

RESOLUTION NO. 2025-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A REGULAR COASTAL PERMIT (CP-25-0002), CONDITIONAL USE PERMIT (CUP-24-0004), DESIGN REVIEW CASE (DRC-24-0007), AND SITE PLAN REVIEW (SPR-24-0007), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 CLASS 1 (EXISTING FACILITIES), TO CONTINUE OPERATING A TELECOMMUNICATIONS FACILITY ON AN EXISTING LIGHT STANDARD AND EQUIPMENT SHELTER LOCATED AT 911 SEACOAST DRIVE IN THE C/MU-2 (SEACOAST COMMERCIAL ZONE). USE-24-047.

WHEREAS, on March 21, 2025 the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Regular Coastal Permit (CP-25-0002), Conditional Use Permit (CUP-24-0004), Design Review Case (DRC-24-0007), and Site Plan Review (SPR-24-0007) requesting approval to continue operating a telecommunications facility mounted on an existing light pole with an associated equipment shelter located at 911 Seacoast Drive (APN 625-351-01-00) in the C/MU-2 (Seacoast Commercial and Mixed Use) Zone.

WHEREAS, the project design of a telecommunications facility on an existing light standard is compatible in use and appearance with other structures in the vicinity because it would be hidden; and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan; and,

WHEREAS, this project, consisting of one stealth antenna structure and equipment shelter complies with the Application Requirements of Section 19.90.050, the Development and Design Standards of Section 19.90.070 and will be required to comply with the Operations and Maintenance Standards of Section 19.90.080 of Chapter 19.90, Wireless Communication Facilities, of the zoning ordinance; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds that necessity compels the placement of this facility in this location to avoid a significant gap in wireless communications coverage; and

WHEREAS, this project complies with the requirements of the California Environmental Quality Act (CEQA) as this project shall be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 Class 1 (Existing Facilities); and

WHEREAS, the City Council further offers the following findings in support of its decision to conditionally approve the project:

CONDITIONAL USE PERMIT FINDINGS:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well-being of the neighborhood or community.**

The proposed wireless telecommunication facility at 911 Seacoast Drive (APN 625-351-01-00) will continue to provide communication services to the City of Imperial Beach commercial and residential development, avoiding gaps in wireless communications coverage and therefore contributing to the general well-being of the neighborhood or community. The structure already exists and is disguised as a street light standard with an equipment shelter. The project is subject to Chapter 19.90, Wireless Communications Facilities, which establishes the standards for

siting, developing and maintaining wireless communications facilities and antennas throughout the city.

2. **The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The development, consisting of an existing telecommunications facility concealed on an existing light standard with 24" radome and equipment shelter in an existing vacant area with concrete and landscaping at 911 Seacoast Drive, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity as it will be required to comply with Chapter 19.90, Wireless Communications Facilities, which provides standards for the public safety, health, and welfare, as well as for the aesthetic quality as set forth in the goals, objectives and policies of the General Plan.

3. **The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses for wireless communication facilities (Chapter 19.90).

4. **The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The granting of the conditional use permit to continue operating a telecommunication antenna concealed on a stealth structure at 911 Seacoast Drive, will be in harmony with the purpose and intent of the zoning code (Chapter 19.90) and with the adopted general plan as the potential visual impacts of the proposal have been mitigated by design; i.e. the antennae shall be mounted in a 24" radome on an existing light standard, and the equipment shelter matches the existing structures on the site, with landscaping.

COASTAL PERMIT FINDINGS:

5. **The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.**

The proposed project, located inland and not adjacent to the oceanfront, does not necessitate shore protection measures. Furthermore, its location is not between the ocean and the first public road, thus posing no issues regarding public beach access. Finally, the visual impact of the proposed antennae within a 24-inch radome on a 30-foot light standard and the accompanying equipment shelter has been mitigated through design, resulting in no identified impacts on scenic or coastal views.

6. **For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The subject site is not located between the ocean and the first public road, which, in most cases, is Seacoast Drive. No issue regarding public access to the beach is identified for this project.

7. The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.

The project has complied with the application requirements for telecommunications facilities pursuant to Section 19.90.050, with the development and design standards of Section 19.90.070, and will be required to comply with the operations and maintenance standards of Section 19.90.080 of the City's Wireless Communication Facilities Ordinance.

8. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.

This finding does not apply since the project site is not adjacent to the oceanfront that would require shore protection.

NOW, THEREFORE, BE IT RESOLVED that Regular Coastal Permit (CP-25-0002), Conditional Use Permit (CUP-24-0004), Design Review Case (DRC-24-0007), and Site Plan Review (SPR-24-0007), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 Class 1 (Existing Facilities), requesting approval to continue operating a telecommunications facility mounted on a light pole with an associated equipment shelter located at 911 Seacoast Drive (APN 625-351-01-00) in the C/MU-2 (Seacoast Commercial and Mixed Use) Zone is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL

PLANNING

1. Final building plans and project development shall be in substantial accordance with the conceptual plans dated January 28, 2025, on file in the Community Development Department and with the conditions required herein.
2. Should redevelopment of the site occur in the future, relocation and/or re-incorporation of the facility shall be provided.
3. All landscaping must be maintained at all times by the applicant.
4. Antenna(s) are to be located in the 24" radome on the light standard stealth structure. Any equipment must be screened and concealed.
5. Appropriate BMP's shall be in place during any maintenance of base station equipment to prevent any materials from entering the storm drain conveyance system.
6. Noise from the equipment shall not have a negative effect on the existing neighborhood. If the facility receives any noise complaints, the applicant shall

investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements.

7. Any electric and telephone services shall be connected via underground conduits extended to the project area.
8. Applicant shall obtain a city business license prior to issuance of building permit, which must be maintained and renewed.
9. Colors and materials for the light standard and equipment shelter are subject to staff review and shall match the photosimulations.
10. Applicant must annually submit any required statements that the wireless communications facility conforms with the current FCC safe-exposure standards to the director of community development.
11. Approval of this request shall not waive compliance with any portion of the International Building Code and Municipal Code in effect at the time a building permit is issued.
12. All negative balances in the project account (USE-24-0047) shall be paid prior to building permit issuance and final inspection.
13. Approval of Regular Coastal Permit (CP-25-0002), Conditional Use Permit (CUP-24-0004), Design Review Case (DRC-24-0007), and Site Plan Review (SPR-24-0007) for this project is valid for a one-year **vesting** period from the date of approval, to **expire** on **May 21, 2026**. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to this date, or a time extension is granted by the City prior to expiration. This expiration date is separate from the sunset expiration date of 10 years for the life of the conditional use permit.
14. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.
15. Conditional use permits for wireless communication facilities have a maximum term of ten (10) years, with an automatic review in five (5) years at a public hearing (IBMC 19.90.090). The applicant will be required to renew the Conditional Use Permit prior to the **expiration** date, **May 21, 2035**, in accordance with Chapter 19.82. It is the applicant's responsibility to monitor and process renewals.

PUBLIC WORKS

16. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved by the City either prior to or concurrent with issuance of the building permit required for the project.

APPEAL PROCESS UNDER THE CALIFORNIA CODE OF CIVIL PROCEDURE (CCP):

The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 21st day of May 2025, by the following roll call vote:

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

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK