

MINUTES

Joint City Council/Redevelopment Agency Meeting
2212 Beach Boulevard
Pacifica, CA 94044

July 14, 2008

Agency Chair Vreeland called the meeting to order at 7:15 p.m.

Present: Members: DeJarnatt, Digre, Hinton, Lancelle, and Vreeland.
Excused: Members: Hinton.

Staff Present: Stephen Rhodes, City Manager
Michelle Kenyon, Acting City Attorney
Michael Crabtree, Planning Director
Lee Diaz, Associate Planner
Jim Saunders, Police Chief
Ron Myers, Fire Chief
Van Ocampo, Deputy Director Public Works/City Engineer
Raymond Donquines, Assistant Engineer
Rich Johnson, Deputy Chief
Scott Leslie, Child Care Supervisor
Kathy O'Connell, City Clerk

1. Approval of Minutes from June 23, 2008 Joint City Council/Redevelopment Agency meeting.

Agency Member Lancelle requested the minutes be corrected to indicate that Digre stated that she would need a break.

Agency Member Lancelle moved approval of the minutes of Joint City Council/Redevelopment Agency Meeting of June 23, 2008; seconded by Agency Member Digre.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Digre, Hinton, Lancelle, and Vreeland.

Noes: Members: None.

Motion carried: 5-0.

PUBLIC HEARING:

2. Adoption of a Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan, Approval of Site Development Permit, PSD-771-08, Use Permit, UP-990-08, Coastal Development Permit, CDP-303-08 (Subject to approval of an LCP Amendment by the Coastal Commission), Amendment to the Rockaway Beach Specific Plan to Allow Office Activity, and a Waiver of Specific Plan Development Provisions Regarding Parking and Floor Area

Ratio (FAR) for a New Commercial Building at 270 Rockaway Beach Avenue; (APN 022-024-230 & 240).

Associate Planner Diaz presented the staff report.

Planning Commissioner Clifford mentioned the one concern voiced by all Commissioners was regarding the number of parking exemptions, and several commissioners had concerns about meeting LEEDS standards with the project itself as well as green standards in the demolition of the present building. He clarified his concerns regarding using treated water in the building, thereby saving fresh water, and expressed his hope that the Council would explore that. The Commission was recommending that the Redevelopment Agency approve the project with the change to condition 21.

Javier Chavarria, applicant, presented the project, first describing all the aspects for parking availability and mentioning the changes made subsequent to directions from the Planning Commission, including the design which was in conformity with the surrounding buildings, the layout of the commercial and business areas, the coffee shop and seating area open to the public, as well as the plaza area.

Agency Member Digre asked him to describe the view from the café.

Mr. Chavarria stated that it would be unobstructed.

Agency Member Digre asked if that meant they would see the ocean.

Mr. Chavarria responded affirmatively.

Agency Chair Vreeland opened the Public Hearing and, seeing no one, closed the Public Hearing.

Agency Member DeJarnatt thanked the applicant for the nice addition to this location. He commented on the problems with the previous entities and saw this project as a real plus, mentioning some of the specific aspects. He stated that, while he would like to see more parking, he felt it would help to have the underground parking. He was in favor of the project.

Agency Member Digre thanked the Planning Commission for their directions, but she felt the project was too massive. She commented on the risks taken with the Clock Tower project, and felt that, if there was going to be office space, they should demand that they know the specific businesses of at least 40%. She felt that they shouldn't allow the parking exemptions. She also felt they were maxing out, but not on economics.

Agency Member Lancelle thanked the Planning Commission for doing a great job on this project. She commented on the need to begin addressing the parking situation now, specifically with the in lieu fees. She agreed with Commissioner Clifford on making sure

that the materials get recycled following the demolition of the present building. She stated that she would like to see more natural light on the first floor. However, she did feel it was an attractive building.

Agency Member Hinton felt the building complimented the other building in Rockaway and was a perfect fit. He felt the shops opening onto the street was a good idea. He also felt the office space would bring people in to the offices and visitors to the first floor. He thought parking would be a problem, but he hoped business was so good that there would be people fighting for parking spaces. He wasn't sure that the water district had a pipe that went to that area to provide recycled water. He felt it was a very good project and something that we needed. He would be happy to make a motion when they were ready.

Agency Member Digre stated that the optometrist office and Visitors Bureau office had parking issues because of the Farmers Market.

Agency Chair Vreeland stated that he thought there was a reclaimed water line in the area because it was going up to the Prospects project. He asked if they were willing to look into that for tapping into that for irrigation and other uses.

Mr. Chavarria responded affirmatively, stating that, if the line was available, there wouldn't be any additional cost for the project.

Agency Chair Vreeland asked the Planning Director to let them know if they had to change the condition to accomplish that. He then asked what the height of the building was.

Mr. Chavarria stated that it was 34'8".

Agency Chair Vreeland asked, if they put a glassed enclosure on the rooftop area, how much it would raise the height.

Mr. Chavarria thought 3 feet would be the minimum to create a shield.

Agency Chair Vreeland thought that would make it 37 feet, and he asked what the height limit was.

Agency Member Hinton responded that it was 35 feet.

Agency Chair Vreeland asked what the height of the Holiday Inn was.

Associate Planner Diaz stated that the Holiday Inn was above 35 feet.

Agency Chair Vreeland thought it was 40 feet and this would be lower and would be glass all around.

Associate Planner Diaz responded affirmatively.

Agency Chair Vreeland asked if it would be 42 feet with that element.

Associate Planner Diaz stated that it would be higher, about 43 feet.

Agency Chair Vreeland asked if the Motor Inn was higher as well.

Agency Member DeJarnatt thought it was 48 feet.

Agency Chair Vreeland stated that he would like the Council to consider the glassed enclosure because he understood that the rooftop restaurant interior area was 1700 square feet.

Mr. Chavarria stated that it was 1560 square feet.

Agency Chair Vreeland asked what Starbucks was in Linda Mar.

Mr. Chavarria stated that it was 1280 square feet.

Agency Chair Vreeland stated that this was 400 square feet larger than Starbucks.

Mr. Chavarria responded affirmatively.

Agency Chair Vreeland asked how large the deck area was.

Mr. Chavarria stated that it was 2800 square feet.

Agency Chair Vreeland felt they needed to make that area as usable as possible, and he thought adding the glass to keep the temperature warmer on certain days was something to look at. He applauded the applicant for the commitment to LEEDS certification. He referred to this project being a \$4.5 – 5 million investment in Pacifica, and he felt the Council needed to nurture and support these developments coming in. He did have an issue with the parking, and appreciated the additional parking on site and in front. He asked confirmation that the surfer's parking lot was empty during the Farmers Market.

Mr. Chavarria responded affirmatively, adding that he felt the parking problem was a lack of direction of where to park. He referred to choosing to park in other areas in order to leave the convenient parking in front of the Chamber of Commerce for visitors to Pacifica, and felt that, with proper directions to employees and people living in the area to use the other parking areas, the available space would not be as congested. He commented that the hotel parking during the Farmers Market was basically empty. He concluded that managed parking would take away the impression that parking was a problem, suggesting that employees use the southern parking lot.

Agency Chair Vreeland asked if he would require employees to do that.

Mr. Chavarria responded affirmatively.

Agency Member Hinton thought the wind screen was an excellent idea, mentioning that the Planning Commission originally proposed that and then chose not to follow through on it. He asked if a variance was required to put the wind screen up.

Associate Planner Diaz stated that if it exceeded the 35-foot height limit, it would require a variance.

Agency Member Hinton asked if they could do that at this time.

Associate Planner Diaz responded that they could not because they would have to assess the impact it would have, and they would have to re-notice the meeting as well.

Agency Member Hinton felt it wouldn't be a problem because it was clear and they could see through it. However, he felt he would not want to delay the project for that, and he asked if they could come back later and ask for the wind screen.

Associate Planner Diaz stated that he could return at a later date for the approval of a variance for the wind screen.

Agency Member Hinton felt it would be a better approach than to delay the project.

Agency Member Digre reminded people that they voted for the clock tower and assumed it would not set a precedence regarding its massiveness and height. She asked what prerogative they had to take the in lieu fees to use them for a shuttle to use for residents and visitors to get people around town. She felt a shuttle was important for these types of areas because it was narrow. She hoped they would have thousands of people causing parking problems but they didn't want to lose customers and thought the in lieu fees could provide a shuttle.

Agency Member Lancelle stated that, when they look at adjusting the overall parking in lieu fees to bring up to current costs, they might want to consider a shuttle fee. She mentioned the RV residents who wait for buses, and thought the shuttle would be great to take them to Rockaway and Linda Mar Beach, acknowledging that it was a conversation for another night but she felt it was something they needed to look at when looking at the fees.

Agency Chair Vreeland asked the City Manager if they were coming back with a fee study.

City Manager Rhodes stated that they weren't specifically, but each year they reviewed the in lieu fees in October and that was when they could address those issues.

Agency Chair Vreeland stated that now it was \$3,000 per space and, looking at the actual cost, it could be larger than that.

City Manager Rhodes stated that the in lieu fees were based on the cost of the project for which they were being collected, and they have to re-estimate the cost of the project and adjust the in lieu fees accordingly. If an inflater is wanted, they would have to put the inflater into the project cost.

Agency Chair Vreeland asked if they were planning on doing that in October.

City Manager Rhodes responded affirmatively.

Agency Chair Vreeland asked how much of the in lieu fees collected were in a fund.

City Manager Rhodes did not know that, adding that someone in Planning may know. He stated that the annual report would report the amounts in the fund.

Associate Planner Diaz stated that Engineering reported that \$308,000 of in lieu fees have been collected.

Agency Chair Vreeland stated that this would add another \$70,000.

Associate Planner Diaz stated that it would \$78,000.

Agency Chair Vreeland concluded that it would make it almost \$400,000. He agreed with Agency Member Hinton that he would not delay the project. He first asked staff why they couldn't approve the variance at this meeting.

Planning Director Crabtree stated that they had not provided notice of a variance being considered, and they would have to send that out.

Agency Chair Vreeland asked if it was a 30-day process, agreeing that there should be notice so that the public could be involved.

Planning Director Crabtree stated that the legal notice needed to be placed in the paper ten days ahead of time and a copy sent to the surrounding property owners, which would add a month to the process.

Agency Chair Vreeland asked if the project could be approved and that one small element come back.

Planning Director Crabtree responded affirmatively.

Agency Chair Vreeland asked again whether the project could be approved, and they could move forward and the City could take that one element at a later date. While he didn't want to delay the project, he felt they would look back later and think it was nice to have had that option.

Planning Director Crabtree asked if he was saying approve all the other permits and require the applicant to return for a variance.

Agency Chair Vreeland reiterated that they could approve all the other permits and go through the process for a variance without it going back to the Planning Commission but have it return to the Redevelopment Agency for an additional hearing on that one subject. If the Council agreed on the variance, they would have the 3-foot high glass barrier to deal with the weather issues. He asked again if they could carve out that one issue and allow the applicant to move forward with the rest of the project. He asked the applicant if they would be willing to do that.

Mr. Chavarria stated that they had discussed that, mentioning that they had proposed it at the beginning of the project but abandoned it to stay away from the negative aspects of applying for a variance. If the Council was for it, he didn't think it would be a problem as long as it didn't represent a tremendous financial impact with reapplication and more fees.

Agency Chair Vreeland stated that he didn't want to delay the project and make the applicant incur any additional costs. He stated that he wouldn't be proposing it if it wasn't that the other buildings were even higher than this wind screen.

Planning Director Crabtree stated that the best they could do was suggest that the applicant come back, but not condition or require that the applicant come back. He stated that, if they were approving the project, it would be up to the applicant to say they wanted to add this. He didn't think they could attach that to their approval tonight.

Agency Chair Vreeland asked the attorney for her opinion.

Acting City Attorney Kenyon agreed with the Planning Director. She reiterated that, if the Council wanted the applicant to go through a variance procedure, they should continue the project.

Agency Chair Vreeland asked, if they approved the project and the applicant returned for an application for the variance, whether all the fees would be associated with that.

Planning Director Crabtree stated that they might have enough funds on hand to process a variance, but if they didn't, they would have to collect more money unless the Council took action to waive the fees. He stated that there was work involved in processing a variance.

Agency Chair Vreeland asked the applicant if he would be willing to return for the variance if they assured him that they would not have any additional fees. He then asked the Planning Director what the cost would be.

Planning Director Crabtree stated that a variance required a staff report and legal reviews. He didn't believe they had the fees available now, and he didn't know how much was still available.

Agency Chair Vreeland asked what the cost would be to process the variance application.

Planning Director Crabtree stated that it would possibly be a couple of thousand dollars.

Agency Member Lancelle asked if they had that much still in the account, and then asked the applicant if the possibility of an additional \$2,000 was agreeable.

Mr. Chavarria stated that he needed to confer with his client.

Agency Chair Vreeland stated that he could confer, adding that the wind screen would make it a more usable space.

Mr. Chavarria stated that he was agreeable to it as long as there was a cap on that, and they knew it wouldn't cost more than \$2,500, mentioning the possibility of facing problems. He stated that they would like to have the project approved tonight and they would in the disposition to pursue the other approval, but if it became cumbersome and difficult, they should have the option to abandon it. He stated that they were committed because initially it was their intent.

Agency Chair Vreeland thought that was a fine resolution. He asked if they could cap the costs, adding that he would like to give that protection.

Planning Director Crabtree stated that his concern was that they didn't know what would be presented to them. It could be a matter of course or something totally unexpected and they didn't know how much time they would have to spend on it and he was reluctant to cap the fees and then they go over that.

Agency Chair Vreeland stated that he was also reluctant to leave it an open-ended commitment when the applicant was willing to add what the Council has stated that they would like. He stated that the applicant would be spending money on the designs, and he felt the Council should be reasonable.

Agency Member Digre stated that she was concerned about trying to do too much, mentioning the Little Brown Church, and felt if they start waiving fees, they should start there.

Agency Member Hinton stated that this was a great enhancement to the roof garden, and he felt the developer would want to put the screen up for the enhancement of his business, and he had every confidence that they would return to request the screen. He asked if they could make the reclaimed water a condition, if available.

Acting City Attorney Kenyon questioned whether the public hearing had been opened before making a motion.

Agency Chair Vreeland confirmed that he had opened up the public hearing and there were no cards.

All Agency Members agreed that he had opened it up for the public hearing.

Planning Director Crabtree stated that, if they wanted to make the reclaimed water a condition of approval, they should amend condition 21, adding that, if reclaimed water was available, it should be used.

Agency Member Hinton moved that the City Council/Redevelopment Agency of the City of Pacifica **ADOPT** the attached resolution adopting the Mitigated Negative Declaration, Adopting the Mitigation Monitoring and Reporting Plan for a commercial building at 270 Rockaway Beach; seconded by Agency Member Lancelle.

Agency Chair Vreeland mentioned that the applicant was willing to come back on the glass enclosure and he asked if they needed to memorialize it in some way in any of the motions.

Planning Director Crabtree reiterated that he didn't believe they could tie that to their action tonight, but only suggest it, not formally require that they come back for a variance if they approve the project.

Agency Chair Vreeland asked the applicant if he was publicly stating that he was willing to come back and do that.

Mr. Chavarria responded affirmatively.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Hinton, Lancelle, and Vreeland.

Noes: Members: Digre.

Motion carried: 4-1.

Agency Member Hinton moved that the City Council/Redevelopment Agency of the City of Pacifica **APPROVE** Site Development Permit, PSD-771-08, Use Permit, UP-990-08, Coastal Development Permit, CDP-303-08, and a waiver of Specific Plan requirements regarding parking and Floor Area Ratio (F.A.R.) for the construction of a commercial building at 270 Rockaway Beach Avenue, and adopt the findings and conditions of approval one (1) through forty-two (42) contained in the May 19, 2008 Planning Commission Staff Report and incorporate all maps and testimony into the record by reference, modifying condition 21, to use recycled water if it is available in the area; seconded by Agency Member Lancelle.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Hinton, Lancelle, and Vreeland.
Noes: Members: Digre.

Motion carried: 4-1.

Agency Member Hinton moved that the City Council/Redevelopment Agency of the City of Pacifica **ADOPT** the attached resolution approving Site Development Permit (PSD-771-08), Use Permit (UP-990-08), and Costal Development Permit (CDP-303-08) for the construction of a commercial building at 270 Rockaway Beach Avenue; seconded by Agency Member Lancelle.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Hinton, Lancelle, and Vreeland.
Noes: Members: Digre.

Motion carried: 4-1.

Agency Member Hinton moved that the City Council/Redevelopment Agency of the City of Pacifica **ADOPT** the attached resolution approving an amendment to the Rockaway Beach Specific Plan to alter the description of uses to allow office uses; seconded by Agency Member Lancelle.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Hinton, Lancelle, and Vreeland.
Noes: Members: Digre.

Motion carried: 4-1.

Agency Member Hinton moved that the City Council/Redevelopment Agency of the City of Pacifica **ADOPT** the attached resolution recommending approval of a LCP amendment for the construction of a commercial building at 270 Rockaway Beach Avenue; seconded by Agency Member Lancelle.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Hinton, Lancelle, and Vreeland.
Noes: Members: Digre.

Motion carried: 4-1.

Agency Member Lancelle stated that she had another correction to the minutes, specifically on page 3 where it said that Councilmember Lancelle stated that she would need a break, it was actually Councilmember Digre.

Agency Member Digre agreed with that.

Agency Member Lancelle moved that they reconsider the prior vote on the minutes; seconded by Agency Member DeJarnatt.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Digre, Hinton, Lancelle, and Vreeland.

Noes: Members: None.

Motion carried: 5-0.

Agency Member Lancelle moved that they approve the amended minutes; seconded by Agency Member DeJarnatt.

ROLL CALL VOTE:

Ayes: Members: DeJarnatt, Digre, Hinton, Lancelle, and Vreeland.

Noes: Members: None.

Motion carried: 5-0.

CONSIDERATION:

3. Status of Projects in the Redevelopment Agency Area.

Associate Planner Diaz presented the staff report.

Agency Chair Vreeland asked if the Holiday Inn Express expansion was going westerly to where the yellow house was, asking if they had purchased.

Associate Planner Diaz agreed, stating that it was now part of their property.

Agency Chair Vreeland asked if they had one study session with the Planning Commission.

Associate Planner Diaz responded affirmatively.

Agency Chair Vreeland asked whether we were encouraging them to move forward with the project.

Associate Planner Diaz stated that he had been in contact with the owner, who told him they were moving slowly with their architect and were planning on filing a formal application.

Agency Chair Vreeland asked if it would be within the year.

Associate Planner Diaz thought that was possible.

Agency Chair Vreeland asked what the status was with the Motor Inn.

Associate Planner Diaz stated that the Pacific Motor Inn was also working with their architect and putting their plans together for a formal submission, probably within the next year.

Agency Chair Vreeland asked if, at that time, they were also looking at Nick Gust Way being repaved along that section of the trail.

Associate Planner Diaz stated that he was not aware of any.

City Manager Rhodes stated that they were watching for something to be done with Nick Gust Way and thought, if both projects went forward, there would be some condition on them to partner with.

Agency Chair Vreeland stated that, like the parking study, he would like to see a Redevelopment Agency meeting to discuss plans for infrastructure improvements within the area. He asked if the shower project was still moving forward.

City Manager Rhodes stated that he would have to ask PB&R where they were with that.

Agency Chair Vreeland stated that he understood that they were moving forward with other improvements. He reiterated that they talk about public improvements at a future meeting in September. He asked PB&R Director Brumm-Merrill about the status.

PB&R Director Brumm-Merrill stated that there was a shower head planned for the south portion of Rockaway.

Agency Chair Vreeland asked if that would be within the next six months.

PB&R Director Brumm-Merrill hoped that it would be in the next six months.

Agency Chair Vreeland asked that they also talk about signage in the Redevelopment Area, mentioning the need for parking signs as discussed earlier.

Agency Member Digre asked what department was in charge to make sure the various construction projects didn't bump into each other, mentioning the specific projects.

Planning Director Crabtree stated that the building department would make sure no one ran into each other.

Agency Member Lancelle stated that she would also be concerned about the impact on the streets with all that construction.

Agency Member Digre asked how people would be getting in and out of Rockaway and park with all the construction going on.

Planning Director Crabtree responded that they can't block access and can't take public parking and they have to figure out how they are going to do that.

Agency Member Digre stated that it was inevitable.

Planning Director Crabtree explained that, while there was a truck to unload, it was only there temporarily and it moved. He stated that if there was a long term inconvenience, they try and work with the builders to minimize those inconveniences.


Agency Chair Vreeland adjourned the Joint City Council/Redevelopment Agency meeting at 9:00 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5-0; 11/10/08



Jim Vreeland, Agency Chair