

FILED
SAN MATEO COUNTY

NOV - 8 2021

Clerk of the Superior Court
By *[Signature]*
DEPUTY CLERK

1 Steve Aronovsky
2 Plaintiff, Pro Per
3 PO Box 1254
4 Pacifica, CA 94044
#650-266-8200

5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 COUNTY OF SAN MATEO

8 **STEVE ARONOVSKY,**

10 **Plaintiffs,**

11 **v.**

13
14 **IGNATIAN CORPORATION/ST.**
15 **IGNATIUS COLLEGE PREP;**
16 **BAYVIEW ENVIRONMENTAL SERVICES,**
17 **INC.; CITY OF PACIFICA, A**
18 **CALIFORNIA MUNICIPALITY; DEVCON**
19 **CONSTRUCTION COMPANY, INC.;**

20 **AND DOES 1-100, Inclusive,**

21 **Defendants**

Case No.: **21CIV06031**

**FILED PURSUANT TO CEQA
COMPLAINT FOR TRO AND
REQUEST FOR INJUNCTIVE
RELIEF [CEQA]**

22 **I. INTRODUCTION**

23
24 **Plaintiffs, Steve Aronovsky, respectfully brings this cause of action for damages and**
25 **relief against Ignatian Corporation/St. Ignatius College Prep, Bayview Environmental**
26 **Services, Inc., The City of Pacifica, CA, and Devcon Construction Company (hereinafter**
27 **referred to collectively as ("Defendants") for violations of California, local and U.S. laws. This**
28

COMPLAINT - 1

1 complaint seeks to enjoin further illegal demolition of the Fairmont Elementary School building,
2 illegal asbestos abatement, and any proposed development at the Fairmont Elementary School
3 Building site/property, located at 290 Edgewood Drive, in Pacifica, CA ("the Property"), until
4 the California Environmental Quality Act (CEQA) is complied with and an Environmental
5 Impact Report is prepared.

7 II. JURISDICTION and VENUE

8 -The Court has jurisdiction to review this case pursuant to Code of Civil Procedure section 1060.
9 -Plaintiff seeks relief for an actual case and controversy, and Plaintiff has performed all
10 conditions precedent to filing this suit or is excused from such conditions.
11 -Plaintiff has no plain, speedy, adequate remedy at law because Plaintiff and its members will be
12 irreparably harmed by Ignatian Corporation's demolition of the Property as this violates CEQA's
13 environmental review mandates. The Fairmont School Building and Property is located at
14 290 Edgewood Dr., Pacifica, and is in San Mateo County.

17 II. PARTIES

18 1. IGNATIAN CORPORATION/ST IGNATIUS PREP, the private entity, and the
19 current owner of Fairmont Elementary School/Property, located at 290 Edgewood Drive,
20 Pacifica CA. Ignatian Corporation has scheduled the demolition of the Fairmont
21 Elementary School Building in violation of California law. Ignatian Corp. also violated
22 state and local zoning and planning when it installed the tire crumb turf field next to the
23 Fairmont Elementary School Building in 2009; and is known as "Fairmont Field."

24 2. BAYVIEW ENVIRONMENTAL & DEMOLITION COMPANY, the Contractor hired
25 by Ignatian Corp. that has already illegally demolished the interior of the Fairmont
26 Elementary School Building, and performed illegal asbestos abatement in violation of
27 state and local laws.

28 3. DEVCON CONSTRUCTION COMPANY, The construction company hired by
Ignatian Corporation, who applied for and obtained the demolition permit on
10/19/2021 for the illegally scheduled demolition of the Fairmont School building.

1 4. CITY OF PACIFICA., the city failed to abate the public and toxic nuisance created by
2 the installation of the toxic tire crumb turf field, "Fairmont Field", next to the Fairmont
3 School Building, and further allowed illegal asbestos abatement and demolition of the
interior of the Fairmont School Building.

4 III. FACTUAL ALLEGATION

5 The Pacifica School District owned a property, a former school, Fairmont Elementary School,
6 located at 290 Edgewood Drive, in Pacifica, CA from 1963 - 2018. The property is located directly on the
7 San Andreas Earthquake Fault Line. Fairmont Elementary School included a 40,000 square foot building
8 that consisted of about 2 acres, and a 50 foot x 400 foot blacktop play area to the west of the
9 building. Just to the west of the blacktop, there was a large original field, that was used for baseball and
10 activities, etc. The blacktop and original field consisted of about 10 acres. In 1999, the building and
11 property needed upgrades to continue operation as a school, but failed to meet Pacifica Planning
12 Department requirements. The school closed in 1999, after failing to complete the required upgrades and
13 code approvals. The building was then used to store school supplies, equipment, furniture and toxic
14 chemicals, including lead-based paint from 2000-2018.
15

16 Around 2008, Ignatian Corporation/St. Ignatius discovered the Pacifica School District would
17 lease the blacktop/field area and entered into a ten-year lease agreement to lease the blacktop and original
18 field area. In 2009, Ignatian Corporation/St. Ignatius hired Verde Designs of Santa Clara, CA, to design
19 "Fairmont Field." Bauman Landscaping and Construction Company was hired to construct "Fairmont
20 Field" at a cost of about \$2.4 Million Dollars and took about 6 months to construct. To construct
21 "Fairmont Field," Bauman used massive bulldozer machines to greatly modify and change the level of the
22 land. Enormous amounts of grading was done to the land-- the level of the land was lowered 10 feet just
23 to the west of the school building and the level of the land was raised 10 feet to the east side of the field.
24 Public record requests and responses from the Pacifica Planning Department show that "Fairmont Field"
25 was constructed in 2009, without planning, zoning, land use, environmental, CEQA, grading and
26 construction approvals from the city of Pacifica and the Pacifica Planning Department. On August 25,
27
28

1 2019, Plaintiffs brother made a Public Records Request to the City of Pacifica and to the city clerk, Sarah
2 Coffee, regarding the legality of "Fairmont Field." The response of the Public Records Request dated
3 September 6, 2019, confirms that "Fairmont Field" was constructed without planning, zoning, land use,
4 environmental, CEQA, grading or construction approvals. Attached as Exhibit A is the September 6,
5 2019 Public Records Request Response from the City of Pacifica.

6 "Fairmont Field" is a Toxic, Unsafe, Unhealthy, and Dangerous Tire Crumb Turf Field. It
7 consists of numerous toxic substances including lead, cobalt, nickel and carbon black. Attached as
8 Exhibit B is a letter dated July 7, 2021, from Christi Davis, PhD, that states, "that individuals using
9 "Fairmont Field" would be exposed to lead, cobalt, nickel and carbon black at levels above the safe
10 harbor thresholds, and exposure to these chemicals has been determined to be harmful to the health of
11 children and adults. It is my professional opinion that individuals playing on this field would be exposed
12 to these substances at levels that are harmful to human health."

14 At this toxic site, Toxic "Fairmont Field" sits right on top of the San Andreas Earthquake Fault
15 Line. There is no running water, sinks with running water, or toilets, creating a very unsafe and
16 unsanitary environment. After playing sports on Toxic Tire Crumb Turf Fields, experts recommend that
17 individuals wash their hands, skin, hair, clothing and shoes to clean off the toxic tire crumb and fake
18 green grass materials from one's clothing/body. This is not possible at this toxic location and toxic field.

20 Thousands of individuals have used Toxic "Fairmont Field" since it was funded and illegally
21 constructed by Ignatian Corporation/St. Ignatius in 2009. Individuals use Toxic "Fairmont Field" every
22 day for various sports, including, baseball, softball, soccer, and field hockey. Each day (Monday-Friday)
23 there are more than 75 individuals using this Toxic Field. On Saturday and Sunday, there are about 100-
24 150 individuals using this Toxic Field. These numbers do not include spectators and other non playing
25 individuals.

26 The issue of Ignatian Corporation/St. Ignatius that put up Toxic/Illegal "Fairmont Field" without
27 obtaining planning, zoning, land use, environmental, CEQA, grading and construction approvals is very

1 important. Not only does the toxic substances in the Tire Crumb and Fake Green Grass materials get on
2 the individuals that play sports on the Toxic Field, but these toxic substances are also contaminating the
3 ground and the ground water. Experts on Toxic Tire Crumb Turf Fields confirm this. Attached as
4 Exhibit C is a letter dated April 23, 2021 from Diana Zuckerman, PhD, that confirms how dangerous and
5 unsafe it is to play on these Toxic Tire Crumb Turf Fields and the letter further states that the Toxic
6 runoff from these fields goes into the ground and ground water. The letter from Diana Zuckerman, PhD,
7 states, "I am writing to give you a short summary of the science regarding artificial turf. As a scientist, it
8 has been very frustrating to me to see so much information about it. Briefly, what is important to know is
9 that rubber infill (whether tire crumb, virgin rubber, or any other type of rubber) contains lead and other
10 toxic chemicals known as endocrine disrupters. Other types of infill also have health risks. In addition,
11 the plastic "grass" itself contains lead and endocrine disrupting chemicals. Endocrine disrupting
12 chemicals affect hormones and that interferes with normal child development, and can also be harmful to
13 adults. For children, exposure can cause or exacerbate attention deficit problems, obesity, asthma, and
14 early puberty. For adults, it can affect fertility. Eventually, these exposures can cause cancer. The lead
15 and chemicals get into dust and particulate matter that nobody can see with the naked eye but that rests on
16 top of the artificial turf and gets onto skin and clothes and into the air that anyone walking or playing on
17 the turf will breathe. In addition to that invisible dust, players get pieces of infill into their shoes and
18 socks and pockets and bring that home to be washed with the family laundry, and sometimes pieces you
19 can see also gets into players' nose or ears or mouth. And the tire crumb used as infill will wash away
20 during the rain and get into ground water, streams, and lakes."

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22
23 It has been documented that there have been hundreds of individuals that have obtained illnesses,
24 including, reproductive harm and cancer, from using and playing on Toxic Tire Crumb Turf Fields, and
25 many individuals have died as a result.
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1 There are no Warning Signs of any kind at any location of Illegal/Toxic "Fairmont Field"
2 warning individuals that play sports there that they are subject to toxic substances that can cause illnesses,
3 including, reproductive harm and cancer.
4

5 Around August 25, 2021, plaintiff learned about the beginning of the illegal demolition of the
6 interior of the former school building located at 290 Edgewood, by the current owner of the property,
7 Ignatian Corporation, and Bayview Environmental and Demolition Company. The interior of the
8 Fairmont School Building has been illegally demolished.
9

10 As stated in the May 2021 email from Jennifer Elizares of the Pacifica Planning Dept., the
11 property at 290 Edgewood, is located in a Planned Development (P-D) zoning district. This particular
12 zoning district includes many triggers that require compliance with an approved Development Plan and/or
13 Specific Plan. For purposes of legal demolition of a building, demolition of a building includes the
14 demolition of the interior and exterior of a building. In Pacifica, pursuant to the laws/procedures of the
15 Pacifica Planning Department and the Pacifica Municipal Code, specifically, a demolition permit to
16 demolish the entire school building would require several levels of planning approvals and the site to be
17 graded to match the existing surrounding grade where "Fairmont Field" is located at. The approval of a
18 grading permit per Pacifica Municipal Code (PMC) sec. 9-4.2212(a) requires the condition that the
19 grading plan and work is directly related to an approved Specific Plan. Approval of a Specific Plan
20 requires the finding that it is consistent with an approved Development Plan. No development plan
21 currently exists for this property. Exhibit D is the May 20, 2021 email of Ms Elizares.
22

23 Email communications dated March 9, 2021 between Wes Downing of Verde Design, of Santa
24 Clara, CA, hired by Ignatian Corp. for potential development of the Fairmont School Building site, and
25 Bonny O'connor of the City of Pacifica's planning department, show that the city of Pacifica was aware of
26 Ignatian's PLAN and intent to construct four structures, a building, a pool, sports fields and parking, on
27 the site of the Fairmont School Building. The email dated March 9, 2021 Exhibit E , from Wes Downing
28

1 of Verde Designs to Bonny O'Connor of the Pacifica Planning Department states, "Thank you
2 Bonny. This site currently has a building that needs to be demolished. Am I correct that the only permit
3 that we need is for the haul route? Also, is there any zoning restrictions for the Fairmont site? The owner
4 is looking to add a new building (not on the fault lines), a pool, sports fields, and parking." Ms. O'Connor
5 answered with her email on March 9, 2021, (EXHIBIT E) and explains, "Hello Wes. I have cc'd the
6 Building Official. He can help respond to your questions regarding the requirements for a demolition
7 permit. Regarding zoning, the property is located in the Planned Development zoning
8 district. Development within this zoning district would need to be consistent with a Development Plan
9 and Specific Plan (and General Plan). These plans will need to be developed and approved by the
10 Planning Commission (Development Plan will need to be established by ordinance by the city council). I
11 would encourage you to review Article 22 of the zoning code to better understand the process and
12 provisions of the Planned Development zoning district. Thanks, Bonny."

14 As Wes Downing of Verde Design, on behalf of Ignatian Corporation, stated in writing, by email dated
15 March 9, 2021, to Bonny O'Connor of the Pacifica Planning Department, that Ignatian Corporation/St.
16 Ignatius PLAN is to put a pool, a building, sports fields and parking on the site of the school building,
17 confirms that obtaining a demolition permit, required several layers of planning approvals (and grading
18 approvals) to be obtained by Ignatian Corporation and it's related entities **BEFORE** they could even
19 apply for a demolition permit. The statement by planner Bonny O'connor is almost identical to the
20 statement made by Jennifer Elizares, of the Pacifica Planning Department. In an email dated May 20,
21 2021 (EXHIBIT D). Ms. Elizares explains that planning and grading requirements *must be obtained first*
22 *before any entity can apply for a demolition permit for the school building.* Ignatian Corporation and it's
23 entities, Bayview Demolition Company and Devcon Demolition & Construction went directly to the
24 application for the demolition permit for the school building without first complying with obtaining the
25 required planning and grading approvals --this is illegal and criminal and further in violation of
26 environmental laws and CEQA.
27
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1 declaration (ND), mitigated negative declaration (MND) or environmental impact report (EIR).

2 CEQA Portal – Topic Paper what is CEQA)

3 Ignatian Corp. failed to meet Pacifica's Zoning requirements through their failure to seek
4 approval of a Development Plan and Specific Plan pursuant to Article 22, Planned Development
5 of Pacifica's Zoning code to address the future use and development of the site. Additionally, as
6 there are substantial planning, zoning, land use, environmental and grading considerations in this
7 situation, all of which cause significant environmental impacts **to the Fairmont neighborhood,**
8 **and it's thousands of residents, [the Fairmont School Building and Property are located in**
9 **the Fairmont Neighborhood of Pacifica]** there was a legal necessity for Defendants to comply
10 with provisions of CEQA, the California Environmental Quality Act; as well as planning,
11 zoning, land use, grading, environmental, and grading laws. Defendants, including, Ignatian
12 Corp., and it's related entities, have failed to comply with planning, zoning, land use,
13 environmental, grading and construction laws, and the provisions of CEQA, including, to
14 provide an Environmental Impact Report, prior to beginning demolition of the school building
15 that started on August 25, 2021, and the construction of "Fairmont Field" that started in 2009.
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20 **ILLEGAL ASBESTOS ABATEMENT**

21 Bayview Demolition Company was hired by Ignatian Corp. for the Asbestos Abatement
22 of the School Building as well. From information obtained from the BAAQMD, The Bay
23 Area Air Quality Management District, Bayview Demolition Company was assigned #asb
24 121461. Asbestos Abatement Removal was not suppose to start until 11/2/2021, and continue
25 until 12/7/2021, although it started on 8/25/2021 and continued until 10/1/2021. The Assigned
26 #asb 121461 and associated form from the BAAQMD was also supposed to be posted on the
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1 school building, but it wasn't. The crew of Bayview Demolition Company was supposed to
2 arrive in Bayview Demolition Company marked vehicles to the property's location, but arrived in
3 only one car around 6:00 a.m. and it was parked at the northwest corner of the building's location
4 that was hidden from the view of anyone in front of the school building on Edgewood Dr, and
5 did this so that their illegal activities would not be noticed by the public or enforcement
6 entities. The crew of Bayview Demolition Company cut large holes at various interior locations
7 inside the school building and used large "asbestos abatement machines" to suck in the
8 hazardous/toxic asbestos from the building and then the hazardous/toxic
9 asbestos particulates were then blown outside the building to the north, the south and the
10 west, into the surrounding Fairmont neighborhood and onto the residents that live there. The
11 crew of Bayview Demolition Company did not wear proper asbestos abatement clothing, but
12 only "work clothes and hard hats." From the illegal asbestos abatement work performed by the
13 crew of Bayview Demolition Company, the crew of Bayview Demolition have violated asbestos
14 abatement laws and procedures and have placed the Fairmont Neighborhood Environment,
15 and the lives, health, and welfare of the residents of the Fairmont Neighborhood at great risk
16 harm.

21 NUISANCE

22 California defines nuisance as, "Anything which is injurious to health, including, but not
23 limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an
24 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life,
25 property, or unlawfully obstructs the free passage or use, in the customary manner, of any
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1 navigable lake, or rive, bay, stream , canal, or basin, or any public park, square, street, or
2 highway, is a nuisance.” Cal Civ. Code 3479

3
4 Public Nuisance

5
6 Secton 5-25.04--Declaration of Public Nuisance of the Pacifica Municipal Code states:

7 All property and any condition(s) found to exist in violation of any requirement or prohibition of
8 this chapter or of this Code as provided in Section 1-2.01(g) of same is declared to be a public
9 nuisance and shall be abated by rehabilitation, demolition [of entire Toxic "Fairmont Field"] or
10 repair and may be summarily abated by city forces pursuant to the procedures set forth
11 herein. The procedures for abatement set forth herein shall not, however, be exclusive and shall
12 not in any manner limit or restrict the city from pursuing any other remedies available at law,
13 whether civil or criminal, or from enforcing other city ordinances, resolutions or policies, or
14 from abating public nuisances in any other manner provided by law.
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16

17 Pacifica Municipal Code, Section 5-25.05--Declaration of public nuisance and notice of intent to
18 abate.

19 (a) Whenever a Code Enforcement Officer, a police officer or such other city official as may be
20 specified under Section 2-7.01 of the Pacifica Municipal Code, determines that any property or
21 condition within the city is being maintained in a manner constituting a public nuisance subject
22 to abatement as provided in this chapter, or under any other state or local law, he or she may
23 elect to use any, or all, administrative, civil or criminal remedies allowed by law under this
24 chapter, whether separately or concurrently. Prior to instituting any administrative abatement
25 action, proceeding or remedy under this chapter, however, he or she shall give a written
26 "Declaration of Public Nuisance and Notice of Intent to Abate" to the owner, tenant, and any
27 other known person responsible for such conditions at said property, stating the sections being
28 violated, and setting forth a reasonable time period, of not less than thirty (30) calendar days, for
correcting or abating the violation(s).

1 The tire crumb turf field, "Fairmont Field" constitutes a Public Nuisance in violation of Chapter 25,
2 Section 5-25.03 of the Pacifica Municipal Code on the subject of Nuisances in Pacifica which states:

3 "The city council finds and declares that it is a public nuisance and unlawful for any person
4 owning, leasing, occupying or having charge of any property within the city to maintain,
or to allow or permit others to maintain such property in such a manner that:

5 (A) Said property constitutes a public nuisance as defined by California Civil Code
6 section 3479, or by California Civil Code section 3480, or by Section 5-25.02(m) of this
chapter; or,

7 (B) Any one or more of the following conditions or activities, which are specifically declared to
8 constitute public nuisances, are found to exist:

9 (1) Land, the topography, geology or configuration of which whether in natural state or as a result
10 of the grading operations, excavation or fill, causes erosion, subsidence, or surface
water drainage problems of such magnitude as to be injurious or potentially injurious to the
public health, safety and welfare or to adjacent properties

11 27) Any condition recognized in law or in equity as constituting a public nuisance, or any
12 condition existing on property which constitutes visual blight or is a health or safety hazard to the
community or neighboring properties.

13 28) Any discharge of any materials other than storm water to the city storm sewer system in
14 violation of Pacifica Municipal Code, Title 6 and NPDES Permit No. CA DD29921.

15 29) Any violation of the Pacifica Zoning Ordinance

16 Massive grading was done to lower the land about 10 feet on the east side of "Fairmont Field"
17 and massive grading was done to increase the level of the land about 10 feet on the west side of
18 "Fairmont Field." The north and west sides of "Fairmont Field" border is a cliff that goes
19 straight down and the west side goes straight down to Highway 1; and the Pacific Ocean is about
20 3/4 of a mile away to the west. The soil under "Fairmont Field" is very soft and unstable; and the
21 toxic chemicals/substances in the Tire Crumb (turf) and Fake Green Grass materials, including
22 Lead, and Carbon Black are leaching into the soil and ground water creating ongoing public
23 health and safety concerns. The construction of "Fairmont Field" meets the definition of public
24 nuisance as outlined because Ignatian Corporation/St. Ignatius and the Pacifica School District
25 failed to get all necessary approvals, as required by local and state laws, from the Pacifica
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1 Planning Department, including planning, land use, zoning, environmental/CEQA, grading, and
2 construction approvals and permits.

3 The city of Pacifica has breached its duty to abate nuisances and not to allow nuisances to
4 be created or allowed to be operated on a daily basis. It is the responsibility of the city of Pacifica
5 to abate the Nuisance of Toxic "Fairmont Field," and have it shut down and removed
6 permanently.
7

8 **V. PRAYER FOR RELIEF**

9 In light of the foregoing, Plaintiffs pray that this Honorable Court grant the following relief on
10 each and all causes of actions:
11

12 1. Enjoining each and all Defendant(s) from further demolition work/activities and
13 asbestos abatement work/activities of the Fairmont School Building in violation of extensive
14 planning and environmental requirements of the Pacifica Planning Department; and California
15 Laws, including CEQA, and, for Bayview Demolition Company to remove its equipment, and
16 dumpsters, from the Fairmont School Building at 290 Edgewood Dr., Pacifica, California, and
17 for its crew not to return. For Devcon Demolition and Construction Company to be enjoined
18 from continuing the illegal asbestos abatement work and the illegal demolition of the Fairmont
19 School Building/Property.
20

21 2. Declaratory relief in the rights and remedies of Plaintiffs; Defendants have violated
22 the planning, and environmental approval mandates and laws of the Pacifica Planning
23 Department and California Laws in causing the illegal demolition of the Fairmont School
24 Building, and allowing illegal asbestos abatement of the Fairmont School Building.
25

26 3. Declaratory relief; Defendants have violated the planning, zoning, land use,
27 environmental, grading and construction approval requirements in the illegal construction of
28

1 toxic "Fairmont Field" against the rights and remedies of Plaintiffs and those similarly situated;
2 for "Fairmont Field" to be declared to be a Public Nuisance.

3 4. For the illegal and toxic "Fairmont Field" to be permanently enjoined from operation;

4
5 5. For the illegal and toxic "Fairmont Field" to be PERMANENTLY REMOVED. For
6 the re-development and rejuvenation of the land under and around toxic "Fairmont Field" to be
7 returned to its natural condition, and soil Ph-levels, i.e., for the land to be remediated to its
8 original condition and grade levels with soil composition prior to 2009;

9 6. For \$4,000,000 for the damages, so far, from the illegal demolition, and illegal asbestos
10 abatement, and release of toxic asbestos particulates, into the Fairmont Neighborhood and onto
11 the residents of the Fairmont neighborhood, that has occurred from the Fairmont School
12 Building, that consists of 40,000 square feet and sits on over two acres of land.

13
14 7. For reasonable attorneys' fees, and costs of suit;

15 8. For declaratory relief of Plaintiffs' rights, and remedies;

16 9. For costs of suit and fees incurred herein; and;

17
18 10. As to all causes of action, for such other, further, and different relief which this court
19 deems just and proper

20
21 _____
22 **Respectfully Submitted,**

21 _____
22 **Dated November 7, 2021**

John A. [Signature]

EXHIBIT A



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Sue Vaterlaus

MAYOR PRO-TEM
Deirdre Martin

COUNCIL
Sue Beckmeyer
Mary Bier
Mike O'Neill

September 6, 2019

Ken Aronovsky

Via email: llonemoretime77@yahoo.com

Dear Mr. Aronovsky:

The City is in receipt of your public records request received on August 26, 2019, a copy of which is attached for your reference.

The City wishes to cooperate to the fullest extent possible with the Public Records Act (Government Code section 6250 *et seq.*). Under established California law, the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, privilege logs, or reports in response to a request. The City is required to determine whether the request, in whole or in part, seeks copies of disclosable public records. Ordinarily, this determination must take place within ten (10) days of the City's receipt of the request.

After a diligent search, the City has made the following determinations regarding the following requests for records regarding "the property at 290 Edgewood Drive, Pacifica CA 94044, including "Fairmont Field", and the Pacifica School District (and the Laguna Salada School District of Pacifica), and St. Ignatius Prep School from September 1, 2007 to the present August 25, 2019":

REQUEST NO. 1: "Any documents, including building and safety records, that pertain to the construction of "Fairmont Field," including planning and engineering documentation, any applications, any permits, any study's, any CEQA (California Environmental Quality Act) Compliance Documents; from September 1, 2007 to the present, August 25, 2019."

DETERMINATION: The City has identified non-exempt, non-privileged records responsive to your Request within its possession, custody or control. The responsive document is the Agenda for the August 26, 2019 Joint City Council and Planning Commission Study Session, which is available via the following link:

<https://pacificacityca.igq2.com/Citizens/FileOpen.aspx?Type=14&ID=1263&Inline=True>

EXHIBIT A



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Sue Vaterlaus

MAYOR PRO TEM
Deirdre Martin

COUNCIL
Sue Beckmeyer
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September 6, 2019

Ken Aronovsky

Via email: lonemoretime77@yahoo.com

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REQUEST NO. 2: "Any communications between the city of Pacifica and the Pacifica School District (and the Laguna Salada School District), to the extent that those communications concerned the property at 290 Edgewood Drive, Pacifica, CA and "Fairmont Field," from September 1, 2007 to the present, August 25, 2019."

DETERMINATION: The City does not have any records responsive to this Request 2 within its possession, custody or control.

REQUEST NO. 3: "Any communications between the city of Pacifica and St. Ignatius Prep School, to the extent that those communications concerned the property at 290 Edgewood Drive, Pacifica, CA and "Fairmont Field," from September 1, 2007 to the present, August 25, 2019."

DETERMINATION: The City does not have any records responsive to this Request 3 within its possession, custody or control.

REQUEST NO. 4: "Any records and communications between the city of Pacifica and Bauman Landscape and Construction Company, to the extent that those communications concerned "Fairmont Field," from September 1, 2007 to the present, August 25, 2019."

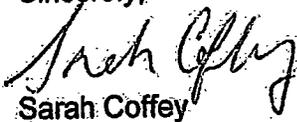
DETERMINATION: The City does not have any records responsive to this Request 4 within its possession, custody or control.

REQUEST NO. 5: "Any records and communications between the city of Pacifica and Verde Design, Inc. to the extent that those communications concerned "Fairmont Field," from September 1, 2007 to the present, August 25, 2019."

DETERMINATION: The City does not have any records responsive to this Request 5 within its possession, custody or control.

This completes the response to your August 26, 2019 public records request. If you have any questions please contact me directly at (650) 738-7307.

Sincerely,


Sarah Coffey
City Clerk

July 7, 2021

EXHIBIT B

Re: Tire Crumb Turf Artificial Field--"Fairmont Field"--290 Edgewood Dr., Pacifica, CA 94044

Based on the test results and understanding what the product is--Tire Crumb Turf Artificial Field--pathway for exposure:

I am a Ph.D., knowledgeable on the subject of tire crumb turf artificial fields, and have been asked for my opinion on the exposure of individuals to chemicals in artificial turf playing fields.

From the chemical analysis/test results provided to me, in my professional opinion, if somebody is playing on this field, they would be exposed to lead, cobalt, nickel and carbon black. Dermal exposure would result from contact with the individual's shoes, clothing, hair, and exposed skin. Oral exposure would arise from hand to mouth contact (fine particulates) and from accidental or intentional ingestion of the tire crumb and grass blades. Respiratory exposure would arise from the inhalation of fine particulate matter that becomes airborne when the field is used.

Lead, cobalt, nickel and carbon black are present in the field at levels above the safe harbor thresholds, and exposure to these chemicals has been determined to be harmful to the health of children and adults. It is my professional opinion that individuals playing on this field would be exposed to these substances at levels that are harmful to human health.

Sincerely,



Christi Davis, Ph.D.

EXHIBIT C



NATIONAL CENTER FOR HEALTH RESEARCH

The Voice For Prevention, Treatment And Policy

April 23, 2021

I am writing to give you a short summary of the science regarding artificial turf. As a scientist, it has been very frustrating to me to see so much misinformation about it.

Briefly, what is important to know is that rubber infill (whether tire crumb, virgin rubber, or any other type of rubber) contains lead and other toxic chemicals known as endocrine disruptors. Other types of infill also have health risks. In addition, the plastic "grass" itself contains lead and endocrine disrupting chemicals. Endocrine disrupting chemicals affect hormones and that interferes with normal child development, and can also be harmful to adults.

For children, exposure can cause or exacerbate attention deficit problems, obesity, asthma, and early puberty. For adults, it can affect fertility. Eventually, these exposures can cause cancer.

The lead and chemicals get into dust and particulate matter that nobody can see with the naked eye but that rests on top of the artificial turf and gets onto skin and clothes and into the air that anyone walking or playing on the turf will breathe. In addition to that invisible dust, players get pieces of infill into their shoes and socks and pockets and bring that home to be washed with the family laundry, and sometimes pieces you can see also gets into players' nose or ears or mouth. And the tire crumb used as infill will wash away during the rain and get into ground water, streams, and lakes.

Sincerely,

A handwritten signature in cursive script that reads "Diana Zuckerman".

Diana Zuckerman, Ph.D.

President

RE: Question--290 Edgewood Drive, Pacifica, CA 94044

EXHIBIT D

From: Elizares, Jennifer (jelzares@pacifica.gov)

To: llonemoretme77@yahoo.com

Date: Thursday, May 20, 2021, 08:13 AM PDT

Good morning,

I have not received any new Planning or Building permits or requests.

Planning provided the below response:

As you may be aware the property at 290 Edgewood is located in the Planned Development (P-D) zoning district. This zoning district includes many triggers that require compliance with an approved Development Plan and/or Specific Plan. Most notably, a demolition permit to demolish the entire school will require the site to be graded to match the existing surrounding grade. The approval of a grading permit per PMC sec. 9-4.2212(a) requires the condition that the grading plan and work is directly related to an approved Specific Plan. Approval of a Specific Plan requires the finding that it is consistent with an approved Development Plan. Staff has not found and is not aware that a Development Plan exists for the property. Therefore staff would direct the property owner to seek approval of a Development Plan and Specific Plan pursuant to Article 22, Planned Development of Pacifica's zoning code to address the future use and development of the site. Once an approved Development Plan and Specific Plan is in place, the City will be able to issue building, grading, and demolition permits in accordance with those approvals. Please let me know if you would like me to provide you with an application for a Development Plan and Specific Plan.

They will not be submitting anything for a while, as you see, they have a lot of research and preparing to do.

Sincerely,

Jennifer



Jennifer Elizares | Permit Technician

City of Pacifica

1800 Francisco Blvd., Pacifica, CA 94044

Building: (650) 738-7344 | Planning: (650) 738-7341

jelzares@pacifica.gov

Remote Office Hours

Monday, Tuesday, and Thursday 8am-5pm*

Wednesday 8am-7:30pm*

Friday 8am-1pm

*Closed During Lunch 12:30 PM to 1:30 PM

Please keep in mind we are receiving a high volume of requests and a response may take longer than usual.

Due to the declared public health emergency, in-person services will be unavailable at the Planning, Building, and Code Enforcement Department office, 1800 Francisco Boulevard, until further notice. Please check the Department webpage for more information about Department services.

Please take care!

From: k k <llonemoretme77@yahoo.com>

Sent: Wednesday, May 19, 2021 8:00 PM

To: Elizares, Jennifer <jelzares@pacifica.gov>

Subject: Question--290 Edgewood Drive, Pacifica, CA 94044

[CAUTION: External Email]

Please let me know if there has been any applications for permits, etc., [or anything on your departments computer or system] or any communications (written, verbal or email) from any individuals/entities for the property at 290 Edgewood Drive, Pacifica, CA 94044

(including "Fairmont Field") from 5/14/2021 to 5/19/2021.

From your response to the question above on 5/5/2021, did the Planning Department respond to the entities inquiry regarding

290 Edgewood Drive?

Ken Aronovsky

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

EXHIBIT E

From: O'Connor, Bonny <o'connorb@ci.pacifica.ca.us>
Sent: Tuesday, March 9, 2021 12:53 PM
To: Wes Downing <wes@verdedesigninc.com>; Schaufelberger, Bea <bergerb@ci.pacifica.ca.us>; Building Official <bldgoff@ci.pacifica.ca.us>
Cc: Donguines, Raymund <donguinesr@ci.pacifica.ca.us>
Subject: RE: Fairmont Park, Pacifica

Hello Wes

I have cc'd the Building Official. He can help respond to your questions regarding the requirements for a demolition permit.

Regarding zoning, the property is located in the Planned Development zoning district. Development within this zoning

EXHIBIT E

RE Fairmont Park, Pacifica
district would need to be consistent with a Development Plan and Specific Plan (and General Plan). These plans will need to be developed and approved by the Planning Commission (Development Plan will need to be established by ordinance by the City Council). I would encourage you to review Article 22

<https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART22PLDEDI> of the zoning code to better understand the process and provisions of the Planned Development zoning district.

Thanks,

Bonny

From: Wes Downing [mailto:wes@verdedesigninc.com]
Sent: Tuesday, March 9, 2021 11:01 AM
To: O'Connor, Bonny <o'connorb@ci.pacifica.ca.us>;
Schaufelberger, Bea <bergerb@ci.pacifica.ca.us
<mailto:bergerb@ci.pacifica.ca.us> >
Cc: Donguines, Raymund <donguinesr@ci.pacifica.ca.us
<mailto:donguinesr@ci.pacifica.ca.us> >
Subject: RE: Fairmont Park, Pacifica

[CAUTION: External Email]

Thank you Bonny. This site currently has a building that needs to be demolished. Am I correct that the only permit that we need is for the haul route?

Also, is there any zoning restrictions for the Fairmont site? The owner is looking to add a new building (not on the fault lines), a pool, sports fields, and parking.