

**RESOLUTION NO. 2022-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-430-21 AND HERITAGE TREE REMOVAL AUTHORIZATION (FILE NO. 2021-018), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE/ACCESSORY DWELLING UNIT AT TBD OLYMPIAN WAY (APN 023-037-030) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: San Pedro Valley, LLC, Owner

**WHEREAS**, an application has been submitted to construct a 3,373-sf, single-family dwelling, a 434-sf accessory dwelling unit (ADU) attached to a 603-sf detached garage and a 45-sf shed located on a 7,289-sf undeveloped lot at TBD Olympian Way (APN 023-037-030) located approximately 1,450 feet northwest of the intersection of Olympian Way and Grand Avenue in Pacifica (File No. 2021-018) (“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 the Project constitutes “development,” as defined in PMC Section 9-4.4302(z)(7), because it involves the “construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility”; and the Project does not qualify as a category of excluded development since it is located within the Coastal Commission's appeal jurisdiction (PMC Section 9-4.4303(i)(2)); 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 one heritage tree; 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 3 exemption under CEQA. Guidelines Section 15303, as described below, applies to the Project:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described

in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

\* \* \* \* \*

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

\* \* \* \* \*

The subject proposal to construct a new single-family residence fits within the scope of a class 3 categorical exemption. Specifically, the Project involves construction of one single-family residence and an ADU in a zone which permits residential uses. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.

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 activity 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.

Therefore, the Project is consistent with the requirements for a Class 3 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; 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-430-21 as required by PMC section 9-4.4304(k):

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

The City's certified Local Coastal Program includes a Local Coastal Land Use Plan (LCLUP) that contains policies to further the City's coastal planning activities. The proposed Project is consistent with several of these policies, 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. The development will be undertaken on a lot well away from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and several streets. 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 new development proposed with this Project is located within an existing developed area. The Pedro Point/ Shelter Cove neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with single-family homes, including the lots on either side of the Project site. Therefore, development would not occur outside of existing developed areas.

- Coastal Act Policy No. 26: *New development shall (a) Minimize risk to life and property in areas of high geologic, flood and fire hazard. (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [the remainder of this policy pertains to air pollution, energy consumption, protection of special communities, none of which would conflict with the Project.]*

(a) The Project site is not located in area of high flood or fire hazards. The applicant has submitted a geotechnical report (Attachment E of the staff report) that finds that the proposed improvements can be safely constructed as proposed with the provided recommendations from the geotechnical engineer as outlined in the report to minimize risk to life and property due to geologic hazards. The applicant has also provided an assessment of ocean bluff retreat prepared by the Project geotechnical engineer (Attachment F of the staff report) which further finds that the Project site is well isolated from coastal bluff retreat and has no potential of encroachment into the site for a period well in excess of several hundred years.

(b) The proposed Project will assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant has submitted a geotechnical report that finds that the proposed improvements can be safely constructed as proposed with the provided recommendations from the geotechnical engineer as outlined in the report to ensure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The applicant has also provided an assessment of ocean bluff retreat prepared by the Project geotechnical engineer (Attachment E of the staff report) which further finds that the Project site is well isolated from the

coastal bluff retreat and has no potential of encroachment into the site for a period well in excess of several hundred years.

*Protection of Landforms "Conclusions for the protection of [Point San Pedro] prominent topographic features include:*

- *Development shall be prohibited on prominent ridgelines, slopes in excess of 35 percent and highly visible tops of prominent landforms, unless there is no other buildable area on the parcel.*
- *If permitted, development shall be clustered and contoured into the existing natural slope and of a design, density and scale which is subordinate to the landform and minimize grading for access..*
- *Grading shall be regulated to protect the appearance of the landform and to limit potential runoff.*
- *Native vegetation shall be protected. In areas disturbed by development, revegetation shall occur promptly with native or low maintenance, natural vegetation to reduce erosion potential; landscaping plans should be required." (LCLUP Page C103)*

The average slope of the Project site is 38 percent and based on the topographic survey the slope is well distributed throughout the Project site. Therefore, there is no other buildable area on the site to avoid slopes in excess of 35 percent. The proposed Project is clustered within existing surrounding development. The Project is an infill project and the site is surrounded by development and altered slopes from existing surrounding development. Therefore, the proposed grading throughout the Project site would have a negligible impact on the already degraded appearance of the landform of the area. As discussed above, the Project would include a storm drain system that would limit any excess post development runoff from the site. Additionally, as shown on Sheet A1.5 of Attachment B of the staff report, a Landscaping Plan was prepared for the Project. A condition of approval would require a final landscaping plan be prepared to ensure that vegetation is native or low maintenance, drought tolerant, and coastal compatible.

In addition, the LCLUP establishes a design review requirement for sites located in the appeal jurisdiction of the Coastal Zone. In the Planning Commission's assessment, as conditioned, the proposed improvements at the site are on balance consistent with the City's adopted Design Guidelines, as described in further detail below.

*Site Planning:*

- a. *Site Improvements. Locate site improvements such as building, parking areas, and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean.*
- b. *Parking: The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear of the side of the property, rather than along street frontages.*
- c. *Grading: Where significant amounts of grading are required, contours should be graded to blend with those of adjacent properties. Contours should be rounded on both cut and fill slopes, horizontally and vertically.*

(a) The proposed buildings and site improvements would be situated so that all stories of the single-family residence may capitalize on views of hills and ocean.

(b) The proposed parking is designed so that both the garage and driveway are located at the front of the property to minimize further impacts to the steeply sloped site.

(c) The Project proposes two buildings on the downslope lot consisting of multiple levels to take advantage of horizontal space and propose development which is consistent with neighboring properties.

*Building Design:*

- a. *Design: The style and design of the new buildings should be in character with that of the surrounding neighborhood.*
- b. *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.*
- c. *Details: Use architectural features and details to help create a sense of human scale. While insets, balconies, window projections, etc., are examples of building elements which may help reduce the scale of larger buildings.*
- d. *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.*
- e. *Consistency: There should be architectural consistency among all building elevations.*

(a) The neighborhood in which the Project is located is characterized by multi-story homes constructed above and below the road along the hillside. The architectural style of the homes in the vicinity of the Project is varied in a neighborhood that includes traditional, Mediterranean, and contemporary architectural styles.

(b) The proposed residence is consistent in size and scale to neighboring properties. The Project is proposed downslope of Olympian Way and the main building and garage ADU are proposed to be constructed into the hillside to further minimize the impacts visible from the road. As such, they maintain the existing character of the surrounding area.

(c) From Olympian Way, only one story of the proposed buildings would be visible. Balconies along the rear elevation on the middle and top stories provide details to create a sense of a human scale.

(d/e) The proposed exterior materials for the buildings would be consistent between the buildings and all elevations of the building. The proposed materials, as described in the Project Description of the staff report are of high design quality.

*Hillside Development:*

- a. *Excavation: Large amounts of cut and/ or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*
  - *Structures should relate to and follow site topography to work with the slope, not against it.*
  - *Whenever feasible buildings and roads should be sited to align with existing contours of the land.*
  - *Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.*
  - *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.*

- b. *Visual Impact: Development on hillsides and ridges is often visible to neighbors and other residents in the vicinity, as well as those at a distance, such as motorists traveling on Hwy 1. Hillside development also has the potential to block or impair established views from existing development.*
- *Locate development below ridges in hilltop so that ridgelines are left open. Avoid linear arrangements of buildings.*
  - *Building forms particularly roof forms, should complement the contours and slopes of the hillside to increase structure and site integration.*
  - *Buildings should be designed with low profiles in some cases, low pitched roofs and hip ends may be desirable.*
  - *Massive roof overhangs and building cantilevers on downhill faces should be avoided where site conditions allow terracing into the hillside will help reduce the impact of the bulk of the structure.*
  - *Multi-level designs which conform to the hillside are encouraged but careful planning is required to avoid excessive height. The horizontal potential of a site should be fully exploited before increasing building height.*
  - *Landscaping should be used as necessary to help soften building appearance.*
  - *Where feasible locate new buildings to minimize view blockage from primary viewing areas of existing development.*
- c. *Access Difficulty: Vehicular access and circulation in hillside development can often be unsafe or dangerous due to excessive slope and lack of adequate sight distance.*
- *Driveways and access roads should follow the contours of the hillside rather than cut through them.*
  - *Wherever possible, roads and driveways should be designed with less than the maximum slope allowed by city standards.*
  - *Driveway lengths to accommodate parked vehicle are encouraged.*

(a) The proposed Project is located on a down-sloped lot. The proposed buildings and site improvements are proposed to be tiered down the property. The proposed swing type driveway would be aligned with existing contours of the land. The proposed retaining walls are necessary to support the access to the site, the buildings, as well as a reasonably sized useable open space for residents of the Project. Staff worked with the applicant to minimize retaining wall heights on site, including a reduction of and originally proposed 14' retaining wall for the patio to a tiered retaining wall system with a 7' and 4-6' wall, which also provides a usable vegetative balcony off of the middle story. The Project is a multi-level structure which steps down the slope.

(b) The proposed Project is located below the ridgeline of Point San Pedro. Roof lines have low pitch roofs and are to be hipped. It maximizes the horizontal potential of the site by proposing the minimum required side setbacks under the R-1 zoning district. The Project does not propose any massive overhangs or cantilevers as discouraged on downhill slopes. The Project does not exceed the applicable maximum height restrictions of the zoning district. Landscaping is proposed to soften the building and retaining wall appearance. The Project would not block any primary viewing areas of surrounding existing development.

(c) The proposed swing type driveway would follow the contours of the hillside rather than cut through it. The proposed maximum driveway slope is 16 percent, which is below the 18 percent allowed by City standards. The proposed swing type driveway would accommodate parked vehicles in the driveway. Additionally, the Project would create an on-street parking bay.

For all of the reasons provided above, the proposed Project is consistent with the Design Guidelines.

The City's certified Local Coastal Program also 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 above in the Project Description, the proposed Project would comply with applicable setback, lot coverage, height, and other requirements of the R-1 zoning district (PMC Section 9-4.402) and applicable provisions for reduced setbacks for the garage (PMC Section 9-4.2704(b)). The applicant provided the required geotechnical survey for development on slopes greater than 15 percent per PMC sec. 9-4.4404, a grading and drainage plan per PMC Section 9-4.4405. A condition of approval would require the Director's approval of an administrative CDP for the ADU in accordance with PMC Section 9-4.455(c) and process detailed in PMC Section 9-4.4306(m).

For all the reasons provided above, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City's certified Local Coastal Program.

*ii. Required Finding: 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 and the shoreline; therefore, this finding does not apply in this case.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Pacifica does hereby authorize removal of one heritage tree based on the following criteria as required by PMC section 4-12.05(c). This section of the PMC does not provide specific findings for approval of removal of heritage trees. Rather, it states that approval of heritage tree removal shall be based on the following criteria:

- 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;
- Whether the requested action is necessary for the economically viable use of the property;
- The topography of the land and effect of the requested action on it;
- 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;
- The number of healthy trees the parcel is able to support; and
- Good forestry practices.

The Applicant submitted an arborist report (Attachment C of the staff report) identifying five trees on site, only one of which is considered a Heritage Tree. The arborist report describes the condition



of the one heritage tree proposed to be removed in order to construct the development. Attachment C of the staff report includes a diagram of the tree locations. Three trees are located on the adjacent parcel to the west and either do not meet the definition of a heritage tree or construction would not occur within the dripline of the tree.

The arborist report characterizes the one heritage tree on the site as a dead Monterey pine that that is covered in ivy. The arborist states that the tree died due to bark beetle infestation, which is common for the species. Removal of the dead heritage tree would be consistent with criteria (i), (ii), and (iii) of PMC section 4-12.05(c). The site is located in a zoning district that permits single-family dwellings and has a General Plan land use designation that allows for the density of the proposed Project. Therefore, development of the Project would provide the appropriate economic use of the site. The topography of the land and effect of the requested Project on it requires grading and vegetation removal. The location of the heritage tree to be removed is generally located in the center front portion of the site, which is the most developable area necessitating removal of the tree to allow development.

The heritage tree proposed for removal is not known to provide any substantial shade, noise buffers, protection from wind damage, air pollution, historic value, or scenic beauty and is not known to directly bear upon the health, safety, historic value, and general welfare of the area and the City as a whole. The arborist also makes recommendations in line with good forestry practices to protect the trees on the adjacent site to the west during construction. Therefore, there is sufficient evidence to authorize removal of the one heritage tree.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-430-21 and Heritage Tree Removal Authorization for construction of a 3,373-sf, single-family dwelling, a 603-sf detached garage and a 45-sf shed located on a 7,289-sf lot at TBD Olympian Way (APN 023-037-030), subject to conditions of approval included in Exhibit A to this Resolution. Approval of the proposed ADU shall be subject to future action by the Planning Director to consider an administrative CDP pursuant to PMC section 9-4.4306(m).


\* \* \* \* \*



File No. 2021-018  
Coastal Development Permit CDP-430-21 and Heritage Tree Removal Authorization  
TBD Olympian (APN 023-037-030)

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

|                         |  |
|-------------------------|--|
| AYES, Commissioners:    | BERMAN, DOMURAT, FERGUSON, GODWIN,<br>HAUSER, LEAL, NIBBELIN |
| NOES, Commissioners:    | N/A  |
| ABSENT, Commissioners:  | N/A  |
| ABSTAIN, Commissioners: | N/A  |



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John Nibbelin, Chair


ATTEST:



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Tina Wehrmeister, Planning Director/  
Assistant City Manager

APPROVED AS TO FORM:



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Michelle Kenyon, City Attorney

## Exhibit A

**Conditions of Approval: File No. 2021-018 – Coastal Development Permit CDP-430-21, to construct a 3,373-sf single-family residence with a 603-sf two-car garage, and a 45-sf shed located on a 7,289-sf lot at TBD Olympian Way (APN 023-037-030).**

**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 Single Family Home W/ ADU TBD Olympian Way, Pacifica, CA” received by the City of Pacifica on January 10, 2022, except as modified by the following conditions.
2. That 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 or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one-year extension provided, if 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 development permits, the Planning Director may toll expiration of the development permits during the pendency of such litigation.
3. Prior to the issuance of a building permit that includes development of the proposed ADU attached to the proposed garage, the Planning Director shall first approve an administrative CDP for the ADU in accordance with PMC section 9-4.4306(m). If the Applicant is unable to obtain final approval of an administrative CDP to authorize the proposed ADU, the Applicant shall revise the Project plans to remove the proposed ADU and reduce the detached garage height to 12 feet prior to issuance of a building permit.
4. Prior to issuance of a building permit, Applicant shall have a qualified professional engineer review, and if necessary, revise the hydrology calculations prepared in the report titled “Preliminary Storm Drainage Report for TBD Olympian Way Pacifica” prepared by Round House Industries, Inc. and dated September 15, 2021 and the drainage design shown on Sheet C2.1 Grading and Drainage Plan (dated 9-21-21) of the Project plans titled “New Single Family Home W/ ADU TBD Olympian Way, Pacifica, CA” received by the City of Pacifica on January 10, 2022 to the Planning Director's satisfaction.
5. Prior to the issuance of a building permit, the Applicant shall submit a formal address assignment request and associated fees, as detailed in the applicable Master Fee Schedule, to the Planning Department for the proposed single-family residence and ADU (if approved).
6. 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.

7. Prior to issuance of a building permit, and as agreed to by the Applicant, the Applicant shall revise the landscape plan to include installation of seven 24-inch box trees to replace trees removed by the Project, in a species and placement to the satisfaction of the Planning Director.
8. 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 native or low maintenance, coastal compatible, and drought tolerant. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of 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.
9. 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. 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. The plan shall show fixture locations, where applicable, on all building elevations.
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. 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.
12. All outstanding and applicable fees associated with the processing of this Project shall be paid prior to the issuance of a building permit.
13. 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.
14. 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 Department**

15. The Project shall comply with applicable California Building Standard Codes at the time of building permit application.
16. All plan sheets shall be signed and stamped by a licensed design professional per Business and Professions Code section 5537.
17. Prior to issuance of a building permit, Applicant shall incorporate all recommendations detailed in the report titled "Geotechnical Investigation for Proposed New Residence at Between 131 and 151 Olympian Way Pacifica, California" prepared by GeoForensics, Inc. and dated January 2021 to the Building Official's satisfaction.

#### **Wastewater Division, Public Works Department**

18. Prior to issuance of a building permit, application shall provide location and size of sewer lateral, appurtenances and city standards and specification sheets on all sets of plans.

#### **Engineering Division, Public Works Department**

19. Prior to issuance of a building permit or encroachment permit, and as agreed to by the Applicant, the Applicant shall revise the Project plans to confine the driveway and associated improvements within the public right-of-way such as retaining walls to within the frontage of the Project site.
20. Prior to issuance of a building permit, Applicant shall submit a traffic control plan that addresses construction phase vehicle operation and parking as well as material staging, and that shall ensure continued vehicular and pedestrian access through and along Olympian Way, subject to review and approval by the City Engineer.
21. Construction shall be in conformance with 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.
22. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Olympian Way. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.

23. Existing 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.
24. 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 building.
25. 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:
  - 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 Olympian 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. 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. 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
  - e. Provide structural plans and calculations, signed and stamped by a registered professional, for all retaining structures or systems within the City right-of-way.
  - f. 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.

- g. 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.
  - h. Provide a 6" x 6" curb or berm at the edge of the pavement to act as a wheel stop and to prevent sheet drainage off the side of the pavement.
  - i. 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.
26. 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 shall be completed and approved by the City Engineer prior to issuance of the certificate of occupancy.
27. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way without written approval of the City Engineer.
28. All utilities shall be installed underground from the nearest box or joint pole.
29. 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.
30. Post-construction overflows need to be contained within the private property through the use of stormwater retention or detention control measures. Provide hydrology calculations based on a 100-year storm for the proposed storm drainage system. Calculations must be stamped and signed by a registered civil engineer.
31. The driveway approach must be ADA compliant with no more than 2% cross slope for a width of at least 48 inches. The transition from 2% slope to the driveway slope shall be sufficiently gradual to avoid causing conventional automobiles to make contact with the pavement at the grade breaks. Driveway within City right-of-way shall not exceed 18%, and any portion exceeding 15% grade shall be grooved concrete to the satisfaction of the Fire Department.
32. Any ground disturbed by construction activities shall be permanently stabilized to prevent future erosion.
33. All construction within the public right-of-way, with the exception of street pavement, 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.
34. Per the adopted City of Pacifica Complete Street Policy, development shall include facilities for pedestrians. Applicant shall record with the County Recorder's Office a Deferred Improvements Agreement, which will run with the land and be binding on any future owners of the property, to provide sidewalk facilities at a future date upon demand by the City.

File No. 2021-018  
Coastal Development Permit CDP-430-21 and Heritage Tree Removal Authorization  
TBD Olympian (APN 023-037-030)

**North County Fire Authority**

35. Fire sprinkler system is required. Submit plans to North County Fire Authority under separate fire permit.
36. Provide fire flow information per CFC, Appendix B.
37. Illuminated address identification is required.

\*\*\*END\*\*\*



