

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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

Page 1 of 4

Permit Application No. 6-97-20/ELDate April 22, 1997ADMINISTRATIVE PERMIT

APPLICANT: GTE Mobilnet

PROJECT DESCRIPTION: Construct an unmanned cellular communication facility, including two panel antennas, to be located within the roof of the existing, one-story, 4,218 sq.ft. Mission Bay Visitor Center building, and a one-story 220 sq.ft. addition to that building to house electronic equipment.

PROJECT LOCATION: 2688 East Mission Bay Drive, Mission Bay Park, San Diego, San Diego County. APN 760-036-03

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: May 14, 1997 9:00 a.m., Wednesday	LOCATION: Radisson Hotel-Santa Barbara 1111 E. Cabrillo Boulevard Santa Barbara, CA
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IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: *Ellen Liley*

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, 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, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The subject proposal involves the construction of an antenna system and equipment room for a cellular communication facility. The proposed system includes two (2) panel antennas (each approximately 8 feet long and one foot wide) mounted on the inside of an existing conical architectural feature on the existing one-story Mission Bay Visitor Center and screened by fiberglass to match the roof's interior. Because of the unique roof design, the

one-story building is actually forty-four (44) feet high, and was built before the City passed its coastal height initiative that restricts buildings to thirty feet. The proposed antennas will be mounted flat on the inside of the roof at a maximum elevation of thirty-seven (37) feet; thus they will not project above the existing roofline nor be visible to visitors in the adjacent park areas. The equipment building will be a 220 sq.ft. addition to the existing structure and will be twelve (12) feet in height. It will be situated between, and thus connect, an existing storage room and a bank of vending machines, and will be of the same color and architectural design as the existing visitor center.

The project site is located within Mission Bay Park, near the intersection of Clairemont and East Mission Bay Drives, just west of Interstate 5. The existing visitor center is visible from Interstate 5, the adjacent access roads and from along portions of the Mission Bay shoreline and grassy uplands. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas, such as Mission Bay Park, and for the compatibility of new and existing development. In this particular case, the proposed facility will not be visually intrusive in this public recreational setting, since the panels will be inside the existing roof and the electrical equipment room will match the existing structure in color and design. Thus, the facility will not have adverse impacts on the visual quality of the area.

Because the site is located between the sea and first coastal roadway, and within a public park, it is important to consider whether the development will adversely impact public access to the adjacent shoreline and park amenities. In this particular case, the proposed antennas represent an interior modification to an existing structure, and will thus not impede access in any way. The electrical equipment room addition is located between existing structural improvements, filling in a small gap between the visitor center and a bank of vending machines. Thus, it will not usurp usable public parkland. Finally, since the facility is unmanned, there is no increase in parking demand to accommodate on-site employees. An engineer will come by the site for brief periods once or twice a month for maintenance purposes, and adequate parking is available in the public parking lots surrounding the visitor center to address this minimal need. Therefore, the proposed development will not adversely impact existing public access opportunities in the area.

The Commission had recently expressed a concern relative to this type of project due to the controversy regarding whether radio frequency emissions produced by these facilities pose a health risk to the public. Given the ongoing controversy (as noted in newspaper articles, television news stories, various lawsuits, etc.), the Commission has considered whether it should require the applicant to indemnify the Commission in the event that emissions from this project are the basis for a lawsuit against the Commission. The conclusion was not to require indemnification because, in the case of wireless communication facilities, federal law precludes the Commission from regulating placement, construction, and modification of such facilities based upon environmental effects of radio frequency emissions if a facility complies with federal standards. Specifically, Section 704 of the Telecommunications Act of 1996 states, in part:

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission's regulations concerning such emissions."

The Federal Communications Commission (FCC) has adopted standards for emissions from wireless service facilities. The adopted standards are those established by the American National Standards Institute (ANSI). In the case of the proposed development, the applicant has provided information which indicates that the radio frequency emissions produced by the proposed wireless communication facility comply with the adopted ANSI standards. The information indicates that these emissions will be well below the maximum emissions allowed by the federal standards.

In summary, as discussed herein, the proposed project will not cause significant adverse impacts to the environment. The City of San Diego found the development to be exempt from CEQA, and the conditions placed on the proposal by its Development Services Department are all incorporated into the project as proposed to the Coastal Commission. Therefore, approval of the proposed development is not anticipated to result in adverse impacts to any coastal resource. However, current technology has resulted in a proliferation of various types of communication facilities. Thus, Special Condition #1 provides that, should new technological advances make the proposed facility obsolete, the improvements approved herein will be appropriately removed, reduced or modified and the site restored to pre-existing conditions.

SPECIAL CONDITIONS: 1. Future Redesign/Removal. Prior to the authorization to proceed with development, the applicant shall agree in writing that where future technological advances would allow for reduction or modification of 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 site consistent with the character of the surrounding area.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

(7020R)