

CALIFORNIA COASTAL COMMISSION

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October 17, 2002

TO: COMMISSIONERS AND INTERESTED PERSONS**Th 15a****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE****SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT #2-02
(Telecommunications Facilities) TO THE CITY OF IMPERIAL BEACH
LOCAL COASTAL PROGRAM (For Public Hearing and Possible Action at
the Meeting of November 5-8, 2002)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject LCP implementation plan amendment was submitted and filed as complete on August 22, 2002. A one-year time extension was granted on October 8, 2002.

The City is proposing to amend its certified LCP implementation plan to add regulations governing the use, placement and design of wireless communication facilities. The amendment would add wireless communication facilities as a permitted use in the City's public facilities zone, and in commercial zones with issuance of a Condition Use Permit (CUP). In residential zones, they would be permitted when required to avoid a significant gap in coverage, subject to issuance of a CUP.

A new chapter would be added to the zoning code establishing standards for the siting, development, design and maintenance of wireless communication facilities. The standards include the need to assess (and minimize) the visual impact of the facility through placement, color, screening, landscaping, etc. Proposed freestanding facilities must be stealth facilities, that is, designed to blend into the surrounding environment. Noise and lighting associated with the facilities must be controlled.

SUMMARY OF Staff Recommendation

Staff recommends that, following a public hearing, the Commission deny the proposed City of Imperial Beach Implementation Plan Amendment #2-02 as submitted, and then approve the amendment subject to the suggested modifications listed below. In general, the proposed amendment will protect the City's scenic resources from a proliferation of visually prominent and/or unnecessary wireless communication facilities. However, as submitted, the amendment would allow the placement of communication facilities in the

Public Facilities (PF) zone, but does not clearly require that a Conditional Use Permit (CUP) be issued for these uses. This zone includes public parks and beaches. Therefore, because of the potential visual and public access impacts associated with placing communications facilities in these areas, Suggested Modification #1 clarifies that communication facilities are permitted in the PF zone only with a CUP, which will ensure that all of the visual and access protection policies contained in the proposed amendment are adhered to.

In addition, Suggested Modification #2 requires that any communications facilities located between the first public roadway and the ocean, San Diego Bay, or the Tijuana Estuary must be visually undetectable from Seacoast Drive, Imperial Beach Boulevard, public paths, bikeways, beaches and public recreational facilities, and must not require the construction of shoreline protective devices. In this manner, the highly scenic recreational shoreline areas will be protected. The modification allows that if there is no feasible alternative that can comply with this requirement, then the alternative that would result in the fewest or least significant impacts must be selected.

Suggested Modification #3 also strengthens the proposed language regarding the need to assess the feasibility of co-locating communication facilities. As modified, applicants must submit a co-location analysis, which will allow decision makers to evaluate the feasibility of co-locating proposed communication facilities with existing facilities.

Therefore, as amended, the facilities will be allowed where necessary, but the permitting process established through the proposed amendment will ensure that adverse impacts are avoided or minimized and that the facilities are compatible with surrounding development.

The appropriate resolutions and motions begin on page 3. The suggested modifications begin on page 5. The findings for denial of the Implementation Plan Amendment as submitted and approval of the plan, if modified, begin on page 6.

ADDITIONAL INFORMATION

Further information on the City of Imperial Beach LCP Amendment #2-2002 may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

On June 30, 1981, the City of Imperial Beach formally submitted its Land Use Plan (LUP) for Commission approval. The plan, as originally submitted, comprised the City's entire General Plan (10 elements and a policy plan). Since the plan contained a large volume of material that was not coastal-related and policies addressing coastal issues were found throughout many of the elements, staff summarized the coastal policies into

one document. This policy summary along with the Land Use Element was submitted to the Commission as the LCP Land Use Plan.

On September 15, 1981, the Commission found substantial issue with the LUP, as submitted, denied and then conditionally approved the LUP with recommended policy changes for all policy groups. The City resubmitted the LCP Land Use Plan in early 1982, incorporating most of the Commission's suggested policy modifications. This included modification language related to the preservation and protection of Oneonta Slough/Tijuana River Estuary and South San Diego Bay, preservation and enhancement of coastal access and the provision for visitor-serving commercial uses in the Seacoast District. On March 16, 1982, the Commission certified the City of Imperial Beach LCP Land Use Plan as submitted. The land use plan was effectively certified by the Commission on November 18, 1982. In 1983, prior to certification of the Implementation Plan, the Commission approved an amendment to the LUP to correct a mapping error.

On August 15, 1983, the City began issuing coastal development permits pursuant to Section 30600.5 (Hannigan provisions) of the Coastal Act based on project compliance with its certified LUP. The City then submitted its entire Zoning Ordinance in order to implement the provisions of the certified Land Use Plan. The zoning ordinance was completely rewritten in order to implement the LUP. On September 26, 1984, the Commission approved the LCP/Implementation Plan as submitted. As of February 13, 1985, the City has been issuing coastal development permits under a certified local coastal program. Subsequent to the Commission's actions on the land use plan and implementation plan, there have been approximately twenty-four amendments to the certified local coastal program.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment #2-02 for the City of Imperial Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Imperial Beach and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

- II. MOTION II:** *I move that the Commission certify the Implementation Program Amendment #2-02 for the City of Imperial Beach if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Imperial Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan.

Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the City is proposing be added to the Plan, the double-underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as submitted.

1. The following changes shall be made to Section 19.24.020 the Public Facilities Zone chapter:

Chapter 19.24 PF PUBLIC FACILITIES ZONE

[...]

19.24.020. Permitted uses.

The following uses are permitted in the public facilities zone:

- A. Public parks, playgrounds, athletic fields, gardens, tennis courts, swimming pools;
- B. Public school facilities;
- C. Civic center facilities;
- D. Public parking facilities;
- E. Buildings and facilities owned or operated by a governmental or quasi-public agency;
- F. Public and/or municipal recreation facilities;
- G. Public library;
- H. Public riding and hiking trails;
- ~~I. Wireless communications facilities.~~

The following uses are permitted in the public facilities zone subject to the approval of a conditional use permit:

- A. Wireless communications facilities.

2. The following changes shall be made to Section 19.88.050 of the proposed Chapter 19.88 Wireless Communications Facilities:

19.88.050 Application requirements

In addition to meeting the standard requirements for conditional use permits under Chapter 19.82 or site development plans under Chapter 19.81, all applications must include the following:

[...]

5. A written assessment of all potential alternative sites, as well as a statement that an effort was made to attempt an analysis indicating the feasibility of co-location at another site; and

[...]

3. The following changes shall be made to Section 19.88.070 of the proposed Chapter 19.88 Wireless Communications Facilities:

19.88.070 Development and design standards.

Every proposed wireless communication facility must meet all of the following development and design standards:

[...]

13. Wireless communication facilities located between the first public roadway and the ocean, San Diego Bay, or the Tijuana Estuary must be visually undetectable from Seacoast Drive, Imperial Beach Boulevard, public paths, bikeways, beaches and public recreational facilities, and must not require the construction of shoreline protective devices. If there is no feasible alternative that can comply with this requirement without resulting in a significant gap in communication coverage, then the alternative that would result in the fewest or least significant impacts to public views, public access and recreation, and shoreline processes shall be selected.

**PART IV. FINDINGS FOR DENIAL OF THE CITY OF IMPERIAL BEACH'S
IMPLEMENTATION PLAN AMENDMENT #2-02 AND
APPROVAL IF MODIFIED**

A. AMENDMENT DESCRIPTION

The City is proposing to amend its certified LCP implementation plan to add regulations governing the use, placement and design of wireless communication facilities through changes to the zoning code. The amendment would add definitions for the following uses to the Definitions chapter of the zoning code:

- Antenna
- Cell
- Cell site
- Fixed wireless service
- Monopole
- Stealth facility
- Wireless communication facility
- Wireless facility support structure

Wireless communication facility would be defined as:

“a land use facility that supports antennae and sends or receives radio frequency signals. Wireless communications facilities include antennae and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment cabinets, base transceiver stations, and other accessory development. Also referred to as a telecommunication facility.”

The amendment would specify requirements for the placement of these facilities in the City's various zones. Specifically, “Wireless communication facilities” would be added under permitted uses in the Public Facilities zone. The Public Facilities zone includes public schools, parks, civic and public parking facilities, and the beach.

“Wireless communication facilities” would be added under permitted uses subject to the approval of a Conditional Use Permit (CUP) in the City's Commercial and Urban Reserve zones.

In each of the City's residential zones, the more restrictive language “Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage” would be added to the list of permitted uses subject to the approval of a conditional use permit.

The amendment would not add wireless facilities as a new permitted use or change the Open Space zone in any way. In the City of Imperial Beach the open space zone includes

marine and wildlife preserves, environmentally sensitive lands, watercourses and lands that contain valuable natural resources.

The amendment would also add a new chapter to the zoning code entitled "CHAPTER 19.88 WIRELESS COMMUNICATIONS FACILITIES". The chapter establishes standards for the siting, development, design and maintenance of wireless communication facilities. The standards include the need to assess (and minimize) the visual impact of the facility through placement, color, screening, landscaping, etc. Proposed freestanding facilities must be stealth facilities, that is, designed to blend into the surrounding environment. Noise and lighting associated with any facilities must be controlled. Applicants would be required to assess all potential alternative sites, and attempt to co-locate a new facility at an existing site.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The certified LUP has a number of goals and policies relevant to the proposed amendment.

The Conservation Element and Open Space Element of the LUP states in part:

CO-1 The Beach

Imperial Beach has few industries and must, therefore, rely on the attraction of tourists for economic development. The beach area is most critical and the City should:

1. Designate the beach as open space.
2. Retain public ownership of the beaches.
3. Insure continued public access to beaches and, where possible, provide additional access, as well as increased public parking opportunities in the beach area (see Parks, Recreation and Access Element)

[...]

The City's Design Element lists the following visual and scenic resources specific to Imperial Beach:

√ The Pacific Ocean

The ocean is perhaps the most scenic resource in Imperial Beach. However, due to its almost limitless expanse, it is difficult to fully perceive visually. In the case of Imperial Beach and the Pacific Ocean, the statement that the best view is not always, or often, the full view, is applicable. The views of the Pacific Ocean in Imperial Beach can be enhanced if they are enframed or seen through an appropriate screen. The ocean is open space, a focus of major views, an attraction to visitors and a place of human activity.

√ **The Tijuana River Estuary**

The Tijuana River Estuary offers one of the most unique scenic resources. The Tijuana River Estuary can be viewed from several vantage points, a few of which are the Mesa bluff-top in Border Field State Park, the southern terminus of Seacoast Drive and along Imperial Beach Boulevard....

Depending from which viewing station the Tijuana River Estuary is viewed, the perception of the area changes dramatically. This is due to the interplay of different visual aspects. Views from along Imperial Beach Boulevard focus on the Tijuana bullfight ring and Mesa Bluff-top area, which act as the terminal features of the vista. This terminal point sets the theme of the view; a vast expanse of open space separating two urban areas, in fact, two countries.

From the end of the Seacoast Drive, a different prospective of the Tijuana River Estuary is achieved. Here, the narrow waterways form a visual axis. The axis, essentially, is a linear element transversing the view. The waterways, in fact, become the dominant feature. The perceived view is of a wetland type habitat between the shore and inland development.

The final viewing point is the Mesa bluff-top of Border Field State Park. This spot, itself a terminal point of another vista, produces a reverse interest view. From the bluff-top, one views a panoramic coastline scene ranging from the beaches below, along the coast past the estuary to Imperial Beach and Coronado.

The Estuary and Slough define the boundary between the urbanized City and the natural undeveloped City. This space has had an influence on all the people of Imperial Beach, either as a recreational resource, a place to go for solitude, or as an environmental resource.

√ **Ream Field**

This represents a scenic resource in that it draws spectators to view the helicopters. This particular vista is ideally suited to passive recreational activities for many, while simultaneously representing a prime source of noise pollution to others.

√ **The City Beach**

A unique scenic resource, the City beach encompasses the area from the Northern City limits, south to the International Border. This area has numerous focal points ranging from the City Pier, to the variety of building types, to the sandy beach. Daytime views include the Coronado Islands, the beach itself, the ocean, the Silver Strand, Coronado, Point Loma, and Downtown San Diego. Nighttime views include lights on the pier, lights on the ocean, Point Loma, the Coronado Bridge, Coronado and Downtown San Diego.

√ **Salt Evaporation Ponds and South San Diego Bay**

The salt evaporative ponds act as the gateway to Imperial Beach as one enters into the City along State Highway 75 from either the Silver Strand area or from Interstate 5. Unlike the Pacific Ocean, these ponds are small enough to be easily

understood visually. They serve as important gateways to the City. There are excellent nighttime views of the Coronado Bridge and Downtown San Diego.

Goal 4 of the City's Design Element states:

GOAL 4 VISUAL QUALITY IS IMPORTANT

The visual quality of the City's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development. The feeling of being near the ocean and bay should be emphasized even when the water is not visible. Designs reflective of a traditional California seaside community should be encouraged.

Policy D-8 states, in part:

D-8 Project Design

- a. The design of development projects should respect, work with and enhance the natural features of the land....
- b. Projects should be designed so there is a harmonious relationship with adjoining uses.
 - The pattern of existing neighborhoods should be respected. A development should be integrated with the adjacent neighborhood if the project size or natural boundaries dictate, or the design should create one or more separate and strong neighborhood identities.
 - Structures should relate to neighborhood structures both within and adjacent to the development and not create a harsh contrast of scale, style or color.
 - Areas of noisy activity and areas of quieter use should be separated by space or buffers, both within and between projects.
 - Lighting and signs should be designed, located and directed so as not to disturb adjacent uses.
- c. Developments should be designed to respect and enhance the view and safety of the passerby.
- d. Developments should attempt, through design, to give the appearance of a suburban density and scale.

Policy L-4 of the City's Land Use Element states in part:

L-4 Commercial Uses and Areas

Specific policies for commercial uses and areas are:

a. Attractive and Stimulating Surroundings

Commercial areas should be enjoyable places in which to shop and work. This means providing pedestrian scaled design, landscaping of building sites and parking lots, street trees, screening unsightly storage and parking areas and banning out-of-scale advertising. All new commercial developments and major expansions of existing commercial uses should be subject to design controls.

b. Protection of Residential Areas

All commercial uses should incorporate a sensitive transition to abutting residential uses by means of such techniques as landscape buffering and setbacks, viewsheds, and careful control of loading, storage, parking areas, and lighting.

The City's Noise Element states:

GOAL 12 EXCESSIVE NOISE

It is the intent of the City to regulate and control unnecessary excessive and annoying sounds and vibrations emanating from uses and activities within the City, and to prohibit such sounds and vibrations as are detrimental to the public health, welfare and safety of its residents.

Policy P-14 of the City's Parks, Recreation and Access Element states:

P- 14 Retain Existing Street Ends

All existing street ends under City ownership that provide public access to coastal resources, including bays, shall be retained for streets, open space or other public use. View corridors shall be protected and in no case shall buildings be permitted on or bridging the streets. The City shall approve detailed design plans for each street end.

Policy S-11 of the City's Safety Element states:

S-11 Storm Waves, Flooding and Seacliff Erosion

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, shoreline protection devices and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Prior to completion of a comprehensive shoreline protection plan designed

for the area, interim protection devices may be allowed provided such devices do not encroach seaward of a string line of similar devices.

1. Findings For Denial

The purpose and intent of the proposed ordinance amendment is to address the possible adverse impacts telecommunications facilities might have on the aesthetics, safety, or welfare of the City of Imperial Beach. Currently, the City's LCP does not contain any provisions specifically addressing these types of facilities, and the City has been concerned that the proliferation of wireless telecommunication facilities, including but not limited to antennae, towers, whip antennae and monopoles within the city could result in a pattern of incompatible land uses. In August 2000, the City adopted an interim ordinance temporarily prohibiting installation or modification of these facilities until a comprehensive study on their land use compatibility could be undertaken. The proposed amendment is a result of that effort.

Consistent with the above-cited LUP policies, the amendment contains specific and extensive development and design standards for communications facilities including requirements that the facility not reduce the number of required parking spaces on a proposed site, meet the required setbacks of the underlying zone, and minimize the visual impact of the facility through placement, screening, camouflage, color and landscaping to ensure compatibility with adjacent uses and other site characteristics. Façade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached, and roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area while complying with the building height requirements. As proposed, the amendment requires that applicants for communication facilities assess all potential alternative sites, and attempt to co-locate new facilities at existing sites. Freestanding facilities are discouraged unless there is no feasible alternative. The facilities must meet noise standards, landscaping must be maintained and the site maintained free of trash and graffiti. Security lighting must be shielded to limit light exposure to residential properties. Abandoned or discontinued facilities must be removed. Thus, if technological changes eliminate the need for wireless telecommunications facilities, the facilities will not be allowed to remain in place.

In general, these provisions will ensure that coastal resources, including visual quality and community are protected. The amendment would not have any adverse impacts on natural resources, since communications facilities would not be permitted in areas zoned Open Space, which consists of the Tijuana River Estuary. The amendment would not change the City's existing coastal development permit requirements or criteria, and thus, a coastal development permit would also be required for communications facilities unless otherwise exempt under the certified LCP.

However, as proposed, the amendment would add wireless communication facilities as a permitted use in the Public Facilities (PF) zone, which includes the City's parks and beaches. Unlike some cities where the "Park" designation is applied to large open space areas, where a telecommunications facilities would likely be very obtrusive, in the case of Imperial Beach, the City's parks consist of smaller, active recreation areas often with

buildings (schools or community centers) hardscape and playground equipment. Thus, given that the proposed amendment has extensive requirements for visual and land use compatibility, communication facilities could potentially be located in parks without adverse impacts to coastal visual or recreational resources.

As proposed, communications facilities would not be specifically listed under the PF zone as a use requiring a Conditional Use Permit (CUP). Yet, the new proposed chapter 19.88 "WIRELESS COMMUNICATIONS FACILITIES" states that a CUP *is* required for all wireless communication facilities. Thus, as submitted, the amendment is unclear as to whether a CUP is required or not in the PF zone.

Placing a telecommunications facility in public facilities such as public parks could have visual and land use compatibility impacts that should be addressed through the CUP process. Conditional Use Permits are appropriate for uses like telecommunication facilities that should not necessarily be permitted outright because they have "unusual or unique characteristics" and should be reviewed with "special consideration to the proper location of such uses in relation to adjacent uses" (quotes from the CUP chapter of the City's certified zoning code). In addition, as proposed in the new Chapter 19.88, CUPs for wireless communication facilities will have a maximum term of ten years with an automatic review in five years at a public hearing. Thus, this permit process will ensure that the use, facility and location continue to be appropriate to current conditions. The City's existing LCP requires that coastal development permits meet the criteria for issuance of a CUPs. Therefore, because of the special protections associated with the CUP permit process, telecommunications facilities located in the PF zone in particular should be permitted only with a CUP; thus, as submitted, the proposed amendment is not consistent with the certified LUP.

The City's beachfront is also zoned PF, and placing a communications facility on the beach could be visually obtrusive, and could potentially result in a request for shoreline protection, which would be inconsistent with the visual and public access policies of the certified LUP. Similarly, as identified in the LCP, the visual and scenic resources of Imperial Beach include the ocean and beaches, the estuary, and the salt ponds and south San Diego Bay. Views to and from these areas and the City's major coastal accessways, Seacoast Drive and Imperial Beach Boulevard, should especially be protected and preserved. However, as submitted, the amendment would allow visible communications facilities in the area, which is not consistent with the visual protection policies of the LUP.

Regarding co-location of telecommunications facilities, the proposed amendment does contain a provision stating that an "assessment of all potential alternative sites, as well as a statement that an effort was made to attempt co-location at another site". However, this application requirement should include an actual analysis of the feasibility of co-location, not just a statement that co-location was attempted. The most effective way to reduce the visual impact of a proliferation of communication facilities is to reduce their number through co-location. An analysis would allow the decision makers to make an independent analysis of the feasibility of co-locating. Therefore, as submitted, the amendment is not consistent with the certified LUP.

2. Findings For Approval

Suggested Modification #1 revises the Public Facilities chapter of the Zoning Code to establish that communication facilities are a permitted use in the PF zone only with a CUP, to ensure that all of the visual and access protection policies contain in the proposed amendment are adhered to. Suggested Modification #3 requires that wireless communication facilities located between the first public roadway and the ocean, San Diego Bay, or the Tijuana Estuary must be visually undetectable from Seacoast Drive, Imperial Beach Boulevard, public paths, bikeways, beaches and public recreational facilities, and must not require the construction of shoreline protective devices. Because the topography of Imperial Beach is fairly level and flat, there is less likelihood that facilities would have to be located in these visually sensitive areas in order to achieve adequate telecommunication coverage. However, if there is no feasible alternative that can comply with this requirement without resulting in a significant gap in communication coverage, then the alternative that would result in the fewest or least significant impacts shall be selected. In this manner, the highly scenic recreational shoreline areas will be protected.

Suggested Modification #2 revises the language regarding submittal requirements for communications facilities to require an analysis of the feasibility of co-location. Therefore, consistent with the policies of the certified LUP, the visual, public recreation and access resources of the city will be protected. Without the suggested modifications, the proposed LCP amendment is inconsistent with the visual resource and shoreline protection policies of the certified LUP. The proposed amendment, if modified as suggested, conforms to the certified land use plan, and the proposed ordinance can be found in conformance with and adequate to implement the certified LUP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment, if modified as suggested, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

For the most part, the proposed amendment to the City of Imperial Beach's Implementation Plan is consistent with and adequate to carry out the policies of the certified land use plan. Suggested modifications have been added that ensure communication facilities located in areas zoned for public facilities will be permitted only conditionally, and that any facilities located between the first public road and the ocean must be visually undetectable from specified public viewing areas. If modified as suggested, no impacts to coastal resources will result from the amendment.

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant unmitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.

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Ordinance No. 2002-983

AN ORDINANCE OF
THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH
AMENDING TITLE 19 (ZONING ORDINANCE)
OF THE IMPERIAL BEACH MUNICIPAL CODE
REGARDING WIRELESS COMMUNICATIONS FACILITIES. MF 580

WHEREAS, the City of Imperial Beach has determined that the proliferation of wireless telecommunications facilities including but not limited to antennae, towers, whip antennae, and monopoles within the City without adequate controls may result in a pattern of incompatible land uses within the City; and

WHEREAS, the City of Imperial Beach had adopted urgency ordinances, pursuant to Government Code Section 65858, to temporarily prohibit the installation and/or modification of wireless telecommunications facilities used for personal wireless services, including but not limited to antennae, towers, whip antennae, monopoles, and satellite dishes, in all zones, until such reasonable time as a comprehensive wireless telecommunications ordinance has been developed to address the possible adverse impacts such facilities might have on the aesthetics, health, safety, or welfare of the City; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations are consistent with the Federal Telecommunications Act of 1996; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations would not have a significant impact on the environment and, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061.b3 (General Rule), would be exempt from the California Environmental Quality Act as the proposed amendment would require that applicants for Wireless Communications Facilities obtain a discretionary entitlement, a conditional use permit, the approval process for which would be subject to additional environmental review for compliance with CEQA; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed General Plan Amendment/Local Coastal Plan Amendment, pursuant to Government Code Section 65300.5, is internally consistent with the other policies of the General Plan, and also finds the proposed Zoning Ordinance Amendment, pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

SECTION 1: Section 19.04.077 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.077. Antenna.

'Antenna' means a device or system of wires, poles, rods, dishes, discs, or similar devices used for the transmission or receipt of electromagnetic waves."

SECTION 2: Section 19.04.202 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.202. Cell.

'Cell' means the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagate."

SECTION 3: Section 19.04.203 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.203. Cell site.

'Cell site' means a parcel of real property on which a wireless communications facility is or is to be located."

SECTION 4: Section 19.04.367 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.367. Fixed wireless service.

'Fixed wireless service' means a local wireless operation providing multiple services, such as telephone, internet, and fax, to end users. The associated equipment is in the form of a small panel or dish antenna attached to a home or building."

SECTION 5: Section 19.04.553 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.553. Monopole.

'Monopole' means a structure composed of a single spire used to support equipment that is part of a wireless communications facility."

SECTION 6: Section 19.04.712 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.712. Stealth facility.

'Stealth facility' means any communications facility that is designed to blend into the surrounding environment and is visually unobtrusive. Examples of stealth facilities may include roof-mounted antennae that are architecturally screened, facade-mounted antennae painted and treated as architectural elements to blend with the building, and facilities appearing to be artwork, clock towers, flag poles, trees, or other interesting, appropriate, and compatible visual forms. Also known as concealed telecommunications facilities."

SECTION 7: Section 19.04.782 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.782. Wireless communications facility.

'Wireless communications facility' means a land use facility that supports antennae and sends or receives radio frequency signals. Wireless communications facilities include antennae and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment cabinets, base transceiver stations, and other accessory development. Also referred to as a telecommunication facility.'

SECTION 8: Section 19.04.783 of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"19.04.783. Wireless facility support structure.

'Wireless facility support structure' means the electronic equipment housed in cabinets or small buildings that, together with antennae, comprises a PCS (personal communications services) facility or site. The cabinets or buildings typically include an air conditioning unit, a heating unit, electrical supply, telephone hook-up, and back-up power supply.'

SECTION 9: Section 19.12.020 of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"The following uses are permitted in the R-1-6000 zone:

- A. One single-family detached dwelling per lot;
- B. Accessory buildings, structures and uses customarily incidental to any permitted use;
- C. Private garages to accommodate not more than four cars per dwelling unit;
- D. Family day care facilities as permitted in Chapter 19.64;
- E. Home occupations as permitted in Chapter 19.74;
- F. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
- G. Signs as permitted in Chapter 19.52;
- H. Satellite dish antennae as permitted in Chapter 19.71.

The following uses are permitted in the R-1-6000 zone subject to the approval of a conditional use permit:

- A. Churches;
- B. Day care centers;
- C. Library;
- D. Mobile home parks;

- E. Parks;
- F. Senior housing as permitted in Chapter 19.67;
- G. Schools;
- H. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage.

SECTION 10: Section 19.13.020 of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"The following uses are permitted in the R-1-3800 zone:

- A. One single-family detached dwelling per lot;
- B. Accessory buildings, structures and uses customarily incidental to any permitted use;
- C. Private garages to accommodate not more than four cars per dwelling unit;
- D. Family day care facilities as permitted in Chapter 19.64;
- E. Home occupations as permitted in Chapter 19.74;
- F. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
- G. Signs as permitted in Chapter 19.52;
- H. Satellite dish antennae as permitted in Chapter 19.71.

The following uses are permitted in the R-1-3800 zone subject to the approval of a conditional use permit:

- A. Churches;
- B. Day care center;
- C. Library;
- D. Mobile home parks;
- E. Parks;
- F. Senior housing as permitted in Chapter 19.67;
- G. Schools;
- H. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage.

SECTION 11: Section 19.14.020(B)(7) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"7. Schools;"

SECTION 12: Section 19.14.020(B)(8) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"8. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage."

SECTION 13: Section 19.15.020(B)(7) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"7. Schools;"

SECTION 14: Section 19.15.020(B)(8) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"8. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage."

SECTION 15: Section 19.16.020(B)(7) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"7. Schools;"

SECTION 16: Section 19.16.020(B)(8) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"8. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage."

SECTION 17: Section 19.17.020(B)(7) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"7. Schools;"

SECTION 18: Section 19.17.020(B)(8) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"8. Wireless communications facilities, when necessity compels placement to avoid a significant gap in wireless communications coverage."

SECTION 19: Section 19.24.020(H) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"H. Public riding and hiking trails;"

SECTION 20: Section 19.24.020(I) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"1. Wireless communications facilities."

SECTION 21: Section 19.26.020(B)(18) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"18. Tattoo establishment;"

SECTION 22: Section 19.26.020(B)(8) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"8. Wireless communications facilities."

SECTION 23: Section 19.27.020(B)(13) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"13. Public parking lots;"

SECTION 24: Section 19.27.020(B)(14) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"14. Wireless communications facilities."

SECTION 25: Section 19.28.020(B)(5) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"5. Residential dwelling units above the first floor at a maximum density of one unit per every two thousand square feet of lot area and subject to subsections D and E of this section as appropriate;"

SECTION 26: Section 19.28.020(B)(6) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"6. Wireless communications facilities."

SECTION 27: Section 19.30.020(E) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"E. Parks, playgrounds, athletic fields; and"

SECTION 28: Section 19.30.020(F) of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"F. Riding and hiking clubs and trails;"

SECTION 29: Section 19.30.020(G) of Chapter 19.04 of the Imperial Beach Municipal Code is added to read as follows:

"G. Wireless communications facilities."

SECTION 30: Chapter 19.88 of the Imperial Beach Municipal Code is added to read as follows:

**"CHAPTER 19.88
WIRELESS COMMUNICATIONS FACILITIES**

19.88.010. Intent and purpose.

The purpose of this chapter is to establish standards for the siting, development, and maintenance of wireless communications facilities and antennae throughout the city. This chapter is intended to protect and promote the public health, safety, and welfare, as well as the aesthetic quality of the city as set forth in the goals, objectives, and policies of the General Plan. This chapter is also intended to allow for the efficient development of a wireless communications infrastructure in accordance with the guidelines and intent of the Federal Telecommunications Act of 1996. Because the wireless communications industry utilizes unique technologies that are in a constant state of change, this chapter is intended to be appropriate for the analysis of various siting and facility circumstances.

19.88.020. Applicability.

This chapter applies to all wireless communications facilities proposed to be located in the city, except as provided in section 19.88.060.

19.88.030. Residential zones.

Wireless communications facilities may not be located in a residential zone, unless doing so is necessary to avoid a significant gap in wireless communications coverage.

19.88.040. Permit types.

A conditional use permit is required for all wireless communications facilities. A site development plan is required for all stealth facilities. A modification to existing wireless facilities may require an amendment to the applicable conditional use permit or site development plan.

19.88.050. Application requirements.

In addition to meeting the standard requirements for conditional use permits under Chapter 19.82 or site development plans under Chapter 19.81, all applications must include the following:

1. A description of the services that the applicant proposes to offer or provide at the proposed site;
2. Documentation certifying that the applicant has obtained all licenses and other approvals required by the Federal Communications Commission and, if applicable, the California Public Utilities Commission, to provide the proposed services;
3. A visual impact analysis consisting of photo simulations, photo montages, elevations, or other visual or graphic illustrations of the proposed wireless

communications facilities, which include proper coloration and blending of the facility with the proposed site and surrounding area;

4. Identification of the geographic service area for the proposed site, including a map showing the site and the associated next cell sites within the network and a description of how the proposed site fits into and is necessary for the applicant's service network;
5. A written assessment of all potential alternative sites, as well as a statement that an effort was made to attempt co-location at another site; and
6. A copy of any field tests ("drive tests") reflecting the strength of signals at each of the proposed and alternative sites.

19.88.060. Exceptions.

The following are exempt from the requirements of this chapter:

1. Satellite dish antennae;
2. Fixed wireless service antennae;
3. Amateur radio antennae, as defined in 47 CFR 17.3.

19.88.070. Development and design standards.

Every proposed wireless communication facility must meet all of the following development and design standards:

1. The installation of wireless communications facilities may not reduce the number of required parking spaces on a proposed site.
2. Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antenna or equipment building from any property line is twenty feet.
3. Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.
4. A service provider with a wireless communications facility in the city must obtain a city business license.
5. The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage, and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials, and other site characteristics.
6. The colors and materials of wireless communications facilities must blend into their backgrounds.

7. Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.
8. Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.
9. Freestanding facilities, including towers, lattice towers, and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.
10. Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.
11. Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units, and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts.
12. No advertising signs may be placed on any facility or equipment.

19.88.080. Operation and maintenance standards.

Wireless communications facilities must meet all of the following operational and maintenance standards.

1. Air conditioning units and noise-generating equipment must comply with the noise standards in chapter 19.32.
2. In residential zones, security lighting must be operated with a timing device and shielded to limit light exposure on neighboring properties.
3. Wireless communications facilities and related equipment must be maintained in good condition, free from trash, debris, graffiti, and all other forms of vandalism. Any damaged wireless communications facilities or equipment must be repaired as soon as reasonably possible, so as to minimize dangerous conditions and visual blight.
4. Landscaping elements of a wireless communications facility must be maintained in good condition. Damaged, dead, or decaying landscaping must be replaced as promptly as possible.

5. In residential zones, routine equipment maintenance may only be conducted between eight a.m. and five p.m., Monday through Friday. In all other zones, routine maintenance may be conducted at any time.
6. Emergency maintenance may only be conducted during power outages or equipment failure.
7. In residential zones, non-emergency visits for scheduled upgrades, other than as described in subsection 5, require seventy-two-hour notice to the city and adjacent neighbors. No more than one (1) scheduled upgrade is permitted every twelve (12) months.
8. A statement that the wireless communications facility conforms with the current FCC safe-exposure standards must be submitted annually to the director of community development.

19.88.090. Life of conditional use permit.

Conditional use permits for wireless communication facilities have a maximum term of ten (10) years, with an automatic review in five (5) years at a public hearing. Conditional use permits must be renewed prior to their expiration, in accordance with Chapter 19.82.

19.88.100. Discontinuance of wireless communications facilities.

A service provider that discontinues the operation of a wireless communications facility for an uninterrupted period of six (6) months, must promptly remove the abandoned or discontinued facility, unless the service provider notifies the city in writing of its intent to maintain the facility. The city will consider the written request in determining the status of the facility. The service provider must remove or cause the removal of the facility, including all antennae, cables, cabinets, equipment buildings, poles, and support equipment, within thirty (30) calendar days after the facility's operations are terminated. If the service provider fails to remove the facility, the property owner must have the facility removed.

19.88.110. Revocation of permit.

Wireless communications service providers and their operational facilities must comply at all times with conditions of approval, this code, and all other applicable standards and laws. Failure to comply with a condition, standard, or law is grounds for possible revocation pursuant to this code."

SECTION 31: This ordinance shall become effective only when certified by the California Coastal Commission but not sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, held on the 5th day of June, 2002, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 19th day of June, 2002 by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTENTIONS:	COUNCILMEMBERS:

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Linda A. Trovan

LINDA A. TROYAN, CITY CLERK

APPROVED AS TO FORM:

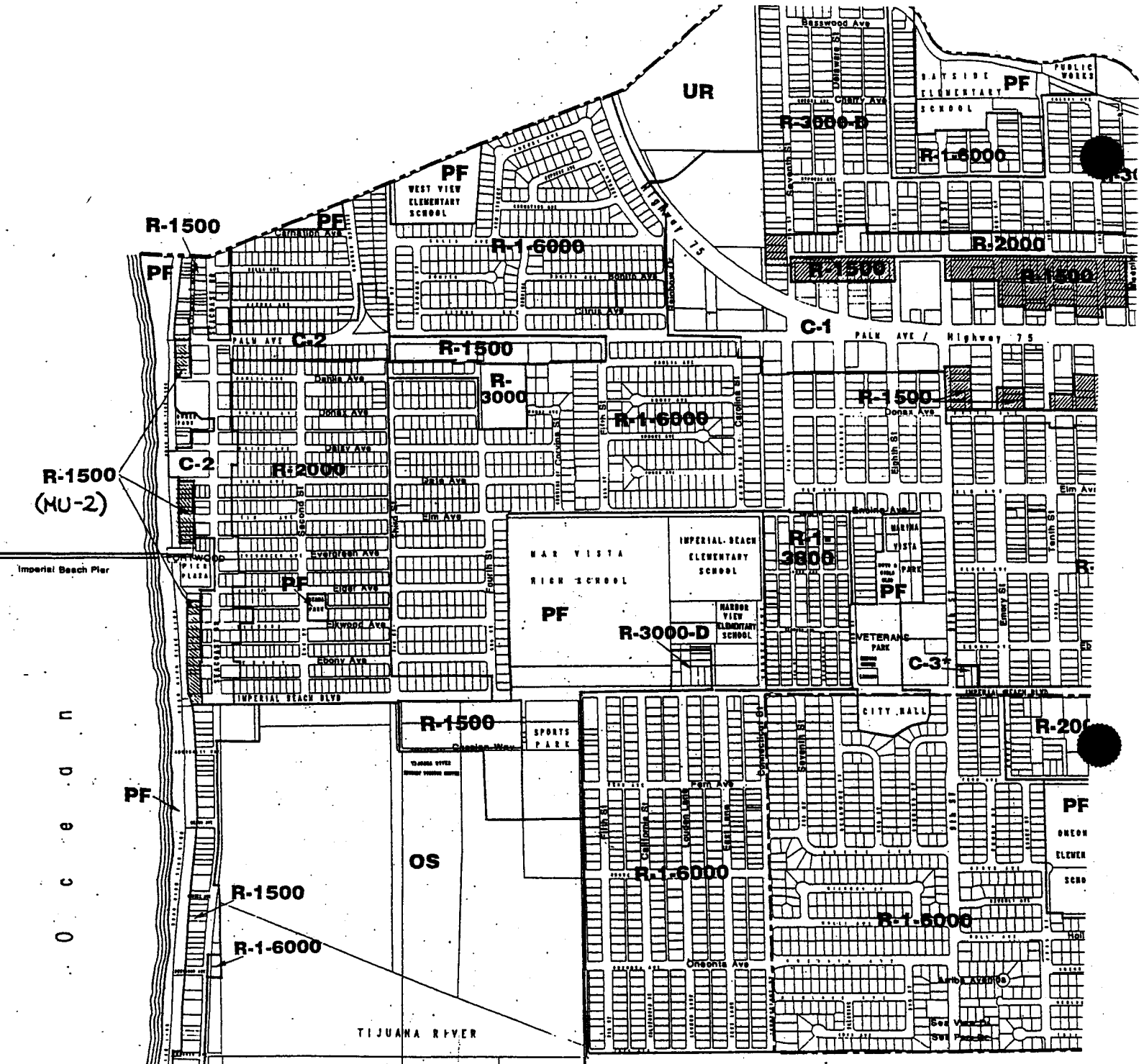
Lynn R. McDougal

LYNN R. MCDOUGAL

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2002-983, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING ORDINANCE) OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS FACILITIES. MF 580.

CITY CLERK

DATE



CITY OF IMPERIAL BEACH

GENERAL PLAN/LOCAL COASTAL PLAN
AND ZONING ORDINANCE LAND USE MAP

- CITY BOUNDARY
- COASTAL ZONE BOUNDARY
- R-1-3800 SINGLE FAMILY RESIDENTIAL
- R-1-6000 SINGLE FAMILY RESIDENTIAL
- R-3000-D RESIDENTIAL
- R-3000 RESIDENTIAL
- R-2000 RESIDENTIAL
- R-1500 RESIDENTIAL
- C-1 GENERAL COMMERCIAL
- C-2 SEACOAST COMMERCIAL
- C-3 NEIGHBORHOOD COMMERCIAL
- ▨ MU-1 MIXED USE
- ▨ MU-2 MIXED USE
- PF PUBLIC FACILITY
- OS OPEN SPACE
- UR URBAN RESERVE

UR
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NAVAL OUTLYING L
IMPERIAL