

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

**Tue 10a**

Filed: 6/8/00  
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Staff: LRO-SD  
Staff Report: 6/21/00  
Hearing Date: 7/11-14/00

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-127

Applicant: Air Touch Cellular

Agent: JM Consulting Group,  
Ted Marioncelli

Description: Installation of a new wireless communications facility including a 39 ft. high monopole with eight 3 ft. wide by 4 ft. high panel antennas and one 24-inch dish antenna, a 240 sq.ft. equipment building and installation of perimeter fencing on an approximately 680 sq.ft. site.

Site: South of Las Flores Gaging Station, about one mile southeast of I-5 and Las Pulgas Road, off of Stuart Mesa Road, Camp Pendleton, San Diego County. APN 101-520-14

Substantive File Documents: Certified San Diego County Local Coastal Program (LCP);  
CCC CDP's: #6-00-26; 6-97-160; 6-97-6

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed communications facility. The proposed facility will be located on the east side of I-5 in the Camp Pendleton area. The applicant has provided a detailed alternatives analysis and provided documentation which indicates that the subject facility cannot be co-located with other facilities in the area and must be sited as proposed to achieve the needed coverage. While the development will not result in any direct public view blockage towards the coast, it does raise concerns relative to protection of scenic resources. To address these concerns, the applicant has proposed that the monopole and equipment be painted/colored such that it will better blend with the surrounding natural environment. Special Conditions require the applicant to agree to co-locate any future antennae at the project site if technologically feasible, 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 impacts associated with the proposed

development will be reduced to maximum extent feasible. No opposition to the project has been identified, and the applicant has agreed to the special conditions.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-99-127 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. Exterior Treatment. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final plans that are in substantial conformance with the project plans by Smith Consulting Architects dated 5/23/00 that includes the following:

- a. The proposed monopole, its associated components and proposed equipment building shall be painted an earth tone color, and the proposed perimeter fence

surrounding the equipment building shall be comprised of brown or earth tone vinyl screening slats.

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 submit for review and written approval of the Executive Director, a written agreement 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 submit for review and written approval of the Executive Director, a written agreement 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. Detailed Project Description. The subject proposal involves the construction of a wireless communication facility consisting of a 39 ft. high, 2 ½ ft. wide monopole tower, a one-story, 11-ft. high, 240 sq.ft. equipment building and installation of perimeter fencing (chain link). Eight directional cellular antennas and one dish antenna are proposed to be mounted on the tower. The panel antennas are approximately 3-ft. wide by 4 ft. tall and are proposed to be mounted in two rows of four panels with half of them facing north and the other half facing south. The panel antennas will be mounted on the top ten feet of the monopole. A screen-cover (i.e., called "radome") will be installed over the panel antennas. The dish antenna is approximately 24-inches in diameter and is proposed to be mounted approximately 25 ft. above grade.

The project site is located south of Las Pulgas Road, just east of Interstate 5 and an existing railroad right-of-way on the Camp Pendleton Marine Base in north San Diego County. The proposed monopole and equipment building will be installed on the top of a hill/embankment that lies just east of the railroad right-of-way. Only minimal grading is necessary for the proposed development consisting of 23 cy. of balanced cut and fill as the site is relatively flat. The site is already disturbed and no impacts to native vegetation is proposed. The equipment building and monopole are proposed to be located within an existing dirt road that is proposed to be abandoned. Access to the facility will be from Stuart Mesa Road, an existing dirt road.

The subject site is located on Camp Pendleton, a federally-owned and operated military facility used by the United States Marine Corps. Because there is no certified LCP for this area, the standard of review for this development is the Chapter 3 policies of the Coastal Act.

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 just east of Interstate 5, which is a major north/south coastal access route and scenic corridor. While the proposed development will not involve direct public view blockage of the coast, it will be visible from I-5. As such, installation of the proposed wireless communication facility could have adverse impacts on this scenic corridor. This area is part of the Camp Pendleton U.S. Marine Corps base and contains no development and is basically devoid of large vegetation and trees. There are a few bushes scattered about, but the area is mostly barren. The terrain consists of rolling hills where the U.S. Marine Corps practice military maneuvers, etc. While traveling north or south on the I-5, views of the ocean can be seen in the distance looking west.

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 result in a proliferation of such structures which could have adverse impacts on visual resources. To address this concern, the applicant has submitted written information regarding the project alternatives that were considered. The goal of the proposed project is to improve the signal quality of wireless coverage along Interstate 5. Although there are existing wireless communication facilities located to the south at the highway rest stop in north Oceanside and to the north at the San Onofre border checkpoint, another facility is required in this area along I-5. The applicant has provided documentation which indicates that the existing facilities do

not adequately cover this vicinity and this segment of I-5 dips in elevation below mesas which causes problems with the signal. Thus, the proposed facility is necessary at the site proposed.

In response to Commission staff's request to analyze the possibility of combining the facility with other facilities located further north or south, the applicant replied that the other facilities do not adequately cover this part of I-5 and that it is not feasible to increase the size of the other facilities to gain coverage because of intervening terrain and distance between facilities. The applicant also considered alternative sites along I-5; however, all sites along this freeway posed the same visibility issues. The applicant further considered reducing the height of the antennas; however, it was determined that this would not substantially reduce visibility. All areas next to the freeway would be visible due to the nature of the terrain and lack of development. In fact, the effectiveness of the facility would be reduced due to the reduced coverage that would result from a lower antenna height which is not acceptable to the applicant.

The applicant has also considered the alternative of locating the proposed facility at the Aliso Creek Rest Stop on Camp Pendleton. However, the applicant has indicated that the rest stop is within a right-of-way easement controlled by Caltrans. Both the GTE and Nextel carriers negotiated a lease with both Caltrans (for the right of way easement) and Camp Pendleton (Dept. of the Navy), as the underlying landowner at this site. However, before the lease negotiations were finalized, the military interests determined that the Caltrans easement did not give Caltrans the right to sublease any portion of the easement for anything other than transportation-related activities. The military also required that all lease revenues accrue to them and not to Caltrans. As such, all lease negotiations for use of this site ended including the possibility of obtaining an encroachment permit from Caltrans. After two years, there has been no resolution regarding the revenue and easement use issue between Camp Pendleton and Caltrans. As such, the use of the rest stop at this time as a possible alternative location is infeasible.

The applicant considered another alternative to lower the elevation of the antenna and install multiple smaller sites along I-5. The existing site could be replaced with three individual sites strategically placed to cover the section of I-5 route. However, the end result would be to replace one 39-ft. site with three 20-30 ft. sites. As such, they would still be visible and would not result in any added benefit to reduce visual impacts.

The applicant also considered locating the proposed facility further away from I-5 to make it less visible from the freeway. However, due to the intervening mesa and the elevational dip in I-5, signal coverage would substantially be degraded and thus was deemed infeasible.

Another alternative considered by the applicant was to maintain the same location and height for the antennas with incorporation of screening devices. Such screening measures might include the use of radome, which involves placing screening material over individual antennas. According to the applicant, the overall structure would not be screened or less visible, but a single screen would be seen rather than a number of

antennas. Although this may appear less cluttered, it is not less visible and only results in a marginal reduction in visual impact. Another screening measure considered by the applicant is to install whip antennas instead of panel antennas. Whip antennas are smaller in diameter, blend in better with the horizon when viewed from a distance and are much less noticeable at close range. However, they cannot be substituted for dish antennas, so the dish antenna would still remain. The effect would only partially reduce the visibility of the antennas. However, in this particular case, the applicant has indicated that whip antennas cannot be used at this site because they cannot be directed to avoid providing signals over the ocean.

Other types of screening structures reviewed by the applicant include a monument design, which may typically include a structure such as a clock tower where the antennas could be installed. For obvious reasons, such a structure would not reduce the visual impact at this location. The applicant initially considered using a monopalm (and later a monopine) which consists of a pre-manufactured pole and artificial branch resembling either a palm or pine tree. Although the antennas would still be visible, they would be painted to match the branches to blend in to a moderate degree. It is unknown if the dish antennas could be incorporated into an artificial tree (i.e., artificial "pineapple" at the base of the leaves for a monopine), but this is a possibility. However, the disadvantage of using a monopalm or monopine is that there are no other trees in the immediate vicinity so the "tree structure" could stand out to some observers. In other locations, it would be feasible to install real palm trees or pine trees nearby so that the monopalm or monopine blends in with the other trees. However, this is not feasible at this location because there is no water service at this site to establish or maintain live trees. Although palm trees are located elsewhere on Camp Pendleton, both the Commission staff and the U.S. Marine Corps do not believe that a palm or pine tree at this location would be in character with the surrounding terrain. In addition, locating the facility at another location where water is available is not feasible because the applicant needs to install the facility at this location to achieve the necessary service coverage.

A last alternative considered by the applicant was planting a Eucalyptus grove. However the facility would need to be on the west side of the grove, closest to the freeway so that the signal is not blocked. However, this alternative is not feasible because the U.S. Fish and Wildlife Service would not approve disturbing the existing vegetation in the area with an exotic species such as eucalyptus. The second problem again, however, is that there is no water on the site to establish the trees. In summary, after a thorough list of alternatives, the applicant has chosen the most feasible alternative which provides the needed service and minimizes impacts on the environment. This alternative is the proposal to install a monopole antenna of 39 ft. in height. Given the character of the project site which is largely devoid of vegetation and tall trees, and due to the presence of other utility lines in the area (overhead lines) as well as equipment associated with the railroad, a monopole will blend in with the setting better than an artificial tree which would be out of character for the area.

As discussed previously, the monopole (see Exhibit No. 3) will be approximately 39 ft. high and 2 ½ ft. wide. To address remaining visual concerns, the Commission has

previously required landscape improvements (specimen size trees) to help screen such structures in other areas of San Diego county. However, as noted above, in this particular case, the area surrounding the development consist of low lying brush and scrub and is devoid of trees. As such, the installation of trees to screen the structure would not only be out of character and draw attention to the facility, the planting of trees at this location is infeasible due to a lack of water for irrigation. In addition, while the pole and attached antennas will be approximately 39 feet high, the pole is only 2 ½ feet in diameter and as proposed, will incorporate radome screening which will help minimize the dish antennas at the top of the pole. In addition, the applicant proposes to paint the monopole and equipment building with an earth tone color to blend in with the adjacent natural surrounding area. The applicant also proposes to install wooden slats in the chain link fencing which will help to screen the equipment building. Minimal landscaping consisting of drought-tolerant, native shrubs around the fence/building are also proposed. Additionally, the proposed monopole will be in a location where other overhead lines and equipment related to the railroad is located and, as such, will not adversely affect public views.

Special Condition #1 requires submittal of a final plan and requires the applicant to implement the final plans consistent with the proposed color and landscaping. While the facility, as conditioned, will not have significant adverse impacts on the visual quality of the area 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. The Commission finds that cumulatively, installation of additional similar projects in the area would have a significant adverse impact on visual resources. However, the cumulative impacts of the proposed project would be mitigated if the applicant were to agree to allow other communication companies to co-locate their facilities at this site. By co-locating such facilities at one site, the number of such facilities will be minimized by clustering them in one location as opposed to being located at several different locations and being spread out. Co-locating such facilities also results in less clutter and proliferation of antenna structures which will reduce the visual impacts on scenic resources associated with such structures along this particular major coastal access route (i.e., I-5). 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. 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 is located on Camp Pendleton, a federally-owned and operated military facility used by the United States Marine Corps. In this particular case, the project, while located on the Camp Pendleton Marine Base within the unincorporated County of San Diego, is not subject to local permit review by the County. In addition, the project is not subject to the Commission's Federal Consistency Review process. This is because the development occurs within a North County Transit District (NCTD) right-of-way easement and is not proposed by a federal agency (NCTD is a non-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 the proposed development, as conditioned, 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 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 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. 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.



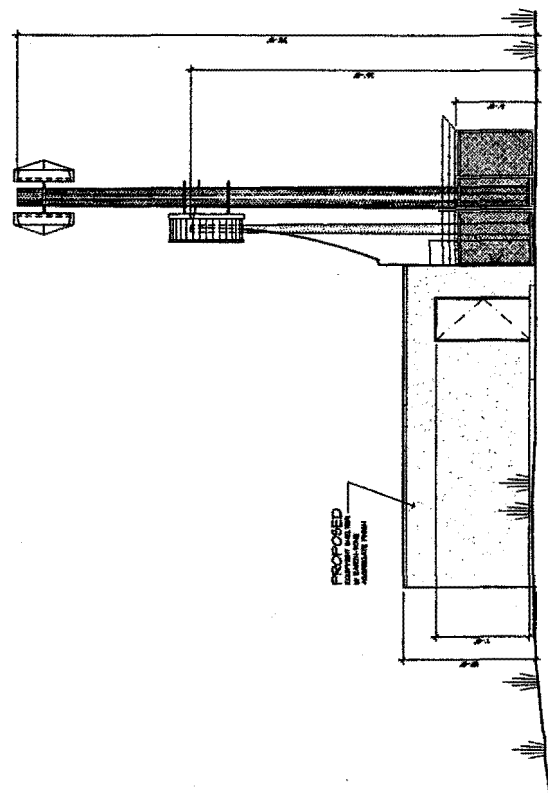


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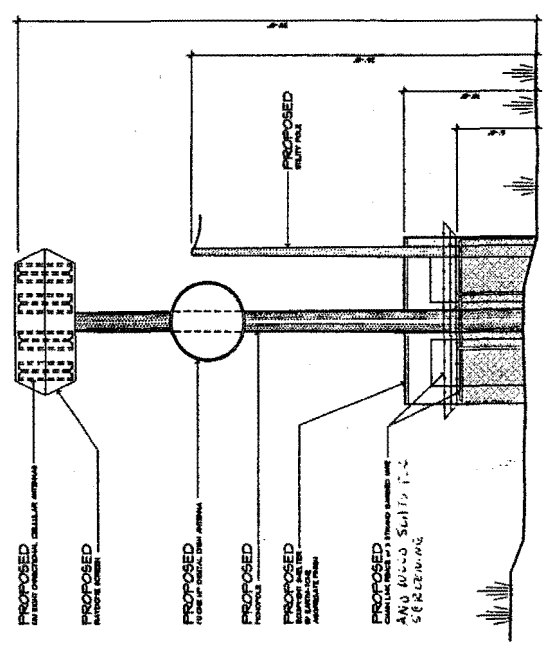
**Las Pulas Communications**  
**Cellular**  
**Site**

Revision Date  
 Project No.  
 Client  
 Per Check  
 Bid Set  
 Permit Set  
 Construction Set  
 Drawing Date  
 5/2/00  
 Check By  
 Drawn By  
 Scale  
 1/4" = 1'-0"  
 Job Number  
 94182  
 Sheet Number

A2



**EAST ELEVATION**  
 2 SCALE: 1/4" = 1'-0"



**NORTH ELEVATION**  
 1 SCALE: 1/4" = 1'-0"

EXHIBIT NO. 3

APPLICATION NO.

6-99-127

Elevations

California Coastal Commission