

City Attorney Impartial Analysis of Measure W

Measure W would amend Ordinance No. 391-C.S. which was adopted by the voters in 1983 ("Ordinance"). That Ordinance rezoned the Rockaway Quarry ("Quarry") to commercial use, and provided that any residential development would require a public vote. Measure W was placed on the ballot by a petition signed by at least ten percent of Pacifica voters as required by Elections Code Section 9211. Measure W, if adopted, would amend the Ordinance to eliminate the need for any further public vote for future rezones of the Quarry to allow residential development, so long as the proposed development meets the following conditions:

- 1) The Quarry developer applies for and the City Council approves a rezoning of the Quarry to a planned development district authorizing a mixed use development that includes hotel, recreational, retail, and residential uses that are substantially consistent with the conceptual land use plan attached to Measure W ("Map"). Prior to any rezone, the Council must approve any necessary general or specific plan amendments and determine the development will be built using green building standards. All approvals must comply with all federal, state, and local environmental regulations.
- 2) At least 75% of the Quarry must be designated as permanently-protected open space. New, publicly-accessible trails must be constructed that connect Rockaway Beach to Mori Point. Grading for development would be required to minimize erosion and restore wetlands.
- 3) Before building permits are issued, the developer must complete a traffic study and internal circulation and parking plan, pay all appropriate traffic impact fees, and implement any transportation mitigation measures required to mitigate significant traffic impacts identified during environmental review.
- 4) Retail, restaurant, entertainment and office space development would not exceed two stories in height. Retail and restaurant space would not exceed 35,000 square feet. Office space would not exceed 35,000 square feet.
- 5) Residential uses would be limited to 206 multi-family units, which cannot exceed four stories in height. Of these 206 units, no more than 181 would be apartment units of which at least 20 percent must be designated as affordable for very low, lower, or moderate income households. At least 25 units must be designated as live-work units.
- 6) The hotel would be limited to 200 rooms, including no more than 188 hotel rooms and no more than 12 bungalows. The bungalows could not exceed 2,500 square feet each. The conference venue could not exceed 13,000 square feet.

In order to pass, Measure W must receive a majority (i.e., 50% plus one) of the ballots cast. A "yes" vote would be in favor of amending the Ordinance to allow the City to approve a rezone of the Quarry that includes residential development, without a further

public vote, so long as all of the conditions above are met. A “no” vote would be against amending the Ordinance such that any residential development of the Quarry would require a public vote.

/s/ Michelle Marchetta Kenyon
City Attorney