

**CALIFORNIA COASTAL COMMISSION**

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# F7a

**Prepared July 24, 2014 (for August 15, 2014 Hearing)**

**To:** Coastal Commissioners and Interested Persons  
**From:** Nancy Cave, North Central Coast District Manager  
Stephanie Rexing, Coastal Planner  
**Subject:** **Certification Review for the City of Half Moon Bay LCP-2-HMB-13-0221-2 Part 3 (Telecommunication Facilities)**

On April 9, 2014 the Coastal Commission approved City of Half Moon Bay's Local Coastal Program (LCP) Major Amendment Number 2-HMB-13-0221-2 Part 3, provided it was modified per the Commission's suggested modifications. This amendment adds standards and procedures related to wireless telecommunication facilities. Specifically, the amendments establish regulations and permitting requirements for wireless telecommunication facilities.

By action taken June 3, 2014, the City of Half Moon Bay adopted the LCP text (see **Exhibit 1**) as modified per the Commission's suggested modifications. The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., August 15, 2014), and notification of this certification and Commission concurrence will be forwarded to the City.

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Half Moon Bay to accept the Commission's approval of LCP Amendment 2-HMB-13-0221-2 Part 3 are legally adequate. I recommend a yes vote.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Half Moon Bay LCP consistent with the Commission's approval of LCP Amendment 2-HMB-13-0221-2 Part 3; the amended LCP will be certified as of today's date (i.e., August 15, 2014). The motion passes only by affirmative vote of a majority of the Commissioners present.

**Exhibits**

Exhibit 1: City's Acceptance of the Coastal Commission's Approval



## CITY OF HALF MOON BAY

City Hall • 501 Main Street • Half Moon Bay • CA • 94019

July 16, 2014

Ms. Stephanie Rexing  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: City of Half Moon Bay LCP-HMB-13-0221-2, Part 3 -Wireless  
Telecommunication Facilities - Modifications

Dear Ms. Rexing,

This letter transmits Ordinance No. C-2014-06, that amended Title 18 "Zoning" of the City of Half Moon Bay Municipal Code to include the Coastal Commission modifications addressing "wireless telecommunications facilities" in Chapters 18.22, 18.20, 18.37 and 18.38 of the Zoning Code. As you know, these amendments were approved with Coastal Commission staff recommended modifications at the April 9, 2014 Coastal Commission meeting. It is our understanding that these modified amendments will become effective upon Coastal Commission concurrence with the Executive Director's finding that the requested modifications have been completed by Half Moon Bay.

Thanks again for all your help in completing these important amendments to the City's Zoning Code and Implementation Plan. Please let me know at your earliest convenience when these modified amendments will be on the Coastal Commission agenda for final approval.

Sincerely,

Bruce Ambo, AICP  
Planning Manager

Attachments

cc: Tony Condotti, City Attorney  
Dante Hall, Community Development Director

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**ORDINANCE NO. C-2014-06**

**AN ORDINANCE OF THE CITY OF HALF MOON BAY ADOPTING AMENDMENTS TO TITLE 18 "ZONING" OF THE HALF MOON BAY MUNICIPAL CODE AMENDING SECTIONS 18.22.240 through 18.22.370 "WIRELESS TELECOMMUNICATION FACILITIES," ADDING NEW SUBSECTIONS SET FORTH IN SECTION 18.20.025(A) TO "LOCAL COASTAL DEVELOPMENT PERMITS" ADDRESSING "WIRELESS TELECOMMUNICATIONS FACILITIES", AND ADDING NEW SUBSECTIONS SET FORTH IN SECTION 18.37.070 (A, B AND C) TO "VISUAL RESOURCE PROTECTION STANDARDS" FOR "TELECOMMUNICATIONS FACILITIES", AND ADDING NEW SUBSECTIONS SET FORTH IN SECTION 18.38.123 (A and B) TO "COASTAL RESOURCE CONSERVATION STANDARDS"**

**WHEREAS**, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan and its Elements, the Local Coastal Program, and the Zoning Code; and

**WHEREAS**, this amendment to Title 18 of the Municipal Code involves changes to the text of various sections of the Municipal Code for the purpose of modifying existing definitions, design and development review procedures, and development standards and regulations, and to modify or remove other provisions that are outdated or ineffective; and

**WHEREAS**, the Planning Commission, as the Advisory Body to the City Council, conducted duly noticed public hearings on May 13, 2014 where all those in attendance desiring to be heard were given an opportunity to speak on amendments proposed by this ordinance; and

**WHEREAS**, the Planning Commission at its public hearing considered City-initiated text amendments to Chapters 18.22, 18.20 and 18.37 of the Zoning Code; and

**WHEREAS**, following the close of the public hearing the Planning Commission voted unanimously to recommend that the City Council amend Title 18 of the Municipal Code as set forth in this ordinance; and

**WHEREAS**, the Local Coastal Program is intended to be carried out in a manner fully in conformity with the California Coastal Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Chapter 18.22 "Use Permits" addressing "Wireless Telecommunication Facilities" in Sections 18.22.270 through 18.22.370 are hereby amended as follows:**

**18.22.270. Wireless Telecommunication Facilities - Permit Requirements for New Wireless Telecommunication Facilities That Are Not Co-location Facilities**

A use permit will be required for the initial construction and installation of all new wireless telecommunication facilities, in accordance with requirements, procedures, appeal process, and revocation process outlined in this Chapter. Approval of a use permit in accordance with this Chapter does not eliminate the need for a coastal development permit that is consistent with the certified Local Coastal Program.

**18.22.280. Wireless Telecommunication Facilities - Development and Design Standards for New Wireless Telecommunication Facilities That Are Not Co-location Facilities.**

All new wireless telecommunication facilities must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

A. New wireless telecommunication facilities shall be prohibited in Coastal Resource Areas, as defined by Section 18.38.020, except when denial of the facility would be inconsistent with federal law and the reviewing authority finds that there is no feasible location outside Coastal Resource Areas. Where denial of the facility would be inconsistent with federal law and the reviewing authority finds there is no feasible alternative outside Coastal Resource Areas, approval of the facility is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas; and (2) Adverse impacts to the sensitive habitat are minimized to the maximum extent feasible; and (3) Unavoidable impacts are mitigated so that there is no loss in habitat quantity or biological productivity; and (4) The Facility can be found consistent with all otherwise applicable Local Coastal Program (LCP) policies, standards, and regulations and Zoning District development standards.

B. New wireless telecommunication facilities shall not be located in areas zoned Residential (R), unless the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility. See Section 18.22.310(A)(11) for additional application requirements.



C. New wireless telecommunication facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact.

D. Except where aesthetically inappropriate, new wireless telecommunication facilities must be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible.

E. The adverse visual impact of utility structures shall be avoided by: (1) siting new wireless telecommunication facilities outside of public viewshed whenever feasible; (2) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (3) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening wireless telecommunication facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing wireless telecommunication facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects may only be used as a last resort. Landscaping shall be maintained by the property or facility owner and/or operator. The landscape screening requirement may be modified or waived by the Planning Commission in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.

F. Paint colors for the wireless telecommunication facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the wireless telecommunication facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

G. The exteriors of wireless telecommunication facilities shall be constructed of non-reflective materials.

H. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s).

I. Except as otherwise required by federal law, ground-mounted towers, spires and similar structures shall not be built and used to a greater height than the limit established for the zoning district in which the structure is located and

shall not cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that the height of any tower, spire or similar structure in any district shall be the minimum necessary to comply with federal law.

J. In any Residential district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of this Title regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is (are) removed.

K. In any Residential district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. In addition, all such structures shall count towards coverage and FAR for the lot. Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.

L. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

18.22.290. Wireless Telecommunication Facilities - Performance Standards for New Wireless Telecommunication Facilities That Are Not Co-location Facilities.

No use may be conducted in a manner that, in the determination of the Planning Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Wireless telecommunication facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If located within 100 feet of an environmentally sensitive habitat area, lighting shall be directed away from the environmentally sensitive habitat area to the maximum extent feasible.

18.22.300. Wireless Telecommunication Facilities - Additional Requirements.

- A. New wireless telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in areas that are not currently developed, unless no feasible alternative exists. Where a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists, the facility shall avoid impacts to the public viewshed to the maximum extent feasible, such as by attaching to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. New wireless telecommunication facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program Land Use Plan (LCP/LUP), and all other requirements of this Title, including the requirement to obtain a Coastal Development Permit in accordance with Chapter 18.20.
- C. At the time of renewal of the Use Permit in accordance with Section 18.22.320 or the Coastal Development Permit (CDP) in accordance with Chapter 18.20, or at the time of an amendment to the Use Permit or Coastal Development Permit, if earlier, the applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable environmental impacts, including reducing visual impacts in accordance with Section 18.22.280(E), to the maximum extent feasible.
- D. New wireless telecommunication facilities shall obtain a CDP, pursuant to Chapter 18.20, and the period of development authorization for any such CDP shall be limited to no longer than ten years.

18.22.310. Wireless Telecommunication Facilities - Application Requirements for New Wireless Telecommunication Facilities That Are Not Co-location Facilities.

A. In addition to the requirements set forth in Sections 18.22.280-300, applicants for new wireless telecommunication facilities shall submit the following materials regarding the proposed wireless telecommunication facility:

1. A completed Planning Permit application form.
2. A completed Use Permit for a Cellular or Other Personal Wireless Telecommunication Facility Form.
3. A completed Environmental Information Disclosure Form.
4. Proof of ownership or statement of consent from the owner of the property.
5. A site plan, including a landscape plan (if appropriate under the provision of Section 18.22.280(E)), and provisions for access.
6. Elevation drawing(s).
7. Photo simulation(s) of the wireless telecommunication facility from all line-of-sight locations used by the public, including trails, scenic points, and roads.
8. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.
9. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of the access road.
10. For projects that are technically capable of accommodating additional facilities, a description of the planned maximum ten-year buildout of the site for the applicant's wireless telecommunication facilities, including, to the extent possible, the full extent of wireless telecommunication facility expansion associated with future co-location facilities by other wireless telecommunication facility operators. The applicant shall use best efforts to contact all other wireless telecommunication service providers known to be operating in the City upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time



of application. The City shall, within 30 days of its receipt of an application, identify any known wireless telecommunication providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the 10-year buildout plan. If future co-locations are not technically feasible, an explanation shall be provided of why this is so.

11. Identification of existing wireless telecommunication facilities within a 2.5-mile radius of the proposed location of the new wireless telecommunication facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation why the alternatives considered were either unacceptable or infeasible. If an existing tower was listed among the alternatives, the applicant must specifically address why the modification of such tower is not a viable option. The written explanation shall also state the radio frequency coverage and/or capacity needs and objective(s) of the applicant.

12. A statement that the wireless telecommunication facility is available for future co-location projects, or an explanation of why future co-location is not technologically feasible.

13. A Radio Frequency (RF) report describing the emissions of the proposed wireless telecommunication facility and, to the extent reasonably ascertainable, the anticipated increase in emissions associated with future co-location facilities.

14. The mandated use permit application fee, and other fees as applicable.

15. Depending on the nature and scope of the project, other application materials, including, but not limited to, a boundary and/or topographical survey, may be required.

16. Applications for the establishment of new wireless telecommunication facilities inside Residential (R) zoning districts and General Plan land use designations shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative non-residential sites or combination of non-residential sites available to eliminate or substantially reduce significant gaps in the applicant carrier's coverage or network capacity.

17. A report outlining the applicant's efforts to ensure service reliability and availability, particularly for emergency services (e.g., 911 calls) and service restoration in disaster events. The report should include, at a minimum, a description of the network design elements, features, and related equipment employed by applicant to mitigate service outages in the City and/or surrounding coast side communities.

18.22.320. Wireless Telecommunication Facilities - Use Permit Term, Renewal and Expiration.

Use permits for wireless telecommunication facilities, including approval of the ten-year buildout plan as specified by Section 18.22.310(A)(10), shall be valid for no more than ten years following the date of final approval. The applicant shall file for a renewal of the use permit and pay the applicable renewal application fees six months prior to expiration with the City Planning and Building Department, if continuation of the use is desired. In addition to providing the standard information and application fees required for a use permit renewal, wireless telecommunication facility use permit renewal applications shall provide an updated buildout description prepared in accordance with the procedures established by Section 18.22.310(A)(10).

Renewals of use permits approved after the effective date of this chapter shall only be approved if all conditions of the original use permit have been satisfied, and the ten-year buildout plan has been provided. If the use permit for an existing wireless telecommunication facility has expired, applications for co-location at that site, as well as after-the-fact renewals of use permits for the existing wireless telecommunication facilities, will be subject to the standards and procedures for new wireless telecommunication facilities outlined in Sections 18.22.260 through 18.22.310.

18.22.330. Wireless Telecommunication Facilities - Permit Requirements and Standards for Co-location Facilities.

A. Co-location Facilities Requiring a Use Permit. Consistent with Section 65850.6 of the California Government Code, applications for co-location will be subject to the standards and procedures outlined for new wireless telecommunication facilities, above (in Sections 18.22.260 through 18.22.320), if any of the following apply:

1. No use permit was issued for the original wireless telecommunication facility,

2. The use permit for the original wireless telecommunication facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project, or

3. No Environmental Impact Report (EIR) was certified, or no Negative Declaration or Mitigated Negative Declaration was adopted for the location of the original wireless telecommunication facility that addressed the environmental impacts of future co-location of facilities.

B. Permit Requirements for Other Co-location Facilities. Applications for all other co-locations shall be subject to a building permit approval. Prior to the issuance of a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original use permit, by submitting an application to the Planning and Building Department for an administrative review of the original use permit, including all information requests and all associated application fees, including specifically those for administrative review of a use permit, which fee shall be equivalent to the fee established for a use permit inspection.

18.22.340. Wireless Telecommunication Facilities - Development and Design Standards for Co-location Facilities.

A. The co-location facility must comply with all approvals and conditions of the underlying use permit for the wireless telecommunication facility.

B. The adverse visual impact of utility structures shall be avoided by: (1) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (2) constructing co-location facilities no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening co-location facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing co-location facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects may only be used as a last resort. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunication facility(ies) on the site. Landscaping shall be maintained by the owner and/or operator. The landscape screening requirement may be modified or waived by the Community Development Director or his/her designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.

C. Paint colors for the co-location facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the

issuance of a building permit, the applicant shall submit color samples for the co-location facility. Paint colors shall be subject to the review and approval of the Community Development Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

D. The exteriors of co-location facilities shall be constructed of non-reflective materials.

E. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district.

F. Except as otherwise required by federal law, ground-mounted towers, spires and similar structures shall not be built and used to a greater height than the limit established for the zoning district in which the structure is located and shall not cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that the height of any tower, spire or similar structure in any district shall be the minimum necessary to comply with federal law.

G. In any Residential district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of this Title regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building(s) in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is(are) constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.

H. In any Residential district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. In addition, all such structures shall count towards coverage and FAR for the lot, Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.



I. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

J. Expansion of co-location facilities beyond the footprint and height limit identified in the planned maximum ten-year buildout of the site as specified in Section 18.22.310(A)(10), or in the original use permit for the facility, shall not be subject to administrative review and shall instead comply with the use permit provisions for new wireless telecommunication facilities in Sections 18.22.260 through 18.22.310, unless a minor change or expansion beyond these limits is determined to be a minor modification of the use permit by the Community Development Director. If the Community Development Director does determine that such change or expansion is a minor modification, the change or expansion shall instead be subject to the provisions of Sections 18.22.330 through 18.22.370.

K. At the discretion of the Community Development Director, a co-location proposal that reduces the extent, footprint, height, number of antennas or accessory buildings as identified in the planned maximum ten-year buildout of the site as specified in Section 18.33.310(A)(10) or in the original use permit for the facility, may be considered using the administrative review provisions of Sections 18.22.330 through 18.22.370 if it will have less environmental impact.

#### 18.22.350. Wireless Telecommunication Facilities - Performance Standards for Co-Location Facilities.

No use may be conducted in a manner that, in the determination of the Community Development Director, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

A. Co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If located within 100 feet of an environmentally sensitive habitat area, lighting shall be directed away from the environmentally sensitive habitat area to the maximum extent feasible.



B. The applicant shall file, receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the co-location facility. The applicant shall supply the Planning and Building Department with evidence of each of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Community Development Department of the revocation within ten (10) days of receiving notice of such revocation.

C. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.

D. The co-location facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC licenses required to operate the site are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the Community Development Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.

E. Co-location facility maintenance shall implement visual resource protection requirements of Section 18.22.340(B), and (C) above (e.g., landscape maintenance and painting).

F. Road access shall be maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.

G. The use of diesel generators or any other emergency backup energy source shall comply with the City of Half Moon Bay Noise Ordinance.

H. If technically practical and without creating any interruption in commercial service caused by electronic magnetic interference (EMI), floor space, tower space and/or rack space for equipment in a wireless telecommunication facility shall be made available to the City for public safety communication use.

**18.22.360. Wireless Telecommunication Facilities - Additional Requirements and Standards for Co-location Facilities.**

A. Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in undeveloped areas, shall only be allowed if

a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists. Where a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists, a co-located facility shall avoid impacts to the public viewshed to the maximum extent feasible. A co-located facility shall not significantly alter the appearance of the existing structure.

B. Co-location facilities shall comply with all applicable Local Coastal Program (LCP) policies, standards, and regulations and Zoning District development standards.

C. Pursuant to Public Resources Code Sections 30106 and 30610(b) as well as Title 14, Section 13253(b)(7) of the California Code of Regulations, the placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.

**18.22.370. Wireless Telecommunication Facilities - Application Requirements for Co-location Facilities.**

Applicants that qualify for administrative review of co-location facilities in accordance with Section 18.22.330 shall be required to submit the following:

- A. A completed Planning Permit application form.
- B. Proof of ownership or statement of consent from the owner of the property and/or the primary operator of the wireless telecommunication facility where the co-location is proposed.
- C. A site plan showing existing and proposed wireless telecommunication facilities.
- D. Elevation drawing(s) showing existing and proposed wireless telecommunication facilities.
- E. A completed Environmental Information Disclosure Form.
- F. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.

G. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunication facility or use permit.

H. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC) and the use permit for the existing wireless telecommunication facility.

I. The mandated administrative review fee, and other fees as applicable.

J. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location equipment. Paint colors shall be subject to the review and approval of the Community Development Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection."

K. A report outlining the applicant's efforts to ensure service reliability and availability, particularly for emergency services (e.g., 911 calls) and service restoration in disaster events. The report should include, at a minimum, a description of the network design elements, features, and related equipment employed by applicant to mitigate service outages in the City and/or surrounding coast side communities."

**Section 2. Chapter 18.20 "Local Coastal Development Permits" addressing "Wireless Telecommunications Facilities" is hereby amended to add new Subsections as follows:**

**18.20.025(A)**

8. Installation of new wireless telecommunication facilities shall obtain a CDP that is found consistent with all provisions of the certified Local Coastal Program whether or not a use permit is required or approved.

9. Pursuant to Public Resources Code Sections 30106 and 30610(b) as well as Title 14, Section 13253(b)(7) of the California Code of Regulations, and whether or not a use permit is required or approved, the placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the

underlying CDP shall remain in effect and no additional CDP shall be required.

**Section 3. Chapter 18.37 “Visual Resource Protection Standards” in Sections 18.37.070 (A, B and C) are hereby added and amended as follows:**

**18.37.070 STANDARDS FOR TELECOMMUNICATIONS FACILITIES:**

- A. Installation of wireless telecommunication facilities shall obtain a CDP that is found consistent with all provisions of the certified Local Coastal Program as set forth in Section 18.20.025(A) 8 and 9. Telecommunication facilities shall satisfy all development standards applicable to the issuance of both use permits and CDPS except as more specifically set forth below.
- B. New wireless telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in areas that are not currently developed, unless a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists. Where a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists, the facility shall comply with all otherwise applicable provisions of the certified LCP and shall avoid impacts to the public viewshed to the maximum extent feasible, such as by attaching to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- C. Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in undeveloped areas, shall only be allowed if a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists. Where a denial of such facilities would be inconsistent with federal law and the reviewing authority finds that no feasible alternative exists, a co-located facility shall comply with all otherwise applicable standards of the certified LCP and shall avoid impacts to the public viewshed to the maximum extent feasible. A co-located facility shall not significantly alter the appearance of the existing structure.
- D. Telecommunication facilities shall be subject to the height limitations set forth in Chapter 18.22.

**Section 4. Chapter 18.38.123 “Coastal Resource Conservation Standards” addressing “Wireless Telecommunication Facilities” is hereby amended to add new Subsections as follows:**

**18.38.123 STANDARDS FOR TELECOMMUNICATIONS FACILITIES**

- A. Installation of wireless telecommunication facilities shall obtain a CDP that is found consistent with all provisions of the certified Local Coastal Program as set forth in Section 18.20.025(A) 8 and 9. Telecommunication facilities shall satisfy all development standards applicable to the issuance of both CDPs and use permits except as more specifically set forth below.
- B. New wireless telecommunication facilities shall be prohibited in Coastal Resource Areas, as defined by Section 18.38.020, except when denial of the facility would be inconsistent with federal law and the reviewing authority finds there is no feasible location outside Coastal Resource Areas. Where denial of the facility would be inconsistent with federal law and the reviewing authority finds there is no feasible location outside Coastal Resource Areas, approval of the facility is also subject to all of the following written findings: (1) There is no alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas; (2) Adverse impacts to the sensitive habitat are minimized to the maximum extent feasible; (3) Unavoidable impacts are mitigated so that there is no loss in habitat quantity or biological productivity; and (4) The facility can be found consistent with all otherwise applicable Local Coastal Program (LCP) policies, standards, and regulations and Zoning District development standards.

**Section 5. Compliance with California Environmental Quality Act.** A Notice of Exemption regarding this amendment to Titles 14 and 18 is adequate environmental documentation for the project.

**Section 5. Effective Date.** This ordinance shall be in full force and effect from and after the thirtieth (30<sup>th</sup>) following its final passage.

**Section 6. Severability.** If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.



**Section 7. Publication.** The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to Government Code Section 36933, once within fifteen (15) days after its passage in the Half Moon Bay Review, a newspaper of general circulation published in the City of Half Moon Bay.

**INTRODUCED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 20<sup>th</sup> day of May, 2014.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 3<sup>rd</sup> day of June, 2014, by the following vote:

AYES, Councilmembers            Alifano, Fraser, Kowalczyk, Patridge & Mayor Muller

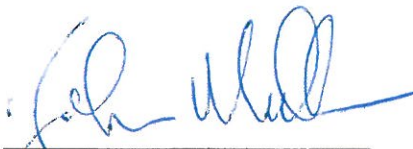
NOES, Councilmembers

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

  
\_\_\_\_\_  
Siobhan Smith, City Clerk

  
\_\_\_\_\_  
John Muller, Mayor