

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370

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Thu 15c

Filed: August 31, 2001
49th Day: October 19, 2001
180th Day: February 27, 2002
Staff: BP-SD
Staff Report: September 16, 2001
Hearing Date: October 9-12, 2001

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-100

Applicant: Sprint PCS

Agent: Gianni & Associates
Mark Berlin

Description: Construction of an unmanned telecommunications facility to include a total of (9) panel antennas mounted on a 35 ft high pole (monopalm) and five equipment cabinets placed within a 372 sq.ft enclosure.

Site: 2260 Jimmy Durante Blvd., Del Mar, San Diego County.
APN 299-030-01

Substantive File Documents: Certified Del Mar LCP; 2000 Del Mar Fairgrounds and Racetrack Master Plan (draft update)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed communications facility. The primary issue raised by the proposed development is visual. While the proposed cellular antenna is located west of I-5, it does not block views of the ocean as the Del Mar Fairgrounds is between the ocean and the antenna. Additionally, the monopole will resemble a palm tree and equipment will be screened by existing and proposed landscaping to further mitigate any visual impacts of the project. 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 visual impacts associated with the proposed development will be reduced to the maximum extent feasible.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-100 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 governments 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. 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.

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 a new coastal development permit or an amendment to this coastal development permit is necessary.

3. Final Landscape Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final landscape plan that includes the following:

- a. The installation of the proposed monopalm and two 25-foot high natural palm trees shall occur at the same time and be maintained for the life of the project.
- b. Five years from the date of the receipt of the Certificate of Operation for the telecommunications facility, the applicant shall submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake development in accordance with the approved landscaping plans. Any proposed changes to the approved landscaping 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The subject proposal involves the construction of an unmanned telecommunications facility to include a total of (9) panel antennas mounted on a 35 ft high pole (monopalm) and five equipment cabinets placed within a 8-foot high 372 sq.ft enclosure on the Del Mar racetrack/fairgrounds parking lot (just north of the entrance to the main parking lot). Two 25' high natural palms are proposed in the existing landscaped slope which is adjacent to Jimmy Durante Blvd. to create a palm

cluster effect. Numerous palm trees are planted along the west side of Jimmy Durante Blvd. The equipment shelter would be placed next to another cellular equipment enclosure on the parking lot below the slope that leads up to Jimmy Durante Blvd. The enclosure will be textured and painted to match an existing telecommunications site enclosure directly to the north. Both the monopalm and equipment enclosure will be placed on the asphalt in the back of the racetrack's parking lot; no parking spaces would be displaced. The project would provide service coverage for the racetrack/fairground area.

The 22nd District Agricultural Association, which owns and operates the actual Fairgrounds, is a state agency. The Fairgrounds property is primarily an area of public trust lands where permit jurisdiction remains with the Coastal Commission; therefore, Chapter 3 of the Coastal Act is the standard of review. The Fairgrounds property is located within the city of Del Mar; thus, the policies of the effectively certified Del Mar LCP are used for guidance.

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 west of Interstate 5, which is a major north/south coastal access route and designated scenic view corridor in the effectively certified Del Mar LCP. In addition, the subject site is located immediately adjacent and west of Jimmy Durante Blvd., which is also designated as a scenic visual corridor in the LCP. While the site is located on the west side of both these roads and thus has the potential to block ocean views, the proposed cellular antenna does not block views of the ocean as the Del Mar Fairgrounds is between the ocean and the antenna.

The proposed 35-foot high monopalm design is proposed to be planted in conjunction with two proposed 25-foot high Washingtonia palms (a sturdy species that stays vertical). The natural palms are proposed to be installed at the top of a 10-foot high landscaped slope to form a palm cluster in a linear configuration with the existing palms. Because the natural palms are proposed at the top of the slope, the canopy heights of the natural palms and the proposed monopalm would be the same. As such, the project would blend in with numerous surrounding palms lining Jimmy Durante Blvd. Special Condition #3 requires a final landscape plan requiring the proposed natural palms be installed with the monopole and maintained for the life of the project.

The applicant indicates the site provides an excellent position from a radio frequency perspective. Sprint's equipment enclosure would be placed next to the existing Verizon monopole and enclosure, on the parking lot below the slope, complying with the

landlord's request to consolidate wireless projects on the property. This location is in the back of the parking lot, out of the way of vehicular traffic or any operations conducted by personnel. The proposed location will not take up any parking spaces.

The applicant has submitted documentation indicating a series of project alternatives was considered. The only telecommunication site in the vicinity of the Del Mar racetrack/fairgrounds and Jimmy Durante Blvd (the primary coverage objectives) is the immediately adjacent monopole housing a microwave dish and Verizon PCA antennas. This is an older monopole approved by the Commission in November 1995 (CDP #6-95-137). The applicant indicates that to co-locate on this pole, Verizon would have to shut down their service for over six weeks. This is the period of time it would take to replace the pole and construct a larger, wider and taller pole that is structurally stable and able to handle wind load for multiple carriers. While the applicant indicates a temporary "cells on wheels" facility could provide short term service, such a facility is meant to serve short term events lasting no longer than a few days and would be impractical for a 6-week period. The existing Verizon pole was designed to hold only one project and is not tall enough to provide the vertical separation necessary for each of the different signals to operate optimally. The applicant's minimum vertical separation distance from other antennas is 5 feet. The co-located monopole at a minimum would have to be over 36 feet. The applicant notes that adding a wider and taller pole at this location would result in a more visually obtrusive site.

Two alternative sites were evaluated on site. The TV Towers (located northeast of the grandstands and east of the track) was rejected due to a lack of 24-hour accessibility required to service the site. An early design was to place the antennas in freestanding structures adjacent to the horse area. This proposal was rejected because this location is occupied during the Fair and Race Meet.

Two alternative sites were evaluated off-site to provide service for the Del Mar Racetrack/Fairgrounds and for vehicular traffic along Jimmy Durante Blvd and minor arterials. One site, the Hilton Inn (near I-5 and Via De La Valle), was eliminated due to the landlord showing no interest for a telecommunication site. The other alternative location evaluated was the Highland Corporate Center in Solana Beach (about 1/4 mile to the north). The building was determined to be unable to provide the minimum level of coverage to meet the applicant's objectives. Other locations to the west and east were considered but rejected due to topography concerns to the east and public opposition to increasing the amount of telecommunication facilities already in place on CalTrans property just west of I-5. The applicant has determined the proposed project site is the least environmentally-damaging location. Therefore, the project would not pose a significant adverse visual impact as viewed from the scenic I-5 and Jimmy Durante Blvd corridors. The Commission concurs with this conclusion.

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. Based on this concern the Commission finds that two special conditions are required to be consistent with the visual resource policies of Chapter 3 and with past Commission direction on similar projects. Special Condition #1 requires the applicant to 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. As conditioned above, the Commission finds that impacts to 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.

As noted, the 22nd District Agricultural Association, which owns and operates the actual Fairgrounds, is a state agency. The Fairgrounds property is primarily an area of public trust lands where permit jurisdiction remains with the Coastal Commission; therefore, Chapter 3 of the Coastal Act is the standard of review. The Fairgrounds property is located within the city of Del Mar; thus, the policies of the effectively certified Del Mar LCP are used for guidance.

The District has completed an updated Master Plan, and adopted a draft Public Works Plan. Because the Fairgrounds is a special State District, they have the option of submitting a public works plan under Section 30605. The proposed improvements, however, are not included in either the draft Updated Master Plan or draft Public Works Plan, and neither of those documents has been formally submitted for review and approval of the Coastal Commission. However, the proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act addressing visual resources and with the certified Del Mar LCP. Therefore, the Commission finds that project approval would not prejudice the ability of the applicant to prepare a certifiable Master Plan or Public Works Plan or comply with the certified Del Mar LCP.

4. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit 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.

As discussed herein, the proposed project, as conditioned, will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, 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:

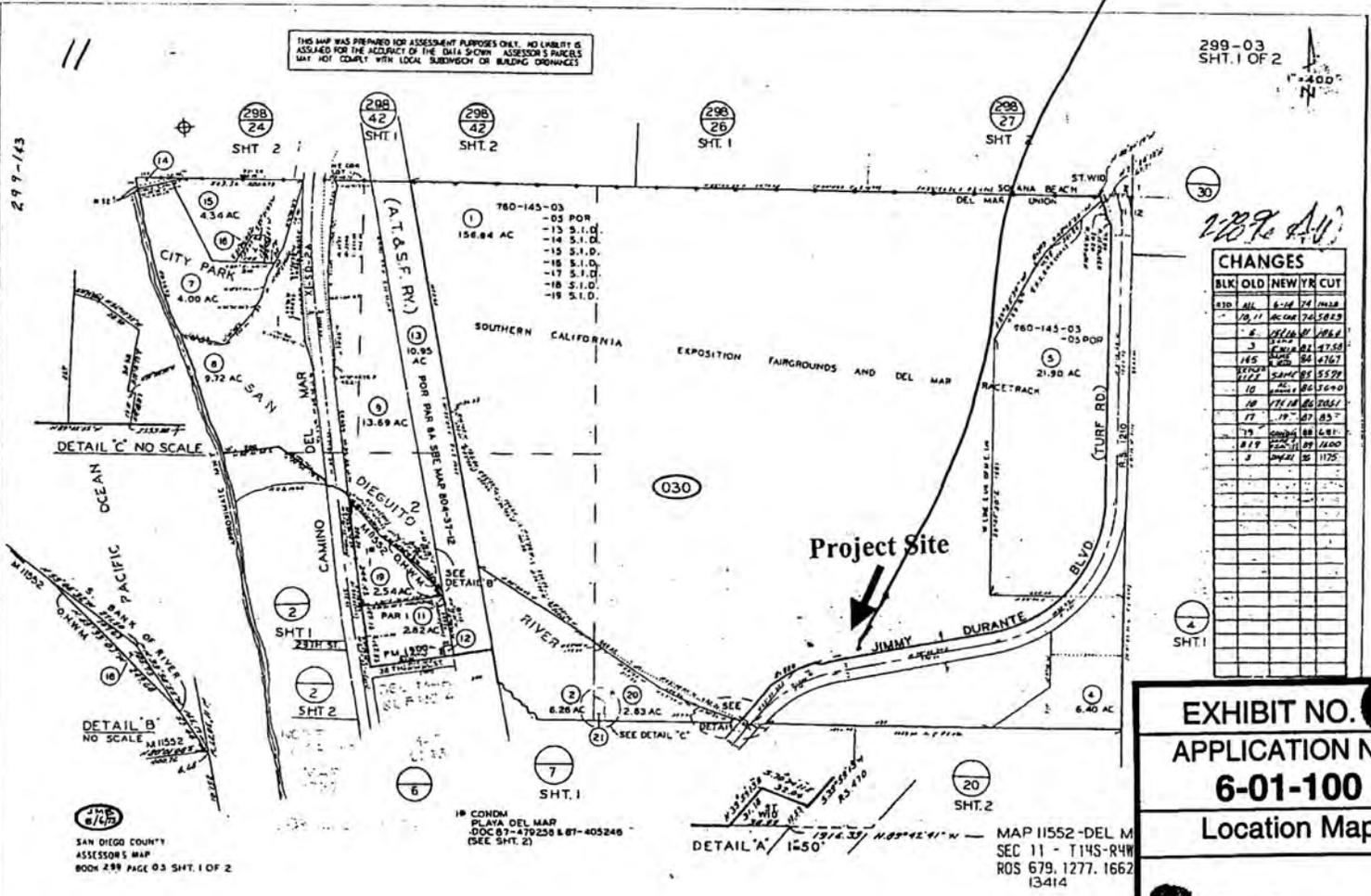
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.

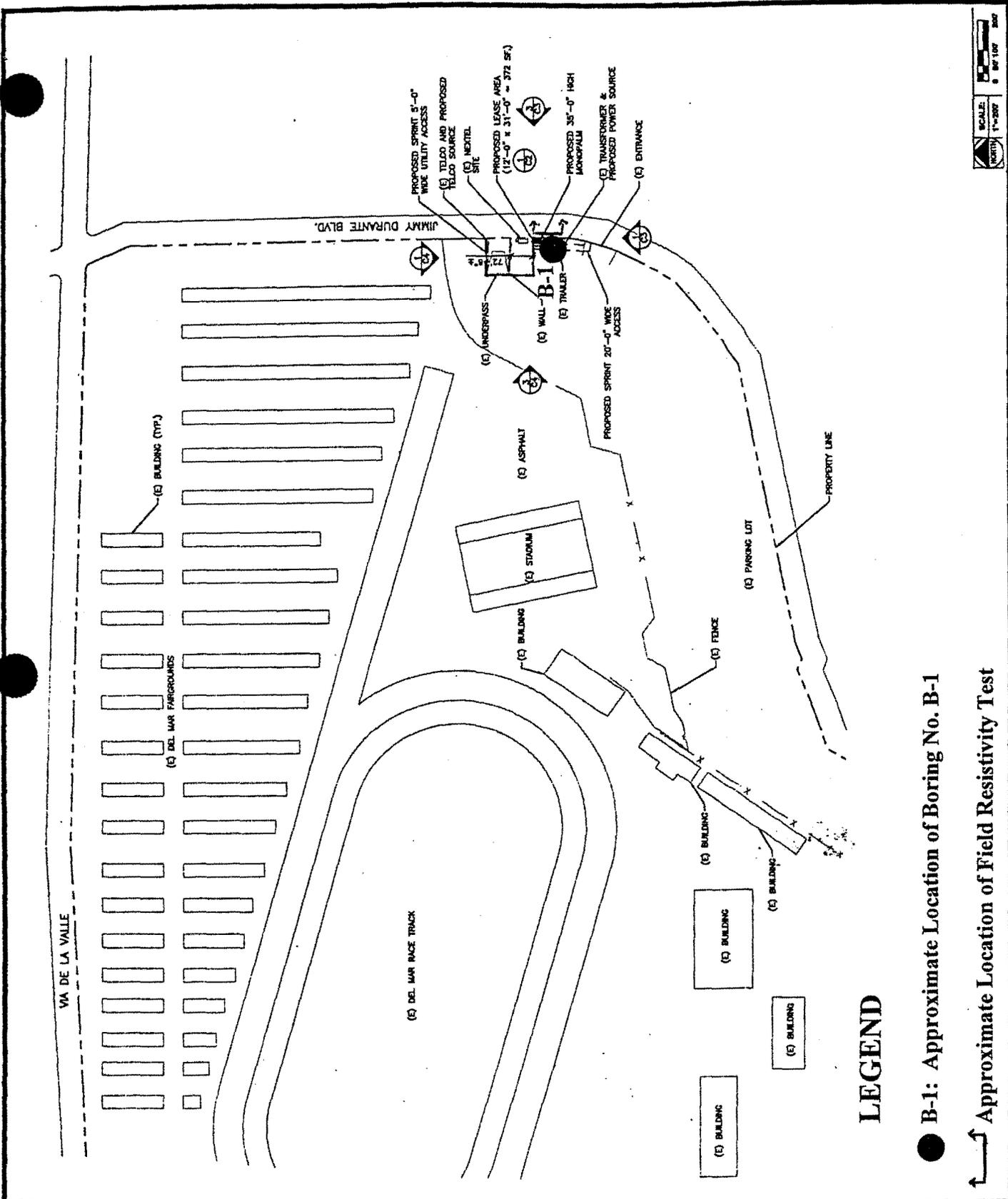


Site

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO WARRANTY IS ASSURED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

299-03
SHT. 1 OF 2





SCALE: 1"=200'

DATE: 10/10/07

BY: [Signature]

LEGEND

- B-1: Approximate Location of Boring No. B-1
- ↗ Approximate Location of Field Resistivity Test

SPRINT/DEL MAR RACETRACK

TORO INTERNATIONAL

Geotechnical Engineering

BORING LOCATION

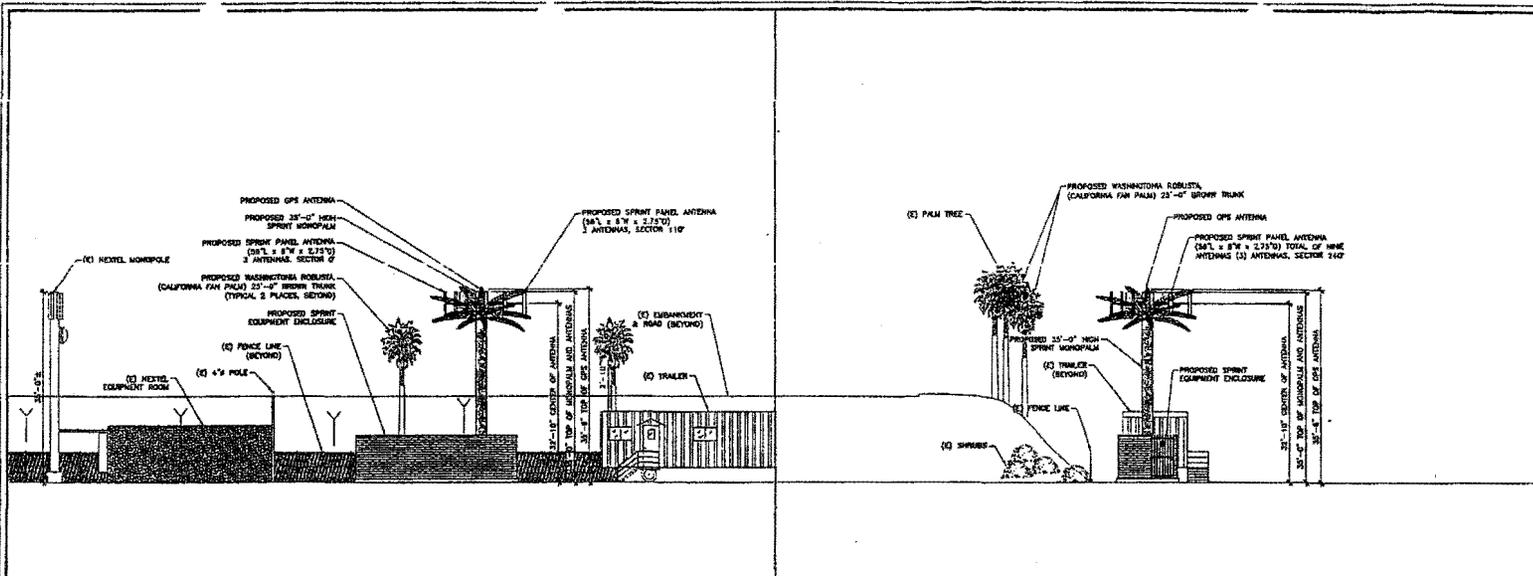
Project No. 99-125.46

Date: Ma

EXHIBIT NO. 2

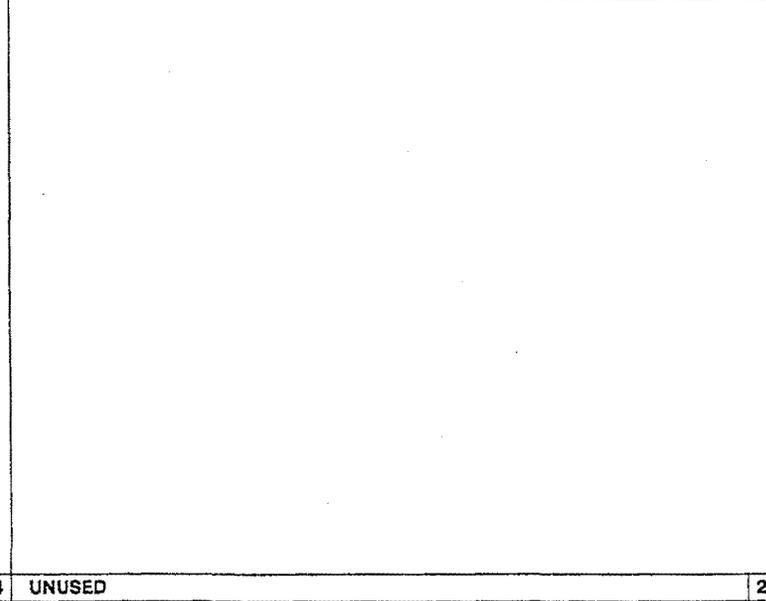
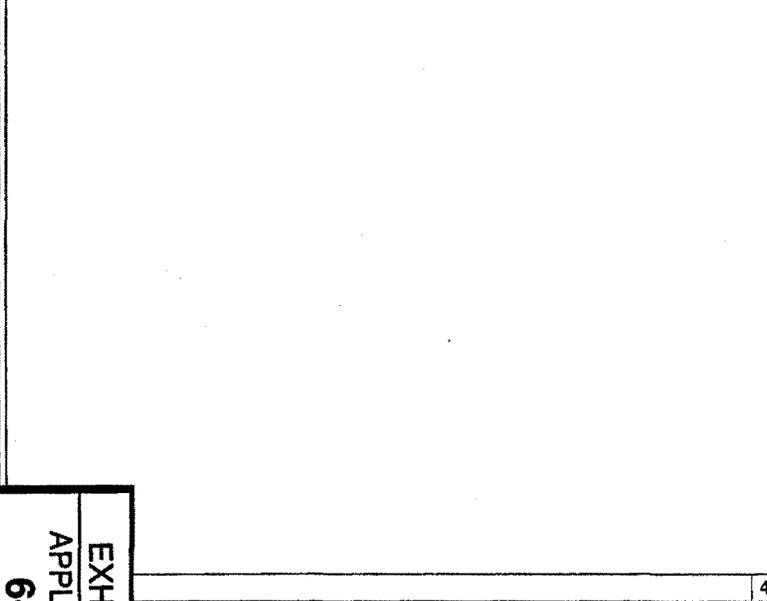
APPLICATION NO. 6-01-100

Site Plan



WEST ELEVATION

3 NORTH ELEVATION



4 UNUSED

2



1485 CHARLOT DRIVE, SUITE 100
FLEMINGTON, CA 94308

PROJECT INFORMATION:

DEL MAR RACETRACK
SD35XC783A
2260 JIMMY DURANTE BLVD.
DEL MAR, CA 92130
SAN DIEGO CO.

CURRENT ISSUE DATE:

5/10/01

ISSUED FOR:

ZONING

REV. DATE ISSUED FOR BY:

2	5/10/01	ZONING/100X	CDG
1	3/5/01	ZONING/90X	CDG
0	2/13/01	FEASIBILITY	CDG

PLANS PREPARED BY:



17776 Carveridge Road, Suite 300
Irvine, CA 92614-3820
(949) 258-6788, FAX (949) 258-6778

CONSULTANT:

RECEIVED

MAY 17 2001

BY:

DRAWN BY: YCW CDG APV

LCENSURE:



SHEET TITLE:

ELEVATIONS

SHEET NUMBER REVISION:

C4 2
PCASPR5C22A

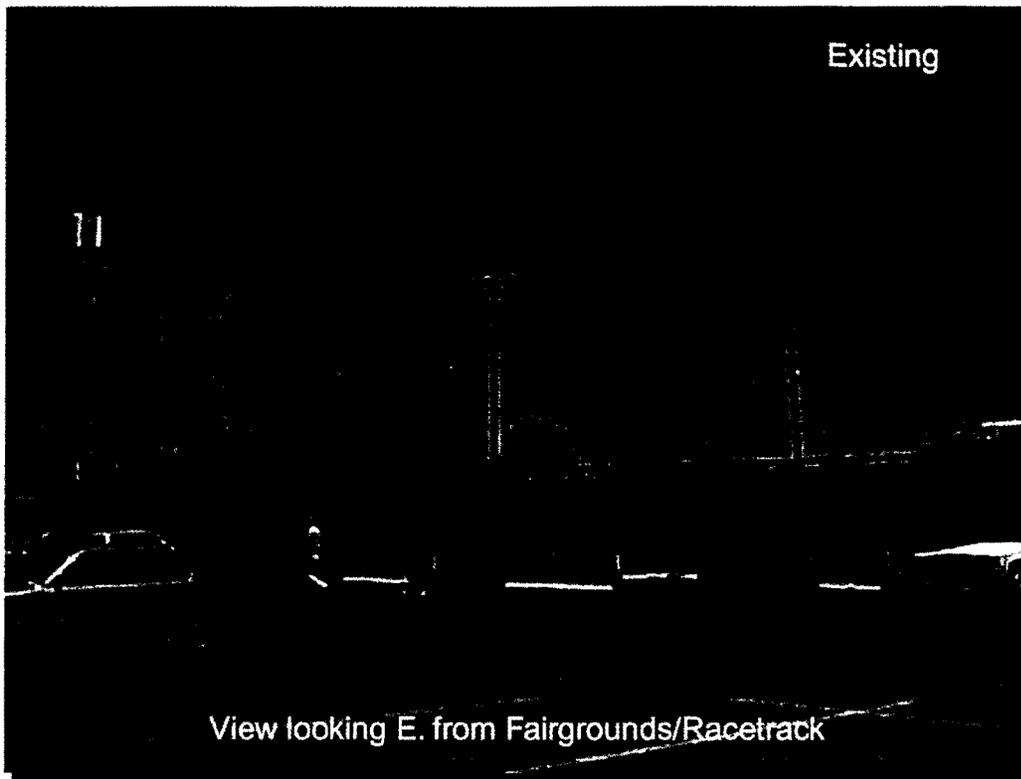
California Council on Architecture

EXHIBIT NO. ●

APPLICATION NO. ●

6-01-100

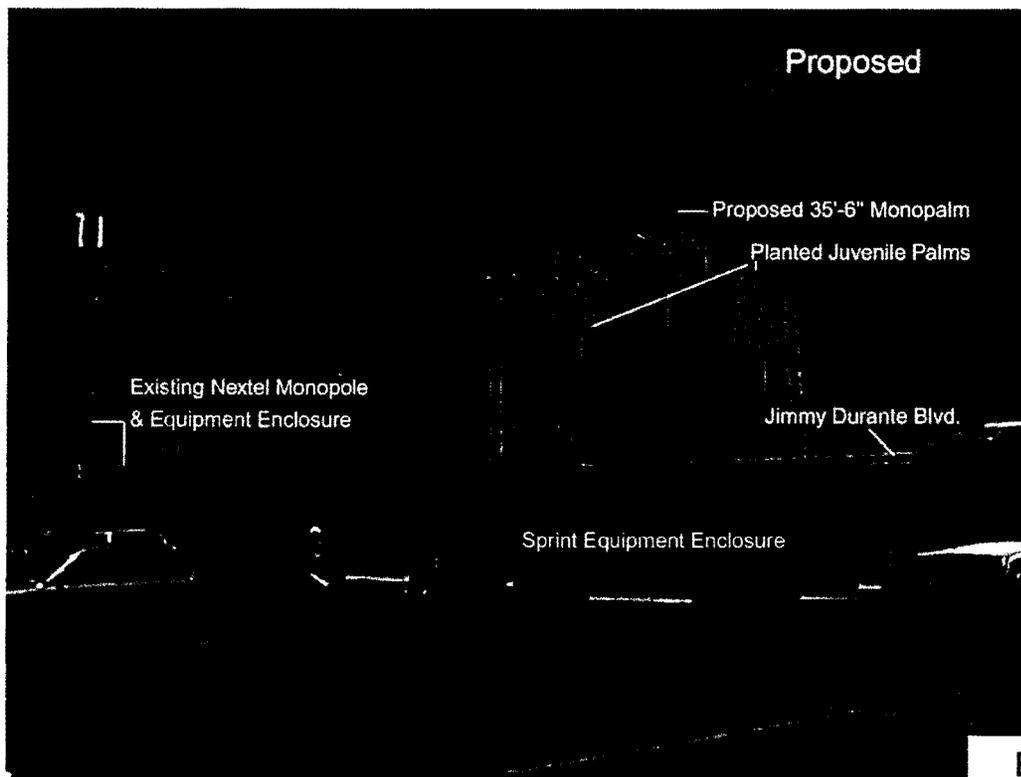
Elevation



Existing

71

View looking E. from Fairgrounds/Racetrack



Proposed

71

Proposed 35'-6" Monopalm

Planted Juvenile Palms

Existing Nextel Monopole & Equipment Enclosure

Jimmy Durante Blvd.

Sprint Equipment Enclosure

EXHIBIT NO. 4
 APPLICATION NO.
6-01-100
 Photo Simulation



SD35XC783A

Del Mar Racetrack

2260 Jimmy
Del Mar, CA

