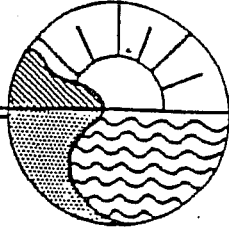


# AGENDA



## Planning Commission – City of Pacifica

DATE: Monday, October 18, 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: October 4, 2010

Designation of Liaison to City Council Meeting of: October 27, 2010

### CONSENT ITEMS:

### PUBLIC HEARINGS:

1. **UP-015-10** **USE PERMIT**, filed by the applicant/agent, Kevin Harris, to open a video game arcade in conjunction with an existing video game store that also offers game repair and party planning services at 152 Eureka Square Shopping Center, Pacifica (APN 016-220-140). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
2. **UP-016-10** **USE PERMIT**, filed by the applicant, Clearwire, to install 3 roof-mounted panel antennas, 3 microwave antennas and related mechanical equipment at an existing wireless communications facility at 451 Oceana Boulevard, Pacifica (APN 009-141-280). Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
3. **CDP-326-10** **COASTAL DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, VARIANCE and PARKING**  
**PSD-781-10** **EXCEPTION**, filed by the applicant, Peter Rockwell, on behalf of the owner, Jenny Chau, to demolish an existing dwelling and construct a new three story single-family dwelling at 43 Birch Lane, Pacifica (APN 016-294-520). Recommended CEQA status: Exempt. Proposed Action: Continuance for redesign.  
**PV-506-10**  
**PE-156-10**

### OTHER AGENDA ITEMS:

### COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

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

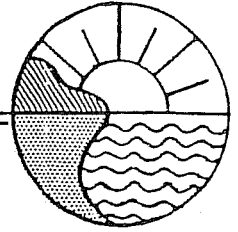
### ADJOURNMENT

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

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

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

# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** October 18, 2010

**ITEM:** 1

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on October 6, 2010 and 81 surrounding property owners were notified by mail.

**FILE:** UP-015-10

**APPLICANT:** Kevin Harris  
730 Prairie Creek  
Pacifica, CA 94044

**OWNER:** Eureka Square Shopping Center, L.P.  
and Joseph A. Sorci  
c/o Biagini Properties  
333 W El Camino Real #240  
Sunnyvale, CA 94087

**LOCATION:** 152 Eureka Square Shopping Center (APN 016-220-140)

**PROJECT DESCRIPTION:** Proposal to open a video game arcade in conjunction with an existing video game store that also offers game repair and party planning services at 152 Eureka Square Shopping Center.

**GENERAL PLAN:** Commercial

**ZONING:** C-1 (Neighborhood Commercial District)

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

**ADDITIONAL  
REQUIRED  
APPROVALS:** Pacifica Police Department.

**RECOMMENDED  
ACTION:** Approval as conditioned

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

## PROJECT SUMMARY

### A. STAFF NOTES:

**1. Project Description:** The applicant proposes to open a video game arcade, in conjunction with an existing video game store that also offers game repair and game oriented party planning services in the Eureka Square Shopping Center. Specifically, the added arcade use would take place within the existing 1,170 square foot unit. The arcade would consist of between 16-24 game consoles and 10 game monitors. The game consoles would not be coin operated and gaming services would be membership based. The hours of operation are Monday through Friday from 1PM until 11PM, but this may vary in the future depending on customer demand. The applicant has indicated that the establishment would also open occasionally on Saturdays and occasionally may accommodate game oriented parties. A project description submitted by the applicant is attached for the Commission's review, along with photos of the type of game consoles and monitors that would be installed. Other than the addition of sign copy in the existing exterior sign cabinet, in conformance with the approved Master Sign Program for the Eureka Square Shopping Center, exterior changes to the unit are not proposed at this time.

In 1998 a Use Permit was approved by the Planning Commission to allow a 15 game video arcade in a nearby unit at the Eureka Square Shopping Center. The arcade was operated in conjunction with a comic book and trading card store.

**2. General Plan, Zoning, and Surrounding Land Use:** The subject commercial unit is located within the Eureka Square Shopping Center on Oceana Boulevard. The shopping center is zoned C-1 (Neighborhood Commercial) and is developed with three (3) buildings; one three (3) story building with retail/service establishments on the ground level and office spaces above, one is a single story structure with retail/service establishments and the other is a vacant, free standing building that was previously a bank. The center is flanked by R-1 and R-2 districts to the south and southwest, respectively. To the north is an R-1 district and to the east is an R-3 district. Oceana Boulevard and Highway 1 are located west of the property. The General Plan land use designation is Commercial.

**3. Municipal Code and Regulatory Standards:** The installation of amusement machine arcades or games as a new or part of an existing use in a C-1 Neighborhood Commercial District is a conditional use requiring a use permit. This project is considered an amusement arcade because it exceeds three games as described in Section 5-24.01 of the Municipal Code. Consequently, the business owner also needs a license issued by the Chief of Police after a thorough investigation into the character of the applicant and any law enforcement problems which the use may create.

The shopping center currently does not meet parking requirements. However, the Commission granted a Parking Exception in 1992 at which time additional office space was being added to one of the three on-site buildings. The Municipal Code does not provide a parking standard for video game arcades.

**4. Use Permit:** The Planning Commission shall grant approval of a Use Permit when 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.

**5. 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 of this exemption include, but are not limited to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

**6. Analysis:**

**Use Permit:** Given the fact that the subject establishment is surrounded by similar commercial/retail uses and that an arcade was previously located in the same shopping center and was not problematic, staff believes that the use would be appropriate at the proposed location. Moreover, planning staff has discussed the project with staff from the Pacifica Police Department (PPD) and it was indicated that the requisite license would likely be issued provided the background investigation on the applicant is acceptable. The establishment, maintenance, or operation of the use applied for, under the circumstances of this particular case, is not expected to be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

The use applied for is consistent with the commercial land use designation set forth for the subject property in the General Plan. Further, with approval of the requested use permit and issuance of the required license issued by the Chief of Police, the project would meet all

applicable City regulations. As indicated previously within this report, the shopping center was granted a Parking Exception by the Planning Commission in 1992 and the Municipal Code does not set forth a specific parking standard for arcades. Nonetheless, staff has observed that several units in the center are vacant and the parking lot generally includes ample available parking spaces. Accordingly, staff believes that any increased parking demand generated by the project could be supported by the existing parking lot. The property is located outside of the Coastal Zone and the Local Coastal Plan is not applicable to this project. Because no exterior changes to the building are proposed, the City's adopted Design Guidelines also do not apply to the project.

**CEQA:** The proposed project involves the installation of small new equipment (game consoles and monitors) and would convert the use of the commercial space from a store with an office component to a video game arcade with a store and office component. Only minor modifications (change in sign copy) would be made to the exterior of the structure, significant amounts of hazardous substances are not expected to be used or stored in association with the proposed use, the unit is less than 2,500 square feet in floor area, the site is zoned for commercial use, all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. Further, no significant negative impacts are expected to occur as a result of the project. Accordingly, the project meets the criteria for the above referenced CEQA exemption.

**9. Conclusion:** Based on the above analysis, staff believes that the proposed use is appropriate for the proposed location and that all of the necessary findings can be made to grant the requested permit.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission find the project is exempt from CEQA and approve Use Permit, UP-015-10, to open a video game arcade in conjunction with an existing video game store that also offers game repair and party planning services at 152 Eureka Square Shopping Center, subject to the following conditions:

### **Planning Department:**

1. Development shall be substantially in accord with the plans consisting of twelve (12) page, received by the City on September 2, 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 acquire the required license from the Pacific Chief of Police prior to commencing operation of the arcade component of the subject business.

4. The applicant shall conduct and operate the arcade in a manner so as to avoid loud and unnecessary noise and disturbance by patrons of the facility, either outside or inside the premises.
5. The use permit is granted for a maximum of 10 video game monitors.
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 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.
7. 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.

**Pacifica Police Department:**

8. The rear door of the unit shall be used for emergency entrance/exit only and for deliveries.
9. The door shall be equipped with an audible alarm.
10. The unit shall maintain unobstructed views into windows from the bottom of the windows upward to 48 inches.

**C. FINDINGS:**

**Findings for Approval of:**

**1. Use Permit:** The Planning Commission finds that the proposed video game arcade 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.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

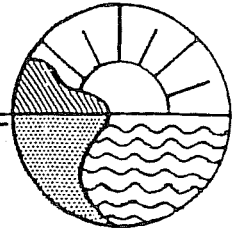
Move that the Planning Commission find the project exempt from CEQA and **APPROVE**, UP-015-10, subject to conditions 1 through 10 and adopt findings contained in the October 18, 2010 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Photos of property and game units
- c. Project description submitted by the applicant
- d. Plans



# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** October 18, 2010

**ITEM:** 2

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on October 6, 2010 and 27 surrounding property owners were notified by mail.

**FILE:** UP-016-10

**APPLICANT:** Clearwire  
4400 Carillon Pt.  
Kirkland, WA 98033

**OWNER:** John W. and Lynn B. Bacon  
P.O. Box 587  
South San Francisco, CA 94083

**LOCATION:** 451 Oceana Boulevard (APN: 009-141-280)

**PROJECT DESCRIPTION:** Proposal to install 3 roof-mounted panel antennas, 3 microwave antennas and related mechanical equipment at an existing wireless communications facility at 451 Oceana Boulevard, Pacifica

**GENERAL PLAN:** Commercial

**ZONING:** C-1 (Neighborhood Commercial)

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

**ADDITIONAL  
REQUIRED  
APPROVALS:** None.

**RECOMMENDED  
ACTION:** Approval as conditioned

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

**ZONING STANDARDS CONFORMANCE:**

<b>Commercial District</b>	<b>Min./Max.</b>	<b>Existing</b>	<b>Proposed</b>
<b>Height:</b>	35' max.	NA	±27'

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Background:** The subject property is developed with an Ace Hardware store. The front portion of the roof of the structure is equipped with a parapet enclosure that currently houses six (6) Sprint antennas approved by the City in 2005 (It should be noted that the plans mistakenly show three (3) Sprint antennas). The property is also developed with a fenced enclosure to the rear of the store on the ground. Within the enclosure are smaller fenced/walled areas used for various purposes; one contains Sprint's equipment, one contains a concrete pad and the remaining area contains various items related to the hardware store. The existing parapet completely screens the antennas from view. The existing enclosures to the rear of the property are visible only from the adjacent parking lots to the north and south of the property. The wireless equipment within the enclosures is not visible, but some of Ace's items are visible from the adjacent parking lots.

**2. Project Description:** The proposed project consists of installing three (3) panel antennas and three (3) microwave antennas within the existing roof parapet, and the installation of one equipment cabinet within the ground enclosure that currently houses a concrete pad. The total proposed antenna surface area would be 21.6 square feet. Neither the antennas nor the equipment would be visible from the public right-of-way. The existing wood fence enclosure proposed for use by Clearwire is visible from the adjacent parking lot to the north, but the cabinet would not be visible above the fence line. Because the equipment enclosure contains an existing concrete pad, no landscaping would be affected by the project. Wall mounted conduits to house the equipment cables are proposed on the south side of the building and would be painted to match the existing structure. A wall mounted Clearwire meter is also proposed for the south side of the building. There are no Heritage Trees on/near the project area.

**3. General Plan, Zoning, and Surrounding Land Use:** The General Plan land use designation for the subject property is Commercial and the zoning classification is C-1 (Neighborhood Commercial). The property to the north is zoned R-3 (Multiple-Family Residential) and developed with Ocean Shore School. Properties to the east and south share the same C-1 zoning designation as the subject property. To the east is an auto parts store and to the south are commercial uses including a restaurant and day spa. Oceana Boulevard and Highway 1 are located west of the property.

**4. Municipal Code and Regulatory Standards:** Pursuant to the Pacifica Municipal Code, a Use Permit is required for all wireless communications facilities that include roof-mounted major

antennas. Major antennas are antennas that exceed a cumulative site total of 8 square feet. The applicant is proposing to install over 21 square feet of antenna surface area. In addition the facility must satisfy the minimum setbacks for the zoning district in which the facility would be located. In this case, there is no setback requirement because the property is zoned for commercial use. In addition, the facility must be screened to the maximum extent possible and meet the City's 35 foot height limit. The proposed project would reach a height of 27 feet and would be completely screened from view.

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

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

**6. California Environmental Quality Act:** 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.

**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, would be 1.1% of the FCC exposure limit for public safety. The maximum exposure level at the second story of the nearest buildings would be 4.4% of the exposure limit. The applicant has confirmed that although the plans show three (3) existing Sprint antennas instead of six (6), the RF report is accurate, because the unaccounted for antennas face the same direction as those that were considered in making the RF calculations. The applicant is proposing to locate a facility that meets the City's site development and design standards on a developed property that already accommodates wireless antennas and related equipment. With approval of the requested Use Permit, all applicable provisions of the General Plan and other applicable laws of the City would be met. Project design will be discussed in the following section 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 that at least one other potential facility location was explored and rejected because collocation at an existing location with the potential for full facility screening is preferable, and the proposed site meets those criteria while still providing adequate signal coverage.

**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." In this case the proposed antennas and equipment would be completely screened from view by the existing parapet and rear fence enclosure, respectively. The proposed wall mounted conduits would be painted to match the building; the plans do not specify the color of the proposed Clearwire meter, but Sprint's meter is painted to match the building. Staff has included a condition of approval requiring that all wall-mounted equipment be painted to match the building to ensure that all of the City's Design-Related Standards are met.

**CEQA:** The proposed project includes the installation of small new utility equipment at an existing small structure and only minor modifications to the exterior of the structure are proposed. No change in use is proposed because the existing hardware store would continue to operate and there is already a wireless communications facility located on the property.

**8. Conclusion:** Staff believes that the project is consistent with the City's wireless ordinance, including its design related standards. Specifically, the proposal would utilize a property that already contains antenna facilities, and the project would not have a visual impact. It appears that the findings can be made to grant the requested use permit. In addition, it appears that the project can be found exempt from the CEQA requirement for environmental review. Lastly, concerning the number of Sprint antennas located on-site, a condition of approval has been added to ensure the building permit plans are correct.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission find the project is exempt from CEQA and approve Use Permit, UP-016-10, to install a new wireless communications facility at 451 Oceana Boulevard, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "Clearwire® CA-SFO0293-Ace Hardware," consisting of five (5) sheets, received by the City on September 14, 2010, except as modified by the following conditions.
2. All wall-mounted equipment shall be painted to match the building exterior.
3. The plans shall be corrected to show six (6) existing Sprint antennas, prior to issuance of a building permit.
4. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
5. 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.
6. 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:**

1. **Use Permit:** The Planning Commission finds that the proposed wireless facility at 451 Oceana Boulevard 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.

**COMMISSION ACTION**

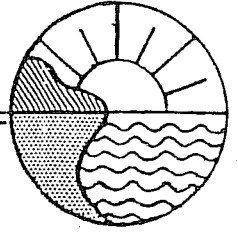
**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA and **APPROVE**, UP-016-10, subject to conditions 1 through 6 and adopt findings contained in the October 18, 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 and alternative site analysis submitted by the applicant
- e. Coverage map
- f. Pacifica's "Wireless Sites" map
- g. Photos of equipment area
- h. Addendum to RF report
- i. Plans and Elevations

# STAFF REPORT



PLANNING COMMISSION-CITY OF PACIFICA

**DATE:** October 18, 2010

**ITEM:** 3

## PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on October 6, 2010 and 35 surrounding property owners and tenants were notified by mail.

**FILE:** CDP-326-10  
PSD-781-10  
PV-506-10  
PE-156-10

**APPLICANT:** Peter Rockwell, Lemanski & Rockwell Architects, Inc, 1898 Hyde Street, San Francisco, CA 94109

**OWNER:** Jenny Chau, 900 Mississauga Heights Drive, Mississauga, Ontario, L5C 1A6, Canada,

**LOCATION:** 43 Birch Lane (APN 016-294-520)

**PROJECT DESCRIPTION:** Demolish existing single-family dwelling and replace with a new three story single-family dwelling of 2,500 square feet with an attached garage of 400 square feet on a substandard lot.

General Plan: Medium Density Residential  
Zoning: R-2/CZ (Two-Family Residential)

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

**ADDITIONAL REQUIRED APPROVALS:** None. Appealable to the City Council and Coastal Commission.

**RECOMMENDED ACTION:** Continuance for Redesign.

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

***ZONING STANDARDS CONFORMANCE***

<b><u>Development Standards</u></b>	<b><u>Max/Min</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
Lot Size	5,000 sq. ft.	4,000 sq. ft.	No Change
Minimum Lot Width	50'	100'	50'
Height	35'	25'	34'
Front Setback to Living Area	15'	4.5'	11'*
Front Setback to Garage	20'	NA	15'**
Interior Side Setback	5'	23'	20'
Rear Setback	20'	NA	5'*
Lot Coverage	60%	NA	30%
Landscape Area	20%	NA	50%
Parking	2 car garage	NA	2 car garage
Garage Dimensions	18' wide by 19' deep	NA	18' wide by 18' deep**

**\*Variance Required**

**\*\*Parking Exception Required**

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Project Description:** The applicant is proposing to demolish an existing dilapidated two-story single family dwelling and to construct a new three-story single family dwelling on a substandard lot. The proposed dwelling would be approximately 2,600 square feet in floor area and 34 feet in height. The first level would contain 400 square feet of garage space, and 800 square feet of floor area including an open kitchen/dining area, a bathroom, and utility room. The second level would contain 1,000 square feet of floor area including two bedrooms, a bathroom, laundry room and living room. In addition, a 200 square foot balcony is proposed across the width of the west side of the building to take advantage of the ocean views. The third level would contain 800 square feet of floor area including a bedroom, bathroom and den. In addition, a three hundred square foot deck is proposed along the west side of the building and wraps around the south side of the building.

Although the subject site appears to be a corner lot from visual observation, it is actually an interior lot with properties on three sides. There is no frontage on Beach Boulevard because the City owns a landscaped triangular strip of land between the subject site and Beach Boulevard.

The proposed siding would be stucco and wood veneer composite cladding. Safety glass with stainless steel handrail are proposed for the railings. Aluminum window frames with clear glass or spandrel glass are proposed for the windows.

The applicant has submitted a statement justifying the need for a variance (see Attachment b) and a petition in support of the project (see Attachment c).



A pine heritage tree exists on the subject site and it will have to be removed in order for the new dwelling to be constructed. A heritage tree removal permit has been issued by the City (see Attachment d).

**2. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation is Medium Density Residential and Zoning classification is R-2/CZ (Two-Family Residential/Coastal Zone). The properties surrounding the subject site to the west, north, east, and south (across Birch Lane) have the same General Plan and zoning designations. The property to the north owned by the City is underutilized and the portion closest to the subject site is vacant. No current development proposals are being discussed for the City property. The other nearby properties have been developed with a variety of dwellings; although a majority of the buildings in the area are two-story dwellings.

**3. Municipal Code:** Section 9-4.4303 (a) of the Zoning Code requires development in the Coastal Zone to obtain approval of a Coastal Development Permit. The subject site is within the appeal area and the Coastal Zone due to its location within 300 feet of the ocean and west of Highway 1. Section 9-4.3201 (a) of the Zoning Code also requires approval of a Site Development Permit for all new construction in the R-2 zone. Section 9-4.3401 of the Zoning Code requires approval of a Variance to allow the proposed reduction in the front yard setbacks and the rear yard setbacks. Section 9-4.2817 (a) requires a minimum interior depth that is not provided in the proposed project; therefore, approval of a Parking Exception is necessary. It should be noted that although the lot is substandard at 4,000 square feet instead of 5,000 square feet for a standard lot, the floor area ratio of 50% and other development standards as listed in Section 9-4.3002 for nonconforming lots do not apply to this R-2 zoned property (Section 9-4.3002 applies to R-1 properties only).

**4. CEQA Recommendation:** Staff recommends that the Planning Commission find the project exempt from CEQA per Section 15303 (e) (1) which states:

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 of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

Proposed is a replacement of a single-family dwelling which is the type of new construction that is exempt from CEQA as stated above.

**5. Coastal Development Permit:** Section 9-4.4304(k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program.
2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

**6. Site Development Permit:** Pursuant to Section 9-4.3204 of the Municipal Code, a Site Development Permit cannot be issued if the Commission finds that the project would have one or more of the briefly summarized following negative impacts:

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

**7. Variance:** Pursuant to Section 9-4.3404 of the Municipal Code, the Planning Commission shall grant a Variance only when all of 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 this chapter 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 circumstances of the particular case, be materially detrimental to the public welfare or injurious to the property or improvements in the area;
- c. Where applicable, that the application is consistent with the Design Guidelines.

**8. Parking Exception Findings:** Pursuant to Section 9-4.2824 of the Municipal Code, a Parking Exception can only be granted if the Planning Commission finds that the establishment, maintenance, and conducting of off-street parking facilities as proposed are as nearly in compliance with the Code requirements as are reasonably possible. In this case, approval of a

Parking Exception to allow a reduction in the length of the parking spaces in the garage would be necessary for project approval.

## **9. Staff Analysis:**

Coastal Development Permit – The City of Pacifica’s Local Coastal Program indicates that infill residential development should be located in close proximity to existing development (Coastal Act Policy #23), and it should be designed and scaled for compatibility of surrounding uses (Coastal Act Policy #24). Although the adjacent City owned lot is currently under utilized and may be developed with additional buildings and uses in the future, the other surrounding properties are primarily developed with single-family and multiple family dwellings. However, the project is more massive than other dwellings recently constructed in the Sharp Park neighborhood which are primarily two stories and lower in height. In addition, the contemporary style of the proposed dwelling creates a more bulky appearance than a peaked roof building.

Site Development Permit – Although most of the findings can be satisfied for the Site Development Permit, it is staff’s opinion that the overall size of the project at three stories and 34 feet in height is out of scale with the surrounding properties which is inconsistent with the Design Guidelines (discussed further below). The property to the south of the subject site (2304 Beach Boulevard) does have a third floor; however, the third floor is relatively small in size unlike the proposed project which has approximately 800 square feet of floor area in the third level.

Variance – The project as designed needs approval of three different Variances. Based on the definition of front lot line in Section 9-4.254 and front setback in Section 9-4.269 of the Municipal Code, the front setback of 15 feet applies to the entire 100 feet of property fronting onto Birch Lane. The applicant is proposing to have a front setback of 11 feet to the dwelling instead of 15 feet which is a reduction of 4 feet. In addition, the setback to the garage is proposed as 15 feet instead of 20 feet which is a reduction of 5 feet. Finally, the rear setback proposed at 5 feet is short by 15 feet because the required setback is 20 feet.

The subject site does have a unique configuration in that the wider portion of the subject site fronts onto the street instead of the narrower portion of the property. Typically, the narrower portion of the property fronting onto a street would contain the front setback and the wider portions of the property would contain the side setbacks but in this case, due to the strip of City land, the narrow portion of the subject site does not front onto Beach Blvd. The front setback of 15 feet along the south side (Birch Lane) and 20 feet for the rear setback along the north side of the subject site result in a developable portion of the site being reduced to a 5 foot by 90 foot strip of land, when including the 5 foot side setbacks. There are few lots in the City of Pacifica with a depth of 40 feet which is the case for the subject site.

The applicant has submitted a statement justifying the need for the Variances; however, the applicant is requesting that the front of the property be considered as the front property line of 40 feet in width closest to Beach Boulevard. The project has been designed to meet the development standards as much as possible if the west property line closest to Beach Boulevard is considered the front setback line although the garage setback is proposed as 15 feet instead of

the 20 foot setback required. This is inconsistent with the definition of the front property line in the Zoning Code as discussed earlier.

Staff believes that there are grounds to support all three Variances which are: 1) a 4 foot reduction for the front setback to the dwelling, 2) a 5 foot reduction for the front setback to the garage and 3) a 15 foot reduction for the rear setback. The Variances should be supported because, as mentioned previously, the 40 foot depth of the lot with the setbacks as required is inadequate space to allow development of a dwelling. The proposed design of the project would increase the front setback from Birch Lane because the current dwelling has less than a 5 foot front setback. The 20 foot setback required for a garage is to allow space for temporary parking in the driveway. In this case, 15 feet is sufficient space to park smaller vehicles and there are many public parking spaces in the area for temporary parking. In staff's opinion, the proposal would locate the dwelling on the subject site to allow the best use of the property.

Parking Exception – The only vehicular access to the site is from Birch Lane. As discussed above, the depth of the lot is limited to 40 feet. With a 15 foot front setback and 5 rear setback as proposed, the depth of the interior dimension of the garage is less than 19 feet as required. In this case, staff believes that the proposed parking is as nearly in compliance with the Code requirements as are reasonably possible because most vehicles will be able to park in the garage even if the depth is reduced by one foot.

Design –The contemporary design of the project is distinctive and many interesting architectural features are incorporated as recommended in the Design Guidelines. Stucco and wooden veneer composite cladding are proposed on the exterior of the walls with large view windows placed along the western elevation. Clear glass is proposed along the balconies and decks. Three long narrow windows with clear and spandrel glass are proposed on the north and south elevations.

The west elevation of the dwelling when viewed from Beach Boulevard has a second floor balcony that cantilevers out 5 feet from the ground floor and the third level has deck across the west side of the building and wraps around the south side. The setback to the third level floor area is 28 feet. However, the southern elevation along Birch Lane which is exposed and visible from Beach Boulevard has a large expanse of wall. The flat roof and 34 feet in height of the project result in a dwelling that appears bulky and more massive than other nearby buildings, especially when viewing the southern elevation. The Design Guidelines indicate that on a substandard lot, a building's height should step down to the edges of the structure to minimize contrast with neighboring buildings. In addition, the Design Guidelines on page 13 state that "The size of a home on a substandard lot may often present a massive appearance which tends to overwhelm existing homes in the immediate neighborhood." The floor area ratio (FAR) for the proposed dwelling is 64% and if this was an R-1 zoned substandard lot, the maximum FAR would be 50%. However, due to the R-2 zoning, there is no maximum required FAR. As stated in the Design Guidelines, the smaller lot may result in a smaller building being better suited to the subject site. In staff's opinion, the project could be redesigned to create a building that is more compatible with the surrounding neighborhood, especially when viewed from the south.

There are design options that may be considered by the applicant that would reduce the scale of the building and make it more compatible with the surrounding neighborhood. For example, the

third story can be redesigned to have a greater side setback from the west property line (proposed setback is 28 feet) and/or south property line (proposed setback is 15 feet), and the floor area of 800 square feet can be reduced. In addition, the third floor can be completely eliminated. On the 4,000 square foot lot, the amount of floor area at approximately 2,600 square feet has a FAR of 64% which may be an indication of too much square footage per lot. Reducing the square footage may allow for more design flexibility and enable the applicant to bring the proposed structures into scale with the neighborhood. There may be other options that the Planning Commission may want to consider as well.

**10. Summary:** In staff's opinion, although there are reasons to support the Variances, the project as currently designed is inconsistent with the Design Guidelines. The three story dwelling would be among the tallest buildings in the neighborhood which primarily consists of one and two story dwellings. Thus, staff is recommending that the project be redesigned in order to bring the proposal into scale with the surrounding residential development. Alternatively, the Commission could direct staff to return with findings to deny or approve the project as proposed.

### **RECOMMENDATION AND FINDINGS**

#### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission **CONTINUE** CDP-326-10, PSD-781-10, PV-506-10, and PE-156-10 for the replacement dwelling at 43 Birch Lane

### **COMMISSION ACTION**

#### **C. MOTION FOR CONTINUANCE:**

Move that the Planning Commission **CONTINUE** consideration of CDP-326-10, PSD-781-10, PV-506-10, and PE-156-10 for the replacement dwelling at 43 Birch Lane to the meeting on November 15, 2010 for a redesign of the project.

#### **Attachments:**

- a. Land Use and Zoning Exhibit
- b. Letter from Applicant Requesting Variance
- c. Petition
- d. Heritage Tree Removal Permit
- e. Plans and Elevations (Planning Commission only)