Further fiscal impacts may be realized depending on Council direction provided.

**ORIGINATED BY:**

Police

**ATTACHMENT LIST:**

Attachment 1 -Parking Ordinances - Safe Parking Program Report (PDF)
SUBJECT:

Report to City Council Regarding Parking Ordinance Amendments Related to Recreational Vehicles and Safe Parking Programs

RECOMMENDED ACTION:

Provide direction to the City Manager regarding potential parking ordinance amendments and Safe Parking program.

STAFF CONTACT:

Daniel Steidle, Chief of Police 650-738-7314  steidled@pacificapolice.org

BACKGROUND/DISCUSSION:

2018 Study Session Review

During goal setting for the 2018-2019 fiscal year, Council placed “Review Issues and Determine Next Steps Regarding Recreational Vehicles and the Homeless” on the list of Council prioritized projects.

On July 9, 2018, City Council held a study session on homelessness in Pacifica which concentrated on the growing problem of recreational vehicle (“RV”) parking. The purpose of the study session was to begin a dialogue regarding the issue.

During the study session, staff presented the problem of an influx of RVs in Pacifica that have created a health and safety issue, with complaints being received regarding the dumping of trash onto the streets, and the draining of human waste (black water) onto streets and into storm drains. Existing ordinances do not prohibit the parking of RVs or other types of oversized vehicles and trailers (collectively referred to as “RVs”) in Pacifica. In addition to the health and safety issues, community member complaints have been received relating to RVs, often in a state of disrepair, parked near their residences or businesses.

At the study session, Councilmembers brought forth the following related to RV parking for further staff research:

- Parking ordinance amendment possibilities to address RV parking issues
- Safe parking programs, where homeless community members may lawfully park overnight
- Line of sight problems created by large vehicles such as RVs which are difficult for motorists to see around, especially at intersections
- The potential for a City waste disposal site where RV occupants can lawfully dump waste water
The report and minutes from the July 9, 2018, study session is provided as Attachment 1.

**Resident/Business Owner Concerns Regarding RV Parking**

Complaints regarding RV parking often come from Pacifica residents and members of the business community. Comments received include concerns about some RVs improperly disposing of waste, both garbage and wastewater, with litter gathering around the RVs. In addition, the City’s Economic Development Manager has received feedback on this issue from some business owners, real estate brokers, residents and potential business owners looking to invest/develop in Pacifica. Input generally reflects that the RVs don’t make the neighborhoods or business districts very inviting for business activity or new/re-development. Many RVs appear to be permanent fixtures parked on the streets; in the case of trailers, the vehicles that brought them to their locations have been detached, and blocks/bricks have been installed on the street to hold trailers in place. The Economic Development Manager also noted that not all business owners & residents that he has spoken with are opposed to RVs.

**Current Practices Addressing RV Parking in Pacifica**

The Police Department is usually the primary contact for community members when RVs are identified as creating a health and safety issue, such as dumping of trash onto streets, and the draining of human waste (black water) onto streets and into storm drains. Police officers will typically assess the situation to determine the applicable regulations (as discussed in more detail below), whether there is a violation of those regulations, and the threat to health and safety presented by the violation.

Police Department staff works to maintain a balance of compassion and enforcement. The primary goal for police officers is to work to connect those in need of housing assistance with services to assist them, while at the same time addressing health and safety issues with enforcement, when necessary.

The Police Department maintains a positive and collaborative relationship with the Pacifica Resource Center, often referring homeless persons for assistance. The Department also works with the San Mateo County Homeless Outreach Team (HOT) to provide further services. Department personnel work with HOT case workers to identify those in need of more urgent services.

Officers trained in crisis intervention (CIT) work to identify those that may need additional assistance due to substance abuse/addiction or those suffering from mental health issues.

Staff believes that although the homeless continue to be present in Pacifica, available local resources are being well utilized. In addition, other methods to assist the homeless are continually being sought. On December 10, 2018, Council adopted a resolution declaring an unsheltered crisis in Pacifica which enables staff to seek funding for homeless programs through the Homeless Emergency Aid Program (HEAP) funding, a one-time state grant program made possible by SB 850. HEAP funding will be administered by San Mateo County through an RFP process. The parameters of the funding are yet to be developed. At this time, this funding source is the only potential grant funding staff has identified to assist with Pacifica’s homeless issues. However, regional and statewide concern about the homeless challenge continues to grow, and staff will continue to track additional potential funding sources and solutions that may arise.
Current Parking Ordinance

Currently, the following Pacifica Municipal Code (PMC) ordinances exist that may be used to regulate parking of RVs. It is the experience of the Police Department that these ordinances have been ineffective in responding to the health and safety concerns presented with the influx of RVs on City streets.

PMC Sec. 5-2.03. - Violations: Abatement states in relevant part:

- (a) No person who owns or has the possession, custody, or control of any vehicle shall park such vehicle or leave the vehicle standing upon any highway for a period of more than seventy-two (72) consecutive hours.

PMC section 5-2.03 is not specific to RVs but rather, applies to all vehicles parked for a period of more than 72 hours. Commonly, these violations are reported to the Police Department which triggers the vehicle being marked with a warning notice placed on the windshield to move within 72 hours. Police staff will return to check markings to see if the vehicle has been moved. If it has not, it may be cited and towed if the citation is not appealed. Occupants normally move the vehicles, only to receive complaints in the new location. Sometimes, the vehicles are driven, then returned to the original location, which is lawful. As such, the 72-hour ordinance is ineffective in addressing the complaints received regarding RVs parked beyond the 72 hour maximum.

PMC Section 4-7.1204, Parking of Recreational Vehicles, Boats and Mobile Homes on Public Streets, states in relevant part:

- (b) The Traffic Engineer is authorized to erect signs indicating no parking of mobile homes, recreational vehicles or boats on public streets where such parking, in her or his professional opinion, would interfere with aesthetics, ocean views, parking, traffic, or otherwise create a safety concern.

- (c) Where official signs authorized by the provisions of this section are in place, no person shall stop, stand or park a mobile home, recreational vehicle, or boat contrary to the provisions of such signs.

PMC section 4-7.1204 is specific to RVs, boats and mobile homes (as defined in PMC section 4-7.1204 (a)) parked on City streets. Currently, there are no Pacifica streets designated as "no parking" for RVs. It is the opinion of staff that if signage were erected on certain streets where complaints are commonly received, the RVs would simply move to other locations in Pacifica, creating complaints at the new location.

PMC Sec. 4-7.1114. - Use of automobiles, campers, and trailers for human habitation on public property, states in relevant part:

- (b) No person shall use, occupy, or permit the use or occupancy of any automobile, truck, camper, house car, mobile home, recreational vehicle, trailer, trailer coach, or similar conveyance for human habitation on any public property, including any park, beach, square, avenue, alley, or other public way, within the City between the hours of 10:00 p.m. and 6:00 a.m., except where such use occurs lawfully in areas officially designated for such purpose by the City.
This regulation makes it unlawful to use any vehicle for human habitation between 10:00 p.m. and 6:00 a.m. Officers responding to complaints of habitation in an RV usually do attempt to make contact with occupants, who often refuse to open the door or acknowledge the officer’s presence. Therefore it is difficult to show that the person who parked the RV intended to establish a temporary or permanent place for human occupancy in violation of PMC section 4-7.1114.

PMC 9-4.2809. - Parking Vehicles and Construction Equipment, states in relevant part:

(b) No person shall park any motor vehicle, automobile, house car, bus camper shell, trailer coach, trailer, semitrailer, truck, truck tractor, tractor, motorcycle, or boat on a vacant lot or parcel, unless such use is authorized by a use permit, as set forth in Article 33 of this chapter, and such lot or parcel used for such purpose is surfaced and maintained in accordance with the requirements of such use permit.

(e) No person shall park, stand, or store any motor vehicle, automobile, house car, bus, camper, camper shell, trailer coach, trailer, semitrailer, truck, truck tractor, tractor, motorcycle, or boat upon private property in any commercial district, unless such vehicle is parked, stored, or standing in conjunction with a business located on the property and with the permission of the property owner.

(f) No lot or parcel, or portion thereof, in a commercial district designated and surfaced for off-street parking shall be used for the parking or storage of motor vehicles, automobiles, house cars, buses, campers, camper shells, trailer coaches, trailers, semitrailers, trucks, truck tractors, tractors, motorcycles, or boats, unless such vehicles are parked or stored in conjunction with a business located on the property and with the permission of the property owner.”

PMC section 9-4.2809 may be used for RVs parked in private parking lots, such as shopping malls.

RESEARCH

Staff reviewed ordinances and spoke with staff from other jurisdictions to learn what ordinances were in existence to address these parking issues. Staff from other San Mateo County jurisdictions indicated that RV parking had increased in recent years. Some jurisdictions reported there was not a problem requiring action, while others had addressed the problem with local parking ordinances. Some examples of San Mateo County jurisdictions that regulate RV parking are listed below.

Parking Ordinances

California Vehicle Code section 22507 provides that a local jurisdiction may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day. In many jurisdictions, RVs are regulated through “oversized vehicle” parking ordinances, which prohibit parking of RVs and other vehicles meeting certain length, width and/or height specifications. Of the ordinances reviewed, oversized vehicles did not include standard sized passenger vehicles, vans or large pick-up trucks. Vehicles included based on size requirements tend to be RVs, larger commercial vehicles, or pickup trucks with large campers (cab-over/slide in style).
· Half Moon Bay: No parking of oversized vehicles on city streets between 2 a.m.-5 a.m.

· Menlo Park: No parking of any vehicle in certain residential zones or within 300 feet of a residential zone between 2 a.m.-5 a.m.

· Foster City: Vehicles which are over six feet six inches, in height or more than twenty-five feet in length shall not be parked on any public street except for a maximum of 72 consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes only or with permission of the police department for the purpose of visitor parking which shall only be allowed for a maximum period of ten days

· Daly City: No parking of oversized vehicles on any street 2 a.m.-6 a.m.

· Burlingame: No trailer or RV parking on any street between 7 p.m.-7 a.m.

· East Palo Alto: No parking of oversized vehicles and trailers on city streets between 2 a.m.-5 a.m. No parking of oversized vehicles on a city street within 75 feet of an intersection.

Examples of ordinances addressing this issue outside of San Mateo County are as follows:

· El Segundo: No trailer parking anytime on any city street. No parking of an oversized vehicle or RV on a city street between 2 a.m.-6 a.m. No RV or oversized vehicle parking within 25 feet of any intersection.

· San Diego: No oversized vehicle or RV parking on any city street between 2 a.m.-6 a.m. No parking of oversized vehicle or RV within 50 feet of an intersection.

· Gardena: No RV parking on a city street between 10 p.m.-6 a.m.

· Rancho Cucamonga: No RV, camper or boat parking on any city street no longer than 1 hour between 2 a.m.-6 a.m.

· Morgan Hill: No oversized vehicle parking on a public street located immediately adjacent to real property located in a residential zone, except for the purpose of loading or unloading or unplanned inoperability. May not be parked longer than 10 hours in these instances.

Safe Parking Programs

Safe Parking programs are designed to remove vehicles from City streets, giving homeless community members living in their vehicles a safe place to lawfully park and sleep. Some programs require participants to move from the lot each morning, while others allow vehicles to remain in the designated parking area for a period of time. Safe Parking programs are often connected with non-profit groups to manage and oversee the program operation. Designated parking areas are commonly on private property, with fewer being located on City property.

Below are several examples of Safe Parking programs that have been implemented in other jurisdictions.

· Morgan Hill FOCUS Safe Parking Program-Operating in South County since September 2017, funded through a contract with the City of Morgan Hill, operated by Gilroy Compassion Center. The program provides case management to link
clients to services and housing. It serves eight vehicles at a time and is located at a church site. Morgan Hill Police Department provided seed money to begin this program via a Board of State and Community Corrections (BSCC) grant. BSCC funding was a one-time source of funds. Pacifica used the BSCC grant funding ($32,000) to assist in funding LiveMoves. LiveMoves is an organization that provides San Mateo County with the Homeless Outreach Team (HOT), a team of specially trained case managers focused on helping chronically homeless individuals move off the streets and secure stable housing.

· Rotating Safe Park Program in the West Valley Region-This program was initially launched in spring 2017 at St. Jude Episcopal Church with referral assistance of West Valley Community Services. Currently, it is being operated as a Rotating Safe Park program in partnerships with faith sites and other organizations in Saratoga, Cupertino, and San Jose. The rotating program serves 12 to 15 vehicles at a time.

· East Palo Alto Project We Hope Safe Parking Pilot Program-Launched the program in September 2018. Project We Hope (PWH) is the nonprofit operator of the program funded by the City of East Palo Alto. The city provides a city-owned lot to serve up to 20 vehicles. The program provides case management to link clients to services and housing. Funding for the program implementation included $118,000 from the city's general fund surplus and $200,000 from the voter-approved Measure O, a residential rental business license tax.

· City of San Jose Safe Parking Pilot Program-Recently selected a provider, nonprofit LifeMoves, for a safe parking program on city-owned property. The program intends to serve 8 to 16 vehicles and began in fall 2018 at a cost of $250,00 to the City for 7 months. The program serves families with young children.

· Mountain View Lots of Love (LoL)-The new Mountain View nonprofit operator has been in operation for just under three months and has been focused on startup needs such as staffing, neighborhood outreach, and coordinating operations at the faith sites. The County’s Housing and Homeless Concerns Coordinator provided overall guidance on the pilot startup and operational plan. The City of Mountain View provided $55,300 in funding for this pilot program, with the County of Santa Clara providing $287,525.

Safe Parking programs require a location for vehicles to park, City or privately owned, as well as funding to maintain the program. Safe Parking programs also tend to provide connection to services intended to assist participants in finding shelter, drug addiction assistance and mental health services.

Police Chief Steidle spoke with Anita Rees, Executive Director of the Pacifica Resource Center regarding assistance with a Safe Parking program. Director Rees pledged the assistance of the Resource Center should a program come to fruition.

Several challenges to implementing a Safe Parking program in Pacifica are evident to staff. The primary challenges are funding such a program and location. With difficult fiscal constraints, the City does not have the funds available to create and sustain a Safe Parking program on its own. Even if a start-up and on-going operations funding source could be secured via a non-profit organization or through grant funding, a suitable location would still need to be secured. There would likely be significant concerns raised by the community regarding any potential location identified. As staff has relayed to Council on several occasions regarding this issue, it is often the case that individuals express compassion for homeless persons who are often residing in RVs. However, when these vehicles begin parking in their neighborhoods or near their businesses, attitudes shift towards wanting these vehicles to park “someplace else.” Should Council decide to direct staff to research a Safe Parking program further, community
acceptance of a suitable location would need to be explored. Additionally, if the site for a Safe Parking program were located on City property, legal concerns regarding tenancy and liability for injuries or incidents that may occur on the site would need to be considered and adequately addressed. Finally, any Safe Parking program in the City, either on City property or private property would need to address waste. Concerns still exist over the dumping of trash and waste water, absent a local dump station.

**Waste Dump Sites**

Public health and safety concerns regarding wastewater (black water) from RVs that are occupied by persons parking in Pacifica have increased with the increase of RVs parked in the City. Staff has received complaints regarding the dumping of this waste in street gutters and on City streets. The local RV resort located at 700 Palmetto Avenue does not allow for dumping of waste by vehicles not renting a space on their premises. The closest RV dump sites are located in Half Moon Bay and Redwood City.

Cities that have implemented a Safe Parking program have addressed the waste issue in different ways. The City of Mountain View, in their study of RV parking issues in 2017, researched the cost of constructing a facility for RV wastewater dumping and determined that the estimated cost was between $150,000- $250,000, depending on the location of the facility. In addition to the construction costs, the City of Mountain View determined that there would also be ongoing costs to maintain and staff the site. The City of Mountain View elected not to construct the RV wastewater dumping facility. In the East Palo Alto Safe Parking program, vouchers redeemable for RV waste dumping at a site in Redwood City are provided to participants.

The Pacifica Calera Creek Water Recycling Plant has no facility for RVs to dump waste water on site. Constructing such a facility on site would not be feasible as there is no room for a facility of this nature. No independent cost analysis has been conducted by staff at this time. Public Works Deputy Director Sun also advised there is no mechanism available for RVs to connect to a city sewage line outside of the plant.

**RESEARCH CONCLUSIONS**

If the Council were to direct the City Manager to begin amending the parking ordinance to restrict RV vehicle parking, such amendments could be accomplished within a few months before being brought back to the Council for consideration. Restricting the hours of RV parking may serve to address the health and safety issues presented by the increase in RV parking on City streets. Restricting parking hours to daytime hours allows for anyone to visit and conduct business, and enjoy Pacifica’s scenery during the daytime. As most businesses are closed by 10 p.m. in Pacifica, and begin opening after 6 a.m., this time period is reasonable to allow those in RVs to conduct business and enjoy the amenities and services available.

Parking ordinances in other cities related to the parking of RVs near intersections vary. Staff believes that a 50-foot buffer between RVs and an intersection would provide enough visibility at intersecting roadways and address the health and safety issues that arise from poor visibility at an intersection.

Creating a Safe Parking program, unless funded and operated by a third party, would be cost prohibitive for the City. Currently, no funding sources have been identified to fund a program, and it is unknown if Homeless Emergency Aid Program (HEAP) funding will be available to the City. While Governor Newsom has earmarked monies for homelessness in the 2019-2020 State of California budget proposal, it is unknown at this time how much of these monies will be realized in the final budget, and whether monies will be available for local jurisdictions to create
Safe Parking programs. In addition to funding concerns, a suitable site for this program that is acceptable to the community would also need to be located. In addition, the problems associated with RV waste water disposal in the community would still remain, absent a viable dump site, and constructing and operating a dump site would be expensive.

RECOMMENDATIONS

1. The City Manager recommends the City Council’s consideration of the following amendments to the Municipal Code relating to parking of RVs:

   - Prohibit the parking of RVs on any city street between the hours of 10 p.m. - 6 a.m. Definitions would include cab-over/slide in type campers and house cars (A motor vehicle originally designed, or permanently altered, and equipped for human habitation).

   - Provide an exemption to allow loading/unloading for trips or cleaning of the vehicle for up to 24 hours with a special temporary parking permit that would be issued by the Police Department.

   - Prohibit parking of RVs within 50 feet of an intersection.

If the Council were to direct the development of these ordinance amendments and subsequently adopt them, staff would undertake a process to educate those persons parking RVs, oversized vehicles and trailers overnight so that they may seek alternative parking options. In addition, Police Department staff would educate those living in RVs overnight on City streets regarding the ordinance changes and would increase efforts to connect these community members with services through the Pacifica Resource Center and through the Homeless Outreach Team. The recommended process in implementing an amended parking ordinance would initially be to assist in connecting those in need with services, provide opportunity for compliance, then take enforcement action if necessary. The City Manager recommends that this process take place over a 4-month period after any adopted ordinance takes effect, and prior to any enforcement action.

2. The City Manager does not recommend further active research or action at this time relating to a Safe Parking program in Pacifica due to the start-up and operating financial challenges and siting challenges, other than continuing to track potential state funding sources and other state activities for such programs, continuing to track potential site offers from private property owners, and continuing to seek funding through HEAP and other sources for potential future programs in collaboration with the Pacifica Resource Center to serve Pacifica homeless community members.

COUNCIL DIRECTION REQUESTED

The City Manager requests the following direction from Council:

1) Does Council desire that staff bring back an amendment to the Municipal Code relating to parking ordinance as recommended by the City Manager, or alternative amendments discussed and directed by the Council?

2) Does Council agree with the City Manager’s recommendation concerning not conducting further research at this time into a Safe Parking program? If the Council does not agree, what additional research or action does the Council desire?
ALTERNATIVE ACTION:

The Council may choose to consider the following alternatives:

1. Request further information be brought back for additional Council discussion and consideration;
2. Approve the City Manager's recommendation for parking ordinance amendments, but with alternative amendments as discussed and approved by the Council;
3. Direct the City Manager to actively pursue discussions with potential private property owners with the potential for space for a Safe Parking program, with the City Manager to return to the Council with information about other projects/work to be deferred in order to accommodate staff time for this work task.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

“A Healthy and Compassionate Community” includes addressing health and safety issues created by parking of RVs in City streets as well as continuing to work with homeless community members to connect them with services.

“Maintaining a Safe Community” includes addressing health and safety issues created by parking of RVs in City streets.

FISCAL IMPACT:

The fiscal impact related to accepting this report and providing direction to staff is limited to staff time unless amendments to the Municipal Code are requested, which will require additional legal review and expenditures to the City Attorney budget. Further fiscal impacts may be realized depending on Council direction provided.

ORIGINATED BY:

Police

ATTACHMENT LIST:

Attachment 1 - 2018-07-09 City Council - Public Minutes (PDF)
SUBJECT:

2212 Beach Blvd Hotel Development Update

RECOMMENDED ACTION:

1) Authorize the City Manager to execute consultant contracts up to $15,000 for a hotel market study for the 2212 Beach Blvd site and, if determined necessary by the City Manager, up to $20,000 for hotel development broker services;
2) Discuss and consider whether to continue to follow the current development timeline as approved by the City Council on February 25, 2019, or whether to direct the City Manager to pursue an alternative timeline as outlined in this report.

STAFF CONTACT:

Thomas Myers, Economic Development Manager
myerst@ci.pacifica.ca.us
(650) 738-7402

BACKGROUND/DISCUSSION:

2015 - 2017 RFQ/RFP Process
On October 26, 2015, City Council approved a two-step selection process to seek qualified development teams for the 2212 Beach Blvd site. Six development teams submitted qualifications for City consideration in January 2016. The qualifications were presented to the City Council at its meeting on March 28, 2016. On September 12, 2016, based on the full analysis and all information available, the developer judged to be best able to meet the City goals was Friend Development Group LLC. During the negotiation period, the City and Friend Development were unable to agree on key terms of the ENA. Given the lengthy and uncertain land use entitlement process through the California Coastal Commission (CCC), the terms of reimbursement of the City’s costs of negotiation during this period was a point of disagreement. In addition, the City’s insistence on imposition of particular labor requirements in the operation of the hotel was also a point of disagreement. As a result, the City and Friend Development mutually agreed to terminate negotiations.

2018 RFQ/RFP Process
On February 26, 2018, the City Council authorized staff to prepare a new RFQ and RFP, and issue an RFQ to solicit hotel, retail and restaurant development proposals for the 2212 Beach Boulevard site. This second RFQ was issued on September 20, 2018; only one response was received prior to the October 23, 2018 deadline. Given the limited response, the City withdrew the RFQ solicitation and rejected the sole response received. It was appropriate and in the City’s best interest to withdraw the solicitation and instead focus on the necessary steps to
secure some of the land use entitlements needed to develop this site as directed by the City Council. A number of factors contributed to the lack of responses to this RFQ, including uncertainties regarding sea level rise adaptation planning and the length and complexity of the development process in the coastal zone. The 2018 RFQ process revealed that while there remains significant interest in this location, there were a number of obstacles to development that the City could address which were expected to not only decrease development uncertainty, but enhance the value of the site and increase competition for the opportunity to develop the site.

Current Development Schedule
At the February 25, 2019 council meeting, the City Manager recommended following a process to first complete updates to the General Plan (GP) and Local Coastal Land Use Plan (LCP) and begin and complete the Sharp Park Specific Plan (SP), in order to help prepare the 2212 Beach Blvd site for a successful RFQ/P process. The GP, LCP and SP were scheduled at that time to be completed approximately within an 18 month timeframe. Council adoption of the LCP is currently anticipated by February, 2020. Council adoption of the GP and SP is currently anticipated by June, 2020. The timeline for Coastal Commission approval of the LCP and SP could range from three months to one year following Council adoption. The 2212 Beach Blvd site is included in the GP, LCP and SP scope of work authorized by the City Council on January 28, 2019. This process will address the required City entitlements up until the point that a site-specific development plan is needed. The City Council approved this course of action on February 25, 2019.

Based on the council action approved on February 25, 2019 and the proposed development timelines outlined in the 2018 RFQ, the key milestones in the Current Development Schedule are listed below (Attachment A outlines the entire Current Development Schedule in detail):

City releases RFQ July 2020
RFQ Due Date September 2020
City Review of RFQ's and Council approval of short list November 2020
Issue RFP to Development Team Short List December 2020
RFP's from Short List Due Date January 2021
CM recommendation of Development Team February 2021 to City Council

At the conclusion of the GP, LCP and SP process, scheduled for June 2020, review by the California Coastal Commission (CCC) would commence. Assuming the timeline is met, a developer selected by the City would only need to apply for adjudicative local permits (i.e. site-specific development plan and coastal development permit), with all legislative matters being covered by the City’s GP/LCP/SP. This timeframe and structure was considered to be the most expedient process to secure the required land use entitlements and give potential developers more certainty with the process. Completing the City's GP/LCP/SP
would relieve a developer from having to complete these parts of the entitlement process, provides more surety to the developer, and transfers the cost (resources, time, risk and money) for this part of the process to the City. As a part of the GP/LCP/SP approval, finalizing the Sea Level Rise (SLR) adaptation policies will clarify the intent to continue to protect the Sharp Park Area.

**Hotel Market Study**

In preparation of this update report, staff consulted with two different experienced hotel development consultants. Based on these consultations, the City Manager recommends that a Hotel Market Study be undertaken to confirm the feasibility of development of a hotel at the 2212 Beach Blvd site. In addition to feasibility, this study will inform what type of hotel provides the best opportunity for success. Furthermore, if the results of the study are positive, this market analysis is an additional positive attribute for the RFQ. Although there was a limited assessment of the hotel market in Pacifica during the 2015-2017 RFQ process, no market studies have been conducted specifically on the 2212 Beach Blvd site and the surrounding regions. Typically, these market studies are valid for a period of 6 months. The scope of the hotel market study would include an assessment of the hotel development in surrounding cities (Half Moon Bay, Daly City, Colma, South San Francisco, San Bruno), and include the effects of new hotel development in Pacifica and the surrounding region, as well as the impacts of AirBnB. A specialized hotel market study that includes Pacifica and the immediate surrounding regions that affect Pacifica would confirm the overall feasibility of hotel development in Pacifica and the level of market demand for a hotel at the 2212 Beach Blvd site. In addition, hotel market studies are used by hotel developers to obtain hotel construction financing. The projected cost of the hotel market study is $10,000 - $15,000, depending on the scope and specificity of the hotel study. The hotel study could be completed by January 2020.

Assuming the hotel study determines an adequate market demand for additional hotel rooms in Pacifica, the City would then engage the services of a hotel broker to elicit responses to the RFQ from the hotel development community. Cost estimates for a hotel broker to market the Beach Blvd site, concurrently with the release of an RFQ, range from $5000 - $20,000. If the hotel market study indicates there is a very limited or no market demand for additional hotel rooms in Pacifica, staff would then return to council for additional direction on development at the 2212 Beach Blvd site.

**Alternative Development Schedule**

Staff has developed the following alternative development schedule which incorporates a parallel track for the RFQ/P process and approvals for the GP & SP by the City Council and the LCP by the CCC, beginning in November 2019, and includes the hotel study and hotel broker in the timeline (Attachment A outlines the entire Alternative Development Schedule in detail):
Contract for hotel study: November 2019
Completion of hotel study: January 2020
City approval of LCP update & submission to CCC for review/approval: February 2020
City releases RFQ, engages hotel broker: February 2020
RFQ Due Date: March 2020
City Review of RFQs and Council approval of short list: April 2020
Issue RFP to Development Team Short List: May 2020
RFP’s from Short List Due Date: June 2020
CM recommendation of Development Team to City Council and City Council approval of developer: July - August 2020

Discussion of Development Project Timelines
For comparison purposes, the Current Development Schedule (February 2019) and the Alternative Development Schedule (November 2019) have been adjusted to include similar milestones in both development processes (Attachment A). Both development schedules on Attachment A include milestones for the proposed hotel study and engagement of a hotel broker.

There are risks associated with the Alternate Development Schedule which accelerates the entitlement and development process for the 2212 Beach Blvd site. In staff’s recent discussions with experienced hotel development consultants, it was confirmed that completing the City entitlements process (completing the General Plan, Local Coastal Land Use Plan, and Sharp Park Specific Plan) provides a more certain development process for a potential hotel developer by minimizing risk to secure the required land use entitlements. In addition, the Alternative Development Schedule is aggressive and will have workload impacts on current staff resources. If the Council were to direct the City Manager to implement this Alternative Development Schedule, progress would continue to be made on all Council adopted priorities for FY2019-20, however progress on some workplans may be slowed.

A benefit of implementing the Alternate Development Schedule is the potential for the hotel development project to be completed approximately 6 months ahead of the Current Development Schedule. The associated Transient Occupancy Tax (TOT) revenue (approximately $680,000) and Hotel Business Improvement District (BID) revenue (approximately $28,000) (Attachment B) would begin approximately 6 months earlier, as well as employment opportunities at the hotel for Pacifica residents.
Both development schedule scenarios would have a positive impact on the continued commercial development activity on Palmetto Avenue and the Sharp Park area. Also, the proposed hotel market study would benefit both development schedules, as it will confirm the feasibility of development of a hotel at the 2212 Beach Blvd site.

**ALTERNATIVE ACTION:**

Other than confirming whether or not to pursue the Alternative schedule, the Council could consider not expending resources on the market study and/or the hotel development broker services.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

Council Goal:

"Fiscal Sustainability" includes investing in economic development to increase revenues, funding a reserve/emergency fund, and being well prepared for grant opportunities.

**FISCAL IMPACT:**

The recommended action to approve funding for a hotel market study and hotel development broker services would cost up to $35,000 and can be funded out of the current City Manager's Office budget.

**ORIGINATED BY:**

City Manager's Office

**ATTACHMENT LIST:**

Attachment A - Current Development Schedule (February 2019) and Alternative Development Schedule (November 2019) (DOCX)
Attachment B - Transient Occupancy Tax (TOT) and Hotel Business Improvement District (BID) revenue summary 110419 (DOCX)
Attachment C - Required Entitlements for 2212 Beach Blvd (DOCX)
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Transient Occupancy Tax (TOT) and Hotel Business Improvement District (BID) Revenue Summary - 2212 Beach Blvd hotel site

2212 Beach Blvd TOT BID estimates

120 rooms, based on 3 acres
$200/night
65% occupancy

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<th>Rooms</th>
<th>Days</th>
<th>Hotel Days</th>
<th>65%</th>
<th>$200/night</th>
<th>TOT 12% revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>120</td>
<td>365</td>
<td>43800</td>
<td>28470</td>
<td>$5,694,000</td>
<td>$683,280</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$28,470</td>
</tr>
</tbody>
</table>
Required Entitlements for 2212 Beach Blvd

The hotel project will require the following entitlements:

1. Update to the General Plan
2. Update to the Local Coastal Land Use Plan
3. Zoning Amendment (Development Plan)
4. Abandon right-of-way
5. Specific Plan
6. Coastal Development Permit
7. Lot mergers
8. California Environmental Quality Act (CEQA) compliance

All local actions will be processed concurrently. The Planning Commission will make a recommendation to the City Council on legislative actions (Items 1-3) and right of way abandonment (Item 4), and take final action on Items 5-7. The City Council will take final action on legislative actions (Items 1-3) and right-of-way abandonment (Item 4). The City Council will also take final action on Items 5-7 in the event the decision of the Planning Commission is appealed. All actions will rely on the CEQA document prepared for the project by the City as the lead agency.

The site is in the Coastal Zone; therefore, an amendment to the Local Coastal Program Land Use Plan (LCP) must be approved by the Coastal Commission before entitlements become effective. The Coastal Commission requires local actions to be completed prior to considering an LCP amendment. Coastal Commission staff will be consulted and updated by City staff and the project team throughout the entitlement process.

It is anticipated that the entitlement process will take 18-24 months. Once the entitlement process is completed, including Coastal Commission approval, building and encroachment permits will be processed and approved.

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1 Pursuant to Streets and Highways Code §8313 and Government Code §65402, the Planning Commission is required to make a report/recommendation to the City Council on the conformity of the proposed right of way abandonment with the City’s General Plan.

2 A Specific Plan referenced in Section 9-4.2209 of the Pacifica Municipal Code is most similar to design review in other jurisdictions and is not what is typically thought of in land use terms as an area wide “Specific Plan.” The findings for approval of a Specific Plan under Article 22 include: 1) That the specific plan is consistent with the approved development plan; and 2) That the specific plan is consistent with the City’s adopted Design Guidelines.
SUBJECT:
Consideration of a new City of Pacifica logo design.

RECOMMENDED ACTION:
Consider whether to change the current City of Pacifica logo to a new logo design.

STAFF CONTACT:
Kevin Woodhouse, City Manager
(650) 738-7409
kwoodhouse@ci.pacifica.ca.us

BACKGROUND/DISCUSSION:
The current City of Pacifica logo was rolled out in March 2014, replacing the older logo depicting the statue of Pacifica. All materials (website, letterhead, business cards, lapel pins, etc.) have been converted to the current logo, while most City vehicles have been converted. Some older vehicles still depict the old logo, and are being converted over on a rolling basis. Attachment A shows the current logo.

On August 13, 2019, Councilmember O’Neill introduced to the Economic Development Committee (EDC) a potential new logo for consideration that depicts the silhouette of a whale tail, shown in Attachment B. The EDC supported the idea of the Council considering this new logo, and submitted a letter to City Manager Woodhouse on September 4, 2019, expressing their support (Attachment C). Councilmember O’Neill subsequently requested, per Council Rules, that the proposed logo be agendized for Council consideration. The EDC letter states that “while the current logo is certainly aesthetically pleasing, we feel that it does not sufficiently differentiate Pacifica from other coastal communities. The new logo has the ability to further put our City on the map and reinforce our identity.”

If the Council were to direct the City Manager to implement a change to the City’s logo at this time, the City Manager recommends that it be phased in for printed materials and supplies where feasible to minimize cost. Electronic media, including the City’s website, could be changed with minimal staff resource impact.

FISCAL IMPACT:
Phasing in of printed materials with the logo would minimize the fiscal impact. A wholesale change of printed materials would cost more, but could be absorbed in departmental budgets.

ORIGINATED BY:
City Manager’s Office
ATTACHMENT LIST:

Attachment 1 - Current Logo (PDF)
Attachment 2 - Proposed Logo (PDF)
Attachment 3 - Letter of support (PDF)
September 4, 2019

Kevin Woodhouse
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Re: City of Pacifica Logo

Via email

Dear Mr. Woodhouse:

I’m excited to share the Pacifica Economic Development Committee’s (EDC) support for the enclosed new logo for the City of Pacifica. By way of background, on August 13, 2019, at the regularly scheduled meeting of the EDC, the Committee reviewed and discussed agenda item Staff Communications 1, Pacifica Logo, wherein staff shared graphics of a dynamic new logo depicting the silhouette of a whale tail. Upon review, the EDC voted to support the proposed new logo. First and foremost, we feel that the design is consistent with both the EDC’s objectives and approved FY2019-2020 Work Plan, in that it will bolster promotion of our City as a visitor serving destination. We believe the design is eye catching, tasteful, and appropriate. We also feel that this design speaks to our identity as a whale watching destination. In recent years, the EDC has successfully collaborated with The Whale Trail, a non-profit dedicated to appreciation and stewardship of orcas and the marine environment, to add Pacifica as an official Whale Trail destination, including coordination of installing an official Whale Trail sign. Additionally, we feel that the new logo is both vibrant and unique, highlighting our City as a beach town with nautical charm. While the current logo is certainly aesthetically pleasing, we feel that it does not sufficiently differentiate Pacifica from other coastal communities. The new logo has the ability to further put our City on the map and reinforce our identity.

At this time, we are respectfully requesting that staff agendize review of the logo by the City Council, with a recommendation for adoption. We appreciate your consideration.

Warm Regards,

Samantha Hauser, Chair

Attachments: Proposed Logo

CC: Sue Beckmeyer
    Mike O’Neill
    Thomas Myers
    Matthew Dougherty, Vice Chair