

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 12/21/11
49th Day: 2/08/12
180th Day: 6/18/12
Staff: Al Padilla-LB
Staff Report: 2/16/12
Hearing Date: 3/7-9/12
Commission Action:

TH6a

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-11-310

APPLICANT: Verizon Wireless

AGENT: Rob Searcy

PROJECT LOCATION: 7650 Imperial Highway, City of Los Angeles

PROJECT DESCRIPTION: Remove existing 35 foot high wood utility pole and replace with a new 50 foot high (43 feet above average grade) wood utility pole and install wireless telecommunication equipment on the pole; install bank of 6 utility cabinets with a maximum height of 6 feet on a new 3.5 foot by 24 foot concrete slab, with landscaping adjacent to cabinets.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with three special conditions including: 1) require the applicant to cooperate with other communication companies in co-locating additional antennas and/or equipment on the project site in the future; 2) require the applicant to modify the development if future technological advances would allow for reduced visual impacts; and 3) permit compliance.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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. **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 Executive Director'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 area. 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 or a new coastal development permit is necessary.

3. **Permit Compliance**

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes replacing an existing 35 foot high utility pole with a new 50 foot high (43 feet above average grade) pole with 8- foot horizontal double extension arms on the south side of Imperial Highway. A bank of 6 cabinets on a new 3.5 foot wide by 24 foot long concrete slab will be installed along the north side of the roadway. The cabinets will vary in height with a maximum height of 6 feet. The applicant will plant Toyon plants adjacent to the cabinets to reduce visibility from the roadway (see Exhibit No. 3).

The project site is located within the parkway of Imperial Highway, approximately 500 feet east of the Imperial Highway and Vista del Mar intersection, in the Playa del Rey area of the City of Los Angeles. Immediately to the south of the proposed site is the Hyperion Treatment Plant, and along the north side of Imperial Highway is the Airport Dunes, which is part of the Los Angeles International Airport property. On both sides of the highway and within the roadways right-of-way, the parkways are improved with 8 foot to 10 foot wide public sidewalks, utility poles and utility cabinets.

B. Visual Resources

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...

The proposed project is located approximately 500 feet east of Vista del Mar which is the road along the coastal bluffs and overlooks Dockweiler State Beach. Because of the distance from bluffs and the fact that the equipment will be placed on a replacement utility pole in an area with other existing equipment, the antenna and support equipment will not have a significant impact on public views to or along the ocean. However, in past Commission permit actions on similar WCF 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); 4-08-035(AT&T Mobility; 5-09-103(Verizon)]. As demand for wireless communication facilities increases and service providers continue to try to cover every area 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

surrounding areas. 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.

Co-location is the preferred way to provide future telecommunication services. If co-location is not possible, 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 No. 1 and 2 are imposed on this permit. Special Condition No. 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 in doing so. Special Condition No. 2 requires the applicant to submit a written statement agreeing to modify the facility if new technological advances would reduce the visual impact of the equipment or remove the facility 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. Therefore, as conditioned, the Commission finds the project is consistent with the certified LUP and with the Chapter 3 policies of the Coastal Act with respect to protecting visual resources.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed project will be located within the existing parkways of the highway and will not interfere with the public's ability to use the existing 8 foot and 10 foot wide public sidewalks located on either side of the highway. The proposed project does not block physical or visual access to or along the coast. Therefore, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Local Coastal Program

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 (LCP) that conforms with Chapter 3 policies of the Coastal Act:

(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). A denial of a coastal development permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Playa del Rey/Airport Dunes planning areas of the City of Los Angeles have neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

E. 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.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available 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, can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location



LOS ANGELES AREA



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 South Coast Region
 CALIFORNIA COASTAL COMMISSION

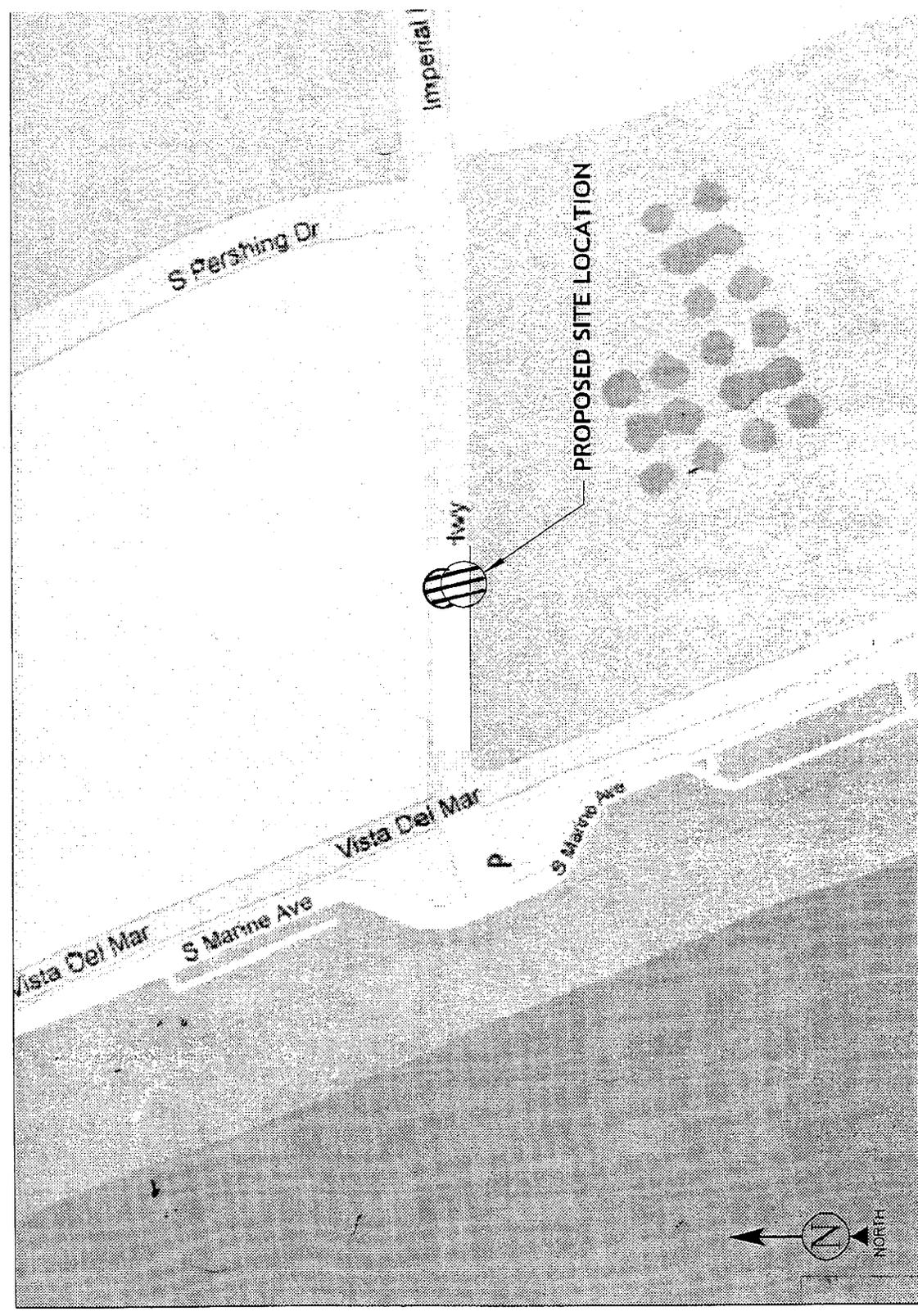
HUNTINGTON BI

EXHIBIT NO. 1
APPLICATION NO. 5-11-310
<i>Vicinity Map</i>
California Coastal Commission

N/A

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2011 THOMAS GUIDE
REGION: LOS ANGELES
PAGE: 702
GRID #: C7



VERIZON WIRELESS SITE LOCATION

EXHIBIT NO.	2
Application Number	5-11-310
Site Location	Site Location
California Coastal Commission	

