

RESOLUTION NO. 975

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING THE USE PERMIT UP-082-17, AND SPECIFIC PLAN SP-162-17, SUBJECT TO CONDITIONS, FOR MODIFICATION OF FREESTANDING SIGN MOUNTED WIRELESS COMMUNICATION FACILITY AT 709 HICKEY BOULEVARD (APN 009-440-120), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Tracy Lum ("Applicant").

WHEREAS, an application has been submitted to relocate six (6) pole mounted panel antennas from an existing freestanding sign, and installation of three (3) additional pole mounted panel antennas, within a proposed freestanding sign; and, installation of rooftop equipment in two areas, each measuring 16'-10" in length by 10'-6" in width by 8'-8" in height, atop an existing shopping center building, at 709 Hickey Boulevard (APN 009-440-120) in Pacifica; and

WHEREAS, the project requires approval of a Use Permit, which is required for all roof-mounted and antenna structure developments in all zoning districts per PMC section 9.4.2606(c)(1); and

WHEREAS, construction of the proposed buildings requires approval of a Specific Plan prior to the issuance of a building permit because the project site is a property within the P-D (Planned Development) zoning district, and such Specific Plan must be consistent with the approved Development Plan for the area and the City's adopted Design Guidelines; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on June 19, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Use Permit UP-082-17:

- i. 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;*

Discussion:

The proposed project would require a building permit prior to construction. The building permit process includes a detailed plan review for building and electrical code compliance, as well as field inspections of the work prescribed in the approved project plans to verify proper performance of the work. This would ensure safe installation of the proposed WCF. Staff has included a condition of approval which requires the applicant to obtain a building permit prior to installation of the WCF.

The City cannot regulate the topic of RF emissions beyond requesting reasonable information to substantiate a project's compliance with FCC standards. The applicant has provided relevant information prepared by a qualified professional engineer to demonstrate compliance with Federal Communications Commission (FCC) RF emissions standards.

The applicant has stated that the antennas do not emit any noise and the changes made to the equipment room would not generate additional noise. Therefore, any noise generated would be similar to the existing use.

Based on the information provided by the applicant, staff's analysis of that and other information, and the conditions of approval proposed for this project, the project would 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.

- ii. *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;*

Discussion: The proposed project is consistent with the following provisions of the General Plan, Local Coastal Plan, and other laws of the City as discussed below and throughout this report.

General Plan

- Noise Element, Policy No. 2: *Establish and enforce noise emission standards for Pacifica which are consistent with the residential character of the City and environmental, health, and safety needs of the residents.*

The project would not emit additional noise above existing conditions. The new antennas do not emit any noise and the modifications made to the equipment room would not increase the existing noise level from the operation of the equipment. Because there would be no change to the existing noise levels, the project would not impact the existing commercial or residential character of the

City and environmental, health, and safety needs of surrounding residents as a result of noise emissions.

- Historic Preservation Element, Policy No. 1: Conserve historic and cultural sites and structures which define the past and present character of Pacifica.

Local historic landmarks are not located in close proximity from the proposed project and as such no views from historic sites will be affected. The building sign and the roof equipment are visible from surrounding locations, however, the locations with clear views of the building sign and roof equipment are not locations which would be negatively affected by the proposed equipment which is being installed.

- Community Design Element, Policy No. 1: Preserve the unique qualities of the City's neighborhoods.

The proposed project would be located in the Fairmont area adjacent to skyline boulevard. The character of this section of the Fairmont area is largely defined by the Fairmont Shopping Center and the various low, medium and high density residential housing surrounding the shopping center. The Fairmont Shopping Center is a similar height as many of the surrounding neighborhoods. Skyline Boulevard is above the roof elevation of the building containing the roof mounted equipment. Architecturally, it is a boxy building with a flat roof which has raised parapets to the roof edges. Surrounding buildings are predominantly residential and vary between one to three story buildings. The installation within the freestanding sign will be screened from view. The installation of associated equipment at the roof will not be dissimilar from other roof level mechanical equipment. The proposed roof equipment would be in scale with the host building and would not affect the character of the surrounding residential housing.

The proposal is sensitive to visual impacts surrounding the site particularly from Skyline Boulevard. Skyline Boulevard runs parallel to the east side of the site, although it would be very difficult to get clear and sustained views when travelling along this road. The roof equipment is largely screened from this and surrounding residential building.

The applicant conducted a visual impact analysis for pedestrians and users of the commercial buildings, which concluded that minimal locations in close proximity to the site, would provide views of the notable visual change; users in surrounding locations would not typically be looking at the proposed project site, therefore the impacts on visual resources of these sensitive areas would be negligible.

The proposed project, as conditioned would not affect the unique qualities of the City's Fairmont neighborhood.

- Community Design Element, Policy No. 3: Protect the City's irreplaceable scenic and visual amenities

See discussion under Community Design Element, Policy No. 1.

Local Coastal Land Use Plan

- Coastal Act Policy No. 24: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alternative of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. [The remainder of this policy pertains to land designated as scenic the California Coastline Preservation and Recreation Plan, which does not apply to the project site].

The project is not within the Local Coastal Land Use Plan area.

- Coastal Act Policy No. 26(d): New development shall where appropriate, protect special communities and neighborhoods which because of their unique characteristics are popular visitor destinations points for recreational uses.

The project is not within the Local Coastal Land Use Plan area.

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

Discussion: As further discussed above, the proposed project is overall consistent with the City's adopted Design Guidelines.

- iv. *That the project will not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception;*

Discussion: The applicant's qualified professional engineer has assessed the communications technologies involved in the proposed WCF. Its analysis indicates that the technologies involved would not cause the type of interference described in this finding. Based upon the applicant's analysis prepared by a qualified professional engineer, it is staff's opinion that there is a sufficient basis for the Planning Commission to find that the project would not cause localized interference with reception of area television or radio broadcasts or other signal transmission or reception.

- v. *That the information submitted proves that a feasible alternate site that would result in fewer visual impacts does not provide reasonable signal coverage; and*

Discussion: Alternative sites for the proposed project would not reduce the visual impact, and would not provide the same coverage compared to the proposed project.

- vi. *That the application meets all applicable requirements of Section 9-4.2608 of the Pacifica Municipal Code.*

Discussion: As discussed above, the proposed project would meet the applicable requirements of Section 9-4.2608 of the Pacifica Municipal Code.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to Use Permit SP-162-17:

- i. That the specific plan is consistent with the approved development plan;

Discussion: The proposed Specific Plan for the subject site, which includes new wireless facilities, including roof mounted equipment, is generally consistent with the existing conditions at the site and with the approval granted for development in 1998. Considering the substantial conformance of the proposal to the existing conditions, staff's opinion is that the Specific Plan is consistent with the approved development plan.

- ii. That the specific plan is consistent with the City's adopted Design Guidelines.

Discussion: The proposed improvements at the site are consistent with the City's adopted Design Guidelines. While not prescriptive like zoning standards, the Design Guidelines provide guidance on significant elements of project design that, when balanced overall, result in the best possible site layout and building architecture for a project. The installation of roof mounted equipment is not unusual for a commercially zoned building and other examples of roof mounted equipment are present on this building and surrounding buildings. Although a building permit is required for this installation, and as such the Specific Plan is also required, there are no issues relative to the design guidelines which would preclude the installation of the proposed equipment. Minimal views exist towards this portion of the building and views are almost entirely restricted to surrounding roads where views are fleeting.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby find that the project is exempt from CEQA as a Class 3 exemption provided in Section 15303 of the CEQA Guidelines. Section 15303 states in part:

New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited number 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 structures. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The existing use of the antennas of providing wireless phone service would not change. As further discussed throughout this staff report the expansion of the use, in terms of area, would be negligible as conditioned and the physical alterations at the site would be small.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves Use Permit (UP-082-17) and Specific Plan (SP-162-17) for relocation of six (6) pole mounted panel antennas from an existing freestanding sign, and installation of three (3) additional pole mounted panel antennas, within a proposed freestanding sign; and, installation of rooftop equipment in two areas, each measuring 16'-10" in length by 10'-6" in width by 8'-8" in height, atop an existing shopping center building, at 709 Hickey Boulevard (APN 009-440-120) in Pacifica, subject to conditions of approval included as Exhibit A to this resolution.

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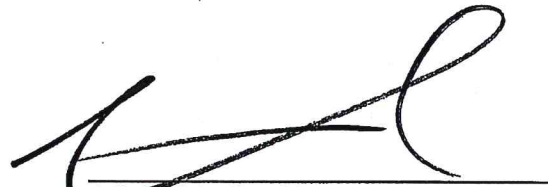
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 19th day of June 2017.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:




John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Nira Doherty for MMK

Michelle Kenyon, City Attorney