

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-160

Applicants: GTE Mobilnet/
Nextel Communications

Agent: Lettieri-McIntyre
Ted Marioncelli

Description: Construction of an unmanned cellular communication facility consisting of an approximately 172 sq.ft. equipment building and a 77-foot high monopole with 24 panel antennas (12 4-foot high antennas at the 77-foot level and 12 4-foot high antennas at the 55-foot level). Also proposed is one 6-foot high microwave dish antenna, 3 4-foot high omni antennas and one one-foot high GPS antenna which would be shared by the applicants. The 10-foot high equipment building will be shared by the applicants.

Site: Within Interstate 5 Rest Stop, located on the east side of I-5, Camp Pendleton, San Diego County.

Substantive File Documents: Certified San Diego County Local Coastal Program (LCP); Coastal Development Permit #6-98-74

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 applicants to submit final plans for the facility which indicate that the proposed monopole and equipment building will be painted with 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 removed the proposed facilities and restore the site 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. 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 Lettieri-McIntyre, Inc. dated 5/21/98 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. Landscape Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, landscape plans, in substantial conformance with the submitted landscape plan dated May 5, 1997. The plan shall include the following:

a. 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.

b. A minimum of two (2) specimen size (minimum 24" box), fast-growing trees which at maturity will reach substantial height and breadth. Special emphasis shall be placed on the screening of the project from views from Interstate 5.

c. A planting schedule indicating that the required trees shall be planted within 60 days of facility construction.

d. A written commitment by the applicant(s) that all required plantings shall be maintained in good growing condition for the life of the development, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

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 an 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 reduction or modification of the proposed wireless communication facility to reduce visual impacts, 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. Additionally, the agreement shall also be made 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. Detailed Project Description. The applicants are proposing construction of an unmanned cellular communication facility consisting of an approximately 172 sq.ft. equipment building and a 77-foot high monopole with 24 panel antennas (12 4-foot high antennas at the 77-foot level and 12 4-foot high antennas at the 55-foot level). Also proposed is one 6-foot high microwave dish antenna, 3 4-foot high omni antennas and one one-foot high GPS antenna which would be shared by the applicants. The 10-foot high equipment building will be shared by the applicants. The facility would be enclosed within a 6-foot high chain link fence, surrounded by oleander shrubs to provide landscape screening of the facility. The project site is the rest stop located on the east side of I-5, just north of Oceanside within the Camp Pendleton Marine Base.

The rest stop is located on the top of a low rolling hill which descends in elevation at both the south and immediate north ends. Within the rest stop, the facility would be located in an area that is removed from any pedestrian and vehicular activities and would be fenced and screened with additional landscaping.

The need for the facility in this region is necessitated by the company's conversion to digital service, requiring a need for additional area coverage

and service capacity relief. Current regional service is provided by existing facilities at the border check point near San Onofre and at the Benedictine Monastery located along the northern border of the City of Oceanside. The applicant states the co-located facility reduces the need for future facilities in the region.

According to the applicant, the existing facility at the border check point is a 40-foot high mast and service building. The facility is currently used by three providers and is unable to accommodate additional use. For that reason, Nextel Communications is requesting an additional cellular communication facility at the border check point (reference CDP #6-98-74 on the Commission's August 1998 agenda).

The proposed development, while located on the Camp Pendleton Marine Base within the unincorporated County of San Diego, is not subject to local discretionary permit review by the County because it occurs within Caltrans Right-of-Way. In addition, because there is no certified LCP for this area, the standard of review for this development is Chapter 3 policies of the Coastal Act.

2. Visual Impacts. 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 project site is visible from I-5 which is a major public access route and is designated in the certified San Diego County land use plan as a Scenic Corridor. According to the applicant, the project site was chosen as the preferred location to fill a gap in their communication network for the I-5 corridor in the Camp Pendleton area. While a similar facility is also currently proposed approximately 9 miles north of the project site along I-5 in the northern portion of Camp Pendleton, (ref. CDP Application #6-98-74), according to the applicant, both facilities are necessary to assure uninterrupted service along the I-5 corridor.

The proposed site has been selected as the preferred site after analyzing other locations. The first site examined was the rest stop located on the west side rest stop. Three potential locations were considered within the west side rest stop. The preferred location was at the southeast end of the rest stop amongst mature, pine trees. However, staff from Camp Pendleton and the Commission raised concerns relative to the potential for significant visual impacts within the I-5 coastal view corridor. In response to these concerns, the applicant explored the feasibility of two alternative locations (see exhibit #4 for alternative locations).

The first alternative site explored was the Coaster Maintenance Depot Station south of the I-5 rest stops. The maintenance depot station was examined to potentially avoid the need for a monopole through a facade mounted building co-location. The station was also tested to determine if the engineering objectives for this facility could be met. This location did not meet the coverage requirements for the area and did not allow the necessary link with the existing facility at San Onofre, which is a critical element of the proposed facility. Therefore, the maintenance depot location was determined not to be a feasible alternative.

The second alternative location was the subject site. The east side rest stop location presents significantly less potential for visual impacts given the far northeast corner placement within the rest stop, the presence of existing mature landscaping and the topography. These existing factors provide natural screening of the proposed facility and would provide for limited visibility from I-5.

The Commission finds that locating the proposed facility in the northeast corner of the east side rest stop and by the placing the facility amongst existing mature landscaping, aesthetic impacts on the coastal view corridor can be minimized. This alternative location has also met with a favorable initial response from Camp Pendleton and meets the engineering objectives of the applicants.

The proposed project would have limited visibility from the surrounding region given the presence of existing mature landscaping to the north, west and southwest across the rest stop. However, because the proposed 77-foot high monopole would still be visible from portions of I-5, and to reduce the contrast of the steel monopole with the adjacent natural hillsides, Special Condition #1 requires that the pole and equipment building be painted with earth tone colors. In this way, those portions of the facility visible from I-5 will better blend with the natural hillside behind it and therefore not pose a significant adverse visual impact as viewed from the scenic I-5 corridor.

Additionally, project plans indicate several existing, mature trees would be removed to accommodate the project and two 7-foot high retaining walls are proposed adjacent to the equipment building. These proposals could result in adverse visual impacts from the I-5 corridor. To address these concerns, the Commission finds that the installation of landscaping is appropriate. Special Condition #2 requires the submittal of a landscaping plan which provides a minimum of two (2) specimen size (minimum 24" box), fast-growing replacement trees which at maturity will reach substantial height and breadth. This condition also requires that the applicant maintain the landscape screening in the future. As conditioned, the Commission finds the proposed project consistent with Section 30251 of the Act.

While the facility, as conditioned, will not have significant adverse impacts on the visual quality of the area, the Commission is concerned that cumulatively, installation of the additional similar projects in the area could have adverse impacts on visual resources. As demand for these and other

similar facilities increase, it is likely that other such service providers will be interested in placing additional structures, antennas and equipment in this and other scenic areas. As such, Special Condition #3 has been attached.

Special Condition #3 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. 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, the Commission finds that potential visual impacts associated with the proposed development 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 subject site is located on Camp Pendleton, a federally-owned and operated military facility used by the United States Marine Corps. In this case, the project, while located on the Camp Pendleton Marine Base within the unincorporated County of San Diego, is not subject to local discretionary permit review by the County. In addition, the project is not subject to the Commission's Federal Consistency Review Process because the development occurs within a Caltrans Right-of-Way easement and is not proposed by a federal agency. Because there is no certified LCP for this area, the standard of review for this development is Chapter 3 policies of the Coastal Act. Based on the above discussion, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated.

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)(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 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 development 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 resources. The attached mitigation measures will minimize all adverse impacts to any coastal resources. 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 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.

(7160R)

LATA

6-97-160

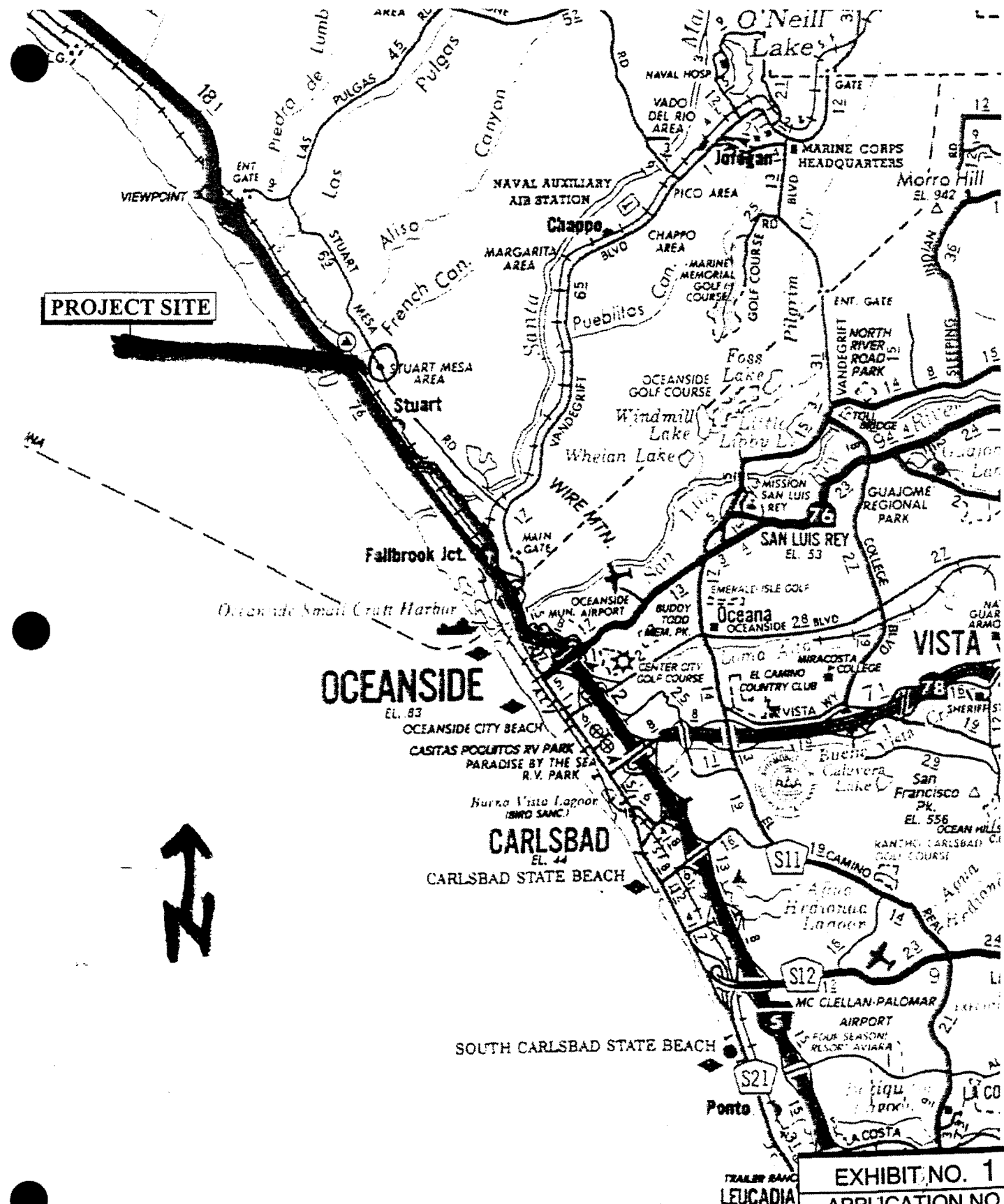


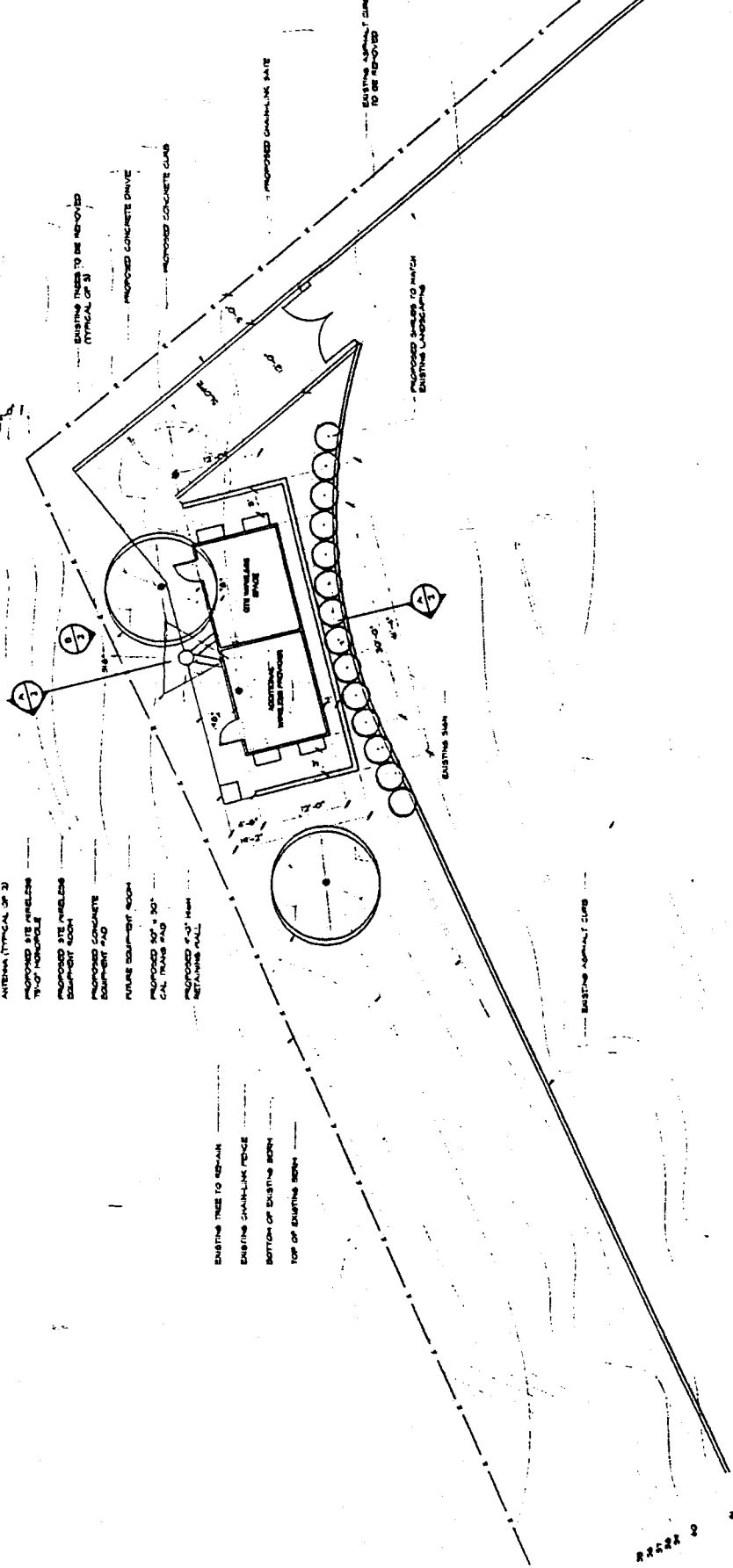
EXHIBIT NO. 1
APPLICATION NO.
6-97-160
Location Maps
California Coastal Commission

GTE Mobilnet - I-5 Rest Stop - Vicinity Map

6-97-16

EXISTING TREES TO REMAIN
 PROPOSED SITE AREA 500 SQ. FT.
 PROPOSED SITE AREA 100 SQ. FT.
 PROPOSED SITE AREA 200 SQ. FT.
 PROPOSED SITE AREA 300 SQ. FT.
 PROPOSED SITE AREA 400 SQ. FT.
 PROPOSED SITE AREA 500 SQ. FT.
 PROPOSED SITE AREA 600 SQ. FT.
 PROPOSED SITE AREA 700 SQ. FT.
 PROPOSED SITE AREA 800 SQ. FT.
 PROPOSED SITE AREA 900 SQ. FT.
 PROPOSED SITE AREA 1000 SQ. FT.

EXISTING TREES TO REMAIN
 EXISTING CHAIN-LINK FENCE
 BOTTOM OF EXISTING BORN
 TOP OF EXISTING BORN



ENLARGED SITE PLAN
 SCALE 1/8" = 1'-0"

EXHIBIT NO. 2
APPLICATION NO.
6-97-160
Site Plans
California Coastal Commission

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED 3'-0" HIGH
RETAINING WALL

PROPOSED CONCRETE PAD
DRIVE

PROPOSED CONCRETE PAD
EXISTING SHALING FENCE
LINE OF EXISTING SLOPE

WEST ELEVATION
SCALE 1/4" = 1'-0"

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
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PLATFORM (TYPICAL OF 3)

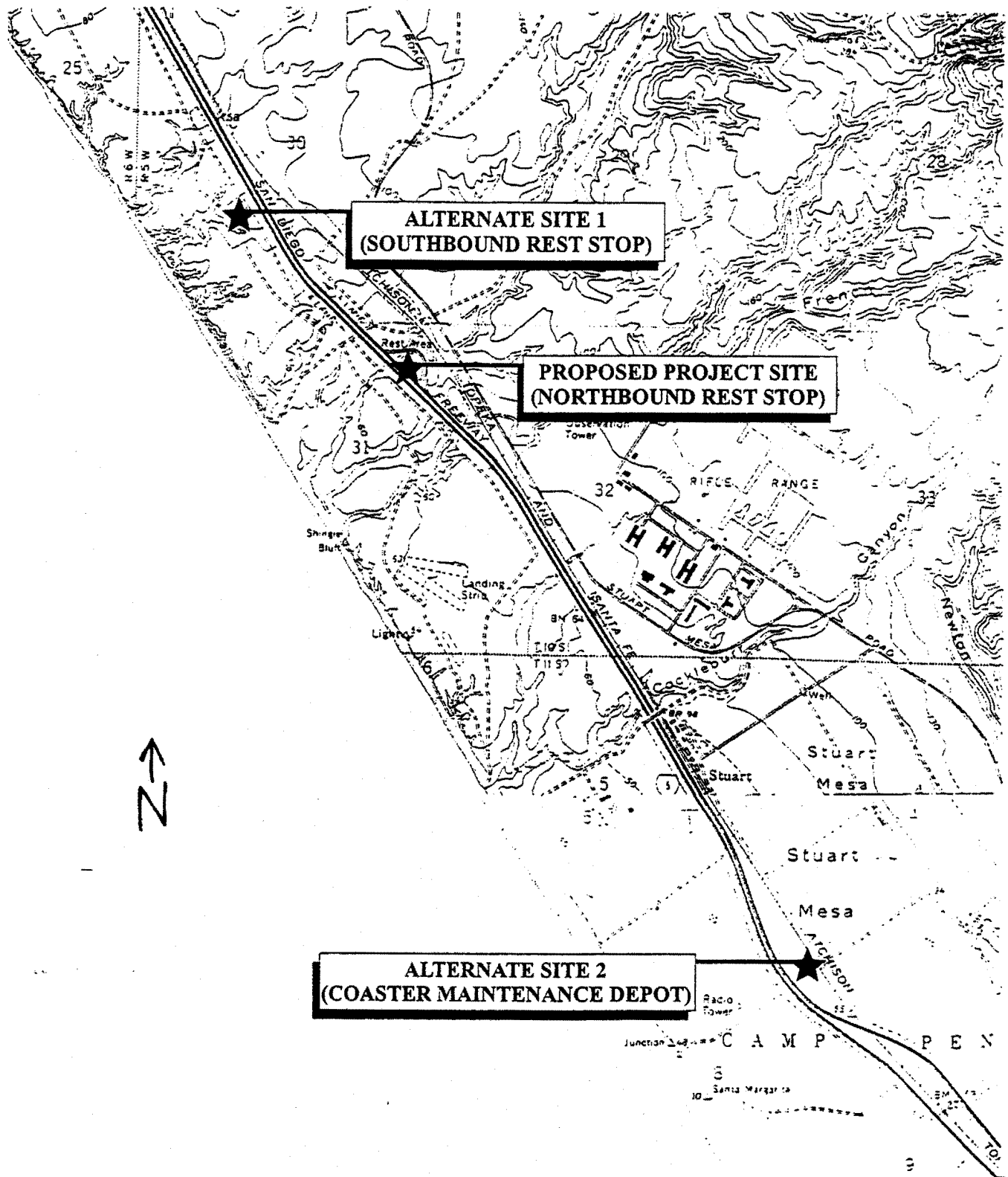
PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED SITE WIRELESS CHN
ANTENNA ATTACHED TO ANTENNA
PLATFORM (TYPICAL OF 3)

PROPOSED 3'-0" HIGH
RETAINING WALL
PROPOSED CONCRETE PAD
DRIVE

SECTION A
SCALE 1/4" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO.
6-97-160
Elevations



GTE Mobilnet - I-5 Rest Stop - Alternative Sites

EXHIBIT NO. 4
APPLICATION NO.
6-97-160
Alternative Sites