

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



# Item TH 14d

Filed: 11/17/08  
180th Day: 5/16/09  
270<sup>th</sup> Day: 8/14/09  
Staff: A. Tysor  
Staff Report: 716/09  
Hearing Date: 8/13/09

## **STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-08-035  
**APPLICANT:** AT&T Mobility  
**AGENT:** Trent Ramirez, BMS Communications, Inc.  
**PROJECT LOCATION:** Near 33300 block of W. Mulholland Highway (South of Mulholland Highway and 800 ft. west of Clark Ranch Rd.), Santa Monica Mountains, Los Angeles County (APN 4472-008-902)

**PROJECT DESCRIPTION:** After-the-fact approval of 2 panel antennas and 1 GPS antenna on an existing 26 ft.-high utility pole, a permanent unmanned ground-mounted wireless telecommunication facility, including 30 sq. ft. concrete pad, a 10 ft.-long retaining wall, 16.25" x 48" x 17.25" power meter pedestal, 25 ft.-long underground power meter conduit, stone paver steps, and re-vegetation of all disturbed areas.

**MOTION & RESOLUTION:** Page 3

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**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and, as designed, would adversely impact visual resources. There are alternatives or mitigation measures, which if incorporated into the design will avoid or reduce visual impacts. The project is conditioned to provide plans to design a rock-façade covering for the proposed ground-mounted meter and to revegetate all disturbed areas.

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## EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Project Plans
- Exhibit 4. Engineer Letter
- Exhibit 5. National Park Service letter

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**LOCAL APPROVALS RECEIVED:** California Department of Transportation Encroachment Permit No. 707-6US-2047, October 19, 2007; National Park Service, Santa Monica Mountains National Recreation Area, Environmental Review Program, Categorical Exclusion, Tracking Number 2006-035, dated January 12, 2007.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; Biological Report, Field and Photographic Review, prepared by Rincon Consultants, Inc., dated December 9, 2005; National Park Service acknowledgement letter dated April 28, 2009; Letter from Kate O'Brien, P.E. to BMS Communications, dated July 8, 2009.

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## I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-08-035 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not 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 complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. **Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### 2. **Landscaping Plan**

***Prior to issuance of the Coastal Development Permit***, the applicant shall submit two sets of landscaping, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

##### A) **Landscaping Plan**

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of issuance of CDP 4-08-035. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire

safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

### **B) Conformance with Coastal Commission Approved Site/Development Plans**

The Permittee shall undertake development in accordance with the final Landscape Plans. The final Landscape Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

### **C) Monitoring**

Three years from the issuance of CDP 4-08-035, the applicant shall submit to the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

### **3. Structural Appearance**

a. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include: 1) the colors proposed for the

pole-mounted flat panel antennae and power box and 2) the colors and material proposed for the imitation boulder that will cover the ground-mounted meter box. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. The ground-mounted meter box shall be covered with an imitation boulder that blends into the landscape.

The approved structures shall be colored with only the colors and materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

b. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director of the Coastal Commission, two sets of design plans for the imitation boulder to cover the ground-mounted meter to ensure that it blends into the landscape and natural environment. The imitation boulder must be sufficient to shield views of the meter from Mulholland Highway. All plans must be drawn to scale with dimensions shown. Prior to submission to the Executive Director, the applicant must receive approval of the plans from the National Park Service and submit evidence of such approval, or evidence that such approval is not required, to the Executive Director.

c. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **4. Future Development Restriction**

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to any of the development governed by this permit. Accordingly, any future improvements to any portion of the development governed by this permit, including but not limited to the power meter or pad area shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **5. Condition Compliance**

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**6. Los Angeles County Approval**

*Prior to issuance of the Coastal Development Permit*, the applicant shall submit for the review and approval of the Executive Director, evidence of Los Angeles County Approval-in-Concept or evidence from the County that such approval is not required for the project.

**7. National Park Service Approval**

*Prior to issuance of the Coastal Development Permit*, the applicant shall submit for the review and approval of the Executive Director, a Special Use Permit for the project issued by the National Park Service, or evidence that such approval is not required for the project.

**8. Pole Loading Capacity**

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, calculations of loading capacity of the pole that are approved and stamped by a registered engineer.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION AND BACKGROUND**

The applicant requests after-the-fact approval of 2 panel antennas and 1 GPS antenna on an existing 26 ft.-high utility pole, a permanent unmanned ground-mounted wireless telecommunication facility, including 30 sq. ft. concrete pad, a 10 ft.-long retaining wall, 16.25" x 48" x 17.25" power meter pedestal, 25 ft.-long underground power meter conduit, stone paver steps, and revegetation. The project was constructed in 2006 after the project applicant obtained an encroachment permit from Los Angeles County.

The project site is located adjacent to Mulholland Highway on a 17.7 acre parcel owned by the National Park Service in the Santa Monica Mountains National Recreation area between 33300 and 33200 Mulholland Highway in the northwestern portion of the Santa Monica Mountains, in unincorporated Los Angeles County (APN 4472-008-902). (Exhibit 1) Three of the stone paver steps are located outside of the property boundary within the public right-of-way along Mulholland Highway. Scattered residential development exists adjacent to the Santa Monica Mountains National Recreation Area. However, the subject parcel itself is undeveloped parkland.

The project site is located in a scenic area, visible from various public viewing points, such as Mulholland Highway (an LUP-designated Scenic Highway) and surrounding public parklands, which afford scenic vistas of the relatively undisturbed natural area. However, due to the utility pole's location along Mulholland Highway, and the necessity of locating the wireless telecommunication facility and power meter adjacent to the

existing utility pole, no alternative locations options exist where the development would be significantly less visible from public viewing areas.

The building pad area, located directly adjacent to Mulholland Highway, is approximately 30 sq. ft. in size and is located on an embankment sloped towards Mulholland Highway. Approximately 90 sq. ft. were disturbed for construction of the utility box area and underground power meter conduit. According to a biological assessment of the site prepared by Rincon Consultants, Inc., dated December 9, 2005, the embankment is populated by a mixed chaparral plant community bordered by non-native annual grasses and other non-native herbaceous species growing adjacent to the road. According to the report, the field visit indicated that the edge of the road is maintained (herbicide treated or weed-whacked), as is the area below the utility pole. Therefore, the site is not considered to be an environmentally sensitive habitat area (ESHA) due to the fact that the site has been previously disturbed by the presence of Mulholland Highway and does not contain contiguous undisturbed chaparral species. Additionally, the project site is not located in proximity to any oak trees.

Although the project applicant obtained an encroachment permit from Los Angeles County for those portions of the development located within the right-of-way of Mulholland Highway, it has not obtained approval-in-concept from Los Angeles County Regional Planning. Further, the applicant did not receive approval from National Park Service before constructing improvements on its property. The National Park Service has subsequently given provisional approval for the development with conditions, but will not issue a Special Use Permit until the Commission has approved the subject CDP. In order to ensure that the applicant obtains these approvals, the Commission finds it necessary to require **Special Conditions No. 6 and 7**.

## **B. HAZARDS AND GEOLOGIC STABILITY**

Section **30253** of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the condition described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the



project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The project site is located in a high-fire hazard area. The extra load on the power pole for the telecommunications equipment could potentially subject the pole to instability in high winds or geologic events. If the pole were damaged or displaced, wires or lines could spark, thereby creating a fire risk. The applicants have provided evidence that the wind loading capacity for the pole has been calculated and that the pole is capable of handling the additional load presented by the proposed equipment. Although the applicants have provided a letter confirming review of the calculations by a licensed engineer, they have not provided actual calculations stamped by a registered engineer. In order to assure the data has been approved by an engineer, it is necessary that the applicant provide the actual stamped calculations to the Executive Director (Special Condition 8).

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

**Special Condition 1:** Assumption of Risk, Waiver of Liability and Indemnity

**Special Condition 2:** Landscape Plans

**Special Condition 8:** Pole Loading Capacity

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

## **C. VISUAL RESOURCES**

Section **30251** of the Coastal Act states:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located in a scenic area, visible from various public viewing points, such as Mulholland Highway (an LUP-designated Scenic Highway) and surrounding public parklands, which afford scenic vistas of the relatively undisturbed natural area. Development of the project raises issues regarding: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands will be affected.

Due to the utility pole's location directly adjacent to Mulholland Highway, and the necessity of locating the wireless telecommunication facility and power meter adjacent to the existing utility pole, no alternative locations exist where the development would be significantly less visible from public viewing areas. Although there are no siting alternatives that would reduce impacts to visual resources, the Commission has considered design alternatives and mitigation measures to reduce visual impacts. In past permit actions, the Commission has required that new development located in highly visible, scenic areas be conditioned in order to protect visual resources. Here, design alternatives and mitigation measures exist that would allow the project to blend into the mountainous landscape. Although the ground-mounted utility meter is only about four feet tall, the utility structure does not blend into the landscape and is highly visible. The project would, therefore, impact scenic vistas and visual resources in the area if not conditioned to blend into the landscape to reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources. One way that the facility could be blended into the surrounding environment is by the use of earthtone colors that are compatible with colors found in the area. Another measure that was suggested by the National Park Service in its review of the subject project was to incorporate an imitation boulder cover that would be placed over the utility box and serve to disguise the structure and give it a more natural appearance so that it will not stand out in the landscape. The Commission finds that this measure would serve to mitigate the impacts of the development on visual resources in the area. Although the National Park Service has requested that an imitation boulder be used to camouflage the meter box in its January 12, 2007 review of this unpermitted project, the applicant has not proposed this measure as part of the application. As such, the Commission finds it necessary to require the applicant to submit a color palate and plans, for the review and approval of the Executive Director, that provide for an imitation boulder to cover the ground-mounted utility meter. The applicant is required to first submit these plans for review and approval by the National Park Service, and to provide evidence of the approval.

To further minimize the visual impacts associated with development of the project site, the Commission requires the use of appropriate, adequate, and timely planting of native landscaping to revegetate all disturbed areas and to soften the visual impact of the development from public view areas.

In recognition that future development normally associated with utility facility, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

- Special Condition 2:** Landscape Plans
- Special Condition 3:** Structural Appearance
- Special Condition 4:** Future Development Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

## **D. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes 2 panel antennas and 1 GPS antenna on an existing 26 ft.-high utility pole, a permanent unmanned ground-mounted wireless telecommunication facility, including 30 sq. ft. concrete pad, a 10 ft.-long retaining wall, 16.25" x 48" x 17.25" power meter pedestal, 25 ft.-long underground power meter conduit and stone paver steps. This application includes the request for after-the-fact approval for the above referenced unpermitted development in order to construct the proposed project.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. The following special condition is required to assure the project's consistency with all applicable Chapter 3 policies of the Coastal Act:

### **Special Condition 5. Condition Compliance**

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of a portion of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will evaluate further actions to address this matter.

## **E. LOCAL COASTAL PROGRAM (LCP) PREPARATION**

Section **30604(a)** of the Coastal Act states that:

- 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 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain

conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

**Special Conditions 1 through 8**

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

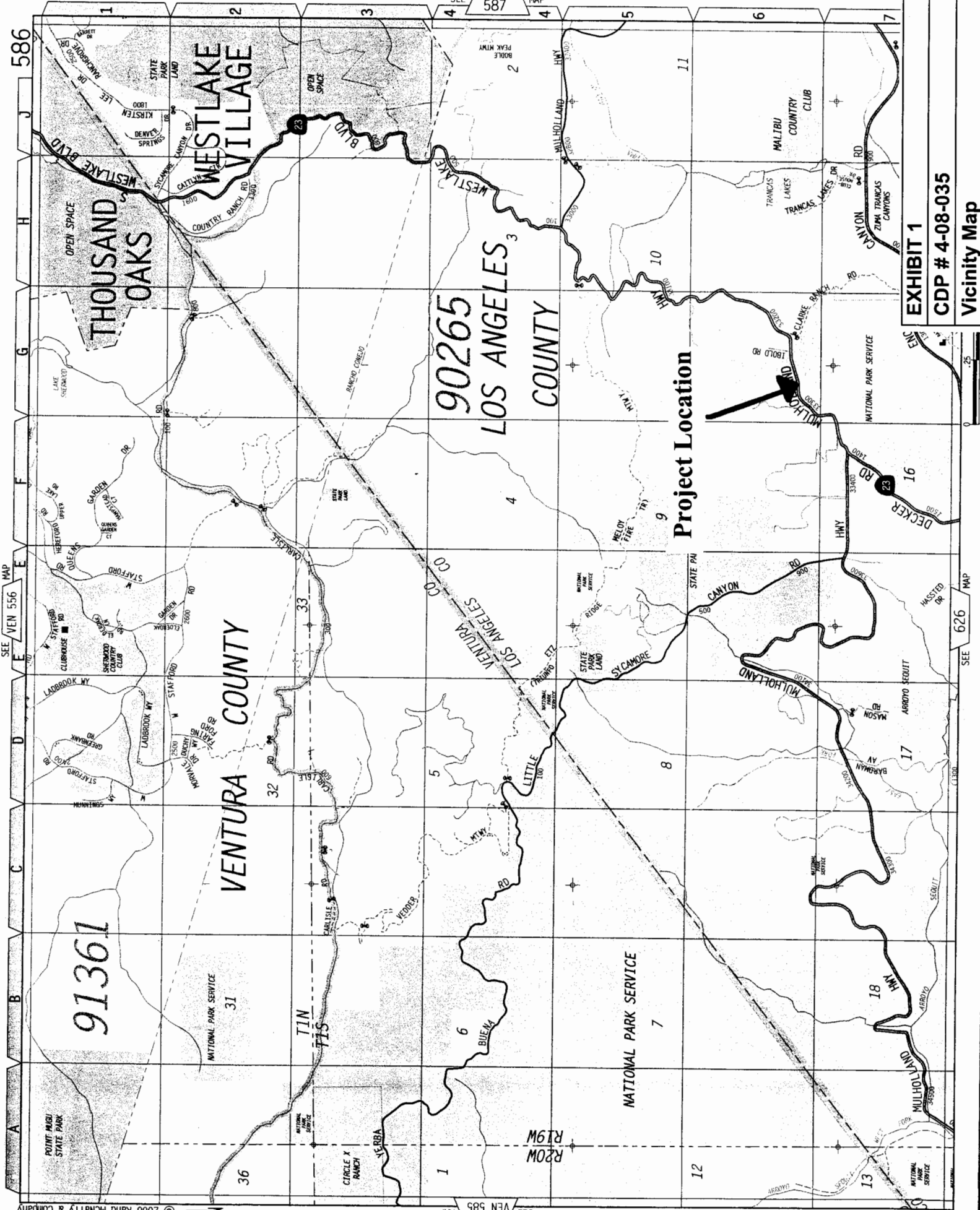
**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096(a) of the Commission's administrative 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 that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

**Special Conditions 1 through 8**

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



90265  
LOS ANGELES  
COUNTY

VENTURA COUNTY

Project Location

91361

EXHIBIT 1

CDP # 4-08-035

Vicinity Map

SEE VEN 556 MAP

SEE 626 MAP



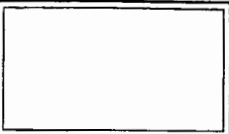




**COMMUNICATIONS, INC.**  
 4183  
 GUARDIAN BT  
 8101 VALLEY CARRISSES  
 TEL 800 888-1141  
 FAX 800 888-9710

DRAWN BY: LUB  
 DATE: 5-23-05  
 PROJECT NO.: 4472-003  
 SHEET NO.: 19  
 PROJECT NAME:

**xingular**  
 1900 PARK PLAZA DR  
 GAITHERSBURG, MD 20878



**LOCATION NAME**  
 N.L0044-01-B1  
 CLARKE

**SHEET**  
 L51

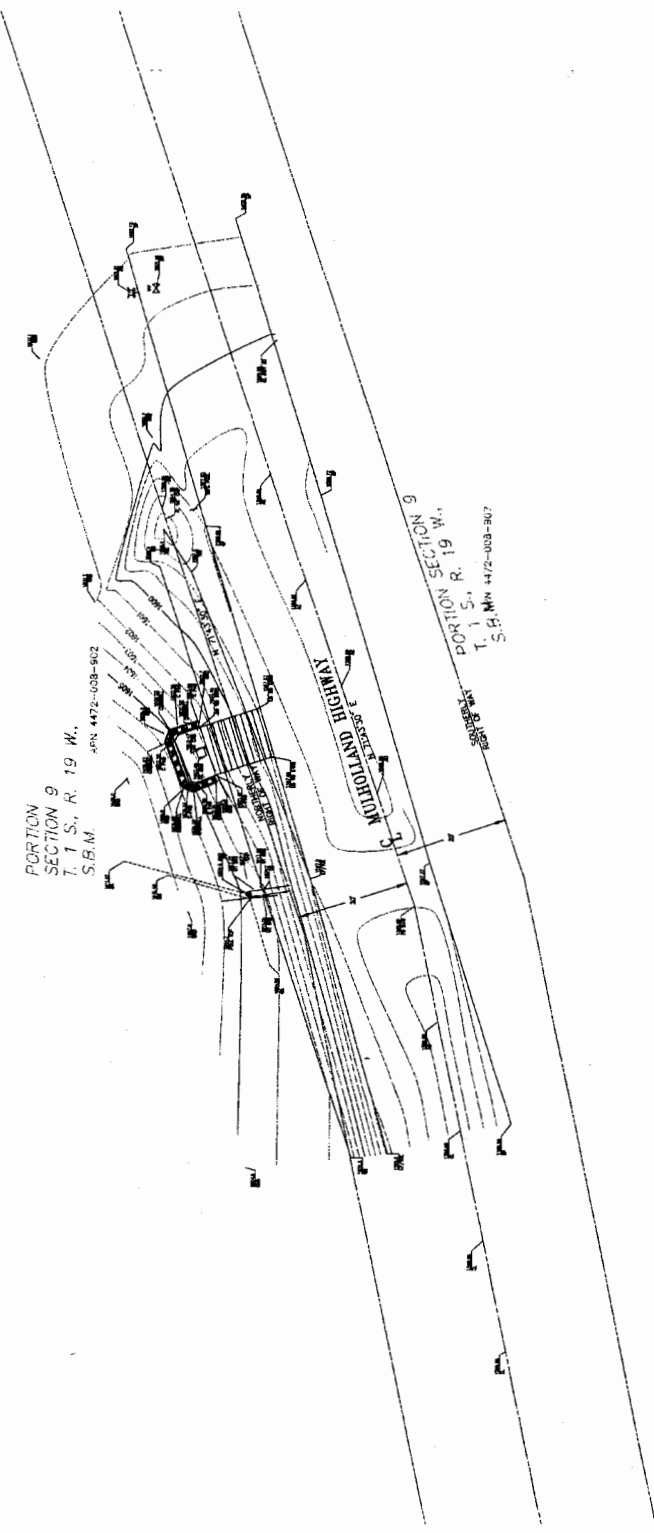
1 | LAND SURVEY



**DATE OF SURVEY**  
**BASIS OF BEARINGS**  
 THE CONTIGUOUS HIGHLAND HIGHWAY,  
 BEING NORTH 87°52'17" EAST PER COUNTY  
 RECORDS AND THE BENCH MARK 2  
 AND INCLUDES OF COUNTY SURVEYOR'S MAPS,  
 SHOWING BENCH MARK 2 AND BENCH MARK  
 BENCH MARK 2  
 LOS ANGELES COUNTY BENCHMARK Y 8094

**COORDINATES**  
 LATITUDE: 34°07'26.44" N  
 LONGITUDE: 118°37'03.52" W  
 NAD 1983  
 GEODETIC COORDINATES WERE  
 ESTABLISHED USING TRIMARK 2  
 ASHTON GPS RECEIVERS AND  
 REAL-TIME DIFFERENTIAL GPS  
 SOFTWARE FOR POST-PROCESSING.  
 REFERENCE POINT BUREAU OF LAND MANAGEMENT

**LEGEND**  
 AC ASPHALT CONCRETE  
 BR BRICK  
 CM CURB  
 CAN CANAL  
 CD CONCRETE DRIVE  
 ED 60 STIRS  
 FV FURNACE  
 GA GALVANNEAL  
 GR GRANITE  
 INS INSULATION  
 IR IRON  
 IS INSULATOR POWER  
 PK PAVEMENT  
 PR PAVEMENT  
 PS POLYURETHANE  
 TR TRANSFORMER  
 W WATER VALVE



RECEIVED  
 SEP 28 2007  
 PERMITS DIVISION  
 1400 W. 10TH ST  
 SACRAMENTO, CA 95811

CALIFORNIA  
 PERMITS DIVISION  
 OCT 19 2007  
 ATTORNEY GENERAL  
 PERMITS DIVISION





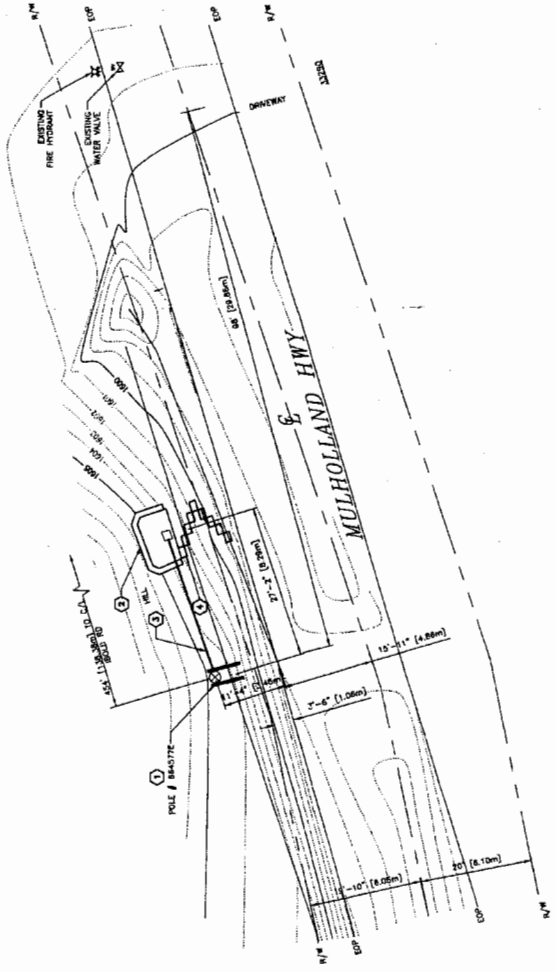
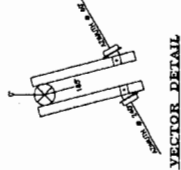
4188  
GUARDIAN ST  
SUNNYVALE CA 95088  
TEL 925 881-1141  
FAX 925 881-9726

DATE: 5-23-05  
PROJECT: LAC13427  
ENGINEER: JAC  
PROJECT NAME: 1-18-05

**x** cingular  
2800 PARK PLAZA DR  
CERRITOS CA 94501

LOCATION NAME  
N.0044-01-B1  
CLARKIE  
N/S MULHOLLAND HWY 98'  
W/O 3320 MULHOLLAND HWY  
WALTON, CA 94595

SHEET  
C1



RECEIVED  
SEP 28 2007  
PERMITS BRANCH  
CITY OF LOS ANGELES  
OCT 13 2007  
CALTRANS  
PERMITS PLANS  
N/S MULHOLLAND HWY 98'  
W/O 3320 MULHOLLAND HWY  
WALTON, CA 94595



1-800-377-8800  
TICKET #

EXCAVATION DATA			
OWNER	ASPHALT	DIRT	CONCRETE
LOS ANGELES COUNTY	0	48 50 FT	0
			BORE
			0

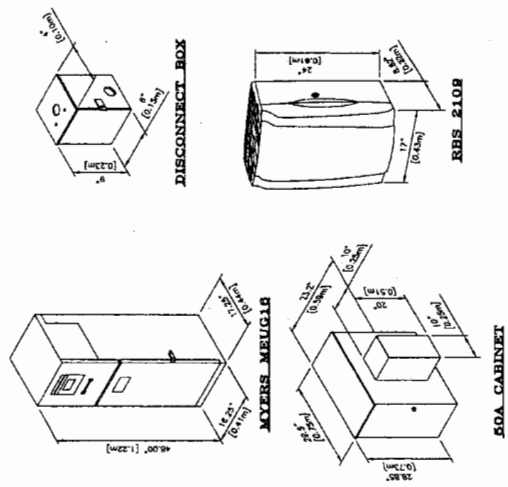
NAD 83 COORDINATES  
LAT: 34° 05' 29.34" N  
LONG: 118° 52' 05.51" W

**1 SITE PLAN**

**CONSTRUCTION AND PLACEMENT DATA**

- ① PL (2) 24" CONCRETE BACK TO BACK ON PIPE MOUNT
- PL (1) 24" (6.1m) CABINET
- PL (1) DISCONNECT BOX
- PL #1 (2.44m) GROUND ROD 24" (0.61m) FROM POLE
- PL #6 AND #5 VERY GROUND WIRE & MOLDING
- ② EXCAVATE AND CONSTRUCT 8' (2.74m) X 3' (0.91m) X 4" (0.15m) CONCRETE PAD WITH 3" (0.76m) HIGH RETAINING WALL
- PL (1) METERS POWER PEDESTAL ON PAD
- ③ PL 31' (9.45m) 1-3" (0.08m) CONDUIT FOR POWER IN 25' (7.62m) TRENCH IN DIRT
- PL 31' (9.45m) 1-2" (0.05m) CONDUIT FOR POWER IN 25' (7.62m) TRENCH IN DIRT
- ④ REMOVE EXISTING RAILROAD TIES
- PL (8) 2' X 1' STONE PAVEMENT STEPS FROM EOP TO PAD
- PAVER COLOR TO MATCH EXISTING GROUND COLOR

**2 CABINET DETAILS**





KATE O'BRIEN, P.E.  
3460 Township Avenue  
Simi Valley, CA 93063  
805-501-3623 / 805-306-9096 (f)  
email: katieoliberty@gmail.com

July 8, 2009

BMS Communications  
4133 Guardian Street  
Simi Valley, CA 93063

Project: Cingular Wireless Site NL00044

Our Job: 09-10

Dear Joanne:

We have reviewed the Osmose calcs provided by your office, and have compared them to our standard Excel worksheets for force distribution and stresses. Please note that we also applied the safety factor of 2.67 to our calculations.

We are assuming that this new equipment shall be placed as designated in the Osmose calcs, or lower on the pole

This pole should be adequate for the proposed additional equipment you wish to place on it, and you may proceed with this work.

Very truly yours,



Kate O'Brien  
Kate O'Brien, P.E.

<b>EXHIBIT 4</b>
<b>CDP # 4-08-035</b>
<b>Engineer Letter</b>



# United States Department of the Interior

NATIONAL PARK SERVICE  
Santa Monica Mountains National Recreation Area  
401 West Hillcrest Drive  
Thousand Oaks, California 91360-4207

In reply refer to:  
L76 (SAMO) 113-43

April 28, 2009

California Coastal Commission  
South Central Coast District  
89 South California Street, Suite 200  
Ventura, CA 93001

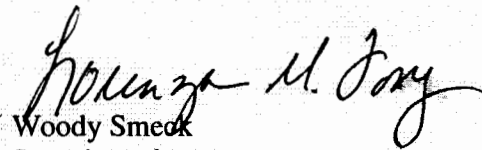
RE: CDP # 4-08-035, AT&T Wireless Telecom. Facility near 33300 W. Mulholland Highway

Dear Commission Members:

The National Park Service has received the Public Hearing Notice for after-the-fact approval of a wireless telecommunication facility (WTF) located near the 33300 block of W. Mulholland Highway, approximately 800 feet west of Clark Ranch Road, in unincorporated Los Angeles County.

The footprint of the WTF falls across two different regulatory settings. A portion of the WTF is on an easement owned by Caltrans. The remainder is on federally owned parkland unencumbered with any third party easements. We provided a letter to the applicant (enclosed) stating that the WTF would require a Coastal Development Permit (CDP) to be in accordance with State of California regulations. As part of the project is subject to federal jurisdiction, it would need to be consistent with the federal Coastal Zone Management Act. In a telephone conversation on April 21<sup>st</sup>, 2009 we confirmed with Larry Simón, Federal Consistency Coordinator with the California Coastal Commission, that a CDP suffices for federal Coastal Act consistency determination requirements. Thank you for the opportunity to comment. If you have questions, please call Melanie Beck, Outdoor Recreation Planner, at (805) 370-2346.

Sincerely,

*for*   
Woody Smeek  
Superintendent

Enc: NPS Letter dated August 14, 2008 RE: AT&T Wireless Telecommunication Facility (WTF) NL0044, on Mulholland Highway

cc: Joe Edmiston, Executive Director, Santa Monica Mountains Conservancy  
Ron Schafer, Superintendent, Angeles District, State Department of Parks and Recreation  
Executive Officer, District Manager, Resource Conservation District, Santa Monica Mountains

EXHIBIT 5
CDP # 4-08-035
National Park Service Letter