

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036

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Staff: LJM-SD  
Staff Report: 3/20/97  
Hearing Date: 4/8-11/97



Wed 9b

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-7

Applicant: Pacific Bell Mobile Services Agent: Susan Gregg

Description: Construction of a wireless communication facility consisting of six panel antennas attached to a 35 ft. high, 12 to 18 inch diameter wooden pole and two approximately 5 ft. high equipment cabinets on either side of the pole on an 18.77 acre site containing an existing single-family residence.

Site: 3107 Manchester Avenue, Encinitas, San Diego County.  
APN 261-210-15

STAFF NOTES:

The project was originally scheduled for Commission review on the Administrative calendar at the March 14, 1997 Commission meeting. However, because of concerns raised by the Commission related to electromagnetic radiation, it was removed from the Administrative calendar to be scheduled for a public hearing at a subsequent Commission meeting.

The applicant has provided some information on the proposed wireless communication facility (called Personal Communication Services or PCS) relative to this concern. Specifically, the proposed facility is a freestanding facility and will operate at approximately 200 watts of effective radiated power at the source. The Federal Communications Commission (FCC), which regulates PCS facilities, has adopted standards set forth by the American National Standards Institute (ANSI). According to information provided by the applicant, exposure from a PCS facility (within 10 feet) is more than 1,000 times below the recognized safety standards as set by ANSI and more than 100,000 times below the ANSI standards within the general vicinity of a PCS facility. As a comparison, within a building on which a PCS facility is located, the exposure from that facility would be similar to that from a cordless phone or a baby monitor.

Staff is recommending approval of the proposed development subject to a special condition which requires landscaping to screen the facility from public views and a condition which requires the applicant to sign a statement agreeing to remove the facility and restore the site should the facilities become obsolete at some point in the future. Given these conditions, potential impacts on scenic coastal resources are reduced to the maximum extent feasible. Any changes to the staff report necessary to address the Commission's concerns regarding the above stated issue will be addressed in an addendum to this staff report.

Substantive File Documents: Certified City of Encinitas Local Coastal Program; City of Encinitas Resolution #PC-96-39; Initial Study for Pacific Bell Mobile Services dated October 22, 1996 by RECON Consultants.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Landscape Plans. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and written approval of the Executive Director, a final landscape plan that is in substantial conformance with the conceptual plan submitted with this application by Marum Associates (date stamped received 1/28/97). Said plan shall first be approved by the City of Encinitas and indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the treatment of the site from views from the west and south. Landscaping shall be implemented in compliance with the approved plan.

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 wireless communication facility, the applicant agrees to make those modifications. In addition, if, in the future, the facility is no longer needed, the applicant agrees to 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The subject proposal involves the construction of an antenna system for a wireless communication facility (called Personal Communication Services or PCS). The proposed system includes six (6) panel antennas (each 3 ft., 1.2 inches long, 6.3 inches wide and 2.7 inches deep) attached to a 35 ft. high, 12 to 18 inch diameter wooden pole and two metal equipment cabinets (each 5 ft., 3 inches tall, 4 ft., 3 inches wide and 2 ft., 4 inches deep) located on the ground on either side of the pole.

The antenna system will be constructed in the southwestern corner of an 18.77 acre site located one lot north of Manchester Avenue, adjacent to the Interstate 5 Northbound On/Off Ramp in the City of Encinitas. The site, the majority of which is in agricultural production, contains an existing single-family residence. The project involves a footprint of approximately 120 sq. ft. and no grading is proposed or necessary to accommodate the development. Surrounding uses include agricultural and residential to the north, agricultural and related structures to the east, a service station to the south and Interstate 5 to the west.

Although the City of Encinitas has a certified Local Coastal Program (LCP), and has been issuing coastal development permits since May of 1995, the proposed development is located within the Commission's area of original jurisdiction (identified as potential public trust lands) where permit issuing authority is not delegated to the local government. As such, the standard of review is Chapter 3 policies of the Coastal Act, with the certified LCP used as guidance.

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 subject development is proposed to be located adjacent to Interstate 5, which is a major north/south coastal access route and designated scenic view corridor in the certified Encinitas LCP. In addition, the subject site is located just north of Manchester Avenue, which is also designated as a scenic visual corridor in the Encinitas LCP. As such, installation of the proposed wireless communication facility could have adverse impacts on these scenic corridors.

However, in this particular case, while the wooden pole will be approximately 35 feet high, it is only 12 to 18 inches in diameter and has been designed to look like a telephone pole. In addition, the antennas are mounted flush to

the pole and are colored to match the color of the pole. Additionally, the pole and equipment cabinets are proposed to be located on a corner of the site that contains existing substantial trees and landscaping. To the north and west of the site, along the I-5 On-ramp, there exists several approximately 45-foot-tall eucalyptus trees and to the south and east are several approximately 20-foot-high eucalyptus trees. The applicant is also proposing to install three additional trees adjacent to the pole to effectively screen the majority of the development from views from the adjacent scenic corridors. However, because only conceptual landscape plans have been submitted, Special Condition #1 has been attached. This condition requires the applicant to submit final landscape plans that place special emphasis on screening of the proposed facility from views from the south and west. With the installation of the proposed trees, together with the existing trees, the majority of the facility will be sufficiently screened from views from the adjacent scenic corridors.

While the proposed facility, as conditioned, 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. As demand for these facilities increase, it is likely that other service providers will be interested in placing additional structures, antennas and equipment in this and other scenic areas. As such, Special Condition #2 has been attached. This condition 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 this and other scenic coastal corridors will not be littered with outdated and obsolete facilities in the future. With these conditions, impacts on scenic coastal resources have been reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

3. 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 City of Encinitas received approval of its LCP by the Commission in November of 1994 and coastal development permit issuing authority was delegated to the City in May of 1995. The City's LCP designates Interstate 5 and Manchester Avenue in this area as scenic corridors. As discussed above, existing and proposed landscaping as well as other proposed design features will significantly screen the facility from views from both these roadways. In addition, the proposed antenna system is consistent with the Rural Residential zone and plan designation for the site and no adverse impacts to coastal resources are anticipated. Therefore, the Commission has determined that the proposed development will not prejudice the ability of the City of Encinitas to continue to implement its certified LCP.

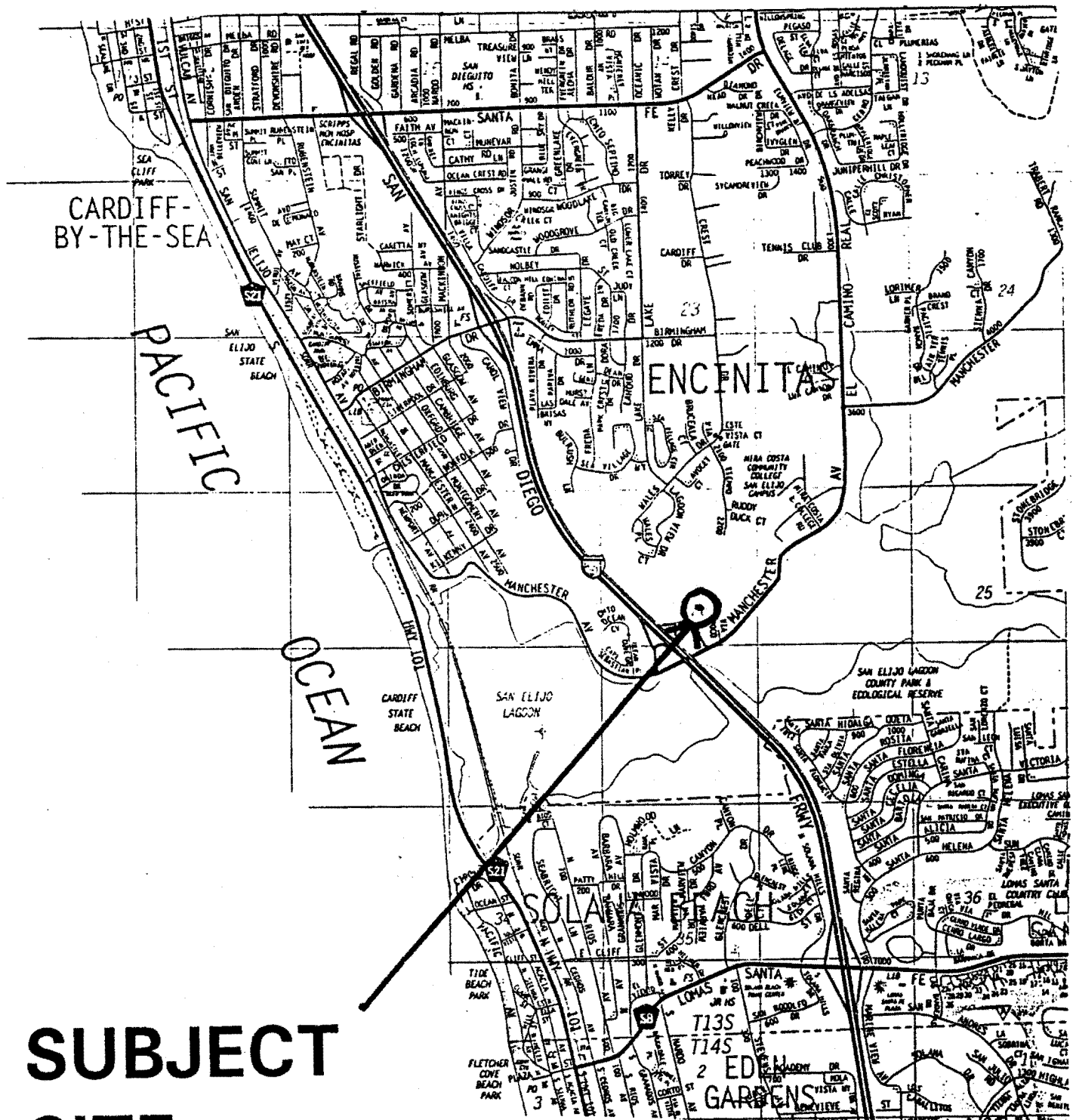
4. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal

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)(i) 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 impact 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. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.



**SUBJECT  
SITE**



EXHIBIT NO. 1
APPLICATION NO.
6-97-7
Location Maps
California Coastal Commission

PROPOSED SECTOR "A"

ANTENNAS "A1" AND "A2" AT 300'

PROPOSED SECTOR "C"

ANTENNAS "C1" AND "C2" AT 160'

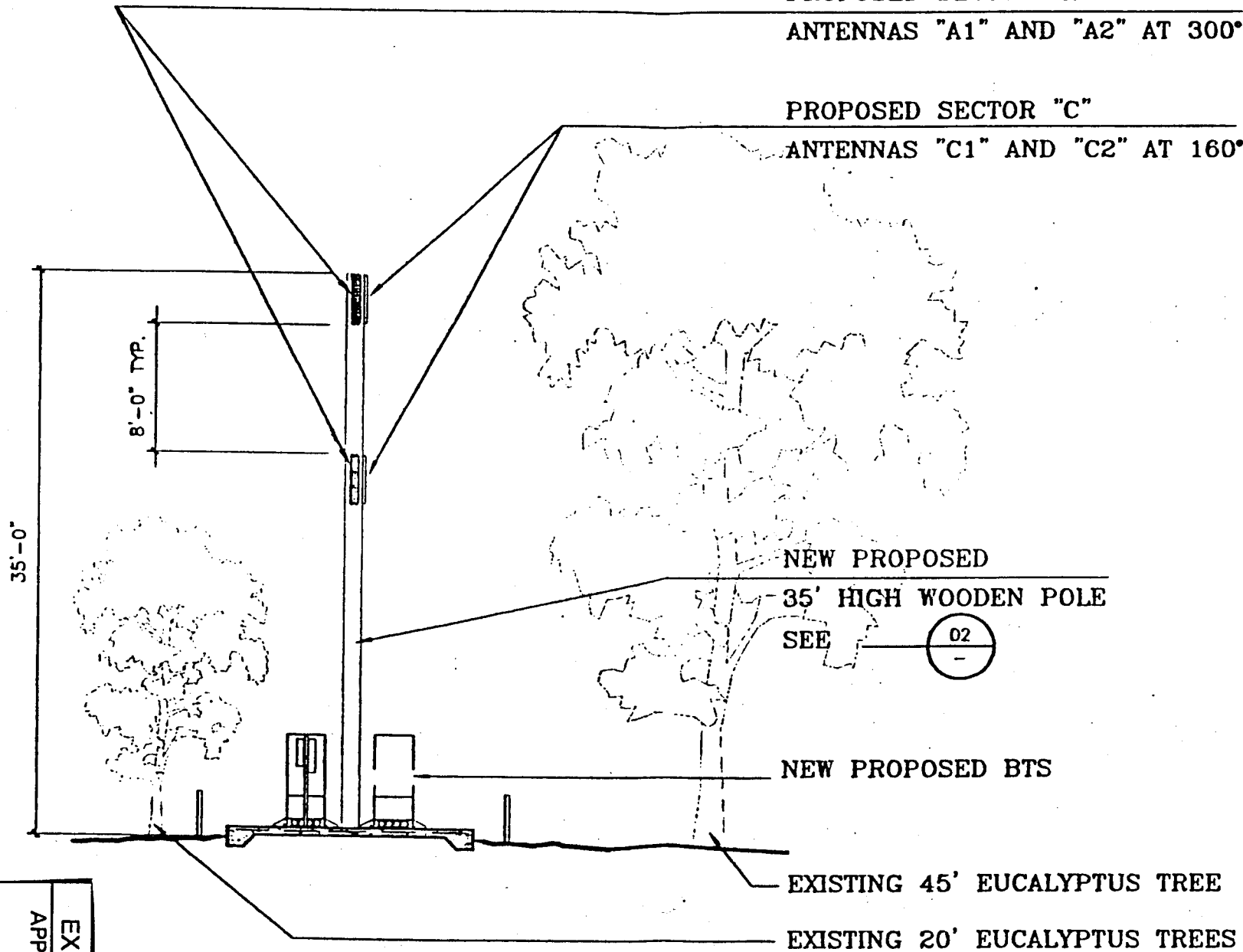


EXHIBIT NO. 2

APPLICATION NO.

6-97-7

Typical Elevation