

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-10-038 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Co-Location of Future Antennas. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall agree in writing to cooperate with other communication companies in co-locating additional antennas and/or equipment on the project site in the future, providing such shared use does not impair the operation of the approved facility. Upon the Commission's request, the permittee shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility.

2. Future Redesign. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall agree in writing that where future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the applicant shall make those modifications which

would reduce the visual impact of the proposed facility. In addition, the applicant agrees that if, in the future, the facility is no longer needed, the applicant shall abandon the facility and be responsible for removal of all permanent structures and restoration of the site as needed to re-establish the area consistent with the character of the surrounding vegetation. Before performing any work in response to the requirements of this condition, the applicant shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit is necessary.

3. Condition Compliance. WITHIN 60 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 institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. Proposed is the after-the-fact approval for installation of a wireless telecommunications facility consisting of a 55 foot high monopine with 12 mounted antennas, an 11 foot high, 160 sq.ft. equipment building, and a 5 foot high, 14 foot wide chain link fence with gate. The facility is proposed to be located immediately adjacent to a similar telecommunications facility approved by the Coastal Commission, which consists of a 67-foot high monopine with 24 panel antennas, three (3) four-foot long omni antennas; two (2) four-foot diameter microwave dishes; and one (1) BMR antenna mounted to the 516 sq.ft. equipment building located at the base of the pole (ref. CDP #6-00-159). The existing monopine currently supports two carriers.

The project site is located just east of the Interstate-5 (I-5) northbound rest stop (also referred to as the Aliso Creek Rest Stop) in the Camp Pendleton area of the County of San Diego, north of Oceanside. The rest stop is located on the top of a low rolling hill, which descends in elevation at both the south and immediate north ends. Many eucalyptus trees surround the rest stop. As one drives into the rest stop there is a large parking area off to the right. A restroom building is located to the left near the freeway. Further to the right is a large truck and vehicle parking area. The proposed monopine will be located just outside of this area to the east, immediately adjacent to the rest stop on Camp Pendleton property and just west of the railroad tracks. The proposed facility will be located in an area that is removed from any pedestrian and vehicular activities and will be fenced and screened with additional landscaping.

In August, 1998, the Commission approved (CDP #6-97-160, GTE) for the installation of an unmanned cellular facility at the I-5 rest stop near the northeast corner (about 200 feet northwest of the proposed project site). The installation of the approved facility would have required the removal of several existing mature trees. This project, however, was

never constructed, and the permit has subsequently expired. In March, 2001, the Commission approved (CDP # 6-00-159, AT&T), a revised project at the same location. The approved development included a 67-foot high monopole with 24 panel antennas, all four-foot long and one (1) BMR antenna mounted to a 516 sq. ft. equipment building located at the base of the pole. A 6-foot tall chain link fence with barbed wire was proposed to surround the monopole and equipment building. The project also proposed the monopole as a monopine (a simulated pine tree) to blend with the existing trees in the area. Permit #6-00-159 was issued and construction was completed.

In March of 2006, the Commission approved, with conditions, (6-05-079/T-Mobile) a project identical to the current project proposal, however the special conditions were never met, and the permit has since expired. However, some time between 2006 and the present time, T-Mobile constructed the 55 foot monopine, including four antennas, and a 160 sq. ft. equipment building on an existing concrete slab, including fencing. As such, the proposed coastal development permit request represents an after-the-fact approval for what currently exists at this location. Because there is no certified LCP for this area, the standard of review for this development is the Chapter 3 policies of the Coastal Act. Thus, the project's consistency to the Coastal Act is discussed below.

2. Visual Resources. Section 30251 of the Coastal Act is applicable and 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...

The project site is visible from I-5, which is a major public access route and is designated in the certified San Diego County LCP as a Scenic Corridor (although the LCP was certified by the Commission, the City never formally accepted the proposed changes and it was therefore never "effectively certified". As such, there is no certified LCP for this area.) As one drives north from Oceanside towards San Clemente, there is a stretch of highway (approximately 17 miles long) which essentially has no development on it, other than Camp Pendleton structures (many of which are shielded from view due to existing topography). This stretch of highway is very scenic and offers beautiful panoramic views of the Pacific Ocean while looking west. According to the applicant, the project site was originally chosen as the preferred location because it met the coverage objectives of the search area, and the site also allowed connectivity to a site at Las Pulgas, to the north. It also allowed connectivity with a potential future telecommunications site which was proposed to be located at Camp Del Mar on Camp Pendleton (ref. CDP Permit #6-06-80), located approximately 4-5 miles south of the subject site. The project at Camp Del Mar permit was never finalized and has subsequently expired. It is unclear at this time whether the monopine proposed at the Camp Del Mar was ever constructed.

The applicant concludes that the alternatives analysis has resulted in a proposed location that avoids the potential for significant visual impacts. By locating the proposed facility next to an existing monopine and among mature landscaping at the far eastern end of the rest stop, it allows for the monopine to blend in with the existing mature landscaping, thus reducing the impacts on the coastal view corridor. Specifically, the applicant considered alternative sites as follows:

Alternatives Considered

a) Co-location with existing Cingular Wireless Monopine – Co-location on the existing 67-foot tall monopine was originally considered as a potential site; however, the next available antenna placement was at a height of only 37 feet, which did not provide adequate coverage to the targeted area. In order for the proposed site to provide adequate coverage, it must be linked to the existing Las Pulgas site located north of the proposed facility. The lower antenna height available for co-location does not meet this objective on the existing monopine.

The applicant has indicated that the only way to effectively co-locate on the existing artificial tree/monopine would be to remove the existing monopine and construct a much taller and larger monopine to support both facilities. Specifically, the pole of the existing tree would have to be taller and bigger in diameter because the applicant would need to install a coax (i.e., coaxial cable) in the existing artificial tree trunk which would need to be bigger, thus making the tree not only wider but also about 10 ft. taller. A taller facility would make the facility much more visible from offsite locations.

b) Rest Stop on West side of I-5 – Although using the rest stop on the west side of I-5 would have provided a similar coverage footprint, it would not only obstruct ocean views looking west along I-5, but it would also pose an adverse visual impact due to its proximity to I-5 and its high visibility.

The applicant has also indicated that the proposed site is part of a network of 14 sites within the boundaries of Camp Pendleton that are designed to provide coverage to the entire Marine Corps base. Constraints and limitations of topography, existing buildings and landscape all factor into the design of both the network and location of each cell site. The goal of the various telecommunication projects is to create overlapping coverage footprints so that there is coverage for the entire base. Camp Pendleton officials strongly urged co-location in the design of the network and only allow construction of a new vertical antenna structure where no other alternative is available. Of the 14 sites proposed for telecommunications facilities on Camp Pendleton, only three sites are located in the Coastal Zone. In addition to topographical and landscaping issues, the availability of telephone service is also a limitation in the site selection process. Some areas on Camp Pendleton do not have telephone service available, and it is necessary to link the sites through microwave dishes to provide telephone service to all of the sites in the network.

Given these siting constraints and the objectives of the overall project, the subject site was chosen as the best alternative for location of the proposed wireless communications facility. This alternative was supported by the Camp Pendleton Base Command, as the new monopine could be located in the vicinity of the existing monopine. The visual impact of the two trees, located within a grove of natural trees, was determined to be less than the impact from one new taller tree.

It is important to note that in this particular case, the Commission approved AT&T's existing monopine on this site pursuant to CDP #6-00-159, with a special condition that required that there be "...co-location of any future proposed antennas and/or equipment on the project site in the future, providing such shared use does not impact the operation of the approved facility. Upon...request, the permittee shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility...". The applicant has submitted information that indicates that the proposed cellular antenna facility cannot be co-located with the existing monopine because it would not provide the service capabilities that are required, due to necessary height requirements. As indicated above, the next available antenna placement was at a height of only 37 feet on the existing monopine, which does not provide adequate coverage to the targeted area. In order for the proposed site to provide adequate coverage, it must be linked to the existing Las Pulgas site located north of the proposed facility. The lower antenna height available for co-location does not meet this objective on the existing monopine. The Base Command also requires that new facilities co-locate at sites of existing facilities. Thus, although AT&T's permit, as well as the Base Command's require co-location when possible, for the reasons cited above, co-location is not the preferred alternative at this location, so the proposed project, as conditioned, can be found consistent with the Coastal Act.

It should also be noted that when the Commission approved the first monopine (constructed by AT&T) at this location, pursuant to CDP #6-00-159, it found that the proposed 67-foot high simulated pine tree design (monopine) would blend visually with existing mature trees and vegetation at the rest stop and for that reason was consistent with Section 30251 of the Coastal Act. The Commission also accepted an alternatives analysis that addressed the considerations involved in siting a wireless facility at the site. In summary, topography and existing structures in the area coupled with siting and coverage requirements resulted in the project site being the preferred choice. The proposed project would be sited immediately adjacent to this previously approved site.

Therefore, in summary, based on the above described alternatives analysis, the Commission finds that the proposed project is sited in a manner that will protect the scenic and visual qualities of the area, protect views and be visually compatible with the character of the surrounding area. While the proposed 55-foot high monopine will be partially visible from I-5, the project site will meet the goals of the application while still generally protecting visual resources. Additionally, as designed as a simulated pine tree adjacent to another simulated pine tree located among other natural trees at the rest stop, the project's visual appearance will be minimized. The proposed monopine is also lower in height (55 ft.) than the existing (67 ft.) monopine. Furthermore, due to improvements

in the design of such monopine structures, the newly proposed monopine will appear much more “natural” than the existing monopine and will better camouflage the proposed cellular antenna panels, thus further reducing the potential visual impacts associated with such a structure. Specifically, the proposed monopine is fuller and more realistic looking as compared to the existing monopine that is at the same site (ref. Exhibit #3). For example, the tree branches on the newly proposed monopine begin at a height of 18 feet whereas the existing monopine’s branches don’t begin until 30 or 35 feet from the ground.

The proposed monopine is designed such that it can support one to three additional carriers on the same pole (in the future), without having to make it bigger or taller. As such, future co-location on this facility for other carriers is feasible. In addition, the newly proposed equipment shelter will be similar in design and height (11 ft. high) and will match the existing shelter for the existing monopine located south of the existing structure. The exterior of the proposed structure will be painted the same color as the existing structure (off-white with yellow trim at roof overhang), and as such, should not result in an adverse visual impact. Based on the above discussion, the Commission finds the proposed 55-foot high monopine will not result in adverse visual impacts. The Commission concurs that the project will meet the siting criteria and coverage goals of the applicant while protecting the scenic and visual qualities of the area, protecting public views to the ocean and being visually compatible with the character of the area, consistent with Coastal Act requirements.

While the proposed facility will not have significant adverse impacts on the visual quality of the area, the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources. When reviewing cellular antenna facility sites, the Commission must ensure that the facility is the smallest in size and shortest in height that it can be, and that it 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 to the ocean associated with such facilities. As demand for wireless communication facilities increases, it is likely that other service providers will be interested in placing additional structures, antennas and equipment in the project area, and the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources. In this case, both cellular antenna towers to be located at this site have been designed as artificial trees, minimizing their visual impact. But the Commission notes that this situation is an example of how multiple telecommunication facilities have the potential to cumulatively impact visual resources. Co-location is the preferred way to provide future telecommunication services, as this will limit the cumulative impacts of these facilities. If co-location is not possible, however, then the visual impacts of such structures must be mitigated either through project design or siting so as not to result in adverse cumulative visual impacts.

As such, Special Conditions #1 and #2 have been attached. Special Condition #1 requires that the applicant submit a written statement agreeing to cooperate with other communication facilities in co-locating additional antenna on the proposed development,

unless the applicant can demonstrate a substantial technical conflict to doing so. Special Condition #2 requires the applicant to submit a written statement agreeing to remove the structures and restore this site in the future should technological advances make this facility obsolete. In this way, it can be assured that the proliferation of these types of facilities can be limited to appropriate locations, and that the area will not be littered with outdated and obsolete facilities in the future.

In summary, while the proposed facility will be 55-feet high, it will not result in public view blockage, will only be partially visible from I-5 and has been designed as a simulated pine tree next to another simulated pine tree and within a group of existing natural mature trees and landscaping at the rest stop site. Therefore, the Commission finds that, as conditioned, the scenic and visual qualities of the area and the views from the area have been protected, and the project is visually compatible with the character of the area, consistent with Section 30251 of the Coastal Act.

3. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is requesting after-the-fact approval for construction of the wireless communications facility. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition #3 requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is located on the Camp Pendleton Marine Base, a federally owned and operated military facility used by the United States Marine Corps and located in an unincorporated area of the County of San Diego which is not subject to local permit review by the County. In addition, although the project is subject to the Commission's Federal Consistency Review Process, the Commission's act of granting a coastal development permit to the applicant functions under the California Coastal Management Program as the equivalent of a concurrence under the Coastal Zone Management Act. Because there is no certified LCP for this area, the standard of review for this development is the Chapter 3 policies of the Coastal Act. Based on the above discussion, the Commission finds that the proposed development, as conditioned, is consistent with

all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated. Thus, it will not prejudice the ability of the local government to prepare an LCP in conformity with the provisions of Chapter 3 of the Coastal Act.

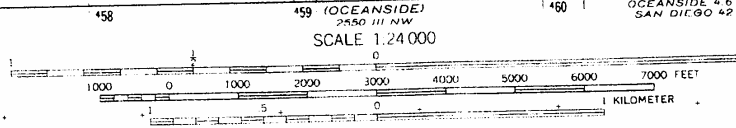
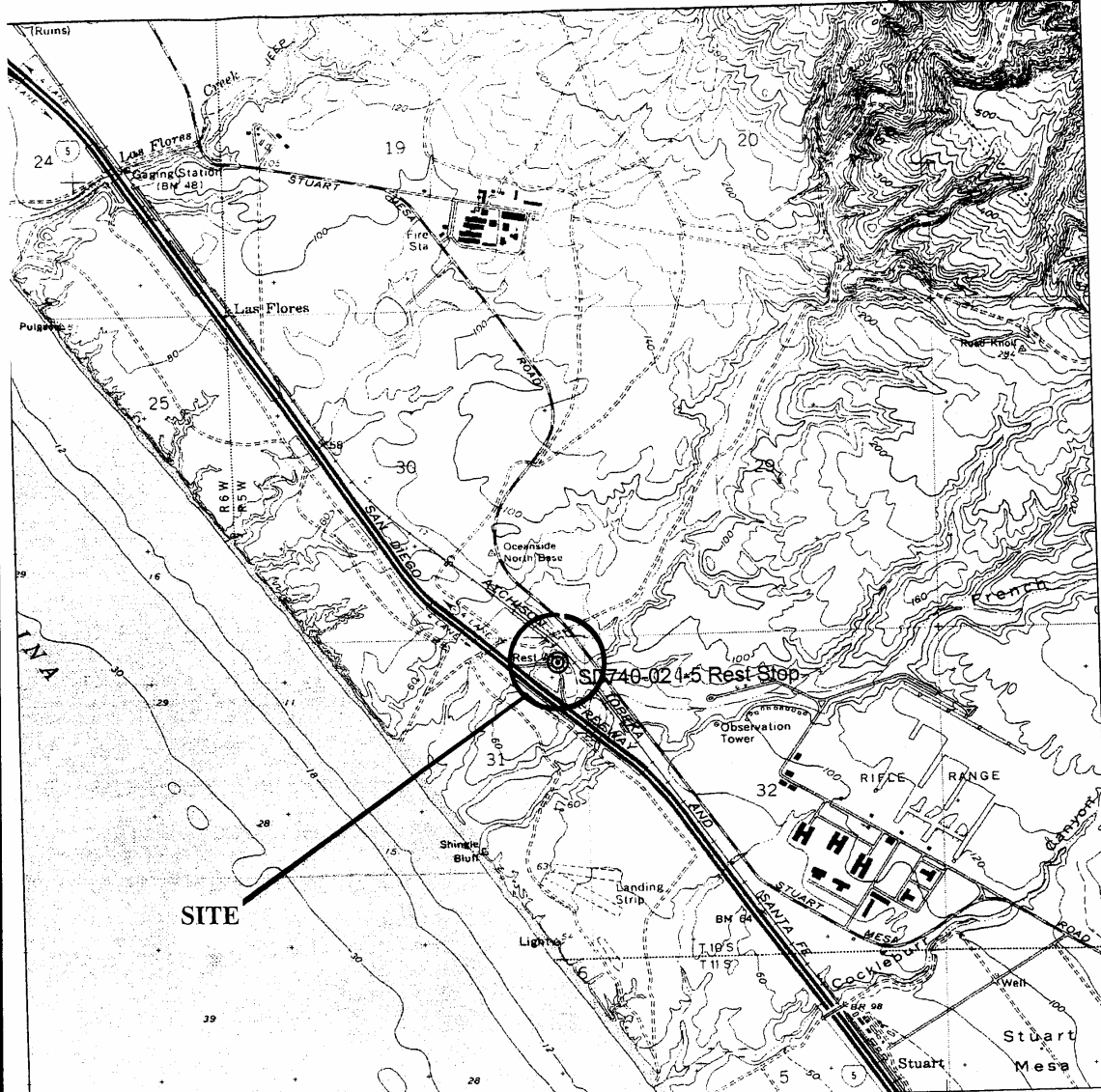
5. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (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.

As discussed herein, the proposed project, as conditioned, will not cause significant adverse impacts to the environment. As conditioned to require removal of the facility should such technology be obsolete in the future, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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.

6-05-079



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10 FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE

EXHIBIT NO. 1
APPLICATION NO.
6-10-038
Location Map


Name: LAS PULGAS CANYON
Date: 8/17/105
Scale: 1 inch equals 2000 feet

Location: 033° 16' 11.4" N 117° 26' 06.2" W
Caption: SD740-02 I-5 Rest Stop

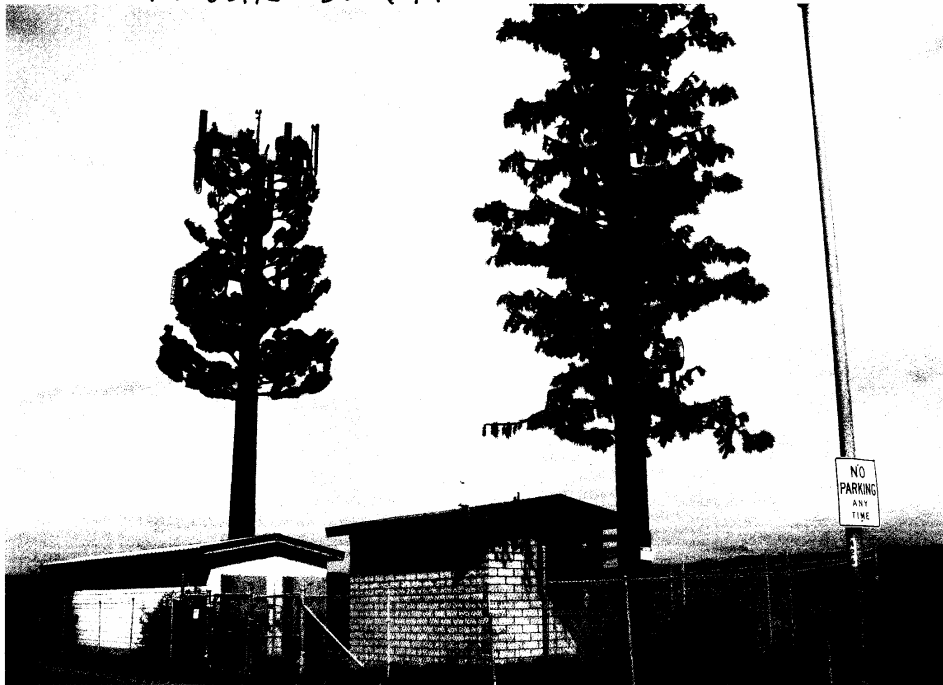
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T-Mobile SDO 6740 I-5 Rest Stop

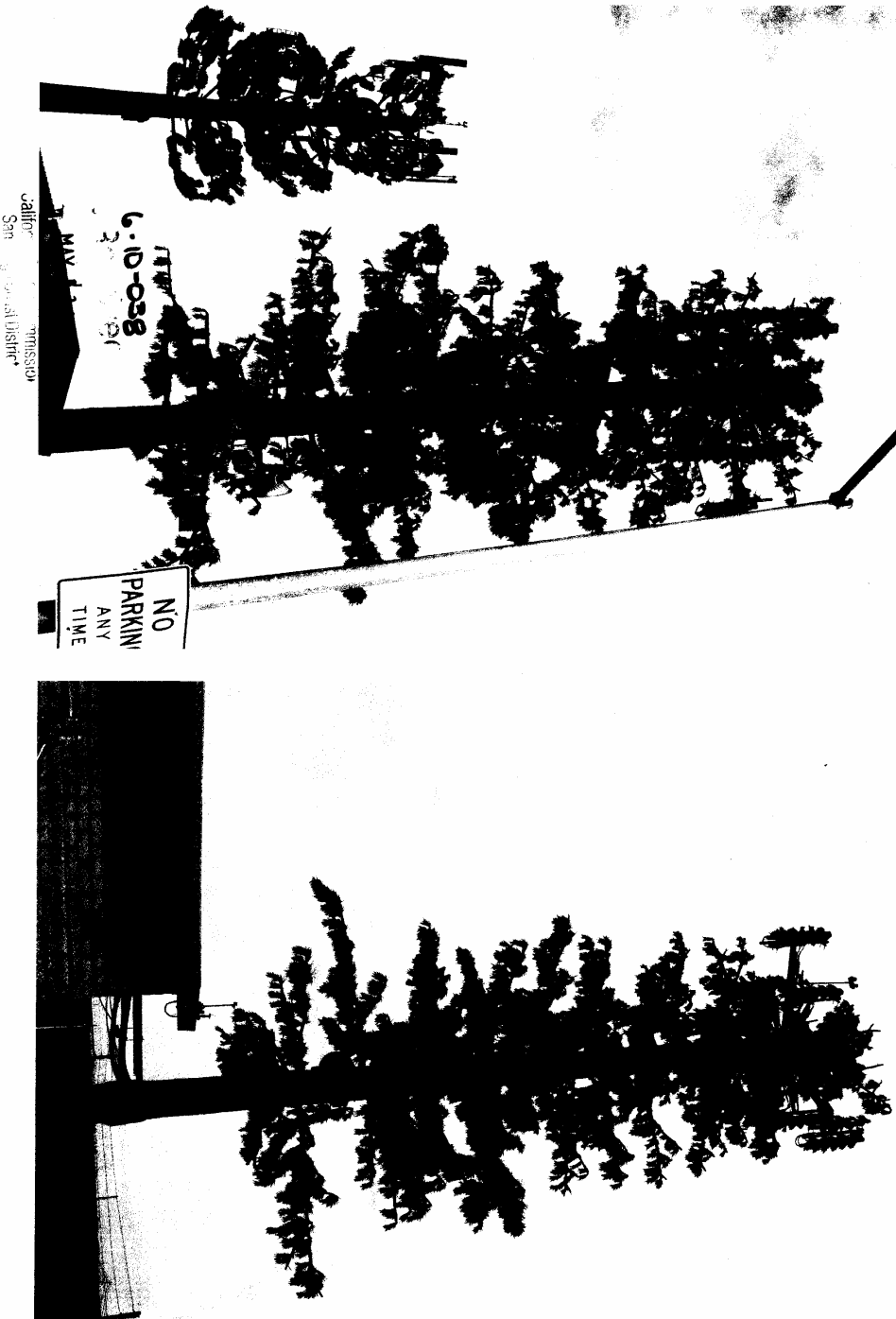


EXHIBIT NO. 3
APPLICATION NO. 6-10-038
Photos of facility
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T-Mobile SD06740

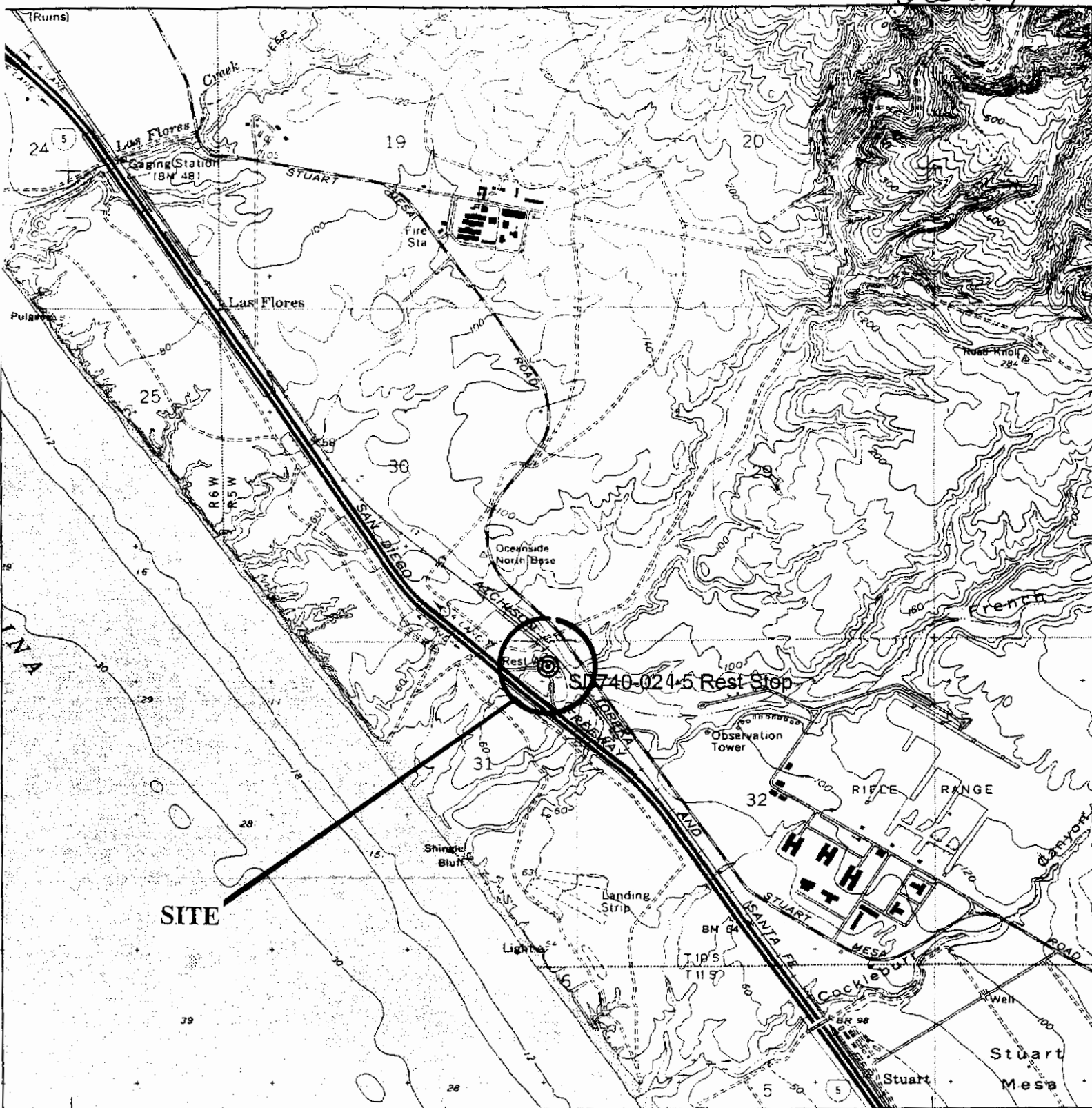


T-Mobile 5006740 I-5 Rest Stop



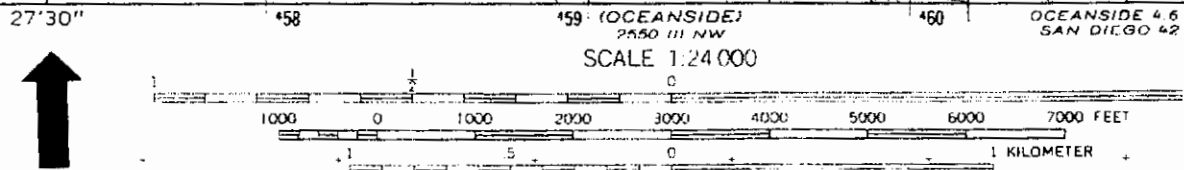
California
Sen
Mission

6-05-079



SITE

SD740-024-5 Rest Stop



CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 10100T CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
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California Coastal Commission

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Location: 033° 16' 11.4" N 117° 26' 06.2" W
 Caption: SD740-02 1-5 Rest Stop

6-10-038

I-Mobile SDO 6740 I-5 Rest Stop



EXHIBIT NO. 3
APPLICATION NO.
6-10-038
Photos of facility
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T-Mobile SDO6740



T-Mobile SD06740



California Central Commission
San Diego Coast District

I-5 Rest Stop

