MINUTES

City Council Regular Meeting 2212 Beach Boulevard Pacifica, CA 94044 March 9, 2009

Mayor Lancelle called the meeting to order at 5:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Quick announced the business to be discussed:

- 1. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b): Conference with legal counsel: anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. One potential case.
- 2. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c): Conference with legal counsel: initiation of litigation. Initiation of litigation pursuant to subdivision (c) of Section 54956.9. One potential case.

Mayor Lancelle called the meeting to order at 7:05 p.m.

Present:

Councilmembers:

Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Excused:

Councilmembers:

None.

Staff Present:

Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Van Ocampo, Director Public Works/City Engineer; Jim Saunders, Police Chief;

Kathy O'Connell, City Clerk, Christina Horrisberger, Assist. Planner.

Councilmember DeJarnatt led the Salute to the Flag.

Commission Liaison:

Planning Commissioner Tom Clifford, Open Space Committee member

Chuck Evans.

Chamber Liaison:

None.

CLOSED SESSION:

None.

CONSENT CALENDAR:

City Manager Rhodes stated that they were removing Item #4 from the agenda for this meeting.

Mayor pro Tem Digre moved approval of the Consent Calendar, as amended, as follows: Approval of disbursements dated 02/17/09 to 03/02/09 in the amount of \$714,919.04, regular and quick checks numbered 3107 to 3345 and disbursements dated 02/06/09 to 02/13/09 in the amount of \$587,917.29, regular and quick checks numbered 2942 to 3106, as set forth in Item #1; Approval of Minutes of regular City Council meeting of February 23, 2009, as set forth in Item #2; Adoption of Resolution Adopting the Peninsula Partnership Council's Bill of Rights for Children and Youth of San Mateo County, as set forth in Item #3; Approval of Lease Amendment No. 3 to Sublease Agreement with Art Guild of Pacifica, as set forth in Item #4, removed from agenda; Award of Contract to Rodan Builders, Inc., for the Community and Senior Center

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Kitchen Floor Rehabilitation Project, as set forth in Item #5; Adoption of Notice of Completion for the Upgrade Traffic Controllers Project, as set forth in Item #6; Approval of Amendment No. 4 to the Consultant Services Agreement between the City of Pacifica and Geosoils, Inc., for the 2006 FEMA Repairs, as set forth in Item #7; Adoption of Notice of Completion for the Imperial Park Slope Drainage Repair Project, as set forth in Item #8; seconded by Councilmember Nihart.

ROLL CALL VOTE:

Ayes: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Noes: Councilmembers: None.

Motion carried: 5-0.

SPECIAL PRESENTATION:

None.

PUBLIC HEARINGS:

Councilmember Nihart recused herself from this item.

9. Appeal of Planning Commission and Councilmember Call Up of a Mixed Use Project (with 3 one-bedroom condominium units above 2 commercial spaces) at 2270 Palmetto Avenue, Pacifica.

Assistant Planner Horrisberger presented the staff report.

Planning Commissioner Clifford reported that the Planning Commission had approved the project unanimously because all findings were made to support the requested permits, mentioning specifically that Chair Nathanson had considered it appropriate and inline with the Council's goal to improve Palmetto, Commissioner Gordon felt it met the community's goal of revitalizing Palmetto Avenue, Commissioner Campbell felt that, while always concerned about the impact on the neighbors, he agreed that the project was needed to "drive the train," Commissioner Langille was concerned about the neighbor but acknowledged that it met all requirements, and he was in favor of more commercial on Palmetto Avenue and saw this project as part of that evolution.

Flavia Maucci, appellant, thanked the Council for having continued the appeal to allow her to be present. She pointed out several incorrect statements made by the applicant, specifically that she was requesting access to Birch Lane for business purposes and that they had previously shown her drawings indicating that the driveway would be on the north side of the project. She explained her process of upgrading her home since having purchased it four years previously and the cost and how this project would now impact her directly in terms of light and air. She asked that the developer work with her to reach an agreement that will meet both their needs. She then presented a slideshow which showed views of her home and how it would be impacted by this project, as well as nearby buildings and remodeling required to allow them to maintain the quality of life when subsequent projects impacted them. She stated that they wanted to enjoy the neighborhood and asked that they consider the historical makeup of our town.

Loren Hill, architect, was representing the Houmam family. He first clarified that they had never indicated that the appellant had requested access to Birch Lane for business purposes and they had never presented any drawings or designs showing that the driveway was on the north side of the project. He then mentioned that the Houmam family was pleased to see all the support

they had received from many neighbors, as well as the staff and Planning Commission. He stated that this was a project that might be beneficial in helping their children in the future by providing residences to allow them to remain living near their parents. He then stated that he would briefly explain the project and would then be available to answer any further questions they may have. He stated that it was consistent with the City's goals for development on Palmetto, that the Planning staff had made it clear that the project was consistent with the City's goals, and the Commission had unanimously agreed. He mentioned that, without the minor variances, the project would not be financially viable. He did address several of the appellant's comments. Specifically, they had researched the City's records carefully and could not find any buildings in the area that reached the level of historical significance. He also stated that they had informed the appellant in writing that there would be a future project that could be up to three stories high with zero lot line development, and a statement was signed by the appellant acknowledging that fact. He also asserted that there was no merit to any claim regarding passage across their private property to Birch Lane. He thanked the Council for their consideration of the project, and requested that they deny the appeal and allow them to move forward with this project.

Ara Croce, Montara, stated that she was a realtor and was the listing agent on the property purchased by the appellant. She explained that she and Ms. Houmam went out of their way at the time of purchase to disclose to the buyer the extent of the project that could be developed next door. She stated that the appellant's agent was also present and knew that as well.

Mayor Lancelle opened the Public Hearing.

Kelly Holt, Hilton Way, asked that the Council approve the project, mentioning that they had met the requirements and she felt this appeal was very unfair to the applicant. She referred to the ongoing volunteer service to the community by this family for more than 20 years, and stated that they had a vested interest in the community. They were interested in building for the future of their family and their community. She commented that there was a similar project located several houses south of their project, and felt this set a precedent for this type of project. They felt the two properties would give the street a more cohesive look and feel, and would go a long way to helping the City start the revitalization of the area, as well as helping the City's economy in added property taxes.

Wendell Potter, 2311 Palmetto Avenue, stated that he purchased his property because of the visually attractive streetscape. He felt that mixed use was good, but pointed out that single unit houses were a positive aspect. He referred to a house across from him which was squeezed between two buildings and was not attractive, so he urged the Council to uphold the appeal and ask the developer to redesign to provide transitional space between the proposed development and the single house.

Steve Landi, San Francisco, stated that he was present on behalf of Ms. Maucci. He was the grandson of the original property owner of 2256 and 2260 Palmetto, mentioning his memories on growing up in the area and that it was a beautiful open area once, and he would like to see the integrity of some of the old views kept up.

Mayor Lancelle suggested that he might like to share his memories with the Pacifica Historical Society.

Jean Turk, 135 Pacific Avenue, stated that she used to have coastal access from Palmetto Avenue to the beach via Birch Lane. She then saw a monster house developed, which was out of character with Birch Lane. Now, she felt one neighbor was specifically targeting another

neighbor by depriving them of the pleasure and enjoyment of their home, robbing them of air and light. She felt that the self interest of one home owner should not outweigh those of another no matter how much power or money they have. She challenged the Council to come up with a win/win situation for the neighbors and the community at large.

Quetzal Maucci, Pacifica, stated that her family had been part of the community since 1984 and had worked hard to rebuild their home, specifically for her future and her future family, pointing out that this home would be her heritage. She asked that they not push the good residents out of Pacifica, but be a community that enjoyed peace, harmony and happiness between neighbors. She felt this development could help the community but her family was asking for a compromise that would also consider their family and home.

Maria Dunlap, San Francisco, felt that, when considering business only, the results were not good, but compromising to meet the needs of everyone was a good way to go.

John Zapantis, 2256 Palmetto, stated that, if the appeal is rejected, it would set a precedent. He felt they all wanted to see the community revitalized, but he would not want this to happen to him. He felt a compromise was due to the people in the community. He then stated that he had a petition signed by 176 people in the related community stating that they opposed the Houmam mixed use project because it was too large, didn't provide adequate parking, and would callously block light and air to the adjacent home and set a terrible precedence. He asked if he could provide a copy for the Council.

Mayor Lancelle stated that he could turn it into the City Clerk.

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Mr. Zapantis concluded that he had nothing against the people proposing the project.

Lisa Vallerie stated that she was a family member of Ms. Maucci who was specifically present to ask the Council to consider a redesign of the project to allow Ms. Maucci to keep light on the south side of her property and maintain air flow to her property. Without a redesign, she felt it would cause mold and create deleterious health impacts, as well as affect their mental well being. She asked them to consider living without light or air in their home. She stated that the appellant was a reputable and well known professional who added character and charm to the Palmetto Avenue neighborhood, reflected by the 176 signatures from neighbors supporting the request for redesign.

Amal Kouttab stated that she was a family friend and explained that this was not an opposition to the development. She felt the project had a lot of positive aspects to it, but this was really about consideration to one's neighbor. She thought both families had similar needs, and she advocated that they come to a compromise which would resolve the issue and preserve some healthy relationships.

Happy Hyder, San Francisco, stated that she had a letter from Olga Talamonte, resident on Edgemar Avenue, in which she stated that she was compelled to write the letter for her friend, Ms. Maucci. She was stating the same things, adding the fact of the need for sun, light and ventilation when living close to the ocean. She suggested that they consider moving the driveway to the north side which would merely modify the design to take into account the quality of life for an adjoining neighbor. She referred to the need to help residents stay in Pacifica during this economy and contribute to our community. She then read a letter from Jude Pitman, Palmetto Avenue resident, which voiced her support for the appellant, mentioning her story when she purchased her home, followed by the necessity for renovations with the associated costs. She

asked that the Council not approve the proposed project without considering the impacts on the adjacent houses.

Matt Hanzlik, Pacifica, stated that he was present in support of the Houmam family. He felt they played by the rules and it would be a terrible precedent for small business owners and families who would like to develop their property in the community. He felt it would be an asset to the street and the City.

Neil Sofia, Pacifica, agreed with a lot that had been said. He stated that he was an architect and lived with this issue all the time. He acknowledged the pain on both sides, but felt, when you have a vacant lot and a home has windows opposite that lot, you were rolling the dice on purchasing such a property. He felt it was a tough decision but assumed the architect did due diligence and looked at different schemes. He felt this was good architecture and was a precedent that will create a main street. He added that, when you do that, you can't have it both ways, acknowledging that light and air would be compromised. He didn't think it would be a health factor, but it could be an emotional factor. He stated that a lot of what was driving these mixed use projects was the parking requirement, and to work it out on small lots was a real challenge. He felt that, in the future, in an effort to resolve these situations, they should readdress the parking and height issues and come up with a more streamlined process that puts human beings first and cars second. He did feel that they should approve the project, adding that it would be a benefit for Palmetto.

Juan Tam, Pacifica, stated that he kept hearing the word compromise, and hoped that the Council realized that this was a very important decision to be made. He felt that by deciding for the developer, they were creating a situation where a single mother was not able to defend herself, comparing this to David and Goliath. He felt the Houmam family had the resources and power to do whatever they want to do. He also felt the Council needed to consider not only development, but the feelings of residents who live in the town. He suggested that they uphold the appeal and compromise.

Becki McGrath, 175 Brighton Road, stated that they had watched the City change. She appreciated the applicant's desire to improve and develop the property. She mentioned how the area had changed over the years, and lost some of its charm. She likened it to heading toward being a similar type of area as the Sunset in San Francisco. She was present to ask the builder to evaluate and redraw the proposed plan in a true sense of being neighborly and in respect of the entire area so that they can build the best neighborhood for all concerned.

Julie Boyle, Vallemar, urged the Council to go forward and follow staff's and Planning Commission's recommendation to approve this mixed use project. She stated that they were trying to revitalize Palmetto and this was a great example. She mentioned that urban studies stressed that dense mixed use was what was needed. She added that, if you buy a property next to a vacant lot, it is your job to do the research. She mentioned that Palmetto was zoned for commercial so they were not going outside the parameters. She referred to the mention of compromise, and stressed that this was not a big developer, but a hard working family who was trying to do something to keep their kids in Pacifica and improve Pacifica. She felt they weren't rolling in money, and asked whether the 176 people who signed the petition for a redesign would be willing to contribute to the cost. She stressed that this was done according to all the procedures that have been set in place for a long time. She stated that she didn't find Palmetto Avenue very attractive at this point, and she felt this would improve the look. While she felt the bungalows were cute, she thought they already had a mold problem because of being this close to the ocean. She urged them to go forward with the project to help the community.

Mary Keitelman, Linda Mar, stated that she had seen this project on TV when it was before the Planning Commission, and wouldn't have known about it otherwise. She was merely requesting a modest design modification so that the smaller home does not lose light. She had her written comments, stating that it would also be hard to sell and the appellant might lose money. She was sure there was a win/win, adding that no one would want to not see the project go forward. She gave the letter to the City Clerk.

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Gil Anda, 810 Dell Road, acknowledged that the Council had a difficult decision ahead of them, adding that, if the ultimate goal was to make Palmetto Avenue into an attractive vibrant downtown, they needed to consider the impact that the setbacks would have on the future of that downtown, especially if the appellant moves on and takes over and builds a commercial property in place of the house. He felt in providing light to the tenant, it would become a breezeway in the future of Palmetto which might detract or set a precedent for other commercial properties and degrade the quality of the downtown. He felt it was important to consider the asymmetrical design and the fact that it was zoned commercial and the priority should be how it would look for a future downtown.

Clorinda Campagna, 1 Gypsy Hill Road, stated that she was for people having their property rights and build what was good for everyone. She felt that, in this instance, it was commercial. She pointed out that Gil Anda, Sr., built the first live/work units on Palmetto and they seemed to be very successful. She felt that, if it was safe and didn't infringe on quality of life of adjoining neighbors and in keeping with the neighborhood, this was pretty positive. She mentioned that she had a recent experience with the Planning Commission. She felt that the Commissioners were pretty conscientious people and they gave this project good thought, and she felt what they approved on this must be good. She was recommending that the Council think seriously about letting the project go forward.

Robin Runneals, 395 Lakeview Avenue, stated that her involvement in this was when she was a next door neighbor to Renato and Charlie Landi. She gave some background on her interaction with them and the other neighbors and stated that what they represented was exactly the element that Westpack hoped to capture for the historical streetscape.

Connie Menefee, Vallemar, stated that the applicants were residents and local businesspersons who wanted to invest in Pacifica, contribute to the economic growth that was specifically designated to become an economic engine for Pacifica. She attended the powerpoint presentation regarding the proposed historic district and thought this applicant's project could assist in jump starting the Council's plans for the neighborhood, because it was an infill development and located at the southern entryway to Pacifica's historic district. She felt the mixed use was compatible with the neighborhood with revenue generating potential. She felt many of the opponents were the same group that opposed Rick Lee's work project next to Coastside Scavenger because they wanted to preserve the character of the neighborhood, yet his project had been a fine addition to the neighborhood. She also referred to the Mayor's reaction at her state of the city address to a citizen's comment that the Council was opposed to business and she now recommended that the Mayor and Council prove that comment wrong by approving the project, which was unanimously approved by the Planning Commission, rather than allowing it to be redesigned by others. She requested that they deny the appeal and allow the project to go forward.

Mary Zapantis, 2256 Palmetto, stated that they were not against any development and wanted the Houmams to have the project, but she was asking that they reconsider the project taking up all

of the space on the land. She mentioned that her family lived and worked on the street, were active in the community and used the services on the street. She mentioned that she felt sad when she saw one of the older houses sandwiched between two large buildings and what was done to that house. She asked that they not do that to her house or any of her neighbors. She brought photos from the original owners of her home and passed copies to the Council.

Mayor Lancelle thanked her for the photos and stated that they would pass it along to the Historical Society.

Dan Underhill, Paloma Avenue, stated that he wrote on Riptide regarding the plans for Palmetto Avenue. He had been impressed by it, but that was before he heard good explanations about people losing their light and heat forever. He now saw a reason to sign the petition, because he felt they had a very good case.

Ron Maykel, Rockaway Beach, mentioned that he was on the Planning Commission for several years, and was always trying to get applicants to install skylights. He felt natural light was important. He stated that there were three words on a lot of staff reports, health, safety and well being, and he hoped that they would be part of the inspiration for the new General Plan. He pointed out that they were important words, because we like to live by those words and expect others to have the same opportunity.

John Newman, Pacifica, stated that nothing would please the Houmams more than finding harmony with a project that everyone can support. They understood that there would be differences of opinion on how a project should be designed. He stated that the project represented an enormous amount of planning by staff and the Planning Commission and there has been ample opportunity for the public to comment about the design. He pointed out that the light and air, as well as setbacks, exceeded the state building code, and he felt that requiring them to redesign a project that was in compliance with the building code would be unfair and almost punitive to them. He stated that the variance had nothing to do with the setback from the appellant's property which he felt was an important fact. He mentioned that the Planning Commission had carefully considered the setback to the appellant's property, as well as the other development objectives of the City. He didn't believe that the Houmams had not been listening to their neighbors, because they had met with the neighbors on the project for 2-1/2 years. They were hopeful that the Council would uphold the reasoned decision of the Planning Commission and allow the project to go forward.

Masha Slavnova, Lakeview, stated that she had heard about this project about a month ago. She worked for an architect who believed that there was poetry in architecture, but she was disappointed when she saw this project. She felt there was a way to start a conversation and have a compromise.

John Curtis, Pacifica, stated that he has never spoken to either the applicant or appellant. He lived on Birch Lane for 11 years, and explained that no one was objecting to a mixed use project, but felt it was a matter of compatible infill that would work with the neighborhood. He acknowledged that it made sense to let commercial uses guide the type of development in the area, and not allow the homes to impede appropriate development but felt that made home owners second class citizens and was a continuation of decades of abuse. He felt this did not bode well for the Palmetto plan. He thought there were violations of the Coastal Plan. He also did not think the grounds for the variances were met. He felt there was a solution by moving the driveway to the north end, putting the two commercial units together, turning the residential 90 degrees and it would match the building that was already there. He was shocked that the Planning Commission

had approved this, but thought there was little appreciation for the neighborhood and the residents. He felt there was a compromise with workable solutions, and he hoped it moved that way.

Fred Howard, Glacier, stated that he didn't know either the appellant or applicant. He felt there was a more important issue, the fact that not one person said not to build it. Everyone understood that it could be a benefit to the community. He then mentioned a rebuilt three-story home among ranch and two-story homes on his street which he believed exceeded the height limit, stating that it blocked out the sun completely for a small rancher next door. He stated that he would be upset if anyone did that to him. He felt they had a compromise. He referred to the comment that all the guidelines were followed, and he stressed that they were guidelines but they had a right to make changes. He felt they needed to take consideration for that little house, because there was still a person living in that house. He stressed again that no one has said no to building it, but asked that they make changes to fit it within the community.

Pete Pereira, Pacifica, stated that he had probably done more damage over the years because he would move a house to an empty lot and the neighbors would be in the dark. He felt this applicant had a chance to run it through the Planning Commission and everyone had a chance to speak about it. He felt the project was nice looking and he didn't think anyone should tell them how to redesign their project, because that costs money. He stated that the Planning Commission had passed it unanimously, and no issues were brought up at that time. Now, they were concerned about someone's light. He stated that a former mayor stated that, if you want light, you buy everything from where you want to look to where you want to see. He felt that the property was sitting there all these years, and now someone wants to develop it and, as long as he has done everything according to the guidelines, they should deny the appeal and let the project go forward. He mentioned that it costs money to redesign and the economy made it tough. He stated that they knew it was coming to start with. He felt they should deny the appeal and move forward.

Mike Bell, Sharp Park, stated that he was in favor of the project because it was part of the development of Palmetto Avenue. He thought we all want to see it developed commercially, and Pacifica desperately needs the revenue. He saw both sides of the argument, but he has been watching the process for decades. He pointed out all the costs involved in the appeal process. He hoped they deny the appeal, but if they didn't, he hoped that the Building Department and the City Council would do everything to fast track this to minimize the economic damage to the developers.

Mayor Lancelle closed the Public Hearing.

Flavia Maucci felt that this specific project was not necessarily the solution to the commercial development of the area, then mentioned the types of development needed, such as hotels, conference centers, entertainment, parks, etc. She felt we needed to take care of the people. She mentioned that she worked with 80 families in the county, and she would like to see Pacifica developed. She commented that she did not care if they had disclosed what could possible be built, because she did not agree to it. She wanted harmony.

Loren Hill thought it was wonderful to hear the anecdotes about the past history in the neighborhood, but he felt it boiled down to due process. He felt there was ample time to pursue a compromise at the Planning Commission level, and even to negotiate something at the time of the sale four years ago. He felt that, at this point, they had played by the rules and complied with the City's goals, and he asked the Council to deny the appeal.

Monica Houmam stated that her family was confident that the Council's decision would be based on the facts presented in this case and take into account the hard work put in already. She felt their project would benefit Palmetto as well as the entire community. She stated that the City Council's job was to decide what was best for Pacifica, and she was certain they would accept the unanimous decision of the Planning Commission and allow their development to proceed as planned. They were excited about the future of Pacifica, and were sure the Council would ensure that Pacifica moves forward and doesn't get left behind.

Mayor Lancelle called a break and then reconvened the meeting.

Councilmember DeJarnatt stated that he brought this up for review. While he would like to see the project built, he felt it was in a mixed use area that was 70% residential yet was using commercial setbacks. He didn't feel that was appropriate. He felt that with mixed use projects that were mostly residential, they should have some setbacks. He didn't want to cause problems with redesigning but he felt this looked massive and he didn't think it was in the best interests of the neighborhood. He felt there were some problems, specifically the site development permit, which had a huge impact on the appellant. He would like to see the garage moved to the appellant side, with a 3-foot setback. He then referred to the Council's summary mentioning that the homes were legal non-conforming structures, but were legal conforming structures when they were built. He was bothered with the added statement that it made sense to let commercial uses guide the type of development that will take place in the area, but he felt he would listen to what the neighbors had to say. He would like to see it built, but smaller with a 3-foot setback. He did acknowledge that the appellant knew that it could be built, and it was fair for them to build, but he would also like to see the garage changed.

Mayor pro Tem Digre stated that she has driven the street, and she reminded everyone that it was legal for an appeal. She did point out that, when buying property, there was a certain amount of risk, but the appeal gave the residents to ask the community at large. She felt the architect did a good job. She also felt that mixed use on Palmetto was definitely an asset, but she still had a concern which was about allowing the maxing out to the point of causing this house to be crammed like the blue and yellow one, which appeared crammed in and made it look like an unhappy place. She wondered what a visitor would think if she, a resident, felt that way. She mentioned the three-year process on the Palmetto historical streetscape, and she felt having the project jammed would be throwing it out the window by losing the character of the small houses that have been there. She was concerned about not paying attention to the small houses in the area, and the new development should be in harmony with the houses presently in existence. She would be in favor of greater variances for parking because she felt they were looking toward the area being pedestrian friendly and creating more public transportation. She hoped the changes could be made quickly so that people felt comfortable.

Councilmember Vreeland asked staff if they had discussed putting the driveway in a different location when the project was brought before the Planning Commission.

Assistant Planner Horrisberger responded that they had not talked about a different location for the driveway.

Councilmember Vreeland asked clarification about the discussion of Birch Lane.

Assistant Planner Horrisberger stated that the initial proposal came in with the driveway in the current location but with the exit on Birch Lane, but then they redesigned the parking area with the driveway in the same place but they used the same place for entering and exiting.

Councilmember Vreeland referred to the fact that the Planning Commission never looked at mirroring the two building to the existing organic market.

Planning Commissioner Clifford stated that they only looked at one set of plans.

Councilmember Vreeland asked about their discussion.

Planning Commissioner Clifford stated that they did take into consideration the other houses there, but they were looking at whether the mixed use building met its goals and wasn't looking for anything extra. They considered that there was sufficient space so that the light and air was still there for the house next door.

Councilmember Vreeland asked if a lot of the same people spoke before the Planning Commission.

Planning Commissioner Clifford stated that he didn't remember anyone other than the applicant.

Councilmember Vreeland asked staff for their thoughts.

Assistant Planner Horrisberger stated that there were only a couple of people who spoke at the Commission hearing also, such as Ms. Maucci and Ms. Runneals.

Councilmember Vreeland asked confirmation that there was no discussion about putting the driveway in a different location but focused on how the project fit within the existing lot rather than how it fit within the neighborhood.

Planning Commissioner Clifford stated that it was more how the project fit within the lot and how it met the goals of the Palmetto improvement plans.

Councilmember Vreeland stated that it was a very difficult decision because no matter what decision, half of the citizens would be disappointed. He felt they were talking about a small existing house and a commercial lot and how the neighborhood fits together. He felt that everyone was playing by the rules, and he appreciated hearing how the Commission looked at it one way, of fitting it into the site, and acknowledged that it was one way of looking at it, but another was how it fits into the vision of the neighborhood. He felt there was no right or wrong answer, and the Council needed to look at how the proposed project fits in with the houses next to it. He felt it would have been helpful if that discussion had taken place at the Planning Commission level so that they could have looked at a parking variance and at the building situated differently on the lot. He asked if those questions were even asked.

Planning Commissioner Clifford didn't recall those kinds of questions. He stated that they were asked if they would accept a variance on the parking for an additional half a car, as well as the landscaping.

Councilmember Vreeland again stated that it would have been helpful to have this dialogue during that part of the process. He asked Planning Commissioner Clifford if he agreed.

Planning Commissioner Clifford stated that he would have loved to have had more input from the public at the Planning Commission level, but they did not have many people coming to speak. He agreed that if more people had come to speak, they would have had more things to talk about.

Mayor Lancelle thanked the Council for their comments. She also thanked the Commission for their work and their effort to support the transition in Palmetto, and felt that may have influenced their decision. She also thanked the public coming forward to express their opinions, suggesting that it was preferable if it had happened earlier in the process. She acknowledged that people often aren't aware of a project until it comes before the City Council, and she appreciated that. She also appreciated the efforts of the Houman family, as well as the residents in the area, to make sure that the area developed in a way that was sensitive to everyone, including the residents, while maintaining the character and charm of the area. She stressed that everyone wanted to see something built there, but the issue of compatibility with the neighborhood was important. They needed to be sensitive to that as they went forward on Palmetto. She was aware of the process with the Rick Lee project, and acknowledged his efforts to work with the neighbor to get her input on his project. She mentioned that she thought about other city's that developed their main streets with mixed use projects. She suggested that one possible course of action could be to remand the project back to the Planning Commission with specific directions. She felt it was important to expedite the process so as to not prolong the time and create added expense. She felt they were making their best effort to have a beautiful project, but she thought there were some compatible issues that came up. She felt it was important to facilitate things for the applicant while making sure that the neighbor's situation was taken into consideration.

Councilmember DeJarnatt felt their only options were to deny the appeal or bring it back.

City Attorney Quick stated that remanding it to the Planning Commission would not require any findings and they could make that motion today.

Councilmember DeJarnatt stated that he understood that.

City Attorney Quick stated that, to uphold the appeal and overturn the project which would terminate the project, they would have to come back with findings, but to remand it to the Planning Commission, they would uphold the appeal and remand it to the Planning Commission.

Councilmember DeJarnatt agreed that remanding it to the Planning Commission would allow them to bypass it entirely, but he would like to see consideration given to a 3-foot setback on the appellant side. He felt that wouldn't be needed on the other side because of a large wall already in existence. He would also like to see a consideration given to moving the driveway.

Mayor Lancelle asked clarification on the wall.

Councilmember DeJarnatt stated that, on the southern side, there was a 35-foot wall. He reiterated that he would like to see a 3-foot setback on the appellant side, as well as consideration of moving the driveway.

Mayor pro Tem Digre asked if they needed to address parking spaces or would that be addressed by the Planning Commission.

City Attorney Quick stated that, if there was some direction they wanted to give to the Planning Commission, they could do that.

Mayor pro Tem Digre stated that she would like them to be free to think about it.

City Attorney Quick asked if she would like them to consider a larger variance and exception for more parking spaces.

Mayor pro Tem Digre stated that she would like an exception for less parking.

City Attorney Quick corrected her comment to clarify that they would like to have a larger variance with fewer constructed parking spaces in consideration of public transit.

Mayor pro Tem Digre responded affirmatively, adding that it would help them perform the redesign.

Councilmember Vreeland was seeing the direction in which they were going, but wasn't sure how he was going to vote but might vote against it. He felt that, if they went ahead, he would like the process to be expedited in fairness to the applicant, and would like the livable space to remain the same as currently proposed. He didn't think they had a parking problem on Palmetto at this time.

Planning Director Crabtree was only concerned that the applicant might find it beneficial to reduce the living space, and he didn't want to bind the applicant by stating that requirement.

Councilmember Vreeland agreed that he didn't want to bind the applicant, but he also did not want to be bound by unrealistic parking requirements that inhibit their ability to turn the project around and get maximum use of their property with a limited impact on the neighbor.

Planning Director Crabtree thought that was very clear.

Councilmember Vreeland stated that he still might vote against it, but he felt it was important that they were trying to be fair to the applicant while seeing that the neighbor's needs are met. He felt they could meet those goals by giving the Planning Commission clear directions.

Mayor Lancelle reiterated that his suggestions were to expedite the turnaround time at the same time that they ensure that the residential space not exceed the current square footage, with a larger parking variance considered in order to do that.

Planning Director Crabtree also thought they might need a reduction in landscaping in order to gain space, and he asked if the Council wanted them to look at that as well.

Councilmember DeJarnatt stated that there wasn't a lot of landscaping to begin with and he would prefer to keep it all. He had no problem with remanding it to the Planning Commission to be expedited, with consideration of a 3-foot setback, moving the driveway, but would prefer not to put anything in about limiting the size.

Mayor Lancelle asked if the setback would be on the north side only.

Councilmember DeJarnatt responded affirmatively, clarifying that the appellant had a 3.5-foot setback and she would still have trouble, but at least she would have something. He felt the 3-foot setback was a fair compromise.

Mayor Lancelle referred to the building to the south, and stated that, if the back wall of the new project was against the back wall of the old project, there would be symmetry for her. She asked

if that was discussed at the Planning Commission. She felt that was another alternative to provide the space for the neighbor and accommodate their square footage, but it would be based on the developer's wishes. She also thought they might need a height variance.

Councilmember DeJarnatt stated he didn't want to go to a height variance.

Planning Commissioner Clifford asked if he was asking for both the 3-foot setback as well as the driveway.

Councilmember DeJarnatt stated that he would be happy with the 3-foot setback, although he would like to see the driveway movement considered. He was also trying to make it not too burdensome for everyone.

Mayor pro Tem Digre stated that it was the "dwarfness and jammedness" that she was trying to get away from. She felt that it helped the building on the other side of the street.

Councilmember DeJarnatt asked her if she wanted him to include it in the motion.

Mayor pro Tem Digre stated that to look at it to avoid the "dwarfed and cramped" look, and whatever they come up.

Mayor Lancelle thought it was a recommendation. They wanted to give them the leeway to look at all the options.

Councilmember DeJarnatt moved to remand the project back to the Planning Commission to be addressed as quickly as possible with the caveat that a 3-foot setback be required on the north property edge, and that moving the driveway be looked at and considered; seconded by Mayor pro Tem Digre.

Mayor Lancelle felt the overriding message was taking the extra step to work together.

Planning Director Crabtree referred to comments made by John Curtis and Councilmember DeJarnatt regarding the staff report statement, and he understood their concerns. He wanted to clarify that staff's intent was to refer to the land use not the people, but they would take the comments to heart and be careful in the future.

Councilmember DeJarnatt understood that he would do that, but he couldn't see how they could separate one from the other. He appreciated the clarification.

Councilmember Vreeland asked how they would craft it to give them the flexibility to keep the livable area consistent with the current plan while taking into account the recommendations by the Mayor to mirror the building to the south to have a different footprint. He felt, if these issues had been addressed earlier, they would be talking about a different project. He asked the Planning Director if that could be put in a motion, acknowledging that the maker of the motion might not feel the same way.

Planning Director Crabtree felt that their directions, along with the language in the motion, were to allow variances and exceptions to allow the project to move forward with a reasonable facsimile of the size and function as it was now. He stated that, to put it into the motion, they would add the granting of any necessary variances.

Councilmember Vreeland commented that they had it.

Planning Director Crabtree felt they did, and he thought Planning Director Clifford also heard clearly what they were saying. They would relay that to the rest of the Planning Commission.

Councilmember Vreeland acknowledged that they were in a better position to get the project completed while being consistent with what was proposed while protecting the neighbor's rights.

Mayor pro Tem Digre clarified that she was not doing it for the neighbor but for the sake of the streetscape and not being dwarfed and cramped. She was in favor of a viable commercial mixed use for the family.

Mayor Lancelle attempted to clarify what Councilmember Vreeland was saying which was not "maxing out" but looking at other orientations while being compatible with the existing uses.

Councilmember Vreeland clarified that they could look at the parking area and consider using it differently but not maxing out.

Mayor pro Tem Digre explained to the public that the Councilmembers were not allowed to talk to each other ahead of time, except possibly one. She stated that she spoke to no one on this subject.

Councilmember DeJarnatt stated that he didn't have a problem with reconfiguring the project, but he felt it was large enough and he would not want to mandate that it be as large as it was before. If it comes back at the same size, he wouldn't object but he would prefer to leave it with the motion he made without the addition.

ROLL CALL VOTE:

Ayes: Councilmembers: DeJarnatt, Digre, and Lancelle.

Noes: Councilmembers: Vreeland.

Abstain: Councilmembers: Nihart.

Motion passed: 3-1-1.

Councilmember Nihart returned to the dais.

COUNCIL COMMUNICATIONS:

Mayor pro Tem Digre reported that Assemblyman Jerry Hill would be at the Community Center on the 14th for a Town Hall meeting, and she hoped citizens attend. She reminded everyone that they were looking for a nomination for the Open Space Award.

Councilmember Nihart stated that the Spring Fest at the Pacifica Co-op was wonderful. She congratulated the Pacifica Education Foundation which reached \$100,000 in current pledges and were looking for matching funds.

City Attorney Quick clarified that if Councilmembers collect over a certain amount as a result of their efforts, they have to report to the FPPC adding that on live television, they have no way of knowing if the money came from them.

Councilmember Nihart apologized. She stated that she was congratulating them but was not part of them.

Councilmember Vreeland attended the Transportation Authority meeting in San Carlos. One of the issues they discussed was replacing the bus shelter that was taken away from Safeway in Manor with a new bus shelter, and would be looking at other locations along Highway 1. He also met with Caltrans about cleaning up the lot at Pedro Point. He also congratulated police officers who were acknowledged by the District Attorney for the good work they did on a case.

Mayor Lancelle reminded everyone about the Community Emergency Response Team Training which will be held in Pacifica beginning on March 26 for nine weeks. She encouraged everyone to sign up and participate. She reported that an agreement was reached with the owner of the Esplanade Apartments. She also attended the Sports Hall of Fame dinner, stating that it was a wonderful event. She reported that the San Mateo County Mental Health Board would be meeting in Pacifica. She attended the Bicycle Pedestrian Advisory Committee meeting, reviewing projects. She had also been at the Sharp Park Golf Course and met the Director of Recreation and Parks in San Francisco. She mentioned the Dollar Radio Station and stated that she would be discussing it with the City Attorney and they may have more information on it in the future. She stated that they participated in the Read Aloud Day, which was a lot of fun.

ORAL COMMUNICATIONS

Mayor Lancelle opened Oral Communications.

Jerry Deal, Burlingame, stated that he has applied for the open seat on the Samtrans Board of Directors following Carol Groom being appointed to the Board of Supervisors. He mentioned some of the organizations to which he belonged and hoped Pacifica would be willing to vote for him. He was committed to working for all districts and all members. He stated that this was not a stepping stone but a goal. He mentioned that he would be supportive of Pacifica's efforts in getting bus shelters. He attends various transportation meetings because he feels they must be knowledgeable of all transportation issues to be on the board.

Mayor Lancelle thanked him for coming to speak to them. She apologized that he had to wait but stressed that public hearings came first.

Mr. Deal stated that he enjoyed it.

Clorinda Campagna, 1 Gypsy Hill, stated that they should have the communications first then the hearings. She stated that the Historical Society would be repeating their Doll Show on March 22, which would be for the benefit of the Little Brown Church. She stated that they would get a free appraisal of the doll they bring.

Fred Howard, Glacier, reported that a candidate for City Council owed \$11,000 in debt, and he questioned how he could stand up and criticize the Council for how they are handling the City's budget. He felt the Council was doing a good job of "talking the talk and walking the walk." He suggested that they think about that person's debt when he stands up and criticizes them.

Chuck Evans, Pacifica, stated that he was on the Open Space Committee and suggested that any nominees for the Open Space Award be given to Lee Diaz by March 18.

Bernie Sifry, Pacifica, stated that having a candidate for an office was fine, but he felt the Council should extend the invitation to anyone else who was running for that office. He then stated that he was disappointed with the previous speaker referring to a debt from the last

campaign. He knows that the candidate was attempting to pay off the debt which will take time. He thought that Fred Howard should have informed the individual that he was bringing it up at the Council meeting.

Mayor Lancelle closed Oral Communications.

CONSIDERATION

10. Update on the School Resource Officer Since Transition and Update on Police Department.

Police Chief Saunders presented the staff report.

Mayor pro Tem Digre stated that it was wonderful to hear about the officers honored for their part in the investigation. She then stated that it was a long report, but it was exciting and she commended the schools and police officers.

Councilmember Nihart stated that she was proud of the numbers, and referred to San Bruno being comparable to Pacifica in numbers with more officers and still were higher in crimes. She then asked if Colma was really so high because of retail.

Police Chief Saunders stated that Colma is often left off lists because they have so few residents that a few crimes appear considerable compared to the number of residents.

Councilmember Nihart asked if the officer was at IBL and the high schools, and she asked where the officer hung out previously.

Police Chief Saunders stated that his direction was to participate with all schools, but Terra Nova, Oceana and Ingrid B. Lacy tended to take up most of the officer's time, but it has changed over the last few years because of the SRO program, as well as probation officers being present every day at the high schools.

Councilmember Nihart stated that she found it interesting that there were issues being addressed by the officers as they made their rounds at each of the schools.

Police Chief Saunders was pleased with them, stating that they took it on as a personal thing to make it better and make it work. He stated that the watch commanders reinforced what the officers did.

Councilmember Nihart felt there was some consistency with the officers that go to the schools.

Police Chief Saunders stated that they were assigned a beat for six months and the schools in that beat were their schools for six months.

There were no public comments.

Councilmember Vreeland thanked Chief Saunders for the report, and then mentioned that he had contacted the board members to let them know it was on the agenda and get their feedback. He stated that they had positive things to say about the efforts being made. He asked that the Chief let the officers now about the feedback and thank them for the Council. He stressed the

importance of showing respect for the officers, and he thanked them for helping them educate people in town.

Mayor Lancelle hoped that it was also working out well at the high schools. She thought it was important to have the students see officers in a positive light.

Police Chief Saunders stated that he thinks that he has five SRO as opposed to one, because they all act in that capacity. He stated that they weren't picking them, but they have stepped up. He was proud of the way it has worked.

Mayor Lancelle felt it was great to have them be able to spend more time with the younger kids to develop that relationship earlier.

11. Appointment of City's Representative on the Colma Creek Flood Control Zone Advisory Committee.

City Clerk O'Connell presented the staff report.

Mayor Lancelle stated that she was looking for someone to take her place. She stated that it was only quarterly, but she could no longer fulfill it.

Councilmember DeJarnatt stated that he could do it but could not make the meeting scheduled the following day.

Mayor pro Tem Digre stated that she was willing to do it, but she also could not make the meeting scheduled the following day.

City Clerk O'Connell stated that they weren't expecting anyone from Pacifica.

Councilmember DeJarnatt stated that he would take it.

Mayor Lancelle suggested that he be the regular and Mayor pro Tem Digre could be the alternate.

Councilmember Vreeland moved to appoint Councilmember DeJarnatt as the representative to serve on the Colma Creek Flood Control Zone Advisory Committee; seconded by Councilmember Nihart.

ROLL CALL VOTE:

Ayes: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Noes: Councilmembers: None.

Motion passed: 5-0.

12. Adoption of an Ordinance Entitled "An Ordinance of the City Council of the City of Pacifica Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization," second reading.

City Clerk O'Connell presented the staff report.

There were no public comments.

Councilmember DeJarnatt moved to adopt the ordinance entitled: "An Ordinance of the City Council of the City of Pacifica Imposing a Transaction and Use Tax to be Administered by the State Board of Equalization;" seconded by Councilmember Nihart.

ROLL CALL VOTE:

Ayes: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Noes: Councilmembers: None.

Motion passed: 5-0.

13. Resolution Establishing a Quarterly Meeting Requirement for Any Citizen's Oversight Committee Reporting on the Expenditure of Proceeds of the Transactions and Use Tax if Adopted by the Voters at the May 19, 2009 Election.

City Manager Rhodes presented the staff report.

Mayor Lancelle opened public comments.

Bernie Sifry, Pacifica, acknowledged that the appointment of this oversight committee was required by law and only had to meet once a year, and having it meet four times was a good one. His feedback from the community was that the oversight committee would like to know how the money was going to be spent before it was spent, so that they can comment on whether it was being wisely or not.

Mayor Lancelle closed public comments.

Councilmember Vreeland stated that Mr. Sifry had great comments, but he felt that they go through the budget at the beginning of the year and that lays out how the money will be spent. He clarified that, while the requirement was for yearly meetings, it was their intent to meet quarterly and have them very involved. He felt that the citizen's oversight committee was one of the most important components of what they were doing.

Councilmember Vreeland moved to adopt the Resolution establishing a quarterly meeting requirement for any Citizen's Oversight Committee reporting on the expenditure of proceeds of the Transactions and Use Tax if adopted by the voters at the May 19, 2009 election; seconded by Councilmember Nihart.

Councilmember Nihart stressed that the budgetary process was when they look at how they were going to be spending their money which was more than quarterly. She thought providing updates on how they were doing was something the Finance Department provides to the Council. She felt there were many opportunities for that, but checking on a quarterly basis added a tremendous amount to this and making the resolution enriched the ordinance.

Mayor Lancelle felt it was exactly what was needed, to have the community be fully involved. She felt it was very important and they can benefit from their observations.

ROLL CALL VOTE:

Ayes: Councilmembers: Vreeland, Nihart, DeJarnatt, Digre, and Lancelle.

Noes: Councilmembers: None.

Motion passed: 5-0.

14. Information on Projects Proposed by Staff for Potential Funding From the American Recovery and Reinvestment Act of 2009.

City Manager Rhodes presented the staff report.

Mayor Lancelle stated that she would like to see more of the Palmetto streetscape be part of it.

City Manager Rhodes stated that there was no category in which that would fit, but they have portions of Palmetto that will fit. As they find categories that will fit, they will plug them in.

Mayor Lancelle asked that he keep looking, because she will be getting more involved.

City Manager Rhodes agreed with her and was disappointed that it wasn't. He thought there would be economic funds but the city was not eligible for that.

Mayor Lancelle stated that it was an infrastructure project.

City Manager Rhodes stated that it wasn't in the definitions in the act so far. He stated that they would be going through it weekly because it will change as guidelines get issued. They were working from general guidelines now. As they get refined, they will move those.

Councilmember Nihart asked how they went about soliciting for the list.

City Manager Rhodes stated that each department listed the projects that they could think of that would go on the list. A lot of things are not on the list because they are not shovel ready.

Councilmember Nihart asked if they looked at the grant category.

City Manager Rhodes responded affirmatively.

Mayor Lancelle opened public comments.

Bernie Sifry, Pacifica, stated that Council had to commend staff for being on top of this, and doing this preparation ahead of time. He felt the key word was shovel ready, and the quicker we can get more into the yes column, the better we are. He knows that we were competing with the other cities in the county. He reiterated that Council has to commend staff for being on top of this. He asked what was meant by replacing fire stations.

City Manager Rhodes stated that it meant build a new one.

Mr. Sifry asked if they were going to consider any equipment for the Fire Station or just the building.

City Manager Rhodes stated that it depended on how the funding came down. Right now it was just for building.

Mr. Sifry was looking at the recovery act on the internet and found the five categories and he was interested in weatherization of homes, and insulating them, etc.

Mayor Lancelle closed public comments.

Mayor Lancelle stated that if he had another question, he can always contact them.

Mr. Sifry asked if they were trying to get some of the projects out of the planning stage and ready for the shovel stage.

City Manager Rhodes stated that, at this point, they were waiting for guidelines for spending money.

Mr. Sifry asked if there was anything for weatherization for buildings, equipment, etc.

City Manager Rhodes hoped that it would come through the energy efficiency block grant, and the weatherization of systems would be through the state for low income individuals.

Mayor Lancelle thanked the City Manager.

Councilmember Nihart stated that, after reading about Half Moon Bay, she was checking to make sure we were on top of it.

City Manager Rhodes hoped they qualified for funding along the way besides the transportation money.

Mayor Lancelle asked him to pass their thanks along to all those working to bring this forward.

Councilmember Vreeland stated that they had been on the top of it from the beginning, and the fact that the money was going to Monterey. He suggested that they not spend time on getting things shovel ready but look to the funds for water and waste water treatment.

City Manager Rhodes stated that they were watching that, but at this time they were only loans.

Councilmember Vreeland encouraged them to watch it as it plays out and not chasing all the rabbits everywhere and wasting staff time was equally as important.

City Manager Rhodes agreed, and they made the list to pursue those that look good right now rather than others they aren't sure of. He stated that they were keeping their eyes on clean water because that is an area where there is a lot of money. He stated that half of the money must be in grants, but the state has only started up the loan programs at this time. He stated that, from his experience with prior acts, he was disappointed that things weren't working out the way he thought because he thought Palmetto was a sure fit because of economic development. They think the street lights qualify. He reiterated that another area was the storm drain and sewer areas.

Mayor Lancelle adjourned the meeting at 10:55 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 3/23/09; 5-0

Julie Lancelle, Mayor