

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 MALIBU, CA 93001  
 (805) 585-1800

Filed: 05/08/01  
 49th Day: 06/27/01  
 180th Day: 11/04/01  
 Staff: BL  
 Staff Report: 08/15/01  
 Hearing Date: 09/11-14/01  
 Commission Action:



RECORD PACKET COPY

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-01-056

**APPLICANT:** Sprint PCS

**PROJECT LOCATIONS:** Public right-of-ways E/S Phillip Avenue, 53' N/O Morning View Dr.; S/S Harvester Rd., 50' E/O Filaree Heights Avenue; N/S Rainsford Place, 210' W/O Bonsall Drive; S/S Boniface Drive, 297' W/O Fernhill Drive; N/S Bison Court, 1022' E/O Fernhill Drive; W/S Cliffside Drive, 201' S/O Fernhill Drive, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Installation of six telecommunications facilities, which consist of concrete pads, retaining walls, microcell antennae, associated equipment cabinets, and conduits connected to existing utility poles. No grading is proposed, however, a limited amount of excavation and recompaction is necessary to connect the equipment cabinets and conduit to the utility poles.

Concrete pad coverage: 30" x 60"  
 Excavation width: 2.7'  
 Excavation lengths: 15', 16', 16', 25', 32.5', and 71'  
 Microcell height: 28'0"

**LOCAL APPROVALS RECEIVED:** Approvals, City of Malibu Public Works Department, dated 3/1/2001

**SUBSTANTIVE FILE DOCUMENTS:** City of Malibu Engineering Department Permits, dated 3/1/2001; Authorizations for Joint Pole Transactions, dated 1/18/2001.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with no special conditions.

**I. STAFF RECOMMENDATION**

1. **Motion:** I move that the Commission approve Coastal Development Permit No. 4-01-056 pursuant to the staff recommendation.

2. **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.

3. **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**

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 term or 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.

III. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

## A. Project Description and Background

The applicant is proposing installation of six telecommunications facilities, which consist of concrete pads, retaining walls, microcell antennae, associated equipment cabinets, and conduits connected to existing utility poles (Exhibits 3 and 4). No grading is proposed, however, a minor amount of excavation and recompaction (Exhibit 2) is necessary to connect the equipment cabinets to the utility poles.

The subject sites consist of six individual locations scattered throughout the Point Dume area of Malibu (Exhibit 1). All sites are located within the public right of way, and, as such, are accessed by the public streets they are located along. The scope of the development is minor in nature, and public access and parking are not affected by the proposed development.

The proposed project was received by the Commission's Ventura office on March 20, 2001, and was deemed complete on April 30, 2001. The executive director originally determined that the permit requirements for this minor project be waived pursuant to the Commission's Administrative Regulations (Title 14, Div 5.5, Section 13238). However, staff received objections to the project from neighboring residents and the City of Malibu (Exhibit 5). Therefore, the permit application has been scheduled for a public hearing. The project was amended to reduce the number of proposed sites from eight to six in August, 2001 in response to certain of these objections. Prior to October 27, 2001, the Commission must render a decision on the project, pursuant to the Permit Streamlining Act, as 180 days will have lapsed from the date the application was filed.

## B. Visual Resources and Public Comments

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.*

As stated above, several comments were received on this project from local residents and the City of Malibu (See Exhibit 5). The City and residents objected to the issuance of a waiver on the following bases:

- a. There will be a loss of parking spaces on public roadways near the coast,
- b. The facilities are not compatible with the character of the surrounding area,
- c. The facilities will impact the community and neighborhood surrounding the Point Dume Natural Preserve, a popular visitor destination point, and
- d. The facilities would have a cumulative visual impact that would affect the character of the neighborhoods in which they are proposed to be located.

Staff's investigation of the proposed project determined that the availability of public parking would not be affected by the installations. The microcell and antennae are to be mounted on existing poles, and the dimensions of the proposed equipment cabinets and pads (3' x 5') are minimal, and do not pose an impediment to the public's ability to park along the roadside in these areas (Exhibit 4).

Each of the subject sites is located within the public right of way of a public street. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building sites and the sizes of the proposed structures. Staff visited each of the six subject sites and found the proposed building locations to be appropriate and feasible, given the terrain and the surrounding existing development. Nearby development is predominantly residential, however, utility service to these developments is of a similar massing, character, and location to be similarly visible as that proposed in this project. Therefore the proposed development will not negatively impact the character of the surrounding neighborhoods, and is in scale to the existing development in the area.

One of the proposed sites is minimally visible from the parking lot of the Point Dume Natural Preserve; however, the visual impact of the project is minimal, and the prominent scenic views from the Preserve are not affected by the proposed project as they are directed away from the proposed site.

The proposed project will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent with Sections 30251 of the Coastal Act.

### **C. Local Coastal Program**

Section 30604(a) of the Coastal Act states (in part):

*a) 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...*

Section 30604(a) of the Coastal Act stipulates 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 not create significant adverse impacts, and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program which is consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

### **D. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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.

The Commission finds that the proposed project will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project is determined to be consistent with CEQA and the policies of the Coastal Act.

# MALIBU

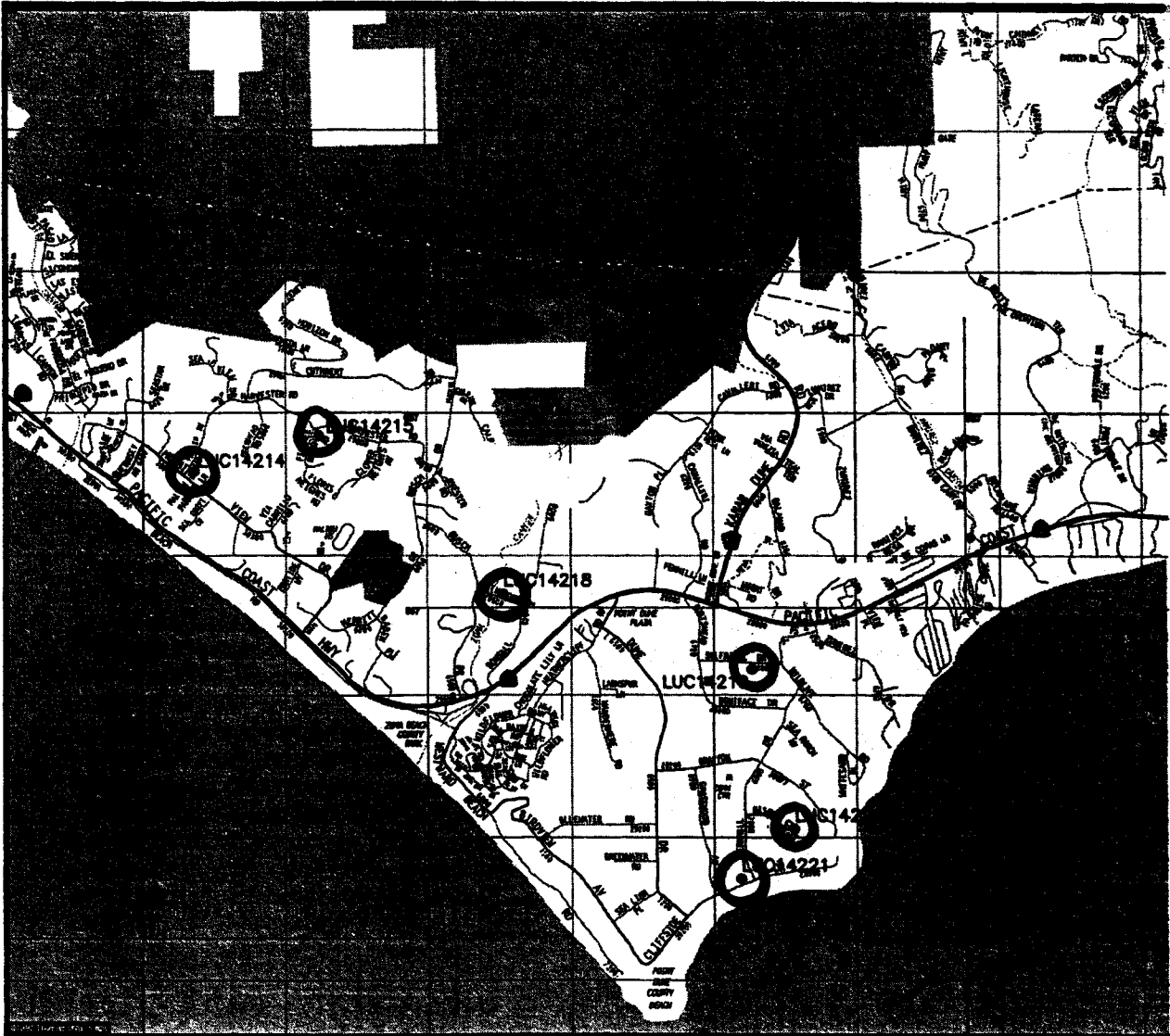


EXHIBIT NO.
APPLICATION NO. VICINITY MAP
4-01-056
SPRINT

### Excavation dimensions for Sprint Microcell Facilities

Site ID #	Location	Excavation Length	Excavation Width	Pad Size
LUC14214	Phillips/Morning View	32.5'	2.7'	30" x 60"
LUC14215	Harvester/Filaree	71'	"	"
LUC14218	Rainsford/Bonsall	15'	"	"
LUC14219	Boniface/Fernhill	25'	"	"
LUC14220	Bison/Fernhill	16'	"	"
LUC14221	Cliffside/Fernhill	16'	"	"

EXHIBIT NO. 2
APPLICATION NO. EXCAVATION DISTANCES
4-01-056
SPRINT

# 1 SITE PLAN

## CONSTRUCTION

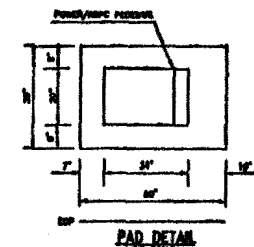
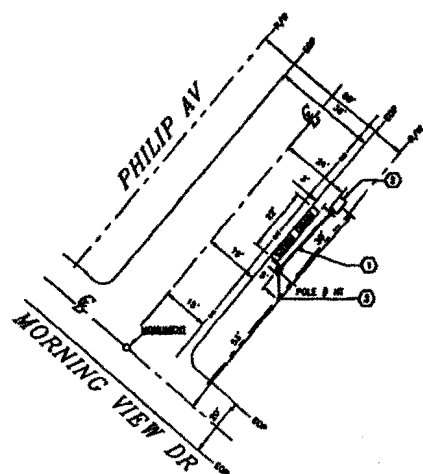
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## PLACEMENT DATA

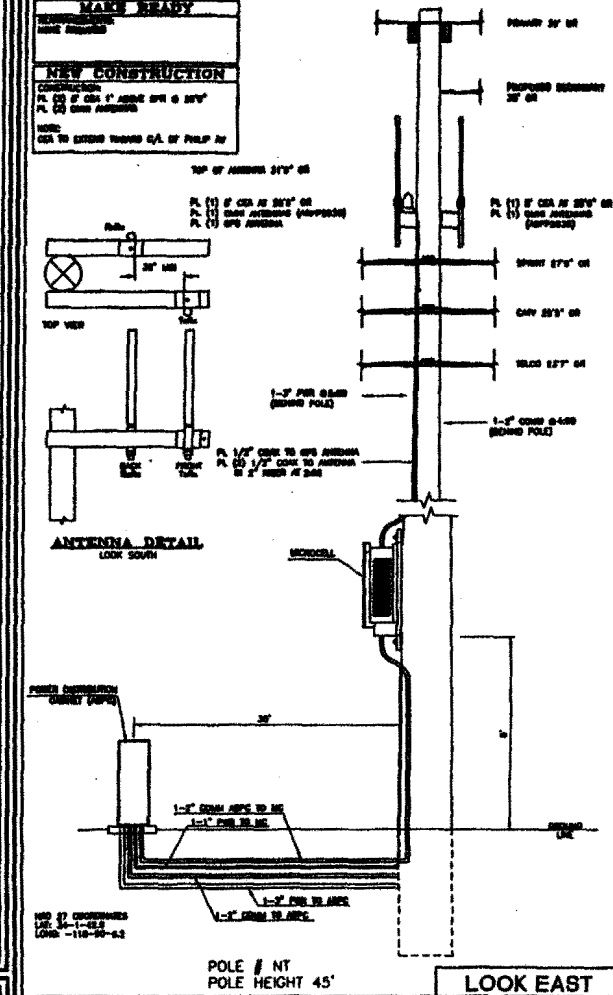
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20. P. 1-1' CONCRETE FOR PAIR (24" IN JOINT TRENCH-IN DIRT)

## CONSTRUCTION NOTES

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# 2 PROPOSED POLE DETAIL

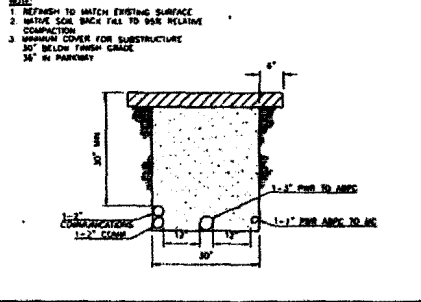


**BMS**  
Communications, Inc.  
900 BIGHAMPTON CAY  
SUITE 204  
CIVIL VALLEY CA 95008  
TEL 925 834-1141  
FAX 925 834-0720

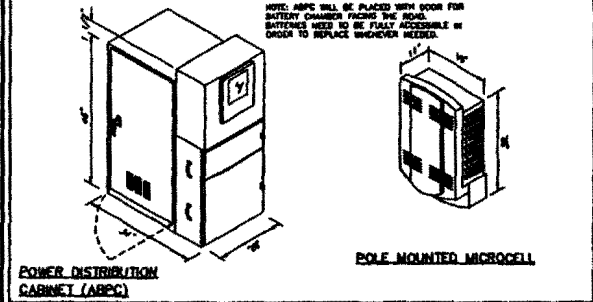
DATE	1-18-01
PROJECT NO.	1415114
ISSUED DATE	1-17-01
PROJECT NAME	SPRINT-MORNING VIEW
JOB NO.	141-001

CITY PERMIT	
PERMIT NO.	01-055
DATE	2-9-01
COUNTY PERMIT	
PERMIT NO.	
DATE	
CALIFORNIA PERMIT	
PERMIT NO.	
DATE	

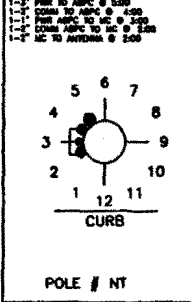
# 3 TRENCH DETAIL



# 4 CABINET DETAIL



# 5 RISER DETAIL



# 6 VICINITY MAP

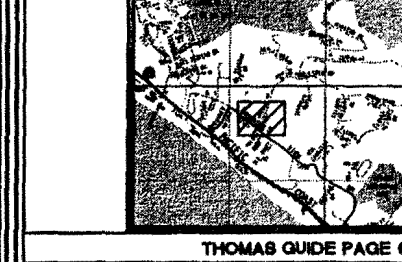
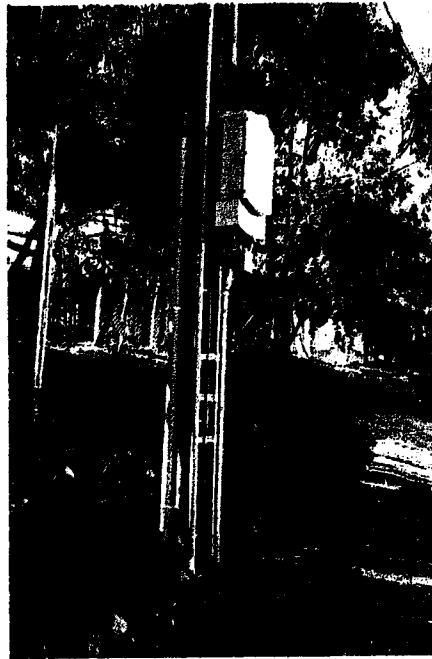


EXHIBIT NO. 3  
APPLICATION NO.  
SITE PLAN  
4-01-056  
SPRINT



Microcell attached  
to existing pole



4 foot X 3 foot  
cabinet

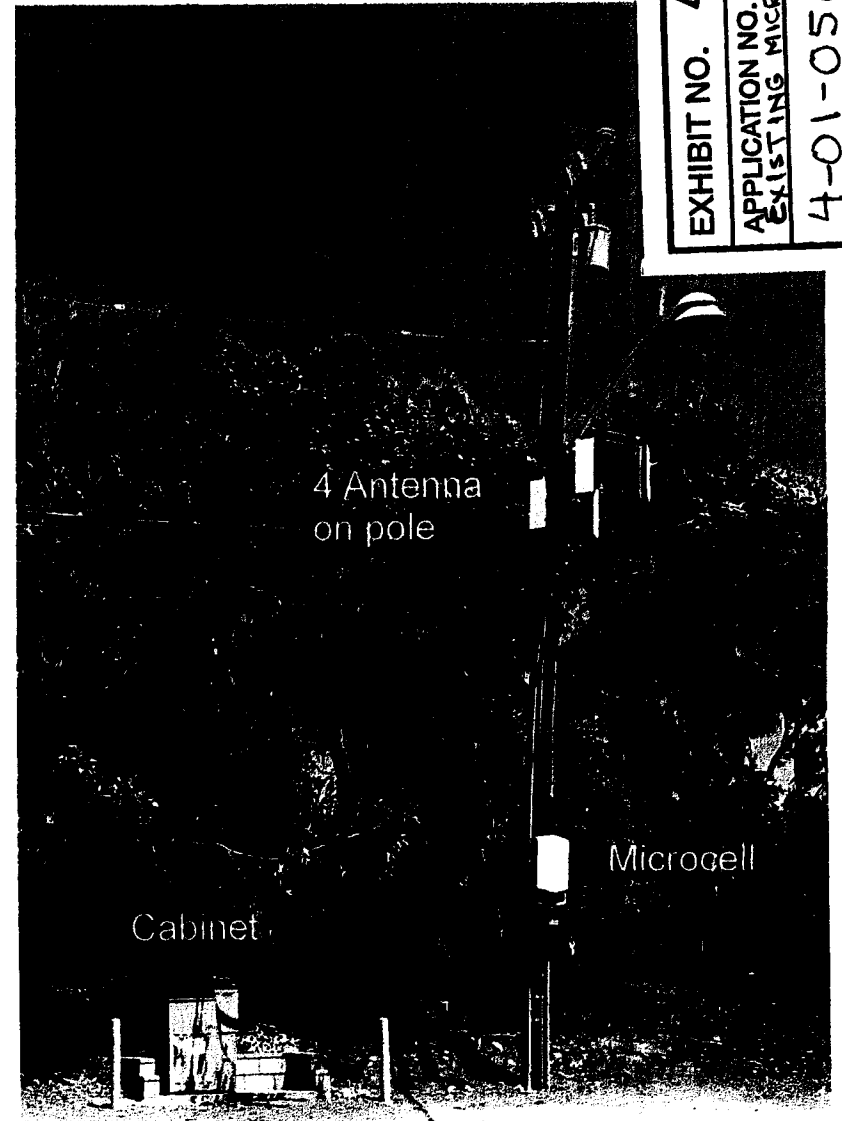


EXHIBIT NO. 4
APPLICATION NO. EXISTING MICROCELL
4-01-056
SPRINT

Photo 2 Sprint P C S Telecommunication Facility  
located on Kanan Dume Road



# City of Malibu

23555 Civic Center Way - Malibu, CA 90265  
(310) 456-2489 FAX (310) 317-0650

Thursday, June 7, 2001

RECEIVED

JUN 11 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Chairperson Wan and Members of the California Coastal Commission  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001-2801

Re: Applicant: Sprint PCS, Application No. 4-01-056 in the City of Malibu

Coastal Commissioners,

It has come to the attention of this office that a Coastal permit waiver is pending for the subject applicant. The applicant proposes the installation of telecommunication facilities on public property in residential neighborhoods consisting of concrete pads, retaining wall, antennae, equipment cabinet and conduits. The City objects to the issuance of a permit waiver because no measures have been provided to address the impacts on the Coast.

Specifically, this project is not in compliance with Chapter 3 of the Coastal Commission Regulations for the following reasons.

- a. There will be a loss of parking spaces on public roadways near the coast (Commission Regulation § 30212 Public Access, § 30223 Recreation),
- b. The facilities are not compatible with the character of the surrounding areas (§ 30251 Development),
- c. The facilities will impact the community and neighborhood surrounding the Point Dume Natural Preserve, a popular visitor destination point (§ 30253 Development).

Also noted on the description of the proposed development is a statement that "no grading is proposed". A review of the permit reveals installation of concrete pads and retaining walls requiring grading and preparation of the soil.

This proposed development will impact the resources within the coastal zone and needs mitigation. It is requested that this permit not be waived and be required to prepare plans for City review to mitigate the visual and resources restricting impacts.

Your attention to this matter is appreciated. Should you have any questions, please contact this office at 310.456.2489 ext 225.

Respectfully,

CHARLES BERGSON  
Director, Public Works

K:\PublicWorks\Subject\permit-sprintpcs-coastal-E.CB.f01.wpd

EXHIBIT NO. 5
APPLICATION NO. City of Malibu comments
4-01-056
SPRINT