

RESOLUTION NO. 2024-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING COASTAL DEVELOPMENT PERMIT CDP-429-21 AND TREE PERMIT TP-5-24 (FILE NO. 2021-014), SUBJECT TO CONDITIONS, FOR CONSTRUCTION OF A COURTYARD ADDITION WITH RETAINING WALLS AND INSTALLATION OF NEW LANDSCAPING TO AN EXISTING SINGLE-FAMILY RESIDENCE AT 204 OLYMPIAN WAY (APN 023-039-110) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Leo Dar, LLC ("Applicant")

WHEREAS, an application has been submitted to construct a 2,166-square foot (sf) hardscape patio addition, retaining walls and landscape improvements to an existing single-family residence located on a 13,574-sf lot at 204 Olympian Way (APN 023-039-110) in Pacifica (File No. 2021-014) ("Project"); and

WHEREAS, the Project requires approval of a coastal development permit pursuant to Pacifica Municipal Code (PMC) Section 9-4.4303 on the basis that the Project constitutes "development," as defined in PMC Section 9-4.4302(z)(3), because it involves the "grading, removing, dredging, mining or extraction of any material"; and the Project does not qualify as a category of excluded development since it is located within the Coastal Commission's appeal jurisdiction {see PMC Section 9-4.4303(i)(2)}; and

WHEREAS, the Project requires approval of a tree permit pursuant to PMC 4-12.06(a) because the Project proposes encroachment of construction activity within 50 feet of a protected tree; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on April 1, 2024, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

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

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

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 3 exemption under CEQA. Guidelines Section 15303, as described below, applies to the Project:

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

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

- * * * * *
- e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- * * * * *

The subject proposal to construct a new courtyard addition with retaining walls, and new landscaping fits within the scope of a Class 3 categorical exemption. Specifically, the Project involves construction of accessory (appurtenant) structures including patios, paths and retaining walls in a zone which permits residential uses. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.

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

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

Therefore, the Project is consistent with the requirements for a Class 3 exemption and none of the exceptions to the exemptions in Section 15300.2 apply; there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Coastal Development Permit CDP-429-21 as required by PMC section 9-4.4304(k):

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

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

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

The proposed Project does not interfere with the public's right of access to the sea. The development will be undertaken on a lot well away from the nearest coastal access point. Between the sea and the subject site there is substantial urban development and several streets. Therefore, the Project would have no impact or otherwise interfere with the public's right of access to the sea.

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

The new development proposed with this Project is located within an existing developed area on a lot with an existing residence. The Pedro Point/Shelter Cove neighborhood is a substantially developed suburban neighborhood with subdivided lots, most of which have already been developed with single-family homes, including the lots on either side of the Project site. Therefore, development would not occur outside of existing developed areas.

- *Coastal Act Policy 24: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible; to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local government, shall be subordinate to the character of its setting.*

The applicant proposes alterations to the natural landscape proposed behind the residence. Most of the grading will occur behind the existing multi-story residence. Off-site views of the development from surrounding areas and the coastline are anticipated to be screened by the existing residence and the proposed vegetation. The proposed Project is visually compatible and consistent with the type of development located within the neighborhood including the properties on either side of the Project.

- *Coastal Act Policy No. 26: New development shall (a) Minimize risk to life and property in areas of high geologic, flood and fire hazard. (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [the remainder of this policy pertains to air*

pollution, energy consumption, protection of special communities, none of which would conflict with the Project.]

(a) The proposed Project minimizes risk to life and property in areas of high geologic, flood and fire hazard. The applicant has submitted a geotechnical report (Attachment F of the staff report) that finds that the proposed improvements can be safely constructed as proposed with the provided recommendations from the geotechnical engineer as outlined in the report to further minimize risk to life and property in areas of high geologic, flood and fire hazard. In addition, a condition of approval would control the placement of vegetation and other combustible materials within specified distances of the existing single-family residence to reduce wildfire risk associated with the project site's adjacency to land designated as "high" fire risk by the State Fire Marshal in the state responsibility area.

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

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

Site Planning:

- a. *Site Improvements. Locate site improvements such as building, parking areas, and walkways to take advantage of desirable site features. Buildings should be oriented to capitalize on views of hills and ocean.*

The proposed site improvements would be situated so that the Project site may capitalize on views of hills and ocean, as the Project is proposed up slope from the road with an existing residence, the Project proposes a rear courtyard patio that would allow for use of the property behind the main residence which is consistent with neighboring properties. The proposed site paths allow for the applicant to better navigate the steep slopes of the rear property by the construction of stairs and pathways. The proposed rear courtyard has been clustered closer to the residence to minimize impacts and off site visibility of the above ridgeline.

Hill Side Development:

- a. *Excavation: Large amounts of cut and/ or fill are unattractive on hillsides, and can have a detrimental impact on the immediate and surrounding environment.*
 - *Structures should relate to and follow site topography to work with the slope, not against it.*

- *Whenever feasible, buildings and roads should be sited to align with existing contours of the land.*
 - *Retaining walls should be avoided or, if necessary, their height should be reduced to the minimum feasible.*
 - *Avoid one level solutions which would result in excessive lot coverage and more disruption of the site. Multi-level structures which step down the slope can help to minimize cut and fill.*
- b. *Visual Impact: Development on hillsides and ridges is often visible to neighbors and other residents in the vicinity, as well as those at a distance, such as motorists traveling on Hwy 1. Hillside development also has the potential to block or impair established views from existing development.*
- *Locate development below ridges in hilltop so that Ridge lines are left open. Avoid linear arrangements of buildings.*
 - *Building forms particularly roof forms, should complement the contours and slopes of the hillside to increase structure and site integration.*
 - *Buildings should be designed with low profiles in some cases, low pitched roofs and hip ends may be desirable.*
 - *Massive roof overhangs and building cantilevers on downhill faces should be avoided where site conditions allow terracing into the hillside will help reduce the impact of the bulk of the structure.*
 - *Multilevel designs which conform to the hillside are encouraged, but careful planning is required to avoid excessive height. The horizontal potential of a site should be fully exploited before increasing building height.*
 - *Landscaping should be used as necessary to help soften building appearance.*
 - *Where feasible locate new buildings to minimize view blockage from primary viewing areas of existing development.*

The proposed Project is located on an up-sloped lot where there is an existing multi-story residence and site improvements are proposed to be located primarily behind the residence and below the ridgeline. Rear courtyard improvements are proposed to be screened by the main residence and proposed landscaping. Retaining walls proposed would allow for the rear patio courtyard. While the project is being proposed on a lot with an average slope of 41.38 percent the Project site does not have alternative buildable areas to construct the proposed site improvements. The proposed development is clustered to be located closer to the house and the overall size of the rear courtyard is compatible with the size of rear yards of properties within in the same zoning district and similar property characteristics, sloped lots with uphill development.

The proposed Project includes a 1,596sf rear patio with retaining walls on three sides ranging in height of 4 feet up to 16 feet. Due to the steepness of the site, retaining walls cannot be avoided to accomplish the project objective to create usable rear yard area, and reducing retaining wall height by terracing the walls would push project disturbance further up the hillside and increase the potential for off-site visibility. The proposed rear yard is located close to the house to minimize visibility off site, while the retaining walls are proposed to create a level yard. The patio is proposed at the rear of the residence and will be mostly screened by the existing residence. The proposed landscaping would further

contribute to screening that would soften appearance of the existing buildings and proposed retaining walls.

For these reasons, the proposed Project is consistent with the Design Guidelines.

The City's certified Local Coastal Program also includes an Implementation Plan (IP) to implement the policies contained in the LCLUP. The IP generally consists of the City's zoning provisions and other PMC provisions relating to the regulation of development and coastal resources protection. As described above in the Project Description, the proposed Project would comply with applicable setback, lot coverage, height, and other requirements of the R-1 zoning district (PMC Section 9-4.402). The applicant provided the required geotechnical survey for development on slopes greater than 15 percent per PMC sec. 9-4.4404, and a grading and drainage plan per PMC Section 9-4.4405.

The proposed Project would be undertaken in an existing area substantially developed with single-family homes, and will be setback from the sea; therefore, there is substantial evidence in the record to support a Planning Commission finding that the proposed development is in conformity with the City's certified Local Coastal Program.

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

Discussion: The subject site is not located between the nearest public road and the shoreline; therefore, this finding does not apply in this case. Because the Project would be consistent with several LCLUP policies and would not be constructed between the nearest public road and the shoreline, there is substantial evidence in the record to support Planning Commission approval of a CDP.

B. Tree Permit. A tree permit is required for projects that requests to relocate or transport a protected tree, or apply fertilizers or chemicals, grading, clearing, excavating, adding fill soil, trenching, boring, compacting, or paving within fifty (50') feet of a protected tree. This Project requires the authorization of a tree permit for encroachment within 50 feet of seven protected trees (Tree #70-76). The Planning Commission authorizes tree encroachment based on the following criteria as required by PMC section 4-12.06(c). This section of the PMC does not provide specific findings for approval of an encroachment permit rather; it states that approval of tree encroachment permit shall be provided based on the following criteria:

1. If the applicant cannot achieve its goals without performing regulated activities.
2. The proposed regulated activities comply with ANSI A300, to ensure the safety or health of the tree(s) during pruning or other regulated activities.
3. Any regulated activity described in subsection (5) of subsection (m) of Section 4-12.02 shall adhere to the provisions of Section 4-12.08 of this chapter.

The Applicant submitted an arborist report and Tree Protection Plan (Attachment D) identifying 23 trees within 50 feet of the proposed scope of work including 16 unprotected trees and 7 protected trees (all of which are considered heritage trees). The applicant requests approval of a tree permit for encroachment within

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50 feet of seven protected trees and there is no feasible alternative for proposing the scope of work further than 50 feet of the heritage trees. Staff's analysis is that the applicant cannot achieve its goals without performing the activities because i) the existing single-family residence is located within 50 feet of one of the protected trees, meaning any contiguous development to the rear and side of the residence will also be within 50 feet of the protected tree; and, ii) the naturalistic seating area is placed as near as practicable to the south of the proposed retaining walls and no alternative locations beyond 50 feet of the protected trees are likely to be feasible under the proposed project. A Tree Protection Plan (TPP) based on the scope of work has been prepared by the project arborist. The TPP was peer reviewed by the City's Consultant Arborist and has confirmed that the tree protection measures described in the arborist report are appropriate for the protected species, location, and the proposed construction nearby. The tree protection measures in the arborist report comply with the City code requirements (Section 4-12.11) for a tree protection and preservation plan. The City Arborist summary of review and findings are included as Attachment E of the staff report.

Based on the foregoing, staff finds that there is sufficient evidence to authorize a tree permit for encroachment within 50 feet of the seven protected trees (Tree #70-76).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Coastal Development Permit CDP-429-21 and Tree Permit TP-5-24 for construction of a 2,166-square foot (sf) hardscape patio addition, retaining walls and landscape improvements to an existing single-family residence located on a 13,574-sf lot at 204 Olympian Way (APN 023-039-110), subject to conditions of approval included in Exhibit A to this Resolution.

* * * * *

Exhibit A

Conditions of Approval: File No. 2021-014 – Coastal Development Permit CDP-429-21 and Tree Permit TP-5-24, to construct a 2,166-square foot (sf) hardscape patio addition, retaining walls and landscape improvements to an existing single-family residence located on a 13,574-sf lot at 204 Olympian Way (APN 023-039-110)

Planning Commission Meeting of April 1, 2024

Planning Division of the Planning Department

1. That the approval or approvals is/are valid for a period of one year from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one-year extension provided, if in the Planning Director's sole discretion, the circumstances considered during the initial project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one-year extension. In the event of litigation filed to overturn the City's determination on the development permits, the Planning Director may toll expiration of the development permits during the pendency of such litigation.
2. The approval letter issued by the City and all conditions of approval attached thereto shall be included as plan sheets within all plan sets submitted to the City as part of any building permit application.
3. Applicant shall comply with the Tree Protection Plan prepared by Urban Tree Management Inc., dated November 29, 2023, throughout all stages of the Project, except that an arborist will be on-site during excavation near the tree protection zone identified in the Tree Protection Plan.
4. Prior to the issuance of a building permit, Applicant shall submit a final landscape plan for approval by the Planning Director. The landscape plan shall show each type, size, and location of plant materials, as well as the irrigation system. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. All landscaping shall be installed consistent with the final landscape plan prior to issuance of a certificate of occupancy. In addition, the landscaping shall be maintained as shown on the landscape plan and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained in a healthful condition and replaced when necessary, as determined by the Planning Director.
5. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away

from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. The plan shall show fixture locations, where applicable, on all building elevations.

6. 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.
7. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
8. 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.
9. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Department

10. The project shall comply with applicable California Building Standard Codes at the time of building permit application.
11. Structural design for the retaining walls by a licensed professional engineer will be required for building permit review.
12. Applicant shall construct the project consistent with the recommendations in the geotechnical investigation entitled "Marcin Residence Remodel and Addition, 204 Olympian Way, Pacifica California 94044" prepared by Romig Engineers, dated February 2021. Applicant shall submit a letter of review and approval by the geotechnical engineer for the retaining wall design prior to issuance of a building

permit.

Wastewater Division, Public Works Department

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

Engineering Division, Public Works Department

14. 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 and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.
15. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Olympian Way. Dust control and daily road cleanup will be strictly enforced.
16. 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 registered civil engineer to restore or replace the survey points and record the required map prior to Building Permit Final.
17. Existing curb, sidewalk or other street improvements, including replacement of roadway asphalt covering the entire street width adjacent to the property frontage, that is damaged or displaced shall be repaired or replaced as deemed acceptable by the City Engineer.
18. Applicant shall submit a traffic control plan (TCP) for review and approval by the City Engineer prior to the start of construction. The TCP shall include the following and any other information as deemed necessary by the City Engineer upon review of the TCP:
 - a. Identification of the path of travel for delivery trucks to and from the project site. This travel-path shall be shown starting from and returning to the City's designated truck route or the City limits and starting from and returning to the offload location at the project site.
 - b. Identification of a "turn-around" area for delivery trucks on site. All open-bed trucks shall be tarped.
 - c. Identification of all on- and off-site worker parking locations, including any carpool pick-up and drop-off locations.
 - d. Identification of an access lane of not less than 11 feet in width between parked vehicles and equipment at all times for emergency vehicle access.
 - e. Staging and storing of equipment and materials in the public right-of-way shall be prohibited unless authorized with an encroachment permit.

- f. Lane closures shall only be permitted with prior approval from the Department of Public Works and requested from the Department not less than 72 hours in advance of schedule and coordinated with Pacifica Police and Fire Department and Recology. The contractor shall provide the affected properties with written notice not less than 10 days in advance of any road closure. Through traffic shall be maintained at all times along Olympian Way.
 - g. The TCP shall include a note indicative of these requirements.
19. A City of Pacifica Encroachment Permit shall be obtained for all work undertaken in the public right-of-way. All work shall be done in accordance with City Standards, Standard Specifications for Public Works Construction (Green Book) or Caltrans Standard Specifications, Pacifica Municipal Code, Administrative Policies and to the satisfaction of the City Engineer or his designee and shall be completed prior issuance of the Certificate of Occupancy. Permit fees shall be determined per the current adopted fee schedule at the time of permit issuance.
20. No private structures, including but not limited to fences, mailboxes, or stairs shall encroach into the public right-of-way.
21. Landscaping in the City right-of-way shall consist of native plants, to the satisfaction of the City Engineer.
22. Post-construction stormwater overflows shall be contained within the private property through the use of stormwater detention control measures.
23. Requests to install "No Parking" barricades shall be submitted to the City Engineer at least two (2) weeks in advance.

North County Fire Authority

24. Although the Project site is not within a hazard zone as designated by the State Fire Marshal, the site is subject to increased fire risk because lands to the south of the Project site are designated as "HIGH" within state responsibility areas. Therefore, the following requirements are necessary to provide a minimum level of fire safety:
- Applicant shall install and maintain landscaping design in conformance with best practices to reduce wildfire risk as required for Wildland-Urban Interface Areas.
- a. Provide minimum 5 feet of Home Ignition Zone free of combustible mulch and vegetation. Combustible bark mulch shall be prohibited adjacent to foundation or combustible decking/siding. Applicant shall utilize non-combustible ground covering such as rock or bare dirt, to the satisfaction of the Fire Marshal.
 - b. Applicant shall, to the maximum extent feasible, provide minimum 30 feet of reduced vegetative fuel loading area consisting of spaced irrigated ornamental, fire/drought resistant plantings, to the satisfaction of the Fire Marshal.

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- c. Applicant shall, to the maximum extent feasible, provide 70 feet or to property line, whichever is less, defensible space consisting of spaced vegetation and appropriately limbed trees, to the satisfaction of the Fire Marshall.

Conditions added by the Planning Commission on April 1, 2024

25. Prior to commencement of work, the City will conduct a video survey of the haul route. The Applicant shall repair or replace any damage to the street, to the satisfaction of the City Engineer.
26. Performance security, whether by security bond, cash deposit, or other security acceptable to the City, shall be required prior to issuance of a tree encroachment permit in order to assure protection of trees on the site. The amount of any said performance security shall be set at fifty (50%) percent of the value of the affected tree or trees (\$51,821), whichever is greater, which trees are identified in the Tree Protection Plan. The performance security shall be forfeited if, prior to final building permit inspection, the Director finds that the tree has suffered permanent damage. If no permanent damage has occurred, the performance security shall be returned two (2) years after the final building permit inspection has been completed. The applicant must submit a request for the two (2) year inspection and release of the security, in writing to the Director. If the tree(s) fail to survive, the applicant shall replace them. If the applicant fails to replace the tree(s), the performance security shall be forfeited. Funds collected through the forfeiture of performance security shall be deposited into the Tree Fund.

END

