

MINUTES

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

November 21, 2011

7:00 p.m.

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

ROLL CALL: Present: Commissioners Clifford, Gordon, Leon, Evans and
Chair Campbell
Absent: Commissioners Brown and Langille

SALUTE TO FLAG: Led by Commissioner Clifford

STAFF PRESENT: Planning Director George White
Assistant Planner Kathryn Farbstein

Chair Campbell mentioned that they had a busy hearing scheduled for Agenda Item 1 and Agenda Item 2 was only to continue to the December 5 meeting and, if the applicant was present, he suggested that they reorder the agenda.

Planning Director White stated that he didn't believe the applicant intended to attend the meeting.

Chair Campbell asked if someone would like to make a motion if they thought it was in the best interest to dispense with that item first.

**APPROVAL OF ORDER
OF AGENDA** Commissioner Leon moved approval of the Order
of Agenda with the reorder as stated by Chair Campbell;
Commissioner Gordon seconded the motion.

The motion carried **5-0**.

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

**APPROVAL OF
MINUTES:
OCTOBER 17 , 2011** Commissioner Leon moved approval of the
minutes of October 17, 2011; Commissioner Gordon
seconded the motion.

Commissioner Clifford stated that he needed to abstain from voting on the minutes, but he also wanted to acknowledge that, if he had been at the meeting, he would have voted with the rest of the Commission to take the actions that were taken.

The motion carried **5-0**.

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

DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF November 28, 2011:

Planning Director White stated that, on the October 17 meeting, there was a denial of Mr. Payne's Use Permit and Coastal Development Permit, and Mr. Payne has appealed that decision to the City Council, and it will be heard on the Council meeting on November 28.

Chair Campbell stated that he would be at that meeting.

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

- 1. UP-020-11 USE PERMIT, filed by the agent, Chris Coones, on behalf of the Applicant, AT&T, to install four wireless antennas at 685 Manor (APN 009-360-040). CEQA status: Exempt.**

Planning Director White presented the staff report.

Chair Campbell opened the Public Hearing.

Commissioner Leon moved that the Planning Commission **CONTINUE** UP-020-11 to the Planning Commission meeting of December 5, 2011, with the public hearing open; Commissioner Evans seconded the motion.

The motion carried **5-0**.

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

2. **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 center at 721 Oddstad Blvd. (APN 023-593-160), just behind an existing single-family dwelling addressed as 725 Oddstad Blvd. CEQA status: EIR prepared.**

Assistant Planner Farbstein presented the staff report, then introduced Geoff Reilly of WRA Environmental Consultants to give a brief explanation of the environmental review process and answer questions.

Geoff Reilly gave a brief overview of the process and then got into the key issues that were commented on in the final report.

Chair Campbell asked if his opinion was that the creek was waters of the U.S.

Mr. Reilly responded affirmatively.

Chair Campbell asked for confirmation regarding “notwithstanding there are no wetlands.”

Mr. Reilly again responded affirmatively.

Chair Campbell asked for confirmation that they were going to have a storm water pollution prevention plan in place and whether they anticipated any discharges into the creek during the construction phase.

Mr. Reilly responded no, adding that, without careful precautions there could be, but he felt with good mitigation and monitoring and enforcement, there should not be any sedimentation into the creek by use of filter fences. The improvements closest to the creek are long term beneficial impacts to the project, explaining that he meant the removal of invasive species and replanting of native species which, in addition to bioswales, was one of the mechanisms recommended by the entities protecting the creek to ensure that the fish habitat is not impacted.

Chair Campbell referred to the bioswales which were to prevent discharges to the creek, and he asked for an explanation of how that would happen, particularly with respect to the parking lot located to the east of the proposed project site.

Mr. Reilly commented that he may need the applicant engineer’s clarification, then explained that the bioswales were proposed along the perimeter of the project site and are intended to capture all runoff from the project so that no runoff will or could enter the creek. He stated that the system was designed by the BAHM as a hydrology model sized accordingly to accommodate the project’s increase in runoff from an existing non-built out condition. He wasn’t specifically knowledgeable as to how they connect to the parking lot. He imagined there were drains, but they were all connected.

Chair Campbell anticipated that, over the course of the discussion they could get information on whether the drainage from the parking lot was being carried away from the creek to the municipal storm water sewer or if there was a retention basin. He thought that would be good to know.

Mr. Reilly asked if he was referring to ground water. He thought that the depth of the garage was at the level of the ground water table and they do not intercept. He thought the garage did connect drainage to the bioswales as well, adding that they were all interconnected.

Chair Campbell stated that it was mainly the surface runoff from the parking lots in which he was most interested.

Mr. Reilly clarified that he was referring to the underground drainage structure. He thought it was the same case unless they were impermeable pavers but he didn't think that was proposed for the majority of the parking surface, just the walkways.

Commissioner Clifford understood that the final EIR was not circulated to the Department of Fish and Game and/or the U.S. Fish and Wildlife. He asked if it was accurate that they didn't get sent the final EIR because they didn't comment on the draft EIR.

Mr. Reilly responded that it was the case, adding that the California Environmental Quality Act required that final EIRs be sent back to commenting agencies. He confirmed that the entities he mentioned were notified at the beginning of the process and then again notified when the draft EIR was made available. The State Clearing House was the body that circulated the documents to the state agencies along with the Notice of Completion form which identified the impacts of the project and they recommend who shall receive the documents, including Fish and Game. He stated that they can share the correspondence with the Commission if that helps. He agreed that it was not sent back to them based on the requirements.

Commissioner Clifford asked if the document he mentioned went out with the draft EIR or the final.

Mr. Reilly explained that it was called a Notice of Completion form. It was required to be submitted to the State Clearing House when any EIR document is submitted, and at that stage it was part of the draft EIR.

Commissioner Clifford stated that the reason for this question was because of the change from no habitat to habitat along the section of creek, and he was making sure we dotted our i's and crossed our t's and didn't have them coming and asking why they weren't told that there was habitat.

Mr. Reilly acknowledged that it was a fair concern, adding that, had the EIR failed to acknowledge any impact to the steelhead, a recirculation would have been warranted because it would have been a new significant impact. Based on the project description and mitigation measures in place, the impact was already disclosed.

Commissioner Clifford then referred to graywater. He stated he got an e-mail from Mr. Chavarria in which he explained that the graywater being used was actually runoff from the roof and the parking lot, and any graywater generated from the laundry or kitchen was not going to be used for irrigation and all contaminated water would be considered sewerage and treated as such. He was asking for confirmation that they were not talking about any detergents winding up in the graywater used to irrigate landscaping or the gardens, and that even though the graywater being used was essentially rainwater runoff, it would be filtered and treated.

Mr. Reilly stated that it was clarified with him at the meeting. He explained that, at the time of the preparation of the draft EIR and how the draft EIR reads, California does permit the use of graywater for irrigation including lawns, fruit trees, flowers and shrubs but not vegetable gardens. The applicant has clarified, in part because of concerns being raised, that they will not use water from any of the plumbing on the project, but it will be a combination of rainwater harvesting and graywater because the roof water may be subject to contamination. That is where the graywater kicks in, otherwise it is all harvesting of the rainwater to be reused for irrigation but it would be subject to filtering before used for irrigation.

Commissioner Clifford was glad to hear that. Although he would ordinarily want to use graywater, he was concerned because, at this particular site, he would want it limited or, if it couldn't be limited, not used at all because of the potential of contaminating the creek. He thought it sounded as though that was being handled.

Mr. Reilly agreed, adding that it may be able to be clarified as part of the project description or conditions because the EIR does assume that it could have been the other water mentioned.

Commissioner Clifford agreed that it was the intent of the applicant to have it as a condition so it is clarified and doesn't happen that any of the other allowable gray waters are used.

Commissioner Leon reiterated a couple of things mentioned by Commissioner Clifford. He started with the graywater. While they would probably get to it during a later phase, he wanted to have a clear distinction between the sources of water, the volume of water and where it was going and how it was going to be used. He stated that there was mentioned in the appendices that little was known about graywater impacts and, with that kind of caution, it can be a significant impact. He thought the comment made by Commissioner Clifford was appropriate, that in most settings they would be encouraging graywater but, because of a recognized spawning and rearing habitat for Steelhead, the intrusion and mixing of graywater into the water table and traveling distances or ending up in the bioswale and permeating and filtering down were unknown. They could really be significant as stated in the literature. While he wouldn't belabor it, he thought they would be revisiting the issue in deliberations and would get very specific on graywater, rain water, volumes, flows, and how it is all handled. He thought it was appropriate, given the biological resources identified on site. He stated that there were numerous references in the DEIR mentioning biological evaluations and that agencies are final arbiters and can claim jurisdiction at any time on areas of interest to them. Both the Department of Fish and Game and the Fish and Wildlife Service were responding agencies under CEQA and both agencies review CEQA documents. He mentioned this because it was of great concern to him that no response from those agencies was received, not even a response saying that they had no concern, especially since we have the only Steelhead creek between Half Moon Bay and the Golden Gate Bridge. He stated that it was also mentioned in another section of the Draft EIR and he was going to suggest later that they take care of the issue and check in with the agencies. He asked if Mr. Reilly had contact with the agencies on any type of business.

Mr. Reilly responded that they often have informal consultation.

Commissioner Leon asked if it would be possible to have a photo conference and make reference to this new information that is in the FEIR without going to a great amount of trouble to see if there was any interest there.

Mr. Reilly stated that, procedurally, it may require the potential extension of the Commission's decision at this meeting.

Commissioner Leon reiterated that he was asking if it was possible.

Mr. Reilly stated that it was, adding that he couldn't speak to why they didn't comment.

Commissioner Leon stated that they would come back to that later. He then referred to Appendix F under the Geotechnical Report, and stated that it made some strong statements regarding that runoff must not be allowed to collect or pond anywhere on site. He also stated that it was unusual to say to not allow downspouts to deposit runoff where it can saturate foundation soil, with all downspouts to be connected to a solid pipe and allowed to discharge ideally onto paved surfaces and into city storm drains. He didn't know how that tied in with the rain water, but it was interesting. He referred to native plants which were planted because they didn't require much water once they were established and the Geotechnical Report stated that irrigation should be kept to a minimum. He read the literature that stated that they found a water table in each of the five test bores and because of the subterranean parking garage, the water table may actually infiltrate into the garage and they may need to have pumps to deal with that. He stated that he needed to know where those pumps were going to be discharging water. He had some questions on the Geotechnical Report, referring to a specific mention that the evaluation was based on a concrete pavement driveway and solid reinforced walkways. He thought the project was promoting the fact that they were using permeable pavers although the Geotechnical Report didn't appear to have evaluated the project based on permeable pavers. He wondered if the Geotechnical evaluation needed to be revisited because the basis for the evaluation was for an entirely different type of pavement installation. He asked if Mr. Reilly was following what he was saying.

Mr. Reilly responded affirmatively.

Commissioner Leon stated this was important because there was so much water on site that there was worry about pooling of water because they were in what is called an active fault zone and the site is subject to liquefaction with more water in the soil, the greater the impact due to liquefaction. He asked if he was wrong in his interpretation of the data. He needed something from the Geotechnical Report which specifically addressed the type of pavement that was now being described as related to the project versus what was in the evaluation.

Mr. Reilly stated that part of it was addressed in the mitigation measure in several locations but one location was on page II-13, which ultimately requires a final geotechnical investigation report which gets into the specifics about mitigation measures for impacts related to liquefaction and unstable expanse of soils but his point was understood. His initial take was that it could be designed and the engineers should be able to address that.

Commissioner Leon would be interested in that. Referring to the traffic study, he asked if the newest traffic study did not invalidate the original study that was done during the school period in the DEIR. He felt they were two different studies.

Mr. Reilly stated that the main difference was the time period for the existing conditions that were relied upon for which impacts were identified. What remains constant was the project trip generation, distribution of the project trips throughout the network of the roadways and the site design with respect to ingress and egress, and on site circulation. He felt the important part was

that the level of trips associated with the project did not trigger significant levels of service or intersection impact.

Commissioner Leon noticed in the newer data it mirrored very closely the earlier study, at least in the LOS results, in the immediate area. In the PM data, it had no effect on any intersections, whether on Highway 1 or in the back of the valley. He thought there was value in both traffic studies with valuable information. Regarding construction noise, he asked if Mr. Reilly was prepared to answer construction noise questions.

Mr. Reilly responded affirmatively and prefaced that by acknowledging concerns in one letter and the proximity of one off site residence and others across the creek. He stated that they did more research on other feasible mitigation measures, and they added several more they considered appropriate to further minimize those impacts.

Commissioner Leon stated that he wanted to clarify that it appeared the sound factor was taken from the middle of Oddstad Boulevard and measuring sound impacts from the center of the construction site.

Mr. Reilly stated that, regarding roadway noise levels, that was the standard, i.e., from the middle of the center line of the roadway. For construction, the majority is on site, but there were factors of attenuation that were considered in terms of increasing distance resulting in reduction of decibels of noise as well as attenuating features such as a wall or another building that would help reduce noise levels.

Commissioner Leon mentioned that, in Appendix H, it states that where noise from construction activities exceeds 60 decibels and exceeds the ambient noise environment by at least 5 at noise sensitive uses in the project vicinity for a period of greater than one year, the impact would be considered significant. He felt it was interesting that it concluded that there was no significant impact but, when he went to the Geological Report, that mentions all the activities that will be taking place that create noise on site and it attributes a time factor for each one. When adding up the duration, it exceeds one year. He was trying to reconcile how they have one report saying the construction noise was going to last more than a year and the construction noise levels are greater than 5 decibels when compared to the ambient neighborhood noise. He felt that needed to be clarified because it seems that they were identifying what a significant impact was on noise, and they were also saying they were exceeding it.

Mr. Reilly explained that the Environmental Impact Report was required to look at all aspects of a given project and, in this case, it was construction noise and operational noise. He stated that the summary table of the draft EIR, prior to adding more mitigation measures in the final EIR, did identify that as a significant impact that can be mitigated to a less than significant level with various measures. In part it talks about exceeding the threshold of significance identified. They felt it wouldn't hurt to add more mitigation to further reduce that short term exposure.

Commissioner Leon stated that noise was only one of the impacts at which he was looking. He stated that they had conditions which addressed negative impacts in order for them to approve a project, and others have elements that apply to a Use Permit with impacts associated with them. He reiterated that they were looking at two sets of standards, one is negative impacts and the other is Use Permit impacts on adjacent residents. He would be asking questions in this area regarding sound, and other factors related to location and distance. He then mentioned the

bioswales, stating that the two site maps didn't show the boundary of the project site. He cannot see the bioswale or the property lines and he cannot see everything that was in the project based on those two maps. He thought those were the landscape plans, and he asked if bioswales were considered landscape.

Mr. Reilly stated that map A5 did give an overview of the entire site, as well as location of the bioswale which was near the edge of the top bank of the creek. He hoped that was adequate for him to appreciate the characteristics.

Commissioner Leon thought it looked like just a gradient on the topography, but thought the other two maps didn't quite show everything.

Commissioner Evans stated that he mentioned that he found no wetlands, and he asked if they were satisfied with the definition and, without the leaking pipe, he was satisfied that there were no wetlands in that building area, besides the creek.

Mr. Reilly responded affirmatively.

Commissioner Evans referred to the mitigation monitoring program to protect the creek during construction, and asked if he felt it was sufficient for safety's sake on protection of the creek and its habitat.

Mr. Reilly responded affirmatively, but stated that if they had other recommendations, they could be added to the record as a part of the final EIR. He stated that the preparers of the original report included well re-known biologists, several Ph.D.s and was subject to a peer review by their office. They also discussed with an aquatic specialist, and fish specialist regarding their gut feeling as to whether or not this was adequate to protect the fish and it was confirmed.

Commissioner Evans stated that he just wanted to get it out for everyone to hear. He then referred to the setbacks on the building, and asked if it was sufficient in Mr. Reilly's opinion.

Mr. Reilly stated that there were other recommendations, adding that they had received a comment letter from Commissioner Langille that cited other recommendations for a greater setback. He felt a greater setback would definitely help but asked if it was required. They were getting their level of comfort based on the way the project was designed, with their features helping self mitigate the impacts of the projects. Without the bioswales or other means to reduce runoff, they would probably be more concerned. He stated that there were implementing actions recommended by the various entities that were intended to improve the creek. The studies recommend bioswales, permeable pavers, removal of invasive species, planting of native species, which were some core recommendations. He stated that they felt the project's impacts were either mitigated to a less than significant impact under CEQA or were not significant based on the project design, depending on the topic at hand.

Commissioner Evans asked if it was correct that the north fork would not support spawning of the Steelhead.

Mr. Reilly responded affirmatively, clarifying that various studies were added to that effect, specifically that the velocities were a little higher because of the culvert there. He stated that the characteristics were different.

Commissioner Evans asked if that was defined as on the north side of the culvert from where this property was located.

Mr. Reilly thought it may be beyond that reach because of the urbanization of the area. It was his understanding that the specific reference to the site itself did apply. It was not brought up by those commenting regarding the Steelhead that there was an issue with the north fork.

Commissioner Clifford asked the Planning Director about a procedural question, stating that everything seemed to be all in one motion. He asked if they could break it up into two motions. If they get to the point of approving the final EIR, they do that and then move on to the discussion about the actual project itself.

Planning Director White stated yes, clarifying that there were actually three proposed actions, first to certify the EIR, then go on to deliberate on the project for the Site Development Permit, Use Permit and Sign Permit, and lastly to forward the recommendation to the Council on the General Plan Amendment.

Commissioner Clifford asked for clarification to reaffirm they would be going through three distinct steps.

Planning Director White agreed, adding that the order of the steps was also important. He stated that they cannot deliberate on the project until they have made a determination on the environmental documents. The EIR was the first order of business regardless of anything else.

Commissioner Clifford stated that it was his understanding and he was making sure that it was everyone's understanding.

Chair Campbell stated that he would remind the Commissioners before they began deliberations.

Commissioner Leon stated that they would want to correct any typos in the document, and asked if there was a typo or a misunderstanding. He referred to appendix D2, the riparian quarter assessment letter report, and read the sentence that "neither of the channels of the two forks of the creek occurs within the property boundary." He interpreted that as the creek channel not running through the boundary and he didn't think the map supported that.

Mr. Reilly stated that the site plan was revised at least once during the preparation of the report, but he didn't know if they mistakenly characterized the site boundaries. He assumed that they did have an aerial photo, but maybe not of the project site plan that delineates the limits of the project. Based on his understanding and interpretation of the maps, the project does include portions of both forks.

Commissioner Leon assumed that the sentence did not appear to be correct.

Mr. Reilly stated that the EIR was based, in part, on the technical reports and some comments raised by the Commissioners included that there was a conflict between the two reports. He stated that it was the EIR's role to clarify those. He stated that some of the information was outdated because the technical reports were prepared on behalf of the applicant, before the project was revised, including an old diagram in the traffic report that was different, but the body of the EIR, including Appendix A, analyzes the project as currently proposed.

Commissioner Leon stated that he was attempting to be clear and, as they have had a discussion on this and it will be in the minutes as part of the records, they will know what that means. When he finds these discrepancies, he wants to correct them and be clear. He then mentioned another sentence in that same Appendix regarding “equalizing considerations of riparian setbacks” and part of that paragraph states that “often resource agencies have asserted that buffers of 100 feet or more are necessary to reduce adverse effects of riparian systems.” He stated that the word “often” means quite frequently or regularly, and he was highlighting the fact that the DEIR states that often 100 feet or more are necessary.

Mr. Reilly agreed, adding that discussion continues and describes the feasibility of a reduced setback. He stated that it was now 50 feet but, if you have more room, it is better to have a larger setback.

Javier Chavarria, applicant, stated that, on discussions with the staff, they understood that even though this part of the meeting was related to the EIR, their presentation involved the merits of the project and the EIR as the way the Commission wanted to do so. He stated that it might be a little out of context on the EIR, but that was the reason for it. He gave a brief comment on the value of this project to Pacifica and its residents and a definition of assisted living. He mentioned the pluses for the location, such as access to shopping, churches, banks, public transportation, dining, parks, libraries and other services. He then gave a description of the site, along with the creek, mentioning the small footprint with only 20% of the property covered by the buildings. They were not close to the creek, with 30-foot setbacks to the riparian area which was further away from the creek channel. He showed a comparison between the present abandoned site and the proposed new site. They were employing technology for green architecture, with solar panels, etc. He mentioned that the buildings will be set back and not overwhelm the existing single family home. He reiterated that the EIR indicated that the project met all requirements, and would enhance our economy by providing employment opportunity, larger property taxes and an opportunity to improve the local economy.

Commissioner Clifford asked clarification that this was an assisted living facility, not a senior assisted living facility, and would allow occupants other than seniors to live in the facility.

Mr. Chavarria responded affirmatively.

Commissioner Leon asked if there was a target of a ratio of senior occupancy to others contemplated.

Mr. Chavarria stated that, when they started the project, they called it senior assisted living and were advised against it because of elements of discrimination and the fact that there may be people younger that would require assistance. However, on a survey, the overwhelming majority of the population exceeded the age of a senior, and the typical resident would be approximately 84 years old and not able to live independently.

Commissioner Leon thought they would be discussing it later, but he wanted to find out if there was some kind of official ratio but at this point he thought there was nothing.

Mr. Chavarria stated that he was correct, they had no definitive ratio. He then stated that they had a lot of clarification on questions raised for staff, and they would be happy to clarify any of those questions.

Chair Campbell thanked him, stating they may be calling him back during deliberations.

Chair Campbell opened the Public Hearing.

Mark Clausen, 656 Carmel Avenue, thought assisted living was a great idea and was needed in the community. He would like to see that, when it is built, it is built by members of the community and at the prevailing wage. He stated that often the projects are sold off and they have members from outside coming in to build them.

Kanji Nishijima, Brisbane, thanked the Planning Commission for the opportunity to speak. He stated that the watershed in the San Pedro Creek was a critical component and needed to be protected for the sake of the whole Bay Area and beyond. He explained that the importance of the creek was emphasized by the detailed measures in the EIR to protect it. He added that it was unfortunately another example of developers thinking they can outdo nature through engineering. He stated that the Nature Conservancy, Sierra Club, etc., and even Pacifica understood the importance and advocated for increasing open spaces, especially when critical environments were impacted. He felt this was the type of environment that needed to be protected by preserving existing open spaces, not more development requiring special mitigating measures. He felt nature does a better job protecting itself and did not believe the 50-foot setback was adequate to count as open space, adding that it would be a perfect location for a park to enjoy the creek and surroundings. He felt there were better locations for this development, and he would prefer that it was near a major highway and freeway, and thought there were large lots near Highway 1 that could be developed and there was no reason to encroach on a critically sensitive area such as the creek. He hoped they developed an assisted living facility in the future, just not at the expense of a critical environment.

David Schooley, Brisbane, stated he was with Bay Area Mountain Watch and San Bruno Mountain Watch. He stated that they have worked for 40 years to protect wildlife around us, and it has been a difficult effort. He stated that we must speak out whenever there was change or the undoing of a critical area of creek, animals, corridors, etc. He stated that North Peninsula cities were still in danger and needed help. He felt that EIRs, HCPs, low impact compromise are the games to destroy. He mentioned the failure of the Habitat Conservation Plan on San Bruno Mountain to save any rare species. He felt this was a critical move for all of us. He was approaching 70 and would like to live in a place like this, but he would never destroy or undo what was on the edge to be lost. He considered it a living presence and a gift to be protected. He thought there were other areas that could be found that would not undo the creek. He hoped they would think twice about what they were doing for our future.

William Nack, Foster City, stated that he was speaking on behalf of the San Mateo County Building Trades Council. He stated that we all know that we are in a deep recession with many without a job, with close to 12% unemployment in California, but 25% unemployment rate in the construction industry which was more than twice the national average. Many members are surviving on unemployment, part time jobs, food stamps, etc., while privately funded construction continued to be depressed for at least the next nine months but should gradually improve in the next three years. He wished he could tell them that the Council supports this project and that the workers constructing the project will receive a prevailing wage but, unfortunately, the developer has not yet made that commitment to the Council and, thus, they cannot support the project. He felt this project would be a significant help in Pacifica. They

hoped that the developer will commit to the workers in the future so that someday they can attend a groundbreaking that they can all look upon with great pride.

Courtney Conlon, 225 Rockaway Beach, stated that she was the CEO of the Pacifica Chamber of Commerce and two months ago, she and the Chamber Board invited the investors to speak to them to decide as a Board if this was a sound viable project, adding that they had recently heard of several qualified professionals who studied the draft EIR and deemed the project sound and equitable on all the key issues in the draft EIR. In reviewing and doing their homework on the project, the Chamber has concluded that this project supports the dire need for more economic growth in Pacifica. They felt it would help sustain economic development because it would bring jobs to the area during construction and more jobs once the project was completed and established, as well as infusing money into the local economy through increased sales tax revenues by loved ones and family members visiting their loved ones in the center, taking them out for meals, etc. They thought it would instill a sense of pride as it supports a fragile population so they don't have to leave their community. She states that she has three generations of her family living in Pacifica, and she taught her children to respect and protect our planet. She also felt the existing area was an eyesore. She asked that the Planning Commission allow the project to go forward.

Jim Lange, 1135 Balboa Way, stated that he strongly supported this project. He grew up in this area, and thought the location was great. He mentioned that it was the warmest area in Pacifica, with shopping, churches, library, San Pedro Park, access to SamTrans, etc. He respected the environmental concerns but felt they have been addressed and nullified by the EIR mitigations, with the project having been modified several times to address the environmental concerns. He felt Pacifica needed an assisted living facility which was different from a senior housing complex. There were small residential houses, but he felt this larger facility offered more amenities and choices, adding that currently residents were referred to neighboring cities for this alternative. He mentioned some of the positive aspects to such a facility. He felt we needed to accommodate our citizens because of cutbacks in areas such as adult day care centers, etc. He stated that it was very traumatic to move from their homes to assisted living facilities. He referred to the senior housing complexes and felt this would be a very easy transition for them. He felt it was a win-win for everyone and was a solid revenue source with 50+ permanent jobs. He felt family separation was traumatic and this was a bridge between independent living and full time care.

Rick Zipkin, 725 Oddstad Blvd., stated that he has lived at this address for more than ten years and he was vehemently opposed to the proposed project. He was not against assisted living, but felt this was the wrong location for it. He felt there was not enough room to house the multi-building, multi-story complex, adding that the limited entrance/exit was impractical, congested and dangerous, especially when emergency vehicles are summoned late at night. He felt similar problems would occur on neighboring streets as well as Oddstad. He felt it would cause indecision, panic and general mayhem. He felt that the site has been and should continue to be zoned for agriculture. He felt the plant nursery was a right and perfect fit with nature, and should remain agricultural, maintaining the natural order as it has been and should always be as it was intended to be, natural, free, and environmentally protected, preserved and respected. He thought it would be perfect if the area could be declared a protected and natural habitat. He added that it would be premature to approve a Use Permit until the Fish and Game or Fish and Wildlife have weighed in on this project, adding that the project would be detrimental to him and his family's health, safety and welfare while turning their lives upside down with the noise, traffic and air pollution during construction and beyond. He acknowledged that Alternative B, which reduced

the project to 78 units, would be better than the original 96 units but would only be the lesser of two evils, and he felt it would still be a bad proposal for the environment, wildlife and surrounding residents from all rational viewpoints. He thought the long term effects on the ecology would be just as grave if not worse. He felt the only realistic alternative would be no project.

Chair Campbell stated that, at the end of public comments, he would suggest that they take a break.

Keith Claxton, San Francisco, stated that he and his wife honeymooned at Rockaway Beach and remembered the sunny spot in San Pedro Canyon. He stated that his wife was recently ill, had emergency surgery and had seven months of recuperation. He was immediately struck with the devastating problem that he needed to go to work. He found several assisted living opportunities, finally selecting one in Daly City. He stated that he could have been in this lovely valley and he would have preferred that. She was home now, but he is 70 and he knows that he is close to needing to select such a facility and he hoped that Pacificans don't take all the beds because he would like one. He was in favor of the project, adding that he has 31 years in commercial real estate, and he felt this was an excellent land use for the location. He wasn't qualified to address the environmental aspects but did comment that he couldn't imagine why they needed more watershed when San Pedro Park goes all the way to Crystal Springs. He enjoyed the comments from the President of the Chamber of Commerce and agreed with her. He mentioned that some were fighting to save it for agriculture and others were fighting to get all the jobs. He didn't know how they would sort it out, but he would like to have this as an option which was more amenable to the lifestyle which he and his wife would like to look forward to.

Steven Durkin, 600 Oddstad, stated he was a resident of Pacifica and worked as a park ranger and lived in San Pedro Valley Park. He was familiar with the environment and was opposed to the construction of this facility at the site because of the small location. He referred to Pilarcitos Fault which was a major fault line which can produce sizeable quakes and which was not addressed or mentioned in the draft or final EIR. He referred to runoff and graywater and how it would be stored and mitigated, and he was concerned about the underground portion getting down to the water table. He referred to the pumps underground and mentioned the pumps failing in 1982 which allowed the creek storm water to back up and flood many homes. He referred to statements about bank slippage or slides, and reminded them that in 1982 people lost their lives, adding that no one expected those areas to fail but they did. He felt these things were overlooked and should be mentioned. He referred to the creek supporting life, and felt the impacts were great. He understood assisted living was important, but added that it would be open to the entire state and didn't guarantee that Pacificans will be allowed to live there.

Ralph Larson, 1047 Manzanita, stated that he was a member of the San Pedro Creek Watershed Coalition. Regarding the Steelhead, he was glad that the final EIR recognized that the middle fork of San Pedro Creek near the facility was Steelhead habitat. He wasn't an expert on mitigation measures, but he felt that they have addressed a lot of the measures. He added that he would like to see it reviewed by others more knowledgeable than he was. He was concerned about the effects of erosion on the site and any mitigation measures that may take place over time to protect the site and the effect on the creek, Steelhead habitat and the property downstream. He mentioned that San Pedro Creek was steep. It was like having a mountain stream running through the middle of town and was eroding and would continue until it made itself a flood plain. He referred to places along the creek where erosion has caused property damage and damage to

Steelhead habitat and he felt the problem was that everything along the edges of the creek has been densely developed close to the creek in a way that he hoped wouldn't happen if it was developed today. He felt there was very little room along the creek for addressing measures of dealing with erosion. He felt any project near the creek needed close scrutiny. He would prefer the 100-foot setback rather than the proposed setback, but he acknowledged that he was not an expert on the degree of erosion that might take place. He felt they needed to look at the valley and how densely it was developed close to the creek and what it did to the problems of erosion and damage along the entire creek.

Jerry Davis, 1119 Manzanita, stated that he was a geomorphologist working at San Francisco State University as a GIS specialist. He has studied the creek for more than ten years, surveying it from the mouth to the park, and he has major issues with aspects of the EIR, in particular the Geotechnical Report where the only mention of the creek was on page 12 which identifies that the creek was a site where runoff could flow into with nothing about the stability of the bank along the creek, and only looked at the flat site at the top of the terrace which was a very different situation. He stated that the issue at the top of the terrace was not the problem, but it was the creek bank erosion which would progress through a series of landslides such as at the Capistrano site. He stated that he taught GIS and knows a lot about analyzing aerial photography and the ability to see a potential for landslide. He mentioned a picture of a landslide scar at the southwest corner of the proposed development, and felt it was indicative of what would happen in the future. He stated that they have done a longitudinal profile of the north fork ten years ago and this year, and there has been more than three feet of vertical erosion at the site. He stated that the only place with positive deposition was immediately at the mentioned land scar indicating that it was material that dropped into the creek and was the reason why it was higher. He stated that bioswales were required by regulations in order to deal with the problem on site but would not improve the situation, adding that surface erosion at that site was not the issue, but rather erosion and landslide potential at the creek. He felt it was completely ignored in the project and didn't change from the DEIR to the present despite his comments on the DEIR at that time.

Roger Mascio, 1643 Toledo Ct., stated that he was for assisted living facilities, but not at this environmentally sensitive location. He felt the property was too small for the project. He stated that FEIR was a bunch of fluff which did not address all the concerns of the DEIR. He stated that he has watched Steelhead spawn between his property and the project property for the last 23 years, adding that this was the only Steelhead creek between the Golden Gate Bridge and Pescadero Creek. He did not feel it was right to let this project go forward and damage the habitat. He felt this was a valuable resource and that we should be proud of it, enjoy it and protect it. He mentioned that he had lost a large section of bank a few years ago and stated that once it washes away it was very hard to replace, adding that the erosion cuts off the fish and marine life oxygen, destroying the spawning beds for that season. He stated that the property has always been agricultural, with the farmers leasing it to a nursery and then mentioned that they used to grade the field flat and push the excess dirt over the bank, and the dirt was never compacted and was still unstable. He then asked whether the measurements were being taken from the soft temporary banks or some other location. He stated that erosion was a major problem, with the worst erosion on the creek at the north side of the project. He stated that the bank was eroding quickly and was unstoppable and he felt, because of the erosion, they should not approve the project. He mentioned that an analogy for this would be the sandy cliffs where the Esplanade Apartments are falling into the ocean, adding that he didn't see how anyone stood in the creek and didn't see the erosion. He hoped that they recommend the project be turned down and built in an environmentally safe place in Pacifica.

Gil Anda, 1227 Redwood Way, stated that he has heard the arguments by the opposition and read that the peer reviewed EIR found no significant impact and was satisfied with that. He stated that he was familiar with the site and felt it was not located in a pristine area. He stated that the surrounding neighborhood was probably doing more harm to the creek than this project ever will. Providing the project adheres to the recommended safeguards, he could see a lot of reasons for going forward with it, such as the need for assisted living, jobs it will create in construction and the operation of the building, and the revenue it will bring to the City. He felt the main thing was that the environmental safeguards are there and it would hopefully be built with union labor. He felt we needed to go forward with this.

Kerstin Connelly, 667 Brighton Road, stated that she was a concerned citizen with elderly parents, and she was very much in favor of the assisted living center on the proposed site. She stated that she had 151 signatures supporting the project as a worthwhile addition to the community, adding that they were familiar with the project, as well as the concerns raised by the opponents. She stated that there were many supporters of the project, and she asked those present who were in support of the assisted living center being built at the proposed site to raise their hands. She felt that it was clear that the project would enhance and restore this section of San Pedro Creek as evidenced by the EIR, which found no significant impacts and objections to the concerns raised. She believed that Fish and Game officials were doing their job within the law and she also trusted the experts. She pointed out that the previously used site was privately owned and zoned for use. She added that, while it has not been used for many years, it was not park land or an extension of anyone's back yard. She believed that the use of the land for serving and housing frail elderly served the greater good of our community.

Ken Winters, San Francisco, of WDM, felt it imperative to say that WDM speaks of the project and the vision and hopefully the effort they put forth to present a well thought out, thorough and diligent project which was considerate of the sensitivities of the environment, the community and the projected market. He stated that WDM was a collection of private investors in San Francisco and Pacifica, mentioning their sensitivities for best practices, best of class, and sensitivity to community and utilizing all that was around us as part of the thought process and exercise to put forth the best that they can. He referred to Javier Chavarria's presentation, and stated that they put forth a quality team and they have invested a considerable amount of capital to determine that they can deliver what they propose. The team recognizes the dearth of the project on a national basis, and the fact that it does not exist in Pacifica. He referred to the 300-independent living units across the street, while they were proposing 96 units. They have made contact with all the various aspects that would bring value to the development. He then stated that they have a proposal on the table and were at the Commission's discretion for approval, and were requesting that approval so that they can move forward with phase 2 to secure the aspects of labor, etc., that will deliver the project as they proposed which included all the points to improve the project. He stated that he also had 30 signatures from the Chamber of Commerce, and reiterated that they were seeking their approval and were at their discretion.

Ian Butler, Pacifica, stated that there were mostly people strongly on one or the other side of the issue, but he was probably someone who was in the middle. He was torn because he felt it could provide a very positive benefit for the community, but he was also concerned about San Pedro Creek and the Steelhead. He felt it was hard to over emphasize how perilous it was for the Steelhead because they were barely hanging on. He felt that even the tiniest problem for them could be the straw that breaks the camel's back. He would look beyond just minimizing the negative impact and see if it were possible to contribute in some way to help the creek. He

mentioned that there was a wish list by those who love the creek, mentioning that there were five tributaries of the creek, but only one was a spawning ground because of various problems. He stated that at one of the tributaries there was a gap which prevented the fish from getting through. He stated that, if they could get through, they could spawn and all that is needed is a proper fish ladder to double the amount of spawning ground available for the fish. He suggested the possibility of securing funding or including it as a mitigation to the project, and that would do more good than any negative effect. He also thought any serious environmentalist would have to be on board then. He acknowledged that Rick Zipkin's life would change dramatically and he felt for him, adding that he hoped something could be done to compensate for his situation. He would also love to see local construction workers involved. He felt there were ways to make the project work for the environment, as well as for the community and he hoped they could think outside the box and add to the proposal to help the salmon be there forever.

James Pickerrell, 875 Rockaway Beach, stated that he was a sophomore student at the California State University of Monterey Bay. He stated that, when his grandmother entered assisted living in San Francisco, he was humbled by the amount of care she received. He then pointed out the advantages to families who might have their grandparents living in this location and be able to be involved in various activities. He felt it was in the best interest of the community to recognize the committed hard work by not only the individuals involved but the various professionals who have studied the site and were in support of the project to not only increase the economy in Pacifica, but to preserve the wildlife and contribute to the greater good.

Brian Gaffney, 40 Alviso Ct., was present to comment about the environmental impact report, specifically the hydrology section. He referred to the City being bound by a Municipal Regional Permit under the Clean Water Act, which prohibits the City from releasing storm water discharges causing any increase in erosion potential of the receiving stream over existing conditions. He was concerned about the City's liability in approving the project because, as he read the EIR, he didn't see any discussion of the feasibility of mitigations Hydro-1 or Hydro-2. Hydro 2 was the storm water section, and the EIR proposes bioswales and storm water harvesting but didn't discuss whether the mitigations were feasible. He felt that, although they sound good, they were not being properly informed about whether they can actually work and avoid the Clean Water Act prohibition. He stated that Hydro-1, the construction phase, failed to analyze its own stated threshold of significance as to whether the project substantially increases the rate or amount of surface runoff in a manner that would result in flooding on or off site. He stated that the EIR also fails the discussion of impacts from Hydro-3, referring to one section that claimed the project would not significantly alter the drainage patterns but that conclusion conflicts with the admission on page E17 of the same document, reading that specific section. He then mentioned concern about the Cumulative Impact Analysis because it claimed that there were no cumulative hydrology impacts, not listing other projects, and assuming that all projects complied with the conditions without any evidence to support that assumption. He felt for this reason that, as the EIR currently stands, it deserved further consideration and he asked that they not certify the EIR at this meeting.

Chair Campbell closed the Public Hearing and called a ten-minute recess then resumed the meeting.

Javier Chavarria responded to the comments regarding the drainage system, explaining that the bioswale was a filter and was designed so that any excess water would be collected by a pipe, taken to a filtration system and then a storage system which was designed for a 25-year storm.

He explained that the decision for 25 years was because, at that point, the system was designed to disperse the water into the city storm drainage system, but not to the creek. He stated that there was a complete storage section which will be collecting water from the storm drain, down spouts and catch basins set up under the pavers. He then explained that the pavers were used to reduce the heat island effect and promote space between the area as opposed to a big black paved area, adding that, because of the fire department requirements, it has to have a structural base which will be compacted, adequate drainage and prevent further water infiltration that could be detrimental to the structural integrity of the project. He then addressed erosion, stating that with or without the building, there will be erosion, and there were measurements to take to protect the creek and protect the building. He added that the experts would be happy to elaborate on that idea.

Commissioner Clifford referred to his statement that they would have a storage capacity for a 25-year storm, and asked how big the unit will be in gallons.

Mr. Chavarria stated that there was a series of systems that provides the operation, such as planters in different areas. He stated that he didn't have the information readily available, but he thought it was in excess of 2,500 gallons, adding that there was a series such as filtration, primary storage, secondary storage and then the outlet. He stated that it was designed according to the Bay Area Hydrology Model.

Chair Campbell understood that the slopes would perhaps erode, and asked if there was any armoring of the banks or stabilization measures contemplated.

Mr. Chavarria stated that they were contemplated, but they were not designed yet. He stated that they have had discussions with their geotechnical consultant as to how they can implement biotechnical erosion control methods, mentioning some specific ideas planned. He also mentioned the unlikelihood of erosion reaching the buildings, and measures that could be implemented should that appear to be happening.

Chair Campbell didn't know how they would work those ideas into a condition, but was looking for assurance that a need to stabilize the creek would not take the form of rip-rap or something that wasn't environmentally sound.

Mr. Chavarria agreed, but stated that, in talking with the experts, they have assured him that there are methods to do an environmentally sound creek stabilization.

Chair Campbell asked if there was a precedent for that.

Planning Director White wasn't sure if there was a precedent in Pacifica or if he was referring to a condition associated with the final EIR or a condition associated with the project. He thought it sounded like a project design issue, adding that it was not an impact of the project on the environment but the other way around and he thought that would be an appropriate discussion when deliberating on the project.

Commissioner Evans referred to a speaker mentioning Option B as a plan for 78 units. He thought he knew the answer but asked if there was an Option B plan.

Mr. Chavarria stated that they were looking at Plans B, C and D. He explained that they had started with a more ambitious project. In the original conceptualization of the design, it wasn't looking at how green it was going to be as in how much money it was going to produce but what it takes to make a project of this nature function correctly and feasible financially, as well as the operational standpoint. He mentioned that they contacted a lot of experts in that field and learned that it required a certain number of units to be ideal and grouped to make it efficient for the number of employees. They started at 120-130 units, came back at 110 and were now at 96 and felt it didn't make any sense to go down further.

Commissioner Clifford asked staff whether they could condition off site mitigations.

Planning Director White stated that it was important to use the correct terminology, explaining that he was talking about mitigation, not a condition, and mitigations are typically related to impacts. He would have to identify the impact they were mitigating and provide justification for offsite mitigations. He thought that there were a number of layers to get through first and he didn't think they were at that point.

Commissioner Clifford asked if the applicant could voluntarily say they would enhance the creek if they wanted to work out such a deal.

Planning Director White reiterated that it would not be mitigation.

Commissioner Clifford understood that, and asked if they would enhance the creek in a certain area.

Planning Director White stated that they could volunteer to do that.

Commissioner Clifford asked if they were constrained at all in setting up something like that from the Planning Commission's standpoint.

Planning Director White stated that it went back to the process they were observing because there was both an environmental and a project deliberation part, and in the environmental part, they were clear on the impacts identified and what mitigation measures were being proposed. He stated that was where they were now and he recommended limiting it to that. He stated that, if there were other considerations as part of the project deliberation with back and forth between them and the applicant, it was a separate conversation.

Commissioner Leon asked if the geotechnical expert was present.

Mr. Chavarria responded affirmatively.

Commissioner Leon asked Mr. Masso if he performed the Geotechnical Report in the Draft Environmental Impact Report.

Al Masso, geotechnical engineer, stated that the scope of the Geotechnical Report overlaps with the environmental report and some of the questions addressed at this meeting were not directly addressed in the report because of the scope of work.

Commissioner Leon asked again if he wrote the Geotechnical Report for Summit Engineering that was in the Draft Environmental Impact Report.

Mr. Masso responded affirmatively.

Commissioner Leon stated that there was a section on pavement in the report, specifically calling out how the construction for the pavement should be performed.

Mr. Masso stated that it was not an exclusion but an example of pavements that are used, such as something as rigid as concrete slabs and sometimes flexible, and he had suggested that they could use either one.

Commissioner Leon stated that one of the project features was the use of permeable pavers in the pavement area, and he thought one of Mr. Masso's concerns was with the ground being burdened with more water, adding that he went to great lengths to make sure that water was always being directed off site or handled in some way.

Mr. Masso stated that the key from an engineering point of view was the water. There was a potential for liquefaction which was addressed in the recommendations.

Commissioner Leon stated that he didn't see any discussion of use of pavers.

Mr. Masso stated that it was acceptable as a solution. He was informed it would be an option, and he didn't have a problem with it.

Commissioner Leon was attempting to confirm that it was regularly discussed by the applicant since there was no mention of it. He stated that, during the testimony, there was no analysis of the integrity of the creek banks, and he asked if that was something he would normally perform.

Mr. Masso stated that, when requested, yes, but in this case, from an engineering point of view, the setback was sufficient, so even if there is erosion on the creek bank, it would not impact the project. However, he referred to the testimony of an eye witness who saw the site being graded and dirt being pushed in an uncontrolled manner over the creek bank, and stated that it facilitated the erosion of that portion of the soil. He felt that the erosion would stop when the loose dirt was gone but, if there was a concern about the possibility of the erosion of the toe, erosion from the top could produce instability of the slope. He stated that, on this type of creek, the velocity of erosion was 10-11 feet per second but he didn't think that velocity would be attained in the configuration of this type of topography. It usually happened on hillside creeks when the slopes were very steep and the creek takes off quickly. He stated that, if the toe erosion was a concern, there were biological ways to remedy it and avoid the impact, giving examples of ways to stabilize the slopes.

Commissioner Leon asked, based on the life of the project of 75 or 100 years and changing conditions due to hydrology and weather, whether it would be normal professional practice to know the condition of the soil bank on the property and what would benefit any project on site.

Mr. Masso stated that, from a geotechnical point of view, the safety of the project would not be impacted by any erosion, unless something catastrophic happened over a long time because of the setback. He stated that, from an aesthetic view or environmental consideration, it could be

improved by using jute netting or ground cover or even biological methods using bundles of native plants that will sprout and create vegetation protection. He stated that the willows there were ideal plants.

Commissioner Leon was attempting to determine whether there was value in knowing the conditions on the bank, and he concluded from his answer that there was value in knowing the soil conditions of the bank. He referred to his report discouraging irrigation and hand watering of plants in landscaping, and he concluded that it was to minimize the amount of water going into the ground because of liquefaction. In addition, they were using native plants and, once established, they would not need to be watered. He was all for the benefits of using and recycling water, and concluded that the benefits for landscaping were not substantial because of the limited role for water with native plants. He was attempting to cover his mindset in the report as far as minimizing the amount of water being put on top of the ground, such as using compacted soil around retaining walls and not wanting anything to disturb that.

Mr. Masso stated that the recommendation of sparse watering was meant to protect the areas near the buildings, however, from an environmental point of view, uniform and widespread infiltration was good for the general situation because it favors the growth of plants which benefit wildlife, and bioswales were a very good solution.

Chair Campbell reminded the Commission that they were going to discuss certifying the environmental impact report first, and suggested that they move on to that area of Commission deliberations and take a vote on whether to certify the EIR or not, then move on to the other two points on which to vote, approval of the various permits and then recommending approval to the City Council of the General Plan Amendment. He again asked that any questions be directed to the adequacy of the EIR at this point.

Commissioner Leon made notes on all the comments from the public, and he heard strong statements regarding the Clean Water Act and the adequacy of the mitigations on the hydrology issue, as well as deficiencies, and the explanation of how the mitigations were going to work. He got the idea that there were some gaps in respect to the mitigations on the hydrology issue.

Mr. Reilly referred to one statement that the EIR recommends mitigation measures related to bioswales and other project features, and he stated that they were project features. In one instance regarding bioswales, it was asked if the EIR addressed the feasibility of these. He stated that, while there may not be a detailed discussion of bioswale feasibility in the hydrology section, they were proven to be effective in controlling runoff and, in this case, keeping it out of the creek. He thought there were suggestions that there were conflicts in the hydrology analysis but they stand by the mitigation measures in the hydrology section as being adequate and complying with State Law and, with their adequate implementation, they would ensure that water quality impacts would be less than significant.

Commissioner Leon asked if there would be value in hearing that portion again, if the commenter was still present, since it didn't sound as though they got it all.

Mr. Reilly stated that he might be curious about the alleged deficiencies of the mitigations, adding that he would be happy to address some of the conflicts. One comment suggested that the EIR said the impact will occur and in the other instance that it won't. He felt that was twisting the context of the discussion, clarifying that it said it "could" happen if you don't do the

following, giving an example contained in the report. He felt, if one read it thoroughly, you would get a better picture of the analysis as opposed to highlighting just one or two sentences.

Commissioner Leon thought it appeared from the comments that there was a potential basis for an appeal of some sort on the point raised and he wanted to be sure there was a responsible answer on what they were being asked to approve.

Mr. Reilly admitted that he was not clear on what the commenter's suggested deficiencies of the mitigation measures were, adding that they were prepared by certified water quality specialists and were subject to the National Pollution and Elimination Discharge System Requirements as well as Pacifica's and San Mateo County's requirements.

Commissioner Leon referred to no geological information being present on creek bank and stream bank, and asked if he considered that to be a potential concern.

Mr. Reilly stated, for clarification, that there was good information added as a part of the Final Environmental Impact Report in that regard. He felt it was valuable but, whether it was technically incorporated in Chapter 3, Corrections and Additions, it was in the Final Environmental Impact Report. He stated that the Geology and Soils analysis of the draft EIR relied in part on that Geotechnical Report. It was correct that it didn't get into the level of detail that one might hope for, but they took the comments very seriously. He stated that they were not suggesting that they didn't see any landslides as suggested by a commenter. He stated that they did acknowledge the erosion but it was more a life span aspect that this project will be subject to significant erosion over the life of the project but they haven't seen that yet. He stated that you can add mitigation at this stage if there is an impact, but there needs to be a nexus between the impact and mitigation. He thought it might help if mitigation measure, GEO-1, was strengthened to require further recommendations on the slope's stability to be consistent with the permit applications of several regulatory agencies, such as Fish and Game, etc., possibly including the existing revetments at the site now, although he didn't think they were done with a permit from those agencies.

Commissioner Leon asked if he was suggesting adding additional mitigation or strengthening mitigation.

Mr. Reilly stated that the applicant has proposed, as a part of the project, that they would consider that. He would like to see it in a condition of approval or mitigation that it be the backup plan. He stated that there has been a demonstrated need to support the slope and he would like to see a backup plan consistent with the recommendations of the commenters and the agencies and the need to get a permit, but not to add fill that affects the slope without obtaining a permit, which is the job of the agencies, such as Fish and Game, to ensure that it is done adequately to eliminate long term impacts.

Chair Campbell asked that they save that discussion about adding a condition to GEO-1 for when they are talking about the project. He appreciated the fact that various permits were needed before they do things of that nature.

Planning Director White suggested that they could probably do both things. He stated that Mr. Reilly was suggesting that they strengthen the existing mitigation measure to something consistent with the biological sensitivity of the creek but, in addition to that, when they get to

deliberations on the project, they can discuss what design features might be appropriate. They were related but two different things that can work in concert.

Commissioner Leon stated that the project engineer made some suggestions as far as additional engineering suggestions dealing with bank stability and he asked if he made note of those or saw value in those, or the idea of knowing the geologic condition of the bank going forward.

Mr. Reilly stated that he did note a couple of them, adding that it would be prudent to include the DEIR geologist as well. He stated that, technically, he was representing the applicant, and they have a third party review of all recommendations by applicant consultants and he would appreciate having their consultants weigh in on that. He stated that there are measures that could be worded differently that could address the problems raised by Professor Davis.

Commissioner Leon mentioned that five test borings had been done with information that was beneficial and instructive, and asked if that type of analysis of the bank would help in the construction of the bioswales or the type of materials necessary to promote efficient hydrology of the project.

Mr. Reilly responded affirmatively.

Commissioner Leon felt that was good information to have.

Commissioner Gordon felt this was a good exchange, and to follow up on some items during the exchange on issues regarding the FEIR. He mentioned that he heard them talking about additional mitigation measures to address bank stability and strengthening GEO-1, and asked for more clarification.

Mr. Reilly stated that there were appropriate comments provided at the draft EIR stage, and not at the Notice of Preparation which didn't excuse the EIR's responsibility, but there was more detail at the draft EIR stage and the documents related to the comments were made available after the draft was prepared. They looked into those and recognized the need to have a plan to address the erosion if and when it occurred. He felt it was prudent to have a program in place for this project to address that, either as project design under CEQA or a mitigation measure. He saw GEO-1 as a convenient location to add that measure to further address the issue.

Commissioner Gordon asked if he was talking about a backup plan, if the erosion happens, or was it something more preemptive.

Mr. Reilly stated that he wasn't sure how well engineered the existing revetment was or if it had permits, and he thought it warrants addressing that first and have a long term plan for the operation of the project and for the life of the project, which could include a better understanding of the materials in the creek bed and provide more specific recommendations on how to improve or stabilize the bank or avoid further erosion, while acknowledging the habitat of the fish and other biological resources in the creek. He added that the Army Corp's approach to dealing with flood control by paving an entire creek bed was not the way to go.

Commissioner Gordon referred to his comment about considering more measures to address the concerns raised by Professor Davis.

Mr. Reilly stated that he was trying to address the comments raised by the professor.

Commissioner Clifford stated that he was in favor of strengthening this particular language.

Commissioner Leon stated that they touched on the idea of having a teleconference with Fish and Game or Fish and Wildlife Service to definitively get some input as far as confirming that the middle fork was suitable habitat for spawning and rearing of Steelhead. In addition, the setbacks should be reviewed starting with the entrance and going around the entire property with all the references that have been made in the document and alluding to the discussions on hydrology that affect the bank with what some of the proposed strengthening mitigations might be, so that they feel comfortable that they were doing the right thing in making a recommendation. He was in strong support of that kind of communication so that, when they come back, they know contact was made with confirmation of the items over which the numerous agencies have authority and jurisdiction. He stated that there were several other references that specifically speak to jurisdictional issues and setbacks.

Planning Director White had some concerns about the suggestion, stating that they did follow a proper and legal process. The responsible agencies were notified through that proper process and they had the opportunity to comment and did not comment. He understood that it was a bit puzzling to Commissioner Leon, which might pose a bit of a problem but, from a legal standpoint, they did what was required of them to do. His concern about the suggestion was that, knowing the agencies and having dealt with them in the past, this cannot be an informal process but would have to be a formal process where they would ask them to generate an actual response and, given the nature of those agencies, that would not be a short process. The effect would be to delay this proceeding until that was accomplished. He stated that, if the applicant was willing to do that voluntarily, it was their prerogative but he didn't think it should be done to imply that they didn't follow the proper procedure because they did follow that proper, legal procedure. He stated that Mr. Reilly could make his comments on how it would unfold, but he felt that it would be a fairly time-consuming process, particularly at this time of year.

Commissioner Leon stated that he was not trying to assign any deficiency in the process, which was clearly explained to him, and he knew the procedures were followed. He was merely trying to resolve what was the right thing to do, given the location and situation of the endangered species. He thought the intent was to have communication with the agencies through the notification process.

Planning Director White stated that they attempted to do that.

Commissioner Leon acknowledged that they did attempt to do that.

Planning Director White reiterated that his concern was what the result of doing that would be, which he thought would only delay the proceeding, because it sounded like he wouldn't be comfortable moving forward without the communication, stating again that the task before them was to determine the adequacy of the EIR, which has already gone through the legal process. He stated that, ultimately, it was a decision for the Commission, but he thought the applicant has a say in how this unfolds as well.

Commissioner Gordon asked if he could make a motion to certify the EIR with the condition that mitigation GEO-1 be strengthened in the way to which Mr. Reilly was describing.

Planning Director White responded affirmatively, adding that it was not a condition but part of the certification motion to strengthen that. He thought they would want to have Mr. Reilly think about what would be contained in that modification to have that cleared up in the record.

Commissioner Gordon stated that he was not an expert in this area, but he thought what he was saying sounded great.

Planning Director White stated that he would refer to Mr. Reilly on how they would want to do it, but he thought that was the way to do it. He stated that it would not be a condition, but a modifier to the mitigation.

Mr. Reilly confirmed that he was correct.

Commissioner Gordon asked if the actual modification would be discussed before they vote, after getting input.

Planning Director White stated that was how he saw it, but he would defer to Mr. Reilly on the details. He thought they would want to be as precise as possible as to how it was going to be changed.

Commissioner Evans understood what Commissioner Leon was trying to get to but he was having a problem with the idea that they are trying to push another agency into doing something that they had the opportunity to do and didn't. In doing that, it would drag this out a long time. While he liked the idea, he felt that everything was in front of them and it was saying that they have gone through all the steps, informed everyone, had a lot of feedback, and he didn't think they could go hunting for people who did not send feedback. He had a general problem with that.

Commissioner Leon referred to GEO-1, and asked if the strengthening would include more information about the makeup of the bank.

Mr. Reilly stated that, as a decision making body in this case, the Commission had the ability to add more mitigation measures to the EIR, and it would potentially aid in the understanding of such improvements. He suggested caution in deferring mitigation under CEQA. He stated that, in this case, the EIR didn't find significant impacts related to slope stability of the creek bank itself and GEO-1 covered a variety of geotechnical topics. The short answer was that you could include the additional investigations, borings, characterizations of the soil and content of the slope.

Chair Campbell asked if he considered reasonable modifications such as avoiding rip-rap as a slope stabilization method and making sure that drop structures are passable for the Steelhead.

Mr. Reilly wouldn't disagree with that being of benefit, but the recommendation was made by the geotechnical engineer and he saw them as two different issues. They were talking about slope stability vs. fish passage and migration. He thought it was a great measure and would be a good statement by the project applicant to recommend something like that to improve the habitat along this stretch of the creek, but it was not necessarily related to the slope erosion.

Chair Campbell admitted that he might be mis-stating it, but on a lot of Army Corp of Engineers permits, when they were tackling erosions, they addressed it with drop structures, cement nails and rip-rap.

Mr. Reilly stated that he was leaning toward the fish ladders.

Chair Campbell stated that his thought was to avoid 5-foot high drop structures that were cement with nothing able to get up through that.

Commissioner Gordon stated that the only open issue was whether they have enough understanding of what they were talking about in strengthening the GEO-1, otherwise he was good to go.

Planning Director White stated that he would defer to Mr. Reilly, but he may want to reiterate for the sake of the deliberation as to what sort of strengthening things he had in mind for this particular mitigation measure and that might answer that question.

Mr. Reilly stated that he heard a couple of recommendations, such as certain armoring that would not be appropriate, and his first stab would be to require, in addition to the current wording, that the final geotechnical report include final recommendations regarding slope stability, mechanisms for portions of the creek banks that are consistent with relevant agency requirements such as Fish and Game, Regional Water Quality Control Board, recognizing the competing factors of the Army Corp. He hoped that Fish and Game would cover the integrity of the biological resources when it comes to this but they could go on to say that such improvements shall not include things like rip-rap and drop structures. He stated that it was really important to consider the documentation that has been prepared by the Creek Coalition because they have done extensive studies of the impacts and what was appropriate to be done in the creek. To finish that, it would be consistent with the recommendations from studies such as Steelhead Habitat Assessment of the San Pedro Creek Watershed. He stated that he had to double check to see which one of the studies prepared covered these recommendations. He mentioned sedimentation and erosion studies done and referenced by Professor Davis vs. other reports cited by Mr. Larson. He added that they were all available on the website for the San Pedro Creek Watershed Coalition. He stated, if at all possible, they could run this by their consultants as to which would strengthen them, but if they needed to nail it down at this meeting, they needed some of the backstops stating to the satisfaction of these agencies and coalitions.

Commissioner Gordon thought it sounded good. He reiterated that he was not an expert. He then mentioned the applicant's geotechnical expert referring to methods of attenuating the velocity of the creek, and asked if that was appropriate.

Mr. Reilly stated that he would be careful with that. While it can be, he thought often the impact gets shifted to another location, bouncing off one wall and hitting another. He thought there could be some scouring effects by trying to reduce the flow. He was open to suggestions as long as they didn't exacerbate the problems being cited by the commenters. He also thought part of the issue was discussing the velocity of the runoff from the site itself but that wasn't intended to go to the creek.

Chair Campbell stated that he was mindful of playing junior hydro-geologist, and that was why he was trying to limit it to two things that he knew were discrete enough that he thought could be

memorialized without getting into things like flow velocities and maintaining the same level of sediment removal as pre and post project conditions, because he felt hydrologists and hydro-geologists should be determining that.

Mr. Reilly stated that he failed to include the City, adding that it all should be subject to review and approval by Pacifica's Public Works or community development department. Chair Campbell stated that, with regard to the adequacy of the EIR, he thought it would have to do with reaching an agreement on the GEO-1. He stated that, when dealing with EIRs, they were dealing with whether agencies who have taken a hard look at the environmental impacts and whether there has been enough mitigation proposed to bring any significant impacts back down to non-significant. He stated that he was seeing buffers in the document that were defensible, even though they could possibly be bigger, and they were buffers that they see in the environmental field with some regularity. He stated that the big one for him was making sure that things were pulled off the creek enough and that they weren't getting storm water discharges into the creek.

Commissioner Leon stated that there was some discussion from the consultant regarding the desirability of a long term plan, and he wanted to know what they were looking at.

Mr. Reilly stated that the applicant may consider this too, and they can talk to them about it and give them the opportunity to comment on whether they would consider it.

Commissioner Leon stated that he had made a comment about the length of the project and that there should be a long term plan that was consistent with the life of the project.

Mr. Reilly agreed, stating that, while the erosion was occurring, the rate of erosion has not been nailed down. He felt that the aerial photos were relevant. He stated that they weren't seeing a 50-foot scour on the site in the last 50 years, and he thought that was the suggestion that the site would result in that. Because of the proximity of the creek, he felt it was prudent to have a long term program in place to address this.

Commissioner Leon asked where the appropriate place was for that, suggesting possibly within the mitigations regarding geology and soils.

Mr. Reilly thought that was a reasonable start if the applicant was willing to commit to project design features, but for him it comes down to a level of impacts after the design or the mitigation and he has to consider both. It doesn't matter to him if it was a bioswale proposed by the project or rain harvesting or mitigation, as long as it is in the package. He thought it would give the applicant credit if they were willing to do that. He stated it was not part of the mitigation monitoring program but, as a requirement, he thought maybe it should be a long term measure that was subject to mitigation monitoring to avoid falling through the cracks.

Commissioner Leon asked who would put it in and how would it be phrased.

Mr. Reilly stated that the mitigation monitoring program was included in Chapter 4 of the Final EIR and the applicant was required to fund the implementation, monitoring and enforcement of the mitigation. If there was city staff available, they can hire city staff or hire independent consultants or do it themselves subject to review and approval by city staff who were also compensated for that review. He concluded that they were required to fund the entire process.

Commissioner Leon remembered reading that. He asked if he was hearing that it was already there or did they need to have more specific direction on that point.

Mr. Reilly stated that they were almost there, adding that they came up with a closely crafted addition to the mitigation measure, GEO-1, and it seemed like a reasonable vehicle. He felt it was fair to give the applicant some opportunity to comment as he has not heard their plan. He stated that, to have a plan, it may help the discussion.

Commissioner Leon assumed that he should be asking them.

Mr. Reilly stated that, if it was not part of the project that they felt was needed, they should recommend it. He discussed this briefly with them earlier in the day, and they have some ideas, even if it is not in the design stage but they have some conceptual ideas.

Commissioner Leon stated that he was still trying to get an understanding of the process. He asked if the plan was made a condition or part of the mitigation.

Planning Director White reiterated that he thought they could do both things, one would strengthen the other. He thought the GEO-1 amendment mentioned earlier gets them most of the way there, and the missing piece was what it looks like, what it was designed to be, what the plan is, and he thought it was logically associated with the project itself, once they deliberate on that. Together, they achieve what they want to achieve, with the mitigation so it can be monitored, and the condition of approval attached to the project to make sure they aren't issued any permits to build something until it was done.

Commissioner Leon asked if there were enough references to their discussions to accomplish this long term plan in the mitigation.

Mr. Reilly stated that the last part about subject to review, approval and satisfaction of the city makes him comfortable that it will be addressed. Without that, he would get worried.

Commissioner Leon asked the Director if he was comfortable with that.

Planning Director White stated that they had enough but, if the Commission did not, they would like to hear it.

Commissioner Evans stated that he already heard what the Director's opinion was, and he was in favor of approving it with the condition of the GEO-1 additions, however they want it stated.

Commissioner Gordon moved that the Planning Commission CERTIFY the Environmental Impact Report, Adopting the Mitigation Monitoring Program and Adopting the CEQA Findings, subject to the strengthening of mitigation measure, GEO-1 as discussed between the consultant, the Director and the Commission; Commissioner Evans seconded the motion.

The motion carried **5-0**.

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

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

Chair Campbell stated that at this point they were going to discuss approving the Site Development Permit, the Use Permit and the Sign Permit for the proposed project, limiting the discussion to those aspects.

Planning Director White asked if the environmental consultant could take his leave.

Chair Campbell asked if they would need Mr. Reilly when they talk about the adequacy of the design features, such as no rip-rap.

Planning Director White didn't know because it would depend on how detailed the discussions get.

Mr. Reilly stated that he was happy to stay.

Commissioner Clifford asked the applicant about the bathroom doors, based on work he has done for other people, as well as his own personal experience with a medical emergency. He was behind a bathroom door and he would still be behind the door if he hadn't regained consciousness enough to crawl away. He noted that over 60% of the bathroom doors in the plan swung in and blocked the tubs. He didn't want that happening, but stated that all of the bathroom doors, as planned, swing in. He had suggested that they either swing out which presented a mobility problem in the hallways or become pocket doors because then the doors are no longer an issue anywhere because they slide into the wall. He was wondering if the applicant would consider doing that.

Mr. Chavarria stated that he would, commenting that in his email response to Commissioner Clifford, he had quickly responded that they can change the swing. He stated that they were completely agreeable to addressing the situation. He stated that they have done a lot of research and discovered many clever solutions for the problem. He stated that an assisted living facility in San Francisco turned on the light for them. He explained that there was a design of doors that could open inside but, if the door becomes blocked, they have a mechanism that someone can pull and the door then either swings the other way or dismounts. He assured them that they will make provisions in the project to address that concern by putting pocket doors in or by installing these special doors with the mechanism to avoid interrupted access.

Commissioner Clifford then referred to standardized tubs and/or showers with curbs. He stated that people in assisted living may have mobility problems and they are often doing it with carts in front of them, and getting into a tub was very difficult for them. He stated that he has been designing many bathrooms where he has been taking the tub out and putting in a curbless shower with a fold down bench so the person has the ability to stand or sit and shower. He understood what he said in the email response that some people want the tub in the room, and he asked if these were the kinds of tubs that you see on TV, with a door to go in and latch down for easy access or will they be the standard 5-foot tub 18 inches off the floor so someone has to climb over that to get in.

Mr. Chavarria stated that they had not yet made any provisions to use the operable tubs, but part of their research indicates how the units operate. He stated that assisted living offered many

services for people with different needs and different abilities. He stated that there were an amazing number of people who prefer to have tubs. That is where assisted living comes in, because they won't be getting into tubs by themselves, but rather assisted. He stated that, as the project is being planned now, there would be a certain number of rooms with tubs and a certain number with walk-in showers because of the demand.

Commissioner Clifford then asked about the third story and not allowing non-ambulatory residents to be on that level. He mentioned that the applicant stated in the email response that all will be ambulatory, but he stated that was what they were like as they first entered the facility, but it didn't mean they would be ambulatory their entire stay. His concern was about safety in getting people down from that third floor who cannot get down the stairs themselves and he was assuming that the alarm system shuts elevators down. He understood that most systems didn't want people in the elevator during a fire and had the alarm system tied into shutting the elevators down.

Mr. Chavarria stated that they had some provision on the code for some of the buildings with specific 1, 2, or 4 hour fire separation. Their safety calls for elevator areas such as facilities of this nature that have these types of fire requirements so elevators are not shut immediately after a fire goes off. He stated that the design of an assisted living center revolved about different options for different people and the third floor units will most likely be made available for people who are more mobile. For those needing more assistance, it made more sense to have them at a lower level. He stated that they have talked with different operators about how they function and they tend to have people needing specific attention in the most accessible and easiest to reach area. He stated that the building would comply with the requirements of the California Building Code, which was very specific when it came to rating access ability and rescue procedures for all the levels.

Commissioner Leon acknowledged the additions and corrections section of the EIR, which was a big help. He read all the Appendices and studies and found them very informative and thorough in a lot of ways. He appreciated pursuing the Silver LEAD for the project, mentioning that LEAD gave credit for various elements of water harvesting and permeable surfaces. He had concerns about the gray water because of the geological makeup of the site. Regarding the graywater, he took exception to the language in the EIR and reports where it said graywater would be diverted. He wanted to be specific, when the time came, that graywater, in the sense that any water used for washing clothes or coming from tubs and sinks was not getting into the ground water but was going out to the sanitary sewers, especially since little was known about the long term effects of graywater. He didn't know the size of tanks for rainwater capture and permeable surfaces but assumed it would be in tens of thousands of gallons. He asked, since they were not using a lot of rain water for irrigation of native plants, whether they had plans to double plumb or use any of the rain water for plumbing such as the toilets.

Mr. Chavarria stated that they haven't considered that. He stated that, initially, all the plumbing for the building was designated as sewage and the graywater designation was only water from the roof and parking areas which may have pollutants, which was why they called it gray. He stated that they had not taken into consideration the possibility of using the filtered, harvested water in the plumbing of the building.

Commissioner Leon stated that, with some projects, the City has gone to great expense and effort to partner with the North Coast County Water District for reclaimed water coming out of the

Waste Water Treatment Plant to be used at the golf course. He stated that the project has a long term horizon and he thought there would be value in capturing that resource, already having the double plumbing in place to tap into it by running a line out. He thought long term planning made sense to consider on a voluntary basis. He stated that he didn't have to make a snap decision now but he thought there was value in that, especially given the size of the project. He stated that he had an issue with the so-called disturbance coordinator, and mentioned that there would be a sign placed in a conspicuous location in the front of the project site with the phone number. He thought that, for someone who lived across the street or somewhere else, it would not be a convenient place so he would like to see some consideration for an initial notification to people in the surrounding area of the project with information on how to contact the disturbance coordinator.

Mr. Chavarria asked if he was talking about during construction.

Commissioner Leon stated that it could be a mailing or combination of notification.

Mr. Chavarria assumed he was referring to a pre-construction notice.

Commissioner Leon thought it would go a long way to be proactive. He also would like to see a barrier mitigation at the driveway entrance where the road encroaches into the riparian area. He thought there might be something for the headlights at night until the shrubbery becomes dense enough where the light does not penetrate. He felt there would be a lot of light beams going in at night, and he would like to see some barrier mitigation at the driveway entrance at the encroached area. He referred to the historical archaeological person who communicated letters from the Native American and archeological monitors and he hoped they would be part of the project.

Mr. Chavarria responded that they would definitely be part of it.

Commissioner Leon stated that he had a hard time understanding how to determine the level of impacts from the project on the occupant immediately adjacent to the construction site. He stated that they have a single family residence next to the driveway going into the project site, and in communication with staff, it was a nonconforming legal residential use on a commercially zoned property and was inhabited by people currently. He was concerned because of all the driveway use and construction activity, knowing that the build was anticipated to be over a year, and he would be asking about all the impacts of the project on that residence. He stated that they had discussed the long term plans for the maintenance of the creek bank, and he would be looking for some input on the level of long term planning and what was entailed. He mentioned that he had his EIR and project notes mixed up and he probably would not cover all of that at this meeting.

Commissioner Evans stated needing definition on the driveway, and asked that the applicant describe that, including how it meets safety and city standards.

Mr. Chavarria stated that their initial layout was a simpler design that did not encroach into the riparian area and they were complying with the requirement of the California Fire Code which required a provision for turnaround of a vehicle, and the initial proposal had a driveway that went to the back in a hammerhead. That design met the requirements of the California Fire Code, but the Pacifica Fire Marshall and the police had some issues, stating that they didn't want to have a fire engine trapped in that section. That triggered a redesign of the building so that they could create a loop road. They also required an area at the entrance where a secondary engine or other

emergency vehicle could be parked. Now, they have a dual system, with fire hydrants, parking for emergency vehicles, where it can turn around and come back where it came in or go under the building and come through the front cul-de-sac. There was a lot of work in coordination with the Fire Department which triggered the last revision in June. They had to regroup the buildings to ensure that the areas were in compliance with the requirement from the Fire Department. He was very comfortable that the level of review by the Fire Department at this stage saved them a lot of headaches down the line. He was glad they did it now because they met all the requirements.

Commissioner Evans asked for reconfirmation that they met all the minimum requirements of width.

Mr. Chavarria responded affirmatively, adding that they had to present to the Fire Department an actual circulation plan indicating a radius turning. They fought it because they didn't want to have any encroachment into the riparian area, but the turning radius of the big engines required that they have that and there was no way around it.

Commissioner Evans asked him to describe the pump system and the backup for power.

Mr. Chavarria stated that the pumps were used for the recirculation of the water and they were now substantially more than they used to be and would be backed up with an emergency generator in case the power went off in an area not impacted by a possible flood. There would be a series of pumps and it was very unlikely that they would all fail at the same time, and very unlikely that the backup generator would not be ready if the power fails.

Commissioner Evans asked if he was referring to his plan to have backups for the different pump areas in the system.

Mr. Chavarria responded affirmatively.

Chair Campbell asked what type of gate he was envisioning at the entrance, stating that he was concerned about the proximity of the gate to the adjacent building. He wondered if it would be loud and swinging at all hours.

Mr. Chavarria stated that the gate was very light compared to what it was at the beginning, adding that they may have to eliminate the gate. They were proposing the gate for safety and to keep some type of control inside, but the Fire Department had some concerns in case of an emergency. They presented a design as shown in the drawing which was only three-feet tall which moves easily with a system of rollers, however, they haven't heard whether the Fire Department approves of that and he still has to follow up on that.

Chair Campbell asked if he would be opposed to removing the gate, adding that at three-feet high, it didn't appear to be much of a security factor.

Mr. Chavarria agreed that it probably would not be much of a security factor.

Commissioner Gordon stated that he was supporting the project. He liked the design, stating that the number of units had been scaled back, buffers were increased, lot coverage was only 20%, with a nice garden, and was well set back from the street which he liked. He was ready to make a motion but deferred until further comments from the Commission.

Commissioner Leon didn't think there was anyone who was not in favor of assisted living facilities in Pacifica. He felt the issue was the density on the site and the impacts, and the hydrology of the site indicated there was a water table in there and there was a lot of concern over liquefaction, putting too much water on the property, to affect and impact the existing conditions more. He felt the applicant had made a good effort with the pavers and permeable surfaces, but there was a very large footprint from the buildings that will be producing a lot of water and that has to be dealt with.

Mr. Chavarria asked if he could comment specifically as it pertains to the issues of the water, pavement and how it was controlled.

Commissioner Leon stated that he was not asking a question but was trying to make the point that he wasn't prepared to vote on this at this meeting until he understands the project impacts to the immediate resident. He stated that one of the things they were tasked with was to ensure that the project has no immediate affect to any neighboring resident, and he was not convinced that he understands all the impacts to the adjacent resident. Until he does, he didn't feel they could vote to approve the project.

Chair Campbell asked if he was talking about the resident on Oddstad.

Commissioner Leon stated that he was referring to the resident at 725 Oddstad. He didn't believe the project was evaluated as far as the impact of all the trucks driving adjacent to the house or the impacts from the excavation and grading. He stated that there was a condition to halt construction activities when the winds get to be 20 mph but there was no discussion whatsoever of what the normal construction activities will be on that adjacent resident. He was trying to get a better handle on that in order to meet the requirement of the Use Permit, which was very specific on what it required to understand. He didn't see how they could go forward until he understood it. He looked at the project site through the site coverage percentage of 22% which was the actual footprint of the construction.

Assistant Planner Farbstein thought the applicant said it was 20%.

Commissioner Leon stated that, similar to other projects, you look at the buildable part of the project, and this project had a lot of ground that was not buildable with riparian corridors. When looking at what was left, the two acres was not two acres anymore but a lot smaller and he was looking at building intensity on the buildable portion of the lot which was reflected in the dialogue from the geological engineer, and was another concern to him. He was not against the project, but he didn't feel comfortable with the information he had now to vote on it. He needed to understand better what the impacts were on the air quality and the noise to the adjacent parcel and whether there was any further mitigation that might be derived.

Chair Campbell asked staff what the zoning was on the adjacent building at 725 Oddstad.

Planning Director White stated that it was commercial at C1.

Chair Campbell asked if it was always C1.

Planning Director White was not sure about always, but it was for a very long time.

Chair Campbell asked the applicant about any privacy screening with vegetation and whether it was explored with the current property owner at 725 Oddstad.

Mr. Chavarria stated that it was not explored with the adjacent property owner. He added that, during construction, there were always mitigations for particular conditions of the site. Standard practice of construction on a project of this nature would most likely require a sound barrier, a temporary wall constructed on the section to isolate the resident from the building. It hasn't been designed, but there was a tremendous amount of guidelines that can and shall be followed to mitigate the concerns, which were valid. They were very easily mitigated, with guidelines on how to do it, adding that there were large commercial projects constructed near residential areas with successful mitigation.

Chair Campbell asked whether the gentleman who popped up was the landscape architect to whom he could speak.

Bob Pickerell stated that he had a conversation a few years ago with the gentleman who rents the house. He was interested in a job on site, which was offered to him. A year later, he asked if he would still have the job if he moved to Manor, and he was told probably not because they like to hire locally. He stated he then accused him of bribery.

Chair Campbell thought he was one of the consultants, adding that he cannot hear his comments because the public hearing was closed. He understood that there would be some sort of sound wall and privacy screening with some vegetation.

Mr. Chavarria stated that they haven't discussed the details of what was involved, and he wasn't sure if vegetation would be included, but some type of a barrier would definitely be involved. He stated that it was a lot easier to prevent with mitigation than having to go and fix something on the house. He stated that, as part of the design plan, they would be more than happy to incorporate sections and elements of that mitigation.

Chair Campbell called for a brief two-minute recess at the request of Channel 26 then resumed the meeting.

Commissioner Clifford referred to the sections of road going into the riparian area, and asked how they were going to be constructed, such as cantilever, cut and fill, etc.

Mr. Chavarria stated that it would be exactly the same as the rest of the road. He explained that the riparian area was a nominal line delineated by vegetation and grass, but it wasn't necessarily the same as the top of the embankment but goes beyond the top of the embankment, in some cases quite a bit. He stated that there was about a 30-foot distance between the creek and the end of the riparian belt and that encroachment was going to be on ground as solid as the remaining road.

Commissioner Clifford asked for confirmation that it was not at the top of the bank but back from the edge of the bank and will just be a standard grading for the road.

Mr. Chavarria responded affirmatively.

Commissioner Leon was interested in responses from the other Commissioners regarding consideration of one of the alternatives as a means of reducing the impervious surface by roof and decreasing the footprint of construction. He looked at Option B and thought it was a reasonable option to consider and he was pursuing that idea. He was interested in their comments, as far as reducing impacts to excavation, reducing the footprint, reducing the impervious surfaces. He stated that, in the encroachment, there was a comment that, with the current design, there was no way to minimize the encroachment, but he thought, if they implemented Option B, it would accomplish the parking and those facilities nearest the impacted area and enable them to move. He again stated that he was interested in their comments regarding consideration of Option B, which removes building 1, reduces the square footage by 13,183 sq. feet and reduces the units by 18 which was about 22% reduction in the footprint. He stated that Option C was much greater, reducing the square footage by over 20,000 sq. feet and reducing the units by 34 units and 36% reduction in sq. footage and 35% reduction in units, which he acknowledged was a big number. He stated that the reason Option B was most appropriate, even though it was not the environmentally superior alternative, was that it reduces the footprint and impervious surface. Option C reduces the third floor but doesn't reduce the footprint of the project. On this site, given the hydrology and the soil, one of the things they were trying to do was to minimize the impervious surface, and Option B does that. He stated that some of the benefits of Option B were lessening of air emissions because of less square feet and fewer units. It also lessens the noise because of less excavation and construction and improves water hydrology because of providing the square footage reduction in permeable surfaces. He stated that those benefits led him to consider Option B as a viable alternative.

Commissioner Evans stated that they have in front of them a particular plan, with a particular EIR that they just approved. He was not prepared to go backwards and go back and look at a different option that isn't even in front of him.

Planning Director White stated that the references were to the alternatives in the draft EIR, Alternatives B and C, to which Commissioner Leon was referring. He stated that they analyzed the project and found that all of the identified impacts could be mitigated, just as they did for the alternatives. In staff's view, the project as submitted and proposed was mitigable. Whether or not the Commissioners felt that the design of the project needed tweaking or modifying was their prerogative in dealing with the project but, from an environmental standpoint, the EIR they just certified essentially established mitigations to cover the project as proposed.

Commissioner Evans appreciated that, as well as his co-Commissioner's ideas and thoughts on trying to minimize the effect and impact on neighbors, but the EIR indicated that all mitigations can be fixed on that. He stated that, in looking at the area that was affected by the driveway, there was one small area that was 64 sq. feet and the other was 149 sq. feet which were the only two spots that the driveway affects and was barely into the buffered area. He didn't see a problem with that and he thinks the project is good. He didn't see any reason that was telling them to stop this.

Commissioner Clifford stated that he looked at all of the alternatives when he was looking at the information and, if they were to look at a different alternative, Alternate B would be the one he would go for rather than the original proposed project because you get the biggest bang for the alteration, losing only 18 units but reducing the footprint substantially. He wasn't saying that was what they should do, but was just pointing that out. By doing that, they would lessen the impact on the residence out front because of moving the project back by one whole building from the

residence in front. Again, he felt these were just things to consider but not necessarily deciding factors.

Chair Campbell asked if this was the moment for discussing GEO-1 and amending that or would it go with the General Plan amendment.

Planning Director White thought this would be the appropriate time. He stated that their role in the General Plan amendment was to recommend to Council, which was a yes or no proposition. Given the conversation about potential alternatives, he thought that was something they would want to flesh out before they went any further with conditions about the project because they need to know what project they were considering.

Chair Campbell stated that, from his perspective, he was comfortable with the proposed project as the environmentally beneficial project which has the least environmentally damaging practical alternatives, but he was willing to go along with the proposed alternative.

Commissioner Gordon asked which project he was in favor of.

Chair Campbell reiterated that he was in favor of the proposed project.

Commissioner Gordon stated that he was in favor of the project also. He agreed that, before they go further, they should take a mini vote on which one they were all in favor of.

Commissioner Evans asked what the procedure was regarding the vote for which project.

Planning Director White explained that the project in front of them was the proposed project. The only deviation from that would be if they wanted to suggest modifications.

Commissioner Evans stated that he would suggest modifications to the GEO-1.

Planning Director White stated that was a different subject.

Commissioner Evans stated that was all he was suggesting.

Chair Campbell thought they had a majority in favor of the proposed project and suggested moving on to GEO-1.

Planning Director White pointed out that there was some discussion on the construction impacts to the existing residence adjacent to the site. He also pointed out that, in the EIR they just certified, there was a fairly extensive section under mitigation Noise-1 that talks about a lot of different things related to the construction activity and how it will deal with sensitive receptors, with the main one being that residence. He thought, if they were going for more than that, staff would need to get specific information or some specific direction in addition to what they already certified in the EIR as to what they would need from them. It was extensive and was what they would expect for a project of this type.

Chair Campbell stated that the only thing he brought up was the swinging gate, and he didn't think it quite fit in that box. He added that it sounded like it was something the project applicant was amendable to losing.

Commissioner Clifford stated that he proposed getting rid of the gate because, at 3-feet high, you weren't keeping anyone in or out, and it sounds like the Fire Department will probably come back and say that they don't want it because they don't want any delays in accessing the site.

Mr. Chavarria stated that it was his impression also.

Commissioner Gordon stated that the gates are going and all they have to do is flesh out GEO-1 and then they can make a motion.

Chair Campbell asked Mr. Reilly if he had anything.

Mr. Reilly stated that he didn't have the name of the studies cited by the Coalition which included recommendations of what to do and not to do within the creek. He stated that they could allude to consulting with the entity as part of the creation of the considerations. He didn't want to overstep the City's boundaries on their authority, but he felt it was prudent because there was a lot of time and study that went into the considerations and were very relevant. He stated that, in trying to craft this now, it would be a supplement to the currently worded GEO-1 and it does refer to a site specific Geotechnical Report and certain conditions of that Report shall be followed, relating to liquefaction and soils. He thought he might get a chance to consult with his team before this was finalized and had notes on what else to look into such as the documents and permanent implications. He read the ending of the present GEO-1, and suggested adding that such recommendations shall also include appropriate measures for stabilizing existing and future erosion along the project site, creek, banks, subject to the review and approval of the City of Pacifica and in consultation with the San Pedro Creek Water Shed Coalition, if they were comfortable including such an entity.

Mr. Chavarria stated that they were not.

Planning Director White stated that they would really need to say what consultation is because it was a kind of gray area. He thought using the studies was fair game. He stated that he would add a timing mechanism because, with a condition of approval, they would want to know when it was going to be implemented, and he suggested that it would be prior to the issuance of any building permit that this would have to be completed.

Mr. Reilly stated that, to address Commissioner Leon's point that such recommendations also include characterization of the slope banks in order to provide appropriate recommendations, adding the example of excessive debris was deemed to be appropriate to remove. He referred to the permit aspects which were technically a separate step, and when they implement the mitigation in the project, they are going to have to deal with the Army Corp, Regional Water Quality Control Board and Fish and Game. He stated that the removal of non-native species and planting of native species may trigger a 1602 for Fish and Game, depending on how far down the banks are. They didn't have that level of detail of where the line is on the improvements. He was comfortable with the fact that any improvement within the creek will be subject to such permits and didn't need to be referenced in this mitigation measure. He stated that there was a phrase, biotechnical engineering, and Mr. Chavarria used a similar phrase, adding that was the type of improvements he was getting at when he referred to the Coalition. He stated that they haven't identified which shall not be included, such as rip-rap or drop structures. He didn't want to the fact that the City staff, in creating this, considers these recommendations that may or may not be in the measure verbatim to fall through the cracks. He stated that the recommendations provided

by the Coalition were very appropriate, and were probably less expensive than some of the armoring that the Corp might historically recommend.

Chair Campbell stated that all he wanted was no rip-rap. He wasn't sure anyone could rephrase that in a statement, but stated that such recommendation will also include appropriate measures for stabilizing existing and future erosion along the project site creek banks, subject to the review and approval of the City of Pacifica. Such appropriate measures shall not include rip-rap or drop structures that are impassable to Steelhead.

Planning Director White stated that this would have to be completed prior to the issuance of any building permit.

Chair Campbell reiterated that it would have to be completed prior to the issuance of any building permit.

Planning Director White thought it may be worthwhile, given the sensitivity to this issue and that the applicant will essentially draft and present this to staff, that they reserve the right to do a third party peer review if the City deems it necessary.

Chair Campbell agreed to that.

Planning Director White stated that it would be done at the applicant's expense, and he wasn't saying that staff would do it but that they would reserve that right which he felt should be in the condition to clarify that.

Chair Campbell stated that the reason he was bringing this up was the fact that what occurs in a lot of mitigation now is that the Army Corp does armor stream beds to stop erosion and things of that nature with rip-rap and with the approval of California Fish and Game under the stream bed alteration agreements and it happens with a lot of frequency. He was trying to avoid that. He appreciated everyone's patience, but he felt it was an important issue.

Mr. Reilly stated that they appreciate the same but what they take a caution to is that their intent is to restore or to improve the creek and not reconstruct the creek.

Chair Campbell stated that it would all be in the context of erosion control and bank stability, not in the context of restoration.

Commissioner Gordon moved that the Planning Commission APPROVE the Site Development Permit, PSD-779-09, Use Permit, UP-011-09, and Sign Permit, S-108-09, with the addition of the geotechnical erosion control aspect; Commissioner Evans seconded the motion.

Commissioner Leon commented that he wholeheartedly supported the conditions mentioned, but he would be voting against the project because he feels that, although the FEIR has made its conclusions and he voted to certify it, he felt they could lessen the impacts of the project and still have a viable project with Alternative B and, therefore, he supports what they talked about but, in conscience, he would be voting against it.

The motion carried **4-1**.

Ayes: Commissioners Clifford, Gordon, Evans and Chair
Campbell
Noes: Commissioner Leon

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

Commissioner Clifford moved that the Planning Commission RECOMMEND approval of the General Plan Amendment for the Assisted Living Center at 721 Oddstad Boulevard.

Chair Campbell stated that they were changing the designation from agricultural to commercial and this assisted living development was commercial development. He asked what would happen if they change the General Plan or recommend that Council do that and the project were to change in character from assisted living to apartment.

Planning Director White stated that it would be a different project. If there were a substantial change to the project, there were a couple of possibilities but the primary one was that it would have to come back and go through the process again. He didn't know if he were headed in this direction, but there were multiple approvals related to this project, some of them under the Commission's authority and one under the Council's authority. If the Council ultimately approves the General Plan Amendment, that Amendment will happen and the project, or a different modified project, would have to fit within the constraints of that designation.

Commissioner Gordon seconded the motion.

The motion carried **4-1**.

Ayes: Commissioners Clifford, Gordon, Evans and Chair
Campbell
Noes: Commissioner Leon

Chair Campbell declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

COMMISSION COMMUNICATIONS:

None.

STAFF COMMUNICATIONS:

Planning Director White stated that several meetings ago, they had a discussion about the Commission committing to a Brown Act training session, and they were all polled about availability for various dates in the future. They indicated that they were all available on November 30, so they will have the Brown Act training session in the Chambers on November 30, at 6:00 p.m., for 90 minutes to two hours. It will be a public meeting and will be an agendized meeting. The public will not be able to participate, but will be able to attend and observe.

ORAL COMMUNICATIONS:

Steve Durkin, 600 Oddstad, stated that he participated in this because of his concern for the environment and his lifestyle, but two members of the contractors or developers have threatened him twice, by a gentleman here and another gentleman confronted him at another hearing. He wasn't here to cause trouble but, if these were the tactics they were using when someone was only trying to be a citizen involved in this process, it seemed wrong. He was called a liar twice.

Chair Campbell stated that it was on the topic so, unfortunately, he will have to cut him off.

ADJOURNMENT:

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 11:45 p.m.; Commissioner Evans seconded the motion.

The motion carried **5-0**.

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

Respectfully submitted,

Barbara Medina
Public Meeting Stenographer

APPROVED:

Planning Director White