

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**W14b****ADDENDUM**

Date: October 7, 2010

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SOUTH COAST DISTRICT STAFF

SUBJECT: Commission Hearing of October 13, 2010, **item 14b** of agenda, Coastal Development Permit 5-10-110 (T-Mobile West Corp.), Newport Beach, Orange County

Three letters of opposition to the project were received at at the South Coast District Office on October 7, 2010 from: Mr. Mark Tabbert, Mr. Craig P. LaFrance, and a letter of opposition signed by 23 members of the public.

Agenda Item: W14b (Oct. 13, 2010)

Application Number: 5-10-110

Position: AGAINST

RECEIVED
South Coast Region

OCT 7 - 2010

**CALIFORNIA
COASTAL COMMISSION**

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4416

Attn: John Del Arroz (for distribution to the Commissioners)

Dear Commissioners,


I am running for City Council in Newport Beach. In the course of my campaign I have met with and listened to the issues confronted by a great many of our residents, including Dr. Jim Mosher on Private Road, who has brought to my attention this application for installation of a cell site and associated equipment on a City-owned streetlight in a park area adjacent to the Upper Newport Bay Nature Reserve. As a Friend of the Back Bay we have worked hard to create a pleasant open-space environment, and the addition of a new cell site detracts significantly from the enjoyment of this area by residents and visitors alike.

In the present case, Dr. Mosher, a highly intelligent individual whose private bluff-top views of the Back Bay would be materially impaired by this project, has demonstrated to my satisfaction that T-Mobile already has near-perfect reception at the proposed location, making this a singularly inappropriate place for a new cell site. As in so many other things, City staff seems to have been asleep at the switch in allowing this project to progress to the extent that it has (local code is supposed to prevent unnecessary sites and minimize telecom impacts on both public and private views).

As I understand from Dr. Mosher, City staff was not only unaware of the need for Coastal Commission review, but has also neglected the City Charter requirement to seek City Council approval before making public property available for private commercial use. My understanding is that the Council has never voted on the underlying License Agreement, and I would like you to know that if elected I would be vote against it.

I urge you to reject this project.

Yours sincerely,



Mark Tabbert
20172 Spruce Ave
Newport Beach, CA. 92660
(949) 355-6073

October 2, 2010

Craig LaFrance
2209 Private Road
Newport Beach, CA 92831
Cell Phone: 949-322-7964

Coastal Commission Hearing Oct. 13, 2010
Agenda Item No. W14b
Application No. 5-10-110 (T-Mobile West Corp.)
Craig LaFrance – Opposed to the Project

California Coastal Commission
South Coast District
P.O. Box 1450
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Attn: John Del Arroz, Coastal Program Analyst

Subject: Coastal Commission Hearing Oct. 10, 2010
Agenda Item No. W14b
Application No. 5-10-110

Gentlemen:

In reviewing the Staff Report for the subject application I am concerned that the City of Newport Beach has not presented an accurate representation of the circumstances surrounding the application to the Commission. Additionally, the document submitted to the Commission may not have had full City of Newport Beach review.

I request the Commission reconsider the recommendation to approve, considering the following:

- A. **Traffic Safety:** The proposed location of equipment (two 5' tall boxes)will block visibility of Southbound Irvine Avenue traffic as it approaches intersection to Private Road. The traffic approaches around a blind curve on Irvine Ave. and already presents a hazardous intersection for residents exiting Private Road to enter Irvine Ave. The equipment, two (4) foot high boxes mounted on (1) foot pedestals appears to be positioned directly in the view line of traffic approaching around the corner. Additionally, other proposed equipment installations appear to block the view of traffic entering Irvine Avenue from Private Road.

Opposition Point: I was not notified by the city concerning the development of the project so did not have the opportunity to express this observation. Has Newport Beach assured the Commission that due process has been followed in issuing a permit to the utility's developer? Has Traffic and Legal at Newport Beach been consulted concerning the increase in the traffic hazard? While this may not be a Commission concern it may be indicative that Newport Beach

has not diligently reviewed this project. It seems that traffic safety should be a first consideration for installations in a public right-of-way. Subsequent traffic accidents at the intersection may put the city at risk.

- B. Visual Impact: Under section "E" (Visual Resources) of the "Project Description" the Commission notes the "project's impact will be minimal", and further goes on to state "the Commission is concerned that cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources".

Opposition Point #1: The applicant (T-Mobile, et al) already has a location at Harbor Christian Church (at the Santa Isabel intersection with Irvine Ave.) two blocks away. This project is a second installation within two blocks and is not in keeping with the stated intent of the Commission to minimize such installations.

Opposition Point #2: The visual attractiveness of the area (benefitting the appearance of the Upper Newport Bay) is in part due to substantial underground installations of utilities in the adjacent neighborhood, eliminating the unsightly impact of overhead power lines and (shared) telecommunications lines. The Commission in recommending approval is, in fact, taking the first step in adversely affecting the visual impact by this addition. The installation of the proposed equipment boxes will certainly degrade the appearance of the small park at the proposed installation site. Users of the Upper Bay reservation will also experience deterioration in the quality of the appearance as they hike/bike along the adjacent trails.

Opposition Point #3: The application provides for sharing the installation with other telecommunications companies. There do not appear to be restrictions concerning the quantity or size of the equipment of additional parties participating in the use of the facility, only that they do not interfere with each other. I have observed a circumstance where permitted approval of a single radio broadcast tower subsequently resulted in a substantial array of antennae in an otherwise protected environment. The wording of the Newport Beach recommendation to the Commission provides T-Mobile with a product to market to other telecommunications companies (whether they use it or not?). I suspect this is a revenue driven activity (both for Newport Beach as well as T-Mobile and their developer), and is not based on a need for additional T-Mobile service in the area.

I strongly urge the commission to withhold approval and reexamine:

- 1. Is this a second installation within two blocks for T-Mobile? If so, why is that information not divulged to the Commission by both T-Mobile and Newport Beach?**
- 2. Has Newport Beach properly followed procedures to warn residents of the project? The interference with traffic safety sends up a yellow (if not red) flag that due diligence was**

not followed. Additionally, the interference of view on adjacent property owners does not seem to have been considered.

3. Is the open-ended offer to other telecommunications companies an exposure to unrestricted and uncontrolled additions to the pole and the site? Language in the Staff Report has the appearance that the permitted site can be expanded, sold, transferred, etc. without restriction. Once fully permitted, the removal of an unsightly, contentious or abandoned installation would likely involve expensive/extensive litigation to resolve. The Commission should require Newport Beach to reevaluate the contract terms and be sure all "T"s are crossed (e.g. City Council approval of a contract. We do not want another City of Bell here).

One reason for the existence of the Coastal Commission is to protect against unsightly utility rights-of-way detracting from protected environments. While substantial improvements are being made in the appearance and location of telecommunications installations in general, the Commission should not ignore the propensity of overzealous marketers to rush a municipality to permit an unnecessary, visually detractive installation.

Thank you for your consideration of the above.

Respectfully submitted,



Craig P. LaFrance
Cell Phone: 949-322-7964

Agenda Item: W14b (Oct. 13, 2010)
Application Number: 5-10-110
Position: AGAINST

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Ca 90802-4416

RECEIVED
South Coast Region

OCT 7 - 2010

Attn: John Del Arroz (for distribution to the Commissioners)

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners,

We urge you to remove from the Consent Calendar this questionable application for an uncalled for and redundant wireless facility that unnecessarily degrades the Coastal Zone.

Earlier written concerns submitted to the Long Beach office by our spokesperson, Dr. James Mosher, dating back as far as March 18, 2010, do not seem to be part of the present Staff Report, but our main reasons for objecting to this proposal can be summarized as follows:

1. There are very serious questions about T-Mobile's legal right to use the site.
 - a. The Newport Beach City Charter (EXHIBIT 1) requires City Council approval of all contracts, including Telecom License Agreements. As the City Clerk can confirm, the Agreement for private use of public property underlying the present proposal has never been approved at any public meeting of the Newport Beach City Council. City staff holds the required approval can be granted without meeting, vote, or documentation in apparent violation of the Brown Act.
 - b. Despite City Planner Brown's e-mailed assurances that there is no expiration date explicitly mentioned in the permit (TP2007-001) she forwarded to Coastal Plan Analyst Del Arroz, the permit says (EXHIBIT 2), and it was ordered printed on the plans, that it is issued subject to all conditions of the Uniform Building Code. Under both that and the nearly identical administrative section of the title of the Municipal Code under which it was issued (EXHIBIT 3) the permission becomes void if construction is not commenced within 180 days of issuance. This permit was issued in 2007, without thought of possible Coastal Commission review. The first attempt to commence construction was not announced until 2009.
 - c. City Planner Brown also refers to an encroachment permit for use of the public right of way. Although that permit, also issued in 2007, can perhaps be extended indefinitely at the discretion of the City's Public Works Director, it includes the condition "*#15. Any above ground utility facilities will require documented approval from the adjacent affected property owner(s).*" This project definitely affects coastal views from immediately adjacent bluff-top properties, and T-Mobile does not have approval from those homeowners
 - d. Pre-approving an application for a project which does not yet have proper local approvals sets a poor precedent and may prejudice the local process.

2. The project is redundant with existing facilities.
 - a. The proposed site is on the 1 mile-long stretch of Irvine Avenue defining the western edge of the Upper Newport Bay Nature Reserve, a unique scenic and ecological treasure. This segment of Irvine Avenue is designated as a Coastal View Road in the City's Coastal Land Use Plan (EXHIBIT 4).
 - b. In 2006, the City (without Coastal Commission review) granted T-Mobile permission to expand an existing wireless site at a higher location at the exact mid-point of this 1-mile stretch (Harbor Christian Church wireless co-location facility). According to T-Mobile's application, use of that site would provide adequate coverage along the entire Coastal View Road portion of Irvine Avenue.
 - c. Overlapping with the request for use of the Harbor Christian Church site, the City offered T-Mobile use of the present City-owned site, two blocks to the south.
 - d. The promise to achieve coverage with the first site appears to have been fulfilled, with "6-bar" signal strength currently existing at the second site, which is the subject of the present review (EXHIBIT 5). The lowest outdoor signal strength observed anywhere along the 1-mile stretch of Coastal View Road is 3-4 bars, more than adequate for T-Mobile's equipment to function well.
 - e. T-Mobile's agents have subsequently attempted to justify the need for the second site by claiming there is a dropped call problem between the two sites (in the area where the signal strength is 3-4 bars). However 3-4 bars is a quite typical signal level for urban areas. The data offered in support of the dropped call claim, including that submitted to the Coastal Commission, shows only that T-Mobile experiences occasional dropped calls in all its antenna sectors. It does nothing to localize a problem to the present area, or to compare it to the number of dropped calls in any other randomly selected area.

3. The project unnecessarily impacts the coastal zone.
 - a. Already having a major facility operating at the exact mid-point of the coastal zone portion of Irvine Avenue, T-Mobile is now asking the Commission to approve a second facility illogically located in a low open-space park area under a bluff, within 0.1 mile (500 feet) of the southern terminus of the coastal zone.
 - b. The new facility will add unnatural elements to that park area, including not only the antennas themselves, but ventilator stacks and above-ground utility boxes. These will all add visual blight, and the latter, as currently proposed, will also create a significant traffic safety hazard at an already blind intersection.
 - c. The Commission is being asked to approve these additions when, as indicated above, T-Mobile has no demonstrable gap in coverage at the proposed site.
 - d. By comparison, T-Mobile has much lower signal strengths in numerous areas *outside* the coastal zone, for example in the area to the south, yet it is not asking to use any of the many non-coastal zone streetlights or traffic standards available in that area (EXHIBIT 6). Indeed, this long dormant application to address problems outside the coastal zone by adding a redundant facility within the coastal zone is the *only* proposal T-Mobile, with City staff's active encouragement, is currently pursuing in the whole of Newport Beach.

4. The proposed condition *requiring* co-location of future wireless facilities at this site (Special Condition III-1 in the Staff Report) is both ambiguous and in direct conflict with the condition of the local permit *prohibiting* co-location (EXHIBIT 7).
 - a. Since it was never reviewed or approved by the Coastal Commission, staff is possibly unaware of the existing major Harbor Christian Church wireless site at the mid-point of the coastal zone segment of Irvine Avenue. It would seem a more logical co-location site for future vendors than the present one, which is singularly ineffective because it is in a topographic hole at one extreme end of the coastal zone segment. Approving sites at the extreme southerly location would quite possibly require the Commission to approve a second site to serve the northern end of the coastal zone segment. Hence this co-location requirement appears to encourage adding two sites to the coastal zone where a single one might do.
 - b. The Staff Report also fails to define the radius over which co-location to this site would be desirable. Is staff asking the Commission to encourage other carriers to co-locate within the coastal zone to correct deficiencies outside the coastal zone as T-Mobile appears to be doing in the present case?

The Coastal Commission has previously denied wireless proposals where it could not be verified that the applicant had a substantial gap in coverage within the coastal zone and was proposing the solution least impactful on the coastal zone (for example, Application 5-09-103).

For the many reasons cited above, the undersigned feel this application requires closer scrutiny. We beg you to remove it from the Consent Calendar so that you can hear our concerns.

Yours sincerely,

Signature: Connie Skibba Printed name: CONNIE SKIBBA
Address: 2218 Private Road Date: 10-2-10
President Service Company

Signature: Michael L. Skibba Printed name: Michael L. Skibba
Address: 2218 Private Rd Date: 10-2-10

Signature: James M. Moster, Ph.D Printed name: James M. Moster, Ph.D
Address: 2210 Private Road Date: 10/2/2010

Signature: Jim Bennett Printed name: Jim Bennett
Address: 2202 Private Rd Date: 10/2/10

Signature: [Signature] Printed name: SAMUEL W. TATE
Address: 2322 PRIVATE RD. Date: 10/2/10

Signature: Joan A. Lyon Printed name: Joan A. Lyon
Address: 2316 Private Rd Date: 10-2-10

Signature: M. Lyon Printed name: M. Lyon
Address: 2316 PRIVATE ROAD Date: 10/2/10

Signature: [Signature] Printed name: Sunday Petrie
Address: 2301 Private Rd Date: 10/2/10

Signature: [Signature] Printed name: John Petrie
Address: 2301 PRIVATE RD Date: 10/2/10

Signature: [Signature] Printed name: JOHN BURTON
Address: 2317 PRIVATE RD, N.B. Date: 02-OCT-2010

Signature: Nancy Clark Printed name: NANCY CLARK
Address: 2317 Private Rd NB Date: 10/2/10

Signature: Cynthia Borcman Printed name: Cynthia Borcman
Address: 2217 Private Rd Date: 10/3/10

Signature: [Signature] Printed name: ROBERT SPARKS
Address: 2201 PRIVATE Rd NB Date: 10/3/10

Signature: Julie N. Sparks Printed name: JULIE N SPARKS
Address: 2201 PRIVATE RD Date: 10/3/10

Signature: Darryl Shinder Printed name: Darryl Shinder
Address: 2329 PRIVATE Rd. NB, CA 92660 Date: 10/3/10

Signature: Jacqueline Shinder Printed name: Jacqueline Shinder
Address: 2329 Private Road NB 92660 Date: 10/3/10

Signature: Val. Grady Printed name: Valerie Grady
Address: 2226 Private Rd. Date: 10/3/10

Signature: CRAIG P. LAFRANCE Printed name: CRAIG P. LAFRANCE
Address: 2109 PRIVATE ROAD Date: 10/3/10

Signature: JANET CERTEL Printed name: JANET CERTEL
Address: 2225 PRIVATE ROAD Date: 10/3/10

Signature: Debra Tate Printed name: Debra Tate
Address: 2322 Private Rd Date: 10/4/10

Signature: John Drake Printed name: John Drake
Address: 2323 Private Rd Date: 10/4/10

Signature: Christine Drake Printed name: Christine Drake
Address: 2323 Private Rd Date: 10/4/10

Signature: [Signature] Printed name: Jacklyn Drake
Address: 2323 Private Rd. Date: 10-4-2010

Signature: [Signature] Printed name: Trudy Gold Borin
Address: 2300 Private Rd Date: 10-4-2010

Signature: [Signature] Printed name: MICHAEL SCHLESINGER
Address: 2309 PRIVATE ROAD Date: 10/4/10

Signature: [Signature] Printed name: Kathryn Schlesinger
Address: 2309 Private Road Date: 10-5/10

Signature: [Signature] Printed name: Jaime Chilton
Address: 2308 Private Rd. Date: 10/5/10

Signature: [Signature] Printed name: TALLIE Z. Borin
Address: 2209 Private Rd. Date: 10/6/2010

Signature: [Signature] Printed name: Cary Borin's
Address: 2300 Private Road N.B Date: 10/6/10

Signature: [Signature] Printed name: SHEERY Cagle
Address: 2291 Meister NPB Date: 10/6/10

Signature: [Signature] Printed name: Ben Cagle
Address: 2291 Meister NPB Date: 10/6/10

Signature: [Signature] Printed name: Timzee Gold
Address: 2300 Private Rd NPB Date: 10/6/10

EXHIBIT 1

CHARTER OF THE CITY OF NEWPORT BEACH

Section 421. Contracts. Execution.

The City shall not be bound by any contract, except as hereinafter provided, **unless** the same shall be made in writing, **approved by the City Council** and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council.

(note: there is nothing in the "except as hereinafter provided" list that excludes wireless License Agreements from the Council approval requirement)

EXHIBIT 2

From page 5 of Newport Beach Telecommunications Permit No. 2007-001 (March 30, 2007)

Conditions:

6. The telecom facility shall comply with all regulations and requirements of Chapter 13 of the Newport Beach Municipal Code, the Americans with Disabilities Act (ADA), as well as the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code and National Electrical Code.

EXHIBIT 3

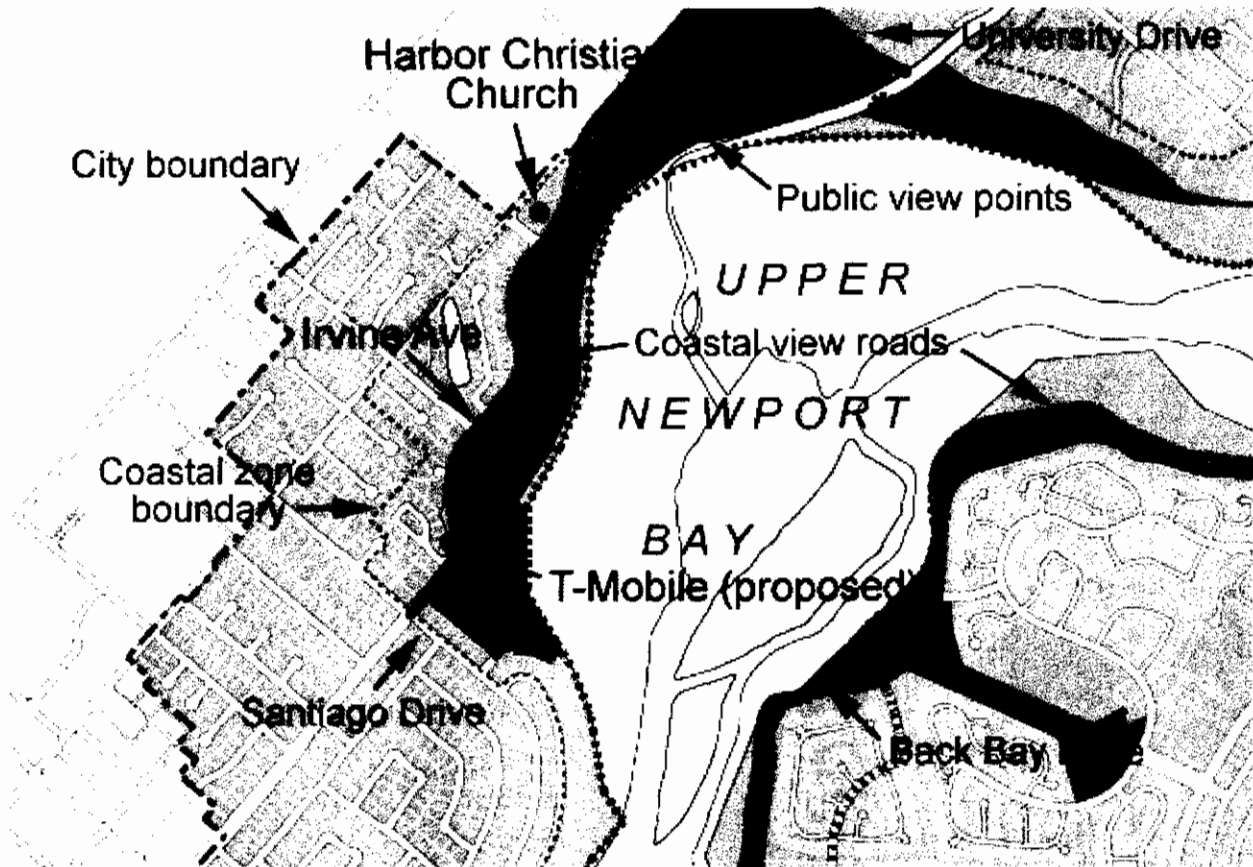
From Newport Beach Municipal Code Title 15
(Permit TP2007-001 was issued under Chapter 15.70)

Chapter 15.02 Administrative Code

15.02.090 Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

EXHIBIT 4:

Proposed site on Coastal Views map in *Coastal Land Use Plan* (Map 4-3_2)



T-Mobile already has a wireless installation, undisclosed in the application upon which the local approval is based, and unapproved by the Coastal Commission, at Harbor Christian Church, 2401 Irvine Ave.

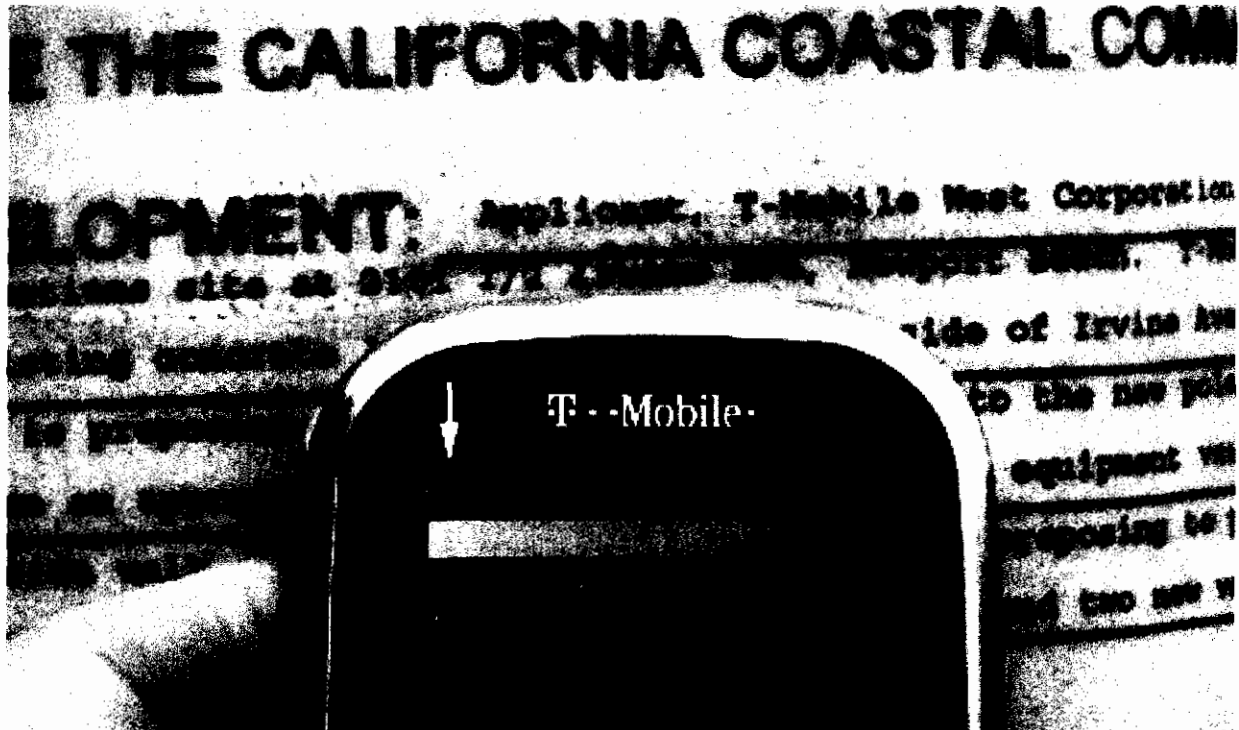
That facility, at the mid-point of the 1-mile segment of Irvine Avenue bordering the west edge of the Upper Newport Bay State Marine Park and Nature Reserve, was said to be sufficient to cover the entire length. Now T-Mobile is asking for a second facility at the southern fringe of the Coastal Zone, apparently to improve coverage in the area outside the Coastal Zone.

The Coastal Commission should not encourage adding equipment within the Coastal Zone to solve problems outside it.

EXHIBIT 5:

Existing signal strength at proposed location

T-Mobile's Harbor Christian Church facility, two blocks north on the same Coastal View road, already adequately serves the area.



Signal strength at the proposed location is currently "six bars" (arrow), the maximum T-Mobile's equipment can register.

See the website <http://newportcellsites.wikispaces.com/Signal+Strength+Survey> for additional examples of observed T-Mobile signal strengths along Irvine Avenue and elsewhere in Newport Beach.

EXHIBIT 6:

Example of a possible alternate location. The arrowed pole at the SE corner of the Irvine Ave/Santiago Drive intersection, as an example, is outside the coastal zone (which ends at this intersection, 200 yards [0.1 miles] south of the proposed location). It is higher, has minimal impact on views, and would better serve the area to the south, where T-Mobile signal strengths are much lower than anywhere in the coastal zone. T-Mobile's Government Affairs representative wrote of this particular location (e-mail, December 2, 2009): "This would work for us if we can get an antenna at a height of 35-feet (top of antenna) because there is an existing tree that would block the south sector."



Many more streetlights and traffic standards are available outside the Coastal Zone, to south.

EXHIBIT 7

From page 4 of Newport Beach Telecommunications Permit No. 2007-001 (March 30, 2007)

Findings:

1. The telecommunications facility as proposed meets the intent of Chapter 15.70 ... for the following reasons:
 - ... Any future facility proposed to be located in the vicinity shall be a minimum of 1,000 feet from the facility approved by this permit so as to limit the adverse visual effects of proliferation of facilities in the City.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**W14b**

Filed: July 26, 2010
49th Day: September 13, 2010
180th Day: January 22, 2010
Staff: John Del Arroz - LB
Staff Report: September 21, 2010
Hearing Date: October 13-15, 2010
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-10-110**APPLICANT:** T-Mobile West Corporation**AGENT:** Sequoia Deployment Services**PROJECT LOCATION:** Right of way along Irvine Avenue near the intersection with Private Road. Located near the Upper Newport Bay Regional Park. Newport Beach, Orange County.**PROJECT DESCRIPTION:** Removal of existing concrete light pole, and installation of a new steel light pole of the same dimensions with two mounted panel antennas, a 11' x 7' x 8' underground equipment vault, two above ground 17" x 20" x 48" electrical meters, and two vault vent stacks.**LOCAL APPROVAL:** Telecommunication Permit No. 2007-001**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission **APPROVE** a coastal development for the proposed development with four (4) special conditions regarding: 1) co-location of antennas 2) future redesign of wireless facility, 3) permit compliance 4) construction-phase debris. As conditioned, the proposed development does not adversely affect visual resources, public access and recreation, or the adjacent wetlands of the Upper Newport Bay Regional Park. **See Page Two for the motion to carry out the staff recommendation.** The applicant agrees with the staff recommendation. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Newport Beach Telecommunications Permit
2. City of Newport Beach certified Land Use Plan

LIST OF EXHIBITS:

1. Vicinity Map
2. Design of Pole and Antenna
3. Site Plan
4. Photograph of Existing Pole
5. Email from City Planner Janet Brown

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit with special conditions:

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.

I. Resolution: Approval with Conditions

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 of the Coastal Act. 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 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. Special Conditions

1. Co-Location of Future Antennas

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant agrees on behalf of itself and all successors and assigns to cooperate with other communication companies in co-locating additional antennas and/or equipment on the project site in the future, provided such shared use does not impair the operation of the approved facility. Upon the Executive Director'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

BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant agrees on behalf of itself and all successors and assigns that where future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the applicant (or its successor/assignee) shall make those modifications which would reduce the visual impact of the proposed facility. In addition, the applicant (or its successor/assignee) agrees that if, in the future, the facility is no longer needed, the applicant (or its successor/assignee) shall 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 area. Before performing any work in response to the requirements of this condition, the applicant (or its successor/assignee) shall contact the Executive Director of the California Coastal Commission to determine if an amendment to this coastal development permit or a new coastal development permit is necessary.

3. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Construction Responsibilities and Debris Removal

By acceptance of this permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- A. No demolition debris, construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wind or rain erosion or dispersion.

- B. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- D. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- E. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.
- F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- G. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- H. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project would co-locate the wireless facility with a new light pole at the location of an existing light pole, on the landward side of Irvine Avenue, across the road from the Upper Newport Bay Regional Park West. An entrance to the Brown Trail, which runs along the boundary of the park, is located approximately 200 feet to the southwest of the project site along the bayward side of the road. Landward of the project site are single family residences located along Private Road.

The proposed project is the removal of the existing 29'9" high cement light pole and replacement with a new steel light pole of the same dimensions at the same location to support two mounted panel antennas. Additional equipment includes one 11' x 7' x 8' underground

vault, two new above ground electrical meters, and two new vault vent stacks. All equipment will be placed in the public right of way. The proposed project does not block physical or visual access to Upper Newport Bay. The proposed antennas do not contribute significantly to the bulk of the light pole (Exhibit 2).

The proposed project is located across the road from the Upper Newport Bay Regional Park West. The City's Certified Land Use Plan designates the Upper Newport Bay as an Environmental Study Area, an area which "may be capable of supporting sensitive biological resources", and describes Upper Newport Bay as "one of the largest coastal wetlands remaining in southern California and is an ecological resource of national significance." No work for the proposed project will take place within or directly adjacent to the Park, and the proposed project involves no filling of wetlands or displacement of any habitat. The proposed pole is in the same place as the existing light pole and is compatible with preservation of the habitat in Upper Newport Bay Regional Park West. Additionally, a report issued by the applicant's consultant, Environmental Assessment Specialists, indicates that the project will not result in impacts to wetlands or to any sensitive biological resources. Therefore, the proposed project, as conditioned by the permit, is compatible with the habitat and has been sited to prevent impacts that would significantly degrade the wetland area.

The applicant states that the project will improve coverage in an area that is presently served at weak signal strength. The applicant has received both a telecommunications permit and an encroachment permit from the City of Newport Beach.

One local resident has objected to the proposed project, on the basis that the City's local telecom permit is not valid, and on the need for a wireless antenna in this location. The City planner has confirmed that the permit is valid (Exhibit 5). Additionally, in response to the question of need for wireless coverage, the applicant has submitted a wireless coverage map showing that the proposed pole is designed to address a reduction in signal strength in the area.

B. Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. Sensitive Habitat Area

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act requires that the scenic and visual qualities of this coastal area shall be protected.

Section 30251 of the Coastal 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 proposed project's impact on visual resources will be minimal due to the project's location on the landward side of Irvine Avenue, and proximity to existing single family residential structures.

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. When reviewing cellular antenna facility sites, the Commission must assure that the facility is the smallest in size and shortest in height that it can be, that it cannot be co-located with another existing site nearby or located elsewhere, in order to reduce any potential adverse impacts on visual resources and public views to the ocean associated with such facilities. As demand for wireless communication facilities increases, it is likely that other service providers will be interested in placing additional structures, antennas 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. Co-location is the preferred way to provide future telecommunication services. If co-location is not possible, then the visual impacts of such structures must be mitigated either through project design or siting so as not to result in adverse cumulative visual impacts.

As such, Special Conditions One and Two are imposed on this permit. Special Condition One requires that the applicant (and all successors and assigns) agree 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 Two requires the applicant (or its successor or assignee) to agree to remove the structure 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. Therefore, as conditioned, the Commission finds the project is consistent with Chapter 3 policies of the Coastal Act with respect to protecting visual resources.

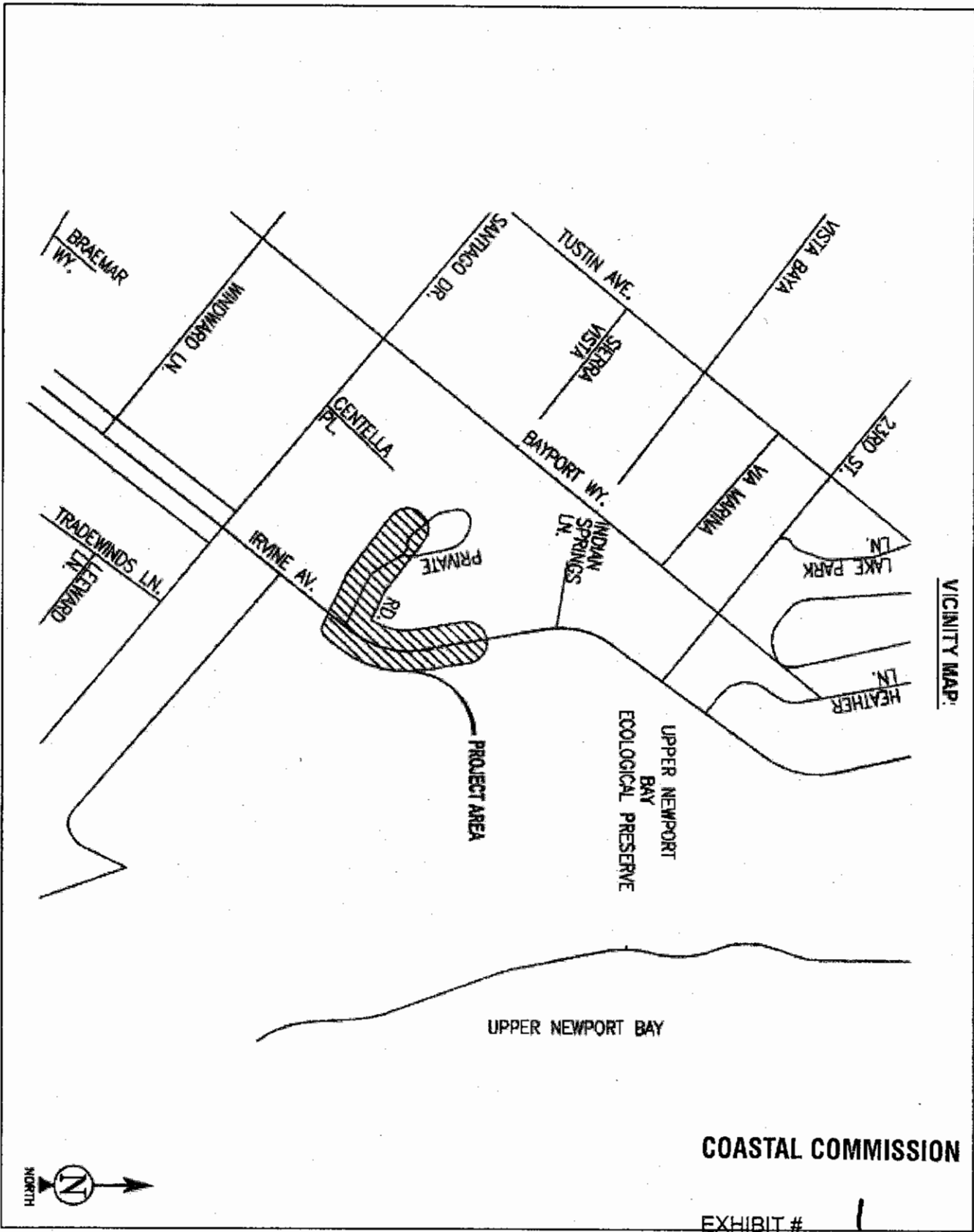
F. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of 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.

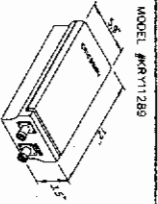
In this case, the City of Newport Beach is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The City of Newport Beach issued a determination that the project was ministerial or categorically exempt on February 2, 2010. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



VICINITY MAP:

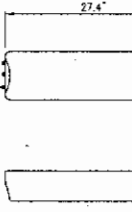
COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

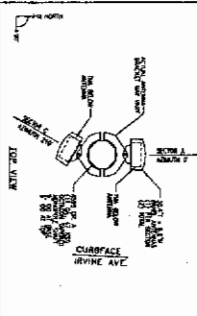


MODEL #MR311289
DUAL DUPLEX TOWER MOUNTED AMPLIFIER FULLBAND
 SCALE: N.T.S.

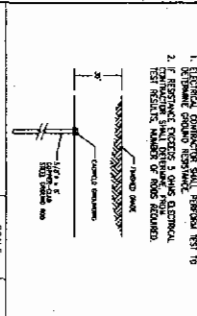
DESIGER PRODUCTS
 ANDREW-HBX-651305-RAW



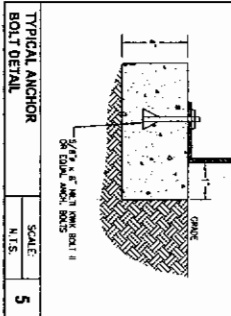
ANTENNA DETAIL
 SCALE: N.T.S.



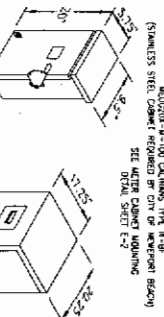
ANTENNA ORIENTATION
 SCALE: N.T.S.



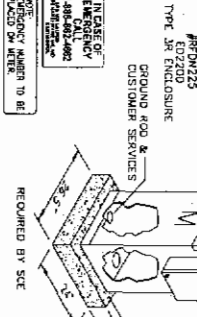
GROUND ROD DETAIL
 SCALE: N.T.S.



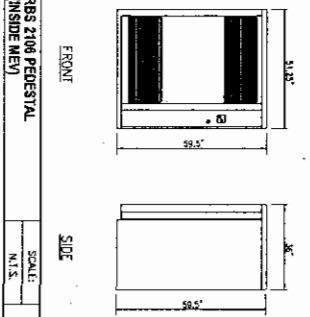
TYPICAL ANCHOR BOLT DETAIL
 SCALE: N.T.S.



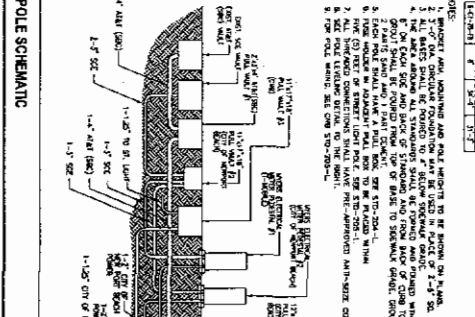
RBS 2106 PEDESTAL (INSIDE VIEW)
 SCALE: N.T.S.



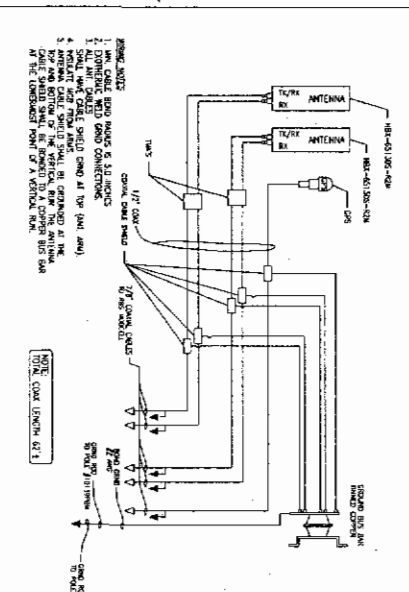
WIRE DIAGRAM
 SCALE: N.T.S.



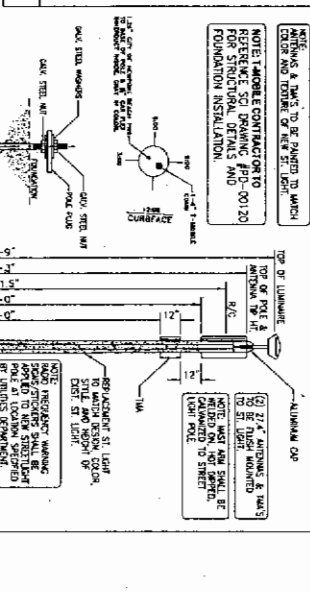
RBS 2106 PEDESTAL (FRONT VIEW)
 SCALE: N.T.S.



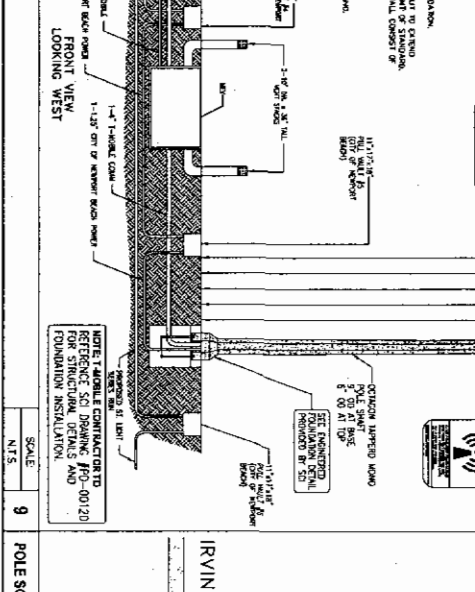
POLE SCHEMATIC (FRONT VIEW)
 SCALE: N.T.S.



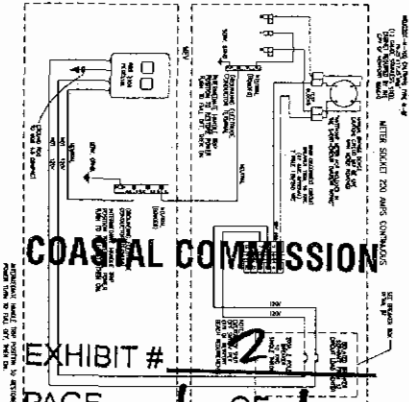
WIRE DIAGRAM
 SCALE: N.T.S.



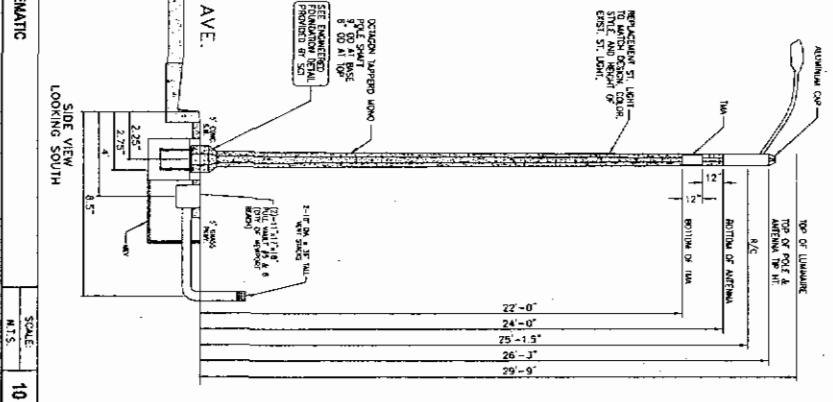
POLE SCHEMATIC (SIDE VIEW)
 SCALE: N.T.S.



POLE SCHEMATIC (FRONT VIEW)
 SCALE: N.T.S.



POLE SCHEMATIC (SIDE VIEW)
 SCALE: N.T.S.



POLE SCHEMATIC (FRONT VIEW)
 SCALE: N.T.S.

COASTAL COMMISSION
EXHIBIT # 2
PAGE 2 OF 1

NO.	DATE	DESCRIPTION	BY
1	05-24-07	PER PLANING	C.E.S.
2	06-04-07	FOR CLIENT	C.E.S.
3	08-07-07	REVISED PER PUBLIC WORKS COMMENTS	C.E.S.
4	09-20-07	REVISED PER COMMENTS	C.E.S.
5	09-24-07	REVISED PER COMMENTS	C.E.S.
6	11-01-07	REVISED PER COMMENTS	C.E.S.
7	11-07-07	REVISED PER COMMENTS	C.E.S.
8	09-23-08	REVISED PER COMMENTS	C.E.S.
9	07-11-08	REVISED PER COMMENTS	C.E.S.
10	01-25-09	REVISED PER COMMENTS	C.E.S.
11	07-12-10	REVISED PER COMMENTS	C.E.S.

LA13163A
POLE #10139PBM
(CNS# SLC 2008)
 IRVINE AVENUE
 NEWPORT BEACH, CALIF.

SEQUOIA
 CONSULTING GROUP

PLAN PREPARED BY: cable engineering services
PROJECT COMMUNICATIONS INC.

Get more from life
 3 VERTICAL ANTENNAE, 30'x7' 11/8"
 SANTA ANA, CA 92707

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	05-24-07	PER PLANING	C.E.S.
2	06-04-07	FOR CLIENT	C.E.S.
3	08-07-07	REVISED PER PUBLIC WORKS COMMENTS	C.E.S.
4	09-20-07	REVISED PER COMMENTS	C.E.S.
5	09-24-07	REVISED PER COMMENTS	C.E.S.
6	11-01-07	REVISED PER COMMENTS	C.E.S.
7	11-07-07	REVISED PER COMMENTS	C.E.S.
8	09-23-08	REVISED PER COMMENTS	C.E.S.
9	07-11-08	REVISED PER COMMENTS	C.E.S.
10	01-25-09	REVISED PER COMMENTS	C.E.S.
11	07-12-10	REVISED PER COMMENTS	C.E.S.

DETAILS

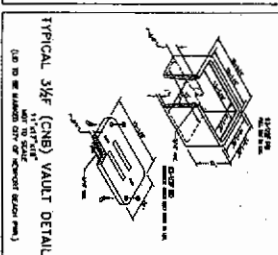
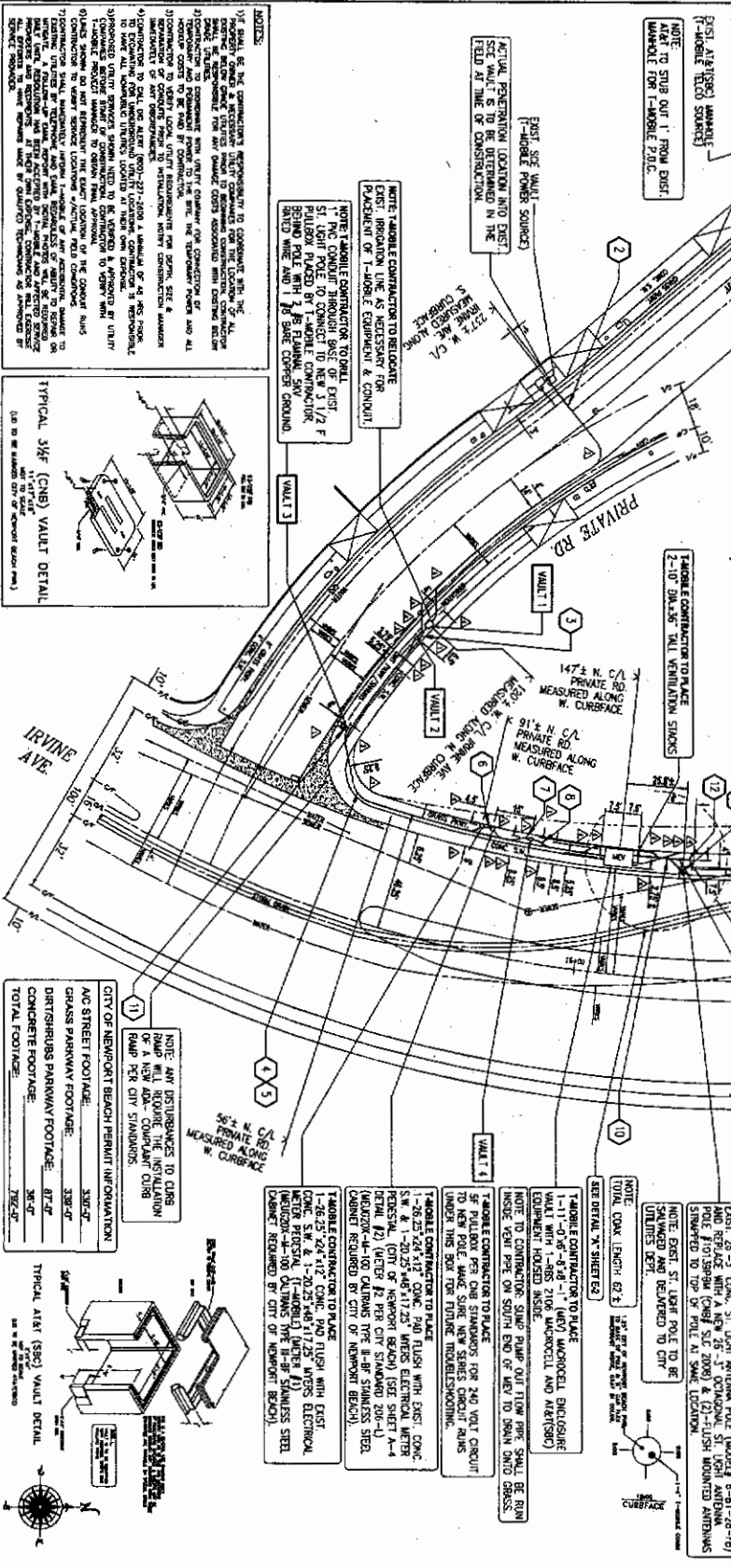
A-4

C.E.S. PROJ. #015437 DWG. #1000000

▲ MOBILE CONTRACTOR TO PLACE
 A NEW 125' PVC CONDUIT FROM VAULT #3
 UNDER PRIVATE WALK #4 TO VAULT #5.

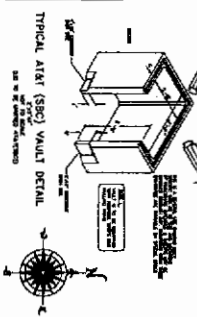
ALL CONDUIT PLACEMENT TO BE COORDINATED BY METHOD OF OPERATING ENGINEER'S INTERFERE

ITEM #	DESCRIPTION
1	207'-0" EXIST. 48" (S&B) MANHOLE TO VAULT #1
2	138'-0" EXIST. 36" (S&B) VAULT #2
3	175'-0" VAULT #1 TO HEV
4	121'-0" VAULT #2 TO WATERS METER #1
5	125'-0" VAULT #2 TO WATERS METER #2
6	50'-0" WATERS METER #1 TO HEV
7	12'-0" WATERS METER #2 TO HEV
8	64'-0" VAULT #4 TO VAULT #5
9	1-1/2" SCH. 40 PVC CONDUIT (CITY OF NEWPORT BEACH PWR)
10	1-1/2" SCH. 40 PVC CONDUIT (CITY OF NEWPORT BEACH PWR)
11	1-1/2" SCH. 40 PVC CONDUIT (CITY OF NEWPORT BEACH PWR)
12	21'-0" HEV TO SITE POLE
13	2'-0" POLE #2007 TO VAULT #3
14	1-1/2" SCH. 40 PVC CONDUIT (ST. LIGHTING PLACED BY T-MOBILE)
15	103'-0" VAULT #3 TO VAULT #5
16	1-1/2" SCH. 40 PVC CONDUIT (ST. LIGHTING PLACED BY T-MOBILE)
17	143'-0" VAULT #5 TO EXIST. ST. LI. POLE BOX
18	1-1/2" SCH. 40 PVC CONDUIT (ST. LIGHTING PLACED BY T-MOBILE)



NOTE: ANY DISTURBANCES TO CURBS AND PAVEMENT WILL BE REPAIRED BY THE INSTALLATION CONTRACTOR PER CITY STANDARDS.

CITY OF NEWPORT BEACH PERMIT INFORMATION
AC STREET FOOTAGE: 388'-0"
GRASS PARKWAY FOOTAGE: 388'-0"
DIRT/GRASS PARKWAY FOOTAGE: 87'-0"
CONCRETE FOOTAGE: 38'-0"
TOTAL FOOTAGE: 783'-0"



WALKWAY TABLE

VAULT #	VAULT SIZE	VAULT LOCATION	VAULT DEPTH	VAULT WIDTH	VAULT LENGTH	VAULT AREA	VAULT PERIMETER
VAULT #1	36" DIA.	124' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #2	36" DIA.	112' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #3	36" DIA.	71' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #4	36" DIA.	108' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #5	36" DIA.	125' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #6	36" DIA.	117' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #7	36" DIA.	125' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #8	36" DIA.	117' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #9	36" DIA.	125' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #10	36" DIA.	117' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±
VAULT #11	36" DIA.	125' ± N. C/L PRIVATE RD	22" ±	22" ±	22" ±	158" ±	158" ±

COASTAL COMMISSION
 #101616
 EXHIBIT A

T-Mobile
 Get more from life
 3rd Floor, Irvine, CA 92618
 Irvine, CA 92618

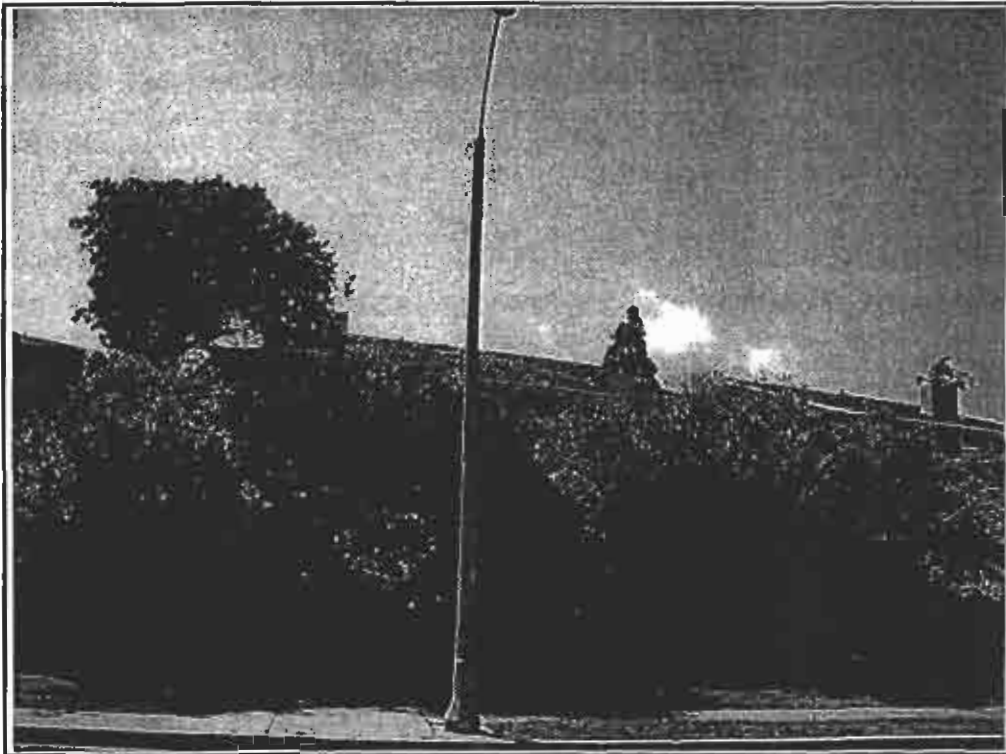
CGS
 Cable
 Engineering
 Services
 PRESCOTT COMMUNICATIONS INC.
 15600 Birchdale Blvd. Ste. 1, Newport Beach, CA 92645
 Phone No: 949-261-2222 Fax No: 949-261-9198

SEQUOIA
 One Warner Blvd. Ste. 200, Irvine, CA 92618
 Phone No: 949-261-2222 Fax No: 949-261-9198

LA13163A
POLE #10139PBM
(CNS# SLC 2008)
 37501 Irvine Ave
 Newport Beach, CA 92660

NO.	DATE	DESCRIPTION	BY	CHKD.
1	05-24-07	ISSUED FOR PERMIT	PER. CLIENT	C.E.S.
2	06-04-07	REVISION	PER. CLIENT	C.E.S.
3	08-07-07	REVISION	PER. CLIENT	C.E.S.
4	09-20-07	REVISION	PER. CLIENT	C.E.S.
5	09-24-07	REVISION	PER. CLIENT	C.E.S.
6	11-01-07	REVISION	PER. CLIENT	C.E.S.
7	11-07-07	REVISION	PER. CLIENT	C.E.S.
8	06-23-08	REVISION	PER. CLIENT	C.E.S.
9	07-11-08	REVISION	PER. CLIENT	C.E.S.
10	03-25-09	REVISION	PER. CLIENT	C.E.S.
11	07-12-10	REVISION	PER. CLIENT	C.E.S.

SHEET NUMBER: **E-1**
 SHEET TITLE: **SITE PLAN**
 C.E.S. PROJ. #13163-A2 (CNS# F13000)



VIEW OF SITE FROM EAST



VIEW OF SITE FROM SOUTH

COMMISSION

4
1 OF 1

John Del Arroz

From: Brown, Janet [JBrown@newportbeachca.gov]
Sent: Tuesday, August 17, 2010 4:11 PM
To: John Del Arroz
Cc: Torres, Michael
Subject: RE: T-Mobile Pole @ 2101 1/2 Irvine Ave
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: TP2007-001 Appr.pdf

Good afternoon, John.

The telecom permit for this project has not expired and is still valid. I believe you were provided with a copy of the telecom permit with the AIC that was submitted to your office. I've attached a copy of the telecom permit for your convenience. You'll notice there is no expiration date.

The other required local approval for the project would be the encroachment permit issued by the Public Works Department to allow construction of the project in the public right-of-way. I have confirmed with Public Works that this permit is also still valid, pending action by the Coastal Commission. We might need to update the contractor's information and/or review any revised plans if any changes are required based on the Coastal Commission's review. If Coastal Commission approval is not granted, then the encroachment permit will be closed without action.

Please let me know if you need any other information or have any questions. Thank you.

*Janet Johnson Brown
Associate Planner
City of Newport Beach
(949) 644-3236
jbrown@newportbeachca.gov*

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 1