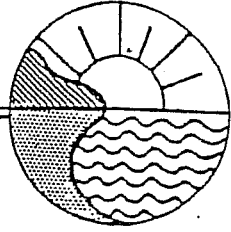


AGENDA



Planning Commission – City of Pacifica

DATE: June 7, 2010

LOCATION: Council Chambers, 2212 Beach Boulevard

TIME: 7:00 PM

ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: May 17, 2010

Designation of Liaison to City Council Meeting of: June 14, 2010

CONSENT ITEMS:

PUBLIC HEARINGS:

1. UP-012-10 PV-504-10 **USE PERMIT and VARIANCE**, filed by the agent, Zon Architects, on behalf of the applicant, T-Mobile West Corporation, and the owner, North Coast County Water District, to install a new wireless facility including a monopole with six antennas and equipment cabinets at 4700 Fassler Avenue, Pacifica (APN 022-150-370). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned

OTHER AGENDA ITEMS:

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

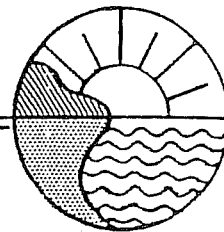
ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

DATE: June 7, 2010

ITEM: 1

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on May 26, 2010 and 35 surrounding property owners were notified by mail.

FILE: Use Permit UP-012-10
Variance PV-504-10

APPLICANT: T-Mobile West Corporation
2380 A Bisso Lane
Concord, CA 94520

OWNER: North Coast County Water District
2400 Francisco Boulevard
Pacifica, CA 94588

AGENT: Zon Architects, Inc.
660 4th Street #255
San Francisco, CA 94107

LOCATION: 4700 Fassler (APN: 022-150-370)

PROJECT DESCRIPTION: Install a new wireless communications facility, including a new monopole, 6 new antennas and related equipment, at a property that currently accommodates water tanks and other wireless facilities.

GENERAL PLAN: Utility

ZONING: P-D/ HPD (Planned Development/ Hillside Preservation 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:

Signs	Min./Max.	Existing	Proposed
Height:	35' max.	NA	35'
Setbacks:			
From Residential Land Uses:	50' min.	NA	Over 500'
From Other Property Lines:			
North	25' min.	NA	>25'
South	25' min.	NA	>25'
West	25' min.	NA	5'*

* Variance requested

PROJECT SUMMARY

A. STAFF NOTES:

1. Background: The subject site has been developed with three water tanks; the smallest 65-foot diameter tank on the west, the largest 170-foot diameter tank on the east side of the site, and a mid-sized tank between the two. Related water district equipment is also located on-site. The tanks are approximately 32 feet in height. In addition, there are three existing wireless communications facilities located on-site; each with a monopole and related equipment. One of the facilities accommodates public safety antennas and the other two belong to cellular service carriers. The site is located approximately 275 feet from Fassler Avenue and is varied in topographical features. A hill is located near the southeast corner of the lot and a berm is located on the south side. Numerous access roads traverse the site and the site is completely fenced.

2. Project Description: The proposed project consists of the construction of a new 35-foot tall monopole, with six (6) panel antennas, and an 11-foot by 15-foot concrete pad to accommodate five related equipment cabinets. The pole would be located approximately 5 feet away from the west property line, over 25 feet from the north and south lot lines and well over 500 feet away from the east property line. The proposed monopole would meet the City's height limit and setback for the north, east and south sides, but the setback to the west lot line would be substandard. The applicant has requested a Variance from the setback requirement. The majority of the proposed pole would be green, while the upper portion of the pole and the antennas would be white. The design is similar to the nearby Sprint pole and is meant to mimic the hill and sky. No enclosure is proposed around the equipment area. No tree canopies extend over the project area.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject site is Utility and the zoning classification is P-D/ HPD (Planned Development/ Hillside Preservation District). The property is bordered on the west, south, and north by undeveloped property, and by a single-family residential neighborhood to the east. The residential neighborhood is zoned R-1 and all other property surrounding the subject lot is zoned P-D/HPD.

4. Municipal Code and Regulatory Standards: 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 to install a new monopole to accommodate six new antennas and a concrete pad to accommodate the related equipment. 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 where there is no adjacent residential land use and 50 feet from abutting residential land uses. The proposed monopole will be set back more than 500 feet from the abutting residential neighborhood, well over 25 feet away from the north and south lot lines, but only 5 feet from the west lot line. Approval of a variance is needed to allow for the substandard setback from the west lot line.

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

- a. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
- b. That the use or building applied for is consistent with the applicable provisions of the General plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.
- d. That the project will not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception.
- e. That the information submitted proves that a feasible alternate site that would result in fewer visual impacts does not provide reasonable signal coverage.
- f. That the application meets all applicable requirements of Section 9.4.2608 of the Pacifica Municipal Code.

6. Variance: The Code allows the Planning Commission to grant a Variance to development regulations 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.

7. California Environmental Quality Act: The Planning Commission may find a project is exempt from CEQA pursuant to the following section 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.

8. Analysis:

Use Permit: According to the Radio Frequency (RF) Report submitted by the applicant, the RF maximum exposure level at ground level for the proposed project, including the existing wireless antennas located on-site, will be 5.9% of the FCC exposure limit for public safety. The maximum exposure level at the second story of the nearest buildings, the residences to the east, is 1.2% of the exposure limit. At the water tanks, the maximum cumulative exposure level would be 71% of the FCC's exposure limit. The technical report states that the above exposure levels are calculated using worst case assumptions and the general exposure level should be less. The applicant is proposing to locate the facility on a developed utility property that already accommodates water tanks, wireless antennas and related equipment. With approval of the requested Variance and Use Permit, all applicable provisions of the General Plan and other applicable laws of the City would be met. The Variance and project design will be discussed in the following sections of this report. The applicant has provided a statement indicating that the proposed antennas will not cause localized interference with television reception or radio broadcasts or other signal transmission or reception. In addition, the applicant has submitted a narrative (attached) indicating what other potential facility sites were explored and the reasons for their rejection. The two other sites that would have achieved T-Mobile's coverage objective could have only done so with antennas/poles in excess of the City height restrictions. Presumably, such structures would have resulted in more visual impacts than collocating the

facility at the subject property, with other existing utility installations. The project would meet the criteria set forth in Section 9.4.2608 of the Pacifica Municipal Code, except that a variance for the setback is requested. The wireless ordinance allows for Variances to the aforementioned Code sections, when the appropriate findings can be made. This will be discussed in the following section of this report.

Variance: The proposed antenna would be set back from the west lot line by 5 feet, when 25 feet is required. Therefore; approval of a variance is needed in order to approve the project. The size, shape, topography, location and surroundings of the subject property contribute to its suitability as a utility site. As a result, water tanks, public safety antennas and three other cellular antenna facilities have been located on the property. This site characteristic creates a situation where water district tanks and underground equipment play a role in determining where other utilities may be located. In addition, other wireless facilities located on-site limit the placement of additional facilities. The City encourages the collocation of wireless facilities, rather than utilization of properties without existing wireless facilities. It is staff's opinion that these site conditions create a special circumstance where the site is suitable for the proposed land use, and as a result a situation exists where the degree to which the City's development regulations can be met is limited. In addition, it could be argued that not granting the variance would result in depriving the applicant of privileges enjoyed by other wireless carriers with facilities on the subject property. Specifically, the City issued a variance from the west side setback for the nearby Sprint monopole in 1999. In addition, one of the other monopoles on-site was allowed to exceed the City's height limit in 1997.

It does not appear that allowing a reduced setback would, 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. The City's Design Guidelines do not specifically address wireless facilities, but the wireless ordinance contains design related standards. These standards are discussed in the following section of this report. Staff believes that imposing the strict application of the setback regulation would impose an unreasonable limitation on the applicant, by not allowing them to situate a facility where it would be provide the most efficient signal coverage, while creating the least amount of visual impacts. Lastly, the project meets all other applicable provisions; this satisfies the last finding that requires the applicant to meet the City's wireless regulations to the maximum extent feasible.

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 right-of ways." 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 pole location situates it at the farthest possible point from the adjacent residential neighborhood. This placement minimizes visual impacts to the eastward residential neighborhood. The site is also visible from Highway 1, from parts of the Linda Mar neighborhood and from Fassler Avenue. The applicant has proposed paint colors similar to those

on the nearby Sprint pole. Most of the pole would be dark green, while the upper portion of the pole and the antennas would be white. The objective is for the pole to blend simultaneously with the hillside and the sky, while providing consistency with existing site design measures. Both colors are effective, given the distance of vantage points from the pole, depending upon the season and angle the site is being viewed from. Staff believes that from most vantages an entirely green pole would blend slightly better with the hillside and the three water tanks. However; the proposed color scheme would also be effective and meet the City's design criteria. The design standards also encourage use of landscape features to obscure visual impacts associated with wireless facilities. In this case, the most effective use of landscape based camouflage methods would be to place trees down slope. However; the down slope area is under different ownership and water district staff has previously advised City staff that down slope trees have not generally fared well in the project vicinity and most do not reach a height that would effectively provide additional screening of the site. No screening is proposed for the equipment cabinets because the topography at and around the site provides visual concealment. Staff believes that the project meets the City's design criteria.

CEQA: The proposed project is for a single, small, new, utility facility. Such development meets the criteria for the previously cited CEQA exemption. Further, no significant negative impacts are expected to occur as a result of the project.

9. Conclusion: Staff believes that the project is generally consistent with the City's wireless ordinance, including its design related standards. Specifically, the proposal would utilize a property that is appropriately zoned for utility uses, already contains antenna facilities, and would not create any significant visual impact. It appears that the findings can be made to grant the requested use permit. Moreover, the project meets all City standards except for the west setback requirement. Based on the above analysis of the requested variance, staff believes that the findings can be made to grant approval. Lastly, it appears that the project can be found exempt from the CEQA requirement for environmental review.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission find the project is exempt from CEQA and approve Use Permit, UP-012-10, and Variance, PV-504-10, to construct a wireless communications facility at 4700 Fassler Avenue, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "SF53925A NCCWD Royce Water Tank," consisting of nine (9) sheets, received by the City on April 7, 2010, except as modified by the following conditions.
2. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

3. The applicant shall 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.
4. 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.

C. FINDINGS:

Findings for Approval of:

1. Use Permit: The Planning Commission finds that proposed wireless facility at 4700 Fassler Avenue will not, under the circumstances of this particular case, be detrimental to the health safety, and welfare of the persons residing or working in the City. The proposed project is consistent with the General Plan and all other applicable laws of the City. The proposed design is consistent City regulations and the new antennas will not interfere with the reception of television, radio broadcasts, or other signal transmission and reception in the area. This proposal will have a minimal impact when compared to the alternative of building a new wireless facility in another part of the City. The Commission further finds that with approval of the Variance the project meets all applicable City requirements.

2. Findings for Approval of a Variance: The Planning Commission finds that a special circumstance applies to the subject property which necessitates a Variance from the setback requirement at the west side of the property. The strict application of the Zoning Code imposes unreasonable limitations on the provisions of wireless communications at this property. The Commission further finds that denial of the variance would result in the applicant's deprivation of privileges enjoyed by other wireless carriers located on the same property. Because of the site's situation, topography and existing development, special considerations exist that limit facility placement and hinder the applicant's ability to meet all Code standards while still meeting the project objective of providing adequate signal coverage. The proposal will not

adversely affect the health or safety of the residents or people working in the area. Lastly, the Commission finds that applicant has met the City's Code standards to the maximum extent feasible.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

Move that the Planning Commission find the project exempt from CEQA and **APPROVE**, UP-012-10 and PV-504-10, subject to conditions 1 through 4 and adopt findings contained in the June 7, 2010 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Photo simulations
- c. RF report
- d. Narrative submitted by the applicant
- e. Coverage map and site inventory
- f. Pacifica's "Wireless Sites" map
- g. Plans and Elevations