

CALIFORNIA COASTAL COMMISSION

1000 CENTRAL COAST AREA
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**RECORD PACKET COPY**

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Staff: MHC-V *for*
Staff Report: 02/25-99
Hearing Date: March 9, 1999

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 4-98-219**APPLICANT:** Remote Communications Systems**AGENT:** Carolyn Seitz**PROJECT LOCATION:** Castro Peak, Santa Monica Mountains, Los Angeles County**PROJECT DESCRIPTION:** One 170-ft, two 120-ft communication towers, and appurtenant facilities

Lot area: 20.18 acres.
Ht above fin grade: 170 feet

LOCAL APPROVALS RECEIVED: Los Angeles County CUP 96-054**SUBSTANTIVE FILE DOCUMENTS:** Application 4-98-219; Santa Monica Mountain/Malibu Land Use Plan; Coastal Development Permit 4-94-234 (GTE Mobilnet of S.B.); Coastal Development Permit 4-94-203-A (GTE Moilnet of S.B.); Coastal Development Permit 4-97-074 (RCSI).**STAFF NOTE**

Based upon the information submitted to the Commission with the subject application, it is the Commission's understanding that the various communications facilities proposed here will be used by the applicant to provide a wide range of communication services, including broadcasting, cellular phone transmissions, pager signal transmissions, and facsimile transmissions. Accordingly, the Commission's consideration of certain aspects of the proposed development is bound by the requirements of federal law. Under 47 United States Code Section 332©(7) (the Telecommunications Act of 1996), while state and local governments may regulate the placement, construction and modifications of person wireless services facilities to a certain extent, such governments may not unreasonably discriminate among providers of personal wireless services, and any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence. (47U.S.C. Section 332©(7)(B).) These provisions are similar to the requirements of California law, including the Coastal Act. The Telecommunications Act also prevents state and local governments from regulating the effects of radio frequency emissions to the extent that such facilities comply with the requirements of the Federal Communications Commission (CC) concerning such emissions. (47 U.S.C. Section 332(c)(7)(B) iv).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** 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.

III. Special Conditions

1. **Future Development Deed Restriction**
 - (a.) This permit is only for the development described in coastal development permit No. 4-98-219. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section

30610 (b) shall not apply to the communication facilities included in this permit. Accordingly, any future improvements to the permitted structure, shall require an amendment to Permit No. 4-98-219 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- (b.) Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Future Redesign of Telecommunications Facilities

Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement stating that where future technological advances would allow for reduced visual impacts resulting from the proposed communication facility, the applicant agrees to make those modifications which would reduce the visual impact of the proposed facilities. In addition, the applicant agrees that if in the future, the facility is no longer needed, the applicant agrees to abandon the facility and be responsible for the removal of all permanent structures, and restoration of the site consistent with the character of the surrounding area. Before performing any work in response to the requirements of this condition, the applicant shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit is necessary.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing the construction of a 120-foot transmission tower as part of an expansion of Phase I of a previously approved telecommunication facility (Coastal Development Permit 4-97-074). Additionally, the applicant proposes the development of two additional phases of the project site. Phase II consists of 4 prefabricated communications buildings (10 x 40 feet), a 170 foot tower, electrical generator, a 1000 gallon fuel tank, security building (10 X 35 feet), emergency lighting and a fencing. Phase III consists of a prefabricated communications building (10 X 40 feet), 120 foot tower, electrical generator, 1000 gallon fuel tank, emergency lighting, and a fencing. The expansion of Phase I and the addition of Phase II and III will not require any grading, and will be serviced via an existing road and driveway. (See Exhibits 1 through 4.)

The purpose of the proposed development is to provide a wide range of communication services, including broadcasting, cellular telephone transmissions, pager signal transmissions, and facsimile transmissions.

The subject site is located on a 20.18 acre foot lot on the Castro Peak ridgeline within the unincorporated area of Malibu (Exhibit 1-2). Access to the site is by Castro Peak Motorway, an unpaved fire road with access from Latigo Canyon Road. The Phase I site is currently developed with a series of temporary antennas and three storage vaults which were previously approved by the Commission in past permit action.

B. Visual Resources and Landform Alteration

Section 30251 of the Coastal Act states that:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected. To assist in the determination of whether a project is consistent with Section 30251 of the Coastal Act, the Commission has, in past coastal development permit actions, looked to the Malibu/ Santa Monica Mountains LUP for guidance. The Malibu/ Santa Monica Mountains LUP has been found to be consistent with the Coastal Act and provides specific standards for development within the Santa Monica Mountains. The following LUP policies pertain to the proposed project:

Policy 125 *New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.*

Policy 129 *Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*

Policy 130 *In highly scenic areas and along scenic highways, new development shall:*

- ◆ *Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.*
- ◆ *Minimize the alteration of natural landforms.*
- ◆ *Be landscaped to conceal raw-cut slopes.*
- ◆ *Be visually compatible with and subordinate to the character of its setting.*
- ◆ *Be sited so as not to significantly intrude into the skyline as seen from public viewing places.*

Policy 131 *Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.*

The proposed project includes the construction of a 170 foot high and two 120 foot high open lattice steel communications towers, the installation five prefabricated buildings under 10 feet high, a miscellaneous appurtenant facilities (generators, fuel tanks, and lighting and fencing). The construction of the tower will not increase the amount of paved surfaces and does not include any grading; however, it does have the potential to create adverse visual effects. The subject site is located on Castro Peak, which the LUP designates as a "significant ridgeline." Significant ridgelines constitute a scenic resource of the Coastal Zone due to their visibility from many vantage points including Highway 101. Castro Peak is one of the highest and most prominent peaks in the Santa Monica Mountains. The peak's high elevation and geographic location provides for an ideal radio communications site.

The site currently has one 35-foot high temporary wooden tower approved by the Commission in Coastal Development Permit 4-97-074, that provides antenna space for several Federal agencies as well as privately owned pager companies (See Exhibit 3). The property owned by Darrel Bevan located to the east of the subject site contains a cellular service site operated by Pac Tell Cellular approved by the Commission per Coastal Development Permit 4-94-016. This property also has two large towers with several antenna dishes attached, several amateur radio sites attached to the top of telephone poles, and several equipment structures. Some of the existing development on Bevan's parcel was constructed without the benefit of a coastal development permit and is currently being investigated by the Commission's Enforcement unit. A portion of the area on Castro Peak is owned by the County of Los Angeles and is currently developed with a 120-foot tall orange and white striped steel lattice communications tower and 80 foot

The proposed 170-foot and two 120-foot steel communications tower will be sited immediately north of the existing County of Los Angeles facilities located on the ridgeline of the mountaintop. The existing towers owned and operated by the County of Los Angeles are painted white and orange as a precautionary safety measure for aviation. The Commission recently granted a Coastal Development Permit (4-98-074) to the County of Los Angeles for an additional 80-foot communication tower immediately south of the site, which is the subject of this application. The new towers will be visible from Highway 101 and Highway 1, a designated scenic highway, as well as several hiking trails and scenic areas within the Santa Monica Mountains.

There is another pending coastal development permit application that has been received by the Commission Darrel Bevan. Bevan, the owner of APN 4464-022-005, is proposing to relocate an existing unpermitted 60-foot tower from National Parks Service Land and increase the height to 120 feet. Therefore, the cumulative visual impact from these towers is of concern.

The tower location clusters development on the ridgeline in order to minimize the adverse visual effects seen from public places. The proposed towers will not result in any additional significant adverse visual impacts as seen from public viewing points or scenic highways in the area. Therefore, the Commission finds that the proposed tower is consistent with the existing permitted development located on Castro Peak due to its proposed height and location.

However, to ensure that any additional microwave dishes or antennas added to the proposed tower will not significantly increase the height of the tower and create adverse visual impacts the Commission finds that proposed project can only be approved attached with Special Condition One (1). Special Condition One (1) requires that any modification

to the approved coastal development permit including additions or improvements to the structures will require a coastal development permit or amendment.

Further, in the future, the communications equipment on site may become obsolete based on advanced technology. Should this occur, there would not be any need for the proposed development. Although the individual effect of this development is not significant, the cumulative effect of additional towers and structures on this ridgeline, as technology progresses, can create adverse visual impacts. Therefore, in the event that future technological advances allow for a reduced visual impact, the Commission finds it necessary to require the applicant to agree to make those modifications which would reduce the visual impact of the proposed facility. Likewise, if in the future, the facility is no longer needed, the applicant shall agree to abandon the facility and be responsible for the removal of all permanent structures, and restoration of the site as outlined in Special Condition Two (2).

The Commission finds the proposed 170-foot and two 120-foot towers in the proposed location as specifically designed here are consistent with Section 30251 of the Coastal Act. The Commission notes that other towers in alternative locations, with different designs and in different heights might not be consistent with the Coastal Act policies. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Geological and Natural Hazards

Section 30253 of the Coastal Act states in part that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Section 30253 of the Coastal Act requires that new development minimizes risk to life and property in areas of high geologic, flood and fire hazard, and assures stability and structural integrity.

Section 30253 of the Coastal Act requires that new development minimizes risk to life and property in areas of high geologic, flood and fire hazard, and assures stability and structural integrity. The applicant is proposing the construction of one 170-foot and two 120-foot high open lattice steel communications towers, the installation five prefabricated buildings, and appurtenant facilities. Previous geological investigations of the Castro Peak site have indicated that the soil and rock conditions at the site are suitable for drilled cast-in-pile type foundations which have been used for existing, previously approved, and currently proposed open lattice communications towers.

Therefore, the Commission finds that the proposed development as proposed, is consistent with Section 30253 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, 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 effects which the activity would have on the environment.

The proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is consistent with CEQA and the policies of the Coastal Act.

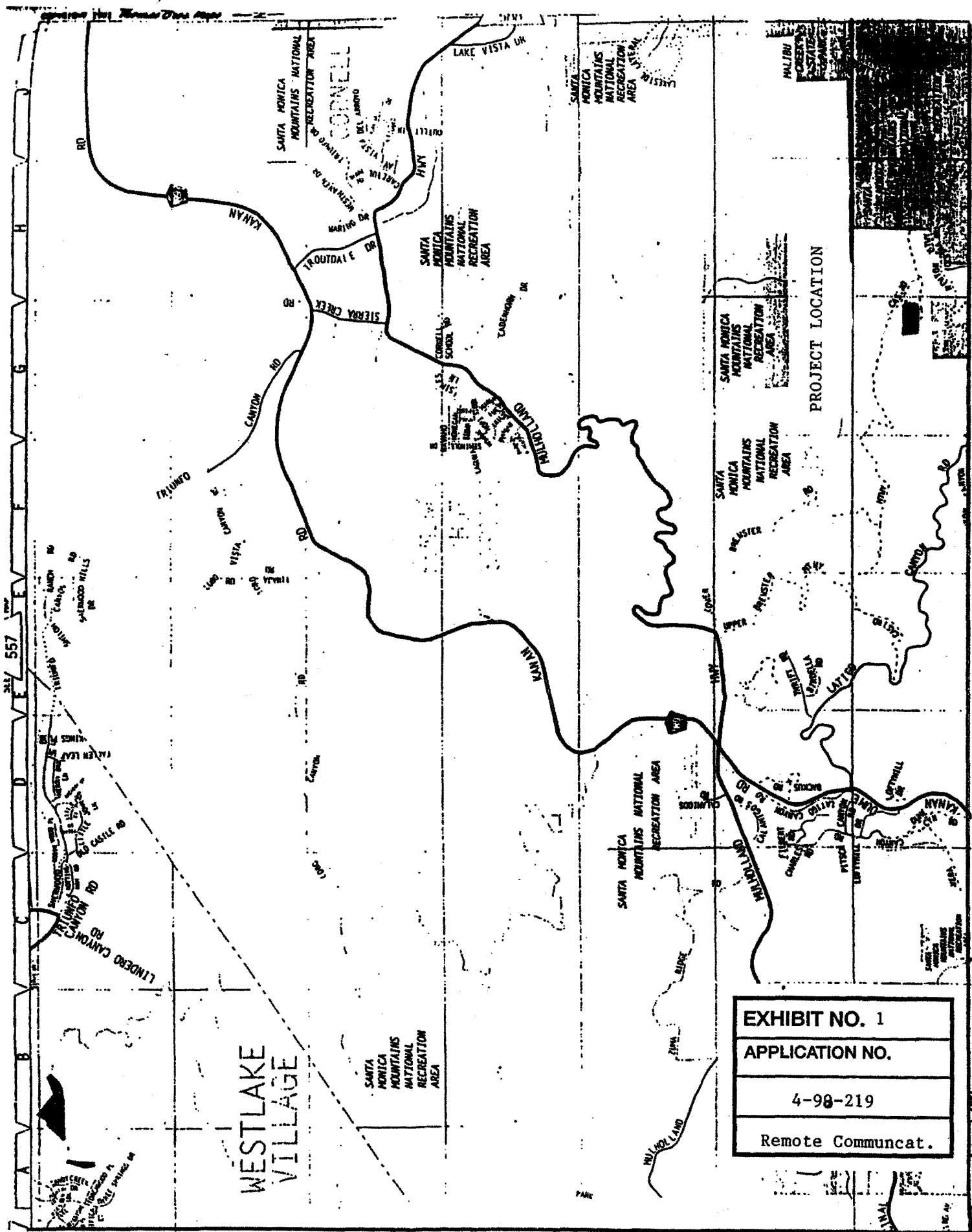
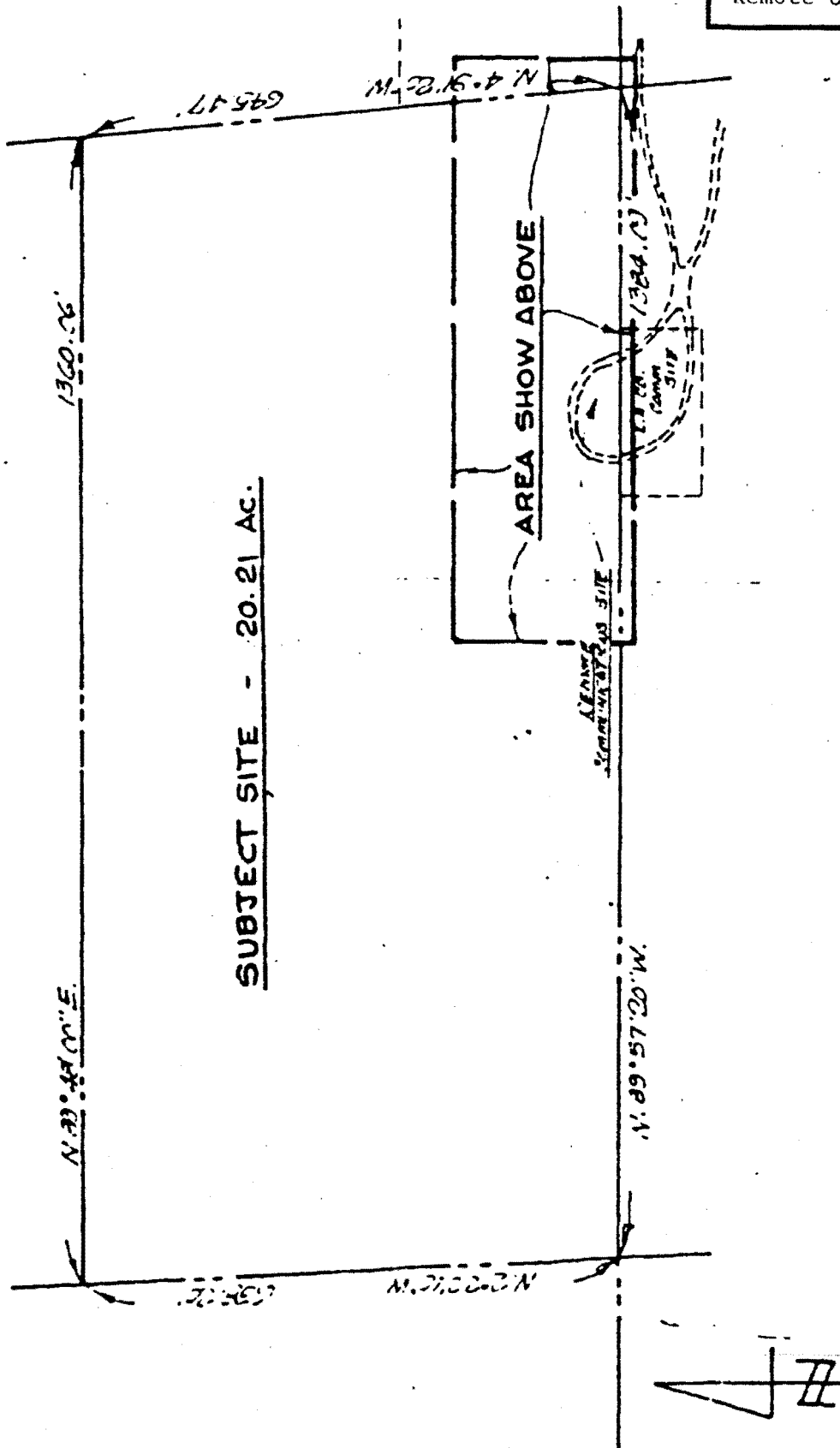


EXHIBIT NO. 1
APPLICATION NO.
4-98-219
Remote Communicat.

PROJECT LOCATION

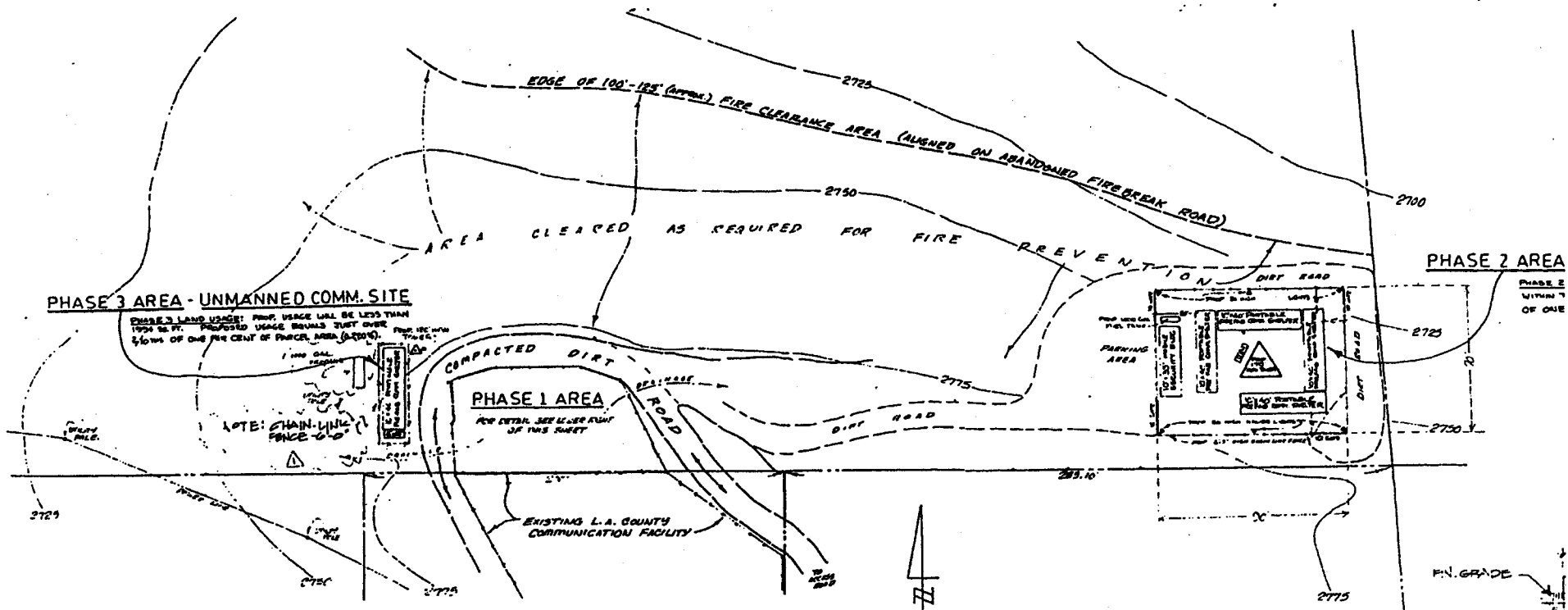
LOCATION MAP

SCALE: 1" = 200'



SUBJECT SITE - 20.21 AC.

EXHIBIT NO. 2
APPLICATION NO.
4-98-219
Remote Communicat.

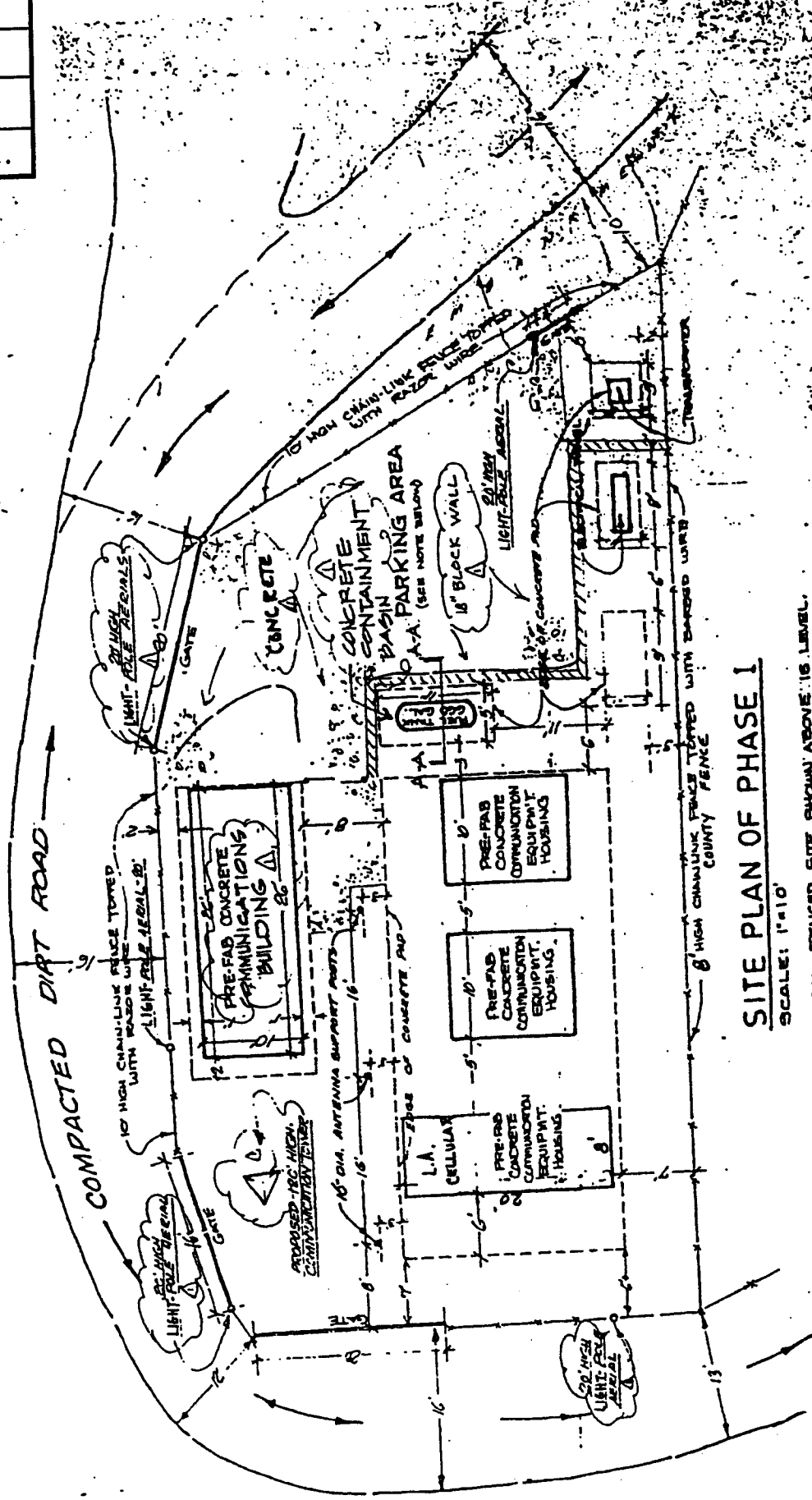


SITE PLAN: AREA OF CASTRO PEAK FACILITY
 SCALE: 1" = 30'

EXHIBIT NO. 3
APPLICATION NO. 4-98-2191
Remote Communicat.

EXHIBIT NO. 4
APPLICATION NO.
4-98-219
Remote Communicat.

SECTION A-A
SCALE: 1/2" = 1'-0"



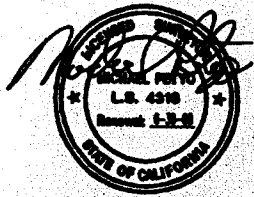
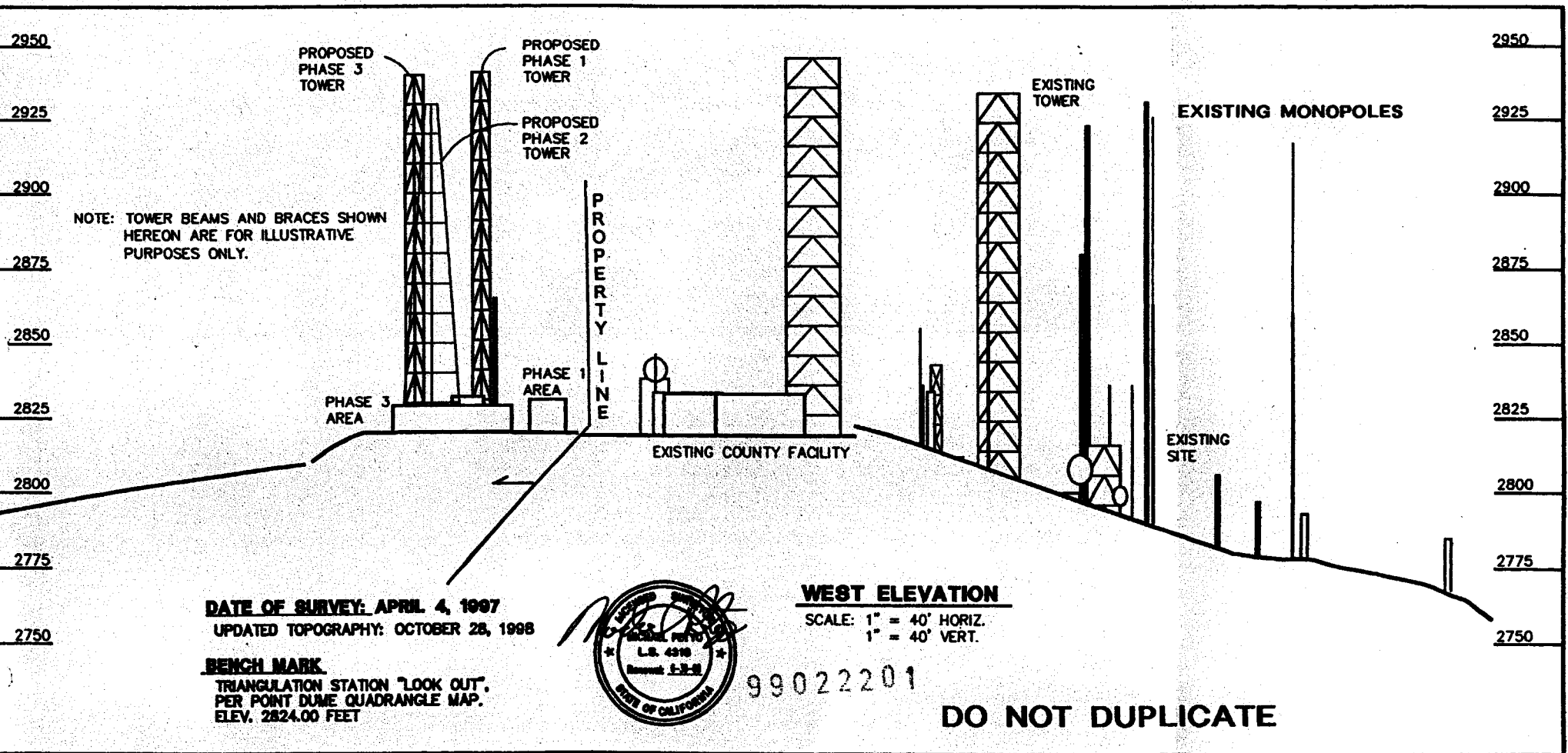
SITE PLAN OF PHASE I
SCALE: 1" = 10'

NOTE: FENCED SITE SHOWN ABOVE 16 LEVEL.
LEVEL PARKING AREA 16' 10" BELOW LEVEL.
BUILDING AREA AS SAFETY PRECAUTION.

PHASE I LAND USAGE: EXIST. USAGE IS LESS THAN
50% 50' FT. WHICH IS JUST IN EXCESS OF 9/10ths
ONE PERCENT OF PARCEL AREA (0.248 %).

APN 4464-022-013

EXHIBIT NO.	5
APPLICATION NO.	4-98-219
Remote Communicat.	



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PROFILE VIEWS
TOWERS, ANTENNAS & FACILITIES
CASTRO PEAK
SANTA MONICA MT. CALIFORNIA

SHEET
1
OF 4 SHEETS
DRAWN: 2/16/99
BY: B.J.G.
CHECKED: M.P.

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NOTE: TOWER BEAMS AND BRACES SHOWN
HEREON ARE FOR ILLUSTRATIVE
PURPOSES ONLY.

EXISTING MONOPOLES

EXISTING
TOWER

PROPOSED
PHASE 1
TOWER

PROPOSED
PHASE 3
TOWER

PROPOSED
PHASE 2
TOWER

PROPERTY
LINE

PHASE 1
AREA

PHASE II AREA

EXISTING COUNTY FACILITY

EXISTING
SITE

EXISTING
SITE

99022201

EAST ELEVATION

SCALE: 1" = 40' HORIZ.
1" = 40' VERT.

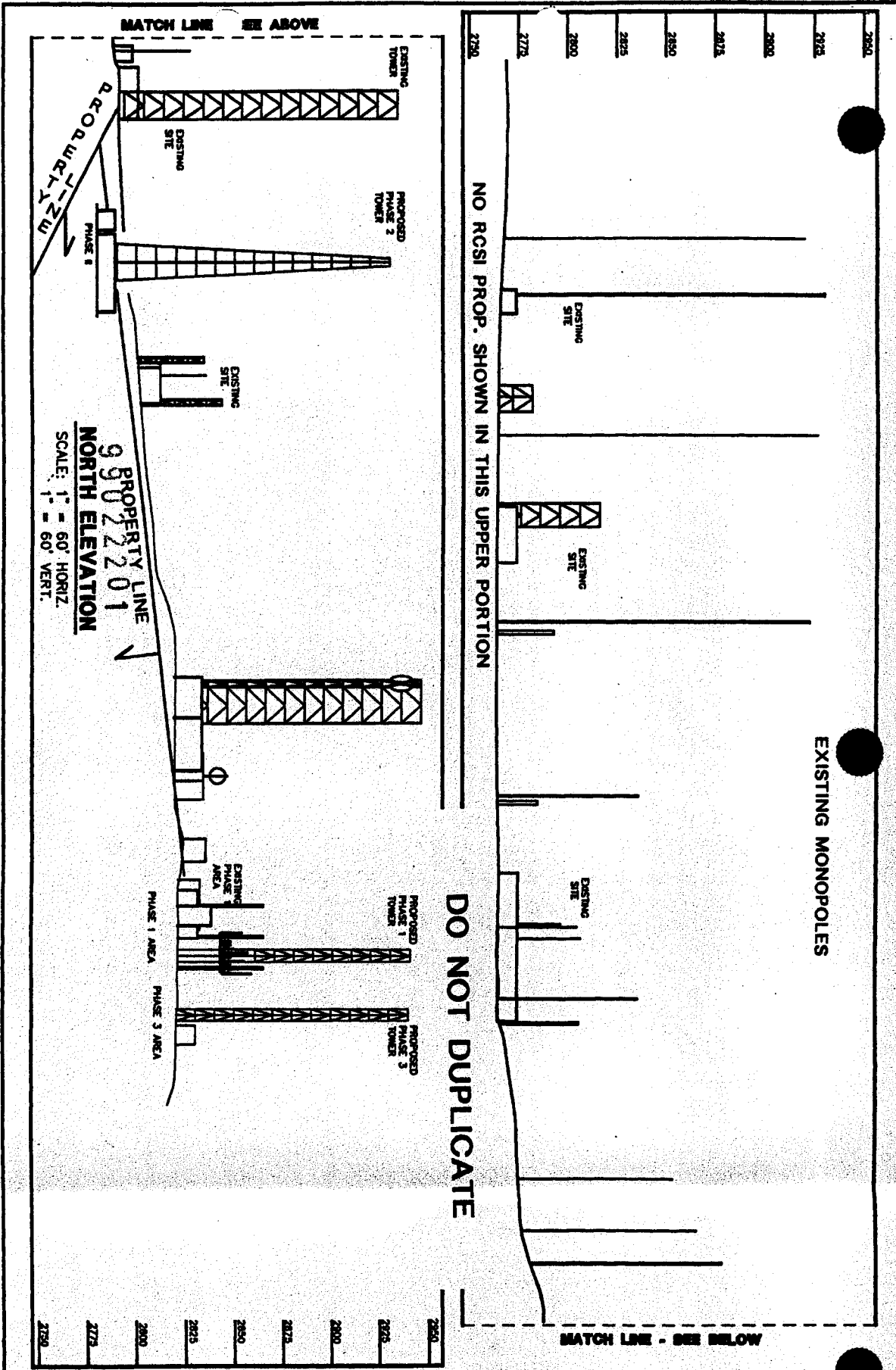
DO NOT DUPLICATE

PROFILE VIEWS
TOWERS, ANTENNAS & FACILITIES
CASTRO PEAK
SANTA MONICA MT., CALIFORNIA

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OF 4 SHEETS
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BY: B.J.G.
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EXHIBIT NO. 6
APPLICATION NO.
4-98-219
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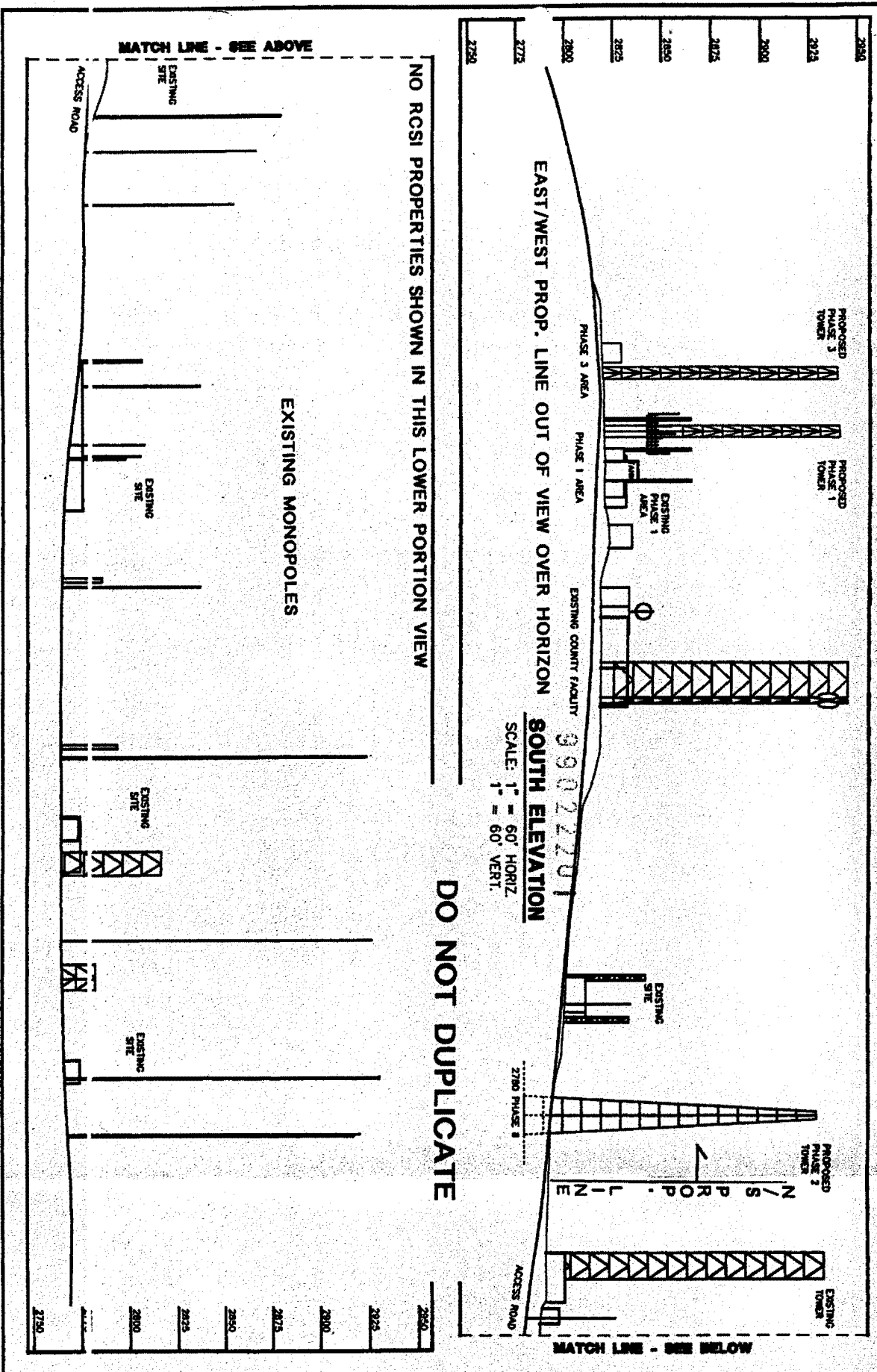
EXHIBIT NO. 7
APPLICATION NO. 4-98-219
Remote Communicat.



**PROFILE VIEWS
TOWERS, ANTENNAS & FACILITIES
CASTRO PEAK
SANTA MONICA MT., CALIFORNIA**

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OF 4 SHEETS
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BY: B.J.G.
CHECKED: M.P.

EXHIBIT NO.	8
APPLICATION NO.	4-98-219
Remote Communicat.	



**PROFILE VIEWS
TOWERS, ANTENNAS & FACILITIES
CASTRO PEAK
SANTA MONICA MT. CALIFORNIA**

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