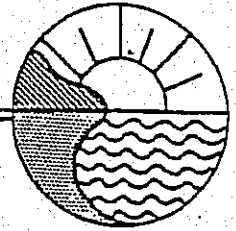


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, July 21, 2008
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: July 7, 2008

Designation of Liaison to City Council Meeting of: July 27, 2008

CONSENT ITEMS:

PUBLIC HEARINGS:

1. UP-775-96 USE PERMIT AMENDMENT, filed by the agent, Leah Hernikl, on behalf of the applicant, T-Mobile, and owner, AT&T, to replace 2 existing wireless communication antennas at 325 Reina Del Mar, Pacifica (APN 018-015-002). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
2. REQUEST FOR APPROVAL OF FLAG LOT FRONTAGE LESS THAN FIFTY (50') filed by Brian Brinkman on behalf of Michael Panesi, property owner, to create a flag-shaped lot with a frontage less than 50 feet in width at the west end of Oddstad Way (APN 022-056-010 & -020). Recommended CEQA status: Exempt. Proposed Action: Deny request as proposed or Approve alternative 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.

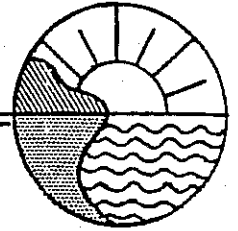
ADJOURNMENT

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.

STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

DATE: July 21, 2008

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on July 9, 2008. 38 surrounding property owners were notified by mail.

FILE: UP-775-96
Amendment

APPLICANT: T-Mobile
1855 Gateway
Concord, CA 94520

AGENT: Leah Hernikl
410 Clubhouse Drive
Aptos, CA 95003

OWNERS: AT&T (Robert Damaschino)
2600 Camino Ramon
San Ramon, CA 94583

LOCATION: 325 Reina Del Mar

APN: 018-051-002

PROJECT DESCRIPTION: Proposal to replace two (2) antennas with two (2) larger antennas at an existing wireless communications facility.

General Plan: Utility

Zoning: R-1 (Single Family Residential)

**RECOMMENDED
CEQA STATUS:** Exempt Section 15301 (b)

**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>
Antenna Height	35' (Max.)	41'5"	No Change

PROJECT SUMMARY

A. STAFF NOTES:

1. Site Description and Background: The subject site is approximately 45,000 square feet in size, and contains a 14,848 square foot office/operations building and a 2,300 square foot garage building. The garage is located along the north property line, and only a small portion is visible from surrounding roadways, particularly northbound Highway 1. The 45,000 square foot site has been developed as a public utility for numerous years, and is located adjacent to Vallemar Elementary School to the east and a service station to the west, vacant land to the north and residential/commercial uses to the south. With the exception of a few commercial and public uses in this area, the neighborhood is primarily residential. The site is partially screened from the north by trees, from the west by the service station and an auto body shop and to the south by the existing AT&T Building. There is 2,420 square feet of landscaping and an above ground diesel fuel storage tank. The landscaping occupies the front most 20 feet of the lot, the 75 foot by 129 foot main building is just behind the landscaped area, the fuel tank is behind this structure at the eastern side of the building and the additional structure is at the far rear of the lot. The area between the buildings and to the east of the main building is developed with the parking lot and driveway.

2. Project Description: The applicant proposes to replace two (2) existing wireless communication antennas with two (2) larger antennas. The existing cumulative antenna area is 1.54 square feet and the maximum proposed cumulative antenna area is 8.14 square feet. The increase in antenna area will be 6.6 square feet. The antennas are currently mounted on two support structures located atop an existing building and reach a maximum height of 41 feet 5 inches. Each of the support structures on the roof of the building are 27 feet in height and each of the antennas are 6 feet 5 inches in height. One replacement equipment cabinet is also proposed. The existing equipment cabinet is 5 feet 4.5 inches in height and is being fully screened by a chain-link fence. The new equipment cabinet will be substantially smaller and will be 1 feet 9.25 inches in height. The entire site is enclosed by a chain-link fence with wooden slats.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject property is Utility and the zoning classification is R-1 (Single Family Residential). Surrounding land uses include commercial uses to the north, west and southwest, residential uses to the south and a school to the 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 wireless communication antennas with a cumulative antenna area of 8 square feet or greater. A Use Permit was approved in 1996 for the installation of two wireless communication antennas along with related equipment. The applicant has proposed to exchange the existing antennas for antennas of a larger size that will be more visible from the public right-of-way, therefore an amendment to the previously granted use permit is necessary.

5. 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 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.” The proposed antennas would be partially screened by the existing vegetation as well as the dark green color of the antennas. The existing vegetation screens all sides of the building and parts of the pole, however due to the topography, parts of the antennas can still be seen from the public right-of-way. The antennas will be obscured from pedestrian traffic at some angles, but will be partially visible to vehicular traffic. The applicant plans on painting the antennas dark green to blend in with the surrounding hillside and vegetation.

6. Use Permit: A Use Permit was previously granted for T-Mobile’s existing antennas and equipment cabinet. The proposal to exchange the existing antennas for antennas of a larger size will require an amendment to the previously granted 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.

According to the Radio Frequency (RF) Report submitted by the applicant, the RF exposure level for the proposed project will be 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 applicant is proposing to maintain and update the existing antennas, therefore the use of the building will not be altered. The applicant plans to update the site for maintenance purposes specific to this site, as a result no alternative sites were explored. The proposal has complied with the Design Guidelines and standards set forth in the Municipal Code. The proposed project, consisting of replacing two (2) existing antennas with two (2) larger antennas, will be partially screened by the existing vegetation surrounding the area, however, the applicant plans on painting the antennas a dark green color to blend in with the surrounding hillside. Additionally, the replacement cabinet will be screened by the existing chain-link fence and surrounding vegetation. The proposed antennas will not cause localized interference with television reception or radio broadcasts or other signal transmission or reception. This proposal has met all applicable requirements of site development standards for wireless communications facilities.

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:

15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-

inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

The proposed project would be to replace two (2) wireless communications antennas with two (2) larger antennas and the exchange of an equipment cabinet for maintenance purposes at an existing wireless communications facility and meets the above criteria for exemption.

8. Conclusion: Based on the information the applicant has provided, it appears that the replacement of two (2) whip antennas with panel antennas at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Due to the nature of the larger antennas, there will be a visual impact on vehicle traffic on Highway 1, however, the applicant plans on painting the antennas a dark green color in order to blend in with the hillside and the surrounding vegetation. Thus, staff does not believe the visual larger antennas will not be substantially greater than what currently exist. There would be minimal visual impacts for both pedestrian and vehicle traffic on Reina Del Mar. Furthermore, the project is consistent with the City's Design-Related Standards for wireless communications facilities. Staff believes that the amendment to the current use permit would be justified.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission approve Use Permit Amendment, UP-775-96, to replace two (2) existing wireless communication antennas and exchange an equipment cabinet, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "T-Mobile, SF03066A, Calera Valley," consisting of (8) sheets dated February 13, 2008 except as modified by the following conditions.
2. 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.
3. The new antennas shall be painted dark green to blend with surrounding hillside and vegetation.
4. Elevation drawings for all sides of the building must be included in modified site plans.
5. The applicant hereby agrees to hold the City and its elected and appointed officers, agents, employees and representatives harmless from claims, costs and liabilities for any personal injury, death, or property damage which arises directly or indirectly, as a result of the installation or operation of the wireless communications facility. If further studies indicate that the telecommunications facilities such as those proposed will be detrimental to the health, safety and welfare of persons working or residing near the vicinity of said facilities, then the telecommunications provider shall be solely responsible for the removal, adjustment or replacement of the facilities. In no case shall the facility remain in operation if it is found to create a hazard to health, safety and welfare.

6. 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.

7. Prior to the issuance of a building permit, a new Site Plan shall be submitted that accurately reflects the location of both antennas and support structures.

C. FINDINGS:

1. Findings for Approval of a Use Permit: The Planning Commission finds that the proposal to replace two (2) existing wireless communication antennas and exchange an equipment cabinet at 325 Reina Del Mar 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

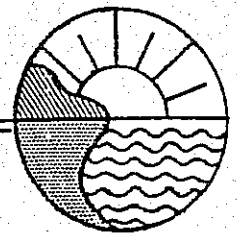
D. MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Use Permit Amendment, UP-775-96, subject to conditions 1 through 7 and adopt findings contained in the July 21, 2008 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

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: July 21, 2008

ITEM: 2

PROJECT SUMMARY\RECOMMENDATION

Notice of public hearing was published in the Pacifica Tribune on July 9, 2008 and 35 surrounding property owners were notified by mail.

APPLICANT: Michael Panesi
1331 Livingston Ave.
Pacifica, CA 94044

AGENT: Brian Brinkman
648 Narvarre Dr.
Pacifica, CA 94044

LOCATION: West end of Oddstad Way (APN: 022-056-010 & -020)

PROJECT

DESCRIPTION: Request for approval of a flag shaped lot with a frontage less than 50 feet.

General plan: Very Low Density Residential

Zoning: R-1-H, Single-Family Residential Hillside District

CEQA STATUS: Exempt Section 15305 (a)

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Deny request

PREPARED BY: Lee Diaz

PROJECT SUMMARY

A. STAFF NOTES:

1. **Project Description:** The applicant is seeking administrative approval of a lot-line adjustment between two vacant lots located at the west end of Oddstad Way in the Rockaway Beach neighborhood (see attached land use and zoning exhibit). Normally administrative approval of a lot line adjustment does not require review of the Planning Commission, however, the applicant's request for a lot line adjustment includes approval of a flag shaped lot with a frontage of less than 50 feet. Approval of any frontage on a flag shaped lot of less than 50 feet requires approval of the Planning Commission. (Pacifica Municipal Code §10-1.911) One of the lots (Parcel 2) is currently 3,750 square feet with a 25 foot frontage. The adjacent lot (Parcel 1) located to the north is 7,500 square feet with a 50 foot frontage. A lot line adjustment between these two lots would create a 6,245 square foot flag shaped lot (Parcel 2) with a 10 foot frontage and a 5,005 square foot lot (Parcel 1) with a 65 foot frontage. The proposed 10 foot frontage would have a depth of approximately 77 feet.

The vacant site is covered with dense vegetation. A seasonal creek also exists further north of the subject site. Oddstad Way is also an unimproved street.

2. **General Plan, Zoning and Surrounding Land Use:** The General Plan designation for the subject property is Very Low Density Residential and the zoning classification is R-1-H, Single-family Residential Hillside District. The General Plan establishes a maximum density of ½ to 5 acres per dwelling unit. Approval of a Site Development Permit is required for any residential development on the subject site.

Surrounding uses include vacant land on the north, south, east and west and single-family residential structured further north of the subject property.

3. **Municipal Code and Regulatory Standards:** According to Section 10-1.911 of the subdivision regulations, "no lot shall have a frontage less than fifty (50') feet; provided, however, the Planning Commission may approve a frontage of less than fifty (50') feet on lots on cul-de-sacs and on flag lots." As mentioned above, the proposed flag shaped lot would have a ten (10') foot frontage.

Lot line adjustments must also meet the standards of Section 10-1.303(c), as follows:

- (1) No additional parcels are created by the lot line adjustment;
- (2) The lot line adjustment involves four (4) or fewer existing adjoining parcels and land taken from one parcel is added to an adjoining parcel;
- (3) The utilities, infrastructure, and easements for all affected parcels are maintained; or equivalent utilities, infrastructure, and easements are provided;
- (4) The resulting parcels conform to the City's general plan, coastal plan, and zoning and building ordinances;
- (5) The lot line adjustment is reflected in a deed, which shall be recorded; and
- (6) An applicant for a lot line adjustment shall follow the procedures for lot line

adjustments established by the City Engineer.

As explained below, staff does not believe the proposed lot line adjustment would be consistent with the General Plan, and therefore would not meet the criteria of subsection (4).

Staff solicited comments from the Fire Department. According to the Fire Department, a proposed building is acceptable on the flag shaped lot as long as the home is sprinklered. A City ordinance requires that all new residential construction is required to be sprinklered.

4. Staff Analysis: The lot-line adjustment would allow one of the lots (flag shaped lot) to be much larger. The size of the proposed flag shaped lot would increase from 3,720 to 6,245 square feet. However, staff believes that the proposed 10 foot wide frontage is too narrow to allow large vehicles, emergency vehicles and large equipment into the site. According to the Fire Department, the minimum width of a typical van ambulance is 96 inches excluding the side-view mirrors. A larger ambulance use by San Mateo County measures approximately 144 inches in width. In addition, if fencing and/or landscaping is placed along the boundaries of the property, the 10 foot width would further be reduced.

Given the above, the proposed lot line adjustment could be detrimental to the public health and safety, and therefore would not satisfy Section 10-1.303(c)(4), cited above, because it would be inconsistent with the Goal Statement on page 12 of the City's General Plan, which states,

"The goal of the planning in Pacifica is to provide a rational guide to public decision-making and private development which will conserve the unique qualities of Pacifica as a coastal community while making the City the best possible place in which to live, work and play. To achieve this end, the City will strive to provide a decent home and satisfying environment for each resident, the optimum mix of community services, a clear understanding of the rights and responsibilities of ownership and the maximum protection of the public's health and safety within the financial limitations of the City and its taxpayers . . .

Fundamental to the City's character are the traditional neighborhoods. It is a goal of the City to protect the social mix, variety and fundamental character which now exist in each of these neighborhoods by providing for necessary community services and facilities, and for the safety and welfare of all residents equally, but with a sensitivity for the individual neighborhood."

As such, staff cannot recommend approval of the request to allow a flag shaped lot with a frontage less than 50 feet as proposed.

Alternative Proposal – In response to staff concerns, the applicant has submitted an alternative proposal, attached hereto as "Alternative 7/17/08". This alternative increases the frontage of the flag shaped lot by 5 feet for a total of 15 feet while maintaining a minimum of 5,000 square feet per lot area. The new lot areas would be 5,040 s.f. for Parcel 1 and 6,210 s.f. for Parcel 2 (the flag lot). A 15 foot frontage would allow better access to large vehicles, emergency vehicles, and large equipment into the site. It would also allow enough room for an ambulance or other larger vehicles to enter the property without any problems, and would permit fencing and or landscaping along the perimeters without obstructing the passage of any vehicles.

The alternative proposal addresses staff's concerns, and would be consistent with the General Plan goals cited above and meet the criteria contained in Section 10-1.303(c). Accordingly, staff has provided two motions for the Commission – one to deny the lot line adjustment as proposed and one to approve the recently submitted alternative.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission deny request to allow a flag shaped lot with a frontage less than 50 feet at west end of Oddstad Way as proposed with a 10 foot wide frontage, or approve the alternative request to allow a flag shaped lot with a frontage less than 50 feet at west end of Oddstad Way with a 15 foot wide frontage. Approval of the alternative request would be subject to the following conditions:

1. Development shall be substantially in accord with the plans titled "Alternative 7/17/08," consisting of one (1) sheet, dated July 17, 2008, except as modified by the following conditions.
2. The lot line adjustment shall be approved by the Engineering Division of Public Works.
3. 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 Denial of Request for Approval of a Flag Shaped Lot with a Frontage Less than 50 Feet:** The Planning Commission finds that the proposed flag shaped lot, with a frontage of 10 feet as shown in the plans dated April 18, 2008, would be detrimental to the public health and safety in that it would provide inadequate access for emergency vehicles and equipment. The Commission further finds that the proposed lot line adjustment would not be

consistent with the goals of the City's General Plan to provide the maximum protection of the public's health and safety.

-OR-

1. **Findings for Approval of Request for Approval of a Flag Shaped Lot with a Frontage Less than 50 Feet.** The Planning Commission finds that the proposed flag shaped lot, with a frontage of 15 feet as shown in the plans dated July 17, 2008, would not be detrimental to the public health and safety in that it would provide adequate access for emergency vehicles and equipment. The Commission further finds that the proposed lot line adjustment would be consistent with the goals of the City's General Plan to provide the maximum protection of the public's health and safety.

COMMISSION ACTION

D. MOTIONS:

Motion for Denial

Move that the Planning Commission DENY the request to permit a flag shaped lot with a frontage less than 50 feet at the end of Oddstad Way, adopt the finding contained in the July 21, 2008 staff report, and incorporate all maps, documents, and testimony into the record by reference.

-OR-

Motion for Approval

Move that the Planning Commission APPROVE the request to permit a flag shaped lot with a frontage less than 50 feet at the end of Oddstad Way, subject to conditions 1 through 3, adopt the finding contained in the July 21, 2008 staff report, and incorporate all maps, documents, and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Existing Parcels (Planning Commission only)
- c. Proposed Flag Shaped Lot with 10 foot frontage
- d. Alternative Flag Shaped Lot with 15 foot frontage