

AUG 3 2016

By: _____
DEPUTY CLERK

RESOLUTION NO. 50-2016

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

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

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

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

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

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

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

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

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

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

Measure "___" ADOPTION OF INITIATIVE AMENDING ORDINANCE NO. 391-C.S. TO AUTHORIZE A FUTURE REZONE OF THE QUARRY WHICH COULD INCLUDE

RESIDENTIAL DEVELOPMENT, UNDER CERTAIN CONDITIONS

Shall the Initiative which amends Ordinance Number 391-C.S. to authorize up to 206 multi-family units of residential development at the Rockaway Quarry only under certain conditions specified in the Initiative measure entitled "Pacifica Initiative Amending Ordinance No. 391-C.S. To Authorize a Future Rezone of the Quarry Which Could Include Residential Development, Under Certain Conditions", be adopted?	YES	
56 words	NO	

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

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

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

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

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

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

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

Section 9. That the City of Pacifica requests the services of the Board of Supervisors of San Mateo County and the Registrar of Voters to conduct said General Municipal election and to consolidate such election. The Registrar of Voters is requested to provide all

necessary election services and to canvass the returns of the General Municipal Election.

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

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

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

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

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

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

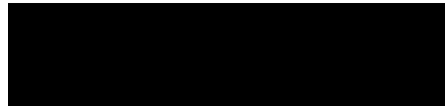
- A. That the primary arguments for and against this ballot measure shall be submitted to the City Clerk by 5:00 p.m. on the date established by the San Mateo County elections official for primary arguments.
- B. That rebuttal arguments shall be submitted to the City Clerk by 5:00 p.m. on the date established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

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

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

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

AYES, Councilmembers: Keener, Nihart, Ervin, O'Neill, Digre
NOES, Councilmembers: None
ABSENT, Councilmembers: None
ABSTAIN, Councilmembers: None



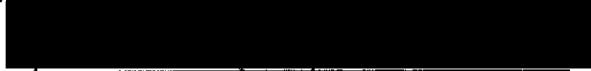
Sue Digre, Mayor *[Handwritten mark]*

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM: *[Handwritten mark]*



[Handwritten mark] Michelle Marchetta Kenyon, City Attorney

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Pacifica do ordain as follows:

Section 1. Title.

This initiative measure (the “Initiative”) shall be known as the “Pacifica Quarry Restoration and Responsible Development Initiative.”

Section 2. Findings and Purpose.

A. Findings. The people of the City of Pacifica find and declare the following:

1. Pacifica is a great place to live, however, like many smaller communities in California, it has its share of challenges, including high housing costs and rents, inability to support quality retail, dining, and entertainment options, and an insufficient tax base to provide needed municipal revenue for crucial public services and infrastructure. Pacifica also suffers from rising sea levels, coastal erosion, and a sea wall in need of critical repairs.
2. Located along Pacifica’s coast, the Rockaway Quarry (“Quarry”) encompasses 86 privately owned acres within the City. It forms a “missing piece” of a larger coastal open space system, including Rockaway State Beach to the south and Mori Point to the north.
3. After commercial quarry operations ended on the Quarry in 1987, a series of owners allowed the land to degrade. Invasive, non-native species have spread across the landscape. Although residents often use the informal trails for hiking and enjoyment, soil erosion threatens the coastal bluffs and trails and causes the make-shift trails to be extremely dangerous.
4. A careful approach to restoration of the Quarry can re-create much of the historic natural landscape, including coastal grasslands and shrub-lands on the hills and healthy, productive wetland habitat in the lower elevations.
5. The voters of Pacifica value preservation of the vast majority of the site as permanent open space as a priority, but recognize that some level of limited development of the site that will include a residential component will be necessary to finance the much-needed restoration of the Quarry. This proposal is more modest and appropriate than those proposed by past owners of the Quarry. This plan, which respects local habitats, significantly limits the amount and footprint of development, maintains significant, publicly-accessible open space (more than 75% of the property), limits building heights to maintain existing views, shores up eroding hillsides and cliffsides, and provides significant environmental benefits, is needed.

6. Sensitive and limited development of this private land would also set the stage for safe public access and permanent open space at a vibrant new destination along the coast, while improving our local quality of life by providing millions of dollars in new revenue for the city, money for schools, new trails and acres of open space for local families to enjoy.
7. Developments that provide a mix of residential, commercial, recreational and retail uses generally provide greater local-serving benefits and also reduce traffic by shortening trips and thus allowing what might otherwise be car trips to external destinations to become internal walking, cycling, or transit trips.
8. To enable an appropriately-scaled and limited development to go forward on the Quarry site, while ensuring that significant public benefits are provided in the process, it is appropriate to authorize the City Council to approve a rezoning of the Quarry site for mixed use development that will include retail, recreational, hotel, open space, office, and multi-family residential uses, subject to carefully-crafted constraints, designed to ensure that Pacifica residents obtain the public benefits with a responsible and reduced development, while protecting critical environmental habitat and public access to open space.
9. By approving this initiative, the voters are giving guidance to the City Council on limitations as to the size, intensity, type and footprint of any development at the Quarry, as well as the types of public benefits, amenities, and environmental mitigation that should be included with any development at the Quarry, and are stating that voters' authorization for development at the Quarry is limited to a project that is consistent with this direction, or the voters must be asked again to approve any alternative.

B. Purposes. The purposes of this Initiative are to (1) comply with the obligation under Ordinance No. 391-C.S. of the City of Pacifica, adopted by the voters on November 8, 1983 ("Ordinance Rezoning the Quarry from Agricultural to Commercial"), that any development of the Quarry Site containing a residential component be approved by a vote of the People, and (2) provide authorization for the Quarry Site to be developed in a limited, environmentally sensitive, public-serving way, under specified conditions, in a manner that will provide millions of dollars in new revenue for the City, money for schools, safe trails and acres of open space for local families to enjoy.

Section 3. Amendment of Ordinance No. 391-C.S.

Ordinance No. 391-C.S. of the City of Pacifica, adopted by the voters on November 8, 1983 ("Ordinance Rezoning the Quarry from Agricultural to Commercial"), is hereby

amended as follows (additions are shown as underlined and deletions are shown as ~~strikethroughs~~):

- A. The following parcels of land: A.P. #018-150-050 & -070, commonly known as the quarry (the “Quarry Site”), are hereby rezoned from A/B-5 and M-1 to C-3 with the provision that no further public vote be required for any future rezonings except that any residential development of the property, including residential development permitted under the C-3 designation, shall require a vote of the people. This rezoning does not remove the HPD overlay.

- B. Notwithstanding subsection A of this Ordinance, no further public vote shall be required for any future rezonings of the parcels comprising the Quarry Site that include residential development of the property, including residential development permitted under the C-3 designation, if the proposed development meets the following conditions:
 - 1. **City Review & Public Process.** The project applicant must apply for, and receive, a planned development district zoning pursuant to Title 9, Chapter 4, Article 22 of the City of Pacifica Municipal Code, as may be amended, or its successor, that would authorize a mixed-use development that includes hotel, recreational, retail, and residential uses and that the City Council finds is substantially consistent with the conceptual land use plan reflected in the map attached hereto as Exhibit A and incorporated herein by this reference.

 - 2. **Open Space Requirements & Environmental Protections.** To ensure that any project approved pursuant to this subsection B retains public access and is developed in an environmentally-sensitive manner, the proposed rezoning must provide that:
 - a. At least 75% of the Quarry Site shall be designated as permanently-protected open space;

 - b. The area designated open space pursuant to subdivision (a) hereof shall include a minimum 100-foot setback on either side of Calera Creek, measured from top of bank;

 - c. New, publicly-accessible trails shall be constructed at the project applicant’s expense that connect Rockaway Beach through the Quarry Site to Mori Point;

 - d. Grading for purposes of project development on the Quarry site must be approved in a manner that would (i) make hills and cliffsides safer by preventing further erosion, and (ii) restore

wetlands to provide critical protected habitat for native animal and plant species; and

e. The rezoning and all project approvals must comply with all applicable federal, state and local environmental laws and regulations, including but not limited to the California Environmental Quality Act (Public Resources Code § 21000 et seq.).

3. **Traffic Control and Mitigation.** Before any building permit is issued, the City Council must require any project applicant to complete a traffic study and internal circulation and parking plan; pay all appropriate traffic impact fees; and implement any transportation mitigation measures reasonably deemed necessary by the City Council to mitigate significant traffic impacts, if any, of the proposed development, as determined during the CEQA process for the rezoning and other project approvals.

4. **Local-Serving Retail & Office Uses.** The uses permitted on the red portion of the area designated on Exhibit A as the “Quarry Village” shall allow for retail, restaurant, entertainment and office space, and be subject to the following constraints:

a. The retail, restaurant, entertainment and office space development shall not exceed two stories in height; and

b. The retail and restaurant space shall not exceed 35,000 gross square feet combined.

c. The office space shall not exceed 35,000 gross square feet.

5. **Limits on Residential Development.** The residential component of any project authorized by the rezoning shall:

a. Be limited to the portion of the area designated on Exhibit A as the “Quarry Village”;

b. Permit no more than 206 units of multi-family housing within that area, including:

(i) No more than 181 residential apartment units, of which at least 20 percent must be designated as affordable for very low, lower, or moderate income households within the meanings established by Title 9, Chapter 4, Article

47, of the Pacifica Municipal Code or any successor ordinance thereto; and

(ii) No fewer than 25 units that would be designated residential live/work units;

c. Provide that no structure shall exceed four (4) stories in height.

6. **Hotel & Conference Center.** The rezoning shall authorize a hotel and conference center at the Quarry site, subject to the following constraints:

a. The hotel may not exceed 200 total rooms, including:

(i) 188 rooms in the blue area designated on Exhibit A as “Hotel (188 Rooms) & Conference Venue”; and

(ii) Up to twelve hotel bungalows, not to exceed 2,500 gross square feet each, in the tan area designated on Exhibit A as “Hotel Bungalows (12 Units)”; and

b. The conference venue component shall not exceed 13,000 net square feet.

7. **Green Building Standards.** Before approving any rezoning pursuant to this subsection B, the City Council must determine that the project will be built using green building standards.

8. Before the rezoning can be approved, the City Council must approve all necessary amendments to the General Plan to ensure the project’s consistency with that Plan.

9. Before the rezoning can be approved, the City Council must approve all necessary amendments to the Rockaway Beach Specific Plan, or approve the adoption of a separate specific plan for the Quarry site and amend the Rockaway Beach Specific Plan to reflect the fact that the Quarry site is the subject of a separate specific plan.

10. Before the rezoning can be approved, the Council, Successor Agency, or other responsible body must approve any amendments to the Redevelopment Plan for the Rockaway Beach Project Area Plan as may be required by law.

C. The voters expressly state that any development approved by the City Council that contains residential development and that does not meet all of

the conditions prescribed by subsection B shall be subject to an additional vote of the electorate before that nonconforming development's final approval and authorization.

Section 4. Effect of Other Measures on the Same Ballot.

In approving this Initiative, it is the voters' intent to establish the conditions under which residential development of the Quarry Site may be taken without a further vote of the people. To ensure that this intent is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the Quarry Site in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only that measure which receives the greatest number of affirmative votes shall control in its entirety and the other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 5. Interpretation and Severability.

- A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we, the people of the City of Pacifica, indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with the intent of this Initiative.

- C. This Initiative must be broadly construed to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.
- D. In construing this Initiative, bold-faced section headings contained hereing have been inserted for convenience only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any provision hereof.

Section 6. Amendment.

Pursuant to California Elections Code § 9217, this measure may only be amended by a further vote of the People of Pacifica.

Section 7. Exhibits

Each of the Exhibits attached to this Initiative is hereby incorporated by reference for all purposes related to this Initiative.



Exhibit A - The Pacifica Quarry Restoration and Responsible Development Initiative