

RESOLUTION NO. 2019-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SIGN PERMIT S-128-18 AND SIGN EXCEPTION SE-31-18 (FILE NO. 2018-037), SUBJECT TO CONDITIONS, FOR A MASTER SIGN PROGRAM TO ESTABLISH SIGN CRITERIA AT THE FAIRMONT SHOPPING CENTER (APN 009-440-070 TO APN 009-440-120), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Todd Dewell ("Applicant")

WHEREAS, Applicant has submitted an application on behalf of the property owner, PK III Fairmont SC LP, for a Master Sign Program to establish tenant signage criteria at the Fairmont Shopping center and to deviate from the strict provisions of Article 29 of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC) ("Project"); and

WHEREAS, the Project requires Planning Commission approval of a sign permit, per PMC Section 9-4.2907 because the project site is a multi-unit development as defined in PMC section 9-4.2902; and

WHEREAS, the Project requires Planning Commission approval of a sign exception because the Applicant has proposed signage criteria whereby tenant signs in the Fairmont Shopping Center will exceed the 150 sq. ft. maximum sign area per sign (PMC section 9-4.2906(a)(6)), and sign area and number of signs per business (PMC section 9-4.2907(f)); and

WHEREAS, the Planning Commission of the City of Pacifica on January 7, 2019, continued the public hearing to January 22, 2019; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on January 22, 2019, 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 Class 11 exemption under CEQA Guidelines Sections 15311, as described below:

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs;

The proposed project fits within the scope of the Class 11 exemption in that it would ultimately involve the construction or placement of on-premise signs for commercial facilities in accordance with the sign criteria set forth in the Master Sign Program, as conditioned.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

1) Sec. 15300.2(a): There is no evidence in the record that the project will 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. The project site a substantially developed shopping center and is bounded by roadways, namely Skyline Boulevard, Hickey Boulevard, and Gateway Drive.

2) Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The Project is the only master sign program of its type in the area.

3) Sec. 15300.2(c): There is no evidence in the record of any possibility that the project would have a significant effect on the environment due to unusual circumstances. The project site is designated for commercial use and the project establishes criteria for signage for commercial tenants at the project site. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.

4) Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements of Class 11 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Sign Permit S-128-18.

- A. *The Master Sign Program is consistent with the City's adopted Design Guidelines.*
- a. *All signs should relate to their surroundings in terms of size, height, shape, color, materials, and lighting so that they are complementary to the overall design of the building and site.*

Discussion

The buildings of the Fairmont Shopping Center define the surroundings for tenant signage inside the complex and the center's relationship to the streets define the surroundings for the monument and free standing signs. The buildings in the center are one story, generally ranging in height from approximately 18'-0" to 22'-3" where they accommodate anchor tenants and other tenants, respectively. The maximum height of the building profiles above the entrances for the two anchor tenants is approximately 27'-8" for Rite Aid Pharmacy and 28'-11" for Safeway grocery store. Overall, the buildings have a low profile.

In the Planning Commission's assessment, in relation to the architecture and scale of the buildings, the proposed sign area and maximum letter height of the anchor tenant signs, both for signs with a single line of copy and signs with two lines of copy, would be too large and not in scale with the buildings. In taking cues from the existing anchor tenant signage for Safeway, which appears more proportional given the scale of the area of the building in which it is installed, the Planning Commission has included conditions of approval to require a reduction in the maximum letter height and area of the anchor tenant signage. Furthermore, a condition of approval specifies the maximum height for anchor tenant logos, which is a specification that is not defined in the proposed MSP.

The proposed MSP does not propose any change to the three existing freestanding signs, which are the monument sign on Hickey Blvd. near the main entrance to the shopping center, the pylon sign adjacent to SR-35/Skyline Blvd., and the pole sign for the Firestone building. The monument sign identifies the shopping center for visitors and passersby from Hickey Boulevard and Gateway Drive and is noticeable from Hickey Boulevard and its intersection with Gateway Drive.

In the Planning Commission's assessment in its overall dimensions the monument sign appears in scale with the center's size, located on a 7.5 acre site. However, it lacks compatibility with the buildings in the center because of the materials used in its construction, particularly the base of the sign. The Planning Commission has included a condition of approval requiring that the base of the monument sign be refinished with stone veneer in color and type as used in the recent remodeling

of the Safeway entrance. The pylon sign and the Firestone pole sign are discussed in subsection e, below.

- b. *Signs should be unobtrusive and convey their message clearly and legibly. Sign copy should not be cluttered with nonessential information.*

The proposed MSP specifies a single line or two line copy for anchor and other tenant signs, which will include the name of the business and may be accompanied with a logo. As such, both types of tenant signs, as modified by the draft conditions of approval limiting letter size and sign area, would be unobtrusive and convey their message clearly and legibly.

The monument sign was initially designed as the center's directory sign inclusive of the name of the shopping center and sign area allotted to anchor tenants and other tenants with no controls over the size, face type, or material of the lettering. As a result, the existing monument sign has a cluttered appearance with each business announcing itself in various size and style of sign copy. The Planning Commission has included a condition of approval that specifies the parameter for a redesign of this sign that shall be implemented at such time that this sign is replaced.

- c. *Where internal illumination is used, signs should be designed to illuminate the letters rather than the background.*

The proposed MSP includes two illuminated sign types: 1) Face illuminated and 2) Halo illuminated, as shown on Sheet 6 of Attachment C. Halo signs illuminate the background around the letters. Thus, for consistency with the Design Guidelines and internal consistency among sign types in the MSP, the Planning Commission has included a condition of approval whereby only through-face illuminated signs shall be permitted in installations of new signs and/or when the criteria stated in PMC Section 9-4.2911(b) pertaining to nonconforming signs are satisfied.

- d. *Sign illumination should not be unnecessarily bright, and should not cause glare or light intrusion onto other signs or premises. If external illumination is used, the light source should be screened from direct view and should be located so that the light is directed against the sign and does not shine into adjacent property or blind motorists or pedestrians. Internal illumination should feature low intensity lamps.*

The proposed MSP specifies light-emitting diode (LED) illumination for illuminated signs. Per a draft condition of approval, the MSP shall be modified to include only through-face illumination signs (and not halo-illuminated signs, as explained above). The LED lights for through face illumination would be located

behind Lexan/Plexiglass faces, which would serve to reduce the glare or light intrusion onto other signs and premises. Furthermore, relevant literature indicates that excessively high color-temperature rated LED fixtures, above 6,500K, can cause glare. As a result, the Planning Commission has included a condition of approval requiring the Applicant to specify that no LED fixtures above 6,500K shall be used in the illumination of any center signs. As conditioned, sign illumination is not likely to be unnecessarily bright or cause glare or light intrusion onto other signs or premises.

- e. *A free-standing sign should only be used for shopping centers or when deemed the most feasible means by which a business may obtain a reasonable degree of identification.*

The Fairmont Shopping Center contains three freestanding signs: 1) the monument sign at the entrance from Hickey Blvd. 2) the pylon sign near SR-35/Skyline Blvd., and 3) the pole sign in front of the Firestone building. Due to the orientation of the shopping center buildings inward, away from the adjacent streets, and at the distant northeastern and northwestern portions of the property where visibility from Hickey Boulevard is limited, a freestanding monument sign is needed to obtain a reasonable degree of identification for the center. Visibility from SR-35/Skyline Boulevard is also limited due to the topography of the roadway relative to the Fairmont Shopping Center. SR-35/Skyline Boulevard is higher in elevation than the shopping center, so much so that the roadway is above the top of the buildings. The result is that the center is not visible from SR-35/Skyline Boulevard and the pylon sign is necessary to obtain visibility from important customer traffic along SR-35/Skyline Boulevard.

Circumstances are different for the freestanding pole sign in front of the Firestone building. The sign is 12 feet tall (inclusive of the pole) with a sign area of 20 sf. The sign identifies the Firestone business and is visible from Hickey Boulevard. However, the close orientation of the Firestone building to the corner causes the pole sign not to be necessary for business identification. In fact, the pole sign is visible from many of the same vantage points as the existing wall sign on the Firestone building on its northeast elevation. A wall sign installed on the southeastern or southwestern elevation of the Firestone building would provide visibility from additional vantage points from which the existing wall sign is not visible, and would also be more closely aligned with PMC provisions regulating sign installations.

As noted in the staff report, staff was unable to locate permits for the Firestone pole sign which renders it a legal nonconforming sign. Because of this, and because the Planning Commission does not believe the sign is necessary to obtain a reasonable degree of identification, the Planning Commission has included a condition of approval requiring that the pole sign be removed in accordance with

PMC section 9-4.2911 when any of the circumstances contained therein are met. The Applicant would also retain the right to apply to the Planning Commission at any time in the future to authorize the installation of a replacement sign which, if approved by the Planning Commission, would be incorporated into the MSP. In the interim, the MSP submitted by the Applicant does not include the existing wall sign and pole sign which renders the MSP incomplete as to all signage within the Fairmont Shopping Center. The Planning Commission has included a condition of approval to require the Applicant to amend the MSP to include the Firestone wall and pole signs.

As conditioned, it is the Planning Commission's opinion there is sufficient evidence to find consistency with this Design Guideline.

- f. *The height of a free-standing sign should be no higher than necessary for adequate identification and visibility, but in no case should the height of the free-standing sign exceed the height of the principal structure on the site.*

The total proposed height of the center's freestanding sign, which received approval in March 2014 as described in the "Background" section of this report, is taller than the height of the tallest roof line of the center's buildings. However, as discussed above and in Attachment E, the need for identification for the center due to the elevated topography of the SR-35/Skyline Boulevard right-of-way, justifies the height for which a sign exception was granted.

- g. *Monument signs are generally preferred over pole signs. The support or base of a free-standing sign should match or complement the materials and colors of the building or buildings with which it is associated. Planting at the base of a free-standing sign is encouraged.*

The center contains one monument sign. The proposed MSP does not propose additional monument signs. A draft condition of approval addresses the compatibility of material and colors of the base of the monument sign with the center's buildings, and requires replacement of stone at the base of the monument sign when certain conditions are met, as discussed in greater detail above.

- h. *A designated sign areas should be part of a shopping center's exterior.*

The proposed MSP specifies a maximum horizontal span of 80 percent of the fascia for both anchor and other tenants on site, suitably designating the sign area.

- i. *The use of struts, braces, kickbacks, or guy wires to support signing should be avoided. Such support, devices may be used if they are not visible or are completely screened from view.*

The proposed MSP does not include support structures as elaborated above for signs. Hence, this Guideline does not apply.

- j. *Signs should never impede pedestrian or vehicular movement or vision.*

The proposed tenant signs are wall signs above entrances and do not have the potential to impede pedestrian or vehicular movement or vision. The locations of the existing freestanding signs are not proposed to be changed, and are currently located as shown on Sheet 9 of Attachment C. The location of these signs is adjacent to pedestrian walkways and would not impede their movement or vision. Furthermore, the MSP was reviewed by the Engineering Division, which did not identify any such impediments to movement or vision of vehicular traffic.

- B. *The proposed signs are compatible in character with all other signs proposed in the Master Sign Program.*

Pursuant to PMC Section 9-4.2907(c), each sign shall be compatible in character with other signs in the MSP. The proposed MSP specifies criteria for anchor tenant and other tenant signage while proposing to retain the three existing freestanding signs: the monument sign, pylon sign, and pole sign.

The signage is generally compatible in that the signs share certain characteristics – all signs would be internally illuminated. The existing “Firestone” wall signage is not internally illuminated but the wall sign included in the MSP, as required by a draft condition of approval, would include internal illumination for the sign once replaced. There is a degree of consistency among the existing monument and pylon freestanding signs in that the center name is located atop the sign cabinets with tenant identification signs included below. However, neither of these signs exhibit high-quality contemporary sign design and the property owner should consider replacing these signs in the future, subject to Planning Commission approval. The existing Firestone pole sign is inconsistent with other sign types proposed in the MSP and is also inconsistent with the other two freestanding signs at the center. However, as noted above, the Planning Commission has included a condition of approval which would require the pole sign to be removed consistent with the conditions set forth in PMC section 9-4.2911.

As conditioned, the signs in the MSP would be compatible with one another.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Sign Exception SE-031-18:

- a. *There are exceptional or extraordinary circumstances applicable to the property, building, or sign involved which do not apply generally to other property, buildings, or signs in the vicinity. Such circumstances may include the shape, size,*

location, or surroundings of the subject property or buildings or the type or design of sign involved;

Discussion

The Fairmont Shopping Center is a complex of buildings, which is oriented distant from adjacent rights-of-way and largely faces a parking lot in the center around which the buildings are organized. Visibility of tenant wall signs throughout the center is limited from Gateway Drive and Hickey Boulevard. Thus, the need for business identification from access points on Hickey Boulevard and Gateway Drive present an exceptional and extraordinary circumstance which warrants the signs to exceed the maximum sign area allowable per business pursuant to MSP regulations specified in PMC Section 9-4.2907(f), as well as the proposal for two signs for corner tenants as instead of the limit of one sign per corner business pursuant to PMC Section 9-4.2907(f). The need for anchor tenant visibility is especially great as these businesses, when visible and known to potential customers, tend to draw customer traffic into shopping centers to the benefit of other business in smaller adjacent tenant spaces.

While not currently proposed in the MSP, staff further analyzed the potential for installation of signs on the rear of the shopping center buildings in the event of a potential desire for such installations in the future. The Planning Commission accepted staff's analysis and recommendation to prohibit sign locations on the rear of the building along Gateway Drive. The rear of this building faces residential apartment buildings and the installation of numerous signs on this rear elevation could adversely affect aesthetics for residents of these apartment buildings. Accordingly, the Planning Commission has included a condition of approval prohibiting signs on the building elevation facing Gateway Drive for all tenants, including corner tenants that abut the access from this street, in order to meet finding "d" below.

- b. *That, owing to such exceptional or extraordinary circumstances, the literal enforcement of the specified provisions of this article would result in practical difficulty or unnecessary hardship not created by, or attributable to, the applicant or owner of the property;*

Discussion

For reasons cited above, the literal enforcement of the sign code in terms of maximum signage area and number of signs for corner tenants would result in an unnecessary hardship for the property owner because the commercial uses on the site would not have reasonable signage to be identifiable at the entrances to the shopping center. The situation is caused by the existing orientation of the shopping center buildings with poor visibility from the adjacent Hickey

Boulevard and Gateway Drive rights-of-way. The Fairmont Shopping Center was developed prior to the current owner acquiring its interest in the property, and the poor visibility of tenant signs was not created by and is not attributable to the property owner.

- c. *The granting of such exception will not constitute a grant of special privilege inconsistent with the limitations imposed on other properties or buildings in the vicinity;*

Discussion

Because of the configuration of the development on the subject site and because there is no other development of this kind nearby, the granting of the exception would not be a special privilege for the property owner.

- d. *The granting of such exception will not be materially detrimental to the public welfare or materially injurious to property or improvements in the vicinity; and*

Discussion

The subject site is a shopping center which includes signage for businesses located in the center. Visibility of these signs from surrounding areas, particularly public rights-of-way, is an ordinary and necessary component of shopping center developments. However, certain nearby land uses are more sensitive to views of signage than others. Among the most sensitive nearby land uses are residential uses.

There are several multi-family residential apartment buildings located across Gateway Drive to the southwest of the shopping center and across Hickey Boulevard to the southeast. The distance from the apartments along Gateway Drive to the nearest shopping center building is ranges from approximately 70 feet to more than 90 feet. The nearest apartment building across Hickey Boulevard is approximately 170 feet away from any the shopping center building. Thus, due to the close proximity of the residential uses along Gateway Boulevard, the Planning Commission requires that the MSP prohibit sign installations along the rear of the shopping center buildings (as a potential future proposal, as noted above) and on any corner location facing the residential buildings to prevent visual clutter or disturbing illumination from intruding into the buildings. The Planning Commission has included a condition of approval to this effect. However, non-illuminated signage would be allowed on tenant spaces marked 2 and 3 on Sheet 9 of Attachment C because these are storefront locations although they are generally located along the rear elevations of the northern buildings. The nearest residences from tenant spaces 2 and 3 is approximately 80 feet away, which is why the signs should be non-illuminated.

- e. *The granting of such exception will not be inconsistent with the general purpose or intent of this article.*

Discussion

PMC section 9-4.2901 identifies the general purpose or intent of the applicable Article 29 of Chapter 4 of Title 9 of the PMC, as "...to assist in the continuation of existing, and the introduction of new, commercial activities in architectural harmony with the existing and planned City, to provide that signs be tailored to individual businesses, and to encourage excellence in design which will provide signing compatible with the atmosphere of the City which attracts both residents and visitors." As discussed in Section 4.A of this report, as conditioned, the signage for which the exception is sought, would serve that purpose. In particular, the sign exception allows increased sign area necessary for tenant identification as a result of the existing building form of the Fairmont Shopping Center, and its distant relationship to the adjacent public rights-of-way. Also, the installation of additional signs on corner tenant locations would be tailored to individual business needs of these corner tenants by providing them adequate visibility from multiple directions. Such additional visibility is needed because of the aforementioned poor orientation of the shopping center to the adjacent public rights-of-way. As conditioned, all proposed signage would be consistent with the general purpose and intent of Article 29.

The Planning Commission finds, therefore, that the requested sign exception is warranted.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Master Sign Program for the Fairmont Shopping Center by approving Sign Permit S-128-18 and Sign Exception SE-031-18, subject to conditions of approval attached as Exhibit A.

* * * * *

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 22nd day of January, 2019.

AYES, Commissioners: CAMPBELL, CLIFFORD, GORDON, KRASKE,
NIBBELIN, RUBINSTEIN

NOES, Commissioners: N/A

ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: N/A


Richard Campbell, Chair

ATTEST:


Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:

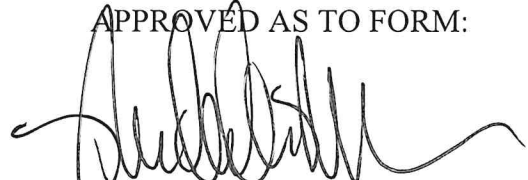

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Sign Permit S-128-18 and Sign Exception SE-31-18 (File No. 2018-037), for a Master Sign Program to establish signage criteria at the Fairmont Shopping Center the northerly corner of Hickey Boulevard and Gateway Drive (APN 009-440-070 to APN 009-440-120)

Planning Commission Meeting of January 22, 2019

Planning Division

1. All new signs shall be fabricated, installed, operated, and maintained in substantial accord with the details and specifications contained within this master sign program, dated December 21, 2018, except as otherwise modified below. Any deviations shall require the filing of an application to amend this master sign program and shall further require approval by the Planning Commission.
2. Within 90 days of the final date of approval of this master sign program, the Applicant shall make the following modifications to the master sign program and shall submit the revised master sign program for review and approval by the Planning Director:
 - a. Section C, Introduction:
 - i. Sign area shall be calculated in the manner prescribed in Pacifica Municipal Code section 9-4.2908 (include code text).
 - b. Section E, Anchor Tenants:
 - i. No sign (copy and logo combined) shall exceed 200 square feet (sf)
 - ii. Maximum letter height for signs shall not exceed 42"
 - iii. In the event signs contain two lines of copy, the maximum letter height of each line shall not exceed 24"
 - iv. The Maximum height of logos for single line signs shall not exceed 48"
 - v. The maximum height of logos for two line signs shall not exceed 44"
 - c. Section F, Tenants:
 - i. No tenant sign (copy and logo combined) shall exceed 68 sf.
 - ii. Tenant sign installations shall be prohibited along the rear of the shopping center buildings, and shall be prohibited on any corner location directly facing the residential buildings located on Gateway Drive, to prevent visual clutter and disturbing illumination from intruding into the residential buildings. However, non-illuminated signage shall be permitted on tenant spaces marked 2 and 3 on the map contained in Section J, Tenant Site Plan, because even though these spaces are generally located along the rear elevations of the northern buildings they are also storefront locations.

- d. Freestanding Monument Sign:
 - i. The sign shall identify the name of the center and shall include no more than 12 panels, exclusive of the panel identifying the name of the center. Panels identifying the name of the tenants shall be of equal height and width. All new panels installed subsequent to the date of the Planning Director's approval of the revised master sign program shall be consistent with these requirements.
 - ii. The base of the sign shall be constructed of natural stone veneer or natural stone that is consistent to the maximum extent practicable, as determined by the Planning Director, with the stone application on the entrance to the "Safeway" building.
 1. The Applicant shall make the referenced alterations to the base of the monument sign within 24 months of approval of the revised master sign program by the Planning Director. The immediately preceding sentence need not be contained in the revised master sign program.
 - e. Illuminated Sign Types:
 - i. All signs shall be internally illuminated with through-face illumination only. Halo illuminated signs shall not be permitted.
 - ii. All lighting shall be LED and the lighting shall not exceed 6,500K color temperature rating.
 - iii. Channel letter depth shall be at least 2" and not more than 6".
 - f. Firestone Building
 - i. Revise this section to incorporate the details of existing sign sizes, materials, and methods of illumination for the existing Firestone Building signs (wall sign and pole sign).
3. Property owner shall install at the subject site only those signs depicted in the master sign program. Any other signs not part of the master sign program are prohibited except for temporary signs authorized by the Pacifica Municipal Code.
 4. Prior to the issuance of a building permit for any sign indicated in the master sign program, the Applicant shall provide the Planning Department with specifications and evidence that the proposed sign will comply with the maximum illumination standards indicated in the master sign program.
 5. The master sign program shall apply to all signs (existing and future) of the Fairmont Shopping Center. Except, however, that the master sign program's provisions regarding sign location and design shall not be applicable to existing wall signs until such signs are

replaced. The same shall apply to the freestanding monument sign, except, however Condition of Approval No. 2(d)(ii) shall be implemented within 24 months of the final approval of the amended master sign program by the Planning Director.

6. Prior to the installation of any new sign, the property owner shall apply to the Planning Department for review and approval of a building permit and/or sign permit, as determined by the Planning Director. Property owner shall install no sign until approval of the _____ the _____ required _____ permit(s).

In the event any of the post-approval requirements contained in this Resolution, these Conditions of Approval, or in the approved master sign program are not implemented within the timeframes indicated, the City shall not issue any permit(s) for such new or modified signs requested by the Applicant or any other party.

7. The Applicant shall remove all flaking paint, appropriately treat any rusted areas, and repaint the pole portion of the Firestone pole sign within 180 days of approval of the revised master sign program by the Planning Director.
8. At such time in the future as any of the conditions set forth in section 9-4.2911 of the PMC pertaining to nonconforming signs become applicable to the Firestone pole sign, the Applicant shall obtain a demolition permit from the Planning Department and remove the sign. The Applicant shall reserve the right to apply to the Planning Commission at any time in the future to seek authorization to install a replacement sign which, if approved by the Planning Commission, shall be incorporated into the master sign program.
9. The Applicant shall pay all outstanding and applicable fees associated with the processing of this master sign program prior to the issuance of any building permit for signage at the subject site.
10. Failure of the property owner to abide by and faithfully comply with any and all conditions of this approving action shall constitute grounds for the revocation of said action by the Planning Commission after a noticed public hearing.
11. 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.

Building Division

12. The Applicant shall apply for and receive approval of a building permit prior to commencing any construction activity.

Engineering Division

13. 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.
14. Roadways shall be maintained clear of construction materials, equipment, storage, and debris, especially mud and dirt tracked onto Hickey Boulevard and Gateway Drive. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
15. Existing curb, sidewalk or other street improvements adjacent to the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
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 qualified Civil Engineer to restore or replace the survey points and record the required map prior to Building Permit Final.
17. The two signs along Hickey Boulevard seem to encroach to the right-of-way. Applicant shall submit to Engineering Division the construction plans, necessary reports and

engineering calculations for all improvements within the right-of-way to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:

- a. an accurate survey plan, showing:
 - i. survey marks and identifying the reference marks or monuments used to establish the property lines;
 - ii. property lines labeled with bearings and distances;
 - iii. edge of public right-of-way;
 - iv. any easements adjacent to the project site.
 - b. a site plan, showing:
 - i. the whole width of right-of-way of Hickey Boulevard, including existing and proposed improvements such as, but not limited to, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. adjacent driveways within 25' of the property lines
 - iii. any existing fences, and any structures on adjacent properties within 10' of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
18. An Encroachment Permit must be obtained for all work within public right-of-way. All proposed improvements within public right-of-way shall be constructed per City Standards, to the satisfaction of the City Engineer and shall be completed and approved by the City Engineer prior to issuance of the certificate of occupancy.
19. All construction within the public right-of-way shall be covered by a Maintenance Agreement, which will be recorded with the County Recorder's Office and will run with the land and be binding on any future owners of the property.

END