

CALIFORNIA COASTAL COMMISSION

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Filed: 12/8/00
49th Day: 1/26/01
180th Day: 6/6/01
Staff: FSY-LB
Staff Report: 12/21/00
Hearing Date: January 9-12, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-00-399

APPLICANT: Verizon Wireless/City of Seal Beach

AGENT: John Koos

PROJECT LOCATION: Zoeter Baseball Field (Northern corner)
1194 Pacific Coast Highway
(Northwest corner of 11th Street and Landing Avenue)
City of Seal Beach (Orange County)

PROJECT DESCRIPTION: Installation of a new 248 square foot telecommunication facility, which includes six (6) directional antennas in three (3) sectors, two (2) antennas per sector (vertically stacked) mounted on a new 50 foot slimline monopole. Also proposed are three (3) new equipment cabinets near the base of the pole, a GPS antenna, a light with motion detector and a new 15 foot high chain link fence with dark green fabric mesh to match the existing ballfield fence that will screen the facility.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with two (2) special conditions. The primary issue before the Commission is the cumulative visual impacts that may result from the continued construction of cellular antennas. To minimize adverse cumulative visual impacts Commission staff recommends the imposition of two special conditions. Special Condition 1 requires the applicant to submit a written agreement to co-locate any future antennae at the project site if technologically feasible. Special Condition 2 requires the applicant 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.

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of Seal Beach.

SUBSTANTIVE FILE DOCUMENTS: California Coast Act and Coastal Development Permit (6-00-58) AT&T

LIST OF EXHIBITS

1. Location Map
 2. Assessors Parcel Map
 3. Overall Site Plan
 4. Enlarged Site Plan
 5. Elevations
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STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-00-399 pursuant to the staff recommendation.

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

RESOLUTION:

I. Approval with Conditions

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

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 of 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.

III. Special Condition

1. Co-Location of Future Antennae

PRIOR TO 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.

2. 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.

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IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Location

Verizon Wireless proposes installing a wireless telecommunications facility at the northern corner of Zoeter Baseball Field (1194 Pacific Coast Highway) located on the northwest corner of 11th Street and Landing Avenue (Exhibits #1-2) in the City of Seal Beach. Zoeter Field is approximately a half-mile inland of the ocean in this area of Seal Beach. The project vicinity contains a daycare, medical center, retail/commercial uses, such as a grocery store, tanning salon, music store and restaurant, and residential uses. The applicant states that the project will provide essential wireless telecommunication coverage to the downtown Seal Beach area.

The proposed facility consists of the installation of six (6) directional antennas (4'-0" in height) in three (3) sectors, two (2) antennas per sector (vertically stacked) mounted on a new 50 foot slimline monopole (Exhibits #3-5). The monopole will be 2'-6" in diameter and to minimize the adverse visual impacts of the proposed development it will be colored galvanized steel gray to match the existing poles. The new monopole will match the six (6) existing floodlight poles surrounding the ballfield that are approximately 50 feet in height. They are located to the west, east, southwest and southeast of the project location. The center of the top set of antennas will be located at approximately 48'-0" and the center of the bottom set of antennas will be located at approximately 43'-0". A 2"-0" SCH80 PVC Conduit will be attached to the slimline monopole as requested by the City for future lighting expansion. The facility will also include the placement of three (3) new equipment cabinets near the base of the new slimline monopole. The dimensions of these equipment cabinets are: Digital Equipment Interface (DEI), 12"x24"x72"; Digital Equipment (DE), 30"x24"x72"; Radio Equipment (RE), 42"x24"x72" and Battery (BATT), 36"x24"x75.5." One (1) new 4" GPS antenna will be located on top of the new Digital Equipment Interface and Digital Equipment equipment cabinet located to the west of the new slimline monopole. A new 15'-0" chain link fence screened with dark green fabric mesh to match the existing ballfield fence will surround the new telecommunication facility, trash bin and water meter. A light with a motion detector will be mounted on the top of the fence located at the northern corner. No grading will take place at site. Minor utility extensions are needed to accommodate this project

To the north, is an alley, a Church and Pacific Coast Highway; to the northeast and east, is a shopping center, Pacific Coast Highway, and across Pacific Coast Highway is another shopping center; to the southeast and south, is a daycare and residential area; to the west, is an alley, and residential area (Exhibits #1-2).

Because there is no certified LCP for this area, the standard of review for this development is Chapter 3 policies of the Coastal Act.

B. Visual Resources

Section 30251 of the Coastal Act states:

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 located approximately 250 feet to the southwest of Pacific Coast Highway (PCH) behind an existing shopping center that fronts Pacific Coast Highway and an alley that is accessible from Pacific Coast Highway (Exhibits #1-2). The portion of Pacific Coast Highway adjacent to the project site is approximately a half mile inland of the ocean in an area devoted to urban uses such as a daycare, medical center, church, grocery store, tanning salon, music store, restaurant, and residential.

In terms of visual impacts, the top 35 feet of the new proposed monopole will be visible from Pacific Coast Highway. There is an existing, approximately 40-foot telephone pole approximately 10 feet northwest of the project site that is also visible from Pacific Coast Highway. There is also an existing floodlight pole located 40 feet southeast of the project site that is approximately 250 feet away and visible from Pacific Coast Highway. There are five (5) other floodlight poles surrounding the ball field. The height of the existing flood lights are approximately 50 feet and are located to the west, east, southwest and southeast of the project site.

Due to the inland location of the project site no views of the ocean exist at the project site. The project site, though it is within a public park, is not located in a public area where it will have an adverse effect on visual resources. To minimize adverse visual impacts the monopole has been disguised as one of the light stands, which currently exist at this park. Thus, the monopole will have minimal visual impact to the area.

To evaluate the issue of which site would be the most appropriate location for this facility, the applicant submitted an alternatives analysis of other potential locations for the subject facilities. One alternative was the shopping center located northeast across Pacific Coast Highway, which was not chosen due to local zoning problems. Another was a Roman Catholic Church, but there were retrofitting problems at that location. The Navy expressed no interest in placing this facility at its water tower. They stated that it could interfere with the operation of their telecommunication facility. The City police station was yet another alternative, but the City expressed no interest in placing it there. Based on the review of these alternatives, Zoeter Field was considered the most feasible alternative.

While the proposed facility 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 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 Condition #1 and #2 have been attached. Special Condition #1 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 #2 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.

In summary, while the proposed monopole will extend to a height of 50 feet, the subject site is an inland urban area, which will not affect coastal views, and the monopole has been disguised as a light pole within a ball field that has existing light stands. Therefore, the Commission finds that as conditioned, impacts to scenic coastal resources have been reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

C. Local Coastal Program

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

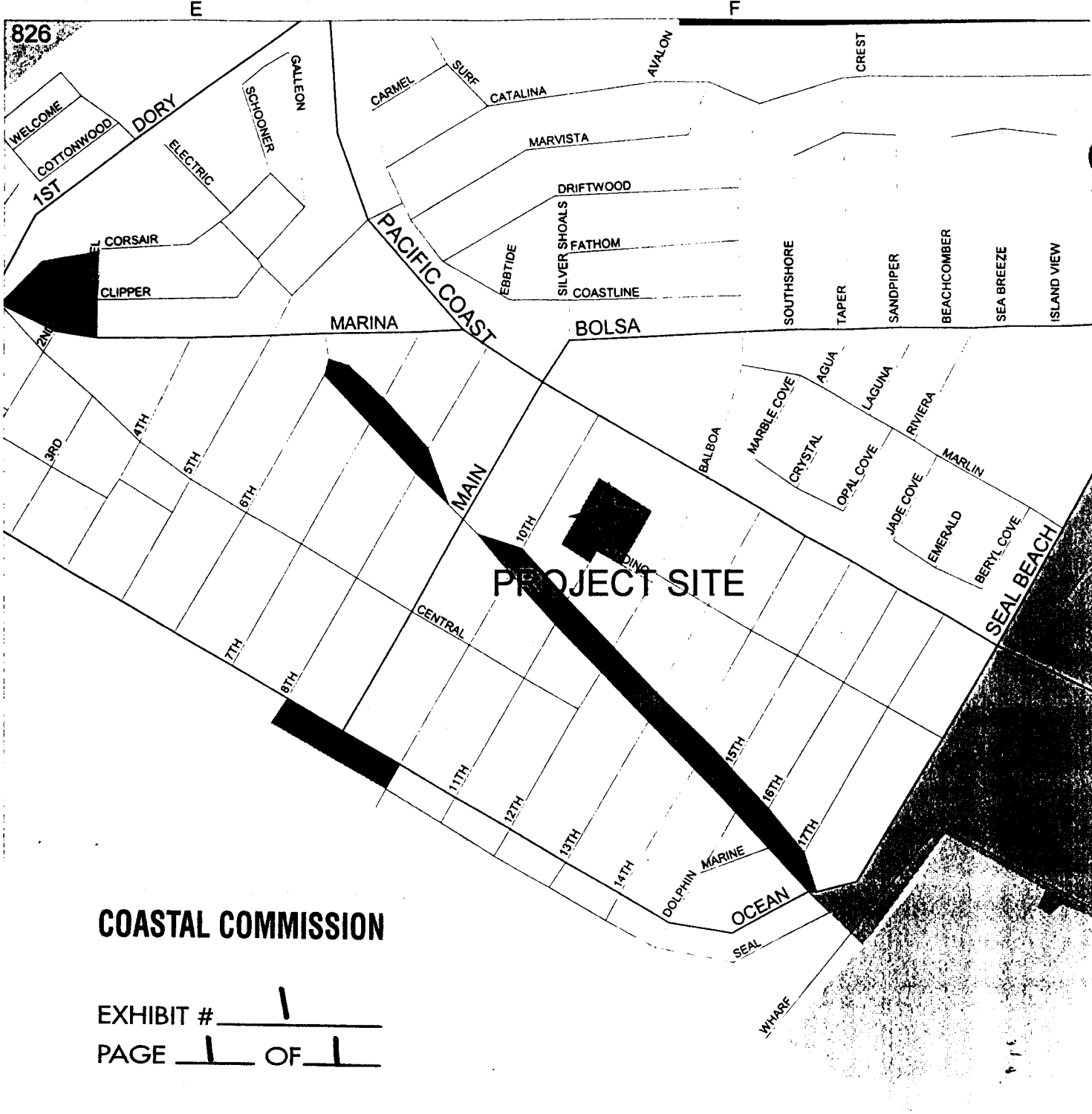
The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development as conditioned would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter Three policies of the Coastal Act.

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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.

Mitigation measures, in the form of special conditions, requires the applicant: 1) to submit a written agreement to co-locate any future antennae at the project site if technologically feasible and 2) 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. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.



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EXHIBIT # 1
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VICINITY MAP

PROJECT SITE: NWC OF 11TH ST. & LANDING AVE. - SITE: NWS

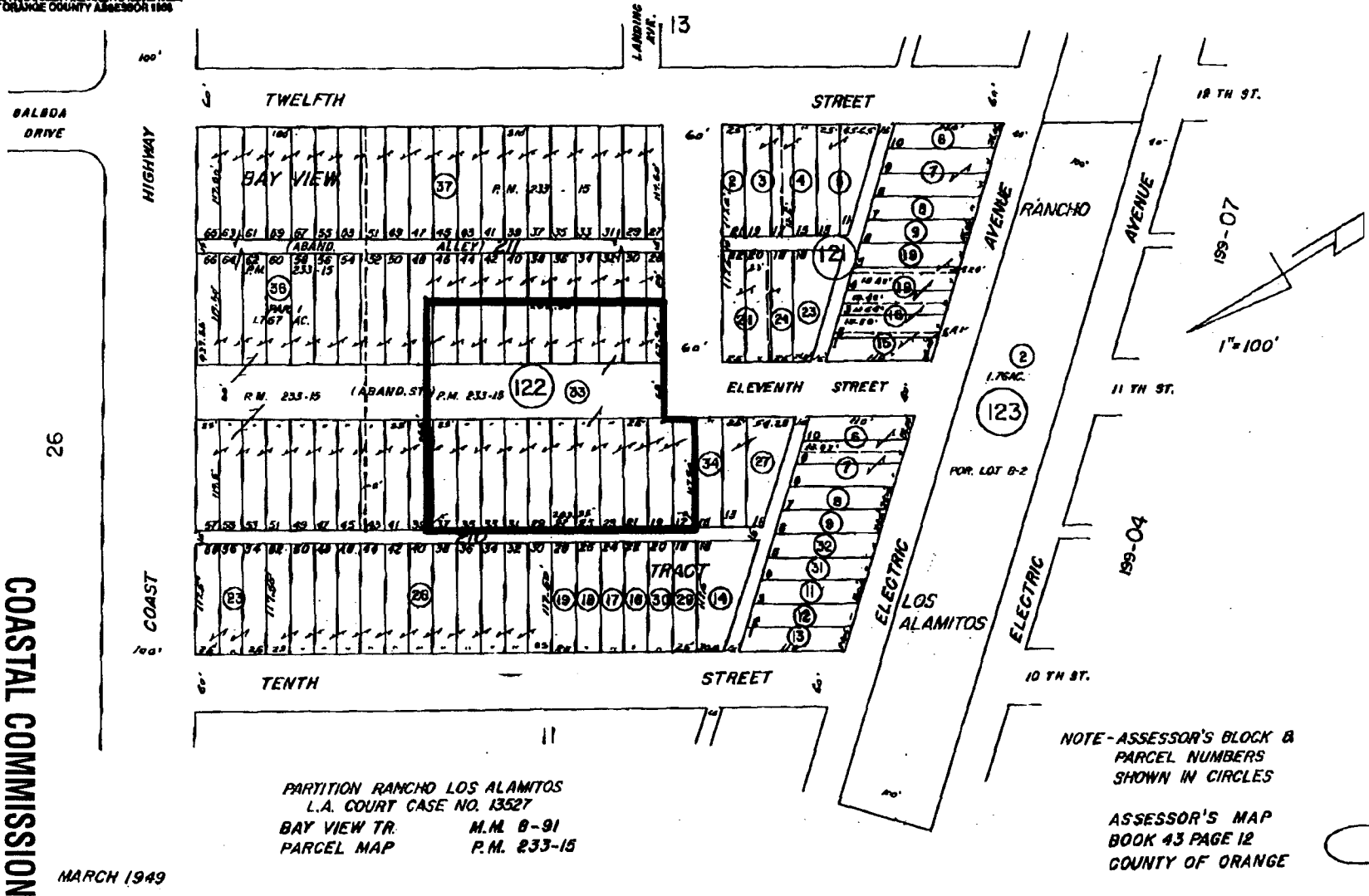
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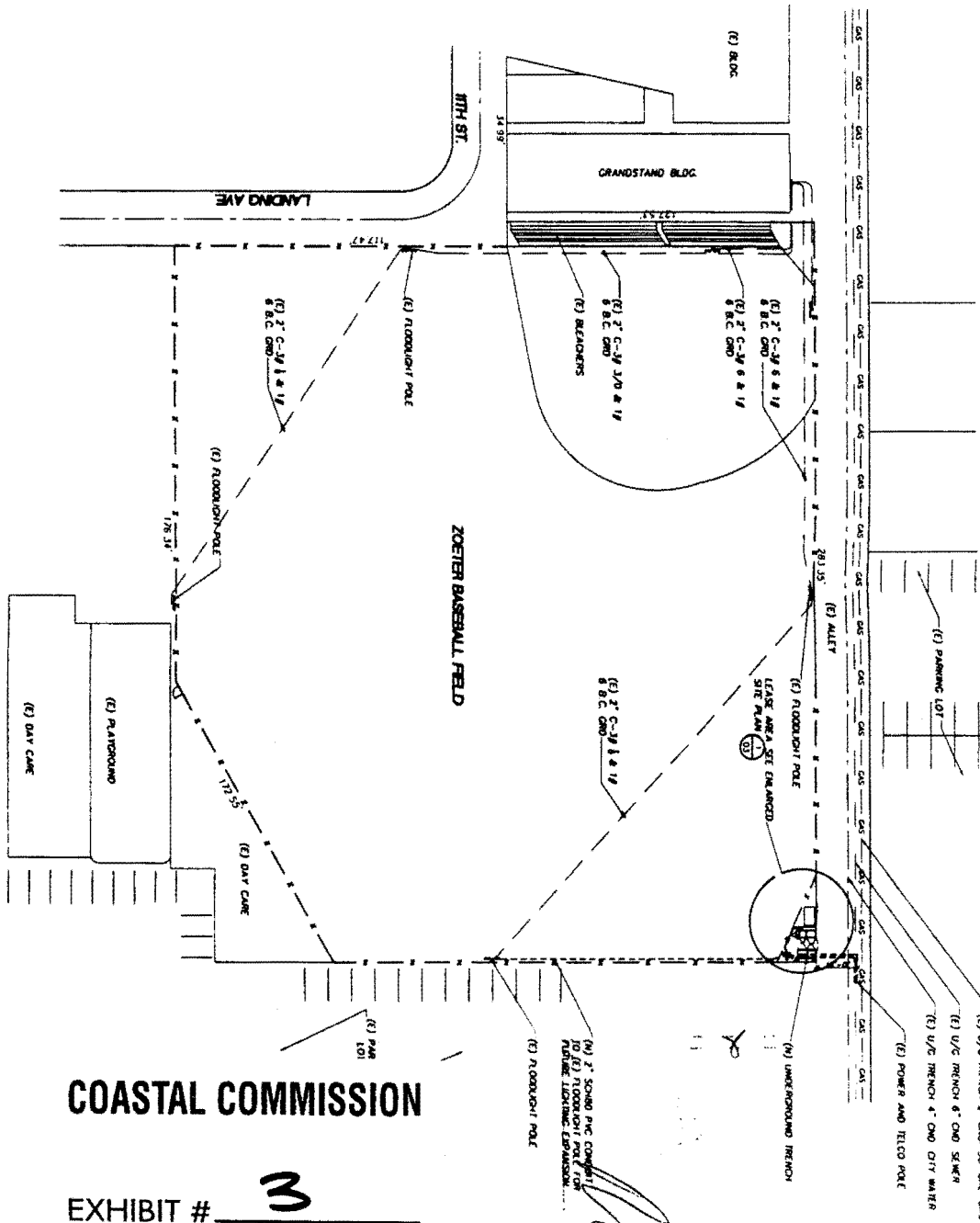
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EXHIBIT # 2
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EXHIBIT # 3
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SCALE: 1"=20'-0"

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NWS
114 PARK DRIVE, 4TH
FLOOR, SAN DIEGO, CA 92101

ZONING DOCUMENTS
OVERALL SITE PLAN

AS NOTED
DATE

VERIZON WIRELESS

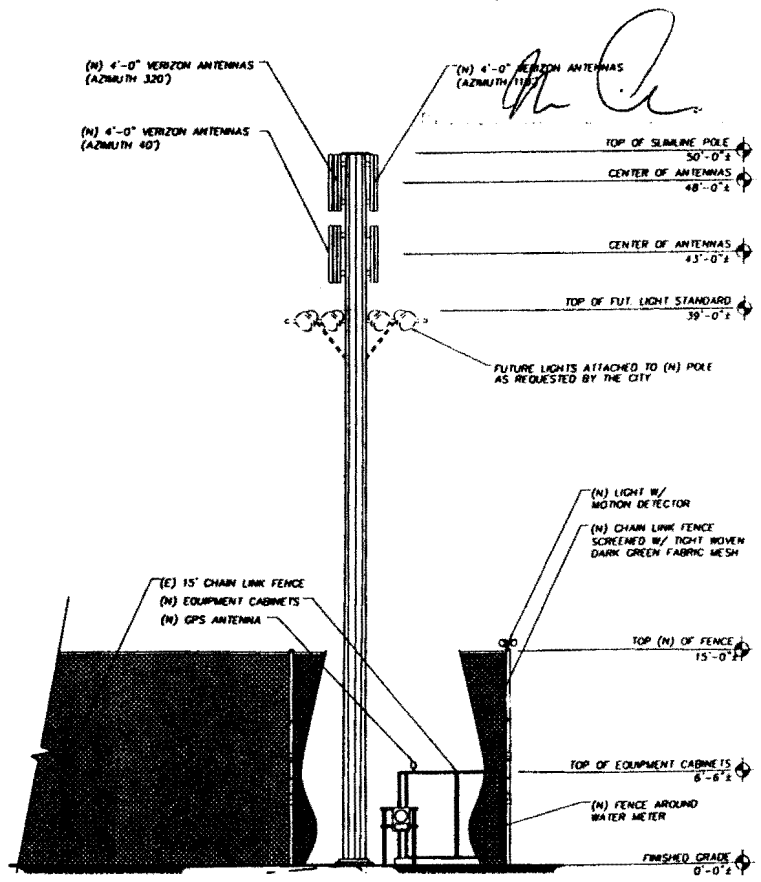
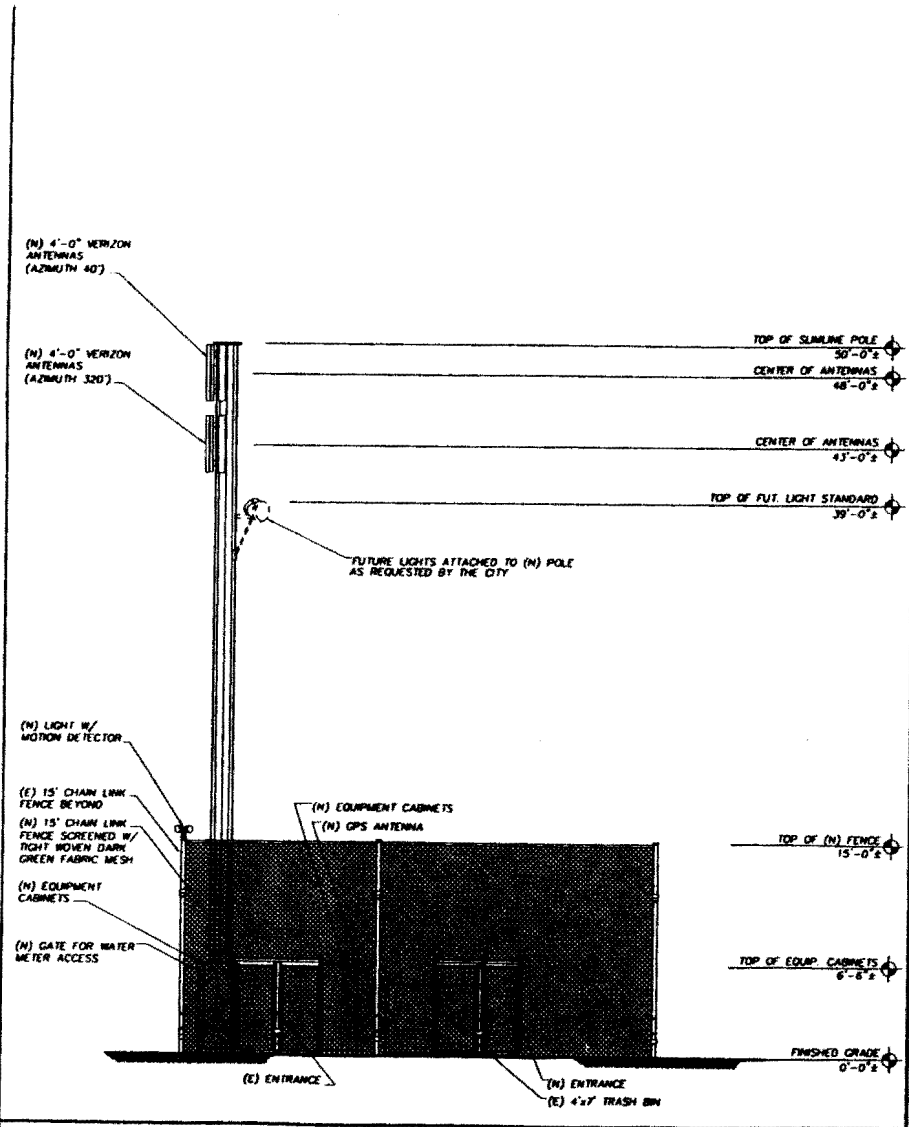
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| DATE | BY | REVISION |
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EXHIBIT # 5
PAGE 1 OF 1



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| PROJECT NO. | |
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| PROJECT CITY | |
| PROJECT COUNTY | |
| PROJECT STATE | |
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PAGE 2 OF 2

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ZONING DOCUMENTS
NORTHWEST & NORTHEAST
AS NOTED
10.14.11