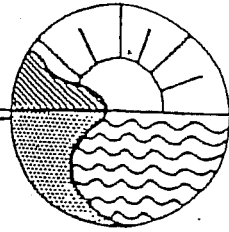


AGENDA



Planning Commission – City of Pacifica

DATE: Monday, February 2, 2009
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: January 20, 2009
- Designation of Liaison to City Council Meeting of: February 9, 2009

CONSENT ITEMS:

PUBLIC HEARINGS:

1. CDP-302-08
UP-988-08
PE-151-08
COASTAL DEVELOPMENT PERMIT, USE PERMIT, and PARKING EXCEPTION, filed by the agent, Brian Brinkman, on behalf of the owner, Pete Lommori to construct a single-family unit next to an existing dwelling at 134 Paloma Avenue, Pacifica (APN 016-022-040). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue to March 2, 2009 (Continued from January 5, 2008)
2. UP-994-08
PV-494-08
PSD-773-08
USE PERMIT, VARIANCE, and COASTAL DEVELOPMENT PERMIT, filed by the agent, Mark Bucciarelli, on behalf of the owner, Karl Seagren, to add a second and third story to an existing single-family residence at 61 Elder Lane, Pacifica (APN 016-315-190). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue to March 2, 2009 (Continued from January 20, 2008)
3. UP-994-08
PV-494-08
PSD-773-08
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 Boulevard, Pacifica (APN: 023-281-130). Recommended CEQA status: Exempt. Proposed Action: Continue to March 16, 2009 (Continued from January 5, 2008)
4. CDP-311-09
UP-999-09
COASTAL DEVELOPMENT PERMIT and USE PERMIT, filed by the agent, Phillip Thomas, on behalf of the applicant, AT&T Mobility and the owner, AIMCO Avenue Apartments LLC., to install a new wireless communication facility on an existing penthouse and an indoor equipment area at 380 Esplanade Avenue, Pacifica (APN 009-131-060). The project is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Continue to March 16, 2009
5. S-105-09
SIGN PERMIT, filed by the agent, Deed Whitney, on behalf of the applicant/owner, SHP, LLC, to implement a new master sign program for the three southern units at Pedro Point Shopping Center, 5550 Coast Highway, Pacifica (APN's 023-072-090 & 010). The property is located in the Coastal Zone. Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
6. RESOLUTION OF INTENTION to recommend adoption of an ordinance amending the Pacifica Municipal Code relating to timing for deciding appeals. The proposed amendment would change the timing for the City Council to act on appeals of Planning Commission decisions from sixty (60) days after the filing of the appeal to ten (10) days after the City Council hearing on the appeal. Recommended CEQA status: Exempt. Proposed Action: Adopt resolution

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.

CITY OF PACIFICA AGENDA MEMO

DATE: February 2, 2009

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner



SUBJECT: Agenda Item No.1: New Single-Family Residence Proposed at 134 Paloma Avenue; Coastal Development Permit, CDP-302-08, Parking Exception, PE-151-08 and Use Permit, UP-988-08 (APN 016-022-040)

The Planning Commission continued this item from the November 17, 2008 meeting in order to allow the applicant to respond to issues raised by the Planning Commission. The applicant has requested additional time to prepare revisions and has asked for a further continuance to March 2, 2009.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** CDP-302-08, PE-151-08 and UP-988-08 to the Planning Commission meeting on March 2, 2009, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE: February 2, 2009

TO: Planning Commission

FROM: Lily Lim, Planning Intern *u*

SUBJECT: **Agenda Item No. 2:** Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing single-family residence at 61 Elder Lane, Pacifica, (APN – 016-315-190).

On November 17, 2008 the Planning Commission considered Use Permit, UP-996-08, Variance, PV-495-08, and Coastal Development Permit, CDP-309-08, to construct a new second and third floor at an existing nonconforming single-family residence on a nonconforming lot at 61 Elder Lane. During the hearing on November 17, 2008 the Commission expressed concerns relating to the project's lack of consistency with the Design Guidelines, specifically relating to the scale and bulk of the proposed structure. The Planning Commission has continued this several times due to the applicant's request for additional time to address concerns.

The applicant has been working with Staff to address the design concerns expressed by the Commission, but a complete set of revised plans have yet to be submitted for review. Therefore, a further continuance to the Planning Commission meeting on March 2, 2009 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** UP-996-08, PV-495-08, and CDP-309-08 to the Planning Commission meeting on March 2, 2009, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE: February 2, 2008

TO: Planning Commission

FROM: Christina Horrisberger, Assistant Planner

SUBJECT: Agenda Item No.3: Continuance of Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, 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. (APN: 023-281-130).

On October 20, 2008 the Planning Commission continued consideration of Use Permit, UP-994-08, Variance, PV-494-08, and Site Development Permit, PSD-773-08, to install a new wireless communication facility, including a 40 foot tall flagpole with 3 panel antennas and related equipment, at the Pacifica Center for the Arts. At the hearing the Commission asked the applicant to meet with tenants of Pacifica Center for the Arts to address their concerns and to prepare better renderings of the equipment enclosure. Subsequently, consideration of the requested permits was continued several times while the applicant was working on compiling a revised proposal. On January 5, 2009, the Commission was able to review a modified proposal and expressed concern about the facility location and associated visual impacts. Review of the project was continued to the February 2, 2009 meeting.

The applicant has since requested that consideration of the proposed project be continued to the second meeting in April, in order to allow time to conduct further analysis regarding project feasibility. Therefore, a continuance to the Planning Commission meeting on April 20, 2009 is requested.

COMMISSION ACTION

MOTION FOR CONTINUANCE:

Move that the Planning Commission **CONTINUE** consideration of UP-994-08, PV-494-08, and PSD-773-08 to the Planning Commission meeting on Monday, April 20, 2009, with the public hearing open.

CITY OF PACIFICA

AGENDA MEMO

DATE: February 2, 2009

TO: Planning Commission

FROM: Lily Lim, Planning Intern *LL*

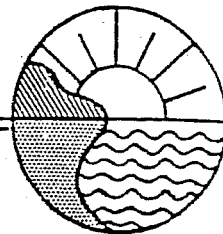
SUBJECT: **Agenda Item No. 4:** Coastal Development Permit, CDP-311-09 and Use Permit, UP-999-09 to install a new wireless communication facility with six (6) roof mounted antennas and an indoor equipment area at 380 Esplanade Avenue, Pacifica (APN – 009-131-060).

The proposed project was scheduled and noticed for Planning Commission review on February 2, 2009; however, the applicant has informed Staff that additional time will be needed to work out the details of the proposal. Therefore, a continuance to the Planning Commission meeting on March 16, 2009 is requested.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **CONTINUE** CDP-311-09 and UP-999-09 to the Planning Commission meeting on March 16, 2009, with the public hearing open.

STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

DATE: February 2, 2009

ITEM: 5

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on January 21, 2009. 26 surrounding property owners and 5 residents were notified by mail.

FILE: S-105-09

APPLICANTS/OWNERS: SHP Pacifica, LLC
489 S. El Camino Real
San Mateo, CA 94944

AGENT: Deed Whitney
1105 Battery
San Francisco, CA 94111

LOCATION: 5550 Coast Highway (APN: 023-072-070)

PROJECT DESCRIPTION: implementation of a new master sign program for the southern units at Pedro Point Shopping Center

General Plan: Commercial

Zoning: C-2/CZ/Appeals Area (Neighborhood Commercial/Coastal Zone)

RECOMMENDED CEQA STATUS: Exempt Section 15301(g)

ADDITIONAL REQUIRED APPROVALS: None.

RECOMMENDED ACTION: Approval as conditioned

PREPARED BY: Christina Horrisberger, Assistant Planner

PROJECT SUMMARY

A. STAFF NOTES:

1. Background: The Pedro Point Shopping Center is made up of four separate parcels. One large parcel accommodates the commercial units and parking lot north of the former Pacifica Athletic Center location. The unit that formerly housed the Pacifica Athletic Center and the two units to the south of it are located on a separate parcel of land and are under separate ownership. A portion of the parking lot, mechanical equipment and a wireless communication facility are also located on this parcel. Two additional parcels of land project southward and comprise the remainder of the parking lot. The parcel that currently includes the three southern commercial units (southern parcel) is the subject property for this proposal.

The southern parcel of the Pedro Point Shopping Center recently changed ownership and was subsequently vacated. The new owners have renovated the exterior of the building and parking area. There is currently a master sign program associated with the property that sets forth specifications for sign size, type and colors. The colors allowed are any combination of light blue, green and red. There are currently no signs at any of the three commercial units on the southern parcel.

2. Project Description: The applicant is proposing a new master sign program to coordinate with the site improvements and allow new tenants flexibility in sign design. New signs would be subject to landlord approval in addition to City approval. The proposal would allow signage that meets the City's size requirements, but imposes additional restrictions on sign dimensions and design, while allowing flexibility in terms of coloration and illumination. Specifically, the program would allow one sign per street frontage for each tenant, channel lettering would be required and corporate logos and/or prototypical signage would be allowed. Illumination would be optional, but illuminated signs would have internal lighting of uniform intensity. No flashing, moving, glaring or lighting resulting in coloration to surrounding areas would be permitted. The maximum copy area would be 0.75 square feet for every 1 linear foot of business frontage and could not exceed 10% of the building face area, as required by the Municipal Code. In addition, the applicant is proposing to limit the sign width to 70% of the business frontage width. The program would also mandate permanent window signs for all tenants. The window signs would identify the hours of operation and suite number or street address. An open/closed sign and/or signage containing other relevant information would also be allowed. The total window sign area would not exceed 25% of the surface area of the window, the lettering would be in a standardized font of the landlord's choice and the colors would be limited to gold, aluminum, silver or copper leaf or white. Lettering would be limited to 2 inches in height for hours and other information and 6 inches for location and open/closed information. The window signs would not be illuminated. The proposed program does not provide for other types of window graphics, but does allow for temporary promotional and banner signs as allowed by the City, but only with written permission from the landlord.

The program also provides for restaurants and single pad (satellite) building tenants. There are no such uses present at the site and none are planned, but the provision would allow for future

changes at the site to occur, if permitted, without the need to amend the master sign program. The related provisions are similar to those for the current units except that a maximum copy area of 50 square feet per building façade would be imposed in addition to the requirement to meet all Code requirements. This provision also allows for roof signs. Roof signs are prohibited within the City and a condition of approval has been provided that would omit this provision. This was discussed with the applicant and it does not appear to present a problem.

3. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject site is Commercial and the site is bounded by Highway 1 on the east, San Pedro Avenue to the south, a vacant lot to the west and the northern portion of the shopping center to the north. All of the surrounding parcels have a General Plan designation of Commercial and a zoning classification of C-2/CZ (Community Commercial/Coastal Zone).

4. Municipal Code and Regulatory Standards: Pacifica Municipal Code section 9-4.2907(a) requires multi-unit developments to have a Planning Commission approved master sign program. The Code also sets forth location and dimensional standards for window and wall signs. It also states that “each sign in the master sign program shall be compatible in character and in quality of design with other signs in the program.” As conditioned, this proposal would comply with all Code standards.

5. Design Guidelines: The Design Guidelines state that signs should be considered early in the development stage and not left as an afterthought. They should also relate to their surroundings in terms of scale and design and should be unobtrusive and convey their message clearly. It is further stated that when illumination is used, signs should be designed to illuminate the letters rather than the background and that lighting should not be unnecessarily bright, glaring or intrusive to neighbors, motorists or pedestrians. In addition, the appearance of support devices should be minimized.

The applicant began researching Pacifica’s sign requirements at the same time that the exterior building renovation was being researched. Although the renovation is not yet complete, the applicant has submitted the application for the new master sign program. Staff believes that the concept has been well thought out and that consideration of signage was not left as an afterthought to the overall shopping center renovation process. The signs that would be allowed would have to meet all of the City’s dimensional requirements in addition to landlord imposed limitations on sign width and window graphics. The applicant has not specified particular colors for future signage in order to allow tenant flexibility and corporate identification. Accordingly, an array of colors and/or logo types could be used. Staff believes that such corporate identification is desirable for optimum visibility since no freestanding sign is proposed and the property is located off of Highway 1. The consistency in sign proportion and location will provide enough consistency to provide a coordinated appearance to any future signage. In addition, the window graphics on all units would be consistent and provide cohesiveness. With the above dimensional standards and allowance for corporate branding, the Design Guidelines relating to scale and clarity would be met. Individual channel letters would be required and, if illuminated, the lighting would be internal. The proposed program includes specific language that would require uniform light intensity with minimization of glare and/or coloration impacts from the lighting.

Moreover, no cabinet signs would be allowed. Accordingly, the Design Guideline relating to avoiding unnecessary or intrusive lighting would be met. Lastly, the program would require that all support devices be hidden from view and/or painted to match the building, that all signs be maintained in good repair and that all sign removals be followed by repair work that would leave as little trace of previous signage as possible. Staff believes that the proposal meets the objectives of the Design Guidelines.

6. CEQA: Staff recommends that the Planning Commission find this project is exempt from CEQA pursuant to Section 15301(g), Existing Facilities, of the California Environmental Quality Act, which exempts:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use...

(g) New copy on existing on and off-premise signs...”

The proposed master sign program involves negligible or no expansion of an existing use and is similar to replacing sign copy, since signs were previously present at the subject location.

7. Conclusion: Staff believes that the proposed Master Sign Program, as conditioned, will meet all Code requirements and Design Guidelines, and contribute to the improved appearance of the shopping center. Staff further believes that the proposed program is an improvement over the existing program and that the allowance of more colors and corporate identifiers will improve business recognition, while the consistency of scale and window graphics will provide a coordinated appearance.

One additional aspect of the proposed master sign program should be addressed through conditions of approval. Specifically, there are errors within the text of the proposed sign program that would not substantively impact the proposal, but could cause confusion in the future. In particular, section 2.0 of the program states that, “all signs shall be illuminated internally.” This phrase should be preceded by the phrase, “if illuminated.” In section 2.1, the word “exceed” should be omitted because it could cause confusion. Sections 3.2, 3.21 and 3.22 contain references to a section of the document called “anchor tenants.” Such a section does not exist and these references should be omitted. Similarly, section 3.22 refers to a “Tenant Matrix” that does not exist. Staff recommends that this phrasing also be removed. Also, Section 3.21 states that “flood illumination” would be permitted for shop tenants when an earlier section requires any lighting to be internal. Removal of the text referencing flood lighting is recommended. Lastly, the detail graphics include the phrase “not to exceed 70% of linear frontage.” Staff recommends that the word “business” be inserted between the words linear and frontage to provide more

clarity. The above revisions were discussed with the applicant and making the changes does not appear to present a problem.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** Sign Permit, S-105-09, to allow a new master sign program at the Pedro Point Shopping Center, subject to the following conditions:

Planning Department

1. Development shall be substantially in accord with the plans entitled "Pedro Point Shopping Center, Master Sign Program," consisting of eleven (11) sheets, dated November 14, 2008 except as modified by the following conditions.
2. The allowance for roof mounted signs, described in section 3.22 of the master sign program, shall be removed prior to the issuance of a building permit for any new signage at the Pedro Point Shopping Center.
3. The revisions described in the February 2, 2009 staff report shall be made to the master sign program prior to the issuance of a building permit for any new signage at the Pedro Point Shopping Center.
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:

1. Findings for Approval of the Master Sign Program: The Planning Commission finds that the proposed Master Sign Program is consistent with the pertinent sections of the City's adopted Design Guidelines and, as conditioned, will meet all City requirements. Specifically, the Commission finds that the proposed program would be compatible with the Pedro Point Shopping Center and the signs would appear coordinated and provide adequate business identification without creating unnecessary glare.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

Move that the Planning Commission **APPROVE** the Sign Permit, S-105-09 subject to conditions 1 through 6, and adopt findings contained in the February 2, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Proposed Master Sign Program and Plans

CITY OF PACIFICA

MEMORANDUM

DATE: February 2, 2009

TO: Planning Commission

FROM: Cecilia M. Quick, City Attorney

SUBJECT: **Agenda Item No. 6:** Adoption of Resolution of Intention to Recommend that the City Council adopt an Ordinance Amending Certain Municipal Code Provisions Relating to Timing for Deciding Appeals

Staff is proposing an ordinance to address a procedural matter. At present, Municipal Code Section 9-4.3603 requires that the City Council render a decision on a land use matter within 60 days after the filing of an appeal. However, for complicated matters, an appeal can often be continued several times before the Council renders a decision. State law does not restrict the Council to 60 days, so staff recommends that the 60 constraint be removed. In addition, the Subdivision Map Act requires a decision on an appeal of a tentative map within ten days of the close of the public hearing. Ancillary permits are often required in addition to a tentative map, so staff recommends that the timing for decisions on appeals of land use matters be amended to match the time required for decisions on tentative map appeals.

Finally, Municipal Code Section 10-1.410 specifies that an appeal on a tentative map be decided within seven days of the close of the public hearing. Staff is recommending that this be extended to ten days, so that the Subdivision Map Act, Section 9-4.3603, and this Section will all operate on the same schedule.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **ADOPT** the attached resolution entitled, "A RESOLUTION OF INTENTION BY THE PLANNING COMMISSION OF THE CITY OF PACIFICA TO RECOMMEND ADOPTION OF AN ORDINANCE AMENDING THE PACIFICA MUNICIPAL CODE RELATING TO TIMING FOR DECIDING APPEALS."

Attachment:

1. Resolution
2. Draft Ordinance