



**CITY OF PACIFICA
CITY COUNCIL MINUTES**

**Council Chambers
2212 Beach Blvd
Pacifica, CA 94044**

Mayor John Keener
Mayor Pro Tem Sue Vaterlaus
Councilmember Sue Digre
Councilmember Mike O'Neill
Councilmember Deirdre Martin

**April 09, 2018 (MONDAY)
www.cityofpacifica.org**

Mayor John Keener called the meeting to order on April 9, 2018 at 7:05 PM

5:30 PM CLOSED SESSION

Mayor Keener 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 Kenyon announced the business to be discussed.

PURSUANT TO GOVERNMENT CODE SECTION 54957.6 Conference with labor negotiator. Agency negotiator: Janet Cory Sommer. Employee organizations: Pacifica Firefighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350; WasteWater Treatment Plant Employees Local 856; Miscellaneous Local 856; Managers local 350; Police Officers Association; Police Supervisors Association; Police Management Local 350.

7:00 PM OPEN SESSION

Call to Order

Mayor Keener reconvened the meeting at 7:05 p.m.

Attendee Name	Title	Status	Arrived
John Keener	Mayor	Present	
Sue Vaterlaus	Mayor Pro Tem	Present	
Sue Digre	Councilmember	Present	
Mike O'Neill	Councilmember	Present	
Deirdre Martin	Councilmember	Present	

Staff Present: Kevin Woodhouse, City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Dan Steidle, Police Chief; Mike Perez, PB&R Director; Jim Lang, Sr. Services Director; Kathy O'Connell, City Clerk.

Salute to the Flag led by Councilmember Martin

Closed Session Report

City Attorney Kenyon stated there was no reportable action.

SPECIAL PRESENTATIONS

Proclamation - Volunteer Appreciation Week

Mayor Keener read a proclamation in honor of Volunteer Appreciation Week.

Jim Lang of Senior Services Director thanked Council for recognizing volunteers for all they do to make our community better. He stated that this year's theme is "volunteers are the heart of our team", adding that it was so true as they could not do what they do without their help. He stated that, at the recognition dinner, they will be recognizing 150 individuals accounting for nearly 900 cumulative years and over 12,000 reported hours and he was inviting Councilmembers and PB&R Commissioners to serve these volunteers to show their appreciation on behalf of the community. He mentioned some specific programs in which volunteers have helped raise funds to accomplish more things for the seniors as well as the programs they provide for seniors. He stated that Pacifica was a compassionate community and these volunteers' contributions was what makes Pacifica a caring place to live. He then mentioned that volunteers are also dedicated to youth based programs, mentioned several of those specific programs. He also mentioned other departments in Pacifica where volunteers volunteer. He then quoted our city manager who commented on how staff, volunteers and all citizens work to make Pacifica a great community. He then mentioned two tireless volunteers who will be making comments, Marge Ryan, SIA Chair, and Lana Thompson, rummage sale manager.

Marge Ryan thanked the mayor and city manager when they delivered meals with Meals on Wheels. She commented that she could not add any more to what Jim Lang said and also mentioned the city manager's comments, adding that, if any resident has a loved one who needs any of their services, they can call the center and they will help that person.

Lana Thompson stated that she preferred to be known as the "queen" of the rummage sale then thanked Pacificans Care for presenting her with a lei. She thanked donators for their rummage, adding that it was responsible for raising \$40,000. She thanked the city for allowing them to thank the volunteers personally.

They then took a group picture.

Councilmember Digre told the City Manager that the "queen of rummage" was looking for extra space and she thought the equalization basin mobiles might be available.

CONSENT CALENDAR

Councilmember Digre stated that she wanted to make a comment on Item #6. She stated that they were changing the requirements for annual reporting for city commissions and committees by having them come at one time to present. She commented that they indicated that they liked that to help them know what each commission is doing and thereby be stronger. She added that it also helps Council have a better comparison of what was going on and possibly change directions as needed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Deirdre Martin, Councilmember
SECONDER:	Mike O'Neill, Councilmember
AYES:	Keener, Vaterlaus, Digre, O'Neill, Martin

1. Approval of Disbursements for 03/01/18 through 03/15/18.
PROPOSED ACTION: Move to approve attached list of disbursements for 03/01/18 through 03/15/18.
2. Approval of Minutes
PROPOSED ACTION: Move to approve the minutes of the regular meeting held on March 26, 2018.
3. Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.
PROPOSED ACTION: Accept current photos as of April 2, 2018 and move to continue proclamation confirming the existence of local emergency.
4. An Ordinance of the City Council of the City of Pacifica Amending Chapter 28, Within Title Five of the Pacifica Municipal Code, Relating to Unruly Gatherings and Social Host Liability to Add Marijuana and Controlled Substances (Second Reading)
PROPOSED ACTION: Move to adopt an Ordinance of the City Council of the City of Pacifica amending Chapter 28, within Title Five of the Pacifica Municipal Code, relating to unruly gatherings and social host liability to add marijuana and controlled substances.
5. Adoption of Administrative Policy Honoring Public Service of Retiring Employees
PROPOSED ACTION: Move to adopt the Administrative Policy Honoring Public Service of Retiring Employees.
6. Amending Resolution No. 33-2013 Changing the Requirements for Annual Reporting for City Commissions and Committees
PROPOSED ACTION: Adopt a Resolution Amending Resolution No. 33-2013 "A Resolution of the City Council of the City of Pacifica Providing for Appointments, Terms, Reporting and Reorganization Requirements for Commissions and Committees" Changing the Annual Reporting Requirements

ORAL COMMUNICATIONS

Judy Hildreth, Pacifica, stated she was a resident on Claridge Drive, and she was presenting a concern that she and her fellow residents were having with speeding on their street with near misses, and in the last two weeks they have had accidents with three vehicles. She stated that they have asked for assistance with the problem, and she was representing all the residents on the 600 block portion so as to not waste Council's time with all of them saying the same thing. She stated that they have asked for speed bumps on several occasions and were told many reasons for it not happening, such as it would delay an emergency response should one be required on the block. She stated that the residents had suggested that it might prevent the need for one. She stated that a woman was walking her dog, and the dog was struck as she was crossing. She also stated that you cannot exit your vehicle without fearing that someone

will come down the street at a high speed and possibly hit you. She stated that they don't want to be residents who wish something had been done but would like to proactively prevent another problem. She stated that, with speed bumps placed from the 600 block going north to Manor, it would slow down the traffic. She stated that they have also asked for police presence and were repeatedly told that the department was understaffed and cannot help them at the times of greatest travel, school times and are on skyline. She stated that Captain Spanheimer has been very responsive in the past week, and after a year of requesting that the radar trailer be placed on Claridge Drive, it appeared on Thursday. She didn't think it was in the most appropriate place but at least it did come. She stated that a petition has been circulated to prove that they want it to happen, stating that there are other ways to enter and exit the block if someone chose not to go over the bumps. She concluded that they were respectfully requesting that something be done before there is another injury, possibly one that will not have an outcome other than death as properties are replaceable but lives are not. She stated that her child will soon start driving and her biggest fear is that he will drive on Claridge Drive, not the freeway. She thanked Captain Spanheimer for his response in the last week.

Anita Rees, Pacifica, reported that the Inclement Weather program which helped homeless access additional shelter beds will be ending on April 15. She stated that the Dignity on Wheels trailer that comes to PRC was also ending. She stated that they were continuing to do outreach to Pacifica churches for the rotating shelter as mentioned previously. They were looking for space inside and outside at the same time. She stated that they were wrapping up their tax services on Wednesday, April 18, adding that 40% of those doing their taxes through the PRC have saved something. She stated that they just launched their Mother's Day card fundraiser, and asked that the requests come in no later than May 3, adding that they have Memorial Day cards as well. She stated that the cards will be available after May 3, but there may be a delay. She mentioned that all their support from the city and other fundraiser donations help them provide support to all Pacificans, and she shared the story of a Vietnam vet whom they helped get connected with the VA and get a pension.

COUNCIL COMMUNICATIONS

Councilmember Martin mentioned that Michael Moran who was the Rec Coordinator for PB&R moved to a nearby city, and she wished him well, adding that he brought a lot of good programs to the city. She mentioned he did a good job with his last event for Easter and thanked PB&R for this great event every year. She toured the equalization basin and they got a presentation from the project manager, commenting on seeing the excavators in action. She stated there was good work going on and they appreciated everyone's patience at the community Center, etc. She stated that PB&R was accepting applications for the Youth Advisory Board, adding that the youth did a lot of good work for events such as the Easter egg hunt. She mentioned that there was a climate change talk at the Sanchez Library to find out how it will affect our city and what we can do as a community. She mentioned that Earth Day was coming up and asked that the public to get a site if they haven't yet. She also reminded everyone that the author of "Garbology" would be present and suggested that everyone read the book and they would culminate on Earth Day. She stated that the EcoFest was 11:00 to 2:30 at Linda Mar Beach. She stated that they were expecting up to 4,000 and reminded them to be patient regarding parking and traffic. She stated that those attending have access to free parking at Cabrillo School and there will also be a shuttle, mentioning some of the performers.

Mayor pro Tem Vaterlaus attended the water summit including some members of the sea level rise committee. She stated that they learned about projects throughout the county regarding floods, droughts, sea level rise, etc. She stated that they were changing the water committee

from CCAG to a grant committee. She also toured the equalization basin and was amazed at its size and thought it would eventually win an award for design and ingenuity. She attended the Pacificans Care appreciation where they acknowledged the commitment to the community and gave awards to several individuals. She went to the opening of the Pedro Point Brewing Company on Bill Drake Way. She thought it was great to see new businesses so packed. She went to the Easter Egg Hunt but missed the event by the time she found parking but the kids were happy. She also went to the annual jack cheese contest for the Historical Society, stating that every food sample was made with jack cheese and she was amazed that you could make whip cream with jack cheese. She stated that, while she would like people to slow down when driving, every day when she is driving throughout Pacifica she sees people go through stop signs. She asked that everyone be aware that there are stop signs and speed limits in Pacifica.

Councilmember Digre stated that she also attended some of those events. She stated that it looked like it was going to be overcast for the Easter event on the 7th but it was a great event. At the EQ Basin tour she stated she did not go too far because she had height issues. She thought the work was well done, they were polite and efficient. She thought the Pacificans Care awards were excellent. She got to the cheese event late and didn't get any cheese, but she thought cheese was addictive. She stated the clean money conference in Redwood City was well attended, mentioning some of the specifics and adding that the momentum was fantastic. She thought the water summit was excellent. She stated the San Francisco Airport met and they chose to join the noise protection which enables them and she concluded that the problem will not go away until Congress does something about the mandates.

Councilmember O'Neill stated he attended many of the same events also, but he missed the cheese and Easter egg hunt.

Mayor Keener stated that he took the equalization basin tour and was at the water summit, adding that at the end of the water summit, Jackie Speier gave a speech via video from Washington and she stated that they have to come together as a county and will be a more effective lobby than individual cities. He attended the harvest basket, which was a monthly food giveaway by the Pacifica Resource Center, mentioning that they were short-handed and he hoped that was a one-time thing.

Mayor pro Tem Vaterlaus asked if he had the date.

Mayor Keener stated that it was the fourth Wednesday.

Councilmember Digre suggested they get younger volunteers.

Mayor Keener agreed.

STAFF COMMUNICATIONS

Introduction of Economic Development Manager Thomas Myers

City Manager Woodhouse stated this was his six-month mark as city manager. He then referred to the equalization basin tour and in context of the storms, they had staff working overnight to cover the city. He stated that they had a sanitary overflow at Linda Mar which caused beach closure, adding that type of storm event the equalization basin will prevent in the future. He stated that they will be putting out an information flyer as it was a dramatic and

innovative project but will be a huge and hidden piece of infrastructure but will be an award winning Public Works project. He mentioned that Human Resources had eight different full time recruitments underway as well as part time recruitments also. He referred to information received from the Police Chief about the Special Needs registry, giving specifics. He then introduced Thomas Myers who started work with Pacifica, having extensive economic development experience with Los Angeles, Berkeley and work with the economic and work force development for city and county of San Francisco, and has an economics degree from Stanford and an MBA and JD from UCLA. He stated he was excited to begin work here, mentioning some of his specific interests. He mentioned some of the specific projects he led such as the Berkeley Bowl Grocery Store.

Thomas Myers thanked the City Manager, adding that he was excited to be working in Pacifica, etc. He stated that, if they have questions, they know where to find him.

PUBLIC HEARINGS

7. Appeal of Planning Commission Approval of Site Development Permit PSD-819-17, Use Permit UP-85-17 and Variance PV-519-17 to construct a 1,698 square-foot (sf), two-story addition to an existing 3,503 sf, two-story, single-family residence; a patio area; a deck; and an uncovered parking area and removal and replacement of one heritage tree at 674 Corona Drive (APN 022-210-090)

PROPOSED ACTION: Move to deny the appeal; uphold Planning Commission approval of Use Permit UP-085-17, Site Development Permit PSD-819-17, and Variance PV-519-17; and find the project exempt from the California Environmental Quality Act by adopting the attached resolution, including conditions of approval in Exhibit A to the resolution; and, incorporate all maps and testimony into the record by reference.

Mayor pro Tem Vaterlaus stated that as a realtor, she has listed the property directly across the street from this property and she thought the best idea would be to recuse herself for this hearing.

Planning Director Wehrmeister presented the staff report.

Councilmember O'Neill thought they addressed line by line the things mentioned in the appeal except one, which was the buyback portion of what they paid to have the improvements made.

Planning Director Wehrmeister asked him to state what it was.

Councilmember O'Neill stated that the appellant brings up the buyback for a portion of what was paid to have the improvements made.

Planning Director Wehrmeister thought they addressed the actual appeal form sent in and they may have pulled it from an email.

Chair Nibbelin stated that the email was from the next day but he didn't think it was included in the appeal itself.

Planning Director Wehrmeister stated that she can address it but can also ask the PW representative come up also. She understood there were more than road right of way improvements needed to serve parcels, such as drainage improvements to redirect the drainage

causing the erosion. They added that investment into the public infrastructure and were not required to build part of the street. She suggested that PW staff could explain it better.

Councilmember O'Neill stated that 650 was the house at the end of the long driveway, part of which was public right-of-way and part private property. He understood that the current applicant was going to drive on the street to the property line and go to a driveway they are constructing.

Planning Director Wehrmeister agreed.

Councilmember O'Neill concluded that the email says they want to be reimbursed for the public right-of-way they constructed to get to their private driveway. He thought she was saying that the person at 650 put a lot of infrastructure where there were a lot of gullies and the road goes over that.

Planning Director Wehrmeister stated that the 674 Corona builder put in the drainage infrastructure.

Councilmember O'Neill stated that was what confused him as he thought 650 did it.

Planning Director Wehrmeister apologized and she meant to say 674.

Councilmember O'Neill acknowledged that 674 put in the roadway but when he talked to him, as well as 650, 674 said he did the improvements and he constructed the house.

Planning Director Wehrmeister stated the house at the very end of the street on the long driveway is 650 and they extended the road in the right-of-way as they needed to access their driveway property. She stated that 674 was built in the late 1990s or so and they put in drainage improvements over and above what was needed for their property.

Public Works Director Ocampo added that the project at 674 put in a lot of improvements including a sidewalk, extended the road, put in a hammerhead for emergency vehicle turnaround and as mentioned they put in drainage improvement of about 700 linear feet along the street. The improvements by 650 took it from the end of the hammerhead and extended it to their driveway.

Councilmember O'Neill understood but he thought the appellant was asking that while 650 put in the public right-of-way and private road, but the 674 applicant is going to be using the road to access their driveway they need to have an agreement and be reimbursed for a portion of what they did for public right-of-way.

Public Works Director Ocampo stated that the improvements installed by 650, the property on the end, the improvements were put in as part of the development of the project. He stated that staff did research and looked at the files of the original construction of 674 and there was no mention of any buybacks and no agreements were established that they will receive a buyback for that.

City Attorney Kenyon clarified that, in order for the appellant to have been reimbursed for those improvements, that reimbursement request would have had to be put into their conditions of approval in order to bind any future neighboring property owners but it was not done and no agreement between the city and the appellant at the time to get reimbursement for those costs.

Councilmember O'Neill stated that 650 was built after 674.

City Attorney Kenyon stated that he was correct, but the city can only impose conditions on 650 that are due to their own impacts they created based on their development. She stated that they did not create an impact that would require them to reimburse for that right-of-way because the right-of-way already existed. She stated that the only way to get reimbursement was to have the condition put into an understanding of the condition of approval at the time that 674 was developed which did not occur.

Councilmember O'Neill stated that 674 was built before 650.

City Attorney Kenyon responded affirmatively.

Councilmember O'Neill stated that 650 was not there to ask to enter into the agreement.

City Attorney Kenyon stated that what is commonly done if an applicant creates infrastructure or oversizes infrastructure or constructs right-of-way that helps service future development, at the time that they construct or get their permit, there is a condition put into the permit that says that, in the event in the future, the developer of Parcel B develops, that developer will be required to reimburse the 674 applicant for the per rata share of the cost for that right-of-way but that did not occur and thus there is no legal mechanism to require that reimbursement at this time.

Councilmember O'Neill concluded that they would be going backwards to have 650 tell 674 to pay the money.

City Attorney Kenyon stated that the city has no legal mechanism to require 650 to reimburse the property at 674 for the right-of-way.

Councilmember O'Neill stated that they were asking for 674 to reimburse 650. He stated that 674 is using a public street to get to their driveway. He stated that there was no legal mechanism unless there was a deed restriction or conditional approval to have that done.

City Attorney Kenyon responded affirmatively.

Mayor Keener asked what the extent of the public right-of-way that was originally in place for 674 before 650 was constructed.

Public Works Director Ocampo stated that the extent of the improvement include placing the hammerhead portion of the sidewalk all the way to the driveway proposed at that time. He stated that they also did paving of the street and extended the street. In addition, there were 700 linear feet of storm drainage put in by the original construction of 674 to address the runoff that was a big concern, given the hilly nature of the site.

Mayor Keener stated that, on reading the maps, the residents of 674 irrespective of any buyback would have no reason to use any of the new narrower right-of-way constructed by 650.

Public Works Director Ocampo agreed that he was correct. He stated that when 650 was developed, the extension of the road that was put in was the minimum required and no sidewalks, although there was already a complete street policy at that time. He stated that it barely meets the minimum required for a width for public safety for emergency vehicle access.

Councilmember O'Neill stated that the owners told him that, if 674 put in all the culverts and drainage improvement, it empties into the lot for 650. He asked him to explain how the water will work.

Public Works Director Ocampo stated that the drainage improvement installed by the original construction of 674 extended the storm drain system down 700 feet along Corona and tying it into an existing system, but not like it is discharging onto the hillside.

Councilmember O'Neill asked if 650 did that.

Public Works Director Ocampo stated that 674 did it as part of the original construction in the early 2000s.

Councilmember O'Neill asked when 650 got built if they looked to see where they tied in. He stated that they said they also go into the public sewer system.

Public Works Director Ocampo stated that the development at 650 benefits from the extension of the storm drain improvement that was done by 674, including the hammerhead for emergency vehicles.

Councilmember Digre stated that she finds it confusing. She had the same questions that Councilmember O'Neill had regarding the buyback. She thought that, if they take comments, a light would be helpful up there as she thinks people could be going up there to look at the scenery at night and go over the cliff. She referred to the bulbout.

Public Works Director Ocampo stated that it was an emergency vehicle turnaround.

Councilmember Digre stated that they were talking about the house if you are looking at the fire thing was the big house to the right.

Public Works Director Ocampo stated that it was like a T intersection, and the 650 is beyond the turnaround.

Councilmember Digre stated that she was not talking about 650 but 674. She stated that, if she is looking at the front door of 674, the driveway they want to make is to the right.

Public Works Director Ocampo agreed. He concluded she was talking about the proposed project. He thought she was talking about what was this thing.

Councilmember Digre stated that she didn't get out of her car but she thought there was a pretty steep drop. She thought they were going to be using some dirt and retaining walls to make a platform. She thought there was no land there or very little land, as there was a fence.

Planning Director Wehrmeister stated that it does quite a bit of topography on it. She thought, when they get to public comments, the applicant's engineer is here and can explain more about the construction technique.

Councilmember Digre asked if she was telling her that there is land back behind the fence.

Planning Director Wehrmeister responded affirmatively. She stated it drops off but there was

land.

Councilmember Digre asked if they will explain to her how they are going to bring it up to put a vehicle in there. She stated she went to Alta Vista as she was concerned about the runoff. She stated that it sounds like it was an old basin and they are shuffling off the water in one direction and she was concerned about the water going straight down to Alta Vista and asked how you stop that. She stated that there are wide open spaces on the map and a flow and the line goes straight down towards Alta Vista and she was concerned that the people on Alta Vista have no idea about these conversations. She stated that she roamed around taking pictures of the soil with some pretty dramatic huge tree stump on its side and she was concerned about the residents on Alta Vista. She referred to mention of HPD, and she wanted to make sure about the Hillside Preservation District as they have been careful about that and she wanted to be sure they were not bypassing or diluting.

Planning Director Wehrmeister understood and confirmed that it was not in the HP District.

Public Works Director Ocampo stated that the answer to Councilmember Digre's comments can be addressed by the applicant at the time of the rebuttal of whatever the appellant would mention.

Michelle Garcia, appellant, stated that she lives at 650 Corona. She stated that when they came to the Planning Commission, they clearly stated that they were not against the project but just had some concerns but they were not addressed. She then sent her email as they spoke of the sidewalk and drainage but no one spoke to them about it or explained that it was all taken care of. She stated that she then had to file an appeal and paid \$350. She stated that now that she has read the documentation, a lot of their concerns have been addressed. She asked why their concerns couldn't have been addressed that night which would eliminated this meeting. She then referred to the buyback. She stated that, during their Planning Commission meeting a few years ago, they asked about the buyback and it was told to them that it could happen but no one ever stated that they needed an agreement or that they had to file anything at the time. She stated that it was brought up at the Planning Commission meeting and talked about it because there were other parcels that would be using the right-of-way and when that happened, then the buybacks could be addressed. She had an issue with that and could address tonight or come back and discuss it at a later time. She stated that they were not looking to stop the project but they spent an enormous amount of money putting in the right-of-way and drainage, streets, curbs. She stated that when they are saying that 674 put it in back when that house was built, they may have put in some drainage but not what was currently there and has stopped the water going down onto Alta Vista. She stated that the neighbors from Alta Vista were present and they had water under their house until they put in the drainage. She stated that her concern was whether they were going to bring the parking structure up to grade so the drainage is properly done. She stated that the problem is that their property line off the new edition and parking structure was their property but not only will the water go onto their property but could go down to the property of the house on Alta Vista. She mentioned that at the meeting the sidewalks were not addressed and now they were. She stated their concern was whether it was going to be safe to get to and from their home, is the drainage going to be 100% as it is now. She pointed out that from the Planning Commission meeting and to now, things don't match. She asked how they know this is going to happen. She stated that they need a safe place to walk, mentioning that their driveway comes up to the property line and not at the end of the hammerhead to turn into their parking structure. She stated that it was becoming a multi-dwelling home and there will be a lot more traffic. She stated that they were fine with that but they want to be sure they are safe coming to and from their home. She mentioned that the

dirt that was dumped there has garbage in it and has been there since May and was ugly. She stated that they built a beautiful home but that was what they looked at every day. And, she added that it was a slide area and if it slides it slides to their property and the house on Alta Vista. She stated that they had to work with specific guidelines and rules so it was safe for everyone and she felt that needs to be addressed so they are safe also. She stated that she was taken aback that they say she was bringing up issues that were already addressed but they weren't addressed. She was glad that they were going to address the issues but they need to know for sure it is going to happen as there seems to be a lot of misinformation. She stated that she needs to be sure the drainage will be done properly and brought up to grade. She stated that if not, the water will land up on her property and her neighbors property and she questioned who is liable for that. She pointed out that she was taken aback that she has to be here since it could have been addressed and she hoped the buyback situation was not a closed subject as she felt she was not directed on how to handle that and she didn't think that it was fair. She stated that Planning Commissioner Evans stated at the meeting that they were already paying more than their fair share, and she agreed with him. She stated the conditions of approval for 674 was that they were supposed to put in that right-of-way in 1998, and she had documentation that they were supposed to complete that and because they had done so much someone decided that the condition of approval didn't stand. Then they were responsible for it and they didn't have a choice because they needed to put it in. She concluded that they were saying she didn't get a buyback but they didn't have to put in what they were supposed to and she thought maybe that was why that condition wasn't set in when 674 built the house as they didn't have to improve it. She thanked them for their time and she hoped they would consider all these facts.

Councilmember Digre asked if she was referring to two separate videos, one on February 2, 2018 and one prior to that.

Ms. Garcia stated that they came to the Planning Commission regarding the right-of-way because there was some misinformation when they had the original one with engineering. They fought it because they had approval on their plans but the standards were never presented to them.

Councilmember Digre asked what the date was for that meeting.

Councilmember O'Neill thought it was June 30, 2015.

Ms. Garcia thanked him and agreed with that date.

Javier Chavarria, JC Engineering, stated that he was also the engineer that prepared the plans and design when the original house was built, starting in 1998. He thought he could explain easily and clearly what the process was. He stated that, at the time, 674 was an empty lot and the street extended up to 676, and at the end of 676 there was no further street and no fire truck turnaround. He stated that the grade of the street started going slightly down. He stated that, in order to build the new house, they had to take the road from 676 and extend it further and create a fire truck.

Councilmember O'Neill thought there was no 676 at first, but then realized there was.

Mr. Chavarria stated that 676 was the home south of 674. He stated that they extended the road, put a new fire truck turnaround and because of the grades they couldn't handle drainage any other way was but installing a complete new drainage system. He stated that they had a very

extensive geotechnical and geological analysis and both professionals said the only way that it can work was if the intercept all the drainage coming from the top and install a large catch basin and all the drainage must go to the city system. He stated that, in addition, the gully needed to be protected with riprap, and it was with over 700 linear feet of 24-inch diameter pipe was installed from the location just beyond the fire truck turnaround down to the portion where the next city storm drain inlet was. He stated that 120 feet of street was built and a hammerhead for emergency vehicles. He stated that, at the beginning of the process, there was a condition of approval that said improvement needs to be done towards the entire frontage of the property. He stated that, at that time, they have done a lot more than was originally planned. He stated that it was agreed at the time that the fire truck turnaround was a really good benefit for all the houses in the neighborhood, adding that before there was no way for a truck to come in and have the ability to turn around. He stated that, in the 1990s, the road was to 676. When 674 was built the road was extended. He stated that now 650 built and they extended the small portion of the road that was needed to bring from the fire truck turnaround to their property. He stated that the drainage conditions were not changed and they did improvements on the street on the property and collected more drainage further up the hill and they tapped onto the storm drain that was initially installed in 2000. He stated that he understood what the city attorney said that there was no buyback and no agreements for that. He stated that they respected that but if that possibility was to considered there should be a buyback for all the improvements that were done. He referred to the drainage, stating that they have a geotechnical engineer and a geologist as well as a peer reviewer that the city imposed on the project. He stated that they have done a very comprehensive analysis of the area and the proposed driveway and proposed parking area and they are going to have a complete drainage system that will intercept any water that falls on the driveway, collected into a solid pipe and discharged onto the main storm drain system. He stated that they have submitted hydrology and calculations to show that the amount of water collected by the driveway was not going to create any detrimental effect onto the existing drainage system. He asserted that there was no water from these improvements that will be directed towards the downhill portion of the property. He referred to the location of the driveway, stating that as they drive and walk in the area, it may appear as if there is a hole there and there is no where else to go. He stated that the location of the driveway was further down where there is an actual level area and there will be proper grading and proper retaining walls, a sidewalk built adjacent to the existing road and a small retaining wall system in front of the proposed building to buttress and create a safe environment not only for the family that will be occupying the house but also for any member of the public that wishes to walk on that sidewalk. He stated that, in his professional opinion, he believes they have done a good and comprehensive design for the site but will be scrutinized, reviewed and approved by Public Works and by the peer reviewer designated by the city, and they are a team of good professionals that will review their work to ensure the safety and good performance of the site as designed.

Councilmember O'Neill stated that he mentioned that there will be a big pipe from the driveway to be built to the city's storm system. He asked if that was correct.

Mr. Chavarria responded affirmatively.

Councilmember O'Neill stated that it was indicated to him that the driveway was going to be at the border of the properties. He asked if he was saying that the driveway was going to be lower than that.

Mr. Chavarria stated that the driveway will be lower than that section and will have a collection system that will drain further down to the location of the main inlet that was put back in 2002.

He stated that the inlet has an elevation of approximately six feet lower than the location of the proposed pad and parking area with plenty of fall for water to fall onto a save storm drain systems without impacting 650 which is the uphill property.

Councilmember O'Neill asked if, in addition to the permeable concrete, they will have a drain that will collect the water and move it further down.

Mr. Chavarria responded affirmatively.

Councilmember O'Neill asked if he was saying that 674 when going up the public right-of-way to 650, there were a lot of gullies from water runoff on the right hand side and on the left hand side of the road. He asked if he was saying that 674 put those put those in and was 674's drainage mostly underground.

Mr. Chavarria stated that all of the drainage of 674 was underground coming onto the public storm drain system. He stated that only the whip holes from the small retaining walls on the back drain towards the back and towards the gully that was protected with over 2,000 tons of riprap.

Councilmember O'Neill asked where the catch basis was.

Mr. Chavarria stated that the catch basin was immediately behind the fire truck turnaround. He stated that there was a round structure and that was originally installed and where the drainage of 650 is draining into.

Councilmember O'Neill asked if the sidewalk was going to be on the west side of the public right-of-way.

Mr. Chavarria responded affirmatively.

Councilmember O'Neill asked if the cypress tree was going to be cut down.

Mr. Chavarria stated that the tree will be cut down and there will be a safe walking area with a sidewalk that meets city standards will be constructed and properly protected and buttressed on the left side.

Councilmember Digre referred to page 107 where it says potential catastrophic geotechnical hazards must be analyzed on the basis of passing a minimum of 100-year events. "She asked if they were talking about the catch basis or the hill in general.

Mr. Chavarria stated that when the addition was initially proposed, there was a geological concern raised. He stated that across the hill even though it was not their property, there was some sign of erosion and the geotechnical engineer and the peer reviewer from the city raised the concern and asked what happens of that area were to fail. They had to prepare a geological assessment of the area and come up with a plan to prevent any damage to the structures or occupants if there were to be some failure of the slope that is beyond both of the properties. It was analyzed and the geologists provided enough information about the geologic formation of the area to the geotechnical engineer and they have been given recommendations for deep drill peer foundation system and proper drainage system of the area to prevent such a condition to occur.

Councilmember Digre asked if it was a new system, and not one already described.

Mr. Chavarria stated that the drainage system stays there. On the addition proposed, there are some retaining walls built in front that will act as a buttressing system.

Mayor Keener opened the public hearing.

Sarah Currington, Pacifica, stated that she resides at 652 Alta Vista, directly below the property they are discussing. She stated that, in the past, there was a tremendous amount of water that came off the hill. She stated that when the development was done at 650, the drainage system they put in eliminated most of the drainage that came to the north side of their house. She stated that there was still drainage that comes off the hill. She stated that at the very cul-de-sac end of Alta Vista, a significant mudslide has occurred over the last two winters and the owner above has put some sandbags, etc., She was concerned that it will give way in another big storm, but she thought the same thing will happen with the development of 674. She stated that she heard a lot of information that wasn't available to her previously. She was concerned that they are taking the brush off the hillside. They are saying that the brush was remaining, and she stated that that would be a big problem in the area as they remove the ground cover and the trees. She didn't realize they were planning a complete drainage system around the parking area. She referred to the parking spaces, and asked if they had some kind of pumping system.

Ms. Currington added that she didn't have the engineering background to understand that, but she wanted the assurance that she will not experience mudslide and loss of that hill and additional water flowing onto the property. She was happy if the city can assure her of that. She would also like to know what recourse she has if and when something does happen. She didn't want to find herself in the same position as Michelle Garcia where she doesn't know the format will be. She asked if they can answer her question now.

Mayor Keener thought it was possible.

Ms. Currington asked where she goes and who she goes to.

Councilmember Digre asked her how she find out about this development happening.

Ms. Currington stated that she received a notice on it earlier and she was in the process of moving from another home and missed the Planning Commission hearing.

Councilmember Digre concluded that she received a notice at her home.

Ms. Currington responded affirmatively.

Councilmember Digre stated one of her questions was whether the people on Alta Vista got notification.

Councilmember Martin asked if she owns the property.

Ms. Currington stated that her daughter owns the property but she resides with her.

Mayor Keener stated that they will try to get her questions answered.

Councilmember Martin asked the question to make sure the homeowners were alerted as well in case there were renters.

Mayor Keener thought there were two questions raised. He asked if Mr. Chavarria would walk them through how the drainage from the new parking area up near the boundary between 674 and 650 drains downhill to the draining basin.

Mr. Chavarria stated that the proposed parking pad was a little lower than the street immediately in front. He stated that they don't want to raise the level because it was putting unnecessary fill and raising the height of the retaining walls which could eventually be detrimental to the stability of the hillside. He stated that the location of the flatter area of the lot was a little higher than the location of the storm drain.

Mayor Keener asked if the storm drain was the catch basin near the hammerhead

Mr. Chavarria responded affirmatively. He stated that, even though the parking area is lower than the road immediately in front, they will put a drain channel that will collect all the surface and subsurface water from the parking area, put it into a solid pipe and that pipe will come on a trench and be connected to the catch basin system.

Mayor Keener stated that it will be underground.

Mr. Chavarria responded affirmatively.

Mayor Keener referred to Ms. Currington's question as to what recourse she has if some kind of bad thing happens to her on her property downhill from all of this.

City Attorney Kenyon stated that one thing they try to assure in the conditions of approval and why they have Public Works and Engineering staffs review the plans but also have peer review to assure that any issues related to drainage and sliding are addressed. Then, if something were to happen, there would not be any recourse against the city because the city has immunity when making decisions based on discretionary permit approvals and any property owner has the potential remedy of determining what the cause of the slide and seeking a remedy against a property owner at fault and there are cases that are between property owners to address sliding.

Planning Director Wehrmeister also offered that they have Ted Sayre who is the consulting geotechnical expert and he peer reviewed these plans as well if they have any questions for him.

Councilmember O'Neill stated that Mr. Chavarria said there was going to be a drain pipe from the parking space to the catch basin. He asked if the catch basin was underground.

Mr. Chavarria stated that it was about six feet deep.

Councilmember O'Neill asked if that was underground.

Mr. Chavarria stated that it has a surface inlet and it was about six feet deep and that was the point of discharge onto the main line.

Councilmember O'Neill asked if it changed, as he was looking at the attachment of an email he

sent in March to the planner which showed a trench drain and not an underground pipe.

Mr. Chavarria stated that the trench drain will collect the surface flow of the parking area, and the trench drain is collected by a solid pipe which will carry the water away. He stated that he could make a quick sketch that may help clarify it.

Councilmember O'Neill thought that was okay. He then asked if by trench he meant it was a big gully.

Mr. Chavarria agreed. He then drew a picture and explained that the drainage was connected to a pipe all the way down.

Councilmember O'Neill asked if that was the storm system.

Mr. Chavarria agreed, and continued drawing the picture, and stated that the parking area was lower than the street and they are putting a shallow drain and all the water will flow and collect into a section and there will be a collection point and a pipe that will drain onto the man storm drain system. He stated that no surface water from that area will go beyond that trench. He continued drawing the picture to explain how the surface water will drain into it.

Councilmember O'Neill asked if the asphalt that collects the water was permeable and that was going to collect the pipe.

Mr. Chavarria stated that it will collect the surface water.

Councilmember O'Neill concluded that it was disbursed in the ground but going into the perforated pipe. He stated that his concern with the trench, whether they were having a grate on top of it so it doesn't get debris.

Mr. Chavarria stated that those were pre-manufactured channels that have a grate on top. They were accessible for cleaning and were very efficient.

Public Works Director Ocampo stated that you can put a clean out at the end in order for them to flush it out and that was how the system was designed.

Councilmember O'Neill asked how big the trench drain was going into the pipe and how big is the pipe from the catch basin going to the street catch basin.

Mr. Chavarria stated that the trench was only 12 inches wide and was approximately 16-24 inches deep. The pipe that collects the drain is a 4-inch solid line that goes onto the system. He stated that the area being collected was very small and the 4-inch pipe is big enough to collect that amount of water.

Councilmember O'Neill stated he was not an engineer but asked if 4 inches was adequate.

Public Works Director Ocampo stated that for that area it was.

Councilmember Digre stated that she saw a huge pipe, and he said the pipe he was talking about was pretty wide, and she asked if that was 20 inches.

Mr. Chavarria stated that the system pipe was 24 inches.

Councilmember Digre stated that she didn't think it has anything to do with him, but there was a huge pipe coming out into the road and asked if staff was aware of this. She was concerned about a huge pipe coming out of the dirt onto the road. She took a picture of it.

Mr. Chavarria stated that it was coming from the property across the street.

Councilmember Digre thought it was. She stated that she turned around and it was going down.

Mr Chavarria stated that there was an old pipe coming from the upper portion of the street but it was something that had never before been addressed because there were no improvements in that section and the catch basin was made in a round shape to collect any possible water coming. He believed that, with construction of the new road that 650 made, that issue has been addressed.

Councilmember Digre stated that it looked pretty formidable if water was coming out of the size of that. She asked staff how they control monitoring things into perpetuity and make sure we are paying attention to all these things, and whose responsibility was it to check on those things to make sure they are operating properly. She asked if the owner does that and have to turn in a report that they have checked it and everything is functioning.

Planning Director Wehrmeister stated that it was the owner's responsibility.

Councilmember Digre asked how the city make sure the owner was doing what they are supposed to do.

Planning Director Wehrmeister stated that they inspect construction and years later, if they get complaints they can go out and inspect again.

Councilmember Digre thought that was how we do it as we don't have regular inspections. She stated that, looking at the terrain from the Alta Vista, she thought it was a little bit frightening.

Councilmember Martin thought everything went before the Planning Commission had its due diligence. She was asking about the process. She stated that, if she was interpreting it correctly, if it was a study session, there were no decisions to be made. The next Planning Commission is when the adjustments and decisions were made. She stated that, if her issues weren't addressed at the study session, they were addressed at the Planning Commission. She asked if the conditional approvals were decided that night.

Planning Director Wehrmeister thought this had one hearing with no study session. She stated that 650 had one or two hearings associated with it, one in 1999 for the original house and the hearing in February. She appreciated that Ms. Garcia may feel like not all of her issues were resolved that night, at least two of them are already conditions of approval by the Planning Commission. She stated that was the nature of public hearings, with applicants making statements and sometimes there is a robust discussion about some of the questions that come up and sometimes there are not.

Councilmember Martin stated that, at that final meeting, these conditions were all voted on and we knew about that before Wednesday.

City Attorney Kenyon asked that she be corrected if wrong, but she thought all of the conditions

of approval that they see at this meeting were placed on the project approval at the Planning Commission hearing and nothing changed at this time.

Councilmember Martin stated that she wanted to be sure she interpreted it correctly because she thought what she heard was different.

Planning Director Wehrmeister stated that there was one additional condition to bolster the requirement that the drainage will be double checked again during plan check.

Ms. Garcia stated that, if those conditions of approval were in place, no one said they were and when they asked about sidewalks, nothing was addressed. She knew that and left the meeting extremely upset. She asserted that no one showed her what they were going to do, yet they went into detail on the previous item and it was postponed. She stated that she didn't want to stop this, but want to make sure the integrity of the infrastructure they put in wasn't going to be at risk. She mentioned being told at the Commission meeting to try and work with their neighbors but she didn't think these were decisions which they get to work with their neighbors. She stated that she would never have spent \$350 to have them say that they told her they were going to do all this. She stated that it was kind of insulting.

Councilmember Martin apologized on behalf of the city if she felt slighted. She understood that she wasn't trying to stop it, and she feels for her and her neighbors. She hoped in the end that there is a good neighborly relationship and we all want to get along. She thanked the Planning Commission for their diligence as well as Planning Director Wehrmeister for putting in the conditions. She felt they did a good job and she is leaning toward the Planning Commission's decision. She feels bad about the buyback stuff, but if there was any way they can reimburse the \$350 for the appeal she thought that would be something.

City Attorney Kenyon stated not tonight.

Councilmember O'Neill added that, being it was a public right-of-way and if someone trips or falls, it would be the city's dime as there should be a street light on that section of the road. He stated it was in the staff report as an addition to the motion.

Planning Director Wehrmeister stated that the recommended language was on packet page 96.

Mayor Keener asked where the street light should be.

Councilmember O'Neill thought he would leave it up to the city engineer.

Mayor Keener added that they make sure it doesn't shine in anyone's window.

Councilmember O'Neill asked Commissioner Nibbelin if he has any input.

Chair Nibbelin stated that it was fair to note that they had come off of a 2 1/2 or 3 hour item and in comparison to the item they had completed, the proceedings may have seemed truncated when they were talking on this item, but he felt these matters were given consideration by the Commission. He stated that some items received more commentary from commissioners than other items. He felt some concerns raised were addressed by the commissioner but he didn't think every item addressed on appeal was addressed at length or at all but that wasn't saying they weren't aware of the various matters in the packet. He stated that they look at the matters and familiarize themselves with the conditions of approval. He felt they had good information on

the decision they made and he understood how the appellant could feel that the matter didn't receive as much attention as other matters had. He thought the concerns were looked at and the Commission acted properly under the circumstances.

Councilmember O'Neill asked if there was a condition if there is damage to the street from the construction vehicles that the applicant would reimburse the city or fix it.

Public Works Director Ocampo stated that the standard engineering requirement as they do the plan check that those notes are indicated that any damage to the existing infrastructure would be addressed prior to the final of the project.

Councilmember O'Neill thought they have addressed the dirt mounds dumped on the property and the right of way would now be kept clear of construction vehicles, equipment, debris have been addressed. He didn't think they can address the right-of-way reimbursement. He would like to add the street light condition of approval and make a motion.

Mayor Keener stated that there was a little bit more discussion.

Councilmember Digre stated she had three items, one was the street light as she thought it was a safety issue and she sympathized with the point shining in people's faces. She thought staff and the Commission did a good job and she liked it. She thought it would be within their prerogative at some point to request that the processes for the public to be engaged may be reviewed. She stated that they mentioned videos and discussions and she thought at some point they can always evaluated how their policy was in engaging the public like serious things like this so they don't come away with the assumption that things are going to be cared for or answered and followed through and then not. She brought up the question of how the city monitors things, and concluded that they don't monitor them but wait for complaints. She thought that information needs to be clear to people about the city's process in protecting the public to understand the policies as a member of the public was assuming one thing and they were going another way. She thought they needed to look at how they communicate those things.

Mayor Keener closed the public hearing.

Councilmember O'Neill moved to deny the appeal; uphold Planning Commission approval of Use Permit UP-085-17, Site Development Permit PSD-819-17 and Variance PV-519-17; and find the project exempt from the California Environmental Quality Act by adopting the attached resolution, including conditions of approval in Exhibit A to the resolution; and incorporate all maps and testimony into the record by reference and applicant shall incorporate a street light per city standard 112 at the southeast corner of the emergency vehicle turnaround or at a location satisfactory to the City Engineer; seconded by Councilmember Martin.

RESULT:	ADOPTED AS AMENDED [4 TO 0]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Deirdre Martin, Councilmember
AYES:	Keener, Digre, O'Neill, Martin
RECUSED:	Vaterlaus

CONSIDERATION

8. Appointments to the Beautification Advisory Committee, Planning Commission and the Parks, Beaches & Recreation Commission

PROPOSED ACTION: Move to appoint two (2) applicants to the Beautification Advisory Committee, two (2) applicants to the Planning Commission, and one (1) applicant to the Parks, Beaches & Recreation Commission.

City Clerk O'Connell presented the staff report.

City Clerk O'Connell stated that they had a tie with three applicants.

Mayor Keener asked that she give them the three names.

City Clerk O'Connell stated they were John Edwards, James Brzezinski and Oren Rubinstein.

City Attorney Kenyon stated that it was for their information. Now they can decide on how they deal with three applicants with the same amount of straw votes and now they have to have a discussion as to somebody make a motion to appoint.

Mayor Keener asked that they get the forms back and this time write the number next to each individual and vote for two of the three.

Councilmember Martin asked if they can write on a piece of paper.

City Attorney Kenyon stated that the concern was that you can't have secret ballots. She stated that this was an attempt to narrow the field. Now, they need to have a deliberation or someone could make a motion without a deliberation on who they would like to appoint or before they make the motion they can have a deliberation. The Council needs to narrow down the choices.

Mayor Keener didn't see how another straw vote is not indicated.

Councilmember O'Neill stated that he will make a motion for John Edwards and James Brzezinski.

City Clerk O'Connell stated that they have one person who has received three nominations and three people who received the same amount. She stated that they have to choose one of them.

Mayor Keener asked who got the three votes.

City Clerk O'Connell stated it was Patricia Hontalas.

City Attorney Kenyon stated that they need to make a motion.

Councilmember O'Neill made a motion to appoint Patricia Hontalas to the Beautification Advisory Committee; seconded by Mayor pro Tem Vaterlaus.

5-0

City Attorney Kenyon stated that they could do another straw poll.

Mayor Keener asked that they give them the forms.

Councilmember O'Neill stated that they will only vote for one.

City Clerk O'Connell stated that they vote for one and use the No. 2 next to their name for their next choice. She stated that the second person receiving the most nominations is John Edwards.

Councilmember O'Neill moved to appoint John Edwards to the Beautification Advisory Committee; seconded by Mayor pro Tem Vaterlaus.

5-0

Mayor Keener stated that Patricia Hontalas and John Edwards were the two Beautification Advisory Committee appointees.

City Clerk O'Connell stated that Thomas Clifford received the most nominations and they have a tie between Remi Tan and Oren Rubenstein.

Mayor pro Tem Vaterlaus moved that they accept Tom Clifford on the Planning Commission; seconded by Councilmember Digre.

5-0

Councilmember Martin stated that she recalled that Oren was more interested in the Beautification Advisory Committee. She asked if they recalled that from the interviews.

Mayor Keener agreed.

Councilmember Martin stated that she asked him the question of which one he preferred. She stated that she did not vote for Remi Tan.

Mayor pro Tem Vaterlaus stated that he applied for that position so he had a preference.

Councilmember Martin stated that she wanted to make it clear that he had a preference.

Councilmember O'Neill asked if they mark it as No. 2.

City Clerk O'Connell stated that Oren Rubenstein received the most nominations for this round.

Councilmember O'Neill moved that they appoint Oren Rubenstein to the Planning Commission; seconded by Mayor pro Tem Vaterlaus.

5-0

Mayor Keener stated that the two Planning Commission appointments were Tom Clifford and Oren Rubenstein.

Councilmember Martin let everyone know that there are always openings and they had a lot of good applicants and she asked that they keep applying as it doesn't mean that they weren't good.

Mayor pro Tem Vaterlaus stated that obviously it was a hard decision.

City Clerk stated that the applicant with the most votes was Eli Poblitz.

Councilmember O'Neill moved to appoint Eli Poblitz to the PB&R Commission; seconded by Councilmember Digre.

5-0

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike O'Neill, Councilmember
SECONDER:	Sue Vaterlaus, Mayor Pro Tem
AYES:	Keener, Vaterlaus, Digre, O'Neill, Martin

ADJOURN

Mayor Keener adjourned the meeting at 9:24 p.m.

Transcribed by Barbara medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 4/23/18; 5-0

John Keener, Mayor