

RESOLUTION NO. 2018-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-822-17 AND USE PERMIT UP-87-17 (FILE NO. 2017-023), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A VACANT LOT IN THE A (AGRICULTURE)/B-5 (LOT SIZE OVERLAY)/HPD (HILLSIDE PRESERVATION DISTRICT OVERLAY) ZONING DISTRICT AT 4096 FASSLER AVENUE (APN 022-150-030), AND FINDING THE PROJECT CONSISTENT WITH THE “HARMONY@1 ROBERTS ROAD SUBDIVISION FINAL ENVIRONMENTAL IMPACT REPORT” CERTIFIED BY THE PLANNING COMMISSION ON OCTOBER 15, 2007, AND CERTIFIED BY THE CITY COUNCIL ON NOVEMBER 13, 2007.

Initiated by: Ray Johnston (“Applicant”).

WHEREAS, an application has been submitted to construct a new 5,899-square foot, two-story single-family residence and a 735-square foot three-car detached garage on an 86,940 square foot vacant lot at 4096 Fassler Avenue (APN 022-150-030) also known as Lot D of the Harmony @ 1 subdivision; and

WHEREAS, the project requires approval of a Site Development Permit, prior to issuance of a building permit, pursuant to Section 9-4.1901(d)(1) of the Pacifica Municipal Code because the project site is located in an A (Agriculture) zoning district; and

WHEREAS, the project requires approval of a Use Permit, prior to issuance of a building permit, pursuant to Section 9-4.1901(d)(1) of the Pacifica Municipal Code because the project site is located in A (Agriculture) zoning district; and

WHEREAS, the Planning Commission desires to authorize amendments to the conditions of approval applicable to the Harmony @ 1 subdivision approved by the Planning Commission on October 15, 2007, which exceptions affect Condition No. 2 of that approval related to maximum floor area of residential units and Condition No. 4 of that approval relating to fences; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on October 1, 2018, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference; and

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 find that the project is consistent with the “Harmony@1 Roberts Road Subdivision Final Environmental Impact Report, certified by the Planning Commission on October 15, 2007 and certified by the City Council on November 13, 2007.

The Final EIR evaluated development of a single-family residence with an attached accessory dwelling unit (i.e., second unit) on the subject site, Lot D. A summary of the development's characteristics as evaluated in the Final EIR is contained in Table 1, below:

<u>Development Type</u>	<u>Size/Area (in square feet)</u>	<u>Height</u>	<u>Notes</u>
Single-family residence with attached ADU	4,300	26'-2"	Floor area reduced from 5,949 sq. ft. in the Draft EIR. Draft EIR included detached ADU of 750 sq. ft.
Impervious surface (structure plus hardscape)	17,500	N/A	N/A

Table 1 – Summary of Lot D Development in Final EIR

The floor area of the single-family residence with attached accessory dwelling unit on Lot D was evaluated at a height of 26'-2", a floor area of 4,300 square feet, and a total on-site impervious surface proposed at 17,500 sq. ft. The proposed project's floor area of 5,899 sq. ft. is an increase of 37% over the 4,300 sq. ft. floor area evaluated in the Final EIR. However, the building height has been reduced by 4.7% to 25'-0" from 26'-2", and total impervious surface on the site has been reduced by 54% to 8,019 sq. ft. from 17,500 sq. ft.

Although much larger in floor area than the project evaluated in the Final EIR, the Planning Commission has not identified any significant environmental impact attributable to the floor area increase. Rather, the nature of the project remains the same (one single-family residence), and the environmental impacts of development of a single-family residence at the site were properly evaluated and mitigated in the Final EIR. Moreover, building height and impervious surface on the site have been reduced, reinforcing a determination that impacts are equal to or less than those evaluated in the Final EIR.

Therefore, when considering the project as a whole, the proposed project is substantially consistent with the development evaluated in the Final EIR, and does not include substantial changes from the project evaluated in the Final EIR which could result in potentially significant environmental impacts. The Planning Commission accordingly has concluded that the project is substantially consistent with the Final EIR, and that the circumstances provided in Public Resource Code section 21166 for requiring a subsequent or supplemental EIR have not been met.

Although the subject project does not require additional environmental review, it remains subject to important mitigation measures in the Mitigation Monitoring and Reporting Plan (MMRP) included as part of the Harmony @ 1 Final EIR which would reduce potentially significant impacts from the entire project to a less than significant level. The MMRP is included as Exhibit B to this Resolution and incorporated by reference and Exhibit A of this Resolution includes a condition of approval to require compliance with the MMRP.

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BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby find that development of Lot D shall be subject to the 2007 Conditions of Approval Nos. 1-2, 4-21, 26-30, 33-35, 38-56, and 58-79 of the Harmony @ 1 subdivision approved by the Planning Commission on October 15, 2007, included as Exhibit C to this Resolution and incorporated herein by reference. Except, however, that the Planning Commission expressly grants the following amendments to the Harmony @ 1 subdivision conditions of approval identified below as they apply to Lot D of the Harmony @ 1 subdivision:

A. Condition No. 2: The maximum floor area of all residential units on the subject site, including without limitation any accessory dwelling unit (ADU) which shall be constructed on the site, shall be 5,899 square feet.

B. Condition No. 4: Fencing and gates on the site may be installed subject to the following standards:

- Fencing shall be limited to the front setback area and may be installed along the front property line.
- Fence height shall be limited to four feet provided the fence installed qualifies as an "open work" fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).
- The fence shall be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.
- Additional fencing may be installed outside of the front setback in the area surrounding the pool and spa to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J of the staff report of October 1, 2018, for an enclosed area not to exceed 6,000 square feet.

BE IT FURTHER RESOLVED that the City of Pacifica has not restricted development of the subject site Lot D to conformance with the Harmony @ 1 subdivision covenants, conditions, and restrictions (CC&Rs) and that development of the site may proceed in accordance the authority granted by this Resolution issuing the above entitled Permits.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Site Development Permit PSD-822-17:

- a. That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

Development of a single-family residence on the subject site was envisioned as part of the Harmony @ 1 subdivision at which time traffic patterns in the area were evaluated and subdivision improvements including the access road for the Harmony @ 1 subdivision were designed and constructed accordingly. As a result, construction of the subject residence and subsequent traffic would not create hazardous or inconvenient vehicular or pedestrian traffic patterns as access to this lot was incorporated in the plans for the Harmony @ 1 subdivision. This access is provided through the subdivision access road that culminates in a cul-de-sac at the western property line of the subject project site. The project would include a 14'-0" wide driveway from an existing 20'-0" curb cut to provide access to the proposed garage and interior of the site. The proposed driveway width complies with the applicable standard in PMC Section 9-4.2813(c)(2). The site is also fronted by a sidewalk which provides pedestrian connectivity beyond the Harmony @ 1 subdivision.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- b. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses.*

The project would include a driveway entrance of 14'-0" in width, which complies with the standard in section 9-4.2813(c)(2) of the PMC. The proposed garage and driveway would exceed the two covered parking spaces and two uncovered guest parking spaces requirements of the HPD zoning standards. These parking areas would provide ample off-street parking such that vehicles parking at or near the site would not create a hazardous or inconvenient condition to adjacent or surrounding uses.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- c. That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.*

The applicant has proposed to locate the trash storage area (a service area within the meaning of this finding) inside the detached garage structure, which is set into the hillside. Proposed plantings on either side of the driveway would partially screen the detached garage and the

guest parking area to its rear from the cul-de-sac providing entry to the site. The adjoining building site area located to the northwest of the 1.99-acre project site is separated from the proposed buildings on the site with existing scrub and proposed landscaping. The parking area on the site for guest parking is so located that it is not anticipated to be visible from adjoining properties through the tree screen proposed near the entrance to the subject property, on the northwestern side.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- d. That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.*

The parcels of the Harmony @ 1 subdivision to the northwest of the project site are currently undeveloped; thus, the proposed development could not restrict or cut out light or air from structures on property in the neighborhood. The large setbacks proposed with the subject development, ranging from 40 to 180 feet would also ensure that if such adjacent properties are developed in the future, access to light and air would remain unaffected. Also, adjacent properties in the Harmony @ 1 subdivision have prescribed building areas on each lot which were carefully reviewed at the time of subdivision approval to ensure each lot could be appropriately developed in the future, irrespective of any development on the subject site. As such, the proposed development will not unreasonably restrict or cut out light and air on the property or on other property in the neighborhood, and will not discourage the development of other sites in the subdivision for residential use or impair their value.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

- e. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area.*

The proposed development is a residential project and no improvements to any commercial or industrial structures are proposed. Therefore, this finding is inapplicable to the subject project.

- f. That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of the Municipal Code.*

The 1.99-acre project site contains native grasses and its perimeter is vegetated with manzanita, Monterey Cypress and other native plant materials in good condition. In the vicinity of the area of the lot proposed for development, there is one tree identified as a "pine" on Sheet C-2 of Attachment J, the grading plan for the project. As the grading plan demonstrates, no grading will occur within the dripline of this tree which is a heritage tree.

All previous modifications to natural features were approved as part of the Harmony @ 1 subdivision in accordance with the subdivision regulations set forth in Chapter 1 of Title 10 of the Pacifica Municipal Code.

Based on the grading plan for the project, the Planning Commission does not believe the proposed development will excessively damage or destroy natural features on the site, and does not believe there is evidence to make this finding.

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

The proposed building would include a number of architectural details and site design elements that would avoid monotony in the external appearance, such as mixture of dark colored, vertically oriented cladding on the walls of the proposed residence with some feature elements clad in cast concrete panels of a light buff color and large expanses of glass with some punched window openings. The angled roofs above the two wings of the building and the separation between them create visual interest. Paving on the site would also include a mix of pervious and impervious pavers, and variation in plantings. The applicant has also proposed raised planters in the pool area. All of these site design features would create interest in the external appearance of the development.

Based on these factors, the Planning Commission does not believe there is evidence to make this finding.

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

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 (Design Guidelines guidance followed by discussion):

SITE PLANNING

- a. *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.

Discussion

The proposed building is oriented to take advantage of the views of the Pacific Ocean to the south and southwest. The location of building on the site takes advantage of the relatively flat areas toward the central portion of the site while the grading for the driveway is minimized as a result of the location of the garage closer to the access to the site and its construction into the hillside. The site contains native vegetation communities, which in some of the northern portion of the site and in the southwestern corner of the site area are proposed to be left in place.

- b. Building Location. *Buildings should be sited to consider shadows, changing climatic conditions, the potential for passive or active solar energy, safety, and privacy of adjacent outdoor spaces.*

Building placement should take into account potential impacts on adjacent property. Existing views, privacy, and solar access of surrounding properties should be preserved whenever possible.

Discussion

The applicant has proposed to make use of the prevailing wind patterns and solar exposure in the building's orientation for passive solar for heating and daylighting. The proposed project is situated such that it would not impact adjacent structures or properties with respect to existing views, privacy and solar access of surrounding properties.

- c. 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.*

Discussion

The applicant has proposed several fixtures of four different types of exterior lighting, including wall sconces, stair step lights, ground flush driveway lights and landscape low shielded lights that would stand approximately 4 to 6 feet above ground level. These fixtures are proposed to be "dark sky compliant." Dark Sky Compliant is a designation given to outdoor lighting fixtures that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light such that the fixtures don't contribute to light pollution. Additionally, the Planning Commission has included a condition of approval requiring that exterior lighting include buffering techniques to reduce light and glare impacts to adjacent properties.

- d. Screening. *Exterior trash and storage areas, service yards, landing docks and ramps, electrical utility boxes, etc., should be screened from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design. Such facilities should be conveniently located, but must not interfere with the circulation and parking on the site.*

Discussion

The trash storage area for the residence is proposed to be enclosed within the detached garage and would thus be screened from adjacent properties and the cul-de-sac leading to the site. A walkway on the northeastern side of the garage structure will provide access for the trash storage area from the residence and the main driveway that would not obstruct vehicular circulation from and to the property.

- e. Parking. *The visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along street frontages. Ample landscaping should be used to help screen parking areas from both exterior and interior views.*

Discussion

The proposed detached garage is proposed to be located toward the front of the property. This structure is setback in the graded terrain in this area; this factor in combination with the proposed green roof and garage doors will create a pleasing design that will serve to mitigate visual impacts. However, the garage and the guest parking area to the rear of the garage would be visible from the cul-de-sac. The applicant has proposed plantings at the front of the property, however, the choice and location of shrubs is not appropriate to adequately screen these areas from views from the cul-de-sac to the property. The Planning Commission has included a condition of approval requiring that a final landscape plan submitted for approval, prior to building permit issuance, to address the visual impacts of the detached garage and the parking area in appropriate choice of plantings.

BUILDING DESIGN

- f. 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.*

Discussion

The proposed building would include a number of architectural details that would provide a pleasant aesthetic. The mix of dark colored, vertically oriented cladding on the walls of the proposed residence with some feature elements clad in cast concrete panels of a light buff color creates visual interest with contrast of colors and textures as do the expanses of glass with some punched window openings. The overall form of the building with two wings breaks up the mass of the building to create a sense of human scale.

- g. *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.*

Discussion

The variation in cladding described above is compatible with other features. The Harmony @ 1 subdivision was envisioned to employ a new form of architecture called the "Coastal Green Architecture". This form of architecture was specified for the planned development component of the subdivision. Although not exactly alike, the materials palette of the proposed home is compatible with the architecture envisioned for the planned development portion of the Harmony @ 1 subdivision as it employs prominent glass, concrete, and vertical cladding on its exterior.

- h. *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.*

Discussion

The proposed building is architecturally consistent on all four elevations. The applicant has carried the same materials, architectural detailing, and lighting theme throughout all sides of the building.

LANDSCAPING

- i. *Amount and Variety. Applicants are encouraged to exceed the minimum amount of landscaping required by the zoning ordinance and landscaping 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.*

Discussion

The project proposes an ample amount and variety of landscaping that exceeds the minimum amount required. As proposed, the project would include several native species of plants as well as some turf and cultivated landscape, including pathways and ornamentals. Large trees proposed on a berm toward the rear of the landscaped area would provide an appropriate backdrop to the structure. However, the project proposes significant amounts of new landscaping in an area occupied by native vegetation communities including Grasslands, and Northern Coastal Scrub. Therefore, the Planning Commission has included a condition of approval requiring that the choice

of species and landscape plan be reviewed by a qualified biologist to ensure consistency of the landscape plan and plantings with local native ecosystems.

As conditioned, the Planning Commission's assessment is that the proposed development would be consistent with the City's Design Guidelines. As a result, the Planning Commission does not believe that there is evidence to make this finding.

- i. *That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.*

The proposed residential development, as conditioned, would be consistent with the General Plan and other applicable laws of the City, including but not limited to Hillside Preservation District (HPD) standards as explained above, except to the extent that as proposed it does not comply with two conditions of approval from the Harmony @ 1 subdivision. The project is not located in the Coastal Zone and hence, the Local Coastal Plan is not applicable. General Plan consistency includes, but is not limited to, the following policies:

GENERAL PLAN

a. Circulation Element

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

The project proposes the construction of a single-family residence and associated improvements with access provided from a cul-de-sac designed and developed as part of the Harmony @ 1 subdivision improvements. The proposed 14'-0" driveway meets the single family residential driveway standard as per

- Policy No. 11: *Safety shall be a primary objective in street planning and traffic regulations.*

Appendix D of the 2016 California Fire Code, in Section D103.4, requires that dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround dimensions as specified in Table D103.4. Table D103.4 establishes that dead-end fire apparatus access roads between 151 and 500 feet in length shall provide one of the following: 120-foot hammerhead; 60-foot "Y", or 96-foot diameter cul-de-sac in accordance with Figure D103.1.

The section of the Harmony @ 1 access road connecting to the subject site has a dead end length of approximately 480 feet. The cul-de-sac dimension fronting the project site has a diameter of approximately 66 feet, well short of the 96-foot requirement applied by Section D103.4. Therefore, the cul-de-sac does not satisfy 2016

California Fire Code requirements and may present a safety hazard relative to development at the site by impeding emergency vehicle response.

In order to evaluate the functionality of the cul-de-sac in its reduced dimensions, North County Fire Authority firefighters drove two fire apparatus around the cul-de-sac in non-emergency conditions during daylight hours with dry weather on September 19, 2018. The first apparatus, a fire engine, was able to complete the turnaround with minor difficulty. However, the ladder truck, a larger apparatus, was able to complete the turnaround with great difficulty. In less than ideal conditions, such as during an emergency at nighttime or during foggy weather, the narrowness of the existing cul-de-sac may hamper efficient and effective emergency vehicle access.

In order to address this safety hazard with the street fronting the project site, the Planning Commission requires modifications to the cul-de-sac as requested by the North County Fire Authority prior to occupancy of the proposed structure. The first is the installation of "no parking" signage throughout the cul-de-sac. The second is red curb paint on all curbs within the cul-de-sac. The third is stenciled text on the red curbs indicating "No Parking – Fire Lan." By prohibiting parking within the cul-de-sac, the absence of parked vehicles will functionally widen the diameter of the cul-de-sac. Doing so will enable fire apparatus responding to an emergency at the project site to more efficiently and safely complete a turnaround than would be possible if vehicles parked within the cul-de-sac, thus restricting its width.

The Planning Commission has included a condition of approval to require these modifications to the cul-de-sac. As conditioned, the Planning Commission believes there is evidence to find the proposed project would be consistent with this General Plan policy.

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

The applicant has proposed to provide three parking spaces in a detached garage and four guest parking spaces in an uncovered parking area for the project, which is in compliance with the applicable HPD parking requirements.

b. Community Design Element

- Policy No. 3. *Protect the City's irreplaceable scenic and visual amenities.*

The site is visible from the residential area in Linda Mar to the south, from portions of Highway 1 to the southwest, and areas in Pedro Point and Pacifica State Beach located beyond Highway 1 toward the southwest of the site. However, the residence as designed would have minimal impact on views of the hillside from these areas. It would predominantly be clad in dark, non-reflective colors, which would help it blend with the hillside. In addition, the height of the proposed residence is more than one foot shorter than the structure reviewed in the certified EIR and previously

approved for development. Therefore, the proposed project would protect the City's irreplaceable scenic and visual amenities.

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

The applicant has proposed, and a condition of approval would ensure, that all utilities shall be installed underground on the project site.

c. Land Use Element

- Policy No. 8: *Land use and development shall protect and enhance the individual character of each neighborhood.*

The project is located south of Fassler Avenue in an area of the Linda Mar Neighborhood which has not yet been developed. However, the proposed construction of a single-family residence is consistent with the predominant use in this area which is low density residential. More specifically, the subject site is located at the eastern end of the Harmony @ 1 subdivision, which also has not been developed. Yet the proposed building carries forward some of the "Coastal Green Architecture" elements envisioned for the planned development component of the Harmony @ 1 subdivision and is anticipated to be compatible with its surroundings when developed.

d. Seismic Safety and Safety Element

- Policy No. 1: *Prohibit development in hazardous areas unless detailed site investigation ensures that risks can be reduced to acceptable levels.*

The applicant prepared a site-specific preliminary geotechnical assessment for the project. The geotechnical engineer who prepared the assessment concluded that the geotechnical development of this site is controlled by the potential presence of locally moderately expansive soils and some areas of steep slopes, but is aided by generally good quality bedrock material at shallow depths. The geotechnical report includes recommendations for the design of the foundation system that would derive its support from the site bedrock to combat seasonal expansive soil movement. The Planning Commission has incorporated a condition of approval requiring incorporation of the recommendations in the "Geotechnical Report Update", dated July 6, 2017, prepared by GeoForensics Inc. into the design and construction of the proposed residence and associated improvements.

As discussed in greater detail above, the project's proposed floor area and fencing are inconsistent with Conditions No. 2 and 4 of the Harmony @ 1 subdivision, respectively. On the basis of the high-quality site design and building architecture, as well as the consideration of potential environmental impacts contained below, the Planning Commission grants an amendment to Condition No. 2 to allow a project floor area of up to 5,899 square feet to allow the deviation proposed by the Applicant. However, the

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Planning Commission does not allow the deviation proposed by the Applicant to Condition No. 4 pertaining to fencing.

Condition No. 4 of the Harmony @ 1 subdivision appears to have intended to limit fencing throughout the subdivision in order to maintain aesthetics and a rustic feel to the hillside development location. This is evidenced by the proximate relationship required between the fencing and the homes (must be “near” homes), the limited purposes for which fencing may be installed (e.g., as a pet, child, or personal yard enclosure), and the limited area which the fencing may enclose (2,500 sq. ft.). By contrast, the applicant has proposed small-stock metal fencing with tubes measuring either one-half inch by one-half inch or one-inch by two-inches, finished with paint or powder-coated (see Sheet A001 of Attachment J), to enclose nearly the entire property. The applicant’s proposed fencing is, on its face, inconsistent with Condition No. 4.

To balance the applicant’s desire for some type of fencing with the aesthetic considerations of Condition No. 4, the Planning Commission requires several modifications to the fencing at the site, as follows:

- Limit fencing to the front setback area including installation along the front property line.
- Limit fence height to four feet provided the fence installed qualifies as an “open work” fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).
- Require the fence to be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.
- Allow additional fencing surrounding the pool and spa area to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J, for an enclosed area not to exceed 6,000 square feet.

The modifications to proposed fencing required by the Planning Commission would allow the applicant to establish a delineated property boundary at the entry to the property (including a vehicle gate) while ensuring the fence is an appropriate height and design for the character of the neighborhood, and ensuring the safety of children surrounding the pool area. The Planning Commission has included a condition of approval to address staff’s suggested amendments to Condition No. 4. As conditioned in this section, the Planning Commission does not believe there is evidence to make the finding.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Use Permit, UP-87-17:

- i. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

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The project requires a use permit because it involves the construction of a single-family dwelling unit in the A (Agriculture) zoning district. A site-specific geotechnical investigation indicates that the project is located in an area of locally moderately expansive soils and some areas of steep slopes, but is aided by generally good quality bedrock material at shallow depths. Given the incorporation of the recommendations incorporated in the "Geotechnical Report Update", dated July 6, 2017, prepared by GeoForensics Inc. can be safely constructed.

The project is also part of the Harmony @ 1 subdivision and thus, relies on the infrastructure reviewed and approved for the subdivision to ensure safe operation of any development on the subject site. Such infrastructure includes curb-and-gutter for storm drain purposes and street improvements for vehicular and pedestrian access. As confirmed with Associate Engineer Lawrence Henriquez on September 21, 2018, subdivision improvements for the Harmony @ 1 subdivision have yet to be completed. As such, construction of the proposed single-family residence could only safely occur and operation of the site safely commence upon completion of all subdivision improvements as verified by the City Engineer. A condition of approval in this regard has been added to the draft resolution of approval. In addition, as discussed more fully in above, the cul-de-sac fronting the subject site which serves as the fire apparatus turnaround does not comply with the standards for such turnarounds contained in Appendix D of the 2016 California Fire Code. Accordingly, parking restrictions must be imposed to maintain the existing diameter of the cul-de-sac for fire apparatus.

Upon incorporation of conditions of approval addressing conformance to geotechnical engineering recommendations, completion of subdivision improvements, and preservation of the diameter of the fire apparatus turnaround, the Planning Commission can make this finding.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan.*

As described in further detail in a section above discussing the site development permit, the project would be consistent with the General Plan, in particular policies contained in the Circulation, Community Design, Land Use, Seismic Safety and Safety Elements, if approved as conditioned. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and conditionally permissible uses of the A (Agriculture) district and the standards of the HPD district, except that it would not comply with two conditions of approval from the Harmony @ 1 subdivision as currently proposed. If modified as proposed above, the project would be consistent with applicable conditions of the Harmony @ 1 project by virtue of the exceptions granted by the Commission. The project is not located in the local coastal zone and is thus, not subject to the policies of the local coastal plan.

Resolution No. 2018-005
Site Development Permit PSD-822-17, Use Permit-87-17
Single-family Residence in A(Single Family Residential)/B-5 (Lot Size Overlay)/HPD (Hillside Preservation District
Overlay) Zoning District
File No. 2017-023
4096 Fassler Avenue (APN 022-150-030)
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iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

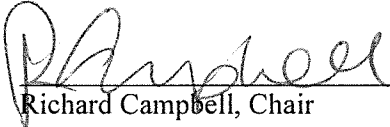
As described in further detail above in the section above discussing the site development permit, the project would be consistent with the City's adopted Design Guidelines. In particular, the project would be consistent with guidelines related to Site Planning, Building Design and Landscaping.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Site Development Permit PSD-822-17 and Use Permit UP-87-17 for construction of a new 5,899 square foot, two-story single-family residence and a 735 square foot three-car detached garage on an 86,940 square foot vacant lot at 4096 Fassler Avenue (APN 022-150-030); subject to all of the conditions of approval included as Exhibit A, attached hereto and hereinafter by reference to this resolution.


* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 1st day of October, 2018.

AYES, Commissioner:	CAMPBELL, CLIFFORD, GORDON, KRASKE, NIBBELIN, RUBINSTEIN, STEGINK
NOES, Commissioner:	N/A
ABSENT, Commissioner:	N/A
ABSTAIN, Commissioner:	N/A


Richard Campbell, Chair

ATTEST:


Tina Wehrmeister, Planning Director

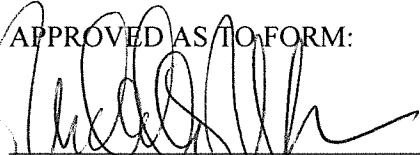
APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2017-032 for Site Development Permit PSD-822-17 and Use Permit UP-87-17 to Construct a Single-family Residence on a Vacant Lot in the A (Agriculture)/B-5 (Lot Size Overlay)/HPD (Hillside Preservation District Overlay) Zoning District, 4096 Fassler Avenue (APN 022-150-030)

Planning Commission Meeting of October 1, 2018

Planning Division

1. Development shall be substantially in accord with the plans titled "Pacifica Residence 4096 Fassler Ave. Pacifica CA 94044" and stamped received on September 25, 2018, except as modified by the following conditions.
2. That 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 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.
3. 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, but excluding any approvals governed by California Government Code Section 66474.9. 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 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.
4. Exterior lighting shall include buffering techniques to reduce light and glare impacts to adjacent properties to the satisfaction of the Planning Director.
5. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. The final plan shall endure compatibility of the proposed landscaping with the existing on site vegetation communities and shall be reviewed and approved by a qualified biologist at the applicant's expense. The landscape plan shall also show screen planting at the entrance of the property to conceal the visibility of the garage and the guest parking from the cul-de-sac in front of the property. All landscaping shall be maintained and designed to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides

- and pesticides. The final landscaping plan shall be to the satisfaction of the Planning Director. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of occupancy.
6. 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, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
 7. 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.
 8. 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.
 9. 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.
 10. Prior to 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.
 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 issuance of a building permit, Applicant shall demonstrate to the satisfaction of the Building Official and Planning Director that the recommendations contained in the "Geotechnical Report Update", dated July 6, 2017, prepared by GeoForensics Inc., have been incorporated into the design and construction of the proposed residence and associated improvements.
 14. Prior to issuance of a certificate of occupancy, Applicant shall demonstrate that it has recorded this Resolution and Conditions of Approval on the subject property in the San Mateo County Recorder's Office.

15. That a building permit shall not be issued for development on the subject site until the subdivision improvements associated with the Harmony @ 1 subdivision have been completed to the satisfaction of the City Engineer.
16. Applicant shall comply with all provisions of the Mitigation Monitoring and Reporting Plan (MMRP) of the "Harmony@1 Roberts Road Subdivision Final Environmental Impact Report, certified by the Planning Commission on October 15, 2007 and certified by the City Council on November 13, 2007.
17. That development of Lot D shall be subject to Conditions of Approval No. 1-2, 4-21, 26-30, 33-35, 38-56, and 58-79 of the Harmony @ 1 subdivision. Except, however, that the Planning Commission expressly grants the following amendments to the Harmony @ 1 subdivision conditions of approval identified below as they apply to Lot D of the Harmony @ 1 subdivision:
 - A. Condition No. 2: The maximum floor area of all residential units on the subject site, including without limitation any accessory dwelling unit (ADU) which shall be constructed on the site, shall be 5,899 square feet.
 - B. Condition No. 4: Fencing and gates on the site may be installed subject to the following standards:
 - Fencing shall be limited to the front setback area and may be installed along the front property line.
 - Fence height shall be limited to four feet provided the fence installed qualifies as an "open work" fence as defined in PMC Section 9-4.2502 (otherwise, the limit is three feet).
 - The fence shall be a wooden split-rail fence or similar design which has a rustic aesthetic, to the satisfaction of the Planning Director.
 - Additional fencing may be installed outside of the front setback in the area surrounding the pool and spa to serve as a pool barrier in accordance with applicable requirements in state law. The pool barrier (i.e., fence) design shall be consistent with the front setback fence to the maximum extent practicable while still complying with the technical requirements for a pool barrier, to the satisfaction of the Planning Director and Building Official. The height of the pool barrier may not exceed the minimum height required to comply with state law. The pool barrier may be installed around the patio and lawn area adjacent to the pool and spa, inward of the proposed bioswales shown on Sheet L100 of Attachment J of the staff report of October 1, 2018, for an enclosed area not to exceed 6,000 square feet.

Engineering Division

18. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.

19. Before construction can begin, a seasonally-appropriate erosion control plan must be approved by the City Engineer showing how mud or other contaminants will be prevented from being tracked into the street or washed into the storm drain system.
20. A Grading Permit is required per the Pacifica Municipal Code; a haul route must be approved in advance by the City Engineer.
21. The following notes are required to be prominently shown on the plans:
 - A. "Streets and sidewalks shall be maintained clear of construction materials and debris at all times. Daily cleanup will be enforced."
 - B. "Construction equipment or vehicles must not be parked on the street overnight."
 - C. "Holes or trenches in "public" areas (outside of the individual parcel) must be backfilled before leaving each night unless written permission is provided by the City Engineer, which must be requested at least 24 hours in advance. No open holes or trenches may be left without being adequately protected to prevent persons or vehicles from entering them."
 - D. "Lighted barricades must be placed at obstructions or other hazards in "public" areas at night."
 - E. "All recorded survey points shall be protected and preserved. If any survey points 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 completion of the building permit."
 - F. "Existing curb and sidewalk adjacent to this parcel's frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project."
 - G. "Any damage to public or private property - whether adjacent to subject parcel 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."
 - H. "All utilities shall be installed underground from the nearest main or joint pole."
22. If any cuts or excavations are made in the newly paved street, whether in asphalt or concrete paving, additional mitigation measures will be imposed.

Wastewater Division

23. Prior to issuance of building permit, Applicant shall provide location and size of sewer lateral, appurtenances, and City standards and specifications.

North County Fire Authority

24. Prior to the issuance of a certificate of occupancy, the Applicant shall install "no parking" signage throughout the cul-de-sac in conjunction with red curb paint and stenciled "No Parking – Fire Lane" text on same curbs throughout the cul-de-sac in accordance with Appendix D of the 2016 California Fire Code, to the satisfaction of the Fire Chief.

Conditions of Approval: Site Development Permit PSD-822-17, Use Permit-87-17
Single-family Residence in A(Single Family Residential)/B-5 (Lot Size Overlay)/HPD (Hillside Preservation District
Overlay) Zoning District
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25. Prior to issuance of a certificate of occupancy, Applicant shall provide a sprinkler system per NFPA 13D.
26. Applicant shall obtain fire flow information from North Coast Water.
27. Prior to issuance of a certificate of occupancy, the structure shall have clearly visible address identification to the satisfaction of the Fire Chief.

*** END OF CONDITIONS ***

EXHIBIT B

4.0 MITIGATION, MONITORING, AND REPORTING PLAN

This Mitigation, Monitoring and Reporting Plan (MMRP) has been prepared pursuant to CEQA Guidelines (California Code of Regulations, Title 14), which state the following:

“In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency, [here, the City of Pacifica (City)] shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” (CEQA Guidelines §15097(a))

“The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. ‘Reporting’ generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. ‘Monitoring’ is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both.” (CEQA Guidelines §15097 (c))

Table 1 lists the potentially significant impacts and proposed mitigation measures identified in the Environmental Impact Report (EIR). The Table also lists certain impacts that, although less than significant and no mitigation is required, the EIR suggests additional measures as good practice to further reduce the already less than significant impact. Table 1 also describes the timing of implementation of the mitigation measures (i.e., when the measure will be implemented) and the City department or individual responsible for ensuring implementation of the measures. Finally, Table 1 describes the City department or individual responsible for monitoring the mitigation measures.

According to CEQA Guidelines Section 15126.4 (a) (2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” Therefore, the City Council will consider whether to adopt the mitigation measures when it considers whether to approve the project.

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
AESTHETICS				
<p>Impact: The custom homes could have a significant visual impact if they are not designed and constructed using the Coastal Green Architecture described in this EIR.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure AES-1: The Codes, Covenants and Restrictions (CC&Rs) for the Harmony @ 1 development shall, consistent with the Project Description (section 2.0) and Project Design Features (section 4.2.2) herein, fully define the intent of the term "Coastal Green Architecture." The CC&Rs shall provide detailed descriptions of specific measures or features that shall be imposed to ensure that the custom homes conform to the definition of Coastal Green Architecture and incorporate the design measures discussed in this EIR that reduce or eliminate visual impacts. The specific features to be described in the CC&Rs shall include, but not be limited to, the following design and construction measures:</p> <p>Homes shall be located in the building envelope presented in the Preliminary Grading Plan described in this EIR.</p> <p>Excavation of the building pad. The homes shall be designed with a lowered or excavated building pad in order to reduce the mass of the homes. The degree or amount of excavation shall be determined by the custom home architect, the Harmony @ 1 Architectural Control Committee, and the City's design review process.</p> <p>Berming: The CC&Rs shall require berming of excavated soil to help hide homes, and shall describe desirable locations and methods for such berming.</p>	<p>Implementation Responsibility: Individual lot owners shall submit building plans to HOA Architectural Control Committee (ACC) and City of Pacifica for design review. Lot owners shall submit a letter to City Planning Department confirming ACC's review and acceptance of the proposed building design.</p> <p>Timing: City Planning Department shall confirm compliance with Design Guidelines prior to City issuance of Building Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Impact: The proposed project could have nighttime light and glare impacts.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Hidden garages: The CC&Rs shall describe what constitutes a "hidden garage" and establish when a home shall have the garage under the main structure in order to minimize visual impacts.</p> <p>Living Roofs: The CC&Rs shall describe what constitutes a "living roofs" and establish when a home shall include a living roof in order to minimize visual impacts.</p> <p>The CC&Rs shall describe appropriate exterior materials and color palette to ensure compatibility of the homes with the surrounding area.</p>			
<p>Impact: The proposed project could have nighttime light and glare impacts.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure AES-2: To ensure night light and glare from the project is minimized the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Exterior lighting shall include low mounted, downward casting and shielded light that does not cause spillover onto adjacent properties. • No flood lights shall be used in public areas or the conserved habitat areas. Night security lighting within residential lots shall be restricted to normal exterior lighting. • Language shall be added to the development's CC&Rs stating that lighting fixtures shall not be located at the periphery of individual lots. Lighting shall be restricted to the area immediately around the house and any landscaped areas. 	<p>Implementation Responsibility: Applicant shall submit exterior lighting plan to City Planning Department.</p> <p>Timing: City Planning Department shall review lighting plan for conformance prior to Building Permit approvals.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
BIOLOGY				
<p>Impact: Conserved open space areas could be damaged if used for construction staging areas or if heavy construction equipment strays into open space areas.</p> <p>Significance of Impact Before Mitigation: Less-than-Significant, Recommended as a Good Practice Measure</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure BIO-1: Prior to construction, a temporary barrier fence shall be erected along the northern open space habitat areas to prevent damage to the areas during construction of project infrastructure improvements. Authorized construction staging areas shall be designated on the final version of the site plan so all contractors know where they are allowed to park vehicles and equipment and store building materials. Appropriate construction staging areas would include existing roads or areas slated for development or grading. Storm water runoff and management of any fluids would be according to the required Storm Water Pollution Prevention Plan, described in the Hydrology section. Storm water runoff from construction staging areas shall be directed away from open space habitat areas.</p>	<p>Implementation Responsibility: Applicant shall designate construction equipment staging areas on the final grading plan submitted to the City Building Division. The final grading plan shall provide details on how the open space areas would be protected from construction disturbance. Applicant shall erect barrier fence to prevent equipment access into open space habitat areas. Applicant shall include these measures in project specifications. The HOA shall be responsible for maintaining the fencing.</p> <p>A qualified biologist shall make weekly inspections of the site during construction to assure fences are left intact and biological resources in open space areas have not been damaged.</p> <p>Timing: Documentation specifying staging areas shall be submitted to the City Building Division</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation & Timing Responsibility	Monitoring Responsibility	Verified Implementation
		<p>prior to grading permit approvals. Biological monitoring shall occur throughout construction of project improvements.</p>		
<p>IMPACT: The project proposes removal of 122 Monterey pine and 3 Monterey cypress trees most of which are diseased and in poor condition, but provide wildlife habitat. 31 trees occur in the project road and building envelope areas, 48 occur on individual lots outside of the construction zone, and 46 occur on a lot to be held in private open space. (For impacts to Heritage Trees, see Measure BIO-3).</p> <p>Significance of Impact Before Mitigation: Less-than-Significant, Recommended as a Good Practice Measure</p>	<p>Measure BIO-2: In order to provide continued wildlife values on the project site, trees in designated open space areas (Lot A, Lot B and Parcel A) shall not be removed. Tree removal on individual lots shall be approved only upon demonstration that 1) the tree is within the designated building envelope and removal is required for construction, 2) the tree is close to the building envelope and its condition represents a safety hazard to the proposed residence, or 3) the tree is substantially dead (at least 50%) as determined by a certified arborist or if visually apparent. Homeowners shall be encouraged to retain impaired trees where there is no impact to use and enjoyment of property. Conditional tree removal would prevent unnecessary reductions in wildlife resources on the site while protecting the safety and enjoyment of property by landowners. All trees specified for removal in Specific Plans for individual lots shall be replaced with a native species.</p>	<p>Implementation Responsibility: Applicant shall specify tree protection language in CC&Rs. Lot owners shall specify all trees proposed for removal on site development plan submitted to City Planning Department.</p> <p>Timing: Site plans showing tree removal locations shall be submitted to City Planning Department prior to site plan approval.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p> <p>Initials _____ Date _____</p>	

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Significance of Impact After Mitigation: Less-than-Significant</p>				
<p>IMPACT: Construction of the proposed project would result in the removal of 12 trees that meet the definition of Heritage Tree in the local ordinance. With preservation of trees on the private open space parcel under Measure BIO-2, the number of heritage trees removed by the project is reduced to 7.</p>	<p>Measure BIO-3: The Applicant shall comply with all provisions of the City's Municipal Code (sec. 4-12-04) for preservation of Heritage Trees. Prior to the removal of the 7 Heritage Trees, the Applicant must obtain a Heritage Tree Removal Permit from the City. The Applicant shall replace the 7 Heritage Trees removed with 7 new native shrub/tree species suitable for the site (e.g. coast silk tassel (<i>Garrya elliptica</i>), California buckeye (<i>Asculus californica</i>), or others). Recommended planting locations are shown in Figure 17 of this EIR.</p>	<p>Implementation Responsibility: Applicant shall show location of heritage tree replacements on a planting plan submitted to the City Planning Department.</p> <p>Timing: Documentation shall be submitted to City Planning Department prior to issuance of Heritage Tree Removal Permit.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____ Date _____</p>
<p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure BIO-4: The development's Covenants, Codes, and Restrictions (CC&Rs) shall contain language that shall ensure the protection of all open space habitat (including Lot A, other open space areas and the portions of lot 11 that are not built</p>			
<p>IMPACT: The new residential use and increased human activity on the site could adversely impact</p>		<p>Implementation Responsibility: Applicant shall include required language in CC&Rs submitted to</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>biological resources found within the open space habitat areas and result in a significant decline of habitat values for wildlife over time.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>upon) from degradation as a result of resident activities and shall ensure that the open space habitat is managed and protected in a manner that would ensure the long-term viability of all the biological resources currently found on the project site. The CC&Rs shall include provisions that prevent activities within the open space habitat that would permanently damage native vegetation, cause erosion, or harass or harm wildlife. These restrictions do not apply to any authorized native habitat management efforts such as invasive species control, erosion repair, or native plant revegetation. The CC&Rs shall include the following restrictions on human activity:</p> <p>New volunteer trails within the open space areas shall be controlled so that trails do not damage vegetation and cause erosion.</p> <p>All pets (dogs and cats) shall be controlled within open space areas so that they do not hunt, harm, or harass wildlife or otherwise damage biological resources.</p> <p>Residents shall not store or dispose of items (including yard trimmings) within the open space areas.</p> <p>The use of rodenticides within the open space areas shall be prohibited unless approved by CDFG. Management of the open space areas shall also include the control of feral cats, and limitations on domestic cat ownership</p> <p>The large, vegetated drainage along the eastern boundary of the project property may contain</p>	<p>City as project specifications.</p> <p>Applicant shall submit habitat Management and Monitoring Plan to City Planning Department and US Fish and Wildlife Service (USFWS) for review and approval.</p> <p>Applicant shall submit evidence of consultation with USFWS to City.</p> <p>Timing: City Planning Department shall review Management Plan and USFWS documentation prior to issuance of Building Permits.</p>		<p>Date</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
	<p>USACE jurisdictional waters (this drainage does not support perennial flow, but has a defined drainage channel). The drainage shall be protected from impacts of runoff from urban areas, damage due to humans or pets, or other activities that degrade the natural habitat.</p> <p>In addition, through consultation with City of Pacifica, US Fish and Wildlife Service and the CDFG, a Management and Monitoring Plan shall be developed and implemented for the open space areas and the portions of lot 11 that are not built upon. The Plan shall include the following:</p> <ol style="list-style-type: none"> 1. A description of the goals of the Management Plan. The goals should foster the protection of native habitat and wildlife diversity at the site, should protect the wildlife corridor, and should support a healthy ecosystem. 2. A description of methods to protect and enhance native habitat on the site, including coastal terrace prairie, coastal riparian scrub, and northern coastal scrub. A program to control exotic invasive plant species shall be included in these methods. 3. A description of the methods to protect and enhance habitat of sensitive species on the site, including the Mission blue butterfly, the San Francisco dusky-footed woodrat, the loggerhead shrike, and the white-tailed kite, and how individually-owned lots with restriction on them (see Measure BIO-10) may fit into the scheme. 			

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Impact: Non-native, invasive plants could escape from landscaped areas within yards and colonize and spread into the open space areas, converting native habitat and significantly reducing biological diversity.</p> <p>Significance of Impact Before Mitigation:</p>	<p>4. A schedule of management and enhancement activities. Management activities shall address open space habitat areas and include routine maintenance and care of replacement and screening trees planted as part of the project.</p> <p>5. Annual monitoring and reporting, including surveys of the species of concern and the results of any enhancement activities undertaken at the site.</p> <p>6. An educational component, so that lot owners understand the purpose of the management plan and can choose to apply the measures to their own lots.</p> <p>The applicant or homeowner's association shall request a letter of concurrence from the US Fish and Wildlife Service that the management plan will not result in take of the Mission blue butterfly or any other federally-listed species.</p>			
<p>Impact: Non-native, invasive plants could escape from landscaped areas within yards and colonize and spread into the open space areas, converting native habitat and significantly reducing biological diversity.</p> <p>Significance of Impact Before Mitigation:</p>	<p>Measure BIO-5: The development's Covenants, Codes, and Restrictions shall contain language restricting all landscape planting so that those plants identified by the California Invasive Plant Council (Cal-IPC) in Table 1 of the California Invasive Plant Inventory shall not be planted. In addition, only native plant species may be used for landscaping that are consistent with the regional plant communities found in the local region. A qualified biologist shall review all proposed planting lists and compare it to the most recent Cal-IPC list to ensure no invasive plants on the list are planted. The biologist shall also check the plants to insure consistency with local</p>	<p>Implementation Responsibility:</p> <p>Applicant shall include language prohibiting invasive species identified in Cal-IPC Invasive Plant Inventory.</p> <p>Applicant shall submit letter from qualified biologist confirming plant lists specified on landscaping plans do not contain species on most recent Cal-IPC inventory list and are</p>	<p>Monitoring Responsibility:</p> <p>City of Pacifica Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Potentially Significant Significance of Impact After Mitigation: Less-than-Significant</p>	<p>native ecosystems. The biologist shall inspect the plants at the time of installation to make sure that no substitutions have been made by the landscape contractor. (The most recent version of the California Invasive Plant Inventory can be found at http://www.cal-ipc.org/ip/inventory/pdf/Inventory2006.pdf). This measure shall apply to all landscaping within the project site, including landscaping of common areas and within each of the housing lots.</p>	<p>consistent with local native ecosystems. Biologist shall inspect landscaping after installation. Subsequent homeowners shall submit landscape plans to HOA for review. HOA shall provide written confirmation to City that homeowner landscape plans comply with this measure. Timing: City Planning Department shall review CC&Rs for compliance with measure prior to issuance of Grading Permit. Biologist letter of inspection shall be submitted to City Planning Department prior to issuance of Occupancy Permits. HOA documentation shall be submitted to City Planning Department prior to issuance of Building Permits.</p>		
<p>Impact: Construction of the proposed project would result in ground disturbance that could facilitate the spread of invasive plant species</p>	<p>Measure BIO-6: Invasive species shall be removed during project construction on a quarterly basis within the graded areas and on adjacent open space lands. Species to be removed include existing invasive species on site, such as French broom, fennel, pampas grass, and cotoneaster as well as any</p>	<p>Implementation Responsibility: Applicant shall include measures to control exotic species in Grading Plan specifications and in habitat Management Plan</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>within the designated open space areas on site, and result in increased erosion that would adversely impact plant and wildlife habitat.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>others that establish as a result of project grading activities. In addition, to ensure longterm control of invasive species, this provision shall be included in the Management Plan required in Measure BIO-4.</p>	<p>established by the HOA.</p> <p>Timing: City Planning Department shall review Grading Plan and Management Plan for compliance prior to issuance of Building Permits.</p>		
<p>Impact: Special status bird species could use and potentially nest within the project site. Project construction could adversely impact the breeding of special status bird species resulting in violation of CDFG code and the Migratory Bird Treaty Act and a significant impact.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p>	<p>Measure BIO-7: If any trees or shrubs are proposed to be removed during the nesting season (February 15 to August 31), pre-construction surveys for nesting birds shall be conducted. This measure shall apply to all construction occurring on the project site, both the infrastructure improvements and construction within each of the housing lots. The surveys shall identify active nests and establish a disturbance buffer if nests are located. A minimum buffer of 50 feet is required by CDFG for songbird nests and a minimum of 250 feet for raptor nests. Construction activity within an established buffer area is prohibited until nesting is complete.</p>	<p>Implementation Responsibility: Applicant and subsequent homeowners shall submit pre-construction surveys to City Planning Department.</p> <p>Timing: City Planning Department shall review results of nesting bird survey and determine Grading Plan compliance with measure prior to issuance of Grading Permit.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Significance of Impact After Mitigation: Less-than-Significant</p>				
<p>Impact: Construction of the proposed project would result in the removal of four to six San Francisco dusky footed woodrat houses within the proposed roadway on the north side of the property, and potentially one more woodrat house from grading of building sites on the western portion of the property. Removal of coastal scrub habitat could adversely impact carnivores in violation of CDFG code if any are denning there.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact</p>	<p>Measure BIO-8: The following mitigation plan shall be implemented:</p> <ol style="list-style-type: none"> <u>Preconstruction surveys for woodrat houses.</u> A preconstruction survey for woodrat houses shall be conducted within all areas proposed for disturbance, prior to any disturbance on site. These surveys shall include surveys for carnivore dens (such as bobcat) on site. If any carnivore dens are detected within the construction area, CDFG shall be contacted for guidance to avoid impacting any dens. <u>Preconstruction woodrat house dismantling and/or relocation.</u> For all woodrat houses that will be impacted by construction impacts, the houses shall be dismantled and relocated to appropriate locations within the open space areas on the project site, and any woodrats captured and released into their relocated houses. House dismantling and/ or relocation shall be conducted only when necessary, during the non-breeding season (September to February), and under guidance from the CDFG. <u>Control of non-native species.</u> The 	<p>Implementation Responsibility: A qualified biologist shall conduct a pre-construction survey documenting the number and location of woodrat houses impacted by project improvements. Biologist shall dismantle and relocate houses. Biologist shall prepare a letter report to the City documenting the survey and relocation effort.</p> <p>Timing: City Planning Department shall review pre-construction survey report for project compliance with this measure prior to issuance of Grading Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>After Mitigation: Less-than-Significant</p>	<p>management of the onsite common open space area (Lot A) per Measure BIO-4, shall include control of non-native invasive weeds to maintain the native plant species that provide important cover and food resources for the San Francisco dusky-footed woodrat, prohibit the use of rodenticides within the open space area unless approved by CDFG and the control of feral cats and limitations on domestic cat ownership.</p>			
<p>Impact: While suitable aquatic habitat for California red-legged frog (CRLF) and San Francisco garter snake (SFGS) is not present with the project site, there remains an extremely low chance that CRLF and/or SFGS could disperse through the project site from the eastern border. Project construction has a low potential to impact dispersing CRLF and SFGS, however if take of either of these species occurred, it would be significant.</p> <p>Significance of Impact Before Mitigation:</p>	<p>Measure BIO-9. A qualified biologist shall be retained by the applicant to oversee construction and ensure that take of the San Francisco garter snake or California red-legged frog does not occur during construction. The following procedures shall apply: Prior to any grading or vegetation removal, a biologist shall conduct a preconstruction survey for San Francisco garter snake and California red-legged frog. During construction, a trained biologist or a trained on-site monitor (such as the construction foreman) shall check the site in the morning and in the evening for the presence of California red-legged frog and San Francisco garter snake. This includes checking holes, under vehicles and under boards left on the ground. If any CRLF or SFGS are found, construction shall be halted until they disperse naturally, and the monitor shall immediately notify the biologist in charge and the USFWS. Construction shall not proceed until adequate measures are taken to prevent dispersal of any individuals into the construction zone, as directed by the USFWS. Subsequent recommendations made by</p>	<p>Implementation Responsibility: Applicant shall include these measures on the grading plan specifications. Monitoring biologist shall submit a letter report to City Planning Department documenting the monitoring activity and results. Timing: City Planning Department shall review monitoring report for project compliance prior to issuance of Building Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Potentially Significant</p> <p>Significance of Impact After Mitigation:</p> <p>Less-than-Significant</p>	<p>the USFWS shall be followed. The monitor shall not handle or otherwise harass the animal. The biologist in charge shall train the on-site monitor in the identification of CRLF and SFGS. The biologist in charge shall visit the site at least once a week during construction and confer with the trained on-site monitor.</p> <p>Construction workers shall be informed of the potential presence of California red-legged frog and San Francisco garter snake, that these species are to be avoided, that the foreman must be notified if they are seen, and that construction shall be halted until authorization to proceed is obtained from the USFWS. Construction workers shall be informed that harassment of these species is a violation of federal law.</p> <p>During construction, all holes shall be covered at night to prevent CRLF and/or SFGS from becoming trapped in holes on the construction site.</p>			
<p>Impact: Construction of the proposed project could impact the federally endangered Mission blue butterfly. Mission blue butterfly adults have not been observed on site during field surveys however eggs were found on the host plants. The site plan for Lot 11 has</p>	<p>Measure BIO-10: Project development shall avoid Mission blue butterfly host plant <i>Lupinus formosus</i> and provide a minimum 50-foot setback from areas containing the host plant. Any parcel containing Mission blue butterfly host plants shall be subject to a CC&R provision that requires the owner to obtain permission from the US Fish and Wildlife Service to undertake any activities that result directly or indirectly in the removal of Mission blue butterfly host plants. The owners of lots containing Mission blue host plant shall also coordinate with the Homeowner's Association in the implementation of</p>	<p>Implementation Responsibility:</p> <p>Applicant and subsequent homeowners shall include location of <i>Lupinus formosus</i> on site plans for individual lots.</p> <p>Grading Plans for lots containing <i>Lupinus formosus</i> shall specify 50' buffer zones around plants with protective fencing.</p>	<p>Monitoring Responsibility:</p> <p>City of Pacifica Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>been redesigned to avoid the Mission blue host plant Lupinus formosus.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>the open space management plan required in Measure BIO-4.</p>	<p>A qualified biologist shall monitor during site grading activity to ensure adequate placement of fencing and that no damage occurs to plants. Biologist shall submit monitoring report to City Planning Department documenting monitoring activity and results.</p> <p>Timing: City Planning Department shall review monitoring report for compliance with measure prior to issuance of Building Permits.</p>		
<p>Impact: The project is subject to applicable state and federal laws governing endangered species.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure BIO-11: The applicant shall obtain all necessary permits from California Department of Fish and Game and U.S. Fish and Wildlife Service as required by federal and State law to avoid, minimize, or offset impacts to any species listed under either the State or federal Endangered Species Acts or protected under any other State or federal law. Evidence that the applicant has secured any required authorization from these agencies shall be submitted to the City of Pacifica Planning Department prior to issuance of any grading or building permits for the project.</p>	<p>Implementation Responsibility: Applicant shall submit evidence of project compliance with State and federal Endangered Species Act to City Planning Department.</p> <p>Timing: City Planning Department and Building Division shall review documentation for compliance prior to issuance of Grading Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department and Building Division.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
GEOLOGY				
<p>Impact: Strong groundshaking associated with a major earthquake in the region could impact the project development by causing damage or collapse of buildings or endanger the health and welfare of persons.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure GEO-1: The new residential construction and any other site improvements shall comply with the provisions of Title 24 of the California Administrative Code, and the most recent edition of the Uniform Building Code, Seismic Zone 4 standards, or local seismic requirements, whichever is most stringent. All recommendations included in the June 19, 2006 EIC preliminary soil investigation report shall be met, including: 1) City review of all plans and specifications and observation by the project geotechnical engineer of foundation excavations to ensure compliance with the recommendations in the project geotechnical report; and 2) Observation and testing of engineered fill, finish subgrade and aggregate base for new pavements by the project geotechnical engineer.</p>	<p>Implementation Responsibility: Applicant and subsequent lot owners shall submit detailed construction plans incorporating recommendations of EIC soil investigation report (dated June 19, 2006). Project Geotechnical Consultant shall inspect foundation excavations and engineered fill and submit observations to City Engineer for review. Timing: City Building Official, City Engineer and City Geotechnical Consultant shall review site plans and specifications for each lot for compliance with EIC report recommendations. City shall confirm compliance with soil recommendations prior to issuance of Grading Permits. City Engineer shall review observation letter from Project</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Impact: Surficial landslides affecting the Roberts Road cut slope will continue to degrade the cut slope and produce sediment onto the traveled roadway.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure GEO-2: A detailed remediation plan that addresses the surficial landsliding affecting the Roberts Road cut slope shall be prepared by a qualified engineering geologist. The remediation plan shall identify any grading and drainage improvements necessary to, prevent future landsliding. The remedial grading improvements shall be implemented by the applicant.</p>	<p>Geotechnical Consultant prior to issuance of Building Permits.</p> <p>Implementation Responsibility: Applicant shall submit a landslide remediation plan to City Engineer.</p> <p>Timing: City Building Division, City Engineer, and City Geotechnical Consultant shall review and approve landslide remediation plan. City Engineer shall review Final Grading Plan for compliance with landslide remediation plan prior to issuance of Grading Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____ Date _____</p>
<p>Impact: The potential for erosion of the clayey sand surface soils on the project site is moderate to high. Erodible soils at the site present potentially significant impacts.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p>	<p>Measure GEO-3: The impacts from erosion can be mitigated by incorporating appropriate grading and drainage measures into the project design. A final grading plan and drainage plan shall be prepared for the project. These plans shall provide for positive drainage on building pads and removal of water from foundation areas into area drains and closed pipe systems which carries runoff to a suitable drainage facility located below the erodible colluvial deposits which exist downhill of the ridgeline. Slopes shall be graded so that water is directed away from the slope face. Permanent slopes shall be protected from erosion through the use of erosion-</p>	<p>Applicant shall incorporate these measures into the Final Grading and Drainage Plan.</p> <p>Timing: City Building Division shall review Final Grading and Drainage Plan for compliance with these measures prior to issuance of Grading Permit.</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____ Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>resistant vegetation and jute netting. Erosion control seed mixes used on site shall utilize native grasses and forbes appropriate for the site to replace and improve existing habitat values of grasslands disturbed on the site. Temporary erosion control measures such as positive gradients away from slopes, straw bales, silt fences and swales shall be used during construction.</p>			
<p>Impact: Although considered unlikely by the EIC report (June 2006), deep erosion and landsliding on the southern slopes could impact Lots 9 and -10. Significance of Impact Before Mitigation: Potentially Significant Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure GEO-4: Although the house sites appear to be sufficiently far from the deep erosion gullies and landsliding on the southern slopes and existing data indicates that the house sites are on shallow bedrock, design-level geotechnical investigations for Lots 9 and 10 shall be conducted to determine whether surface or subsurface drainage improvements are necessary to prevent accelerating erosion trends in these gully areas and to mitigate encroachment into the building sites. Any necessary improvements shall be implemented by applicant or future owners of Lots 9 and 10.</p>	<p>Implementation Responsibility: Applicant or subsequent lot owners shall submit design-level geotechnical investigation for Lots 9 and 10. Recommendations of investigation shall be incorporated into project site plans. Timing: Building Official, City Engineer, and City Geotechnical Consultant shall review geotechnical investigation for Lots 9 and 10. City Engineer shall review site plans to determine compliance with recommendations of geotechnical report prior to issuance of Grading Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____ Date _____</p>

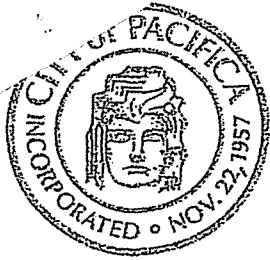
Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>Impact: The near surface clay soils and bedrock have a moderate plasticity as discussed in the EIC report. Expansive soils can detrimentally affect building foundations, slabs, pavements, retaining walls and other site improvements.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure GEO-5: The EIC report provides recommended measures for mitigating the effects of expansive soils on the project improvements. These protective measures include: 1) mixing on-site soils to a plasticity index of 15 or less; 2) moisture conditioning of fill materials to three percent over optimum; and 3) overexcavation of slab subgrade areas. The following additional measures shall also be taken to minimize the effects of expansive soils: a) providing a layer of non-expansive granular materials beneath slabs-on-grade as a cushion against building slab movement; b) the use of aggregate base under exterior flatwork; and c) control of irrigation adjacent to the new buildings.</p>	<p>Implementation Responsibility: City shall include these measures on the building permits.</p> <p>Timing: The City Building Division shall review plans for compliance prior to issuance of Building and Grading Permits.</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>
HYDROLOGY				
<p>Impact: The proposed project could result in water quality impacts to the city's storm drain line and Calera Creek as a result of increased siltation of surface water runoff from construction grading</p>	<p>Measure HYD-1: The applicant shall apply to the RWQCB to obtain coverage under the State General Construction Activity NPDES Permit. The applicant shall comply with all provisions and conditions of the general permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). Project construction shall conform to the requirements of the general permit and the SWPPP. Construction BMPs that will be used to reduce or avoid impacts shall</p>	<p>Implementation Responsibility: Applicant to prepare Notice of Intent (NOI), Storm Water Pollution Prevention Program (SWPPP) and Storm Management Program (SMP) per the San Francisco Regional Water Quality Control Board</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department and Building Division</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>activities.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>include:</p> <ul style="list-style-type: none"> • Keeping materials out of the rain by covering exposed piles of soil or construction materials with plastic sheeting; sweeping paved surfaces that drain to creeks or wetlands; using dry cleanup methods whenever possible, and if water must be used, use just enough to keep the dust down; • Use of hay bales or other mechanical barriers to trap sediment on the project site and prevent discharge into storm water drainage; • Scheduling construction activities for periods of dry weather; and • Restricting fueling of construction vehicles to approved staging areas. 	<p>guidelines as listed in the websites (also see http://www.swrcb.ca.gov/stormwater/construction.html)</p> <p>SWPPP shall be submitted to City Engineering Division.</p> <p>Timing: City Engineer, City Building Division, and City Planning Department shall review prior to issuance of Grading Permit.</p>		
<p>Impact: Up to six acres of the project site would be developed with building envelopes and roads. Site development will introduce impervious surfaces to the property and increase the amount of stormwater runoff generated on site. Detention basins constructed for the</p>	<p>Measure HYD-2: The Project shall implement the site design, source control, and stormwater treatment measures detailed in the Stormwater Control Plan, included as Appendix B. The project applicant shall also enter an Operations and Maintenance (O&M) agreement with the City, as required by the County-wide NPDES permit. This O&M agreement shall run with the land.</p>	<p>Implementation Responsibility: Applicant shall submit engineered drawings of detention basins and a signed Operations and Maintenance agreement with the City of Pacifica to the City Building Division.</p> <p>Timing: City Engineer, City Building Division, and City Planning Department shall review</p>	<p>Monitoring Responsibility: City of Pacifica Planning Department and Building Division.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
<p>project have adequate capacity to handle the increased runoff and would require routine maintenance.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>		<p>stormwater plan and engineering drawings prior to issuance of Grading Permit.</p> <p>City Planning Department and Building Division shall review operation and maintenance agreement prior to issuance of Grading Permit.</p>		
TRAFFIC				
<p>Impact: The project access road intersects Roberts Road on the inside of a curve where there are inadequate sight line distances for vehicles exiting the project street onto Roberts Road. The limited visibility creates unsafe an unsafe traffic condition.</p> <p>Significance of Impact Before Mitigation: Potentially Significant</p> <p>Significance of Impact After Mitigation: Less-than-Significant</p>	<p>Measure TRF-1: Project slopes at the intersection of the new access road and Roberts Road shall be trimmed back to establish the minimum safe sight line distance of 200 feet. The site distance at the driveway shall be increased as much as feasible beyond the minimum requirement to provide additional safety at the intersection. Landscaping placed in these areas shall be restricted in height to prevent reduction of the sight line.</p>	<p>Implementation Responsibility: Applicant shall submit documentation demonstrating adequate sight line distances and necessary treatment of sight corners to City Engineer.</p> <p>Timing: City Engineer shall review documentation for compliance prior to issuance of Grading Permit.</p>	<p>Monitoring Responsibility: City of Pacifica Building Division of Planning Department.</p>	<p>Initials _____</p> <p>Date _____</p>

Impact	Mitigation Measure	Implementation Responsibility & Timing	Monitoring Responsibility	Verified Implementation
After Mitigation: Less-than-Significant				

EXHIBIT C



Scenic Pacifica

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY HALL • 170 Santa Maria Avenue • Pacifica, CA 94044 • (650) 738-7341 • Fax (650) 359-5807

Conditions of Project Approval

November 27, 2007

Cowan-Newton, LLC
338 Horizon Way, Suite 200
Pacifica, CA 94044

Re: SUB-213-07, PSD-763-07, UP-978-07, RZ-188-07 and DP-70-07 – Subdivision of 65 acres of vacant land into 14 residential lots, with 27.3 acres proposed as common open space and development of an adjoining two-acre vacant lot with one-single family home with a second residential unit south of Fassler Avenue and east of Roberts Road, Pacifica, CA (APN: 022-150-420, 022-150-310, and 022-150-030)

Dear Stuart and Tait:

The Planning Commission of the City of Pacifica, at their regular meeting of October 15, 2007 APPROVED a Tentative Subdivision Map, Development Plan, Use Permit, and Site Development Permit subject to approval by the City Council of the Rezoning, and the City Council, at their regular meeting of November 13, 2007, APPROVED the Rezoning and Development Plan for the above referenced project.

These permits are approved subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the Plans titled "PRELIMINARY GRADING AND DRAINAGE PLAN 13 RESIDENTIAL LOT SUBDIVISION, PACIFICA, CALIFORNIA," consisting of ten (10) sheets, dated 08/02/07 and with the plans titled "DUNSTAN/HUSSON Sunset breezhouse 4096 FASSLER AVENUE, PACIFIC CALIFRONIA A.P.N. 022-150-030, consisting of nine (9) sheets, dated 09-24-07.
2. The maximum floor area of all the residential units shall be 4,300 square feet. Floor area shall mean the gross measurement of all enclosed floor area from outside wall to outside wall with the following exceptions: (a) Garages; (b) areas where there is no floor (i.e. "open-to-be-low" areas); (c) Outdoor decks and patios, whether covered or uncovered. In addition, all accessory buildings or

structures, whether attached to the main structure or not, should be included in the 4,300 square foot size limitation including but not limited to gazebos, clubhouses, pool houses, spa structures, conservatories, greenhouses, guest structures, play houses, studios and offices. All accessory buildings should be attached to the house where possible, and/or designed with the same visual impact mitigation measures applied to the main structures. The only exception could be a small tool or storage shed attached to the house behind the bermed side of the home so as to be invisible from all views.

3. As proposed by the applicant, the CC&Rs shall include a provision that no second residential units shall be allowed on Lots 1-11.
4. Only living and natural fencing shall be allowed near the homes as a pet, child or personal yard enclosure, not to exceed 2,000 square feet, and no fencing or tree lining of the overall property line shall be permitted.
5. No lots shall be allowed to be further subdivided.
6. The maximum height for the single-family residential project is 29 feet, measured at the finished grade, between the lowest point on the site covered by any portion of a building to the topmost point of the roof.
7. All retaining walls, grading and paving shall blend into the hillside by using natural colors, texture and materials, to the satisfaction of the Planning Director.
8. The applicant shall plant 100 trees to screen the access road from northern views with a variety of trees to promote species habitat.
9. The applicant shall be required to construct two (2) Below Market Rate Units consistent with the City's Inclusionary Housing Ordinance provisions regarding alternatives.
10. The first Below Market Rate Unit shall be constructed prior to occupancy of the eighth market rate residence and the second Below Market Rate Unit shall be construction prior to occupancy of the tenth market rate residence
11. The developer shall execute an inclusionary Zoning Compliance Agreement prior to recordation of the Final Map.
12. The applicant shall submit a final landscape plan for the single-family residence with a second unit on the 2-acre homesite parcel prior to the issuance of a building permit. All landscaping shall be maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides. The landscape plan shall show each type, size and location of plant materials. The landscaping shall

be installed prior to occupancy. Landscaping materials included on the plan shall be appropriate to site specific characteristics such as soil type, topography, climate, amount of timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment. Landscaping shall incorporate [native plants]. All landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.

13. As a condition of the Tentative Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action, or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-213-07. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.
14. Adequate, accessible, and convenient Recycling Areas shall be provided within the development. The dimensions of Recycling Areas shall be adequate to accommodate receptacles sufficient to meet the recycling needs of the Development Project. An adequate number of bins or containers shall be provided in Recycling Areas to allow for the collection and loading of recyclable materials generated by the Development Project. Recycling Areas shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation. Recycling areas shall provide unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to Recycling Areas. Areas adjacent to Recycling Areas shall be adequately protected from any adverse impacts associated with Recycling Areas by means of measures such as adequate separation, fencing and landscaping. Recycling Areas shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be located adjacent to the solid waste collection areas.
15. Plant-guild colonies shall be planted, where not directly under a structure, and shall be fenced off during construction for protection of flora and fauna, and shall be reviewed by a qualified botanist for the purpose of long term conservation.
16. All construction equipment and materials shall be kept on each individual building site and only on the street for short periods of time and never shall be kept in the designated open space areas.

17. Leaf blowers that create noise pollution shall be prohibited.
18. All toxic pesticides and herbicides shall be prohibited.
- ✓19. The applicant shall provide a documented plan and management program for the protection of native species including guild-colonies, trees and significant habitat.
20. In conjunction with a certified botanist, a detailed preservation/implementation/maintenance plan for natural and landscaped areas that preserves/provides over-all landscaping that is contiguous with existing native flora for a fully integrated habitat-friendly site covering all periods of construction and the lifetime of the project shall be implemented.
21. All permanent landscaping shall be primarily native plants and non-native/drought tolerant plants and trees. Fruits and vegetable gardens in private yard spaces shall be excluded. All of the individual lots shall be kept in their natural state or planted to be botanically contiguous with existing plant guild colonies.
22. Prior to occupancy and as proposed by the applicant, the applicant shall incorporate the green building elements described in the project information materials to all the Planned Development units including, but not limited to the following:
 - Design and landscape to create comfortable micro-climates and reduce heat island effects based on the recommendations of our landscape designer.
 - Maximize onsite storm water management through landscaping and/or permeable pavement
 - Use water-conserving landscape technologies such as drip irrigation, moisture sensors, and watering zones
 - Use of drought tolerant native and non-native, plant materials and tree groupings to reduce visual impact of man-made structures.
 - No planting of invasive species (such as pampas grass, scotch broom, etc...) may be introduced to the hillside.
 - Preserve existing vegetation and protect soil during construction, to the extent possible
 - Whenever possible, use recycled rubble for backfill drain rock.
 - Use flyash in concrete based on the specific standards set forth by the City of Pacifica or the County of San Mateo
 - Use prefabricated forms or save and reuse wood form boards for construction of homes, whenever possible
 - Use sustainably harvested lumber (FSC certified) for wood framing
 - Use durable roofing materials as suggested by standards set forth by the City of Pacifica or the County of San Mateo

- Use sustainable siding materials as suggested by standards set forth by the City of Pacifica or the County of San Mateo
- Utilize low profile, flat roof structures that minimize visual impact
- Use roof structures that can support passive and active solar solutions
- Exterior colors are to utilize more “earth” tones rather than bright, light reflective hues. Specific colors will be detailed in the homeowner’s handbook to be created in conjunction with local artists
- Plan windows and skylights, light shelves, and window treatments to provide daylight that improves indoor environments
- Choose window sizes, frame materials, and glass coatings to optimize energy performance
- Stop air leakage at doors and windows
- Use water-conserving plumbing fixtures
- Use water-saving appliances and equipment
- Insulate hot and cold water pipes
- Use heat recovery equipment, tankless water heaters and/or on-demand hot water circulation pumps
- Pre-plumb for future gray water use for toilet flushing and landscape irrigation
- Design lighting levels for actual use, and use task lighting to reduce general lighting levels
- Use lighting that minimizes glare, reflection and light pollution
- Use energy-efficient lamps and lighting fixtures
- Use lighting controls that save energy such as occupancy sensors
- Use ENERGY STAR® appliances
- Utilize natural gas where possible since it is less polluting than burning fossil fuels in a power plant to generate electricity.
- Use passive solar design where feasible, thermal mass, and insulation to reduce space heating needs
- Use natural ventilation and passive cooling whenever possible
- Use wall, floor, and ceiling insulation that exceeds minimum State requirements
Use high-efficiency equipment including furnaces, boilers, fans, and pumps Place ductwork within conditioned living space, seal joints properly, and clean before occupancy
- Use recycled-content, formaldehyde-free fiberglass insulation, cellulose insulation, or other green insulation products
- Separate ventilation for indoor pollutant sources and provide advanced filtration to improve indoor air quality
- Use clean and efficient alternatives to wood-burning fireplaces
- Use solar hot-water systems for domestic use and swimming pools
- Use solar hot-water systems for space heating
- Pre-plumb for a solar hot-water system
- Use artistic wind columns to generate electricity for the light poles
- Use low light polluting street lights
- Use low- or no-VOC, formaldehyde-free paints, stains, and adhesives
- Use low- or no-VOC carpets, furniture, particleboard, and cabinetry

- Use natural materials such as wool and sisal for carpets and wall coverings
- Install plug-in electric car ports in garages.
- Dramatically reduce demand for energy and natural resources (water, petroleum, gas, coal, through renewable tie-in's, building designs that minimize footprint on sensitive habitat. – The goal is to create an energy footprint that is smaller than most 1,500 square foot homes.
- Every home will bermed to minimize visual impact
- Locate structures to minimize off-site views – Every home has been excavated lower to hide the home and many other specific strategies to minimize the visual impact.
- There shall be design review by the city including design criteria and standards for each dwelling.
- Limit the amount of turf to less than 2,000 square feet
- **Incorporate Natural Cooling** –Any combination of natural cooling techniques can be used to reduce overheating in homes. Use deep window overhangs and/or trellises primarily on south and west facing glass to provide a balance between summer cooling and winter heating through solar gain. Natural cooling reduces the need for air conditioning, saves money on energy bills, and utilizes “fresh air” to make homes more comfortable.
- **Design Plumbing for Solar Water Heating** – Insulated pipes are pre-installed to a hot water closet or mechanical room for solar water heating installation.
- **Solar Water System** – Solar water heating systems use solar panels to collect heat from the sun. The hot water is stored for use at a later time. Water pre-heated by a solar system can also supplement use of a standard water heater. Use these systems for domestic use and heating of swimming pools. Consider use of solar hot water systems for space heating.
- **Demand or Tankless Water Heaters** - The National Renewable Energy Laboratory (NREL) found that even in high-water-use homes (e.g., about 86 gallons per day), demand or tankless heaters are at least 8-14 percent more efficient than storage tanks. For low-water-use homes (e.g., about 41 gallons per day and less), demand heaters were 24-34 percent more efficient than storage tanks.
- **Integrate Photovoltaic (PV) Systems** –All homes are required to have some form of solar power. All PV systems are to be integrally designed into the roof structure. A minimum of 50% of power should come from renewable sources with a goal of 80%.
- **Grey water systems.** All homes are required to have a grey water system such as ReWater captures, filters and reuses shower, tub, bathroom sink, and laundry water, which is about 50% of all water used inside a residence. From an average 3.2-person home, this annual flow is 46,000 gallons of water. That water is then used in an underground drip irrigation system, which is up to 60% more efficient than sprinklers. An automated process keeps half the house's wastewater from being turned into sewage, which saves treatment costs.
- **Water harvesting systems.** All homes are required to have rain catchment systems connected to roof edge guttering and also to driveway runoff channels. The tanks are fiberglass, and are partially buried beside each house. A small pump connects the rainwater catchment system to the grey water tank so that this

Exterior Treatments, Siding and Roofing;

- Use a green or living roof
- Use sustainable decking materials

Wood and Framing;

- Use spacings, sizes, and modular dimensions that minimize lumber use and optimize performance
- Use engineered lumber or metal stud framing to replace solid-sawn lumber
- Use reclaimed or salvaged lumber

Windows and Doors;

- Provide shading on east, west and south windows with overhangs, awnings, or deciduous trees.

Plumbing;

- Use sustainable materials for pipes

Heating and Cooling;

- Use ceiling fans and use a whole-building fan for night-time cooling

Renewable Power and Solar Energy

- Generate clean electricity onsite using wind turbines

Interior Materials;

- Use exposed concrete as a finished floor
- Use sustainable materials for flooring, trim, and interior surfaces
- Use recycled-content floor tile, carpets and pads, cabinets, and countertops
- Use reclaimed / salvaged, sustainable harvested (FSC certified), or engineered wood for flooring and trim, or use wood alternatives such as bamboo and cork

Other Green Alternatives;

- Use insulated concrete forms
- Use structural insulated panels to replace wood-framed walls
- Use natural building materials and techniques
- Use other sustainable methods or materials used
- Use ceiling fans and use a whole-building fan for night-time cooling
- Provide shading on east, west and south windows with overhangs, awnings, or deciduous trees
- Installation of radiant heating systems

water is all used for irrigation. www.rainwater.org offers some useful data on these systems.

- **The developers will install small, silent wind power turbines** on 5-10 streetlight poles on the main spine road. This will ensure that streetlights are energy-neutral.
 - **Use structural insulated panels to replace wood-framed walls.** These types of walls have up to a 55 R rating and are incredible energy efficient. We are standardizing on Thermasteel Systems. (www.thermasteelsystems.com)
 - **Use natural building materials and techniques** – Homeowners are encouraged to use natural building materials and techniques that are environmentally-friendly, minimize waste and comes from sustainable sources.
 - **Other sustainable methods or materials used.** We require active participation in the recycling program provided by the city of Pacifica.
 - **Dishwasher** – The most water-efficient dishwashers currently on the market use about 4 gallons of hot water per load, which is half as much as the least efficient ones. Dishwashers using half the amount of water as a standard dishwasher also require only half as much energy to heat the water.
 - **Refrigerator** – The refrigerator is the single biggest power consumer in most households. Energy Star labeled refrigerators incorporate a number of advanced features to save energy while keeping food fresh. They are readily available in side-by-side, freezer top or bottom models, and many even offer through door ice and water features.
 - **Clothes Washer** – Horizontal axis washing machines (front-loaders) use 60% less energy due to much lower water consumption. Energy Star washers often spin-dry clothes better, resulting in energy conservation during the drying process as well.
 - **Clothes Dryer** – The dryer is typically the second-biggest electricity-using appliance after the refrigerator. Compared to electric dryers, using a natural gas dryer can cut costs per load in half. Models with a moisture sensor may further reduce energy use by an additional 15%. Homeowners are encouraged to search for dryers that can run on solar power.
 - **Cooking Stove** – Gas with electric ignition stove tops and ovens are twice as efficient as electric or gas with pilot light models. Ovens with a self-cleaning function are up to 20% more energy-efficient due to the increased insulation required to withstand the higher temperatures sustained during the cleaning cycle.
- 23. Prior to occupancy and to the maximum extent feasible as determined by the Planning Director, the applicant shall incorporate the green building elements described in the project information materials (suggested recommendations) to all the Planned Development units including, but not limited to the following:

Site and Landscape;

- Reduce building footprint — smaller is better
- Use recycled rubble for backfill drain rock

Waste Reduction and Management;

- Use recycled aggregate in non-structural concrete

- Living roofs are encouraged and must be properly maintained at all times.
24. A certified green building professional, at the developer's expense, shall review the green building elements proposed by the applicants for compliance with green building practices identified in condition 22 and 23 above.
 25. The green building elements proposed by the applicants in condition 22 and 23 above shall be incorporated into the CC&R's.
 26. The applicant shall incorporate the green building elements proposed by the applicant in condition 22 and 23 above to the affordable units on the 2-acre dedication parcel and on the 2-acre homesite parcel to the maximum extent feasible as determined by the Planning Director.
 27. As proposed by the applicant, all the new buildings shall be designed and constructed to attain all necessary points to achieve LEED certification and shall seek to obtain a Gold standard whenever possible.
 28. As proposed by the applicant, the applicant shall record in a form acceptable to the City Attorney a restriction against the property requiring that the approximately 27.3 acre area of land shown on the Tentative Subdivision Map on the central and southern portions as open space will remain open space in perpetuity. The recorded open space restriction shall run with the land, and any future conditions, covenants and restrictions ("CC&R's") for the project also shall require that the approximately 27.3 acre area of land shall remain open space and shall not be developed.
 29. The following programs shall be implemented by the applicant/developer:
 - a. **Cowan Spiegl Teaching Garden** – Proposal to work with the school district, students and/or individual schools to create a garden project.
 - b. **Mission Blue Habitat Expansion** – Support the creation and expansion for the Mission Blue Butterfly. Create a safe sanctuary for the butterflies to reproduce, creating one of the largest natural butterfly sanctuaries in the state.
 - c. **Native Wildflower Project** – Purchase seeds and bulbs and work with students and volunteers to help spread them throughout the property.

- d. **100 Tree Initiative** – Partner with local arborists and Go Native Nursery to plant native trees that will provide protection from the wind, minimize visual impact of man-made structures and be around for decades to come.
 - e. **Bird Sanctuary** – Actively work with experts, the Autobahn Society and volunteers to create safe places for birds to breed and live.
 - f. **Habitat Model** – Designate a large portion of the project to creating habitat for animals and plants to have a protected area to thrive.
 - g. Buyers' club for our environmental products and services. Anyone in Pacifica wishing to aggregate their purchasing power, can group their purchases reducing the overall cost for items such as gray water systems, water harvesting, solar, wind, plants, etc.
30. The CC&R's and Design Guidelines provided by the applicant shall control design, styles, size, materials, fencing, colors, design of private outdoor space and use of native and non-native drought tolerant landscaping.
31. An architectural committee shall be created by the Homeowners Association, consisting of an architect, environmental consultant, and developers. They shall remain members of this committee until all homes are designed and built to meet the strict standards set forth in the design guidelines and adopted as conditions of approval for this project. All builders shall be required to adhere to the standards set forth by the architectural committee and the conditions of approval.
32. Lots 7, 8 and 11 homes will have living roofs, and living roofs are strongly recommended for all homeowners as a way to further mitigate visual impacts.
33. The applicant shall plant trees near all the retaining walls as recommended by a certified arborist.
34. The applicant shall provide wind generated power to the maximum extent feasible as determined by the Planning Director.
35. The applicant shall provide an overall plan for watershed management plan including the usage of permeable hard-scapes, berms and swales and other significant measures to retain storm water on-site, replenishing groundwater and minimizing impacts to local wastewater systems.
36. Each homeowner within the Planned Development shall be required to purchase and maintain a rainwater harvesting system for collection, retention and re-use of water for gardens and landscaping. All homes shall have systems connected to roof edge guttering and also to driveway runoff channels connected to adequate holding tanks and properly designed usage systems.
37. All homes within the Planned Development shall provide a gray-water system, such as ReWater, that captures and filters shower, tub, bathroom sink, and laundry water that is then used in underground drip irrigation systems.

38. The applicant shall create standards and implement a maintenance program for private road street lighting, paths, common areas and any other street furniture subject to approval of the Planning Director.
39. Pollution from man-made lighting shall be minimized by using low pollution light poles as well as requiring homeowners to take measures to minimize light pollution from outdoor lights and indoor lights through, placement, window tinting and other strategies recommended by our architect and/or city planners.
40. The applicant shall provide the required amount of parking for the project and shall integrate permeable parking bays and/or sidewalks, patios, driveways and other hardscapes subject to approval of the Planning Director and City Engineer.
41. All recreational vehicles shall be stored in garages or out of site from the homes below.
42. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.
43. All project-related easements, including drainage easement shall be to the satisfaction of the City Engineer, Planning Director and City Attorney, and shall be recorded prior to or concurrent with the Final Map.
44. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as need.
45. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
46. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed 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 Coastside Scavenger. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner and any homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.

47. All transformers, HVAC units, backflow preventors 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, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
48. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.
49. 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.
50. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
51. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
52. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building style, materials and colors, and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.
53. The applicant shall hereby agree to 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. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys 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.

54. All transformers, HVAC units, and backflow preventors 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 concrete or masonry walls, berming, painting and landscaping, to the satisfaction of the Planning Director.
55. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.
56. Roof drains shall discharge and drain way from the building foundation to an unpaved area wherever practicable.
57. Declaration of Covenants, Conditions & Restrictions (CC&Rs). Prior to issuance of a building permit, the developer/owner shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions & Restrictions and Equitable Servitude's (one set of CC&Rs shall prepared for the 2-acre dedication parcel and a separate set shall be prepared for the 63 acre parcel that will contain 13 residential lots) which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs and assigns, and shall be approved as to form and content by the City Attorney and Planning Director, which accomplishes the following:
 - a) The Declaration shall be binding upon each of the owners of each of the residential and commercial units on the subject property and their heirs, successors and assigns.
 - b) There shall be a Homeowners Association to manage the project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of the building exteriors, exterior lighting, park, common areas, utility areas within common areas, parking, landscaping and building signage, sanitary sewer, private storm drain and other features. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
 - c) The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, all building exteriors, exterior lighting, park, parking, landscaping, signage, sanitary sewer, private storm drain, and other features and utility facilities within the common areas, to the satisfaction of the City of Pacifica. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
 - d) The Declaration shall establish a mechanism for placing assessments against the owners of all residential and commercial units within the subject property for the purpose of financing the maintenance, repair and replacement of the

building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.

- e) The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.
- f) Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
- g) Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.
- h) The Declaration shall establish procedures for designating a project "Manager," if different than the "Agent," who shall at all times be responsible for security and/or maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.
- i) The Declaration shall include a provision that the provisions relating to this condition 57 shall not be amended without prior approval in writing from the City of Pacifica.
- j) The Declaration shall specify that the owners of each of the residential on the subject property shall comply with all other applicable conditions of approval for the project.
- k) The Declaration shall include the provisions required to be included in the CC&Rs by the MMRP. The MMRP requires provisions to be included in the CC&Rs when it requires the applicant to provide evidence of continuing maintenance or other responsibility of the HOA or other similar entity.
- l) The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs by the MMRP or these conditions.

58. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

59. No building permit shall be issued until a Growth Management Ordinance allocation for each of the new residential units has been granted.

60. If archaeological resources (archeological, paleontological or human remains) are discovered during project ground disturbance activities all immediate work shall be stopped until a qualified archaeologist is consulted to ensure no harm to resources.

61. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program (Harmony @ 1 Roberts Road Subdivision) adopted as part of the Environmental Impact Report and attached to

the Resolution Certifying the EIR. Prior to Final Map approval, the project applicant must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the MMRP.

Public Works Department/Engineering Division:

62. 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.
63. In lieu of requiring to overlay half of the street width of Fassler Avenue and Roberts Road along the property frontage, applicant shall apply a slurry seal the whole width of Fassler Avenue and Roberts Road from the project's entrance at Roberts Road to the project's entrance at Fassler Avenue and the whole intersection of Roberts Road and Fassler Avenue. All pavement markings and markers that are damaged or affected shall be replaced in kind.
64. All proposed sanitary sewer system and storm drain system including detention basins up to their connection to the existing mains shall be privately maintained and shall be reflected in the project's CC&Rs.
65. To comply with the current requirements of the California Regional Water Quality Board and the San Mateo Countywide Storm Water Pollution Prevention Program, applicant shall submit both electronic and hard copy of the report produced using Bay Area Hydrology Model (BAHM) software that analyze the hydromodification effects of land development and sizing solutions to mitigate the increased runoff of the project.
66. Applicant shall submit a Final Map for APN 022-150-420 for the 15-lot (13 residential lots, a dedication of a 2 acre lot for affordable housing and a public access lot) and a Final Parcel Map for APN 022-150-310 for the 3-lot subdivision (2 residential lots and a public access lot). All required monumentations shall be shown on the map and set prior to recordation of the map. The map shall be submitted to the Engineering Division and approved by the City Engineer and staff. Prior to approval of these maps, a Subdivision Improvement Agreement must be executed and all necessary fees and bonds associated with this agreement must be paid by the applicant.
67. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the

approved Tentative Map and any conditions and mitigations imposed on this project, prior to approval of the final map.

68. Prior to the execution of the Subdivision Improvement Agreement, 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 not limited to:
 - a. All plans and reports must be signed and stamped by a California licensed professional.
 - b. Plan, profile and cross sections of the proposed roadways including the cul-de-sacs. The proposed road must have a maximum grade of 15%.
 - c. Structural section for all proposed roadway shall be a minimum of 3 inches Asphalt Concrete and 12 inches of Aggregate Base.
 - d. The design of the entrances at Fassler Avenue and Roberts Road. The entrance design at Roberts Road including the proposed retaining wall shall be per the site distance recommendation of the traffic engineer. The entrances must have curb ramps at each corner.
 - e. A more current topographic survey performed by a California licensed surveyor.
 - f. Hydrology Calculations based on a 100-year storm for the design of the proposed storm drain system and its appurtenances including the detention basin. The design shall also incorporate the recommendations from BAHM as required above.
 - g. Design Geotechnical Report analyzing the proposed on-site and off-site improvements including but not limited to the road and retaining wall.
 - h. 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.
69. Construction of site improvements must be to the satisfaction of the City Engineer.
70. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project
71. The existing curb along the southside of Fassler Avenue within the property frontage shall be painted in red to prevent illegal parking on Fassler.
72. All construction trucks and deliveries to the site are prohibited during morning peak hours. Construction traffic shall avoid residential areas. The primary construction access to the site shall be from Highway 1 via Sea Bowl Lane and from northbound Highway 1 shall be via Fassler Avenue. Construction equipment shall use available noise suppression devices and properly maintain

and muffle loud construction equipment. Construction equipment shall avoid unnecessary idling when within 500 feet of residence.

73. Fassler Avenue and Roberts Road shall be maintained clear of construction equipments, materials and debris, especially mud and dirt tracks. Dust control and daily road cleanup will be strictly enforced. There shall be no construction vehicles parked along Roberts Road.
74. BAAQMD Construction Best Management Practices (BMPs) shall be employed to reduce dust emission during the construction phase. The project construction documents shall specify the following BMPs as dust control measures:
- Water all active construction sites at least twice daily.
 - Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 0.6 meters (2 feet) of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily with water sweepers all paved access roads, parking areas and staging areas at construction site.
 - Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to expose stockpiles (dirt, sand, etc.).
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.
 - Suspend excavation and grading activity when winds exceed 40 kilometers per hour (25 miles per hour).

Public Works Department/Wastewater Division:

75. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter. New storm drain inlets shall be protected from being blocked by large debris such as plastic bags and bottles to the Public Work Director's satisfaction.

Building Division of Planning

76. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. The applicant shall implement Best Management Practices during all phases of construction for the project.

77. A design level geotechnical report shall be submitted characterizing the soil conditions of each residential structure and retaining walls including drainage and grading. A peer review of the geotechnical report shall be required.

Fire Department:

78. Prior to occupancy, a final letter from North Coast County Water District shall be submitted stating that the District is able to provide sufficient water flow and pressure to the fire hydrants and automatic fire sprinkler systems.

79. A fire hydrant shall be required at the end of the cul-de-sac to serve the proposed single-family residence on the 2-acre lot.

Notice

Pursuant to Government Code section 66020(d), the City hereby provides you with written notice that the above-described dedications, reservations and/or other exactions have been imposed on the approval of Tentative Subdivision Map, SUB-213-07, Site Development Permit, PSD-763-07, Use Permit, UP-978-07, Rezoning, RZ-188-07, and Development Plan, DP-70-07. The 90-day period in which you may protest the above-described dedications, reservations and/or other exactions has begun. If you fail to protest the above-described dedications, reservations and/or other exactions pursuant to Government Code section 66020, you may be legally barred from filing a legal challenge. Any challenge may also be barred by other applicable provisions of law.

When you apply for a building permit, compliance with all conditions of approval should be indicated on the plans. If you have any questions, please call me at (650) 738-7341.

Sincerely,



Michael Crabtree
Planning Director

Attachment: MMRP

cc: Project File
William Husson & Kerrie Dunstan, 46 Franklin Ave., South San Francisco, CA 94080
County Assessors/Building/Engineering
CHRON File

EXPIRATION DATES:

The Tentative Subdivision Map, Site Development Permit, and Use Permit, will expire on **November 26, 2008** unless a final map has been approved and recorded with the County of San Mateo.

PLEASE NOTE THIS IS NOT A BUILDING PERMIT