

RESOLUTION NO. 2022-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-407-19 AND VARIANCE PV-527-19, SUBJECT TO CONDITIONS, FOR A TWO-CAR GARAGE ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 204 STERLING AVENUE (APN 023-038-330), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Gary Slippy, Owner

WHEREAS, an application has been submitted to construct a 430-square foot (sf) two-car garage for an existing 1,670-sf single-family residence located on a 5,000-sf lot at 204 Sterling Avenue (APN 023-038-330) in Pacifica (File No. 2019-021) (“Project”); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that no exemption applies because the Project proposes to increase floor area by more than 10% within the Coastal Appeals Zone; and

WHEREAS, the Project requires approval of a variance pursuant to PMC Section 9-4.3401, because the applicant proposes to deviate from the applicable front setback and lot coverage standards; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on January 18, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 1 exemption under CEQA. Guidelines Section 15301, as described below, applies to the Project:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

* * * * *

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

* * * * *

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

The subject proposal to construct a 430-sf two-car garage addition fits within the scope of a Class 1 categorical exemption because it would add floor area totaling 25.7 percent on a lot developed with a 1,670-sf single-family residence.

Additionally, none of the exceptions to application of a categorical exemption in section 15300.2 of the CEQA Guidelines would apply:

- Sec. 15300.2(a): There is no evidence in the record that the Project would impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- Sec. 15300.2(b): There is no evidence in the record that cumulative projects of the same type would occur within the same place to create a significant cumulative impact.
- Sec. 15300.2(c): There is no evidence that the Project would have a significant effect on the environment due to unusual circumstances.
- Sec. 15300.2(d) through (f): The Project is not proposed near an officially designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements for a Class 1 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-407-19 as required by PMC section 9-4.4304(k):

- i. *The proposed development is in conformity with the City's certified Local Coastal Program.*

The City's certified Local Coastal Program (LCP) includes a Local Coastal Land Use Plan (LCLUP), which contains policies to further the City's coastal planning activities. The proposed Project is consistent with the applicable policies of the LCLUP, as discussed below.

- Coastal Act Policy No. 2: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.*

The proposed Project does not interfere with the public's right of access to the sea. It will be undertaken on an existing developed lot more than 1,000 feet (0.2 miles) from the nearest coastal access point. There are streets and substantial urban development between the sea and the subject site. Therefore, the Project would have no impact or otherwise interfere with the public's right of access to the sea.

- Coastal Act Policy No. 23: *New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources... [the remainder of this policy pertains to land divisions and visitor-serving facilities, neither of which are part of the subject Project.]*

The proposed new two-car garage addition would be located on a site that is developed with an existing single-family residence within an existing developed area. The Pedro Point neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with single-family homes, including the subject lot. Therefore, the development proposed by the Project would not occur outside of existing developed areas.

- Coastal Act Policy No. 24: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

The proposed Project would entail the addition of a 430-sf, two-car garage on the subject site of an existing residence. The new garage would be located on a lower elevation than that of the existing residence to the front of the residence consistent with the location of garages on several properties in the neighborhood. The garage addition would be well within the prescribed maximum 35-foot height limit per PMC, and would not impact sightlines from the residence on the property or the neighboring residences. The Project proposes matching the materials and finishes used for the new garage with those of the existing residences for an integrated appearance. As such, the Project would not impact any public views to the ocean and scenic areas and would be visually compatible with the character of the surrounding area.

In addition, the LCLUP establishes a design review requirement for sites located in the appeal jurisdiction of the Coastal Zone. The City has adopted Design Guidelines which are intended to accomplish the following purposes:

- Ensure at least a minimum standard of design through the application of consistent policies.
- Encourage new construction which exceeds minimum standards and discourage construction which falls short of those standards.
- Provide a framework for review and evaluation of design proposals.
- Implement applicable General Plan and Local Coastal Plan goals and policies.
- Expedite and facilitate the planning permit process.
- Provide direction for design and redesign of projects.

The Design Guidelines are advisory in nature and, unlike zoning regulations, do not contain explicit standards for determining strict compliance. Rather, they address significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. An applicant may propose a project which complies with some but not all guidelines and the Planning Commission may still find the project consistent with the Design Guidelines. It is up to the Commission's discretion to determine the appropriate balance and relative priority of the guidelines for a particular project when considering whether a project has achieved Design Guidelines consistency.

In the Planning Commission's assessment the proposed Project, as conditioned, is consistent with the City's adopted Design Guidelines. Major areas of Project consistency with the Design Guidelines include the following:

a. Building Design

- Design: The style and design of the new buildings should be in character with that of the surrounding neighborhood. Additions to an existing structure should also retain and be consistent with the positive architectural features of the original structure.*
- Scale: An important aspect of design and compatibility is scale. 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 dwelling which are much larger than neighboring structures are therefore discouraged.*
- Materials: Compatibility of materials is an essential ingredient in design quality. Consistency and congruity of materials and design elements on individual structures is also important.*
- Consistency: There should be architectural consistency among all building elevations.*

(a) The Project proposes a relatively modest garage addition in the front yard of a developed single-family residential property. The new two-car garage would be located at an approximately 13 feet lower elevation than that of the existing residence, to the front of the residence, consistent with the locations of garages on several properties in the neighborhood. The Project proposes natural wood siding on the face of the garage to match the finish of the existing residence, and stainless steel cable railing with a wood cap for the roof deck above the proposed garage that would match the existing railing on the second floor balcony of the existing

residence. For these reasons, the proposed Project would be consistent with this Design Guideline.

(b) The proposed garage, at 430-sf in area, would comprise a modest addition to the existing 1,670-sf single-family residence. Its modest size and lower proposed elevation as described above would ensure the proposed garage is subordinate to the primary building on the site and that it is constructed at an appropriate scale relative to the Project site and those other sites in the immediate vicinity. For these reasons, the proposed Project would be consistent with this Design Guideline.

(c) As noted above, the garage addition would incorporate natural wood siding that is consistent with the existing single-family residence as well as a brown color for the garage door that would be compatible in tone with the color scheme of the dominant wood siding material on the existing single-family residence. For these reasons, the proposed Project would be consistent with this Design Guideline.

(d) The proposed garage would have one main exposed elevation at the front and one partially exposed elevation at the front-left (northeast) corner. Both elevations would feature wood siding that is consistent between the elevations as well as consistent with the primary dwelling unit's wood siding. Additionally, the garage door on the front elevation of the garage and the man door on the side elevation would be painted the same brown color to ensure consistency. Atop the proposed garage and along the on-grade staircase that provides access to the single-family residence from the street, the applicant has proposed the same style of railing consisting of stainless steel cabling with wood cap that exists at the second floor balconies of the single-family residence. For these reasons, the proposed Project would be consistent with this Design Guideline.

For foregoing reasons, there is sufficient evidence to support a conclusion that the proposed Project would be consistent with the Design Guidelines.

Additionally, the City's certified Local Coastal Program includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As summarized in the Zoning Conformance Table of the staff report, above, in the Project description, the proposed Project would comply with applicable requirements of the R-1 zoning district (PMC Section 9-4.402) with the exception of lot coverage and front setback standards. PMC Title 9, Chapter 4, Article 34 has provisions for granting a variance from the strict zoning provisions of the PMC when certain findings can be made. The applicant has requested a variance for the proposed deviations from the lot coverage and front setback standards of the R-1 zoning district. Therefore, upon approval of the subject variance, the Project would be in conformity with the City's IP, based on the discussion above.

Because the Project would be consistent with several policies in the City's LCLUP, would be consistent with the City's Design Guidelines, and would be consistent with the City's IP upon approval of a variance; therefore, there is sufficient evidence to make this finding.

- ii. *Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.*

The subject site is not located between the nearest public road (San Pedro Avenue) and the shoreline; therefore, this finding is not applicable to the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to variance PV-527-19 as required by PMC section 9-4.3404:

- i. *That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.*

The Project site is characterized by a 40 percent slope from the edge of the street (Sterling Avenue) fronting the property to the front of the existing residence with an approximately 16-foot elevation difference between the grades at the residence and the street. Currently, parking on the site consists of a single car space within a carport to the side of the building accessed by a steep driveway from the street. The existing single-family residence is constructed with a 23'-10" front setback and right and left side setbacks of 4'-4" and 6'-3", respectively. In addition to the nonconforming 4'-4" side setback for the single-family residence, which is not at issue with this Project, the existing single-family residence is nonconforming because it does not include a two-car garage with minimum dimensions of 18 feet wide by 19 feet deep (342 sf) as required by PMC sections 9-4.2817(a) and 9-4.2818(a)(1).

The Project proposes a 430-sf two-car garage addition set into the slope in the front of the existing residence, at the front property line. Pursuant to PMC Section 9-4.2704(b) the front setback of a garage on a residential lot may be reduced to 10'-0" (as opposed to 20'-0") if the front half of the parcel is sloped at 25 percent or greater, or if the property's grade at the property line is 6 feet or more above or below the existing street. As proposed the Project does not meet the front setback requirement and the applicant has requested a variance.

The R-1 zoning district imposes a 40 percent maximum lot coverage inclusive of all enclosed floor area which occupies a building site, including second-story cantilevered floor area, but excluding balconies (if not enclosed), roof overhangs, eaves, and similar architectural features (PMC section 9-4.215). The proposed Project would exceed the maximum lot coverage by 2 percent (100 square feet). As proposed the Project does not meet the maximum lot coverage limit and the applicant has requested a variance.

The side setbacks of the existing single-family residence prevent construction of a garage at the rear of the subject property. The steep topography of the site would also prevent construction of a driveway compliant with the City's maximum permissible grade of 18 percent for single-family residential driveways. Therefore, construction of a garage in the front of the residence is the only feasible alternative based on the site's size, topography, and existing built condition.

Due to the 23'-10" front setback of the existing single-family residence, any garage that would be constructed on the site would, at most, have a maximum front setback of 4'-10" in order to achieve the minimum 19-foot depth required by the PMC. However, these dimensions do not take into account the structural considerations for constructability of the garage on the steeply sloped sight, which requires sizable retaining walls, as well as accommodation of the existing single-family residence's foundation to ensure continued structural integrity of that structure. Therefore, under all circumstances, the proposed Project would be unable to provide the minimum 10'-0" front setback required by the PMC and could reasonably provide at most a front setback of less than 4'-10" due to the size and shape of the Project site and the location of the existing single-family residence thereon.

All properties surrounding the subject site are located within the same zoning districts: R-1 with C-Z overlay. Staff has analyzed the other properties in the vicinity of the subject site that are on similarly situated upslope lots. Of the nine other existing single-family residences located on Sterling Avenue (excluding the Project site), six (67 percent) contain garages. Most of these sites also have front setbacks to the garage of less than 10'-0" and all are less than 20'-0". Therefore, the subject site is currently deprived of the privilege of having a garage, and one with a reduced front setback, that provides off-street parking that is enjoyed by two-thirds of other properties in the vicinity and under an identical zoning classification.

The applicant submitted an analysis of lot coverage on properties on both sides of Sterling Avenue (upslope and downslope lots) (Attachment D of the staff report). The applicant did not, however, include an analysis of 230 Sterling Avenue, 270 Sterling Avenue or 274 Sterling Avenue, for reasons unknown to staff. Confining the applicant's analysis to the same nine properties analyzed for purposes of determining the existence of a garage (all upslope lots), six of which were analyzed by the applicant and three of which were analyzed by staff, there are two (22 percent) properties that have lot coverages in excess of the 40 percent limit established in the R-1 zoning regulations. The greatest lot coverage observed in the analysis occurred at 250 Sterling Avenue with a lot coverage of approximately 50.2 percent. Therefore, the subject site is currently deprived of the privilege of excess lot coverage enjoyed by more than one-fifth of comparable properties in the vicinity and under an identical zoning classification.

There are meaningful proportions of other properties in the immediate vicinity under comparable circumstances to the Project site that possess garages at less than the required setback and that feature development in excess of the zoning district lot coverage limit. Therefore, based on the foregoing analysis, there is evidence to support granting a variance for the front setback and lot coverage.

- ii. *That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area.*

The granting of the variance for the front setback to a garage and lot coverage will allow for safer conditions at the Project site and the immediate surroundings. The provision of additional off-street parking would reduce the incident of on-street

parking on Sterling Avenue, which is a narrow street with substandard width. In addition, a two-car garage at the Project site would eliminate an existing nonconformity with the off-street parking provisions contained in the City's Zoning Regulations. Achieving zoning conformity improves public health, safety and welfare. Although the Project would also result in a front setback less than required by the zoning and a lot coverage greater than allowed by the zoning, on balance, the elimination of a significant nonconformity such as the absence of zoning-compliant off-street parking on a narrow street where on-street parking can be unsafe and obstruct emergency vehicle access outweighs the reduced front setback and small 100-sf deviation from the lot coverage limit, both of which are in line with several other properties in the vicinity. Similarly, because the reduced front setback and excess lot coverage are common features in the vicinity of the Project site, approval of the variance for both factors would not be injurious to property or improvements in the area.

Therefore, based on the foregoing analysis, there is evidence to support granting a variance for the front setback and lot coverage.

- iii. *Where applicable, that the application is consistent with the City's adopted Design Guidelines.*

The preceding analysis of Design Guidelines consistency contained in the analysis of findings for approval of a coastal development permit is hereby incorporated by reference. Therefore, because the proposed Project would be consistent with guidelines applicable to design, scale, materials, and consistency, there is sufficient evidence to make this finding.

- iv. *If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.*

The preceding analysis of consistency with the City's LCP contained in the analysis of findings for approval of a coastal development permit is hereby incorporated by reference. Therefore, because the proposed Project would be consistent with Coastal Act Policies No. 2, 23, and 24 contained in the LCLUP; consistent with the adopted Design Guidelines; and, consistent with various provisions of the City's zoning regulations contained in the IP of the LCP upon approval of this variance; therefore, there is sufficient evidence to make this finding.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-407-19 and Variance PV-527-19 for construction of a 430-sf two-car garage on a Project site developed with an existing 1,670-sf single-family residence located on a 5,000-sf lot at 204 Sterling Avenue (APN 023-038-330), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 18th day of January, 2022.

AYES, Commissioners: BERMAN, DOMURAT, FERGUSON, GODWIN,
HAUSER, LEAL, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: N/A



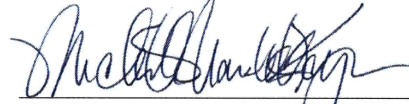
John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director/
Assistant City Manager

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2019-021 – Coastal Development Permit CDP-407-19 and Variance PV-527-19 to construct a 430 square foot (sf) two-car garage for an existing 1670 square foot single-family residence located on a 5,000-sf lot at 204 Sterling Avenue (APN 023-038-330)

Planning Commission Meeting of January 18, 2022

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “New Two Car Garage and Exterior Stairs – Slippy Residence.” received by the City of Pacifica on January 7, 2022, except as modified by the following conditions.
2. The approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(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. 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.

5. All exposed concrete installed with the Project, including but not limited to the retaining walls and stairway, shall be colored dark brown to be compatible with the garage door and man door colors, to the satisfaction of the Planning Director.
6. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
7. The 20-inch diameter heritage tree identified in the Project plans shall remain and be preserved during and after construction on the site.
8. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within an approved enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. Prior to the issuance of a building permit, Applicant shall provide construction details for the enclosure for review and approval by the Planning Director.
9. 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.
10. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
11. Prior to the issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.

Engineering Division of the Public Works Department

12. 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 ("BMPs") shall be implemented, and the construction BMPs plans sheet from the Countywide program shall be included in the Project plans.
13. The following requirements must be clearly noted on the construction plans for the Project:
 - a. Sterling Avenue shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
 - b. 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 occupancy of the first unit.

- c. Existing public improvements within 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. Any damage to improvements within city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this Project, shall be repaired or replaced as directed by the City Engineer.
14. Applicant shall submit to the 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:
- 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 existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, 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. adjacent driveways within 25' of the property lines
 - iii. 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. 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.
 - e. Provide a design level geotechnical report, signed and stamped by a registered professional, for all cuts, fills, and earth retaining structures or systems within the City right-of-way.
 - f. Provide structural plans and calculations, signed and stamped by a registered professional, for all retaining structures or systems within the City right-of-way.
 - g. 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.
 - h. If any retaining wall is proposed in the right-of-way that would result in a drop of 21" or more, provide a fence or guardrail for pedestrian safety. Guardrails shall be approved and inspected by the City's Building Official.

15. 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.
16. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
17. All new utilities shall be installed underground from the nearest main or joint pole.
18. 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.
19. Applicant shall grind and overlay existing asphalt with minimum 2 inch AC to street centerline across entire property frontage of Sterling Avenue. All pavement markings and markers shall be replaced in kind.
20. Retaining structures or systems within the City right-of-way, shall be covered by a Maintenance Agreement, which will be recorded with the County Recorder's Office and will run with the land and be binding on any future owners of the property. The Maintenance Agreement shall burden the Applicant to maintain all covered improvements to the satisfaction of the City Engineer.

Building Division of the Planning Department

21. The Project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

*** END OF CONDITIONS ***

