

## MINUTES

City Council Regular Meeting  
2212 Beach Boulevard  
Pacifica, CA 94044

May 10, 2010

Mayor Digre called the meeting to order at 5:00 p.m., stating that all councilmembers were present. City Attorney Quick announced the business to be discussed:

1. PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Conference with legal counsel, existing litigation. In the matter of City of Pacifica, California Regional Water Quality Control Board, San Francisco Bay Region Complaint No. R2-2009-0075; and Our Children's Earth v. City of Pacifica, U.S. District Court, Case No. CV-08-5201 EMC.
2. PURSUANT TO GOVERNMENT CODE SECTION 54957.6: Conference with labor negotiator: Agency Negotiator: Ann Ritzma. Employee Organization: Fire Fighters Local 2400; Teamsters Local 856 Battalion Chiefs; Pacifica Police Officers Association; Pacifica Police Supervisors Association; Police Management Teamsters Local 350.
3. PURSUANT TO GOVERNMENT CODE SECTION 54956.8: Conference with Real Property Negotiator. Discussion concerns price and terms of payment. Agency negotiator attending session: Stephen Rhodes. Negotiating parties: City of Pacifica and Fairmont Subdivision Improvement Association. Property: 649 Parkview Circle, Pacifica, CA.

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

Present: Councilmembers: Lancelle, Vreeland, DeJarnatt, Nihart and Digre.  
Excused: Councilmembers: None.

Staff Present: Steve Rhodes, City Manager; Cecilia Quick, City Attorney; Ann Ritzma, Administrative Services Director; Michael Crabtree, Planning Director; Van Ocampo, Deputy Director Public Works/City Engineer; Dave Rogers, Associate Engineer; Dave Gromm, WWTP Operations Manager; Maria Aguilar, Associate Engineer; Ed Vandehey, MIS Manager; Kathy O'Connell, City Clerk.

Mayor pro Tem Nihart led the Salute to the Flag.

Commission Liaison: Planning Commissioners Leon and Evans.  
Chamber Liaison: None.

### **CONSENT CALENDAR:**

Mayor pro Tem Nihart requested that the order of agenda be changed because there was an item for consideration that falls after a presentation by students and they would like to consider it immediately after the presentation which was basically the staff report. Also, because Samtrans and the students both are doing a powerpoint presentation, she requested that Samtrans do the first presentation with the commendations in the middle and then do the students' presentation so that they can switch out the powerpoint. She asked the City Clerk if that would be okay.

City Clerk O'Connell stated that, if the firefighters get a call, they may have to leave.

Mayor pro Tem Nihart understood and agreed that it was their only hangup. She asked if they could take time to switch out the powerpoints, which would allow them to do the commendation first.

Mayor pro Tem Nihart agreed, stating that she was going to suggest changing that, but they might get a call. She reiterated that they could leave it as is as long as they have time to change out their powerpoint.

Mayor Digre suggested that they take a break.

Mayor pro Tem Nihart stated that she was changing the order of Consideration immediately following the presentation on Tobacco in Hollywood.

City Clerk O'Connell clarified that they were putting the Consideration item before the Public Hearings.

Mayor pro Tem Nihart agreed, asking if the public would bear with them because it related to the students.

City Attorney Quick stated that there should be a motion to agree to the order of agenda.

Mayor pro Tem Nihart stated that she had started with a motion.

Councilmember Lancelle seconded the motion.

Councilmember Vreeland stated that he would like to amend the motion. He was totally supportive of this change and felt it made perfect sense, but he would also like to pull Item #3 off consent and make that #10 under Consideration as the only Consideration Item because he had a few questions about the contract.

City Manager Rhodes suggested that they do not renumber but rather just move Item #3 to the end of the agenda.

Mayor Digre clarified that they were removing Consent Item #3 and making it #3 under Consideration.

Councilmember Vreeland stated that if the maker and second agreed, that would be great.

Mayor pro Tem Nihart agreed with the amendment; seconded by Councilmember Lancelle.

Mayor Digre stated that Item #3 was the approval of a contract change for the San Francisco RV Park Trail project.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion carried: 5-0.**

Mayor Digre asked that they adjourn the meeting in honor of Bill Searcy who was a veteran on Pork Chop Hill and who passed away.

**CLOSED SESSION:**

City Attorney Quick stated that there were no reportable actions in Closed Session this evening.

City Attorney Quick then stated that her notes indicated that the motion was to reorder the agenda. She did not have a motion to approve the Consent Calendar as amended. She realized she was being a bit technical but she asked if they could have a followup motion.

Councilmember Vreeland moved approval of the amended Consent Calendar, as amended, as follows: Approval of disbursements dated 04/14/10 to 04/23/10 in the amount of \$936,842.79, regular and quick checks numbered 8659 to 8837, as set forth in Item #1; Approval of Minutes of regular City Council meeting of April 26, 2010, as set forth in Item #2; Approval of Contract Change Order in the Amount of \$60,000 for the San Francisco RV Park Trail Project. No Additional Budget Authority is Required (Money was previously budgeted in the Capital Improvement Fund 22, Account Number 22.9000000.52800.0054.00, as set forth in Item #3, moved to Consideration; Approval of 400 Block of Esplanade Temporary Access and Use Agreement 60 Day Extension, as set forth in Item #4; Acceptance of FEMA Assistance to Firefighters Grant Funding for Required Communications Narrow Banding to Upgrade Mobile Radios and Fire Station Alerting Systems within North County Fire Authority, as set forth in Item #5; Authorization of Staff to Advertise for Sealed Bids for the Sanitary Sewer Mainline Replacement at Lewis Lane Project, as set forth in Item #6; Approval of Waiver of Building Permit Fees for Pacifica Historical Society, as set forth in Item #7; seconded by Councilmember DeJarnatt.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion carried: 5-0.**

Councilmember Vreeland commented that they have been having two and three presentations at each meeting, and, because they were all meaningful and important, he suggested that they talk at the next meeting about spacing them out.

**SPECIAL PRESENTATION:**

Mayor Digre stated that there were several commendations for Fire Department staff and Police officers. Since the commendation was the same, she read it and mentioned all the individuals by name, specifically Captain Chuck Pomicpic, Firefighter Ken Schneider, Fire Engineer Jeff Higgins, Fire Engineer Pat Mahoney, Captain Steve Islander and Captain Joe O'Brien, as well as Corporal William McDonald. She encouraged anyone who wanted to say something to do so.

Mayor pro Tem Nihart thanked Engine 71 which was the first one to respond to the fire next door to her home and she saw them up close and personal. She felt they were outstanding, and she thought all City members appreciated what they do. She stated that people didn't have successful CPRs and she was impressed.

Captain Chuck Pomicpic thanked the Council for the commendation. He stated that, even though it was a sad and tragic end, it was a reminder of the importance of smoke detectors which everyone should have.

**Corrine Goodrich of San Mateo County Transit District**, thanked the Council on giving her the opportunity to update the City on what the San Mateo County Transit District and partners were doing to improve senior mobility in the County. She proceeded with her presentation which addressed transportation needs over the coming years and their response to that need, mentioning some of the specific projects.

Mayor pro Tem Nihart mentioned that San Luis Obispo has very good programs and very good senior partners.

Ms. Goodrich agreed, adding that Portland in Oregon also has good programs. She stated that they visited all of them which were models for them.

Mayor pro Tem Nihart added that it was like our coastal community and made sense because it was away from basic public transportation and she was glad that Ms. Goodrich has looked at them.

Mayor Digre referred to the dates, stating that she has watched Ms. Goodrich work. She asked how many people helped her on her team.

Ms. Goodrich stated that she had two half time staff members and some consultants.

Mayor Digre was very impressed and was eager for this. She also advocated for the developmentally disabled and was optimistic. She asked if Ms. Goodrich was familiar with the Pacifica Resource Center.

**Tristan Myer, Oceana student**, began the presentation on Tobacco in Hollywood, stating that this was part of a nationwide campaign to change the way tobacco was viewed in movies. He was also involved at the county level with the Youth Leadership Institute. He stated that they met in Sacramento as part of Youth Quest which focused on smoking. He then proceeded to give a presentation which addressed proposed requirements for the movie industry in order to reduce smoking and then mentioned the various organizations who were working with the youth to effect the change. He stated that they were now asking for a resolution from the City Council to support their campaign to change smoking in Hollywood.

Councilmember Lancelle felt it was very impressive to see the youth group come forward and do such a tremendous job. She felt this program was making a difference in changing the way things were done.

Councilmember Vreeland asked if they were going to get into the next item.

Mayor pro Tem Nihart asked how they wanted to do it, suggesting that they just roll into it.

City Clerk O'Connell suggested that they read the title of the staff report and then proceed.

## **10. Adoption of resolution in support of a smoke free movies campaign.**

Mayor pro Tem Nihart stated that she had asked for it to be moved up because she heard the presentation and realized that what they wanted was a supportive resolution.

Mayor Digre opened the public comments.

**Emily Lehr-Anning, co-chair of the San Mateo County Tobacco Education Coalition,** worked for the Youth Leadership Institute. She stated that she has had the pleasure of working with Tristan for the past 1-1/2 years and was present to express her support, as well as the support of the San Mateo County Tobacco Education Coalition and Youth Leadership Institute.

Mayor Digre closed the public comments.

Mayor pro Tem Nihart stated that she was impressed when she heard the presentation, adding that she didn't remember some of the things mentioned that were in the movie but she thought it was almost subliminal. She was ready to make a motion when ready.

Mayor pro Tem Nihart moved that the City Council adopt the resolution next in order "A Resolution of the City Council of the City of Pacifica in Support of a Smoke Free Movies Campaign;" seconded by Councilmember Vreeland.

Councilmember Vreeland thanked the Youth Leadership Institute and the work that Tristan and his colleagues have done over the past few years. He mentioned that he watched them grow up, becoming comfortable speaking in public and being involved in civic processes. He felt that was a wonderful thing that the program has given them, and they have given us a lot to think about. He wished them well through the summer and in their college experiences.

Councilmember Lancelle also thanked Becky Shea, the adult educator working with the group, for all her work.

Ms. Shea thanked the Council for their support.

Mayor pro Tem Nihart stated that was what she was going to say, as she seconded Councilmember Lancelle's comments. She also has seen the changes and appreciated them. She knew that some of them were involved in political issues. She felt the idea of getting youth involved in politics and making social change was wonderful.

Mayor Digre referred to the sheet they had in their binder which mentioned the studio policies on tobacco use. She asked if that was on line so that they could get to people. She mentioned that, when youth worked on something, they were still real students. She liked to think that they were what the majority of students were like but didn't always hear about it.

Tristan Myer stated that there was a website, [smokefreemovies.ucsf.edu](http://smokefreemovies.ucsf.edu)., which contains a huge amount of information.

Mayor Digre stated that they got it all, being thorough in a very short amount of time.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion carried: 5-0.**

## PUBLIC HEARINGS:

### **8. Public Hearing on Proposed Ordinance Amending Section 6-6.404 and Section 6-6.406 of the Pacifica Municipal Code (Sewer Rates).**

Admin. Services Dir. Ritzma presented the staff report.

Mayor Digre opened the Public Hearing.

**George Edsell, 158 Reina Del Mar**, stated that he would like to be assured that the future rate increases would not be used to fund personnel salaries or benefits.

Mayor Digre stated that they usually do not respond.

**Mr. Edsell** stated that it was an unfair question but, unless they have some control, Pacifica would go down the same road as Vallejo, Napa and San Francisco. He asked that they inquire about this and make sure that the money is not used for personnel matters. He stated that there was a time limit on assistance for properties to be upgraded with assistance for homeowners to upgrade the sewer laterals but no provision for rental properties. He stated that he would welcome the opportunity to take advantage of it. He wondered if there was a way to include rental properties for the laterals.

**Ken Miles, 111 Natagua**, stated that he spoke to the Council the year before about a similar situation where a lot of people were losing their homes. He stated that the same thing is happening with seniors living on fixed income and many struggling and yet they keep seeing increases in rates, such as garbage, etc. He stated that he got the notice but he knew there was more information so he talked to the City Manager and got the added information which was part of a previous Council meeting. He stated that, to be fair and honest, they should have sent that paperwork to the people with the notice to know the full extent of what was happening. He stated that the rate had increased over 100% from 2002 to last year. He felt they should have had study sessions to inform people, and put it on the ballot for the property owners to say yes or no. He felt they have to do homework to make Pacifica a viable city to raise taxes to pay for everything without being on the backs of homeowners and those losing their homes.

Mayor Digre closed the Public Hearing.

Councilmember DeJarnatt stated that he didn't have much to say except that the wastewater plant has to be paid for. It was a huge amount of money and there wasn't much they could do about it.

City Clerk O'Connell stated that they needed to announce the percentage of protests before they can make the motion. She then stated that the number of protests received by the end of the public hearing was 41.

Councilmember Lancelle referred to Mr. Miles' comments that they were paying for wages and benefits, and clarified that the money was paying off the investment that was made by the community to build a brand new sewer plant. She reiterated that the sewer fees did not pay solely for the salary and benefits of the employees at the sewer plant but also to pay off the \$52 million loan that the City took out to build the plant. She pointed out that the plant the City has compared to what other communities are now having to build would now cost \$100-\$150 million to build. She felt the City has built it in a very responsible way. She then referred to Mr.

Edsell's question on the fund for sewer laterals for rental units, and asked if it was only available for homeowners.

WWTP Operations Manager Gromm stated that it was available for all laterals.

Councilmember Lancelle encouraged Mr. Edsell to sign up for the program to subsidize the replacement of sewer laterals. She thanked the public for coming forward to ask questions because it clarified things for some individuals.

Admin. Services Dir. Ritzma stated that they had a budget study session on May 5 specifically on the wastewater treatment plant which was posted on the website and broke out the details of the costs.

Councilmember Lancelle encouraged everyone with questions to look at the City website and get more detailed information.

Mayor pro Tem Nihart understood the issue about fees, adding that she has been impacted as well. She stated that this fund was for a business held by a municipal entity and was self-contained, adding that they can't take the funds and use them elsewhere in the City but the salaries within that business would be part of the operating cost of the wastewater treatment plant. She added that she was grateful that we moved forward at the time, stating that the plant was in better shape and the fines around the Bay Area have been staggering with continued pressure. She asked confirmation that Pacifica had no spills last year.

WWTP Operations Manager Gromm responded that she was correct.

Mayor pro Tem Nihart stated that when everyone was having spills, we were efficient and everything was working. She stated that it was an investment in the mid-90s which would carry us through the future and was probably one of the better things we did as a community to ultimately save money for everyone. She was pleased that we weren't seeing the staggering rate increases seen in other communities.

Councilmember DeJarnatt agreed with Mayor pro Tem Nihart that the money collected went to the Enterprise Fund and not co-mingled with the General Fund.

Councilmember DeJarnatt moved to adopt the ordinance entitled "An Ordinance of the City Council of the City of Pacifica Amending Sections 6-6.404 and 6-6.406 of Chapter 6, Title 6 (Sewer Charges) of the Pacifica Municipal Code to Revise and Increase the City's Sewer Charges" be read by title only and that further reading be waived;" seconded by Mayor pro Tem Nihart.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 5-0.**

Councilmember DeJarnatt moved introduction of the ordinance; seconded by Mayor pro Tem Nihart.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 5-0.**

Councilmember Vreeland asked staff when the plant came on line.

WWTP Operations Manager Gromm stated that it was September 2000.

Councilmember Vreeland stated that it was stated that rate increases went up dramatically since 2000, but a big chunk was because the plant went on line.

WWTP Operations Manager Gromm stated that the rate did increase quite a bit but not in 2000. It came later.

Councilmember Vreeland stated that it was because of the facility being built.

WWTP Operations Manager Gromm stated that he was correct.

#### **9. Adoption of an Ordinance Requiring Planning Commission Review of Single-Family Residences Over a Certain Size.**

City Clerk O'Connell clarified that the agenda said "adoption of an ordinance" which was a typo. The staff report stated "introduction of an ordinance" which was correct.

Planning Director Crabtree presented the staff report then introduced Planning Commissioner Leon.

Planning Commissioner Leon stated that his comment was really their mission statement and the goal of the Planning Commission, and he read from the General Plan which he hoped would get the flavor of what he was trying to convey to the Council. He then added that the ordinance was a trigger, but the details and specific components of the municipal code were not part of the ordinance. This was to give the Commission empowerment to conduct the review but it was separate from what the City determined should be in the code.

Mayor Digre opened the Public Hearing.

**Samuel Casillos, Pacifica**, stated that this was a difficult subject and he felt that, as the current ordinance stands, this was no more than a speed bump and he felt they needed to look at it and strengthen it. He referred to Mayor Digre's past suggestion of a moratorium on construction, and he felt that should seriously be considered. He pointed out the changes that mega homes have made to the integrity of the Pedro Point area, specifically referring to them being virtual apartment complexes because of the cost to build them, as well as the effect on esthetics and views. He felt it needed to be strengthened with "teeth" needing to be added.

Mayor Digre closed the Public Hearing.

Councilmember Lancelle thanked Planning Commissioner Leon and the Planning Director, as well as the speaker whom she felt was expressing what many felt in the community. She agreed with the speaker that this ordinance was only a first step. She stated that she had gone onto the internet to check out the regulations in other cities in San Mateo County regarding the issues of size, bulk and views. She created a spreadsheet which she had available for anyone interested. She looked at lot coverage and floor area ratio which was controlled in the building codes of



some cities. She also looked at height limits, mentioning that it was at 35 feet in Pacifica, and also looked at set backs. She also looked at daylight planes and open spaces. She was supportive of this first step but wanted to share all this information and, going forward, asked that we look at these ordinances and begin to look at ways to personalize them for our community. She felt that would help us in addressing this problem. She thanked everyone for allowing her to share this information with them. She also was concerned about the size of the garage and was aware that they had lowered it to 650 sq. feet, which she felt was still large but was not sure if she felt they should not vote for the ordinance but look at other ways to address the problem. She acknowledged that the 2,800 sq. foot limit would trigger a design review process, and asked the Planning Director if that was correct.

Planning Director Crabtree stated that it would actually trigger a site development permit which included design review.

Councilmember Lancelle stated that it would look at a lot of these issues in more detail, but asked that they look at the strategies in other communities to address the same challenges in their community.

Councilmember DeJarnatt stated that they approved the ordinance on March 22, and tonight they were looking to introduce the ordinance and address staff's concern that bringing it back within six months might be too soon and he did not have a problem with staff's recommendation of one year. He stated that it was important for them to introduce the ordinance at this time, and then look at either forming a subcommittee or look at Councilmember Lancelle's suggestions. He stated that he would be happy to work with her on that.

Councilmember Vreeland asked whether an acre lot would be triggered by 2,800 sq. feet.

Councilmember Lancelle responded that it would not.

Mayor Digre asked Councilmember Vreeland to repeat his question because she had not heard it.

Councilmember Vreeland asked when this ordinance would be triggered on an acre lot.

Planning Director Crabtree asked if he was asking when the proposed ordinance would be triggered, stating that he would have to look it up because there was a different standard for different size lots.

Councilmember Vreeland stated that he was asking because, in Millbrae, it was 50%, 40% and 40% and ours was currently 40% but now they were making it smaller.

Councilmember Lancelle responded that the answer was 5,356.

Planning Director Crabtree stated that, on an acre lot, the maximum floor area that could be built without triggering a Planning Commission review would be 5,106 sq. feet.

Councilmember Vreeland assumed that they reduced it from 3,000 to 2,850.

Planning Director Crabtree stated that the number he was reading would be 2,750, and it was altered in the current ordinance to 2,800 sq. feet, but slightly more than 5,100 sq. feet.

Councilmember Vreeland asked what the thinking was, specifically was the ordinance based on square footage or percentage.

Planning Director Crabtree stated that it was based on square footage of the floor area of the home as a percentage of the lot. A bigger lot gets more square footage before the trigger is invoked.

Councilmember Vreeland forgot, asking why it went from 3,000 to 2,800.

Planning Director Crabtree stated that the Council felt that 3,000 was too much square footage and wanted the trigger to be invoked sooner, on a smaller sized house, and was reduced to 2,800.

Councilmember Vreeland asked about a review feedback for the Council and why they would like it in one year instead of six months.

Planning Director Crabtree stated that, if this ordinance was in play, they probably would have had one home since it was first introduced a year ago. He didn't believe that the sample size in six months would be enough for the Council to see anything. He acknowledged that it was up to the Council, but he felt a year was a more realistic time frame.

Councilmember Vreeland asked if Planning staff was saying that, based on the past year's experience, they may see one or two properties impacted by this.

Planning Director Crabtree stated that they have been slow due to the economy, and in a normal year, you might have seen two or three homes per year that would have been triggered by the ordinance but, in the past year, they would have seen only one home.

Councilmember Vreeland commented that some people thought that bringing up to the economic event was not normal, but getting there was.

Planning Director Crabtree clarified that he probably should have said usual rather than normal.

Councilmember Vreeland asked if he thought it was a small set of houses that would be impacted by this.

Planning Director Crabtree stated that, based on the way things were going now, that was his impression.

Councilmember Vreeland asked if Councilmember Lancelle had looked at other cities and asked whether San Mateo had no ordinance regarding lot coverage.

Councilmember Lancelle stated that, with the exception of Millbrae, all of them were pretty much 40%.

Mayor pro Tem Nihart stated that she would not belabor this, having attempted to make her points previously. She was in agreement with a neighborhood-based ordinance because all the neighborhoods were incredibly different. She understood the problems but she was still in the ilk where an acre lot has a 5,000 sq. foot house built in the front end of the lot towering over the house next to it. She stated that, at the previous meeting, she had brought examples from Los Angeles on neighborhood-based ordinances and she felt Pacifica could put that into motion

because of the character of the neighborhoods. She stated that she would continue to vote no because she felt we can do better and make an ordinance that was more fair.

Councilmember Lancelle stated that she was kind of persuaded by Mayor pro Tem Nihart's comments and Councilmember Vreeland's questions, and, since things have slowed down with building, this might be an opportunity to take a look and work through alternatives done by other communities. She was concerned that, even with 2,800 sq. feet, we wouldn't have the floor area ratio that other communities have which she felt was an important feature. She added that Menlo Park had district codes which she thought was an excellent idea. She commented that it was great that people wanted to build houses, but she felt they needed solutions that worked for the community and were fair. She stated that she was on the fence, but was interested in getting the best possible ordinance.

Mayor Digre offered to help her get off the fence, suggesting that they think of it as nutrition, taking one meal at a time to get the total nutrition for the day. She agreed with what she had heard so far, and was clarifying that the ordinance before them was merely to set a trigger to start the process of some of those things. She thought that, what was not in what already existed when the trigger happens, they could create and bring in "the next meal or a composite meal," and she asked staff how fast they could do that. She asked, if they voted on the trigger today, could they get all the other items listed separately within a decent time rather than another year. She asked if that was muddled.

Planning Director Crabtree stated it wasn't muddled. He explained that there was a process they had to follow when they amend an ordinance or adopt a regulation, specifically, holding public hearings with recommendation from the Planning Commission because it was a land use matter. With changing an ordinance, they have to do an environmental review. He stated that it also depended on what they want, stating that, if they go neighborhood by neighborhood, there was an incredible amount of research involved in that with a lot of time needed to establish regulations neighborhood by neighborhood. He reiterated that it can be done, but he didn't believe they could have it to them in June. He stated that, if they want a specific regulation looked at, they can do it and move it as quickly as possible. He acknowledged that a certain regulation may not need the thorough kind of environmental review that a complex change would require. He could not tell them that they could come back in a month or two with these changes, because the statutory time limits may not allow them to do that.

Mayor Digre asked, if they were to choose the building envelope, whether the answer would be the same for that.

Planning Director Crabtree stated that we didn't have a building envelope now, so that would be starting from scratch.

Mayor Digre stated that she didn't know if that helped Councilmember Lancelle. She felt it was clear that this ordinance begins something that triggers the specifics already in place in the design guidelines.

Planning Director Crabtree agreed that she was correct.

Mayor Digre was concerned that, if they didn't choose this now, they would be set backwards rather than forwards towards all of this.

Planning Commissioner Leon stated that currently we have no notification process without this ordinance, and the longer we wait, the longer we do nothing, or contemplating a different scenario, there will continue to be no notification to the people that we were serving. He stated that was one thing they hadn't talked about tonight, but it was a major reason for doing this with the major comments being that affected individuals didn't know a project was going up until they were building it. He reiterated that there would be no mechanism to make that happen until they get something going.

Councilmember Vreeland asked confirmation that this was the second reading.

City Attorney Quick clarified that it was being reintroduced.

Councilmember Vreeland asked if they had to read it again in two weeks.

City Attorney Quick nodded affirmatively.

Councilmember Vreeland stated that he may be looking at it differently since he was told that it only impacted one house in the past six months or over a year.

Planning Director Crabtree stated that one house was probably what they would have seen.

Councilmember Vreeland asked that Commissioner Leon not take it wrong, but it was costly and took time to go in front of the Planning Commission, and questions they ask require coming back a second and third time causing people to be fearful of the process. He was asking if there was a better way to do this. He stated that, based on Councilmember Lancelle's research, they were not going way outside the norm by doing this. He asked confirmation that he was assuming correctly.

Councilmember Lancelle stated that they weren't going completely outside the norm but there were things they could do with codes to make it easier.

Councilmember Vreeland asked how much money has been spent, including the environmental documents and staff time.

Planning Director Crabtree stated that it was done in house from the planning side. While there were legal costs involved, he didn't have those figures.

Councilmember Vreeland stated that he was tired of talking about it, and would like someone to make a motion. He stated that his reason for changing his mind was because of what Commissioner Leon said regarding the notification requirements. He mentioned several examples on Pedro Point where houses were built without notification and views were gone. He was concerned because the study was expensive and time consuming. He felt, if they could be more efficient, it would be easier for him to be supportive. He would support this and try it out for at least a year. He didn't want staff to spend more money and time doing more analysis unless there was something to make it easier to build under this ordinance without making it more restrictive.

Mayor pro Tem Nihart was going to point out that they would have a 5-0 vote with the Planning Commission's original recommendation of 3,000 sq. feet then got into addressing the hillside lots in different areas of town with sq. footage ratios. She stated that, as a trigger, she could get on

board at 3,000 sq. feet. She assumed that the Planning Commission went through a lot of work to come up with the original recommendation then they started “dinking” around with the numbers.

Councilmember Vreeland asked if the Planning Commission’s original recommendation was 3,000 sq. feet.

Planning Commissioner Leon responded affirmatively.

Councilmember Lancelle added that it included an 850 sq. foot garage on a 5,000 sq. foot lot.

Councilmember Vreeland asked why they couldn’t go back to that.

Councilmember Lancelle stated that she would not support that.

Mayor Digre stated that they had a majority vote and she suggested they stick where they were.

Councilmember Lancelle reminded Mayor pro Tem Nihart that the records from the Planning Department said that, from 2007 to 2009, the average new remodeled house was 2,550 sq. feet, which was a 50% floor area ratio and was in alignment. She stated that, if you go to 3,000 sq. foot, you were at 60% which was more than any of the other cities she studied. She stated that, at 2,800 sq. feet, we were at 56% and still higher than the other cities. She added that the previous recommendation was for a garage of 800 sq. feet in addition to the 3,000 sq. feet on a 5,000 sq. foot lot, mentioning that some cities included the garage in their floor area ratio. She asked that they consider the impact if they went back to the original recommendation. She thought the average size for a garage was 471 sq. feet and we have allowed it to go to 650 sq. feet in this ordinance. She felt 2,800 sq. feet and an additional 650 sq. feet for the garage was a fair number. She referred to the Planning Director’s comment that this was a slower time. She added that she appreciated knowing that we would have a way of looking at the changes and create a more efficient process with more information available. She added that she hoped they would explore the neighborhood aspect which she thought would be key. She pointed out that there was a city which did that. She asserted that she could not give in on changing the square footage.

Mayor pro Tem Nihart pointed out that Councilmember Lancelle was referring to the specific cities she studied.

Councilmember Lancelle agreed, but added that they were cities like Pacifica with the same size in the same area in the County.

Councilmember DeJarnatt stated that there was no dinking around with the numbers, adding that 2,800 sq. feet was carefully thought through and he was sticking with that.

Councilmember DeJarnatt moved that the attached ordinance entitled “An Ordinance of the City Council of the City of Pacifica Amending Chapter 4 of Title 9 of the Pacifica Municipal Code to Require a Site Development Permit for Single-Family Dwellings Over a Certain Size: be read by title only and that further reading be waived;” seconded by Councilmember Lancelle.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: Nihart.

**Motion passed: 4-1.**

Councilmember DeJarnatt moved introduction of the ordinance; seconded by Councilmember Lancelle.

**ROLL CALL VOTE:**

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

**Motion passed: 4-1.**

Councilmember DeJarnatt moved that the ordinance be agendized for City Council review within 12 months of its adoption; seconded by Councilmember Lancelle.

**ROLL CALL VOTE:**

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

**Motion passed: 4-1.**

Mayor Digre asked if Nadia Holeber was still present.

City Clerk O'Connell stated that she was not able to stay but did leave a note.

Mayor pro Tem Nihart stated that they were at Council Communications.

Mayor Digre apologized, stating that she was eager to get to Oral Communications.

**COUNCIL COMMUNICATIONS:**

Mayor Digre mentioned that she had been working with Nadia Holeber, a Millbrae Councilmember. She stated that Ms. Holeber learned about Save the Whales Day and had started a rally here on May 23 at the Pacifica Pier at 10:00 a.m. Her note mentioned that she was unable to stay and address the Council but asked that the Mayor outsource the rally and explain the information in the flyer. She mentioned some details, adding that subsequent to this, there was an effort to broker an agreement to allow commercial hunting of whales since a 1986 moratorium which would be enforced by the countries who have been in violation, specifically, Japan, Iceland and Norway.

Councilmember Vreeland asked if they were in Oral Communications or Council Communications.

Mayor Digre stated that it was Council Communications.

Councilmember Vreeland stated that he had his light on.

Mayor Digre apologized, then continued, stating that the agreement would be legalized for ten years. She then gave the website, [www.wanconservancy.org/whales](http://www.wanconservancy.org/whales), plus phone, 740-3125.

Councilmember Vreeland stated that he went to the Transportation Authority meeting on Thursday and they were looking at finalizing their budget at the next meeting, adding that they were trying to get some more bus shelters similar to those on Highway 1.

Mayor pro Tem Nihart reminded the public that the Economic Development Committee meeting was the following evening at 6:30 at the Police Station.

City Manager Rhodes stated that it was 6:00 at the PB&R.

Mayor Digre stated that the Joint Powers Association of the fire departments would be meeting on My 13, 5:30, Daly City's City Hall

Councilmember Lancelle stated that she was going to be at the CCAG meeting the following Thursday and would be touring the bike projects on Saturday.

Mayor Digre stated that Open Space would be meeting May 12 instead of May 19, at the Community Center.

### **ORAL COMMUNICATIONS**

Mayor Digre opened Oral Communications.

**Pete Pereira, 16 Ortega Ct.**, stated that he served in WWII so that we could enjoy the freedom we have. He mentioned that he left his ship before they were involved in the atom bomb test. He was lucky because most of his fellow servicemen got radiation from it. He stated that he had been working on term limits, mentioning that three Councilmembers were thinking about running again. He stated that, if they do, he was going to put signs out on his place and hopefully it will stop that. He commented that Councilmember DeJarnatt destroyed the garbage company on his third term. He stated that our garbage company was the only one with a seniors' discount. He stated that he was going to be talking to the seniors to see what their next move will be. He pointed out the extended operating hours of our recycling yard compared to San Bruno's hours. He felt we had the best garbage company. He felt the Councilmembers have been here too long and he would do all he could to stop them from running again.

**Deirdre Finnegan, Pacifica**, stated that she was Vice President of the Beach Coalition, and thanked the City of Pacifica for supporting the Earth Day celebration. She stated that she moved to Pacifica almost three years ago and the City continued to blow her away with the amount of support for the earth in the city. She thanked everyone who came out that day and gave a part of themselves, as well as the various organizations who volunteered.

**Lynn Adams, Pacifica**, stated that her hat was off to Deirdre for the amazing job she did. She also thanked the Council and the City of Pacifica and the residents. She stated that there were a dozen sites still unaccounted for and quite a few sites that weren't on their list yet people went out there and did something. She stated that they were at about 4,500 volunteers and had 8,000 pounds of trash, 1,000 pounds of recycling and 6,000 pounds of greenwaste. She stated that the celebration was phenomenal. She thanked the various organizations for their support. She stated that they issued all the volunteers one of the water bottles and coffee mugs, and their mission was to try and get them to be used with less water bottles in the waste stream, and the coffee tumblers which can be used for cold or hot drinks to have less lids and less trees used for the paper product. She was also hoping to never see another Styrofoam cup. The Beach Coalition was announcing that they were having a raffle and when they spot someone using one of the mugs and tumblers in the street, they will put their names in a raffle with a prize drawn each month. They were encouraging everyone, including the City Council, to use those containers. She thanked everyone involved, specifically Mayor pro Tem Nihart for inviting Jackie Speier who made a special presentation. She also thanked the schools who became earth heroes in a big way. She stated that it was a special day, and she thought they had many more in store, including the next

one in September, Coastal Cleanup Day. They were heartened and grateful. She honored the City with the Star of the Sea award for their contributions.

Mayor Digre closed Oral Communications.

### **CONSIDERATION**

#### **3. Approval of Contract Change Order in the Amount of \$60,000 for the San Francisco RV Park Trail Project. No additional Budget Authoris is Required. [Money was previously budgeted in the Capital Improvement Fund 22, Account Number 22.9000000.52800.0054.00].**

Councilmember Vreeland asked why the change was happening and where they were going with this.

Assoc. Engineer Rogers stated that the change was happening because the section of bluff had fallen down to the beach and they had to relocate the trail.

Councilmember Vreeland asked if they were moving easterly.

Assoc. Engineer Rogers stated that they were moving it eastward and, pending approval, construction would begin on May 17 and would be completed by June 1.

Councilmember Vreeland stated that the gates would be open and the lateral access along the beach to the bluff will be there.

Assoc. Engineer Rogers responded affirmatively.

Councilmember Vreeland stated that we wouldn't get access to the beach but the trail would be there and the issues with the RV owner had been worked out and issues with the Coast Conservancy had been worked out and tonight we were approving what would fix it.

Assoc. Engineer Rogers responded affirmatively.

Councilmember Vreeland asked if this would spend the rest of the Coast Conservancy grant money.

Assoc. Engineer Rogers stated that it would not.

Councilmember Vreeland asked if there was a little bit left.

Assoc. Engineer Rogers stated that this would take us to approximately \$244,647 and the grant was \$350,000.

Councilmember Vreeland stated that we had almost \$100,000 remaining.

Assoc. Engineer Rogers responded affirmatively.

Councilmember Vreeland asked what the plans were for the remaining \$100,000.



Deputy Director of Public Works Ocampo stated that they planned to use the money for a consultant to start the design work on the vertical access to the beach and, while they were getting the plans drawn to be ready for construction, they were looking for funding opportunities for the vertical access.

Councilmember Vreeland asked if there was flexibility to move that \$100,000 over to the 400 block of Esplanade and use the access there, using it for fixing the fence and putting some benches in on that piece of property.

Deputy Director Ocampo stated that they would have to have that conversation with the Coastal Conservancy. He stated that he could make that inquiry in the morning with the permission of the City Manager.

Councilmember Vreeland stated that he was bringing it up because it would be very hard to get lateral access by the RV Park, and that trail was going away. He asked if they could use this money when they finish the work on the 400 block, not to design something that wouldn't be built because it would cost hundreds of thousands of dollars.

Deputy Director Ocampo responded affirmatively.

Councilmember Vreeland added that, for \$100,000, they could do something that would have an impact across the street from the Chit Chat and help clean up the area. He thought it could be much more used than the access to the RV Park. He wasn't asking for them to do anything at this point, but was asking if it was okay with the Council for staff to ask those questions. He would rather spend the money on something tangible than designing something that may not be fundable. That was why he pulled it from the Consent Calendar tonight. He stated that he could make a motion for approval but would like to have it brought back or have staff make a report on discussions with the Conservancy. He assumed that, with everyone shaking their heads, it was okay.

Mayor Digre asked if there were any time limits with the RV.

Councilmember Lancelle thought it was a good idea. She stated that there was a time when the access seemed to be a possibility but she knew it was challenging to try and develop that. She felt this idea of shifting the funds over to the 400 block would be great.

Deputy Director Ocampo referred to the Mayor's comment and asked if it was about whether there was a time limit on using the money.

Mayor Digre stated that it was also whether there was any problem with the trail at the RV Park. She was thinking about any possible erosion issues that it would correct.

Deputy Director Ocampo thought she was asking whether the Conservancy had restrictions on when the money should be spent, because he believed there was a time limit. He just wanted to be sure he understood.

Councilmember Vreeland stated that there would be a limit but, in talking about moving it forward and fixing some of the scars, with the Conservancy being concerned about the site, he thought they might be flexible

Deputy Director Ocampo stated that, like anything else, they can approach them with that question.

There were no public comments.

Councilmember Vreeland moved that the City Council of the City of Pacifica Approve funding increase for the San Francisco RV Park Trail Project in the amount of \$60,000 for a total project funding of \$254,647.20; seconded by Mayor pro Tem Nihart.

**ROLL CALL VOTE:**

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

Noes: Councilmembers: None.

**Motion passed: 4-1.**

Mayor Digre reminded everyone that they would adjourn in honor of Bill Searcy, a Pork Chop Hill veteran who passed away recently. She reminded everyone that Save the Whale Day was May 23, adding that there would be petitions for the President.

Councilmember Lancelle added that there would be a gathering at the Pier at 10:00 on May 23.


Mayor Digre adjourned the meeting at 9:20 p.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 5/24/10; 4-0; Councilmember DeJarnatt absent

  
\_\_\_\_\_  
Sue Digre, Mayor