

# CITY OF PACIFICA CITY COUNCIL AGENDA

MAYOR JULIE LANCELLE  
MAYOR PRO TEM SUE DIGRE  
COUNCILMEMBER PETE DEJARNATT  
COUNCILMEMBER CALVIN HINTON  
COUNCILMEMBER JAMES VREELAND

CITY COUNCIL CHAMBERS  
2212 BEACH BOULEVARD  
PACIFICA, CALIFORNIA 94044

**February 28, 2005**

[www.ci.pacifica.ca.us](http://www.ci.pacifica.ca.us)

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Vehicles parked without permits are subject to citation. You should obtain a  
permit from the rack in the lobby and place it on the dashboard of your  
vehicle in such a manner as is visible to law enforcement personnel.*

**5:30 p.m. CLOSED SESSION.**

1. Conference with legal counsel pursuant to Government Code Section 54956.9(b): anticipated litigation – significant exposure to litigation: one potential case.
2. In accordance with Government Code Section 54956.8: Conference with real property negotiator. Discussion will concern price and terms of payment.
  - A. Property: APN 017-520-010, San Bruno, California. Agency representative attending session: Joseph Tanner. Negotiating parties: City of Pacifica and PG&E.
  - B. Property: APN 009-131-030. Agency representative attending session: Joseph Tanner. Negotiating parties: City of Pacifica and Esplanade Pacifica, LLC.

**6:00 p.m. INTERVIEWS FOR PLANNING COMMISSION**

**6:40 p.m. INTERVIEWS FOR PARKS BEACHES & RECREATION COMMISSION**

**7:00 p.m. REGULAR COUNCIL MEETING**

Call to Order  
Roll Call  
Salute to the Flag led by Councilmember DeJarnatt  
Commission Liaisons: None  
Chamber of Commerce Liaison: None  
Closed Session Report

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**CONSENT CALENDAR**

**In a single motion, the City Council will consider and act upon Items 1 through 8.**

1. Approval of disbursements dated 01/14/05 to 02/04/05 in the amount of \$334,259.48, regular and quick checks numbered 105512 to 105518, 105677 to 105687 and 105861 to 106033); and dated 01/21/05 to 02/18/05 in the amount of \$671,456.07, regular and quick checks numbered 81251 to 81252, 81254 to 81256, and 106034 to 106189) (**Proposed action: approve**)
2. Approval of Minutes of regular City Council meeting of February 14, 2005 (**Proposed action: approve Minutes**)

3. Adoption of "An Ordinance of the City Council of the City of Pacifica amending Section 2-8.03 [c] of Chapter 8 of Title 2 of the Pacifica Municipal Code relating to Councilmember Terms" (second reading) (**Proposed action:** adopt ordinance next in order)
4. Adoption of "An Ordinance of the City Council of the City of Pacifica amending Article 2 of Chapter 10 of Title 4 of the Pacifica Municipal Code to add regulations of the Skatepark" (second reading) (**Proposed action:** adopt ordinance next in order)
5. Adoption of a "Resolution of the City Council establishing a Post Retirement Healthcare Savings Program for City of Pacifica employees per collective bargaining to be administered by the ICMA Retirement Corporation" (**Proposed action:** adopt the resolution next in order)
6. Approval of Settlement Agreement and Mutual Release of Claims in Neighbors Concerned about Pacifica v. City Council of Pacifica, et al., San Mateo County Superior Court Case No. CIV 439332 (**Proposed action:** approve settlement agreement and mutual release of claims, and authorize City Manager to sign all necessary documents)
7. Authorization to enter into a construction contract change order with Power Light Solar Electrical Systems for \$157,056 for the Photo Voltaic 350 kW solar project (**Proposed action:** approve change order)
8. Approval of lease renewal for Pacifica Spindrift Players, 1050 Crespi Drive, for a five-year term commencing January 1, 2005, to include new terms (**Proposed action:** approve the lease and authorize the City Manager to sign lease)

### **COUNCIL COMMUNICATIONS**

The purpose of Council Communications is for Councilmembers to inform each other of items of potential interest to other Councilmembers, such as interagency meetings.

### **ORAL COMMUNICATIONS**

This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. A maximum time of three minutes will be allowed for any speaker.

### **PUBLIC HEARING**

During public hearings, an applicant or their agent and appellants have ten minutes for their opening presentation and three minutes for rebuttal before the public hearing is closed. Members of the public are limited to three minutes.

None

### **CONSIDERATION**

9. Approval of Conceptual Project Objectives for the Sharp Park Wastewater Treatment Plant Buildings for City Hall – continued from February 14, 2005 meeting (**Proposed action:** direct staff to begin the process for the selection of the architect)
10. Selection of candidates to fill vacancies on the Planning Commission and the Parks Beaches & Recreation Commission (**Proposed action:** select appointees)
11. Selection of dates for budget study sessions (**Proposed action:** direct staff to schedule specific dates for budget study sessions)
12. Selection of date for joint meeting with City Council and Fog Fest Organizing Group, Inc. (**Proposed action:** schedule date for joint meeting)

## ITEMS FOR FUTURE DISCUSSION

(Proposed action: requests to staff for future Agenda items)

### **Adjourn to meeting of Redevelopment Agency**

## **REDEVELOPMENT AGENCY MEETING**

**Call to Order**

**Roll Call**

## CONSENT CALENDAR

1. Approval of Minutes of Joint City Council/Redevelopment Agency meeting of March 22, 2004

## CONSIDERATION

2. Discussion of Interpretation of "Personal Services" in the Rockaway Beach Redevelopment Area Specific Plan (**Proposed action:** direction to staff)

## ADJOURNMENT

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**NOTICE:** If you challenge a city's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any city administrative decision may be had only if a petition is filed with the court not later than the 90<sup>th</sup> day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager's Office (650) 738-7301. If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

*The Pacifica Municipal Code is available on line at the City's website ([www.ci.pacifica.ca.us](http://www.ci.pacifica.ca.us)); scroll down to find the Link.*

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**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**February 28, 2005**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Adoption of "An Ordinance of the City Council of the City of Pacifica amending Section 2-8.03[c] of Chapter 8 of Title 2 of the Pacifica Municipal Code relating to Councilmember terms [second reading] (Proposed action: adopt ordinance)

**ORIGINATED BY:**

City Manager's Office

**DISCUSSION:**

This Ordinance was introduced at the February 14, 2005 City Council meeting and is in order for adoption.

**ATTACHMENT:**

Proposed ordinance.

**COUNCIL ACTION REQUESTED:**

Move to adopt "An Ordinance of the City Council of the City of Pacifica amending Section 2-8.03[c] of Chapter 8 of Title 2 of the Pacifica Municipal Code relating to Councilmember terms."

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**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**February 28, 2005**

AGENDA ITEM NO. 4

**SUBJECT:**

Adoption of "An Ordinance of the City Council of the City of Pacifica amending Article 1 of Chapter 10 of Title 4 of the Pacifica Municipal Code to add regulations of the Skatepark"  
[second reading] (**Proposed action:** adopt ordinance)

**DISCUSSION:**

This Ordinance was introduced at the February 14, 2005 City Council meeting and is in order for adoption.

**ATTACHMENT:**

Proposed ordinance.

**COUNCIL ACTION REQUESTED:**

Move to adopt "An Ordinance of the City Council of the City of Pacifica amending Article 1 of Chapter 10 of Title 4 of the Pacifica Municipal Code to add regulations of the Skatepark."

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CITY OF PACIFICA  
CITY COUNCIL AGENDA SUMMARY REPORT

February 28, 2005

AGENDA ITEM NO. 5

**SUBJECT:**

Post Retirement Healthcare Savings Program

**ORIGINATED BY:**

Human Resources Department .

**DISCUSSION:**

A Health Savings Program is an employer sponsored health benefit saving vehicle that allows employees to accumulate, on a tax-free basis, assets to pay for medical expenses in retirement (e.g. health insurance premiums, co-pays, prescriptions, non-covered health expenses etc.)

The following outline the key provisions of the proposed plan:

- Eligible employees may elect to participate (it is not mandatory for all).
- Employees may elect salary contributions of from 1% to 100%. Both participation and salary contribution elections are irrevocable for the duration of employment with the City.
- Upon retirement or separation from City employment, participating employees may elect to contribute up to 100% of eligible final payout amounts (excluding salary) consistent with current MOU provisions.

An option for a post retirement health care savings program may be a benefit of interest to several of the City's employee units. The Human Resources Department would like to offer this benefit on a unit by unit basis per collective bargaining.

After researching and evaluating several plan administration options, the Human Resources Department is recommending ICMA Retirement Corporation to be the vendor for this plan. The City has a long history with ICMA. For the past several years, ICMA has been the administrator for the City's deferred compensation plan. ICMA is also one of a very few vendors offering a Retirement Health Savings Program. The ICMA Vantagecare program has been recently adopted by the City of San Mateo and by South County Fire Authority.

**FISCAL IMPACT:**

There is no fiscal impact. This plan is solely employee contributed and all account administrative fees are paid from participants' individual accounts.

**ATTACHMENTS:**

1. Resolution establishing a Retirement Health Savings Program
2. Copy of ICMA Adoption Agreement

**COUNCIL ACTION REQUESTED:**

Adopt Resolution No. \_\_ - 2005, a resolution establishing a Post Retirement Healthcare Savings Program for City of Pacifica employees per collective bargaining to be administered by the ICMA Retirement Corporation.

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**City of Pacifica  
Council Agenda Summary Report  
February 28, 2005**

AGENDA ITEM NO. 6

**SUBJECT:**

Approve Settlement Agreement and Mutual Release of Claims in Neighbors Concerned About Pacifica v. City Council of Pacifica, et al., San Mateo County Superior Court Case No. CIV 439332.

**ORIGINATED BY:**

City Attorney *CMD*

**DISCUSSION:**

On April 12, 2004, the City adopted a negative declaration and approved a tentative parcel map, modification of subdivision regulations and variance to subdivide a five-acre parcel into 4 lots.

The Neighbors Concerned About Pacifica ("NCAP") sued the City, the property owners (Real Parties in Interest, "RPI"), and the potential purchasers ("Purchasers"). The parties have reached a potential settlement. The terms of the settlement include the following key terms: RPI and Purchasers shall install and maintain detention ponds on the property; they shall donate \$5,000 to the San Pedro Creek Watershed Coalition; they shall seed a specified area with native plants; they agree not to place a structure or impervious surface on specified upslope areas; and they shall pay NCAP's attorneys' fees. The City is not obligated to make any financial contribution, and the Purchasers have paid all of the City's legal fees for this matter. The Agreement recommends that the improvements be conditions of approval for future development of the property, but the City retains full police power over discretionary approvals.

**ATTACHMENTS:**

Settlement Agreement and Mutual Release of Claims

**COUNCIL ACTION REQUESTED:**

Approve Settlement Agreement and Mutual Release of Claims and authorize City Manager to sign all necessary documents



**CITY OF PACIFICA**  
**COUNCIL AGENDA SUMMARY REPORT**  
**February 28, 2005**

AGENDA ITEM NO. 7

**SUBJECT:**

Authorization to Enter into a Construction Contract Change Order with Power Light Corporation for the \$157,056

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

On February 14, 2005, the City Council authorized Staff to enter into an Agreement with Power Light for a fixed solar array for \$1,142,944. The solar array will be located within the Calera Creek Water Recycling Plant's property and fence line on the southern hillside near the entry gate. Power Light was the sole bidder for this project. Their bid came in below the City's cost estimate. Council authorized budget authority for \$1.3 million. The contract was awarded on the base bid for a fixed solar array system. Power Light proposed upgrading the project from a fixed system to a tracking solar array system, which is a significant enhancement to the project. This upgrade is within the budget amount previously authorized by the City Council, and is within the maximum allowed by PG&E for the City to recover half of the cost of the project.

The tracking system along with the cost to obtain permits bring the total bid to \$1.3 million. This is the amount authorized by PG&E for the rebate of \$1.3 million in matching funds. The total project cost is \$2.6 million, with half the cost of the project being funded by PG&E and half funded by matching funds from the City. The tracking system allows for the panels to follow the sun's arch and increases the system efficiency by approximately 23%. This will reduce the power bills for Calera Creek Water Recycling Plant by approximately \$22,400 per year. This is approximately a 7 year payback for this additional change order. It is staff's recommendation to take full advantage of the rebate.

The change order for the tracker system will include the motors, all mechanical equipment, and controlling computer and programs.

Staff will not give notice to proceed until all CEQA issues are resolved.

**FISCAL IMPACTS:**

Council has already approved budget authority for Change Order 1 and no additional budget authority is required.

**ATTACHMENTS:**

Change Order 1

**COUNCIL ACTION REQUESTED:**

By motion, authorize staff to enter into the attached change order for \$157,056 and direct staff not to issue a notice to proceed until any applicable CEQA process is satisfied.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**February 28, 2005**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Approval of lease renewal for Spindrift Players, 1050 Crespi Drive, for a five-year term commencing January 1, 2005, to include new terms (**Proposed action:** approve lease and authorize City Manager to sign)

**DISCUSSION:**

The premises is an approximate 7,463 contiguous square foot building of which 4,000 square feet of the upper level is utilized for public activities. The leased Premises consists of the entire top floor and lower level, which is utilized for storage. The building is used for Cultural Arts, which includes performing arts activities, music, plays and dance instruction. The Spindrift Players, a non-profit, performing arts school, is currently the tenant.

The Lease/Rent commencement date is January 1, 2005, in which an increase is due. Staff met with the Spindrift Board and came to a verbal agreement to structure an increased base rent of \$1,000 per month in lieu of the previous minimal rent, plus 25% of other income. The tracking of miscellaneous income is difficult for both the City and Spindrift involving excessive administrative time. By revising the Lease to reflect rent only plus utilities, this will alleviate the City from managing the facility and will offer more freedom to Spindrift to pursue a more aggressive approach to fundraising and creative pursuits to gain this asset to the community at large. Parks Beaches & Recreation looks forward to coordinating marketing and joint ventures in the future as this new positive relationship develops.

All utilities, which are billed by and paid directly to the utility providers, are the responsibility of the tenant, with the exception of sewer which will be billed to the tenant by the City of Pacifica. The term is for a five-year lease with a five-year option.

**FISCAL IMPACT**

Revenue of \$12,000 per year with subsequent yearly increase of 2% of current CPI, whichever is greater.

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**ATTACHMENT:**

Term Sheet

**COUNCIL ACTION REQUESTED:**

Approve the lease and authorize the City Manager to sign.

**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
February 28, 2005**

AGENDA ITEM NO. 9

**SUBJECT:**

Approval of the Conceptual Project Objectives

**ORIGINATED BY:**

Public Works Department

**DISCUSSION:**

The Feasibility Report for the renovation of the existing Sharp Park Treatment Plant Buildings as City Hall was discussed at the February 14, 2005 Council meeting. The following proposed objectives were presented to the City Council:

**Summary of Proposed Objectives:**

- There is an immediate health and safety need to relocate employees out of the existing City Hall. The current City Hall is a liability to the City.
  - The Feasibility Report demonstrates that it is feasible to renovate the existing Wastewater Treatment Plant.
  - Construction of City Hall at the Old Wastewater Treatment Plant site is the best apparent alternative from the Alternative Analyses.
  - The cost of purchasing temporary facilities or leasing other commercial facilities for the three-to-five year period during development of the site (when new revenue generation from the development would allow for financing of a new City Hall) would exceed the cost of the tenant improvements identified in the Feasibility plan.
  - An investment of \$950,000 for a commercial upgrade creates a City asset worth \$5 million.
- 
- The value of the two buildings, if demolished, would never be recovered in the sale of the remaining property.
  - The proceeds by the Developer will remain relatively the same with or without the commercial upgrade of the two existing buildings.
  - The property value to the City increases by approximately \$5 million through the commercial upgrade of the two existing buildings.

- The highest and best short term use of the commercially renovated buildings at the Old Wastewater Plant site is clearly for use as a City Hall. This can be considered a temporary usage during the three-to-five year period that the site is developed.
- The highest and best long-term use of the buildings will be to increase their asset value to \$5-\$6 million and determine the most appropriate use that coincides with the development of the site. This could include the conversion to commercial, restaurants, time shares, hotel, etc. The final best use may involve the sale of the property to fund a new City Hall/Library complex at the existing City Hall site or it may be best to continue with the current tenants or lease to new tenants.
- The City can budget renovation of the project with the General Capital Improvement Fund; it is financially feasible and is roughly equal to the land value asset of the existing City Hall site. It is also possible to generate revenue from the partial or complete sale of the existing City Hall site. Partial sale will still enable the existing City Hall site to be developed as a 30,000-square foot library and future City Hall.
- Provide community space for community rooms for rental and the use for community functions.
- Provide site space for a 30,000 square foot library and future new City Hall.

**FISCAL IMPACTS:**

None from this action.

**ATTACHMENTS:**

None

**COUNCIL ACTION REQUESTED:**

Direct staff to begin the process for the selection of the architect.

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**CITY OF PACIFICA**  
**COUNCIL AGENDA SUMMARY REPORT**  
February 28, 2005

AGENDA ITEM NO. 10

**SUBJECT:**

Appointment of citizens to fill vacancies on the Planning Commission and Parks, Beaches and Recreation Commission (Proposed action: appoint citizens)

**ORIGINATED BY:**

City Manager's Office

**DISCUSSION:**

Vacancies exist on the Planning Commission and the Parks, Beaches and Recreation Commission. Vacancies were advertised three times in the Pacifica Tribune. Interviews were scheduled for those who responded and were held this evening. Should Council wish to do so, appointments can be made at this time .

**PLANNING COMMISSION: NEED 4**

	Digre	DeJarnatt	Hinton	Lancelle	Vreeland
Bray, Todd					
Cicerone, Harold					
Clifford, Thomas					
Curtis, John					
Nathanson, B.J.					
O'Driscoll, Kevin					
Ranken, Christopher					
Schlesinger, Tod					
Wagner, James					
Weismann, Julie					
Woodworth, Daniel					

**PARKS, BEACHES AND RECREATION COMMISSION: NEED 2**

	Digre	DeJarnatt	Hinton	Lancelle	Vreeland
Colombo, Helen					
Costa, Sheri					
Root, Bryce					

**COUNCIL ACTION REQUESTED:**

Move to appoint:

- 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
4) \_\_\_\_\_ to the Planning Commission;

Move to appoint \_\_\_\_\_ and \_\_\_\_\_ to serve on the  
Parks, Beaches and Recreation Commission.

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CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
February 28, 2005

AGENDA ITEM NO. 11

SUBJECT:

Selection of Dates for Budget Study Sessions

ORIGINATED BY:

City Manager's Office

DISCUSSION

Council is requested to select dates for budget study sessions. Preliminary tentative scheduling is as follows:

*Wednesday, March 30, 6:00 p.m., Council Chambers*

*General Fund*

*Wednesday, April 13, 6:00 p.m., Council Chambers*

*Dept. Goals*

*Wednesday, April 25, 6:00 p.m., Council Chambers (before council meeting)*

*General Fund*

*Wednesday, May 4, 5:30 p.m., Council Chambers*

*WWTP & Capital*

ATTACHMENTS:

Fiscal Year 2005 – 06 Budget Calendar

COUNCIL ACTION REQUESTED:

Direct staff to schedule specific dates for budget study sessions

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# FISCAL YEAR 2005-2006

## BUDGET CALENDAR

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### March

- 8 First Iteration of Exp. Worksheets to Finance
- 15-17 Dept's meet with Budget Liaison
- 18 Budget Narratives to Finance
- 30 Revisions of Exp. & Rev. Budgets to Finance
- 30 Budget Study Session - General Fund Strategy
- 31 WWTP Budget to Finance
- 31 Motor Pool Budget to Finance
- 31 All other budget data to Finance

APRIL						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### April

- 5-7 Dept's Directors meet with FD
- 13 Budget Study Session - Department Goals
- 25 Cost of Services Fee Schedule to City Council
- 25 Budget Study in the Chambers - General Fund

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### May

- 4 Budget Study Session - WWTP & Capital 5:30 P.M.
- 9 P.H. - Utility Tax

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### June

- 13 Update Budget Changes, if necessary
- 13 NPDES & Sewer rates to Council -1st Reading
- 13 Gann Limit
- 13 Adopt the Budget
- 27 Sewer charges-2nd reading (Consent)
- 27 P.H. - Delinquent Garbage Charges



= Council Meeting



= Budget Study Session



= Holiday



CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT  
February 28, 2005

AGENDA ITEM NO. 12

SUBJECT:

Selection of date for joint meeting with City Council and Fog Fest Organizing Group, Inc.

ORIGINATED BY:

City Manager's Office

DISCUSSION

Discussion and direction to staff to schedule a date for Fog Fest Organizing Group, Inc. to hold a joint meeting with the City Council.

ATTACHMENTS

None

COUNCIL ACTION REQUESTED

Schedule date of joint meeting with City Council and Fog Fest Organizing Group, Inc.

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**CITY OF PACIFICA**  
**REDEVELOPMENT AGENCY AGENDA SUMMARY REPORT**  
**February 28, 2005**

RDA ITEM NO. 2

**SUBJECT:**

Discussion of Interpretation of "Personal Services" in the Rockaway Beach Redevelopment Area Specific Plan

**PROPOSED ACTION:**

Direction to Staff

**ORIGINATED BY:**

Planning and Economic Development Department



**DISCUSSION:**

Councilmember Vreeland requested that a item regarding the interpretation of "personal services" in the City's Rockaway Beach Specific Plan be agendized for Redevelopment Agency discussion.

The City's Rockaway Beach Specific Plan is the document containing the rules and regulations regarding land use in the City's Redevelopment area. As shown on the attached map, the area bounded by Dondee Way, Old County Road, San Marlo Way, and Rockaway Beach Avenue is designated "Mixed Use". The document states "This land use category is intended to allow activities such as lodging, restaurants and retail goods and services which enable visitors to enjoy the coastal environment. Permitted uses include lodging houses and pedestrian oriented retailing. All activities on the ground floor shall be limited to retail and/or personal services. Upper floor uses would include retail, office or residential activities."

Staff has consistently considered real estate offices to fall under the "office" category, in that such offices are primarily intended for use by the real estate agent, and don't generally involve visitation by clients, unlike other personal service type uses such as beauty salons, professional offices such as doctors and dentists, and banks and financial institutions.

Given that the "Land Use and Development" section of the Rockaway Beach Specific Plan has as the number one objective, "1. Provide for visitor serving commercial activities which upgrade the physical character of the area.", and considering that five of the eight listed objectives refer to the importance of either pedestrian oriented or visitor serving commercial activities, staff believes it is inconsistent with the overall goal of the Redevelopment Area to allow business or administrative offices, such as real estate offices, on the ground floor.

(In the case of the new "Clock Tower" building, the owner of that building recently spoke to the Council during oral communications and questioned staff's interpretation of the Specific Plan, which is addressed above. The owner also mentioned something about a "mortgage broker" on the ground floor of the subject building. Staff spoke with the owner some weeks ago regarding this issue and indicated that a mortgage broker would, in fact, be interpreted as a personal service because, unlike a real estate office, such a use does generate visitors to the area. However, as far as staff knows, the owner never applied for a mortgage broker use. All staff received was a business license application for a real estate office, which was denied for the reasons stated above.)

Should the Agency disagree with staff's interpretation of the Specific Plan regarding "personal services", staff will change its policy and begin allowing real estate offices to be located on the ground floor. The agency may also wish to indicate what other types of uses it might like to include under the "personal service" category. Depending upon the direction of the Agency, it might be appropriate to amend the Specific Plan to clarify the overall goals and objectives to reflect the Agency's desire for the area.

**FISCAL IMPACTS:**

Potential fiscal impacts are unknown at this time, and would depend upon Agency direction and possible future amendments to the Specific Plan.

**ATTACHMENTS:**





1. Land Use Map from Rockaway Beach Specific Plan

**AGENCY ACTION REQUESTED:**

Provide direction to staff.

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**Figure 7**  
**Land Use Boundaries and**  
**Parking Locations**

Mixed Use	
Visitor Commercial	
Open Space/Recreation	
Parking	P
Business Commercial	

#### DESCRIPTION OF USES

##### Mixed Use

This land use category is intended to allow activities such as lodging, restaurants and retail goods and services which enable visitors to enjoy the coastal environment.

Permitted uses include lodging houses and pedestrian oriented retailing. All activities on the ground floor shall be limited to retail and/or personal services. Upper floor uses would include retail, office or residential activities.

##### Visitor Commercial

Allowable uses would include restaurants, motels, hotels, lodging houses and specialty shops associated with these uses. Other permitted uses include sports or athletic facilities, cultural centers, museums and other similar activities.

##### Open Space/Recreation

This land use category is limited to areas having high scenic value and/or fragile environmental characteristics. While open space for public use and enjoyment is the preferable and dominant activity, commercial uses that are in harmony with the character of the coastal environment shall be conditionally permitted. Such commercial development should result in maximum open space, public access and usage, extremely low building coverage, be limited to low profile structures not located on prominent ridgelines and preserve scenic vistas from adjacent public rights-of-way.

##### Parking

This use category is intended to allow commercial activities that provide employment and services to the community, but might be inappropriate in the Rockaway Beach neighborhood. Such commercial activities that would be encouraged include new office, business and research enterprises and financial institutions. Visitor commercial activities are also allowed and encouraged in the Business Commercial area.

