

## MINUTES

**CITY OF PACIFICA  
PLANNING COMMISSION  
COUNCIL CHAMBERS  
2212 BEACH BOULEVARD**

June 5, 2023

7:00 p.m.

Chair Hauser called the meeting to order at 7:05 p.m.

**ROLL CALL:** Present: Commissioners Devine, Berman, Godwin, Ferguson,  
Wright and Chair Hauser  
Absent: Vice Chair Leal

**STAFF PRESENT:** Planning Director Murdock  
Asst. City Attorney Murphy  
Assoc. Planner Lin  
Wastewater Plant Manager Sun  
PW Dep Director-City Engineer Yip  
Sr. Engineer Donguines

**SALUTE TO FLAG:** Led by Commissioner Wright

**APPROVAL OF ORDER  
OF AGENDA** Commissioner Berman moved approval of the Order  
of Agenda; Commissioner Godwin seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Berman, Godwin, Ferguson,  
Wright and Chair Hauser  
Noes: None

**APPROVAL OF  
MINUTES:  
APRIL 17, 2023  
MAY 15, 2023** Commissioner Wright moved approval of the minutes  
of April 17, 2023 and May 15, 2023; Commissioner  
Devine seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Devine, Ferguson, Godwin, Berman,  
Wright and Chair Hauser  
Noes: None

### **DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF JUNE 12, 2023:**

Chair Hauser confirmed that she and Commissioner Berman were still able to attend that meeting as liaisons.

### **ORAL COMMUNICATIONS:**

Planning Commission Minutes

June 5, 2023

Page 2 of 52

Planning Director Murdock stated he received a batch of cards and needed to review them for the topics to see if there were any for oral communications, and concluded there were no commenters.

Assoc. Planner Lin introduced the call-in speaker.

Steven Goodale, Pacifica, stated he was just confirming that calling in by phone was still a valid way to make comments.

Chair Hauser responded affirmatively.

**CONSENT ITEMS:**

None

**CONSIDERATION:**

1. N/A                                      Review of the 2023-2028 Capital Improvement Program for Consistency with the General Plan. Recommended CEQA Action: Exempt under CEQA Guidelines Section 15378(b)(4).

Assoc. Planner Lin presented the staff report.

Planning Director Murdock wanted to clarify that, because there will be members on the Commission that will have conflicts of interest and cannot participate in the entirety of the Capital Improvement Program so they will have to vote on this item in four separate segments. He suggested that they have public comment before they have a discussion and then have members recuse themselves as needed and leave the chamber.

Chair Berman appreciated staff's help in creating those separate motions. She then opened public comments, and seeing no one, closed public comments. She then asked who is recused first.

Planning Director Murdock stated that Chair Hauser would be the first one to recuse herself on the Monterey Road drainage improvement projects, briefly state her reason for recusal and exit the chamber.

Chair Hauser stated that her home was in the vicinity of the project and will recuse herself.

Commissioner Berman stated she will be chairing while Chair Hauser is recused, and asked for any questions on the CIP.

Asst. City Attorney Murphy clarified that they will only be taking action on the Monterey Road drainage improvement project finding consistency with the General Plan.

Commissioner Berman asked if they should save general questions for a later time in the process.

Asst. City Attorney Murphy responded affirmatively, clarifying that the fourth action will be for the general project not the individual programs.

Planning Director Murdock further clarified that, if it doesn't weigh on the decision for this item, and is just a general question, it can wait.

Commissioner Berman didn't think it affected this one and she was willing to hold it for the 4<sup>th</sup> segment. She then asked if there were any questions from the Commission, and if not, they can either go to deliberations or possibly a motion.

Commissioner Ferguson asked clarification that they will be approving the three programs individually and then the plan overall.

Planning Director Murdock responded affirmatively.

Commissioner Ferguson stated this was just for the Monterey Road project.

Asst. City Attorney Murphy responded affirmatively, clarifying that the motion would be to adopt a finding of consistency with the General Plan for specifically the Monterey Road drainage improvement project.

Commissioner Ferguson was willing to make a motion but needed to figure out how to do it for just that project.

Commissioner Berman asked if there was a suggestion for how to formulate a motion.

Planning Director Murdock recommended using the motion on Packet page 29 and stated that it would be changed for Planning Commission to move to adopt the resolution included in attachment A, finding that the Monterey Road drainage improvement projects proposed in the 2023-2028 Capital Improvement Program is consistent with the 2040 General Plan and if desired, the maker of the motion can just say “so moved”.

Commissioner Ferguson moved that the Planning Commission adopts the resolution included in Attachment A finding that the Monterey Road drainage improvement program proposed in the 2023-2028 Capital Improvement Program is consistent with the 2040 General Plan; Commissioner Devine seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Devine, Ferguson, Godwin, Berman and Wright.
Noes:	None
Recused:	Chair Hauser

Planning Director Murdock stated that, on the next item, Commissioner Ferguson will have to explain his reason for recusal and then leave the chambers.

Commissioner Ferguson will be recusing himself due to proximity.

Chair Hauser asked staff to clarify the sites being discussed in this item.

Planning Director Murdock stated this segment will include the Pacifica Library, Palmetto Avenue street amenities and Montecito Avenue storm drain system improvements which are all in Fund 19, Packet pages 24 and 23.

Chair Hauser asked Commissioners if they had any questions, comments and, if not, were willing to make a motion.

Commissioner Wright asked if staff could make a recommendation on the motion on this item.

Chair Hauser agreed.

Planning Director Murdock stated that the recommended motion would be for Planning Commission to move to adopt resolution included in Attachment A, finding that the new Pacifica Library, Palmetto Avenue street amenities and Montecito Avenue storm drain system improvements projects proposed in the 2023-2028 Capital Improvement Program is consistent with the 2040 General Plan.

Commissioner Wright so moved; Chair Hauser seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Devine, Godwin, Berman, Wright and Chair Hauser
Noes:	None
Recused:	Commissioner Ferguson

Chair Hauser asked if there was another recusal required.

Planning Director Murdock stated that it would be Commissioner Devine regarding the Rockaway Beach Avenue drainage improvement, Rockaway parking area and Rockaway Beach parking structure projects.

Commissioner Devine recused herself due to owning property in Rockaway Beach.

Chair Hauser asked if staff could give them the particular site being deliberated on at this juncture.

Planning Director Murdock stated that he doesn't have all the specific locations but it was the Rockaway Beach Avenue drainage improvements, Rockaway parking area and Rockaway Beach parking structure projects.

Chair Hauser asked if Commissioners had any questions.

Commissioner Wright stated he would like a suggested motion.

Planning Director Murdock stated staff suggested a motion to move that the Planning Commission adopts the resolution included in Attachment A, finding that the Rockaway Beach Avenue drainage improvement, Rockaway parking area and Rockaway Beach parking structure projects as proposed in the 2023-2028 Capital Improvement Program are consistent with the 2040 General Plan.

Commissioner Wright so moved; Commissioner Ferguson seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Godwin, Ferguson, Berman, Wright and Chair Hauser
Noes:	None
Recused:	Commissioner Devine

Chair Hauser asked if there were any other recusals.

Planning Director Murdock stated there were not and they can move on to the entirety of CIP minus those projects previously mentioned with respect to the recusals.

Chair Hauser asked if there were any questions on the remaining project.

Commissioner Wright stated he had a comment. He was really happy to see so much emphasis on those who are not represented to vote, i.e., the young people in terms of field space, prioritization of sports fields and local clubs which meant a lot to him and he was glad to see it as part of the city.

Chair Hauser asked if he wanted to make a motion.

Commissioner Wright asked staff to recommend a motion.

Chair Hauser apologized and acknowledged Commissioner Berman wished to speak.

Commissioner Berman was inclined to support a motion but she first wanted to ask a couple of generic questions. She knows City Council has a lot of priorities and there are only limited funds, stating that there are several improvements in the CIP have been there for quite a few rounds, and she asked if there was a way to identify prioritization of certain projects in the CIP to ensure that anything having to do with safety, public health, such as a public building with mold that makes it unsafe to breath and can they be identified as a priority in the next CIP.

Planning Director Murdock stated that he will allow his colleagues in Public Works to come up and speak to the question of how projects are funded and prioritized in the context of the CIP.

Commissioner Berman stated she would appreciate that.

PW Dep. Director/City Engineer Yip believes there was a study session for the CIP prioritization with Council prior to having gone to Council on May 8. He referred to attachment 4 on the May 8 Council meeting where there was a list of non-discretionary projects and would be prioritized in some of the projects they are looking for in this round.

Commissioner Berman asked if there was any consideration for public health or employee health when reviewing those versus what was discussed in the Council meeting.

PW Dep. Director/City Engineer Yip stated he would have to look into that some more and get back to her.

Commissioner Berman stated it would not impact her decision to support this CIP but she thought it was important that capital improvement programs are updated and pushed forward each year and it was a thought that came to mind as she noted there are so many improvements that are needed throughout the city and the funds are limited. She stated that they wanted to make sure we have a safe city to live in for our employees as well as our community. She then referred to Packet page 41 with a pie chart which identifies the separation of percentages of the different types of improvement programs we have in the CIP, and asked what is classified in the purple one under facilities.

PW Dep. Director/City Engineer Yip stated that there are several buildings that the city has to maintain for a few services as well as police, fire, all falling under facilities.

Commissioner Berman assumed it was mainly building structures.

PW Dep. Director/City Engineer Yip stated it was building structures.

Commissioner Berman stated that the pie chart was the vast majority of our CIP projects and was at 36% and was noteworthy.

Chair Hauser then asked for a motion.

Commissioner Wright stated he would like to reassert his motion.

Chair Hauser asked if a motion was formally made.

Planning Director Murdock didn't think he read staff's recommended motion, as it went directly to Commissioner Berman's questions as he was beginning to make a motion. He stated that staff's recommended motion would be to move that the Planning Commission adopts the resolution included in Attachment A, finding that the proposed 2023-2028 Capital Improvement Program, minus the Monterey Road draining improvements, new Pacifica Library, Palmetto Avenue street amenities, Montecito Avenue storm drain system improvements, Rockaway Beach Avenue drainage improvements, Rockaway parking area and Rockaway Beach parking structure projects, are consistent with the 2040 General Plan.

Commissioner Wright so moved; seconded by Commissioner Devine.

The motion carried **6-0**.

Ayes: Commissioners Devine, Berman, Godwin, Ferguson,  
Wright and Chair Hauser  
Noes: None

**PUBLIC HEARINGS:**

2. **RZ-210-22** File No. 2016-001 – Rezoning RZ-210-22, Development Plan  
**DP-86-22** DP-86-22, Specific Plan SP-179-22, Quarry Use Permit  
**SP-179-22** UP-71-16. Variance PV-531-22, Tree Permit TP-1-22, and  
**UP-71-16** certification and adoption of a Final Environmental Impact  
**PV-531-22** Report (EIR), for approval of a Quarry Reclamation Plan to  
**TP-1-22** reclaim the approximately 86-acre former Rockaway Quarry. The  
**Final EIR** project requires a Planning Commission recommendation to the City  
Council on the proposed Rezoning and Development Plan and  
Planning Commission action on the proposed Specific Plan, Quarry  
Use Permit, Variance, Tree Permit and Final EIR. Reclamation of  
the former quarry site is required by the State Mining and  
Reclamation Act (SMARA) and Chapter 2, Surface Mining and  
Reclamation of Title 9 of the Pacifica Municipal Code. The  
proposed Quarry Reclamation Plan would restore the former quarry  
by importing approximately 1,000,000 cubic yards of soil to restore  
the excavated quarry face and other areas to a pre-mining condition,  
establishing 1.55 acres of new seasonal wetland and a new 0.20-acre  
California red-legged frog pond, and constructing new unpaved  
recreational trails and drainage improvements throughout the  
reclaimed site. The proposed reclamation activities would not  
include any changes in use or building construction on the project  
site. The site would be rezoned to the P-D (Planned Development)  
zoning district from the existing C-3X (Service Commercial with  
Public Vote Required to Rezone for Residential Use) zoning district  
as required by the hillside Preservation District (HPD) overlay  
zoning district. The reclamation activities would also involve  
protected tree removal for reestablishment of the Quarry access road  
along Highway 1 south of Reina del Mar Avenue and to allow other  
grading activities to occur as part of the reclamation. The proposed  
reclamation activities would require a variance to exceed the  
coverage limitation for grading within the HPD overlay zoning  
district. Recommended CEQA Action: Certification and adoption of  
a Final Environmental Impact Report (EIR).

Planning Director Murdock stated that, prior to the staff report, he had a request from many members of the audience to increase the volume of the audio system as they have a full chamber and it may be difficult to hear. He stated that they don't have the ability to control the volume level as they need to request support from a third party vendor to do that so he asked that all staff and Commissioners try to speak as directly and loudly into the microphone as they reasonably can to try to increase the volume level for everyone in attendance. He then said he is joined by various city staff, as well as CEQA consultant and geotechnical consultant to present the Rockaway Quarry Reclamation Plan Project. He then began the staff report. He ended the staff report and mentioned that the Commission can state if they have any conflicts of interest or ex parte communications.



Commissioner Devine stated that she has a conflict of interest on this application because she owns property in Rockaway Beach, thus she is not able to legally participate on this item and will recuse herself and leave the chambers. She thanked the public for coming to participate.

Chair Hauser thought this was the time to disclose any ex parte conversations.

Commissioner Berman stated she had none to disclose.

Chair Hauser stated she spoke to several members of the public but did not speak to the applicant.

Commissioner Godwin stated he sent a responding email to Mr. Monroe forwarding information prepared by the Planning Director summarizing the city's responses to his questions.

Commissioner Ferguson stated he also spoke to members of the public but not the applicant.

Commissioner Wright stated he responded to emails from the public, basically only voicing his appreciation for their input and hoped to see them at this meeting, as well as spoke to Planning Director Murdock and Mayor pro Tem Vaterlaus.

Chair Hauser asked Assoc. Planner Lin how many call-ins they have, as well as those in person.

Assoc. Planner Lin stated that there was only one call-in and there were 26 attendees.

Chair Hauser stated, based on the number of potential commenters, she would restrict their time to two minutes. She also added that, when it comes to questions by Commissioners, she had a lot of questions and she suggested that they limit their questions to five minutes per Commissioner to make sure they have enough time for everyone in the community to speak.

Commissioner Wright had one question before deliberation. He asked if staff thought they had sufficient manpower experience and time with the recent transitions in staff to give this full due diligence.

Planning Director Murdock stated that the work on this application has been ongoing for a number of years, through up and down staffing and workloads and he felt the city had thoroughly reviewed the proposed reclamation plan. He did acknowledge that they had less time to thoroughly review the public comments submitted by the public just prior to the meeting, thus, he would benefit from more time, as they need to thoroughly review those for any potential issues raised with respect to CEQA or other matters related to the project. He urged the Commission to take some additional time to consider those before taking final action.

Chair Hauser asked if the Division of Mine Reclamation (DMR) asked for the reclamation or how was it initiated.

Planning Director Murdock stated that the property owner in 2016 submitted a proposed reclamation plan prior to a separate application that had been submitted for broader development which went to a public vote for rezoning and was unsuccessful. A separate operator partnering with the property owner to take over the reclamation is the applicant of this reclamation plan.

Thus, in both cases, this is being initiated by the property owner or an entity authorized by the property owner.

Chair Hauser wanted more clarification. She thought they know that the Surface Mining and Reclamation Act (SMARA) is requiring this and it sounds like it is applicant initiated, and she asked why this didn't happen in less than the year and, if DMR never contacted the city as the lead agency, why do they feel that they have to do this.

Planning Director Murdock stated his first response is that the city had a duty as a public and lead agency under SMARA to process applications made to the Planning Department as in this case for permit types that are authorized under our municipal code, so they don't have the discretion to reject an application when submitted. In this case, they are fulfilling that obligation to provide due process to the applicant and effectuate the municipal code, the quarry use permit and other related permits which the applicant can request and receive a city decision on it. He referred to timing, SMARA and the one-year timeline and stated he could not confirm that the one-year provision was applicable at any previous time but is the law today. He stated that, to frame that reclamation is intended to be timely upon closure of a mine and not linger for decades after mine closure as it has in this case. He doesn't have full information as to the reasoning why the city or state did not previously step in and require full reclamation of the site. He stated that he is relieved that there is an applicant who is seeking to comply with SMARA and the municipal code to complete the reclamation and the details of that will be the outcome of this process from Planning Commission and Council following public comments and all the input. He stated that applicant initiated and seeking to comply with the municipal code and SMARA.

Chair Hauser stated she was aware of a project in the East Bay that has nothing to do with this project, but 20 years ago someone illegally put riprap into the creek and they were told to remove it but they couldn't get a timely agency permit and, after years of trying to remove the violation, the state and Regional Water Quality Control Board determined that it would cause more harm than good at that point to remove the riprap. So, that is a question that she has for the applicant or someone, i.e., as it has not been a functioning mine for decades, at what point does a grading action cause more harm than good, and has that been analyzed. She then asked the public to withhold public response until public comments.

Planning Director Murdock thought the applicant would have a particular response and he offered their CEQA consultant to weigh in with any additional thoughts but his response was that failing to reclaim the mine would not comply with SMARA or the municipal code but what is entailed in that reclamation is open to discussion and consideration as there are standards that SMARA has in place for minimum slope stability, including 2-1 slopes, which are not present in many locations in the quarry and result in unsafe condition, and a noncompliant condition with SMARA. He stated that there are other components of SMARA in terms of water quality, habitat restoration, revegetation, minimizing invasive species, etc., that SMARA intends to address in terms of hazardous environmental impacts from former mining operations that the reclamation is intended to minimize or eliminate, thus, he thinks reclamation needs to occur in some fashion, regardless of this specific project or some modification. Staff has no opinion at this time, other than they evaluated the application, added conditions they think are necessary to improve it and have evaluated potential environmental impacts that result from this project.

Commissioner Berman had quite a few questions, but to help order them, she asked if they will be receiving a presentation from the applicant.

Planning Director Murdock stated that the applicant has provided a presentation to him and he will queue it up at the appropriate time at the Chair's direction.

Commissioner Berman stated she will save particular questions for after that presentation. For now, she stated that she knows they are looking at recommending approval of a specific plan but they don't have a specific plan in front of them and asked if staff could speak on that and the disconnect.

Planning Director Murdock stated he needed to clarify the meaning of specific plan in this context as it is not the same as Sharp Park Specific Plan, etc. type of specific plan in state planning law but a term used in our municipal code to describe a site improvement plan that talks about buildings, roads, utilities, grading, etc., and this is a unique type of project as a quarry reclamation plan and it is predominantly grading only with very few permanent site improvements but the details of the reclamation plan as it relates to grading, storm drainage, wetlands mitigation do constitute a specific plan for purposes of the PD zoning district and is in the packet and in the draft resolution for approval as part of the package before the Commission at this time.

Commissioner Berman thought she saw on Packet page 161 mention that a specific plan would need to be broken out and submitted a year after approval, and asked if that was correct.

Planning Director Murdock stated he would have to review the specific language, but if it said that, it is not intended. He suspects that it says the municipal code allows specific plans to follow development plan approval by up to a year but, in this case, they have been proposed concurrently and the Commission has both of them in front of the Commission for consideration.

Commissioner Berman asked clarity that the Coastal Commission will be leading the CDP process and giving approval but, after the Coastal Commission leads the CDP process, nothing will come back to the Commission for review, i.e., if they recommended approval at this meeting and it went on to the Coastal Commission, would any amendments that the Coastal Commission recommends or requires of the reclamation project not come back to the Commission for review.

Planning Director Murdock stated it was difficult to answer that question, but it was possible, if this reclamation plan is approved by the city in whatever form it takes, and the Coastal Commission approves that in substantially the same form, there may not be another discretionary action that comes back to the Planning Commission. He added that what happens from time to time at the Coastal Commission is that they will revise a project approved by the city in such a way that it is no longer substantially the same project, such as another project in a previous instance where a four detached unit project went to the Commission on appeal, came back as a single building with four units in a different part of the site and that required processing of amended or new, depending on their perspective, approvals by the city subsequent to the Coastal Commission's action on the coastal development permit. Thus it could happen that the Coastal Commission will make changes to this reclamation plan, if the city approves it, in a way that is no longer close enough that they can conclude it is the same project and it requires an amended application review process with the city.

Commissioner Berman asked, if that were to happen, would they then go in a circle.

Planning Director Murdock stated that potentially they would.

Commissioner Berman asked if it would then go back to the Coastal Commission afterwards.

Planning Director Murdock stated that the same principle would apply. If the city approves an amended application that is conforming to what the Coastal Commission approved, it may not need to go back to the Coastal Commission process again. He stated that someone needs to take a final action and someone else needs to follow with respect to the overall project to make sure they are closely enough aligned so that everything that one considered was implemented and the other nearly everything.

Commissioner Berman thought it may be a very long process ahead.

Planning Director Murdock stated it could be.

Commissioner Berman asked clarification that the Coastal Commission will do its own CEQA process but will use the same EIR that the Commission is reviewing at this meeting.

Planning Director Murdock thought she was correct. He is not an expert on the Coastal Commission's administrative processes but understands they are subject to a separate certified regulatory program by the Secretary of Natural Resources in California and have what is commonly called a CEQA equivalent process that takes into account environmental impacts where there is a private application that is coming through an elite agency like Pacifica before it gets to the Coastal Commission and the Coastal Commission requires that whatever CEQA analysis was prepared for that project is submitted as part of the application package for the Coastal Development permit. They aren't starting from scratch but have a baseline plan of environmental information that may be adequate for their purposes or starts them doing some subsequent analysis off of that in relation to their project review.

Commissioner Berman referred to the geotechnical report from 2018 that is included, and she knows it was peer reviewed in 2021, but over the past two years, there has been a significant change in the quarry hillside due to erosion and the winter storms, and she asked if an updated geotechnical report, borings or testings be completed, in staff's opinion.

Brooks Ramsvil, engineering geologist, stated they reviewed the geotechnical report in 2021 and, at this point, he thought it was valid for the proposed reclamation plan currently, but added that it may need to be updated further down the road.

Commissioner Berman asked, given the past year's storms and change in topography in just one year, if his opinion was that the current geotechnical report in front of them was still appropriate.

Mr. Ramsvil stated that he believes it is.

Commissioner Berman referred to Packet page 159, Item E, and on the updated General Plan from the conservation Section COI4 where there is mention of the state's no net loss goal regarding wetlands, and she asked if someone could give a summary of the state's no net loss goal and what that entails.

Planning Director Murdock stated that, in various places in California and parts of the United States, there is less a presumption of protection of existing natural wetlands and a more ready willingness to allow for mitigation of wetlands impacts to facilitate development in California. While he can't speak to every intent, California has determined that the protection and preservation of natural wetlands systems is the most effective way to ensure that they are a natural benefit and the ecology of the wetlands. From a policy standpoint, the preference is to maintain those wetlands where they exist today and not mitigate them for impacts less than the absolute necessity such as to avoid takings or another legal reason that they are not protected in place. The goal in mind is that wetlands impacts should be avoided wherever it's possible to do so.

Commissioner Berman concluded that, what is proposed before them now is a mitigation where a new wetland is being effectively replaced in a new location. She asked if that conflicts with the state's no net loss goal.

Planning Director Murdock stated that it wouldn't result in any loss of wetlands on a net basis in terms of area, but in fact more area provided to offset the impact as part of the mitigation, but he added that it would result in the loss of the wetlands where they exist currently, but this is a situation where they are trying to harmonize multiple different statutory provisions and policies. He stated this applicant is indicating they are not able to design the project in a way that would completely avoid the loss of existing wetlands and, as a result, they need to be mitigated in a new location, subject to permitting agency review and approval.

Commissioner Berman concluded that the state's preference is to leave the existing wetlands as is but there is no alternative for this reclamation project to protect the existing wetlands in place.

Planning Director Murdock didn't know that it is true that there is no alternative, as he thinks the applicant can explain the analysis that has been done as to what it may look like to achieve that, and he wasn't willing to support as a staff recommendation because of some of the secondary and tertiary impacts that would result from designing a project in that fashion, but it may be technically feasible and the applicant can speak to that. He said that it may not be a desirable outcome, but the applicant can elaborate on that.

Commissioner Berman asked staff's opinion of what is proposed in front of the Commission, i.e., the minimal amount of grading possible for this project or is there a better, more balanced earth work solution.

Planning Director Murdock doesn't believe this is the least amount of grading that is necessary to accomplish the quarry reclamation but the amount proposed by the applicant. Staff evaluated the impacts and it is a reasonable amount for the purposes of the requirements of SMARA and the qualitative outcomes that result, including the aesthetic appearance of the reclaimed site, usability of the trail system to be constructed on the site, managing slope stability, erosion runoff and water quality impacts, and for all those reasons, this is a desirable quarry reclamation plan. He believed the reclamation could be accomplished in compliance with state law and the municipal code with less fill, and the question is how many of those adverse impacts that would result from less fill, such as 2-1 slopes, significant benching that might result in an unnatural appearance and aesthetics, and how desirable are those as an offset to a lesser fill solution. He didn't think that would eliminate all or necessarily most of the fill that would be needed to reclaim this site, but would result in less import of fill. He stated that they have not designed such an alternative, but it

is fair game to discuss and determine what those tradeoffs would be to achieve lesser fill and fewer impacts and the tradeoff for potentially other types of impacts that have not been fully developed for study at this time.

Commissioner Godwin thought other government units can help or hinder this project, and he asked if they talked to the Pacifica School District about relocating bus stops or changing some school times at Vallemar or talked to Caltrans about restricting turns at the Reina del Mar intersection or doing something to improve traffic flow with the increased traffic volume from the dump trucks, etc., or has this not been explored yet.

Planning Director Murdock understood that the applicant has a transportation analysis expert here and they can talk more of what went into the transportation analysis for the Commission's understanding, but with traffic volumes and the manner in which trucks will enter and exit the site, they haven't identified any significant impacts caused by the project. A lot of the concerns are related to the existing conditions at Reina del Mar and Highway 1 and, in staff's assessment, may not be significantly affected by the proposed reclamation.

Commissioner Godwin concluded that they haven't talked to other government units about trying to deal with this project and its impacts at this point.

Planning Director Murdock agreed, adding that they haven't found a need to do so based on the evidence and information they analyzed.

Commissioner Wright asked if they can take a quick break before they start on public comments as he expected it to be rather lengthy.

Chair Hauser called a short recess then reconvened the meeting. She then stated they would hear applicant's report.

Billy Gilmartin, owner of Baylands Soils Pacifica, began his report by mentioning all his staff and consultants present at this time. He mentioned the history of the quarry and the blights and safety to the community and stated, over the past five years, his staff has worked on the problem, and detailed all the goals regarding the reclamation of the site. He ended by stating he wanted to reserve time for rebuttal.

Chair Hauser asked Planning Director Murdock how much time he had left.

Planning Director Murdock stated he had four minutes remaining and typically the applicant will receive up to three minutes for rebuttal as part of the public hearing.

Chair Hauser asked if that was acceptable and would like to use another minute.

Mr. Gilmartin had one comment after something they heard with respect to correspondence between the DMR and the city. He asked that the city look through its records and see any communication going on between the DMR and the city as he understood there was a consistent correspondence between the DMR and Pacifica annually to check on the status of reclamation. He asked that they use the available resources they have to review any communication between the DMR and city.

Chair Hauser asked if the Commission had any questions before opening up public comments, adding that there will be another opportunity after public comments.

Commissioner Berman stated she did have questions for the applicant but she had no problem waiting until after the public comments as she didn't think the questions were substantial to occur before public comment.

Chair Hauser thought, if she had any she deemed important, for now, but she can reserve them as well.

Commissioner Berman stated she would address the ones she touched on earlier. They talked about the state's no net loss goal regarding wetlands and asked if he could speak to the facts on the plan in front of them which is proposing to relocate a wetland versus protect a wetland in place.

Mr. Gilmartin stated that he would ask his civil engineer and ecologist from WRA to join him, and he would briefly say wetlands on the west parcel have been identified and are from a man made sedimentation pond constructed for the purposes of managing water from the mining operation. To avoid those wetlands, they would have to construct an extremely high wall which would have ugly aesthetics and asked his civil engineer, Matt Walsh, to explain that.

Matt Walsh, civil engineer, highlighted some of the regulations of SMARA that civil engineers follow, such as not to exceed maximum 2-1 slopes due to several reasons, such as maneuverability, revegetation, soil stability, and on looking at the face of the quarry that is the steepest portion that was mined and is near vertical. He explained that was the portion that needs to be mitigated in terms of SMARA regulations. If they look at slopes starting from the top where mining was stopped, down to a 2-1 slope, it comes into the area of the existing wetlands. He stated that the only way to meet a 2-1 slope and preserve that wetlands would be to construct a large massive 75-foot retaining wall.. That is the geometry they are working with from a 2-1 slope and where that wetlands lies on the site.

Geoff Smick, WRA ecologist, stated that the state's no net loss policy does prioritize avoiding wetlands when feasible but acknowledges that it is not always possible and the no net loss part of that is to ensure that for every area of the wetlands they are impacting be mitigated by constructing at least one acre in an alternative location. Different regulatory agencies have similar policies. They are proposing a 4-1 mitigation ratio as opposed to 1-1 which would satisfy the state's policy.

Commissioner Berman stated her other question was the amount of grading on the site. She knows it is a compromise, such as the earth work, grading needed for more aesthetically pleasing and natural end results. She understands it is a compromise and asked if they can speak to any analyses done on alternatives that result in a more balanced earth work for this.

Mr. Gilmartin restated her question which was whether they had analyzed a design that would result in less grading.

Commissioner Berman stated essentially but particularly earth work.

Mr. Gilmartin stated, with the earth work, he asked that Shane Rodaker join him and Mr. Walsh. He stated that the slopes that are currently designed avoid having to perform any significant excavation into the face of the quarry as any excavations into the face of the quarry would require means and methods that pretty extreme for the type of environment the quarry finds itself in today with respect to the proximity to businesses and residential areas. He turned it over to Mr. Rodaker to explain what those means and methods look like.

Shane Rodaker, geotechnical engineer, stated that the current reclamation plan mitigates the very steep quarry pit face by essentially buttressing the slope face to replace with fill to the required 2-1 slope. In lieu of that activity, they would be looking at cuts to lay back the over steepened quarry face, cuts and limestone that would be difficult and very noisy to accomplish. That is the basics of it from the geotechnical standpoint.

Commissioner Berman thought close to 1 million cubic yards of fill or something equivalent of cut that would have to be off-hauled. She asked if that was an accurate way look at.

Mr. Rodaker stated a cut that would be off hauled or located on site. He stated that the crux of the issue is the type and means and methods that would be required to accomplish the cut so are looking at specialty equipment, rock excavation or even blasting in extreme cases.

Commissioner Berman concluded that the environmental impact would be greater with respect to noise.

Mr. Rodaker stated that it would definitely be noisier than your typical grading operation.

Commissioner Ferguson asked him to describe some of the means and methods he is talking about for achieving a 2-1 slope using what he believes is the type of cut and filled native soils we encounter in this area and what they are going to do to maintain those slopes.

Mr. Rodaker stated he didn't understand his question.

Commissioner Ferguson asked if they will be using any soil amendments or engineer geotechnical improvements as they are doing these lifts to achieve a 2-1 slope.

Mr. Rodaker stated, under the current plan, the fill placement that would go on in front of that quarry's face would be an engineered fill operation and there would be compaction testing and engineering observation that takes place during the fill placement to ensure that it is stable and meets project requirements.

Commissioner Ferguson asked if they are not replacing anything other than native soils or imported soils.

Mr. Rodaker said, to his knowledge, it is just earth work.

Commissioner Wright stated he would like to reserve his questions after public comments as the public has been waiting patiently to have the opportunity to speak.

Commissioner Godwin stated that there has been concern in the community about dirt inspection on the dirt brought in for fill. In his career, they used something called acceptable quality level



mill standard 105E where you inspect things and, if you get enough passes, you can skip some of the inspection. He asked if he can expand on their dirt inspection process and why they want to do it themselves rather than use a third party independent contractor.

Mr. Gilmartin asked, to be sure he understands the question, if he was talking about inspection with respect to compaction, the material arrived on site, environmental inspection, geotechnical.

Commissioner Godwin stated he was talking about the inspection of the actual fill itself as opposed to the compaction, once it's on site.

Mr. Gilmartin stated, inside their application documents, they provided an extensive soil management plan, where they have outlined the testing criteria by which all material has to go through in order to be accepted on site. All the tests are stipulated by the Department of Toxic Substances Control (DTSC) Guidelines in Title 22 standards. They stipulate the amount of samples being collected from the place of origin and the types of environmental and geotechnical tests that are required in order for material to be accepted. He stated all the tests are administered, the samples follow a chain of custody, all samples go to a third part credited laboratory and then the test results are submitted to the operator. They will have the engineers review the tests to be sure they conform both environmentally and geotechnically with their acceptance criteria. Upon review of the testing, they make sure it does meet their acceptance criteria and they then provide it with a soil acceptance letter which goes along with the tracking number for each particular project that has been identified to be acceptable for transportation material to the site. Without a tracking number, there is no truck allowed on site and each independent trucker has to be identified by the company that is excavating the material from the point of origin and they have to be aware of who those truckers are and they have to come along with very specific tracking number in a manifest in order to be allowed on site. He stated that the quality assurance and quality control program is very well thought through and follows all state, local and federal regulations.

Commissioner Godwin thought opening a second entrance onto the quarry from California 1 is hazardous and truck entries into things have been associated with accidents in a number of states. He thought that one entrance at a traffic light seems a lot safer. He asked him to review why they chosen to have a two-entry traffic plan and the additional risk.

Mr. Gilmartin and they can use it as a guide for the site. He stated that the majority of all soils that will be delivered to the site will be coming from the north on Highway 1. They asked if the trucks will enter into the site from the location adjacent to where they see Highway 1 which is the original entrance to the site, go into the quarry bowl and exit out through the lighted intersection at the parking lot at the north. He stated the reason for that is that they want all trucks to be directed to go back north from which they came so they aren't traveling south of the quarry site so the truck traffic remains essentially north of the entrance where the red comes into Highway 1. He asked if that makes sense, adding that there is only one entrance and one exit from the site.

Commissioner Godwin understood that point, but his concern was the slowing down of the trucks at the new entrance at the old mining road that seems like a potential traffic problem.

Mr. Gilmartin thought his traffic engineer could answer his question.

Mark Spencer, traffic engineer, stated that he is with W Trans and have been retained by the applicant to assist with the traffic and circulation matters concerning the site. They were presented with the site plan and took a look at whether or not one access would be sufficient, whether they would be better off splitting the access the way it is currently proposed. He stated having the trucks inbound at the southern most entrance and shoring that up and making it easier for trucks to enter works better than stopping them at the traffic light. In terms of keeping the traffic light as functional as possible and looking at trucks stopping at a red light, looking at the other uses, such as a school, etc., on the other side of the street, the circulation pattern works well in this clockwise fashion, not only for on site but also in terms of functionality on Highway 1. They looked at queues, delays and what it would take for trucks and how much space each truck would need, how many trucks they are talking about. It isn't that it can't work with one access point, but it actually works better splitting them up and having the trucks come through the intersection and then turn right further south into the site. He stated that there is sufficient space and time for the trucks to make that maneuver. They looked at what it means in terms of what improvements need to happen on site to have the trucks come through that site in that particular entrance where the boulders are now, but it is preferable to having them stop at the traffic light and then make a turn perhaps from a dead stop and then having to make right turns, as there is much more delay at the traffic signal than what you would see on Highway 1 the way it is currently proposed.

Commissioner Godwin asked him to review the community outreach efforts, as he thought they have quite a crowd present and they are somewhat less than successful.

Mr. Gilmartin recognizes that, stating that, as part of a number of different approvals they had to obtain, they had to provide specific notices to residences. An example of that was when they installed some signage after the first safety incident he mentioned earlier where a person had to be evacuated by helicopter off Rockaway Beach. He stated that they had to install a lot of signs on site that identified the quarry as an un-reclaimed site, asking the public to be very careful and avoid it. He stated that, during that process, they put together several public notices, as well as notices with respect to the CDP application, and that is the extent of it.

Chair Hauser asked if he can talk about bale and soil experience with quarries in project of this magnitude. She asked if he has reclaimed other quarries.

Mr. Gilmartin stated that he has not reclaimed other quarries before. He is a licensed general engineering contractor in California and he has basically worked in construction his whole life and moved dirt all his life. He has been responsible for transporting material all across the Bay Area since a very young age. He stated that has been his life as a professional. He has not been party to a quarry reclamation project personally, but hired a team that are experts with this. He is an expert on building projects.

Chair Hauser asked him what the source of the fill is.

Mr. Gilmartin stated that the source of the fill is largely unknown today. It will come from many different sites throughout the Bay Area, San Francisco County, San Mateo County, and perhaps a little from Santa Clara County. He stated that, generally speaking, they know that the source sites will be large projects and may include large residential development project and large Public Works projects. They don't know now, because the site is not operational today, but when it becomes operational, they will have lots of sites that will be very interested in bringing their fill

to the site. At that point, they will receive requests for disposal at the site and they will learn where that material will come from.

Chair Hauser thought it was conceivable they are getting a huge source of dirt or getting a thousand cubic yards in one place and five thousand cubic yards somewhere else.

Mr. Gilmartin responded affirmatively. He added that the amount of testing that is required to bring material to the site would likely limit significantly small projects from being points of origin for the site.

Chair Hauser stated that was her next question. She thought he mentioned something regarding this, but she didn't see it anywhere in the reclamation plan, and she asked if he was planning on testing to the 2015 DTSC Guidance to assure clean fill for every single import they receive.

Mr. Gilmartin stated for every single project.

Chair Hauser wasn't sure what each project is. She asked if all dirt coming to the site be to the DTSC's 2015 Guidelines which is the current guidelines.

Mr. Gilmartin responded affirmatively.

Chair Hauser stated that he mentioned that it was part of their soil management plan, and she asked if that was part of the reclamation plan. She asked if staff could provide where the applicant has proposed to do that as that was a concern of hers and she didn't see it. She suggested that they defer that until after public comments. She asked who does the testing.

Mr. Gilmartin stated that the generator of the fill is ultimately responsible for the testing and the points of origin are generally that contractors are working for other landowners, other government municipalities, other utilities and they will be responsible for taking samples of the material and those samples are analyzed. If they take the correct amount of samples in accordance with DTSC Guidelines, if they come from a stock pile, is it in situ, and those stipulations are quite important in identifying how many samples are required in order for them to fully evaluate the site at the point of origin. When the tests are submitted to them for review, they review all those things, not just the results of the tests, but the size of the site where the material came from, how many samples are presentative in material, etc.

Chair Hauser asked if he, as the applicant, be open to the city approving a third party to review any DTSC compliant testing results.

Mr. Gilmartin stated that they had no problem with that.

Chair Hauser asked if they are planning to meet any sort of threshold or ESL for specific land use with the soil they bring in, and will the soil be suitable for parkland, industrial, commercial, residential, adding that residential is the highest standards.

Mr. Gilmartin stated that it isn't implying that the site will be residential, and he has no idea what the site will ultimately become. He stated that the soil acceptance criteria that they established would ensure that the material received,, by environmental standards, is as clean as they can

possible get with respect to the normal background levels of constituents in the San Francisco Bay Area.

Chair Hauser stated that there are not a lot of quarries in Pacifica so this is new to all of them, and parts of them are a little intimidating to her and she has a lot more questions, and she thought her fellow commissioners also have a lot of questions. She stated that public comment is the time for them to provide them with their thoughts, but she wanted to say that it would be really helpful to their deliberations to hear what their vision is for the site. If there is an analysis they want to see, helping them with specific guidance would be helpful and a fruitful deliberation. She then asked if there were speaker cards.

Planning Director Murdock stated that he will answer the question related to the soil management plan, as it was included as Appendix C to the draft EIR but not directly an attachment in the agenda packet but is in the record.

Chair Hauser opened the Public Hearing.

Kathleen Campbell, Pacifica, asked that they not accept this resolution as she felt it was not a very good idea as traffic on Highway 1 is terrible and with the trucks, the traffic will get bigger.

Peter Loeb, Pacifica, referred to the comments submitted up until noon at this day, expressed that considering reclamation before a plan for future development was “bass ackwards,” and stated that there are serious questions that the final EIR is adequate and thought this plan not leading to development was a lie and shared his vision regarding the process.

Mark Hubbell, Pacifica, questioned why they need to fill this quarry and he agrees that Mr. Loeb, and shared his thoughts on the proposed process and questioned the process as well as concerns on the survival of sea stars.

Ron Maykel, Pacifica, thought they should consider an alternative regarding the quarry parcel on the western side and if the GGNRA would take an interest in that property and shared his thoughts on that possibility.

Catalina Gomes, Pacifica, stated we are on unceded Ramaytush territory on the site in question and this is her ancestral homeland and this site is very personal and is not for this project. She requested to be included in the tribal consultation as the executive director and founder of Mochia Te Indigenous Land Trust, sharing her thoughts and suggestions on this project.

Clif Lawrence, Pacifica, stated there is a long list of items to discuss and he leaves it to other speakers to bring the main points, and he summarized his concerns on alternatives that are not in the packet and asked for responsible actions to recommend the no fill option.

Chris Redfield, Pacifica, was encouraged to see this project move forward and shared his thoughts on the process to continue advancing quarry reuse.

Raymond Sores, Pacifica, thought this was a decimation plan for the quarry rather than reclamation, and shared his concerns about the owner’s proposed plan.

Richie Beltran, Pacifica, was honoring his Ramaytush Ohlone ancestors and shared his concerns and thoughts on a more loving way to work on this site.

Ken Miles, Pacifica, shared his thoughts on the problems when the quarry was in operation and expressed his similar concerns about the present proposed project and suggestions an alternative option for the eastern part of the quarry.

Michael Marquez, Pacifica, stated his positive thoughts on finally improving the site and is shocked that some citizens don't want this project.

Victoria Sores, Pacifica, stated that she doesn't want the traffic, destruction, etc., and was not in favor of the project.

Sam Casillas, Pacifica, stated that SMARA doesn't require a fill which is only necessary for development and shared his thoughts on this being a poorly developed plan and that the FEIR for Quarry Reclamation Plan and Rezoning should be rejected, and suggested other options.

Larry Arnst, Pacifica, stated that this was a great plan for the applicant but not designed for Pacificans, and shared his concerns regarding the cost and asked that they explore lower impact alternatives.

Lois Marshall Ward, Pacifica, opposed the plan, stating that traffic is already bad and expressed her concerns about many things getting worse, such as for businesses and environment, etc. and suggested looking at other alternatives.

Pete Shoemaker, Pacifica, expressed his concerns about this plan and expressed possibly working together cooperatively.

Jeff Sinder, Pacifica, stated that he used the quarry, even without dogs, and shared his thoughts on various concerns he has about the impact of this plan.

Connie Menefie, Pacifica, shared her involvement on this site over decades and her concerns on working to get the present project done.

Jan Turner, Pacifica, asked that they not approve this project as most Pacificans don't want to see this go forward, and shared her thoughts on the project.

Denise Leonardi, Pacifica, stated she agreed with a lot of commenters, and she asked that they value their opinions. She shared her specific concerns on the project.

Susan DeJardin, Pacifica, stated she has a problem with findings of a less than significant impact environmentally, expressing her specific concerns on the project, and requested a second opinion on the mining reclamation act.

Nancy Tierney, Pacifica, stated she was representing herself as well as a member of the Sierra Club, Loma Prieta Chapter, and urged the Commission to not approve this plan and FEIR, voicing her concerns about the environmental impact of the plan and suggested coming up with an environmentally sensitive solution..

Andrea Aiello, Pacifica, stated she uses the quarry several times a week and she thinks it is a scarred space, but thinks the proposed plan doesn't work and expressed her concerns and suggested having different alternatives.

Suzanne Moore, Pacifica, stated she has been listening to community members' concerns about the quarry reclamation and several questions keep recurring, why are we doing it, does it have to be so extensive, are there less impactful plans with no filling, and have we adequately studied this plan's impact, etc. She heard many suggested options and shared her thoughts on options and asked that they reject the plan.

Betty Monahue, Pacifica, stated she was against this plan and was supportive of many other options, such as the Ohlone proposal, etc.

Curt Kiest, Pacifica, stated that the community needs to help the Planning Commission with a very difficult task, and expressed the need for a reasonable approach while considering all the comments and the possible intent of the owner. He proposes rejecting the applicant's proposed alternative in favor of the reduced fill alternative with wording changes and possible a proposed no fill alternative.

Jane Pray Silver, El Granada, referred to mention of the star fish, and shared her thoughts that they are thriving and suggested finding out why, and she asked that they consider that in their decision. She also addressed her concerns regarding soil importation. She hoped they take thing seriously, as she personally lost a family member to a car accident.

Dinah Verby, Pacifica, stated that everyone knows she is opposed to this plan and submitted extensive written comments about the many inadequacies and legal deficiencies in the EIR, and gave some data for their diligent review on specific problems.

Melinda McNoughton, Pacifica, stated that the quarry is the indigenous Ramaytush village land and she shared her thoughts on honoring their rights as well as suggestions regarding this history as well as the concerns she has on this proposed plan and her proposed alternative option.

Owen Brigszys, Pacifica, stated he is a registered civil engineer in California, and shared his concerns on the proposed plan, adding there are other options that would create the objectives of SMARA.

Bob Battalio, Pacifica, expressed his concerns about the amount of fill and truck traffic, greenhouse gas, importing earth, etc.

Susan Herring, Pacifica, stated she was not in favor of this proposal, but in favor of reduced fill or no soil hauling, and expressed her personal thoughts on this plan and suggested working to create a beneficial solution for our city.

Edie Hofferbell, Pacifica, was against this project and shared her thoughts on the negative to fill as well as other concerns, such as traffic and suggested some other options.

Dan Underhill, Pacifica, was against this project, and shared his concerns on reclamation as a misnomer.

Lorie Goldberg, Pacifica, felt the quarry was beautiful as is, and shared her concerns and suggestions for other options.

Dan Stegink, Pacifica, stated this will be the Commission's legacy, and shared details of Native American history as well as his concerns.

Victor Carmichael, Pacifica, stated this proposal is too good to be true, and shared his concerns on all the issues and mentioned possible lawsuits, and asked for consideration of other options.

Jim Kremer, Pacifica, questioned why reclamation alternatives were removed from the draft EIR, and shared his concerns on the process.

Cherie Chan, Pacifica, stated her concerns about this process and asked for a thorough unbiased review or there might be an appeal to the Coastal Commission.

Marj Davis, Pacifica, was overwhelmed with all the passion, and while she isn't against the full fill alternative, she shared her concerns about an incomplete process in preparing the EIR that appeared to advocate for only this application. She suggested options to the owner.

Kim Finale, Pacifica, stated she works for a general engineering contractor and she knows about disposing contaminated soil, and shared the details on this issue and her concerns about the impact on Pacifica.

Chair Hauser asked if there are any call-in speakers.

Assoc. Planner Lin introduced the call-in commenters.

Steven Goodale, Pacifica, strongly urged returning the land to its original indigenous stewards, Ramaytush, and shared his thoughts on the positive results of that.

Jacob Camajani, Pacifica, of Camajani Trucking, shared his thoughts on this proposal, stating it was great for trucking and construction.

Alison Little, Pacifica, was against this proposal and was in favor of suggestions by other speakers recommending that the land be returned to the original inhabitants of the land as well as including Ms. Gomes, a direct Ramaytush descendant, in discussions on developing the quarry in the future.

Kate Broderick, Pacifica, stated that she is a member of Coastside Families Taking Action, a local advocacy group working to advocate for a more equitable, sustainable and welcoming place and they ask that they not approve this plan and give back the space to honor the living descendants of these tribes.

Summer Lee, Pacifica, stated that they asked for a vision and she reiterated that returning this to the Ramaytush is an amazing vision and using it as an open space. She shared thoughts and suggestions on her additions to this vision.

Mark Ryan, Pacifica, stated he loves the quarry and would be happy with it as it is now, then shared his concerns on any possible development and its impact on economy to all.

Katie Lemke, Pacifica, urged the Commission to reject the EIR, and shared her concerns on consequences of closure of the trails during construction specifically for children.

Richard Grasseti, Pacifica, of Grasseti Environmental Consulting, shared his thoughts and concerns on several issues not addressed in the EIR and there is not a reasonable alternative, thus it is fatally flawed.

Carol Fregly, Pacifica, stated she lives in Rockaway Beach and had several questions so thanked the Commission to open this up to the public. She shared her concerns on this massive project and suggested options, thus opposed this project.

David Folks, Pacifica, expressed his thoughts and concerns on various projects in the past as well as this present proposed project.

A. Hoffman, Pacifica, expressed her concerns about specific construction plans and impact on wild life and community and opposed the project.

Michael Sanchez, Pacifica, stated he works with S&S in Oakland and shared his insight on how dirt process moves in the Bay Area and supports this project.

Alicia Guerra, a land use attorney for Bayland Soil Pacifica and briefly addressed the adequacy of the EIR, then ask Mark Spencer to address the questions about traffic. She stated that the city has done a thorough job preparing the EIR, and it was important to know that there isn't a specific development plan as this project is about moving dirt and reclamation in a manner consistent with the General Plan, consistent with SMARA requirements and the city's SMARA-based ordinance requires that reclamation occur in a manner that mitigates and addresses environmental impacts to the maximum extent feasible. She stated that the reduced fill alternative is not consistent with the city's ordinance as it causes greater impact as Mr. Gilmartin and the team explained what those impacts were and were greater than the impacts caused by the project. She stated that all of it was in the context that the EIR did evaluated all the impacts of the project and demonstrated that the impacts were less than significant. A full reasonable range of alternatives was evaluated and, in their letter submitted, they questioned the conclusion that a reduced fill alternative would be an environmentally superior alternative when all of the technical information demonstrates that it has a greater impact. She stated that those issues have been thoroughly addressed in accordance with CEQA and the EIR. She added that all the wetland mitigation plans requirements as a permitting matter have been addressed through the state and federal agencies and they have concurred with the analysis. She then turned it over to Mark Spencer to discuss traffic.

Mr. Spencer acknowledged that there were a lot of concerns about the number of truck trips, 160 trucks a day, which is 80 trucks coming in and out. He stated that something that may be beneficial for everyone in their review is that Caltrans reviewed the EIR and concurred with the analysis, methods, findings, recommendation and they conferred with the VMT analysis and the reduction in the vehicle miles traveled, and they responded in writing to comments brought up about the school traffic in the area, timing of the truck trips and the net new trips versus treating them as relocated trips. He stated, in an infill project as this, they are bringing dirt in and it wouldn't go somewhere else as it was being bought to bring to this site specifically. Over the



course of the project's years and how much dirt comes in under what alternative, that is why it is looked like from that from a traffic analysis.

Chair Hauser thanked him, adding that there may be more questions from the Commissioners and they may have an opportunity to provide more information. She appreciated all the time and effort from both the public and applicant. She then closed public comments.

Chair Hauser then called a recess and then reconvened the meeting. She stated it was 10:42 p.m., and she had a lot of questions for staff and the applicant and thought other Commissioners may as well, and her first question was how late do they want to go, such as all the way.

Commissioners discussed their various preferences for when to end the meeting.

Chair Hauser stated that they will take a poll at 11:30 and see if they are willing to go to midnight with that being their unofficial stopping point. She stated now was the time to ask questions and, if they have a lot of questions, feel free to ask all of them at once.

Commissioner Wright would like to direct his questions to Planning Director Murdock and he can send them out to the best authority to answer the questions. Regarding testing, he asked if they were able to require that they have an independent tester that works for the city, not the applicant, to do the testing of both the loads coming into the site and the proposed site from which they are bringing the soil.

Planning Director Murdock stated, if the Commission wanted to, they could impose a requirement for testing at the quarry site when the loads are arriving and they would need to look into it with respect to the requirement for some additional testing at a location off site in potentially another community.

Commissioner Wright asked if we are also able to control on each truck load that they test a little bit of soil at the top of the truck and, after they dump it, to make sure there is not stuff buried underneath so a small sample from the bottom of the truck and is that in our discretion.

Planning Director Murdock thought they would need time to look into the ability to impose specific additional testing criteria, such as multiple batch sampling from a particular truck.

Commissioner Wright asked if they are allowed to require an independent tester that works for us and not for them.

Planning Director Murdock stated, with the assumption that they could impose said testing requirement, he didn't know that there would be an issue with that testing done by a city contracted entity.

Commissioner Wright asked if we are able to require a lot of where each truck load comes from and the location where the soil is dumped so, in the event that some contamination is discovered at some future point, they are able to locate the contaminated soil and mitigate it.

Asst. City Attorney Murphy stated that was something that they can look into in greater detail as there are specific requirements in the soil management program with respect to the paperwork that gets filled out as the trucks move onto the city site and they could look into the type of

requirements we can impose regarding where it is placed and monitoring that through a third party inspector contracted by the city.

Commissioner Wright asked if the tester would be mandated to have some kind of “skin in the game”, some kind of recourse we can have against him in the event that we find his services are substandard for some reason.

Asst. City Attorney Murphy stated that, typically, with standard consultant contracts, we would have indemnity, certain insurance requirements of whomever is doing the work and we would impose and check with the city’s risk management insurer to be sure they met the city’s needs and were adequate.

Commissioner Wright asked if they would make sure that their level of insurance is commensurate with the size and scope of this project.

Asst. City Attorney Murphy stated that was something that they will certainly look into and work with the city’s risk manager to ensure that there is adequate insurance.

Commissioner Wright asked if it was possible for us to hold the contractor to a higher standard than those minimum standards that were proposed for the soil being brought to this site, i.e, do we have discretion over that.

Asst. City Attorney Murphy stated that is again an issue they can look into further in terms with compliance with SMARA and what we could reasonably require in terms of any heightened testing.

Commissioner Wright apologized if there aren’t immediate answers, he probably should have given them more warning.

Asst. City Attorney Murphy stated that was fine and they were all good questions that they can look into and bring back to the Commission.

Planning Director Murdock agreed, and added that all these soil testing questions and concerns relate to reasonable concerns for the Commission in relation to the project, but they also fall under the same umbrella thus need to research further on the permissible balance for the various particular requirements.

Commissioner Wright asked if we are requiring water testing at the creek and at the ocean, both during the time of the construction and for years after to ensure that there is not any leaching of any contaminant into the soils and into the ocean.

Planning Director Murdock stated that they don’t believe that there is any water testing in Calera Creek or the Pacific Ocean required in the city’s conditions or proposed by the applicant at this time.

Commissioner Wright asked if it was within our discretion to require them.

Planning Director Murdock thought it falls under the same umbrella of additional testing criteria that they need to research further.

Commissioner Wright stated that was all the question he has on testing, but he has a lot on other issues.

Chair Hauser asked if Commissioner Berman has any questions on testing.

Commissioner Berman stated that, regarding the storm water runoff testing, she imagined that this project site is subject to the MPDES storm water treatment requirements, and she asked if it classified as a special project or could he speak to what the storm water treatment requirements will be, given that the runoff will go directly to Calera Creek.

Planning Director Murdock stated that, typically, the C3 storm water treatment requirements relate to new impervious surface and this project proposes relatively little new impervious surface, but the grading phase which is aligned more typically with the construction phase of a project is subject to the C6 construction phase requirements of the municipal regional permit or MRP, and the best management practices are required as a matter of law for grading of this type of erosion and saltation control, and so forth, to ensure that those discharges do not pollute nearby water bodies. He stated this is likely to be a high sensitivity site under that permitting contract, given the steep slopes, as well as the proximity to an adjacent water body and those are very important aspects of this project proposal which had been reviewed preliminarily and would be further reviewed as part of any future grading permit application to the city post approval.

Commissioner Berman thought they were talking about the SWPPP that will be implemented during construction.

Planning Director Murdock agreed, adding likely requiring some degree of onsite monitoring and assurance by that storm water professional.

Commissioner Berman thought that may partially address one of Commissioner Wright's question about during construction that any drop of water that lands on this project site during construction will effectively be treated before it goes into the water body through the SWPPP requirements, but she shares the concern with post-construction management, understanding that there is very little impervious surface being built with the project, that it is not subject to C3 requirements, but effectively foreign soil will be put on this site and ensuring that, from time to time, there isn't any contaminants leaching from it.

Planning Director Murdock stated that he needs to make a distinction between best management practices to minimize soil erosion runoff and storm water treatment. He is not aware that there is proposed storm water treatment that would be applicable to this particular type of project but certainly best management practices to minimize soil erosion, which would prevent the deleterious effects of uncontaminated soil, as well as contaminated soil, as all types of soil would be inhibited from running off of the site with those construction phase best management practices applied to the site.

Commissioner Berman understands that it is not going to be subject to C3 requirements but she asked if there is a means to post construction occasionally test the runoff coming from the soil that was placed at the site. She understands erosion control will be implemented and monitored, but typically she doesn't believe there is actual water testing that occurs post construction.

Planning Director Murdock agreed, and acknowledged as much in responding to Commissioner Wright's question which is essentially the same question about water quality testing to see if pollutants are leaching from the site or running off of the site from the fill that has been placed. He wasn't aware that it is currently a component of this project and to require that as a Commission is one of the issues they will need to research further before they can give a recommendation or advice one way or the other.

Commissioner Berman thanked him if they could add that to the list. That was her only question related to treatment.

Commissioner Ferguson has a question specifically on testing, i.e., there are two things he didn't find but they might be in the EIR. He wondered if there were specifics for soil testing regarding biological components such as insects, pests that might be native to where they are coming from but not native to the quarry site. He stated that wasn't a typical part of a soil analytical when you're sending something to a fill, but in this case, they are trying to reclaim this site and put it back to some natural eco-system and he thought that should be part of the consideration.

Planning Director Murdock asked if they can take a moment to skim back through the soil testing plan proposed in the draft EIR as he is not recalling if that particular type of testing is there.

Commissioner Ferguson was okay with that and he had questions for the applicant later and, if their experts know, they can address that later as well. He stated, while they are looking, he wondered if, before or during the planning phase, anyone has done any baseline testing of Calera Creek at different points along the creek and at the outfall in Rockaway Beach, otherwise it would be moot to test during construction if they didn't have a longstanding baseline. He was sure, at the outfall at the wastewater treatment, they have some mandatory testing but there must be currently a baseline of what is leaching into that creek from the quarry site. He didn't know if it was done already or has been proposed to be done, but he thought we would have to start with that.

Planning Director Murdock stated he has no knowledge of any baseline water quality testing in Calera Creek in that area other than what he alluded to for our Calera Creek water recycling plant for purposes that is probably is not testing for the same types of substances or bodies present in the water as related to a reclamation plan. As it relates to a water quality testing regime, he had the same thought as he did, i.e. it would probably be a prerequisite to get a baseline and that would likely be something incorporated into that type of requirement if they conclude that it is something permissible and reasonable to impose after further research.

Chair Hauser referred to Commissioner Wright's comments and make sure we are understanding the same thing. She told him that her understanding from his comments is that he is concerned about things like lead, arsenic, VOCs, petroleum, as all of the potential contaminants they find in import leaching into the soil rather than sediment. She asked if it was a sediment concern or a toxic concern.

Commissioner Wright stated it was a sediment concern, a toxic concern, a ground up concrete, and there is so much contamination that plants won't grow and he is concerned that it will get so compacted that nothing will grow on it, thus a number of concerns.

Planning Director Murdock added that, in relation to the revegetation component and suitability of the soil, there is a criteria which was one of DMR's comments on the proposed reclamation plan to strengthen those criteria to ensure that the soil is suitable for the revegetation and there is a monitoring component to ensure that the revegetation is successful. He stated, to that end, there is already a component in the reclamation plan addressing the suitability to grow vegetation.

Commissioner Wright stated that, in addition, he is also concerned that, if it gets compacted, no water is perking through the soil and the soil does a lot for us.

Chair Hauser didn't anticipate going category by category, and she wondered, if they are doing it this way, maybe they go next to try and get answers to some of the things they heard from the community during public comment.

Commissioner Ferguson stated he had one more water question.

Chair Hauser stated he can talk on testing and then Commissioner Godwin.

Commissioner Ferguson had a question possibly for the applicant, i.e., there is a brief note about construction dewatering and a couple of options for what might be done, and he asked if it was the intent to dewater construction water, not storm water but water created through the process of the project to the treatment plant that is adjacent.

Mr. Gilmartin stated that there was no plan to be required for them to take any water to the wastewater treatment plant. He wasn't sure that the plant has the facility for receiving water that way. He knows it receives wastewater for treatment, but if there was any water produced on site, they would manage for it in their storm water pollution prevention plan and would capture that on site. If they needed to take it elsewhere, they would dispose of it correctly.

Commissioner Godwin stated that, as a military contractor, one of the things he had to do is to show that the firm he was working for had done this type of work before, such as when they were bidding on an airplane subsystem, they had to show they built one, built it at cost, promised they could build it, and built it at the schedule they promised. He stated that it looks like this applicant has never done a quarry reclamation project before and he asked Planning Director Murdock why this contractor considered qualified and vetted to work in Pacifica, adding it is also a concern the community has said about something similar. He asked if he could elaborate on that.

Planning Director Murdock clarified that this is privately owned property as many commenters have mentioned and this reclamation is being performed by private parties. The city is not contracting for this reclamation to be performed thus does not have a role in soliciting bids, evaluating qualifications of potential contractors, etc., which would accompany a city-led initiated process as opposed to a private party process. He stated that those are private matters between the property owner and the applicant in terms of whether or not to proceed with that contractual relationship. With respect to the city's involvement and its interest in a successful reclamation, if approved in whatever form that reclamation would take, there are measures, including the previously mentioned financial assurance mechanisms that the city requires through SMARA and the municipal code to ensure that, if something goes awry, the person proves unqualified or unable or unwilling to complete the approved reclamation plan, the city can step in and execute and complete that reclamation using that financial assurance mechanism, similar to

what is more common for the Commission to see, which is subdivision improvements and a similar concept that, you propose a plan, you approve it, the private party is charged to carry it out with the approval but there is some sort of assurance mechanism that it will get done and there is a similar construct here. In the event, for whatever the contractor or applicant is not able or capable or willing to carry this out, there is a backstop so the city can potentially step in and do that.

Commissioner Godwin concluded that he was saying it was something similar to a reclamation bond in mining.

Planning Director Murdock thought it was exactly that.

Commissioner Godwin wanted to be sure they were communicating.

Planning Director Murdock stated, under SMARA, a mining operation plan is required to have a corresponding reclamation plan and the reclamation that is contemplated, based on the scope and type of mining, influences the type of reclamation and extent, cost and size of the financial assurance. He stated that they haven't gotten to that point because they don't know what the approved reclamation plan will be, but it is an essential required component and it has the potential to be very large because of the volume of soil that the city would need to acquire in order to complete the proposed reclamation and it cuts both ways in terms of the applicant proposing and needing to carry out the actual proposed reclamation.

Commissioner Godwin had another unrelated question, but is related to what has been asked by the public. He is a member of the Pacifica's EV charger strategy task force and one of the things they are interested in proposing this summer is putting in a high speed charger probably on one of the sites considered as a Chevron station at California 1 in Reina del Mar. He asked the applicant if they are planning on using any hybrid trucks that are partly diesel and partly electric or using any electric construction equipment in the course of working on this project that would, in some way, mitigate the environmental CO2 released type concerns related to this project brought up by the public or is the city going to do something like this and deliver, and would the applicant want to do something along those lines.

Mr. Gilmartin stated he wasn't aware of any major construction equipment that is completely EV at this point in time. He stated that, the types of equipment they would need to use for things like D6 dozers, D8 dozers.

Commissioner Godwin added that there are half a dozen suppliers that deliver it today.

Mr. Gilmartin stated that they will absolutely take that into consideration. He stated that the vehicles on site to the extent that they can produce EV pick up trucks, etc., will absolutely be done, and there are lots of new innovations coming out every day with respect to construction equipment, including completely autonomous units operating off a GPS to perform grading, etc. and they will definitely use the best available equipment to perform the project.

Chair Hauser has a list of questions. The first is whether anyone at staff or applicant level has actually asked DMR what level of reclamation is required under SMARA.

Planning Director Murdock stated that SMARA indicates that the minimum required slopes for a reclaimed site such as the quarry is 2-1 and that is already specified in writing with a few exceptions he mentioned when there is inherent instability and factor of safety in the existing composition of the slope in question. With respect to getting into the substance of a particular proposed reclamation plan, he wasn't aware that SMARA delves into the details the way the law is structured. Lead agencies, like Pacifica, are charged with dealing with those details. The question is whether there is a process where they can get thumbs up or thumbs down from SMARA on this plan, and he didn't believe that process exists.

Chair Hauser wanted to clarify her question. She thinks what many in the community have asked at this meeting and in all of the letters they received, there were many who were advocating for the reduced fill analysis in the EIR. The question she has is whether anyone asked SMARA or DMR what criteria needs to be met. If the answer is that it needs to be a minimum of 2-1, the applicant is proposing 5-1 and that indicates that it is exceeding the minimum of SMARA. She thought that is an analysis that would be helpful for her personally. If they don't have that information, she wondered if they can get it. She heard a lot of questions of tribal consultation which she thought was a requisite of any EIR and she would love to get more insight on whether a tribal consultation was done and whether it is worth reaching back out if it was done, based on what they heard at this meeting.

Planning Director Murdock stated that the city did comply with SB 52 that has been mentioned. The city did not at the time that the EIR was prepared to have any tribe that had requested consultation and the city complied with their obligation because no tribe had requested consultation. He stated that Mr. Stinson can describe the process they followed in consulting the sacred lands file with the Native American Heritage Commission as an additional measure of our tribal cultural resources analysis.

Mr. Stinson clarified the AB 52 process, i.e., the statute requires that any local tribe that wants to claim that they have tribal lands within your jurisdiction submits a formal request to the city to be on an AB 52 general notification list. When the city starts any new CEQA process, the notifications are sent out to that list and they can choose to consult or not. He stated that no tribes have requested to be on the city's general consultation list and there was no one to send to in the AB 52 process. Outside of that, multiple cultural resources reports were prepared and identified that there are some known resources within this area. In addition to the applicant going through their 404 process subsequent to when the city started their work, they had to do a Section 106 consultation through the NEPA process and there was some additional outreach done by their consultants.

Commissioner Berman asked, on hearing what they heard at this meeting, what they think the appropriate response would be.

Planning Director Murdock thought he heard was a concern that the land should be used for a different purpose and some portion of the quarry site should be made available to representative of tribes that historically occupied this area and that is a different set of issues, discussions and considerations than the proposed reclamation plan. He believes that the city has adequately evaluated potential impacts to tribal cultural resources within the context of the California Environmental Quality Act and there is evidence to support that, but long term use in some sort of partnership or conveyance of the land to tribal representatives is a completely different discussion and one that the property owner can take the feedback and decide whether or not to undertake it.

Chair Hauser stated that the public hearing is closed but they will continue this conversation. She heard what Planning Director Murdock thought, but she heard from Ms. Gomes and Me. Beltran that they were requesting an indigenous consultation and she thought it sounds like there is more that needs to be done.

Planning Director Murdock understood that city staff heard the same comments, but he doesn't have a further answer at this point in time other than, at the time the EIR was prepared, the city complied with applicable law related to tribal consultation. He doesn't know, and they need to research, whether there is any legal requirement to conduct such consultation now based on these verbal requests at this hearing, but that is on the list of follow up items for staff after the hearing.

Chair Hauser thought that would be helpful. She would be interested in hearing if there is a legal requirement as well as beyond the legal requirement if it is just a best practice and that would be interesting to her.

Commissioner Wright asked if it was in the Commission's discretion to require that.

Planning Director Murdock stated that they would prefer to answer that question once they know whether or not it is already required based on the remarks made this evening.

Commissioner Berman asked if they are able to reopen the opportunity for local tribes to formally submit their inquiry.

Planning Director Murdock stated it is the same answer to basically the same question.

Asst. City Attorney Murphy added that the AB 52 process is ongoing so tribes can add their name to that generally list for further CEQA projects if that was part of her question.

Commissioner Berman asked if that information was readily available on how to formally add your tribe to that list.

Planning Director Murdock didn't know that he can give her the specific process now, but frequently, in comment letters from the Native American Heritage Commission, they do describe their recommended best practices related to AB 52 consultation and, if he were to be interested in it, he would probably start by looking at that website and/or getting in contact with an AHC staff.

Chair Hauser stated that, in the realm of cultural resources, she did hear a comment on shell mounds and she wanted to understand if that has been looked into as part of the EIR.

Mr. Stinson stated that cultural resources reports that were prepared identified known sources.

Chair Hauser asked if that included shell mount.

Mr. Stinson stated that it should.



Chair Hauser stated that, in the MMRP, there are mitigations for both cultural and archeological resources but she did not see anything related to shell mount.

Mr. Stinson stated that it was because the proposed project is not impacting those areas that were identified. He stated that they are on the eastern parcel.

Chair Hauser concluded that was not proposed. She asked if that was conditioned somewhere.

Planning Director Murdock asked is what conditioned.

Chair Hauser stated that the shell mount area would not be effected.

Planning Director Murdock stated not in those terms, and the only proposed substantive grading is on the quarry parcel entirely distant, distinct and apart from the area that Mr. Stinson was describing, and by nature of the plan that would be approved, disturbance and grading would not be permissible in that area.

Chair Hauser referred to comments on star fish, and she didn't know if our biological resources analysis looks at that or if it is supposed to, but she would like more information on that.

Mr. Stinson stated that the biological analysis prepared for the EIR looks at what the reasonably foreseeable impacts would be, bringing in soil at the location being proposed, where the areas of disturbance would be and the potential impacts thereof, and all of that is on the inland side, not so much on the ocean side, and the hydrology analysis gets at whether there are water quality impacts coming off of the site and then would go to the ocean. It wouldn't necessarily be in the bios.

Chair Hauser understood it wouldn't be in the biology section but, if she understood him, the new drainage proposed is draining to Calera Creek and the creek is a water that drains to the ocean and there could be some secondary impact.

Mr. Stinson thought that was where the nexus would be but the analysis looked at whether there would be any impacts to the creek and there are BNPs discussed earlier, a storm water pollution prevention plan that are all aimed at the runoff.

Commissioner Berman added on to the star fish as that was one of the items she wrote down and she did a word search as she didn't remember reading anything about star fish in the EIR. She thought it came back full circle to some of the original concerns and questions about water testing. She thought they were generating a list of additional research and review to come back, and she would like to add a little research into the star fish impacts and impact of the coastal habitat at the outfall point of Calera Creek to the ocean.

Commissioner Wright wanted to add a follow up. He was a little concerns if there is going to be a PH change in the watering Calera Creek as a result of this soil and due to the runoff and he asked what kind of effect that could have and is it something they need to pay attention to and something Planning Director Murdock could look into. He stated in terms of other testing and potential problems on the dust monitored in the air quality and is there any kind of proposal for anything like that. In the event it does present dust, and presents a problem for everyone living in

Vallemar who need to wash their cars every day, and he asked if that is something they can impose further restrictions on or how do they address that.

Planning Director Murdock stated, regarding dust, he will start and allow Mr. Stinson to supplement. He stated that there are fugitive dust requirements, i.e., dust blowing off of a site from the Bay Area Air Quality Management District and compliance with those is required as part of this if the project is approved. He stated that there is a process to make complaints about violations of that to the Air Quality Management District and they have inspectors who respond to those types of complaints. Whether the city can go above and beyond that and require some sort of onsite monitoring component, that is something they can look into on whether that is within the Commission's discretion to require.

Commissioner Wright added especially with its proximity to a school.

Planning Director Murdock understood.

Commissioner Wright recalls reading something about a product named gorilla snot that was used as a dust retardant and the applicant appeared to plan to use that liberally when needed, and he thought that met the standard. If it didn't, he would like to know.

Planning Director Murdock thought there are two main approaches to dust mitigation with the project, one a generally watering approach which helps to mitigate the amount of dry dust that might be able to transport off the site from wind, and the other is using what is called a dust palliative or a soil binder, where you actually apply it to the ground and it physically binds the soil so it is less prone to blowing away than causing off site dust impacts. The applicant proposed to use both, and he believes the gorilla snot is the product that has been proposed by the applicant and he thinks the main focus was on the truck path. He wasn't aware if gorilla snot or some other dust palliative is proposed on the actual area where the grading is proposed, but the applicant can clarify that.

Commissioner Wright stated, now that he brought up water, they may have a lot of water this year but in future years we may not, and he asked if they can investigate with the water department whether they can provide water recycling for that watering process as opposed to using potable water.

Planning Director Murdock stated that the city spent a fair amount of time coordinating with the water district to see if using recycled water could be an option, and there were a number of practical and legal obstacles to doing so, and he doesn't believe it is likely to be feasible, at least early on in the reclamation. He added that circumstances can change and perhaps the water district's permit can expand or they have new supply facilities and it is possible over the course of a multi-year reclamation that it could become feasible and it was something they could consider if there is periodically a way to recertify that it is still infeasible or if it has become feasible but, as of now, he didn't believe it was a feasible option for this project.

Commissioner Wright asked if they were relatively sure that they had sufficient water supply and this project won't impact our domestic use.

Planning Director Murdock stated that his recollection, based on conversations with the water district, was that they were not certain they could supply sufficient quantity of recycled water

year round. The times of year when the water district can generate the most recycled water were, to his recollection, counter to the dry periods when the water would most likely be needed for watering and dust management, and that is one of the several challenges they identified in their discussions with the water district on this topic.

Commissioner Wright asked if there were better times of day for water use if you are going to try to use recycled water, such as would doing it at night be beneficial.

Planning Director Murdock stated that he didn't know anything about time of day impacts for recycled water availability.

Chair Hauser thought there was an analysis about doing night hours in the EIR that rendered it infeasible, and she found it disappointing that this is using potable water. She stated there was a lot of discussion about the reduced fill alternative and Table 6-1 in the draft EIR which is the comparison of environmental impacts for project alternatives, and lists that alternative as equal or less than the impacts of what is proposed in all categories. She referred to the question about what is required by DMR and SMARA, and she would like to see more analysis on some of the other alternatives. She would table that for deliberation and she will table that unless staff wants to comment.

Commissioner Godwin stated he has a similar one also, i.e., it seems there ought to be some hybrid between the low fill and the full fill, maybe a 3-1 slope or 3.5, but he isn't a civil engineer and he doesn't know what makes sense. He thought one commenter who said he was a civil engineer and said there were a myriad of choices and he didn't get the feeling that they had a myriad of options. He asked if there may be something they can explore between the low fill and the full fill.

Commissioner Berman stated that the site has a lot of fill and she would like to see an alternative that has a bit more balance in the earth work so the alternative of lesser fill that was contemplated but not fully analyzed, she would like to see further analysis on that as she thinks the majority of the concerns that the community and Commission have are related to the vast amount of fill for this project, and that also results in a lot of truck trips which yields the second most concerning aspect from the community. Her main request at this time is looking at this again in the future and seeing a higher level of analysis on an alternative with much less fill.

Commissioner Wright stated he had a bunch of questions, and if he gets too lengthy, stop him and he can save them until after someone else goes. He asked Planning Director Murdock if Calera Creek has ever been moved before.

Planning Director Murdock responded affirmatively.

Commissioner Wright asked how many times.

Planning Director Murdock stated that he is aware of one time.

Commissioner Wright asked the applicant why they chose the site for the wetlands and the pond site, i.e., was that the highest and best use. He asked if he had a reason for making that decision and asked that he expound on it.

Mr. Gilmartin stated that he will have Geoff Smick answer that question.

Mr. Smick stated an analysis was done to determine where wetlands and a red-legged frog pond would be most successful as they need a certain type of soil that will hold the moisture for long enough to support the types of plants or to support the frog through its life cycle and need enough water shed where, when the rain hits it and runs off of it in a storm event, it will fill those wetlands up and they looked at a variety of different areas and they need an area that doesn't already have wetlands there. They looked throughout the site to see where the best location would be and, based on those factors, that was the best location.

Commissioner Wright asked the applicant, in general, what would he say was the level of compaction they are suggesting for the soil.

Mr. Gilmartin stated 95%.

Commissioner Wright asked what they are going to do stop all those trucks from putting mud all over the highway and making it slippery.

Mr. Gilmartin stated that there will be a number of construction BMPs that will be employed in the project site for construction and transient wheel wash.

Commissioner Wright stated he spoke earlier about limiting trespassing and he asked for more detail on what he meant.

Mr. Gilmartin stated that, during the course of reclamation on the western parcel, it will be important to make sure that pedestrians that have been passing through the site from Mori Point down to the multi-purpose trail will not be allowed during the course of reclamation activities.

Commissioner Wright asked if it was possible to stage the project in such a way that they can maintain the trail going through there, i.e., for the woman who called in and rides through there to take her children to school every day.

Mr. Gilmartin stated that they intend to keep the multi-purpose trail open for the entire duration and they will have to have a flagger on site that directs traffic across the multi-purpose trail during the course of construction, but it is their intent never to close that trail for extended periods of time.

Commissioner Wright asked if they would be willing to provide and pay for a traffic flag person to make sure that children crossing the street at that corner with increased traffic of the trucks are protected, both coming from and going to school.

Mr. Gilmartin totally agreed, adding that he is a father with children going to school and would make sure of that personally. He stated that they have designed for flaggers to be at the exit and entrance which all part of their access plan, and they will be sure that it is always be enhanced to be sure it never impacts any children going to and from school.

Commissioner Berman referred to the multi-purpose trail remaining in use, and from looking at the haul route, she asked if the trucks would be crossing the trail.

Mr. Gilmartin responded affirmatively.

Commissioner Berman understood the duration of the project would be years, and assuming that the trail is not rated for vehicular loads, she asked him if they plan to upkeep that portion of the trail as she assumed it would probably degrade quickly.

Mr. Gilmartin stated that they absolutely will.

Commissioner Berman concluded that the trail will constantly be in usable condition.

Mr. Gilmartin responded affirmatively.

Chair Hauser asked Planning Director Murdock to answer a question. She was under the impression from the staff report that both Calera Creek and the multi-purpose trail are owned by the city and not by the property owner.

Planning Director Murdock stated that the property owner is Pacifica for Calera Creek and multi-purpose trail.

Chair Hauser stated that she was under the impression that the city owns the trail.

Planning Director Murdock responded affirmatively.

Commissioner Berman stated, similar to a public sidewalk, if construction were to degrade the public sidewalk, she assumes that the contractor or developer would maintain that sidewalk so it is still usable which is where she is going.

Commissioner Wright asked Planning Director Murdock if he could do a little bit of research into how long it may take, if there is contaminated soil there, for it to show up in the water or some other noticeable way to give them an idea of how long they have to hold their breath.

Planning Director Murdock stated that they can work that into their research of the soil testing requirement.

Commissioner Wright asked if they can make that a condition of how long the bond needs to be active for any kind of mitigation that may be required to deal with that.

Planning Director Murdock stated that is all wrapped together in the research they need to do about whether it was permissible to impose water quality requirements and under what circumstances, as well as whether they can impose a bond as he described or some other financial assurance for post reclamation water quality impacts. He stated that the financial assurance he is talking about is for completion of the reclamation work itself and may not necessarily extend beyond completion of that.

Commissioner Wright was concerned that, after they are gone and we are left with a bag on the port and somebody left the bag on fire.

Planning Director Murdock understood the concern that is really about whether there is a process and is it permissible for the city to address that through this process.

Commissioner Wright asked if he was accurate that our protected tree status is a 3-1 replacement.

Planning Director Murdock thought our protected tree ordinance requires a 2-1 on sight replanting mitigation but the mitigation monitoring reporting program for this project would require a 3-1 replacement for the protected tree.

Commissioner Wright thought they are actually going above the requirement, similar to what they are doing above the requirement for the amount of wetlands that they are replacing.

Planning Director Murdock responded affirmatively, and added that he would need a moment to confirm that it is possible the tree replacement applies to all the removed trees. He stated that they can doublecheck that but certainly at a minimum the protected trees.

Commissioner Wright stated that there was a ton of concern about traffic expressed by the public, particularly during school hours and commute hours, and he asked how much control does the Commission have now and on an ongoing basis during the hours of operation for the said project.

Planning Director Murdock would start by thinking that the city has a fair amount of control over the hours of operation, but if the Commission was specifically interested in changing those, they would need to hear what the reason is and see if they can relate it to the project. As related to traffic congestion, that is not a permissible basis of analysis in CEQA and the EIR and why they didn't evaluate that specifically in the document, but in traffic congestion generally, they may be able to find a way to address it elsewhere in the permits, and they can consider that if there is a particular time of day concern that can be articulated by the Commission.

Commissioner Wright stated that, when he drives to work, if he leaves ten minutes later than normal, he is in trouble and he imagines many other people experience the same thing. He thought, if there was some way to make it work for everyone as one of the conditions and they have a proposal for that, it would be helpful for him to hear.

Planning Director Murdock understood, adding that he needs to be clear that there is no information in the record that ten-minute delays would result from the project and they need to be mindful to make sure they have sufficient evidence to support whatever the Commission may want to do in that regard.

Commissioner Wright referred to dust mitigation, and he knew they were talking about spraying it down and different things, and he referred to super windy days and if there a maximum wind level if they have all this exposed dirt and they have a huge potential, and he asked if they can require that there be increased watering on those windier days.

Planning Director Murdock responded affirmatively, as they believe there is a maximum wind speed in the Bay Area Air Quality Management District's dust control requirements and they would have to research as it is his recollection that it is somewhere between 20 and 30 mph, but he would have to confirm that.

Commissioner Wright asked if they have discretion to approve where any of the sites that the dirt is coming from, such as is there a way they don't have to sign that blank check and say they will

take any dirt from anywhere as long as it meets the criteria or can they be specific and send our tester over to a site, test the soil and get an idea. He asked if they will not take their word for it that the dirt is clean when they know there is a gas station next door.

Planning Director Murdock thought he understood his question, and the ability to do so is what he is struggling with. He stated that they can consider that further, adding that there is concern about feasibility and the city's ability to have the knowledge to specify where the soil could come from that might effect the ability to undertake the reclamation. He added that they are also researching testing, and if the testing can be robust, it seems less important to specify where the fill is and he will have to reconcile that as they research further.

Commissioner Wright asked if they are able to specify the maximum number of trucks per day.

Planning Director Murdock thought it may be possible if related to addressing a particular impact, if the Commission could identify and articulate what that impact would be caused by the truck trips and that is a permissible consideration for a reclamation plan.

Commissioner Wright asked if he could give the Commission a list of those potential impacts, not now but at some future date.

Planning Director Murdock thought they have evaluated what they think those would be and they would need to hear what impacts Commission would think we haven't identified and evaluated.

Commissioner Godwin stated that they recently improved the housing element that included almost 2,000 houses over a seven-year period as out objective, and if you look at the truck traffic and vehicle traffic from building 2,000 housing units over seven years, equally distributed, his suspicion is that it is 2-3 times the level of traffic that the quarry project would create. He asked if staff's assumption was similar that or different.

Planning Director Murdock wasn't sure how to answer the question except to clarify that the Council and Planning Commission provided input on a draft housing element that has not yet been adopted and the city has an obligation to plan for almost 2,000 units. The housing element will likely ultimately plan for more than 2,000 but where they will specifically be, what number and how they relate to traffic impacts, wasn't something they could speculate on at this point other than to say there will be more traffic generally in the city. He stated that those type of background considerations are often parts of traffic analyses, but given the specific timing and nature of this application, that type of traffic analysis was not prepared for the project.

Commissioner Godwin thought it will be at least as great a magnitude in the city as this project or probably significantly more.

Planning Director Murdock thought it would be significantly more as this project is not generating a significant amount.

Commissioner Godwin stated that was the point he wanted to make.

Commissioner Wright asked if the operator has offered to make any kind of priority out of employing local Pacificans.

Planning Director Murdock didn't recall having specific conversations about hiring Pacificans, but he recalls that he believes that some of his employees who currently work in the area, such as Brisbane, would be working on site if this project were to be approved, but no conversation was had on the labor beyond that.

Chair Hauser asked if they let the applicant answer if he plans to use local hire.

Mr. Gilmartin stated he would be happy to use local labor and it was his intention to use union labor on the site and he would be happy to use Union Local 3 labor in construction of the project. He invited any Pacificans in the union to contact him.

Commissioner Wright referred to the air quality review, and he asked if all the grading equipment used was considered in that.

Planning Director Murdock responded affirmatively, adding that Mr. Stinson could elaborate on that.

Mr. Stinson stated that the modeling conducted included all the onsite off road vehicle emissions.

Commissioner Wright asked if they can ask for a yearly review as a condition and reapproval after that yearly review.

Planning Director Murdock stated that an annual review requirement would be a reasonable requirement and the Commission has imposed that on other projects in the past where there is a concern for living up to the requirements of an approved project and ensuring that it's being done. He didn't think there was a permissible annual reapproval.

Commissioner Wright concluded that they would not have an opportunity, should they notice there is a big problem with traffic, to make some additional changes, and this is a one and done thing for the length of the project.

Planning Director Murdock stated, for the approval, yes, but the annual review process is designed to allow the Commission to consider whether the requirements of the project approval are being upheld and met by the applicant or operator. If there was some criteria related to traffic congestion or some other impact that was not being satisfied, the annual review is the opportunity for that to be highlighted. If the applicant cannot take steps to resolve that deficiency, a revocation proceeding would be initiated which is the typical sanction on ordinary use permits. He stated that it was not clear whether such a revocation process is in place for quarry use permits, and that is an issue they would need to research further.

Commissioner Wright concluded they have to bat 1000 on their conditions.

Chair Hauser stated, when you see master plan developments approved, you often see individual phases that are approved and each subsequent phase has to come back. She noticed that this project comes with a phasing plan for four different phases, and she understands that they aren't close because most of the Commissioners have indicated that they would like to see a reduced fill analysis and she didn't know if that will affect phasing, but she asked if that would be appropriate.



Planning Director Murdock stated that they can look into the question of how the city might get involved in the phasing of the project. He had one concern in assuring whatever subsequent number of phases could be independently useful. With a master plan development if you build phase 1 but don't build phase 2, it isn't always a problem as you don't build as many homes, but it is self-contained and operational. To have a partial reclamation with only a fraction of the required fill approved, he didn't know if that is a good outcome or one that could be reasonably imposed within the construct of reclamation plan requirement and SMARA and need to have approved reclamation plans in play.

Chair Hauser thought that was a good point, and she referred to Commissioner Wright's comment that we need to bat 1,000, and she thought it would allow us to say overall they buy into the fact that this needs to be reclaimed but as to how and the means and methods aren't currently working, and there has been an issue of safety that has been noticed and they have the parameters that can be reset, even though they aren't rescinding approval. She thought it was a different shade of Commissioner Wright was proposing, but it would potentially set the city up for a higher success.

Planning Director Murdock stated he would need to think about that more as there is an opportunity to file amendments to approve reclamation plans and, if something was not going well, the operator would want to ensure it does go well, particularly if it is affecting the safety of the public or workers. He stated that it was a bit of an assumption and leap of faith, but with approving or imposing the Commission in that process, he would need to think more about how that could work if at all.

Commissioner Ferguson had a connected question, i.e., is a subsequent project fails, and he thought it was early to see something like a project schedule, but he has a hard time understanding this project without a schedule. He stated that, over four years, they made some assumptions on a million yards of dirt in four years will be this many per day, but the reality is that it won't be close to that rate. It won't be 160 trucks a day but 500, 0, 1,000, 0, 10. He didn't see if it is there but he asked if there was an overall plan that is completely out of their control when they get the dirt, but he thought in year 1 then need 200,000 yards and year 2 we only need 50,000 yards to create the fill they are looking for,. He understood they have to be flexible.

Mr. Gilmartin stated that it is in four equal years of 250,000 cubic yards basically.

Commissioner Ferguson concluded that is the plan.

Mr. Gilmartin stated that is the plan and they will have to turn projects away because of the capacity they will be at for the year. He has no concern with completing the project within the amount of time provided. He thought the project could be done sooner but that was at a greater risk to traffic that he was not willing to go down, and four years was explicitly decided as they believed that would provide the least impact and not be so long that the project would be untenable. He stated it is his strong belief that they will be turning work away.

Planning Director Murdock stated, regarding Commissioner Ferguson's concern, he thought it was within the city's ability to limit the number of trucks that come on a particular day. If it is zero, he didn't know if there is an issue, but if it is 1,000, that is an issue with respect to the scope of the impacts that have been evaluated.

Commissioner Ferguson understood that, if they are talking 250,000 for a year, the best way to create some kind of a flow to it, as the way it will work, there will be a huge project going on in the near vicinity and they are going to have trucks after trucks, etc., and they will get huge impacts on one month and in another month it's not as impacted based on construction in the area. He stated that, related to that, there has been a down tick in high rise construction, and construction ebbs and flows. He stated they are talking about having to get exactly what they need in this timeline if, over four years, the economy doesn't do what they think it will do and there isn't a lot of public works stuff coming out and they end up with 500,000 cubic yards of dirt and he asked if there was a deviation plan or are they liable to procure the other 500,000 cubic yards at their cost and that would sink any company handling that quarry.

Planning Director Murdock understood, and he had a couple of different responses to that, i.e., the city could seek to use the financial mechanism that was on deposit to compel that work to be completed per the approved reclamation plan, but what is more likely is that the applicant, at that time, would file an amended reclamation plan to say circumstances have changed substantively and they can no longer complete that and ask for approval for something different. He stated that there may be other ways to resolve that, but those are the two that come immediately to mind.

Commissioner Ferguson stated his worry was that, if they come short of their target yards, which he didn't think would be an issue, but if they did, as things happen, that is what they are here to mitigate. He has a hard time seeing a for-profit company deciding to take it on themselves to regrade the entire project of 500,000 yards at cost, with no income coming in, to a new approved reclamation plan that addresses all the slope issues they have in place to protect themselves against that, i.e., a bond.

Planning Director Murdock stated that the manner in which the financial assurance is provided can be done in more than one way but a bond may be one of them.

Commissioner Berman wanted to dovetail off Commissioner Wright's last question in discussing requirements for the project to come back during annual review, separate from the phasing discussion and having the project come back for each phase, which sounds like it needs more analysis. She asked if, particularly related to traffic, are they able to define some objective criteria that can be compared to at each annual review, such as the maximum number of trucks which is a good one, but also level of service at key points along the truck route. She asked if the traffic analysis could be completed by the applicant.

Planning Director Murdock stated, subject to their research and confirmation that an annual review process is appropriate and can be imposed in this context, he thought if there were performance standards required and the project cannot bypass those, such as degrading level of service more than anticipated or changing of the timing or type of equipment might be necessary to adverse impacts, General Plan inconsistency or other impacts, it seemed reasonable, subject to further research and confirmation by staff.

Commissioner Berman would like staff to do that further research and they could talk about it the next time they convene. She took a couple of notes from public comments, such as has there been any engagement with the Fire or Police Departments on this.

Planning Director Murdock stated that they were involved earlier in the project review process but he didn't recall that they had concerns about the project traffic impacts, and they can double

back on that. He mentioned the nature of the work was primarily on the quarry site and the overall traffic impact in terms of level of service, and a lot of these concerns are existing conditions that aren't necessarily caused or majorly exacerbated by the project, based on the analysis they have done and reviewed.

Commissioner Berman referred to a mention that some members of the community would have liked to see a development plan for what might be proposed at the site. She understands that a development plan for future development is not defined now, which is fine, but one of her concerns on reviewing the reclamation plan and EIR was if they are boxing in the potential for future development, especially on the eastern parcel, given that they are going to establish a wetland, and she understood why they are doing that, and she asked if that was going to potentially constrain especially the eastern property for future development which may be needed, especially as housing needs increase.

Planning Director Murdock thought the potential exists for that, but they would have to consider whether it would be possible to relocate or modify that wetlands mitigation pond at some point in the future if wetland would be preferred for development but he didn't know if that was feasible. He agreed that could use up some land that may otherwise be suitable for development as part of a future development plan.

Chair Hauser wanted to mention a couple of comments related to wanting to see a development plan and there was mention about opportunities for the quarry to be effectively annexed as public land. She knows that is something not in the city's prevue as it is privately owned property but she wanted to acknowledge the couple of comments related to that and, if staff has anything to say to that, she encouraged them to speak, otherwise she just wanted to mention it.

Planning Director Murdock stated that he is currently not aware of any plan for the city to pursue acquisition of any portion of the quarry site.

Commission Godwin stated he has not been involved in big time construction projects like this, and he asked how it works between two construction sites, such as does the source site build up a big pile of dirt, such as 5,000 cubic yards or more, and they call up and commit to delivering 50 trucks a day for a month or do they drive a truck over there, contract and a bulldozer drops dirt into it until it's full and it is a real time process. He asked if they can describe what typically happens in the way that the two sites interact, the source site and where it is deposited.

Mr. Gilmartin stated that, generally, they are larger construction projects and the way it works is that, during the course of the design of the project at the place of origin, there has been a set of testing, whether geotechnical and environmental, a whole suite of tests has been produced as well as boring logs so they understand what they need to be building. During the course, where historical baseline for the property point of origin is, where a lot of testing has already been performed. When the project at the point of origin is actually being constructed, they scope out that work to excavation contractors, trucking companies, etc., they will get a phone call from either the land owner from the point of origin or from the general contractor who is managing the project at the point of origin, and they will ask if they dispose of the material at their site and they would start with all the testing paperwork and any historical information on the site itself to develop what they understand to be the outstanding tests that have yet to be performed. If there are any tests yet to be performed, they ask that they are performed and done by the appropriate certified individuals. When those samples are collected, they are sent to a third party accredited

laboratory and then sent to them for review and approval. He hopes that explains it and he also thought it was important to know that the law stipulates that the person who is generating the material which is the landowner from which the material is coming from is responsible for that material from cradle to grave and if anyone who chooses to violate the law, it wasn't that him as the applicant and operator would be responsible for making sure that the material would be removed, but the place from which it came is also responsible for it to be removed. He stated that the chain of custody, the indemnity obligations that everyone has to each other contractually and the law stipulates that this will be done correctly.

Commissioner Godwin understood that but was asking a more process question. He asked if the origin site creates a pile of dirt, it sits there and then you know you can draw 30 days of trucks from it or two weeks or whatever is the routine after it's tested and you are confident it is good dirt.

Mr. Gilmartin stated that it depends on what type of construction is going on, i.e., if it is a mass excavation, it is straight out of the ground into the back of the truck and off to the disposal facility. He stated that there are some circumstances where material needs to be stockpiled temporarily and then loaded into trucks, but generally, there are mass excavations that are happening directly from the ground and being placed directly into trucks and off the trucks go. He stated that there isn't enough space in the Bay Area to have these huge stockpiles of material and it doesn't make any economic sense for the contractor to be touching the material any more times than they have to. He stated, if you are an excavator, you want to remove the material, and touch it once before it goes into the truck.

Chair Hauser asked what agency approvals have been granted beyond the nationwide permit from the Army Corp, and have any of the applications commenced, things like BL and other items.

Ms. Guerra stated that the Corp of Engineers issues a provisional permit and that was the nationwide 404 authorization. The 401 certification has been prepared in draft form by the Regional Water Quality Control Board and they cannot issue the permit until the city certifies the EIR and, at that point, the EIR will then go to the state and they can grant the certification. She stated that is a discretionary action so it hasn't happened yet. She stated that the action that has occurred is Fish and Wildlife which has reviewed the project and issued what is called a biological opinion in accordance with Section 7 of the Endangered Species Act and that happened prior to the Corp issuing a provisional 404 authorization. The service has signed off on all of the wetland mitigation, the frog breeding pond and the habitat for that purpose.

Chair Hauser asked if the Biological Opinion provides take authorization for red-legged frog and San Francisco Garter Snake

Ms. Guerra stated that it does.

Chair Hauser was surprised that she did not see was an ITP from CDFW or a stream alteration agreement considering that it looks like part of the property was in the riparian area of Calera Creek. She asked if she can speak a little bit to why CDFW is not part of their strategy.

Ms. Guerra stated that the department does not have jurisdiction over the proposed activities associated with reclamation. The reclamation plan does not occur within the bed banker channel

of Calera Creek and the Department of Fish and Wildlife didn't have authorization under Section 1600 of the Fish and Game code. With respect to the 2081 permit for an incidental take permit, there are no state listed endangered and threatened species that would be affected. As a matter of state law, it is the mortality of the species, not effect on habitat and there is no requirement for that.

Chair Hauser asked if the California red-legged frog is not a state listed species.

Ms. Guerra stated it is not a state listed species, and it is federally listed which was why they obtained a Section 7 biological opinion with an incidental take authorization. She clarified that the incidental take authorization is not effectuated until the 404 authorization is issued formally by the court and when this process is all complete, they will have those permits. She stated there is a separate permit that everyone has alluded to that the Coastal Development permit from the Coastal Commission but they have to wait until the CEQA document is completed and they can prepare their functional equivalent and issue the CDP.

Chair Hauser asked if there was zero interaction with riparian area provided in the plan.

Ms. Guerra agreed, adding that no reclamation activities will occur within the riparian area of Calera Creek. She stated that all activities are outside of any jurisdictional features.

Chair Hauser asked if the new .2 acre red-legged frog pond is based on the loss of habitat versus take of the actual species.

Ms. Guerra stated that there is breeding habitat and the analysis that was conducted for Section 7 purposes evaluated effects to less of habitat as well as individuals and is a matter of federal law take of habitat is something you have to get permission to do and they evaluated the mitigation strategy that addresses both potential effects on frogs as individuals and loss of habitat.

Chair Hauser asked if there are any parts in the FEMA flood plain or is it in zone acts.

Ms. Guerra understands that it is not within a special flood hazard area, but completely outside of the special flood hazard area.

Chair Hauser asked if she, as the applicant, would be willing to work with North Coast County Water District to see what percentage of water could be reclaimed water, and if she could provide an approximation of the amount of water usage that they would be utilizing to put their plan together.

Ms. Guerra stated that they did actually consult with them, and she would let Mr. Gilmartin address that.

Mr. Gilmartin stated that they would be happy to calculate the total estimated amount of water that they would need for the purpose of dust control on the project. If there was any facility within the Pacifica to obtain reclaimed or recycled water, they would be happy to get it. They want to make sure it didn't increase any additional impacts to traffic that are not otherwise already there. As long as it doesn't negatively impact traffic and is reasonably accessible from within the site's general sphere of influence, they would be happy to use reclaimed water.

Chair Hauser thought maybe that was something they can hear back in follow up.

Commissioner Wright asked if he has a water truck and can pick it up from wherever they make the recycled water, drive it over, spray it around.

Mr. Gilmartin stated that he is correct. He stated that, during the course of designing their dust control plan, they looked into using recycled water from the wastewater treatment plant which is there, there are not appropriate facilities on site at this time in order to allow for that kind of activity in the site as the area is very small.

Chair Hauser asked if he, as the applicant, is willing to work to reduce construction hours if that helps with the community.

Mr. Gilmartin thought that the current work times provided in their application are 7-5 pm, Monday through Friday. He asked Planning Director Murdock to help him if he is wrong about that. He stated that, if the Commission had a proposal for a different set of work hours, they would take it under consideration.

Chair Hauser thought he heard that they care about school trips and he does as well, and she thought her question was if he would be in a position to have work hours that avoided drop off and pick up.

Mr. Gilmartin stated he would have to analyze that with his team to make sure it doesn't impact the total schedule of the project.

Commissioner Wright thought it would be just for the trucks, not for the grading activities going on.

Mr. Gilmartin understood, and they will take a serious look at that. He didn't know for sure if that would impact the total duration of the project significantly, and he would appreciate the time to analyze it.

Chair Hauser stated that they received comment letters about building parking next to Rockaway and helping alleviate some of the traffic issues that they currently have. She asked if the applicant would be willing to entertain.

Mr. Gilmartin stated that they would definitely take it under consideration but he doesn't own the land and he would have to consult with the landowner. He stated that there has been no design whatsoever for paving on the site and they would have to evaluate what would be an appropriate amount of parking. He stated that the access road is very limited in terms of traffic on the eastern parcel and to incur parking on the eastern parcel where he presumed is the only reasonable place for cars to be parked would venture into areas of the site which he wasn't sure was appropriate for that. He stated they will look at it.

Chair Hauser stated she has a feeling this will not get decided at this meeting and may he can come back with information for some of these things. She asked if he would be willing to do some additional community outreach.

Mr. Gilmartin stated he absolutely would.

Chair Hauser referred to talking a lot about reducing fill and it was said in the plan that geotech fabric has been restricted because of biologics and she wondered if they would consider geogrid which is highly durable and non-toxic and could help with stabilizing slopes and avoid some of the fill.

Mr. Gilmartin asked if Mr. Rodaker wanted to comment on that.

Mr. Rodaker didn't think the use of geogrid would necessarily reduce the volume of fill but it would enable them to do is build steeper slopes to an appropriate factor of safety.

Chair Hauser thought that was part of the analysis she would like to understand, i.e., if they did use steeper slopes, could they reduce to volume of fill. She knows it is a hard situation as that is part of why they would this reclamation is the fill in, and was stated by many of the public, but the fill is what makes this financially feasible to him but he has to understand that he has heard so many voiced in the room and she thought there needs to be some middle ground and they would like to understand what that looks like, adding that maybe it's not applied to one slope as a 3-1 slope. She thought that may be some of the analysis that can be done between now and next time.

Mr. Rodaker stated that the use of geogrid would enable something steeper than a 2-1 and they are probably obligated to a 2-1 by SMARA.

Chair Hauser now had some questions for staff. She asked if they know if there is a subsequent application they are expecting and has it been discussed at all.

Planning Director Murdock asked if it was for development.

Chair Hauser stated development, not conjecture. She asked if there is an indication of a specific plan following this reclamation.

Planning Director Murdock stated that there was no foreseeable particular development proposal that he is aware of. The only conversations he has had with the property owner in the last several years has been a keen interest to begin the Quarry Specific Plan process to have a legitimate community input process to go through determining what land uses would be that would then flow into some future development project but no particular outcome. They have insisted that they shouldn't start with a presumption of what that should be.

Chair Hauser stated staff has made it really clear that this process would not affect the vote of the people required for residential, and she asked if he can speak more to why rezoning is being proposed.

Planning Director Murdock stated that the rezoning proposed is from C3X which is service commercial, and a vote of the people is required for rezoning to residential/HPD Hillside Preservation District/CZ coastal zone. He stated that the proposed rezoning would not affect the HPD overlay or the CZ coastal zone designation. It would change the C3 component to PD Planning Development, and that rezoning is required by the HPD overlay itself and a basic part of the mechanics of the HPD overlay that triggers the rezoning and then, for any development to occur requires the development plan approval to set the specific allowable uses and the specific plan approval to determine the physical form of implementing those uses. He stated it was part

and parcel to the HPD overlay that has been in the municipal code for decades and requires a very particular land use approval process to have greatest control over uses of development of sites.

Chair Hauser asked if the PD in no way reduces our future discretion as a city.

Planning Director Murdock responded by saying, once rezoned to PD, there is a required legislative component, i.e., site specific zoning, in the form of what is called the development plan that is a legislative action that the Planning Commission needs to consider and recommends City Council so any uses not authorized in the development plan approved for this project can be undertaken. He stated that, if they look at the uses proposed here, they don't allow any permanent development of buildings, commercial residential or otherwise, and to allow that in the future would require another development plan approval by the city.

Chair Hauser asked if the development plan they are considering is the quarry reclamation plan, as she stated that they are being asked to approve a development plan and it wasn't clear to her what that was.

Planning Director Murdock stated that the terminology used in their zoning code is confusing, development plan and specific plan, and is also confusing giving the number of required approvals to specifically parse out which one is the quarry reclamation plan. He thinks it is most accurate to say that in a different site with much simpler circumstances, you would be using the quarry use permit to approve the quarry reclamation plan. In this instance, because they also have the PD zoning issue intermixed, they are also using the specific plan to approve the quarry reclamation plan because that is defining the site specific particular physical improvements in the form of grading, drainage and paths, etc.

Chair Hauser stated that, in the development standards for the PD under residential use, it went through three different items that would need to happen, one for a public vote authorizing rezoning to allow residential uses presumed to an ordinance.

Planning Director Murdock asked if she could point to a packet page if she has it handy.

Chair Hauser stated that she didn't. it is just a screen shot and put it in her notes, but it is the development standards, and there is a single page of development standards for the PD.

Planning Director Murdock thought it sounds like the draft ordinance.

Chair Hauser stated he was correct. She stated that Item 2 is worded, the City Council or the people of the Pacifica adopt an ordinance to rezone the property, and the "or" was concerning to her as it seems like a powerful war. She didn't know if it was unintentional but she wanted clarification.

Commissioner Ferguson stated that it is 12:20 and he has a couple of questions. Since he didn't think they were going to finish this at this meeting, he asked if they have a path forward of mechanics to close this up and wrap it up into something useful.

Chair Hauser stated that staff is looking to answer this question and she thought they would probably continue the hearing.



Planning Director Murdock thought, as drafted, it is sufficient and it is going through the sequence required. He stated that maybe it is clearer in the introductory sentence that they say “unless all the following conditions are met” and if that is true, step 1 in affirmative vote authorizes rezoning to allow residential use pursuant to ordinance 391-CS which is the required first step for the public vote. He stated that, depending on the nature of what that action is, it may authorize Council to rezone which is the standard expectation of what that would look like which is the first part of step 2, that City Council enacts an ordinance to rezone the property.

Chair Hauser asked why is the “or the people of the city of Pacifica” in there.

Planning Director Murdock stated because, in the first part, the vote could also contain the rezoning.

Chair Hauser concluded that, however they word this potential item.

Planning Director Murdock stated that, whatever form No. 1 takes, will dictate what No. 2 resulted.

Chair Hauser stated that answers her question.

Asst. City Attorney Murphy stated that No. 1 has to take place.

Char Hauser agreed that adding the word, all, would be very helpful. She stated that it is 12:21 and she asked if they were okay going to 12:30, and she got a consensus.

Commissioner Wright asked if they are creating a giant liquefaction zone here or are they making our own Pacifica marina.

Mr. Ramsvil stated yes, because they are placing engineered fill and it would not necessarily be liquifiable as it would be compacted to engineering standards with subdrains likely, etc.

Commissioner Ferguson stated he knew there was a concurrent coastal development permit with the Coastal Commission as to where they are in that process and projected timeline for approval, and asked the applicant to shed some light.

Ms. Guerra stated that they have submitted all of the applications with all of the state and federal agencies concurrently with the city processing the CEQA document and the project approval. They did that so they could make sure that the CEQA documents the city prepared evaluated the project as the resource agencies would approve it. They are in their 5<sup>th</sup> or 6<sup>th</sup> round of review with the Coastal Commission and they can't do anything until the city finishes and certifies the EIR. They have continued getting their comments, revising the project, revising the mitigation plan, addressing their comments, so that information would be reflected in the city's CEQA document. Their hope is, if the Planning Commissioner recommends certification and the Council ultimately approves and certifies the EIR, the Coastal Commission could then act on the CDP. In the meantime, they have been addressing all of their comments and questions and provided mitigation and addressed all of the issues of their concern within their jurisdiction.

Commissioner Ferguson asked the best guess in her professional experience, after certification, for the timeline to approval from Coastal Commission.

Ms. Guerra stated that, because they have done this process concurrently, and addressed all of the issues of a resource nature that pertains to the environmentally sensitive habitat areas for Coastal Commission purposes, they would expect to have their CDP hopefully issued within 3-6 months, but state agencies these days are taking a lot longer to do things and it depends on their staffing, but they have engaged their biological and geotechnical land hydrological staff people to review the application concurrently to shorten the timeframe for their further review.

Commissioner Ferguson anticipated that, and regardless of the Commission's findings and appeal one way or the other to them, so he was curious about where the timeline was. He then referred to mention of noise in community comments, and asked if they would be amendable to pursuing a variance for white noise back up alarms on heavy equipment used on site as the rumbling of diesel engines is one thing when mixed with the heavy swell but backup alarms tend to cut through everything else. Having lived next to the Highway 1 repaving, he felt that was something you can't sleep through. He has been on projects when they pursued a variance with CALOSHA to install the same decibel but of white noise, same safety factor but different auditory level for the community.

Mr. Gilmartin referred to the distance from which a lot of the residents live and the businesses with respect to the proximity of the site, and he wasn't sure that the decibel levels are going to be disturbing but, to the extent they are, they will be happy to pursue a variance as there are considerable safety considerations for the people who are actually building the project that are important to maintain and he didn't know that he could say at this time that they would remove back up beepers.

Commissioner Ferguson stated you don't remove anything as it is different type of back up alarm. He stated that he wears a hard hat and a safety vest all day and they employ them when asked to by city agencies. He concluded he would consider it if they necessary.

Mr. Gilmartin responded absolutely to the extent that the intent of safety is maintained.

Commissioner Ferguson stated that there is not a great deceleration zone on Highway 1 for the ingress portion to the project, such as dump trucks as full as they can be, and decelerating from highway speed to a stop to make the right turn and there isn't currently any pull off lane or any area with which to do that deceleration out of the flow of traffic and he didn't know if there was ever a discussion of imposing that, what it might take, if it is a Caltrans issue, and he thought it might alleviate a lot of the backup.

Planning Director Murdock stated that they did discuss that point and the applicant's transportation expert is here to discuss it.

Mark Spencer stated that, in the EIR, there are copies of the traffic analysis which consists of different documents that were prepared and he thought it was the October 2021 document that talks about the queuing and the signalized intersection, as well as the deceleration lane and the requirements for that. He agreed that there is no separate deceleration or right turn lane and they looked at the requirements for a right turn lane, given the number of vehicles, speed of vehicles, size of the truck, etc., and the project would require use of the shoulder as stated in the document and this was presented as such and has also gone through the Caltrans analysis procedures through their document, the Highway Design Manual and they didn't comment on it or see it as

an issue, given the number of vehicles and the speeds at which they could approach the intersection and make the turn. They looked at it from a safety perspective and during the period of construction and several years of reclamation that would occur, the trucks would be making use of the shoulder rather than staying in the mixed slow lane. Depending on the traffic conditions at the time, the trucker and their ability to maneuver through that turn and how comfortable they are, they would probably see them either making a turn from the travel lane or using the shoulder to make the turn if need be.

Commissioner Ferguson asked if he know the approximate deceleration distance is of a fully loaded standard super dump from 50-5 where they need to make that turn.

Mr. Spencer stated that they have that in the letter, and it looked like the needed queue is as much as 150 feet, the approximate equivalent of six car lengths, at different times which is available for that within the space there. He stated that they look at the space as they come out of the signal at the intersection of Reina del Mar and traveling south on Highway 1,

Chair Hauser stated that it is 12:30 and she asked staff if they have enough direction from them on what they would like to see when they come back, assuming they come back.

Planning Director Murdock stated that they did and what is unknown is the amount of time it may take to put together answers to all these questions and, assuming the Commission is not going to call for the questions at this time and they are looking to continue the hearing, they asked that the continue to a date to be determined and they will issue public notice as required once they know what that hearing date will be.

Chair Hauser stated her final thought, on Section 27-12 of SMARA says that it is the intent of the legislator to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations and to assure that she will skip one. She stated that the production and conservation of minerals are encouraged while giving consideration to values relating to recreation, water shed, wild life, range and forage and aesthetic enjoyment and residual hazards to the public health and safety are eliminated and she hopes that, as they move into the next analysis that this particular section is given a lot of thought when they see what this reduced fill analysis looks like. She then asked for a motion.

Commissioner Berman moved to continue this item to a date to be determined; Commissioner Wright seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Berman Godwin, Ferguson, Wright and Chair Hauser
Noes:	None
Abstain:	Commissioner Devine

Chair Hauser thanked Mr. Gilmartin and his team and everyone from the community who came out at this meeting.

**COMMISSION COMMUNICATIONS:**

None

**STAFF COMMUNICATIONS:**

Planning Director Murdock thanked the Commissioner who attended the Planning Commission training last week.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Wright moved to adjourn the meeting at 12:33 a.m.; Commissioner Ferguson seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Berman, Godwin, Ferguson,  
Wright and Chair Hauser  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

---

Planning Director Murdock