

RESOLUTION NO. 974

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SITE DEVELOPMENT PERMIT PSD-809-16, USE PERMIT UP-72-16, PARKING EXCEPTION PE-166-16, AND SIGN PERMIT S-118-16, SUBJECT TO CONDITIONS, FOR DEMOLITION OF A FORMER DENNY'S RESTAURANT BUILDING AND CONSTRUCTION OF A NEW 4,500 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING WITH TWO RESTAURANTS, OUTDOOR SEATING, WALL SIGNS, AND A FREESTANDING SIGN; DEVIATION FROM OFF-STREET PARKING STANDARDS; AND, AMENDMENT OF A MASTER SIGN PROGRAM, AT THE LINDA MAR SHOPPING CENTER LOCATED AT 500 LINDA MAR BOULEVARD (APN 023-041-270), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Kimco Realty ("Applicant")

WHEREAS, Applicant has submitted an application on behalf of the property owner, Linda Mar Sc LP, to demolish an existing building, construct a new 4,500 square-foot multi-tenant commercial building with two restaurants, outdoor seating, wall signs, and a freestanding sign; deviate from off-street parking standards; and, amend a master sign program ("Project"); and

WHEREAS, the Project requires Planning Commission approval of a site development permit because the project involves new construction within a commercial district; a use permit because the proposed building may contain restaurant or fast food restaurant uses, which are conditional uses in the C-1 (Neighborhood Commercial) zoning district, and outdoor seating; a parking exception because the Applicant experienced a practical difficulty and unusual hardship in providing the required number of parking spaces required for the project; and, a sign permit because the project involves construction of a freestanding sign, the proposed freestanding sign would contain more than 150 square feet of sign area, and, the Commission must approve the proposed amendment to the master sign program which it originally approved; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 5, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.

- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
- C. The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15303 (14 Cal. Code Regs. § 15303) and therefore directs staff to file a Notice of Exemption for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for the Applicant to operate any combination of restaurants, retail restaurants, or fast food restaurants within the Project without further requirement for a use permit or parking exception.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica grants authorization for installation of an individual letter sign of up to 150 square feet in sign area, illuminated or non-illuminated, affixed to the landscaping wall at the corner of the project site nearest the intersection of Coast Highway and Linda Mar Boulevard, subject to final approval of the sign materials, location, and illumination method by the Planning Director.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings:

- A. *Site Development Permit.* The Planning Commission does not make any of the following findings that would preclude issuance of a site development permit under PMC Section 9-4.3204:
 - i. *That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.*

The location, size, and intensity of the Project would not differ significantly from the former Denny's Restaurant, and would not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. The vehicular traffic pattern will remain as currently designed for the shopping center. Pedestrian traffic patterns will be improved by the addition of a new access point near the Coast Highway/Linda Mar Boulevard intersection, as well as upgraded disabled access ramps which can be safely utilized by all pedestrians.
 - ii. *That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses.*

Access to off-street parking areas at the Linda Mar Shopping Center will not be affected by the Project. The Project would rely on the existing access design, of which staff is aware of no hazardous or inconvenient deficiencies. The addition of a new pedestrian access point near the Coast Highway/Linda Mar Boulevard intersection is likely to divert some pedestrians from the main vehicular entry point to the shopping center which may reduce the likelihood of any vehicular-pedestrian conflicts.

- iii. *That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas.*

The Applicant has proposed substantial plantings of *deschampsia cespitosa* (“hair grass”) and *pennisetum massaicum* (“red bunny tails”) along the western portion of the project site to screen the proposed trash enclosure from Coast Highway. The Project does not propose to construct any new parking areas which would need to be screened from the street or adjoining building areas.

- iv. *That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.*

The Project is located at the northwest corner of the Linda Mar Shopping Center. The nearest building is nearly 32 feet to the southwest. The Project building’s height is limited to 28’-6”, and its orientation relative to the travel of the sun, makes it exceedingly unlikely the building would unreasonably restrict or cut out light or air on the property or on any other property. Moreover, the replacement of an aging single-tenant restaurant building with a two-tenant modern retail building will enhance the value, appropriate development, and use of land and buildings in the neighborhood.

- v. *That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area.*

The Project is not adjacent to any residential districts. The nearest residential district is approximately 250 feet to the north across Linda Mar Boulevard. An existing service station is located between the project site and this residential neighborhood, and the Project would have no impact on this or any other residential district.

- vi. *That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of this Code.*

The project site consists of an existing commercial building. The Project would replace this existing building with a commercial building of approximately the same size. Demolition and construction would not damage or destroy any natural features.

- vii. *That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance.*

The Project would combine a mix of materials, colors, and vertical and horizontal fenestration to achieve an interesting external visual design. As the color elevations demonstrate, the building will be designed at an appropriate human scale so as to create a welcoming aesthetic effect.

- viii. *That the proposed development is inconsistent with the City's adopted Design Guidelines.*

As set forth more fully in the staff report, the Project is consistent with Site Planning guidelines, especially in relation to building placement and screening, and Building Design guidelines related to scale, details, and materials.

- ix. *That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.*

As set forth more fully in the staff report, the Project is consistent with Circulation Element Policy Nos. 3, 6, and 9 and Community Design Element Policy Nos. 2 and 5.

- B. *Use Permit.* The Planning Commission hereby makes the following findings required by PMC Section 9-3303 prior to issuance of a Use Permit:

- i. *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.*

As described in further detail above, the Project would provide appropriate vehicular and pedestrian access; would provide a pleasant visual aesthetic;

would contain uses consistent with the site's zoning; and, would comply with General Plan policies. Therefore, the Project would not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

- ii. *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.*

As set forth more fully in the staff report, the Project is consistent with Circulation Element Policy Nos. 3, 6, and 9 and Community Design Element Policy Nos. 2 and 5. It would also comply with applicable laws of the City including those contained in the Zoning Regulations (Chapter 4 of Title 9 of the PMC), in particular the development standards and permissible uses of the C-1 (Neighborhood Commercial) district. Because the project site is located outside the Coastal Zone, the Local Coastal Plan does not apply to the project.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

As set forth more fully in the staff report, the Project would be consistent with the City's adopted Design Guidelines. In particular, the project would be consistent with guidelines related to Site Planning and Building Design.

- C. *Parking Exception.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.2824(a) for approval of a parking exception:

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

The Linda Mar Shopping Center has 649 parking spaces located in a central parking lot and in peripheral parking lots located along the northern and eastern perimeters of the center. The eastern peripheral lot is not generally well utilized, leading to congested parking in the central parking lot. Roughly one-third of the shopping center's parking spaces are located in this eastern parking lot behind the main shopping center building containing Safeway supermarket, Rite-Aid Pharmacy, Ross Dress-for-Less, and other tenants. Limited visibility of the rear parking area may contribute to its underutilization by customers and employees.

The proposed building would be constructed on a small portion of an existing developed shopping center at the northwest corner of the shopping center. The proposed building is constrained by Coast Highway, Linda Mar

Boulevard, a service driveway, and a primary access driveway to the shopping center. Therefore, the Applicant is unable to feasibly construct additional off-street parking to satisfy the PMC's parking standards for the proposed restaurant uses. Despite these limitations, it should be possible to manage the increased parking requirement of 17 spaces through project design features and additional requirements in the conditions of approval.

One condition of approval requires on-site directional signage to inform and direct shopping center customers to the additional parking area at the rear of the shopping center. Another condition of approval requires new and amended tenant leases to require employee parking in the less-utilized rear parking areas at the shopping center. The inclusion of convenient pedestrian access to the proposed building as well as convenient bicycle parking facilities should also serve to reduce the number of vehicles needing to park near the Project.

The combined approach of directional signage, management of employee parking, and pedestrian and bicycle facilities should help to off-set the 17-space parking shortfall that would result from the project. For the reasons noted above, the Applicant cannot reasonably provide the required off-street parking for the project and, therefore, the existing parking that will remain from the previous Denny's Restaurant will provide off-street parking that is as nearly in compliance with parking standards as is reasonably possible.

D. *Sign Permit.* The Planning Commission hereby makes the following findings required by PMC Section 9-4.2906(b) for approval of a sign permit for a freestanding sign:

- i. *A freestanding sign is necessary for the business or businesses located on the premises to achieve a reasonable degree of identification.*

The freestanding sign is necessary to identify the Linda Mar Shopping Center to passing vehicles and pedestrians along Linda Mar Boulevard. The freestanding sign also aids in identification for vehicles along Coast Highway and visitors to Linda Mar beach. The inclusion of five tenant identification panels will similarly provide opportunities for off-site visibility of individual businesses within the shopping center.

- ii. *The sign is consistent with the intent and provisions of this article.*

The freestanding sign would be consistent with the intent of the City's sign provisions, which generally is to ensure signs will not endanger public safety because of inappropriate size, location, or construction. As required by conditions of approval, the sign would require review and approval of a

building permit to ensure its construction in accordance with applicable standards, and undergo review of a licensed professional engineer to ensure placement of the sign would not affect safe line-of-site at the shopping center entrance.

- iii. *The sign does not exceed the square footage set forth in subsection (3) of subsection (a) of this section.*

The Linda Mar Shopping Center's street frontage along Linda Mar Boulevard is approximately 730 linear feet. Based on the provisions of PMC Section 9-4.2906(a)(3), the freestanding sign would be limited to approximately 548 square feet. Therefore, the proposed sign area of 234 square feet is less than the applicable limitation.

- iv. *The sign does not exceed a height of twenty (20') feet above the sidewalk or paved area over which it is erected.*

The maximum height of the proposed freestanding sign is 20'-0".

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Site Development Permit PSD-809-16, Use Permit UP-72-16, Parking Exception PE-166-16, and Sign Permit S-118-16, subject to conditions of approval attached as Exhibit A.

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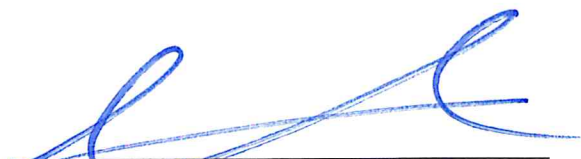
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 5th day of June, 2017.

AYES, Commissioners: BARINGER, CAMPBELL, CLIFFORD, COOPER,
GORDON, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: N/A

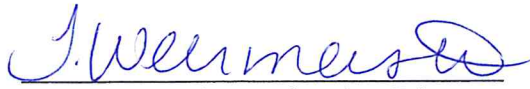
ABSTAIN, Commissioners: N/A




John Nibbelin, Chair

Site Development Permit PSD-809-16, Use Permit UP-72-16, Parking Exception PE-166-16, and Sign Permit S-118-16
Pad Building at Linda Mar Shopping Center
500 Linda Mar Boulevard (APN 023-041-270)
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ATTEST:


Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney