



**CITY OF PACIFICA  
CITY COUNCIL AGENDA**

**Council Chambers  
2212 Beach Blvd  
Pacifica, CA 94044**

Mayor Mike O'Neill  
Mayor Pro Tem John Keener  
Councilmember Sue Digre  
Councilmember Sue Vaterlaus  
Councilmember Deirdre Martin

**March 13, 2017 (MONDAY)  
[www.cityofpacifica.org](http://www.cityofpacifica.org)**

***Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.***

***PLEASE SILENCE CELL PHONES DURING MEETING***

**4:30 PM CLOSED SESSION.**

PURSUANT TO GOVERNMENT CODE SECTION 54956.9 Subdivisions (a) and (d) (1).  
Conference with City Attorney - Existing/Pending Litigation: Pacificans for a Scenic Coast v. California Department of Transportation, San Mateo County Transportation Authority, and City of Pacifica, San Mateo County Superior Court Case No. CIV 523973.

PURSUANT TO GOVERNMENT CODE SECTION 54957. Public Employee Appointment.  
Position Title: Interim City Manager.

**7:00 PM OPEN SESSION**

Call to Order

Roll Call

Salute to the Flag led by Councilmember Vaterlaus

Closed Session Report

**SPECIAL PRESENTATIONS**

**CONSENT CALENDAR**

**Persons wishing to address the Council on any Consent Calendar item may do so at this time. Each speaker will be allotted three minutes. Those wishing to address the Council on any item listed on the agenda should submit a speaker card to the City Clerk.**

**Items on the consent calendar will be adopted by one motion unless a Councilmember or person in the audience requests, before the vote on the motion, to have an item discussed. Time limit on comments is three minutes or less.**

1. Approval of Disbursements for 02/01/17 through 02/15/17  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 02/01/17 through 02/15/17.

2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular meeting held on February 27, 2017.
  
3. Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.  
**PROPOSED ACTION:** Accept current photos as of March 7, 2017 (Attachment 2) and move to continue proclamation confirming the existence of local emergency.
  
4. Authorization of Administrative Responsibility for Contracts with the San Mateo County Office of Education for Providing Subsidized Child Care Services for Fiscal Year 2016-2017.  
**PROPOSED ACTION:** Move to adopt a resolution approving authorization of administrative responsibility for contracts with the San Mateo County Office of Education for providing subsidized child care services for fiscal year 2016-2017.
  
5. Authorization of Administrative Responsibility for Contracts with the California State Department of Education for the Purpose of Providing Child Care and Child Development Services for Fiscal Year 2016-2017.  
**PROPOSED ACTION:** Move to adopt a resolution approving authorization of administrative responsibility for contracts with the California State Department of Education for the purpose of providing child care and child development services for fiscal year 2016-2017.
  
6. Approval of Consultant Agreement Between the City of Pacifica and Freyer & Laureta, Inc. in the Amount of \$61,300 for Providing Civil Engineering Services to the Calera Creek Water Recycling Plant ATAD Improvement Project Phase 2 (P002)  
**PROPOSED ACTION:**  
Move to approve the Consultant Agreement between the City of Pacifica and Freyer & Laureta, Inc. in the amount of \$61,300 for engineering design services needed complete to the Calera Creek Water Recycling Plant ATAD Improvement Project Phase 2 (No. P002); and authorize the City Manager to execute the agreement.
  
7. Letters of Support for AB 1 and SB 1 Transportation Funding  
**PROPOSED ACTION:** Authorize the City Manager to sign letters of support for AB 1 (Frazier) Transportation Funding and for SB 1 (Beall) Transportation Funding.
  
8. Approval of the Parcel Map and the Subdivision Improvement Agreement for a Two Lot Subdivision at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the Project Known as the "Anchor Inn - 500 San Pedro Avenue," in the City of Pacifica  
**PROPOSED ACTION:** Move to Adopt the Resolution next in Order A Resolution of the City Council of the City of Pacifica approving the Parcel Map (Attachment 1), and the Subdivision Improvement Agreement (Attachment 2) for the construction of related off-site improvements, for a two lot subdivision located at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the project known as the "Anchor Inn - 500 San Pedro

Avenue," in the City of Pacifica, and authorize the City Manager to execute said Subdivision Improvement Agreement.

9. Approval of Funding Agreement with the San Mateo County Transportation Authority (SMCTA) for the Amount of \$250,000 and Approval of Construction Services Agreement with Rhythm Engineering for the Installation of In-Sync Adaptive System at the Intersections of Highway 1 and Reina Del Mar Avenue and Highway 1 and Fassler Avenue.

**PROPOSED ACTION:** Move to approve Funding Agreement with the SMCTA (Attachment 1) for the amount of \$250,000 and Approval of Construction Services Agreement with Rhythm Engineering (Attachment 2) for the Installation of the In-Sync Adaptive System at the Intersections of Highway 1 and Reina Del Mar Avenue and Highway 1 and Fassler Avenue

### **ORAL COMMUNICATIONS**

This portion of the Agenda is available for the public to address the City Council on any issue that is not on the Agenda. Any person wishing to address the Council shall be recognized by the Mayor during Oral Communications, provided, however, that during the Oral Communications portion of the agenda, only items not on the agenda for that meeting may be addressed. All remarks shall be addressed to the Council as a body and not to any member thereof. Councilmembers shall not enter into debate with speakers under Oral Communications. A maximum time of three minutes will be allowed for any speaker. Pursuant to Pacifica Municipal Code Title 2, Chapter 1, Section 2-1.118 any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding officer and, if such conduct continues, may, at the direction of the presiding officer, be ordered barred from further audience before the Council during the meeting.

### **COUNCIL COMMUNICATIONS**

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

### **STAFF COMMUNICATIONS**

The purpose of Staff Communications is for the City Manager to offer announcements as appropriate.

### **PUBLIC HEARINGS**

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

10. Appeal of the Planning Commission's Approval of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and Adoption of a Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Construction of a 2.1 Million-Gallon Capacity Equalization (EQ) Basin, a 10-Foot Tall Motor Control Center Building, Ventilation and Odor-Control System, and a Cleaning System Within the EQ Basin at 540 Crespi Drive (APN: 022-162-420).

**PROPOSED ACTION:** DENY the appeal; uphold Planning Commission approval of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

## **CONSIDERATION**

11. Direction on Highway 1 Traffic and Safety Improvements and Consideration of Introduction of Ordinance Prohibiting City Actions Supporting Development of through Lanes on Highway 1.  
**PROPOSED ACTION:** Provide staff with direction regarding the Highway 1 improvements described in this report and decide whether or not to Introduce and waive the first reading of the Ordinance provided.
12. Excess ERAF for 2016-17  
**PROPOSED ACTION:** Move to take the following actions related to Fund 30 Excess ERAF: appropriate \$83,000 to the Pacifica Resource Center for fiscal year 2017-18 and \$3,000 to the Pacifica Beach Coalition to support its Earth Day 2017 event; allocate \$2 million as City matching funds for a grant for the 310-330 Esplanade Infrastructure Preservation project; and acknowledge the remainder as a source of funding needed to meet storm repair and mitigation obligations.
13. Retention of Professional Recruitment Firm Peckham & McKenney to Assist the City Council with Conducting a Search for the Next Permanent City Manager and Discussion of City Manager Qualifications.  
**PROPOSED ACTION:** Approve the selection of Peckham & McKenney as the recruitment firm to assist the City Council with filling the City Manager position vacancy and direct the City Manager to execute a contract for services based on the attached proposal (Attachment 1).

## **ADJOURN**

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

The City of Pacifica will provide assistance for disabled citizens upon at least 24 hours advance notice to the City Manager's Office (650) 738-7301, or send request via email to: o'connellk@ci.pacifica.ca.us if you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

The Pacifica Municipal Code is available on line at the City's website ([www.cityofpacifica.org/municode](http://www.cityofpacifica.org/municode));

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Agendas are posted no later than Friday prior to the City Council meeting date, at the entrance to City Hall, 170 Santa Maria Avenue

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**City Clerk's Office/City Manager's Office**

City Hall, 170 Santa Maria Avenue, 2<sup>nd</sup> Floor

**Council meetings:**

Agendas are available at the City Council meeting

**HOW TO REACH YOUR GOVERNMENT OFFICIALS**

- Governor Jerry Brown, State Capitol Building, Sacramento CA 95814 (916) 445-2841
- State Senator Jerry Hill, 1528 So. El Camino Real, Suite 303, San Mateo CA 94402 (650) 212-3313
- Assembly Member Kevin Mullin, 1528 South El Camino Real, Suite 302 San Mateo, CA 94402 (650) 349-2200
- Congresswoman Jackie Speier, 155 Bovet Road, Suite 780, San Mateo CA 94402 (650) 342-0300
- Senator Kamala Harris, 1700 Montgomery Street, Suite 240, San Francisco CA 94111 (415) 403-0100
- Senator Dianne Feinstein, #1 Post Street, Suite 2450, San Francisco CA 94104 (415) 393-0710
- President Donald J. Trump, 1600 Pennsylvania Ave. NW, Washington DC 20500

**CITY COUNCIL**

- Mayor Mike O'Neill, [o'neillm@ci.pacificca.ca.us](mailto:o'neillm@ci.pacificca.ca.us)
- Mayor pro Tem, John Keener, [keener@ci.pacificca.ca.us](mailto:keener@ci.pacificca.ca.us)
- Councilmember Sue Digre, [digres@ci.pacificca.ca.us](mailto:digres@ci.pacificca.ca.us)
- Councilmember Sue Vaterlaus, [vaterlauss@ci.pacificca.ca.us](mailto:vaterlauss@ci.pacificca.ca.us)
- Councilmember Deirdre Martin, [martind@ci.pacificca.ca.us](mailto:martind@ci.pacificca.ca.us)



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Approval of Disbursements for 02/01/17 through 02/15/17

**STAFF CONTACT:**

Lorenzo Hines Jr.  
Assistant City Manager  
(650) 738-7301  
lhines@ci.pacifica.ca.us

**RECOMMENDED ACTION:**

Move to approve attached list of disbursements for 02/01/17 through 02/15/17.

**BACKGROUND/DISCUSSION:**

Staff has submitted the following disbursements for Council approval:

Disbursements dated 02/01/17 through 02/15/17 in the amount of \$1,648,424.79. As written on regular and manual checks numbered 37072-37313(Attachment 1). These disbursements are for Fiscal Year 2016-2017.

**FISCAL IMPACT:**

These disbursements are within budgeted appropriations.

**ORIGINATED BY:**

Finance Department

**ATTACHMENT LIST:**

Disbursements 37072-37313 (PDF)

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REPORT PARAMETERS

ORGANIZATION : 001
BANK : 1
PRINT BY : CHECK #
SORT OPTION : CHECK #
PRINT DETAILS : N
ORG NAME FOR EXTRACT FILE : PACIFICA

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Attachment: Disbursements 37072-37313 (2152 : Disbursements - Dated 02/01/17 through 02/15/17)

1	37128	\$2483.23	02/03/17	00049	3	SOUTH SAN FRANCISCO POLICE DEPARTMENT	OUTSTANDING
1	37129	\$717.09	02/03/17	00001	132	SPANHEIMER, JOSEPH	OUTSTANDING
1	37130	\$69.78	02/03/17	01534	0	STANDARD PLUMBING SUPPLY CO.	OUTSTANDING
1	37131	\$204.64	02/03/17	01548	0	STEVEN ENGINEERING, INC.	OUTSTANDING
1	37132	\$62.50	02/03/17	00001	176	STUMP, STEVE	OUTSTANDING
1	37133	\$243.00	02/03/17	00525	1	SUPPLYWORKS	OUTSTANDING
1	37134	\$4566.99	02/03/17	01570	0	SYNAGRO WEST, LLC	OUTSTANDING
1	37135	\$965.78	02/03/17	02642	1	T-MOBILE	OUTSTANDING
1	37136	\$140.00	02/03/17	02626	0	TANNER, HEATHER	OUTSTANDING
1	37137	\$84.00	02/03/17	03237	1	TAUFFER, BARBARA	OUTSTANDING
1	37138	\$3140.00	02/03/17	01587	0	TELECOMMUNICATIONS ENGINEERING ASSOCIATES	OUTSTANDING
1	37139	\$2118.48	02/03/17	01592	0	TERMINIX	OUTSTANDING
1	37140	\$31515.14	02/03/17	03917	0	TERRAPHASE ENGINEERING INC	OUTSTANDING
1	37141	\$403.00	02/03/17	01599	0	THOMAS FISH COMPANY	OUTSTANDING
1	37142	\$1117.57	02/03/17	01604	0	THYSSEN KRUPP ELEVATOR CORP	OUTSTANDING
1	37143	\$1457.68	02/03/17	01615	0	TOM'S AUTO BODY & PAINT	OUTSTANDING
1	37144	\$2650.00	02/03/17	01618	0	TORRES CLEANING SERVICE	OUTSTANDING
1	37145	\$1000.00	02/03/17	04146	0	TOTAH, JOSEPH	OUTSTANDING
1	37146	\$99.00	02/03/17	03950	0	TOYOTA MATERIAL HANDLING	OUTSTANDING
1	37147	\$612.00	02/03/17	01077	0	TREE MANAGEMENT EXPERTS	OUTSTANDING
1	37148	\$25.00	02/03/17	00001	231	TRUJILLO, GABRIEL	OUTSTANDING
1	37149	\$1182.05	02/03/17	01636	0	TURBO DATA SYSTEMS, INC.	OUTSTANDING
1	37150	\$1860.00	02/03/17	04074	0	TURBO MACHINERY REPAIR, INC	OUTSTANDING
1	37151	\$2137.57	02/03/17	01637	0	TURF & INDUSTRIAL EQUIPMENT CO	OUTSTANDING
1	37152	\$44.28	02/03/17	02663	0	UNDERWOOD, EILEEN	OUTSTANDING
1	37153	\$170.16	02/03/17	01652	0	UNITED PARCEL SERVICE	OUTSTANDING
1	37154	\$1147.00	02/03/17	02527	0	UNIVERSAL BUILDING SERVICES	OUTSTANDING
1	37155	\$2513.65	02/03/17	03992	0	URBAN FIELD STUDIO	OUTSTANDING
1	37156	\$6341.94	02/03/17	03835	0	US FOODS, INC	OUTSTANDING
1	37157	\$115.80	02/03/17	00001	264	VALLERO, EMMANUEL	OUTSTANDING
1	37158	\$600.00	02/03/17	02029	0	VANGUARD CLEANING SYSTEMS	OUTSTANDING
1	37159	\$601.65	02/03/17	03502	0	VATERLAUS, SUE	OUTSTANDING
1	37160	\$493.35	02/03/17	03980	0	VERITIV OPERATING COMPANY	OUTSTANDING
1	37161	\$3441.51	02/03/17	01684	0	VERIZON WIRELESS	OUTSTANDING
1	37162	\$200.00	02/03/17	03164	0	VISION COMMUNICATIONS CO	OUTSTANDING
1	37163	\$465.49	02/03/17	01673	0	VWR INTERNATIONAL	OUTSTANDING
1	37164	\$482.00	02/03/17	03808	0	WATSON-ACERO, SUSAN	OUTSTANDING
1	37165	\$256.35	02/03/17	01747	0	ZEP SALES & SERVICE	OUTSTANDING
1	37166	\$1340.14	02/03/17	01751	0	ZUMAR INDUSTRIES, INC.	OUTSTANDING
1	37167	\$28700.07	02/07/17	03634	0	BAY POWER LLC GENERATOR SYSTEM DESIGN AND SER	OUTSTANDING
1	37168	\$88.00	02/07/17	00011	0	C.W.E.A.	OUTSTANDING
1	37169	\$46817.02	02/07/17	03663	2	C2R ENGINEERING	OUTSTANDING
1	37170	\$40868.30	02/07/17	00014	6	CAL TRANS	OUTSTANDING
1	37171	\$4121.21	02/07/17	00454	0	CAL-STEAM WHOLESALE PLUMBING	OUTSTANDING
1	37172	\$500.00	02/07/17	04070	0	CALIFORNIA OFF. OF EMERGENCY SERV.-CSTI	OUTSTANDING
1	37173	\$720.00	02/07/17	00439	0	CALIFORNIA REGIONAL WATER QUALITY CONTROL BOA	OUTSTANDING

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BANK	CHECK #	CHECK AMT	CHECK DATE	VENDOR #	ADDRS #	VENDOR NAME	CHECK STATUS
1	37174	\$736.00	02/07/17	01690	0	CALTEST ANALYTICAL LAB	OUTSTANDING
1	37175	\$65.90	02/07/17	00021	0	CAPITAL ONE COMMERCIAL	OUTSTANDING
1	37176	\$54.00	02/07/17	00001	281	CARRASCO, IRENE	OUTSTANDING
1	37177	\$1000.00	02/07/17	04151	0	CHAPEL BY THE SEA	OUTSTANDING
1	37178	\$1020.94	02/07/17	00513	0	CITY ARMS LLC	OUTSTANDING
1	37179	\$13.17	02/07/17	02822	0	CITY AUTO SUPPLY	OUTSTANDING
1	37180	\$135.00	02/07/17	00019	1	COLMA FIREMAN'S SOCIAL CLUB	OUTSTANDING
1	37181	\$9054.82	02/07/17	03787	0	CONTRACT SWEEPING SERVICES	OUTSTANDING
1	37182	\$150.00	02/07/17	04000	0	CRIME SCENE CLEANERS, INC.	OUTSTANDING
1	37183	\$564.24	02/07/17	03646	1	CUMMINS PACIFIC	OUTSTANDING
1	37184	\$210.00	02/07/17	00011	7	CWEA SCVS	OUTSTANDING
1	37185	\$9415.67	02/07/17	04031	0	HAAKER EQUIPMENT COMPANY	OUTSTANDING
1	37186	\$12210.00	02/07/17	00032	0	LEAGUE OF CALIFORNIA CITIES	OUTSTANDING
1	37187	\$4260.79	02/15/17	03741	0	BENEFIT COORDINATORS CORPORATION	OUTSTANDING
1	37188	\$4387.53	02/15/17	03741	1	BENEFIT COORDINATORS CORPORATION	OUTSTANDING
1	37189	\$49.00	02/15/17	01757	1	CALIFORNIA ASSN OF PROFESSIONAL FIREFIGHTERS	OUTSTANDING
1	37190	\$9184.80	02/15/17	00041	0	CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM	OUTSTANDING
1	37191	\$686.00	02/15/17	01757	0	CLEA	OUTSTANDING
1	37192	\$347.68	02/15/17	00814	0	FRANCHISE TAX BOARD	OUTSTANDING
1	37193	\$818.31	02/15/17	03694	0	MICHELLE L DOMINICI	OUTSTANDING
1	37194	\$148788.87	02/15/17	01761	0	P.E.R.S.	OUTSTANDING
1	37195	\$1568.20	02/15/17	01758	1	PACIFICA FIREFIGHTERS UNION	OUTSTANDING
1	37196	\$840.00	02/15/17	01759	0	PACIFICA POLICE OFFICERS ASSOCIATION	OUTSTANDING
1	37197	\$210.00	02/15/17	01760	0	PACIFICA POLICE OFFICERS SAVINGS	OUTSTANDING
1	37198	\$280.00	02/15/17	01769	0	PACIFICA POLICE SUPERVISORS ASSOCIATION	OUTSTANDING
1	37199	\$8386.35	02/15/17	03349	0	PREFERRED BENEFIT INSURANCE ADMINISTRATORS	OUTSTANDING
1	37200	\$826.00	02/15/17	01768	0	TEAMSTERS LOCAL #350	OUTSTANDING
1	37201	\$3019.50	02/15/17	01764	0	TEAMSTERS LOCAL #856	OUTSTANDING
1	37202	\$43.00	02/15/17	01764	2	TEAMSTERS LOCAL #856	OUTSTANDING
1	37203	\$60995.19	02/15/17	01771	0	TEAMSTERS LOCAL 856	OUTSTANDING
1	37204	\$1970.68	02/15/17	01766	0	VISION SERVICE PLAN-CA	OUTSTANDING
1	37205	\$8554.35	02/13/17	00009	8	AT&T	OUTSTANDING
1	37206	\$20827.25	02/13/17	03874	0	4LEAF INC	OUTSTANDING
1	37207	\$200.00	02/13/17	04057	0	A Y M LANDSCAPING & GARDENING	OUTSTANDING
1	37208	\$78555.20	02/13/17	00004	0	ABAG PLAN CORPORATION	OUTSTANDING
1	37209	\$750.00	02/13/17	03470	0	ACCELA INC	OUTSTANDING
1	37210	\$483.92	02/13/17	03436	0	ACCESS HARDWARE SUPPLY	OUTSTANDING
1	37211	\$3012.75	02/13/17	03306	0	ACCOUNTEMPS	OUTSTANDING

Attachment: Disbursements 37072-37313 (2152 : Disbursements - Dated 02/01/17 through 02/15/17)



1	37212	\$1057.98	02/13/17	00094	0	ADAM-HILL COMPANY, THE	OUTSTANDING
1	37213	\$220.23	02/13/17	00095	0	ADAMSON POLICE PRODUCTS	OUTSTANDING
1	37214	\$706.14	02/13/17	00045	2	ALBERTSONS / SAFEWAY	OUTSTANDING
1	37215	\$190.00	02/13/17	04066	0	ALERT PEST CONTROL COMPANY INC	OUTSTANDING
1	37216	\$679.44	02/13/17	00136	0	ALHAMBRA	OUTSTANDING
1	37217	\$1263.99	02/13/17	00138	0	ALL INDUSTRIAL ELECTRIC SUPPLY, INC.	OUTSTANDING
1	37218	\$70.31	02/13/17	00153	0	ALPINE AWARDS, INCORPORATED	OUTSTANDING
1	37219	\$287.30	02/13/17	03895	0	AMERICAN FIDELITY ADMINISTRATIVE SERVICES LLC	OUTSTANDING
1	37220	\$15.16	02/13/17	00169	0	AMERICAN MESSAGING	OUTSTANDING
1	37221	\$454.91	02/13/17	03764	0	APPLIED CONCEPTS, INC	OUTSTANDING
1	37222	\$39.25	02/13/17	00056	0	ARAMARK	OUTSTANDING
1	37223	\$62.50	02/13/17	00001	12	ASNAULT, STEVE	OUTSTANDING
1	37224	\$1944.96	02/13/17	00219	0	ASSOCIATED HEATING OF S.F., INC	OUTSTANDING

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BANK	CHECK #	CHECK AMT	CHECK DATE	VENDOR #	ADDRS #	VENDOR NAME	CHECK STATUS
1	37225	\$5732.84	02/13/17	00217	0	ASSOCIATION OF BAY AREA GOVERNMENTS	OUTSTANDING
1	37226	\$720.08	02/13/17	00009	0	AT&T	OUTSTANDING
1	37227	\$101.58	02/13/17	00009	0	AT&T	OUTSTANDING
1	37228	\$372.56	02/13/17	00009	0	AT&T	OUTSTANDING
1	37229	\$45.49	02/13/17	03639	0	AT&T	OUTSTANDING
1	37230	\$1121.59	02/13/17	00009	2	AT&T MOBILITY	OUTSTANDING
1	37231	\$21199.09	02/13/17	00230	0	AUMA ACTUATORS, INC.	OUTSTANDING
1	37232	\$45.00	02/13/17	03968	0	AZCO SUPPLY, INC	OUTSTANDING
1	37233	\$140.30	02/13/17	00240	0	B & D MARKETING INC.	OUTSTANDING
1	37234	\$304.01	02/13/17	00832	0	BAY AREA BATTERY	OUTSTANDING
1	37235	\$870.91	02/13/17	00128	0	BAY AREA NEWS GROUP	OUTSTANDING
1	37236	\$1031.13	02/13/17	03634	0	BAY POWER LLC GENERATOR SYSTEM DESIGN AND SER	OUTSTANDING
1	37237	\$929.34	02/13/17	00293	0	BEARING AGENCIES INC	OUTSTANDING
1	37238	\$443.64	02/13/17	04067	0	BFI OF CALIFORNIA INC.	OUTSTANDING
1	37239	\$8945.40	02/13/17	03841	0	BIGRENTZ INC	OUTSTANDING
1	37240	\$1817.92	02/13/17	00335	0	BLUE RIBBON SUPPLY COMPANY	OUTSTANDING
1	37241	\$1446.95	02/13/17	00377	0	BUCKLES-SMITH	OUTSTANDING
1	37242	\$133879.99	02/13/17	02502	0	BURKE WILLIAMS AND SORENSEN LLP	OUTSTANDING
1	37243	\$2630.31	02/13/17	00421	0	CALIFORNIA DIESEL & POWER	OUTSTANDING
1	37244	\$635.52	02/13/17	00041	0	CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM	OUTSTANDING
1	37245	\$680.00	02/13/17	00014	5	CALIFORNIA STATE OF	OUTSTANDING
1	37246	\$1000.00	02/13/17	00886	0	CALIFORNIA'S GREAT AMERICA	OUTSTANDING
1	37247	\$1069.56	02/13/17	00500	1	CHEMSEARCHFE	OUTSTANDING
1	37248	\$1306.56	02/13/17	03254	0	CHICO BAG COMPANY	OUTSTANDING
1	37249	\$6093.33	02/13/17	00510	0	CINTAS CORPORATION #464	OUTSTANDING
1	37250	\$381.69	02/13/17	00511	0	CINTAS FIRST AID & SAFETY	OUTSTANDING
1	37251	\$2490.67	02/13/17	00001	36	CLEMENTS, CHRISTOPHER	OUTSTANDING
1	37252	\$135.83	02/13/17	01092	0	COASTSIDE FIRE PROTECTION	OUTSTANDING
1	37253	\$450.00	02/13/17	00019	2	COLMA POLICE DEPARTMENT	OUTSTANDING
1	37254	\$150.00	02/13/17	00563	1	COMMISSION ON TEACHER CREDENTIALING	OUTSTANDING
1	37255	\$29038.36	02/13/17	00611	1	CSG CONSULTANTS, INC.	OUTSTANDING
1	37256	\$6158.85	02/13/17	03646	1	CUMMINS PACIFIC	OUTSTANDING
1	37257	\$281.22	02/13/17	00622	0	CURTIS & SONS, L.N.	OUTSTANDING
1	37258	\$76.96	02/13/17	00628	1	D C LOCK & SECURITY SERVICE	OUTSTANDING
1	37259	\$14066.99	02/13/17	00629	0	DAHL-BECK ELECTRIC CO., INC.	OUTSTANDING
1	37260	\$2586.43	02/13/17	00025	0	DALY CITY/CITY OF	OUTSTANDING
1	37261	\$10787.50	02/13/17	00645	0	DAVEY TREE EXPERT COMPANY	OUTSTANDING
1	37262	\$14000.24	02/13/17	00647	0	DC FROST ASSOCIATES, INC.	OUTSTANDING
1	37263	\$5032.50	02/13/17	04058	0	DEBORAH GLASSER	OUTSTANDING
1	37264	\$178.11	02/13/17	03322	0	DENTONI TRUCK PARTS AND SERVICE	OUTSTANDING
1	37265	\$242.00	02/13/17	00014	11	DEPARTMENT OF SOCIAL SERVICES	OUTSTANDING
1	37266	\$16000.00	02/13/17	02201	0	DISCOUNT PLUMBING, INC.	OUTSTANDING
1	37267	\$7264.74	02/13/17	00676	0	DISCOUNT SCHOOL SUPPLY	OUTSTANDING
1	37268	\$94.50	02/13/17	03372	0	DISCOVERY BENEFITS	OUTSTANDING
1	37269	\$1000.00	02/13/17	04152	0	DOYLE, DANIEL	OUTSTANDING
1	37270	\$70.97	02/13/17	02793	0	EAST PENN MANUFACTURING CO., INC	OUTSTANDING
1	37271	\$452.06	02/13/17	00729	0	EMEDCO INC.	OUTSTANDING
1	37272	\$169.90	02/13/17	00489	0	ENTERSECT	OUTSTANDING
1	37273	\$2613.03	02/13/17	03469	0	EVANTEC CORPORATION	OUTSTANDING
1	37274	\$77.24	02/13/17	00758	0	EXPERIAN	OUTSTANDING
1	37275	\$1690.35	02/13/17	04153	0	FACTORY OUTLET TRAILER SALES INC.	OUTSTANDING

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CITY OF PACIFICA  
CHECK REGISTER  
CHECK RANGE: 37072 - 37313

BANK	CHECK #	CHECK AMT	CHECK DATE	VENDOR #	ADDRS #	VENDOR NAME	CHECK STATUS
1	37276	\$130.47	02/13/17	02477	0	FASTENAL COMPANY	OUTSTANDING
1	37277	\$89.93	02/13/17	00773	0	FEDEX	OUTSTANDING
1	37278	\$282.42	02/13/17	00001	58	FERRER MANUEL	OUTSTANDING
1	37279	\$110.00	02/13/17	00788	0	FIRE ALERT, INC.	OUTSTANDING
1	37280	\$83.00	02/13/17	00793	0	FIRST LIGHT LIGHTING SYSTEMS	OUTSTANDING
1	37281	\$116.10	02/13/17	04154	0	FLORIDA BADGES	OUTSTANDING
1	37282	\$18082.23	02/13/17	02767	0	FLYERS ENERGY, LLC	OUTSTANDING
1	37283	\$182.90	02/13/17	00818	0	FREUTEL ROOFING	OUTSTANDING
1	37284	\$69372.43	02/13/17	03930	0	FREYER & LAURETA, INC.	OUTSTANDING
1	37285	\$1440.75	02/13/17	00872	0	GRAINGER	OUTSTANDING

Attachment: Disbursements 37072-37313 (2152 : Disbursements - Dated 02/01/17 through 02/15/17)

1	37286	\$601.65	02/13/17	03532	0 O'NEILL, MIKE	OUTSTANDING
1	37287	\$437.30	02/13/17	00807	0 OCEANA MARKET	OUTSTANDING
1	37288	\$6800.00	02/15/17	03946	0 ALL BAY ENVIRONMENTAL	OUTSTANDING
1	37289	\$59.56	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37290	\$1588.00	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37291	\$1463.34	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37292	\$1182.89	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37293	\$3565.07	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37294	\$580.00	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37295	\$38.64	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37296	\$1921.86	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37297	\$1605.38	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37298	\$566.96	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37299	\$775.21	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37300	\$88.47	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37301	\$523.68	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37302	\$620.02	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37303	\$250.55	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37304	\$1632.00	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37305	\$1938.90	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37306	\$20.00	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37307	\$20.00	02/15/17	00026	0 FIRST NATIONAL BANK OF NORTHERN CALIFORNIA	OUTSTANDING
1	37308	\$1251.27	02/15/17	00029	1 HOME DEPOT CREDIT SERVICES	OUTSTANDING
1	37309	\$2516.80	02/15/17	01812	2 KBA DOCUSYS	OUTSTANDING
1	37310	\$9463.50	02/15/17	03955	0 MOFFATT & NICHOL	OUTSTANDING
1	37311	\$87.26	02/15/17	01229	0 ORCHARD SUPPLY HARDWARE	OUTSTANDING
1	37312	\$673.68	02/15/17	02757	0 U.S. BANCORP EQUIPMENT FINANCE, INC.	OUTSTANDING
1	37313	\$805.54	02/15/17	02899	0 UTILITY TELEPHONE INC.	OUTSTANDING
TOTAL # OF ISSUED CHECKS:		242	TOTAL AMOUNT:		1648424.79	
TOTAL # OF VOIDED/REISSUED CHECKS:		0	TOTAL AMOUNT:		0.00	
TOTAL # OF ACH CHECKS:		0	TOTAL AMOUNT:		0.00	
TOTAL # OF UNISSUED CHECKS:		0				

Attachment: Disbursements 37072-37313 (2152 : Disbursements - Dated 02/01/17 through 02/15/17)



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Approval of Minutes

**STAFF CONTACT:**

Kathy O'Connell, City Clerk  
O'connellk@ci.pacifica.ca.us  
650-738-7307

**RECOMMENDED ACTION:**

Move to approve the minutes of the regular City Council meeting held on February 27, 2017.

**BACKGROUND/DISCUSSION:**

Approval of minutes of the regular City Council meeting held on February 27, 2017.

**FISCAL IMPACT:**

None.

**ORIGINATED BY:**

City Clerk

**ATTACHMENT LIST:**

Minutes of February 27, 2017. (PDF)



CITY OF PACIFICA  
CITY COUNCIL MINUTES

Council Chambers  
2212 Beach Blvd  
Pacifica, CA 94044

Mayor Mike O'Neill  
Mayor Pro Tem John Keener  
Councilmember Sue Digre  
Councilmember Sue Vaterlaus  
Councilmember Deirdre Martin

**February 27, 2017 (MONDAY)**  
**www.cityofpacifica.org**

Mayor Mike O'Neill called the meeting to order on February 27, 2017 at 7:05 PM

**5:30 PM CLOSED SESSION.**

Mayor O'Neill called the meeting to order at 5:30 p.m., stating that all councilmembers were present and announced that the Council would meet in Closed Session. City Attorney Kenyon announced the business to be discussed.

PURSUANT TO GOVERNMENT CODE SECTION 54956.8 Conference with labor negotiator. Agency negotiator: Deborah Glasser. Employee organizations: Pacifica Firefighters Local 2400; Teamsters Local 856 Battalion Chiefs; Department Directors Local 350; WasteWater Treatment Plant Employees Local 856; Miscellaneous Local 856; Managers Local 350; Ppolice Officers Association; Police Supervisors Association; Police Management Local 350.

PURSUANT TO GOVERNMENT CODE SECTION 54957 Public Employee Appointment. Position Title: Interim City Manager.

**7:00 PM OPEN SESSION**

Mayor O'Neill reconvened the meeting at 7:05 p.m.

Call to Order

Attendee Name	Title	Status	Arrived
Mike O'Neill	Mayor	Present	
John Keener	Mayor Pro Tem	Present	
Sue Digre	Councilmember	Present	
Sue Vaterlaus	Councilmember	Present	
Deirdre Martin	Councilmember	Present	

Staff Present: Lorie Tinfow, City Manager; Michelle Kenyon, City Attorney; Lorenzo Hines, Asst. City Manager; Van Ocampo, Public Works Director; Tina Wehrmeister, Planning Director; Dan Steidle, Police Chief; Mike Perez, PB&R Director; Kathy O'Connell, City Clerk.

Salute to the Flag led by Mayor O'Neill

Closed Session Report

Attachment: Minutes of February 27, 2017. (2139 : Approval of Minutes)

City Attorney Kenyon stated that no reportable action was taken.

### **SPECIAL PRESENTATIONS**

Proclamation - 100th Anniversary of Rotary

**Kevin Mullin, Assemblymember**, stating that he was also representing State Senator Jerry Hill, read a portion of a lengthy proclamation on behalf of the State of California, in honor of the Pacifica Rotary Club's 100<sup>th</sup> anniversary. He invited members to come up and say a few words.

Wendy Santiago, Rotary Club President, stated it was an honor to accept the proclamation, stating that their club felt it was also an honor to be part of an organization that has been doing good work locally and globally for 110 years, and she hoped they will be able to accept a similar proclamation from the City of Pacifica in 2117.

Rotary members then took a picture with Assemblymember Mullin.

Mayor O'Neill then read the proclamation from the City of Pacifica.

Councilmember Digre stated that they were a group that did good work and are willing to dirty their hands to beautify the city. She stated that they also do good work with the schools.

Councilmember Vaterlaus commented that their 55 years in Pacifica was also a long time and she congratulated them for that time, as well as the larger organization for their 100 years. She thanked them for all they do in Pacifica.

Councilmember Martin congratulated them and thanked them for all they do to make Pacifica wonderful.

Mayor pro Tem Keener echoed what everyone else said, and added his congratulations.

Mayor O'Neill stated that they do a lot of good work and have the best breakfast meeting in town. He mentioned some of their accomplishments, such as dictionaries for all third graders, painting the Spindrift theater, etc. He thanked them for all the good work they do in Pacifica.

The Rotary members then took a picture with Councilmembers.

PG&E Storm Outages Update - Bill Chiang

Mayor O'Neill introduced Bill Chiang, from PG&E who will report on PG&E outages during a recent storm.

**Bill Chiang, PG&E**, stated that he was happy to be present, and would report on three outages that happened on Friday, January 20, starting about 2 a.m. when a pole caught fire and failed, and over 2,000 were affected with the majority having the power restored within five minutes. All three outages were weather related but not related to each other. He commented that it wasn't as severe a storm as a subsequent one, but the gusts on the coast reached about 50 mph. He stated that, when winds blow like that, along with wet weather, things happen with their equipment. He stated that the other two outages happened on a transmission level and were related to the electric substation that feeds Pacifica. He stated that about 9,600 customers were affected in the first outage at 4 a.m. and all customers were restored by 6:30

a.m. The second outage at the transmission level, not related to the first transmission outage, occurred at 11:12 a.m. and all customers had power restored by 12:05 p.m. He stated that he was happy to try to answer any questions.

Mayor pro Tem Keener stated that he didn't remember the days in question, but a few houses on Adobe Drive went without power through this period for 4-5 days. He asked if he knew about that.

Mr. Chiang stated that he did not, adding that he will take the address and will be happy to look into it.

Mayor pro Tem Keener stated that it was Adobe Drive near Rosita.

Mr. Chiang clarified that, without a specific address, it was difficult to look up.

Councilmember Martin stated that she can get the address of one person.

Mayor O'Neill stated that she can email it to him later.

Councilmember Digre felt it was very valuable for people to know. She mentioned he was watching emails after hours on the weekend, and called her to tell her that it would be on in a few hours. She thought all were concerned about when it was going to end.

Mr. Chiang asked if she was asking about the outage.

Councilmember Digre responded affirmatively.

Mr. Chiang stated that, generally, depending on the outage, it was difficult to gauge a restoration time until a crew gets on site, assesses the problem and determines where the parts might be. He mentioned an outage at San Carlos City Hall which required a large long term part that they don't keep because it was not supposed to fail. He stated that someone drove to Fresno to get the part and brought it back, which made it a 12-hour outage due to the commute time.

Councilmember Vaterlaus thanked him for coming as she felt it helped the public to hear what happened. She stated that it was disconcerting when your power goes out.

Mayor O'Neill thanked him for coming and reporting what happened. He felt it was nice when you flip the switch and the power comes on.

### **CONSENT CALENDAR**

Mayor O'Neill stated that he had a card requesting that they remove Item #3 from the consent calendar. He asked if they have a motion to approve the consent calendar minus Item #3.

Councilmember Digre stated that she cannot remember if they adjourned in honor of John Curtis. She asked, if not, that they adjourn in his honor. She stated that he was a longtime civic servant, being on the Planning Commission and Open Space Committee, and probably a few other groups.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Vaterlaus, Councilmember
<b>SECONDER:</b>	John Keener, Mayor Pro Tem
<b>AYES:</b>	O'Neill, Keener, Digre, Vaterlaus, Martin

1. Approval of Disbursements for 01/10/17 through 01/31/17  
**PROPOSED ACTION:** Move to approve attached list of disbursements for 01/10/17 through 01/31/17.
2. Approval of Minutes  
**PROPOSED ACTION:** Move to approve the minutes of the regular City Council meeting held on February 13, 2017.
3. City Debt Management Policy  
**PROPOSED ACTION:** Move to Adopt the Resolution Establishing the City of Pacifica Debt Management Policy

Mayor O'Neill opened the Public Hearing.

**Therese Dyer, Pacifica**, stated that she was bringing this up because they have a lot of new members on Council. She mentioned that Councilmember Digre was on Council in 2006 when the certificates of participation took place. She didn't know how thoroughly they read them, but it was brought to her attention that the city was mortgaging the police department and community center. She looked into it, stating that City Clerk O'Connell gave her several pages on the certificate of participation. She didn't get all her answers and talked to Asst. City Manager Hines. She stated that she wanted to know how much they paid the lawyers to draft it and she would like to know who the Board of Directors were as there were no names given. She stated that she also wanted to know how much they owe on the police station and the community center, and also the Fairmont West Park. She stated that she got an answer from a Planning Commissioner of \$27 million. She stated that someone who worked for Dolger told her that Henry Dolger put millions of dollars away at Fairmont West Park to be used only for repairs. She asked how they could be borrowing on something already secured by an estate.

Mayor O'Neill closed the Public Hearing.

Mayor pro Tem Keener moved to approve Item #3, the City Debt Management Policy; seconded by Councilmember Vaterlaus.

5-0

4. Resolution Declaring Intention to Reimburse Expenditures Relating to the Wet Weather Equalization Basin Project from the Proceeds of Tax-Exempt Obligation Bonds and Engagement of Professional Financial Advisory Services  
**PROPOSED ACTION:** Move to adopt a Resolution Declaring Intention To Reimburse Expenditures Relating To The Wet Weather Equalization Basin Project From The Proceeds Of Tax-Exempt Obligation Bonds And Engagement Of Professional Financial Advisory Services.

5. Resolution of the City Council of the City of Pacifica Approving the Second Contract Amendment to the Agreement Between the City of South San Francisco and the City of Pacifica for Police Communications Services.

**PROPOSED ACTION:** Adopt a resolution approving the Second Contract Amendment to the Agreement Between the City of South San Francisco and the City of Pacifica for Police Communication Services (included as Exhibit A).

### **ORAL COMMUNICATIONS**

**Paula Teixeira, Pacifica**, stated that she was representing the Pacifica Library and was going to give them updates on some programs. She stated that they were having a program on March 4 at 11 a.m. at the Sanchez Library. The speaker, Sharon Walker, will be talking about the different trails, specifically at San Pedro Park and Devil's Slide. She was also working on a program where people can pick up a day pack with a compass, maps, etc., to encourage people to get out into the parks. She stated that, on St. Patrick's Day, at 4 p.m. they will have refreshments and music. On Thursday, March 23, at Sharp Park, Mary Bier, from the Pacifica Prevention Partnership will presents facts on the use and effects of legality and other issues regarding marijuana. She stated that both Pacifica libraries were now mail back distribution sites for unwanted, expired or unused medications, with a prepaid envelope available that you can pick up at the library and mail. They have limitations, such as sharps, etc., but that is explained in the envelope.

**Bridget Duffy, Pacifica**, stated that she wrote a publication and she wanted to give to them as they were the inspiration of it. She stated that she wrote it after the last Planning weekend, specifically to hear back, but that part was cancelled. She was advocating that they think about doing a town hall meeting, as people are worried about a lot of different things and the public can use some answers. She stated that, between Donald Trump's ascension and her not-a-boyfriend's rejection, she was feeling down when she went to that Planning meeting, but her faith in America was restored because of the Council. She stated that she was moved that we are all involved with the process called democracy which works when you work it. She was amazed that so many people showed up. She felt that was the essence of democracy that the people's will be heard and done. She saw the wheels starting to turn in that direction on that day.

**Therese Dyer, Pacifica**, stated that she has not heard anything in the paper recently as to what the city's economic developer has been up to, but she felt Denny's is still closed, Spanky's is still closed, and more stores are being closed. She asked why they weren't selling the Council chambers to pay off that \$27 million. She thought that would put a dip in the city's debt, adding that it was a suggestion that she thought they won't take.

**Margaret Goodale, Pacifica**, stated that the following day, the San Francisco Board of Supervisors will be hearing a request to remove the Sharp Park Golf Course and the Laguna Salada natural area from the EIR, approving the 31 San Francisco natural areas, and work outside the natural area of Sharp Park. She stated that it was not about the golf course, but about Pacifica. She stated that she was sticking her neck out, adding that she has worked for RPD in San Francisco for 20 years. She believes that the natural areas were well conceived for those areas in San Francisco. She stated that the plan works with volunteers who have done fabulous things. She worked with that staff and regards them highly. She stated that what concerns her and Pacifica was the potential problem with raising of the fairways that can stop water that now drains to the golf course and the lagoon from flowing in that direction. She



received confirmation that her concern was real. She stated that the map she handed them was printed in the San Francisco EIR and shows the changes that worry her. She stated that the brown area in the northeast corner needs thorough exploration and explanation. She stated that there was a good possibility that the plan shown on the map can increase the amount of water flowing into the area along Lakeside and Clarendon. She stated that being a good neighbor requires that a property owner does nothing that can cause the water level on an adjacent property to increase, such as in this Pacifica neighborhood. She felt that San Francisco needs to show that their changes do not increase risk on Pacifica property and provide a no rise certification. She felt San Francisco should have analyzed for possible effects of flooding and reached out to Pacifica, not depending on Pacifica to stay informed about all 32 of the San Francisco natural area details. She stated that we cannot let San Francisco ignore us and possibly affect our flood insurance rates as well as the cost of more city pumping to protect Pacifica. She asked that the Council ask for a FEMA audit of any changes that may be done to the golf course. She stated that, after 40 years of seeing the changes that have happened, she wants Pacifica protected, including beaches, and wants to prevent things from slipping through from some other direction that may harm us.

### **COUNCIL COMMUNICATIONS**

Councilmember Vaterlaus stated that she attended the police community meeting regarding the break-ins which was very well attended. She stated that there were lots of questions and good answers, and she thought people left feeling more informed. She attended the League of Cities dinner where the speaker talked about the immigration act, which she thought was interesting. She stated that the Pacifica Sports Hall of Fame was a great event, and she was proud of all the recipients.

Councilmember Martin referred to the mention of Sharp Park, stating that there was a proposal to raise a couple of the holes which affects the flood plane in Pacifica. She thought that was San Francisco property, but in Pacifica, Lakeside Way has to be drained out to the ocean when it floods. She stated that Lakeside Way should be checked for additional flooding so the community was clear on that. She stated that the Pacifica Beach Coalition had a great event, the surf movie fundraiser for Earth Day, which was a near sellout crowd. She stated that the movie was called "The Women and the Waves, II." She stated that Earth Day was April 22 and the Beach Coalition was looking for teams to tackle needy litter, gardening and habitat restoration projects. She mentioned that they can contact her or Lynn Adams or go to the website. They were also looking for needy projects, and if the public sees such a project, she asked that they let them know. She stated that Eco-Fest was shaping up, adding that Paula Teixeira does a wonderful job helping to organize it. She stated that booth reservations were now being taken, and entertainment and guest speakers were being lined up. She stated that the Library Advisory Committee meets Wednesday, March 8, at the Chamber. She stated that the Pacifica Resource Center board meeting was the following Wednesday. She attended the Emergency Preparedness and Safety Commission and sat in on one of the certification classes. She stated that there were over 200 community emergency responders in Pacifica. Their graduation was the following Saturday. She stated that the San Mateo Transportation Authority Board meets the following Thursday at the Auditorium in San Carlos. She applied for the CCA/Bicycle and Pedestrian and Advisory Committee, and thanked those who wrote letters of recommendation for her. She stated that they will make their decision on March 9. She stated that the Pacifica Progressive Alliance will meet on March 5 at the Little Brown Church. She stated that the marijuana joint study session will be meeting with the Planning Commission on March 6. She suggested that people take the survey on line, which closes the following day at midnight.

Councilmember Digre stated that she attended the Sports Hall of Fame, which she does every year because she learns a lot about Pacifica history. She attended the League of Cities meeting and learned about immigration and welcoming and sanctuary cities and other important things in California and the county on which they will be voting. She was proud to hear the mayor of San Jose say they made some errors in the water department because of the flooding in San Jose. She was impressed that he acknowledged that. She also felt proud of Pacifica's community and staff who watched all the creeks in Pacifica, but thankfully they didn't find us in the news. She stated that the Economic Development Committee meets on March 7 at the Police Station. On March 9, the CCAG Transportation Authority meets in the San Carlos SamTrans building, commenting that security is very tight. She mentioned that they had worked hard to get 21<sup>st</sup> century traffic lights, and the Council voted to request that information from the TA and they will be voting on that day as to whether to allot \$150,000 from the budget in Measure A. She hoped it goes forward, adding that the lights at Fassler and Rockaway will be better able to be sensitive to drivers, pedestrians and cyclists to determine where they are and how long and they can move the flow at a better pace. She added that this technology increases safety for all involved. She thought it was an important day.

Mayor pro Tem Keener stated that he attended a walk on San Pedro Creek organized by the San Pedro Creek Watershed Coalition. He mentioned that they have been quiet over the past 7-8 years but were picking up again as many of the members are retired now and will have the time to be more active. He mentioned traveling from the headwaters to the mouth with a lot of stops, and they looked at some old projects that are still holding up. They mentioned potential projects.

Mayor O'Neill stated that he was at the Sports Hall of Fame, Council of Cities dinner and community meeting for police. He attended the JPA for the libraries, but there was no action to report. He mentioned that he walks right through security at the San Carlos SamTrans building, joking that Councilmember Digre must look suspicious.

Councilmember Digre stated that they made her wait, and someone came down and took the paper from her.

### **STAFF COMMUNICATIONS**

City Manager Tinfow stated that the information that Ms. Goodale shared was also sent to staff, and Public Works and Planning will be looking into the issues raised, and they will brief the Council when they learn more.

Mayor pro Tem Keener asked if she will provide that to all the Council.

City Manager Tinfow stated that she will forward to them what they learn.

Councilmember Digre asked if that was about the golf course.

Mayor pro Tem Keener responded affirmatively.

Councilmember Digre asked if she was allowed to make a statement. She reminded them that Mayor Lee has come to our city hall and assured them about the flooding issue, although not on this specific item, but they can call him. She added that he had offered to help when the houses

and apartments were going, and at that time, they brought up that they have to watch the flooding issues.

## **PUBLIC HEARINGS**

### **CONSIDERATION**

6. Planning Commission Annual Report to City Council  
**PROPOSED ACTION:** Motion to receive and file.

Planning Director Wehrmeister introduced Chair Gordon who will present the first part of the staff report and she will give the final portion of the report.

Chair Gordon presented the staff report.

Planning Director Wehrmeister completed the staff report.

Mayor pro Tem Keener referred to the number of permits, and he asked if they issue multiple permits for a given project as he thought that was a lot of projects.

Planning Director Wehrmeister stated that those are building permits specifically, adding that practically everything needs a building permit, such as re-roofing a house, upgrading electrical service, etc., which was why the number was so large, representing all permits, business and residential.

Mayor pro Tem Keener asked what the policy was on outreach before Planning Commission hearings, 300 feet or 500 feet, property owners or residents including tenants.

Planning Director Wehrmeister stated that she didn't include that in this year's presentation because it was standard practice for their department, which is 300 foot radius notification. She stated that state law requires that property owners are noticed but in Pacifica, they do residents as well as the property owners.

Councilmember Digre stated that she didn't think she mentioned the north end of Beach Boulevard, and she thought there were condos at the very end.

Planning Director Wehrmeister stated that there was a request. Staff was analyzing that request for an extension of permits. She stated that they initially recommended that they not be extended, and the applicant asked for some to respond to staff. They have done so and they were preparing the responses for the Planning Commission, which will be on the March 20 agenda.

Councilmember Digre stated that she had two questions but she didn't have to answer them at this time. She was concerned about the erosion factors that have been going on since their first application, mentioning that this was either the second or third extension.

Planning Director Wehrmeister responded that they have had many extensions.

Councilmember Digre asked if we were looking into any changes. She stated that she was “crazy” for a restaurant with an ocean view, asking if that would be a zoning change to go in that direction.

Planning Director Wehrmeister stated that, on that particular site, it was designated residential and it would require a zone change.

Councilmember Digre stated that it concerned her that some things were extended forever and ever, and they were anxious to get things done. She stated that this place was the same thing. She was pleased for the extra effort for outreach, even prior to the planning study session which she considered very valuable. She acknowledged that it takes commitment and she appreciated that they were doing that, as well as appreciated that they are going towards residents and not just homeowners which she considered valuable for the comfort level for all of Pacifica. She concluded that there were no requests for affordable homes. She thought the seven townhouses was too small a number.

Planning Director Wehrmeister stated that it was one less than was needed to trigger the inclusionary housing ordinance.

Councilmember Martin asked if her mention of inspections was also code enforcement.

Planning Director Wehrmeister stated that it was just building.

Councilmember Martin asked if it was under Planning.

Planning Director Wehrmeister asked if she meant code enforcement.

Councilmember Martin responded affirmatively.

Planning Director Wehrmeister stated that code enforcement and building were both under Planning.

Councilmember Martin referred to the code enforcement in the shopping centers, asking if there was a schedule where they get checked every quarter, and she added the shopping strips. She thought there were a lot of issues around cigarette butts, litter, etc., and she thought the Park Mall was a sore spot. She stated that she was happy to see a maintenance crew at Sea Bowl, but she has never seen that at Park Mall, adding that the Pacifica Beach Coalitions does it themselves. She wondered if there was a schedule or could she make a proposal that they do something like that for those areas.

Planning Director Wehrmeister agreed that they could do that.

Councilmember Martin remarked that was easy. She then thanked the Planning Commission, stating that they work as hard as Council did, as there was so much for them to understand and research while dealing with people directly.

Councilmember Digre thought she might have been distracted when Pedro Terrace was mentioned and she didn't catch what was said on that.

Planning Director Wehrmeister stated that there was private property west of the assisted living facility, where they have proposed a six-lot subdivision.

Councilmember Digre asked if it was between the assisted living area and the library.

Planning Director Wehrmeister stated that she was talking about San Pedro Terrace.

Councilmember Digre asked if they have heard anything more about the assisted living situation.

Planning Director Wehrmeister stated that she wasn't sure to what she was referring.

Councilmember Digre stated that she was referring to the Park Mall.

Mayor O'Neill stated that it was on Oddstad, across from St. Peter's.

Planning Director Wehrmeister understood she was referring to the other proposed assisted living facility, stating that they haven't heard anything new on that site.

Councilmember Vaterlaus thanked her for working so hard. She mentioned that they have a lot more than they did.

Mayor pro Tem Keener asked how hard it would be to extend the circle of notification to 500 feet from 300 feet.

Planning Director Wehrmeister didn't think it would be very difficult to do that. She thought the impact would be more staff time as they make the copies and stuff the envelopes for notification.

Mayor pro Tem Keener stated that he hears that complaint a lot, with people saying they weren't notified and they lived fairly close to the project. He suggested that they consider that.

Mayor O'Neill stated that he was in the position of Planning Commissioner for several years and has experienced the same thing and empathizes with their position. He stated that, when the economy is robust, it does get quite busy. He thanked them for all the work they do.

Councilmember Digre asked if the change from 300 feet to 500 feet would be something the Council has to agendize and put into effect, or could the Planning Commission do it.

City Attorney Kenyon thought it was something on which they would need direction from Council, concluding that they were currently just following state law requirements.

Planning Director Wehrmeister responded affirmatively, adding that she was not aware that it was additionally codified in the code.

City Attorney Kenyon concluded that they could not take action at this meeting as it was not agendized, but she assumed staff would want some direction from Council to do that.

Councilmember Digre stated that it has been around for some time and thought it would be very welcome. She thought they should also address the part about sending to residents as well as owners. She asked if volunteers could help stuffing envelopes.

City Attorney Kenyon stated it was an administrative decision.

Councilmember Digre thought she was hearing that they could choose to have volunteers.

Planning Director Wehrmeister thought so, but she would want it to be accurate in that there would be some impact, but she wasn't sure it would be so great that they would need a volunteer. She agreed that, if they did, they could consider that.

Mayor O'Neill stated that he knows an individual who has an envelope stuffing machine and he thought that would be cheaper than staff doing it.

**7. 2016-17 Mid-Year Budget Update**

**PROPOSED ACTION:** Move to accept the adjustments included as part of the Mid-Year Budget Update and adopt the resolution approving the revised budget appropriation of \$30,754,000 for FY 2016-17.

Asst. City Manager Hines presented the staff report.

Councilmember Digre was surprised and asked him to elaborate about the transient occupancy tax.

Asst. City Manager Hines stated that it was the way the numbers were flowing. He thought they could be the subject of a situation where hotels become popular in the spring, but now the numbers are trending about \$100,000 lower. He explained that all the projections were based on the activity from July through December 2016.

Councilmember Digre thought it was also based on comparison with the year before. She asked clarification on the time frame.

Asst. City Manager Hines reiterated that it was July through December.

Councilmember Digre asked if anyone talked to the hotel managers as to why this decrease happened.

Asst. City Manager Hines stated that they will be looking into that, but for now, he has established the projections and the Economic Development Manager, Ann Stedler, will be looking into that.

Mayor pro Tem Keener asked if the \$43,000 increase in the General Fund included the increase in the Fire Department for expenditures that will be reimbursed by the State.

Asst. City Manager Hines responded affirmatively.

Mayor pro Tem Keener concluded that we have no real increase viewed over year to year.

Asst. City Manager Hines responded affirmatively, adding he wanted to make sure they had enough authority in the budgets so, when they get the CAFR next year, it won't look like fire ran over.

Councilmember Martin thanked him.

Mayor O'Neill understood that property taxes were up quite a bit because of housing prices, but he noted sales tax, transient occupancy tax and other taxes are all down. He was concerned because the rest of the peninsula seems to be doing quite well. He asked if there was any trend in Pacifica that he saw or will look at it.

Asst. City Manager Hines stated that the commercial base was the primary driver of sales tax, and the commercial base has been consistent. He stated that the gas stations were the leaders, followed by hotels that have overtaken the gas stations. He stated that the profile has remained and, as tourist dollars and tourist desires go up and down, and gas prices go up and down, so do sales tax, and that also affects the TOT. He stated that we have a certain profile with revenues, and Pacifica was heavily dependent on property taxes. He hoped to have a conversation on diversifying our revenues, at least to the point to figure out a way to drive some revenues upward and are not so heavily dependent on property taxes.

Mayor O'Neill asked if he could define other taxes and department/program.

Asst. City Manager Hines stated that he didn't have details, but other taxes are franchise, utility tax, business licenses.

City Manager Tinfow thought they were showing the reimbursement for fire from OES in that uptick, 142.

Asst. City Manager Hines agreed, adding that he was asking about other taxes. He stated that the 142 is a department program. He stated that was an example of other taxes. He then referred to the department programs, stating we have over 100 revenue streams that flow into the General Fund, including vehicle license fees, reimbursement for fire, fees from the Parks Department in their marvelous programs, fines and forfeitures as a result of the police providing corrective assistance, building permits and other permits, which all flow into the revenues.

Mayor O'Neill asked if franchise taxes were such as the Comcast and Recology franchises.

Asst. City Manager Hines clarified that it was mainly the Recology franchise.

Councilmember Digre assumed they haven't done the comparison for this report, but she thought they were interested in how the Kimco empty sections are reflected in the budget, such as so many businesses are no longer in the two Kimco shopping plazas. She asked if that was part of why they are down in sales tax.

Asst. City Manager Hines thought they were down in sales tax because of gas prices, adding that they were only down by \$34,000. He stated that their estimate for sales tax was over \$2 million and he wanted to be sure they looked at being down \$34,000 in context. He stated that sales tax was driven by the city's commercial profile.

Councilmember Digre stated that they have mentioned Kimcoe numerous times, trying to get a handle on the data of how empty commercial sites are affecting us in addition to all the other things mentioned.

Mayor pro Tem Keener asked if he has a sense of how volatile the revenues are over the past 4-5 years, specifically how much up and down might be.

Asst. City Manager Hines stated that, thanks to the uptake in property taxes, they have been very steady and they keep climbing, however, at some point, he expected that to flatten out. He hoped it doesn't flatten out to the degree that they saw in 2008 and 2009 which was one reason he was an advocate of diversifying the revenues. He expected it to flatten out, adding that they have a number of expenditure on the horizon which they will see when they present the 2017-18 budget with PERS dropping their discount rate. He stated that the labor agreements are on the way to being settled, but they will be back at the table in January. He reiterated that they have been stable for the last few years.

Mayor pro Tem Keener stated that he specifically meant the TOT.

Asst. City Manager Hines stated that it has grown in the time that he has been with the city, and he was happy to see that. He stated that they can thank the hoteliers and Ann Stedler with her work with that group. He stated that they will keep an eye on it, and he hoped he was too conservative and they will get a spring uptick and he will be proven wrong, and he was okay with being proven wrong in this particular case.

Councilmember Vaterlaus asked how he sees them diversifying their revenues other than property tax.

Asst. City Manager Hines stated that sales tax was driven off the commercial base. He referred to Councilmember Digre mentioning having more businesses which will drive sales tax. He stated that, in regard to the transient occupancy tax, they heard there is a new hotel and that will help. He stated that, the more that commercial profile grows, the more these revenues diversify and the more they diversify, the more Pacifica has to provide services to the community.

Councilmember Digre stated that she had a question that she probably should have asked Planning which was whether we have an idea when Holiday Inn will be completed with their new rooms.

Asst. City Manager Hines stated that he would love to give the answer but that wasn't his department.

Planning Director Wehrmeister stated that she did not have an estimate of when they will be done.

Councilmember Digre asked if it was moving along.

Planning Director Wehrmeister stated that it was moving along but it did just get started.

Mayor pro Tem Keener asked how much help a tax on recreational sales of marijuana would help.

Asst. City Manager Hines thought that would help, adding that they would have to look at all the policy implications surrounding that. He stated that how much it will help depends on the form it takes in Pacifica, but based on the estimates he has seen, it would be a positive influence on the city's revenues.

Mayor O'Neill stated that, when they start budget talks, he would be interested in some modeling to see how Pacifica's revenue compared to other cities. He thought, in other cities, property taxes are not the main source of revenue, but sales and transient occupancy. He



thought, on the expenditure side, it was common for most cities to have almost half their budget go for public safety.

Asst. City Manager Hines responded affirmatively.

Mayor O'Neill stated that, for all the naysayers for the budget, he thought it would be nice to drill down and show that our costs are not necessarily that far out of line, but more the revenue sources.

Asst. City Manager Hines agreed, adding that this was his third city and all three cities, from an expenditure profile, look very similar, but the difference was the profile of the revenues.

There were no public comments.

Councilmember Digre moved to adopt the resolution increasing the adopted budget appropriation of \$30,754,000 for FY 2016-2017, revised to reflect revenue and departmental budgets based on current information; seconded by Mayor pro Tem Keener.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Digre, Councilmember
<b>SECONDER:</b>	John Keener, Mayor Pro Tem
<b>AYES:</b>	O'Neill, Keener, Digre, Vaterlaus, Martin

**ADJOURN**

Mayor O'Neill adjourned the meeting at 8:31 p.m. in honor of John Curtis who passed away December 17.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED:

\_\_\_\_\_  
Mike O'Neill, Mayor

Attachment: Minutes of February 27, 2017. (2139 : Approval of Minutes)



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Proclamation Confirming Existence of Local Emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.

**RECOMMENDED ACTION:**

Accept current photos as of March 7, 2017 (Attachment 2) and move to continue proclamation confirming the existence of a local emergency of the Pacifica Coastline from Westline Drive to the End of Beach Boulevard.

**STAFF CONTACT:**

Kathy O'Connell, City Clerk  
o'connellk@ci.pacifica.ca.us  
650-738-7307

**BACKGROUND/DISCUSSION:**

On January 22, 2016 the Director of Emergency Services proclaimed the existence of a local emergency along the Pacifica coastline from Westline Drive to the end of Beach Boulevard due to El Nino storm activity.

Extreme wave heights for extended periods of time caused top-of-bluff retreat at several locations along the Pacifica coast and damage to City infrastructure as described below:

- failure of the sea wall and promenade on Beach Blvd. Near Santa Maria Ave.;
- damage to a section of the concrete railing along the City pier;
- the undermining of a seven foot diameter storm drain outfall and concrete headwall for the discharge of Milagra Creek drainage to the ocean.

The City Council ratified this proclamation at their January 25, 2016, regular meeting (Attachment 1).

Since that date, additional damage has occurred including an additional ground subsidence (sinkhole) of the Beach Blvd. Promenade near Paloma Ave., and additional sea wall breach between the pre-existing two locations.

Council is asked to continue the proclamation until the emergency is concluded as part of the State grant requirements. Current photos are included as Attachment 2.

**FISCAL IMPACT:**

None.

**ORIGINATED BY:**

City Clerk

**ATTACHMENT LIST:**

Proclamation of Local Emergency (Attachment 1) (PDF)  
Council Emergency Photos 3-7-17.pdf (PDF)

## PROCLAMATION OF LOCAL EMERGENCY

**WHEREAS**, Section 4-2.01 *et seq.* of the Pacifica Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

**WHEREAS**, the City Manager is the Director of Emergency Services of the City of Pacifica; and

**WHEREAS**, the winter of 2015/2016 has seen the strongest El Nino ocean temperature rise since 1998; and

**WHEREAS**, the resulting thermal water expansion has caused elevated ocean levels and tides off the coast of Pacifica; and

**WHEREAS**, recent ocean conditions include combined 25 foot King Tides with very high swell exceeding 15 feet offshore; and

**WHEREAS**, recent El Nino storm activity has also saturated the earth, including bluffs and surrounding earth at the ocean's edge; and

**WHEREAS**, a long series of El Nino-induced storm fronts have brought warm pineapple-convection storms from the southwest, as well as additional cold winter fronts from the northwest; and

**WHEREAS**, extensive top-of-bluff retreat is occurring at several locations along the Pacifica Coast; and

**WHEREAS**, predicted significant storms through February 2016 are anticipated to bring significant additional coastal erosion within Pacifica, including but not limited to the coastline from Westline Drive to the end of Beach Blvd.; and

**WHEREAS**, these conditions present extreme peril and threaten the safety of persons and property, including critical public infrastructure; and

**WHEREAS**, recent storm activities and extreme wave heights for extended periods have caused ground subsidence (sinkhole) contributing to the failure of the sea wall at Beach Boulevard and Santa Maria Avenue, including undermining of adjacent promenade and road closure; and

**WHEREAS**, these storm activities and extreme wave heights have also caused a section of concrete railing along the City pier to fail, resulting in partial closure of the pier; and

**WHEREAS**, these storm activities and extreme wave heights have also caused undermining and displacement of a 7 foot diameter storm drain outfall and the massive concrete headwall for the discharge of Milagra Creek drainage to the ocean; and

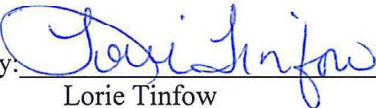
**WHEREAS**, such conditions are or are likely to be beyond the financial and handling capability of the City’s services, personnel, equipment, and facilities, requiring the combined forces of the other political subdivisions to combat; and

**WHEREAS**, the City provides this written notification to the San Mateo County and State CalEMA’s Regional and Headquarter offices of a proclamation of local emergency; and

**WHEREAS**, such proclamation shall be subject to confirmation by the Pacifica City Council at the earliest possible time.

**NOW, THEREFORE, BE IT PROCLAIMED** that, in accordance with State Law and the City of Pacifica Municipal Code, the Director of Emergency Services proclaims the existence of a local emergency along the Pacifica coastline from Westline Drive to the end of Beach Blvd.

DATED: January 22, 2016

By:   
Lorie Tinfow  
Director of Emergency Services

Attachment: Proclamation of Local Emergency (Attachment 1) (2138 : Proclamation Confirming Existence of Local Emergency)

400 ESPLANADE

A. BLUFF FAILURE DEPOSITED SAND AND BOULDERS ON THE BEACH.

B. CONTINUE BLUFF FAILURE.





**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Authorization of Administrative Responsibility for Contracts with the San Mateo County Office of Education for Providing Subsidized Child Care Services for Fiscal Year 2016-2017.

**RECOMMENDED ACTION:**

Move to adopt a resolution approving authorization of administrative responsibility for contracts with the San Mateo County Office of Education for providing subsidized child care services for fiscal year 2016-2017.

**STAFF CONTACT:**

Michael Perez, Director, Parks, Beaches and Recreation  
(650) 738-7381, perezm@ci.pacifica.ca.us  
Tracy Gilbert, Acting Child Care Supervisor  
(650) 738-7388, gilbertt@ci.pacifica.ca.us

**BACKGROUND/DISCUSSION:**

Child Care Services is in an annual contractual agreement with the San Mateo County Office of Education to provide a subsidized state preschool program at four school sites. Council action authorizing staff to have on-going responsibility and authority to work with the San Mateo County Office of Education, and the California Department of Education Child Development Division regarding the program's contract is required.

With the departure of Child Care/Recreation Supervisor Scott Leslie, the duties to facilitate this process have been assigned to Acting Child Care Supervisor Tracy Gilbert. This includes: processing the annual reapplication, submission of monthly / quarterly requests for reimbursement, attending semi-annual and annual training sessions, authorizing families to receive subsidized care and ongoing communications with the state representative of the Child Development Division.

City Manager Lorie Tinfow also has authority to sign these contractual agreements. With her upcoming departure from the City, this authority will be delegated to Parks, Beaches and Recreation Director Michael Perez. Upon the appointment of a new City Manager and for the execution of the 2017/2018 fiscal year contracts, a resolution updating contract authority will be brought to Council.

**ALTERNATIVE ACTION:**

Decline to authorize to adopt the attached resolution. San Mateo County Office of Education and the California Department of Education Child Development Division require the authorization of responsibility for the program's contract. Therefore, staff does not recommend this action.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

A Connected Community and a Healthy and Compassionate Community - adoption of this resolution contributes to the success of the City's Child Care program by helping to build community, supporting families in need as well as youth services.

**ORIGINATED BY:**

Parks, Beaches and Recreation Department

**FISCAL IMPACT:**

These annual contact amounts were included in the Fiscal Year 2016-2017 budget. No additional budget authority is needed.

**ORIGINATED BY:**

Parks, Beaches & Recreation Department

**ATTACHMENT LIST:**





RESOLUTION NO

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AUTHORIZING THE DESIGNATED PERSONNEL TO SIGN CONTRACT DOCUMENTS FOR  
FISCAL YEAR 2016/2017 WITH THE SAN MATEO COUNTY SUPERINTENDENT OF  
SCHOOLS FOR THE PURPOSE OF PROVIDING CHILD CARE AND DEVELOPMENT  
SERVICES

BE IT RESOLVED that the Governing Board of the City of Pacifica authorizes entering into local agreement between the San Mateo County Superintendent of Schools and the City of Pacifica pursuant to a California State Preschool Program (CSPP) Grant and that the person/s who are listed below, are authorized to sign the transaction for the Governing Board.

NAME	TITLE	SIGNATURE
Michael Perez	Parks, Beaches and Recreation Director	_____
Tracy Gilbert	Acting Child Care Supervisor	_____

Passed and adopted by the City Council of the City of Pacifica at their meeting of March 13, 2017 by the following vote of the members thereof:

- AYES, Councilmembers:
- NOES, Councilmembers:
- ABSENT, Councilmembers:
- ABSTAIN, Councilmembers:

\_\_\_\_\_  
Mike O'Neill, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

\_\_\_\_\_  
Kathy O'Connell, City Clerk



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Authorization of Administrative Responsibility for Contracts with the California State Department of Education for the Purpose of Providing Child Care and Child Development Services for Fiscal Year 2016-2017.

**RECOMMENDED ACTION:**

Move to adopt a resolution approving authorization of administrative responsibility for contracts with the California State Department of Education for the purpose of providing child care and child development services for fiscal year 2016-2017.

**STAFF CONTACT:**

Michael Perez, Director, Parks, Beaches and Recreation  
(650) 738-7381, perezm@ci.pacifica.ca.us  
Tracy Gilbert, Acting Child Care Supervisor  
(650) 738-7388, gilbertt@ci.pacifica.ca.us

**BACKGROUND/DISCUSSION:**

Child Care Services is in an annual contractual agreement with the California Department of Education to provide subsidized child care. Council action authorizing staff to have on-going responsibility and authority to work with the California Department of Education Early Education and Support Division regarding the program's contract is required.

With the departure of Child Care/Recreation Supervisor Scott Leslie the duties to facilitate this process have been assigned to Acting Child Care Supervisor Tracy Gilbert. This includes: processing the annual reapplication, submission of monthly/quarterly requests for reimbursement, attending semi-annual and annual training sessions, authorizing families to receive subsidized care and ongoing communications with the state representative of the Early Education and Support Division.

City Manager Lorie Tinfow also has authority to sign these contractual agreements. With her upcoming departure from the City, this authority will be delegated to Parks, Beaches and Recreation Director Michael Perez. Upon the appointment of a new City Manager and for the execution of the 2017/2018 fiscal year contracts, a resolution updating contract authority will be brought to Council.

**ALTERNATIVE ACTION:**

Decline to authorize staff to proceed. California Department of Education Early Education and Support Division require the authorization of responsibility for the program's contract. Therefore, staff does not recommend this action.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

A Connected Community and a Healthy and Compassionate Community - adoption of this resolution contributes to the success of the City's Child Care program by helping to build community, supporting families in need as well as youth services.

**ORIGINATED BY:**

Parks, Beaches and Recreation Department

**FISCAL IMPACT:**

These annual contact amounts were included in the Fiscal Year 2016-2017 budget. No additional budget authority is needed.

**ORIGINATED BY:**

Parks, Beaches & Recreation Department

**ATTACHMENT LIST:**



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AUTHORIZING THE DESIGNATED PERSONNEL TO SIGN CONTRACT AGREEMENT  
DOCUMENTS FOR FISCAL YEARS 2016/17 WITH THE CALIFORNIA DEPARTMENT OF  
EDUCATION FOR THE PURPOSE OF PROVIDING CHILD CARE AND DEVELOPMENT  
SERVICES AND TO AUTHORIZE

BE IT RESOLVED that the Governing Board of the City of Pacifica authorizes that the person/s  
who are listed below are authorized to sign transactions and related documents for the  
Governing Board for local agreement numbers CCTR-6244 and CSPP-6498:

NAME	TITLE	SIGNATURE
Michael Perez	Parks, Beaches and Recreation Director	_____
Tracy Gilbert	Acting Child Care Supervisor	_____

Passed and adopted by the City Council of the City of Pacifica at their meeting of March 13,  
2017 by the following vote of the members thereof:

- AYES, Councilmembers:
- NOES, Councilmembers:
- ABSENT, Councilmembers:
- ABSTAIN, Councilmembers:

\_\_\_\_\_  
Mike O'Neill, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

\_\_\_\_\_  
Kathy O'Connell, City Clerk



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Approval of Consultant Agreement Between the City of Pacifica and Freyer & Laureta, Inc. in the Amount of \$61,300 for Providing Civil Engineering Services to the Calera Creek Water Recycling Plant ATAD Improvement Project Phase 2 (P002)

**RECOMMENDED ACTION:**

Move to approve the Consultant Agreement between the City of Pacifica and Freyer & Laureta, Inc. in the amount of \$61,300, for engineering design services to complete the Calera Creek Water Recycling Plant ATAD Improvement Project - Phase 2 (No. P002); and authorize the City Manager to execute agreement.

**STAFF CONTACT:**

Maria Aguilar - (650) 738-4664  
aguilarm@ci.pacifica.ca.us

Pedro Mendoza - (650) 738-4663  
mendozap@ci.pacifica.ca.us

Louis Sun - (650) 738-4662  
sunl@ci.pacifica.ca.us

**BACKGROUND/DISCUSSION:**

The Calera Creek Water Recycling Plant ATAD Improvement Project - Phase 2 (Project) is one of the projects listed in the City's five year Capital Improvement Program for Wastewater. The proposed project is the second phase of the continuing improvements on the Calera Creek Water Recycling Plant Autothermal Thermophilic Aerobic Digesters (ATAD) Operation.

In April 2009, Phase 1 of the ATAD Modification Project was done on ATADs 1 and 2. This resulted in cost savings to the Calera Creek Water Recycling Plant operation, due to the decrease in purchased chemicals used to control odor, as well as the reduction in truck trips to haul away the bio-solids. But what is more important with the completion of the initial phase is the substantial reduction in offensive odors being discharged.

Phase 2 of the ATAD Improvement Project is now ready to be implemented. This phase will further ensure odor reduction and continual cost savings. Construction of the Project will install centrifugal jet pumps, foam control splash cones, actuated dilution air damper, fiber glass pipes, install gate valves, and upgrade instrumentation.

Staff recommends approval of the consultant agreement (Attachment 1) in order to proceed with this project in a timely manner.

**ALTERNATIVE ACTION:**

Council may choose to not approve the consultant agreement, however, this will result in project delay and increased risk of foul odor being generated from the ATAD Operation. Staff therefore does not recommend this alternate action.

**FISCAL IMPACT:**

Fiscal impact will be \$61,300. There is enough money in the current budget to cover this amount as the total approved budget for this project in the FY2016-17 Capital Budget is \$450,000. However, of this amount, staff initially budgeted \$30,000 for design and \$420,000 for construction. This means that some of the money for construction will be used to cover the design cost, the actual construction cost can not be determined until the project design is complete and the project has been bid out.

**ORIGINATED BY:**

Waste Water Treatment

**ATTACHMENT LIST:**

FreyerLaureta\_ATAD P002 Agreement (PDF)

## AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, by and between **THE CITY OF PACIFICA**, a municipal corporation (hereinafter referred to as "CITY") and **FREYER & LAURETA, INC.** (hereinafter referred to as "CONSULTANT").

### RECITALS

WHEREAS, CITY requires **PROFESSIONAL ENGINEERING**. services in connection with **CALERA CREEK WATER RECYCLING PLANT ATAD PHASE 2 IMPROVEMENTS (P002)**; and

WHEREAS, CONSULTANT has agreed to provide CITY with such services on the terms and conditions set forth herein.

NOW, THEREFORE, for the considerations hereinafter set forth, CONSULTANT and CITY agree as follows:

### ARTICLE 1 - SCOPE OF SERVICES

- 1.1. **Scope of Work.** CONSULTANT agrees to furnish the services set forth in Exhibit A, Scope of Work, which is attached hereto and incorporated herein (the "Services").
- 1.2. **Compliance with Law.** The Services shall be performed in accordance with all applicable federal, state and local laws, ordinances, rules, regulations and orders.
- 1.3. **Time is of the Essence.** CONSULTANT agrees to diligently prosecute the Services. In the performance of this Agreement, time is of the essence.
- 1.4. **Professional Competence.** CONSULTANT represents that it has the professional skills necessary to perform the Services and that it will perform the Services in a skillful and professional manner. CONSULTANT represents that it has all the necessary licenses to perform the Services and shall maintain them throughout the term of this Agreement. CONSULTANT agrees that the Services shall be performed in a manner consistent with practices usual and customary to the engineering profession. CITY and CONSULTANT agree that CONSULTANT is in responsible charge of the Services. Acceptance by CITY of the Services does not operate as a release of CONSULTANT from professional responsibility for the Services performed.
- 1.5. **Independent Contractor.** CONSULTANT is an independent contractor and not an employee of CITY. CONSULTANT expressly warrants that it will not represent that it is an employee of CITY.
- 1.6. **Confidentiality.** CONSULTANT agrees to maintain in confidence and not disclose to any person, firm, governmental entity, or corporation, without CITY's prior written consent, any trade secret or confidential information, knowledge or data relating to the

products, process, or operation of CITY. CONSULTANT further agrees to maintain in confidence and not to disclose to any person, firm, governmental entity, or corporation any data, information, technology, or material developed or obtained by CONSULTANT during the performance of the Services. The covenants contained in this Section 1.6 shall survive the termination of this Agreement for whatever cause.

- 1.7. **Ownership of Material.** Any reports and other material prepared by or on behalf of CONSULTANT under this Agreement (collectively, the "Documents") shall be and remain the property of CITY. All Documents not already provided to CITY shall be delivered to CITY on the date of termination of this Agreement for any reason. The Documents may be used by CITY and its agents, employees, representatives, and assigns, in whole or in part, or in modified form, for all purposes CITY may deem appropriate without further employment of or payment of any compensation to CONSULTANT.
- 1.8. **Documentation.** CONSULTANT shall keep and maintain full and complete documentation and accounting records, employee time sheets, and correspondence pertaining to the performance of the Services, and CONSULTANT shall make such documents available for review and/or audit by CITY and CITY's representatives at all reasonable times for at least four years after the termination of this Agreement or completion of the Services.
- 1.9. **Testimony.** CONSULTANT agrees to testify at CITY's request if litigation is brought against CITY in connection with the Services. Unless the action is brought by CONSULTANT or is based upon CONSULTANT's negligence, CITY will compensate CONSULTANT for the preparation and the testimony at CONSULTANT's standard hourly rates.

## ARTICLE 2 - COMPENSATION

- 2.1. **Compensation.** Compensation for the Services shall be in accordance with Exhibit B, Compensation, attached hereto and incorporated herein. It is agreed that the compensation for the Services shall not exceed \$61,300 ("Cost Ceiling").
- 2.2. **Invoices.** CONSULTANT shall submit monthly invoices in a form satisfactory to CITY on or before the tenth day of each month for Services provided during the preceding month. CONSULTANT shall submit time and cost records as necessary to substantiate performance of the Services. Within 35 days after receipt of each such invoice, CITY shall verify the accuracy of the invoice, correct the charges where appropriate and as discussed and mutually agreed with CONSULTANT, and make payment to CONSULTANT in an amount equal to the amount of such invoice, as verified or corrected by CITY. No payment hereunder shall be construed as evidence of acceptance of any of CONSULTANT's work. CITY reserves the right to withhold payment from CONSULTANT on account of Services not performed satisfactorily, delays in CONSULTANT's performance of Services, or other defaults hereunder. CONSULTANT shall not stop or delay performance of the Services under this Agreement on account of payment disputes with CITY.



- 2.3. **Status Reports.** Together with each monthly invoice, CONSULTANT shall submit a status report detailing the amount expended on the Services to that date and the remaining amount to be expended before the Cost Ceiling is reached. CONSULTANT shall notify CITY in writing when payments have reached 90 percent of the Cost Ceiling.
- 2.4. **Withholding.** In lieu of holding retention, CITY shall withhold CONSULTANT's final payment until the Services are complete and CITY has received all Documents. CONSULTANT shall diligently continue and complete performance of the Services if the Services are not complete at the time CONSULTANT has performed services up to the Cost Ceiling.

### ARTICLE 3 - TIME OF PERFORMANCE

- 3.1. **Effective Date.** This Agreement shall become effective upon execution of the second signature and shall remain in full force and effect until the Services are completed (the "Term"). CONSULTANT agrees to complete all services by June 30, 2018.
- 3.2. **Termination.** This Agreement may be terminated at any time by CITY upon written notice to CONSULTANT.
- 3.3. **Final Payment.** CONSULTANT shall be entitled to compensation for Services performed up to the time of such termination, it being understood that any payments are full compensation for the Services rendered under this Agreement.
- 3.4. **Other Remedies.** Nothing in this Article 3 shall be deemed to limit the respective rights of the parties to terminate this Agreement for cause or otherwise to exercise any rights or pursue any remedies which may accrue to them.

### ARTICLE 4 - DESIGNATED CONTACTS

- 4.1. **CITY Contact.** CITY designates Louis Sun, its Deputy Director of Public Works, as its contact who shall be responsible for administering and interpreting the terms and conditions of this Agreement, for matters relating to CONSULTANT's performance under this Agreement, and for liaison and coordination between CITY and CONSULTANT. In the event CITY wishes to make a change in CITY 's representative, CITY will notify CONSULTANT of the change in writing.
- 4.2. **CONSULTANT Contact.** CONSULTANT designates Jeffrey J. Tarantino, P.E. as its contact, who shall have immediate responsibility for the performance of the Services and for all matters relating to performance under this Agreement. Any change in CONSULTANT's designated contact shall be subject to written approval by CITY.

### ARTICLE 5 - INDEMNIFICATION AND INSURANCE

- 5.1. **Indemnification.** CONSULTANT shall, to the fullest extent allowed by law, with respect to claims, liability, loss, damage, costs, or expenses, including reasonable attorney's and expert witness fees, awards, fines, penalties, or judgments, arising out of or relating to the Services (collectively "Claims"), defend, indemnify, and hold harmless

CITY, its Officials, officers, employees and agents (the "CITY Parties"), except to the extent the Claims are attributable to CITY Parties' gross negligence or willful misconduct. CONSULTANT shall defend the CITY Parties as required by California Civil Code Section 2778, and with counsel reasonably acceptable to those parties. CONSULTANT shall have no right to seek reimbursement from the CITY Parties for the costs of defense. The obligations contained in this Section 5.1 shall survive the termination of this Agreement for whatever cause for the full period of time allowed by law and shall not in any way be limited by the insurance requirements of this Agreement. With respect to the professional liability of design professionals, as defined in Civil Code section 2782.8(c)(2), Consultant shall, to the fullest extent permitted by law, indemnify, protect, defend and hold harmless any City Parties from and against any and all Claims which arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, or as may be provided in Civil Code section 2782.8.

- 5.2. **Health and Safety.** CONSULTANT may perform part of the Services at sites which contain unknown working conditions and contaminated materials. CONSULTANT shall be solely responsible for the health and safety of CONSULTANT's employees during the performance of the Services.
- 5.3. **Insurance.** CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency shall procure, provide and maintain at all times during the performance of this Agreement, and for such additional periods as described herein, the insurance listed below with insurers licensed to do business in the State of California and with a Best's rating of no less than A:VII.
- A. Comprehensive Automobile Liability Insurance. Comprehensive Automobile Liability Insurance providing bodily injury liability and property damage, to protect against all liability arising out of the use of any owned, leased, passenger or commercial automobile at a minimum amount of \$1,000,000 combined single limit and \$2,000,000 aggregate. Coverage shall apply to hired and non-owned autos.
- B. Commercial General Liability Insurance. Commercial General Liability Insurance, with limits providing a minimum amount of \$1,000,000 combined single limit coverage for each occurrence, \$2,000,000 general aggregate and \$2,000,000 products/completed operations aggregate. The insurance shall cover all operations including but not limited to the following: (1) premises, operations and mobile equipment liability; (2) completed operations and products liability; (3) contractual liability insuring the obligations assumed by CONSULTANT in this Agreement; (4) broad form property damage liability; (5) personal injury liability endorsement, including death; and (6) automobile bodily injury and property damage insurance, including all owned, hired and non-owned equipment.
- C. Professional Liability Insurance. Professional Liability Insurance protecting against liabilities arising out of or in connection with negligent acts, errors, or omissions of CONSULTANT and all of CONSULTANTS employees, subcontractors, consultants and other agency in connection with this Agreement,

at a minimum amount of \$1,000,000 combined single limit coverage and \$1,000,000 aggregate, on a "claims made basis" with a continuation of coverage extension for liabilities for two years from the date the Services are substantially complete. Such professional liability policies shall include coverage for liability assumed by the CONSULTANT under this Agreement.

- D. Workers Compensation Insurance. Workers Compensation insurance, occupational disease insurance and employer's liability insurance shall be required with minimum limits as required by law, covering all workplaces involved in this Agreement.
- E. Policy Terms. Concurrently with execution of this Agreement, CONSULTANT shall provide CITY with Certificates of Insurance evidencing that CONSULTANT has obtained or maintains the insurance required by this Section 5.3. The Certificates shall be on forms acceptable to CITY. CONSULTANT shall also furnish CITY with original endorsements with the following documentation:
- Precluding cancellation or reduction in coverage before the expiration of thirty (30) days after CITY shall have received written notification thereof from CONSULTANT by United States mail;
  - Providing that CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, and include a "separation of insureds" or "severability" clause which treats each insured separately, except with respect to the limits of the insurer's liability (cross-liability endorsement);
  - Naming CITY, its City Council, boards, commissions, committees, officers, employees and agents as additional insureds ("Additional Insureds"); and
  - Providing that for any claims relating to CONSULTANT's services hereunder, CONSULTANT's insurance coverage shall be primary insurance with respect to CITY, its City Council, boards, commissions, committees, officers, employees and agents, and that any insurance or self-insurance maintained by CITY for itself, its City Council, boards, commissions, committees, officers, employees and agents shall be in excess of CONSULTANT's insurance and shall not be contributory with it.
  - It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverages requirements and/or limits shall be available to the Additional Insured, including but not limited to any umbrella or excess insurance. Furthermore, the requirements for coverage and limits shall be the greater of: (a) the minimum coverage and limits specified in this Agreement; or (b) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured.
- F. Material Breach. If CONSULTANT fails to maintain insurance coverage or provided insurance documentation which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. CITY, at its sole option, may terminate this Agreement and obtain damages from CONSULTANT

resulting from said breach. Alternatively, CITY may purchase the required insurance coverage, and without further notice to CONSULTANT, may deduct from sums due to CONSULTANT any premium costs advanced by CITY for such insurance. These remedies shall be in addition to any other remedies available to CITY.

## ARTICLE 6 - NOTICES

All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by facsimile or reputable overnight courier and shall be deemed received upon the earlier of: (1) if personally delivered, the date of delivery to the address of the person to receive such notice; (2) if delivered by Federal Express or other overnight courier for next business day delivery, the next business day; (3) if sent by facsimile, with the original sent on the same day by overnight courier, the date on which the facsimile is received, provided it is before 5:00 P.M. Pacific Time; or (4) if sent electronically, the date of delivery on the confirmed read receipt. Notice of change of address shall be given by written notice in the manner described in this Article 6. Rejection or other refusal to accept or the inability to deliver because of a change in address of which no notice was given shall be deemed to constitute receipt of the notice or communication sent. Unless changed in accordance herewith, the addresses for notices given pursuant to this Agreement shall be as follows:

If to CITY: Louis Sun, Deputy Director of Public Works - Wastewater  
170 Santa Maria Avenue  
Pacifica, CA 94404  
Phone: (650) 738-4664  
Facsimile: (650) 355-7256  
Email: sunl@ci.pacifica.ca.us

If to CONSULTANT: Jeffrey J. Tarantino, P.E.  
144 N. San Mateo Drive  
San Mateo, CA 94401  
Phone: (650) 344-9901  
Facsimile: (650) 344-9920  
Email: tarantino@freyerlaureta.com

## ARTICLE 7 - MISCELLANEOUS

- 7.1. **Entire Agreement.** This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by an amendment in writing signed by each party.
- 7.2. **No Assignment.** The Services are deemed unique and CONSULTANT shall not assign, transfer, subcontract or otherwise substitute its interest in this Agreement or any of its obligations hereunder without the prior written consent of CITY. As limited by this

Section 7.2, this Agreement is to be binding on the successors and assigns of the parties hereto.

- 7.3. **Severability.** If any part of this Agreement is determined to be unconstitutional, invalid or beyond the authority of either party, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement can be interpreted to give effect to the intentions of the parties.
- 7.4. **Counterparts.** This Agreement may be signed in counterparts and, when fully signed, such counterparts shall have the same effect as if signed in one document.
- 7.5. **Choice of Law.** This Agreement and all matters relating to it shall be governed by the laws of the State of California without reference to its choice of laws principles and venue shall be in the appropriate court in San Mateo County, California.
- 7.6. **Waiver.** No failure on the part of either Party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder. A waiver by either CITY or CONSULTANT of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party's rights with respect to any other further breach.
- 7.7. **Mediation.** In the event the parties are unable to resolve a dispute arising under this Agreement through good faith negotiations, the parties agree to submit the matter to mediation with a mutually agreeable mediator. Prior to the mediation, the parties shall exchange any documents reasonably necessary to resolve the matter to be mediated.
- 7.8. **Attorney's Fees.** If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which that party may be entitled.
- 7.9. **Interpretation.** In the event this Agreement is ever construed in any dispute between the parties, it and each of its provisions shall be construed without regard to the party or parties responsible for its preparation and shall be deemed to have been prepared jointly by the parties. The rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement.
- 7.10. **Authority.** Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

**CITY OF PACIFICA**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Lorie Tinfow, City Manager

Attest

By: \_\_\_\_\_ Date \_\_\_\_\_  
Kathy O'Connell, City Clerk

Approved As To Form

By: \_\_\_\_\_ Date \_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

**CONSULTANT**

**FREYER & LAURETA, INC.**

By: \_\_\_\_\_  
*JERRALD M. LAURETA 063926*

Date 2/27/17

By: \_\_\_\_\_

Date \_\_\_\_\_

## EXHIBIT A

### SCOPE OF WORK

#### Base Scope of Services

We have prepared the following scope of work based on our team's understanding of the Project.

The F&L Team will prepare a detailed design and provide bidding support and engineering services during construction (ESDC) for the following facilities:

- Jet pumps for ATAD Units 3 and 4 and associated valves and appurtenances.
- Motorized vent louver to be installed on the ATAD roof slab, with new power feed from the MCC room on the third floor, and connection to SCADA (nearest available I/O panel).
- Pipe manifold modifications (cross-connect with isolation valves) to support operation of ATAD 3 in a similar manner to ATAD 4 when ATAD 4 is out of service.
- New pump suction penetration into ATAD 4 at a higher elevation than the existing one in order to reduce the amount of grit sucked into the pump.
- Pump discharge plug valve replacements (valve performance evaluation and recommendations related to vibration damage will be provided, see below).
- Piping from gallery manifolds to new spray nozzles on top of ATAD 3 and 4 tanks, with penetrations for new spray nozzles, and required pipe supports.

The F&L Team will also specify that the contractor clean ATADs 3 & 4 in conjunction with the mechanical work. The City will provide the bid specs used for prior cleaning projects as a guide, and will perform any sampling required to assess the characteristics and quantities of materials in the digesters for developing bid quantities.

Our scope to develop plans and specifications for the installation of these items has been divided into three tasks:

#### Task 1: Project Management and Coordination

Includes overall project management, internal team coordination, QA/QC, and regular telephone and email coordination. Includes the following meetings:

##### Meetings

- 1 kickoff meeting combined with data collection site visit
- 2 meetings with City during design
- Construction phase meetings are separate (see Task 3)

#### Task 2: Detailed Design

The F&L Team will develop 60%, 99%, and final bid plans and technical specifications. The F&L Team will rely City front-end (Division 0) boilerplate specifications, which we will incorporate into our bid set. Our design package will include the following:

- Mechanical plans and sections
- Structural details (pads and penetrations)
- Electrical one line, plan, and details
- Instrumentation drawings (limited – see below)
- Technical specifications for Divisions 3, 5, 11 and 15 (electrical and controls specifications will be handled on the plans as required, since these elements are not part of the public bid)

Electrical and I&C drawings will be incorporated as "reference drawings" in the contract documents for the general contractor's information. City staff will utilize these drawings to

construct electrical and I&C improvements. No new powered instruments are being installed as part of this project. Instrumentation drawings will be limited to modification of existing P&IDs to reflect the addition of the louver and changes to pipe manifolds and ATAD connecting piping (in order to provide updated as-builts for City records).

The F&L Team will perform the following coordination during design

- Coordinate with City to collect information to support design, vet design recommendations prior to completion of plans, discuss the details of facility layouts and configuration, develop construction sequencing requirements and constraints, and receive comments on the plans and specifications.
- Coordinate with Thermal Process Systems to understand the operational intent of the equipment and validate our intended installation approach.
- Coordinate with the local Sulzer pump representative to verify the condition of the stored pumps and to determine the pump support scope that should be included in the contract documents for verifying proper installation of the pumps and any onsite testing.
- Coordinate with Dezurik representative to determine why the existing pump isolation plug valves are rapidly degrading, whether vibration is the key reason (replacement of the pumps should resolve this), and whether this is the most suitable valve type for the application.
- Coordinate with TESCO for incorporation of the new louver control logic and other minor panel and control modifications.

#### Deliverables

- 60% plans and technical specifications, electronic PDF and 3 half-size sets
- 99% plans and technical specifications, electronic PDF and 3 half-size sets.
- Final Bid plans and technical specifications, electronic PDF, plus one camera-ready copy
- Engineer's Opinion of Probable Construction Cost

#### Scope Assumptions

Our base scope and fee is based on the following scope assumptions:

- The F&L Team is developing drawing sheets for all required disciplines, but electrical and controls work will be performed by City staff and TESCO.
- The City will provide drawings in electronic format for the existing plant and subsequent improvement projects.
- The F&L Team will utilize existing drawings and our photos as backgrounds for this design, with minor updating if required. The F&L Team is not preparing all-new background sheets.
- Front-end bidding specifications will be provided as a boilerplate by the City and be incorporated by the F&L Team.
- The City will lead advertisement and bidding with support by the F&L Team.
- The City can take one ATAD unit offline at a time for the contractor to demolish the existing equipment and replace it in-place. Therefore, the design will not need to reconfigure the piping for a different pump location.
- The existing VFDs and motor starters are adequate for the new pumps. Design of replacement VFDs is not part of this scope.
- Thermal Process Systems will provide control strategies for the new louver.
- Thermal Process Systems previously selected and provided the replacement equipment and took responsibility for process design. The F&L Team's responsibility is to design the installation of this equipment.
- Structural work is limited to new penetrations for the above-described equipment and piping, pipe supports, and new equipment pads for pumps and the louver.



- The City will provide the bid specs used for prior cleaning projects as a guide, and will perform any sampling required to assess the characteristics and quantities of materials in the digesters for developing bid quantities.

### **Optional Task (Task 3 is optional and will need to be approved by City Council)**

#### Optional Scope of Services

As requested by the City, we have included

#### Task 3: Services During Bidding and Construction

During the Bid Phase, The F&L Team will attend the pre-bid meeting, respond to bidder questions, and if necessary prepare addenda. We assume that the City will advertise the project, distribute contract documents, and field questions.

The F&L Team will review and respond to technical RFIs and Submittals. We have assumed a total of 15 RFIs and 10 submittals in total. The F&L Team will attend a total of up to 3 site meetings or site visits during construction. We assume others will provide construction management and inspection (The F&L Team can provide a separate fee for this service if requested).

The F&L Team will prepare as-built drawings based on markups provided by the contractor.

#### Deliverables

- Submittal responses (PDF)
- RFI responses (PDF)
- As-Built drawings (PDF and native AutoCAD files)

## EXHIBIT B

### Compensation

CITY shall pay CONSULTANT for the Services on a cost reimbursement basis, up to the Cost Ceiling (as defined in Section 2.1 of the Agreement). CONSULTANT agrees to use appropriate methods to contain its fees and costs under this Agreement. Compensation shall include only the following costs, which shall all count toward the Cost Ceiling:

1. Direct Labor

Direct labor costs shall be the total number of hours worked on the job by each employee times the agreed hourly rate for such employee's labor as set forth on the attached Exhibit B-1. CITY will pay all personnel at their regular straight-time rate, including any work performed on overtime or on holidays or weekends.

2. Subconsultant Costs

Subconsultant services shall be billed at cost plus a 10 percent markup. CONSULTANT shall provide a copy of each subconsultant's invoice for which it seeks payment from CITY with any invoice in which such payment is requested.

3. Other Direct Costs

The following categories of costs are eligible for reimbursement, which shall be made at the actual cost to CONSULTANT without any additional mark-up:

a. Reasonable living and traveling expenses of employees when away from home office on business in its prosecution of the Services. CONSULTANT must have prior approval of CITY to be reimbursed for these expenses.

b. Automobile expenses for personal vehicle use, if necessary, at the IRS approved mileage rate.

c. Reproduction of drawings and specifications by CONSULTANT as required under this Agreement, at rates prevailing in this community for bulk reproduction or at other reasonable rates approved by CITY.

d. Special overnight delivery or messenger services.

Payments to CONSULTANT for reimbursable costs/expenses will be made only after the specific costs/expenses have been incurred and CONSULTANT has submitted substantiating documentation, such as copies of paid invoices or other documentation confirming that such costs/expenses have been incurred.

### EXHIBIT B-1

#### BUDGET ESTIMATE FOR ADAT PHASE 2 IMPROVEMENTS PROJECT Task 1 & 2

TASKS	ESTIMATED LABOR (Hours) (1)								TOTAL LABOR COST (\$)	OTHER DIRECT COSTS				ESTIMATED COST (2)	
	F&L		Hydroscience							UNIT	QNTY	UNIT COST (\$)	5% MARKUP (\$)	TOTAL COST PER ITEM (\$)	SUB TOTALS (\$)
	Clerical	Jeffrey J. Tarantino, P.E.	Administrative Staff	Drafter	Project engineer	Mike Marandi, P.E.	Mike Jensen, P.E.	Bill Sienter, P.E.							
	85	205	74	116	147	179	221	236							
<b>Task 1: Project Management</b>															
Project Management and Coordination	8	24	1		6	10	34	2	\$16,332	ls	1	\$693		\$17,025	
Subtotal Labor Hours - Task 1	8	24	1		6	10	34	2	\$16,332						\$17,000
<b>Task 2: Detailed Design</b>															
Prepare Plans and Specifications		8	5	60	100	32	50	1	\$40,684	ls	1	\$3,630		\$44,314	
Subtotal Labor Hours - Task 2		8	5	60	100	32	50	1	\$40,684						\$44,300
<b>Total Labor Hours</b>	<b>8</b>	<b>32</b>	<b>6</b>	<b>60</b>	<b>106</b>	<b>42</b>	<b>84</b>	<b>3</b>	<b>\$57,016</b>					<b>\$61,300</b>	

**Notes to Table:**

- (1) Billing rates for subconsultants includes 5% markup.
- (2) Estimated costs are rounded to the nearest \$100.

#### BUDGET ESTIMATE FOR ADAT PHASE 2 IMPROVEMENTS PROJECT Optional Task 3

TASKS	ESTIMATED LABOR (Hours) (1)								TOTAL LABOR COST (\$)	OTHER DIRECT COSTS				ESTIMATED COST (2)	
	F&L		Hydroscience							UNIT	QNTY	UNIT COST (\$)	5% MARKUP (\$)	TOTAL COST PER ITEM (\$)	SUB TOTALS (\$)
	Clerical	Jeffrey J. Tarantino, P.E.	Administrative Staff	Drafter	Project engineer	Mike Marandi, P.E.	Mike Jensen, P.E.	Bill Sienter, P.E.							
	85	205	74	116	147	179	221	236							
<b>Task 3: Services During Bid and Construction</b>															
Bid and Construction Support		8	5	8	45	12	24	1	\$17,241	ls	1	\$2,343		\$19,584	
Subtotal Labor Hours - Task 3		8	5	8	45	12	24	1	\$17,241						\$19,600
<b>Total Labor Hours</b>	<b>8</b>	<b>5</b>	<b>8</b>	<b>45</b>	<b>12</b>	<b>24</b>	<b>1</b>	<b>\$17,241</b>						<b>\$19,600</b>	

**Notes to Table:**

- (1) Billing rates for subconsultants includes 5% markup.
- (2) Estimated costs are rounded to the nearest \$100.



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Letters of Support for AB 1 and SB 1 Transportation Funding

**RECOMMENDED ACTION:**

Authorize the City Manager to sign a letter of support for AB 1 (Frazier). Transportation Funding and SB 1 (Beall). Transportation Funding.

**STAFF CONTACT:**

Lorie Tinfow, City Manager  
ltinfow@ci.pacifica.ca.us  
650-738-7409

**BACKGROUND/DISCUSSION:**

The League of California Cities is asking cities to submit letters of support for two bills that have been introduced to support transportation funding. Staff have prepared the attached letters for Council approval to voice the City of Pacifica’s support for the legislation.

**ALTERNATIVE ACTION:**

Choose not to submit letters of support or change the wording in the letters.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

Increased transportation funding would contribute to several Council Goals including the following:

- **“Fiscal Sustainability”** includes investing in economic development to increase revenues, funding a reserve/emergency fund, and being well prepared for grant opportunities.
- **“A Connected Community”** includes taking actions to restore trust in city government, expanding communication, and building community.

- **“Stewardship of City Infrastructure”** includes repairing/replacing outdated city facilities such as city hall, the libraries, fire stations, etc., improving streets, and responding to impacts of sea level rise.
  
- **“Maintaining a Safe Community”** includes supporting our first responders (police, fire, public works), responding to storm emergencies, protecting our infrastructure (streets, sidewalks, water), and engaging in emergency preparedness activities.

**FISCAL IMPACT:**

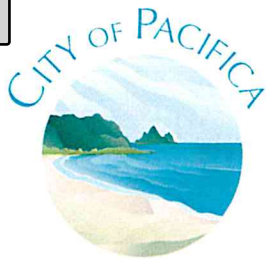
Submitting the letters of support has no fiscal impact; additional transportation funding would have a strong positive fiscal impact.

**ORIGINATED BY:**

City Manager's Office

**ATTACHMENT LIST:**

Letter of Support AB 1 Transportation Funding (Attachment 1) (PDF)  
 Letter of Support SB 1 Transportation Funding (Attachment 2) (PDF)



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Mike O'Neill

**MAYOR PRO TEM**  
John Keener

**COUNCIL**  
Sue Digre  
Sue Vaterlaus  
Deirdre Martin

March 13, 2017

The Honorable Jim Frazier  
Chair, Assembly Transportation Committee  
California State Capitol, Room 3091  
Sacramento, CA 95814  
FAX: (916) 319-2111

Subject: **AB 1 (Frazier). Transportation Funding.**  
**Notice of Support**

Dear Assembly Member Frazier:

The City of Pacifica is pleased to support your AB 1, which represents a comprehensive transportation proposal inclusive of sensible reforms, modest increases to existing revenue sources, and robust infrastructure investment. The proposal presents an opportunity for the new legislature to advance a comprehensive framework to address the overwhelming backlog of repair and deferred maintenance as well as other transportation needs in the early part of 2017.

It would be an understatement to say the time to act is now to address the \$73 billion unmet funding need for local streets and roads and \$72 billion backlog to the State's Highway System. For local streets and roads alone, the funding need grows by an additional \$20 billion in just ten years. With the expressed commitment of Legislative Leadership and this Administration to getting this done in the early parts of 2017, we urge this legislature's immediate attention to this proposal as the vehicle to deliver this victory for California.

The City of Pacifica's current Pavement Condition Index (PCI) is 54, which is the second lowest in San Mateo County. The current estimate to bring the PCI up to a rating of 84 is approximately \$40 Million. If no treatment is performed, the PCI will drop to 45 in the next 4 years. A PCI rating of below 50 is considered "poor" condition. Therefore these funds would greatly benefit the local community. The funds would go towards various pavement rehabilitation and reconstruction projects throughout the City. These improvements would create a more welcoming environment for its residents, visitors, and stimulate economic growth.

The Honorable Jim Frazier  
AB 1 (Frazier). Transportation Funding

Page 2

When fully phased in, AB 1 would generate an additional \$6 billion annually to provide desperately needed funding for the state and local transportation network. To repair and maintain existing transportation infrastructure, the proposal would generate up to \$2.4 billion and \$2.2 billion annually for the state's highway system and local streets and roads, respectively. The bill also provides nearly \$600 million for freight and the state's trade corridors, over a half billion for transit and intercity rail, and up to \$150 million to support active transportation programs throughout the state.

The proposal takes the approach of raising revenue over a variety of sources, such as a 12 cent increase to the gas tax to restore some of its purchasing power, ending the Board of Equalization's "true up" process on the price based excise tax on gas, a \$38 increase to the vehicle registration fee, a \$100 vehicle registration fee on zero emission vehicles, a 20 cent increase to the diesel excise tax, \$300 million from existing cap and trade funds, and returning \$500 million in vehicle weight fees phased in over five years.

In addition to raising revenue, the proposal includes a series of reforms to improve efficiency, transparency, and accountability, such as restoring independence to the California Transportation Commission, creating the Office of the Transportation Inspection General with audit and investigation authority over the state's transportation spending, and establishing local reporting requirements on local transportation spending. To streamline roadwork, the bill permanently extends and expands on the limited exemptions to California's Environmental Quality Act (CEQA) for repair, maintenance, and minor alteration projects on existing roadways to cities and counties with populations greater than 100,000 and state roadways. The proposal also creates an advanced mitigation program which authorizes the Natural Resources Agency to establish state and regional transportation mitigation plans and mitigation banks to allow transportation projects to fulfill their environmental requirements in advance.

Overall, this proposal provides a comprehensive transportation reform and funding package that picks up where we left off at the end of the special session, while giving this legislature an opportunity for early action. While the legislature has had success in recent years in balancing the state budget, we can no longer afford to ignore our most basic repair and maintenance needs if we wish to avoid systematic failure of the state's entire transportation infrastructure. There may be no better way to put Californians back to work and stimulate our economy than making the roads we and our children rely on everyday safe again.

For these reasons, the City of Pacifica **Supports** AB 1 (Frazier).

Sincerely,

LORIE TINFOW  
City Manager  
City of Pacifica

cc: State Senator Jerry Hill

The Honorable Jim Frazier  
AB 1 (Frazier). Transportation Funding

Page 3

Assembly Member Kevin Mullin  
Seth Miller, League of California Cities (*via email*)  
Meg Desmond, League of California Cities (*via email*)  
Pacifica City Council





Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Mike O'Neill

**MAYOR PRO TEM**  
John Keener

**COUNCIL**  
Sue Digre  
Sue Vaterlaus  
Deirdre Martin

March 13, 2017

The Honorable Bob Wieckowski  
Chair, Senate Environmental Quality Committee  
California State Capitol, Room 2205  
Sacramento, CA 95814  
FAX: (916) 322-3519

Subject: **SB 1 (Beall). Transportation Funding.**  
**Notice of Support**

Dear Senator Wieckowski:

The City of Pacifica is pleased to support SB 1, which represents a comprehensive transportation proposal inclusive of sensible reforms, modest increases to existing revenue sources, and robust infrastructure investment. The proposal presents an opportunity for the new legislature to advance a comprehensive framework to address the overwhelming backlog of repair and deferred maintenance as well as other transportation needs in the early part of 2017.

It would be an understatement to say the time to act is now to address the \$73 billion unmet funding need for local streets and roads and \$72 billion backlog to the State's Highway System. For local streets and roads alone, the funding need grows by an additional \$20 billion in just ten years. With the expressed commitment of Legislative Leadership and this Administration to getting this done in the early parts of 2017, we urge this legislature's immediate attention to this proposal as the vehicle to deliver this victory for California.

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The Honorable Bob Wieckowski  
SB 1 (Beall). Transportation Funding

Page 2

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The proposal takes the approach of raising revenue over a variety of sources, such as a 12 cent increase to the gas tax to restore some of its purchasing power phased in over three years, ending the Board of Equalization's "true up" process on the price based excise tax on gas, a \$38 increase to the vehicle registration fee, a \$100 vehicle registration fee on zero emission vehicles, a 20 cent increase to the diesel excise tax, \$300 million from existing cap and trade funds, and returning \$500 million in vehicle weight fees phased in over five years.

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For these reasons, the City of Pacifica **Supports** SB 1 (Beall).

Sincerely,

LORIE TINFOW  
City Manager  
City of Pacifica

cc: State Senator Jerry Hill

The Honorable Bob Wieckowski  
SB 1 (Beall). Transportation Funding

Page 3

Assembly Member Kevin Mullin  
Seth Miller, League of California Cities (*via email*)  
Meg Desmond, League of California Cities (*via email*)  
Pacifica City Council



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Approval of the Parcel Map and the Subdivision Improvement Agreement for a Two Lot Subdivision at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the Project Known as the "Anchor Inn - 500 San Pedro Avenue," in the City of Pacifica

**RECOMMENDED ACTION:**

Move to Adopt the Resolution next in Order A Resolution of the City Council of the City of Pacifica approving the Parcel Map (Attachment 1), and the Subdivision Improvement Agreement (Attachment 2) for the construction of related off-site improvements, for a two lot subdivision located at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the project known as the "Anchor Inn - 500 San Pedro Avenue," in the City of Pacifica, and authorize the City Manager to execute said Subdivision Improvement Agreement.

**STAFF CONTACT:**

Lee Panza, Associate Civil Engineer - (650) 738-3771  
[panzal@ci.pacifica.ca.us](mailto:panzal@ci.pacifica.ca.us)

Evan Albert, Deputy Director of Public Works - (650) 738-3767  
[alberte@ci.pacifica.ca.us](mailto:alberte@ci.pacifica.ca.us)

**BACKGROUND/DISCUSSION:**

On Feb 16, 2016, the Planning Commission adopted Resolution No. 940, approving the Site Development Permit PSD-792-15, Coastal Development Permit CDP-349-15, Tentative Subdivision Map Sub 225-15, and Sign Permit S-113-15 for a two lot subdivision located at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the project known as the "Anchor Inn - 500 San Pedro Avenue," in the City of Pacifica.

The property owner has since submitted the Parcel Map (Attachment 1) for the Council's approval and there are no land nor easements required to be dedicated for public use.

Subsequently, the property owner and developer submitted the required Subdivision Improvement Plans (SIP), which staff has reviewed and approved. It is now appropriate for the applicant and the City to enter into a Subdivision Improvement Agreement (SIA) (Attachment 2) to guarantee the installation of improvements shown on the SIP, pursuant to the Conditions. The attached SIA has been reviewed by staff and the City Attorney and recommends Council approval. The securities and deposits required by the SIA have now been provided to the City.

**ORIGINATED BY:**

Engineering Division

Department of Public Works

**FISCAL IMPACT:**

There is no fiscal impact associated with the approval of the Parcel Map or the Subdivision Improvement Agreement. This Agreement requires the submittal of securities and deposits to assure satisfactory completion of the work shown in the Subdivision Improvement Plans and to cover the costs to be incurred by the City for processing and inspections.

**ORIGINATED BY:**

Public Works  
Engineering

**ATTACHMENT LIST:**

Attachment 1 (Exhibit A to Resolution) - Parcel Map(PDF)  
Attachment 2 (Exhibit B to Resolution) - Subdivision Improvement Agreement (PDF)



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING THE PARCEL MAP AND THE SUBDIVISION IMPROVEMENT AGREEMENT FOR A TWO LOT SUBDIVISION LOCATED AT 1397 GRAND AVENUE, ASSESSOR PARCEL NUMBER 023-073-190, FOR THE PROJECT KNOWN AS THE "ANCHOR INN - 500 SAN PEDRO AVENUE PROJECT," IN THE CITY OF PACIFICA.**

**WHEREAS**, on Feb 16, 2016, the Planning Commission adopted Resolution No. 940, approving the Site Development Permit PSD-792-15, Coastal Development permit CDP-349-15, Tentative Subdivision Map Sub 225-15 and Sign Permit S-113-15; and,

**WHEREAS**, the property owner, David Colt, has submitted a parcel map, in the form attached as Exhibit A, which is consistent with the approved tentative map; and

**WHEREAS**, the Conditions require that the Owner, and the Applicant, David Blackman acting on behalf of the Owner (collectively referred to as "the Subdivider"), shall enter into a subdivision improvement agreement with the City of Pacifica providing for the construction of on-site and off-site subdivision improvements; and,

**WHEREAS**, the Subdivider has submitted the Subdivision Improvement Plans entitled "Anchor Inn - 500 San Pedro Ave" prepared by DB Construction and dated Dec 20,2016, which have been reviewed and approved by the City; and,

**WHEREAS**, a Subdivision Improvement Agreement, in the form attached as Exhibit B, has been prepared in accordance with the Subdivision Map Act and Section 10-1.007 of the Pacifica Municipal Code, and has been reviewed and approved by the City;

**NOW, THEREFORE, BE IT RESOLVED**, that:

The City Council hereby approves the Parcel Map and the Subdivision Improvement Agreement for a two lot subdivision located at 1397 Grand Avenue, Assessor Parcel Number 023-073-190, for the project known as the "Anchor Inn - 500 San Pedro Avenue Project, " in the City of Pacifica; and authorize the City Manager to execute said Subdivision Improvement Agreement and to hold the security and deposits described therein per the terms described in the Agreement.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on March 13, 2017, by the following vote:

- AYES,            Council Members:
- NOES,            Council Members:
- ABSENT,        Council Members:
- ABSTAIN,       Council Members:

\_\_\_\_\_

-

\_\_\_\_\_  
Mike O'Neill, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy O'Connell, City Clerk

\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

OWNER'S STATEMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP AND I AM THE ONLY PERSON WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY AND I CONSENT TO THE MAKING AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

AS OWNERS

BY: DAVID S. COLT  
BY: [Signature]  
TITLE: OWNER

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF San Mateo

ON Sept. 23<sup>rd</sup>, 2016 BEFORE ME, Vincent Chan

PERSONALLY APPEARED David Stewart Colt  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

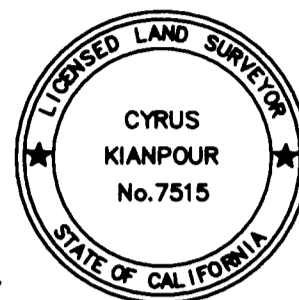
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.  
SIGNATURE: [Signature]  
PRINTED NAME: Vincent Chan  
MY COMMISSION NUMBER: 2100626  
MY COMMISSION EXPIRES: Feb. 20, 2019  
PRINCIPAL COUNTY OF BUSINESS: San Mateo

CITY SURVEYOR'S STATEMENT:

I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATE: \_\_\_\_\_  
CYRUS KIANPOUR  
CITY SURVEYOR  
LS #7515  
LICENSE EXPIRATION DATE 12/31/2017



CITY ENGINEER'S STATEMENT:

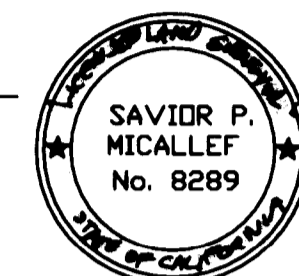
I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL THE PROVISIONS OF THE CALIFORNIA "SUBDIVISION MAP ACT" AND OF THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATE: \_\_\_\_\_  
VAN DOMINIC OCAMPO  
CITY ENGINEER  
RCE#59601  
LICENSE EXPIRATION DATE 12/31/2017

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF DAVID S. COLT ON JULY 1, 2016. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS ON OR BEFORE JULY 2017 AND THAT SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED: 9-20-16  
SAVIOR P. MICALLEF  
P.L.S. #8289  
EXPIRES 12/31/2017



COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AT \_\_\_\_\_ M, IN BOOK \_\_\_\_\_ OF PARCEL MAPS AT PAGES \_\_\_\_\_ AT THE REQUEST OF SAVIOR P. MICALLEF.  
FEE: \$ \_\_\_\_\_ SERIES NO. \_\_\_\_\_  
MARK CHURCH  
COUNTY RECORDER IN AND FOR THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA  
BY: \_\_\_\_\_ DEPUTY CLERK

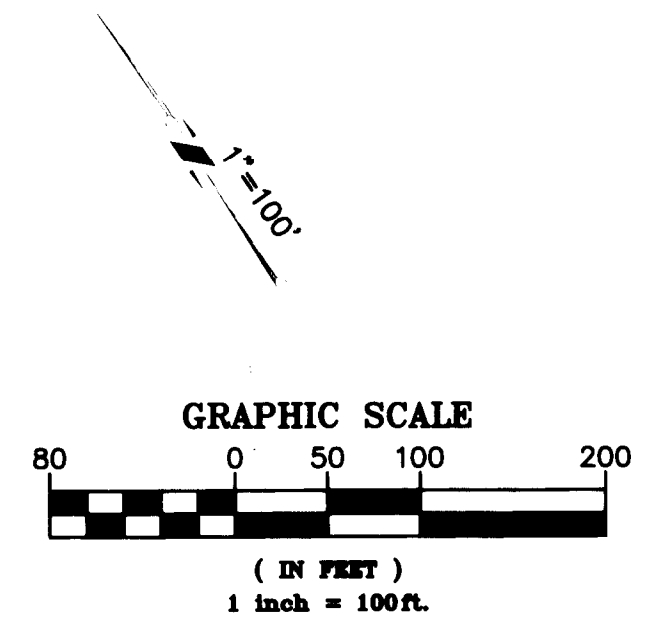
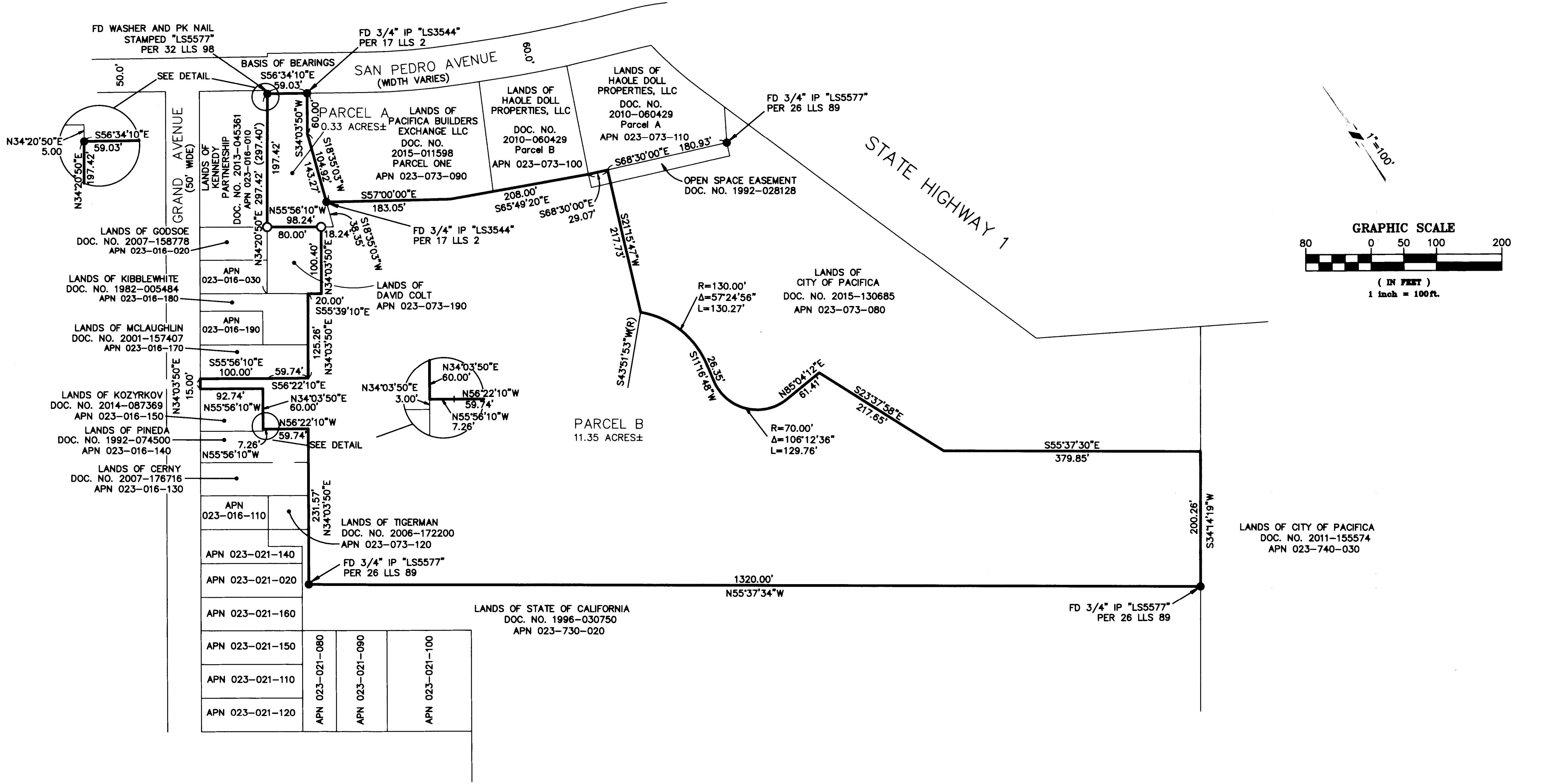
PARCEL MAP  
LANDS OF COLT

BEING THAT REAL PROPERTY, IN THE CITY OF PACIFICA, AS DESCRIBED IN THAT CERTAIN LOT LINE ADJUSTMENT, AS EXHIBIT 'C', 'COLT PROPERTY 2' AND SHOWN IN EXHIBIT 'D', RECORDED AS DOCUMENT NO. 2015-072808 OFFICIAL RECORDS OF SAN MATEO COUNTY

CITY OF PACIFICA SAN MATEO COUNTY CALIFORNIA  
JULY 2016

SAVIOR MICALLEF LAND SURVEYING  
421 WILDWOOD DRIVE  
SOUTH SAN FRANCISCO, CA  
(805)709-2423





- LEGEND**
- SET 3/4" IP "LS 8289"
  - FOUND MONUMENT AS NOTED
  - APN ASSESSOR'S PARCEL NUMBER
  - CL CENTERLINE
  - FD FOUND
  - INT INTERSECTION
  - IP IRON PIPE
  - MON MONUMENT
  - U.O. UNKNOWN ORIGIN

**BASIS OF BEARINGS:**

THE BEARING SOUTH 56°34'10" EAST ALONG THE SOUTHWESTERLY LINE OF SAN PEDRO AVENUE, AS SHOWN ON THE RECORD OF SURVEY MAP RECORDED IN VOLUME 32, LLS MAPS, PAGE 98 OFFICIAL RECORDS OF SAN MATEO COUNTY ON FEBRUARY 18, 2009, SAID BEARING BEING BETWEEN TWO (2) MONUMENTS FOUND 59.03 FEET APART AS SHOWN ON SAID MAP 32 LLS 98 WAS USED FOR THIS SURVEY.

BEING THAT REAL PROPERTY, IN THE CITY OF PACIFICA, AS DESCRIBED IN THAT CERTAIN LOT LINE ADJUSTMENT, AS EXHIBIT 'C', 'COLT PROPERTY 2' AND SHOWN IN EXHIBIT 'D', RECORDED AS DOCUMENT NO. 2015-072808 OFFICIAL RECORDS OF SAN MATEO COUNTY

CITY OF PACIFICA      SAN MATEO COUNTY      CALIFORNIA  
 SCALE 1"=100'      JULY 2016

**PARCEL MAP**

LANDS OF COLT

SAVIOR MICALLEF LAND SURVEYING  
 421 WILDWOOD DRIVE  
 SOUTH SAN FRANCISCO, CA  
 (805)709-2423

Attachment: Attachment 1 (Exhibit A to Resolution) - Parcel Map (2130 - Resolution - 500 San Pedro Avenue Parcel Map and Subdivision Improvement Agreement)

RECORDING REQUESTED BY )  
 AND WHEN RECORDED MAIL TO: )  
 )  
 CITY OF PACIFICA )  
 170 Santa Maria Avenue )  
 Pacifica, California 94044 )  
 Attention: City Clerk )  
 )  
 )

(Space Above This Line for Recorder's Use Only)  
 Exempt from recording fee per Gov. Code § 27383.

**SUBDIVISION IMPROVEMENT AGREEMENT**

THIS SUBDIVISION IMPROVEMENT AGREEMENT (the "Agreement") is made and entered into on this \_\_\_ day of \_\_\_\_\_, 2017 (the "Effective Date") by and between David S. Colt ("Owner") and David Blackman ("Applicant"), together known as "Subdivider", and the CITY OF PACIFICA, a California municipal corporation ("City") (collectively, the "Parties").

RECITALS

A. Owner is the owner of that certain real property located at 1397 Grand Avenue in the City of Pacifica, San Mateo County, California, and identified by San Mateo County Assessor Parcel Number 023-073-190, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"). Applicant has submitted an application to the City, on behalf of Owner, for a Tentative Subdivision Map, Site Development Permit, Coastal Development Permit, and Sign Permit for a four room motel development known as the "Anchor Inn" and a two lot subdivision on the Property (the "Project").

B. On Feb 16, 2016 the Planning Commission of the City of Pacifica ("Planning Commission"), approving the vesting tentative parcel map, prepared by Michael O Connell and dated Oct 4, 2015, subject to certain conditions of approval (the "Conditions"). On that same date, the Planning Commission approved Site Development Permit PSD-792-15, Coastal Development permit CDP-349-15, Tentative Subdivision Sub 225-15, and Sign Permit S-113-15.

C. The Conditions require that Applicant enter into an agreement with the City for the construction of certain improvements.

D. Subdivider has applied to City for final parcel map approval without having completed all required improvements and therefore will enter into an agreement with the City providing for the future construction and installation of certain improvements, as required by the Subdivision Map Act, Government Code Section 66410 *et seq.*, and City of Pacifica Municipal Code section 10-1.1001 *et seq.*, as may be amended from time to time (the "Subdivision Ordinance").

E. Subdivider has submitted plans, specifications and drawings for certain improvements entitled Anchor Inn 500 San Pedro Ave prepared by DB Construction dated Dec 20, 2016 (the "**Improvement Plans**"), which Improvement Plans have been approved by the City Engineer. The Improvements Plans are attached as Exhibit B and incorporated by this reference.

F. City and Subdivider desire to enter an agreement providing for the construction and installation of the improvements in accordance with the Improvement Plans. It is the Parties' intention that the responsibilities under this Agreement apply equally to Owner and Applicant and thus both are party to this Agreement.

### A G R E E M E N T

NOW, THEREFORE, in consideration of the faithful performance of the terms and conditions set forth in this Agreement, the parties hereto agree as follows:

1. Recitals Incorporated. The Recitals are hereby incorporated and made a part of this Agreement.

2. Purpose. The purpose of this Agreement is to guarantee completion of certain improvements in accordance with the Improvement Plans and ensure satisfactory performance by Subdivider of Subdivider's obligations to satisfy the Conditions.

3. Duty to Install Improvements. Subdivider will construct, install and complete, or cause to be constructed, installed and completed, at the Subdivider's sole cost and expense, all improvements required by the Conditions and/or described in the Improvement Plans (the "**Improvements**"), in accordance with such plans, all applicable federal, state and local laws, regulations and standards, including without limitation State of California Division of Industrial Safety Construction Orders, and to the satisfaction of the City Engineer in his or her reasonable discretion. Subdivider will also supply all labor and materials therefor, all in strict accordance with the terms and conditions of this Agreement. The construction, installation and completion of the Improvements and all labor and materials furnished in connection therewith are hereinafter referred to collectively as the "**Work.**"

4. Duty to Maintain Improvements. City shall not be responsible or liable for the maintenance or care of the Improvements until City formally approves and accepts them in accordance with its policies and procedures. City shall exercise no control over the Improvements until approved and accepted. Any use by any person of the Improvements, or any portion thereof, shall be at the sole and exclusive risk of the Subdivider at all times prior to City's acceptance of the Improvements. Subdivider shall maintain all the Improvements in a state of good repair until they are completed by Subdivider and approved and accepted by City. Maintenance shall include, but shall not be limited to, repair of pavement, curbs, gutters, sidewalks, signals, parkways, water mains, and sewers; maintaining all landscaping in a vigorous and thriving condition reasonably acceptable to City; removal of debris from sewers and storm drains; and sweeping, repairing, and maintaining in good and safe condition all streets and street improvements. It shall be Subdivider's responsibility to initiate all maintenance work, but if it shall fail to do so, it shall promptly perform such maintenance work when notified to do so by

City. If Subdivider fails to properly prosecute its maintenance obligation under this Section 4, City may do all work necessary for such maintenance and the cost thereof shall be the responsibility of Subdivider and its surety under this Agreement. City shall not be responsible or liable for any damages or injury of any nature in any way related to or caused by the Improvements or their condition prior to acceptance. Notwithstanding the above, Subdivider shall make available for public use any streets, curbs, gutters, sidewalks or walkways, streetlights, street furniture, storm drain improvements, fire hydrants, and any other facilities intended for general public use, which are installed, altered or affected by the Work, as soon as they can be safely placed in service.

5. Commencement and Completion Date. Subdivider will notify City in writing at least 24 hours prior to the commencement of the Work. Subdivider will complete the Work within nine (9) months of the Effective Date. All Work will be completed in a good and workmanlike manner in accordance with accepted design and construction practices. This completion date may be extended by the City Engineer in consultation with the City Attorney in its sole and absolute discretion at the request of Subdivider, which request shall be accompanied by a written assurance acceptable to the City Attorney that the securities required by Section 15 shall remain enforceable throughout the term of the extension.

6. Estimated Cost of Work. The estimated cost of the Work is **twenty three thousand three hundred fifty five** dollars (\$ 23,355.00). Notwithstanding this estimate, Subdivider hereby acknowledges and agrees that (a) the actual costs to complete the Work may significantly exceed this estimate, (b) this estimate in no way limits Subdivider's financial obligation, and (c) that Subdivider is obligated to complete the Work at its own cost, expense, and liability.

7. Modifications to the Plans. Approval of this Agreement by City does not release Subdivider of its responsibility to correct mistakes, errors or omissions in the Improvement Plans. If, at any time, in the opinion of the City Engineer, in his or her reasonable discretion, the Improvement Plans are deemed inadequate in any respect Subdivider agrees to make such modifications, changes or revisions as necessary in order to complete the Work in a good and workmanlike manner in accordance with this Agreement.

8. Repairs. Subdivider agrees to repair or have repaired in a timely manner at its sole cost and expense all public or private property damaged as a result of or incidental to the Work or in connection with the development of the Property or to pay to the property owner of any property the full cost of such repair. In addition, Subdivider shall obtain the written acceptance of such repair or payment from any owner whose private property was repaired by Subdivider or to whom Subdivider has paid the full cost of such repair in accordance with this Section 8. City shall be under no obligation whatsoever to approve or accept the Work performed under this Agreement until such time as all repairs required under this section have been completed or the full cost of the repairs has been paid to the applicable owner, and the required owner's written acceptances have been provided to the City Engineer.

9. Foreman or Superintendent. Subdivider shall give personal attention to the Work. A competent foreman or superintendent, satisfactory to the City Engineer, in his or her reasonable discretion, with authority to act for and on behalf of Subdivider, shall be named in

writing by Subdivider prior to commencement of the Work, shall be present on the Property during the performance of the Work and may not be changed without advance notification to and approval of the City Engineer. Subdivider shall provide the City with emergency contact information for the foreman or superintendent prior to commencement of the Work.

10. Examination of Work. All of the Work shall be performed to the satisfaction of the City Engineer in his or her reasonable discretion. The City and its authorized agents shall, at all times during the performance of the Work, have free access to the Work and shall be allowed to examine the Work and all materials used and to be used in the Work. No Work shall be performed without inspection by City. Any Work performed without inspection is subject to rejection by City. All Work shall be performed during the City's normal working hours and work days. If any Work is planned to be performed during non-working hours or work days, there must be a request made in writing to City at least sixty four (64) hours in advance. If an inspector is available, Subdivider shall pay the actual costs for overtime work as provided in Section 11 below. If an inspector is not available, no Work shall be performed.

11. City's Inspection, Administration and Testing. Subdivider shall pay to City the actual cost for all inspection, administration and testing services furnished by City in connection with this Agreement, including those performed by consultants under contract with the City (the "City Costs"). The estimated cost for City Costs is **two thousand four hundred thirteen dollars (\$2,413.00)** (the "Estimated Cost"). Concurrently with the execution of this Agreement, Subdivider shall deposit an amount equal to the Estimated Cost with City for the payment of the City Costs. In the event that the Estimated Cost is insufficient to cover the actual City Costs incurred, Subdivider shall, upon notice in writing by the City Engineer, deposit such additional amount as may be required to pay the City Costs. Any amount of the Estimated Cost, initial deposit or additional amounts deposited remaining after payment of all City Costs will be returned to Subdivider. City may, at its discretion, deposit such funds in an interest-bearing account and retain any and all interest earned.

12. Compliance with Laws. Subdivider shall fully comply with all federal, state and local laws, ordinances and regulations, including the Subdivision Ordinance, in the performance of this Agreement. Subdivider shall, at its own cost and expense, obtain all necessary permits and licenses for the Work, give all necessary notices, pay all fees and taxes required by law and make any and all deposits legally required by those public utilities that will serve the development on the Property. Copies and/or proof of payment of said permits, licenses, notices, fee and tax payments and deposits shall be furnished to the City Engineer upon request.

13. Encroachment Permits. Subdivider shall obtain, at its sole cost and expense, any encroachment permits required by the City in order to perform the Work. Prior to excavating within the public right of way for connections to public utilities, Subdivider must provide to the City documentation satisfactory to the City Engineer that the providers of such utilities services have agreed to serve the Project.

14. Erosion Control. Subdivider shall take all necessary actions during the Work to prevent erosion damage and to prevent migration of soil or silt- or sediment-contaminated storm water run-off onto streets or other properties or into creeks, seasonal drainage courses or the public storm drain system. It is understood and agreed that in the event of failure on the part of

Subdivider to prevent erosion or soil migration or storm water contamination, City may implement any and all erosion or storm water protection and/or mitigation measures it determines to be necessary on an emergency basis and Subdivider shall, within thirty (30) days of receiving notice in writing from the City Engineer, reimburse City for all of City's actual expenses incurred (including administrative and/or legal expenses) in implementing such erosion protection and/or mitigation measures. If Subdivider fails to timely reimburse City, City may proceed against the Performance Bond described in Section 15.1 to cover all of City's actual expenses.

15. Performance, Labor and Materials and Warranty Security. In accordance with the Subdivision Ordinance and the Subdivision Map Act, Subdivider will furnish and deliver to City, within the times set forth below, cash deposits in lieu of performance, labor and materials and warranty bonds.

15.1 Performance Security. Subdivider shall provide a cash deposit to City to guarantee the construction or installation of the improvements, which the Parties estimate at thirty three thousand one hundred fifty three Dollars (\$33,153.00). Subdivider shall furnish and deliver a cash deposit in the amount of thirty three thousand one hundred fifty three Dollars (\$33,153.00), concurrently with the execution of this Agreement. The cash deposit shall be conditioned upon the faithful performance of this Agreement with respect to the Work and shall be released by the City effective upon the date of recordation of the notice of acceptance or final approval of the Improvements and Subdivider's delivery of a Warranty Bond, as described below, or as otherwise allowed by Government Code Section 66499.7. City may place the deposit in an interest-bearing account and any interest earned shall accrue to City. The cash deposit shall be returned in the percentages set forth in section 15.3 below.

15.2 Labor and Materials Security. Subdivider shall furnish and deliver a cash deposit in the amount of sixteen thousand five hundred seventy six Dollars (\$16,576.00), concurrently with the execution of this Agreement. The bond shall secure payment to the contractor(s) and subcontractor(s) performing the Work and to all persons furnishing labor, materials or equipment to them. The City shall retain the deposit until both (a) the City accepts or gives final approval to the Work, and (b) the statute of limitations to record a claim of lien under Civil Code section 8410 *et seq.* has expired. After said date, the cash deposit may be reduced by the City Engineer to an amount not less than the total amount claimed by all claimants for whom claims of lien have been recorded and notice given in writing to the City Council. The balance of the cash deposit shall be retained until the final settlement of all such claims and obligations. If no such claims have been recorded, the cash deposited shall be released in full by the City Engineer. City may place the deposit in an interest-bearing account and any interest earned shall accrue to City. The cash deposit shall be returned in the percentages set forth in section 15.3 below.

15.3 Cash Bond. Pursuant to Section 10-1.1008(d) of the Subdivision Ordinance, Subdivider shall deposit with the City one thousand dollars (\$ 1,000.00) in cash which may be used at the discretion of the City Engineer to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period, as described in Section 22.2 below. Any

unexpended amount will be returned to Subdivider at the time all bonds required by this Agreement are released, in the following proportions:

Owner: 100 %

Applicant: \_\_\_\_\_ %

16. Additional Security. If either upon execution of this Agreement or during the course of performance the City considers that it is necessary to have an updated engineer's estimate prepared, the City shall provide written notice to Subdivider. Subdivider shall provide such estimate within the timeframe set forth in the City's notice and shall make such modifications to the estimate as may be reasonably requested by City. Subdivider shall provide additional security as may be required by the updated engineer's estimate. If Subdivider is required to post additional security, the City may require either a cash deposit or a surety bond guaranteeing performance in a form and signed by sureties satisfactory to City. The condition of the security shall be that if Subdivider fails to perform its obligations under this Agreement, the City may, as applicable, use the proceeds or require the sureties to perform the obligations of the Agreement.

17. No Waiver by City. Inspecting of the work and/or materials, or approval of work and/or materials, or a statement by an officer, agent or employee of the City indicating the work complies with this Agreement, or acceptance of all or any portion of the work and/or materials, or payments thereof, or any combination of all of these acts shall not relieve Subdivider of its obligation to fulfill this Agreement; nor is the City by these acts prohibited from bringing an action for damages arising from the failure to comply with this Agreement.

18. Completion of Work. After Subdivider (a) completes the Work in accordance with the Improvement Plans and the terms and conditions of this Agreement, and (b) repairs any private or public property damaged as a result of the Work, or pays the full cost of such repair to the owner whose property was damaged, and obtains the written acceptance of such repair or payment from any owner whose private property was repaired by Subdivider or to whom Subdivider paid the full cost of such repair in accordance with Section 8 above, Subdivider will provide City with a written notice of completion, together with copies of all written acceptances as described in Section 8. City, in its sole and absolute discretion, may accept or give final approval to the Work in phases and allow a partial release of the cash deposits provided under Section 15 above.

19. Final Drawings. Upon completion of the Work and prior to final acceptance and approval, Subdivider shall deliver to City a set of "as-built" drawings. These drawings shall be in a form acceptable to the City Engineer, shall be certified as being "as-built" and shall reflect the Work as actually constructed, with any and all changes incorporated therein. The drawings shall be signed and sealed as accurate by the engineer of record.

20. Final Acceptance.

20.1 Notice of Completion. Within fifteen (15) days of receipt of Subdivider's written notification pursuant to Section 18 above, City Engineer shall inspect the Work and repairs and review the written acceptances, if any, and send Subdivider a written notice stating

whether the Work and repair are complete to the satisfaction of the City Engineer, in his reasonable discretion, and whether the written acceptances described in Section 8 have been provided. If the Work and repair are, in the opinion of the City Engineer, not complete, not satisfactory, and/or written acceptances have not been provided, the City Engineer will list the deficiencies that must be corrected to find the Work and repair complete and satisfactory. Upon satisfactory completion of the Work and repair and submittal of written acceptances, the City Engineer will send Subdivider a written notice of satisfactory completion. The requirement for written acceptances may be waived by the City Engineer, in his reasonable discretion, if Subdivider has made commercially reasonable efforts to obtain such acceptances. City Engineer's failure to respond to Subdivider's written notification within fifteen (15) days will not be deemed a breach or default under this Agreement.

20.2 Acceptance of Improvements. After sending Subdivider a written notice of satisfactory completion pursuant to Section 20.1, the City Engineer will recommend acceptance of the Improvements within the public right of way, or designated for public use, to the City Council. The acceptance of those Improvements shall be by resolution. Upon adoption of such resolution, the City Engineer shall record a notice of acceptance, in a form to be approved by the City Attorney, in the Official Records of San Mateo County. Title to, and ownership of, all Improvements constructed by Subdivider under this Agreement within the public right of way, or designated for public use, shall vest in City upon City's acceptance of such Improvements. Acceptance of the Improvements by the City shall be deemed as final approval of the completed Improvements that are not accepted for ownership by the City.

20.3 Acceptance of Dedications. In conjunction with the recommendation to accept the Improvements, the City Engineer will recommend the acceptance of any offers of dedication shown on the final map for, or separately recorded against, the Property ("**Dedicated Property**"). The Dedicated Property shall be conveyed free and clear of all liens, encumbrances, assessments and leases (recorded and unrecorded), except items approved by City in writing. City may require Subdivider to obtain and pay for title insurance in connection with any such approvals of title exceptions.

21. Reversion to Acreage. If Subdivider fails to perform its obligations under this Agreement, Subdivider consents to the reversion to acreage of Property pursuant to Government Code section 66499.16 at Subdivider's sole cost and expense.

22. Warranty Period.

22.1 Warranty; Repair and Reconstruction. Without limiting the foregoing, Subdivider expressly warrants and guarantees all Work and all materials used in the Work for a period of one year after the date of recordation of the notice of acceptance of the Improvements in accordance with Section 20. If, within this one-year period, any Improvement or part of any Improvement installed or constructed, or caused to be installed or constructed by Subdivider, or any of the Work, fails to fulfill any of the requirements of the Improvement Plans or this Agreement, Subdivider shall, without delay and without cost to City, repair, replace or reconstruct any defective or otherwise unsatisfactory part or parts of the Work or Improvement to the satisfaction of the City Engineer. Should Subdivider fail to act promptly or in accordance with this requirement, or should the exigencies of the situation require repairs, replacements or



reconstruction to be made before Subdivider can be notified, City may, at its option, make the necessary repairs, replacements or perform the necessary reconstruction and Subdivider shall pay to the City upon demand the actual cost of such repairs, replacements or reconstruction plus 25 percent.

22.2 Warranty Bond. Subdivider shall furnish and deliver a warranty bond in the amount of ten percent of the value of the Improvements upon acceptance and final approval of the Improvements and prior to release of the entirety of the Performance Security. The bond shall be in a form acceptable to the City Attorney and shall guarantee and warranty the Work for a period of one year following the date of recordation of the notice of acceptance of the Improvements against any defective work or labor done, or defective materials furnished.

23. Subdivider Not Agent of City. Neither Subdivider nor Subdivider's contractors, subcontractors, agents, officers, or employees are agents, partners, joint venturers or employees of City and the Subdivider's relationship to the City, if any, arising herefrom is strictly that of an independent contractor. Subdivider's contractors and subcontractors are exclusively and solely under the control and dominion of Subdivider. Further, there are no intended third party beneficiaries of any right or obligation assumed by the Parties.

24. Indemnification. Subdivider agrees to indemnify, defend and hold the City, its elective and appointed boards, commissions, officers, agents, employees and consultants, harmless from and against any and all claims, liabilities, losses, damages, injuries, penalties, fines, judgments, awards, decrees, attorneys' fees and related costs or expenses of any kind or nature (collectively, "Claims") arising out of this Agreement, including without limitation Subdivider's, or Subdivider's contractors', subcontractors', agents' or employees', acts, omissions, or operations under this Agreement, and the performance of the Work, whether such acts, omissions, or operations are by Subdivider or any of Subdivider's contractors, subcontractors, agents or employees. The aforementioned indemnity shall apply regardless of whether or not City has prepared, supplied or approved plans and/or specifications for the Work or Improvements and regardless of whether any insurance required under this Agreement is applicable to any Claims. The City does not and shall not waive any of its rights under this indemnity provision because of its acceptance of the bonds or insurance required under the provisions of this Agreement. Subdivider's obligation to indemnify City shall survive the expiration or termination of this Agreement.

25. Insurance. During the term of this Agreement, Subdivider shall maintain at its cost and expense the following insurance coverage against Claims, including Claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Work and the results of that Work by the Subdivider, its contractors, agents, representatives, employees or subcontractors, with insurers with an A.M. Best's rating of no less than A:VII unless otherwise accepted by the City in writing:

25.1 Commercial General Liability (CGL). Subdivider shall provide or cause to be provided Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$2,000,000 per occurrence. If a general aggregate

limit applies, either the general aggregate limit shall apply separately to the Project and Property or the general aggregate limit shall be twice the required occurrence limit.

25.2 Automobile Liability Insurance. Subdivider shall provide or cause to be provided ISO Form Number CA 00 01 covering any auto (Code 1), or if Subdivider has no owned autos, hired (Code 8), and non-owned autos (Code 9), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.

25.3 Workers' Compensation Insurance. Subdivider shall provide, or cause to be provided, workers' compensation insurance as required by law, and shall cause its contractors and their subcontractors, agents and representatives to maintain workers' compensation insurance as required by the State of California, with statutory limits, and employer's liability insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. For services deemed public works, by signing this agreement, Subdivider is certifying, pursuant to Section 1861 of the California Labor Code, that: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Agreement."

25.4 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

25.4.1 Additional Insured Status. The City, its officers, officials, employees, agents, invitees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Subdivider including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Subdivider's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).

25.4.2 Primary Coverage. For any Claims related to this Agreement, the Subdivider's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Subdivider's insurance and shall not contribute with it.

25.4.3 Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City.

25.4.4 Waiver of Subrogation. Subdivider hereby grants to City a waiver of any right to subrogation which any insurer of said Subdivider may acquire against the City by virtue of the payment of any loss under such insurance. Subdivider agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

25.4.5 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Subdivider to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

25.5 Certificate of Insurance and Endorsements. Subdivider shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this Section. All certificates and endorsements are to be received and approved by the City before the Work commences. However, failure to obtain the required documents prior to the commencement of the Work shall not waive the Subdivider's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

25.6 Subdivider's Consultants and Contractors. Subdivider shall include all of their consultants and all prime contractors and subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each consultant and contractor. All coverages for consultants and contractors shall be subject to all of the requirements stated in this Agreement, including but not limited to naming additional insureds.

25.7 Higher Limits. If the Subdivider maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Subdivider. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

26. Payments. Subdivider agrees that it will pay, when due, all those furnishing labor or materials in connection with the Work. Subdivider further agrees that pursuant to Government Code section 66499.7, the Labor and Materials Security provided by Subdivider in accordance with Section 15.2 of this Agreement shall not be released if any mechanics liens or stop notices are outstanding, unless said liens are released in compliance with Civil Code section 3143.

27. Notice of Breach and Default. The occurrence of any of the following constitutes a breach and default of this Agreement:

- (1) Subdivider refuses or fails to complete the Work within the time set forth herein or abandons the Work;
- (2) Subdivider assigns the Agreement without the prior written consent of City;
- (3) Subdivider is adjudged bankrupt or makes a general assignment for the benefit of creditors, or a receiver is appointed in the event of Subdivider's insolvency;
- (4) Subdivider or Subdivider's consultants, contractors, subcontractors, agents or employees, fail to comply with any terms or conditions of this Agreement; or

- (5) there is any delay in the construction of any portion of the Work or repairs, which in the reasonable opinion of the City Engineer, endangers public or private property.

The City may serve written notice of breach and default upon Subdivider and the financial institution holding the bonds.

28. Breach of Agreement: Performance by City: Remedies. If the City gives Subdivider notice, under Section 27, of breach and default of this Agreement, the City may pursue any and all remedies available, including but not limited to, bringing legal action to compel performance of the Work, holding the financial institutions that issued the bonds, if any, liable to complete the Work and/or for the cost of the Work and/or proceeding to complete the Work by contract or other method the City considers advisable, at the sole expense of Subdivider, including City's use of the cash deposits provided in Section 15 above. If City completes the Work, Subdivider, immediately upon demand, shall pay the costs and charges related to the Work and any subsequent repairs over and above the amount provided by the cash deposits provided in Section 15. City, without liability for doing so, may take possession of and utilize in completing the Work and repairs, if any, such materials and other property belonging to Subdivider as may be on or about the Property and necessary for completion of the work. In the event of default, the financial institution holding the bonds, if any, shall be liable to City to pay the face amount of the bonds, as specified in this Agreement. As noted above, City may bring legal action to compel performance of this Agreement and recover the costs of completing the Work and/or repairs, if any, including City's administrative and legal costs. Subdivider agrees that if legal action is brought by City under this Section of the Agreement, Subdivider shall pay all of the costs of suit, reasonable attorney fees, arbitration costs and such other costs as may be determined by the court or arbitrator. No failure on the part of City to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that City may have hereunder.

29. Attorneys' Fees. Should any legal action or arbitration be brought by either party because of breach of this Agreement or to enforce any provision of this Agreement, the prevailing party shall be entitled to all costs of suit, reasonable attorneys' fees, arbitration costs and such other costs as may be determined by the court or arbitrator.

30. Notices. Formal written notices, demands, correspondence and communications between City and Subdivider shall be sufficiently given if: (a) personally delivered; (b) dispatched by next day delivery by a reputable carrier such as Federal Express to the offices of City and Subdivider indicated below, provided that a receipt for delivery is provided; or (c) if dispatched by first class mail, postage prepaid, to the offices of City and Subdivider indicated below. Such written notices, demands, correspondence and communications may be sent in the same manner to such persons and addresses as either party may from time-to-time designate by next day delivery or by mail as provided in this Section.

City: CITY OF PACIFICA  
170 Santa Maria Avenue  
Pacifica, California 94044  
Attention: City Engineer

Subdivider: David S. Colt  
David Blackman

Notices delivered by deposit in the United States mail as provided above shall be deemed to have been served two (2) business days after the date of deposit if addressed to an address within the State of California, and three (3) business days if addressed to an address within the United States but outside the State of California.

31. Transfers; Assignments. Subdivider may assign its obligations under this Agreement to successor owner(s) of the Property with the prior written consent of the City. In connection with any such assignment, Subdivider and its assignee shall execute and deliver to City a written assignment and assumption agreement in a form acceptable to the City Attorney.

32. Binding Upon Heirs, Successors and Assigns. The terms, covenants and conditions of this Agreement shall be binding upon all heirs, successors and assigns of the parties hereto; provided, however, that this Agreement shall not be binding upon a purchaser or transferee of any portion of the Property unless this Agreement has been assigned pursuant to Section 31. If this Agreement has not been assigned or if the assignment has not been consented to by City, it shall remain binding on Subdivider.

33. Headings. Section headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants or conditions contained in this Agreement.

34. Severability. If any provision of this Agreement is held, to any extent, invalid, the remainder of this Agreement shall not be affected, except as necessarily required by the invalid provision, and shall remain in full force and effect.

35. Entire Agreement. The terms and conditions of this Agreement constitute the entire agreement between City and Subdivider with respect to the matters addressed in this Agreement. This Agreement may not be altered, amended or modified without the written consent of both parties.

36. Governing Law; Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of California, without reference to choice of law

provisions. Any legal actions under this Agreement shall be brought only in the Superior Court of the County of San Mateo, State of California.

37. Authority. Each party executing this Agreement on behalf of a party represents and warrants that such person is duly and validly authorized to do so on behalf of the entity it purports to bind and if such party is a partnership, corporation or trustee, that such partnership, corporation or trustee has full right and authority to enter into this Agreement and perform all of its obligations hereunder.

38. Time is of the Essence. Time is of the essence of this Agreement and of each and every term and condition hereof.

39. Runs with the Land; Recordation. This Agreement pertains to and shall run with the Property. Upon execution, this Agreement shall be recorded in the Official Records of San Mateo County.

IN WITNESS WHEREOF, City and Subdivider have executed this Agreement as of the Effective Date.

**CITY**

CITY OF PACIFICA, a California municipal corporation

ATTEST:

By: \_\_\_\_\_  
Lorie Tinfow, City Manager

By: \_\_\_\_\_  
Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

**SUBDIVIDER**

By: David S. Colt

Name: David S. Colt

Title: Owner

By: David Blackman

Name: David Blackman

Title: Applicant

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE SEC.1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF San Mateo )

On 14 February 2017, before me, R. R. Henry Perrin Notary Public  
Here insert Name and Title of the Officer

personally appeared David Blackman  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Below

Signature   
Signature of Notary Public



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE SEC.1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
COUNTY OF San Mateo )

On 14 February 2017, before me, R. R. Henry-Perrin, Notary Public
Here Insert Name and Title of the Officer

personally appeared David S. Colt
Name(s) of Signer(s)

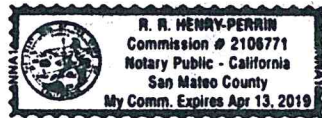
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Below

Signature [Handwritten Signature]
Signature of Notary Public





**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

**CIVIL CODE SEC.1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
*Here insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Place Notary Seal Below*

Signature \_\_\_\_\_  
*Signature of Notary Public*

**Exhibit A****Legal Description of the Property**

The land referred to is situated in the County of San Mateo, City of Pacifica, State of California, and is described as follows:

Being a portion of that certain deed filed as Document No. 2007-081466 of Official Records of San Mateo County on May 29, 2007, also being a portion of that certain real property as shown on that certain Record of Survey Map entitled "Record of Survey Map No. L1497", recorded in Book 26 of L.L.S. Maps at page 89, San Mateo County Records, on November 22, 2004 (hereinafter referred to as survey); and all that real property described in a deed filed as Document No. 99-066514 Official Records of San Mateo County on April 15, 1999, also being all that certain parcel described as Parcel 4 (hereinafter referred to as parcel) as shown on that certain map recorded in Book 49 of Parcel Maps at pages 39 and 40, on March 21, 1980, also being a portion of that certain real property as shown on that certain Record of Survey map entitled, "Record of Survey Map No. 2033", recorded in Book 32 of L.L.S. Maps at page 98, San Mateo County Records, on February 18, 2009, being more particularly described as follows: Beginning at the most Northerly corner of said property, as shown on said survey, said corner being the Northerly terminus of the line labeled, "North 18° 35' 03" East 104.92", thence along the Northeasterly line of said survey and the following four courses:

- 1) South 18° 35' 03" West 104.92 feet;
- 2) South 57° 00' 00" East 183.05 feet;
- 3) South 65° 49' 20" East 208.00 feet;
- 4) South 68° 30' 00" East 29.07 feet;

Thence leaving said Northeasterly line, South 21° 15' 47" West 217.73 feet to the beginning of a non-tangent curve concave to the southwest, having a radius of 130.00 feet, from which point a radial line bears South 43° 51' 53" West; thence Southeasterly along said curve through a central angle of 57° 24' 55", an arc length of 130.27 feet; thence South 11° 16' 48" West 26.35 feet to a curve concave to the Northeast, having a radius of 70.00 feet; thence along said curve, through a central angle of 106° 12' 36", an arc length of 129.76 feet; thence North 85° 04' 12" East 61.41 feet; thence South 23° 37' 58" East 217.65 feet; thence South 55° 37' 30" East 379.85 feet to a point on the Southeasterly line of the lands as shown on aid survey; thence Southwesterly along said Southeasterly line South 34° 14' 19" West 200.26 feet to the Southerly corner of said survey; thence Northwesterly along Southwesterly line of said survey North 55° 37' 34" West 1320.00 feet to the Westerly corner said survey; thence Northeasterly along the Northwesterly line of said survey North 34° 03' 50" East, 231.57 feet, more or less to the Southerly corner of said parcel described above; thence leaving said Northwesterly line, along the Southwesterly line of said parcel, North 56° 22' 10" West 59.74 feet more or less; thence continuing along said Southwesterly line of said parcel, North 55° 56' 10" West 7.26 feet; thence Northeasterly along the Westerly line of said parcel, North 34° 03' 50" East 60.00 feet; thence

Northwesterly along the Northwesterly line of said parcel, North 55° 56' 10" West 92.74 feet to the Southeasterly line of Grand Avenue (60 feet wide) as shown on said parcel; thence Northeasterly along said parcel and said avenue, North 34° 03' 50" East 15.00 feet to the Northerly corner of said parcel; thence Southeasterly along said Northeasterly line of said parcel, South 55° 56' 10" East 100.00 feet; thence continuing Southeasterly along said Northeasterly line of said parcel South 56° 22' 10" East 59.74 feet, more or less, to a point on the Southwesterly line of said survey; thence Northwesterly along the Southwesterly line of said survey, North 34° 03' 50" East 125.26 feet to the most Southerly corner of that certain Record of Survey Map entitled "Record of Survey Map No. 2033", recorded in Book 32 of L.L.S. Maps at page 98, San Mateo County Records, on February 18, 2009; thence Southeasterly along the prolongation of the Southwesterly line shown on said last mentioned survey, South 55° 39' 10" East 20.00 feet; thence North 34° 03' 50" East 100.40 feet; thence North 55° 56' 10" West 80.00 feet to the Northwesterly line of last mentioned survey; thence along said Northwesterly line North 34° 20' 50" East 197.42 feet to the most Northerly corner shown on last mentioned survey, said corner being on the Southerly line of San Pedro Avenue (60 feet wide); thence Southeasterly along said avenue and the Northerly line of said last mentioned survey, South 56° 34' 10" East 59.03 feet to the most Easterly corner shown on last mentioned survey; thence leaving said avenue, along the Southeasterly line of said last mentioned survey, South 34° 03' 50" West 60.00 feet to the true point of beginning of this description.

Pursuant to the Lot Line Adjustment and Certificate of Compliance recorded July 9, 2015 in Instrument No. 2015-072808 of Official Records, San Mateo County Records.

**Exhibit B**

**Improvement Plans**

[following this page]

**Project Scope**

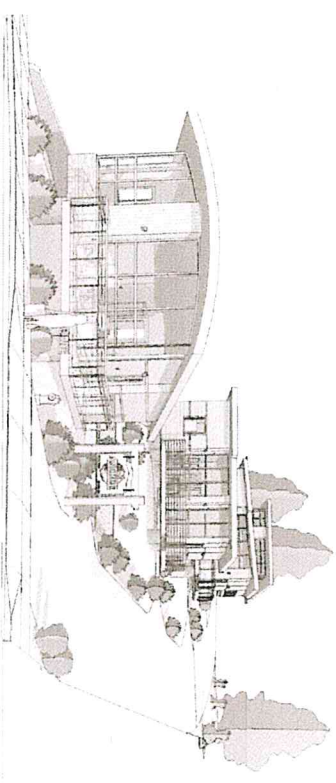
Four detached single story residential units.  
Each unit contains a kitchen, bathroom, livingroom, 3 beds.  
The lower unit will be accessible parking and access.  
No on-site office or facilities.

**Building Code Data**

TYPE OF OCCUPANCY: R - Hotel  
CONSTRUCTION TYPE: VB (Minimum 2 stories & 7000 sqft & 40ft tall)  
NUMBER OF STOREYS: 1  
ALL WORK TO CONFORM TO: 2015 CBC, CBC, CBC, CBC, CBC, CBC  
2015 CALIFORNIA ENERGY CODE, AND 2015 CBC  
Fire Sprinklers: 10' to better program, lines to be the  
No fire partition between units - separate buildings  
per CBC 705

**Project Information**

General Plan & Coastal Local Plan Commercial, water service, small water, mobile.  
Zone: C1  
General Zone: Apendix production  
Lot Size: 14,408 sqft  
Frontage: 5,720 sq ft. (40%)  
Siding: 2,770 sq ft. (19%)  
Deck coverage (not under roof): 197 sqft. (1%)  
Total Coverage: 5,800 sqft. (40%)  
Landscaping: 450 sqft. (3.1% sqft. deck)  
Unit 1 (AVN): 519 sqft. (3.6% sqft. deck)  
Unit 2: 519 sqft. (3.7% sqft. deck)  
Unit 3: 405 sqft. (2.8% sqft. deck)  
Unit 4: 405 sqft. (2.8% sqft. deck)



# Pedro Point Anchor Inn

**Project Description**

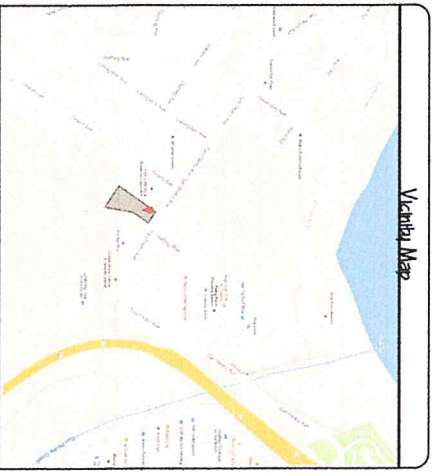
Owner / Applicant: David Blusson, Anchor Inn Partner (650) 746-6316  
Engineer: Michael Cornal (650) 309-0495  
Geotechnical Engineer: Jeff Biddle - Earth Investigations (650) 897-0262  
Site Prep: Jeff Roney - Icon Construction (818) 325-5754

**Deferred Submittals**

Fire Sprinklers

**Project Index**

A1	Title Sheet - Street perspective
A2	General Notes
D1	Site Plan
C2	Site Elevation
C3	Driveway Details
C4	Utilities
C5	Green/Cooling
C6	Site Elevation
C7	Site Elevation
A10-A14	Unit 1
A21-A24	Unit 2
A31-A34	Unit 3
A41-A44	Unit 4
A5	Elevations North & West
A6	Elevations North & South Section
A7	Site Details
AV1-AV3	AV1 Building Plot and Details
S1-S5	Structural Footings
T1-T2	Energy Compliance
PH1	Best Management Practices



**DB Construction**  
Pacifica, CA

No.	Description	Date

**Anchor Inn**  
500 San Pedro Ave  
Title Sheet

Project Name	2015-0
Date	FALL 2012
Drawn by	ADP
Checked by	DRL
Scale	AS1

Right-of-way General Notes

- An encroachment permit based from public works will be required for work done in the public right-of-way. All improvements within the city right-of-way shall be constructed per city standards.
- All engineering inspections require 24-hour notice.
- Construction working hours shall be limited to the hours of 9:00 am to 4:00 pm on Monday, Tuesday, Wednesday, Thursday, and Friday, 9:00 AM to 4:00 PM.
- Backlogs shall be maintained clear of construction material and debris at all times. Daily road cleanup will be enforced.
- Holes or trenches within the public right-of-way must be backfilled before leaving each night unless written permission is provided by the city engineer, which may be requested at least 24 hours advance.
- All roadwork, striping, markings, railroad signals, signs, cross roads on top of sidewalks and signs on top of street frontage or on bus lanes, whether within private property or public right-of-way, shall be protected and preserved. If removed or damaged, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified civil engineer to restore or replace the survey points and record the required map, prior to the completion of the building permit.
- All improvements in the city right-of-way or public easement shall be constructed in accordance with the city of Pacific specifications and will be subject to inspection and approval by the city.
- Existing curbs, sidewalks, or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.
- Any damage to improvements within city right-of-way or to any private property, whether adjacent to subject property, shall be repaired or replaced as directed by the city engineer.
- There shall be no structural encroachment into the public right-of-way.
- Fences or other structures or obstructions shall have a 6" shoulder on all sides (a 6" trench) at least 16" below the finished surface. From this level up to the underside of the pavement or concrete, the trench or hole shall be backfilled with California Class 2 aggregate base material, compacted to 95% of maximum density (MVD) and covered in place with 6" (18")
- Edges of pavement shall be parallel to / or perpendicular to the center of the street (curb line). Edges within 12 inches of pavement edges shall be extended to the pavement edge. Pavement patching must be California 5" medium bituminous asphalt compacted to 95% in 2" lifts.
- Patches to concrete sidewalks or driveway approaches shall be same as existing concrete grade, including 6" behind the face of curb if the curb is not being replaced. 3" x 12" patches must be installed at least 4" into adjacent curb and 6" into adjacent sidewalk.
- Cover or flaps or other items installed within the sidewalk area must be flush with the surrounding surface, and must have top edge and sides flush with paravert height. Adhesion, potholes, ruts, or the displaced and must have rough surfaces.
- The contractor or owner shall contact the wastewater treatment plant (725-4655) 24 hours prior to starting each of the following items: trenching, backfilling, pavement restoration, sewer tap, pipe installation or any other sewage work.
- No debris box or equipment shall be allowed in the street or sidewalk.
- No workman (including equipment, cleaning work water, vehicle wash water, cooling water, air condenser condensate, and floor cleaning water) shall be discharged to the storm drain system, the street, or gutter.

Right-of-way Specific to Project Notes

- Find and locate existing signals with minimum 2 ft. RC to limits of all utility connections (s) or to street centerline.
- Utilities to separate easers shall be properly flagged along San Pedro Avenue.
- The applicant shall install all address underground from the street to the side of the lot.
- All proposed signage, signs, signs, and storm drain systems up to their connection to the existing manhole shall be provided in accordance.
- Actual ground plan shall be submitted for review by the City Engineer. Lane closures shall be requested 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along San Pedro Ave.

Life Safety Egress Requirements

- Minimum size - 519sq.ft.
- R1 Occupancy - 1 occupant per 200 sq.ft.
- Min Occupancy - 2 per case
- Min Occupancy - 2 per case
- Smoke egress required for R1 with One and Less Occupant per 240 sq.ft. (19x11)
- Proposed exit access travel distance = 50ft. Max Allowed 250-ft. per table CFC 1016.2

Planning Approval Conditions

- Condition 4 (Fence)** - The road size shall be well maintained, and cleared on a regular basis including removal of brush, debris, litter from trash receptacles, parking and bicycling areas, and including erosion from windblown earth to the Planning Director's satisfaction.
- Condition 7 (Security)** - All entry and exit doors shall be solid core. All main or front entry doors to units shall be constructed so that the occupant has a view of the area immediately outside the door without opening the door, opening an entrance door, or within 10' (40") below of any balcony doors. If all balcony doors or metal window treatment devices, smoke filter, ventilation, in wood frame construction and open space between frames and wood door panels, shall be solid aluminum by a single piece extending not less than 48" (6") below above and below the strike plate. Strike plates shall be attached to wood with not less than two (2) No. 8 by two (2") non-corrosive, stainless steel screws when attached to metal shall be attached with not less than two (2) No. 8 machine screws. Windows shall be so constructed that when the window is closed it cannot be lifted from the frame. Window locking devices shall be capable of withstanding a force of 700 pounds applied in any direction.
- Condition 9 (Roof Egress)** There will be no roof egress, no skylights, no walkroom vents, no header vents, no fire water header vents on the roof. There will be small parking vent (s) above the kitchen and bathroom that is required by the planning code.
- Condition 12 (Clear of vents & downspouts)** All vents, gutters, downspouts, chimneys, and condensation be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be spray-painted house and / or screened to the Planning Director's satisfaction.
- Condition 15 (Exterior Lighting)** All exterior lighting will be done to prevent direct light towards neighbors.

Fire Requirements

- Condition 17 (Public Notices)** Applicant shall maintain a site on a location that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
- Condition 26 (Erosion Control)** Project has minimal grading. Grading is required to be completed prior to building per Fire Department. There will be no ground work after the building is built and all ground work will be completed and checked prior to build. There is no proposed erosion protection.
- Condition 55 (Security)** - Prior to final inspection, Applicant shall install video and audio recording devices, including window intrusion detector, surveillance cameras and sensors, which will allow continuous monitoring of the site by the fire department. The equipment shall be installed to provide adequate vantage points along the exterior of the building, the horizontal areas, and the driveway to allow the fire department to identify obstructions or block activities, including window intrusions, and parking in fire lanes, to the satisfaction of the Planning Director and Fire Chief. These devices shall be installed, operated, maintained, and maintained by the owner of the rental.

Fire Requirements

- The applicant shall install all fire sensor features as required by 2015 IFC Chapter 9, Section 904.4 prior to commencement of any vertical building construction on the site, to the satisfaction of the Fire Chief or designer.
- Prior to final inspection, because the driveway width is 20 feet, Applicant shall post the curbs along the driveway and post signage to prohibit parking to the satisfaction of the Planning Director and the Fire Chief or designer. Applicant shall maintain the painted curbs in a uniform condition substantially free of potholes, dips, or other point defects, including fishholes, to the satisfaction of the Planning Director and Fire Chief or designer.

Project Specific Notes:

- No Grease on Property
- No fences proposed
- No home-grown on site.
- All Exterior Lighting shown in floorplans and elevation will be down lighting and LED

California Requirements

- Contractor shall provide at the time of final inspection, and operation and maintenance manual to the owner or examine address from items 1100 of California 41401.
- Contractor shall provide construction worker reimbursement for pay to start of construction duration 50% of construction wage or wage or regular pay for workers per California 41402.
- The Effective Value of a Water Right shall not exceed 125 gallons per Acre California 4130911.
- Showerheads shall have a maximum flow rate of not more than 2.0 gallons per minute, California 41309131.
- Laminari faucets shall not exceed 1.5 gallons per minute, California 41309141.
- Kitchen faucets shall not exceed 1.8 gallons per minute, California 41309144.
- Automatic fire alarm system components installed at the time of final inspection shall be weather-based. Fire alarm system components shall be weather-based, and controls shall interface with approved fire passage of rodents.
- Gas fireplaces shall be a direct-vent sealed combustion type, California 413091.
- Bathroom fans shall be ENERGY STAR compliant.
- Cover each vent and other related air distribution components opening during construction.
- Aerosols, solvents and caulk shall be compliant with VOC limits.
- Paints, sealers, other coatings shall be compliant with VOC limits.
- General paints and coatings shall be compliant with product weighted HAP limits for VOC and other toxic compounds. Verification of compliance shall be provided.
- Carpet and carpet systems shall be compliant with VOC limits.
- Min. of 80% of floor areas residential flooring shall comply with section 41304.4 Part 11.1.1.1. Medium density fiberboard, and hardboard allowed in other floor systems shall comply with formaldehyde emission standards.
- Final ceiling leak and vapor retarder at risk on grade foundations.
- Final moisture content of masonry materials used in wall and floor framing lumber outdoors.
- Provide reduced hours / covers, which does when the fan is off for the whole house cover, fan.



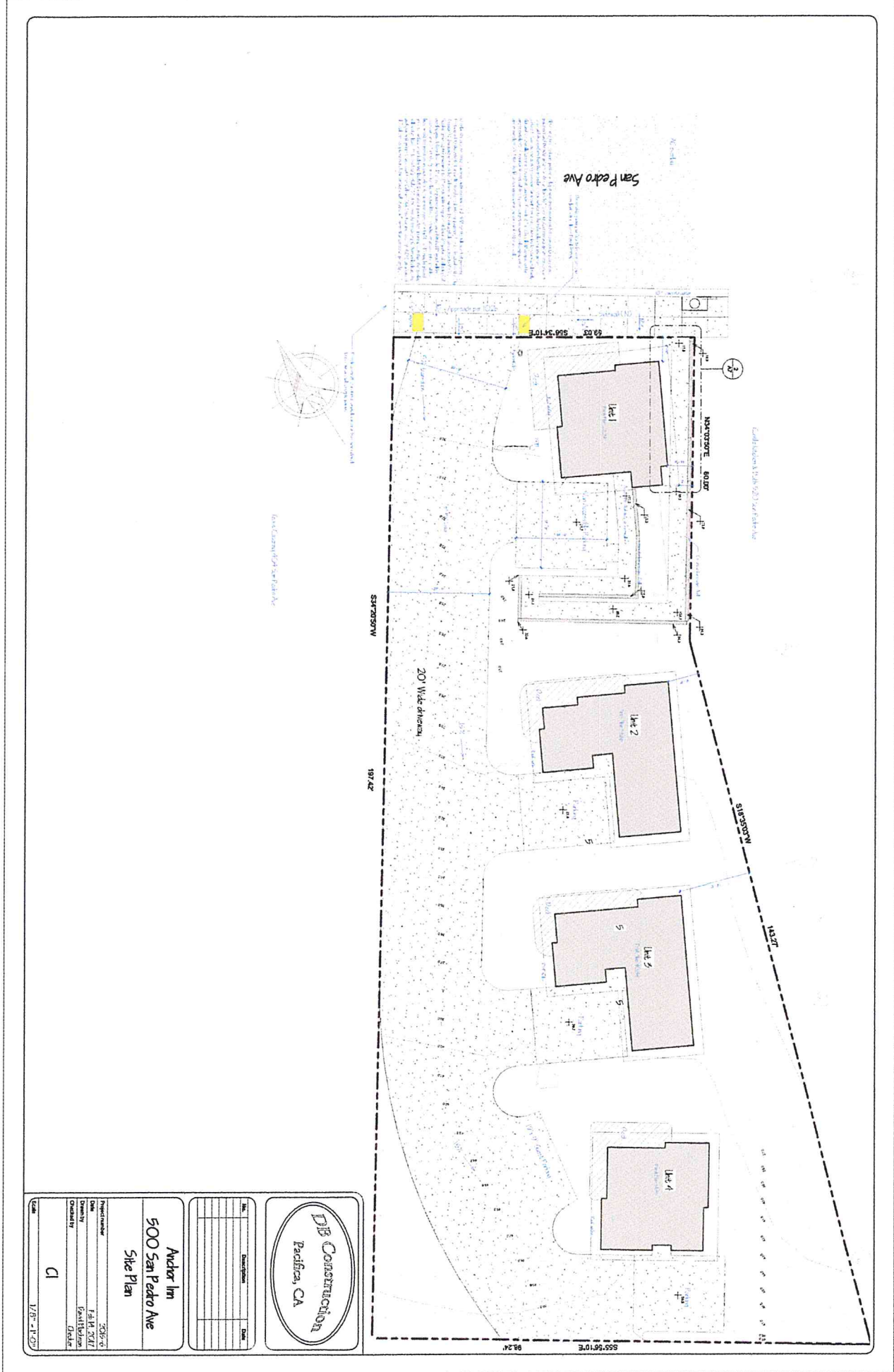
NO.	Description	Date

**Anchor Inn**  
500 San Pedro Ave  
Project Notes

Prepared by: [Signature]  
Date: 1.11.2017  
Checked by: [Signature]  
Date: [Signature]

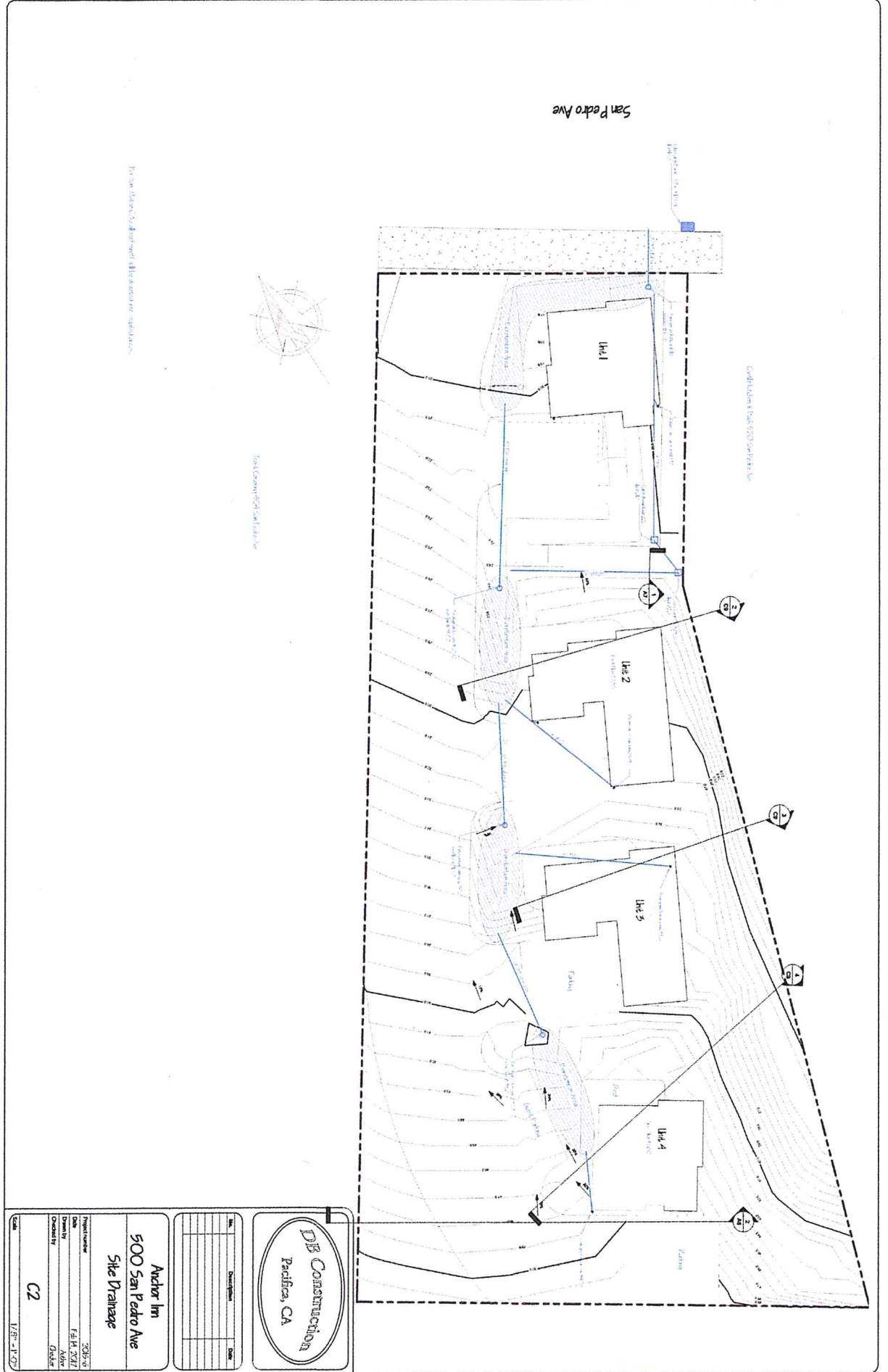
02





<b>Anchor Inn</b> <b>500 San Pedro Ave</b> <b>Site Plan</b>	
Project Number	230-2
Date	1/11/2017
Drawn by	Janell Brown
Checked by	David
Scale	1/8" = 1'-0"





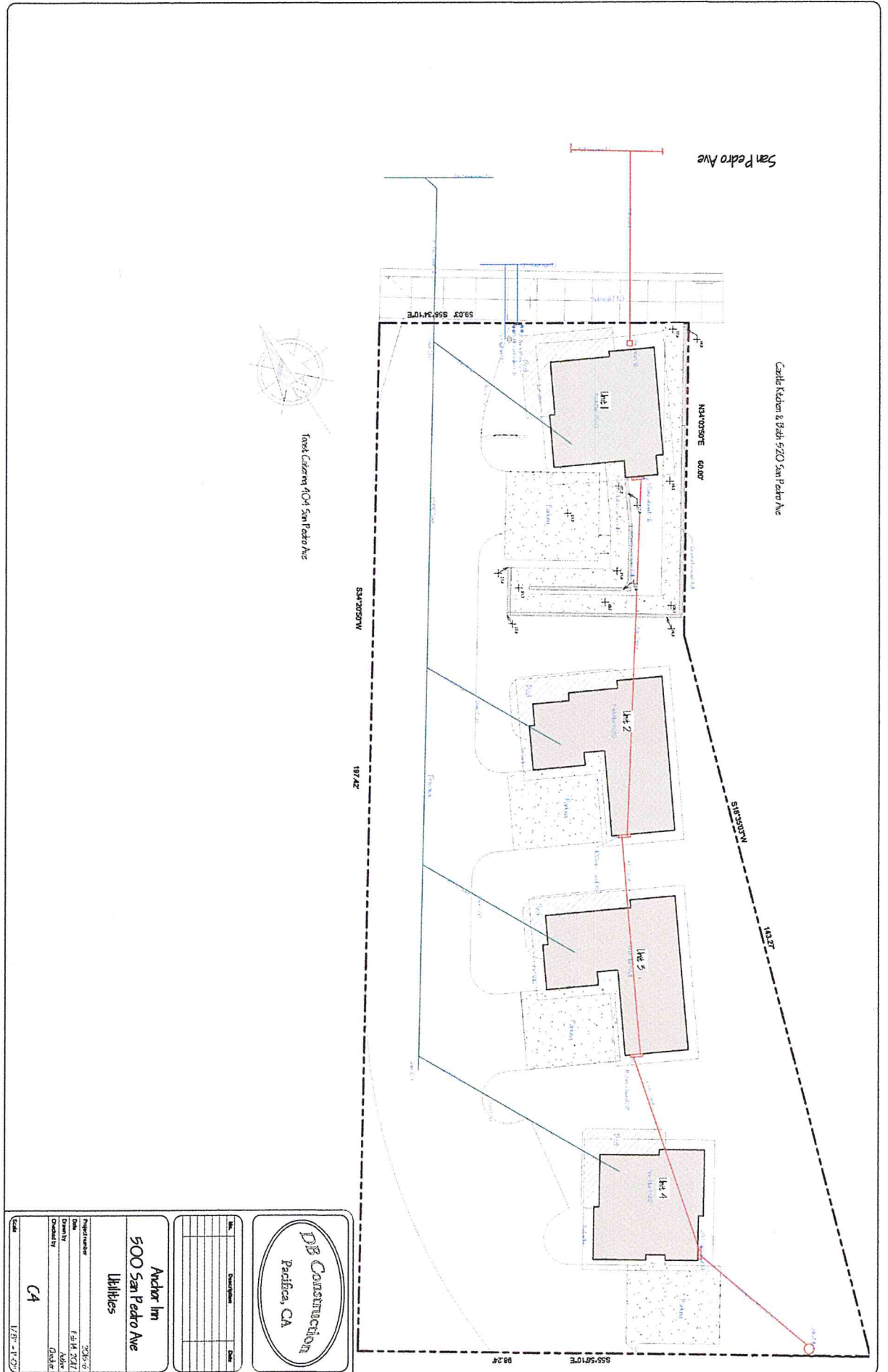
For more information, please contact the engineer or architect.



San Pedro Ave

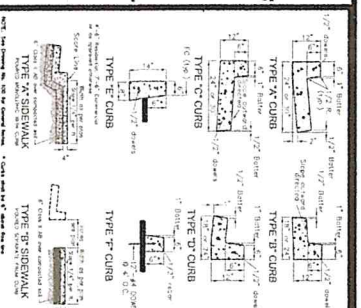
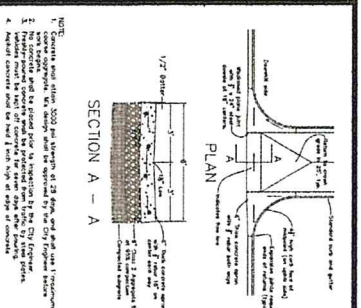
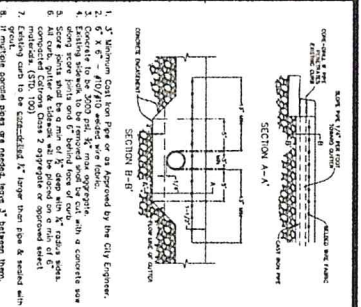
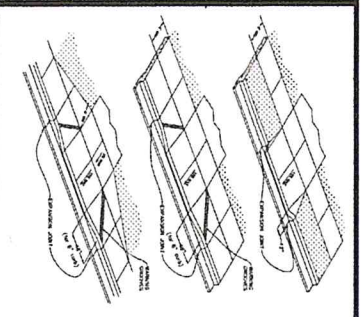
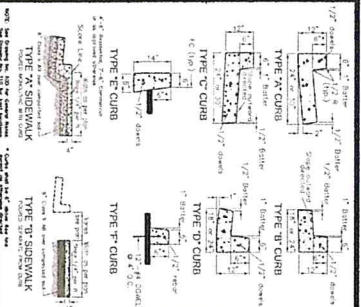
San Pedro Ave

Construction 1001 500 San Pedro Ave



**CITY OF PACIFICA STANDARD CURB CUTTER DRIVEWAY NOTES**

1. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.01.
2. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.02.
3. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.03.
4. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.04.
5. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.05.
6. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.06.
7. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.07.
8. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.08.
9. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.09.
10. All curb and gutter shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.10.



**CITY OF PACIFICA STANDARD DRIVEWAY NOTES**

1. All driveway shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.01.
2. All driveway shall be constructed in accordance with the City of Pacifica Standard Specifications for Street and Driveway Construction, 2014 Edition, Section 200.02.
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**CITY OF PACIFICA STANDARD DRIVEWAY APPROACH**

STANDARD DRIVEWAY APPROACH

STANDARD DRIVEWAY APPROACH ALTERNATIVES

**CITY OF PACIFICA STANDARD DRIVEWAY APPROACH ALTERNATIVES**

STANDARD DRIVEWAY APPROACH ALTERNATIVES

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STANDARD DRIVEWAY APPROACH ALTERNATIVES

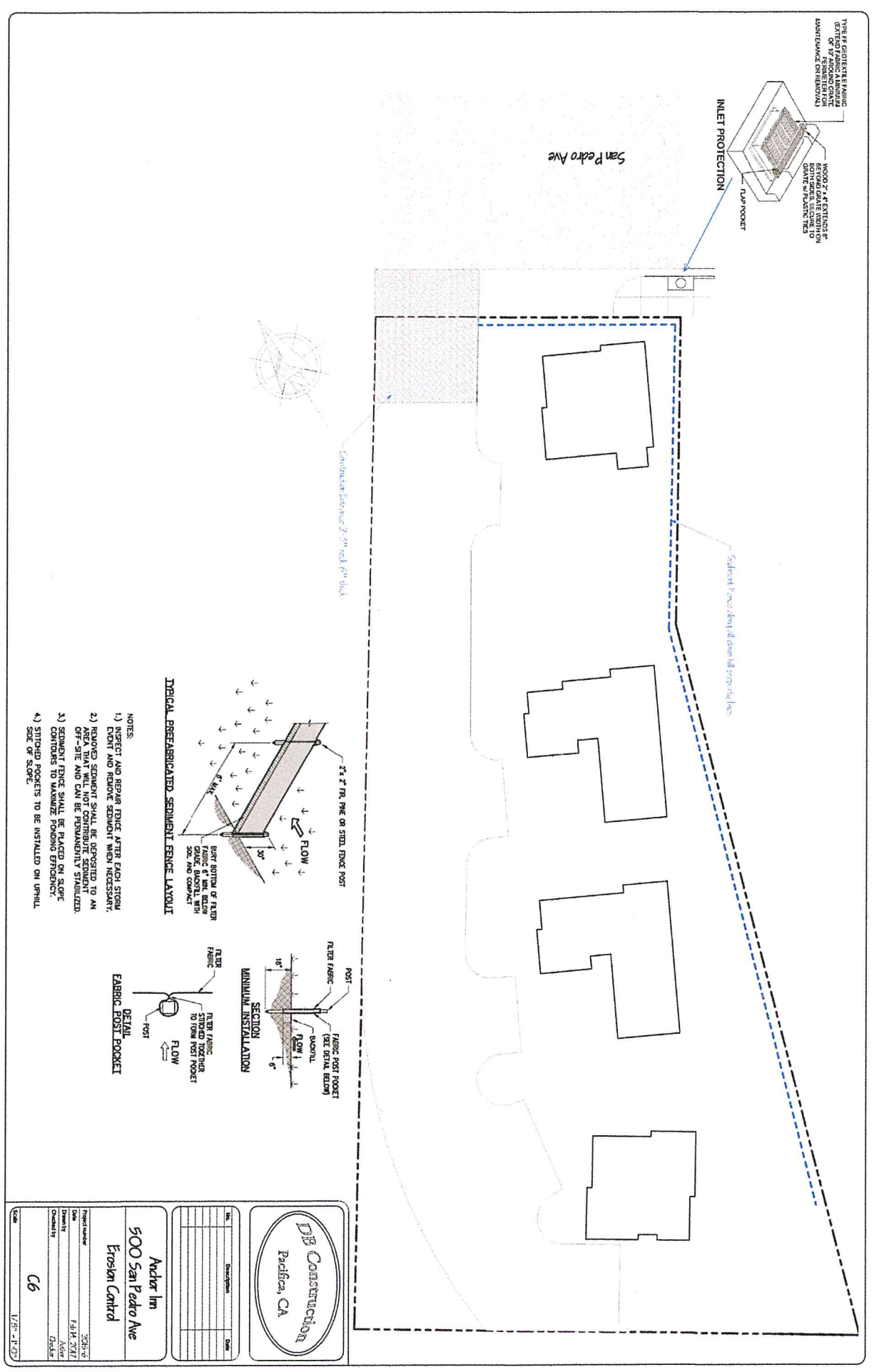
**CITY OF PACIFICA STANDARD DRIVEWAY APPROACH ALTERNATIVES**

STANDARD DRIVEWAY APPROACH ALTERNATIVES

**DB Construction Pacifica, CA**

Anchor Inn Motel  
500 San Pedro Ave  
City Standards

Project Number: 500 San Pedro Ave  
Date: Feb 14, 2017  
Checked by: [Signature]  
City Standards: CS

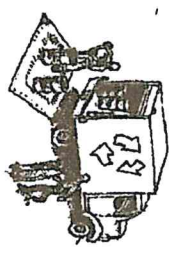




# Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

## Materials & Waste Management



- Non-Hazardous Material**
  - Item and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.
  - Use flammable liquid waste for dust control.

## Hazardous Materials

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with state, county, state and federal regulations.
- Store hazardous materials and wastes in state right containers, store every work day or during wet weather, and keep them at the end of materials and be careful not to use more than necessary. Do not apply, chemicals outdoors when rain is forecast within 24 hours.
- Arrange for appropriate disposal of all hazardous wastes.

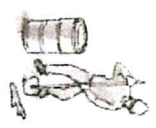
## Waste Management

- Cover waste disposal containers, especially with tarps at the end of every work day and during wet weather.
- Check waste disposal containers frequently for leaks and to make sure they are not overfilled. No or less down a dumpster on the construction site.
- Clean or replace portable toilets and inspect them frequently for leaks and spills.
- Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base material, wood, GYP board, pipe, etc.)
- Dispose of liquid residues from paints, thinners, solvents, glass, and cleaning fluids as hazardous waste.

## Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

## Equipment Management & Spill Control



- Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains.
- Remove or dispose of fluids as hazardous waste.
- If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow these water to run into gutters, streets, storm drains, or surface waters.
- Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment.

## Maintenance and Parking

- Schedule grading and excavation work during dry weather.
- Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or banded fiber mats) until vegetation is established.
- Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- Prevent sediment from migrating offsite as erosion control fabric or banded fiber mats, mulch, and drainage swales, grading and maintaining appropriate BMPs, such as filter rolls, silt fences, sediment basins, gravel bags, berms, etc.
- Prevent sediment from migrating offsite as erosion control fabric or banded fiber mats, mulch, and drainage swales, grading and maintaining appropriate BMPs, such as filter rolls, silt fences, sediment basins, gravel bags, berms, etc.
- Keep excavated soil on site and transfer it out of the site as quickly as possible.
- Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleaning materials properly.
- Do not hose down surfaces where fluids have spilled (Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- Sweep up spilled dry materials immediately. Do not try to wash them away with water or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills immediately. You are required by law to report all significant releases of hazardous materials to the appropriate agency (e.g., the Department of your local emergency response number 21) Call the Contractor's Office of Emergency Services Warning Center, (800) 853-7590 (24 hours).

## Spill Prevention and Control

- Keep spill cleanup materials (e.g., rags, absorbents and cat litter) available at the construction site at all times.
- Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleaning materials properly.
- Do not hose down surfaces where fluids have spilled (Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- Sweep up spilled dry materials immediately. Do not try to wash them away with water or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills immediately. You are required by law to report all significant releases of hazardous materials to the appropriate agency (e.g., the Department of your local emergency response number 21) Call the Contractor's Office of Emergency Services Warning Center, (800) 853-7590 (24 hours).

## Earthmoving



- Schedule grading and excavation work during dry weather.
- Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or banded fiber mats) until vegetation is established.
- Remove existing vegetation only when absolutely necessary, and seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.
- Prevent sediment from migrating offsite as erosion control fabric or banded fiber mats, mulch, and drainage swales, grading and maintaining appropriate BMPs, such as filter rolls, silt fences, sediment basins, gravel bags, berms, etc.
- Prevent sediment from migrating offsite as erosion control fabric or banded fiber mats, mulch, and drainage swales, grading and maintaining appropriate BMPs, such as filter rolls, silt fences, sediment basins, gravel bags, berms, etc.
- Keep excavated soil on site and transfer it out of the site as quickly as possible.
- Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleaning materials properly.
- Do not hose down surfaces where fluids have spilled (Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- Sweep up spilled dry materials immediately. Do not try to wash them away with water or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills immediately. You are required by law to report all significant releases of hazardous materials to the appropriate agency (e.g., the Department of your local emergency response number 21) Call the Contractor's Office of Emergency Services Warning Center, (800) 853-7590 (24 hours).

## Paving/Asphalt Work

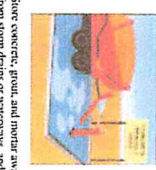


- Avoid paving and seal coating in wet weather or when rain is forecast to prevent materials that have not cured from containing stormwater runoff.
- Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- Collect and recycle or appropriately dispose of excess slurry, gravel or sand. Do NOT sweep or wash it into gutters.
- Do not use water to wash down fresh asphalt concrete pavement.

## Sawcutting & Asphalt/Concrete Removal

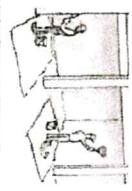
- Protect nearby storm drain inlets when saw cutting. Use filter fabric, catch basin mat filters, or gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and dispose of all slurry in storm drains and/or filter fabric (collected in sumps).
- If sawcut slurry enters a catch basin, clean it up immediately.

## Concrete, Grout & Mortar Application



- Store concrete, grout, and mortar away from storm drains or gutters, and on pallets under cover to protect them from rain, runoff, and wind.
- Wash out concrete equipment/trucks offsite or in a designated washout area, where the water will flow into a temporary water pit, and in a manner that will prevent leaching into the underlying soil or onto surrounding areas.
- Do not use water to wash down or clean concrete trucks and equipment.
- When washing exposed aggregate, prevent washwater from entering storm drains. Block any inlets and vacuum gutters, hose washwater onto dirt areas, or drain onto a bermed surface to be pumped and disposed of properly.

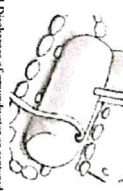
## Painting & Paint Removal



### Painting Cleanup and Removal

- Never clean brushes or rinse paint containers in a street, gutter, storm drain, or stream.
- For water-based paints, paint out into buckets to the extent possible, and rinse into a drain that goes to the sanitary sewer. Never pour paint down a storm drain.
- For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- Paint chips and dust from non-hazardous dry stripping and sand blasting may be disposed of in a designated area (e.g., traps, ditches and disposal of at truck).
- Chemical paint stripping solvents and thinners from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead based paint removal requires a state-certified contractor.

## De-watering



### De-watering

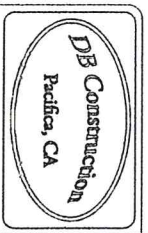
- Discharges of pre-water or captured runoff from de-watering operations must be properly managed and disposed. When de-watering, use a pump to pump water to landscaped area or sanitary sewer to discharging to the sanitary sewer cell your local wastewater treatment plant.
- Do not run on water from offsite away from all disturbed areas.
- When de-watering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of houses or suspected contamination call your local agency to determine what you can do to prevent it to be tested. Pumped groundwater may need to be collected and handled off-site for treatment and proper disposal.



## Landscaping

- Protect stockpiled landscaping materials from wind and rain by storing them under tarps all year-round.
- Stock bagged material on pallets and under cover.
- Discourage application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.

Storm drain polluters may be liable for fines of up to \$10,000 per day!



No.	Description	Date

**Anchor Inn Motel**  
500 San Pedro Ave  
BMP plan

Project Number	Project Number
027716	027716
Drawn by	Checked
Created by	Checked
<b>C7</b>	As indicated



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Approval of Funding Agreement with the San Mateo County Transportation Authority (SMCTA) for the Amount of \$250,000 and Approval of Construction Services Agreement with Rhythm Engineering for the Installation of In-Sync Adaptive System at the Intersections of Highway 1 and Reina Del Mar Avenue and Highway 1 and Fassler Avenue.

**RECOMMENDED ACTION:**

Move to approve Funding Agreement with the SMCTA (Attachment 1) for the amount of \$250,000 and Approval of Construction Services Agreement with Rhythm Engineering (Attachment 2) for the Installation of the In-Sync Adaptive System at the Intersections of Highway 1 and Reina Del Mar Avenue and Highway 1 and Fassler Avenue.

**STAFF CONTACT:**

Van Ocampo, Director of Public Works  
(650) 738-3770  
[ocampov@ci.pacifica.ca.us](mailto:ocampov@ci.pacifica.ca.us)

**BACKGROUND/DISCUSSION:**

On January 23, 2017, the City Council heard a presentation on the In-Sync Adaptive System, a device that when installed along a traffic corridor, detects the traffic demand in real-time through the use of cameras and in ground detector loops, allowing it to make immediate adjustments to traffic signalization to address the current traffic situation and to foresee traffic patterns that may arise in the subsequent minutes after the adjustment. At the meeting Council directed staff to send a letter to SMCTA requesting the repurposing of \$250,000, out of the \$4,000,000 of Measure A funds programmed for the design phase of the Calera Parkway Project, for the supply and installation of the In-Sync Adaptive System at the Intersections of Highway 1 and Reina Del Mar Avenue and Highway 1 and Fassler Avenue (Project).

On March 2<sup>nd</sup>, 2017, the SMCTA Board approved the City's request and repurposed \$250,000 of Measure A funds for this project. In order for the City to begin receiving the funds, the City must enter into a Funding Agreement with SMCTA. Attached is the standard funding agreement of SMCTA in their strict format (Attachment 1). Staff recommends approval of this funding agreement.

The In-Sync adaptive system is a device created by Rhythm Engineering. Their patents and method of operation makes them the only product of its kind and should provide unique and superior operations on Highway 1. The proposal received by the City for a complete adaptive system for both the Reina Del Mar and Fassler Avenue intersections, including installation, is for \$127,128.80. However, Caltrans is requiring the City to have a spare set of the In-sync hardware on hand in case of emergency. Rhythm Engineering's provided quotation to supply a spare set of the hardware is \$12,500, this brings the total purchase and installation price to \$139,628.80. Staff recommends approval of the construction services contract with Rhythm Engineering for the supply and installation of the In-Sync Adaptive System along Highway 1 at

the intersections of Fassler Avenue and Reina Del Mar, including the spare unit.

**ALTERNATIVE ACTIONS:**

The City Council may decline approval of the Funding Agreement and Construction Services Agreement. However, this will mean that the operation of the traffic signals will continue to operate systems the same way and therefore, no possibility of reducing travel time. Staff is not recommending this alternative.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

Approval of the Funding Agreement and Construction Services Agreement is consistent with the following Council adopted Goals:

- Maintaining a Safe Community: improving traffic congestion in the City will generally improve traffic safety and promote a healthier driving condition.

**FISCAL IMPACT:**

Project Cost:

1) In-sync Adaptive System supply and install	\$127,128.80
2) Spare set as required by Caltrans	\$ 12,500.00
3) Contingency (20%)	<u>\$ 28,000.00</u>
Total	\$167,628.80

Project Funding

Highway 1 Improvement Funds (Fund 12)	\$167,628.80
To be reimbursed by Measure A funds up to \$250,000.00	

Fiscal Impact will be in the amount of \$167,628.80 of Highway 1 Improvement Funds (Fund 12) to be reimbursed by Measure A Funds up to \$250,000.00

**ORIGINATED BY:**

Public Works

**ATTACHMENT LIST:**

- Attachment 1 - Funding Agreement with SMCTA (PDF)
- Attachment 2 - Construction Services Agreement with Rhythm Engineering (PDF)

**FUNDING AGREEMENT  
SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A FUNDS  
HIGHWAY 1 CALERA PARKWAY**

This Funding Agreement (Agreement) is made this \_\_\_ day of \_\_\_\_\_, 2017 (Execution Date) by and between the San Mateo County Transportation Authority (TA) and the City of Pacifica (Sponsor), each of which is referred to herein individually as "Party" and jointly as "Parties."

**RECITALS**

**WHEREAS**, on November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA of the Measure A half cent transaction and use tax for an additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 (New Measure A); and

**WHEREAS**, on May 24, 2012, the TA issued a call for projects for the Highway Program; and

**WHEREAS**, in response to the call for projects, Sponsor requested that the TA provide \$4,000,000 in Measure A funds for the design phase of the Highway 1 Calera Parkway (Project); and

**WHEREAS**, the Project meets the intent of the 2004 Transportation Expenditure Plan and the TA's Strategic Plan 2014-2019; and

**WHEREAS**, on October 4, 2012, the TA's Board of Directors programmed up to \$4,000,000 from the New Measure A Supplemental Roadways Highway Program Category (hereinafter "Measure A Funds") for the design phase (Scope of Work) of the Project through Resolution 2012-17; and

**WHEREAS**, Resolution 2012-17 required the Sponsor to secure environmental clearance as a condition of the allocation of funds for the Scope of Work; and

**WHEREAS**, on August 2, 2013, the California Department of Transportation (Caltrans) approved the Environmental Document and thus met the condition of the allocation; and

**WHEREAS**, on February 7, 2017, the Sponsor requested in writing that TA allocates \$250,000 of the \$4,000,000 in Measure A Funds previously programmed for the Scope of Work for an adaptive signal system to improve traffic conditions along Highway 1; and



**WHEREAS**, on March 2, 2017, the TA's Board of Directors allocated \$250,000 from the Measure A Funds for the development, installation and monitoring of an adaptive signal system at the two signalized intersections within the Project limits through Resolution 2017-06; and

**WHEREAS**, the TA and Sponsor desire to enter into this Agreement to establish the process, terms and conditions governing the allocation and expenditure of Measure A Funds on the Project.

Now therefore, the Parties agree as follows:

## SECTION 1: Scope of Work Oversight and Reporting

1.1 Sponsor Oversight; Work Plan. Sponsor is responsible for the completion of the Scope of Work as described in Exhibit A, "Scope of Work Information," which is attached to this Agreement and incorporated herein by this reference. Sponsor is responsible for procuring and administering any professional service and/or other contracts entered into in connection with the Scope of Work. Sponsor will oversee completion of the Scope of Work. Sponsor may appoint a designee or engage contractor(s) to perform work necessary for Scope of Work completion, but Sponsor remains responsible to the TA for the completion of the Scope of Work.

1.2 Required Approvals. Prior to commencement of the Scope of Work, Sponsor or its designee (e.g., a consultant) will obtain all applicable local, state and federal approvals and permits for the Scope of Work. In addition, Sponsor must comply with all applicable federal, state and local laws and regulations applicable to the Project. All real property appraisals must comply with Uniform Standards of Professional Appraisal Practice (USPAP). Any right-of-way activities involving property on the Caltrans right-of-way must be conducted in accordance with the current version of the Caltrans Right-of-Way manual.

1.3 Contract Award and Change Orders. Sponsor must comply with state and local agency requirements for the award of any contract(s) for the performance of the Scope of Work and any change orders. As the Scope of Work proceeds, Sponsor must advise the TA of any contracts awarded and change orders as part of the regular progress reporting requirements (Section 1.4). Notice of any contracts and change orders provided to the TA will not constitute approval by the TA of the contracts and change orders nor obligate the TA to provide funds in excess of its maximum contribution stated in Section 2.1 of this Agreement.

1.4 Progress Reports. Sponsor will prepare and submit to the TA monthly progress reports during the entire term of the Scope of Work and covering all Scope of Work activities for work completed during the previous month using the template in Exhibit B. The reports must describe:

- a) The current status of, and any changes in, scope, schedule, budget, and funding plans of the Scope of Work and the Project;
- b) Any risk factors;
- c) The work performed during the previous quarter and projected for the next three months;
- d) Scope of Work Costs (as defined in Section 2.1, below) projected to be expended during the next three months; and
- e) Any other information requested by the TA.

**1.5 Final Report.** Within ninety (90) days of Sponsor's final acceptance of the Scope of Work and all incidental work, Sponsor must prepare and submit to the TA a final report detailing the following and all other relevant information:

- a) A description of the Project, including a statement detailing the overall progress and success of the Scope of Work and the Project, a compilation of any data collected during the active phase(s) of the Project, and changes/additions to the scope of the Project.
- b) Total costs for the Scope of Work, including an accounting of all Measure A Funds expended in connection with the Scope of Work, and reflecting any unexpended Measure A Funds.
- c) An explanation and the status of any outstanding obligations or potential obligations related to the Scope of Work.
- d) A discussion of any pertinent issues or problems that arose during the implementation of the Scope of Work.
- e) Any copies of press articles, press releases, newsletter articles and any other publicity materials regarding the Project.
- f) Written confirmation that no further reimbursements associated with the Scope of Work are anticipated and that all draw-down requests have been made.
- g) Photographs for all construction projects that satisfactorily demonstrate: 1) site conditions before the Project was implemented; 2) work in progress; and 3) completed improvements.

**1.6 Access to Records and Record Retention.** At all reasonable times, Sponsor will permit the TA access to all reports, designs, drawings, plans, specifications, schedules and other materials prepared, or in the process of being prepared, for the Scope of Work by Sponsor or any contractor or consultant of Sponsor. Sponsor will also make available to the TA upon request any professional service agreements, change orders and any other agreements that are related to the Scope of Work. Sponsor will provide copies of any

documents described in this Section to the TA upon request. Sponsor will retain all records pertaining to the Scope of Work for at least three years after completion of the Project.

### 1.7 Audits.

- a) The TA, or its authorized agents, may, at any reasonable time during business hours, conduct an audit of Sponsor's performance under this Agreement. Sponsor will permit the TA, or its authorized agents, to examine, inspect, make excerpts from, transcribe or photocopy books, documents, papers and other records of Sponsor which the TA reasonably determines to be relevant to this Agreement.
- b) Sponsor will transmit to the TA the Independent Auditor's Report prepared for Sponsor's Comprehensive Annual Financial Report within thirty (30) days of receipt by Sponsor and highlight the section that pertains to the Measure A funding.

## SECTION 2: Funding and Payment

2.1 Funding Commitment. The TA allocates to Sponsor up to \$250,000 for reimbursement of expenditures related to the Scope of Work (Scope of Work Costs) as provided in this Section 2. Sponsor will contribute, or provide for the contribution of, the entire amount in excess of \$250,000 needed to complete the Scope of Work. The TA's funding commitment under this Agreement in no way establishes a right for Sponsor to receive additional funding from the TA. All funding obligations of the TA under this Agreement are subject to downward adjustment based on actual sales tax receipts for the fiscal years indicated.

Sponsor will assess and confirm its ability to complete the Scope of Work within budget as part of the monthly reporting requirements established in Section 1.4, above. Sponsor must further notify the TA between reporting cycles if Sponsor determines that the budget will not be sufficient to complete the Scope of Work. The TA reserves the right to suspend its funding obligation as set forth in Section 3.4 of this Agreement upon such notice, and until Sponsor develops a credible funding plan acceptable to the TA to fund and complete the Scope of Work.

### 2.2 Use of Funds.

- a) Measure A Funds shall be used only for direct eligible costs to complete the Scope of Work. The Sponsor is responsible for demonstrating to the TA that the expenses incurred were necessary to deliver the Scope of Work. Reimbursement for the following costs will require detailed documentation in accordance with generally-accepted accounting principles:

- i. Scope of Work phases or components such as stakeholder/public outreach; development of planning studies, Project initiation documents (PID), Project study reports (PSR), environmental clearance, Project approval and environmental document (PA&ED), Project design, and plans specifications and estimates (PS&E); regulatory agency review; acquisition of right-of-way; construction, and construction management;
  - ii. Costs directly tied to the implementation of the Scope of Work as more specifically defined in Exhibit C, “Definitions of Eligible Costs for Reimbursement,” which is attached to this Agreement and incorporated herein by this reference;
  - iii. Sponsor staff time for Scope of Work implementation;
  - iv. Project administration costs for the Scope of Work under this Agreement.
- b) The following costs are *not* eligible for Measure A Highway Funds reimbursement:
- i. Sponsor’s costs which are unrelated to the Scope of Work;
  - ii. Costs for entering into this Agreement;
  - iii. Maintenance, rehabilitation, routine operations of the Project or other facilities or programs; and
  - iv. Development of proposals, applications or agreements for Measure A or other funding programs.
- c) Eligible costs are defined in greater detail in Exhibit C, “Definitions of Eligible Costs for Reimbursement.” If Sponsor wishes to undertake items of work not covered under the Scope of Work concurrent with performing the Scope of Work, the cost for including and undertaking the additional work shall be segregated, and the costs borne exclusively by the Sponsor from a non-Measure A Highway Program funding source(s). In the event that an activity is not listed in Exhibit C, but Sponsor believes that it is an eligible cost, Sponsor may request that the TA consider reimbursing the Sponsor for the activity. The TA will have sole discretion to grant or deny Sponsor's requests.
- d) Sponsor agrees that it shall use funds provided pursuant to this Agreement to supplement existing revenue, that funds provided pursuant to this Agreement may not be used to replace other local taxes or revenues already programmed and available for use for the same purpose, and that the Sponsor will use funds provided pursuant to this Agreement only for the Scope of Work.

If the TA determines that the Sponsor has used funds provided pursuant to this Agreement other than for the approved Scope of Work, the TA will notify Sponsor of its determination. The Sponsor shall, within thirty (30) days of

notification of the TA's determination, either (i) repay such funds to the TA, or (ii) provide to the TA an answer detailing the Sponsor's understanding of how the funds in question were spent for the approved Scope of Work, to which the TA will respond within thirty (30) days of receipt. The TA's response will be final, unless otherwise stated in the response, and the Sponsor shall repay any funds determined to have been used other than for the approved Scope of Work within thirty (30) days.

**2.3 Reimbursement Basis.** Sponsor may seek reimbursement for Scope of Work Costs incurred on or after the Execution Date. Scope of Work Costs must be incurred and paid by Sponsor prior to requesting reimbursement from the TA. Sufficient documentation must accompany all requests for reimbursement, including the submittal of all due monthly progress reports.

**2.4 Accounting and Request for Reimbursement Procedures.** Sponsor, in coordination with and to the satisfaction of the TA, will establish procedures for Scope of Work accounting and requests for reimbursement. These procedures will track and reflect the accumulation of the TA's share of costs for all work within the Scope of Work. Sponsor will detail the TA's share of Scope of Work costs for all work funded under this Agreement with each "Reimbursement Claim Form," which is attached to this Agreement as Exhibit D and incorporated herein. Sponsor will maintain all necessary books and records in accordance with generally accepted accounting principles.

**2.5 Invoices; Payments.**

- a) Sponsor must prepare and submit billing statements consistent with the Reimbursement Claim Form with all required supporting documentation. Supporting documentation may include, but is not limited to, copies of vendor invoices, timesheets, backup documentation, checks, and payment advice, and must include an accounting of the TA's share of costs for the Scope of Work as contemplated by this Agreement.
- b) For any property acquisitions for which Sponsor seeks reimbursement from the TA, Sponsor must provide the following supporting documentation for each property:
  - i. Copies of the final real estate appraisal and any appraisal review conducted on behalf of Sponsor;
  - ii. For any right-of-way activities involving property on the Caltrans right-of-way, written confirmation that the acquisition process was conducted in accordance with the then-current version of the Caltrans Right-of-Way manual;

- iii. A Phase One Environmental Assessment and any recommended additional testing (unless waived by the TA);
  - iv. Copy of the offer package provided to the property owner(s);
  - v. Copy of the Notice of Exemption or other required document for environmental clearance under CEQA/NEPA for the purchase of the property, and evidence of the date of filing such Notice; and
  - vi. Written justification acceptable to the TA of any settlement at an amount higher than the offer.
- c) For each voluntary real property transaction, Sponsor must also provide:
- i. Copy of the fully executed purchase and sale agreement;
  - ii. Copy of an executed and recorded deed, in a form consistent with the requirements set forth in the then-current Caltrans Right-of-Way manual;
  - iii. Copy of the Policy of Title insurance; and
  - iv. Copy of the final closing statement from the escrow.
- d) For each real property acquisition undertaken through condemnation, Sponsor must also provide:
- i. Copy of the recorded Final Order of Condemnation; and
  - ii. Copy of the litigation guarantee issued by a title insurer.
- e) Sponsor must detail the tasks performed, associated costs, and Scope of Work Costs to be borne by the TA with each reimbursement request.
- f) The TA will endeavor to disburse reimbursements for approved Scope of Work Costs within thirty (30) days after the TA's approval of each claim, subject to the limits on the TA's maximum contribution as established in Section 2.1. The TA's obligation to reimburse Scope of Work Costs to Sponsor as provided in this section is conditioned upon the TA's prompt receipt of monthly progress reports from Sponsor pursuant to Section 1.4 above.
- g) Invoices may be submitted electronically, no more frequently than once a month, by e-mail to: [accountspayable@samtrans.com](mailto:accountspayable@samtrans.com)

### SECTION 3: Term

3.1 Term. The term of this Agreement will commence on Execution Date and conclude upon the earliest of: (a) the TA's final reimbursement to Sponsor for work performed hereunder, (b) termination by Sponsor or the TA pursuant to this Section 3, or (c) May 30, 2018.

3.2 Sponsor's Right to Terminate; Repayment upon Termination. Sponsor may at any time terminate the Scope of Work by giving ten (10) days' written notice to the TA of its election to do so. Upon such termination, Sponsor will not be reimbursed for any further Scope of Work Costs and will reimburse the TA for all monies paid by the TA and costs incurred by the TA in connection with the Scope of Work as well as all reasonable costs and expenses incurred to effect such termination within ninety (90) days of the TA's submission to Sponsor of a detailed statement of such payments and costs.

3.3 Termination by the TA. The TA may terminate this Agreement, with or without cause, by giving ten (10) days' written notice of such termination. If the TA terminates the Agreement for Sponsor's default, Sponsor will reimburse the TA for all funds paid to Sponsor in connection with the Scope of Work, and for all costs incurred by the TA in connection with the Scope of Work as well as all reasonable costs and expenses incurred to effect such termination, within ninety (90) days of the TA's submission to Sponsor of a detailed statement of such payments and costs. If the TA terminates the Agreement for convenience, the TA is obligated to pay to Sponsor all costs and expenses incurred by Sponsor up to the date of notice of termination, as well as all reasonable costs and expenses incurred to effect such termination.

3.4 Expiration/Suspension of TA's Financial Obligations. Any and all financial obligations of the TA pursuant to this Agreement expire upon the expenditure of TA's maximum contribution to the Scope of Work as established in Section 2.1 above or the conclusion of the Term as defined in Section 3.1, whichever occurs first. The TA reserves the right to suspend its financial obligation, with ten (10) days' advance notice, if Sponsor identifies a risk of not being able to complete the Scope of Work within budget. If Sponsor cannot provide a credible funding plan acceptable to the TA to fund and complete Scope of Work, the TA may terminate this agreement. If Sponsor identifies a risk of not being able to complete the Scope of Work within budget, failure to report such risk to the TA is cause for termination under Section 3.3.

3.5 Time of Performance. The Scope of Work must be completed no later than May 30, 2018.

3.6 Time Extension. If the Scope of Work cannot be completed within the Time of Performance as defined in Section 3.5, Sponsor must submit a request in writing to the TA no later than six (6) months before the Time of Performance for an extension for the Time of Performance. The TA will review the request, and grant the extension if it is justified in TA's sole and complete discretion. Costs incurred for the Scope of Work

after the Time of Performance are at risk of denial for reimbursement by the TA. The unreimbursed portion of the Measure A allocation will be retained by the TA for the Measure A Highway Program.

#### SECTION 4: Indemnification and Insurance

##### 4.1 Indemnity by Sponsor.

Sponsor shall indemnify, keep and save harmless the TA and its directors, officers, agents and employees against any and all suits, claims or actions related to the performance of the Scope of Work or the Project including, but not limited to, those arising out of any of the following:

- a) Any injury to persons or property that may occur, or that may be alleged to have occurred, arising from the performance of the Project or implementation of this Agreement; or
- b) Any allegation that materials or services developed, provided or used for the Project infringe or violate any copyright, trademark, patent, trade secret, or any other intellectual-property or proprietary right of any third party.

Sponsor further agrees to defend any and all such actions, suits or claims and pay all charges of attorneys and all other costs and expenses of defenses as they are incurred. If any judgment is rendered, or settlement reached, against the TA or any of the individuals enumerated above in any such action, Sponsor shall, at its expense, satisfy and discharge the same.

This indemnification shall survive termination or expiration of the Agreement.

4.2 Insurance. For the purposes of this Insurance section, "Entity" is defined as any entity designing, approving designs and/or performing the Scope of Work funded by this Agreement. Entities may include Sponsor, a contractor of Sponsor, another body on behalf of which Sponsor submitted its funding application, and/or a contractor of such other body.

All Entities will provide the appropriate insurance covering the work being performed. The insurance requirements specified in this section will cover each Entity's own liability and any liability arising out of work or services of Entity subcontractors, subconsultants, suppliers, temporary workers, independent contractors, leased employees, or any other persons, firms or corporations (hereinafter collectively referred to as "Agents") working on the Project. If Sponsor itself is an Entity, Sponsor must also provide its own insurance meeting the requirements of this Section.

- a) Minimum Types and Scope of Insurance. Each Entity is required to procure and maintain at its sole cost and expense insurance subject to the requirements set



forth below. Such insurance will remain in full force and effect throughout performance of the Scope of Work. All policies will be issued by insurers acceptable to the TA (generally with a Best's Rating of A-10 or better). Each Entity is also required to assess the risks associated with work to be performed by Agents and to require that Agents maintain adequate insurance coverages with appropriate limits and endorsements to cover such risks. To the extent that its Agent does not procure and maintain such insurance coverage, an Entity is responsible for and assumes any and all costs and expenses that may be incurred in securing said coverage or in fulfilling Entity's indemnity obligations as to itself or any of its Agents in the absence of coverage. Entities may self-insure against the risks associated with the Scope of Work, but in such case, waive subrogation in favor of the TA respecting any and all claims that may arise.

- i. Workers' Compensation and Employer's Liability Insurance. Worker's Compensation coverage must meet statutory limits and Employer's Liability Insurance must have minimum limits of \$1 (one) million. Insurance must include a Waiver of Subrogation in favor of the TA.
- ii. Commercial General Liability Insurance. The limit for Commercial General Liability Insurance in each contract and subcontract cannot be less than \$1 million. Commercial General Liability Insurance must be primary to any other insurance, name the TA as an Additional Insured, include a Separation of Interests endorsement and include a Waiver of Subrogation in favor of the TA.
- iii. Business Automobile Liability Insurance. The limit for Business Automobile Liability Insurance in each contract and subcontract cannot be less than \$1 million. Insurance must cover all owned, non-owned and hired autos, and include a Waiver of Subrogation in favor of the TA.
- iv. Property Insurance. Property Insurance must cover an Entity's and/or Agent's own equipment as well as any materials to be installed. Property Insurance must include a Waiver of Subrogation in favor of the TA.
- v. Professional Liability Insurance. If deemed appropriate by Sponsor or an Entity in consideration of the work required for the Project, insurance should cover each Entity's and any Agent's professional work on the Project. The limit for Professional Liability Insurance in each appropriate contract and subcontract should not be less than \$1 million.
- vi. Contractors' Pollution Liability Insurance and/or Environmental Liability Insurance. If deemed appropriate by Sponsor or an Entity in consideration of the work required for the Project, insurance should cover potential pollution or environmental contamination or accidents. The limit for

Pollution and/or Environmental Liability Insurance in each appropriate contract and subcontract should not be less than \$1 million. Such insurance must name the TA as an Additional Insured and include a Waiver of Subrogation in favor of the TA.

- vii. Railroad Protective Liability Insurance. Insurance is required if the Project will include any construction or demolition work within 50 feet of railroad tracks. The limit for Railroad Protective Liability Insurance in each appropriate contract and subcontract cannot be less than \$2 million per occurrence and \$6 million annual aggregate.
- b) Excess or Umbrella Coverage. Sponsor and/or any other Entity may opt to procure excess or umbrella coverage to meet the above requirements, but in such case, these policies must also satisfy all specified endorsements and stipulations for the underlying coverages and include provisions that the policy holder's insurance is to be primary without any right of contribution from the TA.
- c) Deductibles and Retentions. Sponsor must ensure that deductibles or retentions on any of the above insurance policies are paid without right of contribution from the TA. Deductible and retention provisions cannot contain any restrictions as to how or by whom the deductible or retention is paid. Any deductible or retention provision limiting payment to the named insured is unacceptable.

In the event that any policy contains a deductible or self-insured retention, and in the event that the TA seeks coverage under such policy as an additional insured, Sponsor will ensure that the policy holder satisfies such deductible to the extent of loss covered by such policy for a lawsuit arising from or connected with any alleged act or omission of the Entity or Agents, even if neither the Entity nor Agents are named defendants in the lawsuit.

- d) Claims Made Coverage. If any insurance specified above is provided on a claim-made basis, then in addition to coverage requirements above, such policy must provide that:
  - i. Policy retroactive date coincides with or precedes the Entity's start of work (including subsequent policies purchased as renewals or replacements).
  - ii. Entity will make every effort to maintain similar insurance for at least three (3) years following Project completion, including the requirement of adding all additional insureds.
  - iii. If insurance is terminated for any reason, each Entity agrees to purchase an extended reporting provision of at least three (3) years to report claims arising from work performed in connection with this Agreement.
  - iv. Policy allows for reporting of circumstances or incidents that might give rise to future claims.

- e) Failure to Procure Adequate Insurance. Failure by any Entity to procure sufficient insurance to financially support Section 4.1, Indemnity by Sponsor, of this Agreement does not excuse Sponsor from meeting all obligations of Section 4.1 and the remainder of this Agreement, generally.

Prior to beginning work under this Agreement, Sponsor must obtain, and produce upon request of the TA, satisfactory evidence of compliance with the insurance requirements of this section.

## SECTION 5: Miscellaneous

5.1 Notices. All notices required or permitted to be given under this Agreement, excluding progress reports, the final report, and invoices, must be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier, to the appropriate address indicated below or at such other place(s) that either Party may designate in written notice to the other. Notices are deemed received upon delivery if personally served, one (1) day after mailing if delivered via overnight courier, or two (2) days after mailing if mailed as provided above.

To TA: San Mateo County Transportation Authority  
1250 San Carlos Avenue  
P.O. Box 3006  
San Carlos, CA 94070-1306  
Attn: Martha Martinez, TA Secretary

To City of Pacifica: City of Pacifica  
170 Santa Maria Avenue  
Pacifica, CA 94044  
Attn: Lorie Tinfow, City Manager

5.2 No Waiver. No waiver of any default or breach of any covenant of this Agreement by either Party will be implied from any omission by either Party to take action on account of such default if such default persists or is repeated. Express waivers are limited in scope and duration to their express provisions. Consent to one action does not imply consent to any future action.

5.3 Assignment. Parties are prohibited from assigning, transferring or otherwise substituting their interests or obligations under this Agreement without the written consent of all other Parties.

5.4 Governing Law. This Agreement is governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.

5.5 Compliance with Laws. In performance of this Agreement, the Parties must comply with all applicable Federal, State and local laws, regulations and ordinances.

5.6 Modifications. This Agreement may only be modified in a writing executed by both Parties.

5.7 Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this Agreement, the prevailing Party in said proceedings is entitled to its costs, including reasonable attorneys' fees.

5.8 Relationship of the Parties. It is understood that this is an Agreement by and between Independent Contractors and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship other than that of Independent Contractor.

5.9 Ownership of Work. All reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for, in the process of being assembled or prepared by or for, or furnished to Sponsor under this Agreement, are the joint property of the TA and Sponsor, and will not be destroyed without the prior written consent of the TA. The TA is entitled to copies and access to these materials during the progress of the Project and upon completion or termination of the Project or this Agreement. Sponsor may retain a copy of all material produced under this Agreement for its use in its general activities. This Section does not preclude additional shared ownership of work with other entities under contract with Sponsor for funding of the Project.

5.10 Non-discrimination. Sponsor and any contractors performing services on behalf of Sponsor will not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

5.11 Warranty of Authority to Execute Agreement. Each Party to this Agreement represents and warrants that each person whose signature appears hereon is authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

5.12 Severability. If any portion of this Agreement, or the application thereof, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining portions of this Agreement, or the application thereof, will remain in full force and effect.

5.13 Counterparts. This Agreement may be executed in counterparts.

5.14 Attribution to the TA. Sponsor must include attribution that indicates work was funded with Measure A Funding from the TA. This provision applies to any project, or publication, that was funded in part or in whole by Measure A Funds. Acceptable forms of attribution include TA branding on Project-related documents, construction signs, public information materials, and any other applicable documents.

5.15 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the Parties on the same subject.

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

**CITY OF PACIFICA**

By: \_\_\_\_\_  
Name: Lorie Tinfow  
Its: City Manager

Approved as to Form:

\_\_\_\_\_  
Michelle Kenyon  
City Attorney

Attachment: Attachment 1 - Funding Agreement with SMCTA (2147 : SMCTA Funding Agreement & Construction Contract with Rhythim

**SAN MATEO COUNTY TRANSPORTATION  
AUTHORITY**

By: \_\_\_\_\_

Name: Jim Hartnett

Its: Executive Director

Attest:

\_\_\_\_\_  
Authority Secretary

Approved as to Form:

\_\_\_\_\_  
Legal Counsel for the TA

**Exhibit A: Scope of Work Information**

**Exhibit B: Progress Reporting Template**

**Exhibit C: Permissible Costs for Reimbursement**

**Exhibit D: Reimbursement Claim Form**

**EXHIBIT A: SCOPE OF WORK INFORMATION*****Highway 1 Calera Parkway  
Adaptive Signal System***

**Sponsoring Agency:** *City of Pacifica*

**Contact:** Van Ocampo, Director of Public Works/City Engineer  
(650) 738-3767  
[ocampov@ci.pacifica.ca.us](mailto:ocampov@ci.pacifica.ca.us)  
170 Santa Maria Avenue, Pacifica, CA 94044

**Implementing Agency:** City of Pacifica

**Contact:** Van Ocampo, Director of Public Works/City Engineer  
(650) 738-3767  
[ocampov@ci.pacifica.ca.us](mailto:ocampov@ci.pacifica.ca.us)  
170 Santa Maria Avenue, Pacifica, CA 94044

**Overall Project Description:**

Development, installation, operation and monitoring of In-Sync adaptive traffic control system along Highway 1 at the intersections of Reina Del Mar Avenue and Fassler Avenue.

**Measure A Funded Scope of Work:**

Development, installation, operation and monitoring of In-Sync adaptive traffic control system along Highway 1 at the intersections of Reina Del Mar Avenue and Fassler Avenue.

**Scope of Work Schedule:**

	<u>Begin</u>	<u>End</u>
Design/Construction	03/17	05/17
Monitoring	05/17	05/18

**Scope of Work Budget/ Source of Funding:**

Include funding plan for Scope of Work defined above, including use of TA staff and/or consultant support if applicable.

Task/Activity	Measure A Funding Amount	Other Sources*		Total
		List Fund Source	Amount	
Design/Construction/Monitoring	\$250,000	--	--	\$250,000
TA Support (if applicable)	N/A	--	--	N/A
<b>Total:</b>	<b>\$250,000</b>	<b>--</b>	<b>--</b>	<b>\$250,000</b>

\* The other fund sources are provided for information purposes.

**Cash Flow Projection for Measure A Funds only**

The cash flow projection is provided for informational purposes only.

Task/Activity	FY17				Subtotal FY17	FY18				Subtotal FY 18
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)		1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)	
Construction			\$0	\$200,000	\$200,000	\$0	\$0	\$0	\$0	\$0
Monitoring				\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0
			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$0	\$0	\$0	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0
<b>Cumulative to Date</b>	\$0	\$0	\$0	\$250,000		\$250,000	\$250,000	\$250,000	\$250,000	

Task/Activity	FY19				Subtotal FY19	FY20	FY21	FY22	Subtotal for FY20 -FY22	Project Total
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)						
	\$0	\$0	\$0	\$0	\$0				\$0	\$200,000
	\$0	\$0	\$0	\$0	\$0	\$0			\$0	\$50,000
	\$0	\$0	\$0	\$0	\$0	\$0			\$0	\$0
<b>Total</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250,000
<b>Cumulative to Date</b>	\$250,000	\$250,000	\$250,000	\$250,000		\$250,000	\$250,000	\$250,000		\$250,000

**Operating Responsibility:** *City of Pacifica*

**Maintenance Responsibility:** *California Department of Transportation and City of Pacifica*

**Scope of Work Implementation Responsibility:** *City of Pacifica*

**Scope of Work Oversight Responsibility:** *City of Pacifica*



## EXHIBIT B: PROGRESS REPORTING TEMPLATE

REPORTING PERIOD: FROM mm/dd/yyyy TO mm/dd/yyyy

SMCTA Project # 00XXX – [Project Title/Phases]  
[Carryover to additional pages as necessary]

Contact: [Name, Title, Phone, email, address]

### 1) Scope:

[Describe Scope of Work here, specify Project limits, phases of Project. Identify the Measure A funded components]

Status Summary: [Provide Status]

Issues: [List any issues, i.e. potential scope changes]

### 2) Schedule:

Major Milestones:

	Original Baseline		Current Baseline		Current Forecast	
	Start	Finish	Start	Finish	Start	Finish
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY

### Progress This Reporting Period:

[Describe progress and activities]

Measure A Funds Expended This Reporting Period: \$

### Future Activities, Next Reporting Period:

[Describe planned future activities]

Projected Measure A Funds Expenditure Next Reporting Period: \$

Issues: [List any issues, such as impacts to schedule]

**3) Scope of Work Total Budget:**

	A	B	C	D	E	F
Phase/ Activity	Original Budget (per Funding Agreement)	Updated Cost Estimate	Total Change from Approved (B-A)	Total Expended to Date	% of Revised Budget Expended (D/B)	% of Work Completed
			-		0.00%	0.00%
			-		0.00%	0.00%
			-		0.00%	0.00%
<b>Total Project</b>	-	-	-	-	# DIV/0!	

**4) Scope of Work Measure A Budget:**

	A	B	C	D	E	F
Phase/Activity	Original Measure A allocation (per Funding Agreement)	Current Measure A allocation	Change in Measure A allocation from Approved/Funding Agmt (B-A)	Total Measure A Expended to date	% of current Measure A allocation expended (D/B)	% of Work Completed
					#DIV/0!	
					#DIV/0!	
					#DIV/0!	
<i>Total Scope of Work</i>	\$0	\$0	\$0	\$0	#DIV/0!	

**Issues:** [List any issues, i.e. potential cost increases]

**5) Funding:** [List additional sources as needed, Fill out the following matrix for each phase for the Scope of Work. i.e. environmental, design, etc.]

	Original	Original %	Current	Current %	Estimated at Completion	EAC %
	Contribution		Contribution		Contribution	
SMCTA		# DIV/0!		# DIV/0!		# DIV/0!
Others:						
Federal (specify)		# DIV/0!		# DIV/0!		# DIV/0!
State (specify)						# DIV/0!
Other (specify)						
<b>Total</b>	-	# DIV/0!	-	# DIV/0!	-	# DIV/0!

**Issues:** [List any issues such as changes in non-Measure A funding]

Submit Progress Reports To: xxxxx@samtrans.com or  
 SMCTA  
 Planning & Development  
 1250 San Carlos Avenue  
 San Carlos, CA 94070

## Exhibit C

### Definitions of Eligible Costs for Reimbursement

**Project Initiation Documents (PID)** - activities necessary to complete PIDs covered under the Scope of Work.

**Environmental Studies** – environmental studies costs, including determination of the appropriate environmental document, preparation of all preliminary engineering for each alternative, including geomantic layouts, determination of right-of-way needs, environmental technical studies (such as air, noise, energy, cultural resources and hazardous waste), and all other studies or activities necessary to prepare and finalize the appropriate documents for Project and environmental approval.

**Design** – design activities such as preparation of design studies; materials and foundation reports; drainage, hydrology and hydraulic reports; surveying and mapping; preparation of the plans, specifications and estimate; preparation of bid documents and Project files; preparation of permit applications and maintenance agreements; coordination of agency reviews and any other activities necessary to prepare final plans specifications and estimate (PS&E) for bid advertisement and award; and management oversight of these tasks except as limited in Section 2.2 (b) of the Agreement.

**Right-of-Way Acquisition** – all activities related to right-of-way including determination of right-of-way needs; title searches; preparation of appraisal maps, legal descriptions and plat maps; parcel appraisals and appraisal reviews; hazardous materials-testing and analysis; preparation of right-of-way acquisition documents; activities involved with acquiring rights-of-way including negotiation with property owners and cost associated with condemnation proceedings (including legal costs, expert witness costs, etc., but not including costs related to claims for inverse condemnation), right-of-way capital costs and cost-to-cure impacts related to the acquisition. To the extent allowed by law, Sponsor shall undertake all best efforts so that cleanup of existing hazardous materials shall remain the liability of the property owner.

Services provided for right-of-way activities involved with property not necessary for the Measure A Highway Program-funded Project as defined in the Scope of Work, and the associated costs for all such property, shall be at the sole expense of the Sponsor.

Any property not used for construction of the Project, or used for any purpose other than construction of the Project as defined in the Scope of Work, should be identified and the funding agencies should be informed. Any excess right-of-way shall be identified as early as possible in the Project design process and sold. The proceeds from the sale of such property shall be returned to the funding agencies, prorated based on the percentage of funds each agency contributed to the purchase of the property.

**Construction** – construction expenditures for the Project (construction capital, management and inspection, surveys, public outreach, and related activities) that are part of the Scope of Work agreed to by the TA. Sponsor must submit all change orders over \$50,000 to the TA for review and written approval before the TA will reimburse the Sponsor with Measure A Funds.

In addition, Measure A Funds are eligible for reimbursement of Sponsor’s Project management oversight expenses associated with the construction of the Project. This would include activities such as construction management inspection, expenses associated with reviewing proposed change orders, and activities involved with submitting final costs to the appropriate agencies to secure other leveraged funds. Expenditure of Measure A Funds remains subject to the limits set forth in Section 2.2 (b) of the Agreement.

The Sponsor may include additional work beyond the Scope of Work for the Project at its own expense. The TA will require these costs to be segregated from the other item work expenses and paid for with non-Measure A Highway Program funds.

**Miscellaneous** – fees from other agencies, including permit fees or reimbursement for review or oversight costs needed for the Project are eligible costs. However, the cost of permits or fees from the Project Sponsor will not be eligible. Utility relocation costs are eligible for reimbursement according to previous agreements establishing rights for those utilities. The costs for specialized equipment for testing, analysis or production of documents for Project-related work are also eligible.

### EXHIBIT D: REIMBURSEMENT CLAIM FORM SAN MATEO COUNTY MEASURE A FUNDS

SMCTA Project ID:  
SMCTA Project Allocation:  
Claim Date:  
Claim Number:  
Claim Period:  
Claim Amount: \$0.00

Consultant/Contractor/ Vendor	Invoice #	Invoice Total	Funding Source			Prior Total Measure A \$	Life to Date Measure A \$	Measure A Budget Balance			
			Fund Source1	% of Ttl	Fund Source2				% of Ttl	Measure A Ttl	
				#DIV/0!				#DIV/0!			
				#DIV/0!				#DIV/0!			
				#DIV/0!				#DIV/0!			
				#DIV/0!				#DIV/0!			
<b>Total</b>		-	-	#DIV/0!	-	#DIV/0!	-	#DIV/0!	\$ -	-	-

Quarterly Progress Report included? Y/N

Please issue check payable to:  
*Agency*  
*Contact person*  
*Address*

**CITY OF PACIFICA**  
Department of Public Works  
170 Santa Maria Avenue  
Pacifica, CA 94044

**CONSTRUCTION SERVICES AGREEMENT**

**Highway 1 – Supply and Installation of In|Sync Adaptive Traffic System**

Agreement No. [ ]

DATE: \_\_\_\_\_

**1. IDENTIFICATION OF CONTRACTOR:**

Rhythm Engineering  
c/o Jesse Manning, Vice President of Business Development  
11228 Thompson Avenue  
Lenexa, KS 66219

**LICENSE NO:**

**2. SCOPE OF THE WORK**

See Scope of Work attached as Appendix A.

**3. COMPENSATION FOR WORK.** Contractor's total compensation for the Work performed under this Agreement (**Contract Sum**) is \$127,128.80, to be paid as (**check one**): (1)  lump sum; (2)  lump sum with progress payments; (3)  per attached schedule of rates and charges, up to a guaranteed not-to-exceed amount of \$\_\_\_\_\_. All payments (**check one**):  shall  shall not be subject to a five percent (5%) retention.

**4. SCHEDULE OF PERFORMANCE FOR THE WORK.** Contractor shall commence and complete the Work by the following dates:

Commencement Date shall be on the date established in the Notice to Proceed. Owner reserves the right to modify or alter the Commencement Date of the Work.

Substantial Completion Date: Within \_\_\_\_\_ calendar days of Commencement Date.

Final Completion Date: Within \_\_\_\_\_ calendar days of Substantial Completion.

**4.01 Liquidated Damage Amounts.**

- A. As liquidated damages for delay Contractor shall pay Owner Five Hundred dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.
- B. As liquidated damages for delay Contractor shall pay Owner Five Hundred dollars (\$500.00) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

4.02 Scope of Liquidated Damages

- A. Contractor and Owner agree that because of the nature of the Project, it would be impractical or extremely difficult to fix the amount of such actual damages incurred by Owner because of a delay in completion of all or any part of the Work. Contractor and Owner agree that specified measures of liquidated damages shall be presumed to be the amount of such damages actually sustained by Owner, and that because of the nature of the Project, it would be impracticable or extremely difficult to fix the actual damages.
- B. Liquidated damages for delay shall cover administrative, overhead, interest on bonds, and general loss of public use damages suffered by Owner as a result of delay. Liquidated damages shall not cover the cost of completion of the Work, damages resulting from Defective Work, lost revenues or costs of substitute facilities, or damages suffered by others who then seek to recover their damages from Owner (for example, delay claims of other contractors, subcontractors, tenants, or other third-parties), and defense costs thereof. Owner may deduct from any money due or to become due to Contractor subsequent to time for completion of entire Work and extensions of time allowed pursuant to provisions hereof, a sum representing then-accrued liquidated damages.

5. TERMS AND CONDITIONS.

5.01 Contractor shall perform the Work in accordance with the terms and conditions of this Agreement and the following attachments (together, **Contract Documents**):

- A. Appendix A – Scope of Work
- B. Appendix B – General Conditions
- C. Appendix C – Insurance
- D. Appendix D – Construction Labor and Materials Payment Bond
- E. Appendix E – Construction Performance Bond [IF APPLICABLE]
- F. Appendix F – Supplemental Conditions [IF APPLICABLE]

5.02 The Contract Documents are the sole and exclusive provisions that govern the Work. Any provision contained in any Owner purchase order issued in connection with this Agreement or any Work shall be null and void and shall have no force or effect.

5.03 Agreement number must appear on all invoices and correspondence. Send invoices in duplicate immediately upon performance of Work ordered hereon or as otherwise provided in the Contract Documents to :

City of Pacifica, \_\_\_\_\_,  
 \_\_\_\_\_, Pacifica, CA 94044.

CONTRACTOR: Rhythm Engineering

OWNER: City of Pacifica

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Addresses for Notices:

\_\_\_\_\_  
Attn: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City of Pacifica  
Attn: **Van Ocampo, Director of Public Works**  
\_\_\_\_\_  
Pacifica, CA 94044

Attachment: Attachment 2 - Construction Services Agreement with Rhythm Engineering (2147 : SMCTA Funding Agreement & Construction

Construction Services Agreement

00 5205 - 3

OAK #4836-0105-9886 v1  
05620-0129  
2/24/16



Appendix A to Construction Services Agreement

SCOPE OF WORK

*[To be provided]*

Attachment: Attachment 2 - Construction Services Agreement with Rhythm Engineering (2147 : SMCTA Funding Agreement & Construction

## Appendix B to Construction Services Agreement

### GENERAL CONDITIONS

#### ARTICLE 1 TERMS OF PERFORMANCE

- 1.01 Construction Services Agreement (Agreement) Force and Effect.** The provisions of the Agreement and other Contract Documents constitute the entire agreement between the Contractor and Owner regarding the Work described herein. No representation, term or covenant not expressly specified in the Contract Documents shall be a part of the parties' agreement. The Agreement and other Contract Documents shall govern the Work (whenever performed), and shall supersede all other purchase orders and agreements between Contractor and Owner, and any proposal, with respect to the Work.
- 1.02 Construction Performance Bond; Construction Labor and Materials Payment Bond; Securities in Lieu of Retention Escrow Account.**
- A. If Contract Sum under the Agreement exceeds (or is expected to exceed) \$25,000, Contractor shall provide (i) a construction labor and material payment bond, in accordance with Civil Code Section 9550 and in form attached hereto Appendix D – Construction Labor and Materials Payment Bond, and (ii) a construction performance bond in form attached hereto as Appendix E – Construction Performance Bond. Contractor may not substitute cash in lieu of the required bond(s).
- B. If the Agreement specifies performance retention, Contractor may elect to substitute securities or direct payment to an escrow account, pursuant to Public Contract Code Section 22300 (incorporated herein by this reference).
- 1.03 Records and Payment Requests.** Contractor shall submit all billings with all necessary invoices or other appropriate evidence of proper performance, after which Owner shall make payment within 30 days. Upon Owner's written request, Contractor shall make available to Owner, its authorized agents, officers, or employees, any and all ledgers, books of accounts, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to the Work or the expenditures and disbursement charged to Owner, and all correspondence, internal memoranda, calculations, books and accounts, records documenting its Work under the Contract Documents, and invoices, payrolls, timecards, records and all other data related to matters covered by the Contract Documents. Contractor shall furnish to Owner, its authorized agents, officers, or employees, such other evidence or information as Owner may require with regard to the Work or any such expenditure or disbursement charged by Contractor. Contractor shall maintain all such documents and records prepared by or furnished to Contractor during the course of performing the Work for at least five years following completion of the Work, except that all such items pertaining to hazardous materials shall be maintained for at least 30 years. Contractor shall permit Owner to audit, examine and make copies, excerpts and transcripts from such records. The State of California or any federal agency having an interest in the subject of the Contract Documents shall have the same rights conferred to Owner by this section. Such rights shall be specifically enforceable.
- 1.04 Use of Contract Documents and Other Information.** Drawings, Specifications, and other Contract Documents are made available to Contractor solely for Contractor's use under the Contract Documents. Further, all tangible and intangible property developed, produced and/or provided by Contractor under the Contract Documents, and all such items (other than Contract Documents) provided by Owner to Contractor in connection with the Contract Documents including, without limitation, drawings, specifications, sketches, models, samples, tools, computer programs, technical information, confidential business information, scripts, customer or personnel information and data, whether written, oral or otherwise (all hereinafter referred to as **Information**) shall be Owner's sole property. Contractor may not use Contract Documents or Information for any purpose unrelated to Contract Documents without Owner's prior written consent. All copies of Information in written, graphic or other tangible form shall be delivered to Owner upon completion of Work, or earlier if otherwise provided in Contract Documents.
- 1.05 Performance of Work/No Assignment.** Time is of the essence in the performance of the Work. Contractor will perform the Work in a skillful and workmanlike manner; comply fully with criteria established by Owner, and with applicable laws, codes, and all applicable industry standards. Contractor shall maintain its work area in a

clean and sanitary condition, clear debris and trash at the end of each work day, and shall not damage or disrupt any property unless specifically part of the scope of the Contract Documents. Contractor shall not contract any portion of the Work or otherwise assign the Contract Documents without prior written approval of Owner. (Contractor shall remain responsible for compliance with all terms of the Contract Documents, regardless of the terms of any such assignment.) Contractor shall permit Owner (or its designees) access to the work area, Contractor's shop, or any other facility, to permit inspection of the Work at all times during construction and/or manufacture and fabrication. The granting of any progress payment, and any inspections, reviews, approvals or oral statements by any Owner representative, or certification by any governmental entity, shall in no way limit or relieve Contractor from its obligations under the Contract Documents. Either party's waiver of any breach, or the omission or failure of either party, at any time, to enforce any right reserved to it, or to require strict performance of any provision of the Contract Documents, shall not be a waiver of any other right to which any party is entitled, and shall not in any way affect, limit, modify or waive that party's right thereafter to enforce or compel strict compliance with every provision hereof. Owner shall have, at all times, set-off rights with respect to any payment and Contractor's failure to perform the terms of the Contract Documents.

- 1.06 Defective Work; Warranties.** Contractor warrants that all construction services shall be performed in accordance with generally accepted professional standards of good and sound construction practices, all Contract Documents requirements, and all laws, codes, standards, licenses, and permits. Contractor warrants that all materials and equipment shall be new, of suitable grade of their respective kinds for their intended uses, and free from defects. Contractor hereby grants to Owner for a period of one year following the date of completion its unconditional warranty of the quality and adequacy of all of the Work including, without limitation, all labor, materials and equipment provided by Contractor and its Subcontractors of all tiers. If either prior to completion of the Work, or within one year after completion, any Work (completed or incomplete) is found to violate any of the foregoing warranties (**Defective Work**), Contractor shall promptly, without cost to Owner and in accordance with Owner's written instructions, correct, remove and replace the Defective Work with conforming Work, and correct, remove and replace any damage to other Work or other property resulting therefrom. If Contractor fails to do so within five days of Owner's written notice (or other time period specified in the notice), Contractor shall pay all of the Owner's resulting claims, costs, losses and damages. Where Contractor fails to timely correct Defective Work, or defects are discovered outside the correction period, Owner shall have all rights and remedies granted by law.
- 1.07 Earthwork and Underground Facilities.** If the Work involves digging trenches or other excavations that extend deeper than four feet below the surface, Contractor shall notify Owner in writing of any material that Contractor believes may be hazardous waste that is required to be removed in accordance law, subsurface or latent physical conditions at the site differing from those indicated by information about the site made available to bidders prior to the deadline for submitting bids, or unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the Contract Documents, pursuant to Public Contract Code Section 7104. For any Work involving trench shoring that costs in excess of \$25,000, Contractor shall submit and Owner (or a registered civil or structural engineer employed by Owner) must accept, in advance of excavation, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches, pursuant to Labor Code Section 6705. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer. Consistent with Government Code Section 4215, as between Owner and Contractor, Owner will be responsible for the timely removal, relocation, or protection of existing main or trunk line utility facilities located on the Site only if such utilities are not identified in the Contract Documents or information made available for bidding.

## ARTICLE 2 LEGAL

- 2.01 Compliance with Laws; Conflict of Interests.** Contractor shall comply with all applicable federal and state laws, regulations and policies, as amended, including those regarding discrimination, unfair labor practices, anti-kick-back, collusion, prevailing wages, labor compliance, and the provisions of the Americans with Disability Act. Contractor, its officer, partners, associates, agents, and employees, shall not make, participate in making, or in any way attempt to use the position afforded them by the Contract Documents to influence any governmental decision in which he or she knows or has reason to know that he or she has a financial interest under applicable state, federal and local conflict of interest regulations. Contractor warrants that no person or

agency has been employed or retained, or will be employed or retained, to solicit or obtain any contract with Owner, upon an agreement or understanding for a contingent fee, except a bona fide employee or agency.

- 2.02 Licenses, Patents, Permits.** Before commencing Work, Contractor shall apply for, obtain and maintain in current status, at its own expense, any license, permit or approval required from any agency for the performance of Work. To the greatest extent permitted by law, Contractor shall not be entitled to any compensation for any Work performed while not properly licensed, etc.
- 2.03 Employee Wages; Records; Apprentices.** This Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor shall post job site notices as prescribed by regulation. Contractor shall pay prevailing wages to its employees on any Order in excess of \$1,000.00. Copies of the prevailing rate of per diem wages are on file at Owner's principal office. Contractor shall comply with the 8-hours per day/40 hours per week/overtime/working hours restrictions for all employees, pursuant to the California Labor Code. Contractor and all subcontractors shall keep and maintain accurate employee payroll records for Work performed. The payroll records shall be certified and submitted as required by law, including Labor Code Section 1771.4 and 1776, including (if the Agreement is awarded on or after April 1, 2015 or continues on or after January 1, 2016) to the Labor Commissioner no less frequently than monthly. Contractor shall comply fully with Labor Code Section 1777.5 in the hiring of apprentices for work relating to the Agreement. If Contract Sum exceeds \$2,000 and is funded with federal funds, then Contractor shall pay federal Davis Bacon wages and comply with applicable federal requirements.
- 2.04 Mandatory Contractor and Subcontractor Registration.** Pursuant to Labor Code Section 1771(a), Contractor represents that it and all of its Subcontractors are currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor covenants that any additional or substitute Subcontractors will be similarly registered and qualified.
- 2.05 Indemnity/Liability.** Contractor shall defend, indemnify, and save harmless, to the fullest extent permitted by law, the Owner and each of its officers, directors, representatives, agents and employees, against all claims, suits, actions, loss, cost, damage, expense, and liability arising from or related to bodily injury to or death of any person or damage to any property, or resulting from any breach and/or Contractor's negligence in performing the Work pursuant to the Contract Documents. Notwithstanding any provision of the Contract Documents, Owner shall not be liable to Contractor or anyone claiming under it, in contract or tort, for any special, consequential, indirect or incidental damages arising out of or in connection with the Contract Documents or the Work. Owner's rights and remedies, whether under the Contract Documents or other applicable law, shall be cumulative and not subject to limitation.
- 2.06 Worker's Compensation.** Pursuant to Labor Code Sections 1860 and 1861, in accordance with the provisions of Section 3700 of the Labor Code, every contractor will be required to secure the payment of compensation to his employees. Contractor represents that it is aware of the provisions of Labor Code Section 3700 that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work.

### ARTICLE 3 MISCELLANEOUS

- 3.01 No Modification or Waiver; Severability.** The Contract Documents may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved by fully authorized representatives of Owner and Contractor. Contract Documents headings are for convenience only and do not affect the construction of the Contract Documents. Should any part of the Contract Documents be declared invalid, void or unenforceable, all remaining parts, terms and provisions of the Contract Documents shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby.
- 3.02 Independent Contractor.** Contractor is an independent Contractor and does not act as Owner's agent in any capacity, whatsoever. Contractor is not entitled to any benefits that Owner provides to Owner employees including, without limitation, insurance, worker's compensation benefits or payments, pension benefits, health benefits or insurance benefits. Terms within the Contract Documents regarding directives apply to and concern the result of the Contractor's provision of Work not the means, methods, or scheduling of the Contractor's Work. Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures with respect to its provision of Work under the Contract Documents. Contractor shall pay all payroll taxes imposed

by any governmental entity and will pay all other taxes not specifically identified in the Contract Documents as Owner's responsibility.

- 3.03 Termination; Suspension; Disputes.** Owner may direct Contractor to terminate, suspend, delay, interrupt or accelerate Work, in whole or in part, for such periods of time as Owner may determine in its sole discretion. Owner will issue such directives in writing, and may do so, in whole or in part, for its convenience or due to Contractor's fault. Owner will compensate Contractor for extra costs resulting from such directives only to the extent that Owner issues such directives for its convenience and not due to Contractor's fault (but Owner shall not compensate Contractor for costs, profit or overhead anticipated to be earned or incurred on Work terminated for Owner's convenience.) Contractor shall continue its Work throughout the course of any dispute, and Contractor's failure to continue Work during a dispute shall be a material breach of the Contract Documents. All claims by Contractor against Owner shall be submitted in writing to Owner, and shall be governed by Public Contract Code Sections 20104 – 20104.6, after which time the one year time period in Government Code Section 911.2 shall be, pursuant to Government Code Section 930.2, reduced to 90 days. Should Contractor be terminated for default, and such termination is subsequently determined to be wrongful, such termination will be converted to a termination for convenience as provided herein.
- 3.04 Notices.** All notices between the parties hereto shall be in writing and may be served by commercial express/overnight courier service or by depositing the same in the United States mail, postage prepaid and certified receipt requested, and addressed as indicated beneath each party's signature in the Master Agreement, or as either party may otherwise provide to the other.
- 3.05 Dispute Resolution.** All Contractor claims not otherwise subject to Public Contract Code Sections 20104 et seq shall, as a condition precedent to litigation thereon, first be mediated. Mediation shall be confidential, non-binding, pursuant to the construction mediation procedures of JAMS in San Francisco, California, and utilize the services of a mediator mutually acceptable to the parties. If the parties are unable to agree, the mediator will be selected by JAMS from its panel of approved construction industry mediators, having a minimum of 10 years' experience in the construction industry. The cost of mediation shall be equally shared by all parties to the mediation. The parties shall, prior to the commencement of a mediation pursuant to this Paragraph, upon notice of the other party, exchange relevant, non-privileged project documents in compliance with Code of Civil Procedure Sections 2031.010 et seq. Additionally, the parties may agree mutually to engage in additional discovery prior to mediation. Should the parties proceed with additional discovery, they shall, unless mutually agreed otherwise, comply with Code of Civil Procedure Sections 2019, et. seq. The Mediator will undertake to resolve any discovery disputes relating to the Mediation.
- 3.06 Execution; Venue; Limitations.** The Agreement shall be deemed to have been executed in Santa Clara County, California. Enforcement of the Contract Documents shall be governed by the laws of the State of California, excluding its conflict of laws rules. Except as expressly provided in the Contract Documents, nothing in the Contract Documents shall operate to confer rights or benefits on persons or entities other than Owner and Contractor. As between the parties to the Agreement, any applicable statute of limitations for any act or failure to act shall commence to run on the date of Owner's issuance of the final Certificate for Payment, or termination of the Contract Documents, whichever is earlier, except for latent defects, for which the statute of limitation shall begin running upon discovery of the defect and its cause.

**[DRAFT FOR REVIEW AND APPROVAL BY OWNER'S RISK MANAGER]****Appendix C to Construction Services Agreement****INSURANCE**

1. Commercial General Liability Insurance, written on an "occurrence" basis, which shall provide coverage for bodily injury, death and property damage resulting from operations, liability for slander, false arrest and invasion of privacy, blanket contractual liability, broad form endorsement, and completed operations, personal and advertising liability, with limits of not less than **[\$1,000,000]** general aggregate and **[\$1,000,000]** each occurrence, subject to a deductible of not more than **[\$1,000]** payable by Contractor.
2. Business Automobile Liability Insurance with limits not less than **[\$1,000,000]** each occurrence including coverage for owned, non-owned and hired vehicles, subject to a deductible of not more than **[\$1,000]** payable by Contractor.
3. Workers' Compensation Employers' Liability limits not less than **[\$1,000,000]** each accident, **[\$1,000,000]** per disease and **[\$1,000,000]** aggregate. Contractor's Workers' Compensation Insurance policy shall contain a Waiver of Subrogation against the City of Pacifica, its officers, directors, officials, agents, employees and volunteers. In the event Contractor is self-insured, it shall furnish Certificate of Permission to Self-Insure signed by Department of Industrial Relations Administration of Self-Insurance, State of California.
4. **[If applicable]** Builder's Risk Insurance including, without limitation, coverage against loss or damage to the Work by fire, lightning, wind, hail, aircraft, riot, vehicle damage, explosion, smoke, falling objects, vandalism, malicious mischief, collapse, and other such hazards as are normally covered by such coverage. Such insurance shall be in amount equal to the replacement cost (without deduction for depreciation and subject to stipulated value in lieu of average clause) of all construction constituting any part of the Work, excluding the cost of excavations, of grading and filling of the land. **[Alternatively, if applicable]** An Installation Floater including, without limitation, coverage against loss or damage to the Work by fire, lightning, wind, hail, vandalism, malicious mischief, and other such hazards as are normally covered by such coverage. Such insurance shall be in amount equal to the replacement cost (without deduction for depreciation and subject to stipulated value in lieu of average clause) of the Work. **[If either Builder's Risk or an Installation Floater is required, continue]** Such insurance may be subject to deductible clauses not to exceed **[\$10,000]** for any one loss. Such insurance will not cover loss or damage to Contractor's equipment, scaffolding or other materials not to be consumed in the performance of the Work. The insurer shall waive all rights of subrogation against Owner.
5. Insurance policies in Appendix C shall contain an endorsement containing the following terms:
  - 5.01 City of Pacifica, its officers, directors, officials, agents, employees, and volunteers, shall be named as additional insureds, but only with respect to liability arising out of the activities of the named insured, and there shall be a waiver of subrogation as to each named and additional insured.
  - 5.02 The policies shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.
  - 5.03 Written notice of cancellation, non-renewal or of any material change in the policies shall be mailed to Owner thirty (30) days in advance of the effective date thereof.
  - 5.04 Insurance shall be primary insurance and no other insurance or self-insured retention carried or held by any named or additional insureds other than Contractor shall be called upon to contribute to a loss covered by insurance for the named insured.

6. Certificates of Insurance and Endorsements shall have clearly typed thereon the Project Name, shall clearly describe the coverage and shall contain a provision requiring the mailing of written notices of cancellation described in clause 5.03 above.
7. All policies of insurance shall be placed with insurers acceptable to Owner. The insurance underwriter(s) must be duly licensed to do business in the State of California and (other than for workers' compensation) must have an A. M. Best Company rating of **[A-,VII]** or better. Required minimum amounts of insurance may be increased should conditions of Work, in the opinion of Owner, warrant such increase. Contractor shall increase required insurance amounts upon direction by Owner.

**Appendix D to Construction Services Agreement**

**CONSTRUCTION LABOR AND MATERIAL PAYMENT BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

1. THAT WHEREAS, the **City of Pacifica**, a general law city and municipal corporation of the State of California (**Owner**) has awarded to **(Name of Contractor)** \_\_\_\_\_ as Principal a Construction Services Agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ (**Agreement**), titled THE \_\_\_\_\_ PROJECT located at \_\_\_\_\_ in the amount of \$\_\_\_\_\_ (Contract Sum), which Agreement is by this reference made a part hereof, for the work described as follows:

**(Describe Agreement Work)** \_\_\_\_\_.

2. AND WHEREAS, Principal is required to furnish a bond in connection with the Agreement to secure the payment of claims of laborers, mechanics, material suppliers, and other persons as provided by law;
3. NOW, THEREFORE, we, the undersigned Principal and \_\_\_\_\_ as Surety, are held and firmly bound unto Owner in the sum of 100% OF THE CONTRACT SUM (\$\_\_\_\_\_), for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.
4. THE CONDITION OF THIS OBLIGATION IS SUCH, that if Principal, or its heirs, executors, administrators, successors, or assigns approved by Owner, or its subcontractors shall fail to pay any of the persons named in California Civil Code Section 9100, or amounts due under the State of California Unemployment Insurance Code with respect to work or labor performed under the Agreement, or for any amounts required to be deducted, withheld, and paid over to the State of California Employment Development Department from the wages of employees of Principal and subcontractors pursuant to California Unemployment Insurance Code Section 13020 with respect to such work and labor, that Surety will pay for the same in an amount not exceeding the sum specified in this bond, plus reasonable attorneys' fees, otherwise the above obligation shall become and be null and void.
5. This bond shall inure to the benefit of any of the persons named in California Civil Code Section 9100, as to give a right of action to such persons or their assigns in any suit brought upon this bond. The intent of this bond is to comply with the California Mechanic's Lien Law.
6. Surety, for value received, hereby expressly agrees that no extension of time, change, modification, alteration, or addition to the undertakings, covenants, terms, conditions, and agreements of the Agreement, or to the work to be performed thereunder, shall in any way affect the obligation of this bond; and it does hereby waive notice of any such extension of time, change, modification, alteration, or addition to the undertakings, covenants, terms, conditions, and agreements of the Agreement, or to the work to be performed thereunder.
7. Surety's obligations hereunder are independent of the obligations of any other surety for the payment of claims of laborers, mechanics, material suppliers, and other persons in connection with Agreement; and suit may be brought against Surety and such other sureties, jointly and severally, or against any one or more of them, or against less than all of them without impairing Owner's rights against the other.
8. Correspondence or claims relating to this bond shall be sent to Surety at the address set forth below.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CONTRACTOR AS PRINCIPAL**

**SURETY**



Company: (Corp. Seal)

Company: (Corp. Seal)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

**END OF DOCUMENT**

**Appendix E to Construction Services Agreement****CONSTRUCTION PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

1. THAT WHEREAS, **City of Pacifica**, a general law city and municipal corporation of the State of California (**Owner**) has awarded to **(Name of Contractor)** \_\_\_\_\_ as Principal a Construction Services Agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ (**Agreement**), titled THE \_\_\_\_\_ PROJECT in the amount of \$\_\_\_\_\_ (Contract Sum), which Agreement is by this reference made a part hereof, for the work described as follows:

**(Describe Agreement Work)** \_\_\_\_\_.

2. AND WHEREAS, Principal is required to furnish a bond in connection with the Agreement, guaranteeing the faithful performance thereof;
3. NOW, THEREFORE, we, the undersigned Principal and \_\_\_\_\_ as Surety are held and firmly bound unto Owner in the sum of 100% OF THE CONTRACT SUM to be paid to Owner or its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.
4. THE CONDITION OF THIS OBLIGATION IS SUCH, that if Principal, or its heirs, executors, administrators, successors, or assigns approved by Owner, shall promptly and faithfully perform the covenants, conditions, and agreements of the Agreement during the original term and any extensions thereof as may be granted by Owner, with or without notice to Surety, and during the period of any guarantees or warranties required under the Agreement, and shall also promptly and faithfully perform all the covenants, conditions, and agreements of any alteration of the Agreement made as therein provided, notice of which alterations to Surety being hereby waived, on Principal's part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify, defend, protect, and hold harmless Owner as stipulated in the Agreement, then this obligation shall become and be null and void; otherwise it shall be and remain in full force and effect.
5. No extension of time, change, alteration, modification, or addition to the Agreement, or of the work required thereunder, shall release or exonerate Surety on this bond or in any way affect the obligation of this bond; and Surety does hereby waive notice of any such extension of time, change, alteration, modification, or addition.
6. Whenever Principal shall be and declared by Owner in default under the Agreement, Surety shall promptly remedy the default, or shall promptly:
- 6.01** Undertake through its agents or independent contractors, reasonably acceptable to Owner, to complete the Agreement in accordance with its terms and conditions and to pay and perform all obligations of Principal under the Agreement including, without limitation, all obligations with respect to warranties, guarantees, indemnities, and the payment of liquidated damages; or
- 6.02** Obtain a bid or bids for completing the Agreement in accordance with its terms and conditions, and, upon determination by Owner of the lowest responsible bidder, reasonably acceptable to Owner, arrange for a contract between such bidder and Owner and make available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the Contract Sum, and to pay and perform all obligations of Principal under the Agreement including, without limitation, all obligations with respect to warranties, guarantees, and the payment of liquidated damages; but, in any event, Surety's total obligations hereunder shall not exceed the amount set forth in the third paragraph hereof. The term "balance of the Contract Sum," as used in this paragraph, shall mean the total amount

payable by Owner to the Principal under the Agreement and any amendments thereto, less the amount Owner paid to Principal.

- 7. Surety's obligations hereunder are independent of the obligations of any other surety for the performance of the Agreement, and suit may be brought against Surety and such other sureties, jointly and severally, or against any one or more of them, or against less than all of them without impairing Owner's rights against the others. Surety may not use Contractor to complete the Agreement absent Owner's written consent.
- 8. No right of action shall accrue on this bond to or for the use of any person or corporation other than Owner or its successors or assigns.
- 9. Surety may join in any proceedings brought under the Agreement and shall be bound by any judgment.
- 10. Correspondence or claims relating to this bond shall be sent to Surety at the address set forth below.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CONTRACTOR AS PRINCIPAL**

**SURETY**

Company: (Corp. Seal)

Company: (Corp. Seal)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

Appendix F to Construction Services Agreement

**SUPPLEMENTAL CONDITIONS**  
*[Optional]*

Attachment: Attachment 2 - Construction Services Agreement with Rhythm Engineering (2147 : SMCTA Funding Agreement & Construction

Construction Services Agreement

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OAK #4836-0105-9886 v1  
05620-0129  
2/24/16



## Statement of Work & Final Pricing Agreement

Prepared for: The City of Pacifica, CA  
Attention: Van Ocampo

Project: CA, Pacifica -- Highway 1  
Agency: Pacifica, CA

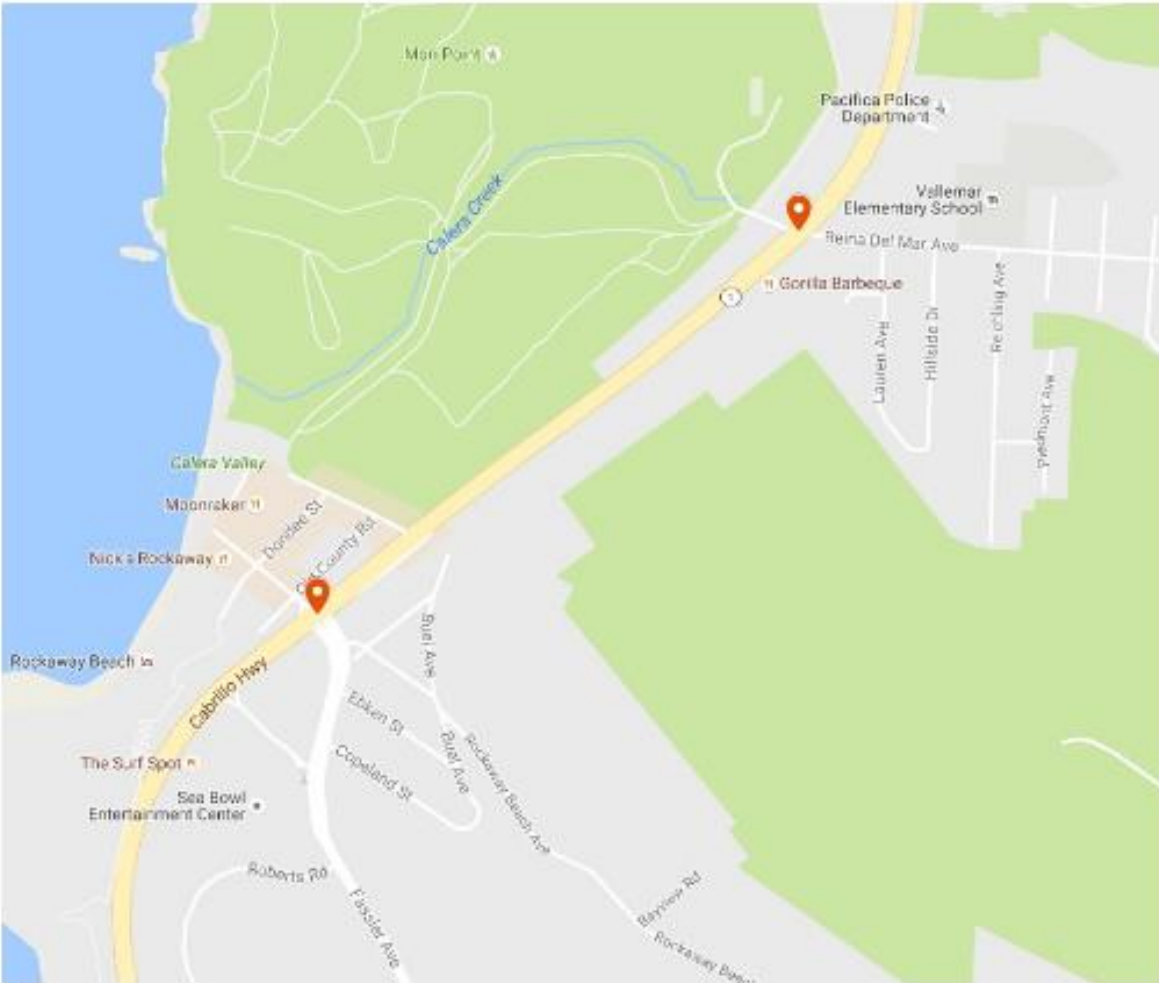
02/27/2017

Rhythm Engineering Contact:  
Jesse Manning  
Vice President of Business Development  
(785) 317-2740  
(913) 227-0603  
jesse.manning@rhythmtraffic.com

**Executive Summary**

The City of Pacifica, working with Caltrans and the local transportation authority, asked Rhythm Engineering to provide a Scope of Work and associated quotation to provide the In|Sync adaptive traffic control system for a two-intersection deployment along Highway 1 at the intersections of Reina Del Mar Avenue and Fassler Avenue.

**Map of the Corridor**

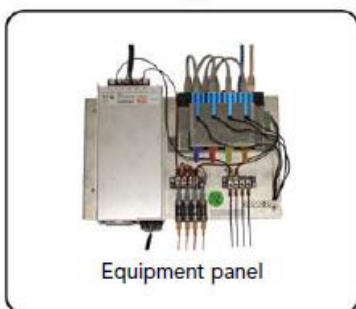


CA, Pacifica -- Highway 1 Corridor Project

Attachment 2 - Construction Services Agreement with Rhythm Engineering (2147 : SMCTA Funding Agreement & Construction

The In|Sync system includes:

- Up to four digital cameras (one per approach) and camera enclosures
  - The camera bracket is included and is mounted on the bottom of the enclosure.
- Pelco camera mounting hardware (optional to be provided by Rhythm or obtained from another vendor; please see price quote of this proposal)
- One In|Sync processor
- SDLC Intercept Module (where needed; includes necessary cabling)
- Equipment panel
  - Includes:
    - Ethernet switch (communications hub for Ethernet connections)
    - Lightning arrestors for Ethernet cables (placed between camera and switch)
    - 24 VDC power supply (110V/AC direct input, Ethernet switch, power out to processors, DIN Relay, and cameras)
    - Termination points for camera power
- ICAT5E cable for connecting cameras to the In|Sync processor (optional to be provided by Rhythm or obtained from another vendor; please see price quote of this proposal)
- Camera power cable (optional to be provided by Rhythm or obtained from another vendor; please see price quote of this proposal)



The In|Sync processor is installed inline between existing detectors and the controller. In|Sync decides which two phases should be served in a given moment, and sends calls to the controller for those two phases only.

The following hardware will be provided by Rhythm Engineering for each In|Sync intersection.

### System Detection

The cameras included as part of the In|Sync system stream video directly to the In|Sync processor in the traffic cabinet. Using this video feed, the In|Sync adaptive algorithm measures the queue in each lane of each approach individually.

All detection needed for the optimum performance of the In|Sync adaptive system is provided by the cameras included with the system.

The In|Sync processor is installed inline between existing detectors and the controller. In|Sync decides which two phases should be served in a given moment, and sends calls to the controller for those two phases only.

### Cabling, Devices, & Equipment

The following cable type is required for powering the In|Sync cameras and connecting them to the In|Sync processor. This cabling can be either provided by Rhythm at the price listed in the quote section of this report, or purchased by the City from another qualified vendor.

#### Shielded ICAT5E Cable

Commscope P/N: 8841405/10 2003 Black ICAT5E cable (or Rhythm Engineering-approved equivalent shielded ICAT5E outdoor UV-resistant aerial/duct Ethernet cable). Recommended cables are available from an electrical supply house (such as Anixter, Accutech, or Graybar) and pulled from the traffic cabinet to the specified camera location. We recommend 10 ft. of slack left at the cabinet and 5 ft. of slack at each camera.

If you are installing the camera in temperatures under 0° C/32° F, we recommend using the Belden 7937A Multi-Conductor - DataTuff® Waterblocked Cate 5e Cable because it remains flexible in temperatures up to -25°C/-13°F

#### Power Cable

IMSA 20-1 Traffic Control Cable, is used to supply power to the cameras and camera enclosures. (14-3 AWG Stranded Copper - For use in signal systems in underground conduit/duct or as aerial cable supported by a messenger.)

### In|Sync Processor

The processor is the heart of the In|Sync system. This environmentally hardened computer, installed in the traffic cabinet at each local intersection, holds all the artificial intelligence of the adaptive system. The In|Sync processor gathers detection information from all the sources available (video cameras, loops, pedestrian push-buttons, etc.) and then determines the service priority for each approach. The processor places only two concurrently serviceable calls to the existing traffic controller to actuate signal phases.

#### Features

- Video processing for up to five networked In|Sync cameras
- Remote monitoring & configuration via web interface
- Tied to back panel, enabling monitoring of light status



330s-STYLE



NEMA-STYLE



- Password protection for access on shared networks with levels of credentials
- Automatic per-phase and per-lane traffic counts
- Advanced historical data capture
- Ability to utilize historical data to assign green time should interruption of detection (e.g. fog, broken loop, etc.) occur
- VGA video port for monitoring at cabinet
- 2 USB ports for keyboard, mouse, and field upgrades
- 10/100 Mbps Ethernet port
- Fuses together multiple forms of detection resulting in maximum accuracy with In|Sync:Fusion
- Compatible with all types of modern controllers and cabinets
- Flexible and extensive input/output options for advanced functionality

#### Power

- 24VDC, 150 Watts minimum
- Weight
- 3.2 kg (7 lbs.)

#### Temperature

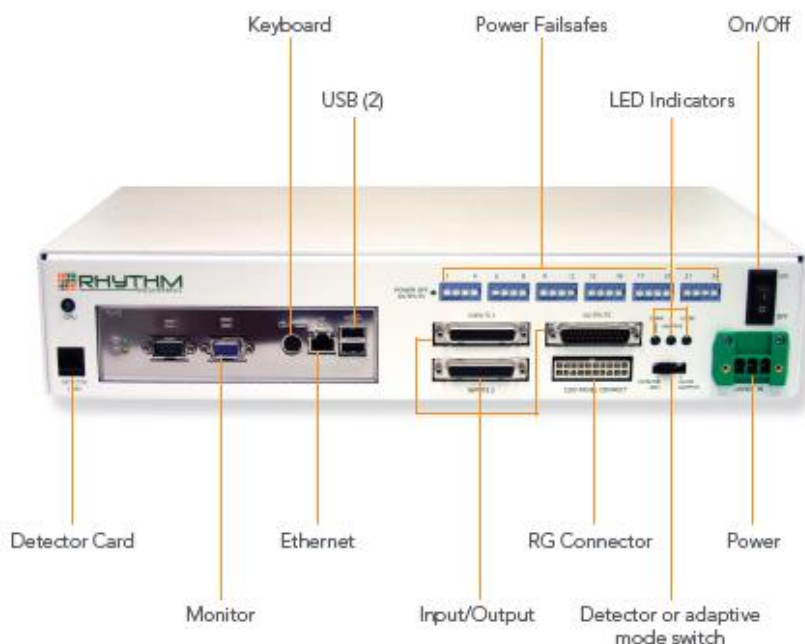
- Operating: -40°C to 74°C (-40°F to 165°F)
- Non-Operating: -40°C to 85°C (-40°F to 185°F)

#### Humidity

- Operating 10% to 90% non-condensing
- Non-Operating 5% to 95% non-condensing

#### Dimensions

- 330s-Style
  - 19" Standard Rack Mountable
  - 426mm wide x 241mm deep x 82.6mm tall
  - (16.75" wide x 9.5" deep x 3.25" tall)
- NEMA-Style
  - Shelf-Mountable
  - 150mm wide x 241mm deep x 275.5mm tall
  - (5.9" wide x 9.5" deep x 10.8" tall)



### Detection Camera

In|Sync proprietary video detection uses high-performance Samsung IP digital cameras to measure traffic occupancy, queue length, and delay in real time. Each camera is delivered ready for installation in a weatherproof enclosure, and connects to both power and Ethernet in just seconds. Camera views and settings are accessible to agency staff and Rhythm Engineering via the In|Sync WebUI.



#### Features

- Samsung SNZ-6320 digital IP camera with lens
- Max. 2M (1920 x 1080) resolution
- 16 : 9 Full HD (1080p) resolution support
- 0.15Lux@F1.6 (Color), 0.015Lux@F1.6 (B/W)
- 4.44 ~ 142.6mm (32x) optical zoom, 16x digital zoom
- H.264, MJPEG dual codec, Multiple streaming
- Day & Night (ICR), WDR (120dB)
- Ethernet-based, IP addressable (IPv4/v6)
- Live camera view using any web browser (HTTP)
- Built-in external RJ-45 & power connectors allow for quick installation and setup
- Password-protected

#### Power

- 24 VDC, Max 25W

#### Weight

- kg (6 lbs, 4 oz.)

#### Temperature

- Operating -40°C to 74°C (-40°F to 165°F)
- Non-Operating -40°C to 85°C (-40°F to 185°F)

#### Humidity

- 20% to 80% non-condensing

### *Dotworkz Camera Enclosure ST-RF-MVP*

Enables IP and analog cameras to operate in freezing locations, with temperatures down to -60° F (-51° C)

Includes Heavy Duty cast alluminum alloy STRONG ARM Wall Mount

Thermostatically controlled De-Icing and Heating unit keeps internal electronics at ideal operating temperature

Case is designed to be “vandal-tough,” and protect valuable electronics from damage and theft

Multi-Volt Platform allows for effortless and professional installation

Heavy-duty, non-metallic, non-corrosive, flame-resistant, Polycarbonate Thermal Plastic alloy case

Housing exceeds IP66 rating: airtight and sealed against outside air, dust, insects, water, corrosion and other harsh conditions

Extends the life and operating performance of all stored electronics

Internal mounting space for IP hardware: routers, cell networks, NVR, hard drives, UPS, WiMax, mesh hardware, etc.

Unlike traditional small 5W singular heat-patch enclosures that often fog or ice over, the specialized circuitry of the Ring of Fire de-icing/defrosting system removes the snow and ice that would normally obstruct a camera’s view. Combined with the D-Series housing seals—which keeps out all moisture, dust and corrosive atmosphere—the Ring of Fire is the ideal solution for cold climate deployments.

### *Equipment Panel*

The Equipment Panel is the power and communications hub of the In|Sync system at each intersection. It provides a safe, reliable DC power supply and Ethernet switch, both of which support the In|Sync processor and cameras. The Equipment Panel has a number of safety mechanisms, including lightning arrestors to protect the networking equipment and a fuse block to protect the power leads to the cameras.

The Equipment Panel also connects to a DIN relay to ensure that camera power is automatically restarted in the event of camera lock-up or power failure. By streamlining the communications between cameras and the In|Sync processor, the Equipment Panel ensures In|Sync quickly and accurately processes detection data.

### Features

- Hardened 120 VAC to 24 VDC 600-watt power supply
- 100 Mbps unmanaged Ethernet switch



- Store-and-forward switching architecture
- 8 Ethernet networking ports
- DC+/DC- terminal blocks provide power to the cameras
- Earth ground bar
- Lightning arrestors provide protection
- 4-amp fuse block protects power to the cameras

### *DIN Relay*

The DIN Relay cycles power to the cameras, ensuring that a camera recovers if the network port loses its connection to the camera. This prevents overload, brown-outs, blown breakers and other power problems before they occur, eliminating the need to be onsite to reset lock-up equipment.

#### Features

- 10/100 autosensing plug-and-play Ethernet connection with static IP allows connection anywhere on your LAN or WAN
- Password-protected
- Movable HTTP port for security
- Power
- 8 to 24 VDC

#### Weight

- 1.2 kg (2.7 lbs.)

#### Temperature

- -34°C to 77°C (-29°F to 170°F)

#### Dimensions

- 147mm wide x 117mm deep x 69mm tall (5.8" wide x 4.6" deep x 2.7" tall)

### *In|Sync Spare Kit*

One In|Sync Spare Kit includes:

- One In|Sync processor
- One equipment panel
- Three optical cameras with housing

## DIN Relay III



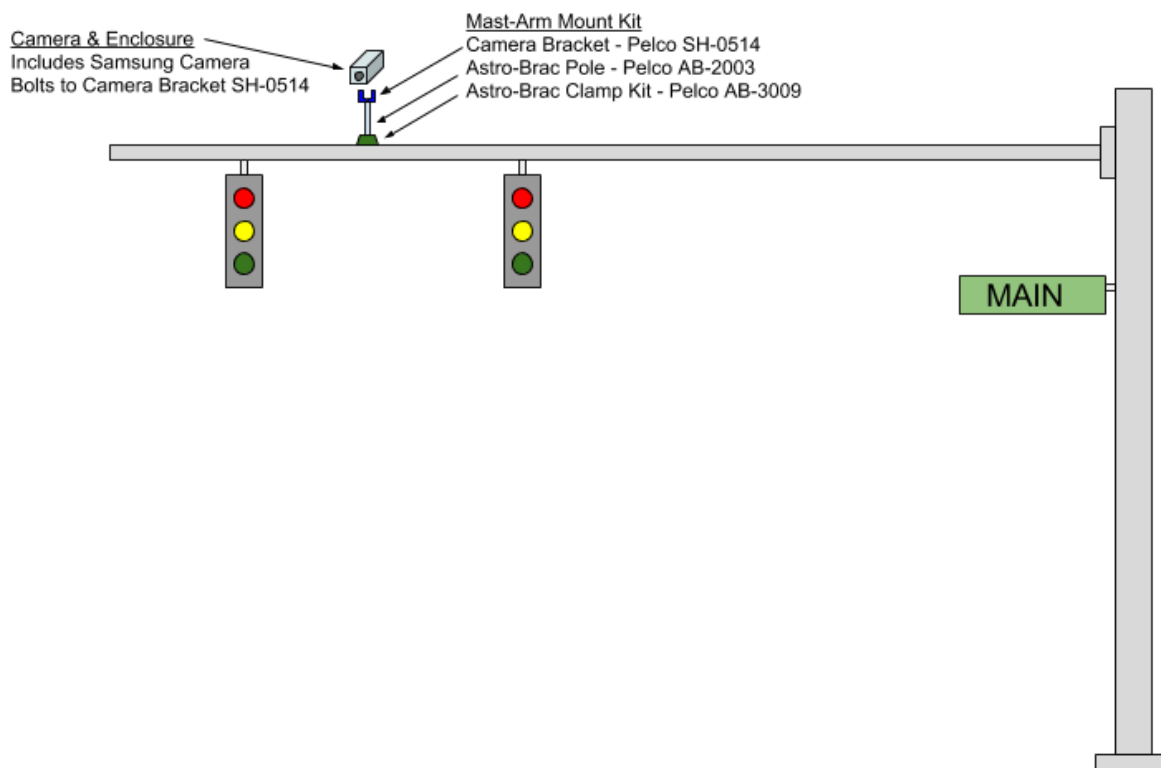
### Camera Mounting Hardware

The In|Sync system includes camera-based detection. Unique to In|Sync, cameras are connected directly to the In|Sync processor by Ethernet cable, allowing for video streaming of camera views, along with real-time queue measurement by lane.

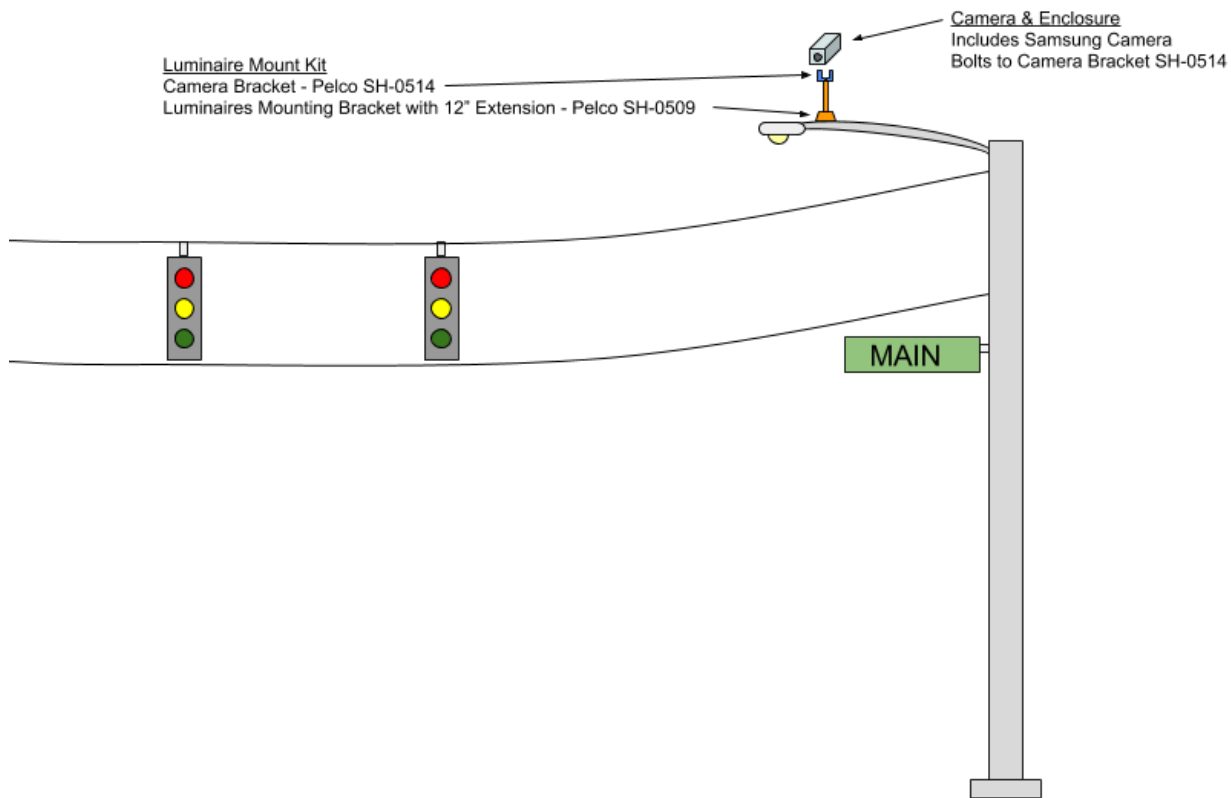
Camera mounting locations should be determined by qualified engineers and depicted on a plan set, to be reviewed by Rhythm Engineering staff. In cases where a plan set is not developed, Rhythm Engineering may review aerial imagery and provide suggested camera mounting locations for each intersection.

Camera mounting hardware may be procured from Rhythm Engineering or from other sources if desired. If ordered from Rhythm directly, the necessary camera mounting hardware will be shipped along with the In|Sync hardware.

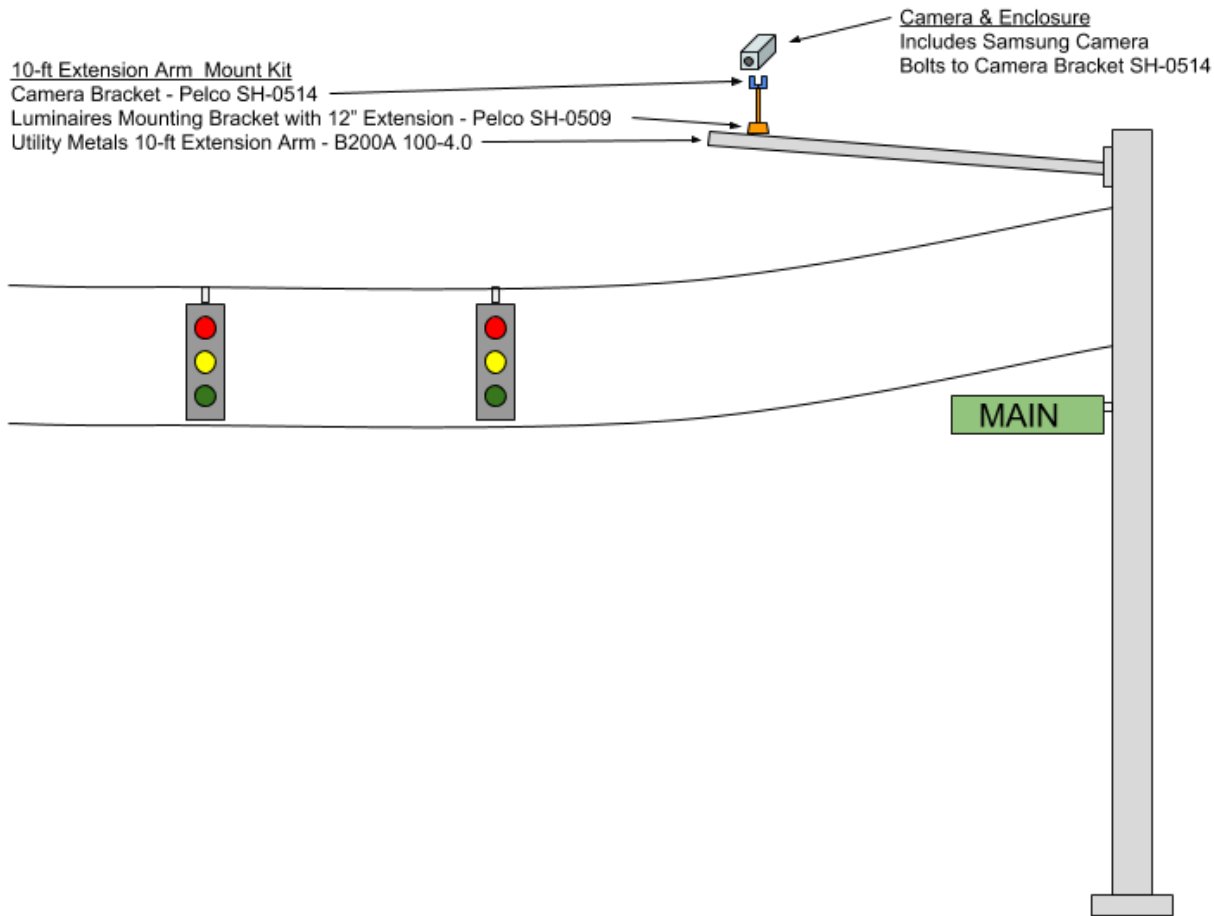
### Mast Arm Mount Detail



### Luminaire Mount Detail



### 10-ft Extension Arm Mount



### 10. Hwy 1 & Reina Del Mar Ave

**System Type:** In|Sync

**Fusion Module:** 1

**Pedestrian Module:** 1

**Monitor & Keyboard Kit:**

**Intersection Total Repeaters:** 0

**Extra Processors Required:** 0

**Number of Optical Cameras:** 4

**Camera Mounting Hardware Supplied by:** Rhythm Engineering

**Number of Standard Camera Mounts:** 4

**Number of 10-ft Extension Arm Camera Mounts:** 0

**Cabinet Style:** 332

**Cabinet Type:** 332

**Form Factor:** Rack Mounted

**Controller Type:** 170

**Connection Type:** C1-Y Cable

**[if SDLC] Number of Detector Rack BIUs:**

**Pin Assignment Mode:** TBD

**Number of Approaches:** 4

**Intersection Has Pedestrian Indicators:**

**EVP Logging Desired**

**Railroad Preempt Logging Desired**

**TSP Present**

**Intercept Module:**

**Notes:**

### 20. Hwy 1 & Fassler Ave

**System Type:** In|Sync

**Fusion Module:** 1

**Pedestrian Module:** 1

**Monitor & Keyboard Kit:**

**Intersection Total Repeaters:** 0

**Extra Processors Required:** 0

**Number of Optical Cameras:** 4

**Camera Mounting Hardware Supplied by:** Rhythm Engineering

**Number of Standard Camera Mounts:** 4

**Number of 10-ft Extension Arm Camera Mounts:** 0

**Cabinet Style:** 332

**Cabinet Type:** 332

**Form Factor:** Rack Mounted

**Controller Type:** 170

**Connection Type:** C1-Y Cable

**[if SDLC] Number of Detector Rack BIUs:**

**Pin Assignment Mode:** TBD

**Number of Approaches:** 4

**Intersection Has Pedestrian Indicators:**

**EVP Logging Desired**

**Railroad Preempt Logging Desired**

**TSP Present**

**Intercept Module:**

**Notes:**





## System & Hardware Summary

<b>Total In Sync Systems:</b>	2
<b>Total Fusion Modules:</b>	2
<b>Total Pedestrian Modules:</b>	2
<b>Total Standard Camera Mounts<sup>1</sup>:</b>	8
<b>Total Optical Cameras (not including spares):</b>	8
<b>Total Optical Cameras:</b>	8
<b>On Site Rhythm Engineering Technician:</b>	<input checked="" type="checkbox"/>
<b>On Site Rhythm Configuration Engineer:</b>	<input checked="" type="checkbox"/>

<sup>1</sup>The total listed is the number of camera mounting hardware kits to be provided by Rhythm Engineering. Camera mounting hardware is required for each camera, and may be procured from other sources if desired.

<sup>2</sup>Cat5E and Camera Power Cable are required for ASCT system function. A conservative quantity estimate is 1,200 ft per intersection. This cabling may be purchased through Rhythm Engineering or by the agency or contractor directly.

## Project Statement of Work

### **Rhythm Engineering will be responsible for the following tasks:**

1. Provide materials per the approved Quotation and subsequent Purchase Order. Material consists of In|Sync<sup>®</sup> processors, video cameras and enclosures, equipment panel and power supply, RG cable, Ethernet patch cables, detector-cards (if needed), Pedestrian modules, and monitors/keyboards, and other materials as specified.
2. Provide specifications for materials to be supplied by the Pacifica, CA – wires, connectors, and specialized installation tools as well as camera mounting hardware if needed.
3. Once VPN access is provided to the entire In|Sync system, provide on-site classroom and hands-on training to Pacifica, CA (Client), or their designee, in installation procedures for the In|Sync<sup>®</sup> equipment listed above. Provide on-site classroom and hands-on training to Pacifica, CA, or their designee, in installation procedures for the In|Sync<sup>®</sup> equipment listed above. This includes at a minimum: desired camera views, drawing detection zones and segments, connection of Ethernet cables, mounting of In|Sync<sup>®</sup> processor(s) and site equipment panel in the traffic cabinet, connection of cables, connection of the pedestrian intercept feature, placing and cabling of detector-cards in the detector card rack (if applicable), monitor mounting and connections, and local processor accessibility. Provide remote support to installer during the installation process. Provide training for Pacifica, CA traffic engineering staff in the system parameters configuration, maintenance and operation of In|Sync.
4. Consult with Pacifica, CA traffic engineering staff to define the operating parameters for initial system operation, including but not limited to: allowed movements, desired progression routes, travel times, phasing, amber times, all-red times, pedestrian walk and flashing don't walk times, traffic counts, traffic patterns, and any unique requirements that the Client may want to allow for during certain time of day scenarios, etc.
5. Provide camera placement guidance and documentation.
6. Perform the on-site integration of the In|Sync<sup>®</sup> adaptive system, including verification of camera views, working with the installer to make any adjustments needed and loading of the predefined software image into the processor. The Rhythm Engineering team will work both on-site and remotely to bring online each In|Sync<sup>®</sup> system. The adaptive system will work “out of the box”, but Rhythm Engineering will take time to monitor and modify the adaptive parameters remotely over a period of approximately one to two weeks after the activation of the arterial in order to maximize the performance of In|Sync<sup>®</sup>.
7. Project Manage the entire scope of Rhythm Engineering's responsibilities as listed above and provide updates to the Client as necessary throughout the duration of the project.

### **Installer will be responsible for the following tasks:**

1. Order and provide shielded/outdoor-rated Category 5 Ethernet cable and outdoor rated 3-strand 14 AWG power wire (IMSA 20-1 Traffic Control Cable 14-3 stranded copper) and wires, connectors, and specialized installation tools as well as camera mounting hardware (if applicable) per Rhythm Engineering specifications. Cut-sheets to be provided by Rhythm Engineering at the appropriate time upon request.
2. Perform installation work consisting of: pulling & terminating the required power and Ethernet Cat 5E cables (Comscope 2003 shielded/outdoor rated) from the controller cabinet to the Rhythm Engineering pre-approved mounting location, installation of camera mounting hardware to mast arms/luminaires, mounting of the video cameras, connecting wires to cameras per Rhythm Engineering specifications and training, camera aiming, zooming and focusing.
3. Perform traffic cabinet installation work consisting of: installing the site equipment panel, mounting and connecting the In|Sync<sup>®</sup> processor to the Ethernet switch and installing In|Sync's detector input connection type. Wiring of the



RG return cable and connection of the In|Sync<sup>®</sup> system to the Ethernet network provided via the communications system provided by the Client or communications installer.

4. Ensure that remote VPN access is established to the entire In|Sync system deployment to allow Rhythm Engineering to provide remote assistance in aligning proper views of each camera. Once VPN access is confirmed, Rhythm Engineering can schedule a Rhythm Engineering technician to assist on site for final placement of In|Sync into detector mode.
5. Installer shall not connect Rhythm equipment to power prior to receiving authorization from Rhythm Engineering.
6. During installation, installer shall not place the In|Sync system into detector or adaptive mode without written authorization from Rhythm Engineering.
7. Return to site as needed during system integration to adjust cameras or troubleshoot any cabling or other issues arising from faulty installation.

St. Francis Electric will provide installation services per specifications, including traffic control, installation of video-detection systems and in-cabinet equipment, and installation of new conductors and cables. *Unforeseen elements such as crushed / full conduit that necessitates additional work above and beyond the basic scope of this installation will incur additional charges outside of this quote. Neither St. Francis Electric nor Rhythm Engineering can be responsible for covering costs of conduit replacement or other infrastructure investments. These types of infrastructure investments are not expected, but there is always a possibility that additional services or materials are required for successful installation.*

In the event that additional materials or services are required, these materials or services will be invoiced separately through Rhythm Engineering to the City of Pacifica.

**Pacifica, CA (Client) will be responsible for the following tasks:**

1. Provide an Ethernet network with TCP/IP connectivity between signals.
2. Provide traffic engineering information per intersection including, but not limited to: traffic counts, traffic pattern by time of day, phasing, allowed and prohibited movements, current timing plans, amber times, all-red times, pedestrian walk and flashing don't walk times.
3. Reserve and provide Rhythm Engineering with Internet Protocol (IP) Addresses for each intersection's equipment. Rhythm Engineering requires that ten (10) Local Area Network (LAN) IP addresses be reserved per intersection. Client is responsible for providing the listing of addresses for each intersection to Rhythm Engineering.
4. Establish Simple Mail Transfer Protocol (SMTP) and Network Time Protocol (NTP) server connection, as well as access to the intersections via a Virtual Private Network (VPN) connection or other remote connectivity for support and monitoring purposes during the warranty/support period.
5. A detailed before-and-after study measuring delay, stops, travel time, fuel consumption and emissions over multiple time periods throughout the weekday could be conducted (AM Peak, AM Off-peak, Noon Peak, Afternoon Off-Peak, PM Peak, Evening Off-Peak). This task is not funded as part of this SOW/Quote, but may be let out to a consultant or other entity as part of the total job scope of work.



## Project Deployment

Cabinet hardware & detection camera installation may be completed by agency staff and/or a hired contractor. St. Francis Electric requires a four-to-six week lead time to schedule installation services. Rhythm Engineering provides installation training with a Rhythm technician onsite to lead this training and ensure staff gain sufficient understanding & capability.

Rhythm Engineering will completely deploy this project within the mutually agreed upon schedule. Pacifica, CA is responsible for ensuring all signals are operational and ready for equipment installation, including Ethernet connectivity and wiring completion. Any delays in implementation outside of Rhythm Engineering's control are excluded from this timeframe.



## In|Sync Promise

In the event the In|Sync ASCT does not perform as expected, there are several steps the deployment partner may take with Rhythm Engineering to develop a solution. First, the deployment partner or a Rhythm Engineering project engineer may perform an iterative calibration of the system. If that process does not remedy the issue, the Rhythm Engineering project engineer may adjust the affected timing parameters with the deploying agency. Should that action fail to produce the desired results, it may be that adaptive traffic control in general is not an appropriate solution for the traffic management challenge. When the deployment location itself does not stand to benefit from ASCT – perhaps because the system is oversaturated – the deploying agency may choose to re-implement the adaptive product at a more suitable location. With every strategy, Rhythm Engineering stands by our mission to empower traffic professionals with adaptive technology that gets people to their destinations faster and safer.

As such, we offer the In|Sync Promise, a money-back guarantee. We take our deployment partnerships and our commitment to positively affect your community very seriously. If after three months of adaptive operation, you do not feel our partnership has had a positive impact in terms of reduced stops, delay, travel times, emissions, fuel consumption and improved safety, we will issue you a full refund for all the money you paid for Rhythm Engineering's proprietary equipment.

Here's all we ask:

- Collect data for the corridor before and after deploying In|Sync. Rhythm's engineers can provide dash-mounted equipment for floating-car data; however, you may also use another method of your choosing to collect the before-and-after data, as long as the same equipment or method is used both times.
- Allow our engineers to work with your agency to fine-tune the In|Sync system during the three-month period following the adaptive implementation.
- Provide a written list of any concerns you may have during this three-month period so that we may resolve them to your satisfaction.

After the three-month period, if you do not believe our partnership is having a positive impact on your community, simply obtain an RMA number and return the proprietary Rhythm Engineering hardware to us in working condition within thirty (30) days and we will issue to the public agency a refund for all the money paid for that equipment.



Pacifica, CA

To: The City of Pacifica, CA  
 ATTN: Van Ocampo  
 170 Santa Maria Avenue  
 Pacifica, CA 94044

**Quotation 001921-2**  
 Expiration Date: 03/31/2017  
 Prepared By: Jesse Manning

Project: **CA, Pacifica -- Highway 1**

**Payment Terms:**

- Quote does not include additional fees in the event Rhythm would serve as a primary contractor.
- Any required bonding or licensing fees are not included in quote.
- All taxes are the responsibility of client. FOB Point: Lenexa, KS
- Payment is due within 30 days of the invoice date. After 30 days, a 5% late payment penalty shall be assessed upon any unpaid balance. If payment exceeds 60 days past the invoice date (30 days past due), additional finance charges shall be applied at an interest rate of 18% APR. Finance charges are computed against the unpaid invoice balance, plus any accumulated penalties and/or fees.

**General Terms and Conditions:**

- Client agrees that all Purchase Orders submitted to Rhythm in response to this Scope of Work and Quote do hereby incorporate any and all terms and conditions stated in this Scope of Work and Quote unless such terms or conditions are clearly and expressly rejected in writing within the submitted Purchase Order. Purchase Orders submitted in response to this document that contain no payment terms are deemed to be a complete acceptance of the payment terms set forth in this document pursuant to these general terms and conditions. Purchase Orders with rejected terms or conditions shall be reviewed by Rhythm Engineering and may be rejected or resubmitted to Client.
- Client agrees that the laws of the State of Kansas apply to this contract and all actions arising out of it.
- Invoice are generated upon shipment of material.

Description	Units	Unit Cost	Total Cost
Total In Sync Systems:	2	\$25,000	\$50,000.00
Total Fusion Modules:	2	\$5,000	\$10,000.00
Total Pedestrian Modules:	2	\$5,000	\$10,000.00
Warranty Covering 5 Years	2 Intersections	*	\$4,500.00
Total Standard Camera Mounts <sup>1</sup> :	8	\$290	\$2,320.00
On Site Adaptive Deployment Services			\$3,500.00
Installation Services from St. Francis Electric*	2	\$20,000	\$40,000.00
Sales Tax		9.00 %	\$6,508.80
Shipping & Handling	2	\$150	\$300.00
*Warranty is provided at no charge for years 1 and 2. For subsequent years, warranty price is \$750 per intersection per year.			
<sup>1</sup> The total listed is the number of camera mounting hardware kits to be provided by Rhythm Engineering. Camera mounting hardware is required for each camera, and may be procured from other sources if desired.			
<sup>2</sup> Cat5E and Camera Power Cable are required for ASCT system function. A conservative quantity estimate is 1,200 ft per intersection. This cabling may be purchased through Rhythm Engineering or by the agency or contractor directly.			

**TOTAL \$127,128.80**

For questions, please contact Jesse Manning at (785) 317-2740 and jesse.manning@rhythmtraffic.com

**THANK YOU FOR YOUR BUSINESS!**

Attachment: Attachment 2 - Construction Services Agreement with Rhythm Engineering (2147 : SMCTA Funding Agreement & Construction



## Product Price Quote Additional & Replacement Hardware

Prepared for: Pacifica, CA  
Attention: Van Ocampo

Project: Spare Kit  
Agency: Pacifica, CA

03/02/2017

Rhythm Engineering Contact:  
Jesse Manning  
Vice President of Business Development  
(913) 227-0603  
Jesse.manning@rhythmtraffic.com



Pacifica, CA

To: Van Ocampo  
Pacifica, CA

**Quotation 009633-1**  
Expiration Date: 05/31/2017  
Prepared By: Jesse Manning

Project: **Spare Kit**

**Payment Terms:**

- Quote does not include additional fees in the event Rhythm would serve as a primary contractor.
- Any required bonding or licensing fees are not included in quote.
- All taxes are the responsibility of client. FOB Point: Lenexa, KS
- Payment is due within 30 days of the invoice date. After 30 days, a 5% late payment penalty shall be assessed upon any unpaid balance. If payment exceeds 60 days past the invoice date (30 days past due), additional finance charges shall be applied at an interest rate of 18% APR. Finance charges are computed against the unpaid invoice balance, plus any accumulated penalties and/or fees.

**General Terms and Conditions:**

- Client agrees that all Purchase Orders submitted to Rhythm in response to this Scope of Work and Quote do hereby incorporate any and all terms and conditions stated in this Scope of Work and Quote unless such terms or conditions are clearly and expressly rejected in writing within the submitted Purchase Order. Purchase Orders submitted in response to this document that contain no payment terms are deemed to be a complete acceptance of the payment terms set forth in this document pursuant to these general terms and conditions. Purchase Orders with rejected terms or conditions shall be reviewed by Rhythm Engineering and may be rejected or resubmitted to Client.
- Client agrees that the laws of the State of Kansas apply to this contract and all actions arising out of it.
- Invoice are generated upon shipment of material.

**Product Totals**

Item	Quantity	Price	Total Price
In Sync Spare Kit	1	\$12,500	\$12,500.00
Camera with Standard Enclosure	3		
DLI Ethernet DIN Relay III	1		
Equipment Panel - complete	1		
Processor / DIN power cable	1		
Processor assembly, Fusion, 332, 841E w/POS	1		

**TOTAL \$12,500.00**





**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Appeal of the Planning Commission's Approval of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and Adoption of a Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Construction of a 2.1 Million-Gallon Capacity Equalization (EQ) Basin, a 10-Foot Tall Motor Control Center Building, Ventilation and Odor-Control System, and a Cleaning System Within the EQ Basin at 540 Crespi Drive (APN: 022-162-420).

**RECOMMENDED ACTION:**

1. Move to **DENY** the appeal; uphold Planning Commission approval of Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program by adopting the attached resolution, including conditions of approval in Exhibit A to the resolution; direct the City Clerk to file a Notice of Determination; and, incorporate all maps and testimony into the record by reference.

**STAFF CONTACTS:**

Bonny O'Connor, Assistant Planner - (650) 738-7443  
o'connorb@ci.pacifica.ca.us

Van Ocampo, Director of Public Works/City Engineer - (650) 738-3767  
Ocampov@ci.pacifica.ca.us

**DISCUSSION:**

The following section provides the relative background and description of the Project as well as discussion of the appeal, and additional comments provided by the public.

***BACKGROUND***

The City of Pacifica (City) would construct and utilize the proposed wet weather flow equalization basin (EQ Basin) and associated pipelines (together referred to as "Project") as a key element to mitigate storm-related sanitary sewer overflows (SSOs) in the City's wastewater collection system and reduce peak wet weather flows to the City's Calera Creek Water Recycling Plant. The City's wastewater collection system is subject to infiltration and inflow (I/I) of extraneous groundwater and stormwater into the collection system, resulting in high wet weather flows during storm events. As a result, SSOs have occurred at several locations in the system during large storms.

Since 2004, the City has been required to monitor and report occurrences of SSOs, initially to the San Francisco Bay Regional Quality Control Board (RWQCB), and since 2007 to the State Water Resources Control Board (SWRCB) under the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems adopted in 2006. Under the Regional and State

regulations, the City is also required to prepare and adopt a Sewer System Management Plan (SSMP), which must include plans and programs for addressing the operation and maintenance of the system and assessing its condition and capacity. The City prepared the Collection System Master Plan (Master Plan) to meet specific SSMP requirements, as well as to develop a long-term plan for rehabilitation, replacement, and capacity improvements to its system.

As a result of SSOs that have occurred in the system, the RWQCB issued a Cease and Desist Order (CDO) to the City in May 2011, and the City entered into a Consent Decree with Our Children's Earth Foundation in June 2011, requiring it to implement a number of measures targeted at reducing SSOs. The CDO and Consent Decree have similar requirements, including:

- Developing and implementing an SSO reduction plan;
- Implementing a computerized maintenance management system;
- Implementing programs addressing system-wide cleaning, root control, illicit discharge elimination, and private sewer lateral inspection and repair;
- Performing a condition assessment of the collection system;
- Preparing a System Evaluation and Capacity Assurance Plan (SECAP);
- Staff training in implementing the measures; and
- Developing an initial and long-term capital improvement plan (CIP) and financial plan.

The Master Plan specifically addresses the condition assessment of the system (based on inspection data collected), the SECAP, and development of a long-term CIP.

The City evaluated many options to meet the requirements presented in the CDO and Consent Decree. The Master Plan included evaluation of three alternatives, including a capacity enhancement only project, the installation of an EQ Basin, and capacity improvements with sewer system rehabilitation. Based on this comparison, the best alternative was determined to be the implementation of an EQ Basin. This alternative was determined to provide the best assurance of meeting regulatory and legal requirements to eliminate capacity-related SSOs in the near term, and has the lowest estimated capital cost of the three alternatives.

In August 2015, the Wet Weather EQ Basin Site Feasibility Evaluation and Addendum were released and included an evaluation of multiple locations for the Project. The Sites identified in the Feasibility Evaluation and Addendum are shown in Attachment C.d. The current site (Site 2C) was approved by the City Council, at the September 28, 2015 City Council meeting, as the preferred site for placement of the EQ Basin as it was property the City already owned, had a lower cost for construction, and presented the least public impact. Only one member of the public provided a comment at that hearing and their comment did not identify any specific concerns with the location (Attachment F). City staff and consultants moved forward with design and environmental analysis with EQ Basin at the approved location.

On February 6, 2017, the Planning Commissioners approved Use Permit (UP-080-16) and Site Development Permit (PSD-816-16) and adopted the Final Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) by a vote of 5-0 after reviewing all of the materials in the staff report, including the environmental document prepared in accordance with the California Environmental Quality Act (CEQA), comment letters, and public oral comments (Attachments C and D). Two Planning Commissioners were absent.

## **PROJECT DESCRIPTION**

The Project would include the construction of a 2.1-million-gallon capacity EQ Basin, two

diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer mains and transport the flow via a conveyance pipeline to the EQ Basin during storm events, an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the EQ Basin.

The EQ Basin would be located within the parking lot for the City of Pacifica's Skatepark and Community Center (located at 540 Crespi Drive) on the east side of SR-1. The proposed two diversion structures and conveyance pipelines to and from the EQ Basin would be constructed in City-owned right-of-ways or public utility easements.

A description of the construction and operation phases of the Project is provided in Attachment C.e. During construction of the EQ Basin, the Skatepark parking lot would be closed to the public, and normal parking in this area would be diverted to the Crespi Parking Lot west of the Community Center. The Skatepark and Community Center would maintain their regular hours of operation. Following completion of EQ Basin construction, the Skatepark parking lot would be reconstructed over the EQ Basin structure to provide, at minimum, the same number of parking spots as in the existing parking lot.

Project construction is anticipated to occur during a 17-month period starting in May 2017 and ending in September 2018.

The objective of the Project is to meet the requirements of the CDO and Consent Decree. Specifically, the Project was designed to meet the following condition of the CDO: "By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs."

The Project would result in notable environmental and public health benefits. By preventing capacity-caused SSOs, the environmental impacts associated with the SSOs would no longer occur. The discharge of raw sewage from the collection system and into the surface water adversely impacts water quality, biological resources, and recreational use. Furthermore, exposing the public to raw sewage, which even in the diluted form contains high concentration of bacteria and viruses, can threaten public health.

Numerous wet-weather flow EQ basin facilities of similar size and construction are utilized by local cities, counties, and waste water districts including, City of Daly City, Dublin San Ramon Services District, East Bay Municipal Utilities District, San Francisco Public Utilities Commission, and Sewer Authority Mid-Coastside, to prevent SSOs and allow compliance with State Water Board discharge requirements.

### **APPEAL OF PLANNING COMMISSION APPROVAL**

Appellant, Pacifica Environmental Reform, has submitted an appeal challenging the Planning Commission's approval of the Project, including the issuance of UP-080-16 and PSD-816-16 and adoption of the associated environmental document, an Mitigated Negative Declaration/Initial Study (MND/IS). The Appellant's appeal is based upon 21 contentions. As explained by the provided discussion under each contention, these contentions do not give rise to a fair argument that substantial evidence exists that the Project would have a significant effect on the environment or that the Project is noncompliant with the Pacifica Municipal Code (PMC).

Pursuant to PMC Section 9-4.3208(b), an appeal which is heard by the Council may be heard

and considered in one of the following ways:

- (1) By holding a public hearing, using the same procedures as set forth in Section 9-4.3302 of Article 33 of this chapter; or
- (2) By referral back to the Commission for reconsideration.

In hearing this appeal, the City Council should consider all evidence, including written and oral testimony, related to the Planning Commission's decision to approve the Project and associated MND/IS. The City Council must evaluate whether substantial evidence supports a fair argument that the Project may have a significant effect on the environment. (Public Resources Code [PRC] §§ 21100, 21151, 21080, 21082.2 [fair argument standard]). The City Council has discretion to determine whether evidence offered by the Appellants meets CEQA's definition of "substantial evidence." (*Citizens for Responsible Development v. City of West Hollywood* (1995) 39 Cal.App.4th 490, 499; *Citizens' Com. to Save Our Village v. City of Claremont* (1995) 37 Cal.App.4th 1157, 1170-1171).

Mere argument, speculation, and unsubstantiated opinion, even expert opinion, is not substantial evidence for a fair argument (§ 21082.2, subd. (c); CEQA Guidelines, § 15384, subd. (a); *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 798). Furthermore, the existence of public controversy over the environmental effects of a project does not require further or new environmental review including the preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment. (§ 21082.2, subd. (b)).

This staff report responds to each of Appellant's contentions challenging the Planning Commission's approval of the Project. The responses establish that Appellant has not provided substantial evidence supporting a fair argument that the Project may have a significant effect on the environment or noncompliance with PMC. Rather, Appellant's appeal is based on conjecture, speculation, and often times misstates facts regarding the Project, Project site, and surrounding environment.

#### **1. Failure to properly notice the project within 300 feet of the proposed site. PMC Sec. 9-4.3302**

**Discussion:** In accordance with PMC Sections 9-4.3203 and 9-4.3302, notices regarding the Planning Commission public hearing for the Use Permit (UP) and Site Development Permit (PSD) were sent via US Postal Service First Class mail by Planning Department staff to property owners and occupants within 300 feet of the exterior boundaries of the Project site on January 25, 2017. January 25, 2017 is 12 days prior to the February 6, 2017 hearing date which exceeds the requirement under PMC Sections 9-4.3203 and 9-4.3302 by two days. Attachment B includes a map and list of mailer recipients. As stated in PMC Section 9-4.3302, "[t]he failure of any person to receive such notice shall not invalidate the use permit proceedings."

Additionally notices of the Planning Commission public hearing were sent to all commenters on the Draft MND/IS either via mail or email based on the provided contact information (Attachment B).

Finally, notice of this appeal hearing was sent to the same property owners and occupants within 300 feet of the project site and to other individuals requesting notice.

**2. Failure to properly notice the meetings for public comment within 72 hours. §54954.3**

**Discussion:** It is assumed that the Appellant is referencing California Government Code Section 54954.3 This section of the code does not specifically define a 72-hour notice requirement; however, California Government Code 54954.2(a)(1) does require the posting of an agenda at least 72 hours before a regular meeting in a location freely accessible to members of the public and on the local agency's internet website. Typical of any Planning Commission meeting, the agenda for the February 6, 2017 Planning Commission public hearing was posted on the Planning Commission page of the City's website as well as at City Hall and in the window of the Planning Department, outward facing so it was freely viewable to the public. The agenda was posted by 12:00pm on February 3, 2017 by Planning Department staff which exceeds the required 72 hours.

**3. Public comment period was held during the holidays thus not providing for appropriate outreach to solicit public comment.**

**Discussion:** CEQA does not prohibit releasing a draft document for public review during the holidays. The Notice of Intent to Adopt an MND/IS (NOI) and the Draft MND/IS were released for public comment on December 8, 2016. The City voluntarily extended the public comment period for the Draft MND/IS seven days beyond the 30 day minimum requirement, set forth in PRC Section 21091(b) and CEQA Guidelines Sections 15073(a) and 15105(b), to January 13, 2017 to account for the holidays that occurred during the public comment period.

Additionally, as detailed in Table 1, the City conducted public outreach for the public comment period beyond the requirements of CEQA. CEQA Guidelines Section 15072(b) requires that noticing of the NOI and the availability of the Draft MND/IS is provided using only one of the following procedures:

- publication one time in a newspaper of general circulations in the area affected;
- posting of notice on and off site in the area where the project is to be located; or
- direct mailing to the owners and occupants of property contiguous to the project.

As shown in Table 1, the City voluntarily implemented all of the CEQA suggested notification procedures.

**4. Abuse of discretion: three action exceptions in the Brown Act do not apply to this project and this complaint is related to the Force Majeure noted in the lawsuit (causing the hasty approval of this project) thus warranting additional review.**

**Discussion:** The Appellant did not provide any specifics in this item and staff did not want to misinterpret their claim. Therefore, staff contacted the Appellant on February 22, 2017 via email requesting clarification of this item. The Appellant's response is provided in Attachment G. This discussion addresses Contention Item 4 as supplemented by the Appellant's February 27, 2017 email response.

<b>Table 1. Summary of Public Outreach Efforts</b>		
<b>Media</b>	<b>Information Provided</b>	<b>Date(s) Published</b>
California State Clearinghouse	NOI to Adopt a MND/IS, Draft MND/IS Document	December 8, 2016
San Mateo County Times-Mercury News	NOI to Adopt a MND/IS	December 8, 2016
San Mateo County Clerk	NOI to Adopt a MND/IS	December 8, 2016
Owners/Occupants within 300 feet of Project.	NOI to Adopt a MND/IS	December 8, 2016
City of Pacifica Website	MND/IS Document, Notification of 12/12/16 City Council Meeting, CEQA Public Meeting, Public Review Period	December 8, 2016
Connect with Pacifica (E-newsletter)	Notification of 12/12/16 City Council Meeting, CEQA Public Meeting, Public Review Period	December 2, 2016 December 9, 2016 December 16, 2016 December 22, 2016
NextDoor	Notification of CEQA Public Meeting, Public Review Period	December 13, 2016
On site Posting	Public Review Period	December 29, 2016 through January 13, 2017
Sharp Park Library and Sanchez Library	NOI to Adopt a MND/IS, MND/IS Document	December 8, 2016
Notes: NOI - Notice of Intent CEQA - California Environmental Quality Act MND/IS - Mitigated Negative Declaration/Initial Study		

Staff believes that the Appellant's reference to "action exceptions" is regarding Government Code Section 54954.2(b), which states:

*(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.*

*(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*

*(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).*

*(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is*

*being taken.*

The Planning Commission did not attempt to use one of the above methods to take action on the Project on February 6, 2017. As further discussed under Contention Item 2, the agenda for the February 6, 2017 Planning Commission meeting was posted in compliance with California Government Coder Section 54954.2(a)(1), and included an appropriate brief general description of the Project.

Discussion of the Appellant's appeal of the Project during the February 21, 2017 Planning Commission meeting was limited to identifying the need for a Planning Commission liaison for the March 13, 2017 City Council meeting and a Planning Commissioner volunteering for the role. Designation of a liaison is a standing item on the agenda. It is a scheduling tool only. No substantive discussion of the project occurred. Therefore, no violation of the Brown Act occurred as claimed by the Appellant by not revising the February 21 2017 agenda in response to the February 16 appeal that was submitted.

The appeal of the Planning Commission's approval of the Project, triggers the need for the City Council to consider the Project in accordance with PMC Section 9-4.3208(b). The Project would be noticed and agenized in accordance with California Government Coder Section 54954.2(a)(1).

The appellant's claim that a Brown Act violation occurred during unrelated commission meeting has no bearing on this Project.

The current schedule for the Project anticipates that the Project would be operable in order to comply with the condition of the CDO: "By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs" The City is not anticipating to seek relief under Part XXIV, Force Majeure of the Consent Decree.

5. **Failure to make public for inspection the many documents of public interest related to the project. A California Public Records Act of 2004 requested was submitted within three days of the meeting and has not been completed by staff due to the allowable research period. Therefore information related to this appeal is pending.**

**Discussion:** A Request for Public Records was submitted by the Appellant on February 13, 2017 to the City Clerk. On February 15, 2017 the City Clerk notified the requester that an additional 14 days, beyond the standard 10 days, would be necessary to respond to the request, as allowed under Government Code Section 6253(c)(2). Files were anticipated to be provided to the requester on or before March 9, 2017. The City has responded to the Request for Public Record request in accordance with Public Records Act (Government Code Section 6250 *et seq.*) and to the best of their abilities with the available resources.

6. **The US Army Corps of Engineers is investigating the unprotected wetlands of this site and the adjoining site at 570 Crespi Drive.**

**Discussion:** Staff is unaware of any US Army Corps of Engineers investigation of City-owned property.

7. **The City of Pacifica failed to investigate and/or take the necessary precautions to protect wetlands on city owned property.**

**Discussion:** A biological resources evaluation was prepared by MIG | TRA for the Project (Appendix C of the Draft MND/IS; Attachment C.e). As further explained on page 98 of the Draft MND/IS and page 9 and 17 of the biological resources evaluation, biologists sampled three points within two areas of the Project footprint that had the potential to support wetlands, based on observed hydrology and/or vegetation. The biologists used US Army Corps of Engineers data collection and analysis methodology and determined that the Project site does not contain wetlands as defined by the US Army Corps of Engineers. The Project does not extend into willow vegetation in adjoining areas, and was specifically sited to avoid willow vegetation.

**8. The EQ Basin project violates the Pacifica Municipal Code Use Permit (UP) and the Site Development (PSD) criteria under multiple sections.**

**Discussion:** The Appellant does not provide any details of the claimed violations. Staff determined that the Pacifica Municipal Code (PMC) requires two discretionary permits for this Project, including a Use Permit (UP) and Site Development Permit (PSD).

In accordance with PMC Section 9-4.2303, “in any district where public utility facilities are not expressly permitted, such facilities may be permitted upon securing a use permit [...]” Additionally, the Project site is adjacent to an R-1 (Single Family Residential District) zoning district and per PMC Section 9-4.1202(i), all uses in a C-3 zoning district abutting a residential district require a UP. Lastly, PMC Section 9-4.2306(a)(12) identifies wastewater treatment and reclamation facilities as a special use that Planning Commission can accommodate in any zoning district if it meets the special use permit review criteria detailed in PMC Section 9-4.2306(d). PMC Section 9-4.3201(a) requires a PSD for all new construction in a commercial District.

**A. In order to approve UP-080-16, the City Council must make the following three findings required by PMC Sections 9-4.3303(a):**

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

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

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

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



### **Conservation Element**

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

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

### **Community Facilities Element**

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

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

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

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

### **Noise Element**

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

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

### **Seismic Safety and Safety Element**

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

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

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

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

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

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

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

**Discussion:** A prefabricated, 10-foot tall MCC building equipped with a 4-foot high metal antenna that would allow radio communication with the City's Calera Waste Water Treatment Plant and an odor control system would be located along the northeastern portion of the Skatepark parking lot area. The MCC building would contain six motor starters, one for each of the four, 10-horsepower (hp) duty pumps and one for each of the two, 2-hp dewatering pumps, a panel board, a telemetry panel, and a transformer to step down voltages to the ancillary electrical facilities. Two at-grade ambient air inlets would be located on the west side of the EQ Basin. The odor control system would appear as an approximate 5.5 foot high cylindrical structure, surrounded

by a 6 foot high chain linked fence, located next to the MCC building. Landscaping would be used to reduce the visibility of these structures from public view. Condition of Approval (COA) 2 would require the implementation of a landscaping plan to screen the new aboveground structures.

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

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

**Discussion:** The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ Basin to be planted with trees and shrubs to screen the new aboveground structures.

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

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

***Water Conservation Policy and Landscape Design Guidelines for New Development,***

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

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

- B. In addition, the City Council must determine if the Project meets the following special use permit criteria detailed in PMC Section 9-4.2306(d).
- i. *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and generation of traffic;*

**Discussion:** The Project components are primarily located underground. Aboveground

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

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

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

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

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

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

**Discussion:** See discussion provided under Contention Items 8.A.ii and 8.A.iii of above. The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

- C. In order to approve PSD-816-16, the City Council shall not make any of the following findings [PMC Sec. 9-4.3204(a)]:

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

*as compared with the general character and intensity of the neighborhood;*

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

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

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

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

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

**Discussion:** During construction, the Skatepark parking lot would be closed to the public. As mentioned above, under Contention Item 8.A.i of this staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the

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

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

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

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

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

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

**Discussion:** The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240 feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

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

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

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

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

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

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

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

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

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

**Discussion:** See discussion provided under Contention Item 8.A.iii of this staff report.

The Project would be consistent with the City's adopted Design Guidelines.

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

**Discussion:** See discussion provided under Contention Item 8.A`.ii of this staff report. The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

- 9. There is no publicly available record of the City of Pacifica responding to the CA Dept. of Fish and Wildlife concerns as submitted by Scott Wilson regarding frogs and snakes nor did they conduct an EIR to address them.**

**Discussion:** The City's response to Scott Wilson, Regional Manager of the California Department of Fish and Wildlife Bay Delta Region (CDFW) comment letter on the Draft MND, received by the City on January 6, 2017, was included on page 23 of the Final MND (Attachment C.e). The Project did not require the approval of an Environmental Impact Report based on the CA Department of Fish and Wildlife's comments regarding frogs and snakes because the City was not presented with a fair argument that substantial evidence existed showing that the Project would have a significant impact on frogs and snakes or the environment.

- 10. There is no publicly available document of the City of Pacifica outreaching to the California Coastal Commission regarding the option to place the basin in the parking lot at the Linda Mar Pump Station.**

**Discussion:** The Coastal Commission's jurisdiction is just one of the criteria the 2015 Wet Weather EQ Basin Site Feasibility Evaluation and Addendum used to determine the preferred site for the EQ Basin. Both of these reports are publically available on the Wastewater Department's page of the City's website. Informal communication with the Coastal Commission regarding the Linda Mar Pump Station was noted in the 2015 Wet Weather Equalization Basin Site Feasibility Evaluation on page 5-34. The document states:

*Although Site 4 is owned by the City, a significant consideration for selection of this site is the oversight that the Coastal Commission has west of Highway 1. Preliminary discussions with Coastal Commission staff have indicated that should a permit be required, there would be some permit conditions related to placement and appearance of the controls building as well as construction BMPs. Coastal Commission staff have also suggested that this project may qualify for a waiver. However, the time needed to obtain a waiver can be significant and could significantly impact the project schedule. As no formal consultation has been performed, however, it is unknown what specific permit conditions would be required.*

The City Council approved the current site (Site 2C) at the September 28, 2015 City Council meeting. No public comments regarding specific concerns of the preferred site were made at that time.

- 11. The City of Pacifica failed to conduct a risk assessment as to the potential health risks to children who frequent the Pacifica Skate Park and children who are enrolled in the City operated preschool program.**



**Discussion:** As discussed in the Air Quality Section of the Draft MND/IS (Attachment C.e; Page 83), a Health Risk Assessment was performed for the proposed Project by Illingworth and Rodkin, Inc. in accordance with the Bay Area Air Quality Management District (BAAQMD) guidelines.

Illingworth and Rodkin, Inc. used the U.S. EPA ISCST3 dispersion model to calculate concentrations of diesel particulate matter (DPM) and particulate matter less than 2.5 microns (PM<sub>2.5</sub>) at existing sensitive receptors in the vicinity of the EQ Basin and pipeline sites. The assessment used the most conservative exposure parameters, assuming that receptors are infants (2 years and younger) with continuous exposure throughout the entire construction period. Emission sources for the EQ Basin and pipeline sites were grouped into two categories: exhaust emissions of DPM and fugitive PM<sub>2.5</sub> dust emissions. Health risks were modeled with incorporation of the Mitigation Measure AQ-1, which requires the implementation of BAAQMD recommended dust control measures, and Applicant Proposed Measure APM-1, which requires the use of equipment meeting emissions reduction standards. Based on the modeling results, the health risk at residences for infant exposures and at the Cabrillo Elementary School for child exposure were found to be less than significant.

There would be no substantial risks at the Skatepark or the Community Center, because the primary concern from construction emissions are chronic long-term exposures and the sensitivity of the receptor. Those experiencing temporary short-term exposures would not be adversely affected. Children attending the Community Center preschool program would be exposed for a significantly shorter period of time (several hours per week) compared to residential and school children exposures that assume exposures of at least 8 hours per day.

**12. The noise decibel data for the site was not provided by the consultant nor required by the commission prior to their vote.**

**Discussion:** The City understands this comment to reference a question during the Planning Commission meeting on February 6, 2017, in which the Planning Commissioner requested noise level data for the blower associated with Project operation from one the Project's engineer and the engineer wasn't able to recall the exact decibel (dBA) level of the blower immediately. Although this information wasn't provided for the oral discussions at the Planning Commission meeting, this information was considered by the Planning Commissioners as the noise impacts of the blower was analyzed in the Draft MND/IS. The blower is identified in the Draft MND/IS (Attachment C.e) as generating a noise level of 79 dBA as measured from a distance of 5 feet. Factoring for standard attenuation, the nearest resident would be exposed to blower noise of 49 dBA. This noise level was found to be less than significant with the implementation of mitigation measure NOISE-1 as further described in pages 163 through 176 of the Draft MND/IS.

Furthermore, overall noise impacts of construction and operation of the Project were analyzed in the Draft MND/IS. The noise section of the Draft MND/IS (Attachment C.e) includes the following noise decibel data for the site:

- **Existing Conditions** (starting on page 147) - Illingworth and Rodkin, Inc. conducted a baseline noise monitoring survey in September 2016 to establish the existing ambient noise levels (dBA) of the Project site.
- **Regulatory Setting** (starting on page 157) - Regulatory criteria and threshold noise

levels (dBA) for significant impacts are established.

- **Impact Discussion** (starting on page 162) - Noise impacts of construction and operation of the Project are analyzed based on the typical operating noise levels (dBA) of proposed construction equipment and activities (Tables 11, 12, 13; pages 169 through 175) and the noise level of the odor control system blower.

Impacts from noise during construction and operation of the Project were found to be less than significant with the implementation of mitigation measure NOISE-1.

**13. The Odor Control Plan is not a publicly available document and a request to have that document reviewed by state agency staff is pending.**

**Discussion:** The Project description in the Draft MND/IS (Attachment C.e; page 35) and referenced in the February 6, 2017 Planning Commission Staff Report (Attachment C) describes the odor control system proposed for the Project. The Draft MND/IS includes an analysis of the odor impacts on the environment starting on page 146 (Attachment C.e). The MND/IS concludes that the impact of odor from the Project would be less than significant based on a significant threshold provided by BAAQMD. An Odor Control Plan is not part of the Project and no mitigation measure is required to address odor.

**14. Commissioners have open reservations about the location and the absence of complete information.**

**Discussion:** The Project was approved and the Final MND/IS was adopted at the regularly scheduled February 6, 2017 Planning Commission Meeting at a vote of 5-0. Two planning Commissioner were absent. One of the absent commissioners had to recuse himself from the hearing in accordance with California Government Code Section 87100.

**15. SEP I, II, III funds are intended to secure significant environmental benefits to the watersheds and ocean waters. This proposal is incongruent with the CDO and Consent Decree due to the presence of wetlands and their connection to the watershed.**

**Discussion:** No SEP funds would be used for the Project. The Consent Decree, executed on June 29, 2011 in the U.S. District Court, Northern District of California, has not been violated due to the presence of wetlands in the vicinity of the Project. The City is aware of no such provision in the Consent Decree. Likewise, RWQCB, San Francisco Bay Region, Settlement Agreement and Order number R2-2011-0022 has not been violated due to the presence of wetlands in the vicinity of the Project. The City is aware of no such provision in the Settlement Agreement and Order.

**16. There is no publicly available document showing a Flood simulation or a Flood Response Plan for the site.**

**Discussion:** The need for the preparation of flood simulations or a flood response plan was not identified for this Project. The Project site is located within the FEMA designated 100 year flood zone with a 14 foot BSE. Aboveground elements of the Project would be located above the 14 foot BSE. As further discussed on Page 139 of the Draft MND/IS (Attachment C.e), stormwater runoff from the reconstructed parking lot area would be directed to the two proposed bioretention basins located at the southern end of the parking lot, which would increase the pervious area of the site. The Project would have a

less than significant impact on the 100-year flood hazards areas.

In the event that standing water is present on the roof of the EQ Basin, stormwater would be able to enter the basin through the access hatches if freeboard space was available between the water line and the basin ceiling. However, there is no force in the Project that would push the wastewater in the EQ Basin system up at the Community Center. If the EQ Basin system met its capacity, then an SSO would occur at same locations where current SSOs occur in Linda Mar, which is the lowest point of the sanitary sewer system.

- 17. There is no legal guarantee that this will not be used to store waste long term not is there sufficient evidence with supportive data that this will fix the current SSO problems for Pacifica as a whole. The largest of the sewer overflow events have occurred at the plant itself, not Linda Mar Valley.**

**Discussion:** The City of Pacifica would have to amend the Use Permit and Site Development Permit in order to use the EQ Basin in a manner that is not substantially in conformance with the Project description provided in the MND/IS (Attachment C.e).

- 18. There is not publicly available document showing the effect of sea level rise on this site.**

**Discussion:** Sea level rise was one of the criteria considered in the 2015 Wet Weather EQ Basin Site Feasibility Evaluation and Addendum. As stated on page 5-2 of the 2015 Wet Weather Equalization Basin Site Feasibility Evaluation:

*Latest projections for global sea level rise are on the order of two feet over the next 50 years ([citation]). Note that local rise may be more or less than the global average. In addition to the increased mean sea level, additional wave action is associated with sea level rise. [...] In order to provide protection to these facilities, it is assumed that locating the basin site east of Highway 1 will provide more protection to these facilities due to the additional space and civil infrastructure between the site and the coast.*

The anticipated lifetime of the facility is 75 years. Vulnerability to sea level rise was greater weighted factor considered in the site assessment (see Table 3-2 on page 15 of the Addendum).

Furthermore, CEQA does not require that public agencies analyze the impact of existing environmental conditions on a Project. (California Building Industry Assoc. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369). This is further discussed in Response to Comment 3-1 in the Final MND/IS (Attachment C.e). As such, there is no requirement, and hence no publicly available document, showing the effect of sea level rise on the Project site.

- 19. The City of Pacifica has a history of poor decision making and lack of maintenance related management. This city has normally required past development project to plan for a 100 year storm event, but this project is designed for a 10 year storm event therefore they are applying a less stringent design criteria for their own project.**

**Discussion:** The EQ Basin would be an underground storage facility that would be used to occasionally and temporarily store wet weather sanitary sewer flows caused primarily by inflow and infiltration of groundwater and stormwater into the sanitary sewer collection

system. The EQ Basin is not part of the City's separate storm drain collection system and is not intended to be a component of a flood protection system. The design criteria used to estimate the EQ Basin storage capacity is separate from any design criteria used by the FEMA when developing the Flood Insurance Rate Maps.

- 20. The project does not have appropriate funds set aside to aid those that may be negatively affected by the placement of the EQ Basin. Including but not limited to uneven settling of adjacent properties, foundation and dwelling damage, issues associated with local dewatering of water table, construction noise, dust, emissions, and other associated construction hazards and effects on health.**

**Discussion:** The MND/IS (Attachment C.e) found that the environmental impacts from the Project would be less than significant with the implementation of mitigation measures. Funding to support the implementation of the mitigation measures is included in the overall construction cost for the Project.

- 21. Specific financing sources of this project and the related ongoing maintenance costs have not been disclosed to the taxpayers and residents of the community.**

**Discussion:** The Wastewater Enterprise fund would issue bonds to finance the construction of the EQ Basin. The repayment of the bonds would be supported by revenues from rate payers of the wastewater system. The existing wastewater staff and wastewater maintenance budget would cover the operation and maintenance of the facility, which is also supported by the rate payers of the wastewater system.

### **ADDITIONAL PUBLIC COMMENTS**

In addition to the appeal that was filed, staff received two comment letters from the public since the February 6, 2017 Planning Commission approval. (Attachment E). Staff noted the following general concerns in the comment letters and provides the following responses.

#### **Odor**

As further explained under Contention Item 13 above, the Project would include an odor control system and impacts from odor were found to be less than significant. The Project would be used only during wet weather events that cause the City's existing sanitary sewer system to overflow from I/I, and is estimated to be about five times a year. As a result the EQ Basin would contain wastewater that is diluted with groundwater and stormwater, and is not anticipated to have the same odor intensity of a wastewater treatment plant. Additionally, because the Project would be used during wet weather events and the contents would be pumped out of the EQ Basin within days of collection as capacity in the downstream Crespi sanitary sewer lines and Linda Mar Pump Station allows, warm weather days would not typically occur when the Project is being used. The EQ Basin would be cleaned after each use and empty when not being used.

#### **Funding**

As further explained under Contention Item 21 above, the Project would not be funded by taxpayers, but by rate user of the wastewater system.

#### **Purpose of Project**

As further discussed under the Background heading above, the objective of the Project is to meet the requirements of the CDO and Consent Decree. Specifically, the Project was designed to meet the following condition of the CDO: “By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs.” Currently SSOs occur in the Linda Mar area during wet weather events that cause our existing sanitary sewer system to overflow from I/I. These SSOs create a significant health and environmental hazard to the area. This project would address this issue.

### **Site Approval**

As further discussed under the Background heading above, a Wet Weather EQ Basin Site Feasibility Evaluation and Addendum were released in August 2015 and included an evaluation for multiple locations for the project. The current site (Site 2C) was approved by the City Council, at the September 28, 2015 City Council meeting, as the preferred site for placement of the EQ Basin as it was property the City already owned, had a lower cost for construction, and presented the least public impact. Only one member of the public provided a comment at that hearing and their comment did not identify any specific concerns with the location (Attachment F).

### **STAFF SUMMARY**

As further discussed above, the Appellant has not provided substantial evidence supporting a fair argument that the Project may have a significant effect on the environment. Staff has carefully evaluated various project component types and locations to address the serious issue that is SSOs in the Linda Mar area while balancing the cost and timing of implementation of the alternatives. Based on the results of the evaluation, staff finds that the Project would best address the SSOs while minimizing potential environmental impacts of the Project itself as well as the known environmental impacts of SSOs. While the construction of the Project may create short-term inconveniences to the visitors to the Community Center and Skatepark, residences located adjacent to the pipeline route, and motorists traveling along Crespi Drive, the long-term benefit of the Project to the Linda Mar area and to the City would quickly overshadow these minor disruptions. The Project, as conditioned, would not create a significant impact on the environment and is consistent with the General Plan, the City’s adopted Design Guidelines, and other local regulations. Staff recommends that the Council denies the appeal and upholds Planning Commission’s approval of the UP and PSD and adoption of the MND and MMRP.

### **ALTERNATIVE ACTION:**

The Council has possible alternative actions that it may consider including upholding the appeal and denying the project or requesting modifications to the project design or location. However, staff is not recommending that the Council consider taking an alternative action. As described in this report, the City of Pacifica is required to take action in order meet the following condition of the CDO: “By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs.” The City has conducted substantial research and invested substantial time and resources over the last several years in order to evaluate various project types, location options, and design details based on a variety of criteria in order to conclude that the proposed Project is the superior alternative, all while obtaining approval, support, and input from the Council throughout the process. The Project, as designed, is on track to meet the CDO condition deadline. Modification to the design of the Project or denial of the Project would delay construction and likely prevent the City from meeting the deadline of the CDO condition.

**RELATION TO CITY COUNCIL GOALS AND WORK PLAN:**

The Project is priority 17 on the City Council's 2016-2017 Work Plan. The Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sanitary sewer collection system. The prevention of capacity related SSOs from occurring during wet weather events by implementing a Project that is found to have less than significant impacts on the environment with the implementation of mitigation is supportive of the Council's goals to "preserve and enhance natural resources" as SSOs create a significant impact on the environment as well as public health. The Project would bring the City into compliance with the CDO; and therefore, the City would no longer be vulnerable to noncompliance fines and would support the Council's "fiscal sustainability" goal.

Additionally, construction of City infrastructure to supplement our inadequate sanitary sewer system in the Linda Mar area is supportive of the Council's "stewardship of City infrastructure" goal.

**FISCAL IMPACT:**

The recommended action of denying the appeal and upholding Planning Commission's approval would have a direct cost associated with the construction and operation of the Project. The current estimate of project cost is \$ 20,519,990. As explained under Contention Item 21, the Wastewater Enterprise fund would issue bonds to finance the development of the Project. The repayment of the bonds would be supported by revenues from rate payers of the wastewater system. Operation and maintenance of the facility would covered by the existing wastewater staff and wastewater maintenance budget, which is also supported by the rate payers of the wastewater system. The Project would have no impact on the City's General Fund.

It should be noted that a possible alternative action, which is the decision to uphold the appeal and deny the Project would have its own fiscal impact. The City is mandated to address capacity-caused SSOs by January 1, 2019. As detailed in the CDO, the consequences of non-compliance with the CDO could result in enforcement action by the Regional Water Board, including monetary fines. The maximum fine is \$10,000 per day of violation plus \$10 per gallons of SSO by which the volume discharge exceeds 1,000 gallons. Denial of the Project would result in the cost associate for City staff to research and develop an alternative solution, which based on the evaluation performed in the Master Plan, may have higher cost and a longer construction time associated with it, and would make the City vulnerable to future fines due to non-compliance with the CDO.

**ORIGINATED BY:**

Planning Department  
Planning Department

**ATTACHMENT LIST:**

Attachment A Appeal Form and Attachment submitted by Appellant (PDF)  
Attachment B Map and List of Recipients of PC Hearing Notice (PDF)  
Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (PDF)  
Attachment D 2-6-2017 Meeting Minutes, Signed Resolution, Comment Letters (PDF)  
Attachment E Comment Letters Received After Planning Commission Approval (PDF)

Attachment F 9-28-2015 City Council Meeting Minutes (PDF)  
Attachment G 2-27-2017 Email from Appellant (PDF)



**RESOLUTION NO. \_\_\_\_\_**

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

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Initiated by: City of Pacifica (“Applicant”).

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Conservation Element**

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

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

### **Community Facilities Element**

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

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

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

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

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

### **Noise Element**

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

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

### **Seismic Safety and Safety Element**

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

**Discussion:** The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain<sup>1</sup>. Proposed site improvements including site grading and construction of the EQ Basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber vessel) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the installation of the EQ Basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would improve control of the stormwater runoff. The existing street elevations along the new pipelines would not be changed from existing conditions.

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

The concrete slab for the MCC building and the equipment for the odor control system would be constructed above the FEMA 100-year base flood elevation (BSE)<sup>2</sup> of 14 feet<sup>3</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Water Conservation Policy and Landscape Design Guidelines for New Development,**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**Discussion:** The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

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

AYES, Councilmember:

NOES, Councilmember:

ABSENT, Councilmember:

ABSTAIN, Councilmember:

\_\_\_\_\_  
Mike O'Neill, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy O'Connell, City Clerk

\_\_\_\_\_  
Michelle Kenyon, City Attorney

## Exhibit A

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

**City Council Meeting March 13, 2017**

### Planning Division

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

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

### **Engineering Division of Public Works**

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

### **Building Division**

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

**\*\*END\*\***

# City of Pacifica APPEAL FORM

**RECEIVED**  
FEB 16 2016  
CITY CLERK

### INSTRUCTIONS:

TO FILE AN APPEAL, COMPLETE THIS FORM AND FILE IT WITH THE CITY CLERK'S OFFICE, CITY HALL, 1700 SANITARIA AVENUE, PACIFICA, CA 94044, NO LATER THAN TEN (10) CALENDAR DAYS OF THE DECISION (No postmarks will be accepted), TOGETHER WITH ANY REQUIRED APPEAL FEE. YOU WILL BE NOTIFIED IN WRITING OF THE HEARING DATE FOR YOUR APPEAL.

**APPELLANT:** FILL IN BLANKS AND CHECK APPROPRIATE BOXES BELOW. ATTACH ADDITIONAL SHEETS IF NECESSARY.  
(\$350.00 FEE IS REQUIRED PER APPEAL OF PLANNING COMMISSION DECISIONS(S), IF FILED BY NON-APPLICANT)

### PROPOSED PROJECT:

Title/Name: City of Pac EQ Basin Project  
Address: 740 Crespi Drive  
Applicant/Developer: City of Pacifica

### APPELLANT:

Name: Pacifica Environmental Reform  
Address: PO BOX 959, Pacifica CA 94044  
Phone (Day): 415-793-9917  
necesse@comcast.net

### DECISION OF (check one):

- Planning Commission
- Parks, Beaches & Recreation Commission
- Animal Advisory Commission
- City Staff (Title): \_\_\_\_\_

DECISION DATE: 2/16/2017

### DECISION AT ISSUE: APPROVAL OR DENIAL OF:

- Use Permit
- EIR or Negative Declaration
- Parking Exception
- Site Development Permit
- Coastal Development Permit
- Home Occupation Permit
- Tentative Subdivision Map
- Variance
- Tree Removal Permit
- Animal Permit
- Administrative Decision
- Other: multiple

DESCRIBE DECISION BEING APPEALED: See attached letter.

DESCRIBE GROUNDS FOR APPEAL: see attached letter

### APPELLANT'S RELATIONSHIP TO THE ITEM BEING APPEALED? (check one)

- Project Applicant
- Neighbor
- Concerned Citizen
- Other: PER

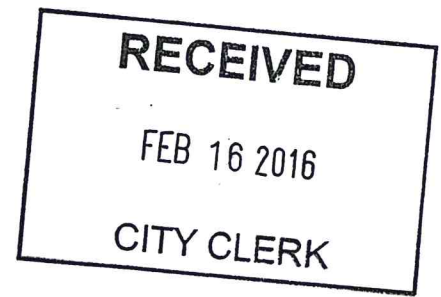
APPELLANT SIGNATURE: X [Signature]

DATE: 2/16/2017

Received by: K. O'Connell Fee Paid: 350.00  
 Receipt Date: 2/16/17 4:15pm  Cash  Check 45890 KO Receipt No. 20139

City Clerk's Office Use Only

Pacifica Environmental Reform  
Post Office Box 959  
Pacifica CA 94044



February 15, 2107

City of Pacifica  
Mayor Michael O'Neill  
170 Santa Maria Avenue  
Pacifica CA 94044

Dear Mayor O'Neill,

Please allow this letter to serve as a formal Appeal to the City with regards to the proposed equalization basin project at the Pacifica Skate Park and Community Center at 540 Crespi Drive. As aggrieved persons who are not satisfied with the action of the Commission, we are providing the Council with substantial evidence that warrants action by the City Council.

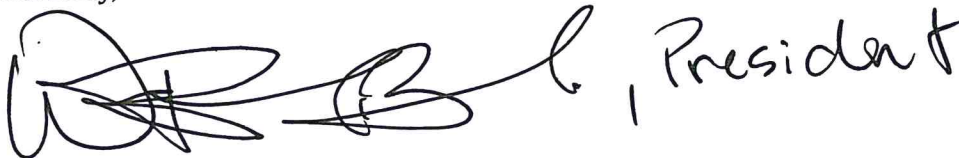
1. Failure to properly notice the project within 300 feet of the proposed site. PMC Sec. 9-4.3302
2. Failure to properly notice the meetings for public comment within 72 hours. §54954.3.
3. Public comment period was held during the holidays thus not providing for appropriate outreach to solicit public comment.
4. Abuse of Discretion: the three action exceptions in the Brown Act do not apply to this project and this complaint is related to the Force Majeure noted in the lawsuit (causing the hasty approval of this project) thus warranting additional review.
5. Failure to make public for inspection the many documents of public interest related to the project. A California Public Records Act of 2004 request was submitted within three days of the meeting and has not been completed by staff due to the allowable research period. Therefore information related to this appeal is pending.
6. The US Army Corps of Engineers is investigating the unprotected wetlands on this site and the adjoining site at 570 Crespi Drive.
7. The City of Pacifica failed to investigate and/or take the necessary precautions to protect wetlands on city owned property.
8. The EQ Basin project violates the Pacifica Municipal Code Use Permit (UP) and Site Development (PSD) criteria under multiple sections.
9. There is no publicly available record of the City of Pacifica responding to the CA Dept of Fish and Wildlife concerns as submitted by Scott Wilson regarding frogs and snakes nor did they conduct an EIR to address them.
10. There is no publicly available document of the City of Pacifica outreaching to the California Coastal Commission regarding the option to place the basin in the parking lot at the Linda Mar Pump Station.
11. The City of Pacifica failed to conduct a risk assessment as to the potential health risks to children who frequent the Pacifica Skate Park and children who are enrolled in the City operated preschool program.
12. The noise decibel data for the site was not provided by the consultants nor required by



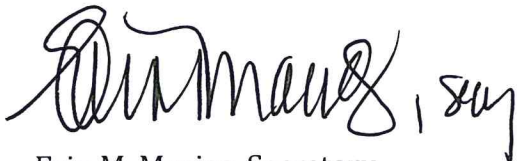
- the Commissioners prior to their vote.
13. The Odor Control Plan is not a publicly available document and a request to have that document reviewed by state agency staff is pending.
  14. Commissioners have open reservations about the location and the absence of complete information.
  15. SEP I, II and III funds are intended to secure significant environmental benefits to the watersheds and ocean waters. This proposal is incongruent with the CDO and Consent Decree due to the presence of wetlands and their connection to the watershed.
  16. There is no publicly available document showing a Flood Simulation or a Flood Response Plan for this site.
  17. There is no legal guarantee that this will not be used to store waste long term nor is there sufficient evidence with supportive data that this will fix the current SSO problems for Pacifica as a whole. The largest of the sewer overflow events have occurred at the plant itself, not Linda Mar Valley.
  18. There is no publicly available document showing the effect of sea level rise on this site.
  19. The City of Pacifica has a history of poor decision making and lack of maintenance related management. The city has normally required past development projects to plan for a 100-year storm event, but this project is designed for a 10-year storm event therefore they are applying a less stringent design criteria for their own project.
  20. The project does not have appropriate funds set aside to aid those that may be negatively affected by the placement of the EQ basin. Including but not limited to uneven settling of adjacent properties, foundation and dwelling damage, issues associated with local dewatering of water table, construction noise, dust, emissions, and other associated construction hazards and effects on health.
  21. Specific financing sources of this project and the related ongoing maintenance costs have not been disclosed to the taxpayers and residents of the community.

Thank you for your consideration of this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "William Booth-Dunbar", followed by the word "President" written in a similar cursive style.

William Booth-Dunbar, President

A handwritten signature in black ink, appearing to read "Erin M. Macias", followed by the word "Secretary" written in a similar cursive style.

Erin M. Macias, Secretary

WBD/emm

http://maps.amgogov.org/CE\_1\_1\_0.html?viewer=2\_2\_0?view=parcels Pin Check Home

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County of San Mateo | Bureau of Land Management, Epi, HERB, GAMIN, INCREMENT P, Internap, USGS, EPA, USDO

10:53 AM 1/20/2017

APN 022142070  
 Pacifica School District  
 375 Reina Del Mar Ave  
 Pacifica, CA 94044

APN 022142160  
 Gwee Zim  
 565 Crespi Dr  
 Pacifica, CA 94044-3423

APN 022142200  
 San Francisco Lodging Llc  
 525 Crespi Dr  
 Pacifica, CA 94044

APN 022162130  
 Thompson David A Tr Et Al  
 28 Escanyo Dr  
 South San Francisco, CA 94080

APN 022162160  
 Beall Jack H W & Lolita M Trs  
 1162 Alicante Dr  
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APN 022162190  
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 Hirsh Mor  
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APN 022162250  
 Mcnichol Robert Bernard  
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 Wong Philip H  
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 Volman Ilan  
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APN 022162230  
 Fainberg Charles B  
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APN 022162260  
 Watts Gregory P  
 1011 Anza Dr  
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 Parrish Adam B  
 995 Anza Dr  
 Pacifica, CA 94044

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 Oceanview Housing Associates Lp  
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APN 022142190  
 Assyrian Foundation Of America  
 129 Forest Side Ave  
 San Francisco, CA 94127

APN 022161140  
 State Of California  
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APN 022173110  
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 Tsavalas Peter Christopher  
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 Mccabe Taryn O Dwyer  
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APN 022173150  
 Powell Mark C  
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APN 022173160  
 Gridley Arnold A & E P Trs  
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APN 022173170  
 Wong Brian E & Alicia A  
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 Velazco Carlos R  
 983 Anza Dr  
 Pacifica, CA 94044-3310

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 Harrington Daniel W  
 975 Anza Dr  
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 Torres Paul A  
 336 Kingsberry Cir  
 Vacaville, CA 95687

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 Tousignant Chantal  
 744 Noriega Way  
 Pacifica, CA 94044-3310

APN 022192050  
 Curran Kathleen Marie  
 951 Anza Dr  
 Pacifica, CA 94044

APN 022192060  
 Hatch David C  
 943 Anza Dr  
 Pacifica, CA 94044-3310

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 Corbett Peter M  
 927 Anza Dr  
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APN 022192090  
 Schaefer Steven C & Tracy V  
 919 Anza Dr  
 Pacifica, CA 94044-3310

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944 Anza Dr  
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Morrison Patrick L & W L  
976 Anza Dr  
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APN 022201010  
Saisi Stephen  
1036 Anza Dr  
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APN 022201040  
Musante Amber  
1120 Cervantes Way  
Pacifica, CA 94044-3325

APN 022193010  
Wallick William J Tr  
1016 Anza Dr  
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APN 022193040  
Godsoe Mary Jeanne Tr  
1128 Balboa Way  
Pacifica, CA 94044-3323

APN 022193070  
Favuzzi Mary Rose Tr  
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APN 022193100  
Reynolds David M Tr  
1176 Balboa Way  
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APN 022193130  
Brown Stanley J & Sophie M Trs  
1528 Madeira Dr  
Pacifica, CA 94044-4333

APN 022193160  
Macedo Carlos M & Jill M  
928 Anza Dr  
Pacifica, CA 94044-3309

APN 022193190  
Hlousek Andria A  
900 Schooner St  
Foster City, CA 94404

APN 022193220  
Hertzberg Veronica L Tr  
984 Anza Dr  
Pacifica, CA 94044-3309

APN 022201020  
Labash Nicholas Joseph Tr  
1108 Cervantes Way  
Pacifica, CA 94044-3325

APN 022201050  
Veimoen Erik  
1128 Cervantes Way  
Pacifica, CA 94044

APN 022193020  
Hall Patrick T & Marilyn S  
1112 Balboa Way  
Pacifica, CA 94044-3323

APN 022193050  
De Klerk Hans P & Kathryn D  
1136 Balboa Way  
Pacifica, CA 94044-3323

APN 022193080  
Roderick James Arhtur Tr  
1160 Balboa Way  
Pacifica, CA 94044-3323

APN 022193110  
Kotlar Daniel J & Adela  
1184 Balboa Way  
Pacifica, CA 94044-3323

APN 022193140  
Ayala Michael V Tr  
912 Anza Dr  
Pacifica, CA 94044-3309

APN 022193170  
Zaheed Murshed M  
936 Anza Dr  
Pacifica, CA 94044-3309

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Carrington Paul R  
968 Anza Dr  
Pacifica, CA 94044-3309

APN 022193230  
Gonzalez Jonathan E  
1008 Anza Dr  
Pacifica, CA 94044-3311

APN 022201030  
Delucchi James M & Eloise  
1112 Cervantes Way  
Pacifica, CA 94044-3325

APN 022201060  
Simmons Charles H Tr  
Po Box 1446  
Pacifica, CA 94044

APN 022201070  
May Margaret  
1144 Cervantes Wy  
Pacifica, CA 94044

APN 022201080  
Zoph Anthony J  
1152 Cervantes Way  
Pacifica, CA 94044

APN 022201090  
Lum Ronald F  
1160 Cervantes Wy  
Pacifica, CA 94044-0000

APN 022201100  
Siconolfi Chris  
1168 Cervantes Wy  
Pacifica, CA 94044

APN 022201110  
Curnenrobb Donna Tr  
1176 Cervantes Way  
Pacifica, CA 94044-3325

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Cressa John  
960 Serena Drive  
Pacifica, CA 94044-3325

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551 Arguello Blvd  
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1175 Balboa Way  
Pacifica, CA 94044-3324

APN 022201170  
Recchia Nicholas P  
1167 Balboa Way  
Pacifica, CA 94044-3324

APN 022201180  
Ballard Melissa Ann Tr  
1159 Balboa Way  
Pacifica, CA 94044

APN 022201190  
Faughender Matthew J & K D  
1151 Balboa Way  
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Arviso Cindy S  
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Lange James P Tr  
1135 Balboa Way  
Pacifica, CA 94044-3324

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Kranzke Michael H & Susan A  
1127 Balboa Way  
Pacifica, CA 94044-3324

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Holtz David A  
1119 Balboa Way  
Pacifica, CA 94044

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Hussein Munawar A  
1111 Balboa Wy  
Pacifica, CA 94044

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1162 Banyan Way  
Pacifica, CA 94044

APN 022203020  
Trainor Rick  
1132 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203030  
Hillard Andrew D Tr  
1136 De Solo Dr  
Pacifica, CA 94044

APN 022203040  
Parham Ryan  
1140 De Solo Drive  
Pacifica, CA 94044

APN 022203050  
Branch Evan E  
1144 De Solo Dr  
Pacifica, CA 94044

APN 022203060  
Taufer Stanley J Jr  
1148 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203070  
Balopoulos Steven M & Rita  
1152 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203080  
Beale Stephen E  
1160 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203090  
Sanchez Sarah D  
1168 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203100  
Yamahiro Philip John & Judy L  
1176 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203110  
Frenkel Leonid  
1184 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203120  
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1190 De Solo Dr  
Pacifica, CA 94044-3327

APN 022203130  
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1189 Cervantes Way  
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Kaplan Steven  
1183 Cervantes Way  
Pacifica, CA 94044-3326

APN 022203170  
Jesser John C  
1175 Cervantes Way  
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APN 022203180  
Axford George S  
1167 Cervantes Way  
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APN 022203190  
Adams Aaron  
1159 Cervantes Wy  
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Checchi Gary M & Mary L  
1151 Cervantes Way  
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APN 022203210  
Hauschildt Steven Tr  
1143 Cervantes Way  
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Michielsen Mark J & Charlis S  
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Pacifica, CA 94044-3326

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Sterling Eben Elfstone  
1127 Cervantes Wy  
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Chaudhari Ajaykumar  
1119 Cervantes Way  
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So San Francisco, CA 94080

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Welch William & Debra  
1107 Cervantes Way  
Pacifica, CA 94044-3326

APN 022204080  
Hicks Michael D & Philomena  
1144 Encanto Way  
Pacifica, CA 94044-3343

APN 022204090  
Hall Robert H Tr  
1152 Encanto Way  
Pacifica, CA 94044-3343

APN 022204100  
Sturm Michael J  
1160 Encanto Way  
Pacifica, CA 94044

APN 022204110  
Abbey Kathy Tr  
1168 Encanto Way  
Pacifica, CA 94044-3343

APN 022204120  
Cooke Kevin R  
1176 Encanto Way  
Pacifica, CA 94044-3343

APN 022204130  
Neckritz Sharon K Tr  
1184 Encanto Way  
Pacifica, CA 94044-3343

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Wineinger Steven C Tr  
1190 Encanto Way  
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Pacifica, CA 94044

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1175 De Solo Dr  
Pacifica, CA 94044-3328

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1151 De Solo Dr  
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Weber Joseph P & Therese Trs  
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APN 022205050  
Blake Thomas A Tr  
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Morrison Philip J  
651 Linda Mar Blvd  
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Jimenez Michael A  
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Oltz Michael H  
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Inouye Akiyoshi Tr  
619 Arguello Blvd  
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APN 022204180  
Simmonds Leland W & Debra J  
1108 Cervantes Wy  
Pacifica, CA 94044-3328

APN 022204210  
Rebollini Michael Angelo  
1167 De Solo Drive  
Pacifica, CA 94044

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Parque Barbara  
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APN 022205030  
Righetti Josephine D Tr  
612 Arguello Blvd  
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Baxter Ronald F & Martine G  
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Hong Gene Tr  
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Swanson Pauline A Tr  
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APN 023051320  
Warren Harry R Tr  
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APN 023051330  
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611 Montezuma Dr  
Pacifica, CA 94044-4028

APN 023051340  
Hom Dalton  
607 Montezuma Dr  
Pacifica, CA 94044-4028

APN 023051350  
Becraft Karen L & Paul H  
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Pacifica, CA 94044-4038

APN 023051360  
Cadden Gabriel D  
1215 De Solo Dr  
Pacifica, CA 94044

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575 Crespi Dr  
Pacifica, CA 94044

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555 Crespi Dr  
Pacifica, CA 94044

APN 022142180  
The Occupant  
680 Roberts Rd  
Pacifica, CA 94044

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The Occupant  
694 Roberts Rd  
Pacifica, CA 94044

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The Occupant  
525 Crespi Dr  
Pacifica, CA 94044

APN 022162130  
The Occupant  
1063 Anza Dr  
Pacifica, CA 94044

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1007 Anza Dr  
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1003 Anza Dr  
Pacifica, CA 94044

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995 Anza Dr  
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610 Crespi Dr  
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580 Crespi Dr  
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1060 Anza Dr  
Pacifica, CA 94044

APN 022173110  
The Occupant  
1140 Fernandez Way  
Pacifica, CA 94044

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651 Arguello Blvd  
Pacifica, CA 94044

APN 022173130  
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APN 022173140  
The Occupant  
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Pacifica, CA 94044

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Pacifica, CA 94044

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903 Anza Dr  
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504 Arguello Blvd  
Pacifica, CA 94044

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Pacifica, CA 94044

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Pacifica, CA 94044

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Pacifica, CA 94044

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Pacifica, CA 94044

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The Occupant  
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APN 022192190  
The Occupant  
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Pacifica, CA 94044

APN 022192200  
The Occupant  
935 Anza Dr  
Pacifica, CA 94044

APN 022193010  
The Occupant  
1015 Anza Dr  
Pacifica, CA 94044

APN 022193020  
The Occupant  
1112 Balboa Way  
Pacifica, CA 94044

APN 022193030  
The Occupant  
1120 Balboa Way  
Pacifica, CA 94044

APN 022193040  
The Occupant  
1128 Balboa Way  
Pacifica, CA 94044

APN 022193050  
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Pacifica, CA 94044

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1144 Balboa Way  
Pacifica, CA 94044

APN 022193070  
The Occupant  
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Pacifica, CA 94044

APN 022193080  
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Pacifica, CA 94044

APN 022193090  
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1168 Balboa Way  
Pacifica, CA 94044

APN 022193100  
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1176 Balboa Way  
Pacifica, CA 94044

APN 022193110  
The Occupant  
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Pacifica, CA 94044

APN 022193120  
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Pacifica, CA 94044

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The Occupant  
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Pacifica, CA 94044

APN 022193140  
The Occupant  
912 Anza Dr  
Pacifica, CA 94044

APN 022193150  
The Occupant  
920 Anza Dr  
Pacifica, CA 94044

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Pacifica, CA 94044

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Pacifica, CA 94044

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Pacifica, CA 94044

APN 022193190  
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952 Anza Dr  
Pacifica, CA 94044

APN 022193200  
The Occupant  
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Pacifica, CA 94044

APN 022193210  
The Occupant  
976 Anza Dr  
Pacifica, CA 94044

APN 022193220  
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984 Anza Dr  
Pacifica, CA 94044

APN 022193230  
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1008 Anza Dr  
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APN 022201010  
The Occupant  
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Pacifica, CA 94044

APN 022201020  
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APN 022204200  
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Pacifica, CA 94044

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APN 023041270  
The Occupant  
500-1217 Linda Mar Shopping Center  
Pacifica, CA 94044

APN 023051010  
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604 Linda Mar Blvd  
Pacifica, CA 94044

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1219 De Solo Dr  
Pacifica, CA 94044

APN 023051360  
The Occupant  
1215 De Solo Dr  
Pacifica, CA 94044



**O'Connor, Bonny**

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**From:** O'Connor, Bonny  
**Sent:** Wednesday, January 25, 2017 12:18 PM  
**To:** Gibbs, Tina  
**Subject:** EQ Basin mailer ready and a couple of more addresses  
**Attachments:** 2017-0125 EQ Basin mailer.docx

Tina,  
Please go ahead with the attached mailer.  
Please also send this mailer to:

Scott Wilson, Regional Manager  
California Department of Fish and Wildlife  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558

Patricia Maurice, District Branch Chief  
California Department of Transportation  
Office of Transit and Community Planning  
PO Box 23660, MS-10D  
Oakland, CA 94623

Lorie Bowie  
209 Marvilla Cir  
Pacifica, CA 94044

Eamon Murphy  
60 Driftwood Cir  
Pacifica, CA 94044

Thanks,  
Bonny

Bonny O'Connor, AICP  
Assistant Planner  
Planning Department  
City of Pacifica  
1800 Francisco Blvd.  
Pacifica, CA 94044  
[www.cityofpacific.org](http://www.cityofpacific.org)

Email: [o'connorb@ci.pacific.ca.us](mailto:o'connorb@ci.pacific.ca.us)  
Phone: (650) 738-7443  
Fax: (650) 359-5807



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## PLANNING COMMISSION Staff Report

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**DATE:** February 6, 2017

**FILE:** UP-080-16  
PSD-816-16

**ITEM:** 3

**PUBLIC NOTICE:** Notice of Public Hearing was published in the Pacifica Tribune on January 25, 2017, and was mailed to 394 property owners and occupants within the 300 feet of the Project site.

**APPLICANT/OWNER:** City of Pacifica  
170 Santa Maria Avenue  
Pacifica, CA 94044

**PROJECT LOCATION:** 540 Crespi Drive (APN: 022-162-420)

**PROJECT DESCRIPTION:** Construction of a 2.1 million-gallon capacity equalization (EQ) basin, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the EQ basin at 540 Crespi Drive in Pacifica. The Project would also include construction of two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the EQ basin during storm events and an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd Pump Station.

**SITE DESIGNATIONS:** General Plan: Public Facility  
Zoning: M-1 (Controlled Manufacturing District)

**RECOMMENDED CEQA STATUS:** A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and are recommended for adoption.

**ADDITIONAL REQUIRED APPROVALS:** None. Subject to appeal to the City Council.

**RECOMMENDED ACTION:** Approve, as conditioned.

**PREPARED BY:** Bonny O'Connor, Assistant Planner

## **PROJECT SUMMARY**

### **1. Project Background**

The City of Pacifica (City) would construct and utilize the proposed wet weather flow equalization basin (EQ basin) and associated pipelines (together referred to as “Project”) as a key element to mitigate storm-related sanitary sewer overflows (SSOs) in the City’s wastewater collection system and reduce peak wet weather flows to the City’s Calera Creek Water Recycling Plant. The City’s wastewater collection system is subject to infiltration and inflow (I/I) of extraneous groundwater and storm water into the collection system, resulting in high wet weather flows during storm events. As a result, SSOs have occurred at several locations in the system during large storms.

Since 2004, the City has been required to monitor and report occurrences of SSOs, initially to the San Francisco Bay Regional Quality Control Board (RWQCB), and since 2007 to the State Water Resources Control Board (SWRCB) under the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems adopted in 2006. Under the Regional and State regulations, the City is also required to prepare and adopt a Sewer System Management Plan (SSMP), which must include plans and programs for addressing the operation and maintenance of the system and assessing its condition and capacity. The City prepared the Collection System Master Plan<sup>1</sup> (Master Plan) to meet specific SSMP requirements, as well as to develop a long-term plan for rehabilitation, replacement, and capacity improvements to its system.

As a result of SSOs that have occurred in the system, the RWQCB issued a Cease and Desist Order (CDO) to the City in May 2011, and the City entered into a Consent Decree with Our Children’s Earth Foundation in June 2011, requiring it to implement a number of measures targeted at reducing SSOs. The CDO and Consent Decree have similar requirements, including:

- Developing and implementing an SSO reduction plan;
- Implementing a computerized maintenance management system;
- Implementing programs addressing system-wide cleaning, root control, illicit discharge elimination, and private sewer lateral inspection and repair;
- Performing a condition assessment of the collection system;
- Preparing a System Evaluation and Capacity Assurance Plan (SECAP);
- Staff training in implementing the measures; and
- Developing an initial and long-term capital improvement plan (CIP) and financial plan.

The Master Plan specifically addresses the condition assessment of the system (based on inspection data collected), the SECAP, and development of a long-term CIP.

The City evaluated many options to meet the requirements presented in the CDO and Consent Decree. The Master Plan included evaluation of three alternatives, including a capacity enhancement only project, the installation of an EQ basin, and capacity improvements with sewer system rehabilitation. Based on this comparison, the best alternative was determined to be the implementation of an EQ basin. This alternative was determined to provide the best assurance of meeting regulatory and legal

<sup>1</sup> RMC. 2011. City of Pacifica Collection System Master Plan Final Report. October. Available Online: <http://www.cityofpacific.org/civicax/filebank/blobdload.aspx?blobid=5267>

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 UP-080-16  
 PSD-816-16  
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 Page 3

requirements to eliminate capacity-related SSOs in the near term, and has the lowest estimated capital cost of the three alternatives.

In August 2015 Wet Weather EQ basin Site Feasibility Evaluation<sup>2,3</sup> was released and included an evaluation of multiple locations for the project. The Sites identified in the Feasibility Evaluation and Addendum are shown in Attachment D. The current site (Site 2C) was selected by the City Council as the preferred site for placement of the EQ basin as it was property the City already owned, had a lower cost for construction, and presented the least public impact.

The objective of the Project is to meet the requirements of the CDO and Consent Decree. Specifically, the Project was designed to meet the following condition of the CDO: "By January 1, 2019, the Discharger shall have no insufficient capacity-caused SSOs."

## **2. Project Description**

The Project would include the construction of a 2.1-million-gallon capacity EQ basin, two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the EQ basin during storm events, an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd Pump Station, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the EQ basin.

The EQ basin would be located within the parking lot for the City of Pacifica's Skatepark and Community Center (located at 540 Crespi Drive) on the east side of SR-1. The proposed two diversion structures and conveyance pipelines to and from the EQ basin would be constructed in City-owned right-of-ways or public utility easements.

A description of the construction and operation phases of the Project is provided in Attachment E. During construction of the EQ Basin, the Skatepark parking lot would be closed to the public, and normal parking in this area would be diverted to the Crespi Parking Lot west of the Community Center. The Skatepark and Community Center would maintain their regular hours of operation. Following completion of EQ basin construction, the Skatepark parking lot would be reconstructed over the EQ basin structure to provide, at minimum, the same number of parking spots as in the existing parking lot.

Project construction is anticipated to occur during a 17-month period starting in May 2017 and ending in September 2018. Construction would occur Monday through Friday during the hours as detailed in Table 1.

<sup>2</sup> RMC. 2015. City of Pacifica Wet Weather Equalization Basin Site Feasibility Evaluation Final Report. August. Available Online: <http://www.cityofpacificacalifornia.org/civicax/filebank/blobdload.aspx?blobid=7811>

<sup>3</sup> RMC. 2015. City of Pacifica Wet Weather Equalization Basin Site Feasibility Evaluation Site Alternative 2C and Prioritization Addendum to Site Feasibility Evaluation Report. August. Available Online: <http://www.cityofpacificacalifornia.org/civicax/filebank/blobdload.aspx?blobid=7812>

**Table 1. Construction Hours**

Location	Hours of Construction
Within the EQ basin area (Skatepark parking lot area including the excavation for the jacking and receiving pits)	8:00 a.m. to 5:00 p.m.
Along City streets (except at the intersection of Linda Mar Boulevard and De Solo Drive)	9:00 a.m. to 4:00 p.m.
At the intersection of Linda Mar Boulevard and De Solo Drive	9:00 a.m. to 3:00 p.m.

### 3. General Plan, Zoning, and Surrounding Land Uses

The General Plan land use designation for the site is Public Facilities. The zoning district for the site is M-1 (Controlled Manufacturing District). The M-1 District has the same permitted uses and development regulations as the C-3 District. The proposed EQ basin construction site is bounded by vacant areas to the east and west, residential parcels approximately 80 feet to the southwest, and the Skatepark and Community Center complexes to the west and north, respectively. There is an open, vegetated drainage swale between the southeastern end of the parking lot and the nearby residences.

### 4. Municipal Code

The Pacifica Municipal Code (PMC) requires two discretionary permits for this project, including a Use Permit (UP) and Site Development Permit (PSD).

In accordance with PMC Section 9-4.2303, "in any district where public utility facilities are not expressly permitted, such facilities may be permitted upon securing a use permit [...]." Additionally, the Project site is adjacent to an R-1 (Single Family Residential District) zoning district and per PMC Section 9-4.1202(i), all uses in a C-3 zoning district abutting a residential district require a UP. Lastly, PMC Section 9-4.2306(a)(12) identifies wastewater treatment and reclamation facilities as a special use that Planning Commission can accommodate in any zoning district if it meets the special use permit review criteria detailed in PMC Section 9-4.2306(d).

- **Use Permit UP-080-16:** The Planning Commission must make the following findings in order to approve an UP [PMC Sec. 9-4.3303(a)]:
  - i. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
  - ii. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan; and
  - iii. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

In addition, the Planning Commission must determine if the Project meets the following special use permit criteria detailed in PMC Section 9-4.2306(d).

- iv. That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and generation of traffic;
- v. That the proposed development will enhance the successful operation of the community or will provide a service to the community;
- vi. That particular attention is given to the provision of buffering of uses from the surrounding neighborhood;
- vii. That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and
- viii. That the project is consistent with the goals and policies of the General Plan, Local Coastal Plan and with the adopted Design Guidelines.

PMC Section 9-4.3201(a) requires a PSD for all new construction in a commercial District.

- **Site Development Permit PSD-816-16:** The Planning Commission shall not issue a Site Development Permit if the Commission makes any of the following findings [PMC Sec. 9-4.3204(a)]:
  - i. That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;
  - ii. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses;
  - iii. That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;
  - iv. That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;
  - v. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;
  - vi. That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code;
  - vii. That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;

- viii. That the proposed development is inconsistent with the City's adopted Design Guidelines; or
- ix. That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

## **5. Required Findings**

A. In order to approve UP-080-16 the Planning Commission must make the following three findings required by PMC Sections 9-4.3303(a):

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

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

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

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

### **Conservation Element**

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

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

### **Community Facilities Element**

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

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

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

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

**Noise Element**

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

**Discussion:** The MND/IS analyzed the impact of the proposed Project on the existing ambient noise levels (See Attachment E and Section 5 of this staff report). It was concluded that, with the incorporation of MM NOISE-1, impacts on noise levels for surrounding receptors would be less than significant during construction and operation of the Project.

**Seismic Safety and Safety Element**

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

**Discussion:** The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain<sup>4</sup>. Proposed site improvements including site grading and construction of the EQ basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the

<sup>4</sup> Federal Emergency Management Agency. 2017. FEMA National Flood Hazard Layer. Accessed January 4, 2017.



installation of the EQ basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would increase the pervious area of the site, thereby allowing for greater infiltration during storm events. The existing street elevations along the new pipelines would not be changed from existing conditions.

The concrete slab for the MCC building and the odor control system would be constructed above the FEMA 100-year flood elevation of 14 feet above mean sea level<sup>5</sup>.

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

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

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

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

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

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

***Landscaping, Parking areas.*** All parking areas should be landscaped with fast growing trees and/or shrubs in order to screen vehicles from view and minimize the visual

<sup>5</sup> Ibid.

*impact of expansive areas of asphalt. Such landscaping should not obscure views necessary for traffic safety. (Page 6)*

**Discussion:** The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ basin to be planted with trees and shrubs to screen the new aboveground structures.

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

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

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

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

In addition, the Planning Commission must determine if the Project meets the following special use permit criteria detailed in PMC Section 9-4.2306(d).

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

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

implementation of identified mitigation measures. Therefore, the proposed use would be compatible with the permitted use of the site.

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

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

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

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

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

**Discussion:** See discussion provided under Sections 4.A.ii and 4.A.iii of this staff report. The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

- B. In order to approve PSD-816-16, the Planning Commission shall not make any of the following findings [PMC Sec. 9-4.3204(a)]:

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

**Discussion:** During construction, the Pacifica Skatepark parking lot would be closed to the public. Construction activities for the proposed pipeline along City residential streets would occur in stages in order to minimize disturbance and to maintain circulation and access through the Project area. The Project would require temporary lane closures of sections of

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

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

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

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

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

**Discussion:** During construction, the Skatepark parking lot would be closed to the public. As mentioned above in Section 5.A.i of this staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the south side Crespi Drive and located immediately north of the Community Center would be restricted to parking by the Wheels on Wheels staff, Community Center kitchen deliveries, and Senior Citizen buses between the weekday hours of 6 a.m. to 5 p.m. throughout the construction of the EQ basin. Parking along this portion of Crespi Drive would be restored to existing conditions at the completion of the Project.

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

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

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

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

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

**Discussion:** The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240 feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

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

quality on the surrounding properties. Therefore the Project would not hinder or discourage appropriate development of adjacent properties.

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

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

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

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

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

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

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

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

**Discussion:** See discussion provided under Section 5.A.iii of this staff report. The Project would be consistent with the City's adopted Design Guidelines.

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

**Discussion:** See discussion provided under Section 5.A.ii of this staff report. The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

## 6. CEQA Recommendation

The proposed Project is not exempt from the California Environmental Quality Act (CEQA). Terraphase Engineering Inc. (Terraphase), on behalf of the City of Pacifica as the CEQA Lead Agency, prepared an Initial Study (IS) to determine whether the Project may have a significant adverse effect on the environment. Based on the results of the IS, the City determined that the potential adverse effects would be reduced to a level that is less than significant through Project revisions, therefore the City determined adoption of a Mitigated Negative Declaration (MND) would be appropriate for the Project.

### Draft MND/IS

Terraphase, on the City of Pacifica's behalf, prepared a Draft MND/IS. Table 2 summarizes the level of impact the Project would have on each environmental resource considered under CEQA.

**Table 2. Summary of Environmental Impacts Identified in the Draft MND/IS**

Resource	Level of Impact
Aesthetics	Less than Significant Impact with Mitigation
Agricultural and Forestry Resources	No Impact
Air Quality	Less than Significant Impact with Mitigation
Biological Resources	Less than Significant Impact with Mitigation
Cultural Resources/Tribal Resources	Less than Significant Impact with Mitigation
Geology and Soils	Less than Significant Impact
Greenhouse Gas Emissions	Less than Significant Impact
Hazards and Hazardous Materials	Less than Significant Impact with Mitigation
Hydrology and Water Quality	Less than Significant Impact with Mitigation
Land Use and Planning	Less than Significant Impact
Mineral Resources	No Impact
Noise	Less than Significant Impact with Mitigation
Population and Housing	No Impact
Public Services	Less than Significant Impact with Mitigation
Recreation	Less than Significant Impact
Transportation and Circulation	Less than Significant Impact with Mitigation
Utilities and Service Systems	Less than Significant Impact

The Draft MND/IS identified that the proposed Project would have potential significant impacts on nine resources, however, with the implementation of the mitigation measures detailed in the Draft MND, it was concluded no impact would remain significant. The potential significant impacts and the MMs are fully detailed in the MND/IS (Attachment E), and are summarized below.

- **Aesthetics.** Removal of heritage trees would impact scenic resources along eligible State Scenic Highway 1 and existing visual character of the site and surroundings. MM AES-1 would require replacement of the trees as close as possible to the original tree location.
- **Air Quality.** Dust and emissions from construction equipment would exceed Bay Area Air Quality Management District (BAAQMD) significance threshold for particulate matter emissions. MM AQ-1 would require implementation of BAAQMD recommended dust control measures and

utilization of more construction equipment with greater emissions controls than typical equipment.

- **Biological Resources.** Sensitive species, sensitive natural communities, and movement of wildlife that could be present within the Project boundaries could be disturbed. MMs BIO-1 and BIO-2 would require pre-construction surveys for species by biologist, wildlife exclusion fencing to prevent access of species to work area, daily inspections by biologist, best management practices to avoid disturbance of previously undisturbed areas, etc.
- **Cultural Resources.** Previously undiscovered prehistoric, historic, paleontological, human remains, or tribal cultural resources which may be present could be disturbed. MMs CUL-1 and CUL-2 would require training of work crew on identification of cultural resources and stop work if potential cultural resources are observed, and consultation with archaeologist or paleontologist.
- **Hazards and Hazardous Materials.** Contaminated soil or groundwater could be encountered during construction, and there is the potential for accidental release of hazardous materials during construction. MM HAZ-1 would require pre-construction survey for utilities, training for workers on identifying contaminated soil, stop work if contamination is observed, and consult with an environmental consultant. MM HAZ-2 would require the implementation of best management practices for onsite hazardous materials to mitigate spill potential.
- **Hydrology and Water Quality.** Improper management of stormwater and dewatered could result in a violation of waste discharge requirements. MM HYDRO-1 would require the development of a dewatering plan, including specified elements.
- **Noise.** Construction of the Project, and operation of the ventilation system blower, could increase ambient noise or the thresholds in the City's Draft General Plan. MM NOISE-1 would require the contractor to prepare a Noise Control Plan including specified elements, and shall construct a temporary noise barrier to shield nearby receptors.
- **Public Services.** Road closures during construction could impact emergency vehicle routes. MM PUB-1 would require 48-hour notification to emergency service providers prior to road closures.
- **Transportation and Circulation.** Construction traffic would impact the level of service of local highways and roads. MM TRANS-1 would require the preparation of a Traffic Control Plan with specified elements.

### Public Outreach and Comments

The Draft MND/IS was released for public review on December 8, 2016, which commenced a 37 day public review period.<sup>6</sup> A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was prepared in accordance with Section 15072(g) of the CEQA Guidelines. The NOI was provided to the State Clearinghouse, the San Mateo County Clerk on December 8, 2016. The NOI was also published on

<sup>6</sup> CEQA Guideline Sections 15073(a) and 15105(b) requires at least a 30 day public review period for an MND/IS.



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December 8, 2016 in the San Mateo County Times-Mercury News and mailed to owners and occupants of property within 300 feet of the proposed Project.<sup>7</sup> Public outreach efforts are summarized in Table 3.

**Table 3. Summary of Public Outreach Efforts**

Media	Information Provided	Date(s) Published
California State Clearinghouse	NOI to Adopt a MND/IS, MND/IS Document	December 8, 2016
San Mateo County Times- Mercury News	NOI to Adopt a MND/IS	December 8, 2016
San Mateo County Clerk	NOI to Adopt a MND/IS	December 8, 2016
Owners/Occupants within 300 feet of Project.	NOI to Adopt a MND/IS	December 8, 2016
City of Pacifica Website	MND/IS Document, Notification of City Council Meeting, CEQA Public Meeting, Public Review Period	December 8, 2016
Connect with Pacifica (E-newsletter)	Notification of City Council Meeting, CEQA Public Meeting, Public Review Period	December 2, 2016 December 9, 2016 December 16, 2016 December 22, 2016
NextDoor	Notification of CEQA Public Meeting, Public Review Period	December 13, 2016
On site Posting	Public Review Period	December 29, 2016 through January 13, 2017
Notes: NOI – Notice of Intent CEQA – California Environmental Quality Act MND/IS –Mitigated Negative Declaration/Initial Study		

Staff hosted a public meeting for the CEQA document at the Community Center on December 15, 2016. Notification for the meeting was included in the NOI and was advertised as noted in Table 3. Approximately 12 members of the public attended the meeting. Staff noted that attendees mainly had questions to better understand the purpose, need, and description of the Project. Staff noted a verbal comment made on the document, which was regarding concerns of impacts on traffic during drop off and pick-up of students at the nearby Cabrillo Elementary School during construction.

During the public comment period, a total of 5 comment letters were received. Table 4 provides a list of the commenters and a summary of the comment topics. The written comments and the verbal comment noted above were addressed in the Final MND/IS.

<sup>7</sup> CEQA Guideline Section 15072(b) requires only one of these notification methods.

**Table 4. Commenters on Draft MND/IS and Summary of Comment Topics**

Commenter	Summary of Comment Topics
California Department of Fish and Wildlife, Bay Delta Region	San Francisco Garter Snake Mitigation Measure (BIO-1), Filing Fees
California Department of Transportation, District 4	Transportation and Encroachment Permits, Cultural Resources
Mike O'Connell	Sea level rise
Lorie Bowie	Flooding, sanitary sewer equipment status
Eamon Murphy	Soil off haul

### Final MND/IS and Mitigation Monitoring and Reporting Program

The Final MND/IS includes written public comment letters on the Draft MND/IS (Table 4) and presents responses to the written public comments; and as necessary makes corrections and clarifications to the Draft MND/IS. The Final MND/IS document, together with the Draft MND/IS constitute the Final MND/IS for the Project (Attachment E). Public Resources Code Section 21081.6(a) requires the Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for projects subject to the preparation of MNDs. The MMRP for the Project is included as part of the Final MND in Attachment E.

The edits included in the Final MND as a result of the comments received provide clarification of information and do not constitute a "substantial revision" as defined under Section 15073.5(b) of the CEQA Guidelines. None of the circumstances that would require recirculation of the Draft MND/IS, as detailed in Section 15073.5(c), apply to the document. Information presented in Final MND support the City's determination that recirculation of the Draft MND/IS is not required and the impacts of the project would be less than significant with the implementation of the identified mitigation. The City has prepared this document pursuant to Sections 15070 through 15074 of the CEQA Guidelines which address the preparation of MNDs.

### 7. Staff Analysis

Staff has carefully evaluated various project types and locations to address the serious issue that is SSOs in the Linda Mar area while balancing the cost and timing of implementation of the alternatives. Based on the results of the evaluation, staff finds that the proposed Project would best address the SSOs while minimizing potential environmental impacts of the Project itself as well as the known environmental impacts of SSOs. While the construction of the Project may create short-term inconveniences to the visitors to the Community Center and Skatepark, residences located adjacent to the pipeline route, and motorists traveling along Crespi Drive, the long-term benefit of the Project to the Linda Mar area and to the City would quickly overshadow these minor disruptions. The Project, as conditioned, would not create a significant impact on the environment and is consistent with the General Plan, the City's adopted Design Guidelines, and other local regulations.

### COMMISSION ACTION

#### MOTION FOR APPROVAL:

Move that the Planning Commission certify and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act and **APPROVE** Use Permit UP-080-16 and Site Development Permit PSD-816-16, by adopting the resolution

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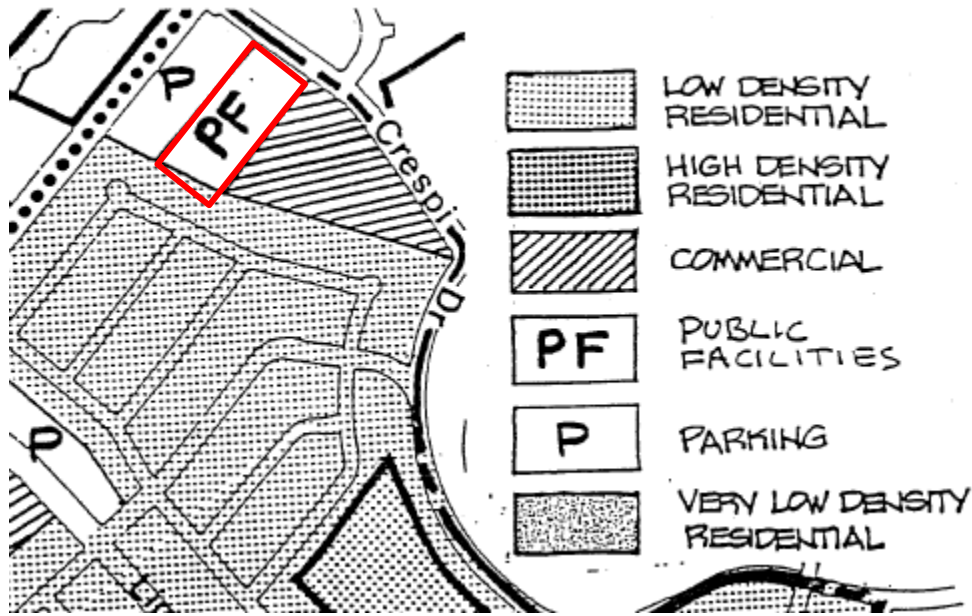
included as Attachment B to the staff report, including conditions of approval in Exhibit A to the resolution; and, incorporate all maps and testimony into the record by reference.

**ATTACHMENTS:**

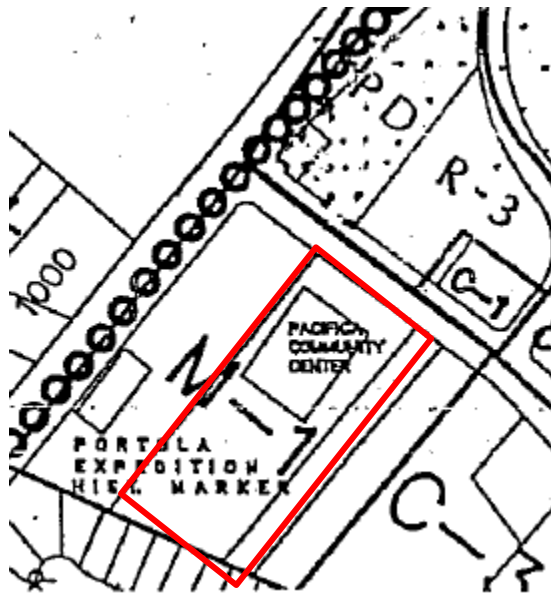
- A. Land Use and Zoning Exhibit
- B. Resolution of Approval and Conditions of Approval (Exhibit A)
- C. Selected Sheets of 100 percent Building Plans
- D. Figure of Alternative Locations Considered for the EQ Basin
- E. City of Pacifica Wet Weather Equalization Basin Project Final Mitigated Negative Declaration/Initial Study (The Draft MND/IS was provided to Planning Commissioners in December 2016 and is available online at [http://www.cityofpacific.org/depts/planning/environmental\\_documents/default.asp](http://www.cityofpacific.org/depts/planning/environmental_documents/default.asp))
- F. Comment Letters Received After the Public Comment Period

# Land Use and Zoning Exhibit

General Plan Land Use Designation



Zoning District



**RESOLUTION NO. \_\_\_\_\_**

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

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Initiated by: City of Pacifica (“Applicant”).

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

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

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

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

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

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

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

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

Use Permit UP-080-16 and PSD-816-16  
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**WHEREAS**, Terraphase Engineering Inc., on behalf of the City of Pacifica Planning Division prepared the *City of Pacifica Wet Weather Equalization Basin Project Draft Mitigated Negative Declaration/ Initial Study* (MND/IS) for the Project in accordance with Public Resources Code Section 21000 *et seq.* and CEQA Guidelines Section 15000 *et seq.*; and

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pacifica as follows:

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

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

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

**Discussion:** The MND/IS prepared for the proposed Project concludes that the construction, operation and maintenance of the Project would not have a significant impact on the environment with the implementation of the incorporated mitigation measures (MMs). The Project would meet all applicable building code and engineering requirements and would comply with all applicable regulatory requirements.

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

**Discussion:** The proposed use is consistent with the General Plan and the local Coastal Plan is not applicable to the Project site. The issue of I/I into the sanitary sewer system

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during wet weather events and the need to improve the sanitary sewer system capacity is mentioned in multiple locations within the General Plan, as noted below.

### **Conservation Element**

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

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

### **Community Facilities Element**

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

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

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

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

### **Noise Element**

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



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**Discussion:** The MND/IS analyzed the impact of the proposed Project on the existing ambient noise levels (See Attachment E and Section 5 of this staff report). It was concluded that, with the incorporation of MM NOISE-1, impacts on noise levels for surrounding receptors would be less than significant during construction and operation of the Project.

### **Seismic Safety and Safety Element**

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

**Discussion:** The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain<sup>1</sup>. Proposed site improvements including site grading and construction of the EQ basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the installation of the EQ basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would increase the pervious area of the site, thereby allowing for greater infiltration during storm events. The existing street elevations along the new pipelines would not be changed from existing conditions.

The concrete slab for the MCC building and the odor control system would be constructed above the FEMA 100-year flood elevation of 14 feet above mean sea level<sup>2</sup>.

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

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

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

<sup>2</sup> *Ibid.*

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

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

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

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

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

**Discussion:** The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ basin to be planted with trees and shrubs to screen the new aboveground structures.

***Landscaping, Screening.** Dense landscaping should be used to screen unattractive features such as storage areas, trash enclosures, transformers and*

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*generators, vacuum breakers, and elements which do not contribute to the visual enhancement of the surroundings. (Page 6)*

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

***Water Conservation Policy and Landscape Design Guidelines for New Development,***

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

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

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

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

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

- b) That the proposed development will enhance the successful operation of the community or will provide a service to the community;

**Discussion:** The proposed Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sewer system. SSOs create a significant impact on the environment, and in particular on water

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quality. The Project would prevent capacity related SSOs from occurring during wet weather events. This project would also meet the requirements of the CDO and Consent Decree. Therefore the project would enhance the successful operation of the community.

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

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

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

**Discussion:** The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

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

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

**Discussion:** During construction, the Pacifica Skatepark parking lot would be closed to the public. Construction activities for the proposed pipeline along City residential streets would occur in stages in order to minimize disturbance and to maintain circulation and access through the Project area. The Project would require temporary lane closures of sections of City residential streets during construction. Lane closures would be required during the pipeline installation in the rights-of-way along Anza Drive, Balboa Way, Arguello Boulevard, De Solo Drive, and Linda Mar Boulevard. The construction associated with the influent pipeline and two diversion structure installations would occur over approximately 14 weeks, and would impact each segment of roadway for a shorter period of time. Additionally, a section of the parking

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on Crespi Drive may be closed temporarily during import or export of materials by truck to the EQ basin location. This could result in disruption to commutes, or confusion by drivers taking a detour. The Contractor would be required to implement MM TRANS-1. This MM, as detailed in Attachment E, would require the preparation and implementation of Traffic Control Plan to manage traffic flow, maintain safety, and identify alternative routes when temporary changes are made to traffic or pedestrian routes.

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

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

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

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

**Discussion:** During construction, the Skatepark parking lot would be closed to the public. As mentioned above in Section 5.A.i of this staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the south side Crespi Drive and located immediately north of the Community Center would be restricted to parking by the Wheels on Wheels staff, Community Center kitchen deliveries, and Senior Citizen buses between the weekday hours of 6 a.m. to 5 p.m. throughout the construction of the EQ basin. Parking along this portion of Crespi Drive would be restored to existing conditions at the completion of the Project.

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

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

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

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

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

**Discussion:** The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240

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feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

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

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

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

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

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

- g) That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;

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

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

- h) That the proposed development is inconsistent with the City's adopted Design Guidelines;  
 or

**Discussion:** The Project would be consistent with the City's adopted Design Guidelines.

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

**Discussion:** The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

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

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

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



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\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of February 2017.

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

\_\_\_\_\_  
Josh Gordon, Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Tina Wehrmeister, Planning Director

\_\_\_\_\_  
Michelle Kenyon, City Attorney

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

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### Exhibit A

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

#### **Planning Commission Meeting February 6, 2017**

#### **Planning Division**

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

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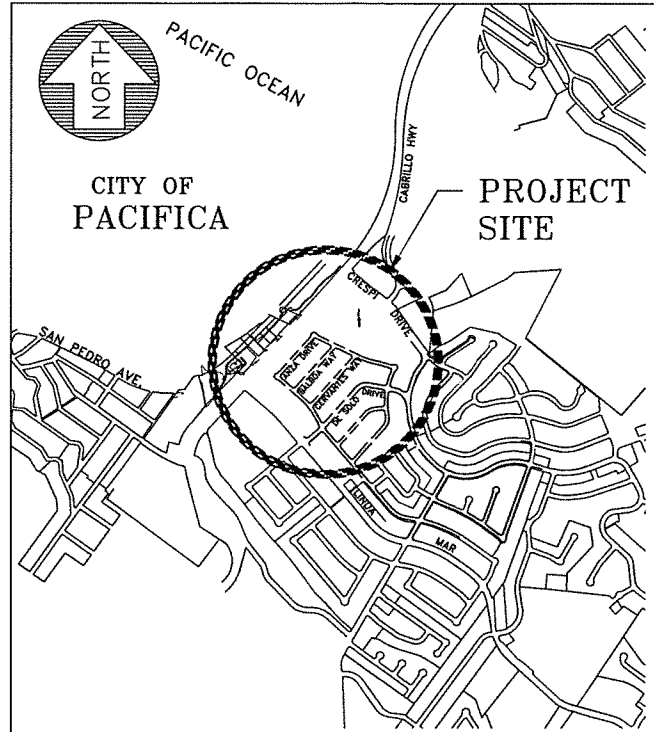
5. The Applicant shall incorporate all mitigation measures, as detailed, in the *Final Mitigated Negative Declaration* (February 2017).
6. The property owner shall continue to monitor and maintain the site after the EQ basin and associated equipment and pipelines are constructed. This includes cleaning the interior of the EQ basin after each use, periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.

### **Engineering Division of Public Works**

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

### **Building Division**

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



# CITY OF PACIFICA

## DEPARTMENT OF PUBLIC WORKS

### WASTE WATER DIVISION

## 100% SUBMITTAL

# WET WEATHER EQUALIZATION BASIN PROJECT

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C-61	UTILITY PLAN - COMMUNITY CENTER DRIVEWAY	S-34	TYPICAL SLURRY WALL PANEL DETAILS	E-502	PLC-EQB: MODULE NO.2 CONNECTIONS (DI)		
C-70	DETAIL SHEET	S-35	EAST AND WEST LINER WALL REINFORCEMENT	E-503	PLC-EQB: MODULE NO.3 CONNECTIONS (DI)		
C-71	DETAIL SHEET	S-36	NORTH AND SOUTH LINER WALL REINFORCEMENT	E-504	PLC-EQB: MODULE NO.4 CONNECTIONS (DO)		
C-72	DETAIL SHEET	S-40	SECTIONS AND DETAILS	E-505	PLC-EQB: MODULE NO.5 CONNECTIONS (DI)		
C-73	DETAIL SHEET	S-50	TYPICAL PRECAST CONCRETE DETAILS	E-506	PLC-EQB: MODULE NO.6 CONNECTIONS (DI)		
C-74	DETAIL SHEET	S-60	TYPICAL MICROPILE DETAILS	E-507	PLC-EQB: MODULE NO.7 CONNECTIONS (DO)		
C-75	DETAIL SHEET						
C-76	DETAIL SHEET						
C-77	DETAIL SHEET						
C-78	DETAIL SHEET						
C-80	BASIN PIPING DIAGRAM						
C-81	BASIN PIPING DIAGRAM						
C-90	BASIN PIPING DETAILS						

**NOTES**  
 1. SURVEY CONTROL ESTABLISHED USING THE U.S. NATIONAL GEODETIC SURVEY DATA SHEET FOR BENCH MARK DISK LOCATED N 37°35'41.1", W 122°30'18.1" NAD83 (1986) AND NAVD 88 VERTICAL ELEVATION OF 16.55 FEET.

<b>CIVIL ENGINEER</b> FREYER & LAURETA, INC 150 EXECUTIVE PARK BLVD, #4200 SAN FRANCISCO, CA 94134 CONTACT: RICHARD LAURETA PHONE: 415-534-7070	<b>ELECTRICAL ENGINEER</b> BEECHER ENGINEERING 2365 NW KLINE ST, #202 ROSEBURG, OR 97471 CONTACT: TODD BEECHER PHONE: 541-580-8300
<b>STRUCTURAL ENGINEER</b> THORNTON TOMASETTI 707 WILSHIRE BLVD, #4450 LOS ANGELES, CA 90017 CONTACT: ALBERT CHEN PHONE: 213-330-7005	<b>GEOTECHNICAL ENGINEER</b> CONSTRUCTION TESTING SERVICES ONE EMBARCADERO CENTER, #535 SAN FRANCISCO, CA 94111 CONTACT: BRADFORD QUON PHONE: 415-438-2357
<b>MECHANICAL ENGINEER</b> BROWN AND CALDWELL 201 N. CIVIC DR, #300 WALNUT CREEK, CA 94596 CONTACT: AREN HANSEN PHONE: 925-210-2522	

DIRECTOR OF PUBLIC WORKS VAN OCAMPO, P.E	DEPUTY DIRECTOR LOUIS SUN, P.E	ASSISTANT SUPERINTENDENT MARIA AGUILAR, P.E

SCALE:	AS NOTED	05/06/16	BASIS OF DESIGN
DESIGNED:	RJL	08/05/16	60% SUBMITTAL
DRAWN:	AJR	10/03/16	90% SUBMITTAL
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BY	DATE	DESCRIPTION OF REVISIONS	
		APP'D	



CITY OF PACIFICA  
 DEPARTMENT OF PUBLIC WORKS, W.WTP  
 170 SANTA MARIA BOULEVARD  
 PACIFICA, CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN**

**TITLE SHEET**

CITY OF PACIFICA, CALIFORNIA

SHEET  
C-01  
 JOB NO.  
240001

Z:\Projects\240 City of Pacifica\001 Wet Weather Equalization Basin\AAA Latest\001-02 Title Sheet.dwg

# SYMBOLS

EXISTING	PROPOSED	
		LIMIT OF WORK
		PROPERTY LINE
		STATION LINE
		GAS LINE
		WATER LINE
		ELECTRICAL LINE
		SANITARY SEWER
		SANITARY FORCE MAIN
		STORM DRAIN
		SLOTTED UNDERDRAIN
		WATER VALVE
		CHAIN LINK FENCE
		SPOT ELEVATION
		FIRE HYDRANT
		POST OR BOLLARD
		BUILDING
		CONTOUR LINE AND ELEVATION
		EMBANKMENT AND SLOPE
		DETAIL & SECTION NOTATION
		BACKFLOW PREVENTOR

EXISTING	PROPOSED	
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		UTILITY MANHOLE
		STORM DRAIN CATCH BASIN
		STREET LIGHT FIXTURE
		COMBINATION POLE
		UTILITY BOX
		UTILITY POLE, MUNI POLE, JUNCTION POLE
		POWER POLE
		MONUMENT
		TREE
		ROAD SIGN, TRAFFIC SIGN
		WATER METER BOX
		CLEANOUT
		PIPE CAP, PLUG
		CURB RAMP
		DRIVEWAY, CURB CUT
		CURB & GUTTER
		VERTICAL CURB

- NOTES:**
- SYMBOLS ON THIS SHEET APPLY ONLY TO THE CIVIL DRAWINGS.
  - THIS IS A STANDARD SYMBOLS SHEET, THEREFORE, SOME SYMBOLS AND ABBREVIATIONS MAY APPEAR ON THIS SHEET AND MAY NOT BE UTILIZED ON THIS PROJECT.

# ABBREVIATIONS

ABND	ABANDON OR ABANDONED	ERC	END REVERSE CURVE	(P)	PROPOSED
@	AT	EVC	END OF VERTICAL CURVE	PAE	PUBLIC ACCESS EASEMENT
AB	AGGREGATE BASE	EWEF	EACH WAY, EACH FACE	PC	POINT OF CURVE
AC	ASPHALT CONCRETE	EW	EACH WAY	PCG	POINT OF COMPOUND CURVE OR PORTLAND CEMENT CONCRETE
APPROX	APPROXIMATE	EX	EXISTING	PE	PLAIN END, PERMANENT EASEMENT
AP	ANGLE POINT	EXP	EXPOSED, EXPANSION	PERF	PERFORATED PIPE
APVD	APPROVED	EXP JT	EXPANSION JOINT	PI	POINT OF INTERSECTION
ARCH	ARCHITECTURAL	(F),F	FUTURE	PL	PLATE, PROPERTY LINE
ARV	AIR RELEASE VALVE	FCA	FLEXIBLE COUPLING	POC	POINT OF CONNECTION
AUTO.	AUTOMATIC	FCO	FLANGED COUPLING ADAPTER	PRC	POINT OF REVERSE CURVE
AUX	AUXILIARY	FD	FLOOR CLEAN OUT	PRFAB	PREFABRICATED
AWSS	AUXILIARY WATER SUPPLY SYSTEM	FDA	FLOOR DRAIN	PRESS.	PRESSURE
AWWA	AMERICAN WATER WORKS ASSOCIATION	FDN	FLOOR DRAIN W/INTEGRAL TRAP	PROP	PROPOSED (OR PROPERTY)
		FF	FOUNDATION	PSI	POUNDS PER SQUARE INCH
BC	BACK OF CURB	FG	FINISH FLOOR	PSF	POUNDS PER SQUARE FOOT
BCC	BEGIN COMPOUND CURVE	FI	FINISH GRADE	PSIG	POUNDS PER SQUARE INCH, GAUGE
BCR	BEGINNING OF CURB RETURN	FIG.	FIRE HYDRANT	PT	POINT OF TANGENCY
BFV	BUTTERFLY VALVE	FLG	FIGURE	PUE	PUBLIC UTILITY EASEMENT
BHG	BEEHIVE GRATE	FL	FLANGE	PVC	POLYVINYL CHLORIDE
BLDG	BUILDING	FNSH	FINISH	PVI	POINT OF VERTICAL INTERSECTION
BM	BENCH MARK, BEAM	FO	FIBER OPTICS	PVMT	PAVEMENT
BO	BLOW OFF	FOC	FACE OF CONCRETE	PVT	PRIVATE
BRC	BEGIN REVERSE CURVE	FP	FINISH PAVEMENT	PWR	POWER
BRWH	BEGINNING OF REDWOOD HEADER	FT	FOOT OR FEET	R, RAD	RADIUS
BW	BACK OF SIDEWALK	FTC	FOOTING	R, RT	RIGHT
BV	BALL VALVE	FW	FIRE WATER	RC	REINFORCED CONCRETE
BVC	BEGINNING OF VERTICAL CURVE	FWD	FORWARD	RCP	REINFORCED CONCRETE PIPE
		F	DEGREE FAHRENHEIT	RCW	RECLAIMED WATER
				RD	ROAD, ROOF DRAIN
C	CHANNEL (BEAM)	G	GAS	RDCR	REDUCER
CARV	COMBINATION AIR RELEASE VALVE	GAL	GALLON	REF	REFER OR REFERENCE
CATV	CABLE TELEVISION	GALV	GALVANIZED	REINF	REINFORCED, REINFORCING, REINFORCE
CB	CATCH BASIN	GB	GRADE BREAK	REQD	REQUIRED
CBC	CALIFORNIA BUILDING CODE	GCO	GRADE CLEAN OUT	RJ	RESTRAINED JOINT
CFS	CUBIC FEET PER SECOND	GL	GLASS	RMV	REMOVE
C&G	CURB AND GUTTER	GPM	GALLONS PER MINUTE	RO	ROUGH OPENING
CI	CAST IRON	GR	GRATE, GROUND	ROW	RIGHT-OF-WAY
CIMJ	CAST IRON MECHANICAL JOINT	GRTG	GRATING	RST	REINFORCING STEEL
CIP	CAST IRON PIPE	GSP	GALVANIZED STEEL PIPE	RTN	RETURN
CIRJ	CAST IRON RESTRAINED JOINT	GV	GATE VALVE	RWH	REDWOOD HEADER
CISP	CAST IRON SOIL PIPE			RWL	RECLAIMED WATER LINE
CJ	CONSTRUCTION JOINT	HDPE	HIGH DENSITY POLYETHYLENE	S	SLOPE
CL	CENTERLINE	HDW	HARDWARE	SD	STORM DRAIN
CLDIP	CEMENT-LINED DUCTILE IRON PIPE	HORIZ	HORIZONTAL	SDI	STORM DRAIN INLET
CLR	CLEAR, CLASS	HP	HIGH POINT, HINGE POINT	SEC	SECTION
CLR	CLEAR, CLASS	HPC	HIGH PRESSURE GAS	SHT	SHEET
CMP	CORRUGATED METAL PIPE	HPW	HIGH PRESSURE WATER	SPEC	SPECIFICATIONS
CO	CLEANOUT	HR	HANDRAIL	SPLY	SUPPLY
COL	COLUMN	HWY	HIGHWAY	SQ	SQUARE
COMB.	COMBINED	ID	INSIDE DIAMETER	SQ FT	SQUARE FOOT
CONB	CONCRETE	IF.	INSIDE FACE	SQ IN	SQUARE INCH
CONT	CONTINUOUS, CONTINUATION	IN.	INCH	SS	SANITARY SEWER
COORD	COORDINATE	INSUL	INSULATE	SSMH	SANITARY SEWER MANHOLE
COP.	COPPER	INV	INVERT	SST	STAINLESS STEEL
CPLG	COUPLING	IRR	IRRIGATION	ST	STREET
CR	CURB RETURN			STA	STATION
CS	COMBINED SEWER	JP	JOINT POLE	STD	STANDARD
CTD	CENTERED	JT	JOINT / JOINT TRENCH	STL	STEEL, STEEL PIPE
CTE	CONNECT TO EXISTING			STRUCT	STRUCTURAL
CTR	CENTER	L	LENGTH	SVC	SERVICE
C TO C	CENTER TO CENTER	L, LT	LEFT	S/W, SW	SIDEWALK
CU	CUBIC	LAT	LATERAL	SW	STORM WATER INLET
CU FT	CUBIC FOOT	LB	POUNDS	SYMM	SYMMETRICAL
CU IN.	CUBIC INCH	LB/CU FT	POUNDS PER CUBIC FOOT	T	TANGENT
CU YD	CUBIC YARD	LF	LINEAR FEET	T&B	TOP AND BOTTOM
CV	CHECK VALVE	LG	LONG	TC	TOP OF CURB
		LH	LEFT HAND	TD	TRENCH DRAIN
D	DELTA	LONG.	LONGITUDINAL	TECH	TECHNICAL
DBL	DOUBLE	L.O.W.	LIMIT OF WORK	TELE	TELECOMMUNICATIONS
DET	DETAIL	LPW	LOW PRESSURE (DOMESTIC) WATER	TF	TOP FACE
DI	DROP INLET	MAX	MAXIMUM	TG	TOP OF GRATE
DIA	DIAMETER	MB	MACHINE BOLT	TL	TOP OF LIP
DIAG	DIAGONAL	MCC	MOTOR CONTROL CENTER	TP	TOP OF POLE
DIMJ	DUCTILE IRON MECHANICAL JOINT	MECH	MECHANICAL	TRANSV	TRANSVERSE
DIP	DUCTILE IRON PIPE	MFR	MANUFACTURER	TST	TOP OF STEEL
DN	DOWN	MH	MANHOLE	TT	THRUST TIE
DR	DRAIN	MIN	MINIMUM, MINUTE	TW	TOP OF WALL
DW	DOMESTIC WATER	MISC	MISCELLANEOUS	TYP	TYPICAL
		MTL	MATERIAL	(UG)	UNDERGROUND
(E),EX,EXIST	EXISTING	(N)	NEW	UBC	UNIFORM BUILDING CODE
E	EAST, ELECTRIC, EASTING	N	NORTH, NORTHING	UNK	UNKNOWN
EA	EACH	NIC	NOT IN CONTRACT	VC	VERTICAL CURVE
EC	END CURVE	NO.	NUMBER, NUMBERING	VCP	VITRIFIED CLAY PIPE
ECC	ECCENTRIC, END COMPOUND CURVE	NTS	NOT TO SCALE	VERT	VERTICAL
ECR	END OF CURB RETURN	(OH)	OVERHEAD	VIF	VERIFY IN FIELD
EHC	END OF HORIZONTAL CURVE	OC	ON CENTER	VPI	VERTICAL POINT OF INTERSECTION
EL	ELEVATION	OD	OUTSIDE DIAMETER, OVERFLOW DRAIN	W/	WITH
ELB	ELBOW	OF.	OUTSIDE FACE, OVERFLOW	W	WATER, WEST
ELEC	ELECTRIC, ELECTRICAL	OG	ORIGINAL GROUND	WM	WATER METER
ENGR	ENGINEER	OPNG	OPENING	WS	WATER SURFACE, WATER STOP
EP	EDGE OF PAVEMENT	OFT	OVERFLOW INLET	WSP	WELDED STEEL PIPE
EQPT	EQUIPMENT				

SCALE:	AS NOTED	05/06/16	BASIS OF DESIGN
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			APP'D

**FREYER & LAURETA, INC.**  
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 115 Executive Park Blvd., Suite 4200, San Francisco, CA 94134  
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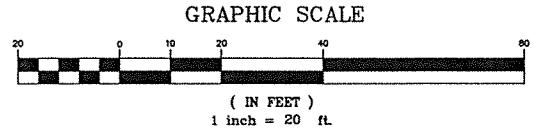
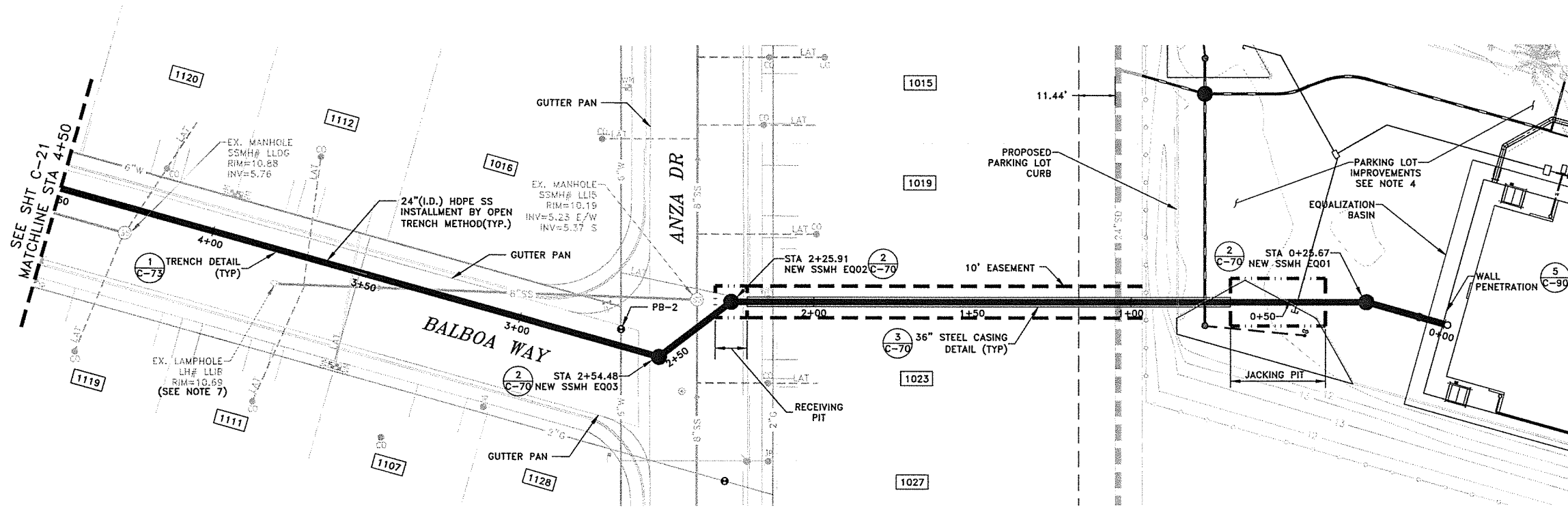


**CITY OF PACIFICA**  
 DEPARTMENT OF PUBLIC WORKS, WWTP  
 170 SANTA MARIA BOULEVARD  
 PACIFICA, CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN**  
**SYMBOLS AND ABBREVIATIONS**  
 CITY OF PACIFICA, CALIFORNIA

SHEET	C-02
JOB NO.	240001



NOTES:

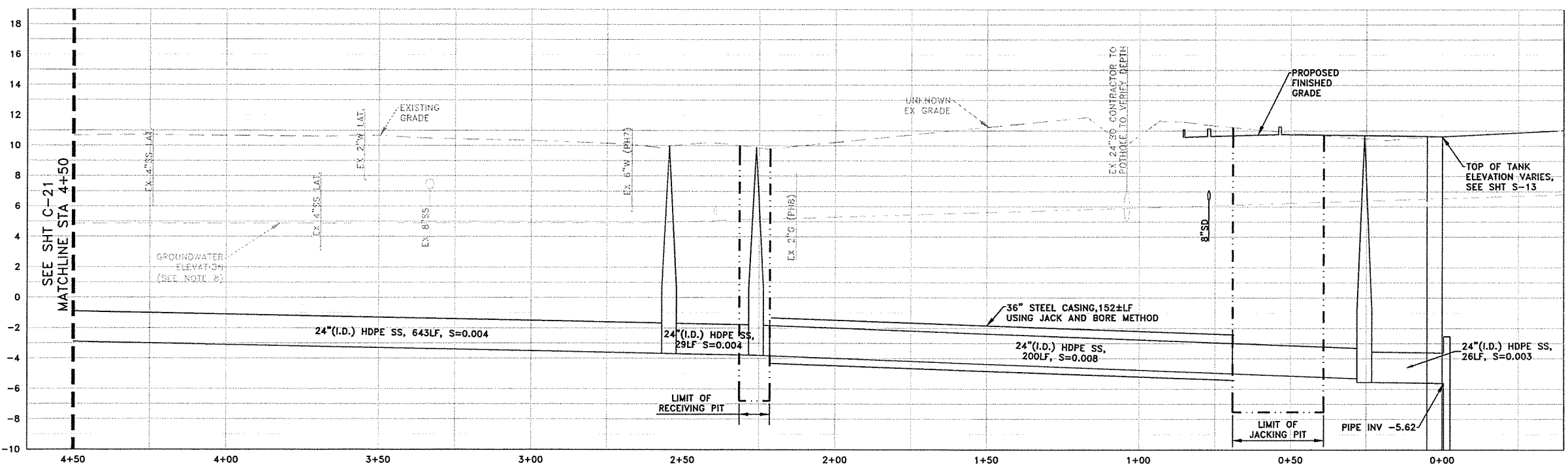
1. PIPE LENGTHS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE.
2. ALL SANITARY SEWER PIPE SHALL BE HDPE DR17.
3. EXISTING UTILITY DEPTH SHALL BE CONFIRMED BY CONTRACTOR ON SITE.
4. SEE SHEETS C30-C60 FOR PARKING LOT IMPROVEMENTS.
5. TRENCH DEWATERING WILL LIKELY BE NEEDED DUE TO A RELATIVELY SHALLOW GROUNDWATER ELEVATION. WATER GENERATED DURING DEWATERING SHALL BE HANDLED AS OUTLINED IN SPECIFICATIONS SECTION 31 23 19.
6. SOIL TYPES WILL VARY ALONG THE PROPOSED PIPELINE ALIGNMENT AND TEMPORARY EXCAVATIONS SHALL EITHER BE SHORED OR SLOPED BACK TO MEET CAL-OSHA TRENCH EXCAVATION REQUIREMENTS.
7. EXISTING 8-IN SANITARY SEWER LINE TERMINATES AT THE LAMPHOLE.
8. APPROXIMATE GROUNDWATER ELEVATION AS INDICATED FROM THE SOILS REPORT AT BORING NUMBER PZ-1. ACTUAL GROUNDWATER ELEVATION MAY VARY.

LEGEND:

- BORING PIT
- EASEMENTS
- PROPERTY LINE
- STORM DRAIN PIPE
- NEW SANITARY SEWER
- NEW SSMH
- POTHOLE LOCATION (PER EXARO REPORT)
- STORM DRAIN INLET

ABBREVIATIONS:

- CO CLEANOUT
- EX EXISTING
- G GAS
- INV INVERT
- JP JOINT POLE
- LAT LATERAL
- LF LINEAR FEET
- SD STORM DRAIN
- SHT SHEET
- SS SANITARY SEWER
- SSMH SANITARY SEWER MANHOLE
- STA STATION
- TYP TYPICAL
- W WATER
- WM WATER METER



PROFILE VIEW  
HORIZ: 1" = 20'  
VERT: 1" = 4'

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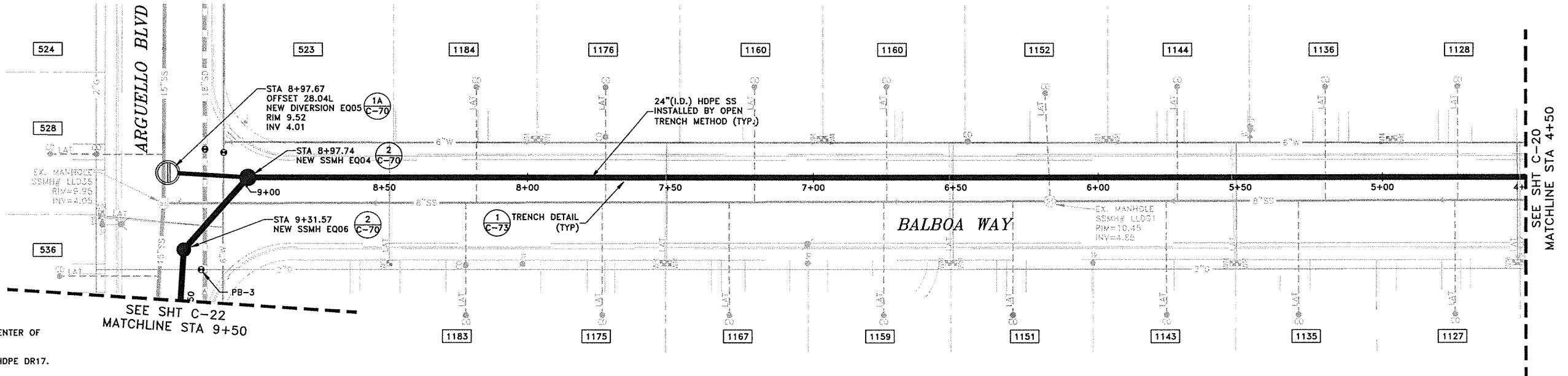


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170 SANTA MARIA BOULEVARD  
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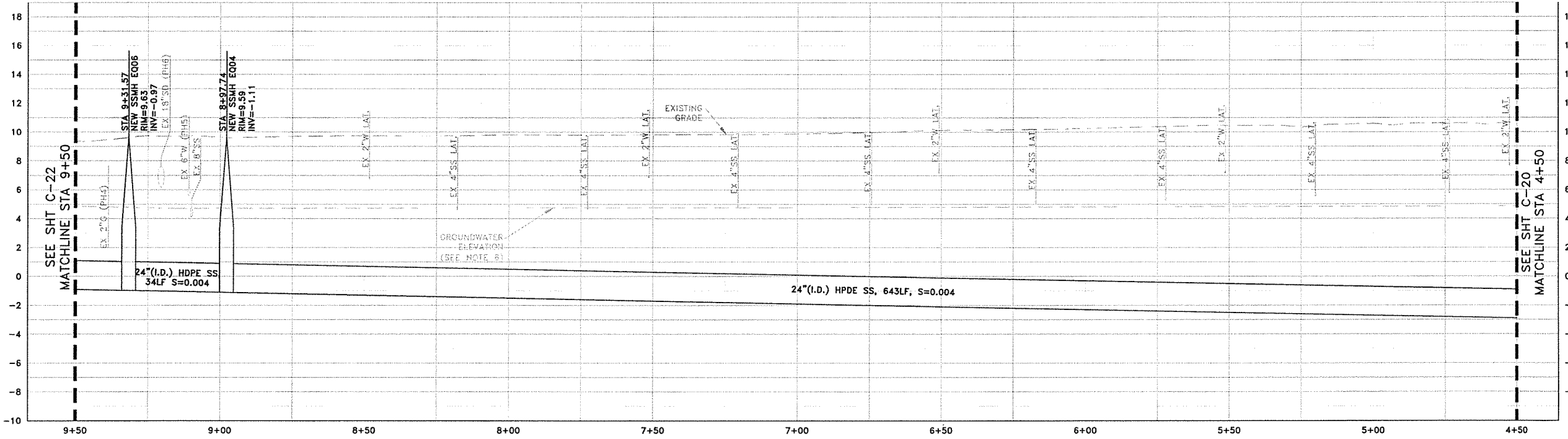
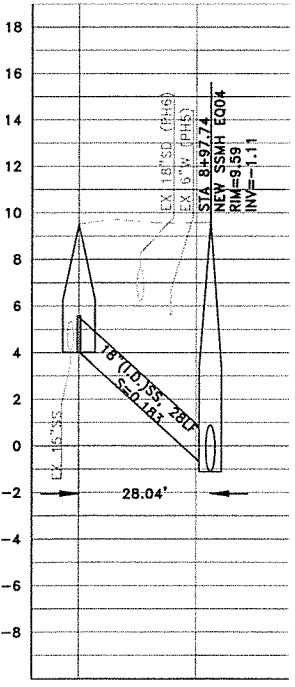
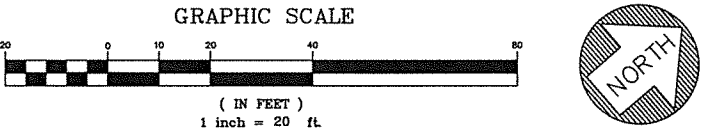
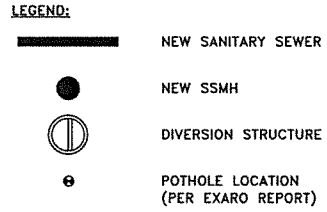


**WET WEATHER EQUALIZATION BASIN**  
**PIPELINE PLAN & PROFILE**  
**ANZA DR./ BALBOA WAY**  
**CITY OF PACIFICA, CALIFORNIA**

SHEET  
**C-20**  
JOB NO.  
**240001**



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**PROFILE VIEW**  
HORIZ: 1" = 20'  
VERT: 1" = 4'

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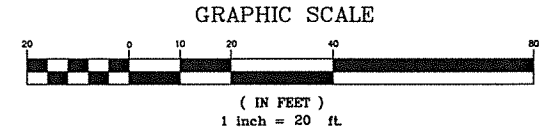
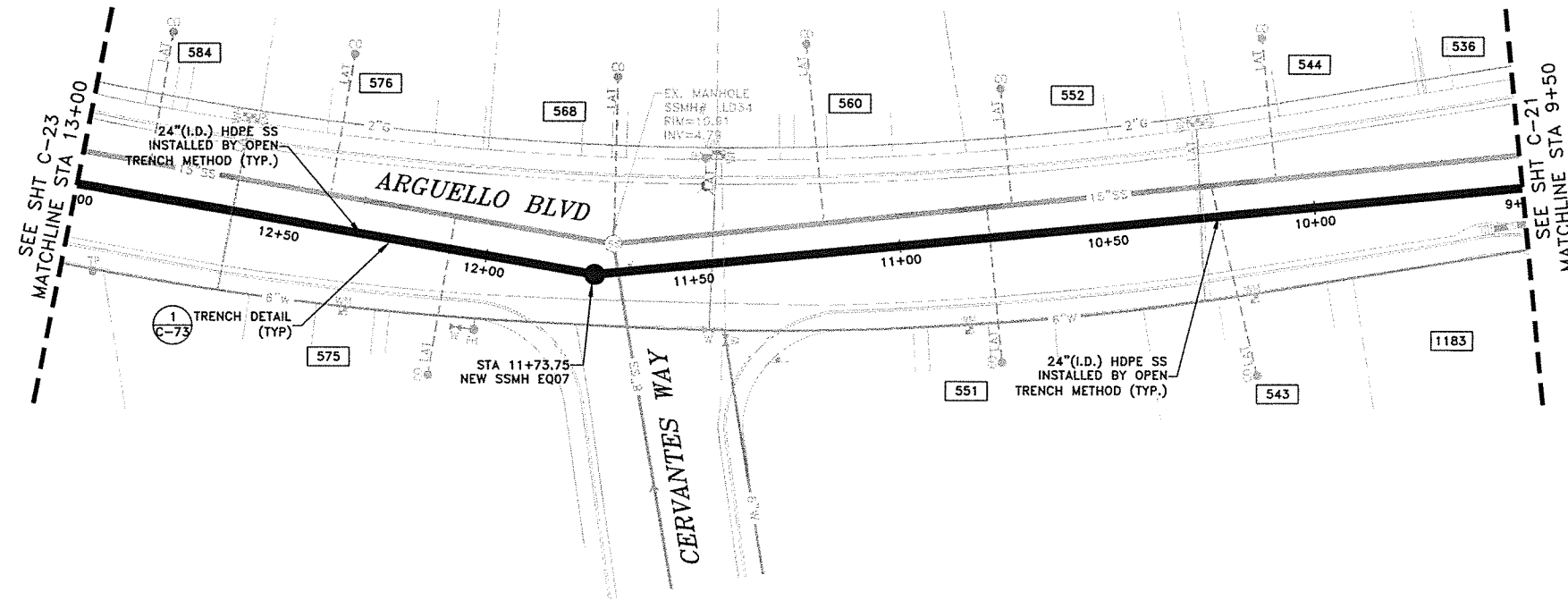
**CITY OF PACIFICA**  
DEPARTMENT OF PUBLIC WORKS, WWTP  
170 SANTA MARIA BOULEVARD  
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**WET WEATHER EQUALIZATION BASIN  
PIPELINE PLAN & PROFILE  
BALBOA WAY  
CITY OF PACIFICA, CALIFORNIA**

**SHEET**  
C-21

**JOB NO.**  
240001

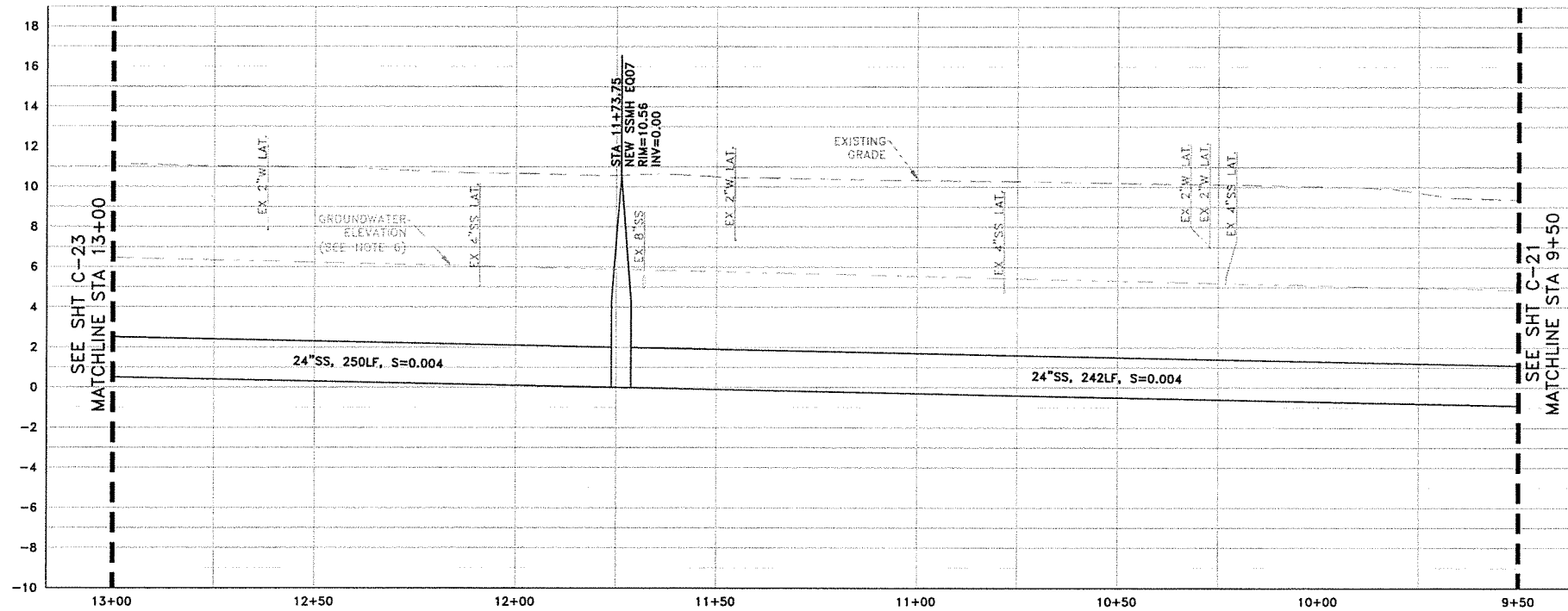


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- NEW SSMH



PROFILE VIEW  
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Z:\Projects\240 City Of Pacifica\001 Wet Weather Equalization Basin\AAA Latest\C20-23 Pipe Plan And Profile.dwg

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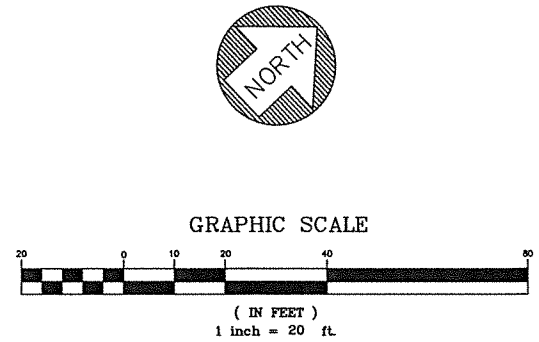
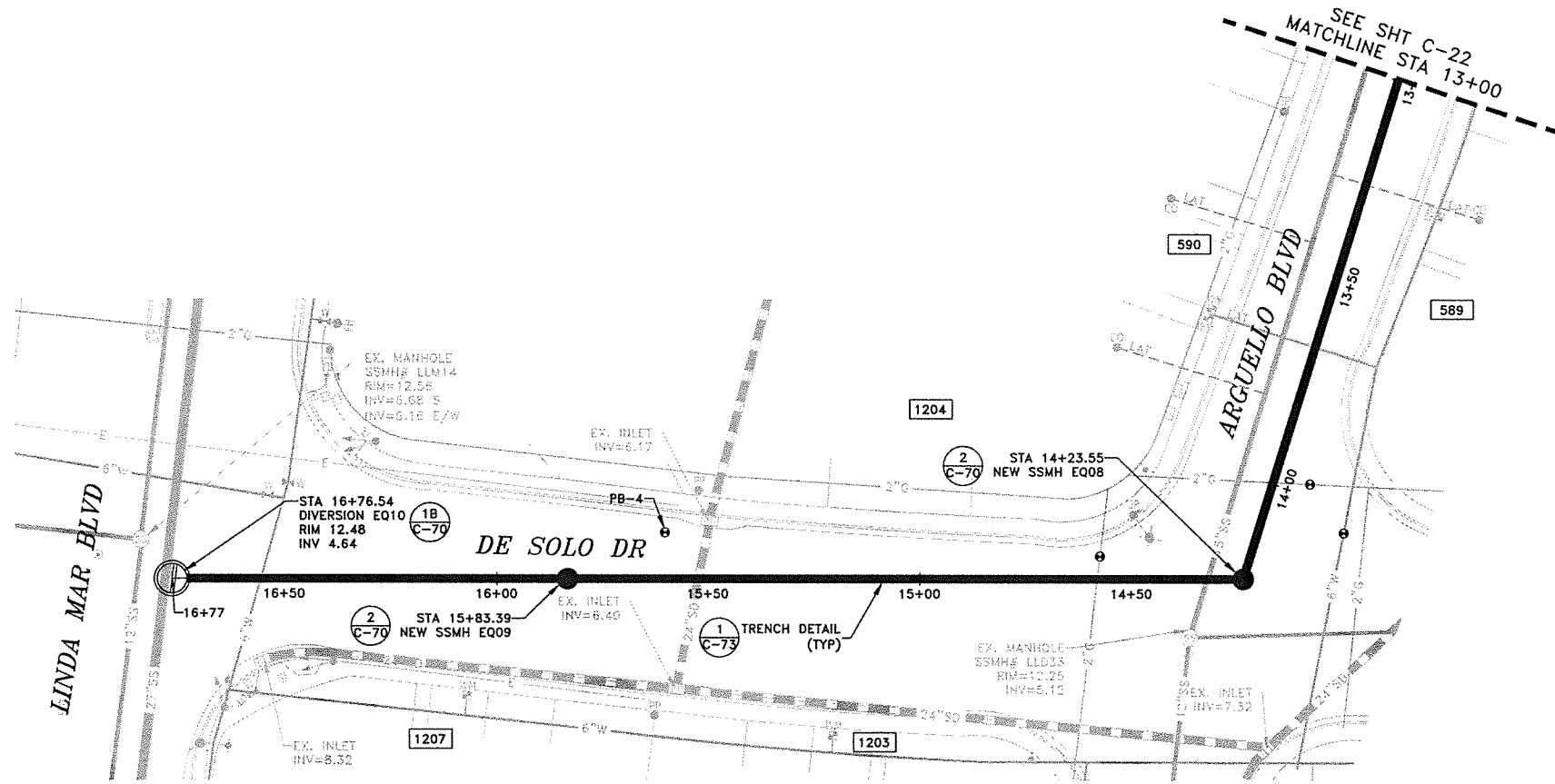
**CITY OF PACIFICA**  
 DEPARTMENT OF PUBLIC WORKS, WWP  
 170 SANTA MARIA BOULEVARD  
 PACIFICA, CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN**  
**PIPELINE PLAN & PROFILE**  
**ARGUELLO BLVD.**  
 CITY OF PACIFICA, CALIFORNIA

SHEET  
**C-22**  
 JOB NO.  
**240001**



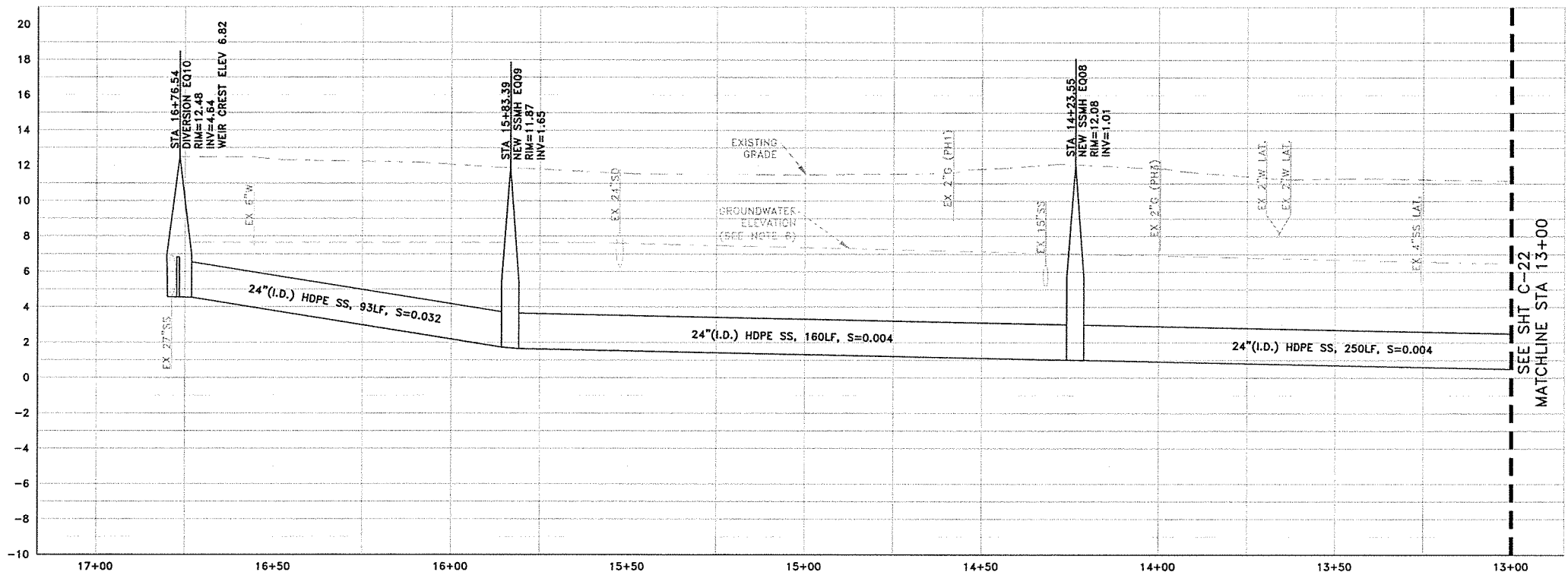


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3. EXISTING UTILITY DEPTH SHALL BE CONFIRMED BY CONTRACTOR ON SITE.
4. TRENCH DEWATERING WILL LIKELY BE NEEDED DUE TO A RELATIVELY SHALLOW GROUNDWATER ELEVATION. WATER GENERATED DURING DEWATERING SHALL BE HANDLED AS OUTLINED IN SPECIFICATIONS SECTION 31 23 19.
5. SOIL TYPES WILL VARY ALONG THE PROPOSED PIPELINE ALIGNMENT AND TEMPORARY EXCAVATIONS SHALL EITHER BE SHORED OR SLOPED BACK TO MEET CAL-OSHA TRENCH EXCAVATION REQUIREMENTS.
6. APPROXIMATE GROUNDWATER ELEVATION AS INDICATED FROM SOILS REPORT AND POTHOLING INFORMATION. ACTUAL GROUNDWATER ELEVATION MAY VARY.

LEGEND:

- NEW SANITARY SEWER
- NEW SSMH
- DIVERSION STRUCTURE
- POTHOLE LOCATION (PER EXARO REPORT)



PROFILE VIEW  
HORIZ: 1" = 20'  
VERT: 1" = 4'

Z:\Projects\240 City Of Pacifica\001 Wet Weather Equalization Basin\AAA Latest\C20-23 Pipe Plan And Profile.dwg

SCALE:	AS NOTED	05/06/16	BASIS OF DESIGN
DESIGNED:	RJL	08/05/16	60% SUBMITTAL
DRAWN:	AJR	10/03/16	90% SUBMITTAL
CHECKED:	MQ	11/23/16	95% SUBMITTAL
PROJ. ENGR:	RJL	01/18/17	100% SUBMITTAL
BY	DATE	DESCRIPTION OF REVISIONS	
		APP'D	

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DEPARTMENT OF PUBLIC WORKS, WWTP  
170 SANTA MARIA BOULEVARD  
PACIFICA CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN  
PIPELINE PLAN & PROFILE  
DE SOLO DR./ARGUELLO BLVD.  
CITY OF PACIFICA, CALIFORNIA**

SHEET  
**C-23**  
JOB NO.  
**240001**

**DEMOLITION SCHEDULE**

- 1 PROTECT EXISTING 24" STORM DRAIN DURING DEMOLITION. STORM DRAIN MUST REMAIN OPERATIONAL THROUGHOUT PROJECT DURATION.
- 2 PROTECT PIEZOMETER PZ-1 IN PLACE
- 3 PROTECT EXISTING STORM DRAIN CONCRETE STRUCTURE DURING CONSTRUCTION, INCLUDING DURING REMOVAL OF THE EXISTING DISCHARGE LATERAL AND CONNECTION OF NEW LATERAL AS SHOWN ON SHEET C-60. A TEMPORARY BYPASS DESIGNED BY THE CONTRACTOR MUST BE SET ESTABLISHED TO DIVERT DRAINAGE UNTIL NEW TIE-IN IS MADE
- 4 REMOVE EXISTING STORM DRAIN INLET
- 5 REMOVE EXISTING TREE
- 6 REMOVE EXISTING LIGHT POLES AND LIGHTING JUNCTION BOXES
- 7 REMOVE EXISTING SIGN AND POLE
- 8 REMOVE EXISTING IRRIGATION CONTROL BOX/ CAP WATERLINE TO EXCAVATION LIMITS
- 9 RELOCATE EXISTING LIGHT TO LOCATION SHOWN ON SHEET C-60
- 10 RELOCATE EXISTING UTILITY TO LOCATION SHOWN ON SHEET C-60
- 11 REMOVE AND SALVAGE EXISTING PARKING SIGNAGE, SEE NOTE 6
- 12 REMOVE ABANDONED CLEAN OUT
- 13 PROTECT IN PLACE
- 14 REMOVE EXISTING CURB AND CURB GUTTER
- 15 PROTECT TREE IN PLACE

**LEGEND**

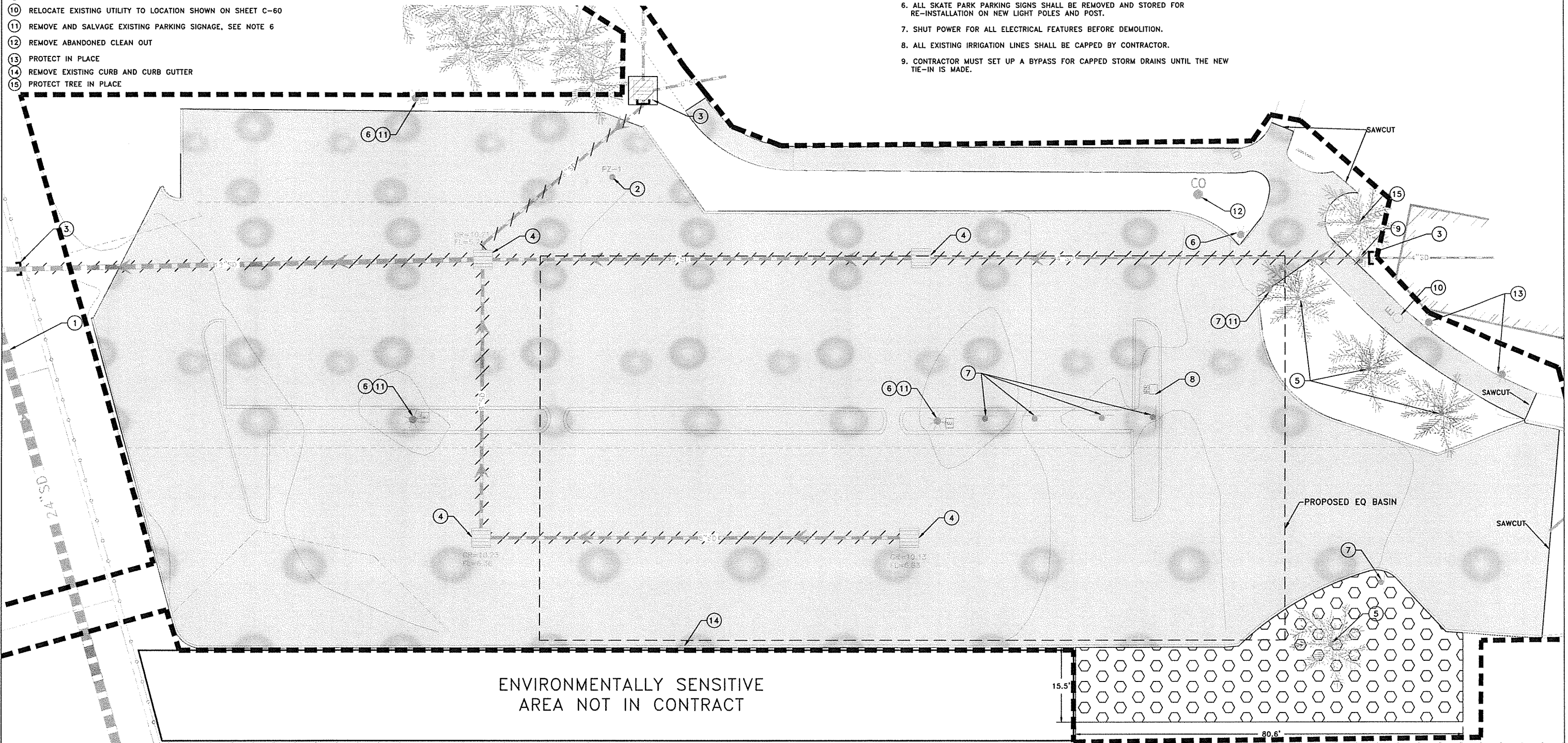
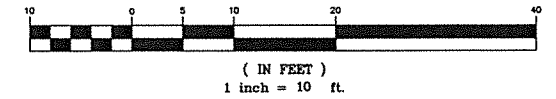
- //// REMOVE EXISTING PIPE
- [ ] CUT AND TEMPORARILY CAP PIPE
- REMOVE EXISTING HARDSCAPE AND SURFACE APPURTENANCES IN SKATE PARK PARKING LOT, SEE NOTE 3.
- CLEAR AND GRUB
- EXISTING BUILDING TO BE PROTECTED
- PIEZOMETER (PZ-1)
- LIMIT OF WORK (L.O.W)

**DEMOLITION NOTES**

1. ALL EXISTING UTILITY INFORMATION HAS BEEN COMPILED FROM TOPOGRAPHIC SURVEY AND RECORD DRAWINGS. CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS OF ALL SITE UTILITIES PRIOR TO DEMOLITION ACTIVITIES.
2. CONTRACTOR SHALL CLEAR AND GRUB THE SITE WITHIN THE LIMIT OF WORK, EXCEPT FOR AREAS INDICATED AS 'NOT IN CONTRACT'.
3. GEOTECHNICAL BORINGS SHOW EXISTING SURFACE THICKNESS AS 3" CONCRETE SURFACE AND 5" AGGREGATE BASEROCK. MATERIAL THICKNESSES AROUND PARKING LOT AREA MAY VARY.
4. CONTRACTOR SHALL PROTECT ALL EXISTING/PERMANENT ABOVE GROUND AND UNDERGROUND UTILITIES AND IMPROVEMENTS OUTSIDE THE LIMITS OF WORK DURING CONSTRUCTION ACTIVITIES UNLESS SPECIFICALLY CALLED OUT IN PLAN.
5. IMMEDIATELY BRING TO THE ATTENTION OF CITY OF PACIFICA REPRESENTATIVE ANY ITEMS WITHIN THE AREAS OF WORK THAT ARE IN CONFLICT WITH PROPOSED IMPROVEMENTS.
6. ALL SKATE PARK PARKING SIGNS SHALL BE REMOVED AND STORED FOR RE-INSTALLATION ON NEW LIGHT POLES AND POST.
7. SHUT POWER FOR ALL ELECTRICAL FEATURES BEFORE DEMOLITION.
8. ALL EXISTING IRRIGATION LINES SHALL BE CAPPED BY CONTRACTOR.
9. CONTRACTOR MUST SET UP A BYPASS FOR CAPPED STORM DRAINS UNTIL THE NEW TIE-IN IS MADE.



GRAPHIC SCALE



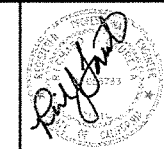
ENVIRONMENTALLY SENSITIVE  
AREA NOT IN CONTRACT

SCALE:	AS NOTED	05/08/18	BASIS OF DESIGN
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PACIFICA CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN  
DEMOLITION PLAN  
PARKING LOT  
CITY OF PACIFICA, CALIFORNIA**

SHEET  
**C-30**  
JOB NO.  
**240001**

**EROSION CONTROL NOTES**

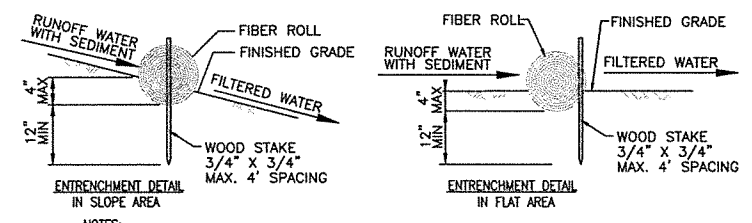
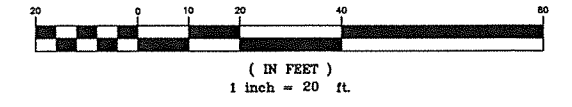
1. EROSION CONTROL MEASURES SHOWN ON THIS SHEET ARE GENERAL IN NATURE AND ALL EROSION CONTROL MEASURES FOR THE PROJECT SHALL BE IN COMPLIANCE WITH THE APPROVED SWPPP PREPARED BY THE CONTRACTOR.
2. CONTRACTOR IS RESPONSIBLE FOR DEVELOPING A SWPPP PREPARED BY A CALIFORNIA QSD FOR SUBMITTAL AND APPROVAL BY THE CITY AND PERFORMING ALL SWPPP REQUIRED STORM WATER INSPECTIONS BY A CALIFORNIA QSD. SEDIMENT ON THE SIDEWALKS AND GUTTERS SHALL BE REMOVED BY SHOVEL OR BROOM AND DISPOSED OF APPROPRIATELY.
3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED, YEAR ROUND AND RETAINED ON SITE UNTIL FINAL GRADING HAS BEEN ACHIEVED AND OR STABILIZED. CHANGES MADE TO SUIT FIELD CONDITIONS SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE OWNER'S REPRESENTATIVE FOR APPROVAL.
4. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY OR AS REQUIRED BY THE SWPPP.
5. IF SIGNIFICANT SEDIMENT OR OTHER VISUAL SYMPTOMS OF IMPURITIES ARE NOTICED IN THE STORM WATER, CONTACT OWNER'S REPRESENTATIVE IMMEDIATELY.
6. ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS, THE SITE SHALL BE MAINTAINED SO THAT SEDIMENT-LADEN RUNOFF DOES NOT ENTER THE STORM DRAIN SYSTEM. THESE PLANS SHALL REMAIN IN EFFECT UNTIL THE IMPROVEMENTS ARE ACCEPTED BY THE OWNER AND ALL SLOPES ARE STABILIZED.
7. EXCAVATION AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE AND AS REQUIRED BY SWPPP.
8. REMOVE SPOILS PROMPTLY AND AVOID STOCKPILING OF FILL MATERIALS WHEN RAIN IS FORECAST. IF RAIN IS FORECAST OR APPARENT, STOCKPILED SOILS AND OTHER MATERIALS SHALL BE COVERED WITH PLASTIC OR A TARP.
9. STORE, HANDLE AND DISPOSE OF CONSTRUCTION MATERIALS AND WASTES SO AS TO PREVENT THEIR ENTRY TO THE STORM DRAIN SYSTEM. CONTRACTOR MUST NOT ALLOW CONCRETE, WASHWATERS, SLURRIES, PAINT OR OTHER MATERIALS TO ENTER THE CATCH BASINS, STORM DRAINAGE, OR ENTER SITE RUNOFF.
10. USE FILTRATION OR OTHER APPROVED MEASURES TO REMOVE SEDIMENT FROM DEWATERING EFFLUENT.
11. NO CLEANING, FUELING OR MAINTAINING VEHICLES ON SITE SHALL BE PERMITTED TO ALLOW DELETERIOUS MATERIALS FROM ENTERING THE CATCH BASINS, STORM DRAINAGE, OR ENTER SITE RUNOFF.
12. THE DIMENSIONS AND LOCATION OF THE STORM INLET SEDIMENTATION TRAPS (INLET CAPTURE BAGS) ARE AS SHOWN ON THIS PLAN. THE SEDIMENTATION TRAPS SHOULD BE CONSTRUCTED BEFORE GRADING OPERATIONS.
13. WATERLESS WHEEL WASH AREA SHALL BE UTILIZED FOR REMOVING DIRT FROM TRUCKS PRIOR TO LEAVING CONSTRUCTION SITE USING BRUSHES OR OTHER DRY METHOD.
14. ANIMAL EXCLUSION FENCING INSTALLED BY OTHERS MUST BE PROTECTED THROUGH THE ENTIRE DURATION OF THE PROJECT.
15. THE CONTRACTOR SHALL INCLUDE PROVISIONS IN THEIR WORK PLAN OR SWPPP TO AVOID THE USE OF MONOFILAMENT NETTING, INCLUDING ITS USE IN TEMPORARY AND PERMANENT EROSION CONTROL MATERIALS. ALL HOLES GREATER THAN ONE-FOOT DEEP MUST BE SEALED OVERNIGHT TO PREVENT THE ENTRAPMENT OF WILDLIFE. WHERE HOLES OR TRENCHES CANNOT BE SEALED, ESCAPE RAMPS THAT ARE NO GREATER THAN 30% SLOPE SHALL BE POSITIONED SUCH THAT ENTRAPPED WILDLIFE WILL BE ABLE TO ESCAPE. THE ESCAPE RAMPS SHOULD BE AT LEAST ONE-FOOT WIDE AND COVERED/FITTED WITH A MATERIAL THAT PROVIDES TRACTION.
16. NEW TEMPORARY FENCE SHALL TIE INTO THE EXISTING SKATE PARK FENCE AT THE THREE LOCATIONS SHOWN.
17. CITY SHALL INSTALL ANIMAL EXCLUSION FENCING SO THAT A MINIMUM 3-FOOT WIDE WILDLIFE CORRIDOR REMAINS OPEN BETWEEN THE SOUTH END OF THE SKATE PARK PARKING LOT AND THE RESIDENTIAL FENCES UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST. A WILDLIFE EXCLUSION/ENVIRONMENTAL FENCE (WITH ESCAPE ROUTES, SUCH AS EXIT FUNNELS) SHALL BE ERECTED AROUND ACTIVE CONSTRUCTION AREAS TO PREVENT MOVEMENT OF ANIMALS INTO ACTIVE CONSTRUCTION AREAS UNDER OVERSIGHT BY A QUALIFIED BIOLOGIST. DURING CONSTRUCTION, THE FENCE SHALL BE CHECKED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES EVERY DAY FOR DAMAGE, BREAKS, OR TRAPPED WILDLIFE BEFORE CONSTRUCTION ACTIVITIES COMMENCE. ANY DAMAGE TO THE FENCE SHALL BE REPAIRED IN A TIMELY MANNER.
18. THE CONTRACTOR SHALL INCLUDE PROVISIONS IN THEIR WORK PLAN OR SWPPP TO AVOID THE USE OF MONOFILAMENT NETTING, INCLUDING ITS USE IN TEMPORARY AND PERMANENT EROSION CONTROL MATERIALS. ALL HOLES GREATER THAN ONE-FOOT DEEP MUST BE SEALED OVERNIGHT TO PREVENT THE ENTRAPMENT OF WILDLIFE. WHERE HOLES OR TRENCHES CANNOT BE SEALED, ESCAPE RAMPS THAT ARE NO GREATER THAN 30% SLOPE SHALL BE POSITIONED SUCH THAT ENTRAPPED WILDLIFE WILL BE ABLE TO ESCAPE. THE ESCAPE RAMPS SHOULD BE AT LEAST ONE-FOOT WIDE AND COVERED/FITTED WITH A MATERIAL THAT PROVIDES TRACTION.

**LEGEND**

- FIBER ROLLS, SEE DETAIL 1
- INLET CAPTURE BAG, SEE DETAIL 2
- X - TEMPORARY FENCING
- ENVIRONMENTALLY SENSITIVE AREA
- - - ANIMAL EXCLUSION FENCING
- — — LIMIT OF WORK

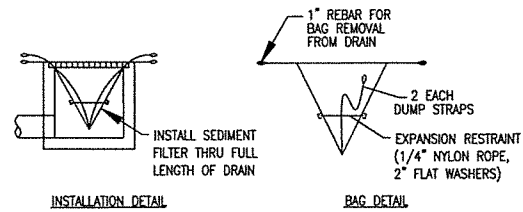


**GRAPHIC SCALE**



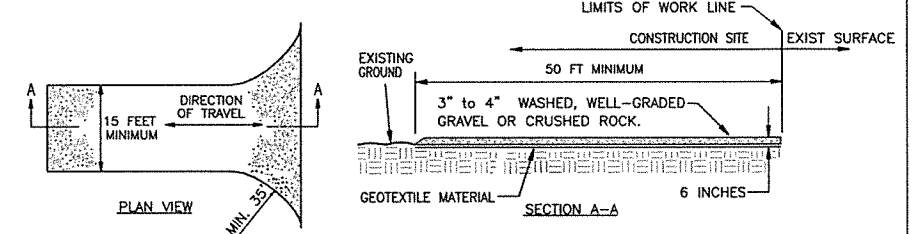
- NOTES:**
1. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3" TO 4" DEEP.
  2. ADJACENT ROLLS SHALL TIGHTLY ABUT AND STAKES PLACED AT THE ENDS IN ORDER TO PREVENT GAPS FROM OPENING BETWEEN THE ROLLS.
  3. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND FIBER ROLL.
  4. FIBER ROLL INSTALLATION LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR'S QUALIFIED SWPPP DEVELOPER (QSD) IN THE SWPPP REPORT.

1 FIBER ROLL DETAIL  
SCALE: NO SCALE



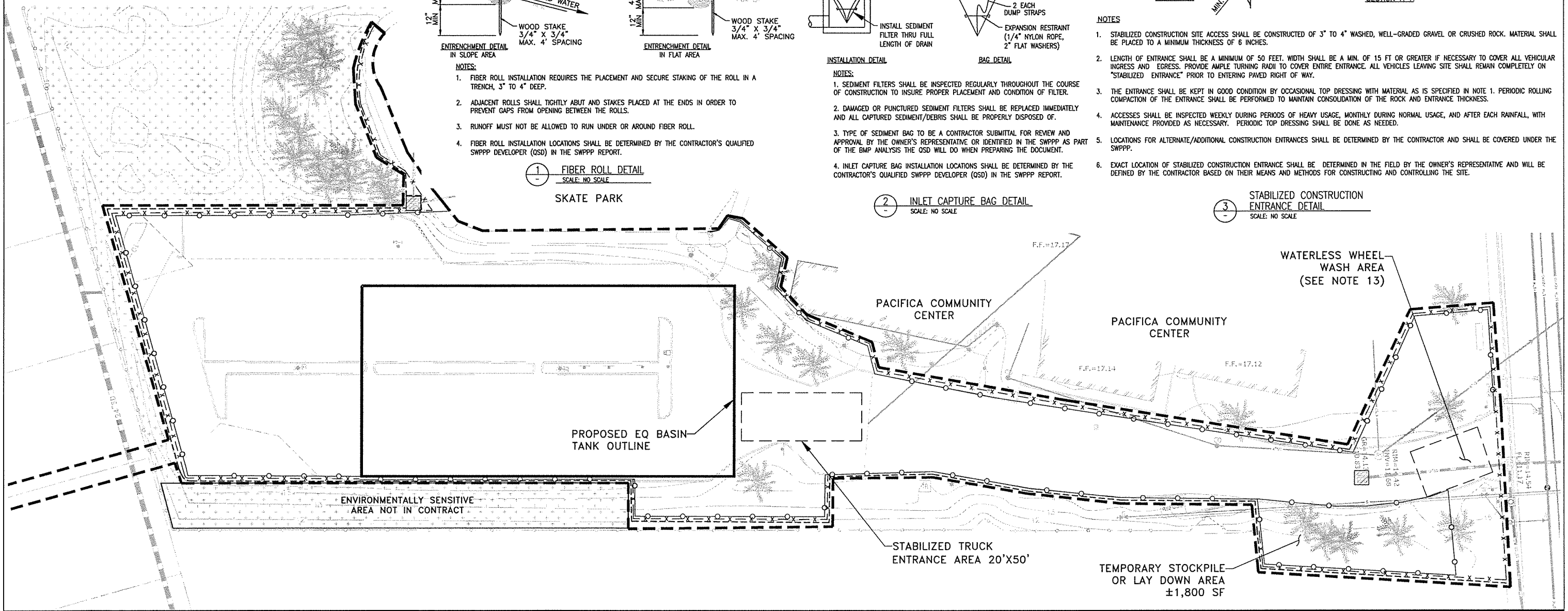
- INSTALLATION DETAIL**
- NOTES:**
1. SEDIMENT FILTERS SHALL BE INSPECTED REGULARLY THROUGHOUT THE COURSE OF CONSTRUCTION TO INSURE PROPER PLACEMENT AND CONDITION OF FILTER.
  2. DAMAGED OR PUNCTURED SEDIMENT FILTERS SHALL BE REPLACED IMMEDIATELY AND ALL CAPTURED SEDIMENT/DEBRIS SHALL BE PROPERLY DISPOSED OF.
  3. TYPE OF SEDIMENT BAG TO BE A CONTRACTOR SUBMITTAL FOR REVIEW AND APPROVAL BY THE OWNER'S REPRESENTATIVE OR IDENTIFIED IN THE SWPPP AS PART OF THE BMP ANALYSIS THE QSD WILL DO WHEN PREPARING THE DOCUMENT.
  4. INLET CAPTURE BAG INSTALLATION LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR'S QUALIFIED SWPPP DEVELOPER (QSD) IN THE SWPPP REPORT.

2 INLET CAPTURE BAG DETAIL  
SCALE: NO SCALE



- NOTES**
1. STABILIZED CONSTRUCTION SITE ACCESS SHALL BE CONSTRUCTED OF 3" TO 4" WASHED, WELL-GRADED GRAVEL OR CRUSHED ROCK. MATERIAL SHALL BE PLACED TO A MINIMUM THICKNESS OF 6 INCHES.
  2. LENGTH OF ENTRANCE SHALL BE A MINIMUM OF 50 FEET. WIDTH SHALL BE A MIN. OF 15 FT OR GREATER IF NECESSARY TO COVER ALL VEHICULAR INGRESS AND EGRESS. PROVIDE AMPLE TURNING RADIUS TO COVER ENTIRE ENTRANCE. ALL VEHICLES LEAVING SITE SHALL REMAIN COMPLETELY ON "STABILIZED ENTRANCE" PRIOR TO ENTERING PAVED RIGHT OF WAY.
  3. THE ENTRANCE SHALL BE KEPT IN GOOD CONDITION BY OCCASIONAL TOP DRESSING WITH MATERIAL AS IS SPECIFIED IN NOTE 1. PERIODIC ROLLING COMPACTION OF THE ENTRANCE SHALL BE PERFORMED TO MAINTAIN CONSOLIDATION OF THE ROCK AND ENTRANCE THICKNESS.
  4. ACCESSES SHALL BE INSPECTED WEEKLY DURING PERIODS OF HEAVY USAGE, MONTHLY DURING NORMAL USAGE, AND AFTER EACH RAINFALL, WITH MAINTENANCE PROVIDED AS NECESSARY. PERIODIC TOP DRESSING SHALL BE DONE AS NEEDED.
  5. LOCATIONS FOR ALTERNATE/ADDITIONAL CONSTRUCTION ENTRANCES SHALL BE DETERMINED BY THE CONTRACTOR AND SHALL BE COVERED UNDER THE SWPPP.
  6. EXACT LOCATION OF STABILIZED CONSTRUCTION ENTRANCE SHALL BE DETERMINED IN THE FIELD BY THE OWNER'S REPRESENTATIVE AND WILL BE DEFINED BY THE CONTRACTOR BASED ON THEIR MEANS AND METHODS FOR CONSTRUCTING AND CONTROLLING THE SITE.

3 STABILIZED CONSTRUCTION ENTRANCE DETAIL  
SCALE: NO SCALE



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**WET WEATHER EQUALIZATION BASIN  
EROSION CONTROL PLAN  
PARKING LOT  
CITY OF PACIFICA, CALIFORNIA**

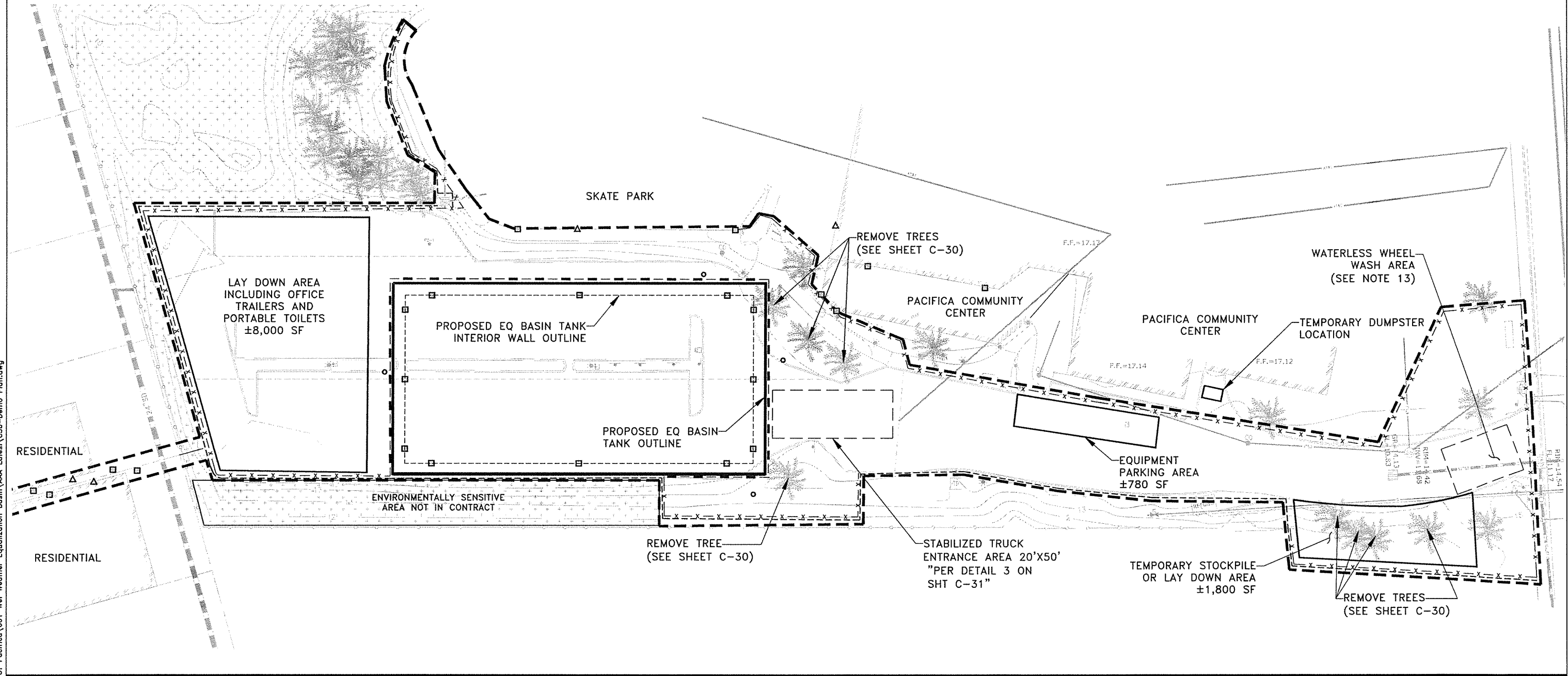
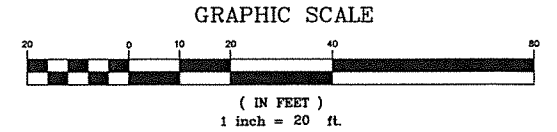
SHEET  
**C-31**  
JOB NO.  
**240001**

STAGING NOTES

- LAYDOWN AREA SHALL BE A TEMPORARY LOCATION TO STORE EXCAVATED MATERIAL BEFORE OFF HAULING.
- THE CITY OF PACIFICA WILL BE RESPONSIBLE FOR OBTAINING COVERAGE UNDER THE STATE WATER RESOURCES CONTROL BOARD'S NDPES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES (ORDER NO. 209-0009-DWQ, NDPES NO. CAS000002) AS THE LEGALLY RESPONSIBLE PERSON (LRP) FOR THE PROJECT.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND FILING ALL PLANS WITH THE RELATED AGENCIES ASSOCIATED WITH THEIR WORK. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, PERMITS FOR STORAGE OF HAZARDOUS MATERIALS, BUSINESS PLANS, PERMITS FOR STORAGE OF FLAMMABLE LIQUIDS, GRADING PERMITS, OR OTHER PLANS OR PERMITS REQUIRED BY CITY OF PACIFICA. ALL CONTRACTORS, OR SUBCONTRACTORS WORKING ON-SITE ARE INDIVIDUALLY RESPONSIBLE FOR OBTAINING AND SUBMITTING ANY BUSINESS PLANS OR PERMITS REQUIRED BY CITY, STATE OR FEDERAL AGENCIES.
- ALL DUMPSTERS OR OTHER TRASH STORAGE ENCLOSURES MOBILIZED TO THE SITE BY THE CONTRACTOR SHALL BE UTILIZED SOLELY FOR NON-HAZARDOUS MATERIALS.
- TEMPORARY FENCING SHALL BE INSTALLED AROUND THE PERIMETER OF THE PROJECT AREA PER CALTRANS STANDARDS.
- ANIMAL EXCLUSION FENCING INSTALLED BY OTHERS MUST BE PROTECTED THROUGH THE ENTIRE DURATION OF THE PROJECT.
- EQUALIZATION BASIN FENCING SHALL FUNCTION AS THE PERIMETER FALL PROTECTION BOUNDARY WHILE THE FALL HAZARD IS PRESENT AT THE SITE. PROTECTION BOUNDARY MUST BE MAINTAINED DURING EXCAVATION AND CONSTRUCTION OF THE BASIN STRUCTURE UNTIL THE BASIN ROOF IS COMPLETED AND INSTALLED. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR SITE SAFETY AND SECURITY 24 HOURS PER DAY, 7 DAYS PER WEEK.
- COMMUNITY CENTER GARBAGE DUMPSTER SHALL BE TEMPORARILY RELOCATED TO AREA SHOWN IN SHEET. THE CONTRACTOR AND SUBCONTRACTORS SHALL NOT USE DUMPSTER FOR DISPOSAL OF ANY ITEMS THROUGHOUT THE CONSTRUCTION ACTIVITIES AND MUST MAINTAIN ACCESS FOR THE CITY'S WASTE DISPOSAL COMPANY TO PERIODICALLY EMPTY.
- CONTRACTOR SHALL INSTALL ANIMAL EXCLUSION FENCING SO THAT A MINIMUM 3-FOOT WIDE WILDLIFE CORRIDOR REMAINS OPEN BETWEEN THE SOUTH END OF THE SKATE PARK PARKING LOT AND THE RESIDENTIAL FENCES UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST. A WILDLIFE EXCLUSION/ENVIRONMENTAL FENCE (WITH ESCAPE ROUTES, SUCH AS EXIT FUNNELS) SHALL BE ERECTED AROUND ACTIVE CONSTRUCTION AREAS TO PREVENT MOVEMENT OF ANIMALS INTO ACTIVE CONSTRUCTION AREAS UNDER OVERSIGHT BY A QUALIFIED BIOLOGIST. DURING CONSTRUCTION, THE FENCE SHALL BE CHECKED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES EVERY DAY FOR DAMAGE, BREAKS, OR TRAPPED WILDLIFE BEFORE CONSTRUCTION ACTIVITIES COMMENCE. ANY DAMAGE TO THE FENCE SHALL BE REPAIRED IN A TIMELY MANNER.
- EACH SURVEY MARKER LOCATION SHOWN SHALL CONSIST OF 3 MARKERS; ONE SURVEY MARKER NEAR THE TOP OF THE SLURRY WALL, ONE NEAR THE MIDPOINT, AND ONE NEAR THE BASE OF THE WALL. CONTRACTOR SHALL RESET SURVEY MARKERS TO LINER WALL DURING CONSTRUCTION.
- ALL SURVEY MARKERS, INCLINOMETERS, AND TILT METER LOCATIONS SHOWN ARE APPROXIMATE. CONTRACTOR SHALL SUBMIT LOCATION PLAN FOR APPROVAL.

LEGEND

- FIBER ROLLS, SEE DETAIL 1, SHEET C-31
- INLET CAPTURE BAG, SEE DETAIL 2, SHEET C-31
- INCLINOMETER
- SURVEY MARKER
- TILT METER
- TEMPORARY FENCING
- ENVIRONMENTALLY SENSITIVE AREA
- ANIMAL EXCLUSION FENCING
- EQUALIZATION BASIN TANK OUTLINE
- EQUALIZATION BASIN FENCING
- LIMIT OF WORK
- EXISTING BUILDING



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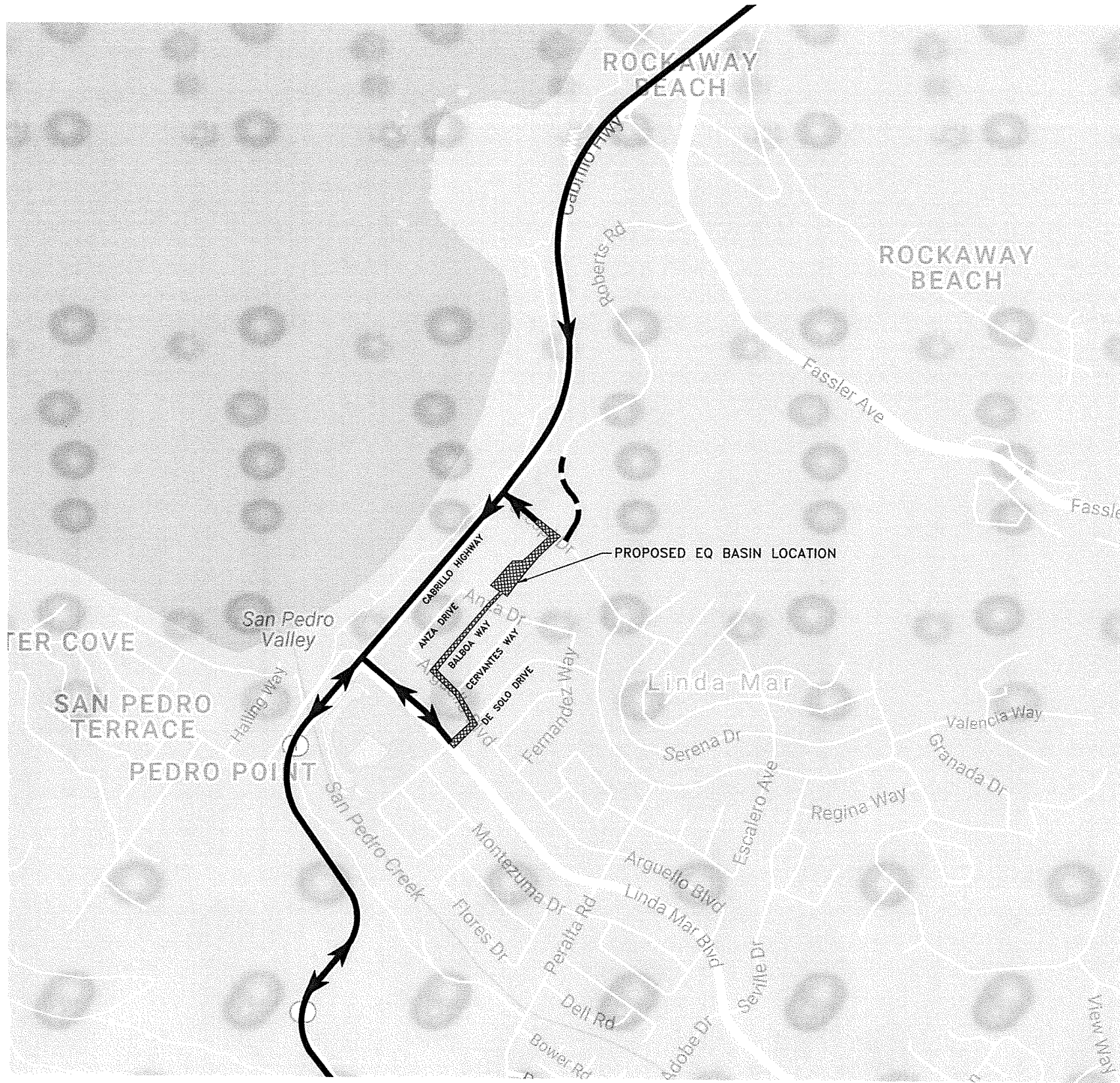
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**WET WEATHER EQUALIZATION BASIN**  
**STAGING PLAN**  
**PARKING LOT**  
 CITY OF PACIFICA, CALIFORNIA

SHEET	C-32
JOB NO.	240001

Z:\Projects\240 City of Pacifica\001 Wet Weather Equalization Basin\AAA Latest\C30-Demo Plan.dwg



**LEGEND**

- ALLOWED TRUCK ROUTES (INBOUND AND OUTBOUND)
- PROPOSED EMPLOYEE PARKING AREA
- PROPOSED PROJECT AREA

**GRAPHIC SCALE**  
NOT TO SCALE

- NOTES**
1. ALLOWABLE TRUCK TRAFFIC ROUTES PRESENTED ARE IN ACCORDANCE TO CALTRANS TRUCK NETWORK MAP. GENERAL TRAFFIC FLOW INFORMATION PROVIDED FOR INFORMATION.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING AND SUBMITTING A TRAFFIC CONTROL PLAN TO THE CITY FOR REVIEW AND APPROVAL.
  3. THE CONTRACTOR SHALL MAINTAIN AT LEAST ONE-LANE OF ACCESS ALONG ALL AFFECTED CITY STREETS DURING PIPELINE CONSTRUCTION ACTIVITIES AS PER THE CONTRACTOR'S TRAFFIC CONTROL PLAN THAT SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL. ACCESS INTO RESIDENT'S DRIVEWAYS FROM CITY STREETS MUST BE RE-ESTABLISHED AT THE COMPLETION OF EACH WORK DAY.

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**WET WEATHER EQUALIZATION BASIN  
GENERALIZED TRAFFIC  
FLOW PLAN**  
CITY OF PACIFICA, CALIFORNIA

SHEET  
**C-33**

JOB NO.  
**240001**

**ABBREVIATIONS**

AC	ASPHALT CONCRETE
(E)	EXISTING
FG	FINISH GRADE
FL	FLOW LINE
HP	HIGH POINT
TC	TOP OF CURB
TOT	TOP OF TANK
TYP	TYPICAL

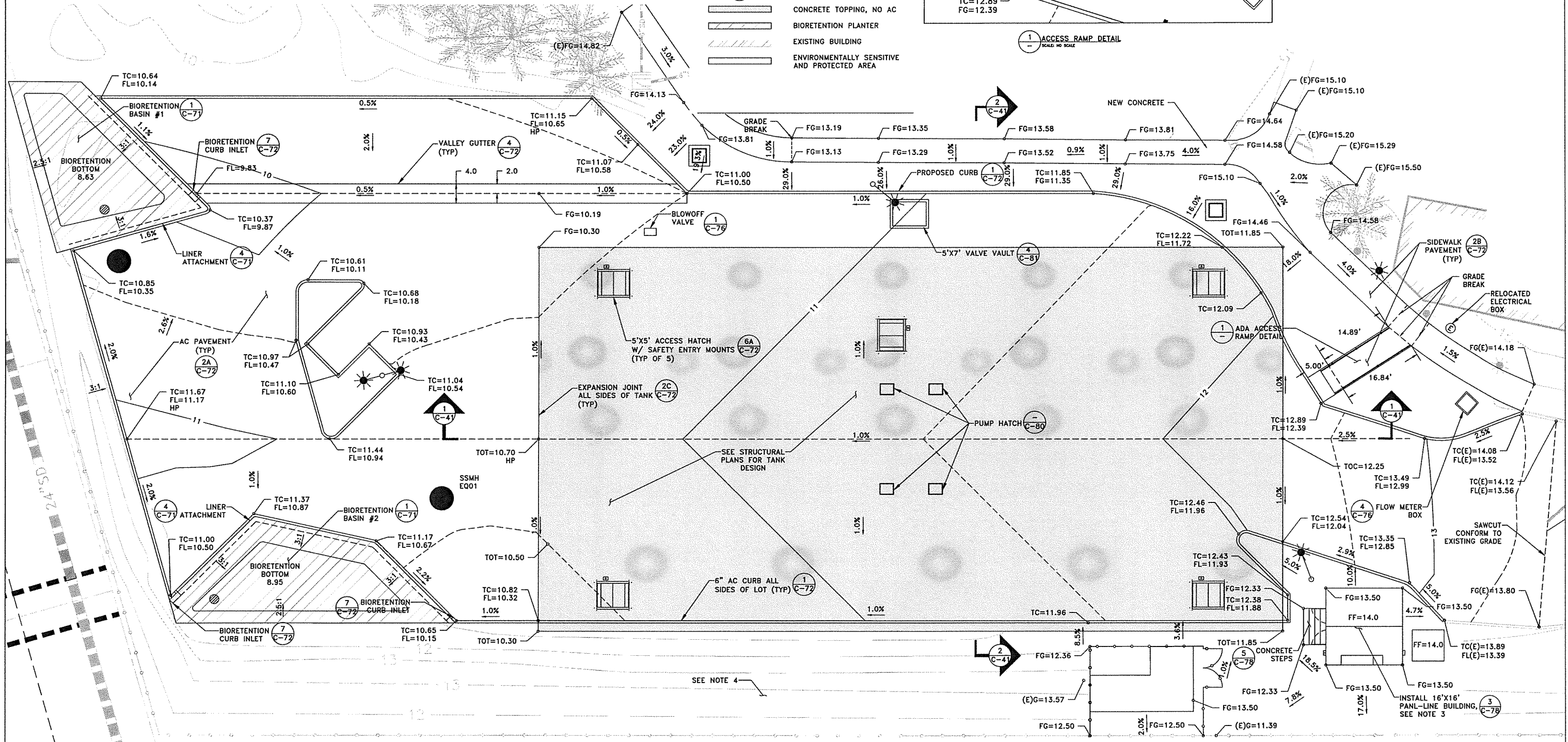
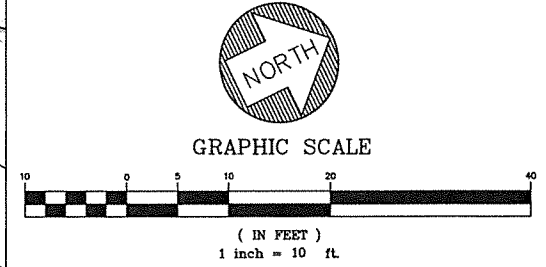
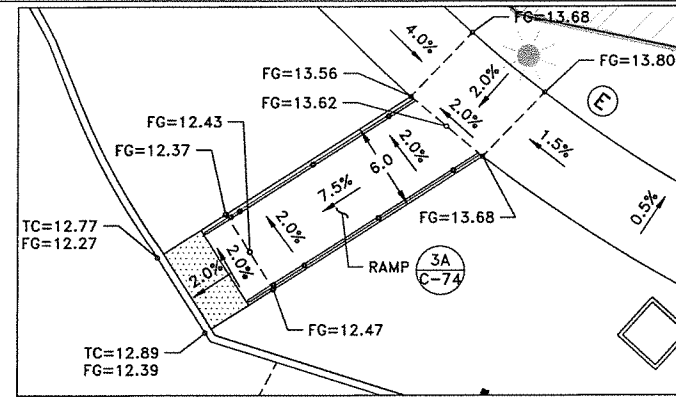
**NOTES**

1. ALL EXISTING AND PROPOSED UTILITY SURFACE FEATURES SHALL BE ADJUSTED TO GRADE, INCLUDING BUT NOT LIMITED TO CLEANOUTS, VAULTS, INLETS, AND MANHOLES, UNLESS DESIGNATED TO BE DEMOLISHED ON THE DEMOLITION PLAN.
2. CONTRACTOR SHALL PAINT "NO DUMPING FLOWS TO BAY" AT ALL STORM DRAIN INLETS (NEW AND EXISTING) WITH "NO DUMPING FLOWS TO BAY" BLUE LETTERS ON WHITE BACKGROUND OR OBTAIN EMBLEM FROM CITY OF PACIFICA.
3. INSTALL NEW UTILITY SHED TO HOUSE ELECTRICAL BOX, MECHANICAL CONTROLS, AND CONFINED SPACE SAFETY EQUIPMENT.
4. ENVIRONMENTALLY SENSITIVE AND PROTECTED AREA THAT CANNOT BE DISTURBED DURING THE LIFE OF THE PROJECT.
5. EARTH WORK

CUT (CY)	FILL (CY)	NET (CY)
±23,036	±42	±22,994

**LEGEND**

- MANHOLE
- OVERFLOW INLET
- GATE VALVE
- LIGHT (SEE ELECTRICAL PLANS)
- GRADING SPOT ELEVATION
- APPROXIMATE SURFACE SLOPE
- DETAIL CALLOUT
- CONCRETE TOPPING, NO AC
- BIORETENTION PLANTER
- EXISTING BUILDING
- ENVIRONMENTALLY SENSITIVE AND PROTECTED AREA



SCALE:	AS NOTED	05/08/16	BASIS OF DESIGN
DESIGNED:	RJL	08/05/16	60% SUBMITTAL
DRAWN:	AJR	10/03/16	90% SUBMITTAL
CHECKED:	MQ	11/23/16	95% SUBMITTAL
PROJ. ENGR:	RJL	01/18/17	100% SUBMITTAL
BY	DATE	DESCRIPTION OF REVISIONS	
		APP'D	


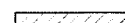
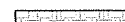
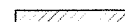
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**CITY OF PACIFICA**  
 DEPARTMENT OF PUBLIC WORKS, WWTP  
 170 SANTA MARIA BOULEVARD  
 PACIFICA, CALIFORNIA 94044

**WET WEATHER EQUALIZATION BASIN**  
**GRADING PLAN**  
**PARKING LOT**  
 CITY OF PACIFICA, CALIFORNIA

**SHEET C-40**  
**JOB NO. 240001**

**LEGEND**

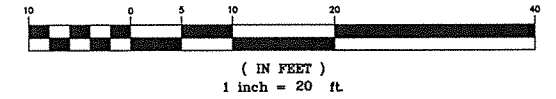
-  DMA BOUNDARY
-  PAVEMENT
-  LANDSCAPING
-  BIORETENTION BASIN AREA

**ABBREVIATIONS**

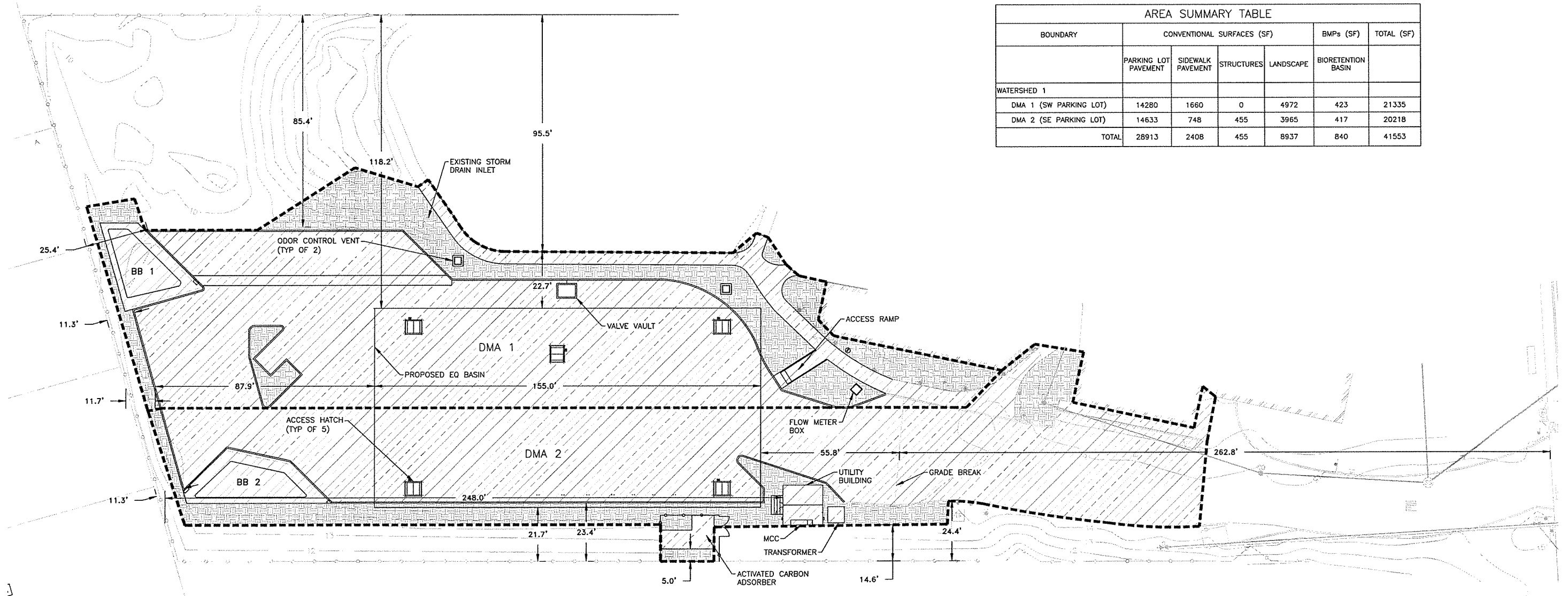
- BB BIORETENTION BASIN
- BMP BETTER MANAGEMENT PRACTICES
- DMA DRAINAGE MANAGEMENT AREA
- MCC MOTOR CONTROL CENTER
- TYP TYPICAL



GRAPHIC SCALE



BOUNDARY	CONVENTIONAL SURFACES (SF)				BMPs (SF)	TOTAL (SF)
	PARKING LOT PAVEMENT	SIDEWALK PAVEMENT	STRUCTURES	LANDSCAPE	BIORETENTION BASIN	
WATERSHED 1						
DMA 1 (SW PARKING LOT)	14280	1660	0	4972	423	21335
DMA 2 (SE PARKING LOT)	14633	748	455	3965	417	20218
<b>TOTAL</b>	<b>28913</b>	<b>2408</b>	<b>455</b>	<b>8937</b>	<b>840</b>	<b>41553</b>



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**WET WEATHER EQUALIZATION BASIN  
 STORMWATER MANAGEMENT PLAN  
 PARKING LOT  
 CITY OF PACIFICA, CALIFORNIA**

SHEET  
**C-42**  
 JOB NO.  
**240001**

**LEGEND**

- PARKING LOT CURB
- PARKING LOT STRIPING
- TANK
- EXISTING BUILDING
- DETAIL CALLOUT
- TRAFFIC SIGN

**ABBREVIATIONS**

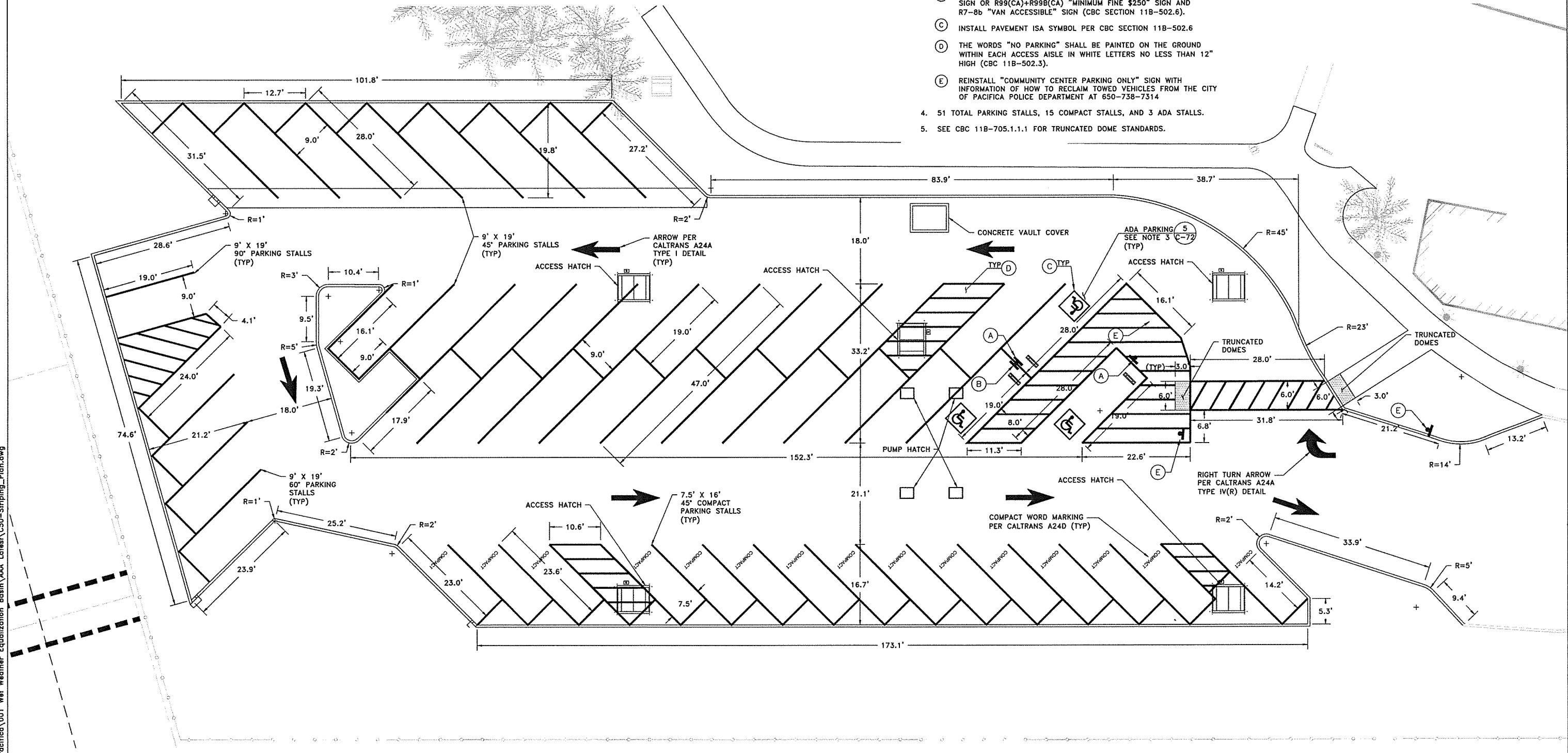
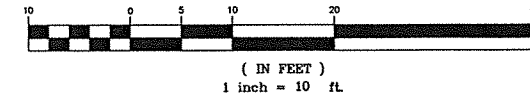
- ADA AMERICANS WITH DISABILITIES ACT
- R RADIUS
- SD STORM DRAIN
- TYP TYPICAL

**NOTES**

1. ALL CURB NOT ADJACENT TO DESIGNATED PARKING STALLS SHALL BE PAINTED RED WITH "FIRE LANE - NO PARKING" STENCILED IN WHITE, SPACED AT 50 FOOT INTERVALS.
2. CONTRACTOR SHALL MARK ALL STORM DRAIN INLETS (NEW AND EXISTING) WITH "NO DUMPING, DRAINS TO BAY" PLACARD IN ACCORDANCE TO CITY OF PACIFICA STANDARDS.
3. ACCESSIBLE PARKING, REFER TO SHEET C72 DETAIL 5.
  - (A) INSTALL ISA PARKING SIGN R99C(CA) OR R99(CA)+R99B(CA) "MINIMUM FINE \$250" SIGN (CBC SECTION 11B-502.6).
  - (B) INSTALL ISA PARKING SIGN R99C(CA) WITH R7-8b "VAN ACCESSIBLE" SIGN OR R99(CA)+R99B(CA) "MINIMUM FINE \$250" SIGN AND R7-8b "VAN ACCESSIBLE" SIGN (CBC SECTION 11B-502.6).
  - (C) INSTALL PAVEMENT ISA SYMBOL PER CBC SECTION 11B-502.6
  - (D) THE WORDS "NO PARKING" SHALL BE PAINTED ON THE GROUND WITHIN EACH ACCESS AISLE IN WHITE LETTERS NO LESS THAN 12" HIGH (CBC 11B-502.3).
  - (E) REINSTALL "COMMUNITY CENTER PARKING ONLY" SIGN WITH INFORMATION OF HOW TO RECLAIM TOWED VEHICLES FROM THE CITY OF PACIFICA POLICE DEPARTMENT AT 650-738-7314
4. 51 TOTAL PARKING STALLS, 15 COMPACT STALLS, AND 3 ADA STALLS.
5. SEE CBC 11B-705.1.1.1 FOR TRUNCATED DOME STANDARDS.



**GRAPHIC SCALE**



Z:\Projects\240 City of Pacifica\001 Wet Weather Equalization Basin\AAA Latest\C50-Striping\_Plan.dwg

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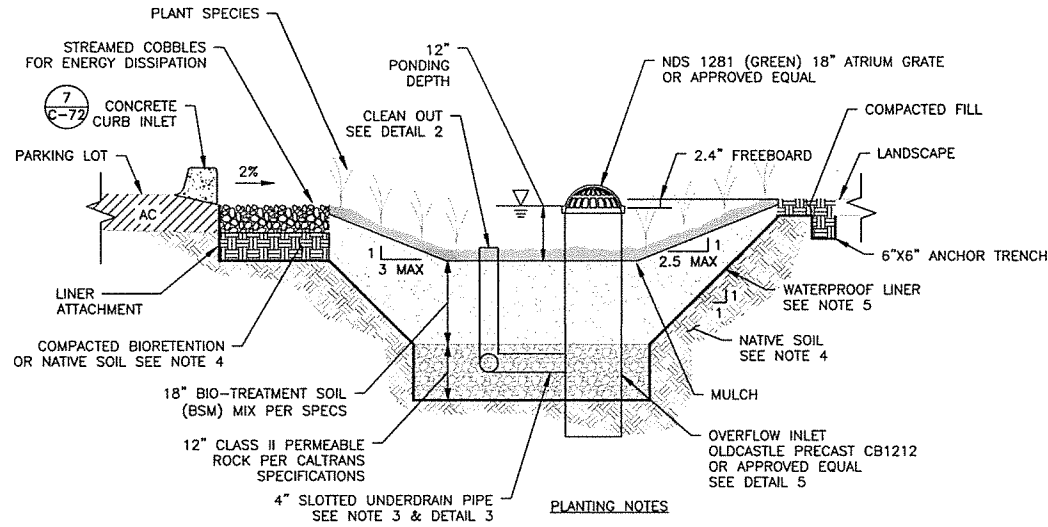
**CITY OF PACIFICA**  
 DEPARTMENT OF PUBLIC WORKS, WWTP  
 170 SANTA MARIA BOULEVARD  
 PACIFICA CALIFORNIA 94044



**WET WEATHER EQUALIZATION BASIN  
 STRIPING PLAN  
 PARKING LOT  
 CITY OF PACIFICA, CALIFORNIA**

SHEET  
**C-50**  
 JOB NO.  
**240001**





**NOTES**

1. GROUT ALL PENETRATIONS, SEAMS, CRACKS, AND JOINTS WITH CLASS "C" MORTAR.
2. MARK ALL CATCH BASINS WITH "NO DUMPING FLOWS TO BAY" PLACARD.
3. CONNECT UNDERDRAIN TO CATCH BASIN WITHIN BIORETENTION AREA WITH WATER TIGHT CONNECTION. SLOPE UNDERDRAIN AT 0.5% MINIMUM WITH PERFORATIONS DOWN. SEE PLAN FOR CONNECTION TO CATCH BASIN AND FOR INVERT ELEVATION.
4. COMPACT SOIL IMMEDIATELY BEHIND CURB TO 90% OF MAXIMUM DENSITY PER STANDARD PROCTOR TEST (ASTM D698).
5. 30MIL HDPE LINER OR EQUAL.

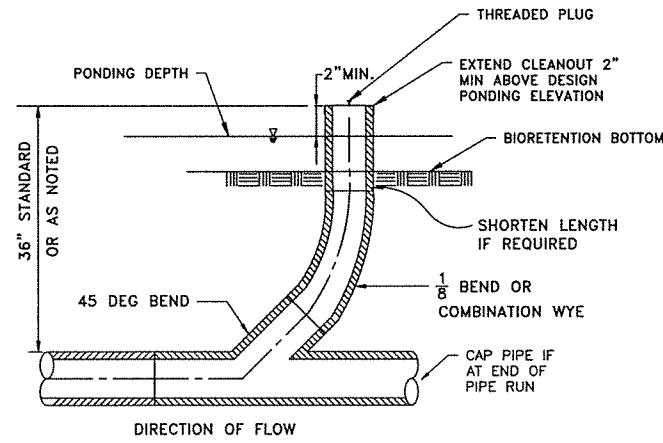
**PLANTING NOTES**

1. ALL PLANTS AND SOIL MIX WITHIN THE BIORETENTION AREA SHALL BE IN ACCORDANCE WITH APPENDIX A AND K, RESPECTIVELY, OF THE SAN MATEO C.3 TECHNICAL GUIDELINES.
2. PLANTS SHALL BE JUNCUS PATENS (BLUE RUSH).
3. JUNCUS PATENS PLANTS SHALL BE SPACED EVENLY THROUGHOUT EACH BIORETENTION AREA. JUNCUS PATENS SHALL BE PLANTED IN THREE ROWS.
4. PLANTS SHALL BE ORGANIC, BEE-FRIENDLY (NO PESTICIDES/INSECTICIDES USED TO GROW THEM).
5. PLANTS SHALL BE 1 GALLON SIZE PER AMERICAN STANDARDS FOR NURSERY STOCK ANSI Z60.1.
6. PLANT QUALITY PER ANSI Z60.1.
7. MULCH ALL PLANTING AREAS IN ACCORDANCE WITH THE STATE'S WATER EFFICIENCY LANDSCAPE ORDINANCE (WEL0).
8. CONFORM TO ALL ANSI A300 STANDARDS FOR PLANTING.

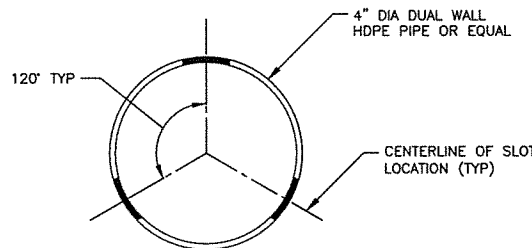
REFER TO SHEET C40 FOR BIORETENTION AREA IDS.

NUMBER OF PLANTS IN EACH BIORETENTION AREA			BIORETENTION AREA ID #	
BOTANICAL NAME	SIZE	SPACE	#1	#2
# OF JUNCUS PATENS	1 GAL	24" OC	186	221

1 BIORETENTION BASIN  
C-40 SCALE: NO SCALE



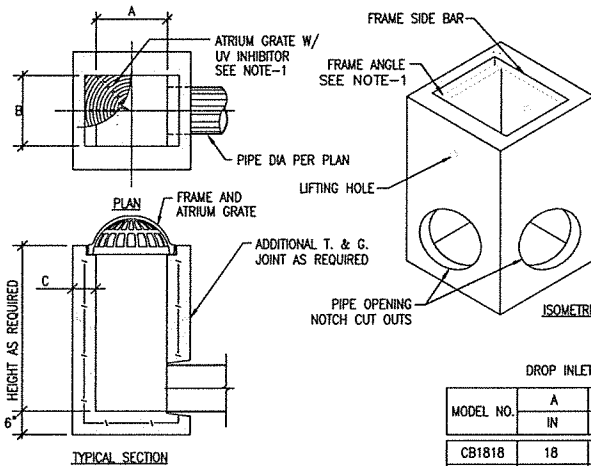
2 BIORETENTION BASIN CLEAN OUT  
C-60 SCALE: NO SCALE



**NOTES:**

1. ALL PERFORATIONS SHALL BE SLOTTED TYPE AND CONFORM TO AASHTO CLASS II SPECIFICATIONS AND MEASURE 0.125 INCH WIDE BY 0.875 INCH LONG (MAX), PROVIDING A MINIMUM INLET AREA OF 1.0 SQUARE INCH PER LINEAR FOOT OF PIPE.
2. PERFORATIONS SHALL BE LOCATED IN VALLEYS OF CORRUGATIONS, ORIENTED PERPENDICULAR TO LONG AXIS OF PIPE, AND EVENLY SPACED AROUND CIRCUMFERENCE AND LENGTH OF PIPE.
3. LONGITUDINAL SLOPE OF UNDERDRAIN PIPE SHALL BE 0.5% MINIMUM.
4. 12" CLASS II PERMEABLE ROCK TO SURROUND PERFORATED PIPE.

3 SLOTTED UNDERDRAIN PIPE  
C-60 SCALE: NO SCALE



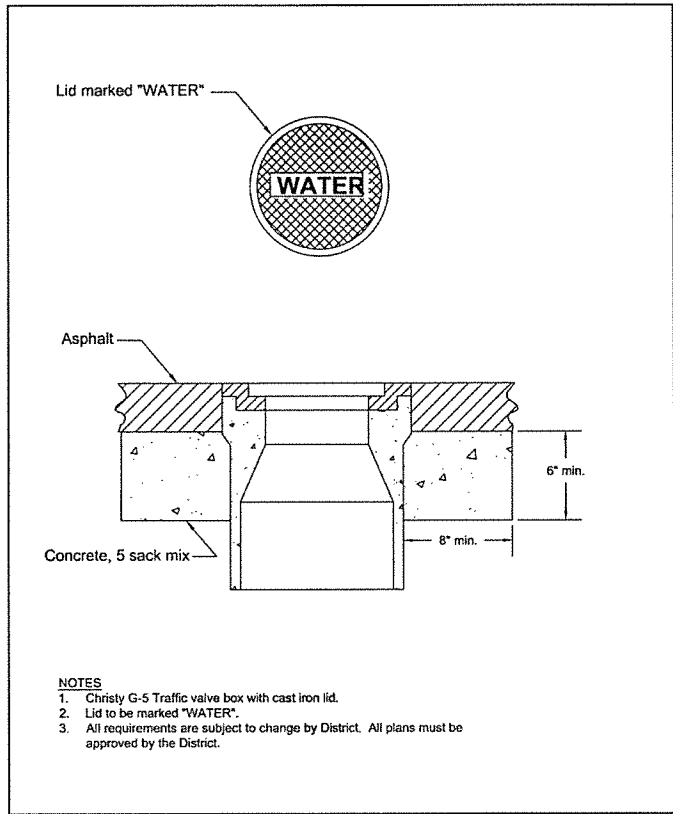
**NOTES:**

1. FRAME AND GRATE PER NDS PRODUCTS OR APPROVED EQUAL.

DROP INLET TABLE

MODEL NO.	A	B	C
	IN	IN	IN
CB1818	18	18	5
D13656	36	36	6

5 OVERFLOW INLET  
C-60 SCALE: NO SCALE

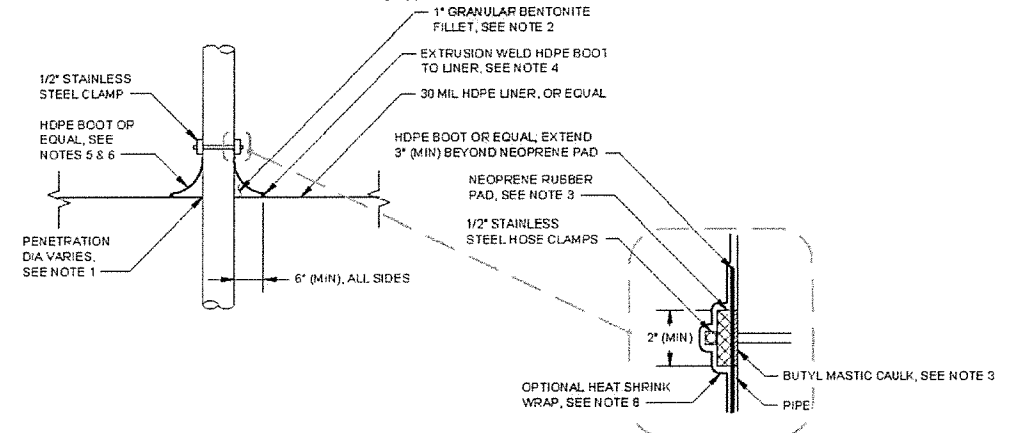


**NOTES**

1. Christy G-5 Traffic valve box with cast iron lid.
2. Lid to be marked "WATER".
3. All requirements are subject to change by District. All plans must be approved by the District.

STANDARD DETAIL	NORTH COAST COUNTY WATER DISTRICT	
Concrete, 4000 psi	WATER VALVE BOX - ROADWAY INSTALLATION	NC-18 SHT 1 OF 1

6 WATER VALVE BOX ROADWAY INSTALLATION  
C-61 SCALE: NO SCALE



**GENERAL NOTES:**

1. CONTRACTOR MAY USE PREFABRICATED PIPE BOOTS IN LIEU OF FIELD-FABRICATED BOOTS. CONNECT PREFABRICATED BOOT TO LINER AND PIPE PER MANUFACTURER'S RECOMMENDATIONS.

**CONSTRUCTION NOTES:**

1. CUT OPENING IN LINER FOR PIPE TO WITHIN 1/2" OF PIPE OUTSIDE DIAMETER.
2. FILL ANNULAR SPACE WITH 1" MINIMUM GRANULAR BENTONITE FILLET AS SHOWN.
3. APPLY BUTYL MASTIC CAULK AND NEOPRENE RUBBER PAD CONTINUOUSLY AROUND PIPE.

**CONSTRUCTION NOTES CONTINUED:**

4. PROVIDE CONTINUOUS EXTRUSION WELD AT PIPE BOOT/LINER INTERFACE.
5. FORM BOOT WITH SUFFICIENT MATERIAL TO PREVENT OVERSTRESSING DURING BACKFILLING, BUT WITHOUT FOLDS OR WRINKLES.
6. CONSTRUCT BOOT FROM SAME MATERIAL AS THE LINER.
7. SEAL CLAMP AND END OF BOOT WITH HEAT SHRINK WRAP. EXTEND HEAT SHRINK WRAP ONE PIPE DIAMETER (MINIMUM) BEYOND CLAMP.

7 BIORETENTION PENETRATION LINER  
SCALE: NTS

SCALE:	AS NOTED	05/06/16	BASIS OF DESIGN
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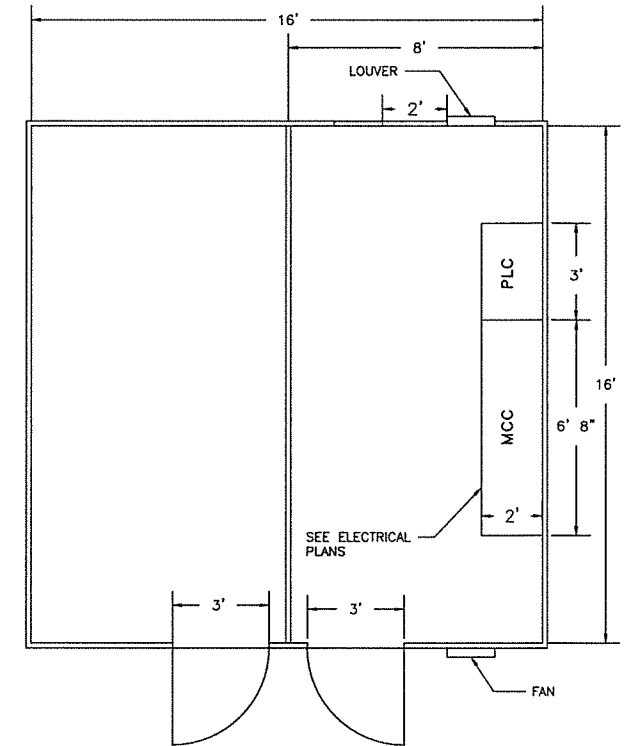
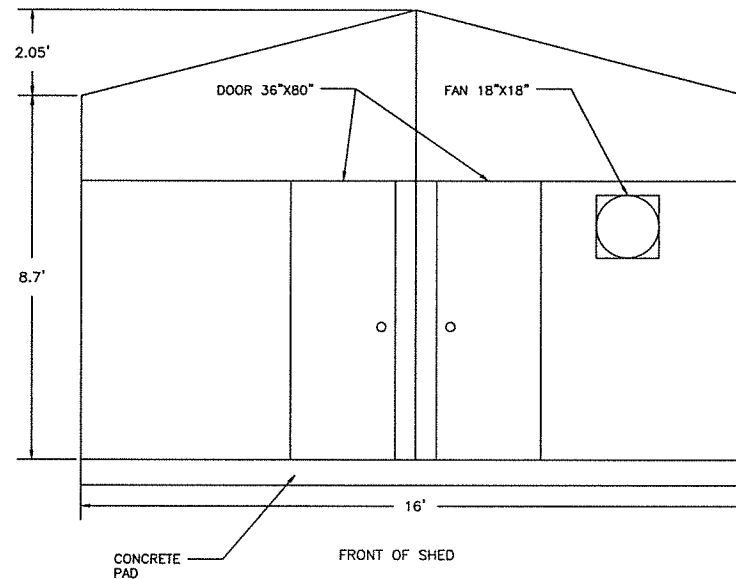
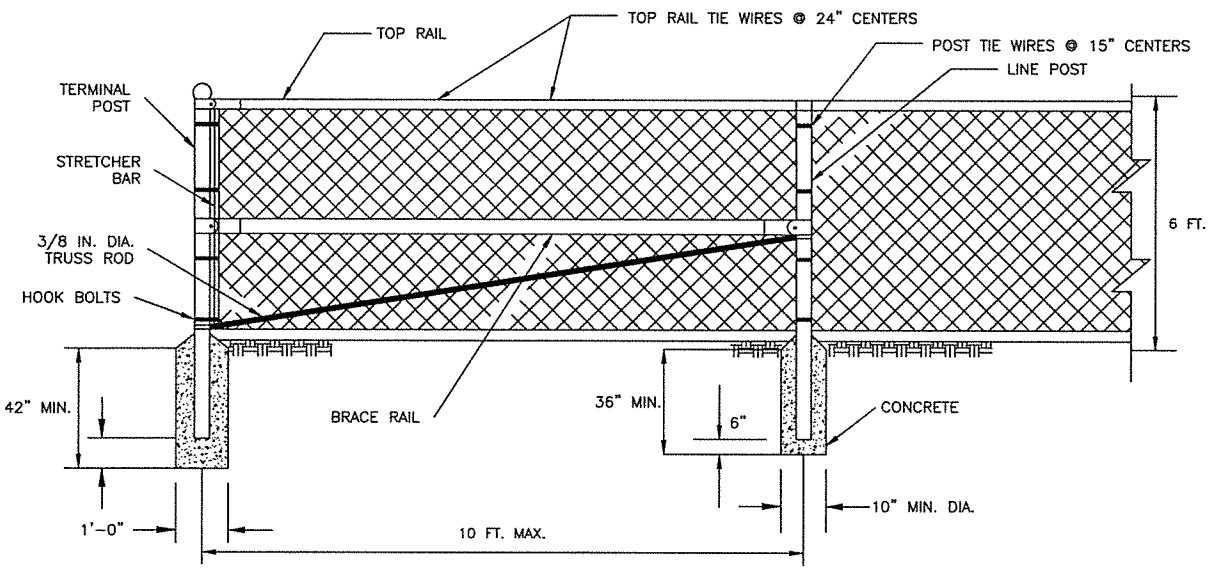


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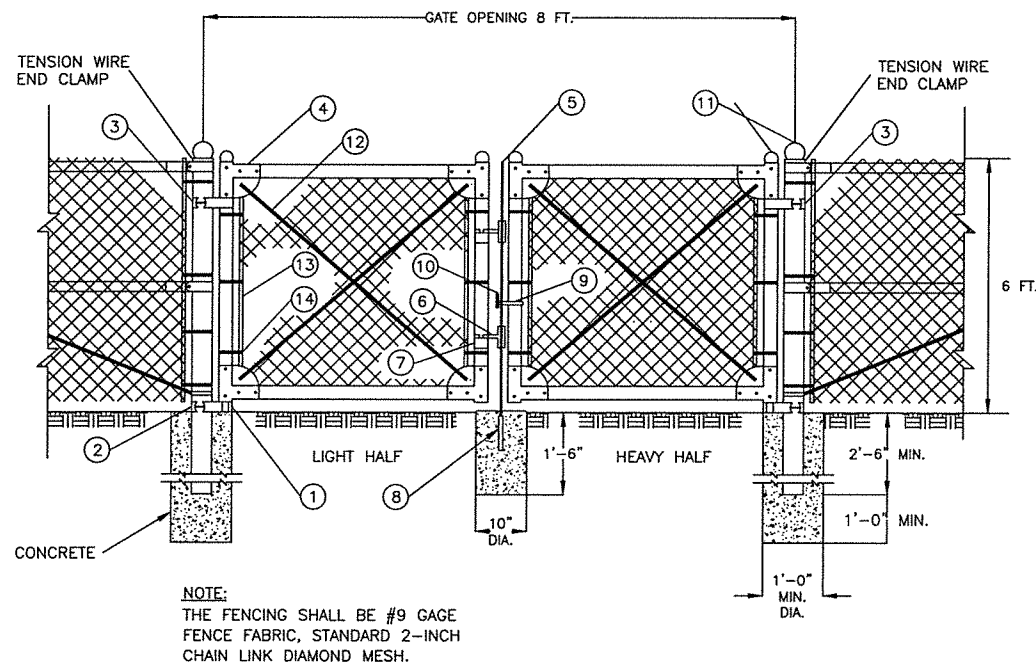


**WET WEATHER EQUALIZATION BASIN**  
**DETAIL SHEET**  
CITY OF PACIFICA, CALIFORNIA

SHEET  
C-71  
JOB NO.  
240001



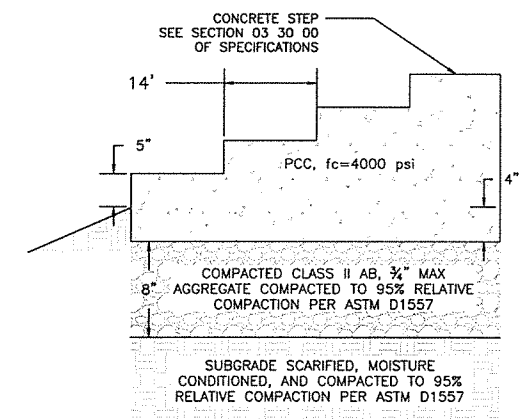
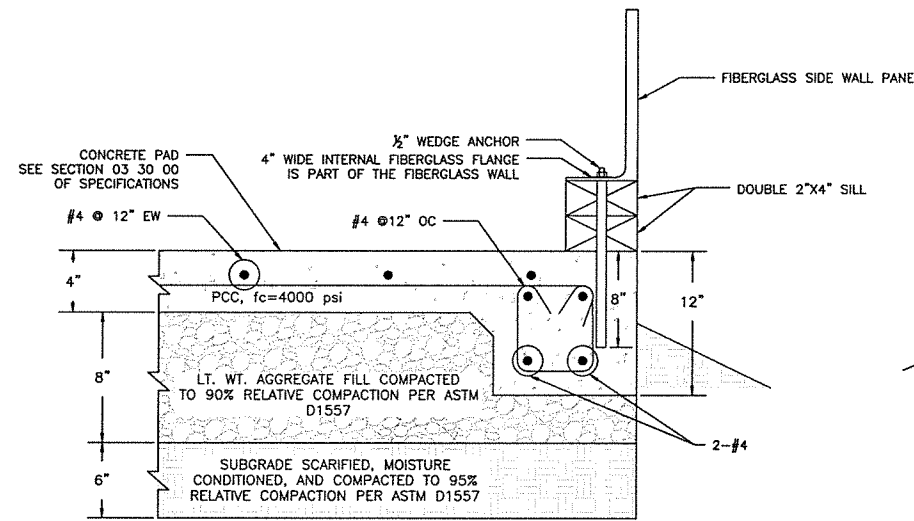
NOTES:  
1. SEE SPECIFICATION SECTION 01 13 40 FOR DEFERRED SUBMITTAL REQUIREMENTS.



**GATE DETAIL**

**LEGEND**

PART NO.	DESCRIPTION	QUANTITY
1	STRAIGHT PLUG	2
2	BOTTOM HINGE	2
3	TOP HINGE	2
4	CORNER ELBOW	8
5	PLUNGER ROD	1
6	LATCH FORK	2
7	FORK CATCH	2
8	PLUNGER ROD CATCH	1
9	LOCK KEEPER GUIDE	1
10	LOCK KEEPER	1
11	ORNAMENTAL TOPS	6
12	TRUSS RODS	4
13	STRETCHER BAR	4
14	HOOB BOLTS	12



SCALE:	AS NOTED	05/06/18	BASIS OF DESIGN
DESIGNED:	RJL	08/05/18	60% SUBMITTAL
DRAWN:	AJR	10/03/18	90% SUBMITTAL
CHECKED:	MQ	11/23/18	95% SUBMITTAL
PROJ. ENGR:	RJL	01/18/17	100% SUBMITTAL
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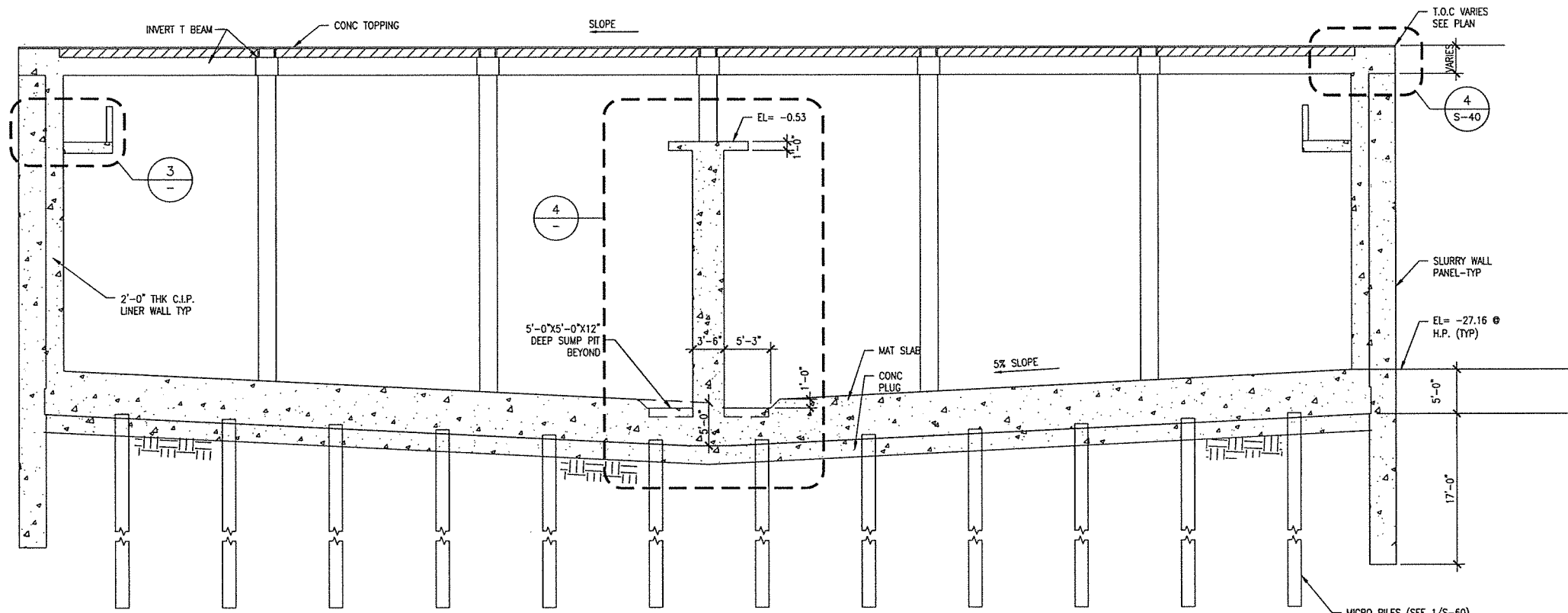


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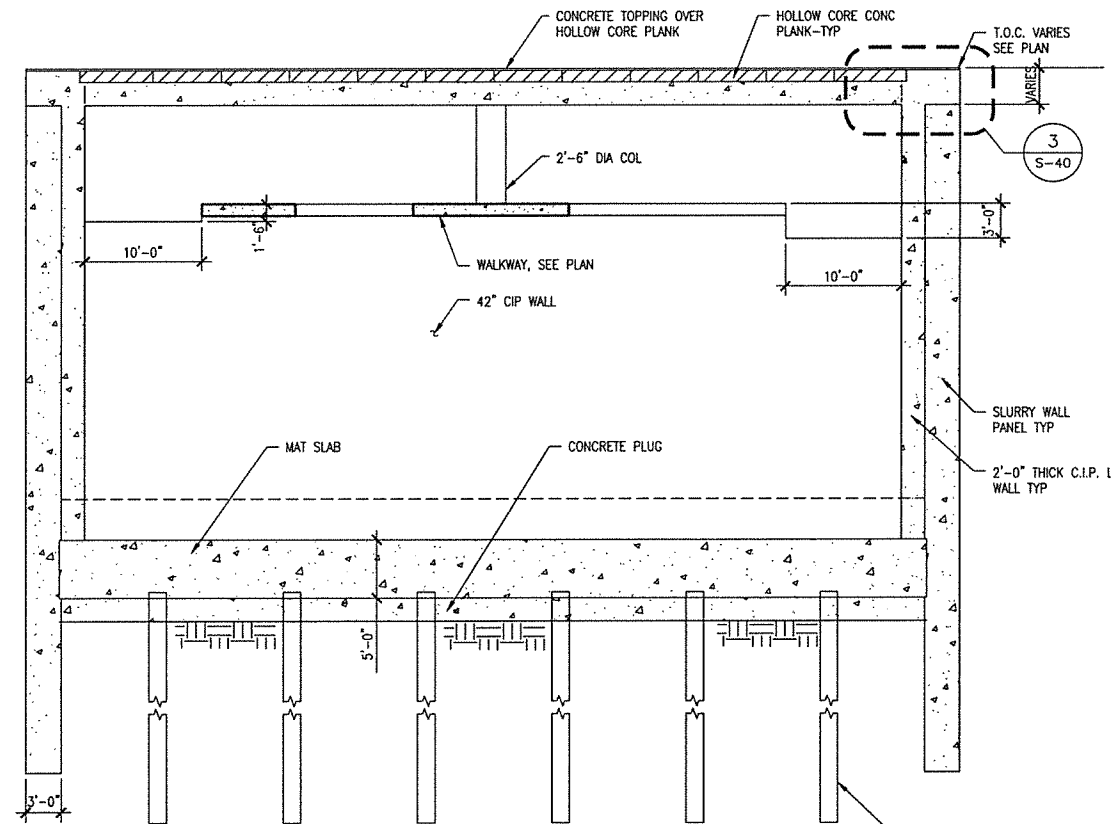


**WET WEATHER EQUALIZATION BASIN**  
**DETAIL SHEET**  
**CITY OF PACIFICA, CALIFORNIA**

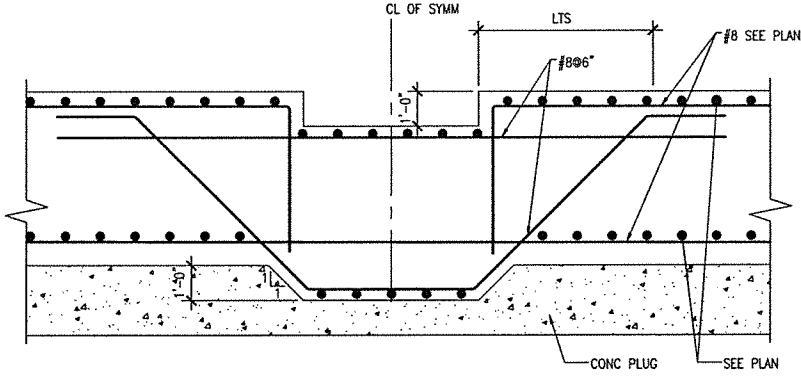
SHEET  
**C-78**  
JOB NO.  
**240001**



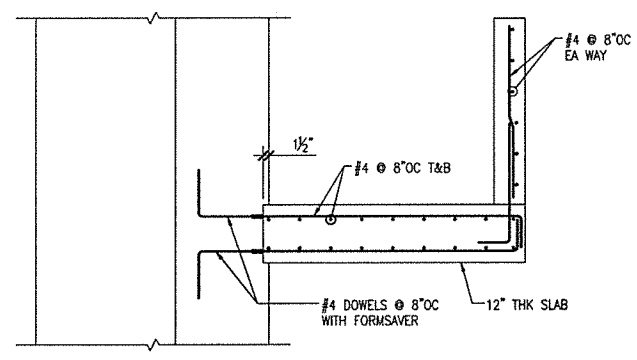
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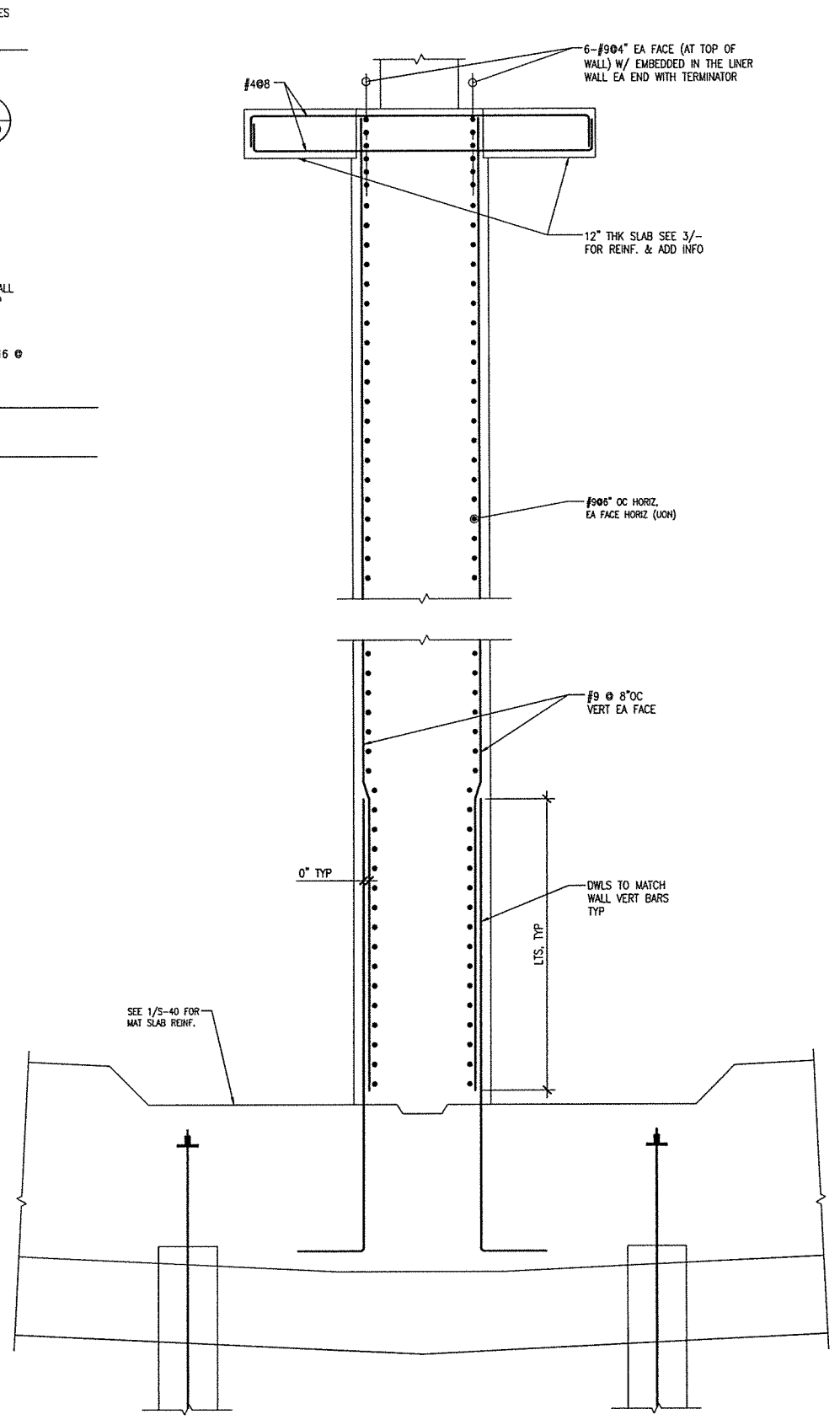
**1 SECTION**  
Scale: 1/8"=1'-0"



**5 SECTION**  
SCALE: 3/8"=1'-0"



**3 SECTION**  
SCALE: 1/2"=1'-0"



**4 SECTION**  
SCALE: 1/2"=1'-0"

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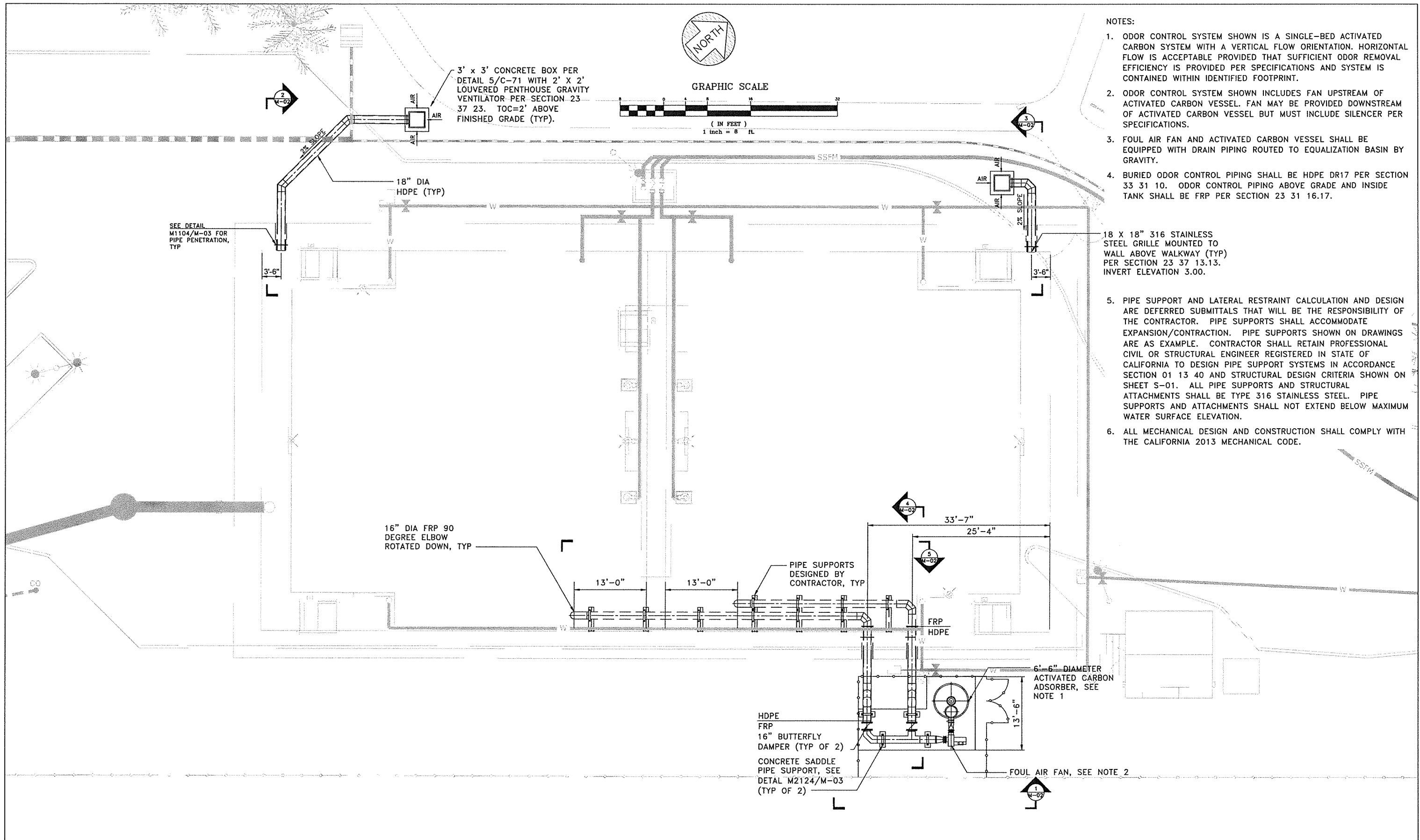


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PACIFICA CALIFORNIA 94044



WET WEATHER EQUALIZATION BASIN  
**TANK SECTIONS**  
CITY OF PACIFICA, CALIFORNIA

SHEET  
S-30  
JOB NO.  
240001



- NOTES:
1. ODOR CONTROL SYSTEM SHOWN IS A SINGLE-BED ACTIVATED CARBON SYSTEM WITH A VERTICAL FLOW ORIENTATION. HORIZONTAL FLOW IS ACCEPTABLE PROVIDED THAT SUFFICIENT ODOR REMOVAL EFFICIENCY IS PROVIDED PER SPECIFICATIONS AND SYSTEM IS CONTAINED WITHIN IDENTIFIED FOOTPRINT.
  2. ODOR CONTROL SYSTEM SHOWN INCLUDES FAN UPSTREAM OF ACTIVATED CARBON VESSEL. FAN MAY BE PROVIDED DOWNSTREAM OF ACTIVATED CARBON VESSEL BUT MUST INCLUDE SILENCER PER SPECIFICATIONS.
  3. FOUL AIR FAN AND ACTIVATED CARBON VESSEL SHALL BE EQUIPPED WITH DRAIN PIPING ROUTED TO EQUALIZATION BASIN BY GRAVITY.
  4. BURIED ODOR CONTROL PIPING SHALL BE HDPE DR17 PER SECTION 33 31 10. ODOR CONTROL PIPING ABOVE GRADE AND INSIDE TANK SHALL BE FRP PER SECTION 23 31 16.17.
  5. PIPE SUPPORT AND LATERAL RESTRAINT CALCULATION AND DESIGN ARE DEFERRED SUBMITTALS THAT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. PIPE SUPPORTS SHALL ACCOMMODATE EXPANSION/CONTRACTION. PIPE SUPPORTS SHOWN ON DRAWINGS ARE AS EXAMPLE. CONTRACTOR SHALL RETAIN PROFESSIONAL CIVIL OR STRUCTURAL ENGINEER REGISTERED IN STATE OF CALIFORNIA TO DESIGN PIPE SUPPORT SYSTEMS IN ACCORDANCE SECTION 01 13 40 AND STRUCTURAL DESIGN CRITERIA SHOWN ON SHEET S-01. ALL PIPE SUPPORTS AND STRUCTURAL ATTACHMENTS SHALL BE TYPE 316 STAINLESS STEEL. PIPE SUPPORTS AND ATTACHMENTS SHALL NOT EXTEND BELOW MAXIMUM WATER SURFACE ELEVATION.
  6. ALL MECHANICAL DESIGN AND CONSTRUCTION SHALL COMPLY WITH THE CALIFORNIA 2013 MECHANICAL CODE.

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DRAWN:	FB	11/03/16	90% SUBMITTAL	
CHECKED:	TB	11/23/16	95% SUBMITTAL	
PROJ. ENGR:	DM	01/18/17	100% SUBMITTAL	
BY	DATE	DESCRIPTION OF REVISIONS		APP'D

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Professional Engineer  
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 STATE OF CALIFORNIA  
 01/18/2017

**WET WEATHER EQUALIZATION BASIN  
 ODOR CONTROL SYSTEM PLAN**  
 CITY OF PACIFICA, CALIFORNIA

SHEET  
**M-01**  
 JOB NO.  
**240001**

Figure 1-1: Evaluated Site Locations Overview



Figure 2-1: Potential Basin Location and Pipeline Alignment at Site Alternative 2C





CITY OF PACIFICA  
WET WEATHER FLOW EQUALIZATION BASIN  
PROJECT  
FINAL MITIGATED NEGATIVE DECLARATION/  
INITIAL STUDY

SCH # 2016122016

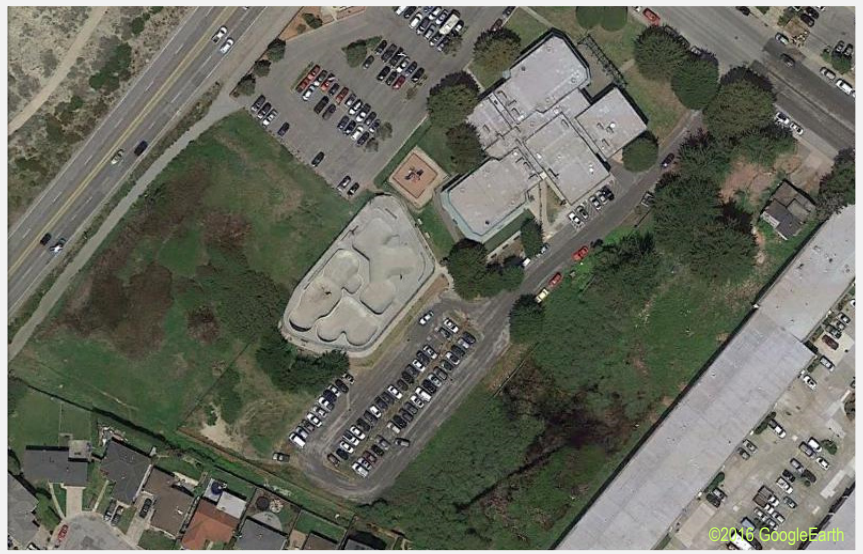
FEBRUARY 2017

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**APPENDIX**

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Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

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## INTRODUCTION

### Purpose of the Final MND/IS

The Final Mitigated Declaration/Initial Study (MND/IS) is an informational document prepared by the City of Pacifica (City), the Lead Agency. This document includes written public comment letters on the Draft MND/IS and presents responses to the written public comments, and as necessary, makes corrections and clarifications to the Draft MND/IS. This document, together with the Draft MND/IS, constitutes the Final MND/IS for the Project. Due to its length, the text of the Draft MND/IS is not included with this document but is included by reference as part of the Final MND/IS. The City has prepared this document pursuant to Sections 15070 – 15074 of the CEQA Guidelines which address the preparation of Negative and Mitigated Negative Declarations. Furthermore, the governing body of the City, the Pacifica City Council, along with the Pacifica Planning Commission, will consider both this document and the Draft MND/IS in their determinations on environmental certification.

Public Resources Code Section 21081.6(a) requires the Lead Agency to adopt a monitoring or reporting program for projects subject to the preparation of Environmental Impacts Reports (EIRs) or MNDs. The Draft Mitigation Monitoring and Reporting Program Checklist (MMRP) for the Project is included in Appendix E of the Draft IS.

### No New Significant Information

If significant new information is added to a Draft MND/IS after notice of public review has been given, but before adoption of the Final MND/IS, the lead agency must issue a new notice and recirculate the Draft MND/IS for further comment and consultation.

Although this document contains additions and clarifications to information presented in the Draft MND/IS, none of these additions and clarifications constitute a “substantial revision” as defined under Section 15073.5 of the CEQA Guidelines, defined as:

- A new avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance.
- The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Information presented in this document support the City’s determination that recirculation of the Draft MND/IS is not required because:

- Revisions to mitigation measures are more effective as revised pursuant to Section 15074.1 of the CEQA Guidelines.

- Revisions to the Project do not represent new avoidable significant effects.
- New information is added to clarify the Project based on community input.

## Organization of this Final MND/IS

This Final MND/IS contains information about the proposed Project, supplemental environmental information, and responses to comments raised during the public review and comment period on the Draft MND/IS. Following this Introduction, the document is organized as described below.

**Project Summary:** summarizes the proposed Project, potential environmental impacts, and recommended mitigation measures.

**List of Commenters on Draft MND/IS:** lists public agencies and individuals that submitted written comments on the Draft MND/IS during the public review and comment period.

**Written Comments on the Draft MND/IS and Responses to these Comments:** contains the comment letters received on the Draft MND/IS and presents individual responses to the specific CEQA-related comments raised.

**Revisions to the Draft MND/IS:** contains text changes and corrections to the Draft MND/IS initiated by the City (as the Lead Agency) or resulting from comments received on the Draft MND/IS.

## PROJECT SUMMARY

### Summary of the Project

#### Project Description and Location

The City intends to construct and utilize the proposed wet weather flow equalization basin (“the EQ basin”) and associated pipelines (together referred to as “the Project”) as a key element to mitigate storm-related sanitary sewer overflows (SSOs) in the City’s wastewater collection system and reduce peak wet weather flows to the City’s Calera Creek Water Recycling Plant. The City’s sanitary sewer collection system is subject to infiltration and inflow (I/I) of extraneous groundwater and stormwater into the system, resulting in high wet weather flows during storm events. As a result, SSOs have occurred at several locations in the system during large storms.

The Project would include the installation of a 2.1-million-gallon capacity EQ basin, two diversion structures to passively divert excess flows from the existing Linda Mar Boulevard and Arguello Boulevard sanitary sewer lines and transport the flow via a conveyance pipeline to the EQ basin during storm events, an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and the Linda Mar Pump Station, a 10-foot-tall motor control center (MCC) building equipped with a 4-foot-high metal antenna that would allow radio communication with the City’s Calera Waste Water Treatment Plant, a ventilation and odor-control system, and a potable-water-supplied cleaning system within the EQ basin.

The EQ basin would be located within the parking lot for the Skatepark and immediately southwest of the Community Center (located at 540 Crespi Drive) on the east side of SR-1. The property for the proposed EQ basin is owned by the City, zoned for Controlled Manufacturing, and is identified as Public Facilities in the City’s General Plan.

The proposed EQ basin construction site is bounded by open space areas to the east and west, residential parcels approximately 80 feet to the southwest, and the Skatepark and Community Center complexes to the northwest and northeast, respectively. There is an open, vegetated drainage swale between the southwestern end of the parking lot and the nearby residences.

The proposed two diversion structures and conveyance pipelines to and from the EQ basin would be constructed in City-owned rights-of-way or public utility easements.

During construction of the EQ Basin, the Skatepark parking lot would be closed to the public, and normal parking in this area would be diverted to the Crespi Parking Lot west of the Community Center. Following completion of EQ basin construction, the Skatepark parking lot would be reconstructed above the EQ basin structure to provide, at minimum, the same number of parking spots as in the existing parking lot.

Project construction is anticipated to occur during a 17-month period starting in May 2017 and ending in late September 2018. Construction hours would be limited to the following:

- Within the EQ basin area (Skatepark parking lot area including the excavation for the jacking and receiving pits): 8:00 a.m. to 5:00 p.m. Monday through Friday
- Along City streets (except at the intersection of Linda Mar Boulevard and De Solo Drive): 9:00 a.m. to 4:00 p.m.
- At the intersection of Linda Mar Boulevard and De Solo Drive: 9:00 a.m. to 3:00 p.m.

Weekend and night work is not anticipated.

## CEQA Process and Schedule

The City has conducted several public meetings in order to involve the community in the EQ basin site evaluation and selection process. The following provides a summary of the public meetings conducted, and notices transmitted, to date:

- Presentation of the EQ Basin Project and potential site locations at the City Council Chambers (August 14, 2013). Notices for the meeting were distributed on July 29, 2013, to the residences within a 300-foot radius of each of the four potential EQ basin sites. The purposes of the meeting were to: (1) provide an overview of the Project, (2) discuss the possible locations of the EQ basin, and (3) obtain public input on the Project and the possible locations. Approximately 20 community members attended the meeting.
- Presentation of the Draft Feasibility Study findings to the City Council (March 23, 2015). Notices for the meeting were distributed on March 18, 2015, to the residences within a 300-foot radius of each of the four potential EQ basin sites. The meeting was also posted on the City's website under the City Council and Wastewater categories at least seven days prior to the meeting. The purpose of the meeting was to present the findings of the Feasibility Study to the City Council, and to allow the community an opportunity to provide comments.
- Presentation of the Final Feasibility Study findings to the City Council (September 28, 2015). The meeting was posted on the City's website under the City Council and Wastewater categories at least seven days prior to the meeting. The purposes of the meeting were to present staff's final preferred site alternative for the EQ Basin Project and for the City Council to approve and direct staff to move forward with the necessary processes for a successful completion of the Project. The meeting also provided the community with an opportunity to provide comments.
- Presentation of the Wet-Weather Equalization Basin Project to the City Council (December 12, 2016). Notices for the meeting were distributed on November 28, 2016, to the residences within a 300-foot radius of the proposed EQ basin site. On November 30, 2016, Mr. Louis Sun and Ms. Maria Aguilar of the City of Pacifica Public Works Department visited the two residences on Anza Boulevard which border the utility easement to notify them of the presentation to the City Council. Informational letters were left at each residence. The

purposes of the meeting were to present a status update on the EQ basin and for the City Council to request any additional information on the Project.

- Public Meeting on the Draft MND/IS (December 15, 2016). An information sheet was posted to the City's website, NextDoor, and at Project site, and multiple times on the Connect with Pacifica e-newsletter. The Notice of Intent, which included the meeting information, was distributed on December 6, 2016, to the residences within a 300-foot radius of the proposed EQ basin site and the pipeline alignments. The Notice of Intent was published in the San Mateo County Times and at the San Mateo County Clerk's office on December 8, 2016. The purpose of the meeting was to present the findings of the Draft MND/IS and provide the community with an opportunity to ask question and provide written comments. During the public meeting, participants were notified that comments would not recorded as formal comments, and participants were invited to fill out comment forms during the meeting to ensure that any comments were fully addressed. The general themes of questions and comments raised during the meeting were noted as summarized below.
  - a. Questions related to the practicability of the solution to meet the requirements of the requirements of the Cease and Desist Order (CDO), and discussion of alternative solutions that had been evaluated by the City. The City summarized the findings of the feasibility study which evaluated multiple options to address the CDO.
  - b. Clarification regarding construction methods and operation of the basin and pipelines. The City provided additional detail on the construction methods for the Project, and how the Project would operate (i.e., during storm events).
  - c. Comments regarding flood zone impact on neighborhoods (written comment provided). See Response to Comment Letter 4.
  - d. Concerns regarding noise and odor and noise associated with the operation of the Project. The City clarified that operational noise and odor would occur only when the EQ basin was in use (estimated to be up to 5 times per year). The City described the odor control system included in the Project design. Construction-related noise would be below significance thresholds with mitigation.
  - e. Traffic impacts to the pick-up/drop-off schedule at Cabrillo School to the north of the Project area. Cabrillo Elementary School has a start time of 8:20 am and end times of 1:20 (Kindergarten), 2:20 (first through third grades), and 2:45 (fourth through eighth grades) on Monday, Tuesday, Thursday, and Friday (depending on grade level), and end times of 1:10 pm (Kindergarten through third grades) and 1:20 pm (fourth through eighth grades) on Wednesday and minimum days.<sup>1</sup> Mitigation Measure TRANS-1 would limit the arrival of trucks onsite to after 8:00 am and would prevent trucks from leaving the site prior to 9:00 am. The Project site would only be able to accommodate an estimated two to three vehicles at a time; therefore, no more than three trucks would

<sup>1</sup> Pacifica School District. 2016. Cabrillo School Family Handbook 2016-2017.  
[http://pacificasd.org/files/user/6/file/2016-17%20Cabrillo%20Student%20Handbook%208\\_10\\_16.pdf](http://pacificasd.org/files/user/6/file/2016-17%20Cabrillo%20Student%20Handbook%208_10_16.pdf)

be anticipated to be traveling along Crespi Drive between 8:00 am and 9:00 am, when morning school traffic would be present.

Additionally, Mitigation Measure TRANS-1 would prevent trucks from leaving the site after 3:00 pm. It is anticipated that trucks would be filled one at a time and would leave immediately upon filling, if within the allowed timing of Mitigation Measure TRANS-1. The timing associated with filling a truck, covering the load, and signing waste manifests would be approximately 30 minutes. Therefore, afternoon school traffic would likely experience one to two trucks leaving the site during a 30-minute period. In addition to the limitation on truck traffic timing, MM TRANS-1 includes requirements for traffic control personnel such as flaggers during disruptions to the City rights-of-way. The presence of two to three trucks between 8:00 and 9:00 am and two trucks during a half-hour period in the afternoon may cause a slight delay to school traffic; however, the impact would be short-term, temporary, and would not be considered significant with the implementation of Mitigation Measure TRANS-1.

- f. Concern regarding the potential wetland area to the west of the EQ basin site. The Project would not encroach into this area.

The purpose of the City's community engagement effort was to inform the public about the Project and its environmental review process and to receive comments from the community regarding their concerns about the environmental effects of the Project.

On December 8, 2016, the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the Wet Weather Flow Equalization Basin Project. The public review and comment period on that Draft MND/IS ended on January 13, 2017. The Final MND/IS will be presented to the City of Pacifica Planning Commission for adoption on February 6, 2017.

## Summary of Impacts and Mitigation Measures

The summary table presented below identify the potentially significant impacts and recommended mitigation measures that would reduce the potentially significant impacts to less than significant. The City agreed to incorporate the recommended mitigation measures identified in the Draft Initial Study. Thus, a Mitigated Negative Declaration was prepared for the proposed Project in conformance with Public Resources Code Section 21080.



Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Mitigation Measures</b>			
<b>Initial Study Section 3 - Air Quality</b>			
During Project construction, heritage trees would be removed.	Potentially Significant	<b>AES-1:</b> The Tree Protection Plan prepared by the City (or designee) shall include a schedule and replacement ratio for heritage tree removal. The Tree Protection Plan shall require that replacement trees shall be placed as closely as feasible to the removal sites in order to return aesthetics to pre-project conditions.	Less than Significant
During Project construction, grading and soil disturbing activities would generate fugitive dust.	Potentially Significant	<b>AQ-1:</b> The Project's general contractor and their subcontractors shall implement basic measures to control dust and exhaust during construction, as recommended by the Bay Area Air Quality Management District (BAAQMD). During any construction period with ground disturbance, the Project's general contractor and their subcontractors shall implement the following BAAQMD-recommended best management practices (BMPs):	Less than Significant
		1. All exposed non-hardscaped surfaces (e.g., temporary parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered appropriately to maintain a damp condition.	
		2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.	
		3. All visible mud or dirt tracked onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping or washing down paved streets using potable water is prohibited.	
		4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.	
		5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	
		6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage with these requirements shall be provided for construction workers at all access points.	
		7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	
8. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.			

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Initial Study Section 4 - Biological Resources</b>			
Project construction could impact biological resources including candidate, sensitive, or special status species, riparian habitat or sensitive natural community, and wetlands.	Potentially Significant	<b>BIO-1:</b> The City shall implement the following measures or designate implementation of these measures to the Project's general contractor prior to construction:	Less than Significant
		1. Post signage indicating that travel and parking of vehicles and equipment must be limited to pavement, existing roads, and previously disturbed areas.	
		2. Include provisions in the Project Plans detailing the areas that have been found to be acceptable for disturbance (i.e., previously disturbed areas and those within the Biological Study Area [BSA]). The contractor shall not disturb or remove vegetation outside of these areas. Work areas that would be temporarily impacted by construction would be restored with respect to pre-existing contours and conditions upon completion of work. Restoration work including re-vegetation and soil stabilization shall be evaluated upon completion of work and performed as needed.	
		3. The City shall ensure that the Stormwater Pollution Prevention Plan (SWPPP) prepared and implemented for the project shall include measures that: <ul style="list-style-type: none"> <li>• minimize erosion and/or prevent water-borne silt from being deposited in adjacent undeveloped areas;</li> <li>• prevent waste and/or construction materials from getting into the adjacent undeveloped areas; and</li> <li>• control and prevent the discharge of all potential pollutants, including hazardous materials, solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment, and non-stormwater discharges to adjacent undeveloped areas via storm drains, water courses, or sheet flow.</li> </ul>	
<b>BIO-2:</b> The City shall implement the following measures or designate implementation of these measures to the Project's general contractor:	Less than Significant		
1. A qualified biologist shall assist with the placement of wildlife exclusion fencing, and verify that stormwater protection measures to protect adjacent undeveloped areas are in place prior to construction. The biologist shall be provided the contact information of the Project's general contractor Qualified SWPPP Developer (QSD), and vice versa.			

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
		<p>2. Before the contractors, their employees, or any persons start any work onsite, each worker shall participate in an employee education program, consisting of a brief presentation to explain biological resources on the Project site, which shall be conducted by a qualified biologist. The program shall include the following:</p> <ul style="list-style-type: none"> <li>a. a description of relevant special-status species, nesting birds, and bats along with their habitat needs as they pertain to the BSA;</li> <li>b. a report of the occurrence of these species in the Project vicinity, as applicable;</li> <li>c. an explanation of the status of these species and their protection under the federal and state regulations;</li> <li>d. a list of measures being taken to reduce potential impacts to natural resources during project construction and implementation;</li> <li>e. instructions if a special-status species is found onsite; and</li> <li>f. a summary of the personal consequences of violating state and federal law related to these species.</li> </ul> <p>A fact sheet conveying this information shall be prepared and distributed to the above-mentioned people and anyone else who may enter the work areas within the BSA. Upon completion of training, employees shall sign a form stating that they attended the training and agree to all the conservation and protection measures. The training logs shall be provided to the City on a monthly basis.</p> <p>3. A qualified biologist shall conduct a pre-construction survey within the Project area for the presence of the California red-legged frog (CRLF) and/or the San Francisco garter snake (SFGS). The survey shall be conducted immediately prior to the initial onset of Project activities. If any special-status species are found, work shall not commence until the appropriate state and/or federal resource agencies are contacted and avoidance and mitigation measures are in place.</p> <p>4. Within the disturbed areas of the BSA, all burrows that can be occupied by CRLF and SFGS shall be hand-excavated with extreme caution by a qualified biologist in possession of a scientific collecting permit. At the first indication of CRLF or SFGS present, excavation shall immediately cease, and the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be consulted before any further actions are taken. Because handling and other take of SFGS, a Fully Protected Species, cannot be authorized under California Fish and Game Code, full avoidance must be achieved through measures that would allow the species to passively vacate the site.</p>	

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
		<p>5. A wildlife exclusion/environmental fence (with escape routes, such as exit funnels) shall be erected around active construction areas to prevent the movement of animals into active construction areas under oversight by a qualified biologist. During construction, the fence shall be checked every day before construction activities commence for damage, breaks, or trapped wildlife. Any damage to the fence shall be repaired in a timely manner. The qualified biologist overseeing the placement of wildlife exclusion fencing shall ensure placement of the fence so that a minimum 3-foot-wide wildlife corridor remains open between the south end of the Skatepark parking lot and the residential fences.</p> <p>6. A qualified biologist shall inspect the area inside of the fence for CRLF and SFGS every day before construction activities commence. If any special-status species are found, construction activities shall not be allowed to start and the USFWS and CDFW shall be consulted on an appropriate course of action. Such action could include leaving the animal alone to move away on its own.</p> <p>7. When construction and construction-related activities (including, but not limited to, mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading noise) occur during the avian nesting season (from February 1 to August 31 for passerines and January 1 to September 15 for raptors), all suitable habitats located within the Project’s area of disturbance, including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas, shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented and provided to the City’s Planning Department.</p> <p>If pre-construction nesting bird surveys identify potential impacts to active nests, no site disturbance and mobilization of heavy equipment shall take place within a buffer determined by the biologist in consultation with a CDFW biologist. During that consultation, it can also be determined what low-impact construction activities are allowed within the buffer. The buffer shall be in place until the chicks have fledged. Monitoring shall be required to ensure compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Monitoring dates and findings shall be documented and provided to the City’s Planning Department.</p>	

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
		<p>8. A preconstruction survey of trees within the developed and disturbed areas of the BSA shall be conducted by a qualified biologist for colony bat roosts within 14 days prior to the onset of project activity, and the survey shall be documented and provided to the City’s Planning Department. If an occupied maternity or colony roost is detected, the CDFW shall be consulted to determine appropriate measures, such as bat exclusion methods, if the roost cannot be avoided.</p> <p>9. Food items may attract wild animals onto the construction site, which would expose them to construction-related hazards. The construction site shall be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) shall be placed in closed containers and properly disposed of.</p> <p>10. If an animal is found at the work site and is believed to be a protected species, work must be halted and the project biologist contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species shall be handled and/or removed from the Project area by anyone except qualified biologists in consultation with CDFW/USFWS as appropriate and in accordance with applicable laws and regulations.</p> <p>11. The Project specifications, the contractor’s work plan, and/or SWPPP shall include provisions to ensure that the use of monofilament netting, including its use in temporary and permanent erosion control materials, is avoided altogether. All holes greater than 1 foot deep must be sealed overnight to prevent the entrapment of wildlife. Where holes or trenches cannot be sealed, escape ramps that are no greater than 30% slope shall be positioned such that entrapped wildlife would be able to escape. The escape ramps should be at least 1 foot wide and covered/fitted with a material that provides traction.</p>	
<b>Initial Study Section 5 - Cultural Resources</b>			
During Project construction, it is possible that unknown prehistoric, historic, or paleontological resources and human remains could be disturbed.	Potentially Significant	<b>CUL-1:</b> In the event that any prehistoric, historic, or paleontological materials are discovered during ground-disturbing activities, ground work shall cease at the Project site and discovered materials and their surroundings shall not be altered or collected. A qualified archaeologist or paleontologist shall be consulted as to the significance of the find, and avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. Significant cultural materials recovered shall be subject to scientific analysis and/or professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards. Ground disturbance activities shall continue upon direction from the qualified archaeologist according to current professional standards.	Less than Significant
		<b>CUL-2:</b> Prior to performing ground disturbance activities, all onsite workers shall be trained by a City-approved archaeologist in what cultural resources are, identifying cultural resources, the procedure if a cultural resource is found, and their legal responsibility to protect cultural resources. Training logs shall be provided to the City regularly.	Less than Significant

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Initial Study Section 8 - Hazards and Hazardous Materials</b>			
<p>During Project construction, it is possible that contaminated soil or groundwater could be encountered.</p>	<p>Potentially Significant</p>	<p><b>HAZ-1:</b> The City shall ensure that:</p> <p>(a) The construction contractor (or designee) shall conduct a private utility survey for the presence of underground utilities, fill pipes, and underground storage tanks (USTs) prior to excavation within the Skatepark parking lot area, areas of the proposed jacking and receiving pits, and along the proposed locations of the influent and effluent conveyance pipelines. In the event that a UST is identified within the excavation boundaries, the City shall contact an environmental consultant, who shall perform and/or coordinate the investigation for the presence of contamination in accordance with applicable regulations. A report of the findings of the geophysical survey shall be submitted to the City’s Construction Manager and City’s Public Works Department liaison.</p> <p>(b) The Project’s general contractor shall require that all site workers (including subcontractors) be trained in identifying contaminated soil and/or groundwater. In the event that contaminated soil or groundwater is encountered (either visually or through odor detection) during excavation activities, the construction contractor shall follow the procedures below:</p> <ul style="list-style-type: none"> <li>• Stop work in areas with suspected contamination;</li> <li>• Immediately report observations to the City’s Construction Manager;</li> <li>• Contact an environmental consultant, who shall perform and/or coordinate the investigation of suspected contamination in accordance with applicable regulations.</li> </ul> <p>(c) If necessary, based on the findings of the environmental consultant, the City’s Public Works Department shall notify San Mateo County Environmental Health Department, San Francisco Bay RWQCB, and/or the California Department of Toxic Substances Control (DTSC).</p> <p>(d) If investigation confirms presence of contamination, the environmental consultant shall perform and/or coordinate appropriate site investigation and cleanup procedures in accordance with regulatory requirements, including the appropriate segregation and disposal of contaminated soil and groundwater. Once the extents of the contamination have been delineated and the contaminated materials (i.e., soil and/or groundwater) have been excavated or otherwise remediated (e.g., in-situ treatment), ground-disturbing activities shall continue.</p>	<p>Less than Significant</p>

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<p>During Project construction, hazardous materials would be stored and used on the Project site.</p>	<p>Potentially Significant</p>	<p><b>HAZ-2:</b> The Project's general contractor and their subcontractors shall be required to use BMPs to minimize the potential for releases of hazardous materials to groundwater, surface water, and soil. The BMPs shall be outlined in the general contractor's SWPPP document that will be prepared by their QSD submitted to the City's Construction Manager and uploaded to the State Water Quality Resource Board's (SWRCB) SMART database as required under the SWCRB's General Permit for Construction Activities. The SWPPP shall include BMPs that accomplish the following:</p> <ul style="list-style-type: none"> <li>• Discussion of methodology and available technology for waste management and materials pollution control, as well as other construction-related activities.</li> <li>• Provisions for training the site workers on the proper storage and handling of hazardous substances, such as fuels, lubricants, paints, and solvents. Training logs shall be provided to the City regularly.</li> <li>• A process for responding to, and tracking, complaints pertaining to construction activity, including identification of the City's Construction Manager. The Construction Manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The City's Planning and Zoning Department shall be informed who the City's Construction Manager is prior to the issuance of the first permit issued by Building Services.</li> <li>• Provision for accommodation of pedestrian flow and prevention of any unauthorized personnel from entering the construction zone or material and equipment storage areas.</li> <li>• Prior to construction, a portable toilet facility and a debris box shall be installed on the site and properly maintained through project completion.</li> </ul>	<p>Less than Significant</p>

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Initial Study Section 9 - Hydrology and Water Quality</b>			
<p>During Project construction, the Project could violate water quality standards or waste discharge requirements if dewatering or stormwater management is not properly implemented.</p>	<p>Potentially Significant</p>	<p><b>HYDRO-1:</b> The general contractor shall develop a dewatering plan and obtain any necessary permits for performing dewatering. The dewatering plan shall include methods to manage the potential environmental impacts that dewatering activities might have. The dewatering plan shall include the following at a minimum:</p> <ul style="list-style-type: none"> <li>• a pre-dewatering topographic survey with a minimum vertical accuracy of 0.01 foot (if the existing site topographic survey already prepared for design purposes provides a minimum vertical accuracy of 0.01 foot, this survey can be utilized and an additional topographic survey would not be required);</li> <li>• a photographic survey of structures and flatwork in the surrounding area documenting any pre-dewatering damage to the structures or flatwork, including measurements of the widths and lengths of any significant cracks in the structures or flatwork;</li> <li>• pre-construction evaluation of required groundwater extraction rates and volumes, calculation of the radius of influence of the dewatering wells/sumps and anticipated settlements as a function of distance from the excavation;</li> <li>• measures to address situations where water resource impacts or excessive settlements are occurring.</li> </ul> <p>Monitoring of groundwater levels in the piezometer PZ-1 that is located in the vicinity of the proposed excavation zone shall be required to verify the assumptions used to calculate potential settlements.</p>	<p>Less than Significant</p>



Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Initial Study Section 12 - Noise</b>			
During Project construction and operation of the blower, noise levels from the Project site would increase the ambient noise levels in the project vicinity above current levels, or thresholds identified in the City's Draft General Plan.	Potentially Significant	<p><b>NOISE-1:</b> No construction activities shall be permitted on the weekends or at night. To reduce construction noise levels emanating from the site and minimize disruption and annoyance of existing noise-sensitive receptors in the Project vicinity, the City shall require the selected contractor to develop a Noise Control Plan. This Noise Control Plan shall include, but not be limited to, the following construction BMPs:</p> <ul style="list-style-type: none"> <li>• All equipment driven by internal combustion engines shall be equipped with mufflers that are in good condition and appropriate for the equipment.</li> <li>• The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.</li> <li>• Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>• Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and receptors nearest the Project site during all Project construction, as feasible.</li> <li>• Locate stationary noise sources as far from receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures, where feasible and appropriate) would be used as necessary to comply with local noise ordinance and general plan limits. Any enclosure openings or venting would face away from receptors.</li> <li>• Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>• Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.</li> <li>• Designate a project liaison who shall be responsible for responding to noise complaints during construction. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advance notifications. This person shall take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring shall be presented at regular project meetings with the Project contractor, and the liaison shall coordinate with the contractor to modify, to the extent feasible, any construction activities that generated excessive noise levels.</li> <li>• Require a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions.</li> <li>• Hold a preconstruction meeting with the job inspectors and the general contractor's onsite project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</li> </ul>	Less than Significant

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Initial Study Section 14 - Public Services</b>			
During Project construction, road closures could impact emergency vehicle routes.	Potentially Significant	<b>PUB-1:</b> At least 48 hours prior to road closures, the City’s Public Works Department (or designee, such as the City’s Consultant Construction Manager) shall notify local emergency service providers (Pacifica Police Department at 650-738-7314 and North County Fire Authority at 650-991-8138) of road closures and length of closure. The construction contractor shall obtain encroachment permits from the City’s Engineering Department prior to construction-related lane or street parking closures.	Less than Significant
<b>Initial Study Section 16 - Transportation and Circulation</b>			
During Project construction, construction trucks would impact local roadways and highways.	Potentially Significant	<b>TRANS-1:</b> The selected contractor shall be required to prepare a Traffic Control Plan, which shall include, at minimum: <ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures to maintain safety and Level of Service (LOS), including: <ul style="list-style-type: none"> <li>- scheduling of major truck trips and deliveries to avoid peak traffic hours – deliveries and soil off-haul trucks shall not arrive onsite prior to 8 a.m. and shall not leave the site outside of the hours of 9 a.m. to 3 p.m.,</li> <li>- requirements for posting of detour signs,</li> <li>- requirements for traffic control personnel such as flaggers during disruptions in the City rights-of-way,</li> <li>- lane closure procedures and signage requirements,</li> <li>- placement requirements for signs and cones for drivers, and</li> <li>- designated construction access routes;</li> </ul> </li> <li>• Methods for maintaining the condition and LOS of city and state roadways;</li> <li>• Notification procedures for adjacent properties and public safety personnel regarding when major deliveries, detours, and lane closures would occur;</li> <li>• Location of construction staging areas for materials, equipment, and vehicles at an approved location;</li> <li>• Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</li> </ul>	Less than Significant

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Applicant Proposed Measures</b>			
<b>Initial Study Section 3 - Air Quality</b>			
Project construction emissions would cause excess cancer risk to sensitive receptors (where residences in the area have infants present) to exceed the BAAQMD CEQA community risk thresholds for project-only impacts.	Potentially Significant	<b>APM-1:</b> During construction, the Project's general contractor shall use off-road equipment that would meet, at minimum, the following criteria:	Less than Significant
		1. All mobile diesel-powered off-road equipment larger than 25 horsepower (hp) and operating on the site for more than 20 hours shall meet, at a minimum, one of the following:	
		a. Equipped with engines meeting U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 2 engines or equivalent;	
		b. All diesel-powered portable equipment (i.e., generators, concrete saws, and pumps) operating on the site for more than 20 hours shall be equipped with CARB-certified Level 3 Diesel Particulate Filters or meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent;	
		c. Use alternatively fueled (i.e., non-diesel) equipment; or	
		d. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.	
2. Line power shall be utilized as soon as feasible, limiting the use of all diesel-fueled generators, including any diesel-powered welders, used for construction activities exceeding 20 days for each piece of equipment.			
		Alternatively, prior to construction, the Project's general contractor may develop a plan, verified by a qualified air specialist and approved by the City, which ensures that the off-road equipment used onsite to construct the Project would achieve a fleet-wide average 75 percent reduction in PM10 exhaust emissions, compared to uncontrolled aggregate statewide emission rates for similar equipment.	
<b>Initial Study Section 12 - Noise</b>			
During Project construction and operation of the blower, noise levels from the Project site would increase the ambient noise levels in the Project vicinity above current levels, or thresholds identified in the City's Draft General Plan.	Potentially Significant	<b>APM-2:</b> The Project's general contractor shall be required to construct temporary noise barriers to shield stationary noise sources (e.g., tunneling equipment) from nearby receptors. The barrier shall be a minimum of 16 feet in height and would provide approximately 8 to 10 A-weighted decibels (dBA) of attenuation at the first floor, and approximately 5 dBA of attenuation at second and third floors, where the line-of-sight to construction activities is interrupted by the barrier.	Less than Significant

Impact	Significance Before Mitigation	Mitigation Measures and Applicant Proposed Measures	Significance After Mitigation
<b>Applicant Proposed Measures</b>			
<b>Initial Study Section 18 - Utilities and Service Systems</b>			
During cleaning of the EQ basin following use for wet weather events, the Project would require 130 pounds per square inch (psi) of water pressure off the existing water main on Crespi Drive.	Potentially Significant	<b>APM-3:</b> As noted in the Project Description, prior to the flushing and cleaning of the EQ basin, the City's Wastewater Treatment Plant Superintendent, or deputy thereof, shall contact both the North County Fire Department and the North Coast County Water District to alert them of anticipated water usage. If the water usage would impede water service for either of the agencies, the flushing and cleaning of the tank would be delayed until the demand could be met.	Less than Significant

## LIST OF COMMENTERS ON DRAFT MND/IS

### Public Agencies Commenting in Writing

The following public agencies provided written comments on the Wet Weather Flow Equalization Basin Project Draft MND/IS:

- Scott Wilson, California Department of Fish and Wildlife, Regional Manager, Bay Delta Region – Letter dated December 29, 2016.
- Department of Transportation (Caltrans) – Letter from Patricia Maurice, District Branch Chief; dated January 13, 2017.

### Individuals Commenting in Writing

The following individuals provided written comments on the Wet Weather Flow Equalization Basin Project Draft MND/IS:

- Mike O’Connell – Email dated December 14, 2016.
- Lori Bowie – Comment Form dated December 15, 2016.
- Eamon Murphy – Email dated December 16, 2016.

## WRITTEN COMMENTS ON THE DRAFT MND/IS AND RESPONSES TO THESE COMMENTS

This section includes copies of the written comments received during the public review and comment period on the Draft MND/IS. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by a numeric designator (e.g., "1"). Specific comments within each correspondence also are identified by a numeric designator reflecting the numeric sequence of the specific comment within the correspondence (e.g., "1-2" for the second comment in Comment Letter 1).

Responses focus on comments that pertain to the adequacy of the analysis in the MND/IS or to other aspects pertinent to the potential effects of the Project on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the MND/IS or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft MND/IS, these changes appear as part of the specific response and are consolidated in Revisions to the Draft MND/IS section of this document where they are generally listed in the order the revision would appear in the Draft MND/IS document.

### Comment Letter 1: Scott Wilson, California Department of Fish and Wildlife, Regional Manager, Bay Delta Region



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



December 29, 2016

RECEIVED

JAN 06 2017

City of Pacifica

Ms. Bonny O'Connor  
City of Pacifica Planning Department  
1800 Francisco Boulevard  
Pacifica, CA 94044

Dear Ms. O'Connor:

Subject: Wet Weather Flow Equalization Basin Project, Mitigated Negative Declaration, SCH #2016122016, City of Pacifica, San Mateo County

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) provided for the Wet Weather Flow Equalization Basin Project (Project) located at 540 Crespi Drive, Pacifica, San Mateo County. The MND was received in our office on December 19, 2016.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

1-1

The Project would consist of the construction of a 2.1-million gallon capacity equalization basin; two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the equalization basin during storm events; an effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Boulevard pump station; a 10-foot-tall motor control center building that is equipped with a 4-foot-high metal antenna to allow radio communication with the City's Calera Waste Water Treatment Plant and the Linda Mar pump station; a ventilation and odor-control system; and a potable-water-supplied cleaning system with the equalization basin. The equalization basin would be located with the parking lot for the City of Pacifica Skatepark.

#### San Francisco Garter Snake Protection Measures

The MND indicates that San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) may be present in the Biological Study Area (BSA) and could be impacted as a result of Project activities. The San Francisco garter snake is fully protected under Fish and Game Code §5050, and as such, may not be taken or possessed at any time, except for scientific purposes.

1-2

*Conserving California's Wildlife Since 1870*

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Ms. Bonny O'Connor  
December 29, 2016  
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Mitigation Measure BIO-1, subsection 4, attempts to address potential impacts to this species as follows:

Within the disturbed areas of the BSA, all burrows that can be potentially occupied by CRLF and SFGS shall be hand-excavated by a qualified biologist who holds current permits to handle these species, prior to the start of construction activities. If CRLF or SFGS are found, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife shall be consulted to determine an appropriate course of action. Actions could include the relocation of the animal to nearby habitat, and compensatory mitigation for removal of occupied habitat.

Please note that authorized take under a Scientific Collecting Permit is limited to scientific research approved by CDFW. While possession of a Scientific Collecting Permit for a particular species may be an indication that a biologist has particular expertise with that species, the Scientific Collecting Permit allows handling only pursuant to the approved research project(s) indicated in the permit. The Permittee cannot legally handle the species for other purposes, such as relocation activities. Please refer to our website for further information on the Scientific Collecting Permit: <https://www.wildlife.ca.gov/Licensing/Scientific-Collecting>.

Excavation of burrows that may contain San Francisco garter snake should be done with extreme caution. At the first indication that San Francisco garter snakes are present, excavation should immediately cease, and CDFW should be consulted before any further actions are taken. Because handling and other take of fully protected species as part of this Project cannot be authorized under Fish and Game Code, full avoidance must be achieved through measures that would allow the species to passively vacate the site.

**Filing Fees**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

If you have any questions, please contact Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or [Randi.Adair@wildlife.ca.gov](mailto:Randi.Adair@wildlife.ca.gov).

Sincerely,



Scott Wilson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse #2016122016

1-2  
(Cont.)

1-3

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of



## Response to Comment Letter 1: Scott Wilson, California Department of Fish and Wildlife, Regional Manager, Bay Delta Region

- 1-1 This comment identifies the California Department of Fish and Wildlife's (CDFW's) role as a Trustee Agency, and provides a summary of the Project. No response required.
- 1-2 CDFW's recommendations regarding mitigation for CRLF and SFGS are well-taken. Based on a camera survey of the burrows in question, it was determined that most burrows were shallow, and that none contained amphibians or reptiles. The assessment performed by the City's biological consultants from TRA|MIG determined that the chance of finding a CRLF or SFGS during construction is very low; however, the City included mitigation measures to ensure that impacts are avoided. The Mitigation Measure BIO-2, subsection 4, text in the MND/IS is revised as follows:

~~Within the disturbed areas of the BSA, all burrows that can be potentially occupied by CRLF and SFGS shall be hand-excavated with extreme caution by a qualified biologist who holds in possession of a scientific collecting permit. current permits to handle these species, prior to the start of construction activities. At the first indication of CRLF or SFGS present, excavation shall immediately cease, and if CRLF or SFGS are found, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be consulted before any further actions are taken to determine an appropriate course of action. Actions could include the relocation of the animal to nearby habitat, and compensatory mitigation for removal of occupied habitat. Because handling and other take of SFGS, a Fully Protected Species, cannot be authorized under California Fish and Game Code, full avoidance must be achieved through measures that would allow the species to passively vacate the site.~~

The Mitigation Measure BIO-2, subsection 6, text has been modified as follows:

A qualified biologist shall inspect the area inside of the fence for CRLF and SFGS every day before construction activities commence. If any special-status species are found, construction activities shall not be allowed to start and the USFWS and CDFW shall be consulted on an appropriate course of action. Such action could include leaving the animal alone to move away on its own ~~or the relocation of the animal to an area outside of the BSA.~~

The Mitigation Measure BIO-2, subsection 10, text has been modified as follows:

If an animal is found at the work site and is believed to be a protected species, work must be halted and the project biologist contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species shall be handled and/or removed from the Project area by anyone except qualified biologists in consultation with CDFW/USFWS as appropriate and in accordance with applicable laws and regulations.

- 1-3 The City shall submit the CDFW filing fee at the time of filing the Notice of Determination with the County of San Mateo County Clerk pursuant to California Public Resources Code Section 21089.

## Comment Letter 2: Patricia Maurice, California Department of Transportation District Branch Chief, Local Development - Intergovernmental Review

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



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January 13, 2017

SCH # 2016122016  
GTS # 04-SM-2016-00068  
SM-01- 8.411- 40.957

Ms. O'Connor  
Planning Department  
City of Pacifica  
1800 Francisco Blvd.  
Pacifica, CA 94044

### City of Pacifica Wet Weather Flow Equalization Basin Project– Initial Study/Mitigated Negative Declaration

Dear Ms. O'Connor:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Pacifica Wet Weather Flow Equalization Basin Project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Mitigated Negative Declaration (MND)/Initial Study (IS) dated December 2016. The Notice of Intent to adopt the above reference MND states that the public review period ends January 13, 2017.

#### *Project Understanding*

The City of Pacifica intends to construct and utilize the proposed wet weather flow equalization basin ("the EQ basin") and associated pipelines (together referred to as "the Project") as a key element to mitigate storm-related sanitary sewer overflows (SSOs) in the City's wastewater collection system and reduce peak wet weather flows to the City's Calera Creek Water Recycling Plant. The Project would include:

- The installation of a 2.1-million-gallon capacity EQ basin,
- Two diversion structures to passively divert excess flows from the existing Linda Mar Boulevard and Arguello Boulevard sanitary sewer lines and transport the flow via a

2-1

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- conveyance pipeline to the EQ basin during storm events,
- An effluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and the Linda Mar Pump Station,
- A 10-foot tall motor control center building equipped with a 4-foot-high metal antenna that would allow radio communication with the City's Calera Waste Water Treatment Plant and the Linda Mar Pump Station,
- A ventilation and odor-control system, and
- A potable-water-supplied cleaning system within the EQ basin.

2-1  
(Cont.)

The proposed two diversion structures and conveyance pipelines to and from the EQ basin would be constructed in City-owned right-of-way (ROW) or public utility easements.

The project location is about 400 feet from State Route (SR) 1 via Crespi Drive and about 900 feet from SR 1 via Linda Mar Boulevard. Project construction is anticipated to occur during a 17-month period starting in May 2017 and ending in late September 2018. Construction would occur on weekdays and would avoid peak traffic for coastal visitors, which is concentrated on weekends in the spring and fall. A maximum of approximately 120 trips per day would be generated during construction. Construction hours would be limited to the following:

- Within the EQ basin area (Skatepark parking lot area including the excavation for the jacking and receiving pits): 8:00 a.m. to 5:00 p.m. Monday through Friday
- Along City streets (except at the intersection of Linda Mar Boulevard and De Solo Drive): 9:00 a.m. to 4:00 p.m.
- At the intersection of Linda Mar Boulevard and De Solo Drive: 9:00 a.m. to 3:00 p.m. Weekend and night work is not anticipated.

*Project Description*

Further clarification is requested on whether the construction staging areas referenced in Mitigation Measure TRANS-1 will require crossing SR 1.

2-2

*Lead Agency*

As the lead agency, the City of Pacifica is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This includes any required improvements to the STN or reductions in VMT. Required improvements should be completed prior to issuance of the Building Permit. Since the Department will not issue an Encroachment Permit until our concerns are adequately addressed, we strongly recommend that the City of Pacifica work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. See the end of this letter for more information on the Encroachment Permit process.

2-3

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Ms. O'Connor, City of Pacifica  
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Page 3

*Transportation Management Plan*

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian and bicycle access through the construction zone must be maintained at all times and comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

[http://www.dot.ca.gov/hq/construct/safety/Temporary\\_Pedestrian\\_Facilities\\_Handbook.pdf](http://www.dot.ca.gov/hq/construct/safety/Temporary_Pedestrian_Facilities_Handbook.pdf)  
(See also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: [www.dot.ca.gov/trafficops/policy/11-01.pdf](http://www.dot.ca.gov/trafficops/policy/11-01.pdf)).

2-4

All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

[www.dot.ca.gov/hq/traffops/traffgmt/tmp\\_lcs/index.htm](http://www.dot.ca.gov/hq/traffops/traffgmt/tmp_lcs/index.htm).

*Cultural Resources*

No cultural resources studies were conducted in support of this IS-MND. Although the City of Pacifica reviewed their General Plan, aerial photos, and various registers for cultural resources in the project location vicinity (pages 103 and 104), this does not constitute a cultural resources study. The project area has a very high potential for surface archaeological resources. We recommend that the City conduct a cultural resources study, including a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University, a survey of the project location by a qualified archaeologist, and possible subsurface testing appropriate for the scope of the project.

2-5

On page 23 of the IS-MND, the text states that the City has not received any requests for tribes to be placed on the agency's consultation notification list for CEQA projects, per Assembly Bill 52, and that tribal consultation was not conducted. However, Native Americans had a year (July 1, 2015 to July 1, 2016) to submit such letters to agencies, and during the interim it was recommended that agencies refer to the list of Native American contacts generated as a result of Senate Bill 18 or to contact the Native American Heritage Commission (NAHC) to identify tribes, groups, and individuals who may have knowledge of the project area. We recommend that the City of Pacifica conduct Native American consultation in support of the project.

*Transportation Permit*

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation

2-6

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## Response to Comment Letter 2: Patricia Maurice, California Department of Transportation District Branch Chief, Local Development - Intergovernmental Review

- 2-1 This comment identifies the California Department of Transportation's (Caltrans') understanding of the Project. No response required.
- 2-2 Staging areas for equipment and materials for the EQ basin and pipeline construction would be located within the areas identified in Figure 7, Proposed Staging Areas. Materials for use in the pipeline construction in the area south of the EQ basin would be transported along City streets so as to reduce the number of trips from the staging area to the construction area. SR-1 would not be used by trucks to transport materials from the staging areas to the pipeline construction.
- 2-3 The Project would not include work in the State Transportation Network (STN), and would use the STN only for the transportation of workers, equipment, and materials to the Project.
- 2-4 The Project would not require restrictions or detours to the STN.
- 2-5 The Project would primarily occur within a previously disturbed and paved area. In 2009, a CHRIS search covering the City of Pacifica was performed and did not identify the potential for significant environmental impacts to cultural resources on the Project site.<sup>2</sup> Additionally, construction in 2004/2005 for the Skatepark, which is located on the same lot and immediately adjacent to the EQ basin, did not result in the discovery of significant cultural resources. Lastly, a consultant did complete a surface survey of all unpaved areas as part of the biological resources analysis and did not find any cultural artifacts at that time.

CEQA documents prepared by Caltrans for the Highway 1 San Pedro Bridge Replacement Project determined that there would be no impacts on cultural resources. While the City understands that the Highway 1 San Pedro Bridge Replacement Project does not overlap with the proposed Project area, the sites are only approximately one-quarter mile apart and augering performed at the Highway 1 San Pedro Bridge Replacement Project in 2011 did not identify a significant potential to impact cultural resources.<sup>3</sup>

The existing disturbed conditions of the site, surface surveying of site, results of nearby cultural testing, findings from a 2009 CHRIS search, a review of aerial photographs of the site, and review of the General Plan, as well as the implementation of the mitigation measures identified in the MND/IS, all support the City's determination that the proposed Project would have a less than significant impact on cultural resources.

<sup>2</sup> City of Pacifica. 2014. Pacifica General Plan Draft Environmental Impact Report. SCH No. 2012022046. Prepared by Dyett & Bhatia. March.

<sup>3</sup> City of Pacifica. 2012. Highway 1 San Pedro Creek Bridge Replacement IS/MND Addendum. SCH No. 2005012126. Prepared by TRA Environmental Sciences, Inc. November

As stated in the Draft MND/IS, to date, the City of Pacifica has not received any applicable tribal consultation requests per Assembly Bill 52. The release of this Draft MND was well after the end of the Native American notification “grace period” identified in your comment. No Native American consultation was conducted in response to your comment.

2-6 Comment noted.

2-7 Comment noted. The Project would not encroach into the STN.



### Comment Letter 3: Mike O'Connell

From: mike@roundhouseindustries.com [mailto:mike@roundhouseindustries.com]  
Sent: Wednesday, December 14, 2016 9:03 AM  
To: O'Connor, Bonny  
Cc: Wehrmeister, Tina  
Subject: EQ Basin

Hi Bonny

I'm not able to attend the meeting about the EQ basin tomorrow but I had one question I would like to submit. Does the project incorporate any features that make it resilient to sea level rise? I'm working on a lot of projects on the bay in SF where we are required to design for 16" of sea level rise initially and we also need to provide an adaptive management strategy for how to deal with sea level rise beyond 16" if that were to occur. There is more info on BCDC's website about the amount of predicted sea level rise. I understand that the bottom of this structure is indefinitely below sea level so my concern is that it doesn't get submerged in the future.

3-1

Thanks,

Mike

This message has been scanned for malware by Websense. www.websense.com

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

### Response to Comment Letter 3: Mike O'Connell

- 1-1 Consideration of sea level rise was made during the site selection process for the Project. The proposed location was found to be less vulnerable to sea level rise due to its location east of State Route 1. See RMC's *City of Pacifica Wet Weather Equalization Basin Site Feasibility Evaluation Final Report and Site Alternative 2C and Prioritization Addendum to Site Feasibility Evaluation Report* available online [http://www.cityofpacifica.org/depts/wwt/waste\\_water\\_collection/default.asp](http://www.cityofpacifica.org/depts/wwt/waste_water_collection/default.asp) for more information.

The CEQA requirement for an environmental document to analyze the “environmental effects” of a project does not require agencies to analyze the environment's effects on a project. In *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.*, 62 Cal.4th 369 (2015), the California Supreme Court held that in light of CEQA’s text, structure, and purpose, a general requirement for an analysis of how existing environmental conditions will affect a project’s future users or residents would improperly expand the scope of the statute and add significantly to the burdens of compliance. As the court put it: “Given the sometimes costly nature of the analysis required under CEQA when an EIR is required, such an expansion would tend to complicate a variety of residential, commercial, and other projects beyond what a fair reading of the statute would support.”

In keeping with this California Supreme Court decision, an analysis of sea level rise on the Project is not mandated as part of the CEQA process. However, as explained above, such a review was indeed undertaken as part of the site selection process.

Comment Letter 4: Lori Bowie



**City of Pacifica**  
Draft Mitigated Negative Declaration/Initial Study of the  
Proposed Wet Weather Equalization Basin Project

**Public Comment Period December 8, 2016 - January 13, 2017**

Name (please print): Lori Bowie

Affiliation (if applicable): \_\_\_\_\_

Address: 209 Marvilla Cn

Email: \_\_\_\_\_ Phone: 650 455 0639

LORETTA BOWIE @ SBCGLOBAL.NET

**COMMENT**

1) Some people are in flood zone pay more for  
Horus Inc. Will this get us out of  
Inc. Will the Pacifica City help us with  
this.

4-1

2) How is the pumps working at this time?  
Thank you.

4-2

3) Called Pub. Works today drain was fixed with  
leaves they come out in second time.  
ex. Service  
Job. well done  
😊

4-3

(Attach additional sheets, if necessary)

Comments must be received by **January 13, 2017 by 5:00pm**  
**Mail:** Bonny O'Connor, City of Pacifica Planning Department  
1800 Francisco Blvd., Pacifica, CA 94044  
**Fax:** (650) 359-5807 **Email:** o'connorb@ci.pacifica.ca.us

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

## Response to Comment Letter 4: Lori Bowie

- 4-1 The objective of the Project is to address insufficient capacity-caused SSOs. The Project would not remove local residences from the flood zone as defined by the Federal Emergency Management Agency. Insurance payments are not a CEQA-related issue and therefore are not addressed in the MND/IS.
- 4-2 This question is assumed to address the Linda Mar Pump Station at the time of the public meeting (December 15, 2016) when the comment form was received. The proposed Project would not change the existing function of the Linda Mar Pump Station; therefore, the status of the Linda Mar Pump Station is beyond the scope of this CEQA document.
- 4-3 Comment noted, and the feedback is appreciated.

## Comment Letter 5: Eamon Murphy

**From:** Eamon Murphy [<mailto:emurphy@homesiteservices.net>]  
**Sent:** Friday, December 16, 2016 9:49 AM  
**To:** O'Connor, Bonny  
**Cc:** Engineering Division; Brendan Murphy  
**Subject:** RE: Wet Weather Equalization Basin Project Public Meeting - Follow-up

Hi Bonny,

Great job last night on the presentation. As you may know, our development at 570 Crespi Dr. will be in need of approximately 1500 square yards of soil to bring our property out of the flood zone for development. We have reached out to Rob Smith and Van Ocampo regarding our willingness to work with the city to make the transfer of the soil from your property to ours seamless.

It is our belief that this partnership is in the best interest of everyone. Bringing the city's 40' portion of property, adjacent to our lot, up and out of the flood zone in conjunction with our 80' section simply makes sense. By working together we can mitigate traffic issues, costs of off-haul, and most importantly the timing of this project. We also believe it will generate goodwill within the community.

We would appreciate a meeting with Planning and Engineering to discuss this in further detail. Please let me know if you have any questions.

5-1

Regards,  
*Eamon Murphy*  
*60 Driftwood Cir.*

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

### Response to Comment Letter 5: Eamon Murphy

3-1 The amount of soil requested by the commenter is an insignificant amount of the approximately 20,000 cubic yards of soil that would be off-hauled from the site as a part of the Project. Therefore, transfer of the requested amount of soil on the commenter’s property would have little beneficial effect on the overall cost of the Project, project timing, and the already less-than-significant impact on traffic. Currently, there are several unknown factors associated with transferring the soil to the Commenter’s property, which could result in a delay to the City’s schedule. Therefore, the City respectfully declines the commenter’s offer. No change to the Project Description is proposed.

Attachment: Attachment C 2-6-2017 Planning Commission Staff Report and Attachments (2145 : Appeal of Planning Commission Approval of

## REVISIONS TO THE DRAFT MND/IS

The changes to the Draft MND/IS presented in this section of the Final MND/IS are either initiated by the City (Lead Agency) staff or made in response to public comments received on the Draft MND/IS. Changes consisted of additions, revisions, or clarifications to descriptive information presented in the Draft MND/IS. None of the changes affected the original findings or determinations of the Draft MND/IS. Throughout this section, newly added text is shown in single underline format and deleted text is shown in ~~striketrough~~ format. For changes specifically initiated by comments received on the Draft MND/IS, the numeric designator for the comment is indicated in [brackets] prior to its description.

Changes are listed generally in the order in which they would appear in the Draft MND/IS document. As indicated in the Introduction section, the entirety of the Final MND/IS consists of the Draft MND/IS and this document. Thus, the changes to the Draft MND/IS presented in this section incorporate and supersede the text of the Draft MND/IS.

### MITIGATED NEGATIVE DECLARATION: Mitigation Measures and Applicant Proposed Measures

The City has revised the text of Mitigation Measure AQ-1 to clarify that dust control requirements apply to both the general contractor and subcontractors (page 6):

AQ-1: The Project's selected general contractor and their subcontractors shall implement ~~include~~ basic measures to control dust and exhaust during construction, as recommended by the Bay Area Air Quality Management District (BAAQMD). During any construction period with ground disturbance, the Project's general contractor and their subcontractors shall implement the following BAAQMD-recommended best management practices (BMPs):

The City has revised the text of Mitigation Measure AQ-1, subsection 3, for clarification of meaning (page 6):

3. All visible mud or dirt tracked ed ~~out~~ onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping or washing down paved streets using potable water is prohibited.

The City has revised the text of Applicant Proposed Measure APM-1 for clarification of meaning (page 7):

APM-1: During construction, the ~~selected~~ Project's general contractor shall use off-road equipment that would meet, at minimum, the following criteria:

and

Alternatively, prior to construction, the ~~selected~~ Project's general contractor may develop a plan, verified by a qualified air specialist and approved by the City, which ensures that the off-road equipment used onsite to construct the Project would achieve a fleet-wide average 75 percent reduction in PM10 exhaust emissions, compared to uncontrolled aggregate statewide emission rates for similar equipment.

The City has revised the text of Mitigation Measure BIO-1 for clarification of meaning (page 8):

BIO-1: The City shall implement the following measures or designate implementation of these measures to the Project's general contractor prior to construction:

The City has revised the text of Mitigation Measure BIO-2 for clarification of meaning (page 8):

BIO-2: The City shall implement the following measures or designate implementation of these measures to the Project's general contractor:

1. A qualified biologist shall assist with the placement of wildlife exclusion fencing, and verify that stormwater protection measures to protect adjacent undeveloped areas are in place prior to construction. The biologist shall be provided the contact information of the ~~SWPPP~~ Project's general contractor Qualified SWPPP Developer (QSD), and vice versa.

The City has revised the text of Mitigation Measure BIO-2, subsection 4, for clarification of the allowed activities associated with biological monitoring (page 9):

Within the disturbed areas of the BSA, all burrows that can be ~~potentially~~ occupied by CRLF and SFGS shall be hand-excavated with extreme caution by a qualified biologist ~~who holds in possession of a scientific collecting permit. current permits to handle these species, prior to the start of construction activities~~ At the first indication of CRLF or SFGS present, excavation shall immediately cease, and if CRLF or SFGS are found, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be consulted before any further actions are taken to determine an appropriate course of action. Actions could include the relocation of the animal to nearby habitat, and compensatory mitigation for removal of occupied habitat. Because handling and other take of SFGS, a Fully Protected Species, cannot be authorized under California Fish and Game Code, full avoidance must be achieved through measures that would allow the species to passively vacate the site.

The City has revised the text of Mitigation Measure BIO-2, subsection 6, for clarification of the allowed activities associated with biological monitoring (page 10):

A qualified biologist shall inspect the area inside of the fence for CRLF and SFGS every day before construction activities commence. If any special-status species are found, construction activities shall not be allowed to start and the USFWS and CDFW shall be



consulted on an appropriate course of action. Such action could include leaving the animal alone to move away on its own ~~or the relocation of the animal to an area outside of the BSA.~~

The City has revised the text of Mitigation Measure BIO-2, subsection 10, for clarification of the allowed activities associated with biological monitoring (page 11):

If an animal is found at the work site and is believed to be a protected species, work must be halted and the project biologist contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species shall be handled and/or removed from the Project area by anyone except qualified biologists in consultation with CDFW/USFWS as appropriate and in accordance with applicable laws and regulations.

The City has revised the text of Mitigation Measure HAZ-1, subsection b, for clarification of meaning (page 12):

(b) ~~The construction~~ Project's general contractor shall require that all site workers (including subcontractors) be trained in identifying contaminated soil and/or groundwater.

The City has revised the text of Mitigation Measure HAZ-2 to clarify that the Project's general contractor shall incorporate all BMPs in the QSD developed SWPPP (page 13):

HAZ-2: ~~The selected~~ Project's general contractor and their subcontractors shall be required to use BMPs to minimize the potential for releases of hazardous materials to groundwater, surface water, and soil. The BMPs shall be outlined in the general contractor's Work Plan SWPPP document that will be prepared by their QSD and provided submitted to the City's Construction Manager, ~~as well as the SWPPP, and uploaded to the State Water Quality Resource Board's (SWRCB) SMART database as required under the SWCRB's SWRCB Construction General Permit for Construction Activities.~~ The ~~Work Plan~~ SWPPP shall include BMPs that accomplish the following:

The City has revised the text of Mitigation Measure HYDRO-1 for clarification of location of groundwater monitoring (page 14):

Monitoring of groundwater levels ~~perpendicular~~ in the piezometer PZ-1 that is located in the vicinity of ~~to~~ the proposed excavation zone shall be required to verify the assumptions used to calculate potential settlements.

The City has revised the text of Applicant Proposed Measure APM-2 for clarification of meaning (page 16):

APM-2: The Project's general contractor shall be required to construct temporary noise barriers to shield stationary noise sources (e.g., tunneling equipment) from nearby receptors.

## INITIAL STUDY: Project Description

The text identified that a total of four heritage trees had been identified for removal in the area east of the driveway entrance to the Skatepark parking lot, and referenced Figure 8 showing the location of the trees. Figure 8 showed a total of seven trees in this area, and accurately reflects the tree removal plan. Additionally, during the storm event on January 8, 2017, one of the trees that was planned for removal as part of the Project fell down. The text has been modified to reflect that the Project would result in the removal of six rather than four trees east of the driveway entrance (page 56):

Additionally, the Project includes the use of the area to the east of the intersection of Crespi Drive and the driveway entrance to the Skatepark parking lot for staging and laydown, which would require the removal of ~~four~~ six heritage trees as shown on **Figure 8**.

and (page 57):

Following completion of the construction of the Project, the removed trees would be replaced at a minimum ratio of 1:1, meaning that a total of at least ~~eight~~ ten trees would be planted to replace the ~~eight~~ ten removed trees.

**Figure 8** has been modified to reflect that the removal of the tree that fell on January 8, 2017, is no longer included in the Project (see next page).



Source: NAIP 6/13/2014

**Figure 8**  
Proposed Tree Removal

## INITIAL STUDY

The City has revised the text of the Initial Study to reflect the changes to the following mitigation measures and applicant proposed measures as identified in the MND discussion above: AQ-1, APM-1, BIO-1, BIO-2 (including subsections 4, 6, and 10), HAZ-1, HAZ-2, HYDRO-1, and APM-2.

## APPENDIX E: Mitigation Monitoring Plan and Reporting Program Checklist

The City has revised the text of the Mitigation Monitoring Plan and Reporting Program Checklist to reflect the changes to the following mitigation measures and applicant proposed measures as identified in the MND discussion above: AQ-1, APM-1, BIO-1, BIO-2 (including subsections 4, 6, and 10), HAZ-1, HAZ-2, HYDRO-1, and APM-2.

The City has revised the Mitigation Monitoring Plan and Reporting Program Checklist to include the following information. The revised Mitigation Monitoring Plan and Reporting Program Checklist is provided as Appendix A to this document.

- Parties responsible for implementation
- Parties responsible for verification of implementation
- Form of verification required
- Additional comments / instructions for implementation

**APPENDIX A**  
**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

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Mitigation Monitoring Plan and Reporting Program Checklist  
Wet Weather Flow Equalization Basin Project  
Final Mitigated Negative Declaration/Initial Study  
City of Pacifica, California

Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p><b>AES-1:</b> The Tree Protection Plan prepared by the City (or designee) shall include a schedule and replacement ratio for heritage tree removal. The Tree Protection Plan shall require that replacement trees shall be placed as closely as feasible to the removal sites in order to return aesthetics to pre-project conditions.</p>	One time	<p>Project General Contractor</p> <p>(City shall include these measures on all appropriate bid, contract, and engineering / site plans)</p>	Project Construction Manager	City Arborist's confirmation of planting completion	The Tree Protection Plan is a requirement of the City's Heritage Tree Permit.		
<p><b>AQ-1:</b> The Project's general contractor and their subcontractors shall implement basic measures to control dust and exhaust during construction, as recommended by the Bay Area Air Quality Management District (BAAQMD). During any construction period with ground disturbance, the Project's general contractor and their subcontractors shall implement the following BAAQMD-recommended best management practices (BMPs):</p> <ol style="list-style-type: none"> <li>1. All exposed non-hardscaped surfaces (e.g., temporary parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered appropriately to maintain a damp condition.</li> <li>2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</li> <li>3. All visible mud or dirt tracked onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping or washing down paved streets using potable water is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage with these requirements shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>8. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	Ongoing during project construction	<p>Project General Contractor</p> <p>(City shall include these measures on all appropriate bid, contract, and engineering / site plans)</p>	Project Construction Manager	Project Construction Manager, or designee, shall document at least on a weekly basis that BMPs are being implemented.			

**Mitigation Monitoring Plan and Reporting Program Checklist**  
**Wet Weather Flow Equalization Basin Project**  
**Final Mitigated Negative Declaration/Initial Study**  
**City of Pacifica, California**

Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p><b>BIO-1:</b> The City shall implement the following measures or designate implementation of these measures to the Project's general contractor prior to construction:</p> <ol style="list-style-type: none"> <li>1. Post signage indicating that travel and parking of vehicles and equipment must be limited to pavement, existing roads, and previously disturbed areas.</li> <li>2. Include provisions in the Project Plans detailing the areas that have been found to be acceptable for disturbance (i.e., previously disturbed areas and those within the Biological Study Area [BSA]). The contractor shall not disturb or remove vegetation outside of these areas. Work areas that would be temporarily impacted by construction would be restored with respect to pre-existing contours and conditions upon completion of work. Restoration work including re-vegetation and soil stabilization shall be evaluated upon completion of work and performed as needed.</li> <li>3. The City shall ensure that the Stormwater Pollution Prevention Plan (SWPPP) prepared and implemented for the project shall include measures that: <ul style="list-style-type: none"> <li>• minimize erosion and/or prevent water-borne silt from being deposited in adjacent undeveloped areas;</li> <li>• prevent waste and/or construction materials from getting into the adjacent undeveloped areas; and</li> <li>• control and prevent the discharge of all potential pollutants, including hazardous materials, solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment, and non-stormwater discharges to adjacent undeveloped areas via storm drains, water courses, or sheet flow.</li> </ul> </li> </ol>	<p>Post prior to start of construction and maintain during project construction</p> <p>One time during post construction</p> <p>Prepare prior to construction and implement during construction</p>	<p>Project General Contractor</p> <p>(City shall include these measures on all appropriate bid, contract, and engineering / site plans)</p>	<p>Project Construction Manager</p>	<p>Project Construction Manager, or designee, shall document at least on a weekly basis that BMPs are being implemented.</p>			
<p><b>BIO-2:</b> The City shall implement the following measures or designate implementation of these measures to the Project's general contractor:</p> <ol style="list-style-type: none"> <li>1. A qualified biologist shall assist with the placement of wildlife exclusion fencing, and verify that stormwater protection measures to protect adjacent undeveloped areas are in place prior to construction. The biologist shall be provided the contact information of the Project's general contractor Qualified SWPPP Developer (QSD), and vice versa.</li> <li>2. Before the contractors, their employees, or any persons start any work onsite, each worker shall participate in an employee education program, consisting of a brief presentation to explain biological resources on the Project site, which shall be conducted by a qualified biologist. The program shall include the following: <ol style="list-style-type: none"> <li>a. a description of relevant special-status species, nesting birds, and bats along with their habitat needs as they pertain to the BSA;</li> <li>b. a report of the occurrence of these species in the Project vicinity, as applicable;</li> <li>c. an explanation of the status of these species and their protection under the federal and state regulations;</li> <li>d. a list of measures being taken to reduce potential impacts to natural resources during project construction and implementation;</li> <li>e. instructions if a special-status species is found onsite; and</li> <li>f. a summary of the personal consequences of violating state and federal law related to these species.</li> </ol> <p>A fact sheet conveying this information shall be prepared and distributed to the above-mentioned people and anyone else who may enter the work areas within the BSA. Upon completion of training, employees shall sign a form stating that they attended the training and agree to all the conservation and protection measures. The training logs shall be provided to the City on a monthly basis.</p> </li> <li>3. A qualified biologist shall conduct a pre-construction survey within the Project area for the presence of the California red legged frog (CRLF) and/or the San Francisco garter snake (SFGS). The survey shall be conducted immediately prior to the initial onset of Project activities. If any special-status species are found, work shall not commence until the appropriate state and/or federal resource agencies are contacted and avoidance and mitigation measures are in place.</li> </ol>	<p>Install prior to construction and monitor and maintain during construction</p> <p>Prior to workers starting on work site</p> <p>Prior to construction</p>	<p>City and City's Contractor (Biologist)</p> <p>City and City's Contractor (Biologist)</p> <p>City and City's Contractor (Biologist)</p>	<p>Project Construction Manager</p> <p>City's Contractor (Biologist) to provide training logs to Project Construction Manager</p> <p>City's Contractor (Biologist) to provide survey documentation to Project Construction Manager</p>	<p>Written record of placement of wildlife exclusion fencing and SWPPP BMPs.</p> <p>Review training logs on a monthly basis to ensure training of all employees</p> <p>Written record of survey results and consultation with USFWS or CDFW, if applicable</p>			



**Mitigation Monitoring Plan and Reporting Program Checklist**  
**Wet Weather Flow Equalization Basin Project**  
**Final Mitigated Negative Declaration/Initial Study**  
**City of Pacifica, California**

Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
4. Within the disturbed areas of the BSA, all burrows that can be occupied by CRLF and SFGS shall be hand-excavated with extreme caution by a qualified biologist in possession of a scientific collecting permit. At the first indication of CRLF or SFGS present, excavation shall immediately cease, and the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be consulted before any further actions are taken. Because handling and other take of SFGS, a Fully Protected Species, cannot be authorized under California Fish and Game Code, full avoidance must be achieved through measures that would allow the species to passively vacate the site.	Prior to construction in BSA	City and City's Contractor (Biologist)	City's Contractor (Biologist) to provide documentation of hand-excavation to Project Construction Manager	Written record of hand-excavation activities and observations, and consultation with USFWS or CDFW, if applicable			
5. A wildlife exclusion/environmental fence (with escape routes, such as exit funnels) shall be erected around active construction areas to prevent the movement of animals into active construction areas under oversight by a qualified biologist. During construction, the fence shall be checked every day before construction activities commence for damage, breaks, or trapped wildlife. Any damage to the fence shall be repaired in a timely manner. The qualified biologist overseeing the placement of wildlife exclusion fencing shall ensure placement of the fence so that a minimum 3-foot-wide wildlife corridor remains open between the south end of the Skatepark parking lot and the residential fences.	Install prior to construction and monitor and maintain during construction	City and City's Contractor (Biologist)	City's Contractor (Biologist) to provide record of daily check to Project Construction Manager	Written record of daily checks and repairs			
6. A qualified biologist shall inspect the area inside of the fence for CRLF and SFGS every day before construction activities commence. If any special-status species are found, construction activities shall not be allowed to start and the USFWS and CDFW shall be consulted on an appropriate course of action. Such action could include leaving the animal alone to move away on its own.	Ongoing during project construction	City and City's Contractor (Biologist)	City's Contractor (Biologist) to provide record of daily check to Project Construction Manager	Written record of daily checks and consultation with USFWS or CDFW, if applicable			
7. When construction and construction-related activities (including, but not limited to, mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading noise) occur during the avian nesting season (from February 1 to August 31 for passerines and January 1 to September 15 for raptors), all suitable habitats located within the Project's area of disturbance, including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas, shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented and provided to the City's Planning Department. If pre-construction nesting bird surveys identify potential impacts to active nests, no site disturbance and mobilization of heavy equipment shall take place within a buffer determined by the biologist in consultation with a CDFW biologist. During that consultation, it can also be determined what low-impact construction activities are allowed within the buffer. The buffer shall be in place until the chicks have fledged. Monitoring shall be required to ensure compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Monitoring dates and findings shall be documented and provided to the City's Planning Department.	One time, 5 days prior to construction during nesting season	City and City's Contractor (Biologist)	City's Contractor (Biologist) to provide record of survey and monitoring of active nests to Project Construction Manager and Planning Department.	Written record of survey and monitoring results.			
8. A preconstruction survey of trees within the developed and disturbed areas of the BSA shall be conducted by a qualified biologist for colony bat roosts within 14 days prior to the onset of project activity, and the survey shall be documented and provided to the City's Planning Department. If an occupied maternity or colony roost is detected, the CDFW shall be consulted to determine appropriate measures, such as bat exclusion methods, if the roost cannot be avoided.	One time, no more than 14 days prior to construction	City and City's Contractor (Biologist)	City's Contractor (Biologist) to provide record of survey to Project Construction Manager and Planning Department.	Written record of survey and consultation with CDFW, if applicable			

Mitigation Monitoring Plan and Reporting Program Checklist  
Wet Weather Flow Equalization Basin Project  
Final Mitigated Negative Declaration/Initial Study  
City of Pacifica, California

Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p>9. Food items may attract wild animals onto the construction site, which would expose them to construction-related hazards. The construction site shall be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) shall be placed in closed containers and properly disposed of.</p> <p>10. If an animal is found at the work site and is believed to be a protected species, work must be halted and the project biologist contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species shall be handled and/or removed from the Project area by anyone except qualified biologists in consultation with CDFW/USFWS as appropriate and in accordance with applicable laws and regulations.</p> <p>11. The Project specifications, the contractor's work plan, and/or SWPPP shall include provisions to ensure that the use of monofilament netting, including its use in temporary and permanent erosion control materials, is avoided altogether. All holes greater than 1 foot deep must be sealed overnight to prevent the entrapment of wildlife. Where holes or trenches cannot be sealed, escape ramps that are no greater than 30% slope shall be positioned such that entrapped wildlife would be able to escape. The escape ramps should be at least 1 foot wide and covered/fitted with a material that provides traction.</p>	<p>Prepare prior to construction and implement during construction</p> <p>Ongoing during project construction</p> <p>Install prior to construction and monitor and maintain during construction</p>	<p>Project General Contractor</p> <p>(City shall include these measures on all appropriate bid, contract, and engineering / site plans)</p> <p>City and City's Contractor (Biologist)</p> <p>City shall include these measures on all appropriate bid, contract, and engineering / site plans</p>	<p>Project Construction Manager</p> <p>City's Contractor (Biologist) to provide employee training logs to Project Construction Manager</p> <p>City's Contractor (Biologist) to provide documentation of daily checks of work area to Project Construction Manager</p>	<p>Project Construction Manager, or designee, shall document at least on a weekly basis that BMPs are being implemented</p> <p>Review training logs on a monthly basis to ensure training of all employees</p> <p>Written record of daily checks</p>			
<p><b>CUL-1:</b> In the event that any prehistoric, historic, or paleontological materials are discovered during ground-disturbing activities, ground work shall cease at the Project site and discovered materials and their surroundings shall not be altered or collected. A qualified archaeologist or paleontologist shall be consulted as to the significance of the find, and avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. Significant cultural materials recovered shall be subject to scientific analysis and/or professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards. Ground disturbance activities shall continue upon direction from the qualified archaeologist according to current professional standards.</p>	<p>Ongoing during project construction</p>	<p>City to implement if cultural resources are encountered.</p>	<p>City's Contractor (Qualified Professional Archaeologist) to provide documentation to Project Construction Manager, CHRIS, and the City Planning Department</p>	<p>Written archaeological report of findings</p>			
<p><b>CUL-2:</b> Prior to performing ground disturbance activities, all on-site workers shall be trained by a City-approved archaeologist in what cultural resources are, identifying cultural resources, the procedure if a cultural resource is found, and their legal responsibility to protect cultural resources. Training logs shall be provided to the City regularly.</p>	<p>Prior to workers starting on work site</p>	<p>City and City's Contractor (Qualified Professional Archaeologist)</p>	<p>City's Contractor (Qualified Professional Archaeologist) to provide documentation of training to Project Construction Manager</p>	<p>Review training logs on a monthly basis to ensure training of all employees</p>			

Mitigation Monitoring Plan and Reporting Program Checklist  
Wet Weather Flow Equalization Basin Project  
Final Mitigated Negative Declaration/Initial Study  
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Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p><b>HAZ-1:</b> The City shall ensure that:</p> <p>(a) The construction contractor (or designee) shall conduct a private utility survey for the presence of underground utilities, fill pipes, and underground storage tanks (USTs) prior to excavation within the Skatepark parking lot area, areas of the proposed jacking and receiving pits, and along the proposed locations of the influent and effluent conveyance pipelines. In the event that a UST is identified within the excavation boundaries, the City shall contact an environmental consultant, who shall perform and/or coordinate the investigation for the presence of contamination in accordance with applicable regulations. A report of the findings of the geophysical survey shall be submitted to the City's Construction Manager and City's Public Works Department liaison.</p> <p>(b) The Project's general contractor shall require that all site workers (including subcontractors) be trained in identifying contaminated soil and/or groundwater. In the event that contaminated soil or groundwater is encountered (either visually or through odor detection) during excavation activities, the construction contractor shall follow the procedures below:</p> <ul style="list-style-type: none"> <li>• Stop work in areas with suspected contamination;</li> <li>• Immediately report observations to the City's Construction Manager;</li> <li>• Contact an environmental consultant, who shall perform and/or coordinate the investigation of suspected contamination in accordance with applicable regulations.</li> </ul> <p>(c) If necessary, based on the findings of the environmental consultant, the City's Public Works Department shall notify San Mateo County Environmental Health Department, San Francisco Bay RWQCB, and/or the California Department of Toxic Substances Control (DTSC).</p> <p>(d) If investigation confirms presence of contamination, the environmental consultant shall perform and/or coordinate appropriate site investigation and cleanup procedures in accordance with regulatory requirements, including the appropriate segregation and disposal of contaminated soil and groundwater. Once the extents of the contamination have been delineated and the contaminated materials (i.e., soil and/or groundwater) have been excavated or otherwise remediated (e.g., in-situ treatment), ground-disturbing activities shall continue.</p>	One time prior to excavation	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project General Contractor to provide documentation to Project Construction Manager and Public Works Department liaison	Report of findings of the geophysical survey			
	Prior to workers starting on work site	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project General Contractor to provide training logs to Project Construction Manager	Review training logs on a monthly basis to ensure training of all employees			
	One time, if contaminated soils are discovered	City's Public Works Department liaison	City's Public Works Department liaison to provide documentation of report to Project Construction Manager	Written documentation summarizing notifications made			
	One time, if contaminated soils are discovered	City and City's Contractor (Environmental Consultant)	City's Public Works Department liaison to provide documentation of investigation and cleanup, as applicable, to Project Construction Manager	Written documentation of investigation and cleanup			

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<p><b>HAZ-2:</b> The Project's general contractor and their subcontractors shall be required to use BMPs to minimize the potential for releases of hazardous materials to groundwater, surface water, and soil. The BMPs shall be outlined in the general contractor's SWPPP document that will be prepared by their QSD submitted to the City's Construction Manager and uploaded to the State Water Quality Resource Board's (SWRCB) SMART database as required under the SWCRB's General Permit for Construction Activities. The SWPPP shall include BMPs that accomplish the following:</p> <ul style="list-style-type: none"> <li>• Discussion of methodology and available technology for waste management and materials pollution control, as well as other construction-related activities.</li> <li>• Provisions for training the site workers on the proper storage and handling of hazardous substances, such as fuels, lubricants, paints, and solvents. Training logs shall be provided to the City regularly.</li> <li>• A process for responding to, and tracking, complaints pertaining to construction activity, including identification of the City's Construction Manager. The Construction Manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The City's Planning and Zoning Department shall be informed who the City's Construction Manager is prior to the issuance of the first permit issued by Building Services.</li> <li>• Provision for accommodation of pedestrian flow and prevention of any unauthorized personnel from entering the construction zone or material and equipment storage areas.</li> <li>• Prior to construction, a portable toilet facility and a debris box shall be installed on the site and properly maintained through project completion.</li> </ul>	Prepare prior to construction and implement during construction	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project General Contractor to provide Work Plan and SWPPP to Project Construction Manager	Review of Work Plan and SWPPP for BMPs that accomplish the requirements identified in the measure			
<p><b>HYDRO-1:</b> The general contractor shall develop a dewatering plan and obtain any necessary permits for performing dewatering. The dewatering plan shall include methods to manage the potential environmental impacts that dewatering activities might have. The dewatering plan shall include the following at a minimum:</p> <ul style="list-style-type: none"> <li>• a pre-dewatering topographic survey with a minimum vertical accuracy of 0.01 foot (if the existing site topographic survey already prepared for design purposes provides a minimum vertical accuracy of 0.01 foot, this survey can be utilized and an additional topographic survey would not be required);</li> <li>• a photographic survey of structures and flatwork in the surrounding area documenting any pre-dewatering damage to the structures or flatwork, including measurements of the widths and lengths of any significant cracks in the structures or flatwork;</li> <li>• pre-construction evaluation of required groundwater extraction rates and volumes, calculation of the radius of influence of the dewatering wells/sumps and anticipated settlements as a function of distance from the excavation;</li> <li>• measures to address situations where water resource impacts or excessive settlements are occurring.</li> </ul> <p>Monitoring of groundwater levels in the piezometer PZ-1 that is located in the vicinity of the proposed excavation zone shall be required to verify the assumptions used to calculate potential settlements.</p>	Prepare prior to dewatering and implement during dewatering	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project General Contractor to provide dewatering plan to Project Construction Manager	Review of dewatering plan to ensure the plan includes the elements identified in the measure			

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<p><b>NOISE-1:</b> No construction activities shall be permitted on the weekends or at night. To reduce construction noise levels emanating from the site and minimize disruption and annoyance of existing noise-sensitive receptors in the Project vicinity, the City shall require the selected contractor to develop a Noise Control Plan. This Noise Control Plan shall include, but not be limited to, the following construction BMPs:</p> <ul style="list-style-type: none"> <li>• All equipment driven by internal combustion engines shall be equipped with mufflers that are in good condition and appropriate for the equipment.</li> <li>• The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>• Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>• Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and receptors nearest the Project site during all Project construction, as feasible.</li> <li>• Locate stationary noise sources as far from receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures, where feasible and appropriate) would be used as necessary to comply with local noise ordinance and general plan limits. Any enclosure openings or venting would face away from receptors.</li> <li>• Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>• Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.</li> <li>• Designate a project liaison who shall be responsible for responding to noise complaints during construction. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advance notifications. This person shall take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring shall be presented at regular project meetings with the Project contractor, and the liaison shall coordinate with the contractor to modify, to the extent feasible, any construction activities that generated excessive noise levels.</li> <li>• Require a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions.</li> <li>• Hold a preconstruction meeting with the job inspectors and the general contractor’s onsite project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</li> </ul>	Prepare prior to construction and implement during construction	<p>City and Project General Contractor</p> <p>(City shall include these measures on all appropriate bid, contract, and engineering / site plans)</p> <p>City to ensure that stationary operational equipment complies with local noise ordinance / general plan limits.</p>	<p>Project General Contractor to provide Noise Control Plan to Project Construction Manager</p> <p>City to provide documentation of compliance of stationary operational equipment with local noise ordinance / general plan limits to Project Construction Manager</p>	<p>Review of Noise Control Plan and documentation of stationary operational equipment noise levels to ensure they address the elements identified in the measure.</p> <p>Weekly inspection of equipment to confirm it meets specifications of Noise Control Plan.</p>			
<p><b>PUB-1:</b> At least 48 hours prior to road closures, the City’s Public Works Department (or designee, such as the City’s Consultant Construction Manager) shall notify local emergency service providers (Pacifica Police Department at 650-738-7314 and North County Fire Authority at 650-991-8138) of road closures and length of closure. The construction contractor shall obtain encroachment permits from the City’s Engineering Department prior to construction-related lane or street parking closures.</p>	48 hours prior to road closures	Project Construction Manager	City Project Construction Management to provide documentation of notification to City Public Works Department Designee	Written documentation of notifications			

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Mitigation Measures and Applicant Proposed Measures	Timing	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p><b>TRANS-1:</b> The selected contractor shall be required to prepare a Traffic Control Plan, which shall include, at minimum:</p> <ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures to maintain safety and Level of Service (LOS), including: <ul style="list-style-type: none"> <li>- scheduling of major truck trips and deliveries to avoid peak traffic hours – deliveries and soil off-haul trucks shall not arrive onsite prior to 8 a.m. and shall not leave the site outside of the hours of 9 a.m. to 3 p.m.,</li> <li>- requirements for posting of detour signs,</li> <li>- requirements for traffic control personnel such as flaggers during disruptions in the City rights-of-way,</li> <li>- lane closure procedures and signage requirements,</li> <li>- placement requirements for signs and cones for drivers, and</li> <li>- designated construction access routes;</li> </ul> </li> <li>• Methods for maintaining the condition and LOS of city and state roadways;</li> <li>• Notification procedures for adjacent properties and public safety personnel regarding when major deliveries, detours, and lane closures would occur;</li> <li>• Location of construction staging areas for materials, equipment, and vehicles at an approved location;</li> <li>• Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</li> </ul>	Prepare prior to construction and implement during construction	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project General Contractor to provide Traffic Control Plan to Project Construction Manager	Review of Traffic Control Plan to ensure elements identified in measure are addressed			
<p><b>APM-1:</b> During construction, the Project's general contractor shall use off-road equipment that would meet, at minimum, the following criteria:</p> <ol style="list-style-type: none"> <li>1. All mobile diesel-powered off-road equipment larger than 25 horsepower (hp) and operating on the site for more than 20 hours shall meet, at a minimum, one of the following: <ol style="list-style-type: none"> <li>a. Equipped with engines meeting U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 2 engines or equivalent;</li> <li>b. All diesel-powered portable equipment (i.e., generators, concrete saws, and pumps) operating on the site for more than 20 hours shall be equipped with CARB-certified Level 3 Diesel Particulate Filters or meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent;</li> <li>c. Use alternatively fueled (i.e., non-diesel) equipment; or</li> <li>d. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.</li> </ol> </li> <li>2. Line power shall be utilized as soon as feasible, limiting the use of all diesel-fueled generators, including any diesel-powered welders, used for construction activities exceeding 20 days for each piece of equipment.</li> </ol> <p>Alternatively, prior to construction, the Project's general contractor may develop a plan, verified by a qualified air specialist and approved by the City, which ensures that the off-road equipment used onsite to construct the Project would achieve a fleet-wide average 75 percent reduction in PM10 exhaust emissions, compared to uncontrolled aggregate statewide emission rates for similar equipment.</p>	Ongoing during project construction	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project Construction Manager	Monthly inspection of equipment to confirm it is certified in accordance with criteria			
<p><b>APM-2:</b> The Project's general contractor shall be required to construct temporary noise barriers to shield stationary noise sources (e.g., tunneling equipment) from nearby receptors. The barrier shall be a minimum of 16 feet in height and would provide approximately 8 to 10 A-weighted decibels (dBA) of attenuation at the first floor, and approximately 5 dBA of attenuation at second and third floors, where the line-of-sight to construction activities is interrupted by the barrier.</p>	Install prior to construction and monitor and maintain during construction	Project General Contractor  (City shall include these measures on all appropriate bid, contract, and engineering / site plans)	Project Construction Manager	Written / Photographic documentation of noise barrier installation, and specifications in accordance with the measure			
<p><b>APM-3:</b> As noted in the Project Description, prior to the flushing and cleaning of the EQ basin, the City's Wastewater Treatment Plant Superintendent, or deputy thereof, shall contact both the North County Fire Department and the North Coast County Water District to alert them of anticipated water usage. If the water usage would impede water service for either of the agencies, the flushing and cleaning of the tank would be delayed until the demand could be met.</p>	Prior to cleaning of EQ basin	City's Wastewater Treatment Plant Superintendent, or deputy	City Public Works Director, or deputy	Written documentation of notifications			

**O'Connor, Bonny**

**From:** William Booth-Dunbar <william@gardensystems.com>  
**Sent:** Monday, January 30, 2017 7:35 PM  
**To:** O'Connor, Bonny; aguilarm@ci.pacifica.ca.us  
**Subject:** Fwd: Comments on Proposed Wet Weather Equalization Basin

**To Whom It May Concern:**

**I am reaching out as a concerned homeowner at 1003 Anza Dr.**

**NOTE:** I understand that we need a solution to the current sanitary overflows and illegal waste discharges that the city is under court order to stop. However, I feel this location endangers wetlands, wildlife, and could cause nuisance to hundreds of people and homes.

To clarify my personal position and find where we can work together I will outline the issues I personally see with this proposal-

**1. Environmental Impact Report and Pacificas intent to adopt a Mitigated Negative Declaration:**

I do not see where this project would qualify for the MND/IS exemption under CEQA, maybe you can be of some help in determining if the following factors would be valid objections:

- Complete change of use from parking lot to sewage storage facility with parking lot
- Dewatering and lowering of water table
- Impacts of dewatering and lowering of water table within wetland to the west
- Impacts on deer, and other wildlife that inhabit the open space to both the east and the west
- Air quality, pollution, and in particular dust
- Noise and odor
- No emergency overflow or flood plan in place

**2. Negative Impact on Public Goods**

The residents and taxpayers of Pacifica have invested millions into the community center and skatepark which both see very heavy traffic and usage. Locating the basin near these community investments may negatively impact and possibly destroy the enjoyment of these spaces with foul odors. It seems shortsighted to put the enjoyment of these areas at risk.

**5. Negative Impact on Neighbors**

- Construction noise
- Odor
- Loss of business for adjacent businesses
- Air quality and methane
- Negatively impacts one of the most used walking routes in Lindamar

**3. Lack of sufficient documentation that this will actually fix the problem-**

Nowhere have I seen the calculations published that were used to estimate the correct size of the basin for the amount of inflow and infiltration of stormwater. Until I see proof that 2.1 million gallons is of adequate size I will be opposed to this project. Also, with the "passive diversion structures" there is no way to stop inflow into the equalization basin if something were to go wrong. If the internal pumps fail, where will all the sewage go?

**4. No Flood Simulation or Flood Response Plan-**

- What happens during a 30yr or 100yr flood? Where does that 2.1 million gallons of sewage go? What will the city do in response?

**5. No Legal Guarantee That This Will Not Be Used To Store Waste Long Term**

- In the last meeting the city promised the basin would **ONLY** be used in wet weather events a few times a year, and we have no legal guarantee or recourse if they change their mind and want to increase capacity by utilizing the 2.1 million gallon tank for general sewer storage.

**6. Previous History of Poor Decision Making and Lack of Maintenance/Management**

- The city of Pacifica has a reputation that speaks for itself concerning past projects and maintenance. Furthermore, I have not seen a maintenance cost estimate to go along with the proposal which as a taxpayer I would like to know.

During a two inch rain event over 95 million gallons drains through the valley, I can't imagine how angry all the taxpayers will be if this 20 million dollar project doesn't actually work.

Thanks again for taking the time,

William at 1003 Anza Dr

William Booth-Dunbar

[\(415\)-857-4435](tel:(415)857-4435)

[william@gardensystems.com](mailto:william@gardensystems.com)

[gardensystems.com](http://gardensystems.com)



Click [here](#) to report this email as spam.



**O'Connor, Bonny**

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**From:** Erin Macias <necesse@comcast.net>  
**Sent:** Wednesday, February 01, 2017 2:15 PM  
**To:** Aguilar, Maria; O'Connor, Bonny  
**Subject:** objection to basin

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I want to express my objection in writing to the 2.1 million gallon equalization basin at the Community Center. I would like a link to the environmental impact report with regards to air quality. When the Sewage Treatment plant was constructed, the residents were told we would not know it's there. The stench from that plant has a direct environmental impact to the surrounding neighborhood and to the students at Vallemar School. My children attended there from 2006-2015 and the air pollution was an ongoing issue. I am advocating on behalf of the children in this community who should not be subjected to the smell at the Pacifica Skate Park, the Community Center, nor at Cabrillo Elementary.

The wind and topography determine how plumes travel. There are children in the immediate vicinity who will be directly impacted by this basin.

Please provide me a copy of either the EIR and sufficient evidence that 10' vents will maintain the odor plume above the skatepark and that plume will be directed over the ocean 100% of the time.

Sincerely,  
 Erin Macias, Linda Mar

Click [here](#) to report this email as spam.

Commissioner Cooper moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVE Coastal Development Permit CDP-375-16; by adopting the resolution included as Attachment A to the staff report, including conditions of approval in Exhibit A to the resolution with modifications on Condition 18 that closure of SR1 would not occur during the morning or evening commute hours, and inclusion of Item 20 of an in roadway light system or similar to be included in each crosswalk; and incorporate all maps and testimony into the record by reference.

Chair Gordon asked confirmation that he mentioned morning and evening commute hours in the additional condition.

Commissioner Cooper responded affirmatively.

Commissioner Clifford seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford,  
 Cooper and Chair Gordon  
 Noes: None

**3, UP-080-16  
 PSD-816-16**

**USE PERMIT UP-080-16 AND SITE DEVELOPMENT PERMIT PSD-816-16**, filed by the City of Pacifica to construct a 2.1-million-gallon capacity equalization (EQ) basin, a 10-foot tall motor control center building, ventilation and odor-control system, and a cleaning system within the EQ basin at 540 Crespi Drive in Pacifica. The Project would also include construction of two diversion structures to passively divert excess flows from the existing Linda Mar and Arguello sanitary sewer lines and transport the flow via a conveyance pipeline to the EQ basin during storm events and an affluent conveyance pipeline routing flows to the existing Crespi Drive sanitary sewer line and Linda Mar Blvd. Pump Station. Recommended California Environmental Quality Act (CEQA) status: Adopt a Final Mitigated Negative Declaration/Initial Study.

Asst. Planner O'Connor stated that the staff report will start with a presentation from the city's consulting project manager with a description of the project, etc., and she will conclude the presentation with a summarization of the findings. She then introduced Public Works Dir. Ocampo and Gene Barry with 4Leaf.

Public Works Dir. Ocampo introduced the members of the project team, Asst. Plant Superintendent Manager Maria Aguilar, Wastewater Deputy Dir. Louis Sun, the city's

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project biologist, Ms. Peterson, Alice Hale who prepared the CEQA document, Jeff Tarantino from Freyer and Laureta and Project Mgr. Gene Barry.

Gene Barry, 4Leaf consulting manager, then gave his portion of the presentation of the staff report.

Jeff Tarantino, Freyer and Laureta, continued with the presentation of the staff report.

Gene Barry continued with the presentation of the staff report.

Asst. Planner O'Connor then finalized the presentation of the staff report.

Commissioner Clifford concluded that the site would be dewatered to do the construction of the basin and, in light of the millennium tower fiasco, he stated that he was curious and concerned about what will happen to the structures adjacent to the retention basin when they are dewatering it. He didn't think the community center or skate park were built with the idea that the site would be dewatered at a later date.

Jeff Tarantino stated that the way they will be building the tank is that they will build a slurry wall 17 feet below the bottom of the excavation to serve as a cutoff wall giving more specifics. He stated that the next step was the excavation and during that time they will be doing the dewatering within the interior of the slurry wall and will not allow the contractor to do any dewatering outside the slurry wall to prevent impacting surrounding ground water levels. They will also be installing monitoring for construction, with a piezometer to monitor ground water levels, and inclinometers outside the excavation to allow them to measure any land movement during the excavation and the contractor will develop a response plan that will outline steps to determine how to stop further damage if ground movement is detected. He stated that they will also be putting tilt meters on the community center and the skate park to monitor ground shifting due to excavation.

Vice Chair Nibbelin asked the city attorney if it was standard for the city to secure discretionary permits from itself for a city project, explaining that he was not talking about a CDP imposed by state law.

Asst. City Attorney Visick stated that it might appear unusual, but it was customarily done and that it was his understanding the City has done this for several other projects recently, such as the demolition on Esplanade, and the projects are evaluated under the same criteria.

Commissioner Evans stated that he used to work for East Bay MUD and they used to put in ponds as they dumped into the Bay and got fined, so he knows they need it. He asked where it goes if it fills up.

Mr. Tarantino stated that the basin was designed to operate passively to fill and the size of the basin was determined in the 2011 master plan prepared by RMC. RMC developed the hydraulic model for the cease and desist order and RMC used it to determine the

capacity of the basin. For the design storm event, the basin capacity was determined to be 2.1 million gallons. He stated that, in the event there was a larger than design storm event, they will see overflows in the same locations they see today, such as Linda Mar by Safeway or the bottom of Arguello.

Commissioner Evans asked why this location was picked over the front parking lot location of the community center.

Public Works Dir. Ocampo explained that the front parking lot is owned by the State of California and Pacifica is leasing it from them.

Commissioner Evans asked if it was the entire lot.

Public Works Dir. Ocampo responded affirmatively.

Chair Gordon mentioned that there was a fair amount of anxiety in the community about odors from this project, mentioning the wastewater facility in Vallemar where you can smell it on a bad day. He assumed that when the engineers created the plan, they had a plan for dealing with the odors but it wasn't airtight. He asked them to address the concern in layman's terms how this situation was different and mention the game plan.

Mr. Tarantino stated that the water conveyed to the basin will not be raw sewage, only used during times of significant inflow and infiltration and will be diluted sewage. The odor control system has two intake vents on one side of the basin and a blower on the opposite side of the basin that will draw air out of the basin, drawing in clean air from the vents and push the air through a granulated activated carbon or common material that absorbs the hydrogen sulfide gasses. He reiterated that it was not raw wastewater, the basin will not be used daily and the basin will be washed after every use. He stated that the odor control system will operate 24 hours a day when the basin is being used until the operators have cleaned it, removed any buildup and it was safe to turn off the system.

Commissioner Cooper mentioned that San Francisco has a combined sewer storm drain system all over the city to handle storm water and wastewater, and put it in a basin and wait to process it. He referred to mention that they can pump 30 hours, and they have residual flows and regular flows, and he asked how long they would expect the basin to be full following a big storm.

Mr. Tarantino stated that they didn't have a specific time frame of when it would be held, as they will be contingent on a lot of factors. He stated that once the basin was filled, the water will be stored until flows have subsided at the plant and there was capacity at the Linda Mar pump station to pump out the basin, most likely several days before it was drained.

Commissioner Cooper asked if they have done any calculations on how long it would be before the basin was completely empty.

Mr. Tarantino stated that, if completely full, they would turn on all four pumps and it would be drained in 30 hours.

Commissioner Cooper stated that they weren't going to turn four pumps on. He stated that it would have residual flows, and the pumps were designed to drain it in 30 hours, but the plant can't take that much water.

Mr. Tarantino stated that the concept to wait until there was capacity at the plant so that, if you turn all four pumps on, you could. He stated that the operators will have flexibility as, if they see they have room in the plant and they want to turn two pumps on, they can, and with two pumps running it would take 60 hours to drain.

Commissioner Cooper asked what the plant capacity was now at the wastewater treatment plant and the current inflows.

Wastewater Deputy Dir. Louis Sun stated that currently they can sustain about 15-16 mgd.

Commissioner Cooper asked what they currently have during a storm operation as it was obviously full and what was their regular capacity. He asked if they were processing 15 mgd every day.

Wastewater Deputy Dir. Luis Sun stated that the current average daily flow was about 4 mgd.

Commissioner Cooper concluded they have plenty capacity.

Public Works Dir. Ocampo stated that, on a regular day, the plant processes 4 MGD, and during peak flows, as in the middle of a storm, they can accommodate up to 21 MGD, but he added that it is not sustainable at that level. He stated that during the last storms, the City had SSO's. He stated that out of the three events they had, the total amount of SSO's incurred was roughly about 8% of the capacity of the EQ basin that they propose. He stated that if they have the Equalization Basin, they will not have those three SSOs that they have experienced and no toilet paper will be floating on the street as everything will drain into it. He stated that they will have the ability to store it temporarily and, when the flow to the plant drops to a manageable level, they will start pumping right away. He stated that, after they pump it and everything is fine, they will start cleaning up the basin.

Commissioner Cooper stated that was what San Francisco does in their basins. He then asked for a rough estimate, in an event, of what percentage of it was storm water versus sanitary. He assumed almost all of it was storm water and they have an infiltration of some sanitary that they have to get rid of.

Mr. Tarantino stated that it was hard to tell and he can't give a specific number, but it was best described as heavily diluted wastewater.

Commissioner Cooper stated that he looks at where the sewer and storm drains are going, and he thought that the most disruptive portion of the construction was in people's streets. He asked if they have an idea of how many linear feet they will shut down at a time in sections or will they open up the whole thing at once.

Mr. Barry stated that the typical methods they will use from the Linda Mar station to Anza will be cut and cover, and trenching. He stated that it will typically depend on production of the contractor, but they can assume around 100 feet a day. He stated that they are estimating about four months for the pipeline construction. He stated that, at the end of each day, each section of trench will be covered with either trench plate and cutback placed around to secure it or it will be backfilled and restored at that time.

Commissioner Cooper assumed they will leave numbers for the residents to call.

Mr. Barry stated that they will have a full time construction manager and inspector on site, one in the basin and one in the pipeline, who will be available to address concerns and make sure the contractor wasn't blocking anyone's driveways at the end of the day and make sure all site accesses are restored to driveways.

Commissioner Cooper mentioned that one concern he had was that there are a lot of children in the neighborhoods and they were interested in the construction commitments, and he asked if they have a representative on site to ensure they don't go near the excavation.

Mr. Barry stated that they will have exclusion zones set up in the area in which they are working with full time presence.

Commissioner Cooper asked what their working hours will be in the neighborhoods.

Mr. Barry stated that it will be 8:00 a.m. until 4:00 p.m.

Commissioner Cooper asked if they had those restrictions.

Mr. Barry stated that they have restrictions for when they will be able to off haul material.

Commissioner Cooper stated that he was in that area when they had the big floods. He drove his car through the neighborhoods, with 4-5 feet of water on the ground. He asked if the elevation of that tank was higher than the floodplain where you won't flood the tank because of an influx in the area.

Mr. Tarantino stated that the FEMA flood elevation was about elevation 14, and the top of the tank was slightly below that at 12 ½. He stated that they looked at ways to try to raise the top of the tank and it wasn't possible.

Commissioner Cooper assumed it wasn't feasible. He then referred to the comments on odor control, and he asked if he was using the same system that the wastewater treatment plant was using as their secondary. He thought there was some enzyme we have that people normally don't have in digesters. He asked if he should be concerned as a citizen that he will smell the odor at the skate park.

Mr. Tarantino stated that the odor control system at the skate park will be different than what was at the plant, and he didn't think he should be concerned.

Commissioner Clifford stated that he was moving to when the basin is installed and functioning, and he asked how noisy it will be for the neighborhood, mentioning the four 10 horse power pumps, two horse water dewatering pump, the fans for ventilation.

Mr. Tarantino stated that the four 10 horse power and two dewatering pumps will be located inside the tank about 45 feet below grade and the pumps will not be audible. He stated that the one blower for the odor control has been part of a noise study and it was determined that, once you get to the property line, the noise levels will essentially be ambient. He stated that they have provisions to add a sound barrier around it in the event it was noisy when operational.

Commissioner Clifford asked for the actual dB number.

Mr. Tarantino stated that he did not know that number off the top of his head but he can get that to him for the blower.

Commissioner Clifford stated that, during a storm they have had power failures, and he saw that there was an allowance for a backup system, but it wasn't on site. He asked where it was to get it to the basin in time, mentioning highway closing.

Mr. Tarantino stated that, in terms of the backup generator location, he would look to staff. He first wanted to state that the basin does not require any power to function and provide wet weather storage, and the filling of the basin will be passive by gravity and does not require any power whatsoever. He stated that the only time they require power was to dewater the basin.

Wastewater Deputy Dir. Louis Sun stated that they have a portable generator at the Linda Mar pump station which can be used.

Commissioner Clifford concluded that it was in the area.

Chair Gordon asked if Commissioner Baringer had to recuse himself.

Asst. City Attorney Visick responded that he did.

Chair Gordon noted that for the record.

Chair Gordon opened the Public Hearing.

Lori B. Pacifica, stated that, as a resident of Linda Mar, she was worried about the project, the noise and smell, as well as the sinking of their homes. She stated that the water runs underneath the houses and it has to be pumped out on a regular basis. She was worried about the wetlands and the senior housing. She stated that our taxes were going up. She asked what the cost of the project was. She mentioned that San Mateo was having the same project and they put a hold on it because of the issues that the project was too close to housing. She was also worried about the value of their houses decreasing, and questioned whether it will be harder for them to sell their houses. She stated that she would like a bigger pump at Linda Mar to pull out the debris and clean it faster. She would like it put on hold and look into more aspects of this as, once the project starts, there was no turning back.

Erin Macias, Pacifica, stated that, as a resident of Linda Mar, she objected to the sewage tank. She stated that they don't have a core sample and thought that a 17 foot barrier was completely arbitrary. She stated that the parcel and adjoining one are wetlands habitats as defined by the EPA, and any effort to dewater, fill or excavate without permits was a violation of Section 504 of the Clean Water Act. She stated that the city's acknowledgement of the existence of Lake Matilda was entered into the Planning minutes on November 7, 2016. She stated that the site under discussion was a gas station and auto dismantler and activity at this adjoining parcel or 540 Crespi may activate the flow of a plume should contaminants exist. She supported the construction at 570 but she does not support the construction of the basin. She stated that the basin project was a change in use which requires an EIR. She felt this was a due diligence issue and failure to conduct one was a CEQA violation, based on substantial environmental evidence for which she presented photos of willows and wetlands. She felt there was sufficient evidence to mandate an EIR on this site. She also had a photo of the riparian corridor used by deer, foxes, etc. She stated that a motor would create a sound vibration disturbing these creatures and possibly push them towards the freeway. She added that the community center was also the home to the Pacifica skate park and a preschool. She felt that the aspects of the project proposed were negligent and opened the city up to litigation because it was a nuisance situated in an area frequented by teens. She felt the project permanently devalues the homes in the neighborhood, subjecting the city to additional litigation. She asked how placing this basin on a second site instead of at the Linda Mar pump station remotely made sense, mentioning two sets of staff in an emergency situation, double the maintenance and the broadening of odors across Linda Mar Valley instead of concentrating them at one site. She felt they have not exhausted affordable and more feasible options. She didn't see data to prove that it will mitigate the SSOs, mentioned that he stated that they don't have the numbers. She was not in agreement and challenged the negative mitigated declaration that we do not need an EIR. She stated that they must prioritize the issue and do a core sample.

Ariel Macias, Pacifica, stated that she lives in Linda Mar and likes to skate at the skate park. She objected to the sewage basin because, like the one at the beach, she felt it will affect the air quality at the park, and she felt it will be a nuisance in general. She thought



teenagers might try to climb or vandalize the structures and it would cause multiple problems. She stated that the wetlands surrounding the skate park will be threatened, as well as frogs, birds and animals put at risk. She thought, if it leaks or overflows, the entire skate park, wetlands and community center could be contaminated and the health of the animals, adults and children could be at risk. She thought there was also a possibility that, if these things occurred, the sewage could back up through the bowl drains in the skate park. She asked that they reconsider the plan.

Nicole Larson, Pacifica, stated that she has a bachelor's degree in coastal management and one thing that was always taught to them was that it was very important to involve the public. She stated that we are important stakeholders in this, adding that she lives within a quarter mile of this proposed development and she did not know anything about this until a few days ago when someone was handing out flyers at Cabrillo Elementary School. She believed the public comment period snuck up upon them at Christmas time so no one would have a chance to comment on this and the public was sufficiently informed and the comments they received are indicative of the response they would have gotten from the Linda Mar residents had they been properly informed. She added that we already have two locations that smell on certain days and which are known by everyone in Pacifica, and now they are proposing a third place within a mile of the same other two. She stated that the sewage treatment plant and the Linda Mar pump station are located very close to the beach, and she felt this was Pacifica's main economic draw. She asked why we would risk adding yet a third odor. She did not believe that they have done sufficient environmental impact reports, and she has not seen any data. She feels that everything about the project needs a lot more work before they have even seen the public outcry when people realize what they have tried to do to them behind their backs. She agreed that we need some place to put any overflow. She thought wetlands did a great job and now they were talking about further draining wetlands and putting this close to her children's school, where they will be going for 13 years. She stated that, if they think this won't affect Cabrillo Elementary, they have to explain a lot more about how the odor containment system works. She stated that we already have two stinky places near Highway 1. She didn't believe this report bears true evidence that what they were proposing would control the odors.

William Booth, Pacifica, stated that he was a resident on Anza and he had a wonderful hedge and back gate that opens up to the wetland behind his house. He stated that he walks that wetland every day with his dogs and he felt this project jeopardizes his enjoyment of that space and everyone who enjoys the public goods in which we have invested, mentioning the community center, playground and skate park, and he felt to jeopardize the efficacy of these public goods was silly. He felt that an incomplete and insufficient EIR has been conducted. He stated that a mitigated declaration was not appropriate, given how extreme the construction was. He felt a 90-foot deep hole, 80 feet from houses with old foundations from the 1950s will not bode well for the builder. He felt they need to understand what their digging into before they go about it. He stated that he has seen a total lack of figures supporting this project. He stated that they were working off of figures from an engineering and consulting firm from 2011 that was no longer on this project. He stated that new studies and new figures need to be conducted if

we are to believe that this was the correct option. He stated that he lost his second car in two years to flooding on Anza, and he felt this project does nothing for flooding and was an absolute insult to those in the bottom of the valley to do a near \$20 million project without addressing any sort of flooding. He stated that they have no legal guarantee that it will not be used to store waste long term. He asked what happens if they need the excess capacity and flow and it fills the basin up all the time. He stated that it would not be 3-4 times a year but all the time. He asked why we would spend this amount of money if we only use it 3 or 4 times a year. He thought the money could better be used to fix the existing infrastructure and not expand the already expensive amount of maintenance we have to do in the city. He felt the city was facing a maintenance crisis. He felt they were great at responding to emergencies, but maintenance was something he didn't see getting done. He suggested they put this money towards fixing our existing problems.

Sheila Harmon, Pacifica, stated that she was a Linda Mar resident. She had a few points of concern and mentioned the odors, stating that the other two plants had plans of odor control as well, but they stink, and she didn't think there was any way around that long term. She agreed that the beauty of Pacifica was what draws people and why we love it. She stated that this was right in front of the ocean and the wetlands and she also takes her dogs for a walk in the wetlands. She mentioned a previous presentation where they mentioned that they will teach the construction workers how to identify the local frogs and birds, and relocate them. She felt it was physically impossible that they will not be harmed. She also believes that the lack of information to the community concerns her. She stated that a lot of their neighbors had no idea that this project was going on. She stated that they received a letter in the mail around the holidays, but she threw hers away not knowing. She felt it was alarming that no one knew that this project was going on. She stated that the neighbors who did know about it thought the facility will fix the flooding. She thought not everyone fully understood the terminology used in the letters or presentation about what the project was. She stated that, without proof that this will fix any problems for the long term, she agreed that long term solutions and maintenance should be taken into account as opposed to putting another sewage facility in. She asked whether the 2.1 million gallons was sufficient. She felt it was a very expensive and permanent solution, but they didn't know if it would fix anything long term. She stated that there were maintenance issues and she questioned what the cost would be if it failed or if there was a crack. She felt other options should have been presented and there should have been more of a discussion with the community.

Michelle Garcia, Pacifica stated that she was a resident on Corona, and was almost finished building her house. She heard about this on Facebook, and it was disconcerting to her. She stated that, when driving through Vallemar, the smell was awful. She commented that, if she is sitting out on her deck of a new house, there was a possibility that was what she was going smell. She stated that there were also ten houses at Harmony @ One, and they are not being sold. She stated that all that infrastructure was put in and now they were going to put something in that might jeopardize that. She stated that property values of everyone in Pacifica could go down. She stated that, when the treatment plant was in Manor, you couldn't give those houses away. She stated that

people in Vallemar probably couldn't give those houses away either and now they were going to do that to Linda Mar. She felt the public was not notified. She found out on Facebook and she did her best to get that out there. She stated that she didn't get a letter but she can look down on where it was going to be built. She stated that the residents have mortgages and they are trying to keep up the value of their homes, and she felt they have to take that into consideration. She understood that something needs to be done, but she felt they have to look at the big picture. She stated that her husband grew up in Pacifica, and when they came back, she didn't want to leave because it was a beautiful place with beautiful people and she asked them to not take it away from them.

Stephanie Benoit, Pacifica, stated she was a resident on Linda Mar Blvd., along the creek and she was concerned about the water shed. She stated that this was part of Lake Matilda. She stated that a lot of that was landfill. She stated that her husband has been in Pacifica for 60 years and remembers when it was a pond. She was concerned about what this was going to do to the structures and what it will do to the entire area. She was also concerned about what they do to the creek and how it will be affected. She stated that she was a volunteer at the senior center and parked at the park and ride. She stated that it was often crowded, and she questioned what will happen to the seniors when they shut down that parking lot. She stated that they won't have enough parking and she felt they need to consider that. She stated that there was no place to park on the street. She stated that a lot of times there was only 1-2 places left when she arrives, and she felt the seniors will be up a creek and she wondered what they will do. She acknowledged that that was not the subject matter under discussion and she didn't expect an answer. She did feel that was a strong issue, besides the smell, adding that she wasn't going to repeat everything everyone said.

Chair Gordon closed the Public Hearing.

Chair Gordon stated that this was now the chance for the city and consultants to coordinate on responding to the issues raised by the public.

Mr. Barry stated that they appreciated all the comments and takes them to heart. He stated that they try to incorporate in the design. He stated that he will try to address most of the comments as they were part of their presentation. He stated that the project was needed because they have to reduce or eliminate SSO's in the system by January 2019, as required by the water board CDO. He referred to the concerns related to ground water impacting the surrounding vegetative areas, and stated that, as Jeff Tarantino described in the presentation, they didn't believe they will impact local ground water elevations because the construction methods they will be using were isolating where they will be excavating and will not have impact of local ground water elevations. He stated that the basin itself was located within the footprint of the parking lot. They were not infringing upon the other areas surrounding the vegetative areas. He stated that they understood and heard the comments about the odor issues, and he stressed that the basin was different from the wastewater treatment plant. They will have deluded storm water that will be diverted to the basin, stored temporarily and after each use it will be drained and cleaned by city maintenance staff.

Mr. Tarantino stated that the design criteria used for the basin was sized for the ten-year 24-hour storm event, a common storm event used for basins in these types of facilities. He stated it was similar to the magnitude of the January 2008 event that was highlighted in the beginning of the presentation. He stated that they did a geotechnical investigation at the site, mentioning what they did, and stated that they had a good understanding of what the soil conditions are and it influenced the decision to use a slurry wall for a cutoff and shoring system versus a CLSM wall or other methods. He stated that, in terms of odor, the system was designed to remove odors. He stated that it will be monitored long term and they will be able to change out the activated carbon when they start to see that hydrogen sulfide breakthrough was occurring. He stated that noise levels will be monitored from the blower and noise barrier can be added in the future if necessary. He stated that, for the short term impacts on parking, they will work with the city to provide parking, if possible, in the Crespi lot for volunteers.

Chair Gordon asked if they had any further responses to comments.

Planning Director Wehrmeister thought they were ready to bring it back to the Commission.

Chair Gordon stated that, if there were questions for the applicant, they can do that.

Commissioner Clifford stated that he had a couple of questions that came out of public comment and the applicant's followup statements. He asked what percentage of the sanitary sewer system subject to the I/I has been replaced already, adding that they have been working on having that done.

Public Works Dir. Ocampo stated that he would try to respond, adding that he has just been assigned this department for the last six months. He stated that they have replaced the sewer main at the lower Linda Mar area which is the Anza and Balboa area, where they have a lot of sewer overflows happening. He stated that they are currently working on the project to do Pedro Point and the upper Linda Mar area. He stated that more importantly, their maintenance efforts towards removing the roots and any material that would clog the system has been very extensive. He stated that this is part of the Cease and Desist Order. He stated that they added four more people under the collection system that not only does public information activities, but also reach out to commercial businesses, including restaurants, for their FOG. They have a crew that periodically clears the sewer mainlines by routing and another crew that inspects the lines. He stated that all of these are helping to address the SSOs together with the projects he mentioned that they have done so far.

Commissioner Clifford stated that, on top of that, there was the process where somebody buys a home or sells a home or a remodel project of \$50,000.

Public Works Dir. Ocampo stated that he was correct that part of that was the point of sale and property owners are required to inspect the laterals. He stated that the work he

described earlier was just the projects wastewater does within the mains. He stated that a lot of the I&Is happen within the laterals, owned and are the responsibility of the property owner, and was difficult for the city to control because of being privately owned. He stated that they have done a couple of things at the point of sale, and annually the plant sets aside \$50,000 each year for any property owner who wants to replace their sewer lateral can get a grant of up to \$1,000 to replace their sewer laterals with the caveat that they don't sell the house for the next two years.

Commissioner Clifford asked if he had any idea of the percentage where they started and where they are now in terms of fixing the source of the problem.

Public Works Dir. Ocampo stated that the source of the problem was multifold. He didn't want to guess, but he knew that, for this year, when they let out the \$50,000, it was already exhausted by now. He stated that he can give him the information, mentioning that Brian Martinez was the manager for the collection system and he will be able to provide him the information and he will forward to him. He stated that he didn't want to mention a number and later find that it was incorrect.

Commissioner Clifford appreciated that, stating that he wanted the public to know that the city was working on a solution that includes this retention basin and was also a solution of the root problem.

Public Works Dir. Ocampo stated that he was correct, adding that clearing out the root infiltration was one of their biggest things as they create the blockage.

Commissioner Clifford stated that, in terms of the parking, he would suggest setting aside reserve free parking in the existing CalTrans paid parking lot at the front of the community center for the seniors.

Public Works Dir. Ocampo added that, as part of the project, they anticipated that patrons of the community center will be parking at the Crespi site. He stated that everyone who does business with the community center was not going to be charged the parking fee.

Commissioner Clifford stated that he said reserved because the parking lot does fill up fairly quickly and, if they had reserved sites for the community center versus first come first serve, it might work better for the seniors who use the center.

Public Works Dir. Ocampo stated that they will work closely with PB&R Dir. Perez who handles that. He stated that they met with him and Supervisor Jim Lange for the needs of the seniors and the patrons of the community center.

Vice Chair Nibbelin stated that he heard a few comments of the concerns on public outreach. He was curious as to what was sent out, when it was sent out, etc.

Asst. Planner O'Connor stated that the staff report included a table.

Vice Chair Nibbelin stated that it was on page 16.

Asst. Planner O'Connor stated that it revolved around the public outreach associated with the CEQA review and, for this meeting, they did their standard 300 foot buffer of the project area and newspaper noticing in the Pacifica Tribune ten days prior to the meeting.

Planning Director Wehrmeister stated that she wanted to provide Ms. Aguilar or Public Works Dir. Ocampo the opportunity to talk about how much public outreach has been done to date. There was additional public outreach when the City Council was selecting the site and educating themselves and the public about the project itself.

Vice Chair Nibbelin thought it was in 2015 when the site was selected.

Asst. Plant Superintendent Aguilar stated that the first public meeting was held in August 2013 when they were trying to educate the public on different locations to which the city was looking for the basin.

Vice Chair Nibbelin concluded that it was before the City Council.

Asst. Plant Manager Aguilar responded affirmatively. She added that there was a Council meeting for public input in March 2015.

Vice Chair Nibbelin stated that he heard valid concerns regarding a lot of odor emanating from existing facilities, and he also heard about the abatement system for the proposed project. He wanted to be clear on the difference in this project and the system to be used versus the systems in place that apparently aren't reaching the same standards being discussed on this project. He asked if they could elucidate the differences.

Mr. Tarantino stated that the existing odor control system at the plant was a biological system with wood chips, etc., and it has living organisms that are supposed to absorb the odor. He stated that they were taking a different approach on this project. They looked at a biological system for this site, but they were concerned that, because of the infrequent use of the system, they would have a hard time keeping the biology active and they chose to go with a mechanical system with a carbon based absorption that was commonly used in infrequent odor generating activities.

Vice Chair Nibbelin mentioned that the requirement under the CDO and under a consent decree was that they really deal with the situation involving SSOs based on a lack of capacity. He asked what the consequences were for the city if they don't hit the January 2019 deadline as articulated in the CDO.

Asst. City Attorney Visick responded that he understood the immediate consequences are financial, fairly steep depending on the length of the violation. He stated that, if the problem was persistent and went on for some time, and they weren't very close to having a solution in hand, he would be concerned that they could be more severe. He stated that the January 2019 deadline was a hard deadline that the city does need to try to observe.

Commissioner Evans stated that the last question was part of his question, and referring to the last discharge, he asked confirmation that the city was fined.

Asst. City Attorney Visick deferred to the Public Works Director for a specific answer.

Public Works Dir. Ocampo asked clarification on what he was referring to when they got fined.

Commissioner Evans asked, when the city discharged accidentally, whether the city received a fine from some agency on that.

Public Works Dir. Ocampo responded affirmatively, explaining that it was part of our permitting system, and the city is required to not have a sanitary sewer overflow or avoid having that. He stated that, because of the seriousness, as presented by Mr. Barry earlier of the series of sanitary sewer overflows during early 2000 that triggered the Cease and Desist Order to be issued to the city's wastewater collection system. He stated that, as a result, they were required to construct infrastructure that would avoid it from happening again, particularly with the deadline of January 2019.

Commissioner Evans asked if there was no money that they had to pay for that.

Public Works Dir. Ocampo stated that there was, and he asked Asst. Plant Superintendent Aguilar to explain how much it was.

Wastewater Deputy Dir. Louis Sun stated that back in 2008 the city was fined \$2.1 million and after that, they were fined an additional amount.

Asst. Plant Superintendent Aguilar stated that the \$2.1 million was the original fee during the CDO and the city was able to ask for supplemental environmental project, the sewer lateral replacement and it took away \$840,000 of that \$2.1 million and they used the \$840,000 for the sewer lateral program.

Commissioner Evans doubted that it would happen again.

Asst. Plant Superintendent Aguilar hoped it would not.

Commissioner Evans referred to one speaker's comment about pipes under existing houses. He thought all the pipes were going to be under the street.

Public Works Dir. Ocampo explained that there is an easement between two homes where they have to bore underneath and lay the piping.

Commissioner Evans concluded that all the lines were basically under the street or the easement which already existed.

Public Works Dir. Ocampo responded affirmatively.

Commissioner Evans concluded that there was nothing going under homes.

Public Works Dir. Ocampo reiterated that it would be in the side yard for those homes.

Chair Gordon referred to the question asked by one speaker as to why the SSOs and the issues could not be addressed from the existing infrastructure such as the Linda Mar pump station, and he asked for an explanation.

Public Works Dir. Ocampo asked if he was referring to locating the tank on the Linda Mar pump station site.

Chair Gordon stated that he was referring to that or a place where there were already facilities. He stated that this was a brand new site and he asked them to address why they can't use a site that was already in existence with some infrastructure where the impact to the neighborhood was not so abrupt.

Public Works Dir. Ocampo stated that they are putting in a holding tank, and not a treatment facility. He stated that Mr. Barry explained that this was diluted water as a lot of it is storm water. He stated that the issue of infiltration and inflow was the leading cause of this, as there was too much water coming in to the system. He stated that it is not only diluted, but it isn't going to stay inside the tank for a long time, but just hold it until everything dies down, including the amount of inflow into the plant and allow it to be pumped into the pump station. He stated that at Linda Mar, it is a pump station where sewer is pushed up the hill as it goes into the treatment plant. He stated that, at the Linda Mar pump station there is no treatment facility, but merely a pump station. He stated that the issues, if they were to set this up, is the location, size and the need to go through the Coastal Commission to secure the permit, they may not be able to secure the permit in a timely manner and meet the requirement of the CDO.

Chair Gordon asked if he was saying that it was physically possible to place the basin at the Linda Mar pump station but there were hurdles that are daunting.

Public Works Dir. Ocampo stated that was one reason, and he was not 100% sure, but it would be very tight because of the limited space they have there.

Chair Gordon referred to comments that an EIR was more appropriate as opposed to a negative declaration.

Asst. City Attorney Visick stated that a decision about whether or not to prepare an EIR was a legal question. He stated that there either was or was not substantial evidence in the record showing that there may be a potential environmental impact. If not, they don't prepare an EIR and if there was, you do. He stated that he was not aware of substantial evidence in the record showing that this project could cause a significant environmental impact after the mitigation measures incorporated into the mitigated negative declaration



are implemented. He concluded that the city's only course of action for the project environmental review was therefore to prepare a mitigated negative declaration and not an EIR. He stated that there was a section of the public resources code that says explicitly that public controversy alone without that evidentiary backing was not a justification for preparing an EIR.

Commissioner Clifford asked the consultant if it was possible to design the air filtration system so it could have additional backup systems added to it if the result was not sufficient.

Mr. Barry stated that, if he was understanding the question, it was that they chose a certain size for the treatment system, and if not adequate, could they add additional treatment capacity. He stated that they could add additional capacity, but they believe the system was the adequate size.

Commissioner Clifford concluded that it could be an option if needed.

Mr. Barry responded affirmatively.

Commissioner Evans asked what the actual depth was that they will be digging.

Mr. Tarantino stated that the actual excavation depth will be approximately 50 feet below existing grade, specifically that they will dig down 50 feet, pour a five-foot plug, come up, pour a two-foot slab and then the actual working volume will be about 27 feet in depth and the last 12 feet will be used for the catwalk and the roof structure.

Commissioner Evans concluded that the maximum depth that they will be reaching will be more or less 50 feet from the parking lot surface.

Mr. Tarantino agreed, adding that there was mention of a 90-foot excavation depth in the first concept of the conceptual report prepared RMC which proposed a cylindrical tank but to obtain the capacity they would have to excavate down to 90 feet.

Commissioner Cooper asked if anyone explored the alternative of increasing the size of the dam or the pipe. He mentioned that a lot of agencies used the diameter of the pipe as part of their water storage so they increase it to the point where they could do a run at 1,000 feet and get the same capacity.

Mr. Tarantino stated that they didn't, adding that it would be a fairly substantial pipe size.

Public Works Dir. Ocampo asked if he was saying using the existing mains they have.

Commissioner Cooper stated that he was saying to replace the mains and put a larger diameter pipe in, such as 24 inch versus 40 inch pipe, the capacity would be huge and they wouldn't have to build a basin and use the pipes as their storage.

Public Works Dir, Ocampo stated that, to come up with 2.1 million gallons, he didn't think they have enough mains to double in size. He added that they would alter the elevation and flow once they increase the size of the pipe.

Commissioner Cooper concluded that he meant in that single point as that was where the flow was as the passive systems entails and that would be the location where it was needed.

Public Works Dir. Ocampo agreed.

Vice Chair Nibbelin thought a lot of important points were raised, but this was not something that has been rushed through. City staff and consultants have spent a lot of time thinking about it, and it has been to City Council a few times with a lot of work done to identify the site. He acknowledged that it will be an impact for somebody, but in his view, staff has worked hard to mitigate to the full extent possible. He also acknowledged that they didn't have a lot of time left to get the project done, given the contract, construction schedule. He stated that the consequences of not having it done are potentially dire. He was in support of the project, although he recognizes the concerns. He stated that he was prepared to make a motion to approve the project.

Commissioner Evans stated that he was not in favor of the project, but they need something. He reiterated that East Bay MUD had put in a huge facility at the Oakport facility but they have a large area. He stated that they had an area that was totally industrial by the Bay and Pacifica does not have that or any area that would suffice other than what has been identified. He mentioned that the front of the parking lot was owned by the state. He thought the Linda Mar pumping plant would be a perfect spot, but he agreed that they involve the Coastal Commission and you will be in for a long haul. He stated that the other location was the park and ride across from Safeway. He stated that it was a great location but they were switching from the houses on Anza to the houses behind the park and ride. He felt there was no perfect situation. He wished they didn't have to do this, but they have to do something. He wished someone could come up with a magic pill. He stated that they had a lot of brilliant minds and he agreed that they needed to do something. He was torn but the bottom line was that they have to have it.

Commissioner Cooper stated that the odor was probably one of the biggest concerns that the residents have. He thought they all agree that they need capacity, and they need the facility as they can't discharge any sewage into the ocean which was a greater environmental problem than this. He didn't think this would create an environmental problem as he felt they had taken the precautions. He was familiar with the methods they are using as they have been used in past projects and they haven't had any problems with settling adjacent buildings and this was probably the best way to go. He looked to see if the basin was pile supported, because this was a big swimming pool, and if you empty the swimming pool, it will lift up. With piles, it will be supported and probably the best arrangement. He felt they spent a lot of time on this. He wished he could do something with the odor such as put a contingency into the contract that says, if there was a problem, there was money reserved to do something about it, mentioning being burned

on the wastewater treatment plant as far as the system working which has affected a lot of people. He thought, if they built it and then they moved here and didn't know it was here, and they had taken all the precautions, they would be wondering where the basin was. He stated that these basins are done everywhere. He stated that there was a basin underneath the Colma Bart Station parking lot for this purpose. He concluded that these are needed. He wished he could get more comfort with the noise and smell, and that was the comments he heard all the time. He appreciated the student who talked about it, as she uses the skate park, and that was where he was going to hear when his kids are using the skate park.

Chair Gordon thought Commissioner Evans nailed it. He has misgivings about the site location but "the train left the station." He thought the site that made the most sense was No. 4, but it doesn't sound like it was feasible to do. He stated that smarter minds than he had looked at the situation and decided that wasn't the right site. He concluded that it has to be done so he will be voting for the project.

Commissioner Clifford stated that he was going to reluctantly second the motion, but was still concerned about the smell, but he has heard that the system can be designed in such a way to add additional capacity for filtering.

Vice Chair Nibbelin stated that he had stated that he would make a motion in favor, and he wanted to be clear that he was talking about the motion on pages 17 and 18 of the staff report. He stated that he can read it if it made matters clearer for everyone present.

Commissioner Nibbelin move that the Planning Commission certify and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act and APPROVE Use Permit UP-080-16 and Site Development Permit PSD-816-16; by adopting the resolution included as Attachment B to the staff report, including conditions of approval in Exhibit A to the resolution; and incorporate all maps and testimony into the record by reference; Commissioner Clifford seconded the motion.

The motion carried **5-0-1**.

Ayes: Commissioners Evans, Nibbelin, Clifford, Cooper  
 and Chair Gordon  
 Noes: None  
 Absent: Commissioner Baringer

Chair Gordon 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.

#### **CONSIDERATION:**

4. Annual Report to the City Council.

Planning Director Wehrmeister presented the staff report.

**RESOLUTION NO. 968****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-080-16 AND SITE DEVELOPMENT PERMIT PSD-816-16, SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A WET WEATHER EQUALIZATION BASIN AT 540 CRESPI DRIVE (APN 022-162-420) AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: City of Pacifica (“Applicant”).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pacifica as follows:

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

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

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

**Discussion:** The MND/IS prepared for the proposed Project concludes that the construction, operation and maintenance of the Project would not have a significant impact on the environment with the implementation of the incorporated mitigation measures (MMs). The Project would meet all applicable building code and engineering requirements and would comply with all applicable regulatory requirements.

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

**Discussion:** The proposed use is consistent with the General Plan and the local Coastal Plan is not applicable to the Project site. The issue of I/I into the sanitary sewer system

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during wet weather events and the need to improve the sanitary sewer system capacity is mentioned in multiple locations within the General Plan, as noted below.

### **Conservation Element**

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

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

### **Community Facilities Element**

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

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

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

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

### **Noise Element**

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

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**Discussion:** The MND/IS analyzed the impact of the proposed Project on the existing ambient noise levels (See Attachment E and Section 5 of this staff report). It was concluded that, with the incorporation of MM NOISE-1, impacts on noise levels for surrounding receptors would be less than significant during construction and operation of the Project.

### **Seismic Safety and Safety Element**

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

**Discussion:** The southern part of the Community Center property, including the existing Skatepark parking lot, and the influent pipeline alignment are located within the Special Flood Hazard Zone AH, which is a Federal Emergency Management Agency (FEMA) 100-year flood plain<sup>1</sup>. Proposed site improvements including site grading and construction of the EQ basin, the Motor Control Center (MCC) Building, and the odor control system (fan and granular activated carbon [GAC] absorber) are not anticipated to result in additional displacement of flood flows associated with the 100-year event as the overall grade following the installation of the EQ basin would be similar to the existing grade. The elevation at the northern portion of the reconstructed parking lot would be slightly higher than the existing grade, and would slope to the south where the elevation would be slightly lower than existing grade. In addition, the proposed bioretention areas would increase the pervious area of the site, thereby allowing for greater infiltration during storm events. The existing street elevations along the new pipelines would not be changed from existing conditions.

The concrete slab for the MCC building and the odor control system would be constructed above the FEMA 100-year flood elevation of 14 feet above mean sea level<sup>2</sup>.

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

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

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

<sup>2</sup> *Ibid.*



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

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

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

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

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

**Discussion:** The effected parking lot is located behind the existing Community Center building and Skatepark and not significantly visible from Crespi Drive or Highway 1. In addition to MM AES-1, which would require the replanting of removed heritage trees at the completion of construction, COA 2 would require the implementation of a landscaping plan in the bioretention areas, the landscaping island on the south side of the parking lot and the landscaping strip bordering the west, south, and north portions of the EQ basin to be planted with trees and shrubs to screen the new aboveground structures.

***Landscaping, Screening.** Dense landscaping should be used to screen unattractive features such as storage areas, trash enclosures, transformers and*

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*generators, vacuum breakers, and elements which do not contribute to the visual enhancement of the surroundings. (Page 6)*

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

***Water Conservation Policy and Landscape Design Guidelines for New Development,***

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

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

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

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

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

- b) That the proposed development will enhance the successful operation of the community or will provide a service to the community;

**Discussion:** The proposed Project would address the SSOs that result from the I/I during wet weather events by creating additional capacity to the Linda Mar sewer system. SSOs create a significant impact on the environment, and in particular on water

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quality. The Project would prevent capacity related SSOs from occurring during wet weather events. This project would also meet the requirements of the CDO and Consent Decree. Therefore the project would enhance the successful operation of the community.

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

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

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

**Discussion:** The Project would be consistent with the City's General Plan and with the adopted Design Guidelines. The Local Coastal Plan is not applicable to the Project site.

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

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

**Discussion:** During construction, the Pacifica Skatepark parking lot would be closed to the public. Construction activities for the proposed pipeline along City residential streets would occur in stages in order to minimize disturbance and to maintain circulation and access through the Project area. The Project would require temporary lane closures of sections of City residential streets during construction. Lane closures would be required during the pipeline installation in the rights-of-way along Anza Drive, Balboa Way, Arguello Boulevard, De Solo Drive, and Linda Mar Boulevard. The construction associated with the influent pipeline and two diversion structure installations would occur over approximately 14 weeks, and would impact each segment of roadway for a shorter period of time. Additionally, a section of the parking

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on Crespi Drive may be closed temporarily during import or export of materials by truck to the EQ basin location. This could result in disruption to commutes, or confusion by drivers taking a detour. The Contractor would be required to implement MM TRANS-1. This MM, as detailed in Attachment E, would require the preparation and implementation of Traffic Control Plan to manage traffic flow, maintain safety, and identify alternative routes when temporary changes are made to traffic or pedestrian routes.

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

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

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

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

**Discussion:** During construction, the Skatepark parking lot would be closed to the public. As mentioned above in Section 5.A.i of this staff report, the vehicular and pedestrian traffic around the Project area would be managed through the implementation of MM TRANS-1. In addition, a section of street parking along the south side Crespi Drive and located immediately north of the Community Center would be restricted to parking by the Wheels on Wheels staff, Community Center kitchen deliveries, and Senior Citizen buses between the weekday hours of 6 a.m. to 5 p.m. throughout the construction of the EQ basin. Parking along this portion of Crespi Drive would be restored to existing conditions at the completion of the Project.

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

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

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

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

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

**Discussion:** The Project components are primarily located underground. Aboveground features of the Project include the MCC building, odor control system, and the redesigned parking lot. The MCC would be tallest above ground structure, which would be a 10-foot tall prefabricated building with a 4-foot high metal antenna on top. This structure would be located approximately 14.5 feet from the east property line and 240

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feet from the south property line, and would not unreasonably restrict or cut out light on neighboring property.

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

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

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

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

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

- g) That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;

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

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

- h) That the proposed development is inconsistent with the City's adopted Design Guidelines;  
 or

**Discussion:** The Project would be consistent with the City's adopted Design Guidelines.

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

**Discussion:** The Project would be consistent with the General Plan, and other applicable laws of the City. The Local Coastal Plan is not applicable to the Project site.

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

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

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

Use Permit UP-080-16 and PSD-816-16  
540 Crespi Drive (APN 022-162-420)  
February 6, 2017  
Page 13

\* \* \* \* \*


Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 6th day of February 2017.

AYES, Commissioner: Gordon, Nibbelin, Evans, Cooper, Clifford

NOES, Commissioner: None

ABSENT, Commissioner: Baringer, Campbell

ABSTAIN, Commissioner: None

  
\_\_\_\_\_  
Josh Gordon, Chair

ATTEST:

  
\_\_\_\_\_  
Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michelle Kenyon, City Attorney



Use Permit UP-080-16 and PSD-816-16  
540 Crespi Drive (APN 022-162-420)  
February 6, 2017  
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### Exhibit A

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

**Planning Commission Meeting February 6, 2017**

#### Planning Division

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

Use Permit UP-080-16 and PSD-816-16  
540 Crespi Drive (APN 022-162-420)  
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5. The Applicant shall incorporate all mitigation measures, as detailed, in the *Final Mitigated Negative Declaration* (February 2017).
6. The property owner shall continue to monitor and maintain the site after the EQ basin and associated equipment and pipelines are constructed. This includes cleaning the interior of the EQ basin after each use, periodic landscape maintenance, fence maintenance, removal of dumping or litter, and maintenance of drainage and storm water facilities.

#### **Engineering Division of Public Works**

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

#### **Building Division**

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

**O'Connor, Bonny**

**From:** Wehrmeister, Tina  
**Sent:** Friday, February 03, 2017 11:35 AM  
**To:** Joseph Erasmy  
**Cc:** O'Connor, Bonny  
**Subject:** RE: 540 Crespi Drive -- Proposed Sewer Equalization Basin

Thank you Mr. Erasmy. Confirming receipt. Staff has forwarded your comments to the Commission.

Tina Wehrmeister  
Planning Director  
City of Pacifica  
[www.cityofpacifica.org](http://www.cityofpacifica.org)



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**From:** Joseph Erasmy [<mailto:joe@erasmy.com>]  
**Sent:** Friday, February 03, 2017 11:22 AM  
**To:** Gordon, Josh  
**Cc:** Wehrmeister, Tina  
**Subject:** 540 Crespi Drive -- Proposed Sewer Equalization Basin

Dear Members of the Pacifica Planning Commission:

I am the managing owner of the Crespi Business Center at 580 Crespi Drive. Unfortunately I am unable to attend the commission hearing on February 6<sup>th</sup>. I am writing to express my opposition to the proposed 2.1 million gallon sewer equalization basin (concrete tank) at 540 Crespi Drive for the following reasons:

- 1) Close proximity and disruption to the activities of the Pacifica Community Center, a hub of activity for Pacifica Seniors; and the negative effect of an extended loss of parking.
- 2) Potential damage to the adjacent wetlands area during construction and contamination of the wetlands standing water in the event of a future leak from the concrete basin liner;
- 3) Access and quiet enjoyment of the Pacifica Skatepark by Pacifica children and young adults will experience a major disruption during construction;
- 4) The possibility of noxious odors having a long term negative effect on all of the above uses; and
- 5) Possible negative effect on nearby residential property values.

Finally, the construction of a sewer equalization basin in this location will create a permanent negative stigma for this section of the Linda Mar area.

The bottom line is that this is the wrong location for this type of project.

Thank for considering my concerns.

Sincerely,

Joseph J. Erasmy

Managing Owner

Click [here](#) to report this email as spam.

**O'Connor, Bonny**

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**From:** Donna Uzoigwe <donnauzoigwe@yahoo.com>  
**Sent:** Friday, February 03, 2017 4:45 PM  
**To:** Aguilar, Maria; O'Connor, Bonny  
**Subject:** Equalization basin to be installed

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear City of Pacifica,

I am writing to express my concern about the sewage storage facility to be built in the skatepark parking lot. I am concerned that this odor will impact: residents, beach goers, shoppers, those who use the community center, the post office and students at Cabrillo school. It is also very close to the ocean to have a sewage storage facility.

Please let me know of any meetings on this subject.

Donna Uzoigwe  
Pacifica resident.  
415-215-8783

**O'Connor, Bonny**

**From:** Erin Macias <necesse@comcast.net>  
**Sent:** Friday, February 03, 2017 9:04 PM  
**To:** O'Connor, Bonny  
**Cc:** Aguilar, Maria  
**Subject:** Re: objection to basin

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Bonny,  
Thank you for your email acknowledging my comments. After reading the Draft Mitigated Negative Declaration / Initial Study, I am infuriated by the failure on the part of our city to conduct an Environmental Impact Report. There is a change in use to this proposed site and it warrants an EIR. Failure to conduct an EIR on a parcel that contains a Riparian Corridor and Wetlands is not only unacceptable, it is illegal. I will be sharing my concerns with our elected officials.  
I will be attending Monday night's planning commission meeting with other who share my concerns.  
Erin Macias  
Linda Mar

On Feb 3, 2017, at 9:21 AM, <[o'connorb@ci.pacifica.ca.us](mailto:o'connorb@ci.pacifica.ca.us)> wrote:

Erin,  
Thank you for your email. I have included your comment letter in the staff report for the EQ Basin (Item 3). Please use the following [link](#) to access the agenda and staff reports for Monday's Planning Commission meeting.  
Thank you,  
Bonny

Bonny O'Connor, AICP  
Assistant Planner  
Planning Department  
City of Pacifica  
1800 Francisco Blvd.  
Pacifica, CA 94044  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

Email: [o'connorb@ci.pacifica.ca.us](mailto:o'connorb@ci.pacifica.ca.us)  
Phone: (650) 738-7443  
Fax: (650) 359-5807

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**From:** Erin Macias [<mailto:necesse@comcast.net>]  
**Sent:** Wednesday, February 01, 2017 2:15 PM

**To:** Aguilar, Maria; O'Connor, Bonny  
**Subject:** objection to basin

I want to express my objection in writing to the 2.1 million gallon equalization basin at the Community Center. I would like a link to the environmental impact report with regards to air quality. When the Sewage Treatment plant was constructed, the residents were told we would not know it's there. The stench from that plant has a direct environmental impact to the surrounding neighborhood and to the students at Vallemar School. My children attended there from 2006-2015 and the air pollution was an ongoing issue. I am advocating on behalf of the children in this community who should not be subjected to the smell at the Pacifica Skate Park, the Community Center, nor at Cabrillo Elementary.

The wind and topography determine how plumes travel. There are children in the immediate vicinity who will be directly impacted by this basin.

Please provide me a copy of either the EIR and sufficient evidence that 10' vents will maintain the odor plume above the skatepark and that plume will be directed over the ocean 100% of the time.

Sincerely,  
Erin Macias, Linda Mar

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**O'Connor, Bonny**

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**From:** Tina Fruehe <fruehe@sbcglobal.net>  
**Sent:** Monday, February 06, 2017 8:22 AM  
**To:** Aguilar, Maria  
**Cc:** O'Connor, Bonny  
**Subject:** Sewage Storage Facility Linda Mar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am unable to attend the meeting tonight but wanted to voice my opinion on the proposed building of a sewage storage facility in Linda Mar.

I am strongly opposed to this project due to the fact that it guarantees no solution to the problem we are trying to solve, and it's a great deal of money to be spent for something we don't know will work. Pacifica is a city that constantly throws band-aids at problems hoping they will go away, and never looks at long-term, permanent solutions to make this a better city.

I urge you to do the right thing and fully look into options and find a solution that we know will work and will make our city better, not worse.

I am opposed and will vote no on this specific plan.

Sincerely,  
Tina Fruehe  
Linda Mar Resident



**O'Connor, Bonny**

**From:** Fruehe, John <Jfruehe@firstrepublic.com>  
**Sent:** Monday, February 06, 2017 3:21 PM  
**To:** Aguilar, Maria  
**Cc:** O'Connor, Bonny  
**Subject:** Sewage treatment plant Linda Mar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I just learned of the City's plans and am opposed to such a project. This facility it way to close to residential neighborhoods including mine and I'm sure the odors will be disgusting and a nuisance, just like the facility near Vallemar. The hearings to date have been in virtual secrecy. Mailed materials should have been presented and put to a vote. I'm also certain the proposed facility will impact wildlife. Given the absurd protections afforded the golf course, there's no way you can put this facility in a wetlands area and not have impacts.

Please find another location or better yet, tie it into the existing facility in Vallemar.

Best,

**John Fruehe**  
**First Republic Bank**  
111 Pine Street, 9th floor, San Francisco, CA 94111  
Ofc: 415-288-8075 Cell: 415-606-0043 Fax: 415-262-2570  
NMLS # 487246 - [http://firstrepublic.com/who we are](http://firstrepublic.com/who_we_are)



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**O'Connor, Bonny**

**From:** Cyndy Lucero <luchione@yahoo.com>  
**Sent:** Wednesday, February 08, 2017 11:52 AM  
**To:** Aguilar, Maria; O'Connor, Bonny  
**Cc:** keeplindamarbeautiful@gmail.com  
**Subject:** NO SEWAGE STORAGE FACILITY

Hello,

My name is Cyndy Lucero and my daughter is Sophia Lucero. We both live at 1048 Anza Drive the area right behind the community center and the small business area. Unfortunately, we were not able to attend the meeting on 2/6.

We would like to express of mortified opinion regarding the atrocity of building a sewage storage facility center in our beautiful linda mar valley.

1. We have lived here for 12 years since my daughter was two years old. The first thing we do when we get up every morning is open our front door listen to the waves and smell the salt air. Every morning for the past 12 years!! We would hate to now smell SEWAGE. There is a very large sewage treatment plant near the sf zoo. We have avoided going to the zoo because of the FOUL ODORS emitting from this horrible sewage plant.
2. I enjoy spending hot days at the beach, the small park, the skatepark and the community center. Can you imagine smelling sewage on a beautiful sunny Linda Mar day when hundreds of residents and visitors are at the beach? Where do you guys live? I'm assuming no where near this awfully proposed facility. We have trouble already getting passer byers to stop in town. Now we really will. This will definitely effect businesses in the area. I can't imaging the popular Puerto 27 across the street packed with tourists and residents on the balcony enjoying the view **and smelling urine and feces!** NO WAY it won't happen visitors will just keep driving by and head to half moon bay.
3. It's hard enough for some of our seniors of the community to get out and enjoy lunch, a class, bocce ball (which is outdoors!) now you will make it even harder by making it less inviting to them. Who wants to play bocce ball with such a NASTY odor wafting in the air.
4. You are taking away a big part of the experience of "beach life" for our kids that use the center, park and skatepark. They will not enjoy the smells of the salt air, the beach ,the trees and flowers without it being interrupted by strong odors of urine and feces.
5. I want my tax money put to GOOD AND SMART use. This makes me wonder who is representing us on our Pacifica Council that such a proposal came this far. This location is not a smart proposal and should be relooked at for a new location or if its necessary.
6. Please go out to the community center one day and count how many residents are there on daily runs and daily walks with family, seniors, children, field trips, dogs. I go for a run 3 times a week and DO NOT WANT to smell sewage on my way or my back from my run. I want to stop at the coffee shop and enjoy the clean fresh smelling air while sipping a cup of coffee.
7. please think long and hard about approving this disaster of plan!!
8. has anyone thought of the implications of if something goes wrong with the facility. I work for a fire department and we respond quite often to sewage leaks and disasters . It is a very hazardous situation, at times requiring response from HAZ MAT units and shutting done surrounding areas.

Thank you very much. I am sure I can go on forever pointing the many reasons this sewage facility should not be built.

Please keep me informed as to your decisions!

Sincerely,  
Cyndy Lucero  
415-595-4317

Click [here](#) to report this email as spam.

**O'Connor, Bonny**

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**From:** michael@michaelfoleymusic.com  
**Sent:** Saturday, February 18, 2017 4:19 PM  
**To:** Aguilar, Maria  
**Cc:** O'Connor, Bonny

Dear folks,

The reason I'm contacting you is to let you know that I am 1000% opposed to the plan to build a sewage storage facility on Highway 1 at Crespi Drive. Below is part of a letter that I wrote to Sherman Fredericks, Editor of the Pacific Tribune.

"The other story I really appreciated was the front page coverage of the plan to build a sewage storage facility on the corner of Crespi Drive and Highway 1. This cannot happen for numbers of reasons. In a 500 yard radius of this potential stinkbomb, health hazard, is a retirement home, a hotel, hundreds of houses, not to mention businesses and an elementary school. If anything dangerous were to happen at this proposed facility, thousands of people would be impacted, not to mention that if the highway had to close it would be a disaster in all directions. We all greatly appreciate your coverage and I hope you'll continue your vigilance."

Linda Mar Beach is a major tourist attraction in Pacifica and draws many people and much business to the community. If it began to stink, this would all stop. Also, the impact on home prices in the area could be considerable and I'm sure that people would join together in a class action suit against the city to be compensated for their loss. as could the hotel and other businesses. I would add to this that many of the people living in the retirement community, were they forced to move in an emergency, would need assistance moving and places where to move.

If this sewage storage facility really needs to be built, and many of us in Pacifica doubt it, perhaps a better place for it would be by the old Pacifica lumberyard on Highway 1, or perhaps even in the Quarry, away from homes, schools, and businesses. For many of us this project sounds like another money laundering scam, similar to the highway widening, a problem that can be solved with cameras and computers, not the hundreds of millions of dollars of taxpayer money most likely contractors will want, plus the years of inconvenience. Please use whatever influence you have to make sure that this stink bomb doesn't go off in beautiful Linda Mar.

Thank you for your time.  
Michael Foley  
Linda Mar, Pacifica CA

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Mayor Ervin stated that, if they were to have this single study session and it was determined at that time that they do not want to go with rent stabilization, she did not want it to stop there, but to continue with directing staff to bring forward the range of affordable housing options. She stated that this was a primary issue which they have to deal with and she wanted to prevent them from going nowhere with this and not being able to have an affordable housing option if they determine that one is not good for the city.

City Manager Tinfow stated that she was thinking that, if they had the study session and they chose not to pursue rent stabilization, they would go back to Plan A which was to finish the General Plan first and affordable housing options following. If they decide that they want to pursue this more, they will figure out what that will take and they will let them know.

Councilmember Nihart appreciated all the public input at this meeting but they really have not had the facts on the table as what the original proposal was in a way that they can weigh the pros and cons. She knew they had a lot of people with a lot of background and she gets that and was not discounting anyone who spoke by any means. She was very concerned about rushing to judgment and getting into anything without having all the facts on the table, especially looking at what would be impacted in Pacifica. She stated that she could support the study session under those limited circumstances.

Councilmember Keener stated that was what a study session was for.

Mayor Ervin stated that she was okay with that.

Councilmember Nihart stated that she would like to move affordable housing next to the General Plan.

Councilmember O'Neill stated that remember that any unit built after 1996 are the only ones subject to possible rent control.

Councilmember Keener stated that it was before 1995.

Mayor Ervin stated that they had a motion and asked them to vote.

Councilmember O'Neill asked which study session would be first.

Councilmember Nihart stated rent stabilization, rent control.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Keener, Councilmember
<b>SECONDER:</b>	Sue Digre, Mayor Pro Tem
<b>AYES:</b>	Ervin, Digre, Nihart, O'Neill, Keener

- 9. Approval of the Final Preferred Site Alternative for the Wet Weather Equalization Basin Project and Direct Staff to Move Forward with the Necessary Processes for a Successful Completion of the Project

**PROPOSED ACTION:** Move to Approve the Final Preferred Site Alternative 2C for the Wet Weather Equalization Basin Project and Direct Staff to Move Forward with the Necessary Processes for a Successful Completion of the Project

WWTP Director Gromm presented the staff report.

Councilmember Nihart asked how many million gallons this holds.

WWTP Dir. Gromm stated it was 2.1 million gallons.

Councilmember Nihart stated that she was struck by a couple things, asking how we were on our master plan in terms of our inflow.

WWTP Dir Gromm stated that they had completed the worst area in Linda Mar which was mandated by the water board. It was the area where they had to replace all the pipes and all the laterals. He stated that they went across Linda Mar Boulevard and completed that area. Now they were about to move back on the other side of Linda Mar and go up a little farther. He stated that he has talked to RMC about that, and they don't believe we are quite there yet to remodel it. They would like to see us get Pedro Point done and this other section in Linda Mar which he did just talk about. They would then remodel it for us and we will be able to see where we stand. He stated that, the more pipes we fix, the better the situation is going to get.

Councilmember Nihart stated that they are in that infamous winter and they have one sequencing batch reactor down, if she remembers, and they were juggling with that one down, still right at 20 million gallons a day, but they discharged 6.8.

WWTP Dir. Gromm responded affirmatively.

Councilmember Nihart asked him to explain to her how the 2.1 solves that problem.

WWTP Dir. Gromm stated that what happened in that storm she mentioned was that the tank could have helped us out of it. He stated that, if we would have had 5 SPRs and they had an equalization tank, they would have had a much better opportunity to get out of it. He stated that what happens is that they have four tanks in operation, and we had 25 MGD coming in for hours. The plant, hydrologically, can handle 20 MGD or an hour. He stated that we went way beyond that and handled it for quite a while and they put out really good effluence for quite a while but then, eventually, what happens is every SPR gets full and they always have to have an SPR to build a fill. If they are all full, you are done. He asked how you get an SPR to start up again. They are all full and you can't discharge because it goes into fill decamp. He states that what happens is that it takes one tank and opens up the influence out and opens the effluent valve and water was just flowing through it. He stated that, to restart the plant, we have to get at least 2 SPRs empty so they can restart it. He stated that takes hours to do that because they are fighting against the discharge that was already happening. He stated that they did that. He has been through that a couple times and it took most of the night to do that. At about 4:00 in the morning, they got a break, they got the two tanks done and they put them in service and then corrected the other tanks. They got it going again, but he stated that was what you want to avoid.

Councilmember Nihart stated that he was basically saying that, if he could have off loaded 1.2 million it would have prevented you from having to shut down.

WWTP Dir. Gromm thought he would have also had to have that fifth SPR. If he had five SPRs in that tank, then he would have liked his chances.

Councilmember Nihart commented that it was an incredible storm.

Mayor Ervin asked if it would have been any better now, having fixed all of the sewer laterals that he has fixed since then.

WWTP Dir. Gromm stated that there were 11,000 homes. He didn't know the total, but they've got a long way to go.

Mayor Ervin stated that every little bit helps, with this on top of that. She stated that they heard different things about prior, about the equalization basin and whether or not it was going to be above ground or not. She thought at this location it will not be above ground and that area can be used for parking. She asked if this was going to be underground and they will be able to drive over it or park on top of it.

WWTP Dir. Gromm responded affirmatively. He stated that they plan to restore the parking lot and want to put in more spaces and improve the parking lot also.

Asst. Sup. Engr. Aguilar added that, in all of the places, the existing grade is now within the flat elevation. The basin actually needs to be raised but it will be graded so it will catch on to the new grade of the basin. She stated that it will integrate with the parking lot.

WWTP Dir. Gromm stated that the parking lot will be a little higher but it will just be an asphalt parking lot like they are used to seeing. He stated that it will have a small control building and there will be a little biological odor filter which looks just like a raised bed for flowers.

Councilmember Keener asked what kind of plan they have to provide parking for the community center or the skate park if it is still open while it was under construction.

WWTP Dir. Gromm stated that they obviously cannot park in the back. He stated that the front parking lot would have to be utilized.

Councilmember Keener asked if it was the Caltrans lot.

WWTP Dir. Gromm stated that he didn't know that they have talked about that yet.

Asst. City Manager Hines stated that they have to have a discussion between Public Works, wastewater treatment, his office and Parks and Rec to determine the best way to use the existing parking that they have. He stated that conversation will take place once they have a decision from Council and they can move forward.

Councilmember Keener assumed that they were committed to having an equivalent amount of free parking available during construction.

Asst. City Manager Hines stated that was their goal.

Councilmember O'Neill asked clarification that, in a previous iteration, when it was going to be on Linda Mar Boulevard, he said the tank was going to be up 6-8 inches and then the odor control flower box was going to be up also. He stated that now, the basin is level with the ground, they can use the parking lot and the odor control was what will be visible and the control building.

WWTP Dir. Gromm stated that the elevation of the two sites was different. He stated that the elevation of the park and ride is a little lower and they would have to raise it higher because it

would be in the flood plain. He stated by the Community Center, it was a little higher and they still would have to raise the asphalt a little bit but it would just look like a parking lot when they were done.

Mayor pro Tem Digre asked if the location was a little bit because of Lake Matilda or does it matter.

WWTP Dir. Gromm asked clarification.

Mayor pro Tem Digre asked if the raising in the community area had anything to do with Lake Matilda being under there, and he was okay and everything was fine.

Asst. Supt. Engr. Aguilar stated that the raising of the basin was based on making sure it was within the flood elevation. As far as Lake Matilda, she was not aware of that. She stated that there will be environmental documents that will be happening once they have the design firm.

Mayor pro Tem Digre referred to the odor, asking if that works similar to the wastewater treatment plant or is that a different method of dealing with the odor.

WWTP Dir. Gromm stated that the treatment plant has a very large one of these, actually two of them.

Mayor pro Tem Digre asked if it functions the same way.

WWTP Dir. Gromm stated that it was a technology that a lot of treatment plants are starting to use now. It was a natural odor filter. Like the treatment plant, it was basically a wood-framed box and a piping system that distributes the air evenly to the box and you put wood chips on top of it. That's the media. You keep the wood chips a little moist with the sprinkler system. Organisms grow in the wood chips and as the air passes through the organisms eat the impurities out of the air. It was a totally environmentally friendly odor system.

Mayor pro Tem Digre asked why sometimes she can smell it and sometimes she cannot.

WWTP Dir. Gromm stated that, when they are wasting sludge to the digesters at the treatment plant, they feed them every day a certain amount of sludge. Some days they have to feed it more sludge because for whatever reason, something happened and they produced more sludge that day. When they have to feed it more sludge than it is used to, it can cause an odor that is an inert gas called mercaptans. Mercaptans are harmless but the human nose picks it up really well. He stated that the way to combat that is to be able to provide enough air so it doesn't do that or don't over feed it. He stated that has been a struggle. He stated that they have another project coming which is the phase 2 digester project. Phase 1 improved it quite a bit, but phase 2 might take it to the next step.

Mayor pro Tem Digre concluded that the one at the community center is not going to have that similar effect.

WWTP Dir. Gromm responded that it will not. He explained that the tank was only going to be used maybe 2-3 times a year. The rest of the time, it was going to be empty and clean.



Councilmember Nihart asked, for clarification, if there is flooding for some reason in Linda Mar, he was saying that this tank could switch the manholes or the connection. She asked that he explain that again.

WWTP Dir. Gromm stated that they wouldn't do that during flooding because they can't just take all the street water in. As they are down there in the heavy rain, they were keeping an eye on the manholes and looking for surcharges or SSOs. When it starts to come up the manhole, and it is going to happen, they will have an opportunity to open the valve that connects the regular sewer manhole to the equalization manhole which would divert that flow over to the equalization pipe.

Councilmember Nihart concluded that he could head it off in terms of contributing.

WWTP Dir. Gromm continued that they would divert that flow over to the equalization manhole.

Mayor Ervin opened public comments.

**Dan Stegink, Pacifica**, thanked Dave Gromm for listening to Linda Mar residents and Josh Cosgrove who has been at every single one of the meetings for three years prior to this meeting. He never ran from the questions, never didn't return the call the same day and he never said "I don't know" and he appreciated that. He mentioned that this was a Pacifica problem versus a Linda Mar problem that, in the future, we might be disproportionately taxing Linda Mar residents only or asking them to bear a disproportionate burden of those costs. He appreciated the clarification that this will be a 3-4 times a year event versus something where they would be stockpiling sewage on a daily basis and running it through at 3:00 a.m. when electricity was cheapest.

Mayor Ervin closed public comments.

Councilmember Nihart liked this option so much better than having to deal with Caltrans anywhere. She understood that the Public Works Director had something to do with this.

WWTP Dir. Gromm stated that he did.

Councilmember Nihart thanked him for the creativity. She stated that this has been a challenge because wastewater treatment has been her career in Pacifica. She reminded people that, when this plant was built and opened when.

WWTP Dir. Gromm asked if she meant this plant.

Councilmember Nihart responded affirmatively.

WWTP Dir. Gromm stated that the secondary was opened in 1971.

Councilmember Nihart was going to say 1971 or 1972. She stated that, the day it opened and the day we connected up the north end and south end of town, they had too much I&I for this plant. She stated that we have been struggling ever since. She stated that the tertiary treatment plant was incredible. She cannot tell them the number of people who are envious of the fact that now all around the Bay, they are having to build tertiary treatment plants and the fact that Pacifica opened ours in 2000 was incredible. She knows that we get the extreme storms and we still haven't solved the I&I problem. She appreciated the master plan. She did

not like having to put a tank in the ground but it was the only option for those extreme circumstances for which we might find ourselves and she would really like to stay away from ever having to go and talk to the people in the Regional Water Quality Control Board again, adding that they were not really happy with us when we do things like this, even though we know that less biologic anything went out because that was treated not at the tertiary standards but was treated discharge which was not like a sewer flow that is much more damaging. She stated that we got caught for the public in the mandatory fines per gallon and we were one of the first early people before they started to fix the system. She stated that this was our option and this was what we needed to do. She thanked him for coming up with a better resolution than putting it on Linda Mar Boulevard or in any place where we had to do land adjustments. When ready she would move approval.

Councilmember O'Neill moved to approve the Final Preferred Site Alternative 2C for the Wet Weather Equalization Basin Project and Direct Staff to Move Forward with the Necessary Processes for a Successful Completion of the Project; seconded by Councilmember Nihart.

Mayor Ervin stated that she remembered when this first came and they all understood the emergency situation that they were in and how crucial it was to get this done and to come up. She stated it was one of the most contentious study sessions she had ever been to and to have come up with this alternative in such a way that the public can live with it and we can resolve this issue is huge. She was thankful to all of them and everybody who has been responsible for coming up with this idea and really coming up with something that the community could live with. She knows that no one is thrilled about having to have this in their backyard or in Pacifica, but it serves such a crucial purpose and prevents us from getting any more penalties that the city cannot afford and don't want to do to our ocean or our communities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike O'Neill, Councilmember
<b>SECONDER:</b>	Mary Ann Nihart, Councilmember
<b>AYES:</b>	Ervin, Digre, Nihart, O'Neill, Keener

### **ADJOURN**

Mayor Ervin adjourned the meeting at 12:05 a.m.

Transcribed by Barbara Medina, Public Meeting Stenographer.

Respectfully submitted,

Kathy O'Connell, City Clerk

APPROVED: 10/12/15      4-0; Mayor Ervin absent.

---

Karen Ervin, Mayor

**O'Connor, Bonny**

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**From:** Erin Macias <necesse@comcast.net>  
**Sent:** Monday, February 27, 2017 2:20 PM  
**To:** O'Connor, Bonny  
**Subject:** Re: EQ Basin Appeal - Response Requested

Good afternoon,

**Abuse of Discretion:**

In the sense of the term applied here, it is referring to a more recent case in (2003) where it was defined as a plain error and discretion exercised to an end not justified by the evidence. In the appeal, we are questioning whether or not the City of Pacifica has exercised reasonable care, applied its own requirements equitably upon itself, and properly notified residents with regards to the relocation of the basin project.

**Brown Act legal interpretation:**

There are three action exceptions allowable under 54954.2 of the Brown Act and I do not see that any of these exceptions apply to this project. The city has had many years to create a comprehensive plan. I find it beyond alarming that 1) you do not know what lawsuit I am referring to as the Assistant Planner to the City of Pacifica and 2) you asking a non-city employee to interpret the law on behalf of the City of Pacifica. You might want to consult additional staff members such as the city attorney, commissioners, or even reference the current issue of the Tribune to help you answer questions that should be in the forefront of dialogue in your office with such a large project on the table.

**Additional Brown Act Violations:**

Additionally, we submitted the appeal in the timeline prescribed by the city and it was date stamped upon delivery. That left the city with one business day to amend the 2/21/17 agenda and post it to the website which would have kept the city in compliance for the 72 hour notice as required under the Brown Act. There was another Brown Act violation at the Safety Commission meeting on 2/15/17. Clearly this is a professional development issue on the part of the city.

**Force Majeure Clause:**

Please consult with the City Attorney regarding the Cease and Desist Order and Consent Decree filed by Our Children's Earth Foundation. The clause is contained in that lawsuit and relevant to this project. It is directly related to the inapplicability of the Brown Act action exceptions.

Had I not been present at the Planning Commission meeting, pray tell how would the aggrieved party have been notified of the hearing date? We have the right to prepare for the meeting just as much as you do and that hearing date is objectionable since 1) there was a Brown Act violation and 2) I have not received my public records information due to the volume of public records requested by us and others. Please refer to the Brown Act again for properly noticing the hearing that will be held during a City Council meeting in March.

If the staff does not have the resources to respond to item #4 please let me know and I will include your email in my presentation to the council.

Thank you.  
Erin

On Feb 22, 2017, at 12:05 PM, <[o'connorb@ci.pacifica.ca.us](mailto:o'connorb@ci.pacifica.ca.us)> <[o'connorb@ci.pacifica.ca.us](mailto:o'connorb@ci.pacifica.ca.us)> wrote:

Dear Ms. Macias,

In reviewing the documentation that you provided with the Appeal Form for the February 6, 2017 Planning Commission approval of the Wet Weather Flow Equalization Basin at 540 Crespi Drive, staff is unclear on one of the statements that was provided. Item 4 in your letter states:

***Abuse of Discretion: the three action exceptions in the Brown Act do not apply to this project and this complaint is related to the Force Majeure noted in the lawsuit (causing the hasty approval of this project) thus warranting additional review.***

If you would like staff to respond to this statement at the appeal hearing, I request that you please clarify said statement. What are the three action exceptions from the Brown Act you're referring to and what is the lawsuit that is referenced? I request that you provide this further clarification no later than March 1, 2017.

Thank you in advance for providing this additional information.  
Bonny

Bonny O'Connor, AICP  
Assistant Planner  
Planning Department  
City of Pacifica  
1800 Francisco Blvd.  
Pacifica, CA 94044  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

Email: [o'connorb@ci.pacifica.ca.us](mailto:o'connorb@ci.pacifica.ca.us)  
Phone: (650) 738-7443  
Fax: (650) 359-5807

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**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Direction on Highway 1 Traffic and Safety Improvements and Consideration of Introduction of Ordinance Prohibiting City Actions Supporting Development of through Lanes on Highway 1.

**RECOMMENDED ACTION:**

Provide staff with direction regarding the Highway 1 improvements described in this report and decide whether or not to Introduce and waive the first reading of the Ordinance provided.

**STAFF CONTACT:**

Lorie Tinfow, City Manager  
(650) 738-7409  
[ltinfow@ci.pacifica.ca.us](mailto:ltinfow@ci.pacifica.ca.us)

Van Ocampo, Director of Public Works  
(650) 738-3770  
[ocampov@ci.pacifica.ca.us](mailto:ocampov@ci.pacifica.ca.us)

**BACKGROUND/DISCUSSION:**

During the council meeting of January 23, 2017, the City Council directed staff to bring before the Council an item regarding traffic congestion and safety improvements for Highway 1. Council specifically asked that the following three items be brought back for discussion:

- 1) The installation of additional In-Sync adaptive systems along Highway 1 at the intersections with Crespi Drive and Linda Mar Boulevard.
- 2) The construction of pedestrian and bicycle over-crossings across Highway 1 and Reina Del Mar, Fassler Avenue and Crespi Drive.
- 3) The introduction of an ordinance that will prohibit any formal Council action to support or approve the construction of additional through lanes along Highway 1 without first obtaining a majority voter approval of the Pacifica electorate.

**STAFF UPDATE:**

- 1) Staff asked Rhythm Engineering for an estimate on the cost to supply and install the In-

Sync adaptive systems at the Crespi and Linda Mar intersections and the estimate received is for \$140,000. Staff contacted both Caltrans and San Mateo County Transportation Authority (SMCTA) to inquire about possible funding for this project and the response was negative.

Staff then tried to verify with Caltrans the adequacy of the existing hardware (poles and mast arms) to accommodate the installation of cameras and other equipment. This information is important to determine the feasibility of the project. According to Caltrans staff in Oakland, they are confident that the existing hardware on Linda Mar can accommodate the camera and other equipment needed, but can't make the same commitment for the hardware at the Crespi intersection. The pole and mast arms at Crespi is much older and not robust.

With Council direction to move forward with this action, a request will be sent to Caltrans Headquarters in Sacramento for the final determination.

- 2) Staff reached out to Caltrans and SMCTA about the possibility of constructing pedestrian and bicycle overcrossings across Highway 1, at the intersections of Reina Del Mar, Fassler Avenue and Crespi Drive. According to Caltrans, there is no project in the works for this and no identified state funding. Staff also asked Caltrans what the project budget is for the San Jose Avenue pedestrian overcrossing (which is soon to be under construction) to get an idea on how much an overcrossing project may cost. Caltrans' budget for the San Jose overcrossing is close to \$10 Million. However, Caltrans expressed caution in loosely using this citing various site specific differences like: the narrow width of Highway 1 adjacent to San Jose Avenue compared to the highway width at Reina Del Mar, Fassler or Crespi; the need to acquire additional right-of-way, which was not necessary for the San Jose Overcrossing; and the existing site topography, the highway is already lower than the frontage roads (Ocean Blvd. And Francisco Blvd.) and therefore did not require much of ramping.

Staff then contacted SMCTA for available funding. According to SMCTA staff, there is no funding currently available but advised the City staff to apply for the next round of the Bicycle/Pedestrian Grant Program. This program runs on a two year cycle and SMCTA may be releasing the call for project this year, with money being available in 2018.

With Council direction to move forward with this action, more information about cost will be developed and the project will be included in the City's Capital Improvement Plan.

- 3) The City Attorney's office has prepared the attached uncodified ordinance providing that neither the City Council nor other legislative bodies of the City shall take any formal action to support or authorize the construction and/or development of additional through-lanes on Highway 1 in the City of Pacifica, without first having obtained a majority voter approval of the City of Pacifica electorate authorizing such through-lanes.

With Council introduction of the provided ordinance, staff will bring this forward for second reading at the next Council meeting.

Staff is asking Council to provide directions for each of these items, and, if appropriate, introduce and waive the first reading of Ordinance included with this report.

**ALTERNATIVE ACTION:**

This report presents information to assist Council's discussion. The Council has great flexibility in determining final actions related to these items.

**FISCAL IMPACT:**

None at this time.

**ORIGINATED BY:**

Public Works  
City Manager's Office

**ATTACHMENT LIST:**

**ORDINANCE NO. (ID # 2148)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA PROHIBITING CITY ACTIONS SUPPORTING DEVELOPMENT OF THROUGH-LANES ON HIGHWAY 1 WITHOUT APPROVAL OF THE CITY OF PACIFICA VOTERS**

**Section 1. Findings**

The City Council desires to prohibit any action supporting the construction and/or development of any additional through lanes on Highway 1 in the City of Pacifica without voter approval by a majority of Pacifica voters.

**Section 2. Ordinance**

**THE CITY COUNCIL OF THE CITY OF PACIFICA HEREBY ORDAINS AS FOLLOWS:**

That neither the City Council nor other legislative bodies of the City shall take any formal action to support or authorize the construction and/or development of additional through-lanes on Highway 1 in the City of Pacifica, without first having obtained a majority voter approval of the City of Pacifica electorate authorizing such through-lanes.

**Section 3. Severability**

If for any cause any portion of this ordinance is found to be invalid, the balance of this ordinance shall not be affected.

**Section 4. Effective Date**

This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

This Ordinance was introduced on March 13, 2017, and duly adopted by the City Council of the City of Pacifica at its duly noticed regular meeting on March 27, 2017 by the following vote:

AYES,	Council Members:
NOES,	Council Members:
ABSENT,	Council Members:
ABSTAIN,	Council Members:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Kathy O'Connell, City Clerk



APPROVED AS TO FORM:

\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

\* \* \* \* \*

(ID # 2148) at 3/13/2017 7:00 PM City Council Regular Meeting



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Excess ERAF for 2016-17

**RECOMMENDED ACTION:**

Move to take the following actions related to Fund 30 Excess ERAF: appropriate \$83,000 to the Pacifica Resource Center for fiscal year 2017-18 and \$3,000 to the Pacifica Beach Coalition to support its Earth Day 2017 event; allocate \$2 million as City matching funds for a grant for the 310-330 Esplanade Infrastructure Preservation project; and acknowledge the remainder as a source of funding needed to meet storm repair and mitigation obligations.

**STAFF CONTACT:**

Lorie Tinfow, City Manager

ltinfow@ci.pacifica.ca.us

650-738-7409

**STATEMENT OF ISSUE:**

The City has received its allocation of funds known as “Excess ERAF” for 2016-17 and staff is presenting this information to Council tonight in order to bring forward the actions needed to complete the City Council’s previous direction to grant funding to the Pacifica Resource Center and the Pacifica Beach Coalition as well as allocate funds needed to continue storm repairs and mitigation projects

**BACKGROUND/DISCUSSION:**

**History**

San Mateo County is one of the very few counties in the State to have Excess Education Augmentation Revenue Funds (“Excess ERAF”). The explanation of how this funding is derived and then distributed is complicated. (See footnote for more detail.)

City records date back to 1999-00 in terms of the history of Excess ERAF and show the amount we received each year has ranged from a low of \$0 in 2003-04 to a high of \$1.7 million in 2014-15.

Starting in 2011, San Mateo County advised cities and other agencies to begin treating these revenues as “one-time funds” and not to include them in the operating budget as ongoing revenues because the funds are not expected to continue indefinitely. City staff began to phase in this approach by under-budgeting the expected full amount. However until fiscal year 2014-15, our budgets relied heavily on this source of funds (i.e., \$1.3 million was included in the 2013-14 Budget).

In the 2014-15 Budget, Excess ERAF funds were not included in the General Fund for operations. Instead, Council directed that if we received the funds, that they be treated as one-time monies and segregated in a “special revenue” fund, outside of the General Fund, for appropriate use at Council’s discretion. Each year since then, staff has presented an update on the funding allocation and made recommendations for fund use to match Council priorities.

The report before Council tonight brings forward the total received for this fiscal year, provides an opportunity for Council’s direction to provide grant funds to the Pacifica Resource Center (\$83,000) and co-sponsor the Pacifica Beach Coalition’s Earth Day event (\$3,000); and allocate the remainder to address City matching grant needs for storm repairs and mitigation projects.

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<sup>1</sup> The County collects property taxes and deposits a portion into ERAF to fund K-12 schools and community colleges. Excess ERAF is the revenue that remains after all schools receive funding that meets the State mandated funding levels. Excess ERAF revenues, prior to the dissolution of Redevelopment, were to be returned to the taxing entity (City) from which it was collected. The recent legislation dissolving Redevelopment Agencies (RDA) changes how property taxes are distributed for school funding and eventually eliminates Excess ERAF and its subsequent distribution to cities.

**Excess ERAF 2016-17**

San Mateo County contacted the City last month with news that we would be receiving a total of \$1,648,047 this fiscal year. There are no strings attached to this fund-the Council can appropriate the monies in whatever way they deem to be in the community’s best interest.

**Fund Use**

As the Council is aware, the City has many financial needs including repairs to failing infrastructure, repayment of inter-fund loans identified in 2014, and economic development-related projects, etc. In addition, these funds have become the City’s de facto emergency fund for storm damage including City matching funds for grants.

Prior to the storms of 2016, the Council appropriated funds from Fund 30 toward high priority City projects including the purchase of property needed to complete the Coastal Trail and matching funds needed for Phase I of the Palmetto Streetscape project. We then received reimbursement grant funds for most of the trail property purchase and identified another source of funds for most of the Palmetto project.

❖ **Fund 30 Balance as of January 2017**

In October 2016, as part of the report to Council on sea level rise and storm impacts, I asked staff to “true-up” Fund 30 to determine the remaining unencumbered balance as we looked ahead to meeting new obligations. Since that time, Council also used these funds to demolish the apartment building at 310 Esplanade Ave. Here’s a recap of the dollars:

Starting Balance - October 2016	\$2,082,584
Matching funds for State grants to repair 2016 storm damage at 12 sites	- \$650,000
Demolition of apartment building located at 310 Esplanade Ave.	- <u>\$330,000</u>
Remaining Balance - January 2017	\$1,102,584

❖ **Storm Repair & Mitigation Project Funding Obligations**

In addition, there are three large scale repair or mitigation projects that are currently under consideration and for which the US Army Corps of Engineers is conducting a “Federal Interest Determination” study now. The studies began in January 2017 and will be completed in approximately 4-6 months. At that time, the USACE will determine whether or not to proceed with conducting feasibility studies for each project.

If the feasibility studies are conducted, the costs are estimated at \$600,000 each and must be shared equally between the USACE and the City. The third step of the USACE consideration process would be design and construction. Costs associated with this phase are split 65% USACE and 35% non-Federal funds from the City or other sources.

In summary, the possible City obligations for the three projects follow:

- **310-330 Esplanade Infrastructure Preservation.** Bluff face reinforcement/revetment of the 300 block of Esplanade Ave. between the Oceanaire Apartment Homes (formerly Lands End Apts) and the Bluffs at Pacifica Apartments. The goal of this project is to protect the adjacent street and utilities.
  - Federal Interest Determination = \$50,000; City portion = \$0
  - Feasibility Study (estimated) = \$600,000; City portion would be half or \$300,000
  - Estimated construction cost = \$4 million; City portion for construction plus the planning and other costs (estimated) = \$2 million
  
- **Milagra Creek Outfall Retrofit.** Repair and relocation of the Milagra Outfall pipe located just south of the San Francisco RV Park on Palmetto Ave. The outfall is part of the watershed drainage system for Milagra Creek.
  - Federal Interest Determination = \$50,000; City portion = \$0
  - Feasibility Study (estimated) = \$600,000; City portion would be half or \$300,000
  - Estimated construction repair cost = \$1.2 million; repairs are covered by a combination of insurance, California Disaster Assistance Act grant and matching City funds. Full mitigation efforts would benefit from USACE assistance.
  
- **Beach Boulevard Seawall Repair.** Permanent repair or replacement of the northern section of the Beach Blvd. sea wall and promenade. The portion of the sea wall and promenade that is north of the Pacifica Pier was constructed using a retaining wall configuration that has been undermined by wave and storm action periodically over the years.
  - Federal Interest Determination = \$50,000; City portion = \$0
  - Feasibility Study (estimated) = \$600,000; City portion would be half or \$300,000
  - Estimated construction cost = unknown; staff has not determined an estimated cost in part because the solution to the continued problems with the sea wall has not been determined. This project is where the USACE’s help is most needed by the City.

❖ **Funding for Community Organizations -- \$86,000**

In the past, the City has provided funding to a number of organizations that provide services to the community. Over the past few years, we have indicated that funding would likely be discontinued in the future because of budget pressures (since expenditures continue to grow

faster than revenues). At the conclusion of the 2014-15 budget process, Council indicated that if Excess ERAF monies were received in 2015, it would consider funding the two organizations. During the development of successive budgets, the Council again treated these two requests in the same manner:

<b>Organization Name</b>	<b>Amount</b>
Pacifica Resource Center	\$83,000
Pacifica Beach Coalition	<u>\$3,000</u>
	<u>\$86,000</u>

Staff is recommending that Council allocate funding to these two groups.

**Summary and Funding Balance**

In summary, the City has many more needs for funding than funding available and the El Nino storm damage sustained by the City last year added greatly to the list of funding needs. Fortunately we have had help from US Congresswoman Jackie Speier, Senator Jerry Hill, Assembly member Kevin Mullin, and Supervisor Don Horsley, all of whom championed our grant requests and led to our requests being viewed favorably (as initially reported to the Council on October 10, 2016). Their efforts have also been invaluable to our receiving technical assistance from the US Army Corps of Engineers as announced in January 2107.

In addition to meeting the matching funds requirements for the grants (none cover 100% of costs), staff recommends two community organization requests be approved and that grant funds be made available-\$83,000 for Pacifica Resource Center and \$3,000 for Pacifica Beach Coalition-as discussed in this report.

The following table summarizes the actions in this report:

Remaining Balance - January 2017	\$1,102,584
New Allocation of Excess ERAF - February 2017	<u>\$1,648,047</u>
Subtotal	\$2,750,631
Allocation for Pacifica Resource Center and Pacifica Beach Coalition	(\$86,000)
Allocation for 310-330 Esplanade Infrastructure Preservation	<u>(\$2,000,000)</u>
Balance March 2017	\$664,631

As described above, the City may be asked by the USACE for matching funds to conduct the feasibility studies associated with the three large scale repair/mitigation projects. Staff recommends that the balance of funds available shown here, \$664,631, be reserved for this purpose. The USACE’s timing means that the Council may need access to these funds at the beginning of the new fiscal year 2017-18.

**COUNCIL ACTION RECOMMENDED:**

Move to:

- (1) appropriate \$83,000 to the Pacifica Resource Center and \$3,000 to the Pacifica Beach Coalition as grants from Fund 30 Excess ERAF to support their activities effective now; and

- (2) allocate \$2 million from Fund 30 Excess ERAF as the City match for the CDAA grant for the 310-330 Esplanade Infrastructure Preservation project as indicated by Council in October 2016; and
- (3) acknowledge an outstanding likely need for matching funds for USACE feasibility studies in early Fiscal Year 2017-18.

**FISCAL IMPACT:**

The City has been notified to expect approximately \$1.65 million in Excess ERAF monies for 2016-17. With Council's action to grant the funding requests made by the Pacifica Beach Coalition and the Pacifica Resource Center in the total amount of \$86,000 and appropriate the remaining funds as described in this report, there will be a remaining balance of \$664,631. These funds may be needed in early fiscal year 2017-18 as matching funds for USACE feasibility studies.

**ORIGINATED BY:**

City Manager's Office

**ATTACHMENT LIST:**



**CITY OF PACIFICA  
COUNCIL AGENDA SUMMARY REPORT**

**3/13/2017**

**SUBJECT:**

Retention of Professional Recruitment Firm Peckham & McKenney to Assist the City Council with Conducting a Search for the Next Permanent City Manager and Discussion of City Manager Qualifications.

**RECOMMENDED ACTION:**

Approve the selection of Peckham & McKenney as the recruitment firm to assist the City Council with filling the City Manager position vacancy and direct the City Manager to execute a contract for services based on the attached proposal (Attachment 1).

**STAFF CONTACT:**

Lorie Tinfow, City Manager

ltinfow@ci.pacifica.ca.us

650-738-7409

**BACKGROUND/DISCUSSION:**

The current City Manager, Lorie Tinfow, has notified the City Council of her plans to resign her position effective March 31, 2017, to accept the City Manager position with the City of Benicia.

The City Council wishes to contract with a recruitment firm that specializes in assisting with these types of search efforts. Because time is of the essence, the Council asked staff to recommend a firm. For this position and at this time, staff recommends that the City Council hire Peckham & McKenney for this scope of work.

Background information for Peckham & McKenney is attached along with a cost proposal for Council consideration. Total cost for the work is \$26,500.

In that Council will be beginning recruitment for a permanent City Manager, this is also an opportunity to discuss City Manager qualifications should the Council so desire.

**FISCAL IMPACT:**

The cost of this work will be \$26,500 all inclusive. The funds to cover this expense will come from salary and benefits savings for the City Manager position so no additional budget authority is required.

**ORIGINATED BY:**

City Manager's Office



**ATTACHMENT LIST:**

Proposal from Peckham McKenney for City Manager recruitment services.pdf (Attachment 1)  
(PDF)



March 9, 2017

Mayor Mike O'Neill and Members of the City Council  
City of Pacifica  
170 Santa Maria Avenue  
Pacifica, CA 94044

Dear Mayor O'Neill and Members of the City Council:

Thank you for the opportunity to express our interest in assisting you in the recruitment of a new City Manager. Based on our familiarity with the City as well as our experience conducting similar searches, we are fully prepared to team with the City Council in order to ensure a successful outcome. It is our understanding that the Council is interested in a full recruitment and outreach process leading to the successful placement of a candidate that "fits" the organization and community.

Bringing over 30 years of experience in local government and executive search, I would serve as the City's Recruiter. I have personally conducted hundreds of searches for executive level positions in local government agencies throughout the Western United States. In spite of these numbers, I recognize that every agency and community is unique, and I take the time to become familiar with your needs in order to identify the best candidates. Within the past five years alone, I have placed a total of 45 Assistant City Managers and City Managers with California cities. Of those individuals placed, only 6 have left for retirement or other career opportunities. We believe this is a testament to the quality of our work as well as our attention to ensuring "fit."

We are currently conducting similar searches for the California cities of Gustine, Orinda, Walnut Creek, Truckee, and Escondido, as well as the County of Santa Cruz (CAO). In addition, we recently placed City Managers with the cities of Calistoga, Campbell, Gilroy, Portola Valley, Sonoma, and Sierra Madre, as well as Assistant City Managers with the cities of Concord and Hayward. We have an extensive database of contacts in the industry and will work to identify and recruit candidates that meet your needs.

The attached proposal includes more detailed information regarding the firm, the search process and timeline, professional fee and expenses, our guarantee, and client references. I look forward to the opportunity to work with you on this important search process. Please feel free to call me toll-free at (866) 912-1919 if you have any questions.

Sincerely,

*Bobbi C. Peckham*

Bobbi C. Peckham, President  
Peckham & McKenney, Inc.  
300 Harding Boulevard, Suite 106E  
Roseville, CA 95678  
[www.peckhamandmckenney.com](http://www.peckhamandmckenney.com)

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## INTRODUCTION

Peckham & McKenney, Inc. provides executive search services to local government agencies throughout the Western United States and is headquartered in Roseville, California. The firm was established as a partnership in June 2004 and incorporated in 2014 by Bobbi Peckham and Phil McKenney, who serve as the firm's lead Recruiters and bring over 50 years' combined experience in local government and executive search. Given the large geographic region that we serve, a Vice President, Western Region, is based in Glenwood Springs, Colorado. We also offer the services of two former City Managers who serve as Recruiters on assignment. We are supported by an Office Manager, research specialists, a marketing and design professional, web technician, and distribution staff. Ms. Peckham serves as the firm's President, and Phil McKenney serves as the Chief Operating Officer and Secretary/Treasurer. Either of the firm's principals may be reached toll free at (866) 912-1919.

Peckham & McKenney was established on the premise that an executive search and consulting firm must be dedicated to providing its clients and candidates with professional service, as well as a personal, hands-on approach. Our business philosophy centers upon the understanding that this is a "people" related industry and that attention to others' needs is the key to providing effective customer service. Not only are we committed to providing our clients with well-qualified candidates, but we also take pride in treating both our clients and candidates with utmost respect. This commitment has led to multi-year retainer agreements with a number of agencies, as well as numerous client and candidate testimonials to their experiences with us. We invite you to visit our web site at [www.PeckhamAndMcKenney.com](http://www.PeckhamAndMcKenney.com).

At Peckham & McKenney, we are committed to local government and sensitive to the challenges and issues faced by our clients and candidates. As such, we serve as the Administrator for the Credentialed Government Leader program for the Municipal Management Associations of Northern & Southern California. We also actively support Women Leading Government as well as assist in the annual Women's Leadership Summit. In addition, we have provided numerous workshops and training sessions in California and Colorado to up-and-comers on resume and interview preparation and general career guidance.

Individual profiles of each of the Peckham & McKenney team follow.

### **Bobbi C. Peckham, President**

Bobbi Peckham brings nearly 30 years' experience as an Executive Recruiter as well as 6 prior years of local government experience. Ms. Peckham is sought out and retained due to her high ethics, integrity, hands-on customer service, and unique ability to identify candidates that "fit" her client agencies and communities.

Ms. Peckham began her career in local government in the City Manager's office of the City of Naperville, Illinois, where she became familiar with all aspects of local government in the nation's fastest growing community. Ms. Peckham was then recruited to join the Executive Search practice of a leading California recruitment firm. Later, she played an integral role in creating a national search business for what became the largest recruitment practice serving local government in the country. Here, she became Regional Director overseeing Northern California and a nine-state region. In 2004, Ms. Peckham formed Peckham & McKenney, Inc. in partnership with Phil McKenney.

Ms. Peckham received a Bachelor of Science degree in Organizational Behavior from the University of San Francisco. She is a contributing member of the International City/County Management Association, Cal-ICMA, Women Leading Government, and Municipal Management Associations of Northern & Southern California. Ms. Peckham serves on the Planning Committee for the annual *Women's Leadership Summit*, at which she coordinates and leads the highly regarded Executive Roundtable Discussions with over 30 female local government leaders. In addition, Ms. Peckham was instrumental in writing the ICMA's *Job Hunting Handbook*. Over the years, Ms. Peckham has actively supported her community, and she currently volunteers her time to the Sacramento Affiliate of *Dress for Success*, which works to empower women to achieve economic independence by providing a network of support, professional attire, and the development tools to help women thrive in work and in life.

### **Phil McKenney, Chief Operating Officer**

Phil McKenney has over 35 years' management experience and is very familiar with local government agencies, having led a county organization and having worked with numerous city governments and special districts. Mr. McKenney began his career in the resort and hospitality industry and served as General Manager for Mattakesett Properties on the island of Martha's Vineyard. He then relocated to Keystone Resort in Colorado, which is now acknowledged as a premiere all-season resort with special recognition for its level of guest services. Mr. McKenney later took over the helm of the Summit County Chamber of Commerce as their Executive Director. This hybrid-Chamber was the only countywide organization responsible for marketing all of Summit County, Colorado, home to Breckenridge, Keystone, and Copper Mountain resorts. Through his leadership and collaborative style, and working with the cities and county within Summit County, he led the Chamber to being a readily recognized and well-respected organization within Colorado and the Western United States.

Mr. McKenney was then selected by Placer County, California to lead the merger of the North Lake Tahoe Chamber of Commerce and the North Tahoe Visitors and Convention Bureau into the North Lake Tahoe Resort Association. As Executive Director of this new county organization, he represented the Tourism industry for all of North Lake Tahoe. The Resort Association is now a proactive, nationally recognized organization whose model of governance is being replicated in numerous resort communities across the Western United States.

Mr. McKenney began his career in executive recruitment in January 2003 and has since conducted hundreds of national recruitments throughout the Western states, including Colorado, Arizona, Idaho, Wyoming, Oregon, and California. Mr. McKenney has an undergraduate degree in Recreation from Slippery Rock State College as well as a Master of Business Administration from the University of Denver.

### **Andrew (Drew) Gorgey, Vice President, Western Region**

Before joining Peckham & McKenney in December 2016, Drew Gorgey served in Colorado local government for nearly 20 years, including 11 years at the executive management level. Mr. Gorgey served as County Manager and County Attorney for Garfield County in Glenwood Springs, Colorado. Mr. Gorgey also served as First Assistant and Chief Deputy County Attorney in El Paso County, Colorado. In addition, he served as Interim City Manager for the City of Glenwood Springs. His strong skills in strategic planning and talent identification, recruitment, and retention have allowed organizations seeking continual improvement to realize their strategic planning objectives quickly and effectively.

Mr. Gorgey began his career in the resort and hospitality industry and served as a Corporate Trainer for The Broadmoor, a Forbes Five-Star and Triple A Five-Diamond Resort in Colorado Springs. Since his youth, Mr. Gorgey has been an enthusiastic student of leadership, dedicating substantial volunteer hours to leadership positions in various professional associations. The El Paso County Bar Association in Colorado Springs named Mr. Gorgey "Outstanding Young Lawyer" in 1999 and elected him one of the Association's youngest Presidents in 2003-04. Mr. Gorgey twice served the Colorado Bar Association as Vice President. He is also Past President of the Association of Colorado County Administrators. Mr. Gorgey has lectured on leadership at the American Bar Association's prestigious Bar Leadership Institute in Chicago, the Colorado Bar Association's Bar Leadership Training course (COBALT), and the Special District Association of Colorado's Leadership Academy, among others.

Mr. Gorgey has an undergraduate degree in English from the University of Colorado, as well as a Juris Doctor from the University of South Carolina School of Law.

### **Clay Phillips, Executive Recruiter**

Mr. Phillips brings extensive experience leading a city of over 150,000 and selecting and assembling an executive team that is highly revered in the San Diego region. He recently completed 30 years of service with the City of Escondido, 12 years of which he served as City Manager. Mr. Phillips served in several capacities with the City of Escondido including Finance Director, Administrative Services Director, and Deputy City Manager prior to his

appointment as City Manager. He began his career with the City of Santa Ana and soon became Deputy Finance Officer for the City of Irvine.

Mr. Phillips has served as the Chairman of the San Diego City Managers Association, and he has been a speaker and expert panelist for the League of California Cities as well as POST and California State University San Marcos. Mr. Phillips has significant experience in leadership development, financial management, economic development, and labor relations. In his capacity as City Manager, he has been involved with the recruitment and hiring of department heads in all areas of local government. Mr. Phillips received his undergraduate degree from Loma Linda University with majors in Business Management and Accounting and was recognized as the Alumnus of the Year by the School of Business in 2008. He also received his Master of Business Administration from Pepperdine University.

**Joyce Johnson, Operations Manager**

Ms. Johnson joined Peckham & McKenney in 2005 and serves as the firm's Office Manager. Ms. Johnson is complimented regularly on her strong customer orientation working with both clients and candidates alike. She oversees internal administration of the firm as well as directing contract administrative support in the areas of advertising and design, web posting, and duplication and mailing services. Prior to joining Peckham & McKenney, Ms. Johnson oversaw internal administration in the Western Region headquarters of two separate national management consulting and executive recruitment firms. She has over 30 years' experience in the field of administrative and executive support for all aspects of the executive recruitment process. Ms. Johnson holds an Associate of Arts degree from American River College.

**Cathy West-Packard, Marketing & Design Specialist**

Ms. West-Packard has provided her design and marketing skills to Peckham & McKenney Recruiters for over 25 years. She is the firm's "go-to" professional for all advertising and brochure design and creation.

**Kevin Johnson, Research Assistant**

Mr. Johnson has been a member of the team since 2009 and currently serves as a Research Assistant. He supports the firm's Recruiters through his research of local government agencies and networks, potential candidates, and current candidates prior to recommendation to our clients. Mr. Johnson mastered his researching abilities while obtaining a Bachelor of Arts in Economics from Willamette University.

**Joyce Masterson, Research Assistant**

Ms. Masterson brings nearly 30 years' experience working in the City Manager's office and as Director of Economic Development & Community Relations with the City of Escondido. She brings Peckham & McKenney extensive experience in general government administration, media relations, public information, and customer service. She has been active in various organizations over the years including the Municipal Management Assistants of Southern California and California Association of Public Information Officials. Ms. Masterson holds a Bachelor of Arts degree in Telecommunications from Brooklyn College, NY.

**Bradley Frank, Technology Assistant**

Mr. Frank expertly oversees the firm's web site as well as responding to all technology questions from the firm's principals. He is a NASA Fellow and is completing his Bachelor of Science in Material Sciences & Engineering at the University of California, Merced.

## THE SEARCH PROCESS

While it is our intent to customize the search and project schedule to fit the City's specific needs, the search process typically includes the following key actions:

**Project Organization** – Prior to beginning the recruitment process, we will be available to discuss the recruitment process, listen to specific desires and expectations, and respond to any questions or concerns. We will discuss expected parameters of the search, the search timeline, and schedule future meeting dates. At this time, the City will also determine the extent of involvement of other individuals in the search process.

**Development of Candidate Profile (on-site #1)** – This phase provides for the development of a detailed Candidate Profile. We will meet individually with members of the City Council and in groups with those individuals identified in the Project Organization phase, to discuss the current and future issues and challenges facing the City of Pacifica and the organization, in particular. The desired background and experience, leadership style and personality traits, skills and abilities of the ideal candidate will be discussed. We will also discuss expectations, goals, and objectives that will lead to the success of the new City Manager.

**Recruitment** – Advertisements will be placed in the appropriate industry publications and websites, and our firm will assume responsibility for presenting your opportunity in an accurate and professional manner. Full information on the position will be posted on our firm's web site as well as the City's site. In addition, an attractive brochure will be prepared to market the organization and position to potential candidates. This brochure will be mailed to 300-400 industry professionals nationally, and it will also be available on our firm's web site. Copies of the brochure will also be made available to the City.

The main focus of our outreach, however, will be direct phone contact with quality potential candidates. With close to 30 years of executive search experience, we have developed an extensive candidate database that is continuously utilized and updated. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Candidate Profile Development phase. We believe direct recruiting produces the most qualified candidates.

Throughout this active search process, we will regularly notify the City of the status and share questions, concerns, and comments received from potential candidates as they consider the opportunity. By doing so, we will "team" with the City to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating "surprises" once the resume filing deadline has occurred.

As resumes are received, they will be promptly acknowledged, and we will personally respond to all inquiries. Once the resume filing deadline has passed, the City will be once again updated on the status of the recruitment, the number of resumes received, and our intent for preliminary interviews.

**Preliminary Interviews** – As resumes are received, supplemental questionnaires will be sent to candidates who appear to meet the Candidate Profile. Following the resume filing deadline and a thorough review of the resumes and questionnaires received, we will conduct preliminary interviews with those individuals most closely matching the Candidate Profile. An Internet search will be conducted as well as preliminary background (credit and criminal) checks.

**Recommendation of Finalists (on-site #2)** – A written recommendation of finalists will be personally presented to the City in a one- to two-hour meeting. The City will receive a full listing of all candidates who applied for the position, as well as the cover letters, resumes, and supplemental questionnaires of the recommended group of candidates for further consideration.

Once a group of finalists has been selected by the City, all candidates will be notified of their status. We will prepare a finalist interview schedule and notify finalist candidates accordingly. If necessary, finalists will make their own travel

plans and reservations. It is customary that the City reimburse finalists for round-trip airfare, car rental, and lodging necessary to attend the interviews with the City. We will confirm this with the City at our meeting to recommend finalists.

**Final Interviews/Selection (on-site #3)** – During this phase, finalists will be interviewed by the City. We will provide on-site advice and facilitation assistance during the final interview process. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided for the City’s convenience.

An orientation session will be held with those involved prior to the finalist interviews, and we will work with the panel through a ranking process and discussion of the finalists at the end of the day. We will assist the City in coming to consensus on the leading two to three finalists for further consideration, and we will provide recommendations on next steps, including additional meetings with each finalist to learn more of the “fit” they may bring.

**Qualification** – Once the final candidate has been selected by the City, a thorough background check will be conducted that is compliant with the Fair Credit Reporting Act and Investigative Consumer Reporting Agencies Act. Peckham & McKenney utilizes the services of Sterling Talent Solutions, the world’s largest company focused entirely on conducting background checks. This investigation will verify professional work experience; degree verification; certifications; and criminal, civil, credit, and motor vehicle records. We encourage our clients to consider further vetting the candidate through a Department of Justice LiveScan in order to ensure that all known criminal history records (beyond seven years) are investigated.

Professional references will also be contacted, and a full report will be provided. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the City.

Our ultimate goal is to exceed your expectations and successfully place a candidate who “fits” your organization’s and community’s needs now and into the future.



## SEARCH SCHEDULE

This sample schedule anticipates a 14-week process. In today's competitive recruiting environment, our goal is to make the process as efficient and effective as possible. We ask that our clients work with us to identify future meeting dates, which will be published within the Candidate Profile. This will ensure that the momentum of the search process is consistent and that all parties are available in order to lead to a successful result.

<u>ACTIVITY</u>	<u>TIME FRAME</u>
I. Project Organization <ul style="list-style-type: none"> <li>• Conference call discussion of recruitment process</li> <li>• Formalize project schedule</li> </ul>	Pre-Recruitment
II. Development of Candidate Profile <ul style="list-style-type: none"> <li>• On-site meeting with City representatives to discuss Candidate Profile</li> <li>• Develop Candidate Profile/Marketing Brochure and obtain approval from City</li> <li>• Develop advertising and recruiting plan</li> </ul>	Two Weeks
III. Recruitment <ul style="list-style-type: none"> <li>• Advertise, network, and electronically post in appropriate venues</li> <li>• Send Candidate Profile to 300-400 industry professionals</li> <li>• Post opportunity on firm's web site as well as City's site</li> <li>• Search for/identify/recruit individuals within the parameters of the Candidate Profile</li> <li>• Respond to all inquiries and acknowledge all resumes received in a timely manner</li> </ul>	Six Weeks
IV. Preliminary Interviews/Recommendation <ul style="list-style-type: none"> <li>• Review resumes and supplemental questionnaires</li> <li>• Conduct preliminary interviews with leading candidates</li> <li>• Conduct Internet research and credit/criminal checks</li> <li>• Present written recommendation of finalists to City</li> <li>• Notify all candidates of search status</li> </ul>	Three Weeks
V. Final Interviews/Selection <ul style="list-style-type: none"> <li>• Schedule finalist interviews</li> <li>• Design process and facilitate finalist interviews with City</li> <li>• Assist City throughout process and provide recommendations</li> <li>• City selects candidate or leading 2-3 candidates for further consideration</li> <li>• City conducts second interview process.</li> </ul>	Two Weeks
VI. Qualification <ul style="list-style-type: none"> <li>• Conduct thorough background and reference checks on leading candidate</li> <li>• Negotiation assistance</li> <li>• Exceed expectations and successfully place candidate who "fits."</li> </ul>	One Week

## **PROFESSIONAL FEE AND EXPENSES**

### **Cost of Services**

Our all-inclusive fee to conduct the search process for your next City Manager is \$26,500. One-third of this fee is due as a retainer upon execution of the agreement. The remainder of the fee will be divided and billed in two separate, monthly invoices.

The all-inclusive fee includes professional fees and expenses. Expenses include out-of-pocket costs associated with administrative support/printing/copying/postage/materials, consultant travel, advertising, telephone/technology, and background checks (partial checks on recommended candidates; full background check on selected candidate). Additional expenses incurred due to requested additional meetings as well as full background checks on more than one candidate will be billed accordingly.

### **Insurance**

Peckham & McKenney carries Professional Liability Insurance (\$1,000,000 limit), Commercial General Liability Insurance (\$2,000,000 General Liability, and \$4,000,000 Products) and Automobile Liability Insurance (\$1,000,000). Our Insurance Broker is Wells Fargo Insurance, Inc., Charlotte, NC, and our coverage is provided by Sentinel Insurance Company and Hiscox Insurance Co. Limited.

## CLIENT REFERENCES

Please feel free to contact any of the following current and recent clients to inquire about their experience with Peckham & McKenney. In addition, we would be pleased to furnish the client contact and phone numbers for any past clients listed in the Attachment.

### **City of Brentwood, CA – City Manager (2015), Administrative Services Director, and Human Resources Director (recently completed)**

Bob Taylor, Mayor; or Gus Vina, City Manager  
(925) 308-3800; [gvina@brentwoodca.gov](mailto:gvina@brentwoodca.gov)

### **City of Calistoga, CA – City Manager (2016)**

Chris Canning, Mayor – (707) 815-2105  
Or Dylan Feik, City Manager – (801) 821-1734

### **City of Campbell, CA – City Manager (recently completed)**

Jason Baker, former Mayor - (408) 839-6669  
Or Brian Loventhal, City Manager – (408) 679-7084

### **City of Gilroy, CA – City Administrator (2016)**

Peter Leroe-Munoz, Council Member; or LeeAnn McPhillips, Human Resources Director  
(408) 846-0205; [leeann.mcphillips@cityofgilroy.org](mailto:leeann.mcphillips@cityofgilroy.org)

### **City of Hayward, CA – City Manager, Assistant City Manager (2016) and numerous department head recruitments**

Kelly McAdoo, City Manager  
(510) 583-4300; [Kelly.mcadoo@hayward-ca.gov](mailto:Kelly.mcadoo@hayward-ca.gov)

### **Town of Portola Valley, CA – Town Manager (2016)**

Ann Wengert, Council Member – [awengert@portolavalley.net](mailto:awengert@portolavalley.net)  
Or Jeremy Dennis, Town Manager – (650) 851-1700, ext. 215

### **City of Redwood City, CA – City Attorney and City Clerk (current search)**

John Seybert, Mayor; or Leah Lockhart, Human Resources Director  
(650) 780-7220; [llockhart@redwoodcity.org](mailto:llockhart@redwoodcity.org)

### **City of Sierra Madre, CA – City Manager (recently completed)**

Gene Goss, Mayor or Rachele Arizmendi, Mayor Pro Tem – (626) 355-7135  
[ggoss@cityofsierramadre.com](mailto:ggoss@cityofsierramadre.com) or [rarizmendi@cityofsierramadre.com](mailto:rarizmendi@cityofsierramadre.com)  
Terri Highsmith, City Attorney -- (213) 542-5703; [thighsmith@chwlaw.us](mailto:thighsmith@chwlaw.us)

### **City of Sonoma, CA – City Manager (recently completed)**

Rachel Hundley, Mayor - (707) 999-8394  
Or Gary Edwards, Mayor Pro Tem – (707) 695-0329  
Or Cathy Capriola, City Manager – (707) 938-3681; [ccapriola@sonomacity.org](mailto:ccapriola@sonomacity.org)

### **City of Tracy, CA – City Manager (2014) and Assistant City Manager (2015)**

Brent Ives, former Mayor, (209) 740-6779  
Troy Brown, City Manager, (925) 321-5531; [Troy.brown@ci.tracy.ca.us](mailto:Troy.brown@ci.tracy.ca.us)

## PLACEMENT GUARANTEE AND ETHICS

Our placement record is particularly strong in that 80% of the candidates we have placed since 2010 continue in those positions today. In the unlikely event, however, that a candidate recruited and recommended by our firm leaves your employment *for any reason within the first year* (except in the event of budgetary cutbacks, promotion, position elimination, or illness/death), we agree to provide a one-time replacement at no additional charge, except expenses.

Time and again, we receive unsolicited comments from clients and candidates relating to our integrity and high ethics.

- First, we believe in honesty. No client should ever appoint an individual without being fully knowledgeable of the candidate's complete background and history. Conversely, no candidate should ever enter into a new career opportunity without full disclosure of any organizational "issues."
- We strive to keep everyone involved in a recruitment process informed of the status. Not only do we provide regular updates to our clients, but we also have a reputation for keeping our candidates posted, even to the extent of informing them as to who was eventually selected.
- As recruitment professionals, we do not recruit our placements -- *ever*. Should a placement of ours have an interest in a position for which we are recruiting, they may choose to apply. However, if they become a finalist, we ask that they speak to their supervisor (Council member or Manager) to alert them of their intent.
- We do not recruit staff from our client agencies for another recruitment during an active engagement. Nor do we "parallel process" a candidate, thereby pitting one client against another for the same candidate.
- We do not misrepresent our client list. Only those searches that we personally conducted appear on our list.
- We are retained only by client agencies and not by our candidates. While we have a reputation for being actively involved in the profession and providing training, workshops, and general advice to candidates, we represent only our clients. In addition, we *always* represent and speak of our client in a positive manner; during the recruitment engagement as well as years after.

**EXECUTIVE SEARCHES CONDUCTED (2004 to PRESENT\*)**

(\* 100's of additional searches were conducted from 1987-2004)

**City/County Manager, Executive Director, and Related**

Alameda County Waste Management Authority, CA	Executive Director
American Canyon, CA	City Manager
Anderson, CA	City Manager
Antioch, CA	City Manager
Arroyo Grande, CA	City Manager
Ashland, OR	City Administrator
Auburn, CA	City Manager
Basalt, CO	City Manager
Bell, CA	City Manager
Belmont, CA	City Manager
Belvedere, CA	City Manager
Benicia, CA	City Manager
Big Bear Lake, CA	City Manager
Brentwood, CA	City Manager
Brookings Economic Development Agency, SD	Executive Director
Buellton, CA	City Manager
Burbank, CA	City Manager
Burlingame, CA	City Manager
Calistoga, CA	City Manager
Campbell, CA	City Manager (2011 & 2016)
Carmel-by-the-Sea, CA	City Administrator
Centennial, CO	City Manager (2007 & 2017)
Cordillera Metropolitan District, CO	General Manager
Corvallis, OR	City Manager
Cupertino, CA	City Manager
Del Mar, CA	City Manager
Douglas County, NV	County Manager
Durango, CO	City Manager
Eagle County, CO	County Manager
El Dorado Hills Community Services District, CA	General Manager
Encinitas, CA	City Manager
Escondido, CA	City Manager
Eureka, CA	City Manager
Exeter, CA	City Administrator
Foothills Park & Recreation District, CO	Executive Director
Fort Lupton, CO	City Administrator
Galt, CA	City Manager
Garfield County, CO	County Manager
Gilroy, CA	City Administrator (2007 & 2016)
Glendora, CA	City Manager
Grand Junction, CO	City Manager
Greeley, CO	City Manager
Hayward, CA	City Manager
Hughson, CA	City Manager
Indian Wells, CA	City Manager
Incline Village General Improvement District, NV	General Manager
Ketchum, ID	City Administrator
La Plata County, CO	County Manager
La Quinta, CA	City Manager
La Palma, CA	City Manager
Lone Tree, CO	City Manager
Manitou Springs Chamber of Commerce, CO	Chief Operating Officer
Martinez, CA	City Manager

Midpeninsula Regional Open Space District, Los Altos, CA	General Manager
Mill Valley, CA	City Manager
Milpitas, CA	City Manager
Moraga, CA	Town Manager
Mountain House Community Services District, CA	General Manager
Mountain Village, CO	Town Manager
North Lake Tahoe Public Utility District, CA	General Manager (2004 & 2007)
Novato, CA	City Manager
Palmdale, CA	City Manager (2011 & 2015)
Palos Verdes Estates, CA	City Manager (2007 & 2013)
Park City Municipal Corporation, UT	City Manager
Piedmont, CA	City Administrator
Pleasant Hill, CA	City Manager
Point Arena, CA	City Manager
Portola Valley, CA	Town Manager
Public Agency Risk Sharing Authority of California	General Manager/CEO (2004 & 2016)
Rancho Murieta Community Services District, CA	General Manager
Rancho Santa Fe Association, CA	Chief Administrative Officer
Redlands, CA	City Manager
Redwood City, CA	City Manager
Rohnert Park, CA	City Manager
San Clemente, CA	City Manager
San Mateo County, CA	County Manager
Santa Clara, CA	City Manager
Santa Clara County Open Space Authority, San Jose, CA	General Manager
Sea Ranch Association, CA	Community Manager
Sedona, AZ	City Manager (2008 & 2014)
Sierra Madre, CA	City Manager
Snowmass Village, CO	Town Manager (2006 & 2013)
Solana Beach, CA	City Manager
Sonoma, CA	City Manager
South Suburban Parks & Recreation District, CO	Executive Director
St. Helena, CA	City Manager
Steamboat Springs, CO	City Manager (2005 & 2008)
Teton County, WY	County Administrator
Tracy, CA	City Manager (2007 & 2014)
Tulare, CA	City Manager (2005 & 2011)
Walnut Creek, CA	City Manager
Waterford, CA	City Administrator
West Sacramento, CA	City Manager
Windsor, CO	Town Manager
Winter Park, CO	Town Manager
Woodside, CA	Town Manager
Yakima Regional Clean Air Authority, WA	Executive Director/Air Pollution Contl Officer
Yolo County, CA	County Administrator

**Assistant City/County Manager and Deputy Manager**

Arvada, CO	Deputy City Manager
Atherton, CA	Assistant City Manager
Carlsbad, CA	Assistant City Manager
Concord, CA	Assistant City Manager
Contra Costa County, CA	Chief Assistant County Administrator (2 Positions)
Daly City, CA	Assistant City Manager
Douglas County, CO	Deputy County Manager
Douglas County, NV	Assistant County Manager
Escondido, CA	Assistant City Manager
Foster City, CA	Assistant City Manager

Fremont, CA  
 Gilroy, CA  
 Hayward, CA  
 Midpeninsula Regional Open Space District, Los Altos, CA  
 Oceanside, CA  
 Pacifica, CA  
 Palo Alto, CA  
 Placer County, CA  
 Porterville, CA  
 Sacramento County, CA  
 San Clemente, CA  
 San Pablo, CA  
 San Rafael, CA  
 South Lake Tahoe, CA  
 Tracy, CA

**City Attorney/Legal Counsel**

Antioch, CA  
 Archuleta County, CO  
 Ashland, OR  
 Brisbane, CA  
 Burlingame, CA  
 Eureka, CA  
 Garfield County, CO  
 Hayward, CA  
 Mesa County, CO  
 Midpeninsula Regional Open Space District, Los Altos, CA  
 Milpitas, CA  
 Mountain Village, CO  
 Pleasanton, CA  
 Redwood City, CA  
 Richmond, CA  
 San Bruno, CA  
 San Pablo, CA  
 Simi Valley, CA  
 South Lake Tahoe, CA  
 Yolo County, CA

**Community Development/Planning/Economic Development**

Alameda, CA  
 Alhambra, CA  
 Ashland, OR  
 Bell, CA  
 Beverly Hills, CA  
 Burbank, CA  
 Concord, CA  
 Dana Point, CA  
 Delano, CA  
 Elk Grove, CA  
 Fremont, CA  
 Fremont, CA  
 Hayward, CA  
 Hayward, CA  
 Jefferson County, CO  
 Laguna Niguel, CA  
 Livermore, CA

Assistant City Manager  
 Assistant City Administrator  
 Assistant City Manager (2006, 2010 & 2016)  
 Assistant General Manager (2 Positions)  
 Assistant City Manager, Development Services  
 Assistant City Manager  
 Assistant City Manager  
 Assistant Chief Executive Officer  
 Deputy City Manager  
 Assistant County Administrator  
 Assistant City Manager  
 Assistant City Manager  
 Assistant City Manager (2006 & 2015)  
 Assistant City Manager  
 Assistant City Manager (2007 & 2015)

City Attorney (2005 & 2015)  
 County Attorney  
 City Attorney  
 City Attorney (contract services)  
 City Attorney (2008 & 2012)  
 City Attorney  
 County Attorney  
 City Attorney  
 County Attorney  
 County Attorney  
 General Counsel  
 Assistant City Attorney  
 Town Attorney  
 City Attorney  
 City Attorney  
 City Attorney  
 City Attorney  
 City Attorney  
 City Attorney  
 City Attorney  
 County Counsel

Economic Development Manager  
 Director of Development Services  
 Community Development Director  
 Community Development Director  
 Community Development Director  
 Community Development Director  
 Community Development Director  
 Principal Planner  
 Community Development Director  
 Economic Development Manager  
 Economic Development Director  
 Deputy Director of Community Development  
 Deputy Redevelopment Agency Director, Housing  
 Community Development Director  
 Economic Development Manager  
 Planning & Development Director  
 Director of Community Development  
 Economic Development Director

Long Beach, CA  
 Long Beach, CA  
 Martinez, CA  
 Milpitas, CA  
 Mountain Village, CO  
 North Tahoe Public Utility District, CA  
 Novato, CA  
 Oceanside, CA  
 Pacifica, CA  
 Pacific Grove, CA  
 Palo Alto, CA  
 Pittsburg, CA  
 Placer County, CA  
 Rancho Santa Margarita, CA  
 Reno, NV  
 San Bruno, CA  
 San Clemente, CA  
 San Clemente, CA  
 San Mateo, CA  
 San Pablo, CA  
 San Rafael, CA  
 Santa Clara County, CA  
 Santa Rosa, CA  
 Seaside, CA  
 Seaside, CA  
 South Lake Tahoe, CA  
 St. Helena, CA  
 Stockton, CA  
 Teton County, CO  
 Vail, CO  
 Walnut Creek, CA  
 Walnut Creek, CA  
 Windsor, CA  
 Winters, CA  
 Yuba City, CA

**Public Works/Engineering and Related**

Ashland, OR  
 Aurora Water, CO  
 Benicia, CA  
 Benicia, CA  
 Big Bear Lake, CA  
 Carlsbad, CA  
 Concord, CA  
 Fremont, CA  
 Galt, CA  
 Gilroy, CA  
 Greeley, CO  
 Greeley, CO  
 Greenfield, CA  
 Hayward, CA  
 Jefferson County, CO  
 Louisville, CO  
 Mariposa County, CA  
 Milpitas, CA  
 Pacifica, CA  
 Pacifica, CA

Deputy Director, Development Services  
 Planning Bureau Manager, Development Services  
 Community Development Director  
 Director of Planning & Neighborhood Services  
 Director of Community Development & Housing  
 Planning & Engineering Manager  
 Community Development Director  
 Development Services Director  
 Planning Director  
 Community/Economic Development Director  
 Development Services Director  
 Community Development Director/City Engineer  
 Community Development Resources Agency Director  
 Development Services Director  
 Redevelopment Administrator  
 Community Development Director  
 Community Development Director  
 Economic Development & Housing Director  
 Economic Development Manager  
 Assistant to the City Manager, Economic Development  
 Community Development Director  
 Director, Planning & Development  
 Planning & Economic Development Director  
 Planning Services Manager  
 Redevelopment Services Manager  
 Development Services Director  
 Planning & Community Improvement Director  
 Community Development Director  
 Planning & Development Director  
 Director of Community Development  
 Economic Development Manager  
 Planning Manager  
 Community Development Director  
 Community Development Director  
 Development Services Director

Public Works Director  
 Director of Water  
 Land Use & Engineering Manager  
 Public Works Director  
 Assistant General Manager, Dept. of Water & Power  
 Deputy Public Works Director  
 Infrastructure Maintenance Manager  
 Manager of Maintenance Operations  
 Public Works Director  
 Building Field Services Manager  
 Public Works Director  
 Water & Sewer Director  
 Public Works Director  
 Director of Public Works  
 Airport Manager  
 Public Works Director  
 Public Works Director  
 Public Works Director/City Engineer  
 Deputy Director, Public Works  
 Deputy Director, Wastewater Treatment



Port San Luis Harbor District, CA  
 Sacramento County, CA  
 San Jose, CA  
 San Leandro, CA  
 San Pablo, CA  
 San Rafael, CA  
 Santa Clara, CA  
 South Lake Tahoe, CA  
 Steamboat Springs, CO

**Finance Director/Controller/Treasurer**

Alhambra, CA  
 American Canyon, CA  
 Arvada, CO  
 Atherton, CA  
 Aurora, CO  
 Azusa, CA  
 Bell, CA  
 Brentwood, CA  
 Daly City, CA  
 Durango, CO  
 Encinitas, CA  
 Fairfield, CA  
 Fairfield, CA  
 Greeley, CO  
 Hayward, CA  
 La Quinta, CA  
 Marin County, CA  
 Milpitas, CA  
 Modesto, CA  
 Oceanside, CA  
 Orange County Fire Authority, CA  
 Orange County Fire Authority, CA  
 Pacific Grove, CA  
 Pasadena, CA  
 Pittsburg, CA  
 Rancho Cordova, CA  
 Reno, NV  
 San Mateo, CA  
 San Mateo, CA  
 Santa Clara, CA  
 Santa Clarita, CA  
 Seaside, CA  
 Silverthorne, CO  
 Sonoma, CA  
 South Lake Tahoe, CA  
 Steamboat Springs, CO  
 San Mateo County, Office of Superior Court, CA  
 Winter Park, CO

**Public Safety/Law Enforcement**

Alhambra, CA  
 Alhambra, CA  
 Antioch, CA  
 Atherton, CA  
 Bell, CA

Facilities Manager  
 Associate Civil Engineer  
 General Services Director  
 Engineering & Transportation Director  
 City Engineer  
 Public Works Director  
 Assistant Director of Water/Sewer Utilities  
 Public Works Director  
 Public Works Director

Finance Director  
 Administrative Services Director  
 Director of Finance  
 Finance Director  
 Finance Director  
 Director of Finance  
 Finance Director  
 City Treasurer/Administrative Services Director  
 Director of Finance  
 Finance Director  
 Finance Director  
 Director of Finance  
 Assistant Director of Finance  
 Finance Director  
 Director of Finance/CFO (2006 & 2017)  
 Finance Director  
 Assistant Director of Finance  
 Finance Director  
 Director of Finance  
 Director of Finance  
 Assistant Chief, Business Services  
 Treasurer  
 Finance Director  
 Accounting Manager  
 Finance Director  
 Assistant Finance Director  
 Finance Director  
 Finance Director  
 Deputy Director of Finance  
 Accounting Division Manager  
 Finance Manager  
 Financial Services Manager  
 Director of Finance/Administrative Services  
 Finance Director  
 Administrative Services Director  
 Finance Director  
 Finance Director  
 Finance Director

Chief of Police  
 Fire Chief  
 Police Chief  
 Police Chief  
 Police Chief

Beverly Hills, CA  
 Contra Costa County, CA  
 Eureka, CA  
 Galt, CA  
 Gilroy, CA  
 Hayward, CA  
 Lone Tree, CO  
 Lone Tree, CO  
 Los Altos, CA  
 Menlo Park, CA  
 Milpitas, CA  
 Oceanside, CA  
 Porterville, CA  
 San Pablo, CA  
 San Pablo, CA  
 San Rafael, CA  
 Santa Monica, CA  
 Silverthorne, CO  
 Sonoma Valley Fire & Rescue District, CA  
 Springfield, OR  
 Vail, CO

#### **Human Resources/Personnel**

Anaheim, CA  
 Belmont, CA  
 Benicia, CA  
 Brentwood, CA  
 Brookings, SD  
 Concord, CA  
 Eagle County, CO  
 Emeryville, CA  
 Encinitas, CA  
 Folsom, CA  
 Hayward, CA  
 Jefferson County, CO  
 Lakewood, CO  
 Mariposa County, CA  
 Midpeninsula Regional Open Space District, CA  
 Oceanside, CA  
 Pacific Grove, CA  
 Palo Alto, CA  
 Porterville, CA  
 Rancho Cucamonga, CA  
 Rancho Santa Margarita, CA  
 Redwood City, CA  
 San Bruno, CA  
 San Clemente, CA  
 San Rafael, CA  
 Seaside, CA  
 Silverthorne, CO  
 South Lake Tahoe, CA

#### **Parks & Recreation**

Anaheim, CA  
 Bell, CA  
 Lafayette, CA

Police Chief  
 Chief Probation Officer  
 Police Chief  
 Police Chief  
 Fire Chief  
 Fire Chief  
 Patrol Operations Commander  
 Police Chief  
 Police Captain  
 Police Chief  
 Police Chief  
 Fire Chief  
 Chief of Police  
 Police Chief  
 Police Commander  
 Chief of Police  
 Police Chief  
 Police Chief  
 Fire Chief  
 Police Chief  
 Fire Chief

Human Resources Director  
 Human Resources Director  
 Human Resources Manager  
 Human Resources Director  
 Director of Human Resources  
 Human Resources Director  
 Director of Human Resources  
 Human Resources Director  
 Human Resources Director  
 Human Resources Director  
 Human Resources Director  
 Human Resources Director  
 Employee Relations Director  
 Human Resources Director/Risk Manager  
 Manager of Administration/Human Resources  
 Human Resources Director  
 Human Resources Manager  
 Chief People Officer  
 Administrative Services Manager  
 Director of Human Resources  
 Human Resources/Risk Management Administrator  
 Human Resources Director  
 Human Resources Director  
 Human Resources Manager  
 Human Resources Director  
 Personnel Services Manager  
 Human Resources Director  
 Human Resources Manager

Director of Community Services  
 Community Services Director  
 Director of Parks & Recreation

Oxnard, CA  
Pacifica, CA  
Palo Alto, CA  
Piedmont, CA  
Pleasanton, CA  
Roseville, CA  
San Clemente, CA  
Tracy, CA

Cultural & Community Services Director  
Director of Parks, Beaches & Recreation  
Community Services Director  
Recreation Director  
Director of Parks & Community Services  
Parks, Recreation & Libraries Director  
Director of Beaches, Parks & Recreation  
Parks & Community Services Director

**City/County Clerk**

Hayward, CA  
Long Beach, CA  
Midpeninsula Regional Open Space District, CA  
Midpeninsula Regional Open Space District, CA  
Mountain View, CA  
Palo Alto, CA  
Rancho Santa Margarita, CA  
San Mateo, CA  
Walnut Creek, CA

City Clerk  
City Clerk  
Clerk of the Board  
Public Affairs Manager  
City Clerk  
City Clerk  
City Clerk  
City Clerk  
City Clerk

**Library Director**

Boulder, CO  
Hayward, CA  
Huntington Beach, CA  
Palo Alto, CA

Library Director  
Library Director  
Library Director  
Library Director

**Information Technology**

Fremont, CA  
Jefferson County, CO  
San Mateo County, Office of Superior Court, CA  
San Mateo County, Office of Superior Court, CA

Information Services Technology Director  
Information Technology Director  
Information Technology Director  
Court Information Technology Manager

**Human Services**

Douglas County, CO  
Eagle County, CO  
Mariposa County, CA  
Washington County, OR

Human Services Director  
Director of Human Services  
Public Health Officer  
Director of Health & Human Services

Attachment: Proposal from Peckham McKenney for City Manager recruitment services.pdf (Attachment 1) (2156 : Search for the Next