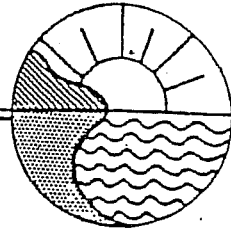


# AGENDA



## Planning Commission – City of Pacifica

DATE: April 19, 2010  
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: April 5, 2010

Designation of Liaison to City Council Meeting of: April 26, 2010

### CONSENT ITEMS:

1. CDP-309-08      EXTENSION OF PERMITS for a second and third story addition to an existing single-family residence at 61  
UP-996-08      Elder Lane, Pacifica (APN 023-017-310). Proposed Action: Grant extension request.  
PV-495-08

### PUBLIC HEARINGS:

2. UP-784-96      USE PERMIT AMENDMENT and VARIANCE, filed by the agent, Laura Boat, on behalf of the applicant,  
PV-503-10      Verizon Wireless and the owner North Coast County Water District, to replace six whip antennas with nine  
panel antennas at an existing wireless communications facility at the water tanks on Gypsy Hill Road, Pacifica  
(APN 016-442-030). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned.

### OTHER AGENDA ITEMS:

### 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.**

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** April 19, 2010

**TO:** Planning Commission

**FROM:** Lily Lim, Planning Intern 

**SUBJECT:** Agenda Item No. 1: Extension of Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing single-family residence at 61 Elder Lane, Pacifica, (APN 016-315-190).

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On March 16, 2009 the Planning Commission conditionally approved a Use Permit and Variance and Coastal Development Permit to construct a new second and third floor addition to an existing single-family residence located at 61 Elder Lane. Details of the project are contained in the attached agenda memo dated March 16, 2009. Also attached are the minutes and grant letter from the Planning Commission meeting. The applicant is required to obtain a building permit and start construction within one year of the approval date from the Planning Commission.

The permits are due to expire on April 20, 2010. On April 12, 2010, staff received the attached extension request. This is the applicant's first request for an extension and a copy of the request has been attached to this memo. According to the applicant's statement, they are requesting additional time to go over details that pertain to this project.

It is not unusual for the applicant to request an extension for approved permits. Extensions are generally granted unless there have been significant changes in the conditions or circumstances affecting the property or area. Staff believes that no changes have occurred and is therefore recommending that the Commission grant the extension for one year.

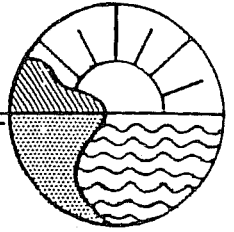
### **COMMISSION ACTION REQUESTED**

Move that the Planning Commission **EXTEND** UP-996-08, PV-495-08 and CDP-309-08 to April 20, 2011.

#### Attachments:

- a. Letter from Applicant Dated April 12, 2010
- b. Agenda Memo and Planning Commission Meeting Minutes from March 16, 2009
- c. Grant Letter with Conditions of Approval Dated April 20, 2009

# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** April 19, 2010

**ITEM:** 2

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on April 7, 2010. 6 surrounding property owners were notified by mail.

**FILE:** UP-784-96 Amendment  
PV-503-10

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

**AGENT:** Laura Boat  
2 Douglas Way  
Atherton, CA 94027

**OWNERS:** North Coast County Water District  
2400 Francisco Blvd.  
Pacifica, CA 94044

**LOCATION:** Water tanks at Gypsy Hill Road

APN: 016-442-030

**PROJECT DESCRIPTION:** Proposal to replace six (6) whip antennas with nine (9) panel antennas at an existing wireless communications facility.

**General Plan:** Utility

**Zoning:** P-F/HPD (Public Facility/Hillside Preservation District)

**RECOMMENDED  
CEQA STATUS:** Exempt Section 15303 (d)

**ADDITIONAL  
REQUIRED  
APPROVALS:** None

**RECOMMENDED  
ACTION:** Approval as conditioned

**PREPARED BY:** Lily Lim, Planning Intern

**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Monopole Height	35' (max.)	90'6"	85'
Antenna Area	N/A	10 s.f.	44.37 s.f.
Setback to Property Line	25'	25'-280'	No Change
Setback to Residential District	50'	280'	No Change

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Existing Site Conditions:** The subject site is located at a water tank site on Gypsy Hill Road. Presently, there is a water tank on the property owned by the North Coast County Water District. The site is located on a steep hillside surrounded by eucalyptus trees. An existing wireless communications facility is located on the southwestern portion of the property. The site is surrounded by a golf course and single family residences.

**2. Project Description:** The applicant proposes to replace six (6) existing whip antennas with nine (9) panel antennas at an existing wireless communications facility. No new equipment cabinets are proposed. The existing antennas have a cumulative square footage of 10 square feet and the proposed antennas will have a cumulative square footage of 44.37 square feet. Access to the site will be through an existing gravel road.

**3. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Utility and the zoning classification is P-F/HPD (Public Facilities/Hillside Preservation District). Surrounding land uses include single family homes and vacant land to the north and the Sharp Park Golf Course to the east, west and south.

**4. Municipal Code and Regulatory Standards:** Verizon Wireless is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to Section 9-4.2606 (c) (1) of the Pacifica Municipal Code, a Use Permit is required for all ground-mounted antenna structures. The proposed antennas will be located on an existing ground-mounted antenna structure, however; the cumulative antenna area exceeds the amount allowed to be considered a "minor antenna". The Code defines a "minor antenna" as, "an antenna, typically cylindrical in shape, three (3") inches or less in diameter and not exceeding eight (8') feet in height, or a cumulative site total of eight (8) square feet or less." The proposed cumulative antenna area is 44.37 square feet; therefore an Amendment to the previously granted Use Permit is required. Further, a Variance is required because the antennas will be mounted 85 feet above grade. The Zoning Code allows a maximum height of 35 feet for all ground-mounted antennas. The Code also requires that the antennas must be setback 25 feet from any property line or public right-of-way. The proposed antennas will be set back more than 25 feet from the property line and any public right of way.

**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 9.4.2608 of the Pacifica Municipal Code.

**6. Variance:** The Code allows the Planning Commission to grant a Variance to development regulations 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 the 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 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:** Staff recommends that the Planning Commission find this project is exempt from CEQA pursuant to the following sections of the California Environmental Quality Act:

15303. New Construction or Conversion of Small Structures: 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 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 proposed project consists of replacing existing whip antennas with new panel antennas at an existing wireless communications facility; furthermore, the new panel antennas will not be visible from any public right-of-way. No new equipment cabinets are proposed.

## **8. Staff Analysis**

**Use Permit Amendment:** A Use Permit Amendment is required for the proposed Verizon wireless communications project per Section 9-4.2606 of the Pacifica Municipal Code. A Use Permit was previously granted for Verizon's existing monopole and equipment cabinets. Currently, a water tank owned by the North Coast County Water District is located on the property. The proposed antenna replacement will not 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.

The proposal complies with the Design Guidelines (see below) and standards set forth in the Municipal Code. It does not appear that the new antennas will interfere with the reception of signal transmission or reception in the area. No alternative sites could have minimized visual impacts further than the current proposal because it is an existing wireless communications site.

**Variance:** A Variance is required for the proposed height of the Verizon project. The property is located at a high elevation and is surrounded by tall eucalyptus trees. Although the proposed antennas will lower the height of the existing monopole, a Variance is still necessary because the antennas will be above the allowed 35 foot height limit. The existing height of the monopole is 90 feet 6 inches and is visible from parts of the City. The proposed antennas will reduce the height of the monopole to 85 feet and will no longer be visible from any part of the City. Staff believes that because of the topography and location of the property, findings for a Variance can be made.

**Design:** 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 rights-of-way." 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."

Photo simulations have been submitted illustrating the existing and proposed antennas. The existing height of the monopole is 90 feet and 6 inches. The proposed antennas will lower the height of the monopole by 5 feet 6 inches, resulting in a total height of 85 feet. Currently, the

monopole is slightly visible from other points in the City. Because of the proposed height, the monopole will no longer be visible. The existing pole is painted green to match the surrounding grove of trees. There are no proposed changes to the color of the existing monopole.

**RF Report:** According to the Radio Frequency (RF) Report submitted by the applicant, the RF exposure level for the proposed project will have a minimal impact and therefore will not 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. The report states that the cumulative radio frequency electromagnetic fields for the proposed antennas will be less than 5% of the applicable public exposure limit allowable by the FCC.

**Other Wireless Facilities:** Based on the attached wireless sites map, it appears that there is an existing wireless communications facility located within the project vicinity.

**9. Summary:** Based on the information the applicant has provided, the proposal to replace six (6) existing whip antennas with nine (9) panel antennas at an existing wireless communications facility would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Because the proposed antennas will be lower than the existing antennas, there will be no visual impacts. Additionally, there are no new equipment cabinets being proposed. Furthermore, the project is consistent with the City's Design-Related Standards for wireless communications facilities. Staff believes that the findings for a Use Permit Amendment and Variance can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Use Permit Amendment, UP-784-96 and Variance, PV-503-10, to replace six (6) whip antennas with nine (9) panel antennas at an existing wireless communications facility, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "Verizon Wireless Sharp Park Cell Site Sectorization Gypsy Hill Road Pacifica, California 94044, Site No. 123708" consisting of six (6) sheets dated February 26, 2010 except as modified by the following conditions:
2. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
3. 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.

4. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant’s project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

**C. FINDINGS:**

**1. Findings for Approval of a Use Permit Amendment:** The Planning Commission finds that the proposal to replace six (6) existing whip antennas with nine (9) panel antennas at an existing wireless communications facility 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 meets all Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

**2. Findings for Approval of a Variance:** The Planning Commission finds that the requested Variance would 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 circumstances of the particular case, be materially detrimental to the public welfare or injurious to the property or improvements in the area.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** UP-784-96 and PV-503-10, subject to conditions 1 through 4, adopt findings contained in the April 19, 2010 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans



- c. Photo Simulations
- d. RF Report
- e. Map of All Existing Wireless Sites in Pacifica