

RESOLUTION NO. 2019-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING MARIJUANA USE PERMIT MUP-3-18 (FILE NO. 2018-024), SUBJECT TO CONDITIONS, TO ESTABLISH AND OPERATE A MARIJUANA RETAIL OPERATION AT 403 DONDEE WAY (APN 022-027-010) AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Eric Kirkland for Green Haven, LLC (“Permittee”)

WHEREAS, the City of Pacifica’s Zoning Regulations for Marijuana Operations are codified in Article 48 (Marijuana Regulations) of Chapter 4 of Title 9 of the Pacifica Municipal Code (PMC); and

WHEREAS, an application has been submitted to establish a Marijuana Retail Operation for the sale of medical and non-medical (i.e., adult use) marijuana and marijuana related products at 403 Dondee Way (APN 022-027-010) within the C-1 (Neighborhood Commercial) zoning district and CZ (Coastal Zone) and MO-RB (Marijuana Operation, Rockaway Beach Overlay District) overlay zoning districts; and

WHEREAS, the project requires approval of a Marijuana Use Permit (MUP) pursuant to PMC Section 9-4.4803(b); and

WHEREAS, the Planning Commission of the City of Pacifica held a duly noticed public hearing on February 4, 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 1 categorical exemption under California Environmental Quality Act (CEQA) Guidelines Sections 15301, as described below: Class 1 exemption provided in Section 15301 of the CEQA Guidelines states in part:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the project involves negligible or no expansion of an existing use. Examples of this exemption include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

The proposed project fits into the scope of the Class 1 exemption in that the proposed use would be located in an existing two-story commercial structure. The proposed marijuana operation would locate within the existing commercial lease space and would involve both interior and exterior alterations that would not result in any physical construction outside the footprint of the existing structure, with the exception of a new elevator to comply with Americans with Disabilities Act (ADA) regulations.

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:

- 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. The proposed project involves commencement of a marijuana retail business within an existing structure.
- 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 involves the location of the second marijuana retail business in the area and is located within an existing commercial tenant space.
- 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 zoned for commercial use and is currently used for commercial purposes. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.
- Sec. 15300.2(d), (e) and (f): The project is not proposed near a 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.

For the reasons set forth above, there is substantial evidence in the record to demonstrate the proposed project qualifies as a Class 1 exemption and none of the exceptions to application of an exemption are applicable.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Marijuana Use Permit, MUP-3-18:

Standard Use Permit Findings (Section 9-4.3303)

- (1) *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.*

As conditioned, the proposed marijuana operation will not be detrimental to the health, safety, and welfare of the greater public. The Permittee has submitted a security plan that has been reviewed and approved by the Police Chief which will ensure safe operation of the facility. The security plan includes physical security measures such as closed circuit video cameras which will deter crime and assist with investigating any incidents which may occur. Due to some minor changes made to the front façade for compliance with the ADA, the Permittee will submit a

revised security plan for Police Chief review. The proposed marijuana operation will not be allowed to operate until the revisions to the security plan have been reviewed and approved.

The business operations would be located entirely inside an existing commercial building. The tenant space does not include any outdoor patio space where clients might congregate to generate noise or litter. Furthermore, the operation would be located in a commercially zoned neighborhood and any noise from the marijuana operation, such as from customers entering and exiting the business, would be consistent with surrounding commercial retail operations. In light of these circumstances, the proposed marijuana operation will not result in any adverse impacts to the community.

- (2) *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.*

The proposed marijuana operation would be located entirely within an area designated “Commercial” in the neighborhood land use diagram of the General Plan and Local Coastal Plan (LCP). The use, if approved, would be consistent with the following two General Plan policies:

- *Community Design Policy 2: Encourage the upgrading and maintenance of existing neighborhoods.*

The proposed marijuana operation would occupy space in an existing commercial building, and would update and improve the appearance of the building façade, thereby improving commerce and activity along Dondee Way and San Marlo Way. It would also be the second business of its kind to lawfully be established in the Rockaway Beach neighborhood, which would create another point-of-interest for those seeking medical and non-medical marijuana in the city and those from surrounding communities.

- *Community Facilities Policy 4: Meet basic social needs of City residents, such as transportation, housing, health, information and referral services, and safety, consistent with financial constraints.*

The proposed marijuana operation would provide a lawful source of medical marijuana to Pacifica’s residents, thereby helping to meet their health needs without a commitment of public financial resources. As expressed at the public hearings held during development of the City’s marijuana ordinances, many Pacifica residents rely on medical marijuana to treat various maladies.

The marijuana operation would also be consistent with the City’s LCP. The Plan Conclusions section of the LCP states that “neighborhood serving commercial uses to support local residents’ needs shall be allowed ... but shall not predominate” (p. C-107). As noted above, a medical and non-medical marijuana operation would meet local residents’ needs for lawful access to marijuana. Thus, commencement of the use would be consistent with the intended land use of this portion of the Rockaway Beach neighborhood.

The proposed use has also undergone a thorough review by City staff including the Police Chief and Planning Department Staff to ensure consistency with the provisions of Ordinance Nos. 818-C.S. and 819-C.S. The Permittee has already obtained approval of Phases 1 and 2 of the

application process and is seeking approval of Phase 3 of the process by Planning Commission action on the subject Marijuana Use Permit. By submitting application materials which demonstrate an intention to comply with the City's ordinances regulating marijuana operation activity, the Permittee's operation will comply with all applicable laws of the City governing marijuana-related activities.

For the reasons stated above, the proposed use is consistent with the applicable provisions of the General Plan, Local Coastal Plan, and other applicable laws of the City.

(3) Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

Design Guidelines that would apply to the subject project would pertain to site planning, building design, and landscaping. The subject business proposes to modify the buildings siding as well as the window and door placements. Additional lighting will be added at ingress and egress points for security measures. Additionally, the storefront will be improved through compliance with the applicable glazing and openings standards according to the City's ordinances and Building Code requirements. The proposed stucco and wood siding with large glass windows is compatible within the neighboring storefronts and the surroundings.

Supplemental Marijuana Use Permit Findings (Section 9-4.4805(a)(1))

(1) The marijuana operation applicant has been placed on the marijuana qualified registration list, as defined in Title 4, Chapter 16.

The Police Chief placed Rockaway Enterprises, LLC on the Qualified Marijuana Registration List as Qualified Cannabis Registrant (QCR) #18-13 on May 1, 2018. Therefore, there is sufficient information to make this finding.

(2) The marijuana use permit application is complete and the applicant has submitted all information and materials required by Section 9-4.4804(c).

The MUP application contains all the required information as determined after a review by Planning Department staff. The Planning Department deemed the application complete on December 28, 2018. Therefore, there is sufficient information to make this finding.

(3) The proposed location of the marijuana operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the marijuana operation's proposed proximity to a school, day care center, youth center, public park, playground, recreational center, school bus stop, premises frequented by children, religious establishment, or other similar uses.

The proposed location is within a commercial area, and located in the MO-RB overlay district which is intended for Marijuana Retail Operations. In an effort to verify the presence of any of the sensitive uses identified within the area, Planning Department staff performed a visual inspection of the nearby area on December 31, 2018 beginning at 10:35 a.m. The inspection confirmed the proposed site is not located within 600 feet of a school or youth center, nor is it within 200 feet from any daycare center; the proposed site and business is consistent and complies with the locational limitations set forth in PMC section 9-4.4803(c)(2). Therefore, the

proposed marijuana operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons, including children, at this location. Therefore, the proposed marijuana operation is not anticipated to have any potentially adverse effect on health, peace, or safety due to its proximity to the enumerated sensitive uses.

- (4) *The proposed location of the marijuana operation is not likely to have a potentially adverse effect on the health, peace, or safety of persons due to the marijuana operation's proposed proximity to another existing or permitted marijuana operation.*

The proximity of the business in relation to other marijuana operations is not likely to have an adverse effect on the community. Currently, only one Marijuana Retail Operation is operating in Pacifica within the Sharp Park neighborhood at 2270 Palmetto Avenue (Phog Center LLC). Given Phog Center LLC's marijuana operation is more than 1.4 miles from the proposed marijuana operation, the proximity of these businesses to one another (and including a second Marijuana Retail Operation in Sharp Park at 2110 Palmetto Avenue, which has received City Council approval but has not yet commenced operation) would not be likely to have an adverse effect on the community.

Closer to the subject site, approximately 350 feet to the southwest, the Planning Commission has approved a Marijuana Retail Operation in the Rockaway Beach neighborhood at 450 Old County Road. The proposed Marijuana Retail Operation would be located on the opposite end of the block from the location at 450 Old County Road and there is no direct visibility between the two sites. Due to the distance separating them, there is unlikely to be any cumulative adverse effect such as crowds queuing on the sidewalk. Furthermore, vehicle trips entering and exiting the subject site may be most likely to utilize the San Marlo Way entrance to Rockaway Beach from Highway 1 for most vehicle trips. By contrast, its closer proximity to Rockaway Beach Avenue would suggest most vehicle trips visiting 450 Old County Road would enter and exit from Rockaway Beach Avenue. Thus, traffic congestion is unlikely to cumulatively and adversely affect the surrounding neighborhood. Lastly, although parking was raised as an issue during the hearing for 450 Old County Road on January 22, 2019, because that project would not provide any off-street parking on its site, the subject application proposes to provide seven off-street parking spaces. Thus, there are unlikely to be cumulative and adverse effects to neighborhood parking as a result of the operation of both Marijuana Retail Operations in the same neighborhood.

Therefore, there is sufficient information to make this finding.

- (5) *The design of the storefront or structure within which the marijuana operation will operate is architecturally compatible with surrounding storefronts and structures in terms of materials, color, windows, lighting, sound, and overall design.*

The design of the proposed storefront is architecturally compatible with the surrounding storefronts and structures. The storefront will be improved and modified to conform to current Building and Planning regulations, including the addition of a new entry door and additional large windows. Therefore, there is sufficient information to make this finding.

- (6) *The proposed size of the marijuana operation is appropriate to meet the needs of the local Pacifica community for access to marijuana and that the size complies with all requirements of the City's Zoning Regulations.*

The size of the operation is appropriate and complies with the pertinent size requirements of the City. The interior of the commercial space meets all minimum dimensional requirements of the California Building Code including the minimum dimensions for an accessible restroom. The 2,060-square foot size of the proposed marijuana operation is relatively large; however, it is unlikely to be oversized for the needs of the Pacifica community because only the first floor (1,103-square feet) of the building will be used for retail. The proposed marijuana operation would also offer delivery service in order to serve many customers elsewhere other than the subject location. By providing this responsive service, the proposed marijuana operation would meet the needs of disabled, elderly, or other persons who may be unable to visit the site to obtain medical or non-medical marijuana. Reducing the number of customers visiting the site would also reduce potential impacts from noise, parking, and traffic. For these reasons, the proposed size of the marijuana operation is appropriate under the criteria of this finding.

- (7) *The location is not prohibited under the provisions of this article or any local or state law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the City's Zoning Regulations will be accomplished.*

Planning Department staff is unaware of any local or state laws, rules, or regulations which would be violated by operation of the subject marijuana operation in the identified location after it obtains a Marijuana Use Permit, Marijuana Public Safety License, and applicable license(s) from the State of California. The location is within a Marijuana Operation Overlay District which authorizes Marijuana Retail Operations and is outside all buffer areas from sensitive uses which include K-12 schools, youth centers, and day cares. Based on the project's relatively small size and as discussed in Supplemental Marijuana Use Permit Finding No. 8 below, no significant nuisance issues or problems are likely or anticipated.

- (8) *The marijuana operation is not likely to have an adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance, and will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises(especially late at night or early in the morning hours), lewd conduct, or police detentions or arrests.*

The adequacy of its internal layout to accommodate waiting customers; the requirements of its security and operations plans; the PMC prohibition on possession, distribution, or consumption of alcohol on the premises, and the prohibition on smoking, ingesting, or consuming marijuana on the premises; and, its hours of operation which are consistent with City Council's prior approval of another marijuana retail operation with a residential unit located near but not directly above its business space at 2110 Palmetto Avenue (Lyt LLC, MUP-1-18), should combine to suggest the proposed marijuana operation will not have a detrimental effect on the surrounding area, and should serve to prevent excessive disturbances or illegal drug activity.

- (9) *The marijuana operation is not likely to violate any provision of the Pacifica Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws.*

The Permittee has invested significant time and resources developing application materials suitable for City review and approval. These applications materials include, but are not limited to, a security plan, operations plan, parking and trip generation analysis, and floor plan. On this basis, the Permittee appears to be committed to operation of the proposed marijuana operation in a manner consistent with the Pacifica Municipal Code, state law, and applicable terms of any permits issued. Therefore, there is sufficient information to make this finding.

(10) The applicant has not made a false statement of material fact or omitted a material fact in the application for a marijuana use permit, as known at the time of determination on the application.

The Police Department and Planning Department staffs, which have reviewed the submitted application materials and communicated with the Permittee, have not identified any instances wherein the Permittee has made a false statement of material fact or omitted a material fact in the application. Therefore, there is sufficient information to support a finding that the information submitted and statements made by the Permittee have been truthful up to and until the time of determination on the subject application.

(11) The marijuana operation's site plan has incorporated features necessary to assist in reducing potential nuisance and crime-related problems. These features may include, but are not limited to, procedures for allowing entry; reduction of opportunities for congregating and obstructing public ways and neighboring property; and limiting furnishings and features that encourage loitering and nuisance behavior.

The location of the proposed business does not feature fixtures or furnishings which would encourage customers to congregate in the business vicinity, such as chairs and benches. Further, the project site does not include an outdoor space such as a patio which might encourage customers to congregate as most of the outside area is comprised of the walkway area. Additionally, the proposed tenant space would include large windows which will allow the Police Department to observe business activity from the walkway, parking lot, and street to ensure public safety. Existing site landscaping is nonexistent in front of the storefront and so will not obstruct views through the window or provide a hiding place for criminals. The Permittee will also employ a security guard whom will be present during and after regular business hours, as well as install sufficient video recording equipment to monitor the premises in order to determine crime and support any Police Department investigations into isolated crimes which may occur. Therefore, there is sufficient information to make this finding.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves and issues Marijuana Use Permit MUP-3-18 to establish and operate a Marijuana Retail Operation at 403 Dondee Way, subject to conditions of approval attached as Exhibit A.

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Resolution No. 2019-005
403 Dondee Way (APN 022-027-010)
File No. 2018-024 – Marijuana Use Permit MUP-3-18 (Marijuana Retail Operation)
February 4, 2019

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of February, 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

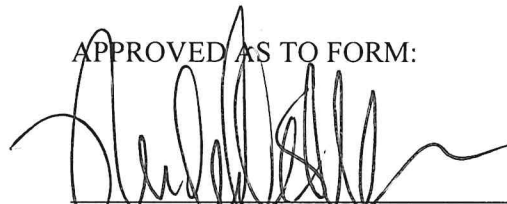
APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: File No. 2018-024 - Marijuana Use Permit MUP-3-18 to Establish and Operate a Marijuana Retail Operation at 403 Dondee Way (APN 022-027-010)

Planning Commission Meeting of February 4, 2019

Planning Division

1. Development shall be substantially in accord with the plans stamped and received on January 22, 2019, except as modified by the following conditions.
2. 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 Permittee 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 approval(s), the Planning Director may toll expiration of the approval(s) during the pendency of such litigation.

3. The Permittee shall at all times maintain a valid Marijuana Public Safety License and a valid license(s)/permit(s) from the State of California. If at any time the Marijuana Public Safety License or State of California license(s)/permit(s) issued to the Permittee for the subject facility is/are revoked, expires, or otherwise rendered inoperative for any reason, this Marijuana Use Permit shall immediately become null and void and it shall not be possible to reinstate the Marijuana Use Permit. A temporary suspension of the Marijuana Public Safety License or State of California license(s)/permit(s) shall render the Marijuana Use Permit inoperative during the term of the suspension but the Marijuana Use Permit shall not be considered null and void during the suspension.
4. The Marijuana Use Permit is non-transferrable to any other person or entity.
5. The Marijuana Retail Operation shall operate consistent with all provisions of Article 48 of Chapter 4 of Title 9 applicable to Marijuana Retail Operations, as currently codified or as may be amended from time to time.
6. The Permittee shall operate and maintain the Marijuana Retail Operation in a manner which does not constitute a public nuisance.
7. Prior to commencement of operations, Permittee shall submit for review and approval of the Police Chief a revised Security Plan which incorporates the façade modifications described in the staff report and which are required to comply with the requirements of disabled accessibility in State and Federal Law. The Permittee shall implement and operate

- the Marijuana Retail Operation in accordance with the approved Amended Security Plan.
8. The Marijuana Retail Operation shall be conducted entirely within the enclosed space of the business premises.
 9. Prior to building permit issuance, the Permittee shall provide or cause to be provided and show on the plans, a trash enclosure on the business premises such that all marijuana waste is securely stored until it is removed from the premises by a vendor authorized under state law, to the satisfaction of the Planning Director.
 10. Prior to commencement of operations, the Permittee shall provide evidence that it has retained the services of a marijuana waste management service and an inventory control service in accordance with state law, to the satisfaction of the Planning Director.
 11. The Permittee 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 Permittee'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 Permittee, City, and/or parties initiating or bringing such Proceeding. If the Permittee 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.
 12. All marijuana-related products shall be stored in air-tight containers which are completely sealed in order to minimize unpleasant odors.
 13. All outstanding and applicable fees associated with the processing of this project shall be paid within 30 days of the approval of Marijuana Use Permit MUP-3-18. The Marijuana Retail Operation shall not commence operations until such fees are paid.
 14. Notwithstanding the authority granted to Planning Department staff to conduct annual reviews of marijuana operations in Section 9-4.4806(e) of the Pacifica Municipal Code, the Planning Commission shall conduct a single annual review of the subject Marijuana Retail Operation at a public hearing not less than one year but not more than two years after issuance of the Marijuana Public Safety License to the Permittee.

Building Division

15. Applicant shall obtain approval of a building permit by the Building Official prior to commencing any construction activity.
16. Prior to building permit issuance, the Permittee shall submit structural calculations for the

new aluminum store front.

North County Fire Authority

17. Fire Department approval is for retail only, and does not include approval for any hazardous or potentially volatile manufacturing processes.
18. Portable fire extinguishers(s) are required. Mount fire extinguishers three to five feet above the floor. The fire extinguishers shall be visible and accessible, and shall be field verified.
19. Clearly visible address identification is required to the satisfaction of the Fire Chief.
20. The doors shall be easily opened in one motion without special knowledge, key or effort per the California Building Code (CBC). The use of thumb operated deadbolts is prohibited unless integrated with latch.

Engineering Division

21. 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 (BMPs) shall be implemented and the construction BMPs plan sheet from the countywide program shall be included in the project plans.
22. The following requirements must be clearly noted on the construction plans for the project:
 - a. Dondee Way and San Marlo Way shall be maintained clear of construction materials, equipment, storage, debris, and soil. Dust control and daily road cleanup will be strictly enforced. A properly signed no-parking zone may be established during normal working hours only.
 - b. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the Permittee shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.
 - c. Existing public improvements within the property frontage that are damaged or displaced shall be repaired or replaced as determined by the City Engineer even if damage or displacement occurred prior to any work performed for this project. Any damage to improvements within city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project, shall be repaired or replaced as directed by the City Engineer.
23. Permittee shall submit to Engineering Division the construction plans and necessary reports and engineering calculations for all on-site and off-site improvements to the satisfaction of the City Engineer. Such plans and reports shall include but are not limited to:
 - a. An accurate survey plan, showing:
 - i. Survey marks and identifying the reference marks or monuments used to establish the property lines;

- ii. Property lines labeled with bearings and distances;
 - iii. Edge of public right-of-way;
 - iv. Any easements on the subject property
 - b. A site plan, showing:
 - i. The whole of right-of-way of Dondee Way and San Marlo Way, including existing and proposed improvements such as, but not limited to, pavement overlay, under-sidewalk drain, driveway approach, sidewalk, curb & gutter, existing underground utilities and trenches for proposed connections, boxes for underground utility connections and meters, existing power poles and any ground-mounted equipment, street monuments, any street markings and signage;
 - ii. The slope of Dondee Way and San Marlo Way at the centerline;
 - iii. Adjacent driveways within 25 feet of the property lines;
 - iv. Any existing fences, and any structures on adjacent properties within ten feet of the property lines.
 - c. All plans and reports must be signed and stamped by a California licensed professional.
 - d. All site improvements including utilities and connections to existing mains must be designed according to the City Standards and to the satisfaction of the City Engineer.
- 24. 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.
- 25. No private structures, including but not limited to walls, curbs, and fences shall encroach into the public right-of-way.
- 26. If new utility connections are needed, the existing street pavement shall be cold-planed (ground) to a depth of 2” across the entire frontage of the property and out to the extent of the longest utility trench, and an overlay of Caltrans specification ½” Type ‘A’ hot mix asphalt concrete shall be placed. If, in the opinion of the City Engineer, damage to the pavement during construction is more extensive, a larger area may have to be ground and overlaid.
- 27. All new utilities shall be installed underground from the nearest main or joint pole.

*** END OF CONDITIONS ***