

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



September 21, 2009

F 3a**TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Oceanside, certifying the City's Local Coastal Program Amendment No. 1-08 (Telecommunication Facilities), is adequate to effectively certify its local coastal program (for Commission review at its meeting of October 7-9, 2009)

BACKGROUND

At its June 11, 2009 meeting, the Coastal Commission certified, with suggested modifications, the City of Oceanside Local Coastal Program Amendment #1-08, regarding telecommunication facilities in the Downtown "D" District. By their action adopting Resolution No. 09-R0608-1 on September 9, 2009, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications served to mirror and incorporate the language contained in a separate City policy into the Downtown District zoning ordinance, thereby facilitating the development of co-user communication facilities in the downtown area. The suggested modifications include: incorporating modern definitions, uses and regulations for these various types of Communication Facilities, as well as updating the Downtown District's Commercial Uses Land Use Matrix. 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 Oceanside 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).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



October 12, 2009

Mayor Jim Wood
City of Oceanside
300 North Coast Hwy
Oceanside, Ca 92055

RE: Certification of the City of Oceanside Local Coastal Program Amendment
No. 1-08 (Telecommunication Facilities)

Dear Mayor Wood,

The California Coastal Commission has reviewed the City's Resolution No. 09-R0608-1 together with the Commission's action of June 11, 2009 certifying City of Oceanside Local Coastal Program Amendment #1-08 pertaining to the placement and/or construction of Co-User Communication Facilities within the Downtown District. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of October 9, 2009.

By its action on September 9, 2009, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications served to mirror and incorporate the language contained in a separate City policy into the Downtown District zoning ordinance, thereby facilitating the development of co-user communication facilities in the downtown area. The suggested modifications include: incorporating modern definitions, uses and regulations for these various types of Communication Facilities, as well as updating the Downtown District's Commercial Uses Land Use Matrix. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

**CITY RESOLUTION NO. 09-R0608-1
CDC RESOLUTION NO. 09-R0609-3**

**RESOLUTION OF THE CITY COUNCIL AND
COMMUNITY DEVELOPMENT COMMISSION OF THE
CITY OF OCEANSIDE TO INCLUDE THE
MODIFICATIONS AS RECOMMENDED BY THE
CALIFORNIA COASTAL COMMISSION TO LOCAL
COASTAL PLAN AMENDMENT (LCPA-201-07 AND ZA-
201-07) AND TO REQUEST CALIFORNIA COASTAL
COMMISSION CERTIFICATION OF SAID AMENDMENT**

**(City of Oceanside –Applicant)
(ZA-201-07 & LCPA-201-07)**

WHEREAS, the provisions of the California Coastal Act (Public Resources Code 30000, et seq.) (the “Coastal Act”) require the City to adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies; and

WHEREAS, on January 25, 1985, the California Coastal Commission (“Commission”) approved with suggested modifications the City’s Land Use Plan and implementing ordinances;

WHEREAS, on July 10, 1985, the Commission certified the City of Oceanside’s Land Use Plan (“LUP”) and found, pursuant to Public Resources Code 30512.2, the City’s LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and meet the basic state goals specified in Public Resources Code 30001.5; and

WHEREAS, on November 7, 2007, the Oceanside City Council and Community Development Commission, after giving the required public notice, conducted a joint public hearing as prescribed by law to amend the Local Coastal Program (LCPA-201-07)

WHEREAS, on June 11, 2009, the California Coastal Commission conducted a public hearing, where the Commission reviewed the City’s Local Coastal Plan Amendment (LCPA-201-07), and several suggested modifications proposed by the Coastal Commission staff; and

//////////

//////////

1 WHEREAS, on September 9, 2009, the Oceanside City Council and Community
2 Development Commission, after giving the required public notice, conducted a joint public hearing
3 as prescribed by law to consider the modifications from the California Coastal Commission to
4 LCPA-201-07, attached hereto as Exhibit "A" incorporated herein; and

5 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
6 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
7 State Guidelines thereto as amended to date; and

8 WHEREAS, the Oceanside City Council finds that the revisions to Local Coastal Program
9 Amendment (LCPA-201-07) as amended by the City Council, conforms with and is adequate to
10 carry out the land use plan of the Local Coastal Program.

11 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
12 follows:

13 1. Pursuant to Public Resources Code 30514 (a), the Oceanside City Council hereby
14 certifies that Local Coastal Program Amendment (LCPA-201-07) is intended to be carried out in a
15 manner fully in conformity with the Coastal Act.

16 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources
17 Code 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has
18 been issued by the City of Oceanside for this project.

19 3. Pursuant to Coastal Commission Local Coastal Program Regulation 13551 (b), this
20 amendment shall take effect automatically upon Coastal Commission approval.

21 ////////////////

22 ////////////////

23 ////////////////

24 ////////////////

25 ////////////////

26 ////////////////

27 ////////////////

28 ////////////////

1 4. Copies of the originals of these revised documents shall be maintained and available
2 for public review in the office of the Economic and Community Development Departments.

3 PASSED AND ADOPTED by the Oceanside City Council on this 9th day of Sept, 2009,
4 by the following vote:

5 AYES: WOOD, CHAVEZ, FELLER, KERN

6 NAYS: NONE

7 ABSENT: SANCHEZ

8 ABSTAIN: NONE

11 ATTEST:

12 *Signature on file*
13 *[Signature]* *Asst.*
14 City Clerk
15 CDC Secretary

Signature on file
[Signature]
Mayor of the City of Oceanside
CDC Chairman

APPROVED AS TO FORM:

Signature on file
[Signature] *2 DCH*
City Attorney
CDC General Counsel

Article 4(a) Redevelopment Project Area Use Classifications

Sections:

- 410 Purpose and Applicability
- 420 Uses Not Classified
- 430 Residential Use Classifications
- 440 Public and Semipublic Use Classifications
- 450 Commercial Use Classifications
- 460 Accessory Use Classifications
- 470 Temporary Use Classifications

410 Purpose and Applicability

The uses classifications describe herein are only applicable within the Redevelopment Project Area. The uses describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Economic Development & Redevelopment Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Economic Development & Redevelopment Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Economic Development & Redevelopment Director's decision may be appealed to the Community Development Commission.

420 Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

430 Residential Use Classifications

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

- G. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

Reception Antenna and Co-User Communication - Definitions

- a. **Reception Antenna – An antenna that is designed and used only for the purpose of receiving broad cast and subscriber services such as radio, television, and microwave communication. Typical antenna types include skeletal-type and dish antennas.**
- b. **Co-User Communication Facility – Antenna and facilities that are part of a system or network of voice, data, or information transmission, relay and reception, and which are conducted through the licensed use of an allocation portion of the global electromagnetic spectrum. Services typically provided by these facilities include wireless telecommunication, paging systems and data-link systems. Specifically, a Co-User Communications Facility is shared by more than one communication system or is a facility which is shared by a communication facility and another independent use or activity.**
 1. **Minor Co-User Facility – A co-user communication facility with as many as 5 whip or pole antennas.**
 2. **Major Co-User Facility – A co-user communication facility with more than 5 whip or pole antennas or a co-user facility consisting of antennas which are not whip or pole types of antennas.**
- c. **Pole Antenna – An antenna with a rod-like shape.**
- d. **Monitoring Antenna - An antenna that is used to monitor or track the operation of a same-site communication facility.**

- H. Eating and Drinking Establishments.

A place which a "bona fide public eating place" is used and kept open for the serving of meals to guests for compensation and which has an adequate seating area for the consumption of meals and suitable kitchen facilities for cooking an assortment of foods which may be required for ordinary meals. As used in this definition, the word "meals" means the usual assortment of foods commonly ordered at various hours of the day; the services of only such foods as sandwiches or salads shall not be deemed in compliance with this requirement.

Article 12 D Downtown District

Sections:

1210	Specific Purposes
1220	Land Use Regulations by Subdistrict
1230	Development Regulations
1240	Review of Plans
1250	Amendments

1210 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the D Downtown District are to:

- A. To promote the long-term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-dependent activities; and secondarily other public-oriented recreation uses in the Oceanside Small Craft Harbor
- B. Maintain and enhance an appropriate mix of uses; and
- C. Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Program.

Consistent with these purposes, it is the intent of the D District to establish special land-use subdistricts with individual objectives as described below.

Subdistrict 1: To provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 1(A): To provide a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Subdistrict 2: To provide sites for a financial center supported by professional offices. *Residential Uses are permitted when and where appropriate as part of a Mixed-Use Development.*

Subdistrict 3: To provide for a mix of office development, interspersed with residential development, in response to market demands.

Schedule D - 1
Land Use Regulations
"D" Downtown District

P - Permitted U - Use Permit C - Administrative Use Permit * - Not Permitted V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15
Residential																						
Day Care - Ltd	C	C	C	C	*	*	*	*	*	*	*	*	C	C	C	C	*	*	*	*	*	*
Group Residential	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*
Live/work	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	*
Multi - Family	U	U	*	U	P	U	P	P	*	U	*	P	U	U	U	U	*	U	*	U	*	*
Residential Care	*	*	*	U	*	*	*	*	*	*	*	U	*	U	U	U	*	*	*	*	*	*
Single - Family	*	*	*	U	P	*	P	P	*	*	*	P	U	U	U	U	*	*	*	*	*	*
Public/ Semi - Public																						
Club / Lodge	U	U	U	U	*	*	*	*	U	*	U	*	U	*	*	U	*	*	*	*	*	V
Cultural Institution	C	C	C	C	*	*	*	*	C	*	*	*	U	U	U	U	*	*	C	U	*	V
Day Care - General	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	C	C	C	C	
Emergency Health Care	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	U	*	*	*	*	*
Government Offices	P	P	P	P	*	*	*	*	P	*	U	*	*	*	*	*	*	*	U	U	U	P
Hospital	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*
Parks & Recreation Facility	U	U	*	U	U	*	U	U	P	P	P	U	U	U	U	U	U	*	U	C	P	V
Public Safety Facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	P	
Religious Assembly	*	*	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Residential Care - General	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*	*	*	*	*
Utilities - Major	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Utilities - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial																						
Ambulance Service	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	*	*	*	*	*
Animal product sales	C	C	*	C	*	*	C	*	*	*	C	*	C	*	*	C	*	*	*	*	*	*
Artist Studio	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	C	*	*	*	V
Bank / Savings & Loan	P	P	P	P	*	*	*	*	*	*	*	*	U	*	*	P	*	*	*	*	*	*
Drive-through/drive up	U	U	U	U	*	*	*	*	*	*	*	*	U	*	*	U	*	*	*	*	*	V
Self-service ATM	C	C	C	C	*	*	*	*	*	*	*	*	C	*	*	C	*	*	*	*	*	V
Catering Service	C	C	C	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*	*	V
Commercial Recreation & Entertainment	U	*	U	*	*	*	*	*	U	U	U	*	U	*	*	U	U	*	U	*	*	V
Communication Facility	U	U	U	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	U	*	*	*
Major Co-User	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Minor Co-User	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Reception Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Eating and drinking establishment	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P
Restaurant	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P
Espresso Stand	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	U

Schedule D - 1
Land Use Regulations
"D" Downtown District

P - Permitted U - Use Permit C - Administrative Use Permit * - Not Permitted V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15
Small scale entertainment	P	P	C	*	*	*	*	*	P	P	P	*	P	*	*	C	*	*	P	P	*	V
Live entertainment	U	U	*	*	*	*	*	*	U	U	U		U	*	*	*	*	*	U	U	*	V
Fast food/takeout	P	P	P	*	P	*	*	*	P	P	P		P	P	*	P	P	P	P	P	P	V
Full liquor service	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	*	U	U	U	*	V
Food & Beverage Sales	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	C
Convenience Market	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U	
Grocery/Neighborhood Market store greater than 8,000 sq. ft.	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	U	U	U	U	V
Grocery/Neighborhood Market store less than 8,000 sq. ft.	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	C	C	C	C	V
Specialty Market	P	P	P	*	P	*	P	*	P	P	P	*	P	*	*	*	*	*	P	P	P	V
Home Occupation	P	P	*	P	P	P	P	P	*	P	P	*	P	*	*	P	*	*	*	*	*	*
Marine Sales, Rentals, and Services	*	*	*	*	*	*	*	*	*	P	P	*	U	*	*	*	*	*	*	*	*	*
Offices	P	P	P	*	*	*	*	*	U	U	*	*	P	U	U	U	P	*	P	C	P	*
Administrative/Business	P	P	P	*	*	*	*	*	U	U	*	*	P	U	U	U	P	*	P	C	P	*
Production	P	P	P	*	*	*	*	*	U	U	*	*	P	U	U	U	P	*	P	C	P	*
Professional	P	P	P	*	*	*	*	*	U	U	*	*	P	U	U	U	P	*	P	C	P	*
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*
Pawn shops	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	*	*	*	*	*	*
Personal Improvement Services	C	C	C	*	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*
Health/Club/Studio/Spa	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*
Day Spa	P	P	P	P	*	*	*	*	P	P	P	*	P	*	*	*	*	P	P	P	*	V
Accessory Massage	U	U	U	U	*	*	*	*	U	U	U	*	U	*	*	*	*	U	U	U	*	V
Personal Services	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	C	C	C	*	*
Laundromat/Café	U	U	U	U	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	*	*	V
General Repair	U	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P	*	*	*
Retail Sales	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	C
Antiques, Antique Shop	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	V
Custom Retail	C	C	C	*	C	*	*	*	*	C	*	*	*	*	*	*	*	*	*	C	C	V
Secondhand Collectibles and Clothing Sales	P	P	P	*	P	*	*	*	C	C	P	*	P	C	C	P	*	P	C	C	P	V
Wine Tasting	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	V
Travel Services	P	P	P	P	*	*	*	*	P	P	*	*	P	*	U	P	*	U	P	C	C	V
Automotive Rental (small scale)	*	*	*	*	*	*	*	*	C	C	*	*	C	*	*	C	*	*	C	C	*	V

Schedule D - 1
Land Use Regulations
"D" Downtown District

P - Permitted U - Use Permit C - Administrative Use Permit * - Not Permitted V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15
	Visitor Accommodations																					
Bed & Breakfast	*	*	*	*	U	U	U	U	U	U	U	*	*	*	*	*	*	*	U	U	*	*
Hotel / Motel / Timeshare	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*
Resort	U	U	U	*	U	U	U	*	U	U	U	*	U	*	*	U	*	*	U	U	*	*
Fractional Ownership Hotel	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*
Condominium Hotel	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*
Limited Use Overnight Visitor Accommodation	U	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	*	*

policies, and that it is compatible with development in the area it will directly affect;

4. That the Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency access, and public service demands will not exceed the capacity of existing systems;
5. That the traffic expected to be generated by development in accord with the Mixed-Use Development Plan will not exceed the capacity of affected streets; and
6. That the Mixed-Use Development Plan will not significantly increase shading of adjacent land in comparison with shading from development under regulations that would exist if the Mixed-Use Development Plan were not approved.

1234 Reception Antennas and Co-User Facilities: Purpose and Siting Criteria

A. Purposes. This section is intended to promote and provide for the following:

1. To establish a zoning permit and land use review process consistent with the City's Telecommunication Policies and which accommodate the public's ability to access communication, broadcast and subscription services which are transmitted through the global atmospheric radio-frequency spectrum.
2. To maintain certain aesthetic values and land use compatibility through a land use review process for certain types of these facilities that may have potential impact upon public welfare.
3. To regulate the siting of telecommunications facilities so as to comply with the limitations, constraints and policies set forth in relevant federal and state telecommunications law.

B. Reception Antennas: Siting Criteria. A reception antenna is permitted on any structure if it complies with each of the following criteria:

1. Maximum Number. The maximum number of reception antennas is limited two per structure.
2. Minimum Setbacks.
 - (a) Interior side and rear property line 10 feet.
 - (b) Corner-side property line zoning district standard.
 - (c) Reception antennas may not be installed within the front yard setback area of the underlying zoning district.

3. Maximum Size.

- (a) Roof-mounted antenna – 4 feet diameter for dish type and 60 cubic feet for skeletal-type.
- (b) Ground-mounted – 5 feet diameter for dish type and 60 cubic feet for skeletal-type.

4. Maximum Height.

(a) Roof-mounted –

- 1. Skeletal-type antennas -1- feet above the district height limit.
- 2. Dish mounted – no higher than the principal or predominant roof-line of the structure.

(b) Ground Mounted – 12 feet above grade.

Additional height may be authorized through an administrative conditional use permit by the Redevelopment Director in accordance with the provisions of Article 41.

5. Surface Materials and Finishes. Reflective surfaces are prohibited.

6. Screening: The structural base of a ground-mounted antenna, including all bracing and appurtenances, but excluding the antenna itself, shall be screened from the views from neighboring properties by walls, fences, buildings, landscape or combinations thereof not less than 5 feet high.

7. Cable Undergrounding: All wires and cables necessary for operation of the antenna and its reception shall be placed underground, except for wires or cables attached to the exterior surface of a structure.

C. Communication Facilities. Siting Criteria. Communication facilities may be installed and operated within any zoning district subject to the following categorical standards and processes:

1. Minor Co-User Communication Facilities. Co-User facilities consisting of a limited number of whip or pole antennas and monitoring antennas shall be allowed subject to the following limitations:

(a) Antenna Type. Permitted antennas are limited to pole and monitoring antennas.

(b) Maximum Number.

1. Pole Antennas – one per 1,000 square feet of roof area up to a maximum of 5 antennas.
2. Monitoring Antennas - one per every permitted communication facility.

(c) Maximum Height.

1. Pole Antennas 10 feet above height of a building or co-user facility.
2. Monitoring Antennas- 1- foot above height of co-user facility.

(d) Maximum Antenna Size.

1. Pole Antenna – 4 inches in diameter.
2. Monitoring Antenna – 1 cubic foot.

Appearance: Antennas must be colored or painted to blend with the predominant background features (e.g., building, landscape, sky).

3. Administrative Conditional Use Permit Requirement: Major Co-User Communication Facilities and within the coastal zone, Minor Co-User Facilities. In accordance with the requirements specified within Article 41 of the Ordinance, the Redevelopment Director may approve the siting, development and operation of a Major or Minor Co-User Communication Facility through an administrative process. The Redevelopment Director's decision may be appealed to the Community Development Commission. A permit issued pursuant to this section shall be subject to the requirements set forth in Subsection 3 (A-F) below:

Standard Conditions of Approval. The following standard conditions of approval shall apply to all Minor and Major Co-User Communication Facilities:

- (a) The Conditional Use Permit shall be limited to a term of 5 years. However, the CUP may be renewed in accordance with the provisions of the Zoning Ordinance.
- (b) Upon one year of facility operation, and upon any change-out of facility equipment, the permittee(s) shall provide to the Redevelopment Director a statement of radio-frequency radiation output and output compliance with the limitation of governing licensing authorities.

- (c) The permittee(s) shall exercise a good-faith effort to incorporate the best available equipment technology to effect a reduction in the visual presence of the approved antenna and facility equipment. The change-out and retro-fit of equipment shall be conducted by the permittee(s) after such equipment becomes available and exhibits common use at similar facilities. Upon the City's request and discretion, the permittee (s) shall be required to provide an independently prepared technical analysis demonstrating compliance with this condition. The permittee (s) inability to demonstrate the use of current technologies may be grounds for the revocation of the CUP.
- (d) The permittee (s) shall exercise a good-faith effort to cooperate with other communication providers and services in the operation of a co-user facility provided such shared usage does not impair the operation of the approved use. Upon the City's request and discretion, the permittee (s) shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility. The permittee(s) non-compliance with this requirement may be grounds for the revocation of the CUP.
- (e) The approved communication facility shall be subject to, and governed by, any and all licensing authority by any governmental agency having jurisdiction. The City's local approval of a communication facility shall not exempt the permittee(s) from any such pre-emptive regulations.
- (f) The approved facility shall address the appearance of the entire site and shall upgrade or repair physical features as a means of minimizing view impacts to the community. Such techniques shall include, but shall not be limited to, site landscaping, architectural treatments, painting, and other methods to minimize visual impacts to the public streetscape.