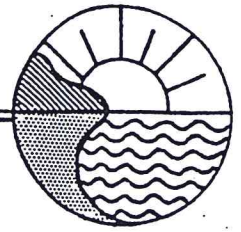


AGENDA



Planning Commission – City of Pacifica

DATE: February 6, 2012
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM

ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: January 17, 2012

Designation of Liaison to City Council Meeting of: February 13, 2012

CONSENT ITEMS:

None.

PUBLIC HEARINGS:

1. UP-022-12 USE PERMIT and VARIANCE, filed by the agent, Gabriella Barr, on behalf of the applicant, Verizon Wireless, to install a new wireless communication facility, including a 50 foot tall tree-pole with six (6) panel antennas and related equipment at Yosemite Drive & Humboldt Court (Frontierland Park), (APN 022-302-180). Recommended CEQA status: Exempt Proposed Action: Approve as conditioned.
PV-507-12

CONSIDERATION ITEMS:

None.

OTHER AGENDA ITEMS:

None.

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

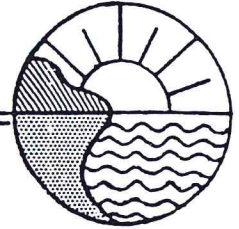
ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court, not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: February 6, 2012

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on January 25, 2012. 171 surrounding property owners were notified by mail.

FILE: UP-022-12
PV-507-12

APPLICANT: Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

AGENT: Gabriella Barr
9210 Zayante Drive
Felton, CA 95018

OWNERS: City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

LOCATION: Yosemite Drive & Humboldt Court (Frontierland Park)

APN: 022-320-180

PROJECT DESCRIPTION: Proposal to install a new wireless communication facility, including a 50 foot tall treepole with six (6) panel antennas and related equipment, at Frontierland Park.

General Plan: Park

Zoning: C-2/HPD (Community Commercial District/Hillside Preservation District)

RECOMMENDED CEQA STATUS: Exempt Section 15303 (d)

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval as conditioned

PREPARED BY: Christina Horrisberger, Assistant Planner

ZONING STANDARDS CONFORMANCE:

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Setback to residential properties	50' min.	NA	165', 340', 890'
Setback to other property lines	25' min.	NA	1150'
Support Structure (treepole) Height	35' (Max.)	NA	50'

PROJECT SUMMARY

A. STAFF NOTES:

1. Site Description and Background: The 59 acre subject property is currently developed with the City owned and operated Frontierland Park. Although the site is generally hilly, lower parts of the property, where park access and facilities are located, are generally level. The surrounding area includes the Park Pacifica neighborhood and undeveloped properties beyond the City boundary. The property was formerly used as a solid waste disposal facility. Verizon has already secured a lease with the City.

2. Project Description: The applicant proposes a new wireless communication facility consisting of six (6) panel antennas mounted to a 50 foot high “treepole,” a monopole camouflaged as a tree, and an 860 square foot enclosed equipment area at ground level. The equipment area would be located at the end of an existing access road and parking area, adjacent to an existing enclosed park storage/equipment area. The proposed equipment enclosure would utilize chain link fencing with green vinyl slats to match the existing enclosure. The treepole would be located several yards upslope, east of the equipment area. There are no Heritage Trees within the equipment area or within the immediate vicinity of the proposed treepole.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject property is Park and the zoning classification is C-2/HPD (Community Commercial District/Hillside Preservation District). The lot is surrounded by residential land uses on the north and south side, by a decommissioned school to the west and undeveloped properties are located to the east.

4. Municipal Code and Regulatory Standards: Verizon is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to Pacifica Municipal Code (PMC) Section 9-4.2606(c)(1), a Use Permit is required for all new ground mounted wireless communication facilities. Pursuant to PMC Section 9-4.2608(d)(1), approval of a Variance is required because the 35 foot height limit for ground mounted antenna structures would be exceeded by the proposed 50 foot high treepole.

5. Use Permit: The Planning Commission shall grant approval of a Use Permit for a wireless communications facility only when all of the following findings are satisfied:

- a. 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;
- b. 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; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.
- d. That the project will not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception.
- e. That the information submitted proves that a feasible alternate site that would result in fewer visual impacts does not provide reasonable signal coverage.
- f. That the application meets all applicable requirements of Section 9.04.2608 of the Pacifica Municipal Code.

6. Variance: The Code at section 9-4.2616 allows the Planning Commission to grant a Variance to development regulations for wireless communications facilities when the following findings are made:

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.
- b. That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. That the strict application of the ordinance prevents or imposes unreasonable limitations on the provision of wireless communication services.
- e. That the standards as set forth in this Chapter have been met to the maximum extent feasible.

7. California Environmental Quality Act: The Planning Commission may find this project is exempt from CEQA pursuant to the following section of the California Environmental Quality Act:

“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:

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.”

The basis for this exemption is that the wireless communications facilities involved in this project consist of construction of a single camouflaged “treepole” antenna and an 860 square foot enclosed equipment area adjacent to an existing enclosed park storage/equipment area. These facilities are a type of extension of the existing Verizon wireless communication utility and of the appropriate size and design for their intended purposes.

8. Analysis:

Use Permit: According to the Radio Frequency (RF) Report (Attachment E) submitted by the applicant, the RF maximum exposure level at Frontierland Park would be well under the maximum public exposure limit allowed by the FCC. Except for the height limit, the applicant is proposing to locate a facility that meets the City’s site development and design standards. The applicant has requested approval of a variance to exceed the 35 foot height limit by 15 feet. With approval of the requested Variance and Use Permit, all applicable provisions of the General Plan and other applicable laws of the City would be met. Provisions of the Local Coastal Plan are not applicable to this application. The applicant has provided a statement (Attachment B) indicating that the proposed antennas will not cause localized interference with television reception or radio broadcasts or other signal transmission or reception. Based on coverage maps submitted by the applicant (Attachment D), installation of the new facility is needed to provide signal coverage to Verizon users in the area. Attachment B describes how other sites were considered and why they were rejected as candidates for this facility. Aside from Millwood Ranch (infeasible) other surrounding properties are generally residential and could not be designed to meet PMC standards, while still meeting Verizon’s coverage needs. The equipment area would not be visible from adjacent rights-of-way and the new treepole would be visually integrated into the site due to its hillside location near existing trees and because it will be designed to look like a tree. In staff’s opinion, the applicant has proposed to place the facility in the location that best suits their needs and that minimizes the visual impacts. Project design will be further discussed in the following section of this report.

Design-Related Standards: The Design-Related Standards specify that “all wireless communications facilities shall be screened to the fullest extent possible and located to minimize visibility from surrounding areas and right-of ways.” Further, “the use of colors and facility designs shall be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.” The proposed antennas would be placed near mature trees, in a vegetated area and the antennas and support structure colors, materials and design would mimic surrounding landscaping. Close up, the mock tree would likely be distinguishable from the other trees, but from a distance should blend well with the surrounding area (see Attachment C). The proposed equipment enclosure would not be visible from adjacent rights-of-way and visibility from the parking area would be

very limited. Nonetheless, the 8 foot high, slatted, chain link enclosure would match the existing City enclosure and blend with surroundings. Also, an equipment shelter constructed to match park restroom facilities is proposed within the equipment enclosure. It appears that the City's Design-Related Standards would be met.

Variance: The maximum allowable height for ground mounted antenna structures is 35 feet. The applicant proposes to construct a treepole reaching 50 feet in height. The excess height is necessitated in part by the topography, the sloping terrain and heights of nearby trees can interfere with signal transmission. But for these unique physical aspects of the property, the treepole could have been sited within the 35 foot maximum height. As such, denying the facility on this property would deny it of privileges that are otherwise available to similarly situated property. Part of the excess height is also due to upward extending "tree" branches intended to make the structure appear more authentic. PMC Section 9-4.2608(b) requires that all wireless facilities be screened to the fullest extent possible and that facility visibility from adjacent rights-of-way be minimized. The Code also requires applicants to choose sites with the fewest visual impacts when planning wireless facility locations. In this case, the site with the fewest visual impacts and that could best meet PMC requirements is the site that was chosen, as demonstrated by Attachment B which identifies rejected sites, but in order to provide adequate screening and signal coverage, the excess height is required. Allowing the additional height would, under the circumstances of the particular case, not materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area because the additional height allows the facility to blend in with its surroundings and/or be visually screened and it will be operating well within FCC health and safety guidelines. The City's Design Guidelines do not specifically address wireless facilities, but the wireless ordinance contains design related standards. These standards were discussed in the previous section of this report. Staff believes that imposing the strict application of the height limit would impose an unreasonable limitation on the applicant, by not allowing them to situate a facility in an area without coverage, while creating the least amount of visual impacts. Lastly, the project meets all other applicable PMC provisions; this satisfies the last finding that requires the applicant to meet the City's wireless regulations to the maximum extent feasible.

The applicant has submitted an explanation (Attachment B) describing why the requested variance to exceed the 35 foot height limit by 15 feet should be granted.

CEQA: Cellular companies offer utility services regulated by the CPUC. The proposed project is for a single, small, new, utility facility. Such development meets the criteria for the previously cited CEQA exemption. Further, no significant negative environmental impacts are expected to occur as a result of the project.

9. Conclusion: Based on the information the applicant has provided, it appears that the construction of a wireless communications facility at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Moreover, it appears that the Code requirements relating to maximum height limits cannot be met if adequate

signal coverage is to be achieved. Also, the site would be well camouflaged and the City's design standards for wireless facilities would be met by the project. Accordingly, it appears that the findings to approve the requested Use Permit and Variance can be made.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission approve Use Permit, UP-022-12, and Variance, PV-507-12, to construct a new wireless communications facility at Frontierland Park, located at Yosemite Drive and Humboldt Court, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "San Pedro Valley East" consisting of ten (10) sheets, received by the City on July 28, 2011, except as modified by the following conditions.
2. Prior to building permit issuance, the owner shall work with staff to record conditions of project approval on the title of the property.
3. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
4. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to approval of a building permit.
5. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding this use permit, variance application, , approval or authorization, including, but not limited to, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

C. FINDINGS:

1. Findings for Approval of a Use Permit: The Planning Commission finds, based on the evidence provided at the public hearing including the staff report and presentation, that the proposal to install a wireless communications facility at Frontierland Park, located at Yosemite Drive and Humboldt Court, would not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or the general welfare of the City. The Commission finds that the proposal is consistent with the applicable provisions of the General Plan and other applicable laws of the City. Specifically, the Commission finds that the project, with the granting of a variance, meets all applicable Zoning Code requirements and provisions of the Design Guidelines.

2. Findings for Approval of a Variance: The Planning Commission finds, based on the evidence provided at the public hearing including the staff report and presentation, that a special circumstance applies to the subject property which necessitates a Variance for the ground mounted, treepole antenna structure to exceed the 35 foot height limit by 15 feet. The strict application of the Zoning Code imposes unreasonable limitations on the provision of wireless communications at this property. Because of the site's size, location and surrounding topography, and because of the need to comply with other design requirements to visually screen the structure, it is necessary that the new antennas be placed at the proposed height. The Commission further finds that the proposal will not adversely affect the health or safety of the residents or people working in the area. The new antennas will not affect future improvements to the area. Finally, the Commission finds that the standards set forth in the Municipal Code have been met to the furthest extent possible.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Use Permit, UP-022-12, and Variance, PV-507-12, subject to conditions 1 through 5 and adopt findings contained in the February 6, 2012 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Project Description
- c. Photo Simulations
- d. Coverage maps
- e. RF Report
- f. Plans (Commission and City Council only)