

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
 3111 CAMINO DEL RIO NORTH, SUITE 200  
 SAN DIEGO, CA 92108-1725  
 (619) 521-8036



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 49th Day: October 15, 1998  
 180th Day: February 23, 1999  
 Staff: GDC-SD  
 Staff Report: October 9, 1998  
 Hearing Date: November 3-6, 1998

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 8d

Application No.: 6-98-108

Applicant: Nextel Communications                      Agent: JM Consulting Group, Inc.

Description: Construction of a wireless communication facility consisting of six panel antennae attached to a 30 ft.-high, 14 inch diameter steel pole and a 13 ft.-high, 200 sq. ft. equipment building on a 18.77 acre site containing an existing 35 ft. monopole antenna facility and a single-family residence.

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

Substantive File Documents: Certified City of Encinitas Local Coastal Program; City of Encinitas Resolution #PC-98-50/MUP 98-101; Coastal Development Permit 6-97-7.

STAFF NOTES:

Staff is recommending approval of the proposed development subject to special conditions which require the applicants to submit final plans for the facility which indicate that the proposed monopole will be painted earth tone colors to better blend with the surrounding environment, landscape plans to further mitigate visual impacts of the project, and to submit a written agreement to remove the proposed facilities and restore the site to its former condition should technology changes render the facility no longer viable or necessary in the future. With these conditions all potential visual impacts associated with the proposed development will be reduced to maximum extent feasible.

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 Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed facility. Said plans shall be in substantial conformance with the plans submitted by Booth & Suarez (date stamped received 8/27/98) and document that the proposed monopole and equipment building will be painted with earth tone colors (deep shades of green, brown and grey, with no white or light shades, and no bright tones) to minimize the development's contrast with the surrounding scenic areas.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. 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 Booth & Suarez (date stamped received 8/27/98). 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 with specimen size trees (minimum 24 inch box) to effectively screen the development from views from these areas.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. 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. Additionally, the agreement shall be made on a note on the final plans required pursuant to Special Condition #1 above.

#### 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. The proposed system includes six (6) panel antennae (each 1 ft. by 4 ft.) attached to a 30 ft. high, 14 inch diameter, hollow steel pole and a 13 foot-high, 200 sq. ft. equipment building. The project is proposed to fill a "break" in the existing Nextel coverage area along portions of Interstate 5, Manchester Avenue and the adjacent residential communities surrounding San Elijo Lagoon.

The antenna system will be constructed in the southwestern corner of an 18.77 acre site located north of Manchester Avenue, adjacent to the Interstate 5 Northbound On/Off Ramp in the City of Encinitas. No grading is proposed or necessary to accommodate the development. The site, the majority of which is in open field agricultural production, contains an existing 35 ft. high cellular antenna monopole with two small equipment cabinets and a single-family residence. Surrounding uses include agricultural and residential to the north, agricultural and related structures to the east, a service station and Manchester Avenue 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 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 result in adverse visual impacts as viewed from these scenic corridors.

However, in this particular case, while the proposed steel monopole will be approximately 30 feet high, it is only 14 inches in diameter. In addition, the hollow design of the monopole provides for the interior positioning of cable conduits thereby eliminating any views of cabling. The antennae will be mounted flush to the pole and will be colored to match the pole. Because the proposed 30-foot-high monopole will be visible from portions of I-5 and Manchester Avenue, and to reduce the contrast of the steel monopole with the adjacent agricultural site and natural inland hillside to the north, Special Condition #1 requires that the monopole be painted with earth tone colors. In this way, those portions of the facility visible from I-5 will better blend with the natural surroundings and, therefore, not pose a significant adverse visual impact as viewed from the scenic I-5 and Manchester Avenue corridors. To address visual concerns, the proposed 13-foot-high, 200 sq. ft. equipment building will be designed to imitate a small residential structure with a tan stucco exterior and terra cotta tile roof. The monopole and equipment building are proposed to be located on a corner of the site that contains existing large 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 six additional trees adjacent to the pole and the equipment building 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 #2 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.

The applicant has submitted documentation indicating a series of project alternatives were considered. Co-location on the existing 35-foot monopole on the site was rejected because the highest point available was only 15 feet above the ground and such height is insufficient for antenna transmission requirements. Locations to the west and east were considered but rejected due to topography interference and the added need to construct a monopole in excess of the City's height ordinance. Locations within San Elijo Lagoon were rejected due to the potential impacts to sensitive resources. The applicant has determined, therefore, that the proposed project site is the least environmentally-damaging location.

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, antennae and equipment in this and other scenic areas. As such, Special Condition #3 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.

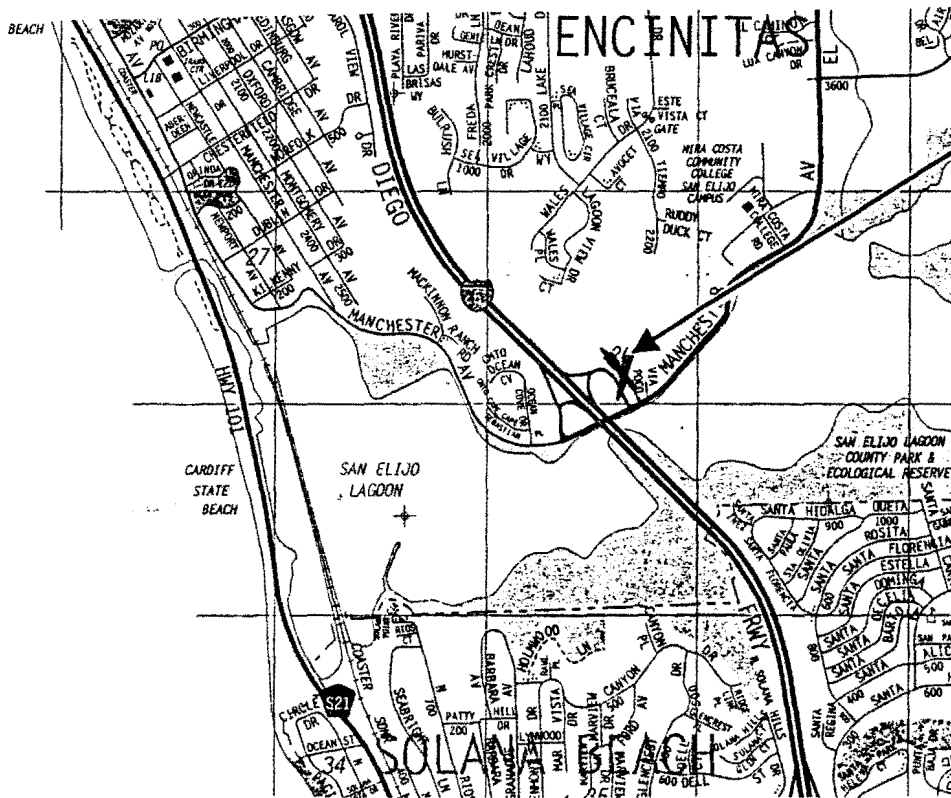
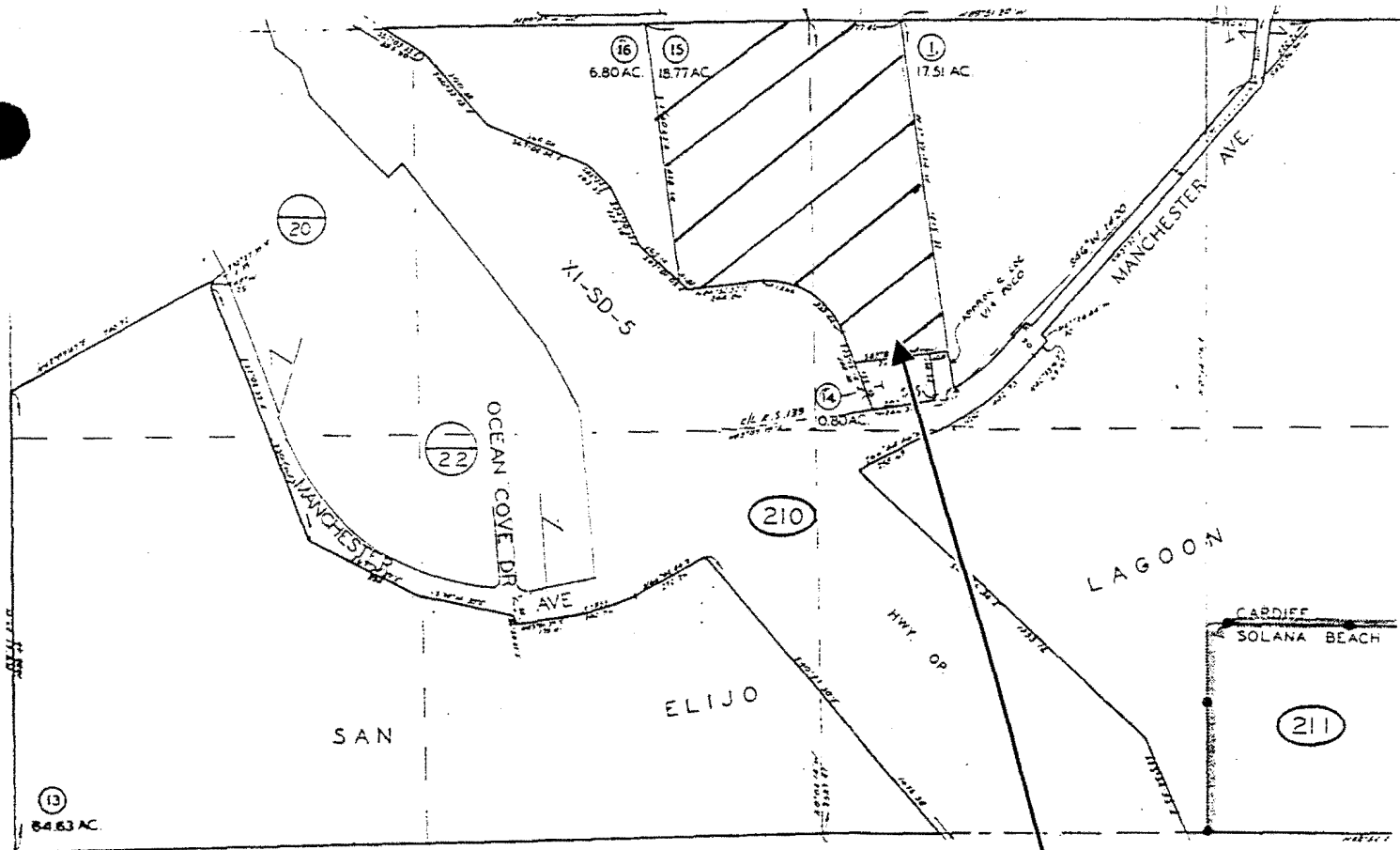
4. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

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.



Site



EXHIBIT NO. 1
APPLICATION NO.
<b>6-98-108</b>
Location Map
California Coastal Commission

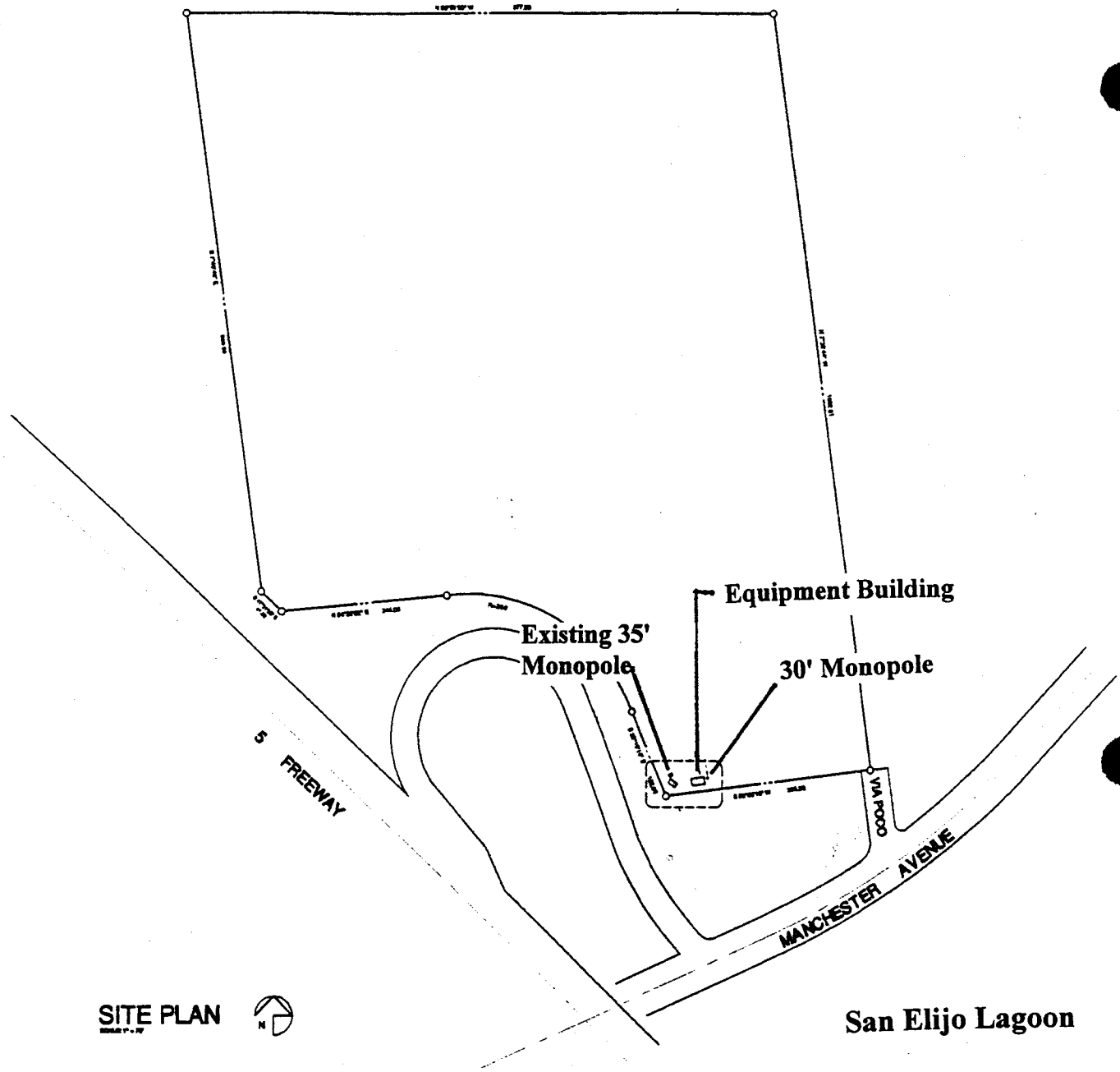



EXHIBIT NO. 2
APPLICATION NO. <b>6-98-108</b>
Site Plan
 California Coastal Commission

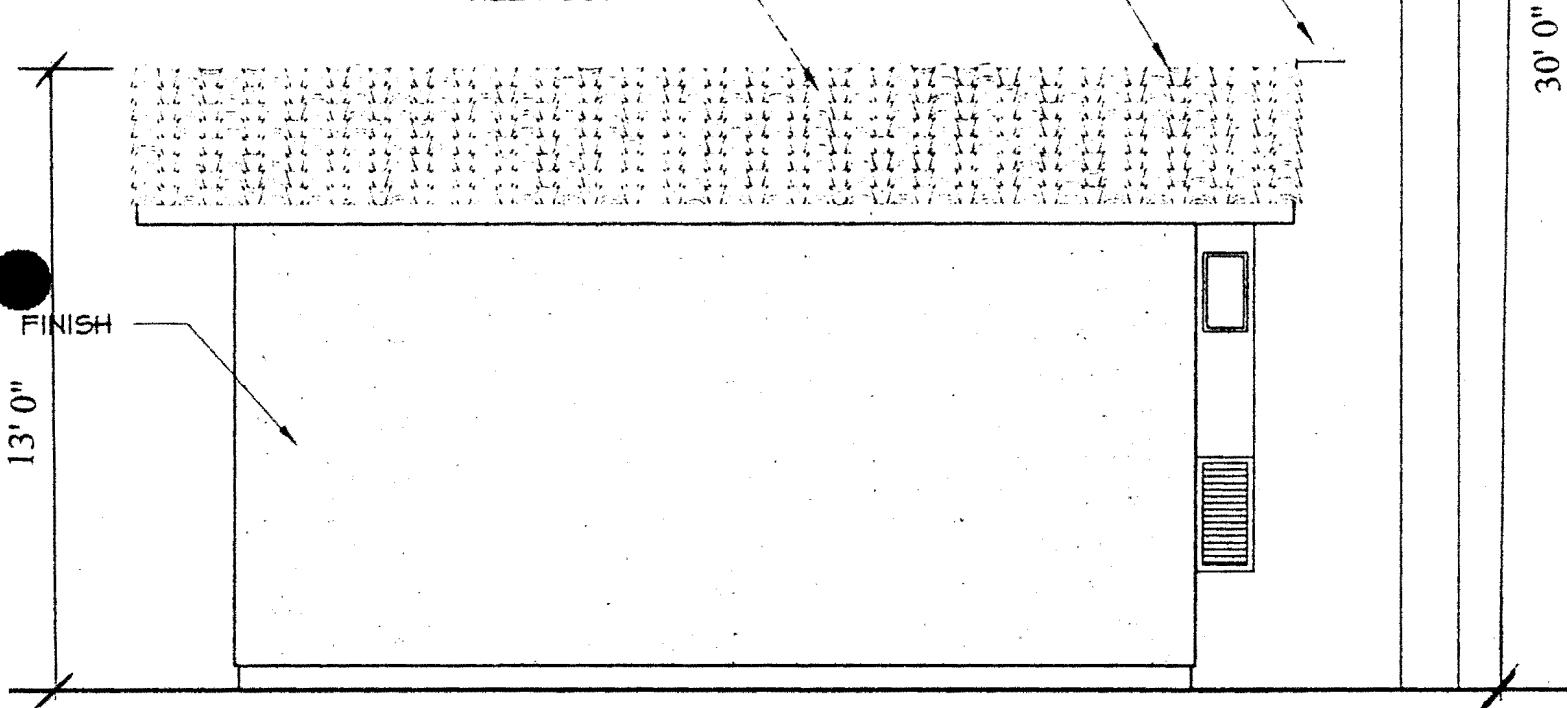


PROPOSED **NEXTEL** ANTENNAS  
MOUNTED TO 30' HIGH MONOPOLE  
(TYPICAL OF 6 ANTENNAS)

PROPOSED **NEXTEL** BMR  
ANTENNA

PROPOSED **NEXTEL** MODULAR  
EQUIPMENT BUILDING

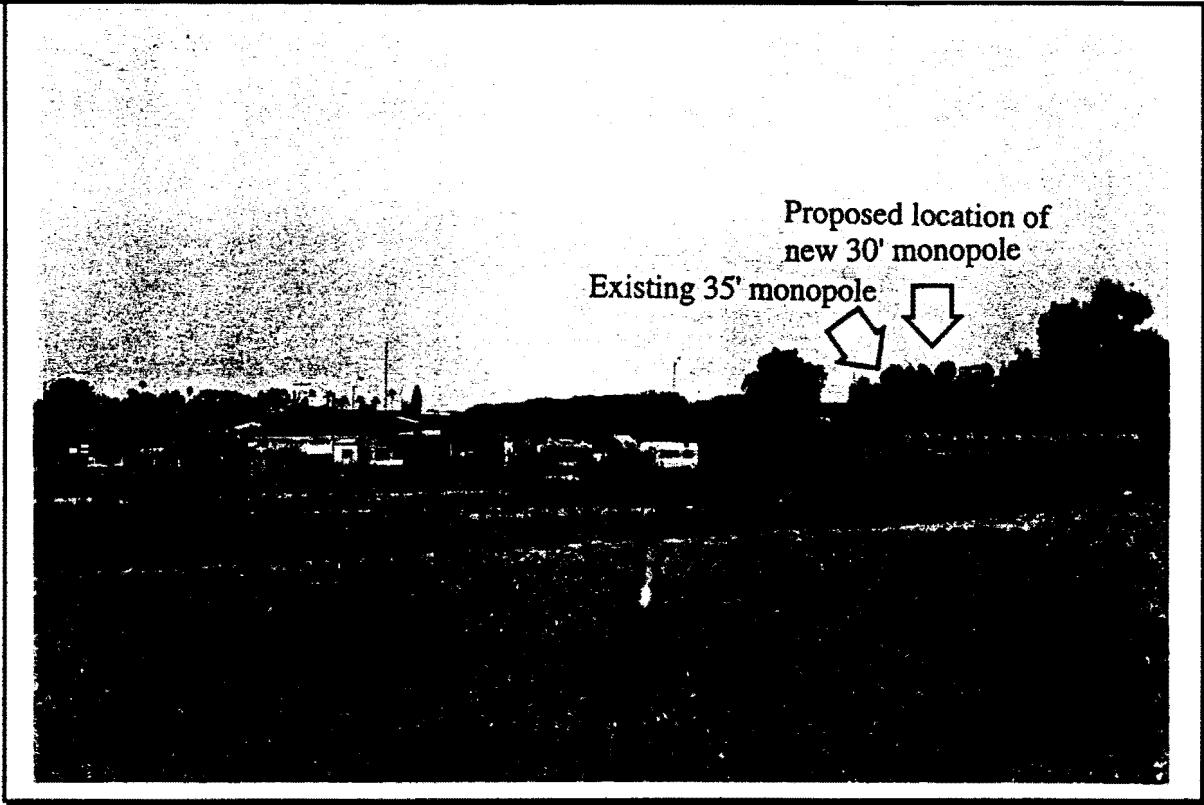
TILE ROOF



# SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO. <b>6-98-108</b>
Elevations
California Coastal Commission



1. View toward proposed location, from Manchester Avenue (facing west)



2. View toward proposed location, from adjacent to Interstate 5  
(facing northeast)

EXHIBIT NO. 4
APPLICATION NO. <b>6-98-108</b>
Views submitted Applicant
 California Coastal Commission