

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W17a



Prepared August 23, 2012 (for September 12, 2012 Hearing)

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Stephanie Rexing, Coastal Planner

Subject: City of Pismo Beach LCP Amendment Number 1-12 Part 1 (Amateur Radio Antenna)

Proposed Amendment

The City of Pismo Beach is proposing to amend its Local Coastal Program (LCP) to provide additional standards for the configuration, design, height, maintenance, placement and review of amateur radio antennae. The changes proposed affect LCP Chapter 17.102 (General Provisions: Building Heights, Yard Area, Coverage and Construction Requirements), and add site development standards for amateur radio antennae, define height and setback requirements, identify the nature of the required discretionary review for those antennae not meeting the requirements, and establish safety requirements. See Exhibit A for the proposed changes.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on September 12, 2012).

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is minor.

The proposed amendment establishes height, setback and safety requirements for the placement of all amateur radio antennae where there were none before, specifically defines all development that would

constitute amateur radio antennae subject to these requirements, and establishes discretionary review for the placement of any amateur radio antennae that would not meet the proposed requirements. The objective of the changes, and the LCP's provisions for amateur radio antennae, is to allow them "where they can be installed without creating adverse economic, safety and aesthetic impacts on neighboring property owners and the overall community." The amendment is not expected to significantly affect coastal zone resources, including because existing LCP provisions (for public views, blufftop setbacks, etc.) will continue to apply and these provisions are adequate to address any potential issues with amateur radio antennae projects.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City adopted a Negative Declaration for the amendment under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its September 12, 2012 meeting at the Caspar Community Center at 15051 Caspar Road in Caspar. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Stephanie Rexing at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by September 7, 2012.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 26, 2012. It is IP only and the 60-day action deadline is September 24, 2012. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 24, 2012 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Proposed Amendments

Ordinance No. O-2012-001

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING THE 1983 ZONING CODE/LOCAL COASTAL PROGRAM TO ADD
POLICIES ADDRESSING THE INSTALLATION AND CONSTRUCTION OF
AMATEUR RADIO ANTENNA BY AMENDING THE CITY OF PISMO BEACH
MUNICIPAL CODE TITLE 17, CHAPTER 17.102: TO INCLUDE SECTION 17.102.155**

The City Council of the City of Pismo Beach does hereby ordain as follows:

WHEREAS, the City Council (Applicant) initiated ordinance amendments to the 1983 Zoning Code and to the Local Coastal Program to provide policies for the configuration, design, height, maintenance, placement and review of amateur radio antenna within the City of Pismo Beach; and,

WHEREAS, the Planning Commission held duly noticed public hearings on November 8, 2011 and February 28, 2012 at which all interested persons were given opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution No. PC-R-2012-008 recommending approval of the proposed amendments to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on March 20, 2012, at which all interested persons were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pismo Beach as follows:

Section 1. FINDINGS

1. The amendments are exempt from the analysis required by the State of California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) in that it can be seen with certainty that the proposed text amendments do not have the potential to significantly impact the environment.
2. The project consists of an Ordinance amendment and Local Coastal Program amendment adding section 17.102.155 to the 1983 Zoning Code.
3. The proposed amendments are consistent with the 1993 General Plan/Local Coastal Program.
4. The Amendments are consistent with the California Coastal Act.

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC Exhibit A
(page 6 **of** 3 **pages)**

Section 2

The amendment of the Local Coastal Program and Municipal Code Title 17: Zoning (1983), Chapter 17.102: General Provisions: Building Heights, Yard Area, Coverage and Construction requirements, to include section 17.102.155 which reads as follows:

17.102.155 Site Development Standards for Amateur Radio Antennas

A. Standards for Amateur Radio Antennas. All single pole/tower amateur radio antennas shall be designed, constructed, maintained and permitted in the following manner:

1. Definition. "Amateur radio antenna" means an antenna, or any combination of a mast, tower, support structure, antenna array or guide wire plus any additional attached or mounted antenna, which transmits or receives noncommercial radio signals and is utilized by an operator licensed by the Federal Communications Commission.

2. Setbacks.

a. Amateur radio antennas, antenna arrays, support structures, and guy wires shall be located outside all front and side yard setbacks.

b. A minimum setback of five (5') feet from the rear property line shall be maintained for all amateur radio antennas, antenna arrays, support structures, and guy wires.

c. Amateur radio antennas, antenna arrays, support structures and guy wires shall be located outside the bluff top setback area for all lots located within the Coastal Zone.

3. Height.

a. Amateur radio antennas shall be limited to the maximum height permitted for structures (excluding the architectural features set forth in Section 17.20.040) within the zone district where they are located in, plus an additional fifteen (15') feet. Antenna applications submitted in conformance with this requirement shall require approval of an administrative Zone Clearance, issued by the Community Development Director or his or her designee. All Zone Clearance applications shall be accompanied by the submittal requirements identified on the City's Submittal Checklist including notification materials.

b. Antennas that exceed the maximum height permitted in the zone district shall be designed such that they can be easily lowered, either by motorized or manual means, to a height not to exceed the maximum height permitted in the zone district when not in use.

c. Antennas that are proposed to exceed the height identified in item 3a. above shall require approval of a Conditional Use Permit. Antenna applications submitted under this requirement shall be accompanied by technical information that provides justification for the proposed height. The applicant shall be required to fund any expert evaluation required by either the Community Development Director or review authority.

d. Any antenna that exceeds the height permitted in the zone district shall include a physical stop limiting the antenna height to that which the review authority approves.

4. Safety.

a. All amateur radio antennas shall be located within a fenced yard/enclosure or on a structure that is otherwise inaccessible to the general public.

b. Sufficient anti-climbing measures shall be incorporated into the design of all amateur radio antennas and support structures to reduce the potential for possible trespass and injury.

Section 3.

THE CITY COUNCIL DOES HEREBY:

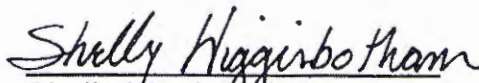
1. Approve the above referenced amendments.
2. Certify that the amendments to the Local Coastal Program are intended to be carried out in a manner fully in compliance with Division 20 of the Public Resources Code, otherwise known as the Coastal Act.
3. Direct Staff to forward the amendments to the Local Coastal Program (LCP) to the California Coastal Commission for certification following approval of the second reading. The LCP amendments shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519.

INTRODUCED at a regular meeting of the City Council held this 20th day of March, 2012, on motion of Mayor Pro Tem Vardas, seconded by Councilmember Ehring, and on the following roll call vote, to wit:

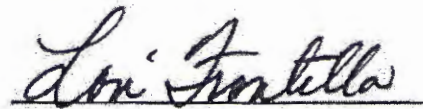
AYES: 5 Councilmembers: Vardas, Ehring, Reiss, Waage, Higginbotham
NOES: 0
ABSENT: 0
ABSTAIN: 0

Approved:

Attest:



Shelly Higginbotham
Mayor



Lori Frontella, Acting
City Clerk