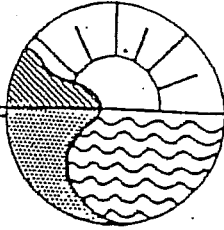


# AGENDA



## Planning Commission – City of Pacifica

**DATE:** Monday, April 6, 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: March 16, 2009
- Designation of Liaison to City Council Meeting of: April 13, 2009

### CONSENT ITEMS:

### PUBLIC HEARINGS:

1. **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: Approval as conditioned (Continued from February 2, 2009)
2. **UP-946-05**      **USE PERMIT AMENDMENT**, filed by the agent, Lisa Elliot, on behalf of the applicant, AT&T and owner, City of Daly City, to add one antenna to an existing wireless communications facility at Skyline Boulevard and Glencourt Way, Pacifica (APN 009-610-050) Recommended CEQA status: Exempt. Proposed Action: Approval as conditioned
3. **S-106-09**      **SIGN PERMIT**, filed by the agent, Tony Rector, on behalf of the applicant, Quantum Signs and owner, AIMCO Horizons West Apartments, LLC, to replace and relocate a new monument sign at an existing apartment building at 365 Talbot Avenue, Pacifica (APN 016-220-120) Recommended CEQA status: Exempt. Proposed Action: Approve 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.

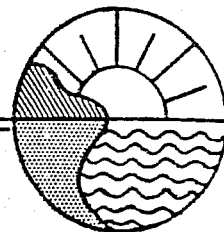
### ADJOURNMENT

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: April 6, 2009

ITEM: 1

### PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on January 21, 2009. 24 surrounding property owners and 6 surrounding residents were notified by mail.

FILE: UP-999-09  
CDP-311-09

**APPLICANT:** AT&T Mobility  
4430 Rosewood Drive  
Pleasanton, CA 94588

**AGENT:** Phillip Thomas  
4430 Rosewood Drive  
Pleasanton, CA 94588

**OWNERS:** AIMCO Avenue Apartments, LLC.  
4532 Ulster Parkway  
Denver, CO 80237

**LOCATION:** 380 Esplanade Avenue

APN: 009-131-060

**PROJECT DESCRIPTION:** Proposal to install a new wireless communication facility with six (6) roof mounted antennas and an indoor equipment area.

**General Plan:** High Density Residential

**Zoning:** R-3 (Multiple Family Residential)/CZ (Coastal Zone)

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

**ADDITIONAL REQUIRED APPROVALS:** None

**RECOMMENDED ACTION:** Approval as conditioned

**PREPARED BY:** Lily Lim, Planning Intern

**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Lot Size	N/A	46,173 s.f.	No Change
Building Height	35' (Max.)	45'	No Change
Antenna Height	7' (Max.)	N/A	0'
Cumulative Antenna Area	N/A	N/A	31 s.f.

**PROJECT SUMMARY**

**A. STAFF NOTES:**

**1. Background:** This item was scheduled for the meeting on February 2, 2009 but was continued due to the request of the applicant.

**2. Existing Site Conditions:** The subject site is approximately 46,000 square feet in size and is located in the Coastal Zone. It contains a 5 story apartment building known as Edgewater Apartments. The fifth story of the building consists of an existing indoor equipment area which the applicant refers to as a "penthouse." The equipment area is approximately 80 square feet in size. There is a parking lot on the first floor of the building as well as two carports and parking stalls located on the property. The project site is primarily flat; however there is a slight change in grade towards the center of the property. The site is surrounded by other apartment buildings, vacant land to the south and the Pacific Ocean to the west of the property.

**3. Project Description:** The applicant proposes to install six (6) wireless panel antennas on the "penthouse" which is an exterior of the roof top equipment area of the apartment building. Originally, the applicant was proposing a total of nine (9) panel antennas, however, the applicant has now decided to reduce the number of antennas to six (6). The cumulative area of the antennas will be 31 square feet and will be placed on the outside of the "penthouse." The proposed project also includes an equipment room which will be located on the first floor of the apartment building. The majority of the equipment will be located in an existing room on the first floor of the apartment building adjacent to the carport. An A/C condenser unit will be mounted on a concrete pad outside of the equipment room along with coaxial cables leading to the roof. The facility will be accessed by an existing 12 foot paved driveway/walkway, therefore the landscaping will be not be affected by the proposed project.

**4. General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Multiple Family Residential and the zoning classification is R-3 (Multiple Family Residential). Surrounding land uses include commercial uses to the south, residential uses to the north and east, and the Pacific Ocean to the west.

**5. Municipal Code and Regulatory Standards:** AT&T is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). Pursuant to the Pacifica Municipal Code, a Use Permit is required for all wireless

communication antennas with a cumulative antenna area of 8 square feet or greater. The applicant has proposed six (6) wireless panel antennas that have a cumulative antenna area of 31 square feet, therefore a Use permit is required. This project is neither exempt nor excluded from Coastal Development Permit (CDP) requirements, therefore a CDP will be necessary.

**6. 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.

The Local Coastal Program Land Use Plan states, "views of the coast and coastal panorama from public roadways shall be protected by limiting the height and mass of permitted structures." The proposed antennas will increase the width of the "penthouse" by 1 foot 6 inches, however the height will remain the same, therefore it will not obstruct views of the coast from public roadways. Coastal access will also be unaffected since the proposed project is contained to the building.

**7. 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.

Pursuant to the Pacifica Municipal Code, a Use Permit is required for all wireless communication antennas with a cumulative antenna area of 8 square feet or greater. The proposal to install six (6) roof mounted antennas will require a Use Permit because the cumulative antenna area will be 31 square feet.

According to the Radio Frequency (RF) Report submitted by the applicant, the RF exposure level for the proposed project will be have a minimal impact and therefore, will not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. The parcel is currently used as a multiple family residential area, and is consistent with the General Plan designation, zoning and all other applicable laws of Pacifica. The proposal has complied with the Design Guidelines and standards set forth in the Municipal Code. It does not appear that the antennas will interfere with the reception of signal transmission or reception in the area. No alternative sites could have minimized visual impacts further than the current proposal.

**8. Design:** The Design-Related Standards specify that “all wireless communications facilities shall be screened to the fullest extent possible and located to minimize visibility from surrounding areas and rights-of-way.” Further, “the use of colors and facility designs shall be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.”

Photo simulations have been submitted projecting the proposed antennas on the existing roof top equipment room. The proposed antennas would be fully screened by a decorative crown. The proposed decorative crown will be painted to match the existing color of the building and will increase the width of the “penthouse” on the northern, eastern, and southern sides by 1 foot 6 inches, however, the height will remain unchanged. The proposed equipment area will be screened by the existing room on the first floor. Two proposed A/C condenser units will be located outside of the proposed equipment area as well as coaxial cables. The coaxial cables will be painted to match the side the building. Both the condenser units and the cables will be fully screened by the adjacent carport. No equipment will be visible from the street or by the adjacent property owners.

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

The proposed panel antennas will be a utility extension, furthermore, the “penthouse” will only increase by 1 foot 6 inches in width. Additionally, the equipment area will be located within the building, with the exception of the A/C condenser units and the coaxial cable, however they will not be visible from the street or by adjacent property owners.

**10. Conclusion:** Based on the information the applicant has provided, it appears that the installation of six (6) panel antennas and an equipment room at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. The new antennas would have no visual impact on the site and from other viewpoints in the City. A decorative crown will be painted to match the existing equipment room to fully screen the antennas. Additionally, the proposed equipment room will be enclosed within the building, moreover the A/C condenser units and coaxial cables will be screened by the carport, therefore, there will be no visual impact for both pedestrian and vehicle traffic. Furthermore, the project is consistent with the City’s Design-Related Standards for wireless communications facilities. Staff believes that the findings for a Coastal Development Permit and Use Permit can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Coastal Development Permit, CDP-311-09 and Use Permit, UP-999-09, to install a new wireless communication facility with 6 roof mounted antennas and an indoor equipment area, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled “AT&T, CN5421-C, Hayne Road/Sonora, 380 Esplanade Avenue, Pacifica, California, 94044,” consisting of seven (7) sheets dated October 15, 2008 except as modified by the following conditions.
2. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction prior to approval of a building permit.
3. The applicant 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, any mitigation monitoring program, and/or other activities relating to this 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. Prior to the issuance of a building permit, a new Site Plan shall be submitted that reflects the reduction in the number of antennas from nine (9) to six (6).
5. The applicant shall revise the plans to reflect the correct address of the project.

**Engineering Department:**

6. Applicant shall replace the existing sidewalk adjacent to the power pole per City standard 100 and 101A.
7. Add a note on the Site Plan that says, “Existing curb, sidewalk or street adjacent to the property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
8. Add a note on the Site Plan that says. “Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
9. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
10. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

**C. FINDINGS:**

**1. Findings for Approval of a Coastal Development Permit:** The Planning Commission finds that the proposal to install a new wireless communication facility with six (6) roof mounted antennas and an indoor equipment area is in conformity with the City’s Local Coastal Program and Public Recreation Policies of Chapter 3 of the California Coastal Act. The proposed project would not obstruct coastal views from public roadways, furthermore, the proposed project would not affect coastal access.

**2. Findings for Approval of a Use Permit:** The Planning Commission finds that the proposal to install a new wireless communication facility with six (6) roof mounted antennas and an indoor equipment area would not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or the general welfare of the City. The Commission finds that the proposal is consistent with the applicable provisions of the General Plan and other



applicable laws of the City. Specifically, the Commission finds that the project meets all Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

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**COMMISSION ACTION**

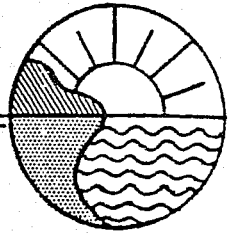
**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Coastal Development Permit, CDP-311-09 and Use Permit, UP-999-09, subject to conditions 1 through 10 and adopt findings contained in the April 6, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans
- c. Photo Simulations

# STAFF REPORT



## PLANNING COMMISSION-CITY OF PACIFICA

DATE: April 6, 2009

ITEM: 2

### PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on March 25, 2009. 23 surrounding property owners were notified by mail.

**FILE:** UP-946-05  
Amendment

**APPLICANT:** AT&T Mobility  
4430 Rosewood Drive  
Pleasanton, CA 94588

**AGENT:** Lisa Elliot  
1227 Gannet Lane  
Patterson, CA 95363

**OWNERS:** City of Daly City  
333 90<sup>th</sup> Street  
Daly City, CA 94015

**LOCATION:** Skyline Boulevard/Glencourt Way

APN: 009-610-050

**PROJECT DESCRIPTION:** Proposal to add one (1) antenna to an existing monopole at an existing wireless communications facility.

**General Plan:** Utilities

**Zoning:** P-D (Planned Development)

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

**ADDITIONAL REQUIRED APPROVALS:** None

**RECOMMENDED ACTION:** Approval as conditioned

**PREPARED BY:** Lily Lim, Planning Intern

**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Monopole Height	35'	22'	No Change
Antenna Area	N/A	14.6 s.f.	18.2 s.f.
Setback to Residential	25'	31'/26'	No Change

**PROJECT SUMMARY**

**A. STAFF NOTES:**

1. **Existing Site Conditions:** The subject site is approximately .44 acres in size and is located along Skyline Boulevard. In 2005, the Planning Commission approved two (2) monopoles and five (5) equipment cabinets for AT&T at this site. Both monopoles are 22 feet in height and contain two antennas on each pole. Additionally, the site also contains a water tank and two 15 foot Metro PCS monopoles and related equipment. The existing monopoles and equipment are surrounded by trees and other types of foliage. While the project site is primarily flat, there is a slight change in grade towards the outer parts of the parcel. The site is surrounded by a water tank and Skyline Boulevard to the east and single family residences to the north, west and south of the property.

2. **Project Description:** The applicant proposes to add one (1) antenna to an existing 22 foot high monopole. The proposed antenna will be placed on the north monopole, below the two existing antennas. The total number of AT&T antennas will increase from four (4) antennas to five (5) antennas. The existing antenna area for all four (4) antennas is 14.6 square feet. The proposed antenna will increase the antenna area by 3.6 square feet, resulting in a total antenna area of 18.2 square feet. There are no new equipment cabinets proposed. Access to the facility will be through an existing dirt road that leads from the southern part of the parcel; therefore the landscaping will not be affected by the proposed project.

3. **General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Utility and the zoning classification is P-D (Planned Development). Surrounding land uses include residential uses to the north, west and south, and a utility use to the east.

4. **Municipal Code and Regulatory Standards:** AT&T is a public utility regulated by the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC). 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 add one (1) antenna with an area of 3.6 square feet to an existing facility; therefore a Use Permit Amendment is necessary. The Code also requires that the antennas must be setback 25 feet from any property line or public right-of-way. The applicant is not proposing any new structures, and the antenna will be on an existing monopole set back more than 25 feet from the property line.

**5. Use Permit Amendment:** 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.

According to the Radio Frequency (RF) Report submitted by the applicant, the RF exposure level for the proposed project will be have a minimal impact and therefore, will not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. The parcel is currently used as a site for utilities, and is consistent with the General Plan designation, zoning and all other applicable laws of Pacifica. (The applicant submitted a report stating that the proposed antenna will be 22% of the applicable public exposure limit allowable by the FCC. The proposal has complied with the Design Guidelines and standards set forth in the Municipal Code. It does not appear that the new antenna will interfere with the reception of signal transmission or reception in the area. No alternative sites could have minimized visual impacts further than the current proposal because the existing antennas have been screened to the maximum extent feasible, and the proposed antenna will be located among and will be lower than the existing antennas.

**6. Design:** The Design-Related Standards specify that "all wireless communications facilities shall be screened to the fullest extent possible and located to minimize visibility from surrounding areas and rights-of-way." Further, "the use of colors and facility designs shall be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area."

Photo simulations have been submitted projecting the proposed antenna on the existing monopole. The proposed antenna would be fully screened because of the existing location of the monopoles. The monopoles are currently being screened by trees and other foliage. They were also painted to fit in with the surrounding water tank and trees. The proposed antenna will be placed below the existing antennas, therefore it will less visible than the existing antennas.

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

The proposed panel antennas will be a utility extension; furthermore, the proposed antenna will not increase the number of monopoles or have any visual impact. Additionally, there are existing antennas and monopoles at the project location, and they have all been screened to the fullest extent feasible. All existing equipment areas have minimal visual impacts and blend in with the surrounding area. The proposed antenna will not increase the visual impacts.

**8. Conclusion:** Based on the information the applicant has provided, it appears that the addition of one (1) antenna on an existing monopole at this location would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. Because the existing monopoles have been screened to the maximum extent feasible, the new antenna would also have minimal visual impact on the site. Additionally, no new equipment cabinets are proposed; therefore no landscaping will be removed. Furthermore, the project is consistent with the City's Design-Related Standards for wireless communications facilities. Staff believes that the findings for a Use Permit Amendment can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Use Permit Amendment, UP-946-05, to add one (1) antenna to an existing monopole at an existing wireless communications facility, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "AT&T, CNU5647/Skyline Boulevard & Daly City, Water Tanks at Skyline/King, Pacifica, California, 94044," consisting of eleven (11) sheets dated January 29, 2009 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 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.
4. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding 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.
5. The applicant shall revise the plans to reflect the correct address of the project.

**Building Department:**

6. Include attachment detail for antenna to pole and cable tray support.

**C. FINDINGS:**

**1. Findings for Approval of a Use Permit:** The Planning Commission finds that the proposal to install one (1) new antenna on an existing monopole at an existing wireless communications facility would not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or the general welfare of the City. The Commission finds that the proposal is consistent with the applicable provisions of the General Plan and other applicable laws of the City. Specifically, the Commission finds that the project meets all Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

**COMMISSION ACTION**

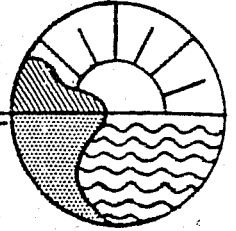
**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Use Permit Amendment, UP-946-05, subject to conditions 1 through 6 and adopt findings contained in the April 6, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
- b. Site Plans
- c. Photo Simulations

# STAFF REPORT



## PLANNING COMMISSION-CITY OF PACIFICA

DATE: April 6, 2009

ITEM: 3

### PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in The Pacifica Tribune on March 25, 2009. 23 surrounding property owners were notified by mail.

FILE: S-106-09

**APPLICANT:** Quantum Signs  
23591 Rockfield Blvd. #C  
Lake Forest, CA 92630

**AGENT:** Tony Rector  
10532 Jenny Lane  
Garden Grove, CA 92840

**OWNERS:** AIMCO Horizons West Apartments, LLC  
26 Executive Park, #1125  
Irvine, CA 92614

**LOCATION:** 365 Talbot Avenue

APN: 016-220-120

**PROJECT DESCRIPTION:** Proposal to remove an existing freestanding sign and construct a new freestanding sign at a different location.

**General Plan:** High Density Residential

**Zoning:** R-3 (Multiple-Family Residential District)

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

**ADDITIONAL REQUIRED APPROVALS:** None

**RECOMMENDED ACTION:** Approval as conditioned

**PREPARED BY:** Lily Lim, Planning Intern



**ZONING STANDARDS CONFORMANCE:**

<u>Standards</u>	<u>Min./Max.</u>	<u>Existing</u>	<u>Proposed</u>
Copy Area	304 s.f.	51.32 s.f.	83.08 s.f.
Height	20' (max)	5'6"	4'10"
Number of Freestanding Signs	1 (max.)	1	No Change

**PROJECT SUMMARY**

**A. STAFF NOTES:**

1. **Existing Site Conditions:** The subject site is approximately 3 acres in size and contains a three (3) story apartment building. The project site is sloped and is located on the west side of Talbot Avenue. An existing freestanding sign is located towards the center of the property; however it is obstructed by current on-street parking and landscaping. The existing sign has a copy area of approximately 51.32 square feet and is 5 feet 6 inches in height. Surrounding the site is a shopping center to the west, single family residences to the north and south, and multiple family residences to the east.

2. **Project Description:** The applicant proposes to construct a new non-illuminated two sided freestanding sign after demolishing the existing freestanding sign. Currently, the non-illuminated freestanding sign is 9 feet 4 inches in height and has a copy area of 51.32 square feet. The existing freestanding sign is single sided and reads "Horizon West 365." Landscaping and other foliage surround the existing sign.

The proposed two sided "Ocean Club at Pacifica Apartment Homes" sign will be 4 feet 10 inches in height with a cumulative copy area of 83.08 square feet and will be located in an area more visible to foot and automobile traffic along Talbot Avenue. The proposed sign is two sided and will be visible to those traveling on Talbot Avenue in both directions. The bottom half of the proposed sign will have a Walker-Zanger "Pavia Antico" tile sheathing and the top half will be painted to match the building. Currently, the project area has dirt and a few heritage trees surrounding it. The proposed sign will be located in the dirt area and no new landscaping is proposed.

3. **General Plan, Zoning, and Surrounding Land Use:** The General Plan designation for the subject property is Medium Density Residential and the zoning classification is R-3 (Multiple-Family Residential District). Surrounding land uses include single-family residential uses to the north, west and south, and multiple-family residential uses to the east.

4. **Municipal Code and Regulatory Standards:** The project requires a Sign Permit as described in Section 9-4.2906 of the Pacifica Municipal Code because the applicant proposes to construct a freestanding sign. Although there is an existing freestanding sign on the premises, a Sign Permit will be required to relocate the proposed sign. Pursuant to Section 9-4.2906 (3) of the Pacifica Municipal Code, "the total permitted sign area for any building shall not exceed seventy-five (.75

or ¾) square foot of signage per one foot of lineal street frontage.” The lineal street frontage for this property is 405 feet, therefore 304 square feet of copy area is allowed.

**5. Sign Permit:** The Section 9-4.2906 (b) of the Municipal Code allows the Planning Commission to issue a Sign Permit based on the findings specified below:

1. A freestanding sign is necessary for the business or businesses located on the premises to achieve a reasonable degree of identification;
2. The sign is consistent with the intent and provisions of this article; and
3. The sign does not exceed the square footage set forth in subsection (3) of subsection (a) of this section and
4. The sign does not exceed a height of twenty (20') feet above the sidewalk or paved area over which it is erected.

**6. Design:** The Design Guidelines state that all signs should be unobtrusive and convey their message clearly and should be complementary to the overall design of the building and site. Staff believes that the proposed signs are consistent with Pacifica’s Design Guidelines because the proposed signs will be unobtrusive and complement the overall design of the building. Additionally, the sign is placed in a location where it will not impede pedestrian or vehicular movement or vision. The height of the proposed sign will be less than the existing sign. Furthermore, the height of the proposed sign is no higher than what is necessary for adequate identification and visibility.

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

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The proposed freestanding sign is exempt from CEQA based on Section 15303 (e).

**8. Conclusion:** Based on the information the applicant has provided, it appears that the proposed freestanding sign would not be detrimental to the health, safety and welfare of those residing or working in the neighborhood. By removing the existing sign and constructing the new sign in the proposed location, it will allow pedestrians and vehicles to identify the building. The current sign

is being obstructed by on-street parking and landscaping whereas the proposed sign will be more visible from those traveling north and south on Talbot. Additionally, the proposed sign will be lower in height than the existing sign. Furthermore, the project is consistent with the City's Design Guidelines. Staff believes that the findings for a Sign Permit can be made.

## **RECOMMENDATION AND FINDINGS**

### **B. RECOMMENDATION:**

Staff recommends that the Planning Commission approve Sign Permit, S-106-09, to remove an existing freestanding sign and construct a new freestanding sign at a different location, subject to the following conditions:

#### **Planning Department:**

1. Development shall be substantially in accord with the plans entitled "Ocean Club at Pacifica Apartment Homes, Interior/Exterior Signage Exhibit, Pacifica, California," consisting of seven (7) sheets dated February 3, 2009 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 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.
4. The applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding 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.

**Building Department:**

5. Submit structural calculations – wind loads.

**Engineering Department**

6. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
7. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey points are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace survey points and record the required map prior to completion of the building permit.
8. Add a note on the Site Plan that says, “Existing curb, sidewalk, or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.”
9. Add a note on the Site Plan that says, “Any damage to improvements within the city right-of-way or to any private property, whether adjacent to subject property or not, that is determined by the City Engineer to have resulted from construction activities related to this project shall be repaired or replaced as directed by the City Engineer.”
10. No debris box or equipment shed is allowed in the street or sidewalk.

**C. FINDINGS:**

**1. Findings for Approval of a Sign Permit:** The Planning Commission finds that the proposal to remove an existing freestanding sign and construct a new freestanding sign at a different location would not be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or the general welfare of the City. The Commission finds that the proposal is consistent with the applicable provisions of the General Plan and other applicable laws of the City. Specifically, the Commission finds that the project meets all Zoning Code requirements and complies with the applicable provisions of the Design Guidelines.

**COMMISSION ACTION**

**D. MOTION FOR APPROVAL:**

Move that the Planning Commission find the project exempt from CEQA, and **APPROVE** Sign Permit, S-106-09, subject to conditions 1 through 10 and adopt findings contained in the April 6, 2009 staff report, and incorporate all maps and testimony into the record by reference.

Attachments:

- a. Land Use and Zoning Exhibit
  - b. Site Plans
  - c. Photo of Existing Sign
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