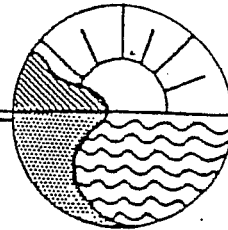


# AGENDA



## Planning Commission – City of Pacifica

DATE: Monday, October 19, 2009  
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: October 5, 2009

Designation of Liaison to City Council Meeting of: October 26, 2009

CONSENT ITEMS:

PUBLIC HEARINGS:

- 1 UP-008-09 USE PERMIT, filed by the agent, Fred Musser, on behalf of the applicant, T-Mobile West Corporation, and the owner, North Coast County Water District, to install a new wireless communications facility with a monotree, six antennas, and one equipment enclosure at the Alvarado Water Tank between Sheila Lane and Alvarado Avenue, Pacifica (APN 023-311-010). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned.
- 2 UP-009-09 USE PERMIT, filed by the agent, Fred Musser, on behalf of the applicant, T-Mobile West Corporation, and the owners, April Schneider and Mathew Farley, to install a new wireless communications facility with a monotree, six antennas, and one equipment enclosure at 650 Cape Breton Drive, Pacifica (APN 022-320-200). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned.
- 3 UP-007-09 USE PERMIT, SITE DEVELOPMENT PERMIT, and PARKING EXCEPTION, filed by the applicant and owner, Dirk Dieter, to construct a second story addition to an existing single-family dwelling on a substandard lot at 104 Short Street, Pacifica (APN 009-057-100). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned.  
PSD-778-09  
PE-153-09

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.

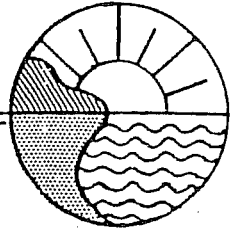
ADJOURNMENT

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.***

# STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

**DATE:** October 19, 2009

**ITEM:** 1

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on October 7, 2009. 68 surrounding property owners were notified by mail.

**FILE:** UP-008-09

**APPLICANT:** T-Mobile West Corporation  
1855 Gateway Blvd. #900  
Concord, CA 94520

**AGENT:** Fred Musser  
Zon Architects  
1138 Mataro Court  
Pleasanton, CA 94566

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

**LOCATION:** Alvarado Water Tank at Sheila Lane

**APN:** 023-311-010

**PROJECT DESCRIPTION:** Proposal to install a monotree with six antennas, one Global Positioning System (GPS) antenna and one equipment cabinet enclosure at a new wireless communications facility.

**General Plan:** Low Density Residential

**Zoning:** R-1 (Single Family Residential 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.)	N/A	35'
Antenna Area	N/A	N/A	30.3 s.f.
Setback to Property Line	25'	N/A	~40'
Setback to Residential District	50'	N/A	~128'

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Existing Site Conditions:** The subject site is located between Sheila Lane and Alvarado Avenue. Presently, there is a water tank on the property owned by the North Coast County Water District. Much of the property features natural landscaping, with a driveway that leads to the water tank. The property slopes down from Sheila lane to Alvarado Avenue. The site is surrounded by single family residences to the north, south, east, and west. There are currently no wireless communications facilities on this site.

**2. Project Description:** The applicant proposes to install a 35 foot high monotree (in this case a “monopine”, a faux tree designed to look like a pine tree) with six antennas and one Global Positioning System (GPS) antenna. Also proposed is a 12 feet by 18 feet equipment cabinet enclosure which will be screened by a six foot fence. The proposed monotree will be located east of the existing water tank. Each antenna is 5.05 square feet, which results in a total of 30.3 square feet of antenna area on the proposed monotree. Access to the facility will be through an existing driveway from Sheila Lane that leads to the water tank.

**3. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Low Density Residential and the zoning classification is R-1 (Single Family Residential District). Surrounding land uses include residential uses to the north, west, south and east.

**4. Municipal Code and Regulatory Standards:** T-Mobile is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to the Pacifica Municipal Code, a Use Permit is required for all ground-mounted antenna structures and associated equipment facilities. The applicant is proposing install a monotree with six antennas and one GPS antenna at a new wireless communications facility; therefore a Use Permit is necessary. The Code also requires that the antennas must be setback 25 feet from any property line or public right-of-way. The proposed monotree will be set back more than 25 feet from the property line and 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. 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 monotree will be a new facility at a site which contains a water tank; furthermore, the proposed antennas on the monotree will not be visible from any public right-of-way. All existing equipment areas have minimal visual impacts because they are located behind an enclosure which will be painted a natural color.

## **7. Staff Analysis**

**Use Permit:** A Use Permit is required for the proposed T-Mobile wireless communications facility per Section 9-4.2606 of the Pacifica Municipal Code. Currently, a water tank owned by the North Coast County Water District is located on the property. The proposed monotree 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 parcel is currently used as a site for utilities; however the General Plan designation is Low Density Residential and the zoning is Single Family Residential. According to Table 9-4.26 of the Pacifica Municipal Code, a Use

Permit is required for all ground mounted antenna structures located in R-1 Districts. The monotree will appear to be part of the existing landscaping. 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 the existing antennas have been screened to the maximum extent feasible by a faux tree, and the proposed monotree will be located among other existing trees on the site.

**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 proposed antennas on the proposed monotree. However, it has been brought to staffs attention that the photo simulations are inaccurate. The proposed monotree will not be located in the direct line of vision of the utility pole as it indicates on the photographs. The correct placement of the proposed monotree will be located to the left of the existing utility pole. Staff has notified the applicant of this issue and will be distributing accurate photo simulations once they are received.

Although the monotree will not be integrated with the other trees, it will still be located near the existing trees on the property. The proposed monotree will tend to blend with the topography and the existing land when viewed from a distance; however it will be visible from Sheila Lane. None of the antennas located on the monotree will be visible from any public right-of-way because they are screened by the faux tree; therefore the proposed monotree will not appear to be a wireless communications facility. In addition, the proposed 12 foot by 18 foot equipment cabinet enclosure will be screened by a 6 foot high fence painted a natural color. The equipment cabinet enclosure will not be visible from Alvarado Avenue, but may be partially visible from Sheila Lane.

**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 1.9% of the applicable public exposure limit allowable by the FCC.

**Other Wireless Facilities:** Based on the attached wireless sites map, it appears that there are no other wireless communications facilities in the general vicinity of the proposed project.

**8. Summary:** Based on the information the applicant has provided, the proposal to install a monotree with six antennas, one GPS antenna and an equipment cabinet enclosure at a new 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 located in

the monotree, the visual impacts will be minimal. Additionally, the proposed equipment cabinet enclosure will be screened by a 6 foot high fence painted a natural wood color. 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 can be made.

Additionally, a letter and photographs have been submitted by a neighbor and are attached for the Commission's review. It should be noted that the "alternate location" is not located on North Coast County Water District's property.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Use Permit, UP-008-09, to install a monotree with six antennas, one GPS antenna, and an equipment cabinet enclosure at a new wireless communications facility, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "T-Mobile West Coportaion 1855 Gateway Blvd., 9<sup>th</sup> Floor, Concord, CA 94520 SF 13131B NCCWD Alvarado Water Tank Near 1141 Sheila LN. (NCCWD Alvarado Water Tank) Pacifica, CA 94044" consisting of eight (8) sheets dated September 24, 2009 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.

**Engineering Department:**

5. Add a note on the Site Plan that says, “Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
6. Add a note on the Site Plan that says, “Any damage to improvements within the 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.”
7. An Encroachment Permit is required for all work within the City right-of-way. All improvements within the City right-of-way shall be constructed per City Standards.
8. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.

**C. FINDINGS:**

**1. Findings for Approval of a Use Permit:** The Planning Commission finds that the proposal to install a monotree with six antennas, one GPS antenna and an equipment cabinet enclosure at a new 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

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

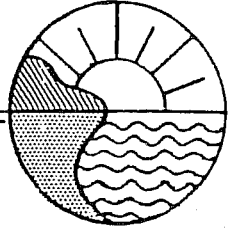
Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** UP-008-09, subject to conditions 1 through 8, adopt findings contained in the October 19, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans (Photo simulations included in plans)
- c. RF Report
- d. Map of All Existing Wireless Sites in Pacifica
- e. Letter and Photos from Resident at 1138 Sheila Lane



# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: October 19, 2009

ITEM: 2

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on October 7, 2009. 25 surrounding property owners were notified by mail.

FILE: UP-009-09

**APPLICANT:** T-Mobile West Corporation  
1855 Gateway Blvd. #900  
Concord, CA 94520

**AGENT:** Fred Musser  
Zon Architects  
1138 Mataro Court  
Pleasanton, CA 94566

**OWNERS:** April Schneider & Matthew Farley  
1239 Lerida Way #A  
Pacifica, CA 94044

**LOCATION:** 650 Cape Breton Drive

APN: 022-320-200

**PROJECT DESCRIPTION:** Proposal to install a monotree with six antennas, one Global Positioning System (GPS) antenna and one equipment cabinet enclosure at a new wireless communications facility.

**General Plan:** Special Area

**Zoning:** R-1/HPD (Single Family Residential District/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.)	N/A	35'
Antenna Area	N/A	N/A	30.3 s.f.
Setback to Property Line	25'	N/A	~40'
Setback to Residential District	50'	N/A	~491'

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Background Information:** In 2001, a wireless communications facility with 2 antennas on a 50 foot monotree and an equipment enclosure was proposed at this property. The Commission denied the requested permits because the proposed project did not meet all the findings required for a Use Permit and Variance. The staff report and meeting minutes have been attached for Commission review.

**2. Existing Site Conditions:** The subject site is located at the end of Cape Breton Drive. Presently, Park Pacifica Stables (horse boarding and recreational riding facility) occupies the site; however much of the property is vacant land with natural vegetation. The topography of the site varies from relative flat in some portions to steep slopes in others. The site is surrounded by single family residences to the north and west, the Sweeny Ridge Trail to the east, and unincorporated parts of San Mateo County to the south. There are currently no wireless communications facilities on this site.

**3. Project Description:** The applicant proposes to install a 35 foot high monotree (in this case a “monopine”, a faux tree designed to look like a pine tree) with six antennas and one Global Positioning System (GPS) antenna. Also proposed is a 12 feet by 18 feet equipment cabinet enclosure that will be screened by a six foot fence. The proposed monotree will be located on the side of the existing dirt road, approximately 490 feet from the existing residences on Cape Breton Drive. Each antenna is 5.05 square feet, which results in a total of 30.3 square feet of antenna area on the proposed monotree. Access to the facility will be through an existing private dirt road that leads from Cape Breton Drive.

**4. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Special Area and the zoning classification is R-1/HPD (Single Family Residential District/Hillside Preservation District). Surrounding land uses include residential uses to the north and west, Commercial Recreation to the east and unincorporated parts of San Mateo County to the south.

**5. Municipal Code and Regulatory Standards:** T-Mobile is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to the Pacifica Municipal Code, a Use Permit is required for all ground-

mounted antenna structures and associated equipment facilities. The applicant is proposing install a monotree with six antennas and one GPS antenna at a new wireless communications facility; therefore a Use Permit is necessary. The Code also requires that the antennas must be setback 25 feet from any property line or public right-of-way. The proposed monotree will be set back more than 491 feet from the property line and public right-of-way.

**6. 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.

**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 monotree will be a new facility at Pacifica Park Stables which currently has no wireless communications facilities. The proposed antennas located on the monotree will not be visible from any public right-of-way. All existing equipment areas have minimal visual impacts because they are located behind an enclosure which will be painted a natural color.

## **8. Staff Analysis**

**Use Permit:** A Use Permit is required for the proposed T-Mobile wireless communications facility per Section 9-4.2606 of the Pacifica Municipal Code. Currently, a facility used for boarding and recreational uses of horses is located on the property. The proposed monotree 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 General Plan designation for this property is Special Area and the zoning is Single Family Residential/Hillside Preservation District. The General Plan defines a “Special Area” as “an area, as described in the text, within which special physical or economic problems exist and for which more than one use would be acceptable, based on the land use designation in the Plan description and the findings of the Environmental Impact Report, site plan and other required evaluation.” This project site is not specifically identified in the text portion of the General Plan. Staff believes the proposed project is exempt from CEQA; therefore, no Environmental Impact Report is necessary. According to Table 9-4.26 of the Pacifica Municipal Code, a Use Permit is required for all ground mounted antenna structures located in R-1 Districts. The monotree will appear to be part of the existing landscaping. 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 the existing antennas have been screened to the maximum extent feasible by a faux tree, and the proposed monotree will be located in an area where there is mainly vacant land, natural vegetation, and other trees.

**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 proposed antennas on the proposed monotree. The proposed monotree will be located adjacent to the existing trees on this portion of the property. The monotree will be visible from the public right-of way; however, it will blend in with the hillside and the existing trees. Because the proposed antennas are located on the monotree, they will not be visible from any public right-of-way. In addition, the proposed 12 foot by 18 foot equipment cabinet enclosure will be screened by a 6 foot high fence painted a green color to match the surrounding trees. The equipment cabinet enclosure will not be visible from any public right-of-way.

**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 1.9% of the applicable public exposure limit allowable by the FCC.

**Other Wireless Facilities:** Based on the attached wireless sites map, it appears that there are no other wireless communications facilities in the general vicinity of the proposed project.

**9. Summary:** Based on the information the applicant has provided, staff believes that the proposal to install a monotree with six antennas, one GPS antenna and an equipment cabinet enclosure at a new wireless communications facility would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Unlike the previously denied project, staff believes that the location of the proposed monotree has met the City's Design Guidelines and have been screened to the fullest extent feasible. Because the proposed antennas will be located in the monotree, the visual impacts of the antennas will be minimal. Additionally, the proposed equipment cabinet enclosure will be screened by a 6 foot high fence painted a natural wood color and will not be seen from any public right-of-way. 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 can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Use Permit, UP-009-09, to install a monotree with six antennas, one GPS antenna, and an equipment cabinet enclosure at a new wireless communications facility, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "T-Mobile West Coportaion 1855 Gateway Blvd., 9<sup>th</sup> Floor, Concord, CA 94520 SF53594A Pacifica Park Stables 650 Cape Breton Drive, Pacifica, CA 94044" consisting of seven (7) sheets dated September 24, 2009 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.

**Engineering Department:**

5. Applicant shall show all existing street improvements i.e., sidewalk, driveway, curb and gutter, and all other utility facilities.
6. Applicant shall show the proposed trench in relation to the existing street improvements.
7. All disturbed street improvements shall be replaced to the satisfaction of the City Engineer.

**C. FINDINGS:**

**1. Findings for Approval of a Use Permit:** The Planning Commission finds that the proposal to install a monotree with six antennas, one GPS antenna and an equipment cabinet enclosure at a new 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

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

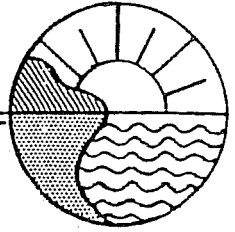
Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** UP-008-09, subject to conditions 1 through 8 and adopt findings contained in the October 19, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans (Photo simulations included in plans)
- c. RF Report
- d. Map of All Existing Wireless Sites in Pacifica
- e. Staff Report and Meeting Minutes from September 4, 2001



# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** October 19, 2009

**ITEM:** 3

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on October 7, 2009. 57 surrounding property owners and residents were notified by mail.

**FILE:** PSD-778-09  
UP-007-09  
PE-153-09

**APPLICANT and OWNER:** Dirk Dieter, 104 Short Street, Pacifica, CA 94044

**LOCATION:** 104 Short Street (APN 009-057-100)

**PROJECT DESCRIPTION:** Constructing a second story addition of approximately 400 square feet above an existing dwelling of approximately 300 square feet on a substandard lot of 1,650 square feet.

General Plan: Low Density Residential  
Zoning: R-1

**CEQA STATUS:** Exempt Section 15332

**ADDITIONAL REQUIRED APPROVALS:** None. The project is appealable to the City Council.

**RECOMMENDED ACTION:** Approval with conditions.

**PREPARED BY:** Kathryn Farbstein, Assistant Planner



**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	5,000 sf.	1,650 sf	No change
Coverage	40%	35%	35%
Floor to Area Ratio	50%	35%	43%
Height	25'	12'	23'
Landscaping	20%	14%	40%
Setbacks			
-front yard	20'	5'	3'
-side yard (10% of lot width)	3'	2'	No Change
-rear	20'	3'	No Change
Parking	2 car garage	1 car garage	No Change

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Background:** A previous applicant and owner received approval of a Site Development Permit, Parking Exception, Use Permit and Variance to add a second story and a two-story addition of approximately 360 square feet including a new bathroom, bedroom and dressing area. The Planning Commission approved the project on July 21, 1997 and on appeal, the City Council upheld that approval on September 22, 1997. However, the previous applicant and owner did not proceed with the approval and did not obtain building permits for the project.

On May 15, 2000, the Planning Commission approved a Site Development Permit, Use Permit and Variance to allow a 250 square foot addition for a one car garage space and a 20 square foot addition to enlarge the entrance of the existing dwelling. Approval of the Variance allowed the 5 foot fence in the front yard setback. Unlike the previous approved Planning permits, this project was completed by the current applicant and owner. In January of 2006, the applicant constructed a wooden trellis on the west side of the building.

**2. Existing Conditions:** Both the existing triangular-shaped lot and one-story home are substantially non-conforming. For example, the 1,650 square foot lot does not meet the minimum 5,000 square foot requirement and the approximately 300 square foot house is well below the minimum 850 square foot dwelling size requirement. The dwelling does not meet the required minimum front, side and rear setback. At its greatest width, the home is approximately 14 feet wide.

Short Street is approximately 150 feet in length with 25 feet of right-of-way and no sidewalks on either side. It terminates at the rear pedestrian entrance to the Edgemar Park. Due to the unique lot configuration, in relation to its near corner location, determining the front versus side yard was initially a challenge. For purposes of determining required building setbacks, the front of the lot is deemed that which fronts along the straight length of Short Street.

**3. Project Description** Proposed is the construction of a second level of approximately 400 square feet above the existing 310 square feet of living area and 250 square feet of garage space (see Attachment b). In addition, the wooden trellis (can also be described as an arbor) on the ground floor and along the western wall of the building will be expanded. The upper level addition will contain a bedroom, bathroom, sun room and deck area of 114 square feet and will cantilever slightly over the first floor along the north and south elevations of the building. The cantilevered portion of the proposed upper floor over the existing first floor is less than 20 square feet and projects a maximum of 2 feet beyond the existing wall. The wooden trellis will be open on the sides, will contain an open wooden frame on the top to allow vines to grow on the structure and will be approximately one foot from the property line. Due to the cantilevered portion of the project on the north side, the front setback previously established at 5 feet will be reduced by two feet to 3 feet but the remaining setbacks for the side and rear portion of the building will remain unchanged with the addition.

The colors and materials of the building will match the existing colors and materials on the building as shown in the rendering provided by the applicant (see Attachment c). In addition, wood siding and stucco to match the existing building will be utilized on the upper floor.

**4. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Low Density Residential and the zoning classification is Single Family Residential Development (R-1). The adjacent and surrounding land uses encompass a variety of one- and two-story single family dwellings, and have the same General Plan and Zoning designations. Edgemar Park is located at the end of Short Street and northeast of the site.

**5. Municipal Code and Regulatory Standards:** As previously indicated the existing dwelling and the subject site are both substantially non-conforming. The Use Permit would allow the extension of the non-conforming setbacks for the upper level as stated in Section 9-4.3002 (c) (2) (i) of the Zoning Code, including the cantilevered portions of the building. The Site Development Permit is to allow new construction including the trellis on a substandard lot that does not comply with the requirements including minimum front, rear and side setbacks as stated in Section 9-4.3002 (a) of the Zoning Code.

**6. CEQA Recommendation:** Staff recommends that the Commission find the addition categorically exempt from CEQA based on the following section of the California Environmental Quality Act:

**15332. In-Fill Development Projects.**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Although the project will more than double the existing living area, the CEQA exemption as stated above, would still apply because the second story addition to an existing single-family dwelling will not negatively impact the environment in this particular situation. It is an existing one story single family dwelling of approximately 300 square feet of living area with legal nonconforming setbacks on a very small triangular shaped lot of less than 2,000 square feet. The second story addition will mostly conform to the nonconforming setbacks already established; however, on the north and south elevation cantilevered areas are proposed that will total less than 20 square feet. In staff's opinion, this project should be considered as infill development and exempt from CEQA.

**7. Site Development Permit Findings:** Pursuant to Section 9-4.3204, a Site Development Permit cannot be issued if the Commission makes any of the following findings that the project would have one or more of the briefly summarized following negative impacts:

- a. Potential traffic hazards
- b. Parking accessibility problems
- c. Insufficient landscape areas
- d. Restricted light and air on the property or other surrounding properties
- e. Creation of a substantial detriment to an adjacent residential district
- f. Excessive damage to the natural environment
- g. Insufficient site and structural design variety

**8. Use Permit Findings:** The Planning Commission shall grant approval of a Use Permit only when all of the following findings are made.

- 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 of 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.

**9. Parking Exception Findings:** A Parking Exception can be granted if the Planning Commission finds that the establishment, maintenance, and conducting of off-street parking

facilities as proposed are as nearly in compliance with the Code requirements as are reasonably possible.

#### **10. Staff Analysis:**

Site Development Permit – The construction of the new upper floor and the trellis expansion will not create potential traffic hazards or cause parking accessibility issues because the addition is on the upper floor and the trellis expansion is located on the west side of the building opposite the garage space. The existing landscaping will not be impacted due to the addition including the trellis because the addition is on the upper floor, the trellis will enhance the landscaping by providing a surface for vines to grow and the upper floor decks will create space for additional landscape opportunities such as potted plants. The addition will not block light and air from other properties because the new construction will be located approximately 15 feet away from the closest residence. The project will not create a substantial detriment to an adjacent residential district in that it is within a neighborhood of one- and two-story dwellings, and the new decks will be located on the north side facing the street and the west side away from the closest dwelling which is on the east side of the building. The subject site is in an urbanized area and no natural feature of the environment will be impacted including the onsite tree which has a drip line outside of the construction area. There is sufficient design variety due to the varied roofline, projections such as the two decks on the proposed upper floor and the trellis which create visual interest for the west elevation of the dwelling.

Use Permit – The addition will not in this particular case be detrimental to the health, safety and welfare of persons residing and working in the neighborhood or to the general welfare of the City because it is an existing small dwelling that will be increased in size to provide better living space for the occupant. The project if completed will increase the total living area to 706 square feet which is closer to the 850 square feet required for a single family dwelling. The residential use is consistent with the applicable provisions of the General Plan and other applicable laws of the City in that it is a single-family dwelling surrounding by other single family dwellings in the neighborhood. The size of the subject site which is less than 2,000 square feet and the unique triangular shape of the lot make it difficult to develop within the buildable area; thus, necessitating approval of a Use Permit to extend the existing nonconforming setbacks. Although the second story will cantilever over the existing first floor, the cantilevered portion is only 20 square feet and will improve the design of the upper floor. The addition is consistent with the Design Guidelines which will be discussed further below.

Design – The applicant is proposing a design for the upper floor addition that includes a varied roofline of a combination of peaked and shed roofs as suggested by the Design Guidelines. In addition, two decks are proposed and the upper floor features varied setbacks. The trellis will provide a landscape opportunity to grow vines and soften the western elevation. The Guidelines further state that there are special considerations when building on a substandard lot such as the subject site to ensure that the proposed building does not present a massive appearance which would detract from the neighborhood. In this case, the building height at 23 feet is two feet lower than the height limit. The mass of the building is broken up by horizontal elements such as the two decks and by the use of several siding materials such as wood and stucco siding as

encouraged by the Guidelines. Finally, the second story addition is integrated into the dwelling and does not appear to be a tacked on addition.

Parking – The current dwelling is approximately 300 square feet and would be considered similar to a studio unit without a separate bedroom. The applicant is proposing a bedroom in the upstairs portion of the building; however, only one parking space exists. The project would increase the number of bedrooms from a studio unit to a one bedroom dwelling and Zoning Code Section 9-3002 (c) (2) (vi) states that additional parking to satisfy the development standards can be required if it is feasible to add parking. In this case, staff believes that no additional parking can be provided on site due to the small size of the lot and the triangular configuration; and therefore, staff believes that the applicant has provided on site parking to the maximum extent feasible.

**10. Summary:** Based upon analysis of the project, staff believes that the findings necessary to approve the Site Development Permit, Use Permit and Parking Exception for a second story addition and expansion of the trellis can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission **APPROVE** Site Development Permit, PSD-778-09, Use Permit, UP-007-09, and Parking Exception, PE-153-09 to allow the second story addition and trellis expansion at 104 Short Street, subject to the following conditions:

#### **Planning Department**

1. Development shall be substantially in accord with the plans entitled “Proposal Second Story Addition to 104 Short Street,” consisting of twelve (12) sheets, dated September 8, 2009 except as modified by the following conditions.
2. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. The applicant shall submit a final landscape plan for approval by the Planning Director prior to the issuance of a building permit. The landscape plan shall show each type, size, and location of plant materials. Landscaping materials included on the plan shall be coastal compatible, drought tolerant and shall be predominantly native. Of this native plant requirement, the species shall be historically or currently present at site or similar sites with the same conditions. All landscaping shall be completed consistent with the final landscape plans prior to occupancy. In addition, the landscaping shall be maintained and shall be designed to incorporate efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.

4. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director's satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Coastside Scavenger.
5. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
6. Applicant shall submit a roof plan with spot elevations showing the location of all roof equipment including vents, stacks and skylights, prior to building permit issuance. All roof equipment shall be screened to the Planning Director's satisfaction.
7. All vents, gutters, downspouts, flashing, and conduits shall be painted to match the colors of adjacent building surfaces. In addition, any mechanical or other equipment such as HVAC attached to or protruding from the building shall be appropriately housed and/or screened to the Planning Director's satisfaction.
8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable on all building elevations.
11. 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.

12. 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.

### **Engineering Division of Public Works**

13. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
14. 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 completion of the building permit.
15. Add a note on the Site Plan that says, "Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project."
16. Add a note on the Site Plan that says, "Any damage to improvements within the 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."

### **Wastewater Division of Public Works**

17. The applicant shall provide a video of the sewer lateral line. Depending upon the condition of the existing sewer line, if there are any visible signs of leakage, the applicant shall replace parts or the whole sewer line to current specification and codes to the satisfaction of the City Engineer.
18. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter. New storm drain inlets shall be protected from being blocked by large debris to the Public Work Director's satisfaction.

**C. FINDINGS:**

**1. Findings of Approval of the Site Development Permit:** The Planning Commission finds that the location, size and intensity of the proposed addition will not create adverse impacts to the neighborhood and 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. Adding approximately 400 square feet of living area, 114 square feet of deck area and expanding the trellis would not have negative impacts on the area in terms of traffic; it would be visually compatible with the existing homes in the surrounding area and does not result in overutilization of the property in comparison with existing patterns in the surrounding neighborhood. The proposed development will not restrict or cut out light and air on the property and on other property in the neighborhood. The proposed development is consistent with the adopted Design Guidelines and the General Plan. Specifically, the project will be a second story addition that is compatible with the other homes in the surrounding area which are one- and two-story single-family dwellings, the new construction is integrated into the existing structure and the trellis will be provide visual interest that is visible from both nearby streets.

**2. Findings of Approval of the Use Permit:** The Planning Commission finds that the extension of the non-conforming setbacks as proposed will 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 substantially meets all applicable Zoning Code requirements, except as otherwise exempted by separate permit regarding non-conforming lot and dwelling size, setbacks, parking and with the incorporation of recommended conditions of approval. The project complies with the applicable provisions of the Design Guidelines regarding residential development on a substandard lot. The Commission further finds that the proposed second story addition and trellis expansion are an improvement to the existing building, and the resulting structure is compatible with the surrounding single-family neighborhood which contains two story dwellings.

**3. Findings of Approval of the Parking Exception:** The Planning Commission finds that the number of proposed parking spaces is as nearly in compliance with the Code requirements as is reasonably possible. In this particular case, the developable lot area is limited due to the small size of 1,650 square feet for the lot, and the triangular shape of the subject site; and therefore, one garage parking space is the maximum parking available on the site.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

Move that the Planning Commission **APPROVE** PSD-778-09, UP-007-09 and PE-153-09, subject to conditions 1 through 18 based on findings contained within the October 19, 2009 staff report and incorporate all maps, documents, and testimony into the record by reference.

Attachments: (Planning Commission only)



- a. Land Use and Zoning Exhibit
- b. Design Statement by Applicant/Owner
- c. Plans, Elevations and Rendering (11 by 17 inch pages)