

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370

## RECORD PACKET COPY

**Thu 8e**

Filed: December 11, 2002  
49th Day: January 29, 2003  
180th Day: June 9, 2003  
Staff: DL-SD  
Staff Report: December 19, 2002  
Hearing Date: January 8-10, 2003

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-169

Applicant: Sprint PCS Assets

Agent: Jim Kennedy

Description: Request for after-the-fact approval of the construction of a telecommunications facility consisting of a subterranean equipment vault measuring 16' x 30' x 18' deep, a 30' high telecommunication light standard with three flush-mount antennas and a 30' high matching light pole located in the parking lot of an existing commercial building.

Lot Area	1.32 acres
Zoning	AR-1-1
Plan Designation	Agriculture
Ht abv fin grade	30 feet

Site: 3675 Via de la Valle, North City, San Diego, San Diego County.  
APN 302-210-51.

Substantive File Documents: City of San Diego Certified LCP; Certified North City  
Future Urbanizing Area Framework Plan.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed telecommunication facility. The facility will not be visually prominent or have an adverse impact on the scenic quality of the area, as the proposed antennas will be placed on light standards located in the parking lot of an existing commercial business. Special Conditions have been added requiring that water quality best management practices be implemented during construction to ensure that no impacts to biological resources will occur. No other impacts to coastal resources are anticipated.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-02-169 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. Temporary Erosion Control/Construction BMPs. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for temporary erosion controls and construction Best Management Practices (BMPs) to the Executive Director for review and written approval. The plan shall incorporate the following requirements:

a. Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss during construction.

- b. All areas disturbed by excavation shall be restored to pre-construction conditions immediately following project completion.

The permittee shall undertake development in accordance with the approved temporary erosion control plans. Any proposed changes to the approved erosion control 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 legally 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 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.

3. 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.

4. Condition Compliance. Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed telecommunications facility consists of a below-ground 16' x 30' x 18' deep equipment enclosure, a 30' foot high telecommunications antenna/light pole, and a matching light pole. Three panel type antenna measuring 4'8" x 11'4" will be placed on the western light pole. One GPS antenna will be located on the telecommunications light pole. All of the proposed lighting will be shielded so that no direct lighting shines beyond the property line. The project will be located within an existing paved parking lot on a site with a retail equestrian store

at the southwest corner of Via de la Valle and El Camino Real in the City of San Diego. Construction on the development had already begun in apparent violation of the Coastal Act, but is currently halted. At this time, the equipment enclosure has been constructed and the light standards erected, but the parking area has not been fully restored and the facility is not operational.

The subject site is designated as North City Future Urbanizing Area (NCFUA), in an area of deferred certification, thus Chapter 3 of the Coastal Act is the standard of review.

2. Visual Resources. Section 30251 of the Act 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 site is located adjacent to the San Dieguito River Valley, a scenic coastal area. The proposed equipment building is located entirely underground and is not visible. The existing parking lot and the proposed 30-foot high light poles will be located south of an existing retail building, and thus will not be visible from eastbound Via de la Valle, and will only briefly and slightly visible from westbound Via de la Valle and El Camino Real, the two major coastal access routes in the vicinity. The antenna fixtures are relatively inconspicuous as proposed, and are not expected to have an adverse impact on views as they are only partially visible and disguised as a light standard within an existing parking lot.

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 Executive Director determines that two special conditions are required to be consistent with past Commission direction on similar projects. Special Condition #3 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 impacts to scenic coastal resources will be reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

Therefore, the proposed project is consistent with the visual protection policies of the Coastal Act.

3. Water Quality/Biological Resources. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained by, among other means, controlling runoff and states, in part, that:

Section 30231

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 entrapment, controlling runoff, ....

The site is in close proximity to the San Dieguito River Valley, and the site drains directly into the San Dieguito River channel. The proposed light fixtures will be shielded such that no impacts to wildlife are expected. The site is fully paved and developed and will be repaved after construction. No new impervious surfaces will be created. However, the project involves 300 cubic yards of balanced grading, and as such, the site must be stabilized during construction to ensure dirt and runoff does not enter the river channel. Therefore, Special Condition #1 requires submittal of a construction Best Management Program. Thus, as conditioned, the project is consistent with the resource protection and water quality policies of the Coastal Act.

4. Unpermitted Development. A portion of the proposed development has already occurred without the necessary coastal development permit, including construction of the subterranean telecommunications facility. The applicant is requesting after-the-fact approval for the telecommunications facility construction. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition #4 requires that the applicant satisfy all conditions of this permit, which are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

The Commission notes that although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Commission action upon the permit does not constitute a waiver of any legal action with regard to the alleged violations of the Coastal Act; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

5. 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 designated as North City Future Urbanizing Area (NCFUA), Subarea II, and zoned AR1-1 by the City of San Diego. It is located within the North City LCP segment. However, although the City has a fully-certified LCP and issues its own coastal development permits in many areas of North City, several areas of deferred certification remain, including Subarea II of the NCFUA. Thus, all permits within the subarea must come before the Coastal Commission, and Chapter 3 of the Coastal Act is the standard of review. As demonstrated in the preceding findings, the Commission has found the proposed development, as conditioned, consistent with all applicable policies of the Coastal Act. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to complete the planning process for this area and continue implementation of its certified LCP.

6. Consistency with the 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, as conditioned, 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 proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing runoff and best management practices will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.

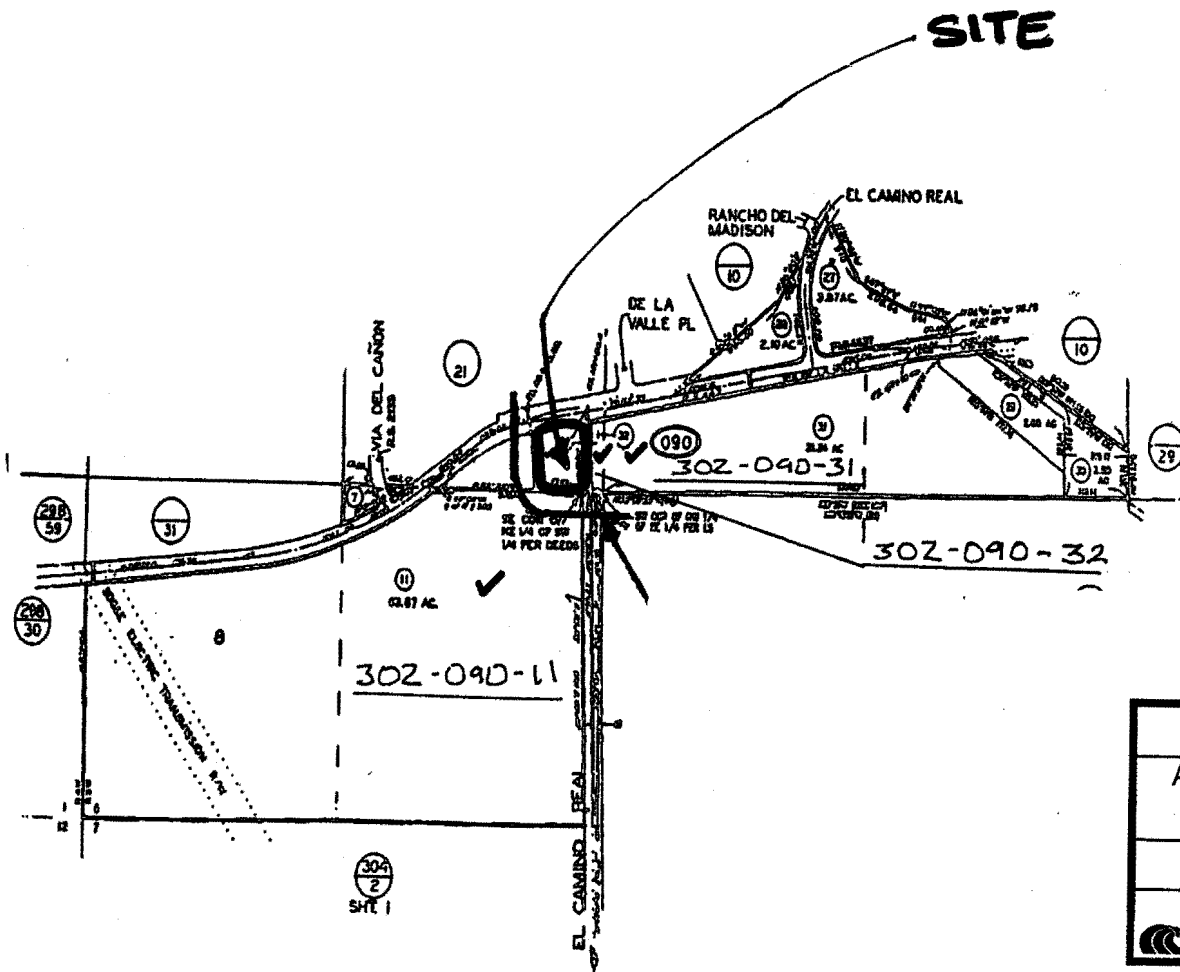
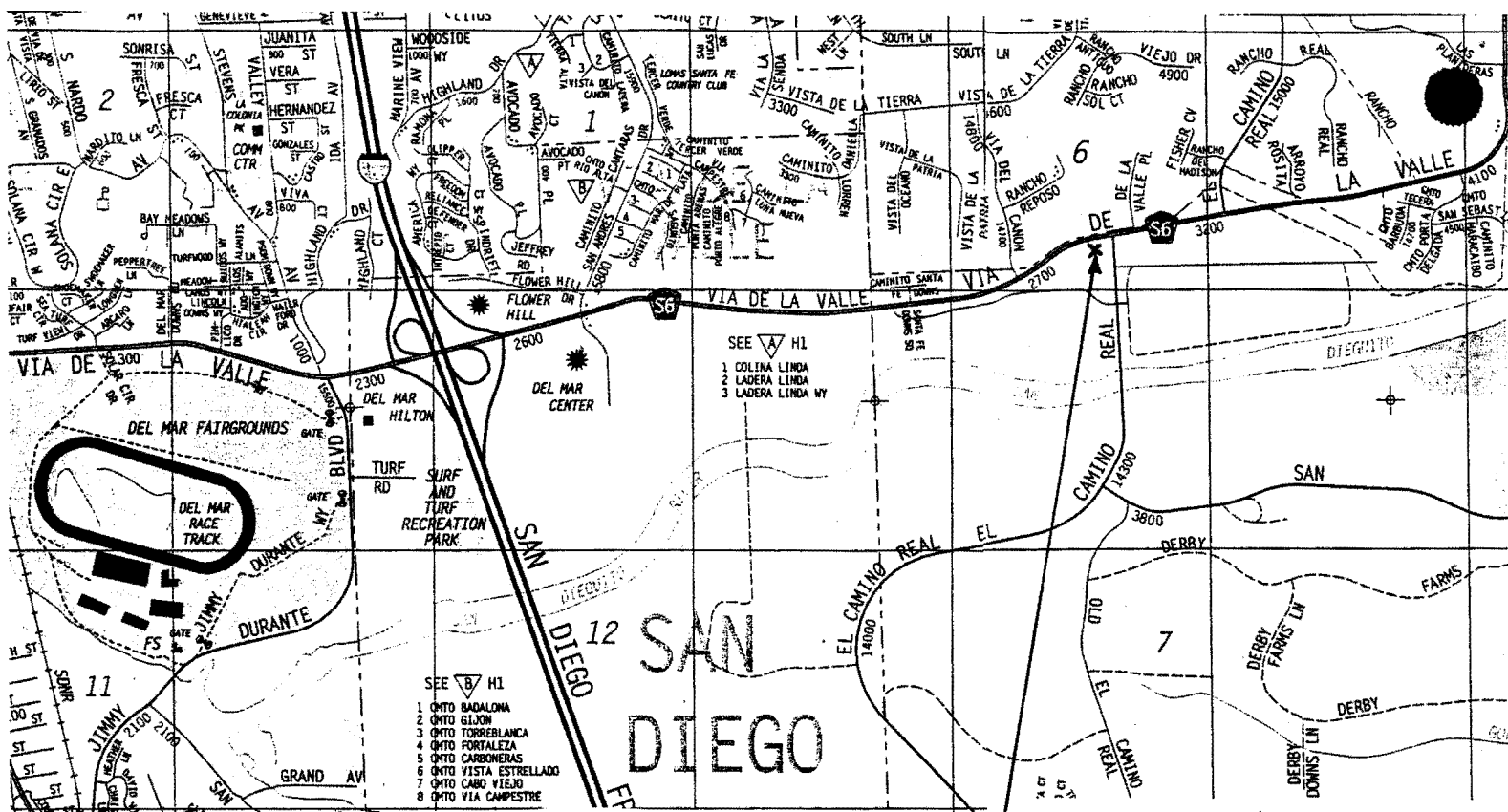


EXHIBIT NO. 1
APPLICATION NO.
6-02-169
Location Map
California Coastal Commission



VIA DE LA VALLE



- (E) UTILITY POLE (P113557)
- (E) TELCO POLE (113557)
- (E) COFFEE SHOP

EL CAMINO RE



PROPERTY LINE S 01°10'45" E 39.78'

ACCESS ROAD

PROPERTY LINE N 89°45'15" W 222.48'

PROPERTY LINE N80°59'17" E 168.41'

EXISTING STORAGE

EXISTING BUILDING

EXISTING METER POINT OF CONNECTION  
PROPOSED METER

EXISTING PAC-BELL EQUIPMENT CABINETS  
EXISTING METERS

EXISTING PARKING

EXISTING SLIDING WROUGHT IRON GATE  
PROPOSED 28' HIGH LIGHT POLE

EXISTING ASPHALT

PROPOSED ±31.0' COAX CABLE TRENCH  
PROPOSED GPS ANTENNA

14 PARKING SPACES

SLOPE

PARKING SPACES

PROPOSED 28' HIGH LIGHT STANDARD W/3 SECTORS  
RAD CENTER • 24'-8"

PROPERTY LINE N 08°44'10" W 222.39'

358'-6"


21'-4"

±33'-2"

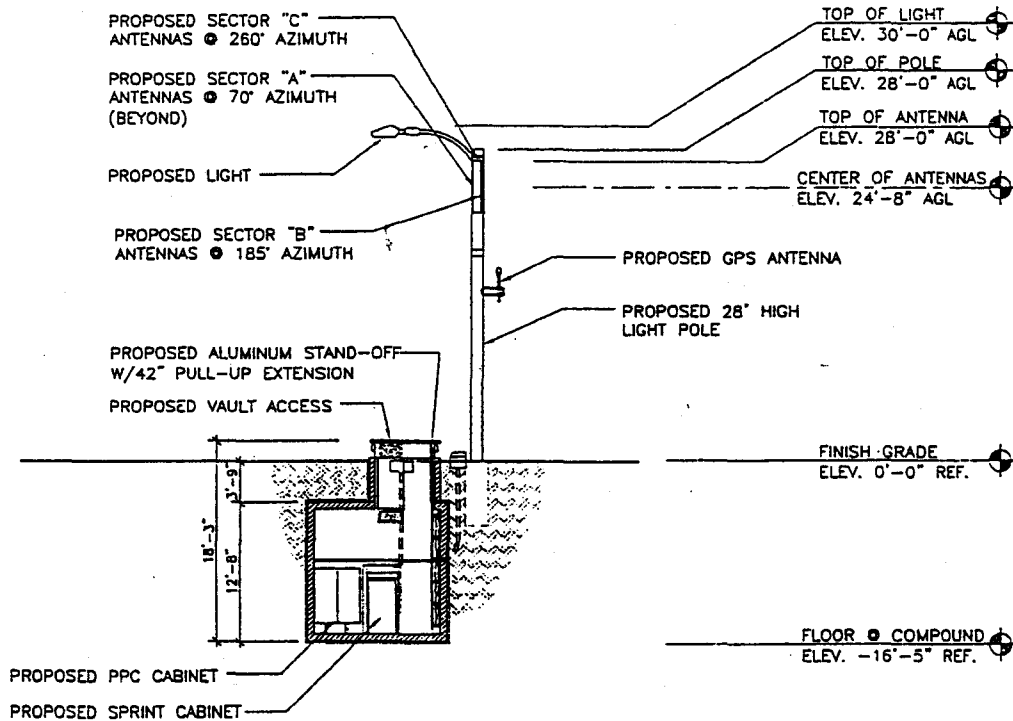
80'-0"

PROPOSED TELCO POLE #619951H  
POINT OF CONNECTION

PROPOSED 267' TELCO TRENCH

	EXHIBIT NO. 2
	APPLICATION NO. 6-02-169
	Site Plan

PROPOSED VAULT ACCESS  
PROPOSED SPRINT MODCELL (4 CABINETS, ±242.0 SQ. FT. LEASE AREA) IN UNDERGROUND VAULT

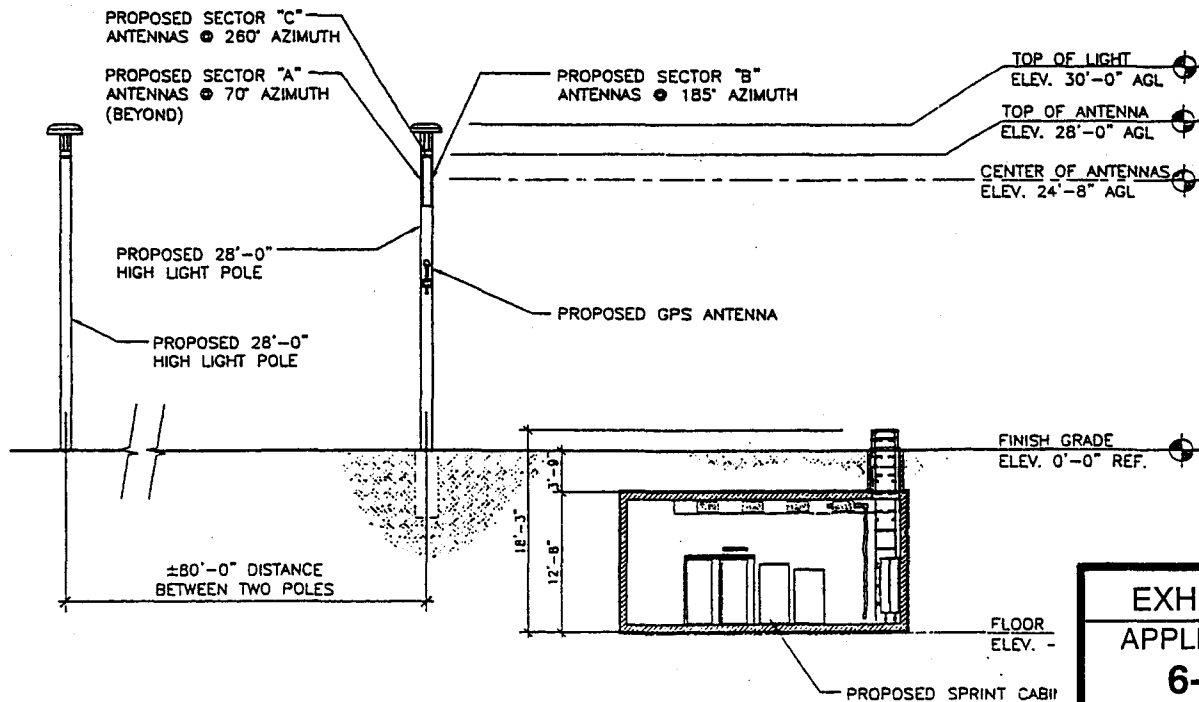


WEST SECTION / ELEVATION

SCALE: 1/8"=1'-0"



3



NORTH SECTION / ELEVATION

SC 1/8"

EXHIBIT NO. 3  
APPLICATION NO.  
**6-02-169**  
Elevations