

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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RECORD PACKET COPY

March 19, 2003

Wed 11a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of San Imperial Beach's action, certifying the City's Local Coastal Program Amendment #2-02 (Wireless Communications), is adequate to effectively certify its Local Coastal Program (for Commission review at its meeting of April 8-11, 2003)

BACKGROUND

At its November 7, 2003 meeting, the Coastal Commission certified, with suggested modifications, the City of Imperial Beach's Local Coastal Program Amendment #2-02, pertaining to the use, placement and design of wireless communication facilities. By their action adopting Resolution No. 2003-997 on January 22, 2003, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications clarify that communication facilities are permitted in the PF zone only with a CUP, require 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, and require submittal of a co-location analysis. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Imperial Beach is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

WHEREAS, the City Council must adopt the suggested modification to the ordinance within six months of the Commission's action, pursuant to California Coastal Commission Regulation Section 13542(b), in order for the Coastal Commission to effectively certify Ordinance No. 2002-983 and in order for the Executive Director of the Coastal Commission to report to the Commission that the amendment is consistent with the certification order; and

WHEREAS, the City of Imperial Beach acknowledges receipt of the Commission's resolution of certification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, IN ORDER TO BE CONSISTENT WITH THE CALIFORNIA COASTAL COMMISSION CERTIFICATION ORDER FOR MAJOR AMENDMENT NO. 2-2002, AS FOLLOWS:

SECTION 1: That Section 20 of Ordinance No. 2002-983, which amended Chapter 19.24 PF Public Facilities Zone, is hereby amended to read as follows:

"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;

19.24.022. Conditional Uses.

The following uses are permitted in the Public Facilities Zone subject to the approval of a Conditional Use Permit:

- A. Wireless communications facilities."

SECTION 2: That Section 30 of Ordinance No. 2002-983, which added Chapter 19.88 WIRELESS COMMUNICATIONS FACILITIES, is hereby amended to read as follows:

"[...]

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 an analysis indicating the feasibility of 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.

[...]

19.88.070. 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.
13. Wireless 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. 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.

[...]"

SECTION 3: This ordinance shall become effective when the Executive Director reports to the California Coastal Commission that the amendment is consistent with the certification order but not sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a Special meeting of the City Council of the City of Imperial Beach, held on the 6th day of January, 2003, and thereafter **PASSED AND ADOPTED**

at a Special meeting of the City Council of the City of Imperial Beach, California, held on the 22nd day of January, 2003 by the following roll call vote:

AYES: COUNCILMEMBERS: ROSE, ROGERS, MCCOY, JANNEY, WINTER
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE HALD, CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDUGAL
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2003-997, AN Ordinance Of The City Council Of The City Of Imperial Beach Amending Sections 20 And 30 Of Ordinance NO. 2002-983 To Include Stipulations Pursuant To Coastal Commission Certification Order For Local Coastal Program Implementation Amendment #2-02 Regarding Wireless Communications Facilities. MF 580.


CITY CLERK

1/23/03
DATE

ORDINANCE NO. 2003-997

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING SECTIONS 20 AND 30 OF ORDINANCE NO. 2002-983 TO INCLUDE STIPULATIONS PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER FOR LOCAL COASTAL PROGRAM IMPLEMENTATION AMENDMENT #2-02 REGARDING WIRELESS COMMUNICATIONS FACILITIES. MF 580

WHEREAS, the City of Imperial Beach had 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 Zoning Ordinance Amendment (Ordinance No. 2003-997), pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan; and

WHEREAS, on June 19, 2002, the Imperial Beach City Council approved Ordinance No. 2002-983 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment: LCPA/GPA/ZCA) 02-01 establishing procedures and siting, development, design and maintenance requirements for wireless communications facilities; and

WHEREAS, on November 7, 2002, the California Coastal Commission approved Ordinance No. 2002-983 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment 02-01/Coastal Commission Major Amendment #2-2002) with the stipulation that it be amended to provide for a Conditional Use Permit requirement for such facilities in the PF (Public Facilities) Zone, to require an analysis of the feasibility of collocation at alternative sites, and to provide for a design standard that such facilities be visually undetectable from Seacoast Drive, Imperial Beach Boulevard, beaches, recreational areas, and public pathways and that they must not require the construction of shoreline protection devices; and

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~~ an analysis indicating the feasibility of 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.

[...]

19.88.070. 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,

INTRODUCED AND FIRST READ at a Special meeting of the City Council of the City of Imperial Beach, held on the 6th day of January, 2003, and thereafter **PASSED AND ADOPTED** at a Special meeting of the City Council of the City of Imperial Beach, California, held on the 22nd day of January, 2003 by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

DIANE ROSE, MAYOR

ATTEST:

JACQUELINE HALD, CITY CLERK

APPROVED AS TO FORM:

LYNN R. MCDOUGAL
CITY ATTORNEY

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CITY CLERK

DATE