

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
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 Staff: WNP-SD
 Staff Report: December 17, 1997
 Hearing Date: January 12-16, 1998



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Mon 27b

Application No.: 6-97-108

Applicants: Airtouch Cellular

Agent: Kathleen Wagner

Description: Installation of a one-story, 10 foot high, 200 sq.ft. cellular equipment building and two 8 foot high antenna panels mounted near the top of a 55-foot high monopole designed as a mock light standard or flag pole on a site containing a restaurant.

Ht abv fin grade 55 feet

Site: 850 Tamarack Avenue, Carlsbad, San Diego County. APN 204-292-23

Substantive File Documents: Certified Agua Hedionda Land Use Plan

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed cellular antenna tower and equipment building subject to special conditions which require the proposed facilities be removed and the site restored to its former condition should technological changes render the facility no longer viable or necessary in the future.

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. 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 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing installation of a one-story, 200 sq.ft. cellular equipment building and two 8 foot high antenna panels mounted near the top of a 55-foot high monopole designed as a mock light standard or flag pole at the northwest corner of I-5 and Tamarack Avenue in Carlsbad. The monopole would be sited adjacent to an existing 50 foot high "Gerico's Restaurant" freeway service pole sign and adjacent to the loading and service areas of the restaurant. There are two existing 40' high light standards of similar design located at this site which is occupied by Gerico's Restaurant and is surrounded by the southbound freeway off-ramp to the east, residential to the north, a vacant gas station to the west and Tamarack Avenue to the south. The applicant proposes this location to complete their network of antennae along the freeway corridor, and the 55' high antenna pole is necessary to provide service across the Agua Hedionda Lagoon watershed between their current facility at Palomar Airport Road and Tamarack Avenue.

The project site is located within the Agua Hedionda segment of the Carlsbad LCP where the Coastal Commission retains coastal permit authority. The remainder of the City of Carlsbad has a certified local coastal program.

2. Visual Impacts. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. Although the project site is over 1 mile from the ocean, the project would be visible from I-5 which is a major public access route and is designated in the certified Agua Hedionda land use plan as a Scenic Corridor.

The applicant has indicated that this site was chosen as the preferred location to fill a gap in their service network. Due to the proximity of the site to I-5, eleven alternative sites were considered but rejected to house

the project in an attempt to minimize adverse visual impacts to the public viewshed. The location and reasons why these sites were rejected is attached as Exhibit #4 to this report. Briefly, these sites were determined to have either a greater adverse visual impact than the subject site or proved unworkable because of other social or economic factors.

Two design options are proposed to provide camouflage for the antenna monopole; the first design is a mock light standard with the cellular antennas screened by plastic panels, and the second is a flagpole with cellular antenna screened by an American flag. The site currently contains a combination of 40' to 50' high light standards, palm trees, utility lines, and freeway service signs. This area is also screened from surrounding development by 6' and 8' high block screen walls and landscaping which screens the trash containers and service areas. The proposed 10' high equipment building would be located adjacent to the 8' high screen wall to the east and landscaping to the north so that it would be screened from public view from I-5. The monopole would be connected to the equipment structure through underground cable conduits. As such, the antenna structure should not pose a significant adverse visual impact as viewed from the scenic highway (I-5) to the east; thus, potential visual impacts of the development are adequately addressed in the subject proposal. 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. As conditioned, the Commission finds the proposed project consistent with Section 30251 of the Act. This condition is consistent with similar coastal development permits approved by the Commission.

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. Such a finding can be made for the subject development, as conditioned.

The site is included within the Agua Hedionda Lagoon plan segment which is a component of the Carlsbad LCP. The proposed project, as conditioned, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval, as conditioned, will not prejudice the ability of the City of Carlsbad to complete a certified local coastal program.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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.

The Commission has 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, the proposed project will not cause significant adverse impacts to the environment. Therefore, approval of the proposed development is not anticipated to result in adverse impacts to any coastal resource. The attached mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

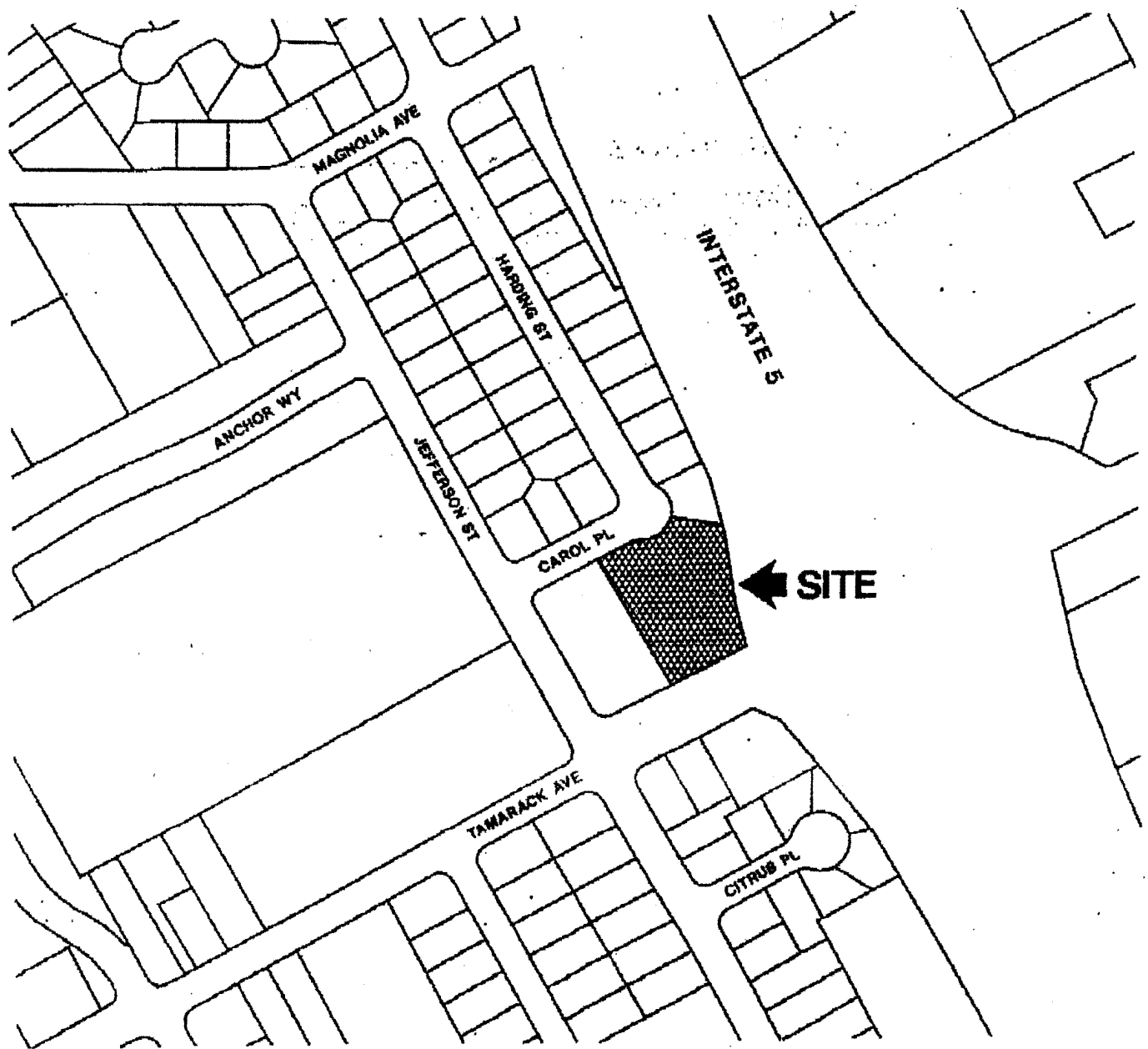
STANDARD CONDITIONS:

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.

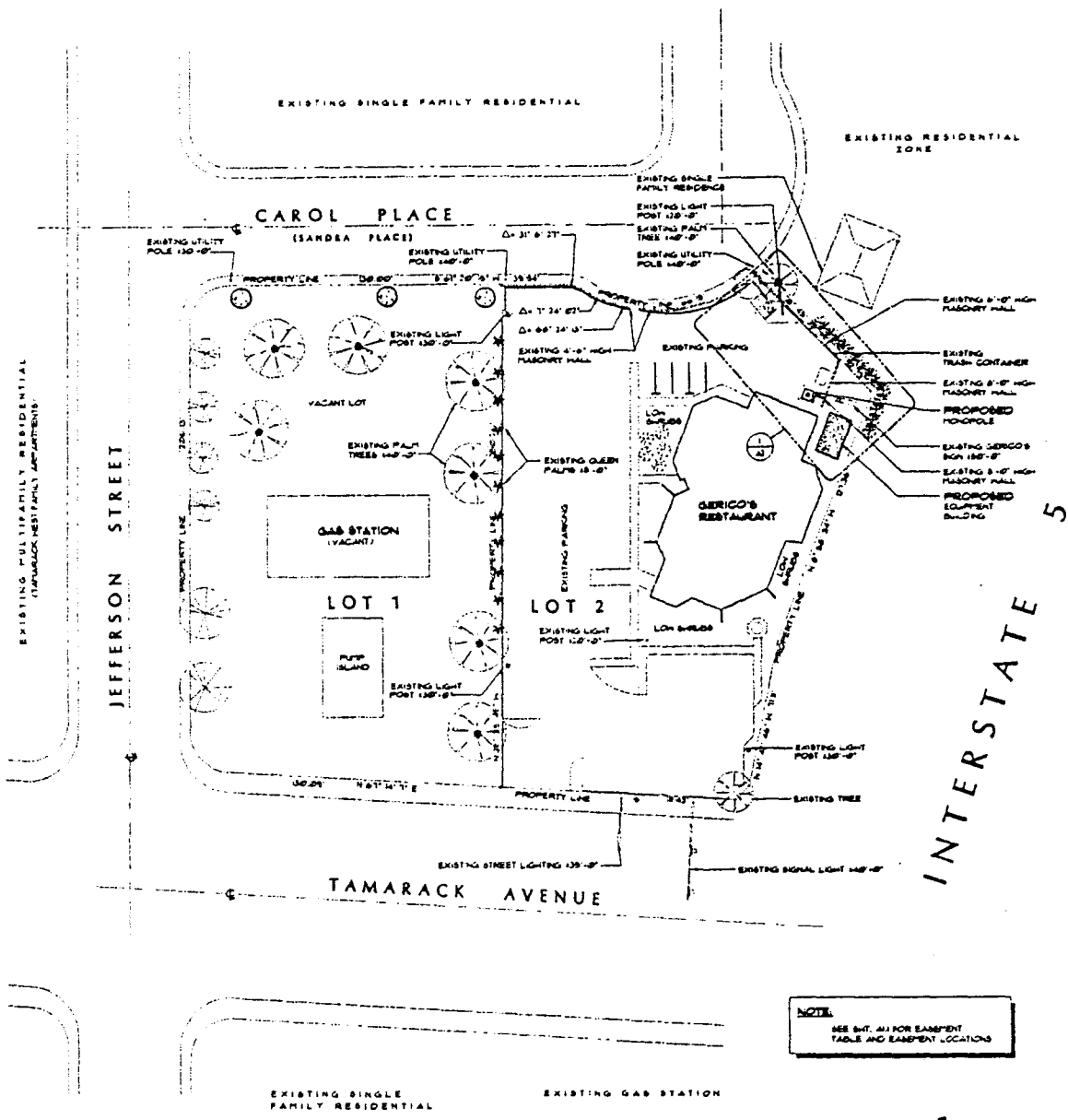
(7108R)



GERICO COMMUNICATION SITE

CUP 97-08

EXHIBIT NO. 1
APPLICATION NO. 6-97-108
Location Map
 California Coastal Commission



INTERSTATE 5

NOTE
SEE SHT. A11 FOR EQUIPMENT TABLE AND EQUIPMENT LOCATIONS


SITE PLAN
SCALE: 1" = 30'-0"

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EXHIBIT NO. 2
APPLICATION NO.
6-97-108
Site Plans

AIRTOUCH CELLULAR GERICO SITE SEARCH

SITE KEY	SITE AND LOCATION	CHARACTERISTICS	CONSTRAINTS
1	Car County Plaza 1060 Auto Center Court, Carlsbad	Automobile retail center with antennas located in an existing 41' architectural tower.	<ul style="list-style-type: none"> Owner unwilling to execute Public facilities Fee Requirement document required by the City of Carlsbad for submittal (April 1994).
2	Water Tank "E" Reservoir North of Palomar Airport Road and East of Paseo Del Norte	Water tank; would require 60' monopole	<ul style="list-style-type: none"> City of Carlsbad staff would not support the project based primarily on the visual impacts. (Project denied October 1994).
3	Pea Soup Andersen's 850 Palomar Airport Road, Carlsbad	Hotel/Restaurant with antennas mounted on the roof of the existing hotel.	<ul style="list-style-type: none"> Sensitive commercial area due to visibility of flower fields to the east. Marginal coverage to north, which would require a second site option.
4	Encina Power Plant Cannon Road, Carlsbad	San Diego Gas & Electric power facility with antennas mounted on existing smoke stack. Required height 150'-200' in order to clear local obstructions and provide coverage to the desired area (1-mile radius).	<ul style="list-style-type: none"> Too high; required height of antennas would cause signal interference with other AirTouch communications facilities in the area.
5	Encina Power Plant Cannon Road, Carlsbad	San Diego Gas & Electric power facility with equipment building located in the corner between Cannon substation and the power plant oil tanks with antennas mounted on 115' monopole with 15' whip antennas on top. (Total height of 130'.)	<ul style="list-style-type: none"> SDG&E has a clearance requirement for pole installations near transmission lines. The clearance requirement is a minimum distance of the height of the pole plus 50%. The clearance requirement for this proposal would be 195'. SDG&E did not have space to lease in this area in order to meet the clearance requirement.
6	Encina Power Plant Cannon Road, Carlsbad	San Diego Gas & Electric power facility with equipment building located southwest of the Cannon substation with antennas mounted on 90' monopole with 15' whip antennas on top. (Total height of 105'.)	<ul style="list-style-type: none"> Submitted project to the City of Carlsbad in May 1995. AirTouch withdrew the application in April 1996 based on concerns and issues raised by the City. City of Carlsbad would not support the 90' monopole project. City of Carlsbad requested that AirTouch find a two-site alternative, which would be at lower overall heights.

 California Coastal Commission	EXHIBIT NO. 34 APPLICATION NO. 6-97-108 Alternate sites
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AIRTOUCH CELLULAR GERICO SITE SEARCH

Proposed Locations for Two-Site Option:			
<i>Southern Coverage Area:</i>			
7	Pacific Center One 701 Palomar Airport Road, Carlsbad	2-story office building; antennas mounted on rooftop	<ul style="list-style-type: none"> Project approved on November 6, 1996 and constructed as one site of a two-site option.
<i>Northern Coverage Area:</i>			
8	Chestnut Avenue Offices 1015 Chestnut Avenue, Carlsbad	2-story office/condo with antennas mounted on roof. (GTE currently located at this location.)	<ul style="list-style-type: none"> out of search area; too far north. Building full and no ground space on property for equipment building.
9	76 Gas Station 895 Tamarack Avenue, Carlsbad	Gas station with existing sign at approximately 50'	<ul style="list-style-type: none"> Owner not interested.
10	Gerico Restaurant (Subject Property) 850 Tamarack Avenue, Carlsbad	Restaurant with existing sign at 50'; antennas located in sign.	<ul style="list-style-type: none"> Project submitted in September 1996. Dispute over ownership of sign between restaurant owner and Texaco (adjacent property owner). Texaco installed the sign. Project redesigned to install 55' monopole (to clear local obstructions - primarily the existing sign) with two antennas and American Flag. (Flag pole is allowed by right on this property.) Project approved by City of Carlsbad on August 20, 1997.
11	Village Kitchen Pie Shoppe 3890 Pio Pico Drive, Carlsbad	Restaurant/Pie Shoppe with antennas mounted on 45' existing sign.	<ul style="list-style-type: none"> Existing sign would need to be raised approximately 10', which resulted in construction concerns. Alternative solution would be a 55' monopole.
12	St. Patrick's Roman Catholic Church 3801 Adams Street, Carlsbad	Church and elementary school, which would require equipment building with 55' monopole	<ul style="list-style-type: none"> Owner not interested.

Exhibit 4 (cont)

6-97-108