

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071

**W17a.**

Filed: 8/17/09
49th Day: 10/5/09
180th Day: 2/13/10
Staff: Al Padilla-LB
Staff Report: 10/12/09
Hearing Date: 12/9-11/09
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-09-103**APPLICANT:** Verizon Wireless**PROJECT LOCATION:** 1980¼ Pacific Coast Highway, Pacific Palisades, City of Los Angeles**PROJECT DESCRIPTION:** Installation of a 39 foot high (at grade level) wood utility pole with 6 foot double extension arms, panel antennas, microcell, ADC cabinet and disconnect box for wireless phone service.**SUBSTANTIVE FILE DOCUMENTS:** CDP No. 4-08-035(AT&T Mobility); 5-07-375 (T-Mobile); 5-97-130(Los Angeles Cellular); 5-01-261A1(Los Angeles County)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **deny** the project because it is inconsistent with Sections 30240(b) and 30251 of the Coastal Act. **(The motion is on page 2 of this report.)** Sections 30240(b) and 30251 protect the scenic and visual qualities of coastal areas and the general character of recreation areas. The primary issues addressed in this staff report are the appropriateness of approving the project at the proposed location given its incompatibility with the visual resource and recreation policies of the Coastal Act. Staff recommends that the Commission **DENY** the proposed project.

The proposed project is located seaward of Pacific Coast Highway, in the Pacific Palisades area of the City of Los Angeles. The proposed development obstructs public views and degrades visual resources along Pacific Coast Highway, the public beach and the coast. An alternative location would lessen the project's visual impacts. The proposed development degrades visual resources because it adds an additional utility pole to an already utility cluttered area and an additional pole will cumulatively visually impact the area. An additional pole will increase the visual mass of poles along the seaward side of

the highway and detract from the visual resources found in the area. The visual character of the area is already somewhat degraded by the presence of several existing utility poles and overhead lines. The proposed facility would be more visually obtrusive than the existing poles because of the antennas and other bulky equipment that would be attached to the pole. The proposed development, in combination with the existing poles, would also exacerbate the problem with visual clutter on the seaward side of Pacific Coast Highway. Worsening this clutter would significantly degrade views from this important recreational area and coastal access route.

There are alternative locations (i.e., on existing power poles, co-location with other cellular service poles in the area, locating the pole on the inland side of the highway, or on the top of an existing building in the area) that would accomplish the need for wireless telephone coverage in the project area without adversely impacting visual resources. The project's location is an unfavorable spot because it is on the seaward side of a scenic highway that runs adjacent to the coastline and the development obstructs the public's view of the open beach and ocean horizon.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR COASTAL DEVELOPMENT PERMIT NO. 5-09-103:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit Amendment No. 5-09-103 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

STAFF NOTE:

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Pursuant to Coastal Act Section 30601, certain categories of development, including development located within 300 feet of the mean high tide line, also require a coastal development permit from the Commission.

In this case, however, the City of Los Angeles will not require the applicant to obtain a local coastal development permit (or a public works utility permit) for the proposed project. Therefore, since the proposed project constitutes "development" as defined by the Coastal Act, and it is located within 300 feet of the mean high tide line, it requires a coastal development permit from the Commission pursuant to Section 30601 of the Coastal Act. The proposed project constitutes new development, rather than repair and maintenance or modification of an existing structure, because it involves the erection of a new pole and the installation of new cell phone equipment and antennae. The proposed project also does not fall within the scope of the exemption established in Section 30610(f) for the installation of utility connections between existing service facilities and development approved under the Coastal Act. The project would erect a new service facility to serve an area rather than simply connect an existing service facility (such as existing telephone or power lines) to new development.

The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Verizon Wireless proposes installing a wireless communications facility (WCF) consisting of a 39 foot (measured at grade level), 12-inch in diameter, wood utility pole with 6 foot long double extension arms, panel antennas, microcell, ADC cabinet and disconnect box all located on the wooden pole (see Exhibit No. 3-5).

The double extension arms for the antennas will be located approximately 37 to 39 feet above grade. The microcell and ADC cabinet, measuring approximately 25" x 25" x 36" will be located approximately 7 to 9 feet above grade.

The applicant states that the reason for the facility is:

Wireless communication in this specific location is inadequate, suffering from blocked and dropped transmissions. A small scale wireless facility, often called a Micro-cell, is being proposed for this location to remedy the inadequacy and provide the seamless network coverage required.

Field testing by Radio Frequency Engineers determined that the selected location allowed for the network coverage objective to be met with the construction of the fewest sites possible.

The project will be located on the seaward side of Pacific Coast Highway, just south of Coastline Drive, in the Pacific Palisades community of the City of Los Angeles (see Exhibit No. 1 and 2). The immediate area is developed with single and multi-family residential development on the inland side of Pacific Coast Highway (PCH). The entrance to the Getty museum is also located on the inland side of PCH. On the seaward side of the highway the area is undeveloped, except for utility poles. The location of the proposed WCF is on the shoulder of the highway, within the California Department of Transportation right-of-way, adjacent to a flat graded pad that varies from approximately 30 to 90 feet wide and ending at an approximately 15 foot high bluff and rock revetment that extends down to the sandy beach. The pad was once the site of a parking lot for a restaurant that partially extended out over the water. Wooden pier remnants remain along the beach and surf zone where the restaurant once stood.

The beach in this area is a narrow open public beach (Will Rogers State Beach) extending approximately 2/3 of a mile to the south to Gladstone's restaurant, located at the intersection of PCH and Sunset Boulevard, and approximately 1/2 mile to the north to the Chart House restaurant. This over one mile section of beach, extending from the Chart House restaurant to Gladstone's restaurant to the south is mainly undeveloped with any structures, except for a couple of wooden beach lifeguard towers and a public restroom facility.

B. Visual Resources

Section 30240(b) states that:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of this coastal area shall be protected. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

As stated, the proposed 39 foot high wireless telecommunications pole will be located on the seaward side of Pacific Coast Highway (PCH) in an area that is basically undeveloped, except for existing utility poles, two ground utility boxes, a city limit sign, and signal light standards, located at the intersection of Coastline Drive and PCH. In the immediate vicinity of the proposed site there are four wooden utility poles along the shoulder of PCH within an approximately 225 foot distance, and two signal light standards within 75 feet to the north (see Exhibit No. 6). The proposed pole would add a fifth utility pole within the 225 foot area of the existing four wooden utility poles. The proposed pole would be more visually obtrusive than the existing poles because of the bulky equipment that would be attached to the pole.

Pacific Coast Highway provides thousands of daily commuters, recreationalists, sightseers, and beachgoers views of the beaches, coastal bluffs, the ocean and ocean's horizon and is listed as a Designated Scenic Highway on the City of Los Angeles General Plan Scenic Highways Map. The existing utility poles and overhead wires, because of their close proximity to one another, visually clutter the area and detract from the public's coastal views. Adding an additional pole or adding additional bulky equipment to existing poles along the seaward side of the highway in this location would further detract from the visual resources provided in this location and diminish the public's recreational enjoyment of the beach.

The addition of structures along a scenic view corridor, such as PCH, will detract from the public's enjoyment of those views. The proposed project's impact on visual resources will be significant as it would intrude into the public's view of the beach and ocean from along the highway and from the recreational beach. The project's location is in an especially scenic and visually prominent location because it is on the west side of the highway adjacent to an open public beach (Will Rogers State Beach) that is undeveloped with any buildings. The site is located at the very northern end of Will Rogers State Beach. The beach in this location is narrow with limited parking along the highway shoulder. The County recently completed the construction of a new restroom facility approximately ¼ mile to the south and a parking lot, to serve the increasing number of beachgoers that use this portion of beach. Because of the popularity of the area as a recreational beach and the scenic views to and along the coast in this area, the County has also been planning on developing a public parking lot with a scenic lookout at the former restaurant site located adjacent to the proposed project site. The installation of a 39 foot high pole with extension arms and other support facilities on the pole would add to the obstruction of views of the beach and ocean from the highway and detract from the public's enjoyment of the coastal views and recreational area by intruding into the scenic views offered to and along the coast from the adjacent public beach.

In past Commission permit actions on similar cellular sites, the Commission has been concerned with the proliferation of antennas and the adverse cumulative impacts on visual resources (Coastal Development Permits: 5-07-375(T-Mobile); 5-92-415(Los Angeles Cellular Telephone Co.); 5-97-130(Los Angeles Cellular); and 4-08-035(AT&T Mobility). As demand for wireless communication facilities increases and service providers continue to try to cover every section along PCH with signal coverage, it is likely that other service providers will be interested in placing additional structures, antennas and equipment in the project area and other areas along PCH. The Commission is concerned that individually and cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources and detract from the public's enjoyment of those resources. Furthermore, the Commission has also been concerned with visual impacts along PCH from other types of development. Most recently in this location, in 5-01-261A1(Los Angeles County), the Commission required a design change in a proposed 3½ foot high safety fence along a narrow public parking lot on the seaward side of PCH to minimize visual obtrusion and to protect the existing coastal views. The proposed anodized aluminum 1½ inch diameter tubular fence was found to obstruct and detract from the views to the ocean from PCH. Therefore, the Commission required a fence design that was more open and allowed views through the fencing in order not to detract from the public's enjoyment of the coastal views.

Instead of placing the WCF on a new pole on the seaward side of a major view corridor, there are alternatives to minimize the visual impact. Alternative locations, such as on the top of an existing building or an existing utility poles (light standard, signal light, or telecommunications pole) in a less obtrusive location would lessen the project's impacts on coastal views while accomplishing the applicant's goal for wireless telephone coverage in the project area without adversely impacting visual resources.

The applicant provided an alternative analysis which examined placing the facility on two of the existing utility poles found in the immediate area. Both were considered not viable by the applicant because, as stated in the analysis, one pole has electrical power risers and current regulations do not allow for wireless facilities; and the second pole lacked sufficient room among the existing utility lines to place wireless antennas based on current regulations-- the 50 foot pole would need to be replaced with a 75 foot high pole to provide adequate distance between the utility line and the wireless facility.

The alternative analysis did not analyze other possible alternatives such as locating the pole on the inland side of the highway, placing the facility on existing signal light standards or light standards, or placing the WCF on existing buildings.

The applicant provided a signal coverage map showing signal strength in the area indicating that the site area has moderate to weak signal strength, which would result in interruption in service or dropped (disconnected) calls. Although the applicant has stated that the reason for the WCF in this location is to provide seamless coverage for Verizon customers and to fill an existing gap in coverage along PCH, Commission staff, while using a cell phone with Verizon as the service provider, did not experience any

interruption in coverage along this section of PCH. Staff also spoke with a few residents that lived in the surrounding residential area that indicated, as Verizon customers, they did not have coverage in the hilly residential area above PCH, however, there was coverage along PCH in the area proposed for the WCF. In discussions with the Verizon representative, it was explained that coverage may be dependent on the amount of users and the time of day, or amount of users at that particular time and area.

While there may be locations along PCH that do not provide a strong signal and may cause intermittent dropped or blocked calls, there is coverage provided in this location and the absence of an WCF in this location will not cause a significant loss of coverage. The Commission finds that an alternative location (i.e., on an existing power pole or building) on the inland side of PCH or in another location that does not have a significant impact on coastal views would significantly reduce the visual impacts that would result from the currently proposed development. The applicant has failed to establish that alternative locations are not available or viable, or that a WCF is essential in this location in order to eliminate a significant gap in coverage. Because of these alternatives, and because the applicant has not demonstrated that an WCF is essential to provide coverage, denial of the proposed project neither discriminates against Verizon, nor precludes Verizon from providing service in the area, in violation of the Federal Telecommunications Act. The denial of the proposed project is consistent with prior precedents relating to the protection of visual resources as the Commission has required that such facilities shall be the least visually intrusive, and has found that they can be permitted only if they cannot be co-located with another existing site nearby or located elsewhere, in order to reduce any potential adverse impacts on visual resources and public views associated with such facilities. Therefore, the Commission finds the project is not consistent with Chapter 3 policies of the Coastal Act with respect to protecting and enhancing visual resources. The denial of this permit does not preclude Verizon from providing telecommunication service in the area. The absence of a WCF in this location may result in an occasional dropped or blocked call, but there is coverage and there are less obtrusive alternatives that could be found consistent with the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states:

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In

the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified three (Playa Vista, San Pedro, and Venice). However, the City has not prepared a Land Use Plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre and 300-acre tract of land), which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades for the City. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As proposed the project will adversely impact public coastal views from the adjacent public areas including Pacific Coast Highway and Will Rogers State Beach. The Commission, therefore, finds that the project is not consistent with the Chapter 3 policies of the Coastal Act with regards to the protection of public coastal views, and approval of the project as proposed will therefore prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the Commission finds that an alternative location (i.e., on an existing power pole or building inland of PCH) would significantly reduce the visual impacts that result from the currently proposed development. An alternative location would substantially lessen the significant adverse effect of the proposed project. Thus, denial of the proposed project does not deny the applicant the opportunity to install WCFs that are determined to be necessary for communications, but only requires that the proposed project be located in another location where it would not adversely affect visual resources of the coastal zone. Therefore, there are feasible alternatives or mitigation measures available which will lessen the significant adverse impacts that the development would have on the environment. Therefore, the Commission finds that the proposed project is not consistent with CEQA and the policies of the Coastal Act.

ITEM 6

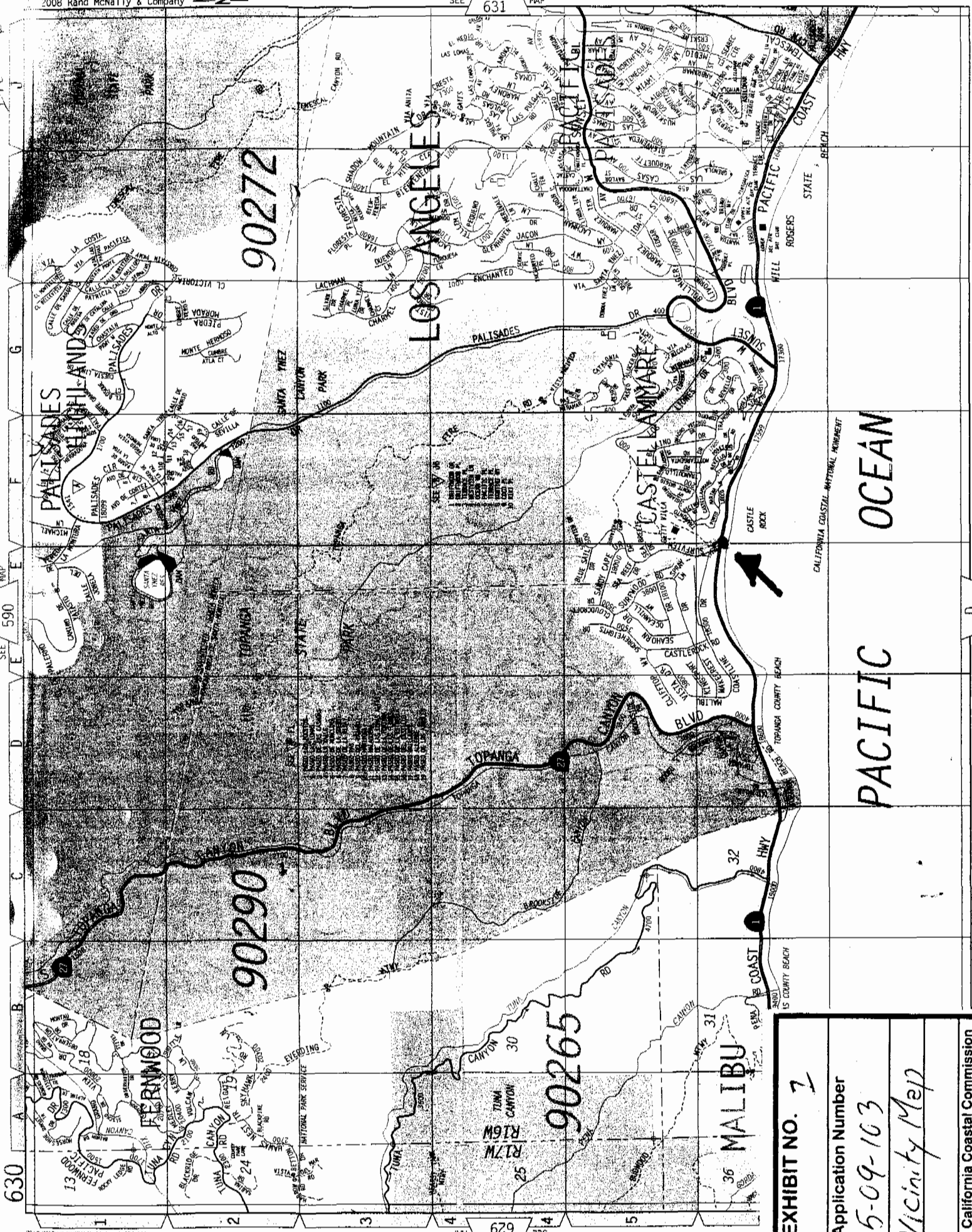


EXHIBIT NO. 7
Application Number 5-09-103
Vicinity Map
California Coastal Commission

1:0 mile 1 in = 2500 ft

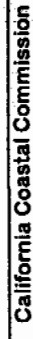
SEE D MAP

SEE 590 MAP

630

629 MAP

LOS ANGELES CO



POLE #00335410 MAKE READY INFORMATION

NEW 45'-0" CLASS (3) WOOD UTILITY POLE
CONTRACTOR TO SET POLE WITH HEEL/BREAST BLOCK
OFFSET PULL FROM POLE #383002M) SEE DETAIL

IT (2) PANEL ANTENNAS WITH TIP AT 39'-0" ON NEW POLE.
XT G FIBER AT 21'-0"

W FIBER AT 20'-0"

RUCT AT 3:00. ATTACHED (1) VZW ADC MICROCELL METER/
STRUT AT 3:00

P POWER AT 2:00 (ON UNISTRUT).

W COM1 AT 4:00 (ON UNISTRUT).

W FIBER AT 5:00.

ROM 3:00 TO 9:00.

NDARY POWER DROP AT 27'-0"

TOP OF POLE/ANTENNA TIP HEIGHT (39'-0" ASL)
ANTENNA HC (37'-0" ASL)

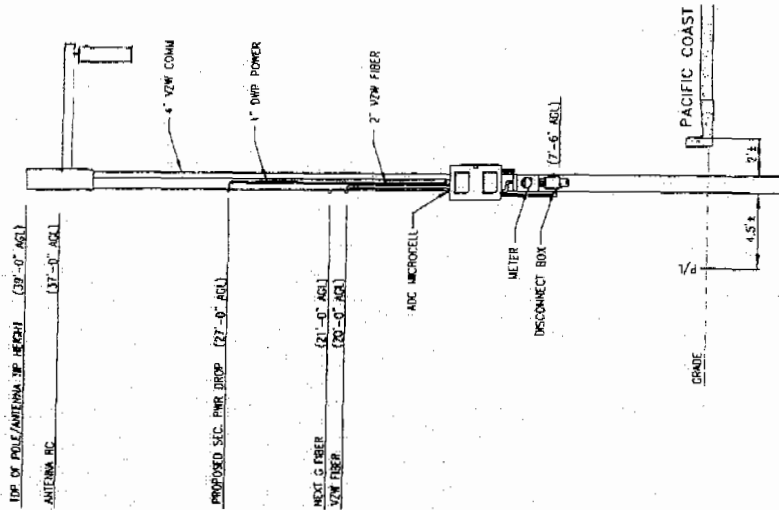
PROPOSED SEC. PWR DROP (27'-0" ASL)

NEXT G. FIBER (21'-0" ASL)
VZW FIBER (20'-0" ASL)

ADC MICROCELL
METER
DISCONNECT BOX
(7'-5" ASL)

GRADE

FRONT VIEW
LOOKING SOUTH



SIDE VIEW
LOOKING WEST

EXHIBIT NO. 3

Application Number

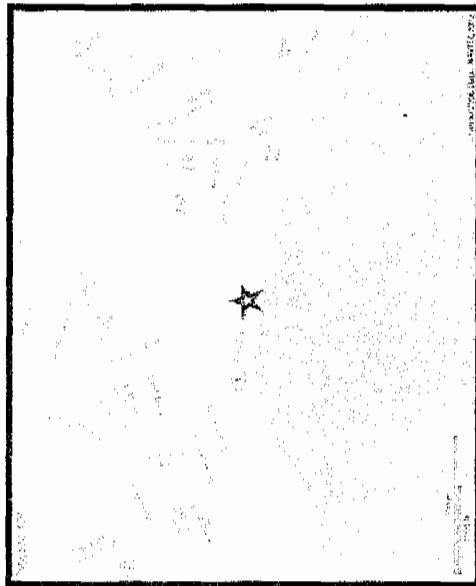
5-09-103

View of Proposed

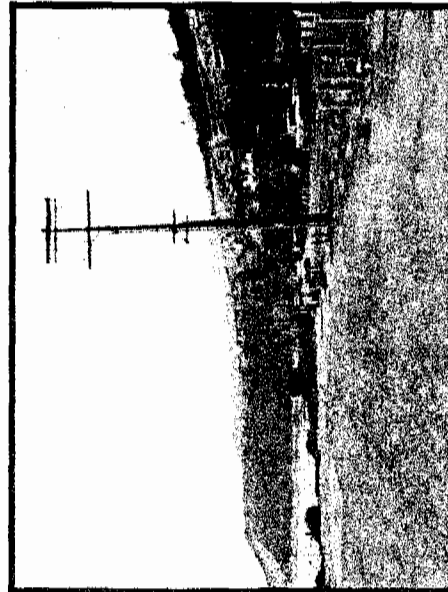
Pole & Equipment

California Coastal Commission

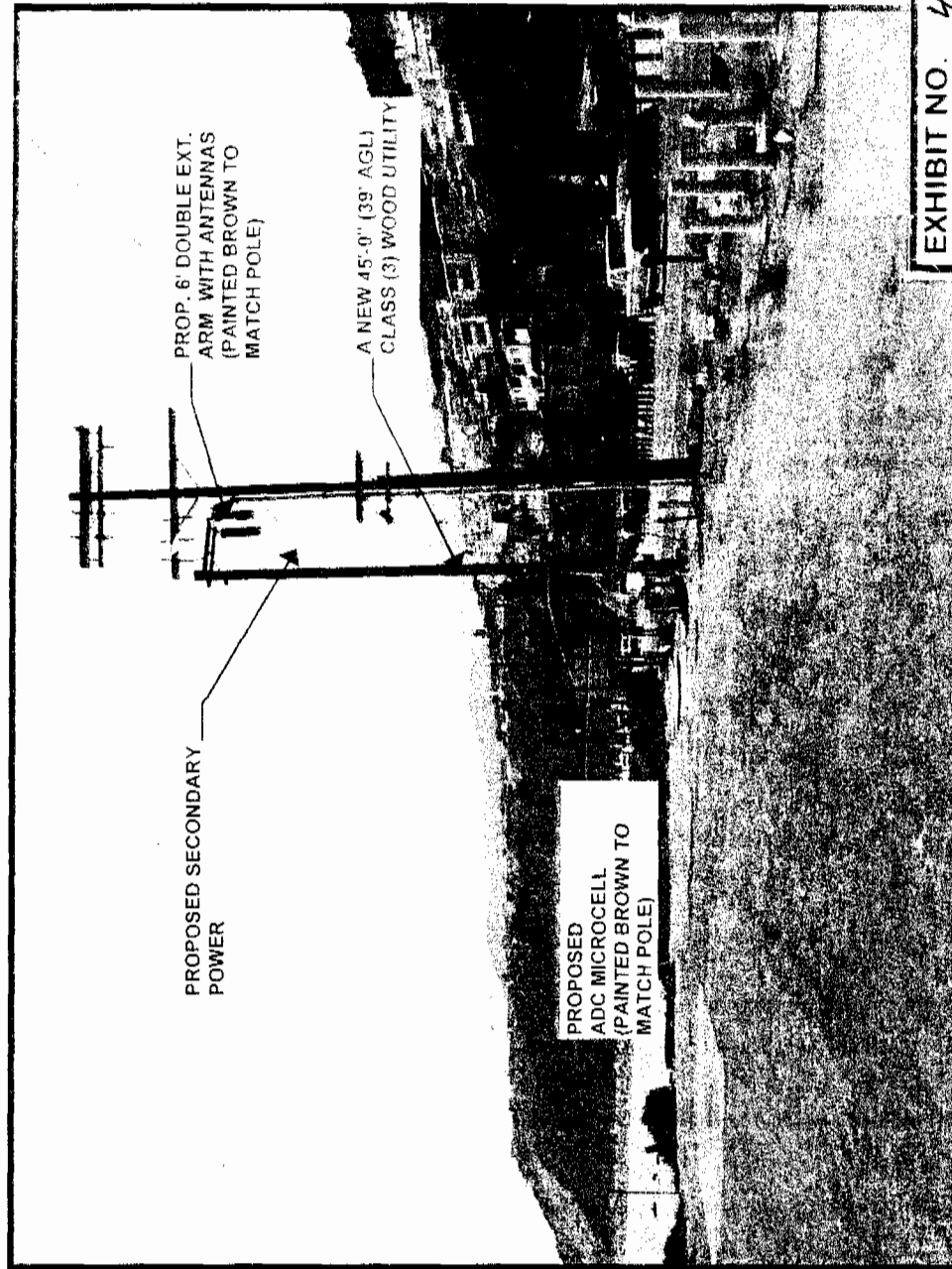
0-103



Location



Existing



Proposed

EXHIBIT NO. 4
Application Number 5-09-103
Computer generated image of proposed California Coastal Commission

RECEIVED
South Coast Region

MAY 29 2009

CALIFORNIA
COASTAL COMMISSION

PALISADES ZONE A4

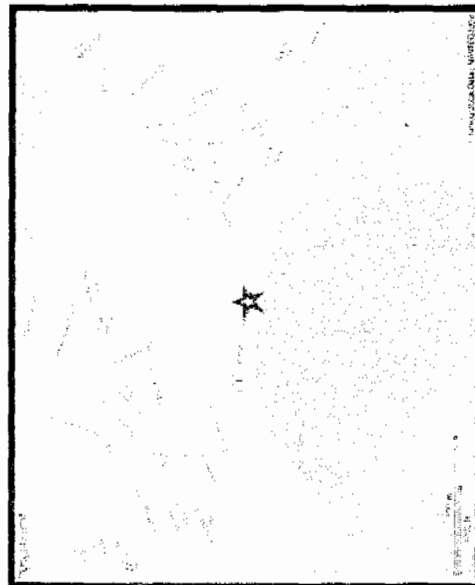
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MALIBU, CA 90265

10597-15

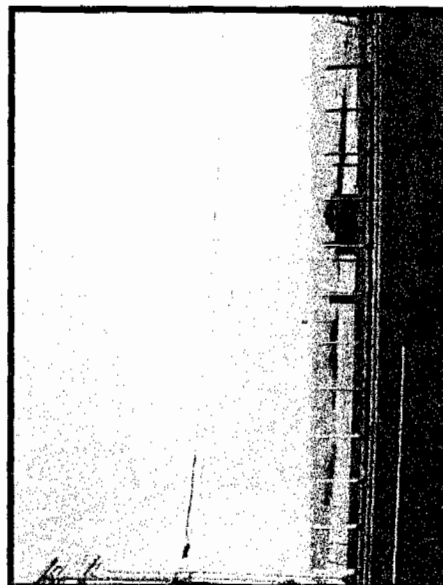


Verizon Wireless

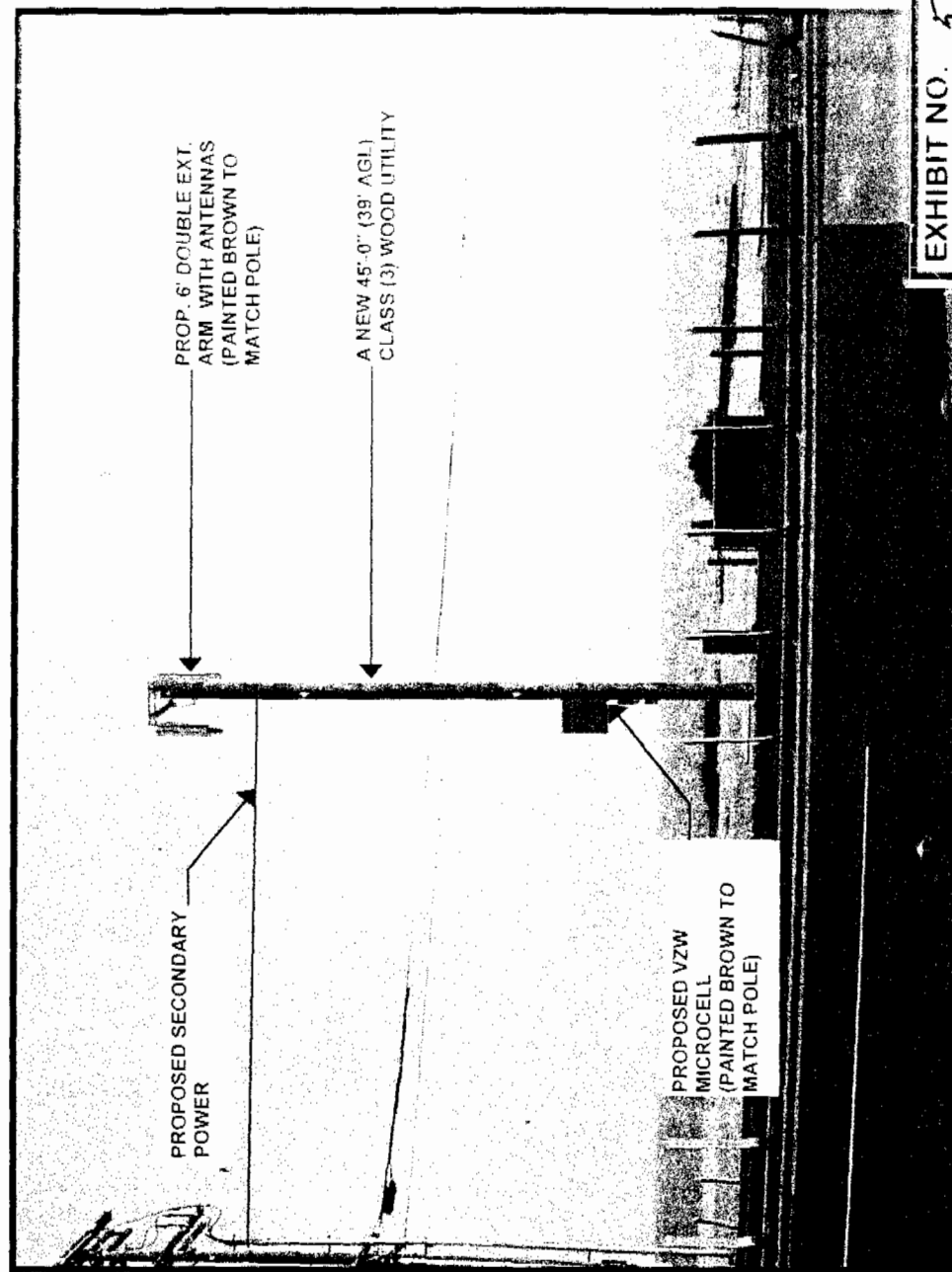
5-09-103



Location



Existing



Proposed

EXHIBIT NO. 5

Application Number

5-09-103

Computer generated
image of proposed

Pole #2

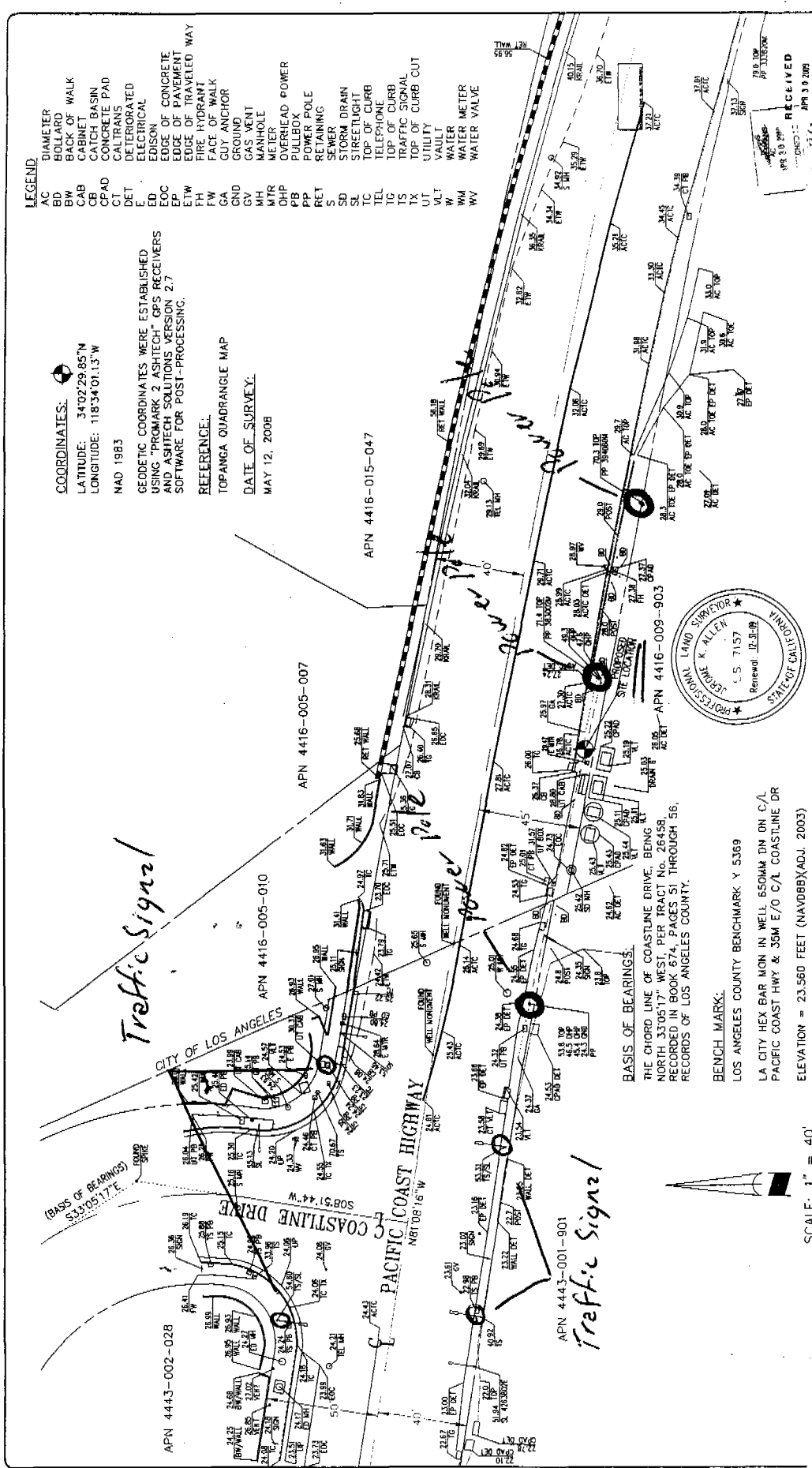
California Coastal Commission

COORDINATES:
 LATITUDE: 34°02'29.85"N
 LONGITUDE: 118°34'01.13"W
 NAD 1983

GEODETIC COORDINATES WERE ESTABLISHED
 USING "PROMARK 2 ASHTech" GPS RECEIVERS
 AND ASHTech SOLUTIONS VERSION 2.7
 SOFTWARE FOR POST-PROCESSING.

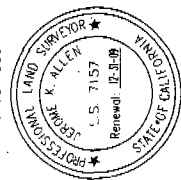
REFERENCE:
 TOPANGA QUADRANGLE MAP
 DATE OF SURVEY:
 MAY 12, 2008

- LEGEND**
- AC DIAMETER
 - BD BOLLARD
 - BW BACK OF WALK
 - CAB CABINET
 - CB CATCH BASIN
 - CPAD CONCRETE PAD
 - CT CALTRANS
 - DET DETECTOR
 - E ELECTRICAL
 - ED EDISON
 - EOC EDGE OF CONCRETE
 - EP EDGE OF PAVEMENT
 - ETW EDGE OF TRAVELED WAY
 - FW FIRE HYDRANT
 - FW FACE OF WALK
 - GA GAS ANCHOR
 - GND GROUND
 - GV GAS VENT
 - MH MANHOLE
 - MTR METER
 - WTR OVERHEAD POWER
 - DHP DRAIN
 - PB PULLBOX
 - PP POWER POLE
 - RET RETAINING
 - S SEWER
 - SD STORM DRAIN
 - SL STREETLIGHT
 - TC TOP OF CURB
 - TEL TELEPHONE
 - TC TOP OF CURB
 - TS TRAFFIC SIGNAL
 - TX TOP OF CURB CUT
 - UT UTILITY
 - VAL VALVE
 - W WATER
 - WM WATER METER
 - WV WATER VALVE



BASIS OF BEARINGS:
 THE CHORD LINE OF COASTLINE DRIVE, BEING
 NORTH 33°05'17" WEST, PER TRACT No. 26458,
 RECORDED IN BOOK 674, PAGES 51 THROUGH 56,
 RECORDS OF LOS ANGELES COUNTY.

BENCH MARKS:
 LOS ANGELES COUNTY BENCHMARK Y 5369
 LA CITY HEX BAR MON IN WELL 650MM DN ON C/L
 PACIFIC COAST HWY & 35M E/O C/L COASTLINE DR
 ELEVATION = 23.560 FEET (NAVD83)(ADJ. 2003)



REVISIONS DATE DESCRIPTION 1/1/08 REVISION BY: [blank] 1/1/08 REVISION BY: [blank]		PROJECT INFO PROJECT NO.: [blank] T.C. NAME: [blank] TOTAL SQUARE FEET: [blank] EXEMPTED BY: [blank] EXEMPTED DATE: [blank] EXEMPTED TYPE: [blank]	
CLIENT INFO CLIENT NAME: [blank] CLIENT ADDRESS: [blank] CLIENT CITY: [blank] CLIENT STATE: [blank] CLIENT ZIP: [blank]		DATE OF PERMITS DATE: [blank] CITY: [blank] COUNTY: [blank] ZONE: [blank] SHEET: 1 OF 1	

EXHIBIT NO. C	Application Number 5-09-103	Location of Power Poles and Signal Lights California Coastal Commission
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Ces cable engineering services
 PRESCOTT COMMUNICATIONS INC.
 1860 SPANGLER BLVD, SUITE 1
 IRVINE, CA 92618
 (949) 258-2325 FAX (949) 258-9185

verizon wireless
 SOUTHERN CALIFORNIA
 15505 SAND CANYON AVE, IRVINE, CA 92618

MP Surveyors
 1860 SPANGLER BLVD, SUITE 1
 IRVINE, CA 92618
 (949) 258-2325 FAX (949) 258-9185