

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-145 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Exterior Treatment/Landscape 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 that shall be in substantial conformance with the project plans submitted, on behalf of the applicant, by Mitchell J. Architecture, dated 7/21/00, but with the additions noted below. The plans shall first be approved by the City of Solana Beach.

- a. The proposed equipment shelter and all of its associated components will be painted dark green or brown.

- b. A minimum of two 48-inch box size palm trees shall be planted on the site in such a manner as to screen views of the site from Lomas Santa Fe Drive and Highland Drive and to blend the artificial palm tree into the existing on-site vegetation.

The permittee shall undertake the 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. Co-Location of Future Antennae. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall agree in writing to cooperate with other communication companies in co-locating additional antennae and/or equipment on the project site in the future, providing such shared use does not impair the operation of the approved facility. Upon the Commission's request, the permittee shall provide an independently prepared technical analysis to substantiate the existence of any practical technical prohibitions against the operation of a co-use facility.

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 telecommunication facility, the applicant agrees to make those modifications which would reduce the visual impact of the proposed facility. 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 vegetation. 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 finds and declares as follows:

1. Project Description. The subject proposal involves the construction of a wireless communication facility consisting of a 55-foot high simulated palm tree with three directional antennas mounted on the "trunk" portion of the "tree." An approximately 200 sq.ft. structure near the base of the simulated palm tree would be used to house related communications equipment in a building resembling a maintenance shed.

The antenna system will be located on the northwest corner of Highland Drive and Lomas Santa Fe Drive in the City of Solana Beach. The project site currently consists of landscaped open space associated with an existing golf course. In a recent action (Coastal Development Permit #6-00-26), the Commission permitted the installation of another telecommunications facility, this one a 55-foot-high monopole and fenced

equipment area. The applicant for that project was required to plant six 48-inch box trees and additional shrubbery around the proposed facility, so the general site is already somewhat screened. The current applicant proposes to plant two real palm trees near the proposed simulated palm tree to help it blend into the existing landscape.

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and therefore, the Chapter 3 policies of the Coastal Act are the standard of review. The previously certified County of San Diego LCP is used for guidance in Solana Beach.

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 Lomas Santa Fe Drive, a major coastal access route, near the intersection of Lomas Santa Fe with Highland Drive, another major traffic corridor in the community. As such, installation of a wireless communication facility could result in adverse visual impacts as viewed from these scenic corridors.

The applicant has submitted documentation indicating that a series of project alternatives were considered. The goal of the proposed project is to provide wireless coverage along El Camino Real, Linea del Cielo and Lomas Santa Fe Drive and to expand coverage into the Lomas Santa Fe Golf Course as well. Signal tests have indicated the proposed location to be ideal, although potential sites on private property, at a nearby street corner and on an adjacent golf course were also investigated. These potential sites were dropped from consideration, because of adverse visual impacts and because the signal coverage would not be as good. Furthermore, the applicant has provided information that co-location on the existing telecommunication monopole is not possible. The City of Solana Beach has adopted a policy that such facilities be screened, hidden or disguised in some fashion, rather than displaying such a stark and utilitarian design as a steel monopole. Thus, adding additional antennas to the existing monopole would be inconsistent with City directives.

In this particular case, the proposed telecommunication devices will be disguised as a simulated palm tree. The project site is currently landscaped with mature eucalyptus trees, some of which are near or above 55 feet in height, and the proposed simulated palm is expected to blend in with the surrounding vegetation. Planting two real palms near the simulated tree will also aid the "blending in" process. None of the existing trees will be removed in association with the proposed development. The enclosed equipment area is designed to resemble a small shed or out-building, such as is typical for the storage of landscaping tools and equipment at golf courses. Special Condition #1 requires that the

applicant implement the final plans consistent with the proposed landscaping and color the equipment building in dark earthtones.

The proposed facility, as conditioned, is in some ways an ideal location for this type of facility, given the natural screening already in place and the fact that no public view blockage will occur (no ocean views exist); it certainly appears preferable to the nearest alternative open area, which is San Dieguito County Park. As demand for wireless communication facilities increases, it is likely that other service providers will be interested in placing additional structures, antennae and equipment in the project area, and the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources. As such, Special Conditions #2 and #3 have been attached. Special Condition #2 requires that the applicant submit a written statement agreeing to cooperate with other communication facilities in co-locating additional antenna on the proposed development, unless the applicant can demonstrate a substantial technical conflict to doing so. In this particular case, the applicant has stated in a letter dated October 18, 2000 that the simulated palm tree can support another carrier's antennas.

Special Condition #3 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 the proliferation of these types of facilities can be limited to appropriate locations, and that the area 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 subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area; however, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

As discussed above, existing and proposed landscaping as well as other proposed design features will significantly screen the facility from views from surrounding public views, and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

4. Consistency with the California Environmental Quality Act (CEQA).

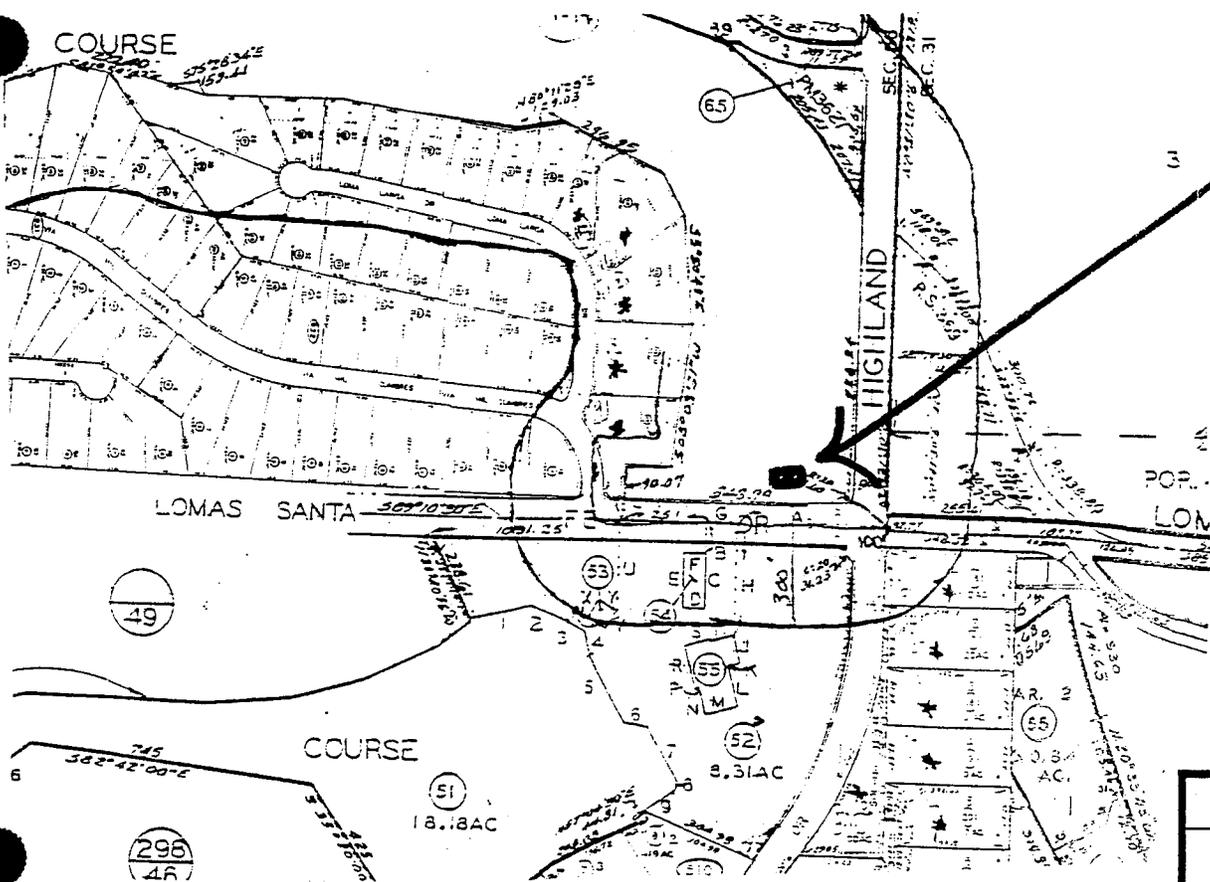
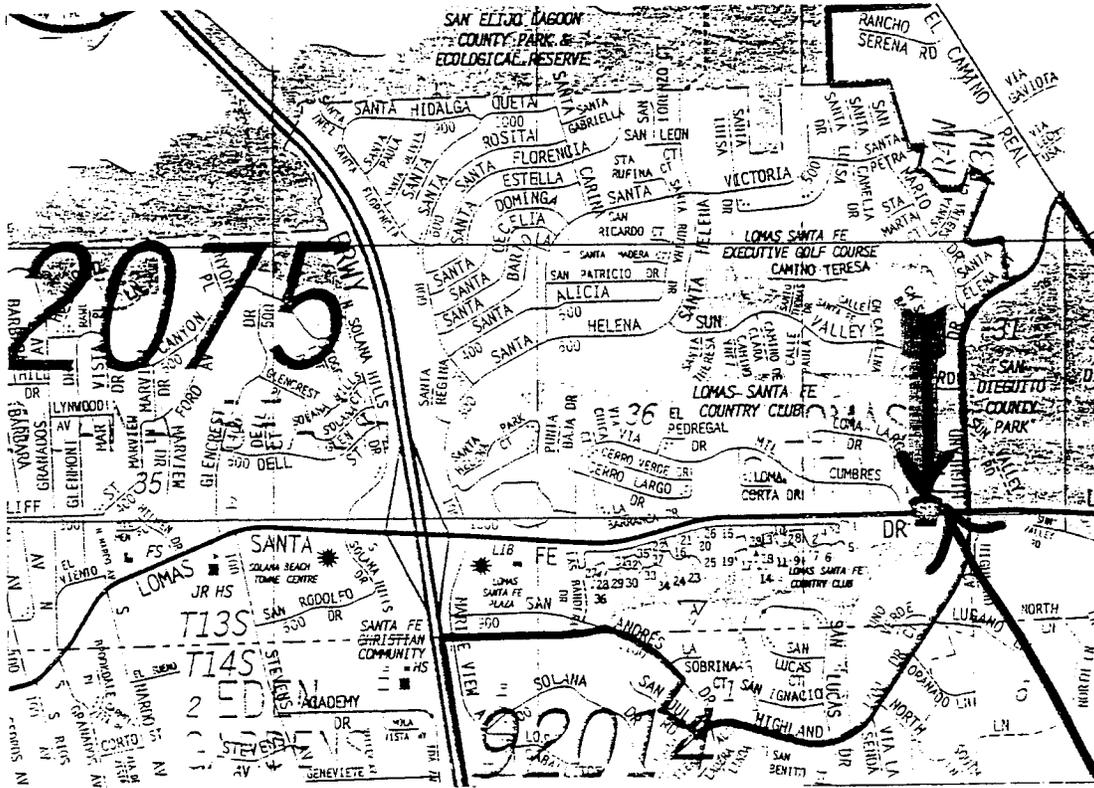
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 proposed project has been conditioned in order to be found consistent with the visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and the color of construction materials, 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 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 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

6-00-145



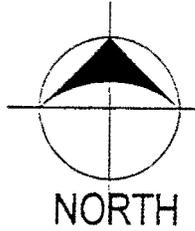
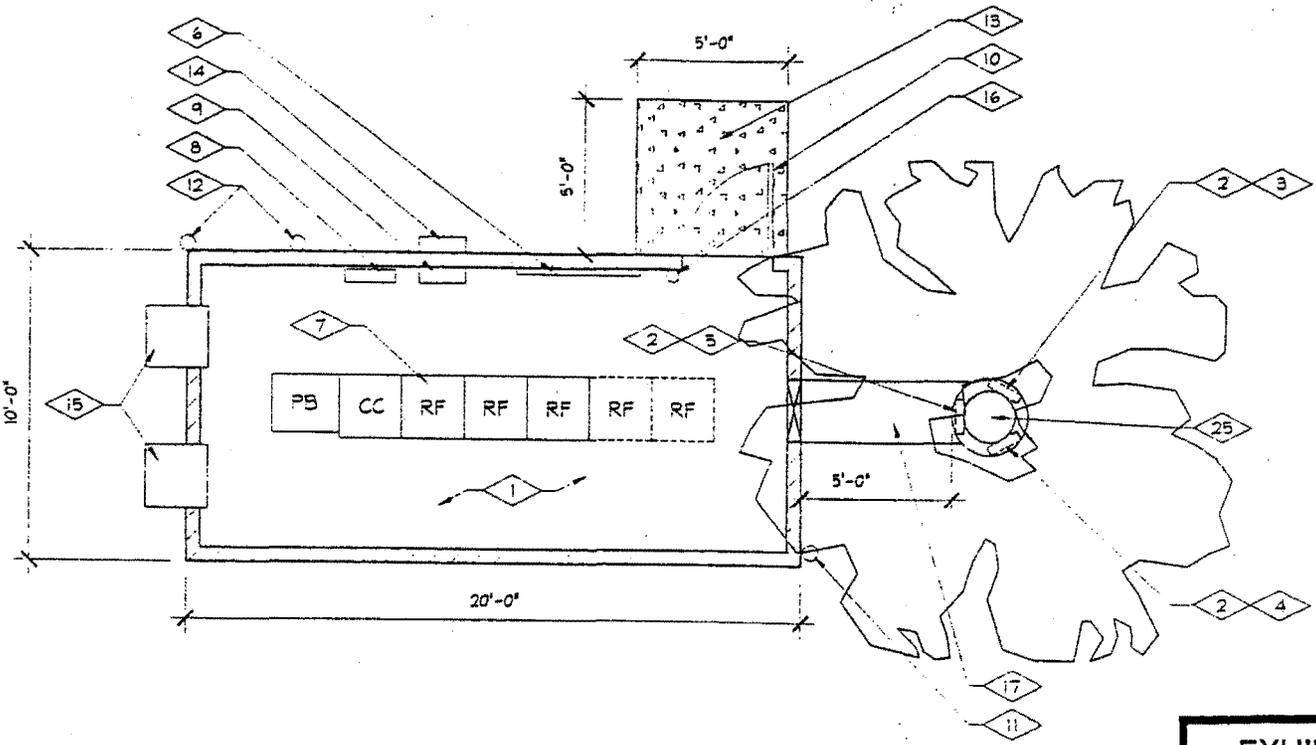
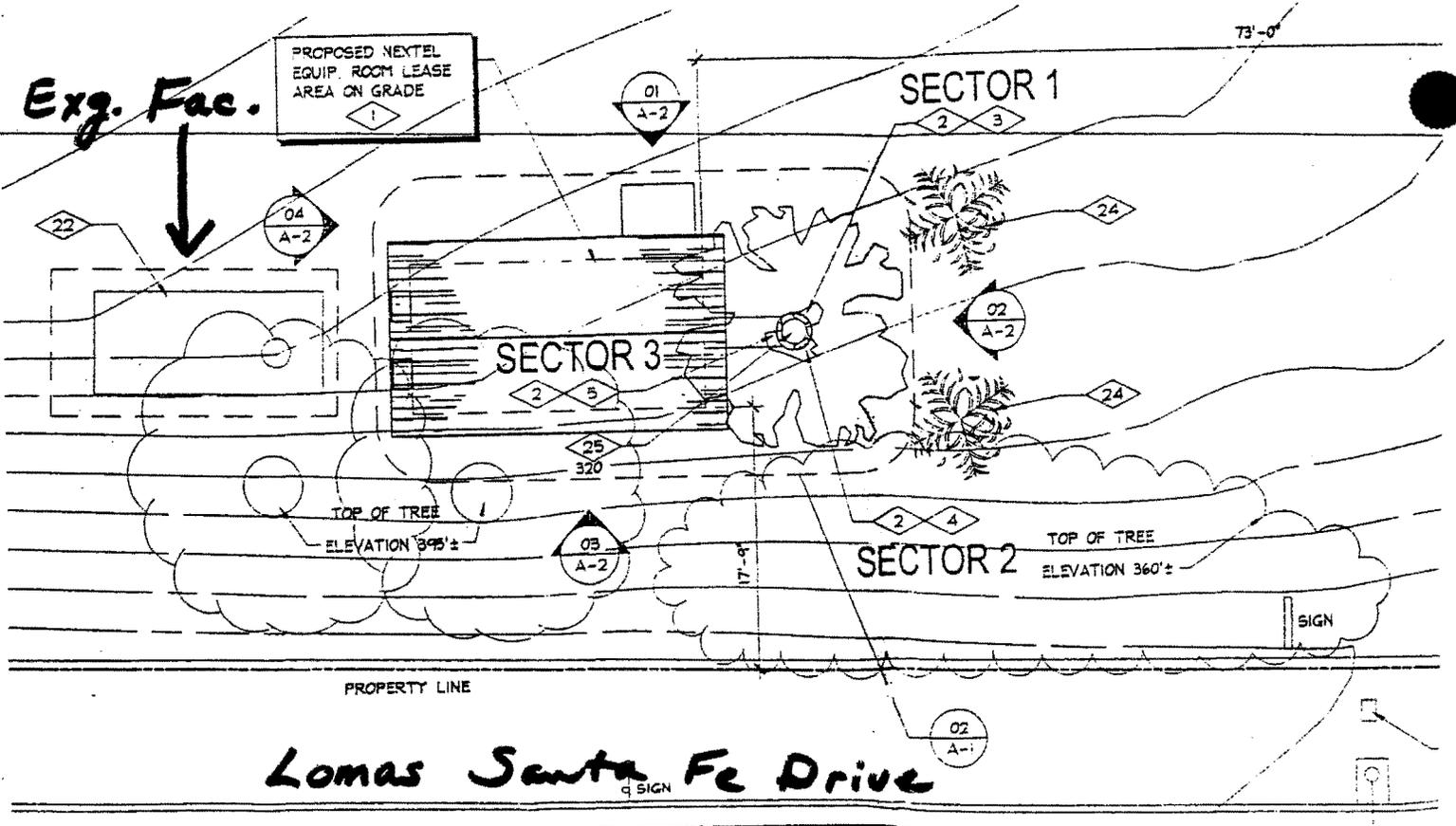
Site

EXHIBIT NO. 1
 APPLICATION NO.
6-00-145
Vicinity Maps
 California Coastal Commission

6-00-145

Exg. Fac.

PROPOSED NEXTEL
EQUIP. ROOM LEASE
AREA ON GRADE



02 **EQUIPMENT SHELTER PLAN**
SCALE: 1/4" = 1'-0"

EXHIBIT NO. 2
APPLICATION NO. 6-00-145
Site and Floor Plan
California Coastal Commission

6-00-145

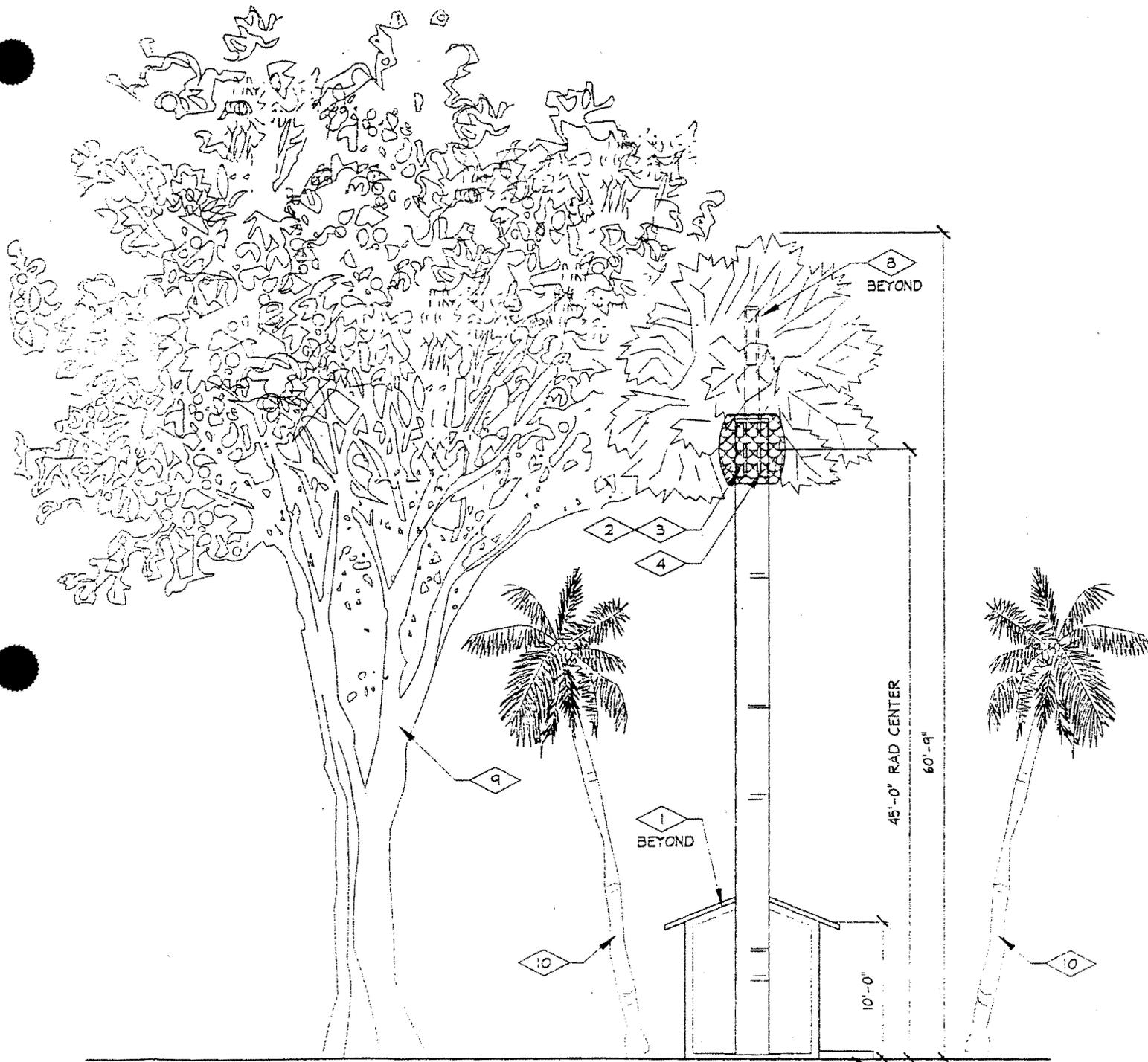


EXHIBIT NO. 3
APPLICATION NO.
6-00-145
East
Elevation
California Coastal Commission

6-00-145

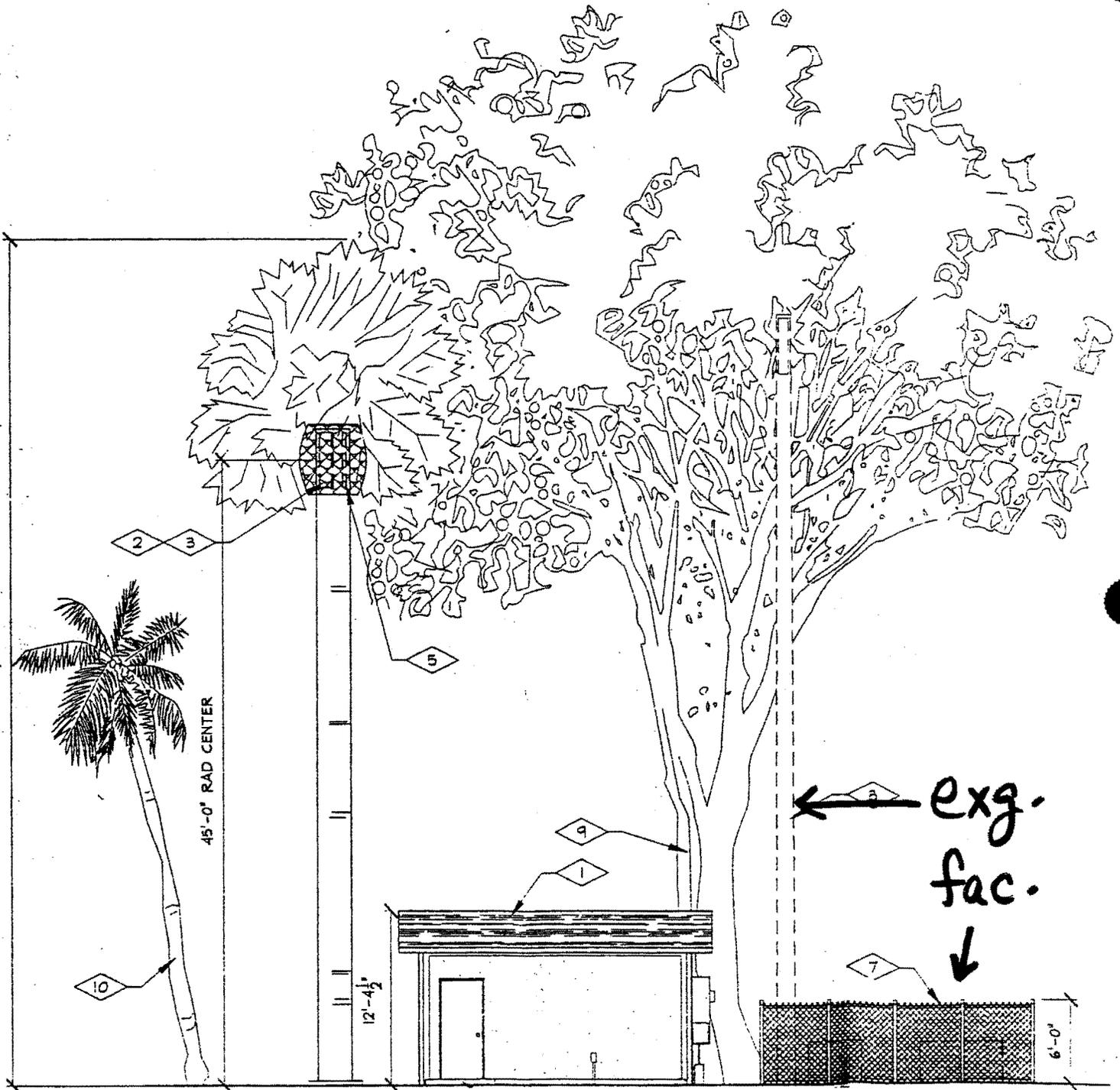


EXHIBIT NO. 4
APPLICATION NO.
6-00-145
North
Elevation
California Coastal Commission