

RESOLUTION NO. 54-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AND APPROVAL OF SITE DEVELOPMENT PERMIT PSD-788-14, HERITAGE TREE REMOVAL AUTHORIZATION, AND LOGGING OPERATION APPROVAL (FILE NO. 2014-001), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AND STREET AND UTILITIES EXTENSIONS ON AN UNDEVELOPED 38,765-SQUARE FOOT LOT KNOWN AS "LOTS 4-12 ODDSTAD WAY," LOCATED ALONG THE UNIMPROVED PUBLIC RIGHT-OF-WAY ODDSTAD WAY APPROXIMATELY 275 FEET SOUTHWEST OF THE INTERSECTION OF ROCKAWAY BEACH AVENUE AND BAY VIEW ROAD (APN 022-056-080, 022-056-090, 022-056-060, 022-056-070, AND 022-064-010).

WHEREAS, Javier Diaz-Masias ("Applicant") has submitted a proposal and subsequent revision thereto to construct one single-family residence of approximately 3,800 square feet ("sf") in floor area; to construct an approximately 360-foot long street and utilities extension; to remove three heritage trees; and, to remove more than 20 trees measuring six inches or greater in diameter at 12 inches above grade ("Project"); and

WHEREAS, the Project site consists of two areas: a private lot where a single-family residence and associated improvements are proposed ("Development Site"), and, an undeveloped public right-of-way named "Oddstad Way" where an approximately 360-foot extension of street paving and utilities are proposed in relation to the proposed single-family residence ("R.O.W. Improvements"); and

WHEREAS, the Project requires approval of a site development permit pursuant to Pacifica Municipal Code ("PMC") Section 9-4.953 because the Project proposes construction of a new structure within the R-1-H ("Single-Family Residential Hillside") zoning district; and

WHEREAS, the Project requires approval of a site development permit pursuant to PMC Section 9-4.954 because it proposes to develop an unimproved, platted street into an improved street in the R-1-H zoning district; and

WHEREAS, the Project requires approval of a Heritage Tree Removal Authorization pursuant to PMC section 4-12.07(a) because the Project proposes removal of three heritage trees as part of the R.O.W. Improvements; and

WHEREAS, the Project requires approval of a Logging Operation pursuant to Ordinance No. 636-C.S. and Ordinance No. 673-C.S., because it proposes to remove more than 20 trees as defined in Ordinance No. 636-C.S.; and

WHEREAS, pursuant to Public Resources Code Section 21080.1 and Section 15063 of the California Environmental Quality Act Guidelines located in Title 14, California Code of Regulations ("CEQA Guidelines"), the City, as CEQA lead agency, determined that prior to considering the approval of the Project that an Initial Study and Mitigated Negative Declaration ("IS/MND") should be prepared in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, the City prepared an IS/MND dated November 2018 to consider, identify and analyze all potential environmental impacts of the proposed Project (State Clearinghouse No. 2018112017), which concluded that the Project could result in potentially significant impacts to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation and circulation and tribal cultural resources, and that all the potentially significant impacts of the Project can be avoided or reduced to insignificance with implementation of mitigation measures; and

WHEREAS, the City provided notice of the availability of the IS/MND and its intent to adopt a mitigated negative declaration to and sought comments from all interested individuals and agencies on the IS/MND as required by CEQA by (i) Publishing “Notice of Intent to Adopt a Mitigated Negative Declaration for the Lots 4-12 Oddstad Way Project” (“NOI”) in the Pacifica Tribune newspaper on October 31, 2018; (ii) Submission of the NOI to the County Clerk of the County of San Mateo for posting; (iii) Provision of copies of the NOI to individuals and organizations that previously submitted written requests for the notice; (iv) Submission of a Notice of Completion to the State Clearinghouse, State Clearinghouse No. 2018112017; and, (v) Posting of the draft IS/MND on the City of Pacifica Planning Department webpage; and

WHEREAS, pursuant to the above-described notices provided, the City made the IS/MND available for a 30-day review and comment period that ran from November 5, 2018 to December 5, 2018; and

WHEREAS, the City received seven (7) comment letters on the IS/MND during the 30-day public comment period, six (6) of which were submitted by members of the public and one of which was submitted by a public agency, the Native American Heritage Commission, and City staff and consultants prepared a Response to Comments (“RTC”) document to respond to all seven of the comment letters received on the IS/MND as well as an Errata Sheet (“Errata”) which incorporated minor modifications made to the IS/MND as a result of those responses to comments, and a Mitigation Monitoring and Reporting Program (“MMRP”) which includes all of the mitigation measures identified in the IS/MND as clarified in the RTC and Errata, along with the party responsible for monitoring implementation of the mitigation measures, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented; and

WHEREAS, the City of Pacifica duly noticed a public hearing of the Planning Commission of the City of Pacifica to consider adoption of the IS/MND and MMRP, and the Project, on May 4, 2020; and

WHEREAS, the Planning Commission of the City of Pacifica continued the public hearing on May 4, 2020, to May 18, 2020; and

WHEREAS, the Planning Commission of the City of Pacifica continued the public hearing on May 18, 2020, to June 15, 2020; and

WHEREAS, after holding a duly noticed public hearing on June 15, 2020, the Planning Commission of the City of Pacifica adopted Resolution No. 2020-012 adopting the IS/MND and MMRP as clarified in the RTC and Errata and approving Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval, to authorize the Project; and

WHEREAS, Christine Coppola (“Appellant”) filed an appeal on June 25, 2020, of the Planning Commission’s decision to adopt Resolution No. 2020-012 (“Appeal”); and

WHEREAS, the City provided notice of the City Council's intent to hold a public hearing to consider the Appeal and adoption of the IS/MND and MMRP and approval of the Project as required by law by publishing a Notice of Public Hearing in the Pacifica Tribune on August 12, 2020, and mailing the Notice of Public Hearing to 268 surrounding property owners, occupants and interested parties; and

WHEREAS, the City Council has read and considered the IS/MND, the RTC, Errata and MMRP prior to making its decision to approve the Project; and

WHEREAS, the City Council of the City of Pacifica did hold a duly noticed public hearing on August 24, 2020, at which time it considered all oral and documentary evidence presented relating to the Appeal, and incorporated all testimony and documents into the record by reference.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
- C. The IS/MND, RTC, Errata and MMRP have been prepared, circulated for public review, and adopted pursuant to the requirements of CEQA.
- D. The City Council has independently reviewed, analyzed, and considered the IS/MND, RTC, Errata, MMRP and all written documentation and public comments prior to approval of the proposed Project and finds the IS/MND, inclusive of the RTC and Errata, reflect the City Council's independent judgment and analysis.
- E. The IS/MND, inclusive of the RTC and Errata, constitutes an adequate, accurate, objective, and complete document in compliance with all legal standards.
- F. The modifications made to the IS/MND in the RTC and Errata simply provide minor clarifications and do not amount to substantial revisions requiring recirculation of the IS/MND pursuant to Section 15073.5 of the CEQA Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby certify that the IS/MND, inclusive of the RTC and Errata, has been prepared in accordance and full compliance with CEQA, has been made available and circulated for review and comment by interested members of the public and relevant agencies as required by law, and has been presented to, reviewed and considered by this City Council prior to the Council's decision on the Appeal and Project. Therefore, the City Council does hereby find that on the basis of the whole record before it (including the IS/MND, RTC, Errata and comments received thereon), that there is no substantial evidence that the Project, as revised and conditioned, will have a significant effect on the environment and adopts the IS/MND, inclusive of the RTC and Errata, and also adopts the MMRP attached hereto as Exhibit B, as the valid environmental review for this Project. The custodian of the documents and other materials which constitute the record of proceedings upon which this decision is based is the Planning Department of the City of Pacifica, 1800 Francisco Boulevard, Pacifica, CA 94044.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby deny the Appeal based upon all of the reasons set forth in the Staff Report and upholds the Planning Commission’s Approval on June 15, 2020, and makes the following findings pertaining to its denial of the Appeal of the Planning Commission’s action to approve the Project:

Basis 1. The City should have prepared an environmental impact report (EIR) to comply with CEQA. Specifically, a Program EIR should have evaluated potential environmental impacts from the Project and cumulative impacts from other potential future development in the Rockaway Beach neighborhood, because the Project is not simply one single-family residence. (Appeal Bases No. 1 through 14, 25, and 27 through 29)

Findings In Support of Denial of Appeal Bases Nos. 1 through 14, 25, and 27 through 29:

Preparation of an EIR is not required.

The California Environmental Quality Act (“CEQA”) is codified in the Public Resources Code (“PRC”) Section 21000 *et seq.*. CEQA’s provisions and requirements are further clarified and implemented by the CEQA Guidelines codified in the California Code of Regulations (“CCR”) Title 14, Division 6, Chapter 3, Section 15000 *et seq.* (hereinafter “CEQA Guidelines”). Where there is substantial evidence, in light of the whole record before the lead agency (i.e., the decision making body considering a discretionary action or project), that a project may have a significant effect on the environment, an environmental impact report (“EIR”) shall be prepared. (PRC Section 21080(d).) As used in CEQA, the term “substantial evidence” means fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (PRC Section 21080(e)(1).) Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (PRC Section 21080(e)(2).) Where a lead agency determines that a project, which is not otherwise exempt from CEQA, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration. (PRC Section 21080(c).) A negative declaration may include project revisions or mitigation measures incorporated into a project to avoid or mitigate potentially significant environmental effects to a point where clearly no significant effect on the environment would occur. (*Ibid.*)

City staff concluded in a letter dated March 7, 2017, that the Project was not exempt from CEQA. City staff then proceeded to prepare an initial study in accordance with Appendix G of the CEQA Guidelines to determine whether any potentially significant effects on the environment would occur as a result of the Project¹. The initial study evaluated potential environmental impacts in 19 resource categories and concluded that potentially significant environmental effects could result from the Project in the following resource categories:

¹ The Initial Study (IS) and technical appendices prepared for this Project, along with the Response to Comments (RTC), Errata, and proposed Mitigation Monitoring and Report Program (MMRP) are available on the City’s website at https://www.cityofpacific.org/depts/planning/environmental_documents.

<u>Initial Study</u>	<u>Resource Category</u>
<u>Section</u>	
I	Aesthetics
IV	Biological Resources
V	Cultural Resources
VI	Geology and Soils
VIII	Hazards and Hazardous Materials
IX	Hydrology and Water Quality
XII	Noise
XVI	Transportation and Circulation
XVII	Tribal Cultural Resources

Staff's review and analysis of these potentially significant environmental effects included, but was not limited to, evidence prepared by experts in visual modeling, plant and animal species, state laws regulating cultural and tribal cultural resources, civil and geotechnical engineering, firefighting, sound modeling, and traffic engineering (IS/MND, Section B; RTC, Appendices 1 and 2). The analyses and conclusions of these experts were set forth in the initial study and constitute substantial evidence because they consist of facts, reasonable assumptions predicated upon facts, and/or expert opinions supported by facts. The experts consulted by the City concluded, based on their qualifications and experience, that each potentially significant environmental effect identified in the initial study could be avoided or mitigated to the point where clearly no significant effect on the environment would occur. The measures recommended by these experts to avoid or mitigate the potentially significant effects of the Project are contained in the Mitigation Monitoring and Reporting Program ("MMRP") adopted herein and attached hereto as Exhibit B. Condition No. 14 of Exhibit A to this Resolution requires the Applicant to incorporate into the Project all mitigation measures included in the MMRP. Condition No. 16 of Exhibit A to this Resolution also requires compliance with a tree protection plan included as Exhibit C to this Resolution. The result of the City's conclusions after completing the initial study was that a mitigated negative declaration should be adopted (i.e., the IS/MND).

The main thrust of the Appeal is the speculative claim that the Project will induce development of vast areas within the Rockaway Beach neighborhood, allegedly up to 21 undeveloped lots located east of the Project site (these are the only remaining undeveloped lots on Oddstad Way east of the Project site). This claim, and the several others made in the Appeal, are not based on substantial evidence, and therefore, cannot be used to justify preparation of an EIR. Substantial evidence, in light of the whole record before the City, supports a conclusion that the Project will not have a significant effect on the environment (either individually or cumulatively) upon implementation of the MMRP adopted by the Planning Commission. Therefore, an EIR is not required for the Project in order to comply with CEQA. The various claims made by Appellant in the Appeal consist of argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous. In particular, the Appellant's contention that the Project would cause a direct and foreseeable inducement to develop 21 lots located east of the Project site is unreasonable because of the distance of many of the lots from the Project site, and unreasonable because of the lack of a direct physical relationship between the Project and the lots (i.e., a connection to the street and utilities extension).

There are 26 undeveloped lots located along Oddstad Way, including the Project site. Subsection (b) of Section G.XIX of the IS/MND acknowledges that "roadway and utility improvements associated with the [P]roject have the potential to result in cumulative impacts when viewed in connection with the effects of probable future projects." Thus, the IS/MND acknowledged that the Project may cause some increase in the potential for one or more of the lots located in the vicinity of the Project to develop. However, the

City reasonably concluded that the degree to which the Project would cause that potential to become probable (i.e., more than speculative) was based on the proximity of the lots to the street and utilities extension proposed by the Project. The IS/MND then identified 11 resource categories in which the City analyzed potential project-level impacts from development of the five “Westerly Lots” (defined as the Project site plus four adjacent lots to the west and north of the Project site). Where City staff concluded that project-level impacts to certain resource categories could not be reasonably identified and analyzed because of the unknown characteristics of future development, it included in subsection (b) a discussion and analysis of program-level cumulative impacts which could have the potential to occur. In the case of all project-level and program-level effects analyzed, City staff concluded, based on substantial evidence, that the Project would not have the potential to cause significant impacts on the environment, or that potentially significant impacts could be mitigated to a less than significant level.

The Westerly Lots were identified for purposes of the cumulative impacts analysis as having a reasonable probability of development as a result of the Project because of the fact these lots would have a direct connection to the Project’s proposed extension of the street and utilities. The Easterly Lots, as defined in the IS/MND, consist of 12 of the 21 lots located east of the Project site, and i) are located beyond the extent of the street and utilities extensions proposed by the Project, and ii) would have no direct connection to the improvements made by the Project. City staff made a reasonable assumption based on this fact that potential future development of the Easterly Lots would not be a reasonably foreseeable consequence of the Project. The same fact supports the reasonable assumption that the remaining 9 of the 21 lots located east of the Project site (and east of the Easterly Lots) also would not be induced to develop as a result of the Project. An additional fact, that these nine lots are located geographically closer to the existing street and utilities located in Troglia Terrace at the eastern terminus of the Oddstad Way public right-of-way than they are to the street and utilities extension proposed by the Project, supports a reasonable assumption based on that fact that the Project would not have a reasonably foreseeable effect on the development of these lots.

The IS/MND appropriately considered potential cumulative impacts of the Project, contrary to the Appellant’s claims. The IS/MND prepared for the Project concluded that development of the Westerly Lots was a reasonably foreseeable consequence of the Project (and thus included the foreseeable development of the Westerly Lots in the IS/MND’s impact analyses), and further considered the potential for the Project to induce the 12 Easterly Lots to develop, but concluded that development of the Easterly Lots (as well as the 9 additional lots further east of the Easterly Lots) were not a reasonably foreseeable consequence of the Project. City staff’s conclusions in this regard were reasonable assumptions based on facts. The Appellant’s claims in this regard are speculative, are not factual, are not reasonable assumptions predicated upon facts, and are not supported by expert opinion supported by fact. Simply put, while the Appellant asserts various arguments why she believes an EIR is required, the Appellant has neither cited nor provided any substantial evidence that the Project, as mitigated, will result in a potentially significant adverse environmental impact.

Section 15130 of the CEQA Guidelines

The Appellant also cites CEQA Guidelines Section 15130 as support for her claim that an EIR is required to evaluate cumulative impacts of the Project. However, the requirements of Section 15130 are inapplicable in this case. Section 15130 contains the criteria for a cumulative impacts analysis in an EIR, but is not in itself a threshold or trigger for preparation of an EIR. Because an EIR is not required for the Project, as explained above, Section 15130 is not applicable. Nonetheless, the City did appropriately consider and analyze the Project’s potential direct, indirect and cumulative impacts as further explained below.

The “Mandatory Findings of Significance” section of the Appendix G Checklist in the CEQA Guidelines serves as the standard for determining whether a significant cumulative impact may occur. The Appendix G Checklist requires an evaluation of potentially significant cumulative impacts from a project, and asks if a project would “have impacts that are individually limited, but cumulatively considerable.” The City’s analysis of cumulative impacts from the Project is included throughout the IS/MND, with the analytical approach described in Section G.XIX.b of the Initial Study. The threshold is substantial evidence when considering this question as posed in the Appendix G Checklist, and the City relied on substantial evidence in reaching its conclusion. Thus, the provisions of Section 15130 are not applicable because an EIR was not prepared, and because potentially significant cumulative impacts would not occur from the Project.

However, even if Section 15130 applied in this case, the analysis contained in the Initial Study is sufficient to meet its requirements. Subsection (a) of Section 15130 requires that a lead agency

shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not “cumulatively considerable,” a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Section 15065(a)(3) of the CEQA Guidelines provides that “cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The City concluded, based on substantial evidence, that the Project’s incremental effect is not cumulatively considerable, and therefore, did not consider the effect significant. In particular, the City concluded that only development of the Westerly Lots was a probable future consequence from the Project and, based on what characteristics the City could predict with a reasonable degree of accuracy (i.e., reasonable assumptions about the developments which would not be speculative), concluded development of the Westerly Lots would not be cumulatively considerable. The City thus provided a brief description of the basis for its conclusion that the incremental effect from the Project is not cumulatively considerable in Section G.XIX.b of the Initial Study and in other portions of the Initial Study as indicated in Section G.XIX.b. The brief description provided by the City would fulfill the requirements of Section 15130 if that section was applicable.

Based on its conclusion that the incremental effect from the Project would not be cumulatively considerable, the City need not prepare an exhaustive evaluation of the less than significant cumulative impacts as suggested by the Appellant pursuant to Section 15130. Therefore, preparation of an EIR is not warranted on the basis of potential cumulative impacts from the Project, including but not limited to the provisions of Section 15130 of the CEQA Guidelines.

A Program EIR would not be appropriate.

The Appellant specifically claims that a “program level” EIR should be prepared for the Project. As explained in the preceding analysis, CEQA does not require any type of EIR to be prepared to analyze potentially significant environmental effects of the Project because there is no substantial evidence in the record that the Project may cause such a potentially significant impact. However, a program level EIR in particular would be inappropriate for this purpose.

Section 15168 of the CEQA Guidelines describes the characteristics and advantages of a “program EIR.” The description states that a program EIR may be prepared on a series of actions that can be characterized as one large project and which are related by geography; as logical parts in the chain of contemplated actions; in connection with issuance of rules or regulations or similar criteria governing the conduct of a continuing program; or, as individual activities carried out under the same authorizing statute or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. None of these criteria are applicable to the subject Project because: i) it is not a part of a series of actions that can be characterized as one large project; ii) it is not a logical part in a chain of contemplated actions; iii) it is unrelated to issuance of rules or regulations or similar criteria governing the conduct of a continuing program; and, iv) it is not an activity carried out under the same authorizing statute or regulatory authority as any other project currently under consideration. Unlike a large program such as a General Plan or Specific Plan addressing policies and development covering large areas of the City, this Project is the proposal to extend Oddstad Way and utilities to facilitate the development of a single home. Therefore, programmatic environmental review of this private applicant-driven single-family residential Project is not appropriate or required.

The Appellant also suggests that preparation of a Program EIR is necessary in order to evaluate potential cumulative impacts from the Project and other activities which may occur as a consequence of the Project. However, as explained in greater detail above, an EIR is not required for the Project and the IS/MND prepared for the Project adequately analyzed (and would include sufficient mitigation for) all potentially significant cumulative impacts from the Project. Thus, a Program EIR is not necessary.

Statements made by third-party Hal Bohner in a letter dated February 7, 2017, indicating that the Project should not be determined to be categorically exempt from CEQA, and that an EIR should be prepared, are either moot or have no factual or legal basis.

As described earlier in these findings, there is no factual or legal basis to prepare an EIR for the Project. The City concluded, based on substantial evidence, that no potentially significant environmental impacts would result from the Project with the inclusion of mitigation measures contained in the MMRP. The commenter’s claim that the Project should not be determined categorically exempt from CEQA is moot, because the City concluded in a letter dated March 7, 2017, that the Project was not exempt from CEQA and prepared the IS/MND.

Statements made by third-party Hal Bohner in a letter dated December 4, 2018, indicating that an Initial Study/Mitigated Negative Declaration (IS/MND) is not appropriate for the Project, and that an EIR should be prepared for the Project, have no factual or legal basis.

As described earlier in these findings, there is no factual or legal basis to prepare an EIR for the Project. The City concluded, based on substantial evidence, that no potentially significant environmental impacts would result from the Project with the inclusion of mitigation measures contained in the MMRP and the Appellant has not cited or provided any substantial evidence to the contrary. The City carefully considered this comment letter, submitted during the public comment period on the IS/MND, and previously prepared a comprehensive response to this letter in the RTC (see Letter 4). The City’s response to the letter included revisions to three mitigation measures contained in the MMRP adopted by the Planning Commission (these revisions did not affect the analysis or conclusions presented in the IS/MND) and affirmed and re-adopted by this Resolution.

Statements made by third-party Joanne Wilson in a letter dated December 4, 2018, that an Initial Study/Mitigated Negative Declaration (IS/MND) is not appropriate for the Project, that the cumulative impacts analysis prepared by the City in the IS/MND is inadequate, and that an EIR should be prepared for the Project, have no factual or legal basis.

As described earlier in these findings, there is no factual or legal basis to prepare an EIR for the Project. The City concluded, based on substantial evidence, that no potentially significant environmental impacts, including cumulative impacts, would result from the Project with the inclusion of mitigation measures contained in the MMRP. The City carefully considered this comment letter, submitted during the public comment period on the IS/MND, and has previously prepared a comprehensive response to this letter in the RTC (see Letter 6). The City's response to the letter included revisions to three mitigation measures contained in the MMRP adopted by the Planning Commission and one revision to the text of the IS/MND (these revisions did not affect the analysis or conclusions presented in the IS/MND), both of which are affirmed and re-adopted by this Resolution.

Basis 2. The cumulative impacts analysis is inadequate because it failed to analyze several potentially significant impacts, and the Easterly Lots should have been included in the cumulative impacts analysis. Therefore, the cumulative impacts analysis is inadequate. (Appeal Bases No. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 25, 29, and 34)

Findings In Support of Denial of Appeal Bases Nos. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 25, 29, and 34:

The Appellant makes various claims in the Appeal that the cumulative impacts analysis contained in the IS/MND is inadequate and/or flawed. However, as explained above in these findings, the City's cumulative impacts analysis complied with CEQA, the CEQA Guidelines, and is supported by substantial evidence. City staff will address the specific additional points raised by the Appellant, below.

The Appellant claims, without providing any substantial evidence in support, that cumulative impacts from the Project would result in the following areas:

- emergency ingress/egress from the Rockaway Beach neighborhood and general traffic circulation within the neighborhood;
- hydrology and water quality;
- biological resources;
- aesthetics;
- climate change; and
- General Plan and Zoning Regulations.

The Appellant makes further claims that prior statements by the Planning Director and City Attorney support her position, that the IS/MND inappropriately relied on development cost considerations to support its conclusions related to cumulative impacts, and the IS/MND relied on a factually incorrect statement regarding anticipated development established in the 1980 General Plan.

Throughout her Appeal the Appellant repeatedly points to allegedly degraded conditions in the Rockaway Beach neighborhood, such as the poor condition of street paving and the absence or poor functioning of other infrastructure such as sidewalks and stormwater control infrastructure, as a basis for concluding the Project would have one or more significant cumulative impacts on the environment. However, even if the Appellant's allegations regarding the conditions in the Rockaway Beach neighborhood are true they would be considered descriptions of the existing or baseline conditions which are to be used as the

starting point of CEQA's environmental review and to help determine whether the Project will *change* those existing conditions, and if so whether any of those changes amount to significant impacts. Indeed, under CEQA, the determination whether a project may have a significant effect on the environment requires that the lead agency determine whether it might result "in a substantial, or potentially substantial, adverse *change* in the environment." (PRC Section 21068 and CEQA Guidelines Section 15382 (emphasis added).) To assess the changes to the environment that will result from the project, the lead agency treats existing conditions as the environmental baseline against which the project's changes to the environment are measured. (CEQA Guidelines Section 15125; see also *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 325 n5 [CEQA Guideline Section 15125 applies to negative declarations as well as EIRs]; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1277 [same].) As such, the IS/MND must analyze potential environmental impacts from the Project as measured from the existing physical conditions of all resources affected by the Project. In consideration of this limitation, the Project cannot be required to mitigate existing degraded conditions, including but not limited to the single point of access to the neighborhood at Rockaway Beach Avenue and Buel Avenue. Rather, only the Project's individual or cumulative incremental impacts flowing from *changes* to the existing baseline conditions may be analyzed and, if determined to be potentially significant, appropriately mitigated.

As explained earlier in these findings, the IS/MND analyzed the potential environmental impacts which would result from the Project (individually and cumulatively) and concluded, based on substantial evidence, that no significant effects on the environment would result if the identified mitigation measures in the adopted MMRP are implemented. In relation to the specific issues identified by the Appellant, the IS/MND evaluated potential impacts to the following and concluded there would be less than significant impacts or that potentially significant impacts could be sufficiently mitigated to a less than significant level:

1. Traffic and circulation, including emergency vehicle ingress/egress

The IS/MND evaluated potential impacts to the level of service, or LOS, of vehicular traffic in the Project area. The traffic impact analysis ("TIA") analyzed the key intersections at Rockaway Beach Avenue & Buel Avenue, Rockaway Beach Avenue & Fassler Avenue, and Highway 1 & Fassler Avenue, to determine what traffic impacts may occur. The TIA determined that the construction phase of the Project would generate eight passenger car equivalent vehicular trips during the peak hour of traffic, which would be more vehicular trips than the five peak hour trips from operation of the Project under the cumulative impacts scenario (ongoing operation of one single-family residence on each of the five Westerly Lots, for a total of five single-family residences). The TIA then concluded that based on the level of service conditions at each of the intersections, the Project would not cause the level of service to change in a manner which would constitute a significant environmental impact. In response to public comments about traffic received during the public comment period on the IS/MND, City staff further analyzed a worst-case scenario where the key intersections at Rockaway Beach Avenue & Fassler Avenue and Highway 1 & Fassler Avenue were operating at LOS F, the worst LOS which can be observed. Even under this worst case scenario, the limited amount of traffic generated by the Project would not cause a significant environmental impact in terms of traffic delays.

The IS/MND also carefully analyzed emergency vehicle access and related traffic and fire hazards which could affect the Project site and vicinity (IS/MND, Sections G.VIII and G.XVI; RTC, Response to Letters 1, 2, 4, 6, and 7, and Appendix 2). Specifically, the City analyzed Subsection (g) of IS/MND Section G.VIII which asks whether the Project would *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*, and Subsection (e) of IS/MND Section G.XVI which asks whether the Project would *Result in inadequate emergency access?* The analysis of these two questions, as

supplemented by the RTC, demonstrates that the proposed Project's design, or in certain cases mitigation measures or conditions of approval imposed on the Project, would address these issues such that a significant environmental impact would not result. These measures are summarized as follows:

- Mitigation Measure XVI-1 which would impose temporary parking restrictions at Oddstad Way and Rockaway Beach Avenue to ensure adequate turning radius for trucks during construction, thus reducing truck obstructions in the street during turning movements, and further improving the ability of emergency vehicles to access the area during the construction phase.
- Mitigation Measure XVI-2 regulating the axle-type of dump trucks to minimize impacts to street pavement. Also, Planning Commission Condition of Approval No. 54 requiring an inventory of pre-Project pavement conditions, and repair of any pavement damage attributable to the Project.
- The streets required to be constructed as part of the Project would have a minimum width of 26-feet wide, which exceeds the minimum width of 20 feet established in the California Fire Code, and would ensure adequate emergency vehicle access.
- The Project would include a decomposed granite pedestrian pathway adjacent the street extension to ensure pedestrians could safely walk along the street extension outside of vehicular travel lanes.
- The Project would include a fire apparatus turnaround, the first of its kind in the Rockaway Beach neighborhood in staff's knowledge, which would enable efficient ingress and egress of emergency vehicles in the neighborhood.
- Mitigation Measure VIII-1 would require the fire apparatus turnaround to be maintained clear during construction and operation of the Project which would ensure its availability to emergency vehicles.
- Mitigation Measure VIII-2 would require the Project to be constructed in compliance with all applicable regulations of Chapter 7A of the California Building Code pertaining to "Materials and Construction Methods for Exterior Wildfire Exposure," and Mitigation Measure VIII-3 would require the Project's owners and residents to maintain 100 feet of defensible space around all proposed structures, both of which would reduce the risk of the Project spreading a wildfire in the area.

The combination of these Project features and mitigation measures would result in a project i) that does not, individually or cumulatively, result in adverse impacts to vehicular circulation or emergency ingress/egress in the neighborhood based on the limited traffic it would generate, because it would limit potential damage to street pavement, and would repair any such damage that is caused; ii) that provides for safe pedestrian circulation along the street extension by including a pedestrian pathway outside the vehicular travel lanes of the street extension; iii) that does not adversely impact emergency ingress/egress or traffic circulation in the Rockaway Beach neighborhood because it would provide adequate emergency vehicle access during construction and operation of the Project; iv) that improves emergency ingress/egress, particularly for emergency vehicles, because of the width of the street extension and construction of a fire apparatus turnaround; and, v) that reduces the risk of fire exposure and the spread of wildfire by incorporating key design measures into the Project site.

- See IS/MND, *Transportation and Circulation* (Section G.XVI) in relation to traffic generated by the Project,
- See IS/MND, *Hazards and Hazardous Materials* (Section G.VIII)

2. *Hydrology and water quality*

The Appellant alleges the Project may result in potential impacts from stormwater discharges from the Project, specifically that stormwater discharges from the Project site may have the potential to cause downstream flooding and creek bank erosion. However, these allegations are speculative and are not supported by any evidence or technical analysis whatsoever and, therefore, do not constitute substantial evidence.

The Project, as approved and in particular with inclusion of Mitigation Measure IX-4, would comply with all applicable regulations governing control of stormwater discharges, including but not limited to the control of the volume of such discharges and treatment to improve water quality. The applicable standards are contained in Provision C.3 of the Municipal Regional Permit issued to the City of Pacifica by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) as part of the National Pollutant Discharge Elimination System (NPDES)². Compliance with these standards is also required by Chapter 12 of Title 6 of the Pacifica Municipal Code (PMC).

The Project would use a combination of landscaped areas, pervious/permeable paving, and bioretention treatment areas to detain and treat stormwater discharges prior to discharge into Rockaway Creek. The bioretention areas would treat the stormwater discharges from all impervious surfaces created by the Project, the largest of which would be the street extension. All stormwater, after treatment, would be transmitted to a new outfall pipe constructed through the downstream headwall of an existing culvert located within Rockaway Creek.

Rockaway Creek is part of the City's existing stormwater control infrastructure. The City's Engineering and Field Services Division of the Public Works Department evaluated the hydraulic and hydrology calculations prepared for the Project and concluded the amount of stormwater discharged from the Project would not adversely affect the existing stormwater control infrastructure, specifically Rockaway Creek, because of compliance with applicable C.3 stormwater standards (the remainder of the stormwater control infrastructure for the Project would be newly constructed and, thus, built to current City standards). With respect to the actual point of discharge of stormwater from the Project, the outfall pipe would be installed within an existing headwall of an existing culvert and would not be physically located within the creek bed of Rockaway Creek (although the stormwater discharges from the outfall pipe would flow directly into Rockaway Creek). The construction of this Project feature would be subject to the jurisdiction of state and federal agencies who would have ultimate jurisdiction over the design and permitting of the outfall pipe. Because the City does not have the authority to determine the ultimate design of this Project feature, Mitigation Measures IV-5(a), IV-5(b), and IV-5(c) would require the Applicant prior to initiation of construction activities, to obtain authorization from the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board, and the California Department of Fish and Wildlife (CDFW), respectively. These agencies would regulate any potential impacts to the creek, creek bank, or wetlands located within the creek as a result of the Project's particular stormwater discharge characteristics. Implementation of applicable permitting requirements and standards by these regulatory agencies would ensure the

² See SFBRWQCB Order No. R-2-2015-0049 (NPDES Permit No. CAS612008).

Project would have a less than significant effect on the environment in relation to its stormwater discharges into Rockaway Creek.

Design of the Project's stormwater treatment infrastructure to the standards of Provision C.3, the review of hydraulic and hydrology calculations to ensure no adverse impacts to existing stormwater infrastructure, and mandatory review by relevant permitting agencies prior to construction of the stormwater outfall, will ensure the Project does not have significant environmental effects on hydrology and water quality.

- See IS/MND, *Biological Resources* (Section G.IV)
- See IS/MND, *Hydrology and Water Quality* (Section G.IX)

3. *Biological resources*

As explained previously in these findings, cumulative impacts related to the Project are appropriately limited to consideration of the Westerly Lots. With respect to development of the Westerly Lots, the Biological Resources resource category is one that the City was unable to evaluate at a project level (IS/MND, Section G.XIX.b). The resource categories which the City was able to evaluate at the Project level are also indicated in Section G.XIX.b of the IS/MND.

Potential impacts to biological resources are largely dependent upon the physical location of development and the time that such development occurs. Thus, without knowing the specific location and characteristics of potential development on the Westerly Lots other than on the Project site, it cannot be known with a reasonable degree of precision which physical areas of the sites would potentially be impacted (this point is also explained further in the response to Letter 6 in the Response to Comments). Additionally, without knowing when potential development may occur, it is not possible to know whether any sensitive biological resources may be present on the sites at that time. Thus, any attempt to evaluate potential impacts to biological resources on any of the Westerly Lots other than the Project site would be speculative.

Two additional factors are also relevant for purposes of evaluating potential impacts to biological resources on the Westerly Lots other than the Project site. First, the Project Applicant does not own these other lots, and so does not have legal authority to enter these sites for purposes of performing a biological resources assessment. Second, as explained in greater detail in Section G of the IS/MND and in the response to Letter 6 in the Response to Comments, the R-1-H (Single-Family Residential Hillside) zoning classification applicable to all of the Westerly Lots requires City review and approval of a site development permit prior to issuance of a building permit for any structures on the sites. Approval of a site development permit is a discretionary action which is subject to CEQA, and appropriate environmental review would be conducted at the time any specific project or projects are proposed, including consideration of any applicable categorical exemptions and exceptions thereto.

The City has evaluated project-level impacts to biological resources from the Project and concluded that no substantial impact on the environment would occur. The City's evaluation relied primarily on a biological resources assessment ("BRA") prepared for the Applicant by WRA, Inc., and a peer review of the BRA prepared for the City by Live Oak Associates, Inc. The peer review prompted updates to the original BRA. The analysis of biological resources is detailed in Section G.IV of the IS/MND. The BRA identified 20 special-status plant species and 38 special-status wildlife species which have been observed within a five-mile radius of the Project site. On-site investigation of the Project site did not identify any special-status plant or wildlife species. The on-site investigation further concluded that based on microhabitat

conditions on the Project site, none of the special-status plant species have the potential to occur within the Project site. However, the on-site investigation concluded that four special-status wildlife species as well as protected raptors and nesting birds could potentially be present on the Project site when construction begins. As a result, the biological resources evaluation identified 11 mitigation measures under Section G.IV (also noted on MMRP, pp. 2-6) which include such actions as pre-construction surveys by a qualified biologist and consultation with the California Department of Fish and Wildlife if any special-status wildlife is encountered. Upon implementation, these mitigation measures would reduce potential impacts on these species to less than significant levels.

The City is unable to evaluate project-level biological resources impacts from potential future development of the other Westerly Lots, but such development would be subject to discretionary review by the City at which time the City would evaluate any such project for compliance with CEQA. Therefore, there is substantial evidence to support the conclusion in the IS/MND that no significant environmental impacts to biological resources would occur as a result of the Project.

- See *Biological Resources* (Section G.IV)

4. *Aesthetics*

As explained previously in these findings, cumulative impacts related to the Project are appropriately limited to consideration of the Westerly Lots. With respect to development of the Westerly Lots, the Aesthetics resource category is one that the City was unable to evaluate at a project level (IS/MND, Section G.XIX.b). The resource categories which the City was able to evaluate at the Project level are also indicated in Section G.XIX.b of the IS/MND.

Potential impacts to aesthetics are largely dependent upon the physical location of development and characteristics of such development, including but not limited to the height, bulk, materials, and exterior lighting of a structure. Without knowing the specific location and characteristics of potential development on the Westerly Lots other than on the Project site, it cannot be known with a reasonable degree of precision what the development on those lots would look like (this point is also explained further in the response to Letter 6 in the Response to Comments). Thus, any attempt to evaluate potential impacts to aesthetics on any of the Westerly Lots other than the Project site would be speculative.

Another factor is also relevant for purposes of evaluating potential impacts to aesthetics on the Westerly Lots other than the Project site. As explained in greater detail in Section G of the IS/MND and in the response to Letter 6 in the Response to Comments, the R-1-H (Single-Family Residential Hillside) zoning classification applicable to all of the Westerly Lots requires City review and approval of a site development permit prior to issuance of a building permit for any structures on the sites. Approval of a site development permit is subject to the findings in Section 9-4.3204(a) of the PMC. Three findings have direct relation to potential future aesthetic impacts, which would be reviewed by City staff and the Planning Commission:

- Subsection (6), which provides “[t]hat 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 [i.e., a subdivision].”
- Subsection (7), which provides “[t]hat there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.”

- Subsection (8), which provides “[t]hat the proposed development is inconsistent with the City's adopted Design Guidelines.”

The Planning Commission must not make any of the enumerated findings in order to approve the site development permit. The finding in subsection (6) limits physical alterations to the site which are excessive, and the finding in subsection (7) ensures a suitable architectural design. The finding in subsection (8) also more comprehensively ensures a suitable architectural design by ensuring consistency with a comprehensive set of Design Guidelines adopted by the City. By example from the subject Project, future projects would be evaluated to determine consistency with Design Guidelines related to site improvements, design, details, materials, color, landscaping, and excavation. In City staff's review of the Project's consistency with the City's Design Guidelines, it determined that the originally proposed exterior lighting for the Project would be excessive and inconsistent with the Guidelines' lighting provisions (Design Guidelines, Section I.A.3), and included a condition of approval to improve the Project's consistency with the Design Guidelines. Condition of Approval No. 8 in Exhibit A to this Resolution implements this requirement, and limits exterior light fixtures to only those fixtures required by the California Residential Code, (such as at doorways as a safety measure), those fixtures mounted in the ceiling of covered porch, deck, and balcony areas, with such fixtures facing directly downward and only illuminating the associated porch, deck, or balcony areas, and one light fixture above the garage door. Landscaping lighting and safety lighting along pathways would also be permitted provided the light fixtures are down-facing and located not more than four feet above the ground. Condition No. 8 will reduce the number of exterior light fixtures on the single-family residence from approximately 46 fixtures to approximately 16 fixtures, a 65 percent reduction (the number of landscaping lighting fixtures was not specifically evaluated or modified, but the low height of the landscaping lighting fixtures would prevent glare on adjacent properties in all cases). The ability to review the design of proposed structures on the Westerly Lots other than the Project site in the future is an important tool to regulate aesthetics if and when specific projects are actually proposed thereon.

The City has evaluated project-level impacts to aesthetics from the Project and concluded that no significant adverse impact on the environment would occur. The City's evaluation relied primarily on an evaluation of the scenic context of the Project site, such as its proximity to a scenic vista or a State scenic highway, as well as a photosimulation of the proposed Project and an assessment of potential light and glare. As analyzed in Section G.I of the IS/MND, the Project would only have the potential to cause significant environmental impacts from a substantial degradation of the existing visual character or quality of the site and its surroundings (Subsection (c) of Section G.I). Other potential environmental impacts from aesthetics would be less than significant due to the Project's design and/or its location. Upon careful analysis, the IS/MND concluded that views from public areas such as Bay View Road and Rockaway Beach Avenue would result in aesthetic changes which are consistent with the existing visual character of the Rockaway Beach neighborhood, especially considering that the Project proposes one single-family residence consistent with all applicable zoning regulations, and the predominant visual context of the Rockaway Beach neighborhood is single-family residential development. However, the IS/MND identified that the finishes of the proposed retaining walls could degrade the existing visual character of the area from Bay View Road. As a result, the IS/MND included Mitigation Measure I-1 under Section G.I (also noted on MMRP, pp. 2) which includes a requirement that the color and texture of the proposed building, retaining walls, and debris walls match or blend with the natural landscape in the Project area, as well as with the color palette of the existing residential development in the area, subject to approval by the Building Division of

the City of Pacifica. Upon implementation, this mitigation measure would reduce potential impacts on aesthetics to less than significant levels.

It is also important to note in the context of aesthetics review that the IS/MND reviewed a project which was larger than ultimately approved by the Planning Commission. As noted in the Planning Commission staff report from June 15, 2020, the Applicant revised the Project prior to the public hearing on June 15, 2020, to omit a 518-sf detached recreation room located on the upper slopes of the rear of the Project site, to omit significant areas of grading and retaining walls on the left (east) of the single-family residence, and to retain all five heritage trees on the private property (i.e., Development Site) area of the Project which trees were previously proposed for removal. These revisions have resulted in a project with even fewer potential aesthetics impacts than those evaluated in the IS/MND.

The City is unable to evaluate project-level aesthetics impacts from potential future development of the other Westerly Lots because the physical characteristics of such development cannot be known at this time. However, such development would be subject to discretionary review by the City at which time the City would evaluate any such project for compliance with the findings for a site development permit, which includes at least three findings directly related to aesthetic impacts. Therefore, there is substantial evidence to support the conclusion in the IS/MND that no significant environmental impacts to aesthetics would occur as a result of the Project.

- See IS/MND, *Aesthetics* (Section G.I)

5. *Climate change*

The Appellant alleges potential impacts from climate change as a result of the Project, specifically that climate change is bringing drastic fluctuations in weather that will cause more frequent flooding and ultimately mudslides in the Rockaway Beach neighborhood which will be worsened by development of the Westerly Lots and Easterly Lots. However, these statements are speculative, are not supported by any evidence or technical analysis and, therefore, these statements do not constitute substantial evidence.

As explained previously in these findings, cumulative impacts related to the Project are appropriately limited to consideration of the Westerly Lots. Also explained previously in these findings are the Project design measures, mitigation measures, City regulations, and state and federal permitting processes which will properly regulate stormwater discharges from the Project site and avoid significant impacts from flooding and stream bank erosion.

The IS/MND included an analysis of Greenhouse Gas Emissions (Section G.VII) from construction and operations. Many climate scientists believe that emissions of greenhouse gases (GHGs) such as carbon dioxide that are emitted primarily from human activities involving the use of fossil fuels are a major cause of climate change. The GHG emissions analysis in the IS/MND contained a project-level analysis of development of all of the Westerly Lots, and concluded that the Project would remain below the Bay Area Air Quality Management District (BAAQMD) threshold for screening for substantial GHG emissions from operations (the threshold is 56 dwelling units). The Project's construction phase also would not include significant GHG emissions because its total construction GHG emissions from an expected two-year construction period would remain at slightly more than 25 percent of the BAAQMD threshold for evaluation of potentially significant GHG emissions. Thus, to the extent that emissions of GHGs are a significant contributor to climate change, the Project would have a less than significant effect on

the environment from GHG emissions. Therefore, the Project would not have a significant effect on climate change, and the Appellant's claims in this regard are speculative and unsupported.

- See IS/MND *Greenhouse Gas Emissions* (Section G.VII)

6. General Plan and Zoning Regulations

The Appellant claims that the City acted contrary to state law in three *previous* instances related to i) Adoption of the R-1-H zoning district in a manner which conflicts with the General Plan; ii) Failure to provide adequate findings of General Plan conformance in the Negative Declaration prepared for adoption of the R-1-H zoning district; and, iii) Approval of a lot line adjustment west of the Project site. To the extent these claims are made in relation to the adequacy of the IS/MND, these claims are not supported by facts, are speculative, and do not constitute substantial evidence. To the extent these claims are made in relation to the City's application of the General Plan and Zoning Regulations to the Project approval, they are not supported by facts, and substantial evidence in Planning Commission Resolution No. 2020-012 supports the City's action on the Project.

The City has previously responded to Claims (i) and (iii), most notably in the response to Letter 6 in the Response to Comments. The City's prior responses confirmed that the City did not adopt the R-1-H zoning district in a manner which is in conflict with the General Plan; and, that the 2008 lot line adjustment is unrelated to the Project or the adequacy of the IS/MND (City staff's analysis of the lot line adjustment has concluded it was properly approved in any case). Claim (ii) is also unrelated to the Project or the adequacy of the IS/MND for the Project. CEQA does not require a finding of General Plan consistency when adopting an IS/MND as suggested by the Appellant. Rather, Section X.b of the Appendix G Checklist requires the lead agency to determine whether a Project would "[c]onflict with any applicable land use plan, policy, or regulation... (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." As analyzed in the response to Claim (i), adoption of the R-1-H zoning district did not conflict with the 1980 General Plan. Therefore, no further analysis of this point would have been required under CEQA consistent with the inquiry specified in Section X.b of the Appendix G Checklist. It is important to note, however, that the actions related to Claims (i) and (ii) occurred in 1992, and the action related to Claim (iii) occurred in 2008. Thus, the time period to challenge any of these matters have long since expired.

Regarding the other general claims made by the Appellant which have not been specifically addressed immediately above, the Appellant is correct that the IS/MND made brief mention of cost considerations relative to the cumulative impacts analysis in Section G. The discussion related to the cost of construction for development of the 21 lots east of the Project site (the 12 Easterly Lots and 9 additional lots further east), and the degree to which the Project may reduce the costs of such construction to the point at which development of these lots becomes a probable result of the Project. The analysis in this regard concluded that such an analysis was beyond the scope of the IS/MND and it would be difficult to ascertain the degree of such impacts with acceptable precision to constitute substantial evidence. The analysis concluded instead with a rough cost estimation for future construction of street and utilities extensions based primarily on the geographic proximity of the lots to the Project site, and reasonably concluded that any increase in development potential would only apply to those lots closer to the Project site (the Easterly Lots) than to Troglia Terrace (the remaining nine lots). This assumption was reasonable because of the relationship of construction costs for paving and infrastructure to the linear feet of such improvements to be constructed (i.e., the greater the length of the improvements, the greater

the cost). The Appellant's assumption that some or all of the nine lots located east of the Easterly lots would construct street and infrastructure improvements a greater distance toward the Project site instead of a shorter distance toward Troglia Terrace is unreasonable and not supported by any substantial evidence.

The City staff's reasoning for the cumulative impacts analysis of the development potential of lots located east of the Project site concluded with the primary rationale underlying the cumulative impacts analysis – that probable future development was most reasonably related to a direct connection to the street and utilities extension proposed by the Project – a factual change in circumstances which would occur only for the Westerly Lots. Therefore, the conclusions in the IS/MND related to probable future development of other lots along Oddstad Way was primarily supported by the direct connection to the street and utilities extension proposed by the Project, and only secondarily was supported by consideration of potential costs related to the construction of additional street and utilities extensions to lots located east of the Project site. The City's analysis in this regard was further supported by facts related to applicable General Plan and Zoning Regulations, as already described above.

- See IS/MND *Land Use and Planning* (Section G.X)

It is unclear what relevance prior statements by the Planning Director and City Attorney have to the subject Project. The City's analysis of the Project, both for CEQA and for approval of the Project, is included in the written record of the Project available for review, including but not limited to the Planning Commission and City Council staff reports, Planning Commission Resolution No. 2020-012 and this Resolution, and the IS/MND (inclusive of the initial study, Response to Comments, Errata, and MMRP). The City has appropriately analyzed and considered the Project, and issued its decision in writing.

Lastly, the Appellant's claim that the IS/MND relied on a factually incorrect statement regarding anticipated development established in the 1980 General Plan is erroneous. The analysis in the IS/MND acknowledges that only one of the Westerly Lots (other than the Project site) contains the minimum lot area necessary to comply with General Plan density standards (a similarly small share of the Easterly Lots contain the minimum lot area to meet General Plan density standards – see IS/MND p. 19). In light of the discretionary approval of a site development permit which would be required to develop these lots, which approval would require a finding of consistency with the General Plan pursuant to Section 9-4.3204(a)(9) of the PMC, the IS/MND acknowledges that development of these lots which do not meet General Plan density standards would be speculative and that the City is not obligated to approve their development. Such was the case with the subject Applicant in a prior development project proposed along Oddstad Way (known as "50 and 60 Oddstad Way), for which the Planning Commission denied a site development permit in 2016 in part because the Project was not consistent with the General Plan on account of insufficient lot area to meet the density standard. Nevertheless, the IS/MND assumed development of the Westerly Lots was a probable consequence of the Project in order to prepare a conservative analysis of potential environmental impacts resulting from the Project. This analysis, as already stated in these findings, concluded that no potentially significant environmental effects would result from the Project. The City's reasoning for not evaluating potential development of the Easterly Lots as a probable consequence of the Project has already been discussed above in these findings.

Basis 3. The Project will set a precedent for future development in the area, including the pattern for road development, and will encourage construction on the Westerly Lots and Easterly Lots. (Appeal Bases No. 15 and 38)

Findings In Support of Denial of Appeal Bases Nos. 15 and 38:

Any action taken by the City to approve a development project, such as the subject Project, does not establish a legal precedent. Rather, the City is obligated under state law and the PMC to evaluate the specific facts of each application and to render a decision based on the application of applicable law to those facts. The same is true from a practical, rather than a legal, standpoint. Each project site may contain a lot or parcel of different size, shape, topography, soil, access to the street and utilities, and surrounding uses. These factors which vary from site-to-site make establishment of precedent difficult, if not impossible, in the land use permitting context.

The Project would not establish the pattern for road development. The pattern for road development was first established in the Rockaway Beach Subdivision No. 1 when the subdivision created the lots in this portion of the Rockaway Beach neighborhood in 1908. The public right-of-way provided for the Project site is known as Oddstad Way (shown in the original subdivision map as “San Pedro Way”). Oddstad Way in the vicinity of the Project site is a 40-foot wide public right-of-way within which street construction must occur to provide vehicular access to the Project site. Therefore, the pattern for road development was established more than 100 years ago. Furthermore, the design of the street is established in the City’s Administrative Policy No. 42. This Policy requires the street to be constructed as a “Residential Collector Street” as described in Table 1 of the Policy (26-foot wide paved street).

The potential for the Project to encourage or induce development of the Westerly Lots and Easterly Lots has already been addressed, above, in these findings.

Basis 4. The significant costs and time associated with preparation of an EIR, which would be incurred by the Applicant for the Project, could have been avoided had the City responded positively to the request of Rockaway Beach residents to impose a moratorium on hillside development in the Rockaway Beach neighborhood until the City prepared a specific plan for the area. (Appeal Bases No. 16, 35, 38, and 39)

Findings In Support of Denial of Appeal Bases Nos. 16, 35, 38, and 39:

This basis in the Appeal consists of Appellant’s opinion and does not relate to the adequacy of the IS/MND or the Project approval. As explained above, preparation of an EIR was not necessary for the Project to comply with CEQA.

Basis 5. Inadequate due process was provided during the Planning Commission’s consideration of the Project. (Appeal Bases No. 21, 22, 23, 30, 31, 40, 41, and 42)

Findings In Support of Denial of Appeal Bases Nos. 21, 22, 23, 30, 31, 40, 41, and 42:

The Appellant makes a number of claims related to due process considerations for the Project, which are summarized below and followed by the City’s responsive findings:

1. *Members of the public were not able to participate in the public hearing due to technological challenges with the meeting format, were unable to access project documents, that Planning Department staff were unavailable to meet, and that there is no urgency to hold a hearing on the Project.*

The City of Pacifica, as many other jurisdictions, is confronting a major public health crisis caused by the novel coronavirus (COVID-19) pandemic. The best available science about COVID-19 indicates that it transmits easily from person-to-person, primarily from sustained close contact, a factor which is exacerbated indoors where the flow of fresh air and the ability to social distance are restricted. While COVID-19 has affected many facets of everyday life and halted many economic and recreational activities, essential government business cannot stop and must continue. To this end, the City Council has determined that processing of development permits which cannot be delayed due to time limits on processing them are an essential governmental function.

The public's right to observe public meetings and to receive certain information in advance of the meetings is provided by state law, primarily in a law known as the Ralph M. Brown Act (Government Code Section 54950 *et seq.*). Because public meetings generally occur as indoor, in-person gatherings, and the Brown Act's allowances for teleconference meetings still require the ability for the public to observe a decision maker in-person at the remote teleconference location, the Governor of California has issued Executive Orders No. N-25-20 AND N-29-20 to suspend certain provisions of the Brown Act in light of the rapid transmissibility of COVID-19 from person-to-person. Key provisions of the Governor's executive orders include the authority to conduct public meetings entirely as teleconference meetings without a physical meeting location where the public can observe the meetings.

City staff acknowledges the significant changes in how the City conducts business are not ideal, and that for many people an in-person meeting to consider important development permit applications would be preferable. However, under the circumstances of the ongoing pandemic, such in-person public meetings cannot safely occur. It is indeed unfortunate that some members of the public seem to have experienced difficulty participating in the City's modified teleconference meeting format. The City has made great efforts to ensure that the public had sufficient notice and access to the meeting. Indeed, the public hearing for this item was initially scheduled for May 18, 2020 but the matter was continued due to a technical issue with cable television broadcast of the hearing. The City continued the public hearing to ensure that the several forms of viewing the meeting were available to the public. At the Planning Commission meeting on June 15, 2020, the public could access the Planning meeting in a variety of ways, including but not limited to access through the Zoom meeting application (online), live stream video of the meeting (online), audio only through dial-in (telephone), and cable Channel 26 (television). For those who remained unable to observe the meeting directly for any reason, it remained possible for the public to submit written public comments in advance via email or regular mail. In total, about 15 members of the public were able to participate in the meeting by providing live public comment through Zoom or by phone, and many others submitted written public comments expressing opinions both for and against the Project. While certain individuals may have experienced some difficulty accessing the meeting for unknown reasons, there is no evidence that there were any widespread technical interruptions or failures which interrupted the June 15, 2020 teleconference the meeting or that public input or public observation more broadly was excluded from the meeting process.

The Appellant's claim that there is no urgency to hold a hearing on the Project is factually and legally inaccurate. While the Permit Streamlining Act (Government Code Section 65920 *et seq.*), which establishes time limits for processing of development permit applications such as the subject Project, does not apply to administrative appeals within a local agency, such as the instant Appeal to the City Council, other applicable provisions of law now govern the timing of consideration of the Appeal and establish an urgency to consider it. Government Code Section

65922. The City must render its decision on an appeal of a Development Permit application within 60 days of the filing of an appeal. Pacifica Municipal Code Section 9-4.3603. Based on the Appeal filing date of June 25, 2020, the 60th day for the Council to render its decision on the Appeal is August 24, 2020 (this meeting date). Therefore, the City is unable to further delay consideration of the Project as suggested by the Appellant.

2. *The agenda title for the Project was misleading.*

There is no basis for this claim. The entire agenda heading is included below (excerpt from the published meeting agenda).

- | | |
|---|--|
| 3. PSD-788-14
Heritage Tree Removal
Authorization
Logging Operation
Approval | File No. 2014-001 – Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval , filed by Javier Diaz-Masias, for construction of a new three-story (two stories of residential area and one story of garage area), approximately 3,800-square foot (sf) single-family residence with attached 787-sf three-car garage on an undeveloped 38,765-sf lot situated along the unimproved public right-of-way Oddstad Way, located approximately 275 feet southwest of the intersection of Rockaway Beach Avenue and Bay View Road (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010), and an approximately 360-foot street and utilities extension.
Recommended CEQA Action: Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
<u>Recommended Action</u> : Approve as conditioned. |
|---|--|

When read in its entirety (rather than simply the bold heading as included in the Appeal), it is evident the agenda title is not misleading and adequately describes the Project including but not limited to construction of a single-family residence and adoption of a Mitigated Negative Declaration under CEQA.

3. *The Planning Commission’s meeting agenda was not timely published.*

There is no basis for this claim. State law known as the Brown Act requires that the agenda for regular public meetings shall be published not less than 72 hours prior to the meeting. (Gov’t Code Section 54954.2(a)(1).)

The meeting agenda (including staff report and attachments) for the Planning Commission public hearing on June 15, 2020, at which the Planning Commission approved the Project, was published on June 10, 2020. The City published these agenda materials more than 96 hours in advance of the public hearing, in excess of the requirements of state law. Moreover, the public hearing on June 15, 2020, was a continued public hearing, and the City timely published the agendas for the prior Planning Commission meetings on May 4 and May 18, 2020, as well. Therefore, the meeting agendas for all public hearings associated with the Project were timely published in accordance with state law.

4. *Inadequate public notice was provided.*

There is no basis for this claim. State law requires that public notice of a public hearing on a development permit be published in a newspaper of general circulation and mailed to property owners of property within 300 feet of the project site not less than 10 days prior to the public hearing. (Gov’t Code Sections 65090-65092.) Consistent with State law, the City’s Municipal Code section 9-4.3203 requires notice of the hearing by publication in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by mailing notice not less than ten (10) days prior to the date of the hearing to the owners of the property within a radius of

three hundred (300') feet of the exterior boundaries of the property which is the subject of the application. The City complied with and exceeded these requirements prior to the Planning Commission public hearing on June 15, 2020, at which it approved the Project.

The City published a notice of public hearing for the Planning Commission public hearing on June 15, 2020, in the June 3, 2020, edition of the Pacifica Tribune, a newspaper of general circulation in San Mateo County. The publication of the notice of public hearing occurred 12 days before the public hearing, in excess of the requirements of state law.

The City also mailed a notice of public hearing for the Planning Commission public hearing on June 15, 2020, to property owners and occupants within a 500-foot radius of the Project site on June 4, 2020. The Project site included not only the private property Development Site of the Project, but also the Oddstad Way public right-of-way where improvements were proposed, in order to include all affected persons within 500 feet of the Project site. The radius used by the City for mailing of the notice (500 feet) and the recipient list (inclusive of occupants) exceeded the requirements of state law (property owners within 300 feet).

Therefore, the City complied with or exceeded the requirements of all applicable laws in regard to providing public notice for the June 15, 2020, public hearing of the Planning Commission at which the Planning Commission approved the Project.

5. *The public was unable to discern which heritage trees were proposed for removal, and the City should have cleared a walking path to the Project site to allow for public observation of heritage trees proposed for removal.*

There is no basis for this claim. The IS/MND evaluated the potential removal of up to eight heritage trees to construct the street and utilities extension and the single-family residence associated with the Project. It is important to note, however, that immediately preceding publication of the agenda packet for the public hearing on June 15, 2020, the Applicant agreed with a staff recommendation to eliminate certain graded areas from the Project, which resulted in the preservation of all heritage trees on the private lot (referred to as the "Development Site" in the Planning Commission staff report). Therefore, the Project approved by the Planning Commission would result in removal of only three heritage trees, all of which are located within the Oddstad Way public right-of-way and the removal of which is necessary for construction of the street and utilities extension. The removal of these trees cannot be avoided in staff's assessment.

The heritage trees proposed for removal were identified in maps included in the tree survey report (i.e., arborist report) and the biological resources assessment prepared for the IS/MND and made available for public review beginning on November 5, 2018. The project plans, on file with the Planning Department since Project application, and further published with the Planning Commission agenda packet on June 10, 2020 (prior to the June 15, 2020, public hearing) demonstrated the locations of heritage trees proposed for removal on Sheets A-1, A-1.1, and C-1. Therefore, adequate materials to identify the heritage trees proposed for removal were made available for public review prior to the public hearing on June 15, 2020, including the period prior to the closure of City offices due to the COVID-19 pandemic.

The Appellant's suggestion that the City should have cleared a pathway through the Oddstad Way public right-of-way and Project site to enable convenient public access to the area is not supported as a requirement of CEQA or the City's heritage tree ordinance (Chapter 14 of Title 4 of the PMC). Furthermore, requiring the Applicant to clear trees and other vegetation in this

manner, without completing the CEQA analysis as part of the Project review process, would be inappropriate and could result in significant environmental effects. Therefore, the Appellant's suggestion is unreasonable and is not a requirement of CEQA or the heritage tree ordinance.

6. *Written responses to public comments on the IS/MND were not posted on the Planning Department webpage.*

There is no basis for this claim. Neither CEQA nor the CEQA Guidelines require preparation of a response to comments as part of an IS/MND. Nevertheless, the City voluntarily prepared a Response to Comments for the subject IS/MND to serve as a public informational tool regarding the CEQA review process. Because there is no legal requirement to prepare a response to comments for an IS/MND, there is no legal requirement to post the responses to comment on the City's website or make them available for public review in any particular fashion under CEQA or the CEQA Guidelines. Therefore, this basis of the Appeal does not affect the adequacy of the IS/MND.

The City did make the Response to Comments available for public review as part of the staff report and attachments published with the agenda packet for the Planning Commission public hearing on June 15, 2020. These materials were published on the City's website on June 10, 2020, more than 96 hours in advance of the public hearing, and in excess of the requirements of the Brown Act. As indicated above, the Brown Act requires publication of only the agenda 72 hours prior to a regular meeting. In this case, the City made the agenda and other agenda documents including response to comments for the subject IS/MND available for review by the public more than 72 hours prior to the meeting and at the same time that those documents were distributed to the Planning Commission. (Gov't Code Sections 54954.2(a)(1) and 54957.5(b)(1).) Therefore, the City exceeded the requirement to publish the Response to Comments as part of the materials related to consideration of the Project by the Planning Commission on June 15, 2020.

7. *The City should have recirculated the IS/MND for public review and comment prior to conducting a public hearing on the Project.*

There is no basis for this claim. As explained in the Response to Comments and in Section 7 of the Planning Commission staff report from June 15, 2020, there were no substantial revisions made to the IS/MND following the public review period from November 5 through December 5, 2018. Therefore, recirculation of the IS/MND was not warranted pursuant to CEQA Guidelines Section 15073.5.

Basis 6. The existing street and sewer infrastructure in Rockaway Beach is inadequate for the Project. (Appeal Bases No. 24, 33, and 36)

Findings In Support of Denial of Appeal Bases Nos. 24, 33, and 36:

The Appellant's claim does not address or affect the adequacy of the IS/MND or the Project approval and, in the case of claims regarding sewer infrastructure, are factually inaccurate. Staff acknowledges the degraded condition of Rockaway Beach Avenue. However, this is an existing condition which is part of the baseline for environmental review and the City cannot require the Applicant to remedy this existing condition which the Project did not cause. Furthermore, no evidence has been submitted by the Appellant (or anyone else) tying the existing condition of Rockaway Beach Avenue to the adequacy of the CEQA analysis or the findings for Project approval or showing that the Project will change those existing conditions in a way that results in a significant adverse impact under CEQA. Nevertheless, the Planning

Commission included Condition of Approval No. 54 in Resolution No. 2020-012 to require the Applicant to document pre-construction conditions of public roadways between Highway 1 and the Project site, and to repair any identifiable pavement damage caused by the Project, to the City Engineer's satisfaction. That Condition is carried forward and included in Condition No. 54 in Exhibit A to this Resolution.

Regarding the Appellant's claims that inadequate sewer capacity exists to accommodate the Project and that sewer capacity limitations require the City to periodically pump out the sewer main line along Rockaway Beach Avenue, these claims are factually inaccurate. During review of the Project, City staff from the Wastewater Division of the Public Works Department evaluated available sewer capacity and concluded that the Project, including development of all Westerly Lots, would not exceed available capacity in the sewer main line along Rockaway Beach Avenue. This analysis was prepared by an expert in the City's wastewater collection (i.e., sewer) system, Collection Systems Manager Brian Martinez, and constitutes substantial evidence. The same expert specifically evaluated the Appellant's claim about pumping of sewer lines in the Rockaway Beach neighborhood (Attachment L of the City Council staff report from August 24, 2020). No such pumping has occurred in the more than 20 years Mr. Martinez has worked on the City's wastewater collection system. Rather, Mr. Martinez has reasonably assumed that the Appellant may have the incorrect impression that the routine maintenance performed by the Wastewater Division approximately every six months in the Rockaway Beach neighborhood is pumping of the sewer lines. In fact, the routine maintenance activities instead involve cleaning with a mechanical rodder which removes tree roots that have penetrated joints in the clay sewer pipe. The Vac-Con truck used to perform this maintenance may have the appearance of being a pump truck, but in fact it does not pump sewage from the sewer line. The frequency of routine maintenance of the sewer line in the Rockaway Beach neighborhood is consistent with the standard approach and frequency for sewer lines located near trees throughout the City.

Therefore, there is no evidence to support a claim that there is insufficient sewer capacity to accommodate the Project, including development of the Westerly Lots, and it is also factually inaccurate that the City pumps out the sewer line in the Rockaway Beach neighborhood.

Basis 7. Existing neighborhood conditions related to increased numbers of short-term rentals and accessory dwelling units warrant preparation of an EIR. (Appeal Basis No. 19)

Findings In Support of Denial of Appeal Basis No. 19:

The Appellant has not explained how this basis of the Appeal relates to the adequacy of the IS/MND or the findings for Project approval. As explained above, the IS/MND must start from the existing baseline conditions for environmental review. These existing conditions related to claimed increases in short-term rentals (STRs) and accessory dwelling units (ADUs) in the Rockaway Beach neighborhood would have been captured in the existing baseline traffic information gathered and analyzed in the TIA. Therefore, while specific analysis of these conditions would not be necessary under CEQA, the TIA indirectly analyzed these background conditions as part of the existing baseline for the Project. Furthermore, as also explained above, the TIA also prepared a worst case traffic analysis based on LOS F, and concluded the Project still would not result in any significant adverse effects on traffic.

City staff did not separately analyze the issue of STRs or ADUs in relation to the findings for Project approval. Staff did not identify a nexus between these off-site conditions and the Project. To the extent that these off-site conditions relate to traffic or circulation in the vicinity of the Project, the IS/MND adequately analyzed traffic impacts and found that no significant effects would occur from the Project.

Basis 8. The City Council should impose certain mitigation and accountability measures into the Project's conditions of approval if it does not prepare an EIR. (Appeal Basis No. 26)

Findings In Support of Denial of Appeal Basis No. 26:

The Appellant claims that the City Council, on appeal, should incorporate various mitigation and accountability measures into the Project even if the City determines that an EIR shall not be prepared for the Project. These suggested mitigation and accountability measures are summarized below, followed by the City's findings in response:

1. *Require an 8:30 am start time for Project construction because a truck and a car cannot pass each other on Rockaway Beach Avenue.*

The IS/MND evaluated potential impacts from the Project, including but not limited to traffic. The TIA prepared for the Project did not, as explained above, identify any potentially significant environmental effects from traffic generated by the Project, including during the construction phase. Therefore, specific mitigations related to Project traffic are not required. However, Condition No. 30 of Planning Commission Resolution No. 2020-012, which is carried forward and included in Condition No. 30 in Exhibit A to this Resolution, requires that the Applicant submit a traffic control plan prior to construction, and that through traffic shall be maintained at all times along Rockaway Beach Avenue. Therefore, the City Engineer shall ensure that construction traffic does not result in a stoppage of through traffic on Rockaway Beach Avenue.

2. *Limit construction to five days per week.*

The IS/MND has evaluated potential impacts from the Project, including but not limited to noise. The noise study prepared for the Project concluded that potentially significant impacts to noise could result from the Project, particularly during concurrent construction of the Westerly Lots if that were to occur (a condition which is beyond the Applicant's control because he does not own the other Westerly Lots). To mitigate the potentially significant effect from noise, the IS/MND included Mitigation Measures XII-1 and XII-2 which require that vibratory compactors maintain a distance of at least 50 feet from all existing residential structures, and preparation of a Construction Management Plan to implement specific reductions in noise through the use of on-site control measures including but not limited to sound barriers. The IS/MND concluded that inclusion of these mitigation measures would reduce noise from the Project to a less than significant level. In addition, an additional condition has been added to require that all construction activities, including but not limited to clearing, grubbing, tree removal, and grading, shall occur only between the hours of 8:00 am and 5:00 pm, Monday through Friday, and between 9:00 am and 4:00 pm on Saturday. All construction activities shall be prohibited on Sunday.

The claim made by the Appellant that sound gets louder as it travels northward from the Project site to Bay View Road is unsubstantiated by any evidence and, therefore, is speculative. The noise study prepared by the Project did not identify any potentially significant noise generated by the Project with implementation of the identified mitigation measures.

3. *Impose a detailed mitigation monitoring plan with enough dedicated staff to respond in a timely manner to enforce mitigations with real financial consequences to the Applicant for violations. The City's current system of reporting violations is inadequate.*

The Planning Commission already implemented a detailed mitigation monitoring and reporting program (MMRP) for the Project, which this Resolution adopts as well in Exhibit B. Condition No. 14 of Planning Commission Resolution No. 2020-012, which is carried forward and included in Condition No. 14 in Exhibit A to this Resolution, requires the Applicant to incorporate all mitigation measures from the MMRP into the Project. The MMRP identifies the individual/agency responsible for implementation. Any alleged violation of the mitigation measures must be reported to the relevant authority identified in the MMRP. Reports of alleged violations occurring outside of normal business hours when City staff is unavailable must be made to the Police Department.

The Appellant has not provided any evidence to support the claim that the City's existing process for reporting and investigating violations related to construction are inadequate. Similarly, the Appellant has not provided any evidence that the City's existing mechanisms to ensure compliance with City regulations, including but not limited to administrative penalties and civil actions in court, are inadequate to achieve compliance with the City's regulations. Therefore, these claims are not supported by substantial evidence.

4. *The City should monitor drainage in the vicinity of the Project site because drainage from the entire Project leads into the backyard at 560 Rockaway Beach Avenue and could negatively impact that home and other homes along Rockaway Creek.*

The IS/MND has evaluated potential impacts from the Project, including but not limited to hydrology and water quality. As explained above in this report, there is no substantial evidence to support a claim that inadequate drainage facilities would be provided by the Project. Furthermore, relevant state and federal permitting agencies would ensure that stormwater discharges from the Project site would not contribute to creek bank erosion. Therefore, the Appellant's claims or suggestions in this regard are speculative and not supported by substantial evidence. The Appellant's claim that the Project would direct stormwater into the backyard of the property at 560 Rockaway Beach Avenue is factually incorrect. The Project would direct all stormwater flows through an outfall pipe constructed in the downstream side of a headwall of an existing culvert constructed within Rockaway Creek. The stormwater discharges would enter into Rockaway Creek which is an existing feature in the City's stormwater infrastructure.

5. *The Applicant's lots must be merged to prevent them from being sold off piecemeal in the future.*

The Appellant's claim that the Applicant's lots are unmerged is factually inaccurate. As stated in the staff report from the Planning Commission meeting on June 15, 2020, the City merged Lots 4-12 into a single lot on April 11, 2019 (recorded on the Project site with San Mateo County Recorder Instrument No. 2019-026051). Any future division of these lots for purposes of sale or finance would be subject to City approval of a subdivision pursuant to Title 10 of the PMC.

6. *Decrease the number of outdoor spotlights surrounding the home from 16 to 10.*

The Planning Commission's approval of the Project already significantly reduced the number of exterior light fixtures to 16 fixtures from the 46 fixtures proposed by the Applicant (Condition of Approval No. 8 of Resolution No. 2020-012). That Condition is carried forward and included in Condition No. 8 in Exhibit A to this Resolution. The fixtures which remain are largely required

for Residential Code compliance at exterior doorways and such fixtures cannot be eliminated. All fixtures are down-facing and would not create significant glare. There is no basis for the Appellant's claim to reduce the exterior light fixtures further to 10 fixtures.

7. *Install shields along the sides of the street lights to prevent evening light pollution and preserve the evening environment on Rockaway Beach Avenue.*

The primary purpose of street lights is to provide sufficient illumination to ensure the safety of vehicles, pedestrians, and bicyclists utilizing the street. Condition No. 44 of Planning Commission Resolution No. 2020-012, which is carried forward and included in Condition No. 44 in Exhibit A to this Resolution, requires the installation of new street lights to be accomplished pursuant to City and industry standards for public roads, including but not limited to standards from the Illuminating Engineering Society of North America (IESNA), the American National Standard Practice for Roadway Lighting, and the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide. The City Engineer may consider the inclusion of shields when reviewing and approving the installation of street lights required for the Project. However, the Appellant has provided no evidence that light pollution would occur from the required street lights, and the claims in this regard are speculative and do not constitute substantial evidence.

8. *Support a neighbor's request that the City does not change the street address of three existing single-family residences constructed on the Oddstad Way public right-of-way.*

The basis stated by the Appellant does not relate to the adequacy of the IS/MND or the findings for approval of the Project. The basis is relevant background information for the City Council to consider as part of any process to rename the Oddstad Way public right-of-way in the future, although such a process to rename Oddstad Way is not part of the Project.

Basis 9. Certain points in the Appeal are nonsubstantive statements which do not require responses. (Appeal Bases No. 18, 32 and 43)

Findings In Support of Denial of Appeal Bases Nos. 18, 32 and 43:

These remaining bases in the Appeal are nonsubstantive statements which do not require responses to address the adequacy of the IS/MND or the findings for approval of the Project. However, in Appeal Bracket No. 32, Ms. Wilson, the third-party commenter in Basis No. 1, indicates she is pleased with the Applicant's revisions to the Project and acknowledges those modifications reduced impacts and brought the Project into consistency with the density standard in the General Plan.

BE IT FURTHER RESOLVED that the City Council authorizes City Planning Department staff to prepare and file a Notice of Determination with the County Clerk.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does make the following findings:

- A. *Site Development Permit.* The City Council finds that none of the following findings can be made that would preclude issuance of a site development permit under PMC Section 9-4.3204:
 - 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.*

The proposed Project site is located on a hillside, and would be accessed by a street extension within the Oddstad Way public right-of-way. The Applicant has proposed R.O.W. Improvements which include a street of 20 feet in width, widening to 30'-8" to accommodate parking bays for on-street parking, and an adjacent three-foot wide pedestrian path on the south side of the Oddstad Way public right-of-way along the proposed street extension. The street design proposed by the Applicant does not meet City standards, however, and as a result has the potential to create a hazardous or inconvenient vehicular pattern.

The City Engineer has determined that the appropriate standard for the proposed street is the "Residential Collector Street" standard from Table 2 of Administrative Policy 42. The Residential Collector Street standard requires construction of a street 26 feet in width. The City Council has included Condition of Approval No. 35 in Exhibit A to this Resolution to require construction of the street extension in accordance with the Residential Collector Street standard. Additionally, the construction of one single-family residence in the Rockaway Beach neighborhood which consists exclusively of single-family residences would result in a traffic pattern consistent with the general character and intensity of the neighborhood.

The City Engineer has evaluated the proposed three-foot wide decomposed granite pedestrian path and determined it meets minimum width standards for disability access as well as general public use.

Because the Project, as conditioned, would construct a street extension to the Residential Collector Street standard and because construction of a three-foot wide pedestrian path would meet minimum standards for pedestrian accessibility; therefore, the City Council concludes there is not sufficient evidence to make this finding.

- 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.*

The off-street parking area for the proposed single-family residence would be accessed via a new driveway connecting the proposed two-car garage to Oddstad Way. The proposed driveway would be 20 feet wide at the property line and would widen behind the front setback line to 25'-4" at the garage door opening. The driveway width would comply with the maximum 20-foot width limit in PMC Section 9-4.2813(c)(4).

The proposed driveway would be located roughly in the center of the Development Site's frontage. There are no driveways for other sites east of the Development Site and the nearest driveway to the west is more than 360 feet away. Therefore, there would be no immediate conflicts with traffic generated by other properties on Oddstad Way. The nearest driveway east or west of the Project site associated with any future development would be more than 75 feet to the east, beyond the limits of the former Lot 12. Any future driveway on the north side of Oddstad Way, even if located directly across from the proposed driveway, would not cause a hazardous or inconvenient condition because the street would be 26 feet wide, as conditioned, which would allow safe backing out of either driveway while avoiding any cross-traffic.

Because the proposed off-street parking areas would be accessed from a driveway compliant with PMC standards; because the proposed driveway would be the only driveway for more than 360 feet along Oddstad Way; and, because the proposed driveway would remain distant from any future development approved on Oddstad Way, including directly across the street; therefore, the City Council concludes there is not sufficient evidence to make this finding.

- 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.*

This finding is most applicable to commercial projects and multi-family residential projects because single-family residences do not include service or storage areas, large expanses of paved areas, or parking lots. However, the Project would include 80.9 percent of site area in a landscaped condition. This would be far in excess of the 20 percent minimum standard contained in PMC Section 9-4.402(i).

The Project would not include service or storage areas or a parking lot. The Project also would not include large expanses of paving on the Development Site (although the R.O.W. Improvements necessarily would consist of large expanses of paving for the street extension). The paving which would exist on the Development Site includes the driveway, patio areas, and pedestrian pathways. The driveway would be constructed of Turfstone pavers, a type of pervious paving which integrates landscaped area within the paver structure. The Turfstone pavers would result in a soft aesthetic appearance which would not be objectionable to surrounding properties. The patio areas would be constructed with Stone Terrace permeable pavers. Except for a small patio area near the front entryway to the single-family residence, other patio areas on the site would either be screened from the street and other properties by trees or screened by the single-family residence. The pathways would be narrow in width and would not be extensive throughout the site; thus, they would not constitute expansive paved areas.

Because the Project would include extensive landscaping; and, because paving improvements on the Development Site either would not constitute expansive paved areas, would integrate landscaping into their design, or would be screened from view; therefore, the City Council concludes there is not sufficient information to make this finding.

- 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.*

The proposed development would not unreasonably restrict light or air on the property or other property in the neighborhood. The proposed single-family residence would be setback substantially from all property lines at the rear, left, and right of the site. In regard to the front of the Development Site, the large front setback of 25 feet (in excess of the 15-foot minimum requirement in PMC Section 9-4.402(d)), combined with the 40-foot width of the Oddstad Way public right-of-way, would ensure sufficient distance between the proposed single-family residence and other improvements on the Development Site, and nearby properties across Oddstad Way, such that air and light to these properties would not be affected by the proposed Project. The R.O.W. Improvements would primarily consist of paving at grade, as well as retaining walls with low heights which would not unreasonably

restrict air or light on the subject property or property in the neighborhood.

The proposed single-family residence on the Development Site would not hinder or discourage the appropriate development or use of land and buildings in the neighborhood, or impair the value thereof. The Development Site improvements would comply with all zoning standards, would far exceed the minimum landscaping requirement, would be consistent with the Design Guidelines (as discussed in a later finding), and would preserve all heritage trees on the Development Site (as discussed in the review of the heritage tree removal authorization).

However, the proposed R.O.W. Improvements could hinder or discourage appropriate development and use of land and buildings in the neighborhood as currently proposed. As indicated in the Project description contained in the staff report, the R.O.W. Improvements include retaining walls and stormwater treatment measures which either obstruct the entirety of the Oddstad Way public right-of-way or obstruct the frontages of other properties in the vicinity. Of note, a retaining wall nearly six feet in height would obstruct further extension of Oddstad Way in the event of future development to the east. Retaining walls would also obstruct a part or the whole of the frontages of Lots 147 through 150. A Project retaining wall would also obstruct several feet of the frontage of the lot west of the former Lot 4. Stormwater treatment weirs would obstruct access in part or in whole to Lots 153 through 156 (the obstruction to a part of the 598 Rockaway Beach Avenue property is not of concern because the site already has an established point of access to the northwest).

These retaining wall and stormwater treatment weir obstructions could affect the ability to construct safe access to the affected properties. A lack of safe access to these properties would hinder or discourage their appropriate development, and has the potential to impair their value. Therefore, the City Council has included Condition of Approval No. 46 in Exhibit A to this Resolution to require that the retaining walls and stormwater treatment weirs be constructed in a manner such that individual segments of these improvements could be readily removed and the function thereof be readily adapted to the removal, consistent with the original (unmerged) lot line boundaries of the Rockaway Beach Subdivision No. 1, to the satisfaction of the City Engineer. The City Engineer has assessed this issue and determined that it is feasible to design and construct the improvements in this adaptable fashion without adversely affecting their function. Inclusion of this condition of approval would resolve these adverse impacts to adjacent properties.

Because the Project would have significant space from adjacent properties; because the Project would preserve desirable heritage trees on the Development Site; because the R.O.W. Improvements would be low-lying; and because a condition of approval would ensure the ability to provide access to adjacent sites in the event of their future development; therefore, the City Council concludes there is not sufficient evidence to make this finding.

- 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.*

The proposed Project includes the construction of a single-family residence and a street extension, neither of which are a commercial or industrial structure. Therefore, this finding is not applicable.

- 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.*

The proposed Project does not include a subdivision and, therefore, is not entitled to consideration of excessive damage or destruction of natural features as permitted in certain instances in Chapter 1 of Title 10 of the PMC. In the City Council's assessment, the Project as proposed would not excessively damage or destroy heritage trees and the natural grade of the site, but could potentially damage Rockaway Creek.

The prominent natural features on the Development Site and in the area of the R.O.W. Improvements are heritage trees and natural topography. The Project would protect and retain all heritage trees present on the Development Site, thus leaving this natural feature unaffected by the Project. However, as discussed in further detail below in consideration of the heritage tree removal authorization, the Project would remove three heritage trees as part of the R.O.W. Improvements, but removal of the heritage trees in conjunction with the R.O.W. Improvements is not excessive because it is necessary for economically viable use of the Development Site. Nevertheless, because the character of the existing neighborhood in the vicinity of the Project site consists of extensive tree cover, the City Council has determined that removal of the heritage trees within the Oddstad Way public right-of-way should be accompanied by replacement of these trees at a ratio sufficient to ensure the survival of at least three of the newly planted trees. The City Council determined that the appropriate replacement ratio shall be three new trees for each heritage tree removed (i.e., 3:1 ratio).

In addition to removal of some heritage trees, the Project would involve construction and grading within the driplines of some heritage trees when constructing the Development Site and R.O.W. Improvements but a tree protection plan submitted by the Applicant would ensure construction and grading does not harm these trees. Grading of the R.O.W. Improvements is the minimum necessary to construct a street to City standards which is a pre-requisite to economically viable use of the Project site. Therefore, grading for the R.O.W. Improvements would not constitute excessive damage or destruction of natural features. Otherwise, removal of trees on the Development Site is generally limited to the immediate area of development, and the same is true for the R.O.W. Improvements. Therefore, removal of non-heritage trees is not excessive as described in further detail in discussion of the logging operation approval below.

The Project description describes the proposed creation of yard areas at Elevation 154 (rear, left, and right of residence). The Elevation 154 yard area is located proximate to the proposed single-family residence and would be directly accessible from the structure. It would measure slightly more than 2,800 sf in area. The Elevation 154 yard area (rear, left, and right of residence) would provide ample outdoor recreation area for the proposed development but would not be so large in proportion to the proposed single-family residence and the 0.89-acre Project site to constitute excessive grading, and consequently would not damage or destroy natural features.

While grading-related impacts would not excessively damage or destroy natural features, the Project as proposed has the potential to damage Rockaway Creek. As noted in the Project description in the staff report, stormwater discharges from Drainage Management Area (DMA) R-2 would not be captured and treated in the bioretention area prior to discharge into Rockaway Creek. The Applicant's Stormwater Control Plan ("SCP") states that the steepness

of the westernmost section of the street extension prevents capture and treatment of stormwater in this area. The City Council's assessment of this issue does not support the conclusion in the SCP. The City Council has included Condition of Approval No. 14 in Exhibit A to this Resolution, which in turn will require compliance with Mitigation Measure IX-4 in the MMRP to require that the DMA-R2 stormwater discharges are captured and treated before discharge into Rockaway Creek.

The Project would not damage or destroy rocks because these features are not known to be on the Development Site or in the area of the R.O.W. Improvements.

Because the Project as conditioned would only remove trees and perform grading necessary to construct the R.O.W. Improvements, the single-family residence on the Development Site, and adequate yard areas on the Development Site; and, because the Project, as conditioned, would treat all stormwater discharges before entering Rockaway Creek; therefore, the City Council concludes there is not sufficient evidence to make this finding.

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

As discussed more fully in the Design Guidelines discussion below, the Project would not be monotonous. The proposed single-family residence on the Development Site would feature varying elements on all sides of the building. Each building elevation would feature interesting materials, roof angles, windows, and other elements, such as balconies and trellises. The building elements would be tied together with consistent materials across all elevations.

Because of the varying details on each building elevation, the City Council concludes there is not sufficient evidence to make this finding.

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

The proposed Project, as conditioned, would be consistent with the City's adopted Design Guidelines with respect to Site Planning, Building Design, Landscaping, and Hillside Development guidelines. Major areas of Project consistency and inconsistency (exterior lighting) with the Design Guidelines are discussed below:

SITE PLANNING

Site Improvements. Locate site improvements such as buildings, parking areas, and walkways to take advantage of desirable site features. For example, existing healthy trees and distinctive berms or rock outcroppings should be incorporated into site design. Buildings should be oriented to capitalize on views of hills and ocean.

Site improvements should be designed to work with site features, not against them. Lot grading should be minimized and disruption of natural features such as trees, ground forms, rocks, and water courses should be avoided.

The Project, as revised, would incorporate all existing heritage trees on the Development Site into the overall site landscaping design. The Project also would not include extensive removal of non-heritage trees outside of the immediate development footprint of the proposed single-family residence. The Elevation 154 yard area is modest in size and would not result

in excessive grading to create level areas on the Development Site. There are no water courses or significant rocks on the Development Site.

Lighting. Exterior lighting should be subdued, and should enhance building design as well as provide for safety and security. Lighting which creates glare for occupants or neighbors should not be used. In general, large areas should be illuminated with a few low shielded fixtures. Tall fixtures which illuminate large areas should be avoided.

The Project, as proposed, would not be consistent with this Design Guideline. The Project proposes extensive exterior lighting on all building elevations as shown on Sheets A-5.1 and A-6.1. The Project proposes 3 exterior light fixtures at the first story (garage) level, 26 at the second story level, and 17 at the third story level (a total of 46 exterior light fixtures). While these fixtures are down-facing light fixtures, the position of the proposed single-family residence on prominent topography above the lower elevation floor of the Rockaway valley where most existing development is located would be likely to result in these fixtures producing light that is not subdued as suggested in this Design Guideline.

The City Council has included Condition of Approval No. 8 in Exhibit A to this Resolution which would allow exterior lighting on the proposed single-family residence i) only in locations required by the California Residential Code, such as at doorways as a safety measure; ii) mounted in the ceiling of covered porch, deck, and balcony areas; and, iii) with one light fixture above the garage door. Landscaping lighting and safety lighting along pathways would be permitted provided the light fixtures are down-facing and located not more than four feet above the ground. The condition of approval would provide for limited lighting to ensure safety while bringing down the overall amount of exterior light generated by the Project. This condition of approval would reduce the number of exterior light fixtures attached to the proposed single-family residence by approximately 30 fixtures.

BUILDING DESIGN

Design. The style and design of new buildings should be in character with that of the surrounding neighborhood. This does not mean that new buildings should be identical to existing buildings on neighboring lots, but that new buildings should complement, enhance, and reinforce the positive characteristics of surrounding development. This can be accomplished by incorporating the dominant architectural features of an area into the design of new development. Such features may include bay windows, chimneys, balconies, porches, roof shapes, and other architectural details and materials. Additions to an existing structure should also retain and/or be consistent with the positive architectural features of the original structure.

The style and design of the proposed Project is in character with the surrounding neighborhood in that the proposed single-family residence is not massive nor bulky comparative to its lot size. Although the proposed building approaches the maximum 35-foot height limit, this is largely a function of the steep topography of the Development Site and the City's method of measuring height. The proposed building only has two floors of residential floor area which is consistent with the modest scale of many homes in the Rockaway Beach neighborhood. The additional floor is a garage which is located at the lowest portion of the site, partially underground, to reduce overall building height.

Consistent with other homes in the Rockaway Beach neighborhood, the design of the proposed residence incorporates balconies, low profile roof shapes, composite shingle roofing material, wood siding, and a chimney in stacked stone material all of which collectively, complement, enhance, and reinforce the positive characteristics of surrounding development.

The design of the street-facing portions of the proposed single-family residence enhances the streetscape because the garage doors are de-emphasized from the street. The garage doors are not located on the front façade, instead they are located on the side elevation and are located partially below grade.

Scale. An important aspect of design compatibility is scale. Scale is the measure of the relationship of the relative overall size of one structure with one or more other structures. Scale is also used to refer to a group of buildings, a neighborhood, or an entire city. A development can be “out of scale” with its surroundings due to its relative height, bulk, mass, or density.

A structure which is out of scale with its site and neighborhood threatens the integrity of the overall streetscape, and residential projects, particularly single-family dwellings, which are much larger than neighboring structures are therefore discouraged. The City’s height limitation is a maximum only, and the maximum height may often be inappropriate when considered in the context of surrounding development and topography. The “carrying capacity” of a given site is also an important factor in determining appropriate scale and lot coverage. As with the height limitation, the City’s lot coverage limitation is a maximum only.

The proposed single-family residence would be in character with the surrounding neighborhood in mass, scale, bulk and height. The established development pattern of homes in the Rockaway Beach neighborhood includes a mixture of one and two-story residences. Older homes in the neighborhood are generally small and constructed on non-conforming lots less than 5,000 sf in area. New homes constructed in the neighborhood tend to be larger than the older homes in the neighborhood. Most of the homes described here are located along Rockaway Beach Avenue. There are no developed homes on either side of the Development Site or in the immediate vicinity in any other direction. The lots immediately adjacent to the Development Site remain undeveloped.

While it would be one of the largest homes in the Rockaway Beach neighborhood, the Project would also be located on a large site nearly one acre in size. This is larger than most all developed sites in the Rockaway Beach neighborhood. The large lot size and absence of existing development in the immediate vicinity of the Development Site would result in a building that would not be out-of-scale with its surroundings. Rather, this Project would establish the appropriate scale for development along Oddstad Way, again, with the key relationship being between the size of the development site and the proposed structure.

Details. Use architectural features and details to help create a sense of human scale. Wall insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.

The Project has been well designed to create a sense of human scale by utilizing angular low pitched rooflines, a pedestrian pathway from the street, and ample balcony areas. The Project also includes wall insets, window openings, and changes in materials and building planes to add interest and to reduce the apparent scale of the proposed building. These architectural features and details provide visual interest and variety on all building elevations.

Materials. Compatibility of materials is an essential ingredient in design quality. In areas with either historic or architecturally significant structures, the use of similar exterior construction materials should be used in new construction in order to maintain neighborhood character. Consistency and congruity of materials and design elements on individual structures is also important.

The proposed materials are earth-tone, traditional, and common to single-family residences in general which makes the proposed materials compatible and consistent with the character of the established neighborhood in the Rockaway Beach neighborhood.

The Project consistently uses the same materials across all elevations in different configurations and applications to ensure unity in the design while avoiding monotony. The key Project materials include a composition roof shingle, cedar grooved horizontal siding, stacked stone, angled fascia boards, aluminum windows, trellises, and columns. These materials combine into a consistent and congruent design around the entire structure.

There are no historical or architecturally significant structures in the immediate vicinity of the Project which would be relevant for determining architectural context.

Color. Building color should be compatible with the neighborhood and should reinforce and complement the visual character of the building's environment. Multiple colors applied to a single building should relate to changes of material or form.

The colors proposed for the single-family residence would be compatible on all elevations. The horizontal cedar siding would be unpainted and a natural wood color. The soft natural wood color would be accented by bronze-colored window frames and the white fascia boards.

Consistency. There should be architectural consistency among all building elevations. All elevations need not be identical, but a sense of overall design continuity must occur. Window treatment and trim, for example, should be carried out around the entire building, not just on the most visible sides.

All building elevations of the proposed single-family residence would be consistent in terms of color, materials, roof pitch, and architectural details. The same window types and trims would be carried around all elevations. Similarly, stainless steel and glass balcony railings would be installed at all balcony areas to provide consistency in appearance.

LANDSCAPING

Purpose. Landscaping should not be used to screen or hide an otherwise unacceptable building. Building architecture should stand on its own, with landscaping incorporated as an integral element of overall project design.

As discussed above and below in this discussion of Design Guidelines consistency, the Project, as conditioned, would result in a building on the Development Site which would be desirable in its design and appearance and which incorporates suitable landscaping into the overall Project design. The building architecture, through the incorporation of interesting elements, varying details, and a unified design across all elevations, would stand on its own. Landscaping proposed on the Project site would help to soften the appearance of retaining walls, would complement the single-family residence, and would also make use of heritage

trees and other existing trees to keep a mature appearance to the site's landscaping.

Amount and Variety. Applicants are encouraged to exceed the minimum amount of landscaping required by the Zoning Ordinance and landscape plans should incorporate a variety of plant species. The amount, scale, and nature of landscape materials should be appropriate to the site and/or structure. Large-scale buildings should be complemented by large-scale landscaping. Development along major streets should also include large-scale trees.

The Project, as conditioned, would include 80.9 percent of site area as landscaping. The amount of proposed landscaping is more than four times greater than the 20 percent minimum established in PMC Section 9-4.402(i). The landscape plan shown on Sheet A1.2 of Attachment C of the June 15, 2020, Planning Commission staff report incorporates more than 50 different plant species to ensure a variety of plant species. The proposed plant species would vary in size from 1 gallon to 24-inch box. The Project would also retain all heritage trees on the Development Site which would provide mature, large-scale landscaping immediately upon completion of the Project.

Existing Landscape Elements. Where possible, existing landscape elements, such as native and heritage trees, should be retained and incorporated into landscape plans... Mature trees and tree groupings, as well as rock outcroppings should be considered design determinants.

The Project would incorporate significant existing landscape elements, including all heritage trees and many non-heritage trees that are present on the Development Site. These mature trees would provide developed landscaping while the new landscaping installations mature over a period of years. No rock outcroppings are known to be present on the Project site.

HILLSIDE DEVELOPMENT

Excavation. Large amounts of cut and/or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.

(a) Structures should relate to and follow site topography to work with the slope, not against it.

(b) Whenever feasible, buildings and roads should be sited to align with existing contours of the land.

(c) Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.

(d) Avoid one-level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.

The proposed three-story single-family residence on the Development Site is generally oriented to the existing site contours which run crosswise on the site. The widest part of the building would be aligned parallel to the contours to minimize grading. The three stories of the building allow more floor area with less grading and disturbance of natural topography.

The R.O.W. Improvements are limited in their ability to be configured to align with existing site contours because the Oddstad Way public right-of-way has already been established as part of the Rockaway Beach Subdivision No. 1. However, the road will be constructed to the minimum width required by City standards which will avoid excessive grading from

widening the road beyond the minimum acceptable width.

CONCLUSION

Because the Project, as conditioned, would be consistent with Design Guidelines addressing Site Planning, Building Design, Landscaping, and Hillside Development, the City Council concludes there is not sufficient evidence to make this finding.

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

The proposed development, as conditioned, would be consistent with the General Plan and other applicable laws of the City of Pacifica. Because the site is not located in the Coastal Zone, Local Coastal Plan consistency is not applicable to this Project. General Plan consistency includes, but is not limited to, the following policies:

Land Use Element

- a. East Fairway Park-Valleamar-Rockaway Land Use Plan (General Plan p. 44a)

The Project site is designated as Very Low Density Residential with an indicated density of one-half to five acres per dwelling unit. The proposed Project includes one dwelling unit on a 38,765 sf (0.89 acre) lot, which is consistent with the General Plan land use designation for the site.

Circulation Element

- b. Policy No. 4: *Provide access which is safe and consistent with the level of development.*

As noted above under the findings for approval of a site development permit, the Project, as conditioned, would include a 26-foot wide street consistent with the applicable Residential Collector Street standard in Table 2 of Administrative Policy No. 42. Providing a street constructed to City standards would provide access which is safe and consistent with the level of development.

- c. Policy No. 14: *Ensure adequate off-street parking in all development.*

The proposed Project would comply with the off-street parking standards contained in Article 28 of Chapter 4 of Title 9 of the PMC. Specifically, the Project would provide a large two-car garage as required by PMC Section 9-4.2818(a)(1) for single-family residences. On-street parking would be available on Oddstad Way; however, the Project would also have sufficient driveway length to accommodate a parked car.

Conservation Element

- d. Policy No. 1: *Conserve trees and encourage native forestation; and Policy No. 3: Protect significant trees of neighborhood or area importance and encourage planting of appropriate trees and vegetation.*

The Project would preserve all heritage trees on the Development Site. Other trees on the Development Site would be removed only to the extent necessary for construction of the proposed single-family residence. Heritage trees removed within the public right-of-way shall be replaced with new trees at a ratio sufficient to ensure the survival of at least three of the newly planted trees. A tree protection plan would ensure that heritage trees with drip lines located in the Oddstad Way public right-of-way and on the Development Site that will not be removed will also be protected during construction of the R.O.W. Improvements and the Development Site. .

Historic Preservation Element

- e. Policy No. 1: *Conserve historic and cultural sites and structures which define the past and present character of Pacifica.*

As further described in the environmental review prepared for the Project, the City performed a thorough investigation of potential cultural and tribal cultural resource impacts which could result from the Project. The analysis concluded that the Project would not result in a significant adverse impact on any cultural or tribal cultural resources.

Community Design Element

- f. Policy No. 5: *Require underground utilities in all new development.*

The proposed Project would install all utilities underground from the nearest joint pole or other point of connection. The utilities would be installed within a joint trench located within the Oddstad Way public right-of-way.

OTHER APPLICABLE LAWS

Off-Street Parking Standards in Article 28

- g. The proposed Project would comply with the off-street parking standards contained in Article 28 of Chapter 4 of Title 9 of the PMC. Specifically, the Project would provide a two-car garage as required by PMC Section 9-4.2818(a)(1) for single-family residences. On-street parking would also be available on Oddstad Way; however, the Project would also have sufficient driveway length to accommodate a parked car.

R-1-H (Single-Family Residential Hillside) Zoning District Standards

- h. The proposed Project would comply with the permitted and conditional uses authorized in the R-1-H zoning district as required by PMC Section 9-4.952 (reference to PMC Section 9-4.401) as well as the development regulations

contained in PMC Section 9-4.953 (reference to PMC Section 9-4.402). The Project proposes a single-family residential use which is consistent with the permitted uses of the R-1-H zoning district. The Project would also comply with the minimum lot area per dwelling unit, minimum front setback, minimum side setback, minimum rear setback, maximum lot coverage, minimum landscaped area, and maximum height development standards of the R-1-H zoning district.

Therefore, because the proposed Project would be consistent with policies in the Land Use, Circulation, Conservation, Historic Preservation, and Community Design elements of the General Plan; and, because the Project as conditioned would comply with other applicable laws of the City of Pacifica including but not limited to the standards in Articles 4 and 28 of Chapter 4 of Title 9 of the PMC; there is sufficient evidence to conclude that, on balance, the Project would be consistent with the General Plan and other applicable laws of the City, and that consistency with the Local Coastal Plan would not be required.

B. *Heritage Tree Removal Authorization.* The City Council hereby authorizes removal of three heritage trees in the Oddstad Way public right-of-way based on the following criteria and related findings as required by PMC Section 4-12.05(c):

- i. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its ability to host a plant which is parasitic to another tree which is in danger of being infested by the parasite;
- ii. Whether the requested action is necessary for the economically viable use of the property;
- iii. The topography of the land and effect of the requested action on it;
- iv. The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, historic value, and general welfare of the area and the City as a whole;
- v. The number of healthy trees the parcel is able to support; and
- vi. Good forestry practices.

The Applicant submitted an arborist report describing the condition of all trees in the Project area, including the three heritage trees proposed for removal as part of the R.O.W. Improvements (Attachment F of the June 15, 2020, Planning Commission staff report). All heritage trees proposed for removal have a condition of “Fair” or better. Therefore, the City Council concludes there is not sufficient information to justify removal of the heritage trees based on Criterion (i).

The Applicant must provide vehicular access to the Development Site. Because the Development Site is located within an existing subdivision, access currently is available only from the Oddstad Way public right-of-way. Therefore, construction of the R.O.W. Improvements is necessary within the Oddstad Way public right-of-way. The Oddstad Way public right-of-way is only 40 feet wide, and the minimum street width pursuant to the standard in Table 2 of Administrative Policy No. 42 is 26 feet. The standard in Table 2 of Administrative Policy No. 42 also requires six-inch curbs and gutters on both sides of the street, and construction of a minimum three-foot

wide pedestrian pathway on both sides of the street. Even as the requirements of Administrative Policy No. 42 have been modified by Condition of Approval No. 35 to defer construction of curbs and gutters on a portion of the south side of Oddstad Way and to require construction of a sidewalk only on the south side of Oddstad Way, the Applicant is constrained in construction of the street with only seven feet of deviation in the alignment possible within the public right-of-way. Shifting the roadway in this fashion would not eliminate the need to remove the heritage trees which have been identified for removal because they would be located within the path of any street built to City standards within the available public right-of-way. Therefore, there is sufficient basis to justify removal of the heritage trees within the Oddstad Way public right-of-way under criterion (ii). The Applicant has provided a tree protection plan which would ensure the construction and grading within the dripline of certain heritage trees to complete the R.O.W. Improvements, as well as construction on the Development Site, would not harm the remaining heritage trees (Attachment E of the June 15, 2020, Planning Commission staff report). Measures to protect the heritage trees include, but are not limited to, establishment of tree protection zones with exclusion fencing around the dripline of the trees to protect roots from damage or soil compaction, and special procedures for cutting of certain roots under the supervision of the Project arborist.

The Applicant has not provided information to justify the proposed removal of heritage trees under Criteria (iii) through (vi).

Based on the analysis above, the City Council determines there is sufficient justification for removal of three heritage trees as part of the R.O.W. Improvements under Criterion (ii) alone, and, thus, approves authorization of heritage tree removal to construct the R.O.W. Improvements. The City Council assesses that the removal of three heritage trees to construct the R.O.W. Improvements is sufficiently justified under Criterion (ii) because no other means to access the Development Site is available, and vehicular access is necessary for economically viable use of the Development Site and is constrained to the subdivision's existing Oddstad Way public right-of-way. The City Council further assesses that implementation of the recommendations in the tree protection plan, will provide adequate protection to heritage trees on the Development Site and in the area of the R.O.W. Improvements such that these trees will be adequately protected from harm by the Project.

- C. *Logging Operation Approval.* The City Council hereby approves a logging operation as required by Ordinance No. 636-C.S. and Ordinance No. 673-C.S.:

The City Council has evaluated the proposed removal of three heritage trees for the construction of the R.O.W. Improvements. Based on the foregoing reasons and findings stated under the authorization for heritage tree removal, above, the City Council approves the removal of the three heritage trees necessary for construction of the R.O.W. Improvements as part of the logging operation. No heritage trees are proposed for removal on the Development Site.

Regarding the removal of non-heritage trees, the City Council approves the removal of all trees proposed for removal as part of the logging operation. The City Council's analysis of the Project supports a conclusion that only those trees necessary for construction of the R.O.W. Improvements and those within the footprint of the Project on the Development Site are proposed for removal. The Applicant has not proposed excessive tree removal in areas outside of the minimum footprint of the Project area. Therefore, it is the City Council's assessment that the logging operation should be approved as described in this analysis.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica grants authorization for the Applicant to remove three heritage trees within the Oddstad Way public right-of-way as required to construct the approximately 360-foot long street and utilities extension.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica grants approval of the proposed logging operation to remove more than 20 trees in the Oddstad Way public right-of-way and on the Lots 4-12 development site pursuant to Ordinance No. 636-C.S. and Ordinance No. 673-C.S.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the aforementioned findings, the City Council of the City of Pacifica approves and issues Site Development Permit PSD-788-14, subject to conditions of approval included in 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 24th day of August 2020.

AYES, Councilmember: MARTIN, BECKMEYER, VATERLAUS, BIER, O'NEILL

NOES, Councilmember: N/A

ABSENT, Councilmember: N/A

ABSTAIN, Councilmember: N/A


Deirdre Martin (Sep 11, 2020 18:57 PDT)

Deirdre Martin, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2014-001 for Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval to construct a single-family residence and street and utility improvements at Lots 4-12 Oddstad Way (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010)

City Council Meeting of August 24, 2020

Planning Division

1. Development shall be substantially in accord with the plans entitled “ODDSTAD WAY NEW RESIDENCE” dated May 13, 2020, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director 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. In the event of litigation filed to overturn the City’s determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
3. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
4. Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction prior to issuance of a building permit.
5. Prior to the issuance of a building permit, Applicant shall submit information on all final exterior finishes, including colors and materials, to the satisfaction of the Planning Director. All exterior metal materials shall be corrosion resistant materials.
6. All exposed retaining wall surfaces constructed by the Project shall have a decorative finish which may include, but shall not be limited to, decorative block, stone veneer, or colored and stamped concrete, to the satisfaction of the Planning Director.
7. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences but shall be adequate to ensure security and dissuade vandalism on-site. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations shall be shown, where applicable, on all building elevations.

Conditions of Approval: File No. 2014-001 for Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval to construct a single-family residence and street and utility improvements at Lots 4-12 Oddstad Way (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010)
August 24, 2020

8. Prior to issuance of a building permit, Applicant shall revise the exterior lighting plan to the satisfaction of the Planning Director to install exterior lighting fixtures on the single-family residence i) only in locations required by the California Residential Code, such as at doorways as a safety measure; ii) mounted in the ceiling of covered porch, deck, and balcony areas, with such fixtures facing directly downward and only illuminating the associated porch, deck, or balcony areas; and, iii) with one light fixture above the garage door. Landscaping lighting and safety lighting along pathways shall be permitted provided the light fixtures are down-facing and located not more than four feet above the ground.
9. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary as determined by the Planning Director.
10. All transformers, HVAC units, backflow preventers and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berms, painting, and/or landscaping, to the satisfaction of the Planning Director.
11. Prior to the issuance of a building permit, Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights. All roof equipment shall be screened to the Planning Director's satisfaction.
12. All vents, gutters, downspouts, flashing, and conduits shall 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 appropriately housed and/or screened to the Planning Director's satisfaction.
13. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
14. Applicant shall incorporate into the Project all mitigation measures identified in the document entitled "Lots 4-12 Oddstad Way Project INITIAL STUDY/MITIGATED NEGATIVE DECLARATION" dated November 2018, inclusive of the RTC dated May 2020 and "Errata Sheet" dated May 2020. The MMRP containing all applicable mitigation measures to be incorporated into the Project is included as Exhibit B to this Resolution.
15. Applicant shall incorporate all recommendations detailed in the letter "Re: Geotechnical Response to CEQA Review/Request for Additional Information Oddstad Way (APNs 022-056-060/070/080/090, 022-066-010) Pacifica, California," dated October 24, 2017, and all prior

Conditions of Approval: File No. 2014-001 for Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval to construct a single-family residence and street and utility improvements at Lots 4-12 Oddstad Way (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010)
August 24, 2020

geotechnical investigations and recommendations referenced therein, shall be incorporated into the Project plans and approved by the Building Official prior to issuance of a building permit, excepted as modified by the MMRP in Exhibit B.

16. Applicant shall incorporate all recommendations contained in the tree protection plan, included as Exhibit C to this Resolution, into construction of the Project. In addition, Applicant shall revise the tree protection plan to provide a 3:1 ratio of replacement trees to heritage trees removed in the public right-of-way, in the manner and location as directed by the Planning Director. Applicant shall complete planting of the replacement trees prior to issuance of a certificate of occupancy.
17. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
18. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
19. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's Project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division

20. Applicant shall apply for and receive approval of a building permit prior to construction of the Project.

Engineering Division of Public Works Department

21. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.

Conditions of Approval: File No. 2014-001 for Site Development Permit PSD-788-14, Heritage Tree Removal Authorization, and Logging Operation Approval to construct a single-family residence and street and utility improvements at Lots 4-12 Oddstad Way (APNs 022-056-080, 022-056-090, 022-056-060, 022-056-070, and 022-064-010)
August 24, 2020

22. Applicant shall provide updated calculations based the Municipal Regional Permit for the entire development to determine the size of all proposed storm drain facilities, stormwater treatment measures and the impact on the existing system (storm drains, creeks, and waterways). If the calculations reveal that the City system would be negatively impacted, those impacts shall be mitigated to the satisfaction of the City Engineer. Calculation report shall be signed and stamped by a registered engineer. Stormwater improvement shall be peer reviewed by an engineering consultant for the City, and it must be found acceptable to the City, as is or with recommendations. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the City Engineer.
23. Applicant shall revise its stormwater treatment plan to comply with all applicable requirements of Provision C.3 of the Municipal Regional Permit, including but not limited to demonstrating that sufficient treatment areas have been provided to capture and treat stormwater from all impervious surfaces created by the Project, including without limitation the widened street required to comply with the “Residential Collector Street” standard from Table 2 of Administrative Policy 42, to the satisfaction of the City Engineer. All necessary stormwater treatment measures shall be installed prior to issuance of a certificate of occupancy.
 - a. Applicant shall revise plans for the stormwater treatment weirs to demonstrate a range of slope within the swales at 4-8 percent to avoid concentrating flows in one end of the swale or eroding the treatment soil.
24. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Rockaway Beach Avenue. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
25. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this Project.
26. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, 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 issuance of the certificate of occupancy.
27. Applicant shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:

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- a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements on the subject property
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Oddstad Way, including existing and proposed improvements such as, but not limited to, new pavement, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. the slope of Oddstad Way at the centerline;
 - iii. adjacent driveways within 25' of the property lines
 - iv. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. Provide a flexible pavement design by a registered professional for the new Oddstad Way extension.
 - e. Provide structural calculations, signed and stamped by a registered professional, for all retaining walls within the City right-of-way.
 - f. Provide a design level geotechnical report, signed and stamped by a registered professional, for all retaining walls within the City right-of-way
 - g. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
 - h. Retaining structures or systems within the City right-of-way shall be peer reviewed by an engineering consultant for the City, and it must be found acceptable to the City, as is or with recommendations. The Applicant shall pay City the cost of the peer review, including the costs of staff time and any services determined to be necessary by the City Engineer.
28. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards, to the satisfaction of the City Engineer and prior to issuance of the certificate of occupancy.
29. Applicant shall install new concrete curb, gutter and driveway approach and must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% out-slope to the in-slope driveway shall be sufficiently gradual to avoid vehicles to contact the pavement at the grade breaks.
30. A traffic control plan shall be submitted for review by the City Engineer. Lane closures shall be requested at least 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Departments. Through traffic shall be maintained at all times along Rockaway Beach Avenue.

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31. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
32. All utilities shall be installed underground from the nearest box or joint pole.
33. All proposed sanitary sewer system and storm drain system elements, including detention facilities, shall be privately maintained up to their connections to the existing mains.
34. Per the adopted City of Pacifica Complete Street Policy, development shall include but not be limited to, bicycle and pedestrian facilities (along entire Oddstad Way extension).
35. Applicant shall extend the public street Oddstad Way per City of Pacifica Administrative Policy No. 42 from the current end of the improved street and through Applicant's property frontage in order to serve this development. Applicant shall revise the Project plans for the Oddstad Way street extension to demonstrate compliance with all applicable City street and infrastructure standards, including but not limited to the "Residential Collector Street" standard from Table 2 of Administrative Policy 42, to the satisfaction of the City Engineer. All required street and infrastructure improvements shall be constructed and installed to the satisfaction of the City Engineer prior to issuance of a certificate of occupancy.

Administrative Policy No. 42 requires a 26-foot road section plus sidewalk improvements. The Applicant shall construct the full street width along the entire length of improvements. A three-foot wide decomposed granite sidewalk is required only along the south side of Oddstad Way. As an exception to the foregoing requirement to construct the street improvements to all applicable City standards, the Applicant shall not be required to construct curbs and gutters on the south side of the Oddstad Way extension west of the frontage of the Development Site (former Lots 4-12).

36. As an alternative to constructing the Oddstad Way street extension along the Applicant's entire property frontage, the Applicant may enter into a Deferred Improvements Agreement with the City, consistent with Pacifica Municipal Code Section 10-1.1003, for street and sidewalk improvements east of their currently proposed terminus at the eastern lot line of former Lot 9. In the event of future development of any parcel to the east of the Project site which involves an extension of Oddstad Way from the terminus proposed by the Project, the Applicant shall be required to construct the remaining improvements along the entire frontage. The Deferred Improvement Agreement shall be approved by the City Attorney and executed, notarized, and recorded on the Property by Applicant, prior to issuance of a certificate of occupancy.
37. Applicant may, at a minimum, construct the southernmost six feet of the Oddstad Way street extension with pervious paving to reduce the amount of impervious surface created by the Project and to reduce the amount of stormwater treatment infrastructure required to be constructed in the constrained 40-foot wide Oddstad Way public right-of-way. The Applicant may construct a greater portion of the street extension with pervious paving, at the Applicant's discretion, subject to approval by the City Engineer.

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All pervious paving segments installed within the Oddstad Way public right-of-way shall be designed to absorb the C.3 design flow and shall demonstrate that the design flow will percolate into the soil without use of subdrains. However, if soil conditions prevent percolation into the soil, or the City Engineer otherwise determines percolation is inappropriate, the Applicant shall construct stormwater treatment measures to treat the design flow from the pervious paving area. This may result in an increase in the size of the currently proposed treatment areas. Any such design shall also demonstrate that during high flows, excess runoff would flow across the surface of the street to the curb on the north side. The high flows must be routed away from the bioswales to avoid overloading the treatment soil.

38. Retaining walls and other structures within the City right-of-way necessary for the construction of the Oddstad Way extension shall be covered under a Maintenance Agreement recorded prior to issuance of the certificate of occupancy and to run with the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.
39. Stormwater measures shall be covered under a separate Maintenance Agreement for Stormwater Treatment Measures recorded prior to issuance of the certificate of occupancy and to run with the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.
40. Prior to issuance of a certificate of occupancy for any component of the Project, Applicant shall execute and record a Maintenance Agreement addressing future maintenance of the pervious pavement designed to Provision C.3 of the Municipal Regional Permit for areas in the public right-of-way and areas on the private Development Site.
41. The emergency vehicle turn-around shall remain unobstructed at all times and curbs within the limits of the turnaround shall be painted red and properly signed to the satisfaction of the City Engineer.
42. Applicant shall dedicate an emergency vehicle access easement for the fire apparatus turnaround. The City Council must accept the offer of dedication of the easement prior to issuance of a certificate of occupancy. The form and content of the offer of dedication shall be subject to review and approval of the City Attorney.
43. Applicant shall install curb ramps on both side of the emergency vehicle turn-around.
44. Applicant shall install new street lights with underground feed per City Standards and sufficient to meet current industry standards for public roads including but not limited to IESNA American National Standard Practice for Roadway Lighting and AASHTO Roadway Lighting Design Guide. Final location is subject to the approval of the City Engineer. All required street lights shall be installed and made operational prior to issuance of a certificate of occupancy.
45. Applicant shall install speed limit signs in locations and type to the satisfaction of the City Engineer.

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46. Prior to issuance of a building permit, Applicant shall revise the Project plans to demonstrate that all improvements proposed within the Oddstad Way public right-of-way (e.g., retaining walls and stormwater treatment weirs) which would obstruct direct access to a private lot or parcel fronting upon Oddstad Way, or which would obstruct continuation of the improved portion of the Oddstad Way public right-of-way, shall be designed and constructed in a manner such that individual segments of these improvements can be readily removed and the function thereof be readily adapted to the removal, consistent with the original (unmerged) lot line boundaries of the Rockaway Beach Subdivision No. 1, to the satisfaction of the City Engineer and the Building Official. The intent of this condition of approval is to ensure that all such improvements within the public right-of-way shall have breakout sections to accommodate future driveways to the affected properties.

North County Fire Authority

47. Applicant shall install a fire sprinkler system in the single-family residential structure. Applicant shall submit plans to NCFCA under separate fire permit prior to issuance of a building permit.
48. Prior to issuance of a building permit, Applicant shall provide fire flow information per 2019 CFC, Appendix B, for the hydrant and fire sprinkler system, to the satisfaction of the Fire Chief.
49. Prior to issuance of a building permit, Applicant shall revise the Project plans to demonstrate installation of fire hydrants in compliance with Appendix C of the 2019 CFC along the Oddstad Way street extension, to the satisfaction of the Fire Chief and City Engineer.
50. No vertical construction or storage of combustible materials are allowed on-site until all roadways are completed per Chapter 5 of the CFC and the fire hydrant(s) along Oddstad Way is/are installed and serviceable.
51. Applicant shall install NO PARKING signs and markings as required by CFC Appendix D within the Fire Apparatus Turnaround (i.e., alternate hammerhead), prior to start of construction. Applicant shall ensure these signs and markings remain installed in a legible condition for the life of the Project.
52. Prior to issuance of a certificate of occupancy, Applicant shall install illuminated address identification on the single-family residential structure, to the satisfaction of the Fire Chief.

Wastewater Division

53. Prior to issuance of a building permit, the Applicant shall submit materials demonstrating the following information, designed and constructed to City of Pacifica standards including but not limited to Drawing Nos. WW100, WW101, WW102, WW201, WW202, WW301, subject to the satisfaction of the City Engineer:

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- a. Street trenching and patching.
- b. Location and size of new sewer main.
 - i. The main sewer line must be installed within 50 feet of the nearest residential connection.
 - ii. The new sewer main shall be 8 inches in diameter.
- c. Location and size of sewer lateral system (including cleanout location) and appurtenances.
- d. Manhole(s).
- e. All construction work proposed within the City right-of-way (including, but not limited to, trenching, sidewalk, curb and gutter repairs, etc.).
- f. A note stated that “The contractor or owner shall contact the Wastewater Treatment Plant (phone 650-738-7472) 24 hours prior to starting each of the following items: trenching, backfilling, pavement restoration, sewer tap, pipe installation or any other sewer system work.”

Added by Planning Commission on June 15, 2020

54. Prior to commencement of any demolition, tree or vegetation removal, site preparation, grading or any other construction activity, Applicant shall gather photographic and video recordings of the condition of all street pavement, curbs, and gutters on the following public street segments (in all directions of travel):

- Fassler Avenue between Highway 1 and Rockaway Beach Avenue;
- Rockaway Beach Avenue between Fassler Avenue and Buel Avenue;
- Rockaway Beach Avenue between Buel Avenue and Oddstad Way (spur of Rockaway Beach Avenue approximately 870 feet southeast of the intersection of Rockaway Beach Avenue and Buel Avenue);
- Oddstad Way between Rockaway Beach Avenue and terminus of Oddstad Way.

The photographic and video recordings of the public streets described in this Condition No. 54 shall be prepared to the satisfaction of the City Engineer.

Applicant shall make any repairs to existing curb, gutter, or other street improvements determined by the City Engineer to have been damaged as a result of construction of the Project, prior to issuance of a certificate of occupancy.

Added by City Council on August 24, 2020

55. In addition, an additional condition has been added to require that all construction activities, including but not limited to clearing, grubbing, tree removal, and grading, shall occur only between the hours of 8:00 am and 5:00 pm, Monday through Friday, and between 9:00 am and 4:00 pm on Saturday. All construction activities shall be prohibited on Sunday.

END OF CONDITIONS

Exhibit B

MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and 15097 of the CEQA Guidelines, which requires an MMRP as part of the Mitigated Negative Declaration (MND) process. CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the Project including construction and throughout the Project buildout. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately to ensure compliance.

The following MMRP matrix lists each of the mitigation measures adopted as a condition of Project approval, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

Lots 4-12 Oddstad Way Project Mitigation Monitoring and Reporting Program

May 2020

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Lots 4-12 Oddstad Way Project as revised by the City's associated Response to Comments document and Errata Sheet are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p>I-1 <i>Prior to issuance of building permits, all improvement and building plans for the proposed development shall demonstrate that the color and texture (including, but not limited to, landscaping, surface treatments, etc.) of the proposed buildings, retaining walls, and debris walls match or blend with the natural landscape in the project area, as well as the color palette of the existing residential development in the area. The final design of the buildings and retaining walls shall be reviewed and approved by the City of Pacifica Building Division.</i></p>	<p>Prior to issuance of building permits</p>	<p>City of Pacifica Building Division</p>	
<p>IV-1. <i>If construction, tree removal, and/or tree trimming activities are proposed during the bird nesting season (February 1 through August 31), preconstruction surveys for nesting birds, including raptors, shall be conducted by a qualified biologist within 500 feet of the construction area no more than 14 days prior to initiation of construction activities. If active bird nests are not found, further action is not required. If active bird nests are found, and project activities could potentially impact nesting success as determined by a qualified biologist, all necessary permits shall be obtained from the USFWS Migratory Bird Treaty Office and the CDFW. Alternatively, the applicant may delay construction activities until active bird nests are no longer present within 300 feet of the construction area. Results of the preconstruction surveys shall be submitted to the City of Pacifica Planning Department and the CDFW.</i></p>	<p>No more than 14 days prior to initiation of construction activities if construction, tree removal, and/or tree trimming activities are proposed between February 1 and August 31</p>	<p>City of Pacifica Planning Department CDFW USFWS</p>	
<p>IV-2(a). <i>Prior to removal of any on-site trees, a qualified biologist shall conduct a pre-construction bat emergence survey. If active roosts are not found, then further action shall not be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, Mitigation Measures IV-2(b) and IV-2(c) shall be implemented. The pre-construction survey shall be submitted to the City of Pacifica Planning Department and the CDFW.</i></p>	<p>Prior to removal of any on-site trees</p>	<p>City of Pacifica Planning Department CDFW</p>	
<p>IV-2(b). <i>If active bat maternity roosts or hibernacula are found in trees which will be removed as part of project construction, the project shall avoid the loss of the tree occupied by the roost to the extent feasible as determined by the CDFW. If an active maternity roost is located and the project cannot be redesigned to avoid removal of</i></p>	<p>Prior to trimming or tree removal activities</p>	<p>City of Pacifica Planning Department CDFW</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>the occupied tree, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones, as determined by a qualified biologist, shall be observed during the maternity roost season (March 1 through July 31).</i></p>			
<p><i>IV-2(c). If a non-breeding bat hibernacula is found in a tree scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (i.e., a biologist holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. Such timing would allow bats to leave during darkness, thus increasing chances of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</i></p>	<p>Prior to trimming or tree removal activities</p>	<p>City of Pacifica Planning Department CDFW</p>	
<p><i>IV-3(a). Not more than 30 days prior to initiation of ground-disturbing activities, a qualified biologist shall conduct preconstruction surveys for all active woodrat stick nests that would be directly impacted by the proposed project. Surveys shall include all suitable habitat types within the ground disturbance footprint. Any stick nests within the construction area shall be flagged and dismantled under the supervision of the biologist. The results of the pre-construction surveys, including reports of any non-target special-status species observed by the biologist, shall be submitted to the City of Pacifica Planning Department and the CDFW. If San Francisco dusky-footed woodrats are not encountered during the dismantling process, further action is not required.</i></p>	<p>Not more than 30 days prior to initiation of ground-disturbing activities</p>	<p>City of Pacifica Planning Department CDFW</p>	
<p><i>IV-3(b). If young San Francisco dusky-footed woodrats are encountered during the dismantling process, all nest materials shall be replaced, and the nest shall remain undisturbed for at least three weeks to allow for the individuals to mature and vacate the nest. After three weeks, the dismantling process shall resume. Nest material shall be moved to suitable adjacent areas (woodland, scrub, or chaparral) that are outside of the disturbance area associated with the proposed project. If construction does not occur within 30 days of</i></p>	<p>During dismantling of San Francisco dusky-footed woodrat stick nests</p>	<p>City of Pacifica Planning Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>the most recent pre-construction survey, additional surveys shall be required prior to construction.</i>			
<p>IV-4. <i>Prior to initiation of construction activities or tree removal during the monarch butterfly winter roosting season (October through February), a qualified biologist shall survey the project site to ensure that a roosting colony is not present. Because timing of monarch migration on the coast side varies from year to year, the survey shall be conducted at a time to coincide with monarch roosting activity on the coast side for that particular year. Information on monarch roosting activity must be verified with applicable regulatory agencies prior to conducting the survey. If a roosting colony is not detected, tree removal may commence, and further surveys shall not be required. However, if a roosting colony is detected, trees shall not be removed until the winter roosting season has concluded (i.e., monarchs have not been observed in the general area or using the trees). Results of any butterfly surveys shall be submitted to the City of Pacifica Planning Department and the CDFW. If trees have already been removed prior to the onset of the winter roosting season, surveys are not warranted.</i></p>	<p>Prior to initiation of construction activities or tree removal during October through February</p>	<p>City of Pacifica Planning Department CDFW</p>	
<p>IV-5(a) <u>Notify USACE.</u> <i>Prior to initiation of construction activities, the applicant shall obtain permit authorization to fill wetlands under Section 404 of the federal CWA (Section 404 Permit) from USACE. The Section 404 Permit application shall include an assessment of directly impacted, avoided, and preserved acreages to waters of the U.S. Mitigation measures shall be developed as part of the Section 404 Permit to ensure no net loss of wetland function and values. Mitigation for direct impacts to waters of the U.S. associated with the proposed outfall structure at Rockaway Creek would occur at a minimum of 1:1 ratio for direct impacts; however, final mitigation requirements shall be developed in consultation with USACE. In addition, a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained for Section 404 permit actions.</i></p>	<p>Prior to initiation of construction activities</p>	<p>City of Pacifica Planning Department USACE San Francisco Bay RWQCB</p>	
<p>IV-5(b) <u>Notify Regional Water Quality Control Board.</u> <i>Prior to initiation of construction activities, the project applicant shall submit to the San Francisco Bay Regional Water Quality Control Board an application for Clean Water Act Section 401 Water Quality Certification and/or</i></p>	<p>Prior to initiation of construction activities</p>	<p>City of Pacifica Planning Department San Francisco Bay</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>Waste Discharge Requirements for Projects Involving Discharge of Dredged and/or Fill Material to Waters of the State. Written verification of the Section 404 permit and the Section 401 water quality certification shall be submitted to the City of Pacifica. The project applicant shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable San Francisco Water Board permit.</i></p>		RWQCB	
<p><i>IV-5(c) <u>Notify CDFW.</u> The CDFW maintains jurisdiction over the bed and bank of the bed, channel, and banks of any river, stream, or lake (Fish and Game Code Section 1602) and impacts to these areas may require a Lake or Streambed Alteration Agreement. Prior to initiating construction activities, the project applicant shall notify CDFW of the intentions of the project to determine if a Lake or Streambed Alteration Agreement is required. The information provided shall include a description of all of the activities associated with the proposed project, not just those closely associated with the drainages and/or riparian vegetation. Impacts shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this IS/MND. Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided as well as a description of stormwater treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater BMPs. The project applicant shall be responsible for conducting all project activities in accordance with the permit provisions outlined in the applicable CDFW Lake or Streambed Alteration Agreement.</i></p>	<p>Prior to initiation of construction activities</p>	<p>City of Pacifica Planning Department</p> <p>CDFW</p>	
<p><i>IV-6. Prior to issuance of a grading permit or building permit, the project applicant shall obtain approval of a tree protection plan and</i></p>	<p>Prior to issuance of a grading permit or building</p>	<p>City of Pacifica Planning Commission</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>authorization for heritage tree removal from the City of Pacifica Planning Commission as required by the City Municipal Code Section 4-12.07 et seq. Prior to commencement of any construction, and throughout the duration of construction activity, the project applicant shall implement any tree protection measures identified in the approved tree protection plan to protect trees which will not be removed during construction. Prior to issuance of a certificate of occupancy, the project applicant shall complete planting of any replacement trees required as part of the tree protection plan or any other condition of approval imposed by the Planning Commission.</i></p>	<p>permit</p>		
<p>V-1. <i>Prior to initiation of ground-disturbing activities at the project site, the project applicant shall retain a qualified cultural/tribal cultural expert to provide a cultural resource awareness training session all construction workers involved in grading, trenching, or other ground-disturbing activities associated with the proposed project. The training session shall cover standard measures for identifying cultural resources and human remains, as well as measures to be taken if a potential cultural resource is identified on-site. The training coordinator shall distribute a sign-in sheet to event attendees, verifying completion of the training. The completed sign-in sheet shall be submitted to the City of Pacifica within two weeks of training completion.</i></p> <p><i>In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the Coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may</i></p>	<p>Prior to and during ground disturbance activities</p>	<p>City of Pacifica Planning Department</p> <p>County Coroner</p> <p>Native American Heritage Commission</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
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Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. If human remains are encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City of Pacifica Planning Department.</i></p>			
<p>V-2. <i>If any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</i></p> <p><i>The requirements of mitigation measures V-1 and V-2 shall be included via notation on all project improvement plans and building permit plans.</i></p>	<p>Noted on improvement and building permit plans</p> <p>During ground disturbance activities</p>	<p>City of Pacifica Planning Department</p>	
<p>VI-1. <i>All improvement and building plans for the proposed development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City of Pacifica Building Division prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Geotechnical Investigation prepared for the proposed project, including without</i></p>	<p>Prior to approval of improvement plans and issuance of grading and building permits</p>	<p>City of Pacifica Building Division</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>limitation the debris walls, are properly incorporated and utilized in the project design.</i>			
VI-2. <i>Implement Mitigation Measure IX-1.</i>	See MM IX-1	See MM IX-1	
VI-3. <i>Due to the proposed project site's hillside location and proximity to Rockaway Creek, project grading shall not be commenced during the rainy season, defined as the period between October 1 and April 30, inclusive, consistent with Section 8-1.18 of the City's Municipal Code. Any grading commenced prior to the rainy season which has not been stabilized as determined by the Building Official shall be stabilized with appropriate Best Management Practices as described in Mitigation Measure IX-1 of this IS/MND and as approved by the Building Official. In addition, the project applicant shall stabilize any exposed hillside areas by seeding the hillside with native grasses selected by a qualified biologist until construction is completed and permanent landscaping measures stabilize the hillside.</i>	Prior to and during grading and construction activities	City of Pacifica Building Official	
VI-4. <i>Implement Mitigation Measure VI-1.</i>	See MM VI-1	See MM VI-1	
VI-5. <i>Implement Mitigation Measure VI-1.</i>	See MM VI-1	See MM VI-1	
VIII-1. <i>Upon completion of the proposed roadway extension, the City of Pacifica shall require that the proposed emergency vehicle turnaround is kept clear in order to allow for unimpeded emergency vehicle access consistent with the signage requirements established in Appendix D of the California Fire Code. In addition, the turnaround shall be deed restricted to provide clear disclosure to all future owners of the project site of the obligation to maintain the turnaround clear of obstructions/vehicles. The deed restriction shall clarify, to the City's satisfaction, circumstances under which parking restrictions may be lifted, such as if the Oddstad Way extension is converted to a through street.</i>	Upon completion of the proposed roadway extension	City of Pacifica Planning Department	
VIII-2. <i>Prior to issuance of grading permit, the grading plan submitted by the project applicant for review and approval by the City of Pacifica Planning Department shall include, by way of written notation, verification that the proposed buildings will comply with all applicable regulations and requirements within Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, of the California Building Code.</i>	Prior to issuance of grading permits Included via written notation on grading plans	City of Pacifica Planning Department	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>VIII-3 The project applicant and any/all subsequent owners and residents shall maintain 100 feet of 'defensible space' around all proposed structures, consistent with the requirements of the North County Fire Authority (NCFA).</i></p>	<p>During construction activities and future operations</p>	<p>City of Pacifica Planning Department</p>	
<p><i>IX-1. During construction, the contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable, which may include but are not necessarily limited to the following practices, or other BMPs identified in the California Stormwater Quality Association (CASQA) Construction BMP Handbook:</i></p> <ul style="list-style-type: none"> <i>• Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be employed to control erosion from disturbed areas;</i> <i>• Inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways shall be covered or treated with nontoxic soil stabilizers;</i> <i>• Exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways shall be enclosed or covered;</i> <i>• The contractor shall ensure that no earth or organic material will be deposited or placed where such materials may be directly carried into a stream, marsh, slough, lagoon, or body of standing water;</i> <i>• The following types of materials shall not be rinsed or washed into the streets, shoulder areas, or gutters: concrete, solvents and adhesives, thinners, paints, fuels, sawdust, dirt, gasoline, asphalt and concrete saw slurry, and heavily chlorinated water; and</i> <i>• Grass or other vegetative cover shall be established on the construction site as soon as possible after disturbance.</i> <p><i>The applicable BMPs shall be included via notation on the project Improvement Plans prior to review and approval by the City of</i></p>	<p>Prior to Improvement Plan approval</p>	<p>City of Pacifica Planning Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>Pacifica Planning Department.</i>			
<p>IX-2. <i>The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the City of Pacifica Planning Department. The Stormwater Facilities and Maintenance Plan shall be recorded against the property and shall bind all future owners of the project site. The maintenance plan shall consist of and comply with the following elements and performance standards, at a minimum:</i></p> <ul style="list-style-type: none"> • <i>Inlets and outlets shall be inspected for erosion or plugging;</i> • <i>Clear any obstructions and remove accumulation of sediment. Examine rock or other materials used as a splash pad and replenish as necessary;</i> • <i>Inspect slopes for evidence of erosion and correct as necessary;</i> • <i>Examine vegetation to verify health and suitability for use as erosion control;</i> • <i>Replenish mulch as necessary, remove fallen leaves and debris, prune large shrubs or trees, and mow turf areas;</i> • <i>Abate any potential vectors by filling holes in the ground, in and around the swale, and by ensuring that water does not pool for longer than 48 hours following a storm;</i> • <i>Mosquito larvicides shall be applied only when absolutely necessary and then only by a licensed contractor;</i> • <i>Observe soil at the bottom of the filter for percolation throughout the system. If portions of the swale or filter do not drain within 48 hours after the end of the storm, the soil shall be tilled and replanted; and</i> • <i>Examine the vegetation to ensure that it is healthy and dense enough to provide filtering and to protect soils from erosion. Replace dead plants and remove invasive vegetation.</i> 	<p>Prior to issuance of building permits</p>	<p>City of Pacifica Planning Department</p>	
IX-3. <i>Implement Mitigation Measure VI-3</i>	See MM VI-3	See MM VI-3	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>IX-4. The project applicant shall submit a Final Stormwater Control Plan (including a C.3 Development Review Checklist) fully addressing the requirements of the City's Municipal Regional Stormwater NPDES Permit, and including proper treatment of stormwater runoff from DMA-R2 to the satisfaction of the City Engineer.</i></p>	<p>Prior to issuance of grading permits</p>	<p>City Engineer</p>	
<p><i>XII-1. During construction of the proposed Oddstad Way extension, vibratory compactors shall maintain a minimum distance of 50 feet from all existing residential structures. This requirement shall be included via notation on the project grading plans prior to review and approval by the City of Pacifica Planning Department.</i></p>	<p>Prior to issuance of grading permits</p>	<p>City of Pacifica Planning Department</p>	
<p><i>XII-2. The following criteria shall be included in the Construction Management Plan, to be submitted by the project applicant for review and approval by the City of Pacifica Planning Department prior to issuance of grading permits:</i></p> <ul style="list-style-type: none"> • <i>All equipment driven by internal combustion engines shall be equipped with mufflers which are in good working condition and appropriate for the equipment;</i> • <i>The construction contractor shall utilize "quiet" models of air compressors (i.e., electric powered, rotary screw compressors such as the Eagle Silent Series Compressors or similar), and other stationary noise sources where the technology exists;</i> • <i>At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practical from noise-sensitive receptors;</i> • <i>Use of jackhammers and vibratory compactors shall be prohibited. All compaction shall be performed with hand rollers;</i> • <i>Use of the most noise-intensive pieces of equipment shall be staggered when being used in the vicinity of noise-sensitive receptors, so that multiple noise-intensive pieces of equipment do not operate simultaneously;</i> <ul style="list-style-type: none"> ○ Excavation of Foundations and Building Footprints: <i>backhoes, dump trucks, and flat-bed trucks shall not operate</i> 	<p>Prior to issuance of grading permits</p>	<p>City of Pacifica Planning Department</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p><i>simultaneously for more than eight hours per day.</i></p> <ul style="list-style-type: none"> ○ Foundation Framing: <i>pneumatic equipment (impact equipment, nail guns), compressors, and delivery trucks shall not operate simultaneously for more than two hours per day. Alternatively, if an exhaust muffler is used for the compressed air exhaust and pneumatic tools are equipped with tool mufflers and/or jackets, such equipment may operate simultaneously for up to eight hours per day.</i> ○ Concrete Pours: <i>compressors, concrete mixing trucks, and concrete pump trucks shall not operate simultaneously for more than seven hours per day.</i> ○ Residential Framing: <i>pneumatic equipment (impact equipment, nail guns), compressors, cranes, delivery trucks, and other equipment such as table saws, shop saws, and sawzalls shall not operate simultaneously for more than one hour per day. Alternatively, if an exhaust muffler is used for the compressed air exhaust and pneumatic tools are equipped with tool mufflers and/or jackets, such equipment may operate simultaneously for up to eight hours per day.</i> ○ Final Grading: <i>delivery trucks, front end loaders, and tractors shall not operate simultaneously for more than four hours per day. Alternatively, a tractor may be operated alone for four hours per day, with other equipment (front end loaders and delivery trucks) operating for an additional four hours, so long as tractor operations do not overlap with front end loader and</i> 			

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<p align="center"><i>delivery truck operations.</i></p> <ul style="list-style-type: none"> • <i>Unnecessary idling of internal combustion engines shall be prohibited;</i> • <i>A noise barrier shall be constructed around all stationary noise sources associated with construction, consisting of either hay bales stacked two feet above each of the pieces of equipment on three sides or a similar barrier of sufficient effectiveness to reduce noise levels by 7 dB.</i> • <i>Eight-foot-tall sound blankets (SONEX Curtains or similar technology) shall be installed along the edge of the on-site excavation areas located closest to the existing residences in the project area, as well as along the property lines of the existing residences located adjacent to the proposed roadway extension;</i> • <i>All construction activities shall be limited to a total of eight hours per day;</i> • <i>Construction crews shall not arrive at the project site or off-site improvement areas before 7:00 AM;</i> • <i>Owners and occupants of residential properties located within 1,000 feet of the construction site shall be notified of the construction schedule in writing; and</i> • <i>The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</i> <p><i>Through implementation of the measures listed above, the Construction Management Plan shall demonstrate project compliance with the City’s 60 decibel (dB) noise level standard at nearby sensitive receptors during construction activities.</i></p>			

**MITIGATION MONITORING AND REPORTING PROGRAM
LOTS 4-12 ODDSTAD WAY PROJECT**

Mitigation Measure	Implementation Schedule	Monitoring Agency	Sign-Off
<i>XVI-1. If use of semi-trailer trucks is anticipated during project construction activities, temporary parking restrictions shall be put in place near the Oddstad Way/Rockaway Beach Avenue Intersection in order to ensure that adequate turning width is available to accommodate the trucks. The project applicant shall submit to the City plans showing the turning width of a 50-foot semi-trailer truck on Oddstad Way. The timing and nature of the parking restrictions shall be determined in coordination with the Department of Public Works prior to initiation of construction activities.</i>	Prior to initiation of construction activities	City of Pacifica Department of Public Works	
<i>XVI-2. During project construction, all heavy-duty dump trucks used for soil hauling shall be of a single-unit design with at least two rear axles in order to distribute load weight and reduce wear on roadway surfaces. This requirement shall be included via notation on the project grading plans prior to review and approval by the City of Pacifica Planning Department.</i>	Prior to issuance of grading permits	City of Pacifica Planning Department	
<i>XVII. Implement Mitigation Measures V-1 and V-2.</i>	See MMs V-1 and V-2	See MMs V-1 and V-2	

Exhibit C

TREE PROTECTION PLAN



TREE PRESERVATION FOR LOTS 4-12 ODDSTAD, PACIFICA, CA

PROTECTION OF TREES DURING CONSTRUCTION

The objective of these guidelines is to reduce the negative impacts of construction on trees. The tree protection regulations are intended to guide a construction project to ensure that appropriate practices will be implemented in the field to eliminate or mitigate undesirable consequences that may result from construction activities.

Typical negative impacts that occur during construction may include:

- Mechanical injury to roots, trunk or branches
- Compaction of soil, which degrades the functioning roots, inhibits the development of new ones and restricts drainage
- Changes in existing grade which can cut or suffocate roots
- Alteration of the water table - either raising or lowering
- Sterile soil conditions associated with stripping off topsoil

TREE PROTECTION AND PRESERVATION PLAN

In order to avoid and minimize damage to existing trees which are not proposed to be removed or directly impacted by project activities, the following measures should be implemented during construction:

- All construction activity (grading, filling, paving, landscaping etc.) shall respect the root Protection zone (RPZ) around all trees within the vicinity of the project area that are to be Preserved. The RPZ should be a distance of 1.0 times the drip-line radius measured from the trunk of the tree. Exception to this standard could be considered on a case-by-case basis, provided that it is demonstrated that an encroachment into the RPZ will not affect the root system or the health of the tree, and is authorized by an ISA-Certified Arborist or comparable specialist.
- Temporary protective fencing shall be installed around the drip line of existing trees prior to commencement of any construction activity conducted within 25' of the tree canopy. The fence shall be clearly marked to prevent inadvertent encroachment by heavy machinery.
- Drainage will not be allowed to pond around the base of any tree.
- An ISA-Certified Arborist or tree specialist shall be retained to perform any necessary Pruning of trees during construction activity.



- Should any utility lines encroach within the tree protection zone, a single, shared utility conduit shall be used where possible to avoid negative impact to trees.
- Roots exposed, as a result of construction activities shall be covered with wet burlap to avoid desiccation, and should be buried as soon as practical.
- Construction materials or heavy equipment shall not be stored within the root protection zone of preserved trees.
- Only an ISA-Certified Arborist or comparable specialist will make specific recommendations as to where any existing trees can safely tolerate some level of fill within the drip line.
- Trenching within RPZ shall be done under the field supervision of an ISA-Certified Arborist and shall be hand dug as much as possible in addition to using auger or drill.
- Construction materials shall be properly stored away from existing trees to avoid spillage or damage to trees.

PRE-CONSTRUCTION REQUIREMENTS

The following four steps shall be followed in the Tree Protection and Preservation Plan prior to grading, demolition or building permit issuance:

- Site Plan:** Plot accurate trunk locations and the Drip line of all Heritage Trees. Indicate the Tree Protection Zone (TPZ) to be enclosed with the specified tree fencing as a bold dashed line.
- Verification of Tree Protection:** The Project Arborist shall verify, in writing, that all pre-construction requirements have been met prior to demolition, grading or building permit issuance.
- Pre-Construction Meeting** The demolition, grading and general contractors are required to meet with the Project Arborist prior to beginning demolition, grading or new construction to review tree protection measures and to establish haul routes, staging areas, etc.
- Protection:** Protective Tree Fencing for Heritage Trees shall be erected around trees to be protected to establish the TPZ in which no soil disturbance is permitted and activities are restricted. Tree fencing shall be erected before any demolition; grading or construction begins and remain in place until completion of project.

TREE PROTECTION ZONE or (TPZ)

Each Heritage Tree to be protected, including those on neighboring properties, shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots from disturbance. The TPZ area can be determined by the drip line of the tree.



A. Activities prohibited within the TPZ include:

1. Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous materials, including but not limited to, paint, petroleum products, concrete, stucco mix or dirty water
2. The use of tree trunks as a winch support, anchorage, as a temporary power pole, sign posts or other similar function
3. Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation
4. Soil Disturbance, Soil Compaction or grade changes
5. Drainage changes

B. Activities permitted or required within the TPZ include:

1. Mulching - During construction, it is recommended that wood chips or similar material be spread within the TPZ to a 4-to 6-inch depth, leaving the trunk clear of mulch.
2. Root Buffer - When areas within the TPZ cannot be fenced, a Root Buffer is required and shall cover the root zone.
3. Irrigation, aeration, fertilizing or other beneficial practices that have been specifically approved for use by the Project Arborist within the TPZ.

C. Erosion Control

1. Installation of erosion control elements such as wattles, silt fences, etc
2. Installation of protective ground cover

D. Steep slopes

1. If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, then approved erosion control or silt barriers shall be installed outside the TPZ to prevent siltation and/or erosion within the TPZ.

E. Tunneling and Directional Drilling

If trenching or pipe installation has been approved within the TPZ, then the trench shall be either cut by hand, air spade, or by mechanically boring the tunnel under the roots with a horizontal directional drill and hydraulic or pneumatic air excavation technology. In all cases, install the utility pipe, immediately backfill with soil and soak within the same day

F. Tree Pruning and Surgery

1. The most compelling reason to prune is to develop a strong, safe framework and tree structure and to reduce hazards. If the Project Arborist recommends that trees be pruned, the standard pruning shall consist of “crown cleaning” as defined by ISA Pruning Guidelines.
 - i. Maximum Pruning Maximum pruning should only occur if approved by the Town Arborist. No more than one fourth (25 percent) of the functioning leaf, branch and



stem area may be removed within one calendar year of any Heritage Tree, or removal of foliage so as to cause the unbalancing of the tree. Trees should not be topped.

- ii. Tree Workers Pruning shall not be attempted by construction or contractor personnel, but shall be performed by a qualified tree care specialist or certified tree worker, according to specifications contained within these procedures.

G. Tree Removal Procedure

1. When Heritage Trees are removed, tree removal practices apply:
 - i. A permit is required to remove any Heritage Tree, unless its removal has been approved by the Planning Commission.
 - ii. Any tree to be removed that may impact a Heritage Tree shall be done under the supervision of a certified arborist.
 - iii. The removal of trees that extend into the branches or roots of Heritage Trees shall not be attempted by demolition or construction personnel, grading or other heavy equipment. A certified arborist or certified tree worker shall remove, or oversee the removal of the tree in a manner that causes no damage above or below ground to trees that remain.

INJURY MITIGATION

To help reduce impact injury, one or more of the following mitigation measures shall be implemented and supervised by the Project Arborist.

- A. Irrigation Program Irrigate to wet the soil within the TPZ during the dry season as specified by the Project Arborist.
- B. Dust Control Program during periods of extended drought, or grading, spray trunk, limbs and foliage to remove accumulated construction dust.
- C. Soil Compaction Damage Compaction of the soil is the largest killer of trees on construction sites due to suffocation of roots. If compaction to the upper 12-inch soil within the TPZ has occurred, then the following mitigation measures shall be implemented:
 - Mix compost into the top 8 to 10 inches of soils to add a surge of nutrients and create a mulch ring around the tree
 - Add earthworms to help restore the flow of air and water
 - For severe compaction, create by installing vertical mulching, drill holes into the soils to break up the compressed particles and provide more air

DAMAGE TO TREES

- A. Reporting any damage or injury to trees shall be reported within 6-hours to the Project Arborist so that mitigation can take place. All mechanical or chemical injury to branches, trunk or to roots over 2-inches in diameter shall be reported in the Monthly Inspection Report.



- B. If a tree is damaged, a Certified Arborist determines the Tree Appraisal value by adjusting a tree's basic value by its condition, location, and species using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers. The formula used should also be noted.

MITIGATION

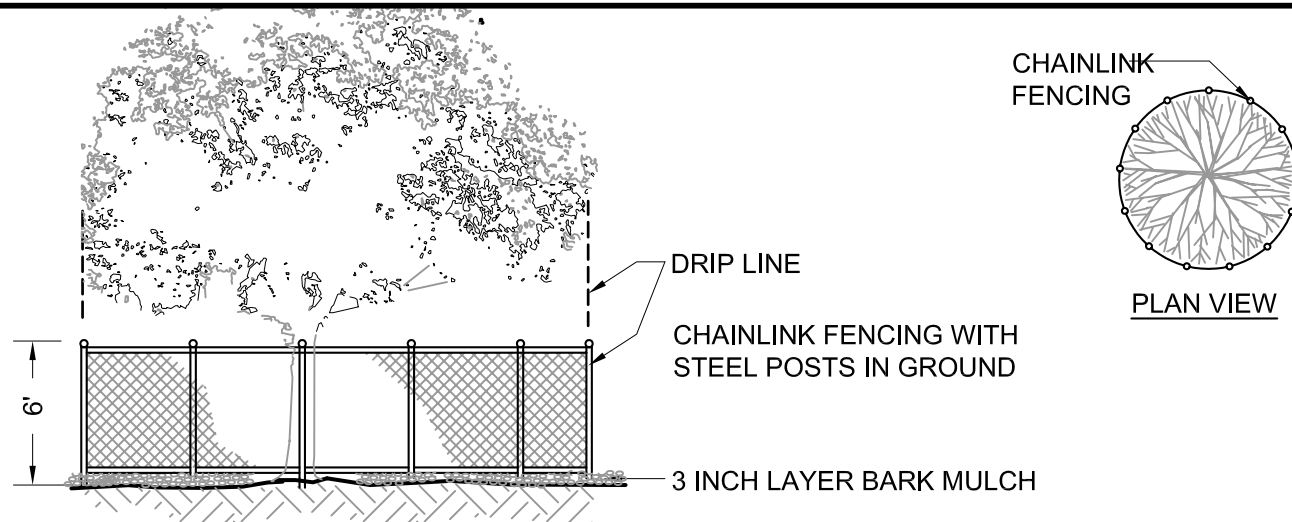
1. Root injury
 - i. If trenches are cut and tree roots 2-inches or larger are encountered they must be cleanly cut back to a sound wood lateral root under the supervision of the Project Arborist. The end of the root shall be sealed and kept moist. All exposed root areas within the TPZ shall be backfilled or covered within one hour. Exposed roots may be kept from drying out by temporarily covering the roots and draping layered burlap or carpeting over the upper 3-feet of trench walls. The materials must be kept wet until backfilled to reduce evaporation from the trench walls.
2. Bark or trunk wounding
 - i. Current bark tracing and treatment methods shall be performed by a qualified tree care specialist within two days.
3. Scaffold branch or leaf canopy injury
 - i. Remove broken or torn branches back to an appropriate branch capable of resuming terminal growth within five days. If leaves are heat scorched from equipment exhaust pipes, consult the Project Arborist within 6 hours.

REED ASSOCIATES LANDSCAPE ARCHITECTURE CORPORATION
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TREE PRESERVATION NOTES

1. CURRENT STANDARD DETAIL AT CITY ENGINEERING DIVISION SHALL PREVAIL.
2. TREE PRESERVATION MEASURES MUST BE IN PLACE BEFORE CONSTRUCTION, DEMOLITION AND/OR GRADING ACTIVITIES COMMENCE. CITY OF FREMONT WILL STOP CONSTRUCTION IF TREE PRESERVATION MEASURES ARE NOT IN PLACE AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. TREES CALLED OUT FOR PRESERVATION SHALL BE FENCED AT THE DRIPLINE. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES. PLACE 3 INCH BARK MULCH BENEATH DRIPLINES OF TREES TO BE PRESERVED.
4. FENCING SHALL BE 6 FEET TALL CHAIN LINK FENCING WITH STEEL POSTS EMBEDDED IN THE GROUND.
5. NO GRADING SHALL OCCUR WITHIN THE DRIPLINES/FENCED AREA OF EXISTING TREES.
6. NO CONSTRUCTION MATERIALS OR CONSTRUCTION VEHICLES MAY BE STORED WITHIN THE DRIPLINES/FENCED AREA OF EXISTING TREES.
7. CONSTRUCTION VEHICLES OR MACHINERY MAY NOT PASS BETWEEN TWO OR MORE EXISTING TREES IDENTIFIED FOR PRESERVATION IF THEIR CANOPIES ARE WITHIN 10 FEET OF TOUCHING. ADDITIONAL FENCING MAY BE REQUIRED BY THE CITY AS NEEDED.
8. THE CONTRACTOR IS REQUIRED TO HAVE AN ARBORIST CERTIFIED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA), APPROVED BY THE CITY, ON SITE IF SITE CONSTRUCTION EFFORTS REQUIRE REMOVAL OF EXISTING ROOTS OR BRANCH PRUNING. ROOTS APPROVED FOR CUTTING MUST BE CUT CLEANLY WITH A SAW. RIPPING OR SHREDDING ROOTS SUBJECT TO FINE/PENALTY.
9. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST
10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE AND ATTEND TO OTHER MAINTENANCE NEEDS OF EXISTING TREES TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD. AN EARTH BERM MEASURING MINIMUM 6 FEET IN DIAMETER, AND 6 INCHES IN HEIGHT SHALL BE CONSTRUCTED AT THE BASE OF EACH TREE TO FUNCTION AS A TEMPORARY WATERING BASIN DURING THE CONSTRUCTION PERIOD. TREES SHALL BE WATERED ACCORDING TO WEATHER AND TREE SPECIES REQUIREMENTS.
11. IF TREES ARE BEING RELOCATED: RELOCATION OF EXISTING TREES SHALL OCCUR UNDER THE OBSERVATION AND DIRECTION OF A CERTIFIED ARBORIST APPROVED BY THE CITY
12. TRUNK WRAP PROTECTION SHALL OCCUR FOR TREES SITUATED IN SMALL TREE WELLS OR SIDEWALK PLANTERS. THIS FORM OF PROTECTION WILL BE ALLOWED BY APPROVAL FROM SENIOR LANDSCAPE

TREE PROTECTION FENCING









For Signature - ResolutionNo54-2020_Final Resolution-Lots 4-12 Oddstad Way-20200824_ wExhibits-Approved

Final Audit Report

2020-09-12

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