

MINUTES

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

June 20, 2011

7:00 p.m.

Chair Campbell called the meeting to order at 7:00 p.m.

ROLL CALL: Present: Commissioners Brown, Clifford, Gordon, Langille,
Leon, Evans and Chair Campbell
Absent: None

SALUTE TO FLAG: Led by Chair Campbell

STAFF PRESENT: Planning Director White
Assistant Planner Farbstein

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

The motion carried 7-0.

Ayes: Commissioners Brown, Clifford, Gordon, Langille,
Leon, Evans and Chair Campbell
Noes: None

Commissioner Clifford clarified the discussion at the previous meeting regarding the monument sign for Taco Bell. There was a discussion as to whether the business had a sign on the building or not, and he stated that, for the record, there was a sign on the actual building in addition to the monument sign by the highway.

**APPROVAL OF
MINUTES:
JUNE 6, 2011** Commissioner Clifford moved approval of the
minutes of June 6, 2011 with that clarification;
Commissioner Langille seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Clifford, Gordon, Langille,
Leon, Evans and Chair Campbell
Noes: None

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF June 27, 2011:

Planning Director White stated that he was not aware of any land use items on the agenda which would require a liaison.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

**GPA-86-09
PSD-779-09
UP-011-09
S-108-09**

GENERAL PLAN AMENDMENT, SITE DEVELOPMENT PERMIT, USE PERMIT and SIGN PERMIT, filed by Ken Winters of WDM Marketing Consultants, LLC, applicant, on behalf of the owner, Cabot Sheley, for a proposed assisted living facility at 721 Oddstad Blvd. (APN 023-593-160), just behind an existing single-family dwelling addressed as 725 Oddstad Blvd. CEQA status: Draft EIR prepared.

Assistant Planner Farbstein presented the staff report. She then introduced Geoff Reilly, Senior Associate Environmental Planner of WRA Environmental Consultants, who gave a brief overview of the CEQA process, brief conclusions of the draft EIR (DEIR) and the process and schedule to allow the public to give input prior to finalizing the EIR (FEIR) for the Council's approval.

Chair Campbell asked if staff had any further explanation to add to Mr. Reilly's report.

Planning Director White stated that they had nothing more to add at this time, but thought that, at some point after the public has commented, he would hope to map out what would happen with the project. He thought there were a few options but that would depend on the nature of the comments and he hoped they would have that opportunity before adjourning.

Chair Campbell reiterated that the purpose of this meeting was to take public testimony on the DEIR, although the public would have until July 1 to submit written comments followed by a FEIR, responding to the comments. He stressed that they would not respond to the comments on the DEIR at this meeting.

Commissioner Leon referred to the fact that the document was extensive, and then referred to E6 and mention of an MRP. He asked if the MRP was the municipal regional permit.

Mr. Reilly responded affirmatively, adding that it was in the second full paragraph on page 6.

Commissioner Leon referred to the latitude of the applicant in making a self-determination regarding risk levels, concluding that those risks were associated with more than one element, such as air, hydrology, etc. However, he felt it didn't explain the difference between risk levels 2 or 3, but he assumed that the location adjacent to the creek would have at least a 2. He stated that he would like to understand a little better what goes into determining risk levels 2 or 3 as far as the potential impacts. He didn't expect an answer now if the consultant was not prepared, but he would like to understand it better.

Mr. Reilly acknowledged that Commissioner Leon didn't think it was specific to air quality or hydrology, but asked if he was referring to geology or soils.

Commissioner Leon stated that he wondered in general what kind of latitude the applicant had since it states specifically that the applicant will submit a level of risk, either 2 or 3, and make the assignment.

Mr. Reilly stated that he was struggling with the specific topic.

Commissioner Leon stated that the page reference was IV.E-8 and E-9, and again at E-10 or E-14.

Commissioner Clifford stated that he had a question about monitoring plans, explaining that he had seen them referred to several times in the DEIR. He was most interested in the one for the creek banks. It states that it will be a five-year monitoring plan, and he wanted to understand what was meant by monitoring, asking if they do the work and then watch it for five years and, if it deteriorates, do they allow it to happen or is part of the monitoring plan to replace and/or weed out invasive plants with more of the new plants placed.

Mr. Reilly stated that it was to monitor the success of the mitigation, and he was trying to recall if it was related to the proposed restoration of the creek. If that was the case, and the replanting wasn't working within the monitoring period it would need to be rectified.

Commissioner Clifford reiterated that the plan would include rectifying if it shows that it was not working.

Mr. Reilly responded affirmatively.

Commissioner Evans referred to the executive summary page II-9, Impact BIO-2, delineation of wetlands, stating that it was not done and he asked if that was normally done for the EIR prior or after.

Mr. Reilly stated that it was not always done, explaining that, if you have a potential for on-site wetlands, you cannot defer the determination of the impact to a later date and they took the conservative standpoint of acknowledging that there was water on two sides of the side and those qualify as waters, whereas the leaky pipe referenced in the DEIR caused a portion of the wetness on the site but whether it was a true wetlands remains to be seen. Being conservative, they had to call it out as a significant impact without doing that additional wetland delineation. He added that delineations were also subject to verification by the Corp. Typically, they don't get involved until after the document is certified but they have definitely not ignored that potential for an impact. He mentioned that he has seen others where they are more prepared or estimated the amount of acreage on site and that clearly was not done as a part of this biological analysis. He stated that there were performance standards as mitigation measures in place to ensure that we were not deferring mitigation and they were calling out this impact. It may be related to the pipe and that portion may not end up being a wetland upon further investigation.

Commissioner Evans thought, if it was wetlands, it would affect the project severely.

Mr. Reilly stated that the approach mitigating for wetlands was more off site and using mitigation banks, particularly for a site like this. In the past, it might have caused a redesign of the project, but this can be fully mitigated off site if it is a wetlands.

Commissioner Clifford asked if July 1 was a Friday.

Planning Director White responded affirmatively.

Commissioner Clifford asked if the time for statements to be in would be by 1:30, not 5:00.

Planning Director White stated that they would receive comments all the way up to 5:00 p.m. because they can be deposited at the City, adding that the following Monday was a holiday and it would actually be Tuesday morning.

Commissioner Clifford asked confirmation that, if the comment was there by Tuesday morning, it was good.

Planning Director White responded that he was correct.

Commissioner Clifford asked if the applicant will be allowed to speak before the Public Hearing.

Planning Director White stated that the applicant can be invited to speak; however, he wasn't sure if they were prepared to make comments. However, he added that one other point of order to address before going to the public hearing for the benefit of the minutes clerk was that, if someone decides to make a public comment, he asked that they fill out a speaker card to have their name and address recorded correctly.

Mr. Chavarria, engineer, was representing the applicant. He commended WRA for performing a very thorough job, being inquisitive but also easy to work with. He stated that, in starting this project, they wanted to do something good for Pacifica, and it has to be environmentally sound. They put together a good team with Live Oak Associates, and they were as good as, if not over matched by, WRA's team. He explained that there was substantial back and forth with details and it was an exhaustive process. They were pleased that all aspects have been determined to be of less than significant impact. However, they were still prepared to implement all the required mitigations. He pointed out that the mitigations would create less impact than not going forward with the project, and he felt that removing a building or the upper story would not serve to be better than the project or create less impact except for using less materials. It would create a burden on the feasibility of the project and would actually create a greater impact by not serving a need of the community.

Chair Campbell opened the Public Hearing.

Roger Mascio, 1643 Toledo Ct., stated that the project was too large for the small piece of property. He was not against assisted living but just against it at that location because the location was too environmentally sensitive. He referred to page IV.C-13 of the DEIR which mentioned that the creeks along the project were not suitable for steelhead habitat, and he stated that it was not true. He stated that San Pedro Water Coalition did a study on the site a few years ago and found juvenile steelhead in the creek at that point. He stated that he has lived in the area 23 years, and for approximately 21 of those years he and his neighbors have enjoyed seeing the steelhead spawn, adding that this was the only creek with steelhead from the Golden Gate Bridge to Pescadero Creek and we cannot afford to damage this valuable resource. He stated that there was a lot of erosion going on in the north fork of the creek, and mentioned that the proposed project would be about 25 feet from the bank of the north fork where there was a lot of erosion. He stated that he had checked the area earlier in the morning and seen a lot of erosion. He thought it looked like the Esplanade Apartments where the ocean was eating away the sandy bluffs and the apartments were falling in. He reiterated that this area was exactly like the apartments where the ocean was eroding the cliffs and the apartments will fall into the ocean. He stated that the situation there has cost the City money and he felt the same situation will happen at the north fork with the bank eating into the project as the bank erodes and they will have to do

some emergency measures to fix it, damage the environment and cost the City money. He felt there were many places in Pacifica that would be better for this project than next to the creek.

Courtney Conlon, Chamber of Commerce CEO, stated she was a proud resident of Pacifica for 33 years. She stated that recently, when taking her walk in Pedro Valley Park, she saw a small group of people standing around a sign which clearly stated that this assisted living project would directly impact the steelhead habitat. This caused her to become interested and attempt to know more. She got a copy of the DEIR report and sent it to the Chamber board for their perusal as well. She stated that in the DEIR, Bio-1D, it clearly states that the impact of the steelhead project habitat was less than significant. She quoted the report, "development of proposed project would **not** have a direct affect on Steelhead, as no aquatic habitat would be altered. Therefore, no mitigation for impacts to adult or juvenile Steelhead is required." She added that it also stated that, if there was any potentially significant impact, they would definitely take measures to address this, such as building a trench to capture anything from the construction site and paved areas. She stated that the DEIR report was the opinion of an independent outside consultant hired by Pacifica to perform the report, and currently the zoning was commercial, but the General Plan designation was presently agricultural. She stated that, after reading the DEIR report, six of the nine Chamber directors agreed that the proposed project did not find any significant impact, and she and six of the directors agreed that the project should move forward as proposed.

Ken Krause, 1651 Toledo, stated that there was a definite concern of the residents surrounding this proposed assisted living project, and read a letter addressing their concerns, i.e., the access road into the property was not large enough to accommodate two vehicles at the same time causing liability and safety issues, adding that there was no way two fire engines can go back and forth or any way any vehicles coming and going in and out could be accommodated in that area of the driveway. Proposed roads circulating the buildings were not large enough to accommodate two vehicles in two different directions with an emergency at the same time, causing liability and safety issues. The problem can be compounded if the vehicles happen to be a delivery truck, fire truck, ambulance or paramedic vehicle continuing to cause liability and safety issues, and there was not enough access to make a complete circle to turn around large vehicles causing liability and safety issues, no accessible emergency road exit located at the back of the property for emergency situations for use, creating a narrow one way in and one way out exit causing liability and safety issues. He then reiterated that there was no emergency exit in the back of the property to get anyone in or out, and it was not even in the proposed DEIR. He stated that excessive traffic on a daily basis turning into and out of the proposed facility would result in liability and safety hazards on Oddstad. A main one lane corridor for vehicles in each direction was also located at the narrowest, thinnest part of Oddstad Blvd. It can also cause a major traffic jam when St. Peter Church was having large functions throughout the year. The last point is that bad weather and storms can make the existing traffic and access problems even worse. He stated that he was not against the project but felt it had to be toned down. He stated that he was against the 96 units. He felt that, unless the issues were addressed and accommodated with resolution, this could create major ongoing traffic and access problems as well as liability problems. He concluded that he and many others found other sections of the DEIR report pertaining to this building site challengeable and disagree with the across-the-board study findings on every point to be of no environmental significant impact "whatsoever." He asked the Commission to look at the driveway where they have to go in and out and try to get two cars side by side going in and out in an emergency.

Jerry Davis, 1119 Manzanita, stated that he was with San Francisco State University and the San Pedro Creek Watershed Coalition. He stated that, while he didn't live along the creek, he did live in Pacifica, and he felt the DEIR was inadequate. He felt it did not address the erosion issues related to the creek, only the project itself, stating that it wasn't going to experience erosion and ignored the fact that the creek was below that and was going to erode back into the project and create major problems. He felt the 30-foot setback was far too small, and would have to be much larger, dramatically decreasing the potential size for the project that could be effective. He stated that he had a six-page report commenting on this which he would turn in. He then stated that he had looked at the geology soil section and felt it didn't identify the potential for erosion from the creek. He commented on one section addressing landslides which stated that it was not a landslide prone area based on "regional mapping." He stated that no reputable geotechnical specialist visiting the site would fail to identify the major potential for landslides that will occur as the result of creek erosion. He felt the report completely ignored the impact of creek erosion. He stated that he can quote studies that were available on line at pedrocreek.org, which were joint projects for Pacifica. He stated he could also reference Collins, Amato and Morton from 2001 San Pedro Creek geomorphic analysis and Davis, Sims, Pierce, McKeesh, Onkauf & Holmes (Scott Holmes, former head of Public Works) and the watershed sediment source analysis and both addressed the problems in the creek, identifying the north fork and the sections immediately downstream as the areas of greatest amount of erosion on the entire system. They were unstable banks and were not the place to put a project like this. He felt the report was insufficient.

Ralph Larson, 1047 Manzanita, stated that, while he didn't live on the creek, he did live in Pacifica and was also involved with the San Pedro Creek Watershed Coalition in helping to commission studies of the steelhead habitat and steelhead trout in the creek. His major comment was that the DEIR understates the importance of steelhead habitat in the region of the middle fork, adjacent to the stream. He commented that the DEIR stated that the steelhead may swim through there to better habitat but didn't use the habitat, and it also stated that steelhead were not expected to be in the waters adjacent to the site for any relative amount of time. He felt this was inadequate research on the part of the DEIR report. He stated that his experience, on speaking with residents along the creek for many years long before this project was planned, was that they repeatedly observe spawning steelhead in that 510 foot section of the creek adjacent to the project. He added that Haggar & Associates conducted a steelhead habitat survey of the creek in 2001 and found, in the section of the creek between the north fork and south fork intersection, there was a great diversity of habitat and cover with a high occurrence of spawning type of substreams and gravel with small cobble with very little imbedded sand and they concluded that this section of the stream does present good steelhead spawning conditions. Finally, in 2004, a San Francisco State University student conducted a snorkel survey of juvenile steelhead in San Pedro Creek and found them in this section of the creek adjacent to the proposed project site, observing the highest density of juvenile steelhead in the plunge pool just downstream from the Oddstad Bridge. He reiterated that these studies can be found on the San Pedro Creek Watershed Coalition website and should be addressed in the environmental impact report.

Rick Zipkin, 725 Oddstad, read his comments. He stated that he has lived on Oddstad for more than ten years and was a concerned citizen. He asked them to not allow this proposed 96-unit Oddstad assisted living center project to be built. He was not against assisted living housing, but it was this particular location for the said project to which he strongly disagrees and objects to. He felt there was more than enough senior rental housing in Pacifica already, pointing out that there were two such complexes, one across the street and the other on Terra Nova, which was not at capacity. He felt the totally negative affect of this 96-unit complex, because of being there and

especially because of the construction time involved, would have a devastating and irreversible effect on the wildlife, fauna and natural habitat in the area. He felt the long construction time, noise, congestion, traffic, air, water and land pollution and contamination and general disturbance and upheaval of all animal, land and people's existence and life around the area would severely upset the balance of nature ecologically, adversely affecting the longstanding patterns of many various species of wildlife in the area, routines of eating, living, health and protective activities, mating patterns causing their extinction. He also felt machinery might even accidentally run over, injure or kill these helpless creatures and who would be permanently harmed by the construction, air, debris and noise pollution they cause. He also felt any additive they use could be lethal to the habitat and the construction activity would also cause immense distraction, annoyance and discomfort to the general day-to-day activities and routines of the residents in the area, passersby and businesses. He thought their equipment and supplies would also be rife for thievery, vandalism and destruction. He thanked the Commission for their time, understanding and compassion concerning the projects and asked that they do the right thing.

Anne DeJarnatt, 140 Nataqua, stated that she visits her mother on Toledo Court which backs on the project. She mentioned that, at the scoping meeting, a commissioner said quite clearly that the project far exceeded the number of inhabitants considered appropriate under the General Plan and violated the spirit of plan intent which she feels was true. She stated that she was not against having an assisted living facility and the structure looks great. She thought it was wonderful but she didn't believe this was the right place for it. She stated that, in terms of the DEIR impact, she takes exception with several areas, specifically Aesthetic 1 and Aesthetic 2, impacts on scenic vistas and scenic resources from a scenic highway. She referred to the statement that the site itself presently offers no scenic value and development would not have an aesthetic impact on the site. She thought it was major baloney, mentioning that John Muir said none of nature's landscapes are ugly, as long as they are wild. She acknowledged that there was a broken down greenhouse in front of the wild part but she felt it was gently used wild and should remain wild. She thought a large proportion of California citizens would prefer to view the existing undeveloped wild landscape rather than a densely populated housing development on this 2-acre plot of land. She stated that the eucalyptus trees were home to varied populations of migratory and resident birds and the birdsong was spectacular, commenting that the birds know that summer is almost here. Referring to Aesthetic 3 impacts on the visual character of the project site and surroundings, she stated that the character of Toledo Court was different from the remainder of the rancher homes surrounding it due to the presence of the two-acre old farmland buffer. She stated that this buffer area was home to a large and varied community of raptors, bats, birds, fish, amphibians, insects and mammals, although passersby and local residents may not be aware of each life form or its particular part in the whole wild community. She felt, in depriving the larger human community surrounding this wild corridor of the totality of this buffer, it would be an overall negative thing and we would be poorer for it. She then showed pictures of inhabitants of the buffer zone.

Douglas Roberts, 131 Berendos, stated that he was a 58-year resident of Pacifica and familiar with Pedro Valley and the creek, having fished in the creek in his youth. He stated that a big part of the creek was destroyed in the 50s, east of Sanchez School back to Linda Mar. He stated that they had been concerned when that happened when they took a meandering creek and channelized it because they thought it would upset things. While it may have, he felt things have come back to a point where the steelhead were doing okay. He read the information on the project, and he thought the concerns have been somewhat mitigated. He felt that Pacifica needed some development, adding that if we start turning developers away and reducing the size of their

projects, Pacifica would stagnate more than it has already. He mentioned that two years ago his father-in-law got sick and they had to go from Daly City to Marin County to the East Bay looking for a place that would take him, and this facility would have been ideal. He finished up in Marin County and it was quite a ride for them to visit him. He thought it would have been nice if he had been closer.

Mary Brown, Pacifica, stated that she has recently been through the experience of caring for elderly and sick parents and she has a lot of customers who have also gone through a difficult time. She felt it made a huge difference if you have someone who was able to stay close to home near family and friends. She felt Pacifica was in dire need of something like this. She mentioned that she has talked to many people such as the previous speaker who have had to drive hours to care for aging and ill parents because there was nothing available here that would make it convenient for them, which was a difficult situation. She understood, from the DEIR, that most of the environmental concerns can be addressed and she hoped that we can build this project. She thought it would be a wonderful thing to allow people to stay closer to their homes and not force them to make choices such as in her case where their family was traveling non-stop until her parents passed away which made life a living hell. It would be nicer for people to be able to stay closer to home and family, friends, community and churches. She asked that they allow the project to go forward.

Omar Saleh, 308 Farallon Avenue, stated that he was a longtime Pacifica resident. He congratulated the sponsors on the beautiful job they did with the project itself. He felt Pacifica needed a place for these seniors to live today, and he didn't believe they should reduce the density on it. He felt the consultants did an excellent job. He referred to all the people who were telling them to go to various websites, and stated that those studies were for different things. This study, consultant and DEIR were done for this project. He felt they would make the project unfeasible if they reduced the density and he felt it would all work. He stated that the situation of egress and access would be worked out, and would not be like the GGNRA project at Pedro Point where they put a road and gate and lock and you can't even get to it. He mentioned that, with a fire there, they need to run hoses from the Moose Club. He didn't believe it would happen with this project, which he thought would be safe and serve the community. He felt it needed to happen, adding that there would always be an issue with various consultants. He suggested that, if the residents want a different outcome, they should hire their own people to address this project. He stated that he had read the DEIR report and thought it had been a long time since he has seen so many less than significant conclusions to the things needing to be addressed. He felt the mitigation was complete and he didn't think there was any need to hold the project up and no need to reduce the density but rather to get it done and show people that we can do something here.

Chuck Gust, 100 Rockaway, stated that he was one of the Chamber directors who supported the way the presentation came to them. He stated that he served on the San Mateo County Resource Conversation District for three years and many projects came before them for fish habitat and stream restoration. They had gone out to many project sites to visualize what the projects were about. He stated that, in reading the DEIR, he encouraged the Commission to accept it on what they have done because he thought they had done an excellent job compared to what he has seen on other projects in the past.

Bob Pickerrell, 875 Rockaway, stated that he has read the DEIR also, and he wanted to refer to a couple of statements made. He stated that the density of the project was reduced three times. The

fire department was consulted and the project was redesigned per their specifications with a full turnaround and a 40-foot wide entrance for ingress and egress, with many sprinklers to address the requirements of the fire department. He stated that the creek was now full of invasive species. He stated that a comment was made by a speaker that a resident had seen 20 spawning steelhead years ago and now only sees two. He stated that the project addressed that in the biological report, removing the invasive species, creating bio swales, erosion control, keeping runoffs from the roof from entering the creek, containing that and reusing it for irrigation. He added that it was also a green project. He acknowledged that there were traffic issues, but during busy times at St. Peter Church they didn't have a problem and this would be just a daily in and out project just as when going to the old Safeway site. He didn't believe the erosion was of any concern since the mitigating issues have been addressed with the bio swales.

Chair Campbell asked the Director how he would like to proceed at this point.

Planning Director White stated that he may ask the same question.

Chair Campbell explained that he had the recommendation to take public testimony, and he asked if they should close the public hearing at this point.

Planning Director White stated that the public comment period would remain open until July 1. He stated that the question was regarding the desires of the Commission in terms of dealing the comments that will be coming in between now and the 1st, and whether the Commission desires to see those comments before ordering a final DEIR. He stated that the calendar didn't always cooperate with them. They tried to schedule a hearing as close to the end of the comment period as they could, adding that the next available hearing was after the comment period was over, and they thought it would be advantageous for the public and Commission to have a meeting during the public comment period. He stated that the question was what the Planning Commission wanted to do next. If they wanted to see the comments collected between now and the 1st, that would require that they talk about an additional hearing. He also asked if they would like to make additional comments now that staff would respond to officially in a final DEIR. Staff can accommodate them either way.

Chair Campbell stated that he would have his fellow commissioners opine on both options. He thanked everyone who came to give up their time to speak on this topic. He stated that it was very informative and really helped them.

Commissioner Clifford referred to seeing any additional comments coming in, and stated that he would like to see them, but he didn't see the necessity of having another meeting to do that. He stated that, if they emailed them to him, he would be happy with reading any additional comments that come in.

Planning Director White stated that he would defer to Geoff Reilly on the legal aspect of what they do and then explained that they collect comments and then they respond to them in writing in the FEIR. These were all public records so it was not a problem to make them available to the commissioners. He stated that the ultimate question was whether the Planning Commission wanted to have the option in public to make additional comments after the public comment period was over, and concluding the process and ordering the FEIR at that time. He reiterated that they were making that basic point and could share all the comments with them.

Commissioner Clifford stated that ordinarily they recommend this to the City Council, and he asked if they would be receiving the final draft and get to make comments on it.

Planning Director White understood that, historically, the Planning Commission has reviewed the FEIR, but it was not an absolute requirement of CEQA as an advisory body, adding that they were an advisory body in this case because the project includes a General Plan amendment and the FEIR needs to be certified by the Council. He clarified that the Commission would be acting in an advisory capacity to the Council on both issues.

Commissioner Clifford asked confirmation that they would see the final document in a meeting with all the comments and all the answers to the comments and they would have the opportunity then to make additional comments as it goes on to the City Council.

Planning Director White responded that he was correct and that they would make a recommendation to the City Council.

Commissioner Clifford stated that it would work for him.

Chair Campbell stated that this process was generally the way it has happened in the past and he felt that was a process with a lot of value as they get to see the responses to the comments during that time. He was in favor of that approach.

Commissioner Leon stated that he has found great value in all the comments, pro and con, and they add value and help them evaluate the issues. He stated that in his experience with the published comments and official responses to the questions, he had a concern about waiting too long to see them in the final published documents. He would like to see them in advance. He referred to comments on other projects, and stated that, to give them all fair treatment, he would like the time to digest the issues coming up, and the more time the better. He thought that, with this type of project, and the interest and issues involved, there might be value in having another meeting if that was a legal requirement. Otherwise, he would be fine having a published report with all the questions and answers in them. Based on past experience of dealing with a large volume of information, he thought the more advance time they have, the better.

Commissioner Brown thanked everyone who spoke today. For transparency, he referred to a table in Appendix B which was referred to earlier, which were the responses. He thought this was an excellent way to present the questions, summarizing who provided them, the areas impacted, and the comments. In reference to the question of getting the questions and answers ahead of the DEIR, he thought the answers were the long leg on it. He wondered if they can get a summary like Appendix B as soon as possible after the deadline for submission of comments so they can get their head around the questions and digest the information.

Planning Director White asked if he was suggesting that the Commission would get a complete copy of all the collected comments, with the matrix.

Commissioner Brown clarified that it would be before the answers were prepared.

Planning Director White understood, adding that they can't necessarily provide the answers before the FEIR.

Commissioner Brown thought that getting the comments ahead of time would give them a chance to go out into the community and ask additional questions.

Commissioner Langille found the different opinions interesting. She understood that, with the FEIR, they would get all the comments and response to comments, and that was what they would take further testimony on. She concluded that Commissioner Brown and others wanted the comments themselves in some sort of form prior to that, which was fine by her, even though she thought it was an extra step. She stated that she would like to make comments at this time herself.

Commissioner Gordon concluded that they were addressing the procedural issue first. He thought they wanted an opportunity to make a recommendation regarding the DEIR to the City Council so it made sense to have a final meeting with the draft.

Planning Director White stated that would happen in any event. The question now was whether they wanted another hearing after the public comment period ended but before ordering the FEIR and he was sorry if he hadn't made that clear.

Commissioner Gordon stated that he didn't see a need for a penultimate hearing. He felt a final hearing was enough for him where they make the recommendation. He also has comments but he would save that until they address the procedural issue.

Chair Campbell was in agreement, and didn't think they needed an additional hearing beyond the one to see the final product.

Commissioner Evans thanked everyone in the public for speaking up and giving them their views. It was always appreciated and it was a good thing to see the whole view rather than just what they think. He agreed that they didn't need an extra meeting, but he wouldn't mind seeing the comments beforehand.

Commissioner Leon asked about the present comment procedure. He asked if the commissioners would be in agreement to hear all the comments at once or by section. He then thought that would be too difficult to manage so he would just start and finish. He felt it was a very comprehensive document but there was bound to be some issues with it. As proposed, there were 4,178 cubic yards of material associated with the project and he would be interested in finding out the logistics of that material, such as how it would be moved, what time, and how it would impact anything with that much quantity. He referred to page III-13 which was pertaining to the project characteristics, in which the square footage was presently broken out by floor as an aggregate of all the buildings combined, stating that he would like to see the project characteristics broken out by building to get more familiar with each building. Regarding summary of floor area, common areas, on page III-14, on building 1, he was trying to understand the square footage which actually increases with the floor height, and on all the other buildings, the square footage decreases with the floor height. He also asked if there was going to be any staff housing since he didn't see any but wanted a definitive yes or no. One project objective listed on III-56 was consistent with neighborhood architecture and he was trying to get a better feel for what kind of thought process went into the final design to make that statement on a project objective. He was waiting to see the thought process on the determination of the risk level, given the sensitivity they have heard about potential impacts. Although they found less than significant impacts stated throughout the document, they found numerous instances where there were potential serious

impacts, and that was a concern to him. On page IV.A-27, there was only one comparable listed of what noises might be expected from sirens and emergency calls. Because of the project size, location and concern level, he would like to see more than one comparable. He stated that, in the noise calculation, there were no decibels listed for sirens and that was a concern. On page IV.B-15, visual characteristics of the surroundings, he noticed mention of other alternatives, but saw no conceptual drawings or renderings of what those alternatives might look like. Right now the views of the project were from street views, Toledo Court, and Oddstad, and he was interested in seeing some views from the project looking out to its neighboring properties in all directions because he thought there may be some screening or mitigation that would come into play by having those views included. On pages IV.D-9 and IV.D-10, there were two potentially significant impacts, liquefaction and expanse of soils, and he noted that, with the traffic review, a complete peer review was included in the document which gave him great value. He stated that, even though the peer review was in agreement with the consultant on the traffic report as far as its ultimate impact, he found numerous inconsistencies within the data used in the traffic study. He would like to see peer reviews included as well, especially for the geo and other reports having potentially significant impacts. With the potential impacts, he thought we would have them. He referred to the water quality, and stated that, with the Clean Water Act involved, earning the permits would be a task. He reiterated that he would like to understand the risk level better and what the thought process was on risk level 2 or 3. His default thinking was that they would take the most conservative approach and proceed with 3 in any event. He then referred to the traffic transportation section on page IV.F-1. He found that the traffic studies were done in July and August 2009 and found it interesting that, on traffic conditions on Highway 1 and Reina del Mar and Fassler/Rockaway and Highway 1, with the consultants mentioning economic conditions and the time of year with school out, in the current study which was peer reviewed and concurred on by the peer review study, those intersections were B and C during peak load periods which he felt was very significant since in every other traffic study, those intersections were always at level F. He added that he has been driving through the area every morning and he cannot fault the findings. He had never seen traffic improve on Highway 1 before, but it has. On page IV.G-4 and G-14 regarding air quality, he felt it was very important for this area, referring to mention of particulate matter of 10 microns and particulate matter of 2.5 microns. He thought these were very minute particulars that will infiltrate the lungs and cause serious health conditions with continued exposure. He stated that there was mitigation dealing with the construction site and one mitigation on a wind study nailed down the direction of the wind and what we can expect in that specific location. He asked that they have some type of reliable data that was scientific and would give an indication of the wind. The mitigation now says that once there is a visible dust cloud, construction activities should cease, and his concern was that it may be too late by that time. He thought, if there was a better measure, such as wind velocity, he would like to see some other means of warning other than waiting for dust clouds and making judgment calls. He referred to the biological assessment which addressed the raptors and he has heard testimony and seen pictures of other migratory birds such as herons, and he would like to see some coverage regarding how they play into potential impacts. He then referred to the comment on bank stability and erosion, and stated that from the document, the applicant planned to do quite a bit of improvements to the bank which meant that mitigation measures would have to come into play because exposing soils on the bank can cause possible impacts into the creek. In this case, there was natural erosion of the banks due to weather, increased water flows, etc., and he didn't know if there was historical data such as we see with coastal erosion and sea level rise with scientific projections that predict that we can expect to lose 2-3 feet. It would help him to know if there was any similar kind of forecast for the creek erosion.

Commissioner Langille acknowledged that their job was to discuss the adequacy of the document, but as a preliminary statement, she felt there was a definite need for this type of project in Pacifica if not three of them, and she thought the majority of the speakers did not have an issue with that. Regarding the sufficiency of the documents, her issue was with the same issue some speakers referred to, such as those who worked with San Francisco State University in the recent past, which were the studies about the creek. She was chagrined to not see any of those studies referenced in Section 8. She stated that there was a lot of information, but a lot of it wasn't site specific. She referred to the many studies prepared by the Watershed Coalition for Fish and Game and Pacifica and for this not to be in the DEIR was troubling to her. She referred to the mention of the middle fork having the greatest potential for spawning of steelhead, and she thought the steelhead was an amazing resource and we do our city a great disservice if we don't analyze the impacts to the steelhead. She referred to one speaker's statement that we had the only stream with steelhead from Marin to Pescadero. She felt it was amazing that we have steelhead and she would like to emphasize the impacts to steelhead. She acknowledged that there was some discussion about the impacts of the steelhead but she didn't think it was enough. She felt that with existing multiple studies having been done in Pacifica to discuss this, the DEIR definitely needed to incorporate all the studies and address the impacts to the steelhead based on the local studies having been done. She stated that part of the DEIR was to first identify all the impacts then analyze them in order to determine mitigation alternatives. If they haven't identified all of them, they can't go down and figure out how to mitigate for them. She referred to the consultant stating that there has been no formal wetlands delineation. She stated that, because the site was small and was going to provide housing for 140 people, it was packing a lot onto the site. She questioned how you know how to mitigate the impacts, if you don't know if there are wetlands on the site. The report states that it is not known if there are wetlands, and she would like to know and the public needs to know if there are wetlands and what is the impact of the wetlands. She mentioned that you can have off site mitigation, but in the Bay Area, that has become more and more difficult to find off site mitigation because there are more and more projects and less wetlands and you have to find a similar type habitat. She had a couple of concerns, specifically impacts to the steelhead, wetlands, erosion, both direct and indirect impacts. While she didn't see much discussion of indirect impacts, part might come from the gray water. Gray water was wonderful and she was glad this project was a LEED project. However, she didn't know and asked what gray water would do to steelhead. She also didn't have the big picture on the impacts to the steelhead and she felt the setbacks were important. She did question whether they were trying to fit too big a project on too small a site. She stated that, if there are wetlands, you would have to bring in the Army Corp. and the National Marine Fishery Service and they take steelhead recovery seriously with setback recommendations or requirements. She had checked online quickly, and saw a possible minimum of a 50-foot setback. She reiterated that protecting the steelhead was her main concern, but she acknowledged that aesthetics were also raised. She saw only one picture, but commented that normally they get to see a project this size from more than one angle.

Commissioner Brown stated that the one thing that stood out for him, as it did for Commissioner Langille, was the prior studies that were very site specific on steelhead. He recalled all the work done in the City with the estuary recovery at Linda Mar State Beach. He commented that he and his daughter had seen steelhead in the estuary which was quite exciting. He wanted to be sure the FEIR version referenced the studies and put them into context in a way that most individuals cannot do when visiting the websites and was at least considered. He thought it would help round out the DEIR, and address his big concern.

Chair Campbell felt that, in addressing the adequacy of the DEIR, it was a matter of being consistent in the way that things are described. He stated that it goes to the buffer, and the buffer tees off what is referred to as the riparian belt on section IV.C-37 or tees off the riparian corridor on page 31 of live oak report or tees off the riparian edge on page 18 of the initial study check list or tees off the riparian zone which is page II-11 of the executive summary, sometimes tees off the top of the bank and sometimes tees off the riparian area in figure III-8. He felt we needed to figure out what that buffer is teeing off of and make it consistent or at least have a better legend to really understand what the setback is. He also felt we needed to be consistent with what the setback is, such as on page 18 talking about the small parking lot in the initial study checklist having a 25-foot setback, and if you go to the live oak report on page 31, it is referred to as having a ten-foot setback and again, on section IV.C-37, it is 25 feet again. He stated it was the same with average setbacks, in various places referred to as 48 feet or 38 feet. He thought that needed to be clarified because buffer widths and what they tee off of was one of the critical questions at issue in the last round of scoping.

Commissioner Evans stated that he wouldn't go over what other commissioners already said. He stated that his main concerns were the wetland delineations. If that wasn't addressed up front, it was like trying to figure out if it was going to be a pretty day and it was black out and night. He stated, if it gets approved, he wanted major guarantees about protection of the creek during construction. He stated that the creek was very valuable and the project was very valuable also, but they have to go hand in hand. He stated that this was a good location, but it was also a bad location, and we have to protect that. He felt they needed to show the detailed plans for the creek bank issues, which were brought up several times during this meeting, and the erosion factor. He stated that anyone living in Pacifica was aware of erosion factors and we needed to emphasize that. He felt that, if we do that, the steelhead will also be addressed. He would look forward to other comments at the next meeting.

Commissioner Clifford again stated that he would like to see the steelhead reports looked at and referenced, and he would also like to know more about the erosions on the banks to be certain that they were not allowing something too close to the banks. He stated that, in going over the plans, the room plans were so small he can't see how the bathrooms are laid out. As a builder, he knows it was important to the actual residents if they aren't accessible for someone who was handicapped or has difficulty getting in and out of a bathtub, and he wanted to see a clear drawing of the studio and one-bedroom units to see how the bathrooms and kitchens were laid out.

Commissioner Gordon thanked his fellow commissioners, stating he was impressed with all their thoughtful comments. He stated that they were so thorough that he had nothing more to add, but he emphasized that the studies on the steelhead weren't adequately addressed and he thought that needed to be covered in the next round. He thought Commissioner Langille's comments were well taken that you can't talk about impacts or mitigation if you haven't identified the full scope of what was in front of you. He also thought they have to analyze what was going on at that site before they can fully appreciate the mitigation taken. He acknowledged the public's comments regarding that need for the project. He shared the feeling that this was a noble project and he wanted to support it. He felt that Commissioner Evans' comment was perfect that it was a great location and a terrible location, being right on an environmentally sensitive bank and everyone was saying that it has to be done very thoroughly. He looked forward to the next round.

Commissioner Leon stated that there was one additional concern that was brought up in public comment. He had made a note but had initially overlooked it. He stated that it was regarding

circulation on the site, mentioning that the traffic study was very thorough but it was mostly studying intersections and had a good part on the site triangle. He did notice that there was no circulation dialogue so he thought something on the type of use it would be getting and how it fits together would be appreciated.

Chair Campbell asked if staff was clear about the next direction to take.

Planning Director White stated that he heard that the Commission was directing staff to continue to collect the comments up to the end of the comment period, then forward those comments in a matrix format to the Commission and prepare the FEIR, at which time it will come back to the Planning Commission for review. He stated that they might want to put that in the form of a motion to direct staff formally which would be great.

Commissioner Leon moved that the Planning Commission follow the outline delineated by the Planning Director; Commissioner Evans seconded the motion.

The motion carried **7-0**.

Ayes:	Commissioners Brown, Clifford, Gordon, Langille, Leon, Evans and Chair Campbell
Noes:	None

Planning Director White stated, for the public, that there will be additional notification for the public on the next round of hearings, both on the FEIR and the project.

Chair Campbell clarified that the public comment closed on July 1.

Planning Director White stated that it would effectively be first thing Tuesday morning, July 5, because of the holiday.

COMMISSION COMMUNICATIONS:

None

STAFF COMMUNICATIONS:

Planning Director White stated that the Council did adopt a budget which included ongoing funding for the General Plan effort which meant that they can continue with the next round of tasks. He stated that the Council also accepted the final version of the existing conditions report which the Commission had seen some time ago, with additional editing having been done to the transportation chapter and they can now move on to the next task.

Chair Campbell reminded the audience that they were still in session, and asked them to keep the volume down.

Planning Director White stated that the next task was the alternatives process. There was a public forum and the next step was to prepare what was called an Alternatives Report which would come to the Commission for a public hearing. He stated that they didn't have a date yet, but it would be soon. They were meeting with their consultants to finalize the schedule. He also mentioned that the Council had adopted a new packet schedule, and he had discussed this with the Commission, which was to give the Commission and public more lead time, rather than the Thursday before the Monday meeting. He stated that the Council was going to a one week prior packet delivery and he felt it was an opportunity for the Planning Commission to mirror that same schedule. He stated that, beginning with the first meeting in the new fiscal year in July, they would be delivering the packet one week in advance and, in some cases, a greater lead time. He stated that their next regularly scheduled meeting will be July 5 because of the Monday 4th of July holiday. He stated that he had staff conduct a straw poll of the Commissioners to see if they will have a quorum, and they have heard back from four of them, with three yeses and one no. At this point, they still didn't have confirmation of a quorum, adding that it may be worthwhile to discuss the desirability of holding a meeting on that date, and the Commission can give them direction on that thought.

Chair Campbell stated that he likely would not be at the meeting.

Commissioner Clifford stated he was one of the yeses.

Commissioner Langille thought she was one of the yeses.

Commissioner Evans was one of the yeses.

Commissioner Brown apologized, stating that he had not responded, but would be available.

Chair Campbell stated that they would have a quorum.

ORAL COMMUNICATIONS:

None.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 8:50 p.m.; Commissioner Evans seconded the motion.

The motion carried 7-0.

Ayes: Commissioners Brown, Clifford, Gordon, Langille,
Leon, Evans and Chair Campbell
Noes: None

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:



Planning Director White