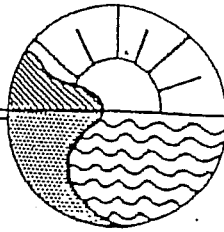


# AGENDA



## Planning Commission – City of Pacifica

DATE: Monday, October 20, 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: October 6, 2008
- Designation of Liaison to City Council Meeting of: October 27, 2008

### CONSENT ITEMS:

1. CDP-307-08 EMERGENCY COASTAL DEVELOPMENT PERMIT, issued to repair the existing stairway at Shelter Cove Located at the Intersection of Blackburn Terrace and Kent Road (Assessor's Parcel Number 023-730-230). The project is exempt from CEQA. Proposed Action: None. Information Only

### PUBLIC HEARINGS:

2. CDP-305-08 COASTAL DEVELOPMENT PERMIT, filed by the agent, Brian Brinkman, on behalf of the applicant, Andy Anderson, and owners, Larry and Sandra Anderson, to demolish an existing 2,150 square foot single family home and replace it with a new 4,300 square foot home, and raise the existing detached garage at 103 Essex Way Pacifica, CA (APN 023-036-190). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue for redesign (Continued from October 6, 2008)
3. UP-994-08 USE PERMIT, VARIANCE, and SITE DEVELOPMENT PERMIT, filed by the agent, Leah Hernikl, on behalf of the applicant, Metro PCS, to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at 1220 Linda Mar Blvd., Pacifica (APN: 023-281-130). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned  
PV-494-08  
PSD-773-08

### 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.

# City of Pacifica

## Agenda Memo

**DATE:** October 15, 2008

**TO:** Planning Commission

**FROM:** Kathryn Farbstein  
Assistant Planner

**SUBJECT:** **Consent Item No. 1:** Emergency Coastal Development Permit, CDP-307-08, Issued to Repair the Existing Stairway at Shelter Cove Located at the Intersection of Blackburn Terrace and Kent Road (Assessor's Parcel Number 023-730-230)

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An Emergency Coastal Development Permit, CDP-307-08 was issued by the Planning Director on October 13, 2008 to allow Arno Rohloff, property owner and applicant, to make repairs to the existing stairway that provides sole access to the Shelter Cove residents. These repairs are to be completed by January 15, 2009. By issuing an Emergency CDP, most of the repairs can be completed prior to the winter storms arriving, and safer access to the tenants of Shelter Cove can be provided. Meanwhile, the applicant will be filing a Coastal Development Permit for the work by November 14, 2008 which will be processed by staff but that could take several months to complete.

A notice was sent out to the property owners within 300 feet and the tenants within 100 feet of the subject site explaining that an Emergency CDP had been issued. As described in the notice, anyone with concerns about this project will be able to submit comments during the public hearing when the CDP filed within a month is processed.

The project is exempt from CEQA per Section 15302 because the applicant will be repairing the existing stairway. Minimal, if any grading will occur and the stairs will be brought up to compliance with the current building codes. City staff reviewed and approved the project prior to issuing the Emergency CDP.

The purpose of this memo is to inform the Planning Commission of the issuance of the Emergency CDP. No Commission action is necessary.

C: City Council Members  
Coastal Commission

# CITY OF PACIFICA

## AGENDA MEMO

**DATE:** October 20, 2008  
**TO:** Planning Commission  
**FROM:** Christina Horrisberger, Assistant Planner

**SUBJECT:** Agenda Item No. 2: Continuance of Coastal Development Permit, CDP-305-08, to demolish an existing 2,157 square foot home and replace it with a new 4,315 square foot home on a raised grade, and raise the existing detached garage by 7 feet at 103 Essex Way (APN 023-036-190).

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On September 15, 2008 the Planning Commission continued consideration of Coastal Development Permit, CDP-305-08, to demolish an existing 2,157 square foot home and replace it with a new 4,315 square foot home on a raised grade, and raise the existing detached garage by 7 feet. At the hearing the Commission expressed concern that the project was not consistent with several elements of the Design Guidelines. On October 6, 2008 the Commission reviewed a revised proposal. The modified project addressed many of the Commission's concerns, however, some concerns were still outstanding. The Commission continued consideration of the requested permit a second time to give the applicant the opportunity to further modify the proposed design of the home.

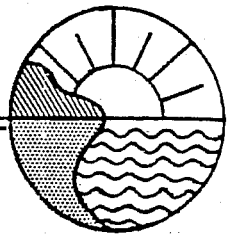
The applicant has been working toward revising the proposal, but modified plans have yet to be submitted to the Planning Department for review. Therefore, a continuance to the Planning Commission meeting on November 3, 2008 is requested.

### COMMISSION ACTION

#### MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** consideration of CDP-305-08 to the next Planning Commission meeting on Monday, November 3, 2008, with the public hearing open.

# STAFF REPORT



## PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** October 20, 2008

**ITEM:** 3

### PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on October 8, 2008. 185 surrounding property owners were notified by mail.

**FILE:** UP-994-08  
PV-494-08  
PSD-773-08

**APPLICANT:** Metro PCS  
1080 Marina Village Parkway  
Alameda, CA 94501

**AGENT:** Leah Hernikl  
410 Clubhouse Drive  
Aptos, CA 95003

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

**LOCATION:** 1220 Linda Mar Blvd

**APN:** 023-281-130

**PROJECT DESCRIPTION:** Proposal to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at the Sanchez Art Center.

**General Plan:** School

**Zoning:** A/B-5 (Agricultural District/Lot Size Overlay District)

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

**ADDITIONAL REQUIRED APPROVALS:** None

**RECOMMENDED ACTION:** Approval as conditioned

**PREPARED BY:** Christina Horrisberger, Assistant Planner

**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Setback to residential properties	50' min.	NA	195'+
Setback to property lines	25' min.	NA	195'+
Antenna Height	35' (Max.)	NA	40'

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Site Description and Background:** The subject site is a developed property of approximately 396,800 square feet, contains four buildings totaling 39,000 square feet and is covered with 80,000 square feet of impervious surfaces. The lot was formerly used as an elementary school but has been used as the Sanchez Art Center for several years. The site is generally flat, surrounded by a residential neighborhood and has a portion of San Pedro Creek flowing through it, approximately 430 feet from the project area.

**2. Project Description:** The applicant has secured a 195 square foot lease area within a paved courtyard on the developed portion of the lot and proposes to install a wireless communications facility. The facility would consist of a new 40 foot tall flagpole and three equipment cabinets, all within a walled enclosure. A tri-sector antenna, a single structure containing three antennas, would be placed within the flagpole near the top of the structure. A flag reading "Pacifica Center for the Arts" would be affixed to it. The flag would remain raised at all times and the applicant would maintain and replace it as needed. There are no Heritage Trees located within the project area.

**3. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is School and the zoning classification is A/B-5 (Agricultural District/Lot Size Overlay District). The lot is surrounded by residential uses on all sides.

**4. Municipal Code and Regulatory Standards:** Metro PCS is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to the Pacifica Municipal Code (PMC), a Use Permit is required for all ground mounted wireless communication antennas in Agricultural Districts. Approval of a Variance is required because the 35 foot height limit for ground mounted antenna structures would be exceeded. A Site Development Permit is needed because the structure is also a flagpole and exceeds the 35 foot maximum height limit for the A/B-5 District within which the property is located.

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

- a. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
- b. That the use or building applied for is consistent with the applicable provisions of the General plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.
- d. That the project will not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception.
- e. That the information submitted proves that a feasible alternate site that would result in fewer visual impacts does not provide reasonable signal coverage.
- f. That the application meets all applicable requirements of Section 9.04.2608 of the Pacifica Municipal Code.

According to the Radio Frequency (RF) Report submitted by the applicant, the RF exposure level for the proposed project will be 0.067% of the FCC emission limit for public safety. Therefore, the proposed antennas 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 locate the facility on a developed property and, with approval of the requested Variance and Site Development permit to exceed applicable height limits by five feet, all applicable provisions of the General plan and other applicable laws of the City would be met. The Variance and Site Development Permit will be discussed in the following sections of this report. The proposal has complied with the Design Guidelines and standards set forth in the Municipal Code by fully enclosing the equipment cabinets with a structure that matches the existing buildings at the subject and using a flagpole to fully enclose the antennas. The proposed antennas will not cause localized interference with television reception or radio broadcasts or other signal transmission or reception. Except for the aforementioned deviation from the applicable height limits, this proposal would meet all applicable requirements governing wireless communications facilities.

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

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.
- b. That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;

- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. That the strict application of the ordinance prevents or imposes unreasonable limitations on the provision of wireless communication services.
- e. That the standards as set forth in this Chapter have been met to the maximum extent feasible.
- f. That the strict application of the ordinance prevents or imposes unreasonable limitations on the provision of wireless communication services;
- g. That the standards as set forth in this chapter have been met to the maximum extent feasible.

The site is at the bottom of Linda Mar Valley and is surrounded by residential development with gaps in cellular signal coverage. The applicant determined that two sites in the vicinity could provide adequate signal coverage. Neither of the sites were located at an elevation that would eliminate the need to exceed the height limit. Initially the Linda Mar Fire Station was determined to be the best location because antennas could be mounted to the exterior walls of an existing building at a height of 39 feet. The building already accommodates roof mounted whip antennas that reach a maximum height of nearly 50 feet. However, the applicant was unable to secure a lease and settled on the nearby Sanchez Art Center instead. Because the buildings at the subject site reach a maximum height of 18 feet, the only way to achieve adequate signal coverage is to construct a new antenna structure of 40 feet in height. It follows that the subject property, because of its flat topography and location at the valley bottom, creates an unusual circumstance where providing adequate cellular signal coverage is concerned. Although the subject site is not under an identical zoning classification as the fire station, it could be interpreted that the subject site is deprived of a privilege that the fire station has. The height limit for ground mounted antenna structures is 35 feet regardless of which zoning district it is located in.

As previously indicated, the RF exposure level for the proposed project will be 0.067% of the applicable limit. Therefore, the granting of the Variance would not adversely impact the health or safety of persons residing or working in the neighborhood, or be materially detrimental to the public welfare or injurious to property or improvements in the area. In this case the applicant could not meet the project objective of providing adequate signal coverage and meet the height requirement. Accordingly, in this case, the height limit imposes an unreasonable restriction on the applicant. The applicant has proposed a structure that is as close to the height limit as it could be, while still providing adequate coverage. Thus, the applicant has met the provisions of the wireless ordinance to the maximum extent feasible. The design standards specific to wireless facilities are discussed in a subsequent section of this report.

7. **Site Development Permit:** Pursuant to Section 9-4.3204, a Site Development Permit cannot be issued if the Commission makes any of the following findings regarding:

- 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

Approval of a Site Development Permit is required for flagpoles that exceed the height limit for the zoning district within which they are located. In this case the height limit is 35 feet. The proposed project area is less than 200 square feet, the equipment enclosure is six feet tall, the flagpole is 9 inches in diameter and the entire installation would be located on existing paving. Also, the project meets all health and safety standards. The facility would not generate traffic or impact parking spaces. Consequently, it is reasonable to believe that the construction of the flagpole would not result in any potential traffic hazards or parking accessibility problems, impact landscaped areas in any way, create a substantial detriment to an adjacent residential district, or restriction of light and air on the property or other surrounding properties.

A portion of San Pedro Creek runs through the property 430 feet from the project area. According to the applicant, the California Department of Fish & Game (DFG) indicated that they do normally concern themselves with development projects over 400 feet away from a stream. Moreover, DFG was given the opportunity to comment on the project and did not respond. Because of the small extent of the project area, the distance from the stream and the situation of the facility on a fully developed portion of the lot, it follows that the project would not cause excessive damage to the natural environment.

**8. 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 antennas would be camouflaged within a flagpole with a City flag affixed to it. Therefore, the antennas would be disguised in such a way that only those who have specific knowledge of the antennas would be aware of them. Moreover, the overall height of the structure would not be dissimilar to the 50 foot tall flagpole at the fire station, and would not be out of scale with the surroundings. The large size of the property provides a setting where a 40 foot tall pole would not appear out of scale. Additionally, it is not unusual for flagpoles to stand alone; they are meant to draw some attention. The proposed pole would have a flag reading, “Pacifica Center for the Arts.” As such, it is appropriate for the site. The equipment enclosure would be surrounded by a stucco wall and wooden gate painted and styled to match the surrounding buildings. Further, the enclosure would be located within an existing courtyard and would not be visible from the public right of way.

**9. California Environmental Quality Act:** Staff recommends that the Planning Commission find this project is exempt from CEQA pursuant to the following section of the California Environmental Quality Act:

“Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the



conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

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

Cellular companies offer utility services regulated by the CPUC. The proposed project includes the construction of two small structures, an equipment enclosure and a flagpole, that would serve to extend the existing cellular infrastructure within Pacifica. This meets the above exemption criteria.

**10. Conclusion:** Based on the information the applicant has provided, it appears that the construction of a wireless communications facility at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Moreover, it appears that the Code requirements relating to maximum height limits could not be met and still allow the applicant to provide adequate signal coverage. Also, the site would be well camouflaged and the City’s design standards for wireless facilities would be met by the project. Accordingly, it appears that the findings to support all of the requisite permits can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, to construct a wireless communications facility at 1220 Linda Mar Boulevard, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled “Sanchez Art Center, SF20160B,” consisting of seven (7) sheets, dated August 27, 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 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.

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 this use permit, variance application, , approval or authorization, including, but not limited to, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

#### C. FINDINGS:

1. **Findings for Approval of a Use Permit:** The Planning Commission finds that the proposal to install a wireless communications facility at 1220 Linda Mar Boulevard 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 applicable Zoning Code requirements and provisions of the Design Guidelines.

2. **Findings for Approval of a Variance:** The Planning Commission finds that a special circumstance applies to the subject property which necessitates a Variance for the ground mounted, flagpole antenna structure to exceed the 35 foot height limit by 5 feet. The strict application of the Zoning Code imposes unreasonable limitations on the provision of wireless communications at this property. Because of the site's size, location and surrounding topography it is necessary that the new antennas be placed at the proposed height. The Commission further finds that the proposal will not adversely affect the health or safety of the residents or people working in the area. The new antennas will not affect future improvements to the area. Finally, the Commission finds that the standards set forth in the Municipal Code have been met to the furthest extent possible.

2. **Site Development Permit:** The Planning Commission finds that the proposed 40 foot tall flagpole will not create potential traffic hazards, parking accessibility problems or a substantial detriment on the surrounding residential district. Nor will it result in insufficient landscaped areas, restricted light and air on adjacent properties, excessive damage to the natural environment or insufficient site and structural design variety. The Commission further finds that that the proposed flagpole is consistent with the applicable provisions of the General Plan and other

applicable City laws and determines that the findings for denial of the Site Development Permit, pursuant to Zoning Code Section 9-4.3204 cannot be made.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, subject to conditions 1 through 4 and adopt findings contained in the October 20, 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