

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

15 METROPOLITAN DRIVE, SUITE 103

DIEGO, CA 92108-4402

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**Mon 4a**

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Staff: DS-SD
Staff Report: 12/17/01
Hearing Date: 12/7-11/02

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-164

RECORD PACKET COPY

Applicant: Sprint PCS

Agent: Project Design Consultants

Description: Construction of four (4) technical housing cabinets for wireless communication facility on a 3' x 10.5' concrete pad within the public Right of Way.

Building Coverage	32 sq. ft.
Landscape Coverage	25 sq. ft.
Zoning	Public Row
Ht abv fin grade	5 feet

Site: Public R.O.W, south side of Lomas Santa Fe Drive, ¼ mile east of Las Banderas Dr., ¼ mile west of Mil Cumbres Dr., Solana Beach, San Diego County.

APN: Adjacent to 263-480-01

Substantive File Documents: Previously Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

1. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or non-invasive plant materials shall be utilized. Special emphasis shall be placed on screening the proposed equipment cabinets from Lomas Santa Fe Drive. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

The permittee shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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 equipment, the applicant agrees to make those modifications which would reduce the visual impact of the proposed facility. In addition, if in the future the equipment is no longer needed, the applicant agrees to be responsible for their removal. 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. Proposed is the construction of 4 technical housing cabinets positioned on a 3' by 10.5' concrete pad within the public Right of Way of Lomas Santa Fe Drive in the City of Solana Beach. Although exempt under Commission Regulations, the proposal also includes the attachment of four cellular antennas to an 8' cross-beam located 23' above grade on an existing 61' tall SDG&E power pole. The

proposed cabinets will contain technical support equipment for the wireless antennae located on the SDG&E power pole. The equipment cabinets will be approximately 5 feet in height and be located within 4 feet of three existing equipment cabinets.

The site is located approximately 1/2 mile east of Interstate 5, on the south side of Lomas Santa Fe Drive. The Right of Way is 12 feet wide and runs along the south side of Lomas Santa Fe Dr, containing utility power poles and other equipment housing cabinets.

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. Runoff/Water Quality. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The small amount of run-off created by the proposed development will flow through surrounding landscaping and does not pose a threat to the water quality of the surrounding area. Directing runoff through landscaping is a well-established BMP for treating runoff from small developments such as the subject proposal and will serve to reduce any impacts to water quality from the project to insignificant levels, consistent with the above cited Coastal Act policy.

3. Visual Impacts. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. The site is located on the edge of an established residential neighborhood consisting of large and medium scale single-family residences. The proposed structures will be similar in size and scale with the existing cabinets located approximately 5 feet away. The subject site is not located within any of the special overlay areas identified in the County LCP, and is not visible from Interstate 5. In order to minimize any visual impacts from Lomas Santa Fe Drive, a designated coastal access route, Special Condition #1 requires that the proposed cabinets be shielded from view from Lomas Santa Fe Drive and utilize drought tolerant native or non-invasive plant materials. In order to ensure that this equipment does not remain in place longer than necessary, Special Condition # 2 requires that the proposed development be removed as technological advances allow for smaller and less bulky installations. As conditioned, therefore, the project will not have an adverse visual impact on the community and the project can be found consistent with Section 30251 and all other applicable Chapter 3 policies of the Coastal Act.

4. 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. While the Commission certified the County LCP, the County never accepted the Commission's modifications and therefore, the LCP was never effectively certified and Chapter 3 policies of the Coastal Act remain the standard of review. 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.

The subject site was designated as public Right of Way in the previously certified County of San Diego LCP. The City of Solana Beach has zoned and designated this area for public R.O.W. uses in their draft Land Use Plan and Zoning Ordinance, and the proposed development is consistent with these designations as an appropriate use within the Right of Way where other such facilities are also located. As discussed above, the proposed project can be found consistent with the relevant Chapter 3 policies regarding the protection of public access and visual resources, and no adverse impacts to coastal resources will result. The site is not subject to any of the special area overlays established in the County LCP. 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.

5. 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 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 that the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. As conditioned, there are no feasible alternatives or mitigation measures available that would substantially lessen any significant adverse impact that the activity might 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.

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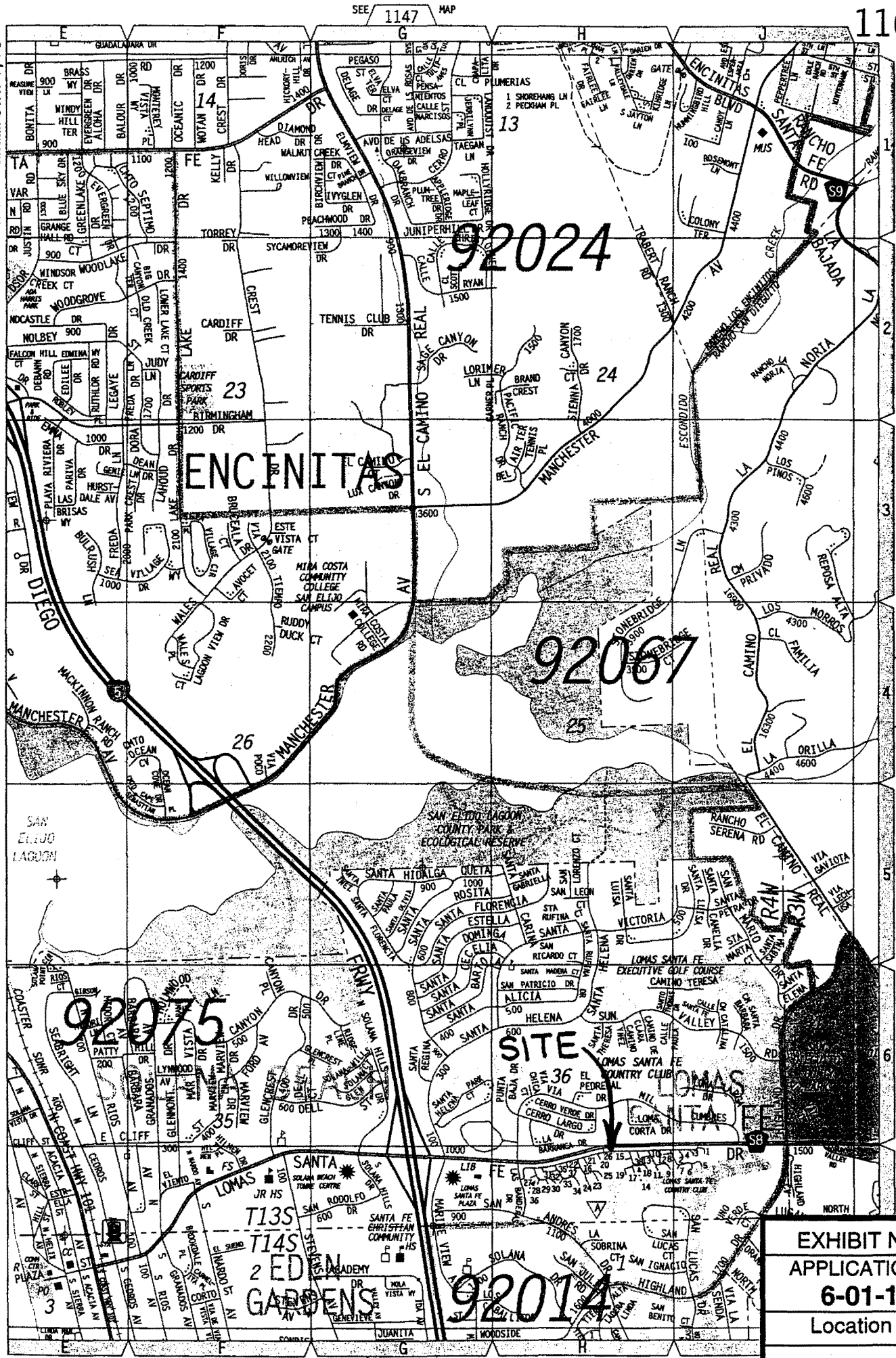


EXHIBIT NO. 1167
APPLICATION NO. 6-01-164
Location Map

SEE 1147 MAP

1167

SEE 1168 MAP

SEE 1187 MAP

