



Scenic Pacifica  
Incorporated Nov. 22, 1957

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ZONING ADMINISTRATOR  
Staff Report

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**DATE:** July 22, 2015

**ITEM:** 1

**PROJECT SUMMARY/RECOMMENDATION AND FINDINGS**

Notice of Public Hearing was published in the Pacifica Tribune on July 8, 2015 and mailed to 87 surrounding property owners and occupants.

**FILE:** UP-44-15

**APPLICANT:** Chris Hall, Eaton Hall Architects  
1501 The Alameda, Suite 105  
San Jose, CA 95126

**OWNER:** Brentwood Holding Co.  
180 S Spruce Ave., Suite 160  
South San Francisco, CA 94080

**PROJECT LOCATION:** 549 Oceana Boulevard (APN 009-164-220) – East Edgemar-Pacific Manor

**PROJECT DESCRIPTION:** Establish an outdoor seating area in conjunction with a Starbucks café

**SITE DESIGNATIONS:** General Plan: Commercial  
Zoning: C-2 (Community Commercial)

**RECOMMENDED CEQA STATUS:** Class 4 Categorical Exemption, Section 15304

**ADDITIONAL REQUIRED APPROVALS:** None. Subject to appeal to the Planning Commission.

**RECOMMENDED ACTION:** Approve as conditioned.

**PREPARED BY:** Christian Murdock, Associate Planner

## **DEVELOPMENT STANDARDS CONFORMANCE**

The project does not involve building construction, but does involve use of a paved patio area adjacent to an existing landscaping area in the side yard of the subject site. The Pacifica Municipal Code (PMC) does not contain development standards for patio areas. The applicant has constructed a new patio area within an existing parking stall at the northwest of the site, resulting in a net loss of one parking stall. However, the project retains sufficient parking to remain consistent with the original project approval.

The underlying approval for the subject building was granted with Site Development Permit PSD-261-80 approved by the Planning Administrator on April 14, 1980. The approval applied to the subject building as well as a 6,600 sq. ft. retail building to the northeast along Manor Drive. Both buildings were designated to receive detailed architectural and site layout review at a later date and thus were separated from a broader approval granted by the Planning Commission in 1977 for the adjacent La Mordida Taqueria restaurant building to the north (formerly Taco Bell) and the Anderson's Swim and Scuba building to the southeast (in-line with the 24 Hour Fitness health club). The 1977 approval authorized the mix of uses on the site, with which the current uses at the site remain consistent.

The site plan for PSD-261-80 identified 83 parking stalls for the site, with 34 allocated to the subject building, 22 allocated to the proposed retail building, and 24 allocated to existing uses. The result was a surplus of three parking stalls based on code requirements. The loss of one parking stall for construction of the outdoor seating area allows the site to remain consistent with its original approval, and will reduce the parking surplus to two stalls.

## **PROJECT SUMMARY**

### **1. Project Description:**

The Zoning Administrator must consider whether the establishment of an outdoor seating use at the subject location is appropriate for the site and whether any potential impacts may result from commencement of the use.

The proposed outdoor seating area will occupy an 18' wide by 14' long patio constructed at the northwest of the subject building. It will be setback approximately 10' from the sidewalk along Oceana Boulevard. Within this setback area, the applicant will install bicycle parking and landscaping. A freestanding sign, previously approved by the Planning Commission with Site Development Permit PSD-266-80 on October 8, 1980, was removed from this area to make room for additional landscaping. The sign was destroyed after high winds knocked down the sign in December 2014, and the property owner never replaced it. A backflow preventer and fire hydrant are also located within the landscaping area.

The location of the patio area will not obstruct any pedestrian or vehicular ingress/egress routes. A 3'-10" wide pedestrian sidewalk connecting the public right-of-way to the store entrance will be unaffected by the outdoor seating area, and the outdoor seating area has been constructed to allow access by persons with disabilities as required by state and federal law. Along the driveway adjacent to the outdoor seating area, staff has proposed a condition of approval that would require landscaping to be maintained in a manner that preserves traffic site safety areas as defined in the Caltrans Highway Design Manual. The applicant has not proposed fencing of any type in conjunction with this application.

The applicant proposes to allow customer consumption of its full menu of drinks and food items in the outdoor seating area. Starbucks's service plan does not provide table service to customers; therefore, customers will order all items inside the café and carry them outdoors. The allowable hours of operation under this Use Permit will be more restrictive than the main Starbucks Coffee use during mornings but less restrictive during evenings. The hours of operation identified in a proposed condition of approval do not allow use of the outdoor seating area in the very early morning operating hours associated with this café. Staff has proposed allowing hours of operation beyond 10 PM in the conditions of approval in the event Starbucks or another future tenant in the space remains open later than the 8 PM closing time of the current Starbucks operation. It is important to note that the proposed hours of operation of the outdoor seating area are inclusive of setup and clean-up time.

*Allowable Outdoor Seating Area Hours of Operation:*

Daily: 6 AM until 10 PM

*Starbucks Coffee Proposed Hours of Operation (Main Building):*

Daily: 5 AM until 8 PM

Staff has proposed a condition of approval prohibiting consumption of alcohol in the outdoor seating area without a subsequent public hearing and approved amendment to this Use Permit.

**2. General Plan, Zoning, and Surrounding Land Uses:**

The subject site's General Plan land use designation is Commercial, and its zoning classification is C-2 (Community Commercial). It is part of an existing shopping center containing a Mexican restaurant and two in-line retail buildings. The dominant tenant in the shopping center is a 24 Hour Fitness health club.

Surrounding land uses to the south and north are commercial. To the immediate west is Highway 1. To the east and to the west beyond the highway there are residential uses. The nearest residence is approximately 170 feet due east of the outdoor seating area with a clear line-of-sight between the outdoor seating area and the residence.

### **3. Municipal Code:**

The applicant's proposal requires approval of a Use Permit pursuant to PMC Sec. 9-4.2308(a), which establishes that all commercial and industrial uses be conducted within enclosed structures unless a Use Permit is obtained. Issuance of a Use Permit is governed by PMC Sec. 9-4.3303(a), which requires that the Planning Commission make the following findings:

- 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;
- 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
- That the use or building applied for is consistent with the City's adopted Design Guidelines.

PMC Sec. 9-4.3802(b)(3) grants authority to the Planning Director, acting as the Zoning Administrator, to hear and decide applications for a Use Permit subject to the same duties and responsibilities applicable to the Planning Commission. Decisions of the Zoning Administrator are appealable to the Planning Commission within 10 days after any determination (PMC Sec. 9-4.3804).

### **4. CEQA Recommendation:**

Staff analysis of the proposed project supports a Zoning Administrator finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The construction of an outdoor seating area qualifies as a Class 4 project in Section 15304 of the CEQA Guidelines (Minor Alterations to Land). Section 15304 states in part:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

\* \* \* \* \*

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

The applicant's reconfiguration of an existing area of paved flatwork (parking stall) into an outdoor seating area (patio), as well as to install new landscaping adjacent to the reconfigured area, is consistent with the scope of a Class 4 categorical exemption.

#### **5. Staff Analysis:**

Staff believes the project is a positive improvement for the shopping center. It will increase an active retail use at the shopping center while also providing an enjoyable outdoor café experience for patrons. The project also will redevelop a neglected and attractive portion of the site by installing new landscaping, pavement, and attractive outdoor furniture. It will satisfy all zoning regulations and applicable development standards, and will be consistent with the General Plan. As conditioned, with respect to the prohibition on music and limited hours of operation, the potential for noise or other impacts to surrounding businesses and property owners is negligible.

Staff's analysis supports a recommendation of approval of the project subject to the conditions in Exhibit A of the Resolution.

#### **RECOMMENDED ZONING ADMINISTRATOR ACTION**

Determine that the project is exempt from the California Environmental Quality Act; approve Use Permit UP-44-15 by adopting the attached resolution, including conditions of approval in Exhibit A; and, incorporate all maps and testimony into the record by reference.

#### **Attachments:**

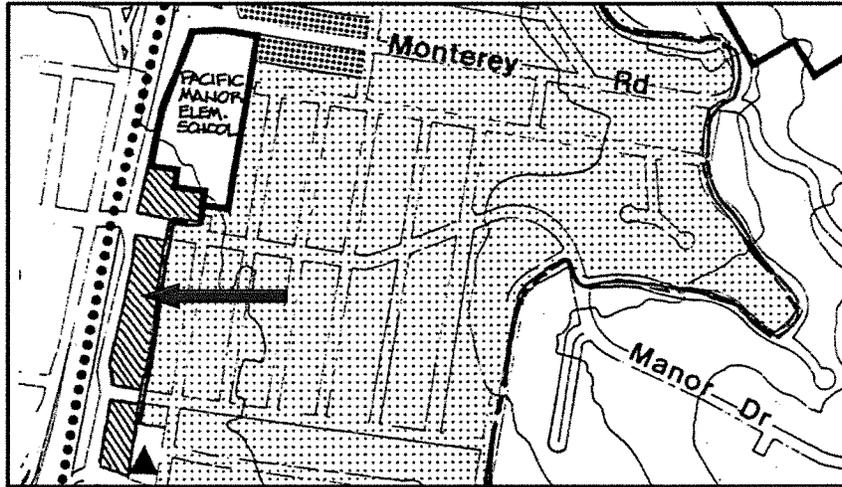
- A. Land Use and Zoning Exhibit
- B. Resolution for Use Permit
- C. Exhibit A for Resolution – Conditions of Approval
- D. Plans and Elevations

# Land Use & Zoning Exhibit

City of Pacifica Planning Department

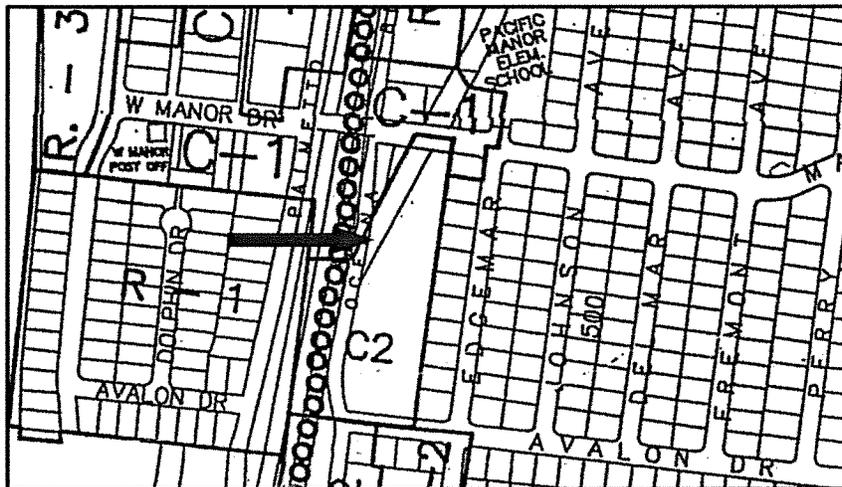
## General Plan Land Use Diagram

Neighborhood: East Edgemar-Pacific Manor  
Land Use Designation: Commercial



## Zoning Map Diagram

Zoning District: C-2 (Community Commercial)



(Maps Not to Scale)

# RESOLUTION NO. ZA-2015-\_\_\_\_\_

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-44-15, SUBJECT TO CONDITIONS, FOR BRENTWOOD HOLDING COMPANY TO OPERATE AN OUTDOOR SEATING AREA IN CONJUNCTION WITH A STARBUCKS COFFEE CAFÉ AT 549 OCEANA BOULEVARD (APN 009-164-220).**

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Initiated by: Chris Hall of Eaton Hall Architects for Brentwood Holding Company (“Applicant”).

**WHEREAS**, an application has been submitted to establish an outdoor seating area in conjunction with a Starbucks Café at 549 Oceana Boulevard (APN 009-164-220), in East Edgemar-Pacific Manor; and

**WHEREAS**, the project requires approval of a Use Permit because it involves a commercial use conducted outside of an enclosed structure in the C-2 (Community Commercial) zoning district; and

**WHEREAS**, the Zoning Administrator has determined the project is exempt from the California Environmental Quality Act (CEQA) as a Class 4 project per Section 15304 of the CEQA Guidelines (Minor Alterations to Land);

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Administrator of the City of Pacifica does hereby make the following findings pertaining to Use Permit UP-44-15:

1. 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.

The conditions of approval governing operation of the outdoor seating area will preserve the health, safety, and welfare. Specifically, conditions of approval are in place to regulate noise by prohibiting music of any kind, and hours of operation restrict how early or late the outdoor seating area may operate.

2. 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 Land Use Plan.

The subject site’s General Plan land use designation is Commercial, and its zoning classification is C-2 (Community Commercial). The proposed outdoor seating area in conjunction with a restaurant is a commercial use consistent with the Commercial General Plan land use designation and C-2 zoning.

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

The project does not involve construction activities that are described in the City's adopted Design Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Zoning Administrator of the City of Pacifica does hereby approve Use Permit UP-44-15, subject to conditions of approval attached in Exhibit A.

\* \* \* \* \*

Decided and adopted at a public hearing before the Zoning Administrator of the City of Pacifica, California, held on the 22nd day of July 2015.

\_\_\_\_\_  
Tina Wehrmeister, Zoning Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Michelle Kenyon, City Attorney

## **Exhibit A**

### **Conditions of Approval: Use Permit UP-44-15, Outdoor Seating Permit for Brentwood Holding Company, 549 Oceana Boulevard (APN 009-164-220)**

#### **Zoning Administrator Hearing of July 22, 2015**

##### **Planning Division**

1. Development shall be substantially in accord with the site plan and floor plan submitted to the City, consisting of three (3) sheets and stamped received by the City on June 19, 2015, except as modified by the following conditions.
2. The applicant shall 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, but excluding any approvals governed by California Government Code Section 66474.9. 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.
3. Prior to the issuance of a building permit, Applicant shall submit information on outdoor furniture, including but not limited to tables, chairs, and trash receptacles, for review and approval by the Planning Director.
4. Only furniture designed for outdoor use by the manufacturer may be placed within the outdoor seating area. Furniture includes, but is not limited to, tables, chairs, umbrellas, and trash receptacles. Applicant shall ensure that all furniture shall be maintained in working order and in good condition. Applicant shall timely replace faded, rusted, worn, or broken furniture when the deteriorated condition is first observed, but in no case longer than 90 days after a written request by the Planning Director.

## **Attachment C**

5. Umbrellas shall not contain text, logos, or other signage unless such signage is included in the site's Master Sign Program.
6. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the site plan and floor plan and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.
7. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site exterior lighting plan for review and approval by the Planning Director. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent residences. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable, on all building elevations.
8. Operating hours of the outdoor seating area shall be limited to 6:00 AM until 10:00 PM daily, inclusive of time needed for daily setup, disassembly, and cleaning. The Planning Director shall have the authority, upon 15 days advanced written notice to Applicant, to modify the hours of operation if substantial evidence exists that the outdoor seating area is creating a disturbance to nearby residences or businesses. Applicant may appeal to the Planning Commission any modification to the hours of operation of the outdoor seating area.
9. No musical performance, whether vocal, instrumental, or electronic, or amplified sound of any kind, shall be played, broadcast, transmitted, or otherwise be allowed to emanate from the outdoor seating area.
10. Applicant shall regularly maintain the outdoor seating area in conformance to this condition of approval. Regular maintenance shall include, at a minimum, the following: a) sweeping of the patio area and adjacent sidewalks daily; b) mopping of spills or stains as needed (hosing down the patio area shall be prohibited except as provided in Condition No. 11); c) emptying trash receptacles daily, or when receptacles are full, whichever occurs first; and, d) removal of litter (including, but not limited to, beverage containers, lids, food wrappers, condiment wrappers, and cigarette butts) from the patio, adjacent sidewalks, adjacent landscaping areas, and adjacent parking lot daily. Patio maintenance shall be performed to the satisfaction of the Planning Director. The foregoing shall also include timely replacement of broken, severely damaged, or faded outdoor furniture, upon written request of the Planning Director.

11. Applicant shall not install a hose bib at any exterior location of the restaurant building without first obtaining written approval from the Planning Director. Existing hose bibs within 50 feet of the outdoor seating area shall be capped to prevent use. Any future proposal for hose bib installation, or requests to continue use of existing hose bibs, must demonstrate how all wash water will drain directly into an adjacent landscaped area or into the sanitary sewer system (not the stormwater system), to the satisfaction of the Planning Director.
12. Alcohol shall be prohibited in the outdoor seating area. Permission to serve and/or consume alcohol in the outdoor seating area will require an amendment to this Use Permit. The amendment process shall include public notice and a public hearing before the Zoning Administrator or, in the Zoning Administrator's sole discretion, before the Planning Commission.
13. 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.
14. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

#### **Building Division**

15. Applicant shall provide seating in the patio area that is accessible to persons with disabilities in accordance with local, state, and federal laws.

#### **Engineering Division**

16. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
17. 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 point/s are altered, removed or destroyed, Applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.
18. No debris box or equipment shed is allowed in the street or sidewalk.

19. Prior to issuance of a building permit, 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.”
20. Prior to issuance of a building permit, 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.”
21. 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.
22. Landscaping in the vicinity of the driveway adjacent to the outdoor seating area shall be permanently maintained to provide clear site lines in accordance with Caltrans Highway Design Manual, Chapter 200, Topic 201 – Sight Distance, to the satisfaction of the City Engineer and Planning Director. The requirements of this condition shall include, but not be limited to, an ongoing obligation to maintain landscaping within any identified site safety area(s) at or below a maximum height of three feet (36 inches) above ground. The requirements of this condition shall also include, but not be limited to, an obligation to extend the area of ongoing landscaping maintenance to any area within a site safety area identified in response to a future change in the speed limit or alignment of Oceana Boulevard, or a change in the alignment or configuration of the driveway.
23. Site drainage shall be conducted under the sidewalk and through the face of the curb to the gutter.

#### **Wastewater Department**

24. Prior to final inspection, Applicant shall obtain a sewer lateral compliance certificate from the Wastewater Department.







**LEGEND**

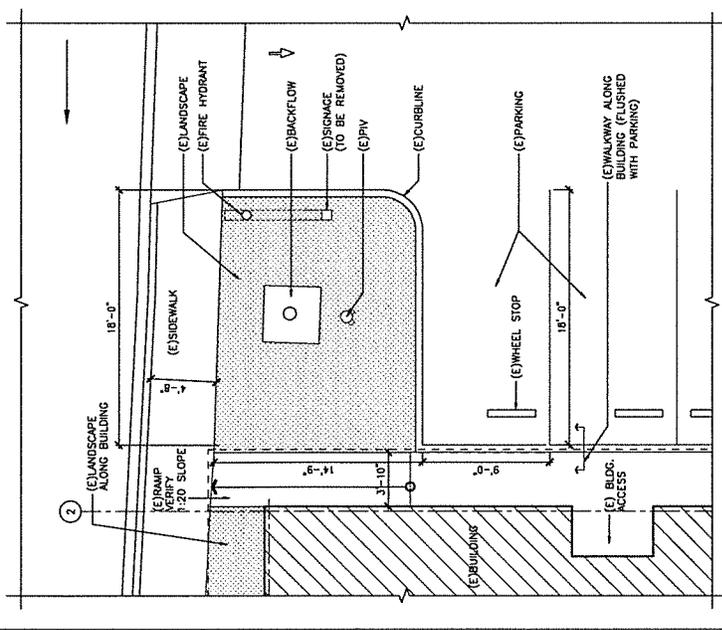
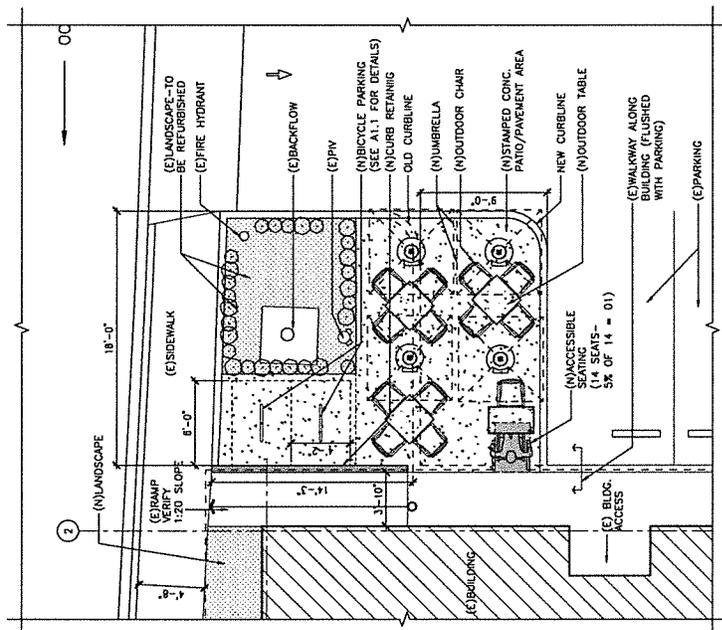
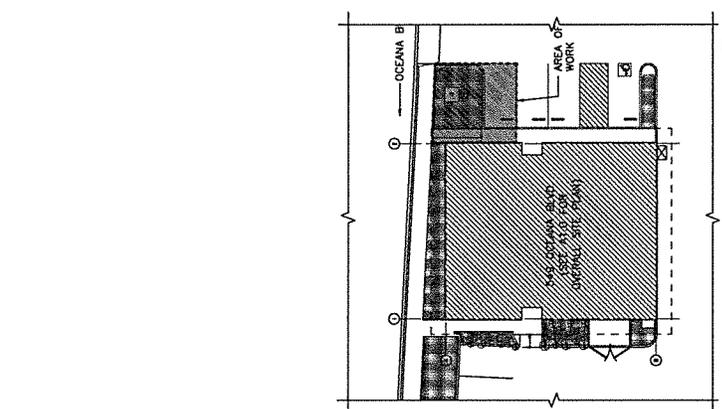
AREA OF WORK  
 PART OF TRAIL

**TABULATION**

AREA OF WORK  
 SFT SF

**NOTES**

1. NO HERITAGE TREE IS REMOVED WITH THIS PROJECT. NO WORK WILL OCCUR WITHIN DRIP LINE OF HERITAGE TREE.
2. OUTDOOR SEATING AREA IS PART OF THE T1 AND THE NEW TENANT IS RESPONSIBLE FOR MAINTENANCE, CLEANNESS AND TRASH REMOVAL.



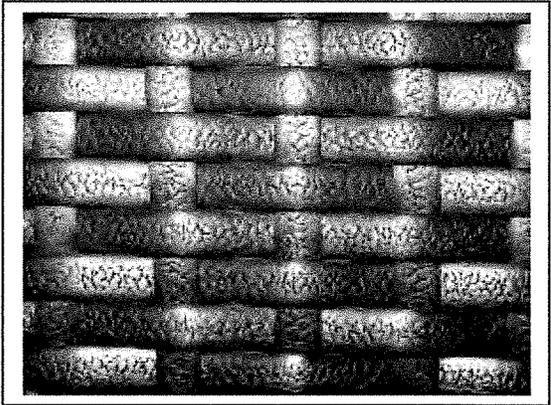
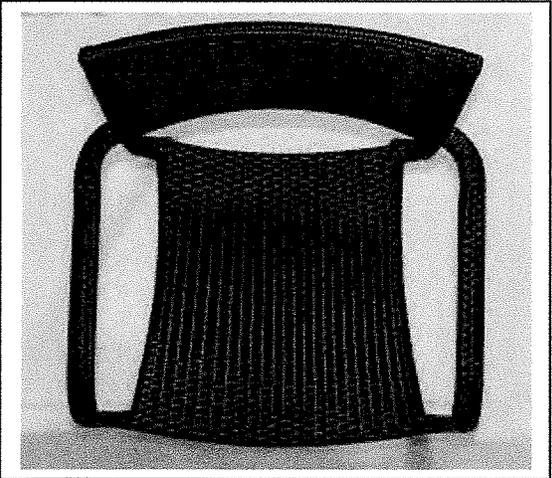
KEY PLAN - AREA OF WORK  
 1/8" = 1'-0"

OUTDOOR SEATING AREA - PROPOSED CONDITION  
 1/8" = 1'-0"

OUTDOOR SEATING AREA - EXISTING CONDITION  
 1/8" = 1'-0"

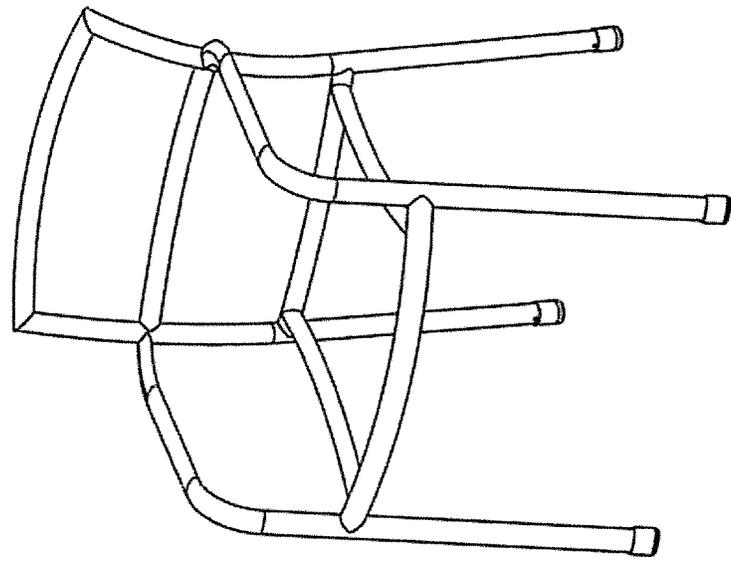
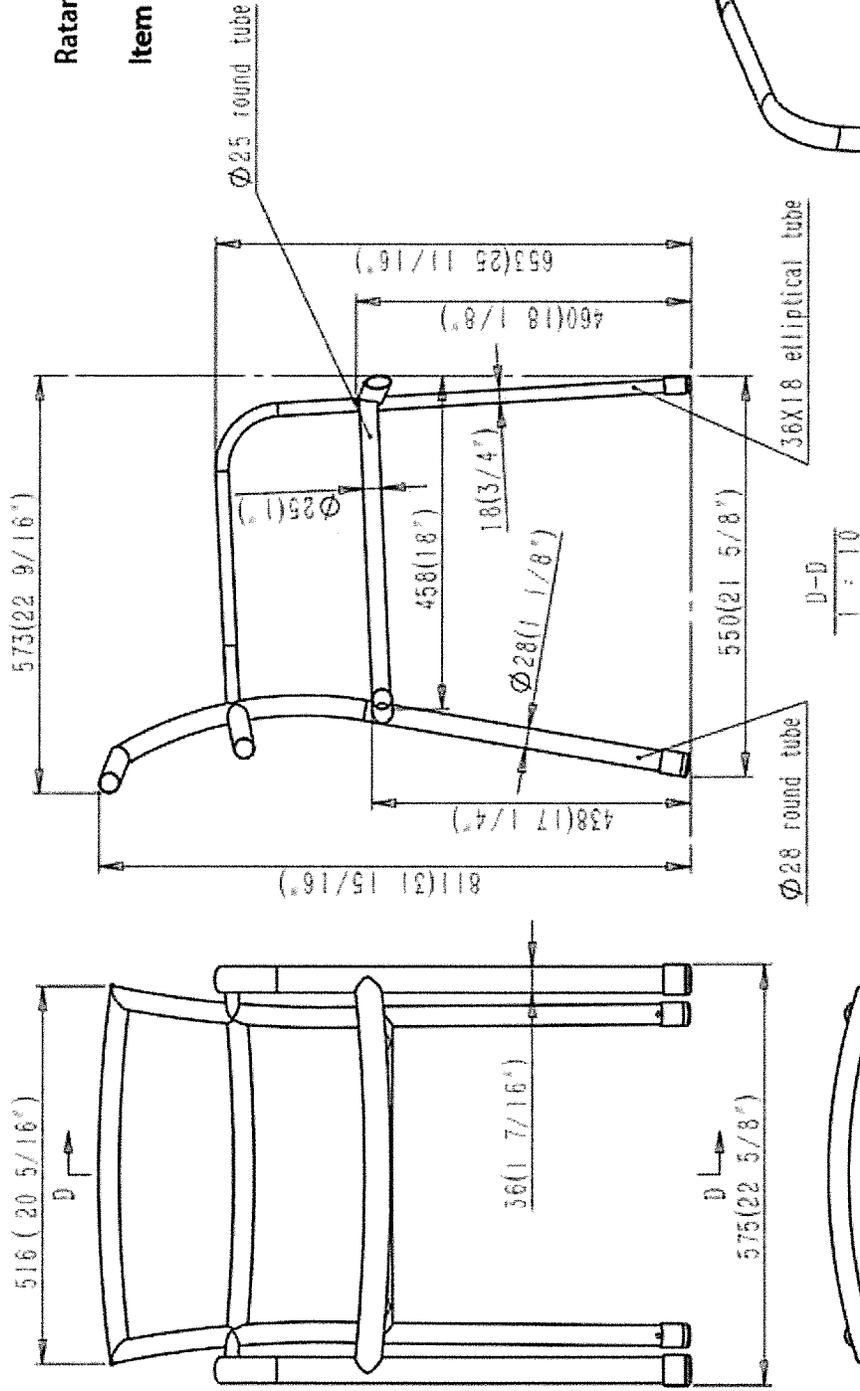
Ratana- Item Cut Sheet

Item Name: Arm Chair FN32912SLBK



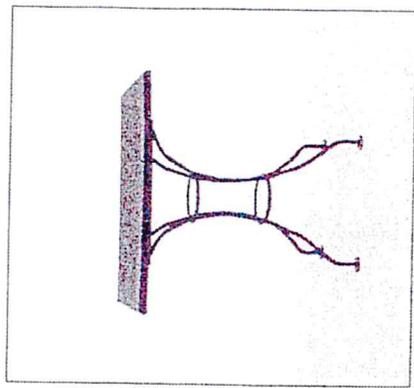
Ratana - Tech Drawing

Item Name: Arm Chair FN32912SLBK

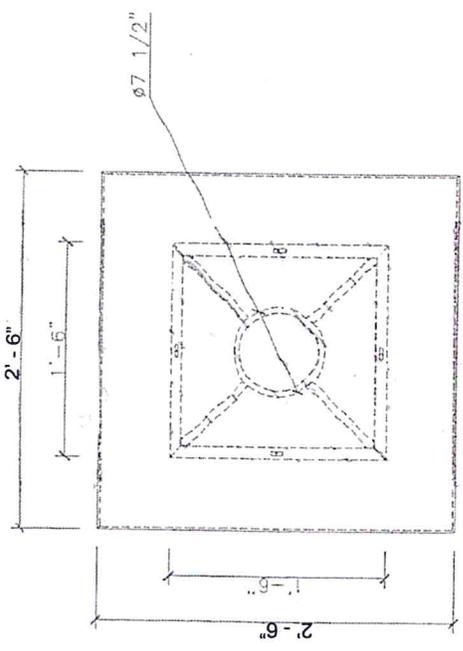


- Width: 22 5/8"
- Depth: 22 9/16"
- Height: 31 15/16"
- Seat: W17 11/16" x D18"
- Tube: Front leg tube: 36" x 18" elliptical  
Back leg tube: Dia 28" round

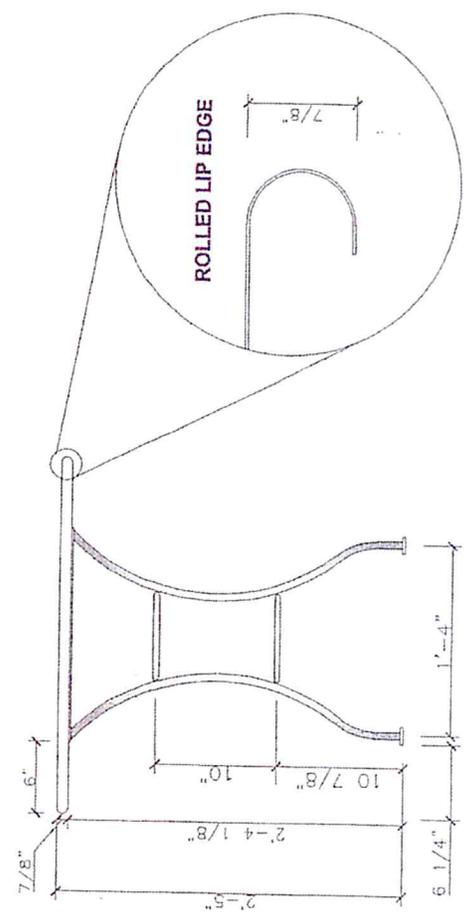
COAST TO COAST METAL FINISHING CORP. 401 S. RAYMOND AVE. ALHAMBRA CA 91803		TITLE: SQUARE OUTDOOR TABLE		ITEM #:
DATE: 05/23/2011		SKU #: DESIGN ID 12161		DRAWN BY: MARIA DIAZ
SCALE: DO NOT SCALE		SHEET: OF:		



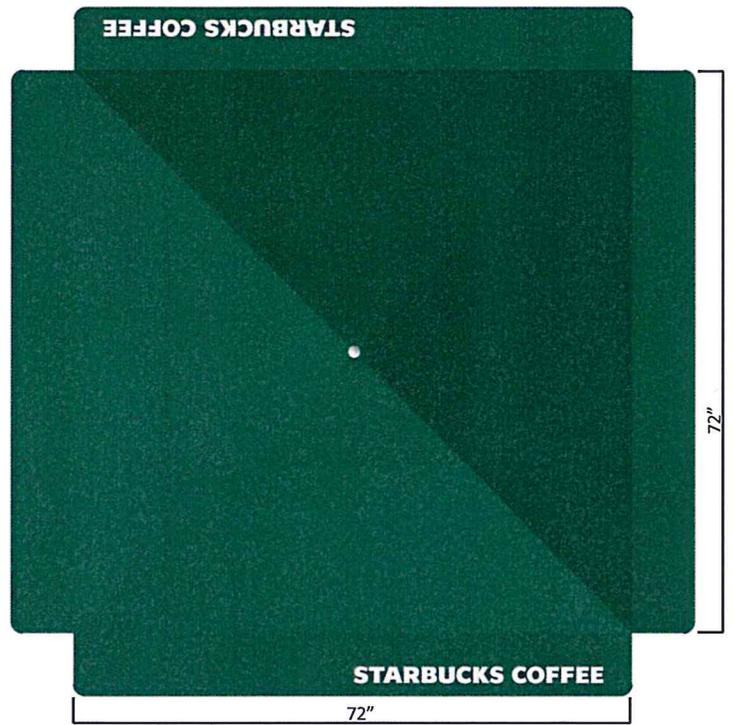
- NOTES:
- (A) 30" SQ. GALVANIZED STEEL TOP
  - (B) 4 HOT ROLLED STEEL LEGS
  - (C) 1/2" DIAMETER COLD ROLLED STEEL TUBULAR RINGS
  - (D) 1" DIAMETER NYLON GLIDES
  - (E) TABLE FRAME 1" X 1" X 1/8" STEEL ANGLE
  - (F) ALL DIMENSIONS +/- 1/16"
  - (G) FINISH ON POWDERCOAT CARDINAL T002-BK08 BLACK WRINKLE FINISH



**TOP VIEW**



**SIDE VIEW**



**TUUCI 6' Square Starbucks Parasol**

**Frame Construction:**

- Armor Wall Aluminum Marine Satin Anodized Finish
- TUUCI's Patented Independent Bracket Hub System
- Manual Lift with Stainless Steel Security Pin
- Built to withstand winds up to 25 mph
- Modular Design Allows for Easy Parts Replacement

**Canopy Construction:**

- Sunbrella® 100% Solution Dyed Acrylic Hemlock Tweed Fabric Matching Vent and Binding
- Mold and Mildew Resistant Fabric
- Ballistic-Reinforced Vent and Pocket Construction
- Valance Profile Canopy with Single Vent
- "Starbucks Coffee" Wordmark on Alternating Valances

**Triton Polymer Finial**  
Thermal polymer finial is UV stabilized to prevent cracking and degeneration in hostile environments.

**Marine Satin Anodized Construction with Stainless Steel Components**  
TUUCI's patented Independent Bracket System, engineered from aluminum struts and stainless steel components around a Delrin with TEFLON hub, provides extra strength and longevity.

**Ballistic-Reinforced Pocket Construction**  
Added reinforcement at its most vulnerable points prolongs the parasol's life.

**Durable Strut Extrusion**  
Bay Master's square struts enhance radial strength and have soft corners for aesthetic appeal.

**Marine Satin Anodized Mast**  
The "backbone" of shade equipment, Bay Master's satin marine anodized mast has a three-year warranty.