

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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**Fri 8h**

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49th Day: 5/8/02
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Staff: DS-SD
Staff Report: 5/13/02
Hearing Date: 6/10-14/02

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-51

Applicant: Sprint PCS

Agent: Project Design Consultants

Description: Installation of wireless telecommunication equipment consisting of a 38 ft. high monopole with attached 2 ft. diameter microwave antenna, a 10 ft. high post with six attached panel antennas, and four equipment cabinets within a 300 sq. ft. chain-link enclosure.

Site: On a hillside east of the Interstate 5 U.S. Border Check Point Station, US Marine Corps Base Camp Pendleton, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed commercial development with several special conditions. The main issue raised by the proposed development pertains to protection of scenic resources. The proposed facilities will be east of I-5, and thus will not block views of the ocean. The project will be located on a hillside that currently contains a number of other telecommunication facilities. While the proposal cannot be collocated with the existing facilities, the project is in close proximity with them, and thus visual impacts are reduced. To minimize the potential for future impacts to coastal resources, staff is recommending two conditions regarding the removal of the development should it prove unnecessary in the future, and the co-location of future cellular projects to avoid any further visual impacts. As conditioned, the project is consistent with the visual and biological resource policies of the Coastal Act.

Substantive File Documents: Previously Certified San Diego County Local Coastal Program (LCP); Coastal Development Permit Nos. 6-97-160; 6-98-74; 6-00-58; and 6-01-059. Letter from Project Design Consultants to Commission staff, dated 3/25/02.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-51 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. 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 antennas and associated 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 antennas and associated equipment are no longer needed, the applicant agrees to be responsible for removal of them. 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 legally required.

2. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. The applicant is proposing to install an unmanned telecommunications facility consisting of an approximately 10' high post with 6 mounted wireless antennas, a 38' tall monopole for the placement of a 2 ft. diameter microwave dish antenna, and construct an approximately 3' high, approximately 300 sq. ft. chain-link enclosure surrounding 4 new cabinets. The site is located on a hillside approximately 1/4 mile east of Interstate 5, adjacent to, and approximately 100 ft. above, the US Border Patrol checkpoint station within US Marine Corps Base Camp Pendleton. The site currently contains a forty-foot tall antenna array with approximately 15 wireless panel antennas and three microwave dish antennas, as well as a 5,000 sq. ft. chain-link fence enclosure housing numerous equipment cabinets.

The subject site is located on the Camp Pendleton Marine Base, a federally owned and operated military facility used by the United States Marine Corps and located in an unincorporated area of the County of San Diego which is not subject to local permit review by the County. In addition, although the project is subject to the Commission's Federal Consistency Review Process, the Commission's act of granting a coastal development permit to the applicant functions under the California Coastal Management Program as the equivalent of a concurrence under the Coastal Zone Management Act. Because there is no certified LCP for this area, the standard of review for this development is 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 proposed development is east of Interstate 5, directly east and above the US Border Patrol checkpoint within the Camp Pendleton Marine Base. As the project site is east of Interstate 5, public views of the ocean will not be affected. Although the monopole and

antenna post will be visible from I-5, the proposed antennas will maintain a low profile and are proposed to be camouflaged to match surrounding vegetation, and the post itself will not block existing views. As well, the proposed monopole is similar in height and far less bulky than the existing antenna array located approximately 20 ft. to the east of the project site. The proposed equipment cabinets will be placed on a 2" thick concrete pad surrounded by chain-link fence, and will be located behind an existing 5,000 sq. ft., 7 ft. high, equipment enclosure. The proposed new enclosure will not be visible from Interstate 5 or the surrounding area within the base.

The proposal includes a detailed alternatives analysis that explores various locations and multiple configurations of the project. One alternate locale for the project is directly east of I-5, within the US Border checkpoint station. This alternative was rejected because the project would violate Border Patrol security precautions in placing a foreign structure within a restricted area. A second alternative placed the installations on the hillside above the checkpoint, between the existing antenna array and equipment enclosure and the interstate. This alternative was rejected because of impacts to native vegetation that would occur by placing the equipment enclosure and cabinets on an undisturbed area of the hillside.

Also included in the analysis is the possibility of collocating the proposed facility with existing facilities on the hillside approximately 100 ft. above the US Border Patrol checkpoint. However, as stated within a letter from Project Design Consultants, dated March 20, 2002, the existing wireless facilities on the site currently house antenna and equipment for three other wireless companies and are currently at design capacity. Therefore, the addition of new antennas or cabinets directly to existing facilities is unfeasible because the existing facilities cannot technically accommodate any more hardware.

The "no project" alternative would not achieve the applicant's objective of filling a current service gap in the area of Camp Pendleton adjacent to the proposed development.

The alternative preferred by Sprint and Camp Pendleton is to collocate the antenna and equipment within the same area as existing development. As proposed, the project will be located within a disturbed area behind the existing 5,000 sq. ft. enclosure, and will not be visible from I-5. Furthermore, the equipment cabinets will not significantly block any views of the surrounding area because the site already contains an approximately 8-ft high chain link fence, and the proposed cabinets will not lie between any views of the ocean and the road.

The proposed 10 ft. tall post and 38 ft. tall monopole will be placed directly next to the existing enclosure, and approximately 20 ft. southeast of the existing 40 ft. tall antenna array. As such, the vertical components of the project will be visible from I-5 and the Border Patrol checkpoint. However, the proposed post and monopole will not significantly change existing impacts that result from the current development because the existing array is much larger is bulk, and slightly taller than the 38 ft. high monopole.

Thus, the addition of the vertical project components will not impact existing coastal or scenic views.

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. Special Condition #2 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 #1 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. These conditions will limit the proliferation of these types of facilities, restrict them to appropriate locations, and prevent the area from being littered with outdated and obsolete facilities in the future. As conditioned above, the Commission determines that impacts to scenic coastal resources have been reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

3. Biological Resources. Section 30231 of the Act provides for the protection of coastal resources and 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 proposed development will occur approximately 3/4 of a mile from the ocean. As such, drainage and run-off from the development could potentially affect water quality of the ocean. However, the project proposal will be located next to an existing equipment enclosure and will be surrounded by vegetation. The small increase in impervious surface will not significantly impact any nearby resources, and all run-off from the proposed development will be routed through existing vegetation that will ensure the control of erosion and maintain water quality. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

Section 30240 of the Act protects coastal habitat and states, in part, that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project proposal does not involve the significant removal of any vegetation, and the site is located on an existing disturbed, rocky area behind an existing 5,000 sq. ft. enclosure. The new four proposed equipment cabinets will be placed on a 2" thick concrete pad and surrounded by a chain-link fence. The pad will be placed on an existing disturbed area, and the proposal does not involve any impacts to native vegetation. Although the project area is near native plant life, the site is not located near any environmentally sensitive habitat areas (ESHA), and the project will not impact any biological resources. Thus, no impacts to ESHA will result from the proposal, and the project is consistent with Sections 30240 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 is located on the Camp Pendleton Marine Base, a federally owned and operated military facility used by the United States Marine Corps and located in an unincorporated area of the County of San Diego which is not subject to local permit review by the County. In addition, although the project is subject to the Commission's Federal Consistency Review Process, the Commission's act of granting a coastal development permit to the applicant functions under the California Coastal Management Program as the equivalent of a concurrence under the Coastal Zone Management Act. 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 that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated.

5. 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

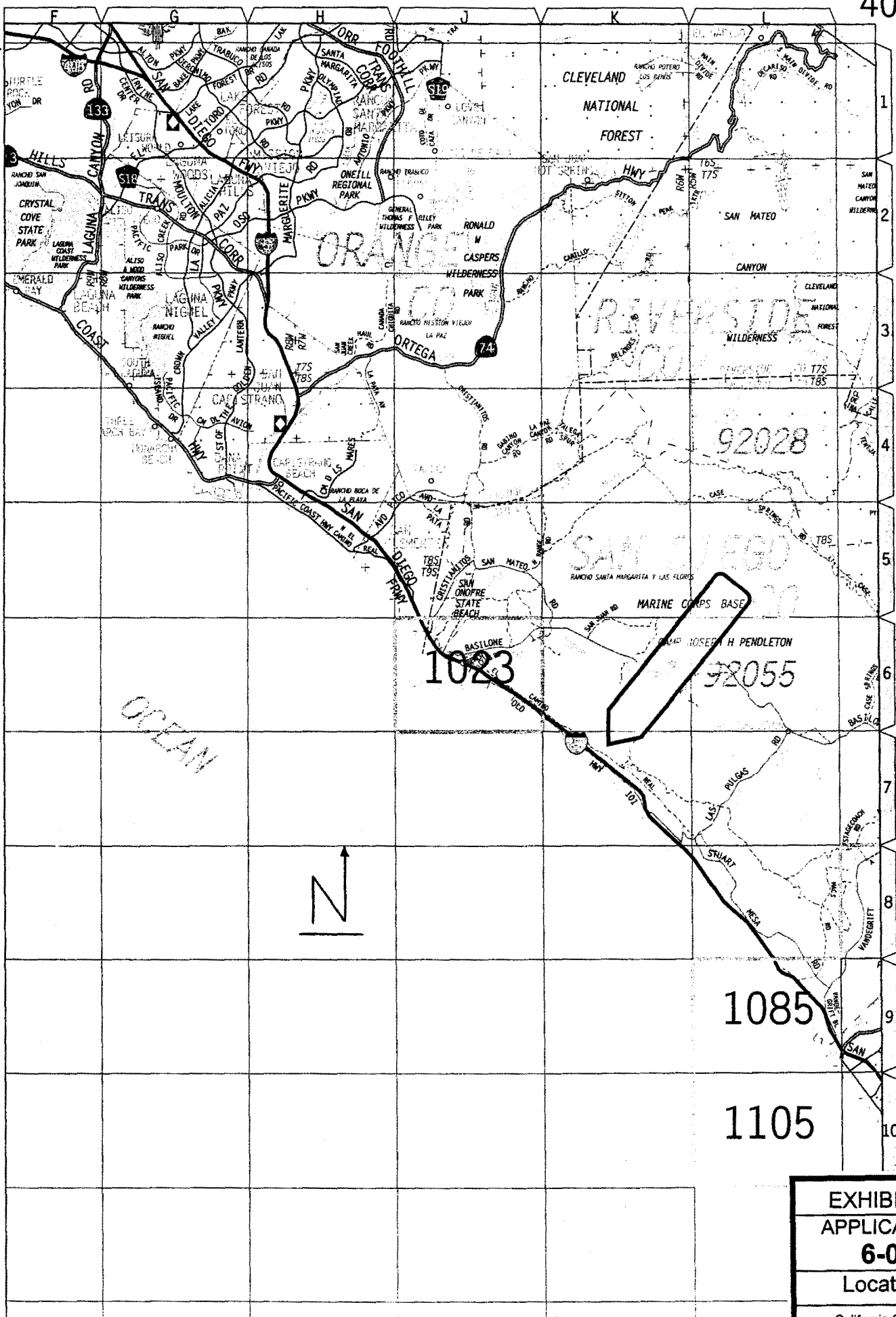
substantially lessen any significant adverse effect which the activity may have on the environment.

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 that 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 is 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.

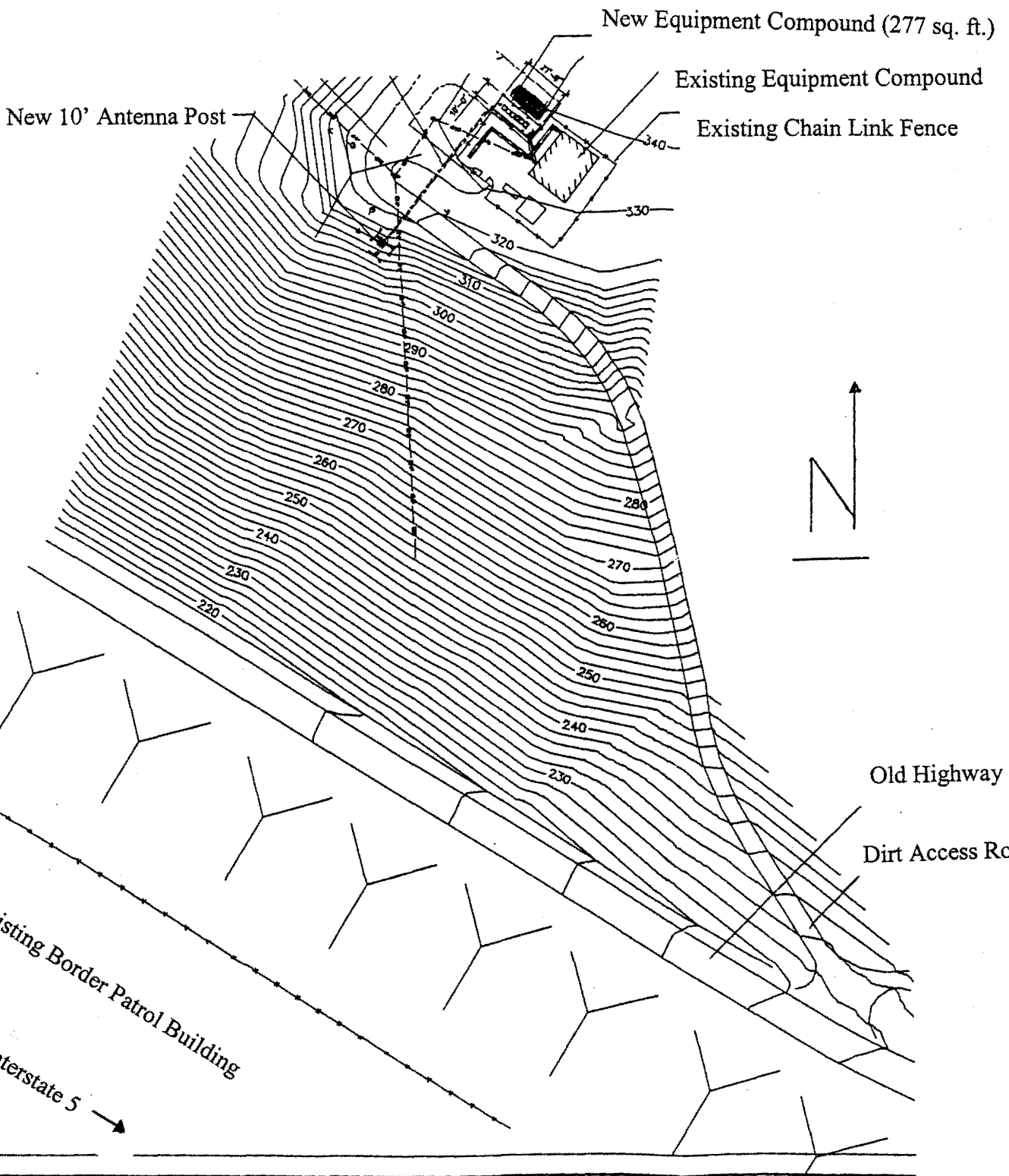
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SEE 409 MAP

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|-------------------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. |
| 6-02-51 |
| Location Map |
| California Coastal Commission |



SITE PLAN

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| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 6-02-51 |
| Site Plan |
|  California Coastal Commission |

