

RESOLUTION NO. 12-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT UP-080-16 AND SITE DEVELOPMENT PERMIT PSD-816-16, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A WET WEATHER EQUALIZATION BASIN AT 540 CRESPI DRIVE (APN 022-162-420) AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica ("Applicant").

WHEREAS, an application has been submitted to construct a 2.1-million-gallon capacity equalization basin, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the equalization basin (Project) at 540 Crespi Drive in Pacifica (APN 022-162-420); and

WHEREAS, the Project would also include construction of two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the equalization basin during storm events and an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd pump; and

WHEREAS, the Planning Commission considered the Project and application at its regular meeting of February 6, 2017. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Project site would be located in a zoning district where public utility facilities are not expressly permitted and a use permit is necessary per PMC Section 9-4.2303; and

WHEREAS, the Project site is adjacent to an R-1 (Single Family Residential District) zoning district and a use permit is necessary per PMC Section 9-4.1202(i); and

WHEREAS, wastewater treatment and reclamation facilities can be accommodated in any zoning district if it meets the special use permit review criteria detailed in PMC Section 9-4.2306(d); and

WHEREAS, new construction in a commercial district requires a Site Development Permit per PMC Section 9-4.3201(a); and

WHEREAS, City of Pacifica Planning Division is the Lead Agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act (CEQA) and for project approval,

WHEREAS, Terraphase Engineering Inc., on behalf of the City of Pacifica Planning Division prepared the *City of Pacifica Wet Weather Equalization Basin Project Draft Mitigated Negative Declaration/ Initial Study* (MND/IS) for the Project in accordance with Public Resources Code Section 21000 *et seq.* and CEQA Guidelines Section 15000 *et seq.*; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, on December 8, 2016 the City of Pacifica Planning Division issued a Notice of Intent to Adopt a MND/IS for the Project, which was distributed in compliance with CEQA Guidelines Section 15072 and Public Resources Code Section 21092; and

WHEREAS, on December 8, 2016, the City of Pacifica Planning Division distributed copies of the Draft MND/IS to public agencies which have jurisdiction by law with respect to the Project and to publically accessible repositories and invited comments on the Draft MND/IS in compliance with CEQA Guidelines Section 15072; and

WHEREAS, on December 15, 2016, City of Pacifica Planning Division noticed and held a public meeting to present the Project and the conclusions of the analysis in the Draft MND/IS; and

WHEREAS, on January 13, 2017, the 37-day public comment period for the Draft MND ended;

WHEREAS, written comments on the Draft MND/IS were collected and responses to comments were considered in the revisions made to the Draft MND/IS to comprise the Final MND/IS; and

WHEREAS, the Final MND/IS identified certain potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS, there is no substantial evidence that the project would have significant effects on the environment after implementation of identified mitigation measures; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 6, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

WHEREAS, the Planning Commission approved, with conditions, Use Permit UP-080-16 and Site Development Permit PSD-816-16 and adopted the Wet Weather Equalization Basin Project Final MND/IS and MMRP for construction of the a 2.1-million-gallon capacity equalization basin and associated components as detailed above at 540 Crespi Drive (Resolution 968) at a regularly scheduled Planning Commission Meeting on February 6, 2017; and

WHEREAS, an appeal was filed on February 16, 2017 in opposition to the Planning Commission's action; and

WHEREAS, the City Council did hold a duly noticed public hearing on March 13, 2017, at which time it considered the appeal and other information presented by the appellants as well as the February 6, 2017 Planning Commission staff report and meeting minutes.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following findings pertaining to the Use Permit:

- i. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;*

Discussion: As further discussed in Section 5 the Planning Commission staff report (Attachment C), the MND/IS prepared for the Project concludes that the construction, operation, and maintenance of the Project would not have a significant impact on the environment with the implementation of the incorporated mitigation measures (MMs). The Project would meet all applicable building code and engineering requirements and would comply with all applicable regulatory requirements.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan; and*

Discussion: The proposed use is consistent with the General Plan and the local Coastal Plan is not applicable to the Project site. The issue of I/I into the sanitary sewer system during wet weather events and the need to improve the sanitary sewer system capacity is mentioned in multiple locations within the 1980 General Plan, as noted below.

Conservation Element

Inflow and infiltration into the sewage collection system, particularly in the Linda Mar area, results in overflows during long periods of wet weather. The exact locations of this problem are unknown and difficult to assess. The magnitude of the problem and the cost of correction are estimated to be great. The City should seek assistance to investigate and reduce this problem. (Page 114)

***Action Programs, Short Term, 1:** Seek outside assistance to study and correct the infiltration problem in Linda Mar sewage collection system. (Page 16)*

Community Facilities Element

The Regional Board is presently concerned about compliance during wet weather conditions. Reduction of the peak wet weather flows through an inflow and infiltration reduction program and modification to the treatment plant may be required within the next five years. (Page 96)

***Policy 1:** Maintain and improve the present level of City services. (Page 21)*

The City is separately working on directly addressing the I/I issue by replacing sanitary sewer piping as funding will allow. However, the cost and work associated with correcting the I/I in the Linda Mar area is significant and is a long-term goal. Meanwhile, the Linda Mar area experiences SSOs as a result of the I/I. The Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sanitary sewer collection system. SSOs create a significant impact on the environment, and in particular on water quality. The Project would prevent capacity-related SSOs from occurring during wet weather events. The objective of the Project

would be consistent with the General Plan as the Project would address the results of the I/I issue discussed in the General Plan.

Additionally, construction of the Project is consistent with other resources considered in the General Plan as further discussed below:

Noise Element

Action Programs, Short Term, 5: The noise impact on land uses should be considered when development plans are reviewed and approved. Where existing ambient noise levels are high, or where the proposed use will create additional noise, the builder should be required to mitigate the noise. (Page 18)

Discussion: The MND/IS included an analysis of the impact of the Project on the existing ambient noise levels (Attachment C.e). It was concluded that, with the incorporation of MM NOISE-1, impacts on noise levels for surrounding receptors would be less than significant during construction and operation of the Project.

Seismic Safety and Safety Element

Policy 1. Prohibit development in hazardous areas, including flood zones, unless detailed site investigations ensure that risks can be reduced to acceptable levels and the structure will be protected for its design life. Development shall be design to withstand a minimum of a 100 year hazard event regardless of the specific nature of the hazard. (Page 110)

Discussion: The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain¹. Proposed site improvements including site grading and construction of the EQ Basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber vessel) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the installation of the EQ Basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would improve control of the stormwater runoff. The existing street elevations along the new pipelines would not be changed from existing conditions.

¹ Federal Emergency Management Agency. 2017. FEMA National Flood Hazard Layer. Accessed January 4, 2017.

The concrete slab for the MCC building and the equipment for the odor control system would be constructed above the FEMA 100-year base flood elevation (BSE)² of 14 feet³.

In addition, the Project would be consistent with the Pacifica Municipal Code, the California Building Code, and other applicable regulations.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Discussion: The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system including ambient air intakes, and the redesigned parking lot. These features are consistent with the City's adopted Design Guidelines as further discussed below.

Building Design, Screening. *All exposed mechanical and electrical equipment must be screened from public view. The design of such screening should be integral part of the building design. (Page 5)*

Discussion: A prefabricated, 10-foot tall MCC building equipped with a 4-foot high metal antenna that would allow radio communication with the City's Calera Waste Water Treatment Plant and an odor control system would be located along the northeastern portion of the Skatepark parking lot area. The MCC building would contain six motor starters, one for each of the four, 10-horsepower (hp) duty pumps and one for each of the two, 2-hp dewatering pumps, a panel board, a telemetry panel, and a transformer to step down voltages to the ancillary electrical facilities. Two at-grade ambient air inlets would be located on the west side of the EQ Basin. The odor control system would appear as an approximate 5.5 foot high cylindrical structure, surrounded by a 6 foot high chain linked fence, located next to the MCC building. Landscaping would be used to reduce the visibility of these structures from public view. Condition of Approval (COA) 2 would require the implementation of a landscaping plan to screen the new aboveground structures.

Electrical, water, and other utility connections would be provided to the Project through underground infrastructure.

Landscaping, Parking areas. *All parking areas should be landscaped with fast growing trees and/or shrubs in order to screen vehicles from view and minimize the visual impact of expansive areas of asphalt. Such landscaping should not obscure views necessary for traffic safety. (Page 6)*

Discussion: The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or

² Base flood elevation: The computed elevation to which floodwater is anticipated to rise during the base flood.

³ Federal Emergency Management Agency. 2017. FEMA National Flood Hazard Layer. Accessed January 4, 2017.

Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ Basin to be planted with trees and shrubs to screen the new aboveground structures.

Landscaping, Screening. *Dense landscaping should be used to screen unattractive features such as storage areas, trash enclosures, transformers and generators, vacuum breakers, and elements which do not contribute to the visual enhancement of the surroundings. (Page 6)*

Discussion: See discussions under Design Guidelines: *Building Design, Screening and Landscaping, Parking areas* provided above.

Water Conservation Policy and Landscape Design Guidelines for New Development,

Irrigation 1. *All parks, median strips, landscaped public areas, landscaped areas surrounding residential and commercial developments and industrial parks shall have separately metered automatic irrigation systems designed by a landscape architect or other competent person. (Page 8)*

Discussion: COA 2 would require the implementation of a landscaping plan. The plan would detail the irrigation needs of the property. However, the landscaping plan would include use of drought tolerant and mostly native vegetation; therefore, irrigation would likely only be required during the establishment of the vegetation and would not require long-term irrigation.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby determine that the Project meets the following special use permit criteria:

- i. *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and generation of traffic;*

Discussion: The Project components are primarily located underground. Aboveground components of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. The aboveground components of the Project would not be out of scale or bulk with the M-1/C-3 zoning district. The M-1/C-3 zoning district does not have a coverage maximum and the Project would not add any density to the site. As further discussed in MND/IS (Attachment C.e) the noise and traffic generated from the construction and operation of the Project would not be significant after the implementation of identified mitigation measures. Therefore, the proposed use would be compatible with the permitted use of the site.

- ii. *That the proposed development will enhance the successful operation of the community or will provide a service to the community;*

Discussion: The Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sewer system. SSOs create a significant adverse impact on the environment, and in particular on water quality. The Project would prevent capacity related SSOs from occurring during wet weather events during the design storm. This Project would also meet the requirements of the CDO and Consent Decree; therefore, the Project would enhance the successful operation of the community.

- iii. *That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and*

Discussion: PMC Section 9-4.102 details the development regulations applicable to the M-1/C-3 zoning district. The Project site is conforming with the minimum building site area and dimension. The M-1/C-3 zoning district does not establish any setbacks or coverage maximums. The existing landscaping on the site, primarily located south of the Skatepark and west and north of the Community Center would meet the 10 percent landscape minimum of the zoning district. The Project would not alter these areas, therefore the landscaping minimum of the site would be met. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top, and would be below the maximum allowed height of 35 feet. Lastly, as detailed above, the Project would obtain a Use Permit and Site Development Permit as the Project would abut a R District and the Project would include construction within a commercial district. The Project would conform with the development regulations of the M-1/C-3 zoning district.

- iv. *That the project is consistent with the goals and policies of the General Plan, Local Coastal Plan and with the adopted Design Guidelines.*

Discussion: See discussions provided under subsections ii. and iii. of the Use Permit findings. The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does not hereby make the following findings pertaining to the Site Development Permit:

- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

Discussion: During construction, the Pacifica Skatepark parking lot would be closed to the public. Construction activities for the proposed pipeline along City residential streets would occur in stages in order to minimize disturbance and to maintain vehicle

and pedestrian circulation and access through the Project area. The Project would require temporary lane closures of sections of City residential streets during construction. Lane closures would be required during the pipeline installation in the rights-of-way along Anza Drive, Balboa Way, Arguello Boulevard, De Solo Drive, and Linda Mar Boulevard. The construction associated with the influent pipeline and two diversion structure installations would occur over approximately 14 weeks, and would impact each segment of roadway for a shorter period of time. Additionally, a section of the parking on Crespi Drive may be closed temporarily during import or export of materials by truck to the EQ Basin location. This could result in disruption to commutes, or confusion by drivers taking a detour. The Contractor would be required to implement MM TRANS-1. This MM, as detailed in Attachment C.e, would require the preparation and implementation of Traffic Control Plan to manage traffic flow, maintain safety, and identify alternative routes when temporary changes are made to traffic or pedestrian routes.

Additionally, COA 10 would require the contractor would obtain an encroachment permit from the City for all work in the City right-of-way (street/sidewalk), public easements, or utility easements. The encroachment permit would be conditioned with measures to ensure that the construction workers, pedestrian, and motorists safety is maintained through notification and rerouting.

During operation of the Project, traffic and pedestrian patterns along the new pipeline orientation would not be affected. The Project would primarily be located underground and the above ground structures would be located away from vehicular or pedestrian facilities. Access hatches for designated City staff to enter the EQ Basin would be located in areas within the reconstructed parking lot as shown in Attachment C.c. A minimum clearance of 10 feet by 10 feet would be required to provide access with the hatches open and for City staff to place fall protection barriers and confined space entry equipment. Therefore, the parking spaces adjacent to the hatches may become temporarily unavailable when access to the EQ Basin is necessary. Barricades with "No Parking" signs (or similar device) would be posted in affected parking spaces in advance of planned entry. The northwest hatch located in the traffic flow lane of the parking lot would require an additional City staff person when the hatch is opened to manage vehicular and pedestrian traffic around the hatch.

Therefore, for all the reasons provided above, the Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

- ii. *That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses;*

Discussion: During construction, the Skatepark parking lot would be closed to the public. As mentioned in the staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the south side Crespi Drive and located

immediately north of the Community Center would be restricted to parking by the Wheels on Wheels staff, Community Center kitchen deliveries, and Senior Citizen buses between the weekday hours of 6 a.m. to 5 p.m. throughout the construction of the EQ Basin. Parking along this portion of Crespi Drive would be restored to existing conditions at the completion of the Project.

Lane closures along the pipeline alignment may temporarily block access to private driveways. COA 10 would require the contractor to obtain an encroachment permit from the City would be required for all work in the City right-of-way (street/sidewalk), public easements, or utility easements. A condition of the encroachment permit would ensure that local homeowners are notified in advance of any work that would potentially block access to and from private driveways and would require that access to private driveways be restored at the end of each day. Following construction of the new pipeline and during operation, access to off-street parking would be restored to preconstruction conditions. Therefore, the Project would not create hazardous or inconvenient conditions to the accessibility of off-street parking areas.

- iii. *That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;*

Discussion: The Project would primarily be located underground. The aboveground components of the Project include the odor control system and the MCC building. COA 2 would require the preparation of a Landscape Plan to include the planting of species to reduce the visual appearance of the aboveground structures. The Landscaping Plan would detail the type and number of species to be planted around the perimeter of the EQ Basin, the landscaping island on the south of the parking lot, as well as the bioretention basins. The species listed in the Landscaping Plan would be mostly native and drought tolerant species.

The redesigned parking lot would remove the existing planting strip in the center of the parking lot as the top of the basin would not be able to accommodate landscaping. However, two bioretention areas, and a landscaped island would be located on the south end of the redesigned parking lot. Additionally, the existing perimeter of the parking lot would be revegetated. Therefore the Project would include sufficient landscaping to break up large expansive paved areas.

- iv. *That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;*

Discussion: The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the

redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240 feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

The Project includes an odor control system. During active operation of the EQ Basin, the odor control system would circulate fresh, ambient air from intake vents located along the west side of the basin and draw it along underground piping into the EQ Basin. The air from the EQ Basin would then be pushed through a GAC absorber vessel on the east side of the basin to remove any associated odor from the EQ Basin before being released back into the environment. Air released from the GAC absorber would be odorless and would not impact air quality on the surrounding properties. Therefore, the Project would not hinder or discourage appropriate development of adjacent properties.

- v. *That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;*

Discussion: The propose Project does not include improvements of a commercial or industrial structure; therefore, this finding does not apply.

- vi. *That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code;*

Discussion: The Project would include removal of 10 heritage trees from the Project site to allow for the construction of the EQ Basin and staging of materials and equipment during construction. As detailed in MM AES-1, the City would replant trees at a one-to-one ratio of the removed heritage trees. The Project would not excessively damage or destroy any other natural features of the Project site.

- vii. *That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;*

Discussion: The Project is primarily located underground. Above ground features of the Project include the MCC building, odor control system, and the redesigned parking lot. A prefabricated, 10-foot tall MCC building equipped with a 4-foot high metal antenna would be located along the southern border of the property. The approximately 5.5 foot high cylindrical odor control system (fan and GAC absorber) would be located on the east side of the EQ Basin and would be surrounded by a 6 foot high chain linked fence. Landscaping would be used to reduce the visibility of these structures from public view. COA 2 would require the implementation of a landscaping plan to screen the new aboveground structures. Additionally, the redesigned parking lot includes the

bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering portions of the basin

Therefore, due to the small size of the above ground structures and the screening that would be provided by landscaping, the design of the above ground structures would not have a monotonous external appearance.

- viii. *That the proposed development is inconsistent with the City's adopted Design Guidelines; or*

Discussion: See discussion provided under subsection iii) of the Use Permit findings. The Project would be consistent with the City's adopted Design Guidelines.

- ix. *That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.*

Discussion: See discussion provided under subsection ii) of the Use Permit findings. The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following **CEQA FINDINGS**:

- 1) The City Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project,
- 2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA,
- 3) On the basis of the whole record, there is no substantial evidence that the Project as designed, conditioned, and mitigated, will have a significant effect on the environment
- 4) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
- 5) The City Council hereby adopts the Mitigation Monitoring and Reporting Program prepared for the Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby adopt the *Wet Weather Equalization Basin Project* Final MND/IS and MMRP and approve Use Permit UP-080-16 and Site Development Permit PSD-816-16 for construction of the a 2.1-million-gallon capacity equalization basin and associated components as detailed above at 540 Crespi Drive (APN 022-162-420), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

Passed and adopted at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of March 2017.

AYES, Councilmember: Vaterlaus, Digre, Keener, O'Neill

NOES, Councilmember: Martin


ABSENT, Councilmember: None

ABSTAIN, Councilmember: None




Mike O'Neill, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Use Permit UP-080-16 and Site Development Permit PSD-816-16 to construct a wet weather equalization basin at 540 Crespi Drive (APN 022-162-420)

City Council Meeting March 13, 2017

Planning Division

1. Development shall be substantially in accord with the plans entitled "*City of Pacifica, Department of Public Works, Waste Water Division, 100% Submittal Wet Weather Equalization Basin Project*" received by the City of Pacifica on January 18, 2017, except as modified by the following conditions.
2. A landscaping plan shall be prepared to detail the number and type of species that will be planted and location of plantings in the bioretention basins, the landscaping island on the south side of the parking lot, the landscaping strip the partially surrounds the southwest. Additionally, the landscaping plan shall detail the revegetation of the north side of the parcel that will be temporarily used for staging of equipment and materials during construction. Location and species type of replacement heritage trees, as required under MM AES-1 in the *City of Pacifica Wet Weather Equalization Basin Project Final Mitigated Negative Declaration/ Initial Study* (February 2017) for the project shall also be detailed. Landscaping shall include the drought tolerant and mostly native species as to minimize the need for irrigation after the plants are established. Additionally, plants shall be used to reduce the visibility of the motor control center building and the odor control system on the northeast side of the equalization basin.
3. Mitigation measures included in the *City of Pacifica Wet Weather Equalization Basin Project Mitigation Monitoring and Reporting Project* (February 2017) shall be incorporated into the project as detailed.
4. That the approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
5. The Applicant shall incorporate all mitigation measures, as detailed, in the *Final Mitigated Negative Declaration* (February 2017).

6. The property owner shall continue to monitor and maintain the site after the EQ basin and associated equipment and pipelines are constructed. This includes cleaning the interior of the EQ basin after each use, periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.

Engineering Division of Public Works

7. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction to control erosion/siltation. The project will comply with current State and Regional Water Quality Control Board permit requirements and the Municipal Regional Stormwater NPDES Permit (MRP) requirements and standards.
8. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud and dirt tracked onto Crespi Drive. Dust control and daily road cleanup will be strictly enforced.
9. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
10. Encroachment Permit shall be obtained for work within City right-of-way, utility easements, and public easements. Permits shall be conditioned to require proper notification to affected motorists and residents.

Building Division

11. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

****END****

RESOLUTION NO. 12-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT UP-080-16 AND SITE DEVELOPMENT PERMIT PSD-816-16, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A WET WEATHER EQUALIZATION BASIN AT 540 CRESPI DRIVE (APN 022-162-420) AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: City of Pacifica ("Applicant").

WHEREAS, an application has been submitted to construct a 2.1-million-gallon capacity equalization basin, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the equalization basin (Project) at 540 Crespi Drive in Pacifica (APN 022-162-420); and

WHEREAS, the Project would also include construction of two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the equalization basin during storm events and an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd pump; and

WHEREAS, the Planning Commission considered the Project and application at its regular meeting of February 6, 2017. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Project site would be located in a zoning district where public utility facilities are not expressly permitted and a use permit is necessary per PMC Section 9-4.2303; and

WHEREAS, the Project site is adjacent to an R-1 (Single Family Residential District) zoning district and a use permit is necessary per PMC Section 9-4.1202(i) ; and

WHEREAS, wastewater treatment and reclamation facilities can be accommodated in any zoning district if it meets the special use permit review criteria detailed in PMC Section 9-4.2306(d); and

WHEREAS, new construction in a commercial district requires a Site Development Permit per PMC Section 9-4.3201(a); and

WHEREAS, City of Pacifica Planning Division is the Lead Agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act (CEQA) and for project approval,

WHEREAS, Terraphase Engineering Inc., on behalf of the City of Pacifica Planning Division prepared the *City of Pacifica Wet Weather Equalization Basin Project Draft Mitigated Negative Declaration/ Initial Study* (MND/IS) for the Project in accordance with Public Resources Code Section 21000 *et seq.* and CEQA Guidelines Section 15000 *et seq.*; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, on December 8, 2016 the City of Pacifica Planning Division issued a Notice of Intent to Adopt a MND/IS for the Project, which was distributed in compliance with CEQA Guidelines Section 15072 and Public Resources Code Section 21092; and

WHEREAS, on December 8, 2016, the City of Pacifica Planning Division distributed copies of the Draft MND/IS to public agencies which have jurisdiction by law with respect to the Project and to publically accessible repositories and invited comments on the Draft MND/IS in compliance with CEQA Guidelines Section 15072; and

WHEREAS, on December 15, 2016, City of Pacifica Planning Division noticed and held a public meeting to present the Project and the conclusions of the analysis in the Draft MND/IS; and

WHEREAS, on January 13, 2017, the 37-day public comment period for the Draft MND ended;

WHEREAS, written comments on the Draft MND/IS were collected and responses to comments were considered in the revisions made to the Draft MND/IS to comprise the Final MND/IS; and

WHEREAS, the Final MND/IS identified certain potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS, there is no substantial evidence that the project would have significant effects on the environment after implementation of identified mitigation measures; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 6, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

WHEREAS, the Planning Commission approved, with conditions, Use Permit UP-080-16 and Site Development Permit PSD-816-16 and adopted the Wet Weather Equalization Basin Project Final MND/IS and MMRP for construction of the a 2.1-million-gallon capacity equalization basin and associated components as detailed above at 540 Crespi Drive (Resolution 968) at a regularly scheduled Planning Commission Meeting on February 6, 2017; and

WHEREAS, an appeal was filed on February 16, 2017 in opposition to the Planning Commission's action; and

WHEREAS, the City Council did hold a duly noticed public hearing on March 13, 2017, at which time it considered the appeal and other information presented by the appellants as well as the February 6, 2017 Planning Commission staff report and meeting minutes.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following findings pertaining to the Use Permit:

- i. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;*

Discussion: As further discussed in Section 5 the Planning Commission staff report (Attachment C), the MND/IS prepared for the Project concludes that the construction, operation, and maintenance of the Project would not have a significant impact on the environment with the implementation of the incorporated mitigation measures (MMs). The Project would meet all applicable building code and engineering requirements and would comply with all applicable regulatory requirements.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan; and*

Discussion: The proposed use is consistent with the General Plan and the local Coastal Plan is not applicable to the Project site. The issue of I/I into the sanitary sewer system during wet weather events and the need to improve the sanitary sewer system capacity is mentioned in multiple locations within the 1980 General Plan, as noted below.

Conservation Element

Inflow and infiltration into the sewage collection system, particularly in the Linda Mar area, results in overflows during long periods of wet weather. The exact locations of this problem are unknown and difficult to assess. The magnitude of the problem and the cost of correction are estimated to be great. The City should seek assistance to investigate and reduce this problem. (Page 114)

Action Programs, Short Term, 1: *Seek outside assistance to study and correct the infiltration problem in Linda Mar sewage collection system. (Page 16)*

Community Facilities Element

The Regional Board is presently concerned about compliance during wet weather conditions. Reduction of the peak wet weather flows through an inflow and infiltration reduction program and modification to the treatment plant may be required within the next five years. (Page 96)

Policy 1: *Maintain and improve the present level of City services. (Page 21)*

The City is separately working on directly addressing the I/I issue by replacing sanitary sewer piping as funding will allow. However, the cost and work associated with correcting the I/I in the Linda Mar area is significant and is a long-term goal. Meanwhile, the Linda Mar area experiences SSOs as a result of the I/I. The Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sanitary sewer collection system. SSOs create a significant impact on the environment, and in particular on water quality. The Project would prevent capacity-related SSOs from occurring during wet weather events. The objective of the Project

would be consistent with the General Plan as the Project would address the results of the I/I issue discussed in the General Plan.

Additionally, construction of the Project is consistent with other resources considered in the General Plan as further discussed below:

Noise Element

Action Programs, Short Term, 5: The noise impact on land uses should be considered when development plans are reviewed and approved. Where existing ambient noise levels are high, or where the proposed use will create additional noise, the builder should be required to mitigate the noise. (Page 18)

Discussion: The MND/IS included an analysis of the impact of the Project on the existing ambient noise levels (Attachment C.e). It was concluded that, with the incorporation of MM NOISE-1, impacts on noise levels for surrounding receptors would be less than significant during construction and operation of the Project.

Seismic Safety and Safety Element

Policy 1. Prohibit development in hazardous areas, including flood zones, unless detailed site investigations ensure that risks can be reduced to acceptable levels and the structure will be protected for its design life. Development shall be design to withstand a minimum of a 100 year hazard event regardless of the specific nature of the hazard. (Page 110)

Discussion: The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain¹. Proposed site improvements including site grading and construction of the EQ Basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber vessel) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the installation of the EQ Basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would improve control of the stormwater runoff. The existing street elevations along the new pipelines would not be changed from existing conditions.

¹ Federal Emergency Management Agency. 2017. FEMA National Flood Hazard Layer. Accessed January 4, 2017.

The concrete slab for the MCC building and the equipment for the odor control system would be constructed above the FEMA 100-year base flood elevation (BSE)² of 14 feet³.

In addition, the Project would be consistent with the Pacifica Municipal Code, the California Building Code, and other applicable regulations.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Discussion: The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system including ambient air intakes, and the redesigned parking lot. These features are consistent with the City's adopted Design Guidelines as further discussed below.

Building Design, Screening. *All exposed mechanical and electrical equipment must be screened from public view. The design of such screening should be integral part of the building design. (Page 5)*

Discussion: A prefabricated, 10-foot tall MCC building equipped with a 4-foot high metal antenna that would allow radio communication with the City's Calera Waste Water Treatment Plant and an odor control system would be located along the northeastern portion of the Skatepark parking lot area. The MCC building would contain six motor starters, one for each of the four, 10-horsepower (hp) duty pumps and one for each of the two, 2-hp dewatering pumps, a panel board, a telemetry panel, and a transformer to step down voltages to the ancillary electrical facilities. Two at-grade ambient air inlets would be located on the west side of the EQ Basin. The odor control system would appear as an approximate 5.5 foot high cylindrical structure, surrounded by a 6 foot high chain linked fence, located next to the MCC building. Landscaping would be used to reduce the visibility of these structures from public view. Condition of Approval (COA) 2 would require the implementation of a landscaping plan to screen the new aboveground structures.

Electrical, water, and other utility connections would be provided to the Project through underground infrastructure.

Landscaping, Parking areas. *All parking areas should be landscaped with fast growing trees and/or shrubs in order to screen vehicles from view and minimize the visual impact of expansive areas of asphalt. Such landscaping should not obscure views necessary for traffic safety. (Page 6)*

Discussion: The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or

² Base flood elevation: The computed elevation to which floodwater is anticipated to rise during the base flood.

³ Federal Emergency Management Agency. 2017. FEMA National Flood Hazard Layer. Accessed January 4, 2017.

Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ Basin to be planted with trees and shrubs to screen the new aboveground structures.

Landscaping, Screening. *Dense landscaping should be used to screen unattractive features such as storage areas, trash enclosures, transformers and generators, vacuum breakers, and elements which do not contribute to the visual enhancement of the surroundings. (Page 6)*

Discussion: See discussions under Design Guidelines: *Building Design, Screening and Landscaping, Parking areas* provided above.

Water Conservation Policy and Landscape Design Guidelines for New Development,

Irrigation 1. *All parks, median strips, landscaped public areas, landscaped areas surrounding residential and commercial developments and industrial parks shall have separately metered automatic irrigation systems designed by a landscape architect or other competent person. (Page 8)*

Discussion: COA 2 would require the implementation of a landscaping plan. The plan would detail the irrigation needs of the property. However, the landscaping plan would include use of drought tolerant and mostly native vegetation; therefore, irrigation would likely only be required during the establishment of the vegetation and would not require long-term irrigation.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby determine that the Project meets the following special use permit criteria:

- i. *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and generation of traffic;*

Discussion: The Project components are primarily located underground. Aboveground components of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. The aboveground components of the Project would not be out of scale or bulk with the M-1/C-3 zoning district. The M-1/C-3 zoning district does not have a coverage maximum and the Project would not add any density to the site. As further discussed in MND/IS (Attachment C.e) the noise and traffic generated from the construction and operation of the Project would not be significant after the implementation of identified mitigation measures. Therefore, the proposed use would be compatible with the permitted use of the site.

- ii. *That the proposed development will enhance the successful operation of the community or will provide a service to the community;*

Discussion: The Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sewer system. SSOs create a significant adverse impact on the environment, and in particular on water quality. The Project would prevent capacity related SSOs from occurring during wet weather events during the design storm. This Project would also meet the requirements of the CDO and Consent Decree; therefore, the Project would enhance the successful operation of the community.

- iii. *That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and*

Discussion: PMC Section 9-4.102 details the development regulations applicable to the M-1/C-3 zoning district. The Project site is conforming with the minimum building site area and dimension. The M-1/C-3 zoning district does not establish any setbacks or coverage maximums. The existing landscaping on the site, primarily located south of the Skatepark and west and north of the Community Center would meet the 10 percent landscape minimum of the zoning district. The Project would not alter these areas, therefore the landscaping minimum of the site would be met. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top, and would be below the maximum allowed height of 35 feet. Lastly, as detailed above, the Project would obtain a Use Permit and Site Development Permit as the Project would be in a R District and the Project would include construction within a commercial district. The Project would conform with the development regulations of the M-1/C-3 zoning district.

- iv. *That the project is consistent with the goals and policies of the General Plan, Local Coastal Plan and with the adopted Design Guidelines.*

Discussion: See discussions provided under subsections ii. and iii. of the Use Permit findings. The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does not hereby make the following findings pertaining to the Site Development Permit:

- i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;*

Discussion: During construction, the Pacifica Skatepark parking lot would be closed to the public. Construction activities for the proposed pipeline along City residential streets would occur in stages in order to minimize disturbance and to maintain vehicle

and pedestrian circulation and access through the Project area. The Project would require temporary lane closures of sections of City residential streets during construction. Lane closures would be required during the pipeline installation in the rights-of-way along Anza Drive, Balboa Way, Arguello Boulevard, De Solo Drive, and Linda Mar Boulevard. The construction associated with the influent pipeline and two diversion structure installations would occur over approximately 14 weeks, and would impact each segment of roadway for a shorter period of time. Additionally, a section of the parking on Crespi Drive may be closed temporarily during import or export of materials by truck to the EQ Basin location. This could result in disruption to commutes, or confusion by drivers taking a detour. The Contractor would be required to implement MM TRANS-1. This MM, as detailed in Attachment C.e, would require the preparation and implementation of Traffic Control Plan to manage traffic flow, maintain safety, and identify alternative routes when temporary changes are made to traffic or pedestrian routes.

Additionally, COA 10 would require the contractor would obtain an encroachment permit from the City for all work in the City right-of-way (street/sidewalk), public easements, or utility easements. The encroachment permit would be conditioned with measures to ensure that the construction workers, pedestrian, and motorists safety is maintained through notification and rerouting.

During operation of the Project, traffic and pedestrian patterns along the new pipeline orientation would not be affected. The Project would primarily be located underground and the above ground structures would be located away from vehicular or pedestrian facilities. Access hatches for designated City staff to enter the EQ Basin would be located in areas within the reconstructed parking lot as shown in Attachment C.c. A minimum clearance of 10 feet by 10 feet would be required to provide access with the hatches open and for City staff to place fall protection barriers and confined space entry equipment. Therefore, the parking spaces adjacent to the hatches may become temporarily unavailable when access to the EQ Basin is necessary. Barricades with "No Parking" signs (or similar device) would be posted in affected parking spaces in advance of planned entry. The northwest hatch located in the traffic flow lane of the parking lot would require an additional City staff person when the hatch is opened to manage vehicular and pedestrian traffic around the hatch.

Therefore, for all the reasons provided above, the Project would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

- ii. *That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses;*

Discussion: During construction, the Skatepark parking lot would be closed to the public. As mentioned in the staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the south side Crespi Drive and located

immediately north of the Community Center would be restricted to parking by the Wheels on Wheels staff, Community Center kitchen deliveries, and Senior Citizen buses between the weekday hours of 6 a.m. to 5 p.m. throughout the construction of the EQ Basin. Parking along this portion of Crespi Drive would be restored to existing conditions at the completion of the Project.

Lane closures along the pipeline alignment may temporarily block access to private driveways. COA 10 would require the contractor to obtain an encroachment permit from the City would be required for all work in the City right-of-way (street/sidewalk), public easements, or utility easements. A condition of the encroachment permit would ensure that local homeowners are notified in advance of any work that would potentially block access to and from private driveways and would require that access to private driveways be restored at the end of each day. Following construction of the new pipeline and during operation, access to off-street parking would be restored to preconstruction conditions. Therefore, the Project would not create hazardous or inconvenient conditions to the accessibility of off-street parking areas.

- iii. *That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;*

Discussion: The Project would primarily be located underground. The aboveground components of the Project include the odor control system and the MCC building. COA 2 would require the preparation of a Landscape Plan to include the planting of species to reduce the visual appearance of the aboveground structures. The Landscaping Plan would detail the type and number of species to be planted around the perimeter of the EQ Basin, the landscaping island on the south of the parking lot, as well as the bioretention basins. The species listed in the Landscaping Plan would be mostly native and drought tolerant species.

The redesigned parking lot would remove the existing planting strip in the center of the parking lot as the top of the basin would not be able to accommodate landscaping. However, two bioretention areas, and a landscaped island would be located on the south end of the redesigned parking lot. Additionally, the existing perimeter of the parking lot would be revegetated. Therefore the Project would include sufficient landscaping to break up large expansive paved areas.

- iv. *That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;*

Discussion: The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the

redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240 feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

The Project includes an odor control system. During active operation of the EQ Basin, the odor control system would circulate fresh, ambient air from intake vents located along the west side of the basin and draw it along underground piping into the EQ Basin. The air from the EQ Basin would then be pushed through a GAC absorber vessel on the east side of the basin to remove any associated odor from the EQ Basin before being released back into the environment. Air released from the GAC absorber would be odorless and would not impact air quality on the surrounding properties. Therefore, the Project would not hinder or discourage appropriate development of adjacent properties.

- v. *That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;*

Discussion: The propose Project does not include improvements of a commercial or industrial structure; therefore, this finding does not apply.

- vi. *That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code;*

Discussion: The Project would include removal of 10 heritage trees from the Project site to allow for the construction of the EQ Basin and staging of materials and equipment during construction. As detailed in MM AES-1, the City would replant trees at a one-to-one ratio of the removed heritage trees. The Project would not excessively damage or destroy any other natural features of the Project site.

- vii. *That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;*

Discussion: The Project is primarily located underground. Above ground features of the Project include the MCC building, odor control system, and the redesigned parking lot. A prefabricated, 10-foot tall MCC building equipped with a 4-foot high metal antenna would be located along the southern border of the property. The approximately 5.5 foot high cylindrical odor control system (fan and GAC absorber) would be located on the east side of the EQ Basin and would be surrounded by a 6 foot high chain linked fence. Landscaping would be used to reduce the visibility of these structures from public view. COA 2 would require the implementation of a landscaping plan to screen the new aboveground structures. Additionally, the redesigned parking lot includes the

bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering portions of the basin

Therefore, due to the small size of the above ground structures and the screening that would be provided by landscaping, the design of the above ground structures would not have a monotonous external appearance.

viii. *That the proposed development is inconsistent with the City's adopted Design Guidelines; or*

Discussion: See discussion provided under subsection iii) of the Use Permit findings. The Project would be consistent with the City's adopted Design Guidelines.

ix. *That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.*

Discussion: See discussion provided under subsection ii) of the Use Permit findings. The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following **CEQA FINDINGS**:

- 1) The City Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project,
- 2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA,
- 3) On the basis of the whole record, there is no substantial evidence that the Project as designed, conditioned, and mitigated, will have a significant effect on the environment
- 4) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
- 5) The City Council hereby adopts the Mitigation Monitoring and Reporting Program prepared for the Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby adopt the *Wet Weather Equalization Basin Project* Final MND/IS and MMRP and approve Use Permit UP-080-16 and Site Development Permit PSD-816-16 for construction of the a 2.1-million-gallon capacity equalization basin and associated components as detailed above at 540 Crespi Drive (APN 022-162-420), subject to conditions of approval included as Exhibit A to this resolution.

* * * * *

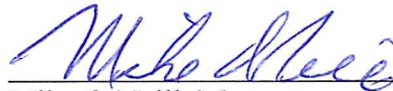
Passed and adopted at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of March 2017.

AYES, Councilmember: Martin, Vaterlaus, Digre, Keener, O'Neill

NOES, Councilmember: None

ABSENT, Councilmember: None

ABSTAIN, Councilmember: None



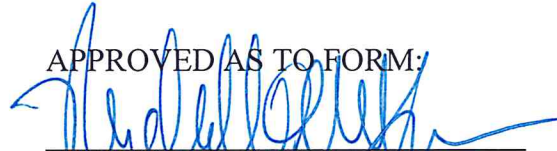
Mike O'Neill, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Use Permit UP-080-16 and Site Development Permit PSD-816-16 to construct a wet weather equalization basin at 540 Crespi Drive (APN 022-162-420)

City Council Meeting March 13, 2017

Planning Division

1. Development shall be substantially in accord with the plans entitled "*City of Pacifica, Department of Public Works, Waste Water Division, 100% Submittal Wet Weather Equalization Basin Project*" received by the City of Pacifica on January 18, 2017, except as modified by the following conditions.
2. A landscaping plan shall be prepared to detail the number and type of species that will be planted and location of plantings in the bioretention basins, the landscaping island on the south side of the parking lot, the landscaping strip the partially surrounds the southwest. Additionally, the landscaping plan shall detail the revegetation of the north side of the parcel that will be temporarily used for staging of equipment and materials during construction. Location and species type of replacement heritage trees, as required under MM AES-1 in the *City of Pacifica Wet Weather Equalization Basin Project Final Mitigated Negative Declaration/ Initial Study* (February 2017) for the project shall also be detailed. Landscaping shall include the drought tolerant and mostly native species as to minimize the need for irrigation after the plants are established. Additionally, plants shall be used to reduce the visibility of the motor control center building and the odor control system on the northeast side of the equalization basin.
3. Mitigation measures included in the *City of Pacifica Wet Weather Equalization Basin Project Mitigation Monitoring and Reporting Project* (February 2017) shall be incorporated into the project as detailed.
4. That the approval is valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension.
5. The Applicant shall incorporate all mitigation measures, as detailed, in the *Final Mitigated Negative Declaration* (February 2017).

6. The property owner shall continue to monitor and maintain the site after the EQ basin and associated equipment and pipelines are constructed. This includes cleaning the interior of the EQ basin after each use, periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.

Engineering Division of Public Works

7. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices (BMPs) such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed during construction to control erosion/siltation. The project will comply with current State and Regional Water Quality Control Board permit requirements and the Municipal Regional Stormwater NPDES Permit (MRP) requirements and standards.
8. Roadways shall be maintained clear of construction equipment, materials and debris, especially mud and dirt tracked onto Crespi Drive. Dust control and daily road cleanup will be strictly enforced.
9. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
10. Encroachment Permit shall be obtained for work within City right-of-way, utility easements, and public easements. Permits shall be conditioned to require proper notification to affected motorists and residents.

Building Division

11. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

END