

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W25a

[Click here to go to original staff report](#)

ADDENDUM

January 6, 2014

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W25a, COASTAL COMMISSION PERMIT APPLICATION NO. 5-13-0452 (MOBILITIE, LLC) FOR THE COMMISSION MEETING OF WEDNESDAY, JANUARY 8, 2014.**

1) CORRESPONDENCE RECEIVED

All correspondence is attached.

A. Opposition

On January 3, 2014, Commission staff received a three-page letter opposing the Mobilitie cell tower project from Jim Mosher of Newport Beach. Mr. Mosher raised a number of issues about the Commission staff report and recommendation for approval of the project, as conditioned. He alleged there is no posted notice of the pending application at the project site and no indication of the scheduled public hearing at the Commission meeting on January 8, 2014. Staff checked the site at 2401 Irvine Avenue, Newport Beach on January 4, 2014 and found the notice was posted properly at the site. In addition, the agent for the applicant has submitted a Declaration of Posting indicating the notice was posted at the site on December 19, 2013.

Mr. Mosher contends the proposed 62-foot tall steel monopole telecommunications tower designed as a faux eucalyptus tree will be visually intrusive and readily visible to those using the Upper Newport Bay Nature Preserve trails, across Irvine Avenue from the site. As indicated in the staff report, Commission staff believes the proposed project would not block physical or visual access to the Upper Newport Bay Nature Preserve. Staff believes the tower would be visible to users of the popular pedestrian, bike, running, jogging, walking, hiking, and equestrian

trails only if members of the public looked at the church away from coastal scenic resources, such as the bay, bluffs, wetlands, and scenic vistas. Because of its height, the top of the monopole would be visible for a number of years until the real eucalyptus trees to be planted around the monopole grow taller than the tower. Mr. Mosher also argues that there is a clear view across the Harbor Christian Church utility lot from across Riviera Drive. At present, the view is partially obscured by a trash dumpster and a large boat parked in the Church lot. The cell tower would be built close to the existing 34-foot tall cross and would not have a significant adverse impact on the already obscured view of the Nature Preserve.

Mr. Mosher contends that Verizon Wireless coverage gap maps fail to establish a need for the tower. While much of the area with a significant gap in coverage shown in red on the map (Exhibit 6 to the staff report) is Upper Newport Bay and the surrounding open space, nearby residential and commercial areas and Irvine Avenue are also shown as having weak or no cellular service.

Mr. Mosher argues the tower is excessively large and there is minimal demand to co-locate cellular antennas on the monopole tower. The Newport Beach City Council on a divided 4-2 vote approved the project on March 26, 2013, including its 62-foot height. Letters from three telecommunications companies expressing interest in locating on the monopole tower were submitted to the City Council.

In addition, Mr. Mosher states that better alternative locations were available off-site and on the site. As noted in the staff report, the off-site locations (Exhibit 7 to the staff report) were all judged to be “unfeasible.” Placing the tower behind the church was rejected because of its impact on the residential neighborhood across the street. Mr. Mosher’s suggestion of an architectural addition to the site, such as the AT&T Mobility clock tower at the Newport Beach Lutheran Church, 798 Dover Drive, Newport Beach (CDP 5-11-063), was rejected as out of scale with the Harbor Christian Church, which is about half the height of the proposed tower.

B. Support

1. Letter received January 2, 2014 from Paula Santala in support of the project.

RECEIVED
South Coast Region

W 25a

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CALIFORNIA
COASTAL COMMISSION

Date of comments: January 3, 2014
Agenda Item: W25a-1-2014
Application No.: 5-13-0452
My position: Opposed

California Coastal Commission (attn: J. Rabin)
South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

Re: W25a – Mobilitie faux eucalyptus tree wireless tower (Newport Upper Bay)

Dear Mr. Rabin,

I believe the still current standard for local approval of a cell site installation is that it be necessary to correct a significant gap in coverage and that it correct that gap in the least intrusive manner possible (*MetroPCS, Inc. v. City & County of S.F.*, 400 F.3d 715 (9th Cir. 2005)). The Newport Beach City Council, when it considered this project, and not particularly sensitive to its being in the Coastal Zone, was closely divided on whether it met that standard: a change in a single vote would have resulted in denial. I would hope the Commission will be equally critical of the need for adding this project at this exact location in the Coastal Zone.

If allowed at all, it should be required to be located on the side of the property away from the scenic road.

I have these specific concerns about this application:

1. **Inadequate public notice:** I was apparently notified about this hearing because I spoke about the project when it was before the City Council on February 12, 2013, and again on March 26, 2013. Although there was some publicity in the local media at the time, it seems unlikely most visitors to the Upper Newport Bay Nature Preserve (across the street) are aware of the proposal. There is, at present, no posted notice of the pending application at the site, and no indication of the scheduled public hearing.
2. **Visually intrusive:** As acknowledged in the Commission staff report, this is a large, somewhat industrial-looking structure, and although on the landward side of the designated Coastal View Road (segment of Irvine Avenue per CLUP Map 4-3), due to the curving road it will be readily visible to those using the Nature Preserve trails. Although, as the staff report implies, its artificiality may not be immediately apparent to all, once noticed it is very obvious, so it has the potential to become annoyingly intrusive to repeat visitors. In addition the staff report is not quite correct in saying the structure will not directly block or diminish public views of and from the Nature Preserve. In particular, there is currently a clear view across the Church utility lot (to the north of the church building) as one approaches the Reserve from the west along Riviera Drive in Costa Mesa, ending in the segment of Tustin Avenue to the west of the Church. The structure will add clutter and artificiality to that view. Equally importantly, the Church is part of the backdrop visible from more distant points in the Nature Preserve (see P.S. at the end of these comments). The proposed structure would be much less intrusive to most Coastal Zone visitors (those on Irvine Avenue and in the Preserve) if it were set on the west side of the buildings, between them and Tustin Avenue, where it would be largely shielded from view by the buildings and by landscaping closer to Irvine Avenue – a possibility that I do not recall being considered by the City Council.

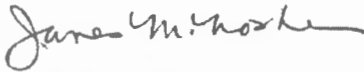
3. **Need not demonstrated:** The need for the structure is claimed to be established by Exhibit 6 ("*Verizon Wireless – Significant Gap in Coverage Map*"), however this appears to be a computer model of *predicted* coverage, not a map of actual performance (that is, no "drive test" data showing an actual gap are provided). Moreover the purported "gap" (the red area) largely coincides with the water surface of the Nature Preserve tidelands. The staff report says wireless customers inside cars and homes might have trouble placing calls from the red areas, but no one is in cars or homes in those areas.
4. **Excessive size / minimal demand:** The proposed 62-foot height of the structure seems to be dictated by the builder's (who is a tower builder/renter, not a wireless provider) desire to be able to rent to additional carriers on platforms below the top one. Although I appreciate Commission staff's wish (on page 10) to lessen cumulative impacts by allowing for such consolidation, in the testimony before the City Council it appeared that despite the many years the proposal had been in the works, no candidates for the other platforms had been identified other than the carriers already located on the building. Those carriers were allegedly interested in migrating to the greater height, but no evidence was presented to suggest their present heights (around 30-34 feet) were inadequate. As one Councilman said, this seemed like approving a shopping center with a single known interested tenant based on the questionable assumption that additional tenants would eventually materialize. It might also be noted that despite the general miniaturization of electronics, each carrier appears to require a quite sizeable concrete bunker on the north side of the church building to house its ground support equipment, one additional enclosure being proposed as part of the present CDP. If new carriers actually were identified (as opposed to simply moving existing antennas) it is unclear to me where the necessary ground support equipment would go.
5. **Better alternatives available:**
 - a. The staff report indicates, on page 8 (and in Exhibit 7), that the applicant considered four alternate locations, some of which might be less visible, but rejected them all as "unfeasible." It was unclear at the City Council hearings how "unfeasibility" was determined, and how much effort was applied once a willing site was located. The Muth Center ("B") in the Nature Preserve would clearly be an inappropriate place for a cell tower, but the school property ("A") has open space extending well back from the scenic road and possibly out of the Coastal Zone, the YMCA ("C") has areas on the side away from the Nature Preserve, and the Corporate Plaza ("D"), although lower, has areas well hidden by landscaping.
 - b. It is apparent from Exhibit 5 ("*Elevations*") that in the proposed plan, *all* the antennas are well above the church roof. This raises the obvious question of why the structure could not be placed on the side of the church property away from the Coastal View Road, where most of the structure would not only be farther away, but masked from the view of most Coastal Zone visitors by the buildings and nearer landscaping. The staff report says on page 8 that "*Alternate locations on the Harbor Christian Church property also were rejected as being too close to residential neighborhoods,*" but I think this should be verified since there are already transmitting antennas on the side of the Church building facing Tustin Avenue (the landward/residential side), and whoever placed them there does not seem to have had this concern. It is possible neighbors might object, it is also possible they might not. In the absence of strong objection, it is difficult to

see how one can justify placing any structure on the side where it is directly exposed to the view of thousands of motorists and Nature Preserve visitors.

- c. An additional possibility would be to consider an architectural addition to the site, such as the AT&T Mobility clock tower approved at 798 Dover Drive (CDP 5-11-063, Item Th6b at the Commission's July 14, 2011, meeting). Although most observers would seem to regard a well-designed clock or bell tower as less intrusive, and far more functional, than an artificial tree, this possibility was rejected by the City Council on the basis that at 62 feet tall the tower would be out of scale with the Church. However, if only one or two additional carriers are expected, a tower would not have to be 62 feet tall. And a tasteful architectural addition might also be more palatable to nearby residents than a building or artificial tree sprouting undisguised antennas, further opening the possibility of locating the structure on the side closer to residences, but away from the Coastal Zone's designated Coastal View Road.

Thank you for your consideration of these comments, and please ask the Commission to preserve the integrity of the Coastal Zone by giving serious consideration to the possibility that this artificial structure, or a less intrusive one, could be placed on the side of the buildings away from the coastal view road, or at some other less intrusive site.

Yours sincerely,



James M. Mosher
2210 Private Road
Newport Beach, CA. 92660
jimmosher@yahoo.com

P.S.: At the March 26, 2013, City Council hearing, one of the Council members voting against approval exhibited (at 02h:51m:34s in the video at: http://newportbeach.granicus.com/MediaPlayer.php?view_id=44&clip_id=1712&meta_id=134071) a bucolic oil painting by a local plein air artist, David Cook, made from the opposite side of the Nature Preserve, focused on the scenic Church building with its surrounding natural trees. This not only demonstrates that the subject site *is* part of the views presently enjoyed from the Coastal Zone, but as the Councilman said, it seems unlikely the artist would have found similar inspiration from an artificial tree looking, according to the plans, something like a giant toilet bowl cleaning brush sprouting cell antennas. The toilet brush comparison (which I originated) may be a bit unfair, but I think the sentiment is correct: an artificial tree is not part of the natural landscape, and not something whose appearance visitors will come, like the Church, to appreciate with time. It is more a reminder of the disquietingly industrial world many visitors come to the Coastal Zone (and to churches) to forget. Cell service may be important to our society, but does the structure providing it really have to be in such prominent sight?

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

OCEANSIDE, CA 90802

ITEM NO: W 25a

PERMIT #: 5-13-0452.

IN FAVOR

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South Coast Region

JAN 2 2014

CALIFORNIA
COASTAL COMMISSION

PAULA SANTALA

2344 TUSTIN AVE

NEWPORT BEACH, CA 92660

Dear Commissioners,

I reside across the street from the proposed cell tower site and I am in favor of the proposed cell tower. I believe it will look better than the antennas that are currently attached to the church building.

Sincerely,



Paula Santala

CALIFORNIA COASTAL COMMISSION

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W25a



Filed: 8/30/2013
150th Day: 1/27/2014
Staff: J. Rabin-LB
Staff Report: 12/19/2013
Hearing Date: 1/08/2014

STAFF REPORT: REGULAR CALENDAR

Application No. 5-13-0452

Applicant: Mobilitie, LLC

Agent: Smartlink, LLC

Location: 2401 Irvine Avenue, Newport Beach, Orange County
(APN 439-152-01)

Project Description: Construct and install a 62-foot tall faux eucalyptus tree (monopole) wireless telecommunications tower. Install up to 12 panel antennas and a microwave antenna for Verizon Wireless at the top of the steel arms of the monopole. The monopole also would provide an opportunity for three other wireless carriers to co-locate their telecommunications facilities at lower levels of the monopole. The project includes installation of the tower and associated equipment cabinets on land leased from the Harbor Christian Church. The equipment cabinets would be placed behind 6-foot high cement block walls with the stucco finished to match the color of the church. To screen the monopole and the equipment enclosure, landscape plans call for planting three real, lemon-scented Gum Eucalyptus trees, two Aleppo Pines, shrubs, and vines at the site.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The applicant, Mobilitie, LLC, proposes to build a 62-foot-tall steel monopole telecommunications tower designed as a faux eucalyptus tree on the grounds of the Harbor Christian Church, 2401 Irvine Avenue, Newport Beach. Mobilitie plans to install up to 12 panel antennas and a microwave antenna for Verizon Wireless at the highest level of the monopole. Three other wireless carriers have expressed interest in co-locating on the tower. The monopole, associated equipment, and utility

cabinets for Verizon Wireless would be installed on a 13 foot by 17-foot, 9-inch area leased from the church. The equipment cabinets would be enclosed by 6-foot high concrete block walls with the stucco painted to match the church façade. The site is located directly across Irvine Ave. from the Upper Newport Bay Nature Preserve. The City of Newport Beach certified Coastal Land Use Plan requires protection of public coastal views along designated roadway segments, including Irvine Ave. from Santiago Drive to University Drive, which passes the subject site. On the opposite side of Irvine Ave. are a paved bicycle and pedestrian path, dirt trails, and vista points with sweeping views of Upper Newport Bay and a broad swath of Orange County from the San Gabriel and Santa Ana Mountains to the San Joaquin Hills. The nature preserve offers public access to scenic vistas and coastal recreation.

The applicant proposes to plant three real, lemon-scented Gum Eucalyptus trees, two Aleppo Pine trees, shrubs, and vines to screen the monopole and the equipment enclosure. The Aleppo pine trees would be planted close to Irvine Ave. to screen the monopole's 42-inch diameter trunk. Approximately 20 feet above the ground, the steel trunk would branch into three steel arms, which would serve as the anchor for placement of wireless antennas. Because of its height, the top of the monopole would be visible for a number of years until the real eucalyptus trees grow taller than the tower. The proposed project would not block physical or visual access to the Upper Newport Bay Nature Preserve. The tower would be visible to users of the popular pedestrian, bike, running, jogging, walking, hiking, and equestrian trails only if members of the public looked at the church away from coastal scenic resources, such as the bay, bluffs, wetlands, and scenic vistas.

On March 26, 2013, the Newport Beach City Council voted 4-2 to approve the project with numerous conditions. Commission staff recommends approval of the project with six Special Conditions regarding: 1) co-location of antennas; 2) permit compliance; 3) construction-phase debris and erosion control measures; 4) drought tolerant landscaping 5) maintenance of faux eucalyptus tree; and 6) future development. As conditioned, the proposed development does not adversely affect visual resources, public access and coastal recreation. See Page Two for the motion to carry out the staff recommendation. Staff recommends the Commission find that the proposed project, as conditioned, conforms to Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Upper Newport Bay Preserve Map
- Exhibit 3 – Proposed Cellular Site is across from Upper Newport Bay Preserve
- Exhibit 4 – Site Plan
- Exhibit 5 – Elevations
- Exhibit 6 – Verizon Wireless – Significant Gap in Coverage Map
- Exhibit 7 – Alternate Sites Considered
- Exhibit 8 – Verizon Wireless – Coverage Map after Installation of Proposed Cell Tower
- Exhibit 9 – Upper Newport Bay Pedestrian Path with church in background
- Exhibit 10 – Scenic View from Bluff Top trail
- Exhibit 11 – Scenic View from Bluff Top trail
- Exhibit 12 – Scenic View from Bluff Top trail
- Exhibit 13 – Existing view of site from bicycle/pedestrian path from across Irvine Ave.
- Exhibit 14 – Photo simulation of site with monopole cell tower and landscaping at installation
- Exhibit 15 – Photo simulation of site with monopole cell tower and landscaping after 5 years

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 5-13-0452 pursuant to the staff recommendation.

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:

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

This permit is granted subject to the following 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

This permit is granted subject to the following special conditions:

1. **Co-Location of Future Antennas.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant agrees in writing on behalf of itself and its successors and assigns to cooperate with other communication companies in co-locating additional antennas and/or equipment on the proposed development in the future, provided 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 any alleged technical infeasibility in using the facility for co-location of additional transmission equipment.
2. **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.
3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
 - A. No demolition debris, construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion or dispersion.
 - B. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
 - C. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

D. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.

E. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

G. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drainage unless specifically authorized by the California Regional Water Quality Control Board.

H. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

4. Drought Tolerant Landscaping

Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. 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 project site and its immediate surroundings. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the leased area. All plants shall be low or very low water plants as identified by California Department of Water Resources for South Coastal Region 3. (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

5. Maintenance of Faux Eucalyptus Tree, Prevention of Contaminated Runoff

The applicant shall keep, at all times, all "branches," "leaves," and "bark" of the proposed monopole in good repair and appearance. If any part(s) of the monopole, faux eucalyptus tree, or wireless communication device breaks off and falls to the ground, the material shall

be collected and removed immediately to prevent the discharge of plastic or other debris into the on-site drainage system and off-site storm drains.

6. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-13-0452. Pursuant to Title 14 California Code of Regulations Section 13253(b) (7.5), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-13-0452. Accordingly, any future improvements to the new tower structure, mounted panel antennas, authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-0452 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicant, Mobilitie, LLC, is proposing to construct a 62-foot tall steel monopole telecommunications tower designed as a faux eucalyptus tree on a small area of land leased from the Harbor Christian Church. The church is located at 2401 Irvine Ave., Newport Beach (**Exhibits 1-3**). The church is located across the street from the Newport Beach-Costa Mesa city boundary. Verizon Wireless wants to install up to 12 wireless antennas and a microwave antenna near the top of the tower. The monopole, which branches into three steel arms, would provide an opportunity for three other wireless carriers to co-locate their telecommunications antennas at lower levels of the tower (**Exhibit 4-5**). Four wireless carriers already operate at the Harbor Christian Church. Sprint and Clearwire have wireless antennas buried inside a white 34-foot-tall cross next to the church. T-Mobile has wireless antennas buried inside a faux chimney on the roof of the church and on the back of the church. AT&T Mobility also has cellular antennas mounted on the back of the church facing the residential neighborhood across Tustin Ave. in the City of Costa Mesa. Conduit containing cable connections to the antennas run up two sides of the church. The equipment needed to support wireless carrier operations is located inside the stucco walls of enclosures that are painted and textured to match the color of the church.

At present, Verizon Wireless does not have wireless antennas on the church property. The applicant, Mobilitie, LLC is proposing to build the steel monopole telecommunications tower because existing coverage for Verizon Wireless is generally weak in an estimated 1.5 square mile area around the church site at Irvine Ave. and Santa Isabel Ave. Information supplied by the applicant's agent,

Smartlink, LLC notes there is a “significant gap in coverage” especially for new 4G/LTE services in the area generally bounded by Del Mar Avenue to the north, Upper Newport Bay to the east, by 21st Street to the south, and Orange Avenue to the west. Smartlink says street level coverage is marginal and indoor coverage is poor. Areas in red on **Exhibit 6** signify very poor signal strength. Some Verizon Wireless customers cannot make calls when they are indoors. Smartlink said this inability to make calls in an emergency poses a risk to public safety. In addition, Irvine Avenue is a major commuter route. Customers may experience dropped calls or a lack of service due to poor coverage and capacity, Smartlink said.

The company said it evaluated four alternative sites in the area, including: A. Back Bay & Monte Vista High School at 390 Monte Vista Drive, Costa Mesa; B. The Upper Back Bay Nature Preserve at 2301 University Drive, Newport Beach; C. the Newport-Mesa Family YMCA at 2300 University Drive, Newport Beach, and D. The Bay Corporate Plaza at 2280 University Ave., Newport Beach (**Exhibit 7**). All of those sites were considered not feasible. Alternate locations on the Harbor Christian Church property also were rejected as being too close to residential neighborhoods. Smartlink and Mobilitie concluded that the subject site is “the one and only non-residential location that can meet the coverage objective,” especially taking into account the relatively flat topography of the area with the slight meandering curvature along the perimeter of Irvine Ave. and the Upper Newport Bay area. The green area on the map (**in Exhibit 8**) would signify a strong signal outside, in buildings, and for Internet and data users.

The steel monopole telecommunications tower would be built closer to Irvine Ave. than the existing wireless facilities. An enclosure surrounded by 6-foot high walls would be built to house equipment for Verizon Wireless. Like the other enclosures, the color and texture of the stucco walls would be matched to the church.

The tower would rise from a reinforced concrete foundation 21 feet deep. To screen most, but not all, of the monopole’s 42-inch diameter “trunk,” landscape plans call for planting two live Aleppo Pine trees between the monopole and the property line at the edge of Irvine Ave. The plans and Visual Simulations submitted by the applicant estimate the 16-foot tall pine trees will grow to 25 feet tall in five years. The pine trees are expected to be about 40 feet tall at full maturity, about 20 years after planting. The landscape plans also call for planting three live, 18-foot tall lemon-scented Gum Eucalyptus trees next to the pine trees. The fast-growing eucalyptus trees are estimated to reach 50 feet in height after five years and 95 feet at full maturity in about 20 years. The landscape plans contain a cautionary note that the actual growth of the pine and eucalyptus trees will depend on soil conditions, sun exposure, and other factors. Shrubs and vines also would be planted around the enclosure.

The trunk of the monopole would branch into three arms about 20 feet above the ground. Above that point, plastic branches and leaves would extend outward from three steel arms. The triangular tower was designed for four wireless carriers. The top of up to 12 panel antennas for Verizon Wireless would be attached to the pole 61 feet above the ground. The applicant said the 62-foot tower is needed to allow the faux tree’s branches to extend a foot beyond the antennas. The monopole would

give three other wireless companies the chance to co-locate their antennas at points 51 feet, 44 feet, and 37 feet above the ground. See cross-sections in **(Exhibit 5)**.

Two other options were evaluated, but installing wireless antennas inside an 80-foot replacement cross or a new church tower were not considered viable because of poor aesthetics compared to the existing church.

In 2011, the Commission approved construction of a 51-foot, 5-inch-tall telecommunications tower on the property of the Newport Beach Lutheran Church at 798 Dover Drive, Newport Beach. In that case, the Commission found that while the 10 foot wide by 10 foot long clock tower would be visible from adjacent areas, it would not block physical or visual access to Upper Newport Bay. The Newport Beach Lutheran Church is located approximately 2.1 miles from the proposed monopole site at the Harbor Christian Church.

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 site is located directly across Irvine Ave. from the Upper Newport Bay Nature Preserve. The 135-acre preserve includes a paved bicycle and pedestrian path used by cyclists, walkers, joggers, and runners **(Exhibit 9)**. Nearby dirt trails and equestrian paths follow the edge of the bluffs around the western side of Upper Newport Bay. In addition to low-cost recreational opportunities, the preserve includes vista points with sweeping views from the San Gabriel and Santa Ana Mountains to the San Joaquin Hills and Upper Newport Bay **(Exhibits 10-12)**. The preserve is home to three sensitive species of birds: the California Gnatcatcher, San Diego Cactus Wren, and Burrowing Owl. Coastal sage scrub and grasslands are also found in the preserve. The area overlooks the larger 752-acre Upper Newport Ecological Reserve, home to six rare or endangered species: the Light Footed Clapper Rail, Brown Pelican, Belding's Savannah Sparrow, Black Rail, Peregrine Falcon and California Least Tern and one endangered plant species - Saltmarsh Bird's Beak.

Policy 4.4.1-6 of the City of Newport Beach Certified Coastal Land Use Plan requires protection of public coastal views from designated roadway segments, including Irvine Ave. from Santiago Drive to University Drive. This segment passes the project site, which is located near the northwest corner of Irvine Ave. and Santa Isabel Ave. Chapter 15.70 of the Newport Beach Municipal Code

establishes standards for Wireless Telecommunication Facilities. Section 15.70.060 sets Design Standards for telecommunications facilities. Provisions of this section call for blending the proposed facility into the surrounding environment, screening the facility, and sizing it in relation to surrounding structures.

In the Conditions of Approval for the Mobilitie, LLC project, the Newport Beach City Council required that the “trunk” and “branches” of the proposed faux eucalyptus tree be painted and textured to match the surrounding live eucalyptus trees. The City Council imposed Condition 6 requiring that any equipment attached to the monopole shall be painted to match the “bark” of the monopole. City Condition 7 says no portion of the antennas, associated equipment, or mounting structures shall protrude beyond the faux tree “branches.” City Condition 8 requires that the proposed equipment enclosure shall be constructed, textured, and painted to match the existing church.

Newport Beach City Council Resolution 2013-30, approving the Mobilitie project, includes the statement: “The proposed project does not impact coastal views due to the location and design of the structure.”

After two site visits and extensive review of the project plans, documents, and record of the Newport Beach City Council hearings and final action, Commission staff concurs that the project would not have a negative impact on coastal views. The coastal views are toward the bay, bluffs, wetlands, and scenic vistas and not in the direction of the church. Furthermore, visual simulations submitted by the applicant show that the 62-foot tall monopole tower disguised as a faux eucalyptus tree would not be obvious to motorists traveling southwest along Irvine Ave. The monopole tower would be visible from the bicycle and pedestrian path and dirt trails across Irvine Ave. (**Exhibits 13-15**). But the project would not block or impact views to or along the bay and will not result in significant visual impacts.

In past permit actions at various wireless telecommunication facility sites, the Commission has been concerned with the proliferation of antennas and the adverse cumulative impacts on visual resources [Coastal Development Permits: 5-92-415 (Los Angeles Cellular Telephone Co.); 5-97-130 (Los Angeles Cellular); 5-07-375 (T-Mobile); 4-08-035 (AT&T Mobility); 5-09-103 (Verizon); 5-11-063 (AT&T Mobility); 5-11-310 (Verizon); and 1-12-022 (T-Mobile)]. As demand for wireless communication facilities increases and service providers continue to try to cover every area with signal coverage to keep up with their competitors, it is reasonably foreseeable that this project will catalyze the interest of other service providers that have not yet installed facilities in the area to place structures, antennas, and equipment in the project area and other surrounding areas. Given such a prospect, the Commission is concerned that individually and cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources since there are a limited number of potential sites outside of visually significant view corridors, like the project site, along this part of the coastal zone. Given this reasonably foreseeable prospect, the proposed project site represents a site that could accommodate future co-location of additional wireless telecommunication facilities, which would lessen or avoid the potential cumulative visual impacts that future projects may engender if co-location is not accommodated on the project site.

As such, **Special Condition No. 1** requires that the applicant agree in writing to cooperate with other telecommunication companies in co-locating additional antennas on the proposed tower. In this case, Mobilitie has designed the tower to accommodate three other wireless companies. To date, three companies have expressed interest in locating cellular antennas on the tower. Therefore, as conditioned, the Commission finds the project is consistent with the Chapter 3 policies of the Coastal Act with respect to protecting visual resources.

Special Condition 2 requires that all development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed. **Special Condition 3** addresses construction responsibilities and debris removal. **Special Condition 4** requires that landscaping shall consist only of native plants or non-invasive drought tolerant plants. **Special Condition 5** requires immediate removal of any part of the monopole, faux eucalyptus tree, or telecommunications device that breaks off and falls to the ground to prevent the discharge of plastic or other debris into the on-site drainage system and off-site storm drains. **Special Condition 6** addresses any future development or improvements to the tower structure.

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 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 and use of nearby recreational facilities in the Upper Newport Bay Nature Preserve. Thus, the proposed development conforms to 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 to 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.

The monopole tower has been designed as a faux eucalyptus tree with simulated bark, branches, and leaves to minimize visual impacts. Approval of a Coastal Development Permit for construction of the proposed monopole wireless telecommunications tower, as conditioned, will not prejudice the City of Newport Beach's ability to prepare a Local Coastal Program (LCP) that conforms to Chapter 3 policies of the Coastal Act. The planting of Aleppo pine trees and lemon-scented Gum eucalyptus trees between the tower and Irvine Ave. will screen the cell tower, particularly as the landscaping matures.

E. CONTROL OF POLLUTED RUNOFF

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The faux eucalyptus tree that is part of the proposed project poses a potential source of pollution due to the use of polyurethane for the branches and molded plastic for the leaves. The main trunk and upper arms of the monopole are comprised of steel covered with molded polyurethane, which will be painted to match the bark color of the existing eucalyptus trees on site. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces which can adversely affect the marine environment. Special Condition 5 is imposed in an effort to prevent the discharge of plastic or other debris from the faux eucalyptus tree, the steel monopole, or wireless communication devices from entering the on-site drainage system and off-site storm drains.

F. 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.

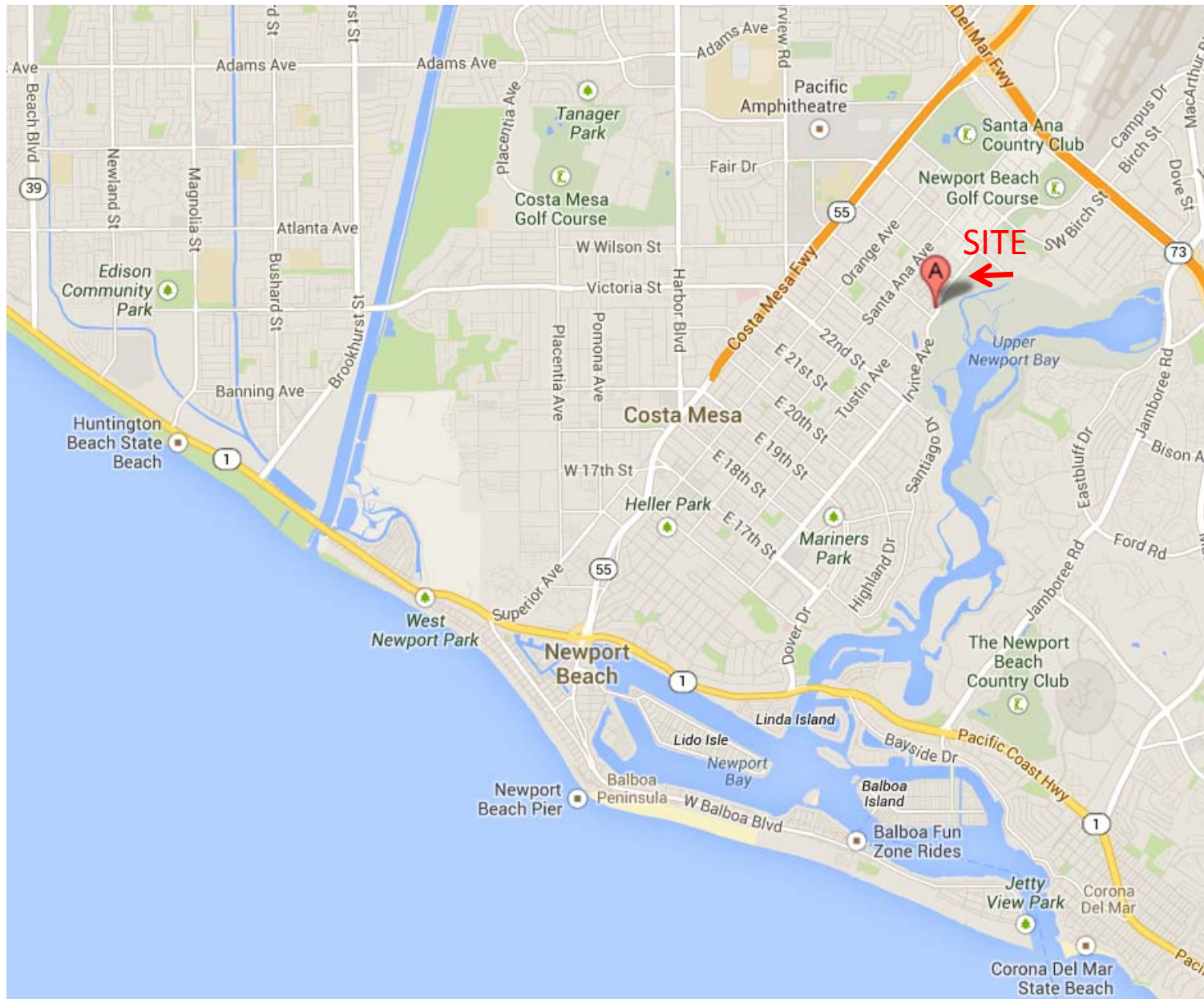
The Newport Beach City Council has imposed 36 conditions of approval on the proposed project. These conditions include requirements to minimize the cell tower's visual impacts, plant landscaping to screen the tower, and maintain the faux eucalyptus tree in good repair and appearance. Alternative sites in the area were found not to be feasible. The Coastal Commission has imposed six additional conditions requiring the applicant to cooperate with other wireless companies to co-locate their wireless antennas on the cell tower; spell out construction responsibilities and debris removal; plant drought tolerant native or non-invasive landscaping; protect water quality; and require review of any future improvements to the tower structure or mounted panel antennas authorized by this permit.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

Substantive File Documents: Coastal Development Permit Application File No. 5-13-0452; City of Newport Beach Certified Coastal Land Use Plan; City of Newport Beach Approval-in-Concept No. 2013029, dated June 21, 2013; City of Newport Beach, Staff Reports to the Mayor City Council dated February 12, 2013 and March 26, 2013; Newport Beach City Council Resolution No. 2013-30 Approving Telecommunications Permit No TP2010-010 for a Telecommunications Facility Located at 2401 Irvine Avenue, Newport Beach, including Exhibit “A” - Conditions of Approval; Revised Project Drawings for the Mobilitie project dated October 15, 2013; Visual Simulations submitted by the applicant showing the tower project and landscaping at various stages of growth; Geotechnical Engineering Investigation – Proposed Communications Tower – Galaxy, 2401 Irvine Avenue, Newport Beach, California, prepared by SALEM Engineering Group, Inc., Rancho Cucamonga, California, November 9, 2011.

Proposed Cellular Tower Site CDP 5-13-0452 Exhibit 1

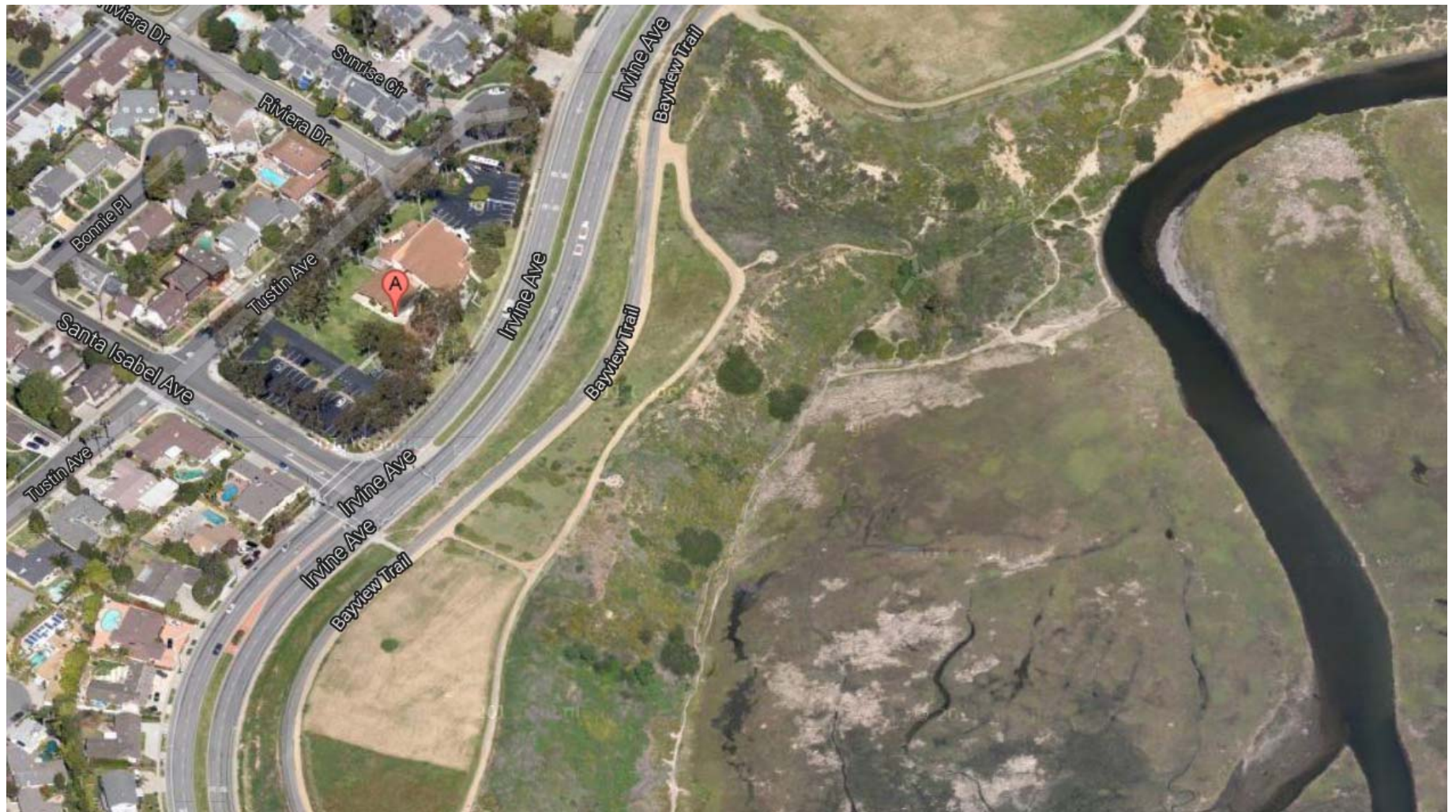


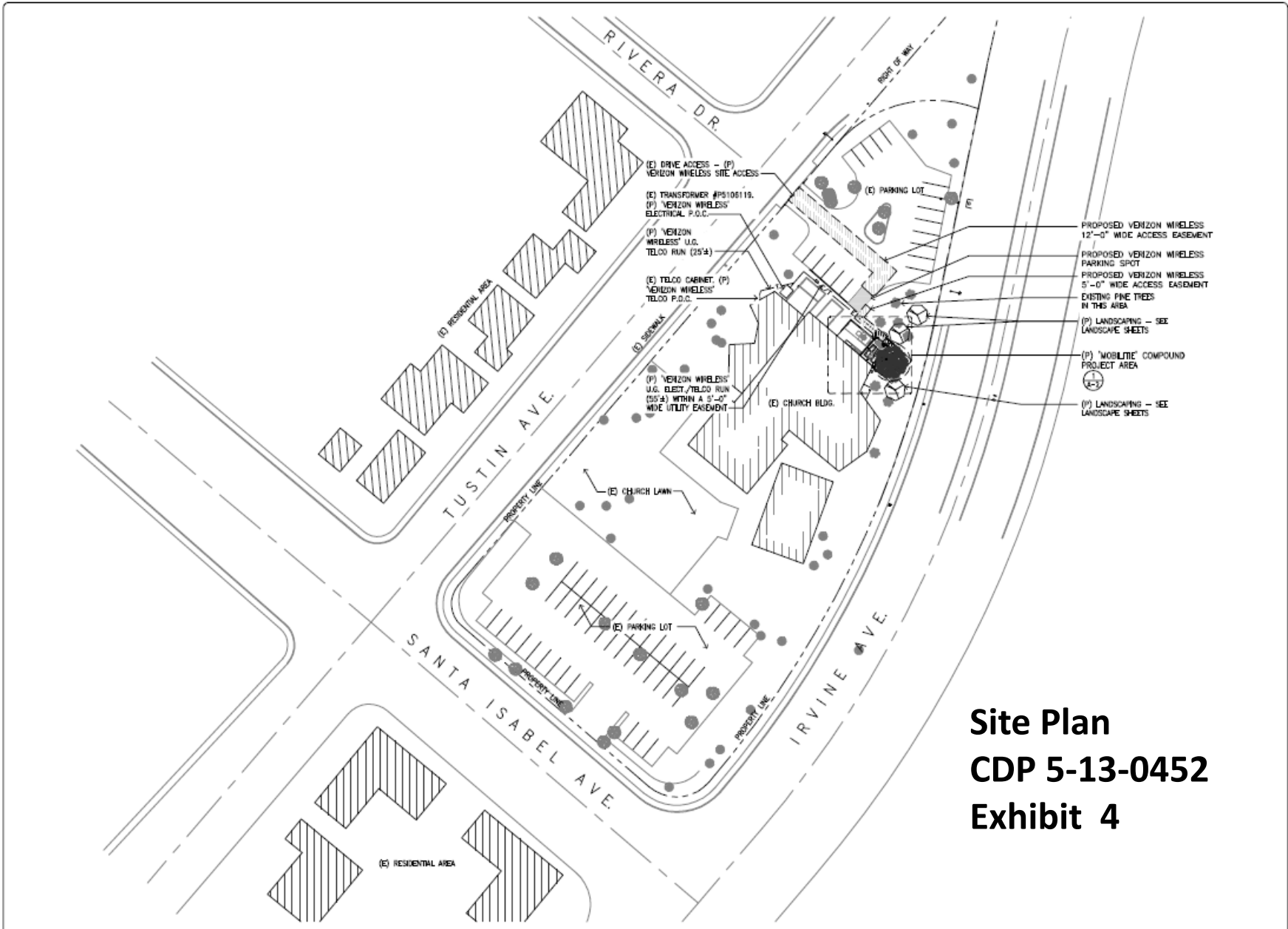
Upper Newport Bay Preserve

CDP 5-13-0452 Exhibit 2



Proposed Cellular Site is across from Upper Newport Bay Preserve





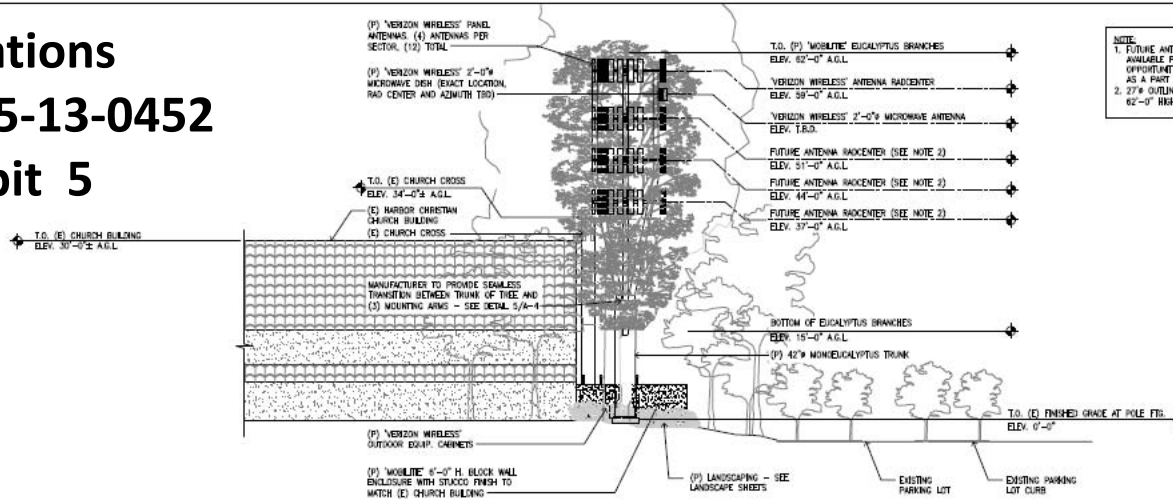
- (E) DRIVE ACCESS - (P) VERIZON WIRELESS SITE ACCESS
- (E) TRANSFORMER #PS106119, (P) VERIZON WIRELESS ELECTRICAL P.O.C.
- (P) VERIZON WIRELESS U.G. TELCO RUN (25'±)
- (E) TELCO CABINET, (P) VERIZON WIRELESS TELCO P.O.C.
- (E) SPERMINA
- (P) VERIZON WIRELESS U.G. ELECT./TELCO RUN (55'±) WITHIN A 5'-0" WIDE UTILITY EASEMENT
- (E) CHURCH BLDG.
- (E) CHURCH LAWN
- (E) PARKING LOT
- (E) PARKING LOT
- (E) RESIDENTIAL AREA
- (E) RESIDENTIAL AREA
- PROPOSED VERIZON WIRELESS 12'-0" WIDE ACCESS EASEMENT
- PROPOSED VERIZON WIRELESS PARKING SPOT
- PROPOSED VERIZON WIRELESS 5'-0" WIDE ACCESS EASEMENT
- EXISTING PINE TREES IN THIS AREA
- (P) LANDSCAPING - SEE LANDSCAPE SHEETS
- (P) 'MOBILITE' COMPOUND PROJECT AREA
- (P) LANDSCAPING - SEE LANDSCAPE SHEETS

Site Plan
CDP 5-13-0452
Exhibit 4

Elevations

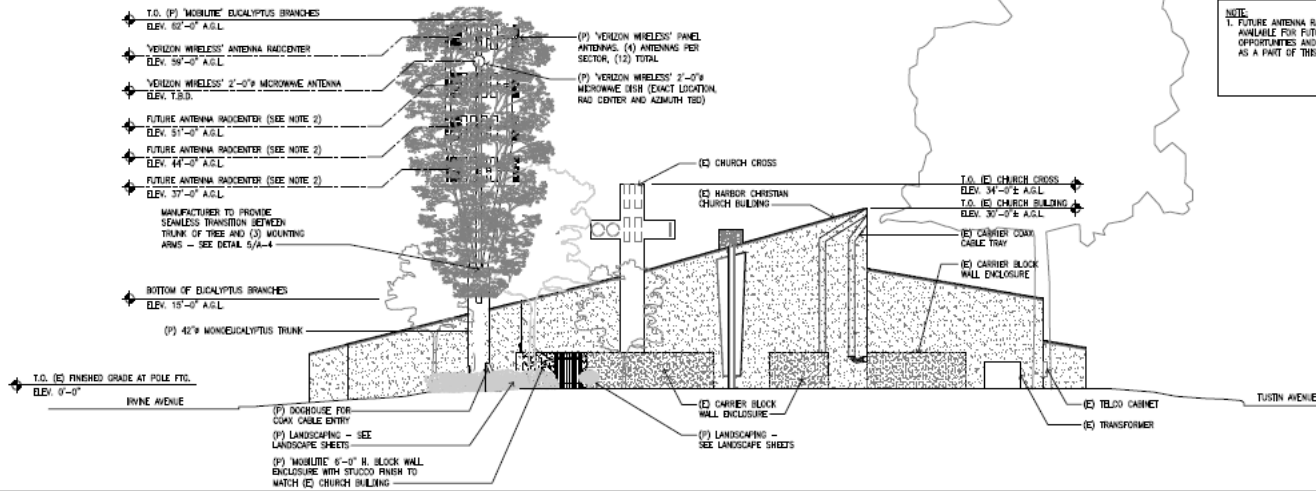
CDP 5-13-0452

Exhibit 5



SOUTH-EAST ELEVATION

SCALE 1/8"=1'-0" 1

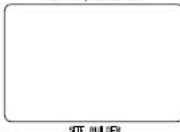


NORTH-EAST ELEVATION

SCALE 1/8"=1'-0" 2

REV	DATE/BY	DESCRIPTION
1	10/24/13	ISSUED FOR PERMITS
2	03/27/13	ISSUED FOR PERMITS
3	02/19/13	ASB/PM ADJUSTMENT
4	02/19/13	AUTORESPONSE COMMENTS
5	10/25/13	AUTORESPONSE COMMENTS

ENGINEER / CONSULTANT



400 HIGHT CREEK DRIVE
SUITE 200
HOUSTON TEXAS 77060
936.210.1100



APPROVALS

APPROVED BY	INITIALS	DATE
LANDING		
CONTRACTOR		
CONTRACTOR		
CONTRACTOR		
CONTRACTOR		
CONTRACTOR		
CONTRACTOR		

SITE INFORMATION

SITE NAME
GALAXY

SITE ADDRESS
2401 IRVINE AVE
NEWPORT BEACH, CA 92660

ORANGE COUNTY

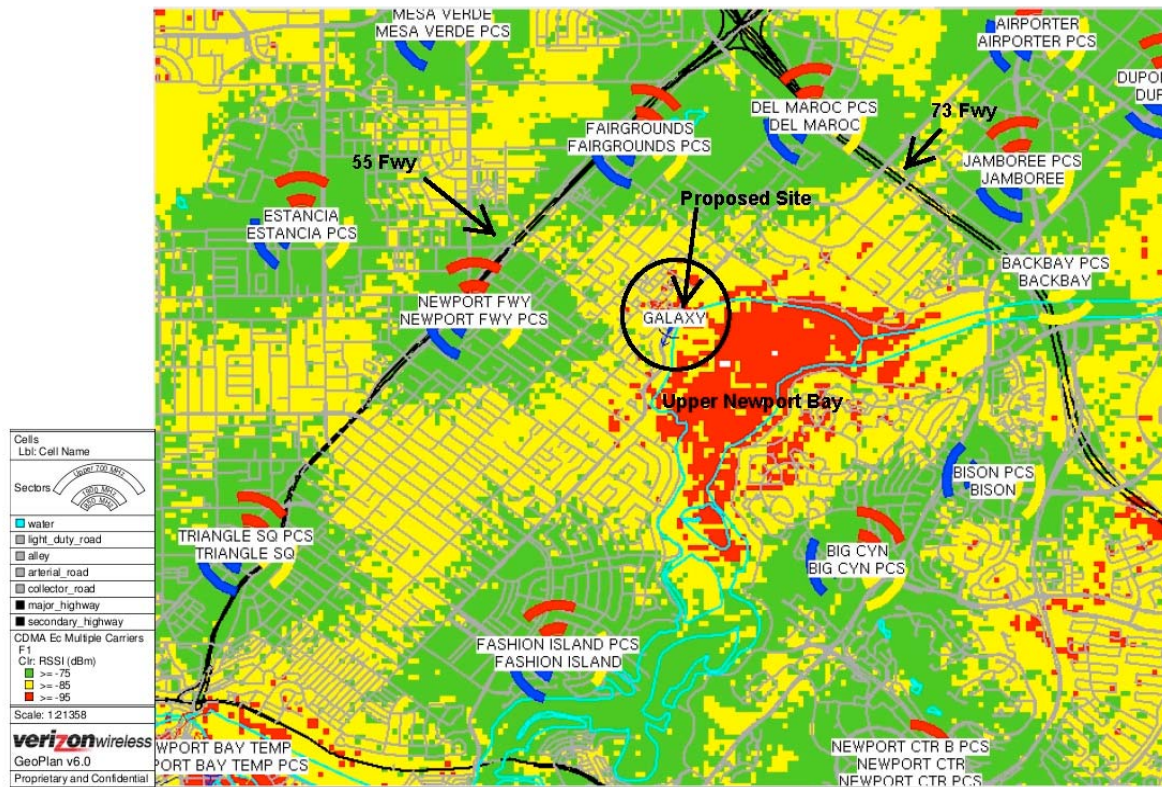
SHEET TITLE
ELEVATIONS

DRAWING INFORMATION

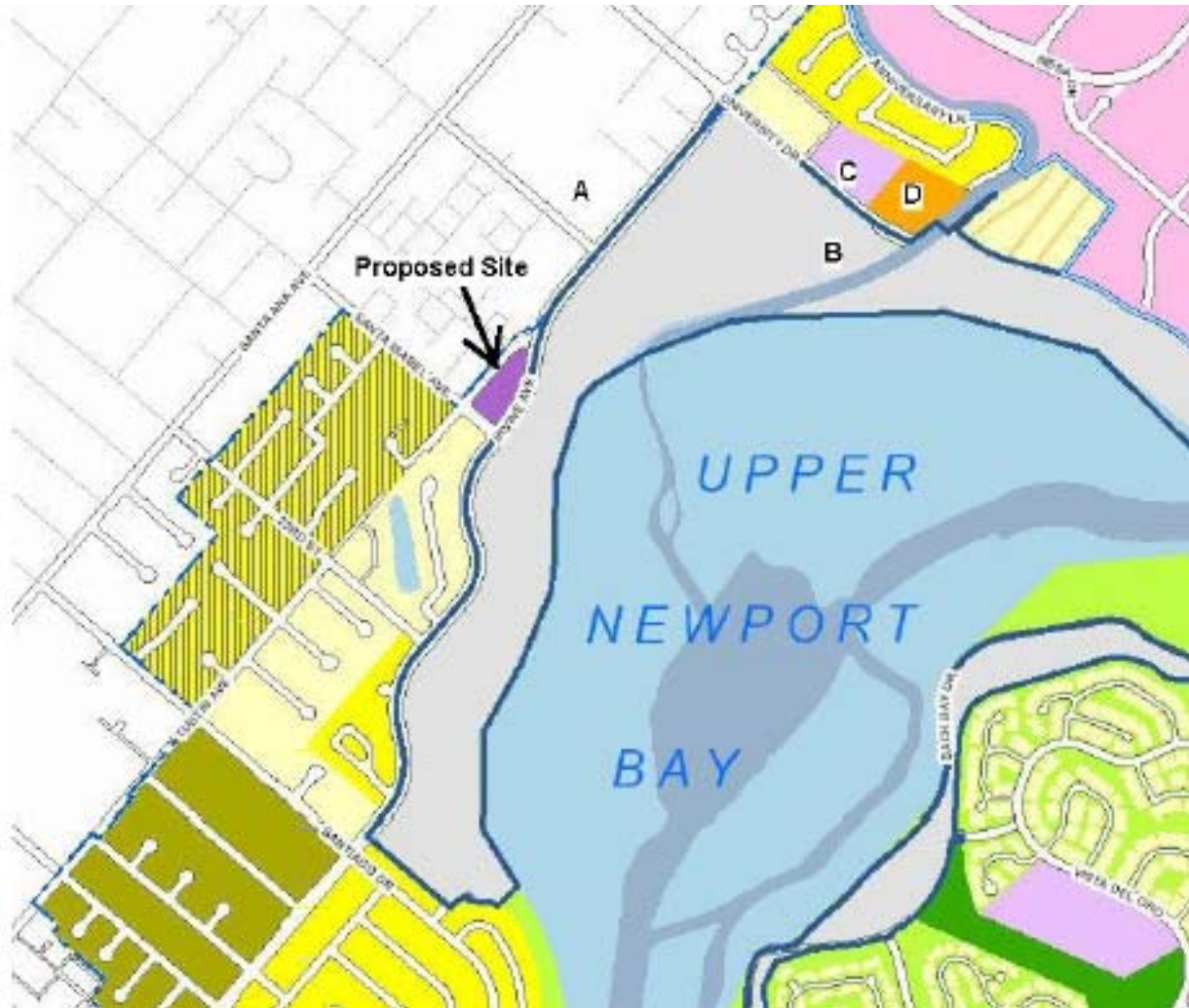
DRAWN BY	CHECKED BY	ISSUE DATE
JB	VO	10.15.2013

SHEET NUMBER
A-3

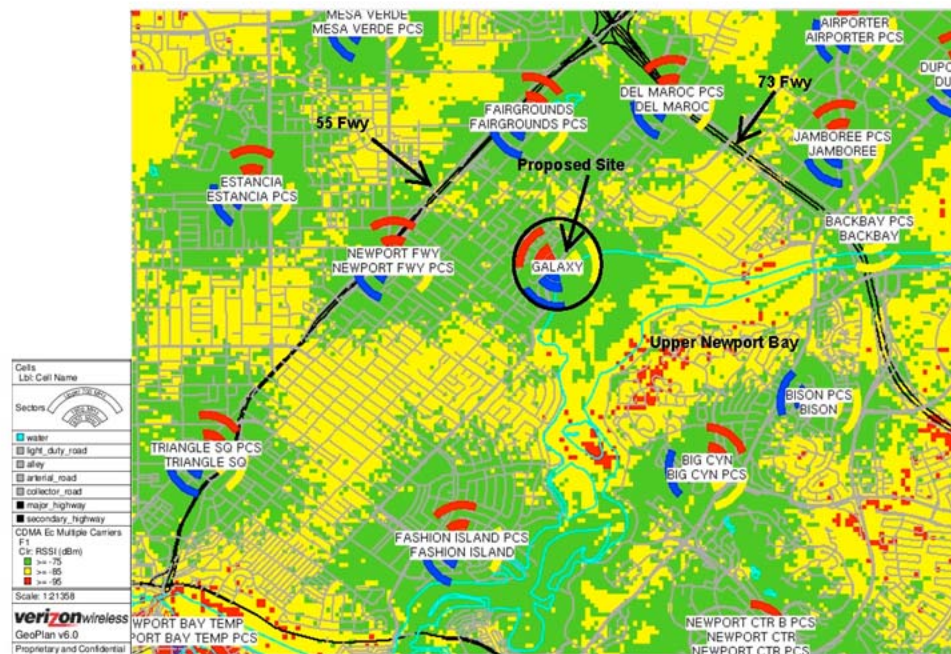
Verizon Wireless – Significant Gap in Coverage Map



Alternate Sites Considered CDP 5-13-0452 Exhibit 7



Verizon Wireless – Coverage After Installation of Proposed Cell Tower



View of Proposed Cell Site from Bike/Pedestrian Path Across Irvine Ave.



Panoramic View of Upper Newport Bay, Santa Gabriel and Santa Ana Mountains



Panoramic View of Upper Newport Bay, Wetlands, and San Joaquin Hills



CDP 5-13-0452 Exhibit 11

Panoramic View of Upper Newport Bay, Wetlands and Newport Center

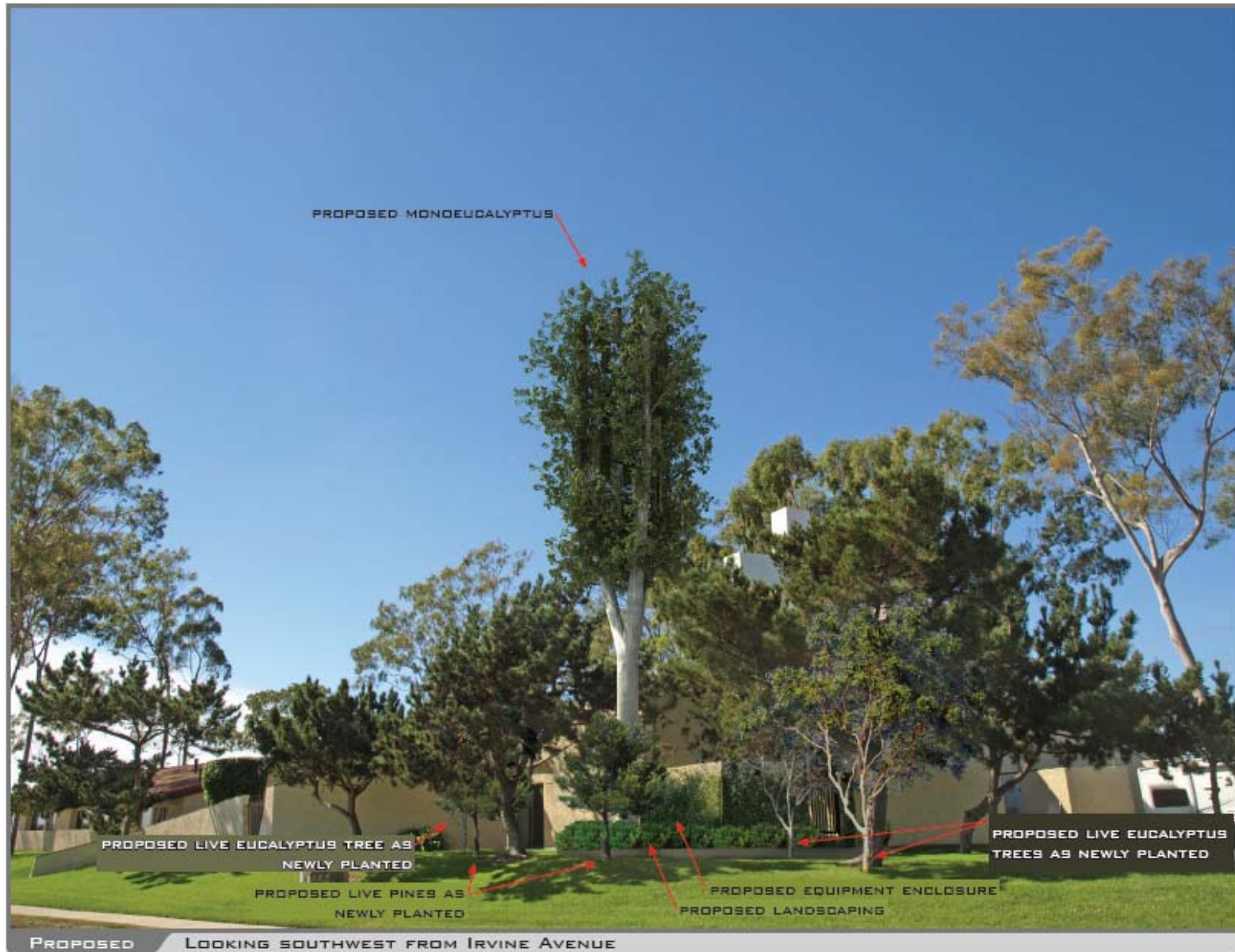


Existing view across Irvine Ave. to Proposed Cell Tower Site



CDP 5-13-0452 Exhibit 13

Simulated View across Irvine Ave. with Cell Tower and Landscaping Installed



CDP 5-13-0452 Exhibit 14

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Simulated View across Irvine Ave. with Cell Tower and Landscaping After 5 Years



PROPOSED LOOKING SOUTHWEST FROM IRVINE AVENUE