CALIFORNIA COASTAL COMMISSION

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



TH20a.

Filed: 10/21/09 49th Day: 12/09/09 180th Day: 4/19/10 Staff: Al Padilla-LB Staff Report: 1/26/10 Hearing Date: 2/10-12/10

Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-09-125

APPLICANT: Verizon Wireless

PROJECT LOCATION: 2531 S. Western Avenue; 820 S. Paseo Del Mar; 4101 S.

Pacific Avenue; 3627 S. Gaffey Street; and 3135 S. Gaffey

Street, San Pedro

PROJECT DESCRIPTION: Installation of wireless telecommunication equipment on new 29-43 foot high (grade level) wood utility poles in five various locations. The equipment will consist of six foot double extension arms, two panel antennas, microcell, power meter mounted on the five single poles, and one 25' x 7' underground transmission equipment vault.

SUBSTANTIVE FILE DOCUMENTS: CDP No. 4-08-035(AT&T Mobility); 5-07-375 (T-Mobile); 5-97-130(Los Angeles Cellular); 5-01-261A1(Los Angeles County); 5-09-103(Verizon Wireless).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission <u>APPROVE</u> a coastal development for the proposed development with special conditions. The special conditions, which begin on Page Three, require the applicant to cooperate with other communication companies in co-locating additional antennas and/or equipment on the project site in the future, and to require the applicant to modify the development if future technological advances would allow for reduced visual impacts. As conditioned, the proposed development does not adversely affect visual resources, public access and recreation.

STAFF NOTE:

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits. Pursuant to Coastal Act Section 30601, certain categories of development, including development located within 300 feet of the mean high tide line, also require a coastal development permit from the Commission.

In this case, however, the City of Los Angeles will not require the applicant to obtain a local coastal development permit (or a public works utility permit) for the proposed project. Therefore, since the proposed project constitutes "development" as defined by the Coastal Act, and it is located within 300 feet of the mean high tide line, it requires a coastal development permit from the Commission pursuant to Section 30601 of the Coastal Act. The proposed project constitutes new development, rather than repair and maintenance or modification of an existing structure, because it involves the erection of a new pole and the installation of new cell phone equipment and antennae. The proposed project also does not fall within the scope of the exemption established in Section 30610(f) for the installation of utility connections between existing service facilities and development approved under the Coastal Act. The project would erect a new service facility to serve an area rather than simply connect an existing service facility (such as existing telephone or power lines) to new development.

The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

I. RECOMMENDATION:

MOTION: I move that the Commission approve Coastal

Development Permit No.5-09-125 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

- 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. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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

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 antennas 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 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

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 telecommunication facility, the applicant shall make those modifications which would reduce the visual impact of the proposed facility. In addition, the applicant agrees that if, in the future, the facility is no longer needed, the applicant 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 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Verizon Wireless proposes installing wireless communication facilities (WCFs) on new 29-43 foot high (grade level) 12-inch in diameter wood utility poles in five separate locations. The equipment will consist of 6- foot horizontal double extension arms, two panel antennas, microcell, and power meter mounted on five new single wooden poles. Four of the sites will replace existing poles with poles that are 5 to 18 feet taller than the existing utility poles, and one site will be a new installation (see Exhibit No. 1).

The double horizontal extension arms for the antennas on each pole will vary from approximately 27 feet to 42 feet above grade depending on height of pole and reconnected utility lines. The microcell and ADC cabinet, measuring approximately 25" x 25" x 36" will be located approximately 7 to 9 feet above grade (see Exhibit No. 2). In addition to the pole equipment, the site located on Gaffey Street (Earthslide 8 on Exhibit No. 1) will include a 25 foot by 7 foot underground vault (see Exhibit No. 7). The applicant is also

proposing to add California native and drought tolerant Toyon (heteromeles arbutifolia) trees adjacent to the poles at two of the sites (Paseo del Mar and Gaffey Street) to help visually screen the WCF.

The WCFs are situated from 80 feet to over a half mile from Paseo Del Mar, which parallels the coastal bluffs. Two proposed sites are located 80 and 150 feet from the bluffs, with the other three sites located ½ to 1/2 mile inland.

The applicant states that the reason for the proposed facilities are due to blocked and dropped transmissions and the added antennas will provide adequate network coverage in the area. The applicant also states that the selected locations allow for the network coverage objective to be met with the construction of the fewest sites possible.

Initially, the applicant proposed three additional locations for a total of eight sites under this permit application. The three additional sites were located along Paseo Del Mar, between Western Avenue and the northwestern end of Angels Gate Park, and consisted of the installation of new poles and equipment. Two of the sites were located on the seaward side of Paseo Del Mar, and one was located on the landward side. However, because of staff concerns with potential public view impacts to and along the coast due to direct viewshed impacts and cumulative impacts caused by adding additional poles that would contribute to the visual clutter along a coastal view area, the applicant cooperated with staff and was able to relocate the antennas onto existing utility poles that were located on the landward side of Paseo Del Mar or further inland on Western Avenue. Since the antennas would be on existing utility poles with no change in the height of the poles and there would be no adverse impacts to public views of the ocean, these three sites were considered exempt from the permit requirements of the Coastal Act.

B. <u>Visual Resources</u>

Section 30240(b) states that:

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.

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, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Coastal Zone Policy #2 of the certified San Pedro Land Use Plan states:

The scenic and visual qualities of San Pedro be protected as a resource of Community as well as regional importance, with permitted development sited and designed to: protect views to and along the ocean, harbor, and scenic coastal areas; minimize the alteration of natural landforms; be visually compatible with the character of the surrounding area; and prevent the blockage of existing views from designated public scenic view areas and Scenic Highways.

As stated, the proposed wireless communication facilities (WCFs) will be located at five separate locations extending from Western Avenue to Pacific Avenue (see Exhibit No. 1). In past Commission permit actions on similar WCF sites, the Commission has been concerned with the proliferation of antennas and the adverse cumulative impacts on visual resources [Coastal Development Permits: 5-07-375(T-Mobile); 5-92-415(Los Angeles Cellular Telephone Co.); 5-97-130(Los Angeles Cellular); and 4-08-035(AT&T Mobility; 5-09-103(Verizon)]. As demand for wireless communication facilities increases and service providers continue to try to cover every area with signal coverage, it is likely that other service providers will be interested in placing additional structures, antennas, and equipment in the project area and other surrounding areas. The Commission is concerned that individually and cumulatively, installation of additional similar projects in the area could have adverse impacts on visual resources and detract from the public's enjoyment of those resources.

Because of their proximity to the coast and scenic bluff top areas two of the five sites raise a potential public visual resource issue. The other three sites (two on Gaffey Street and one on Western Avenue) are located approximately ¼ to ½ mile inland from the ocean will not impact public coastal views due to their distance from the coast and public coastal view areas. The two sites located closest to the bluffs are located on Paseo Del Mar just north of the intersection of Paseo Del Mar and Gaffey Street (Earthslide 5, see Exhibit No. 4 & 4a), and the second site is located at the corner of Pacific Avenue and Sheppard Street (Earthslide 6, see Exhibit No. 5 & 5a)

The proposed site on Paseo Del Mar is located on the landward side of Paseo Del Mar on the dirt shoulder of the road and adjacent to an approximately 30-40 foot high bluff along the southwestern corner of the 64 acre Angels Gate Park, which rises above Paseo Del Mar. Seaward of Paseo Del Mar in this location are the 200 foot bluffs that descend to the rocky beach and ocean. Angels Gate Park provides panoramic views of the Los Angeles Harbor to the south and the open ocean to the west and is designated as a public scenic view area in the certified Land Use Plan (LUP). There is also an improved picnic area and parking area in the lower portion of the park located along Paseo Del Mar, approximately 370 feet to the north of the proposed site. On the seaward side of Paseo Del Mar is a public sidewalk, a 36 inch cement safety wall and rail located along the edge of the coastal bluffs that descend approximately 200 feet to the rocky beach and ocean. Approximately 270 feet to the south on the seaward side of Paseo Del Mar is the 37 acre Point Fermin Park. The sidewalk and Point Fermin Park provides coastal views from along the edge of the coastal bluffs.

The proposed WCF at this location will consist of the installation of a new 29 foot high (measured at existing grade) wooden pole with the proposed communication equipment attached to the pole. The applicant will also plant two California native, drought tolerant, Toyon (heteromeles arbutifolia) trees, which can grow to 10-15 feet in height, to help screen the WCF. Because of the park's elevation above Paseo Del Mar, and the topography of Angels Gate Park, the proposed WCF will not interfere with coastal views from any of the park's scenic vantage points, or detract from the open character of Angels Gate Park. And because the antenna will be located on the landward side of Paseo Del Mar, the antenna will not interfere with views out to the ocean from along Paseo Del Mar, the public sidewalk, or from Point Fermin.

The second site located in close proximity to the bluffs is located at the corner of Pacific Avenue and Sheppard Street (Earthslide 6 on Exhibit No. 1). The existing 25 foot high utility pole, as measured from existing grade, will be replaced with a 43 foot high pole with the proposed communication equipment, and the existing utility lines will be reconnected to the new pole (see Exhibit No. 5). This site is located on the northwest corner of the intersection in a residential area that is developed with two and three story single and multi-family structures. At the western terminus of Pacific Avenue, approximately 150 feet from the proposed WCF, there is a public parking lot that is used as a coastal viewing area. Because of existing multi-story buildings surrounding the area, including structures on the seaward side of Sheppard Street, and that the proposed pole is replacing an existing pole in the same location, the proposed antenna will not have a significant impact on public coastal views. And since the public parking/viewing area is located seaward of the proposed site, the new WCF will not interfere with public coastal views from that viewing area.

The South District Office received two letters expressing opposition to the project and the proliferation of cellular antennas in the area (see Exhibit No. 8 & 9). The letters indicate that there are other WCF found throughout the area. Commission Staff has previously reviewed a few other sites in the San Pedro area and determined that those sites were exempt from requiring a Coastal Development Permit since they were being located on existing utility poles. Commission staff is unaware of any new sites that involved placing new poles or equipment in the Coastal Zone that would have required a Coastal Development Permit. However, the opponents raise the issue of cumulative impacts that the Commission has also been concerned with in reviewing similar WCF projects. While the proposed facilities 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 possible, and that it cannot be colocated 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 No. 1 and 2 are imposed on this permit. Special Condition No. 1 requires that the applicant 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 No. 2 requires the applicant to submit a written statement agreeing 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 the certified LUP and with the Chapter 3 policies of the Coastal Act with respect to protecting visual resources.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed project does not block physical or visual access to or along the coast. Therefore, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3

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(commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the San Pedro coastal zone.

The Commission finds it can approve the development as conditioned. The proposed development is consistent with the policies of the certified LUP. As conditioned, the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project as conditioned will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

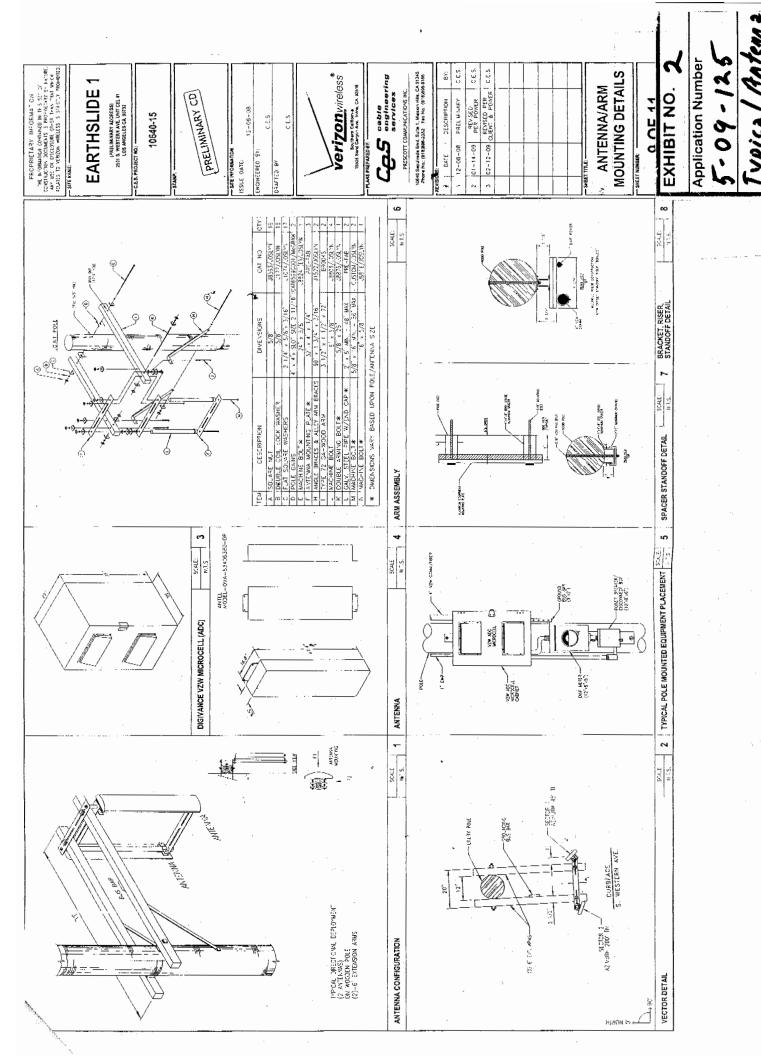
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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.

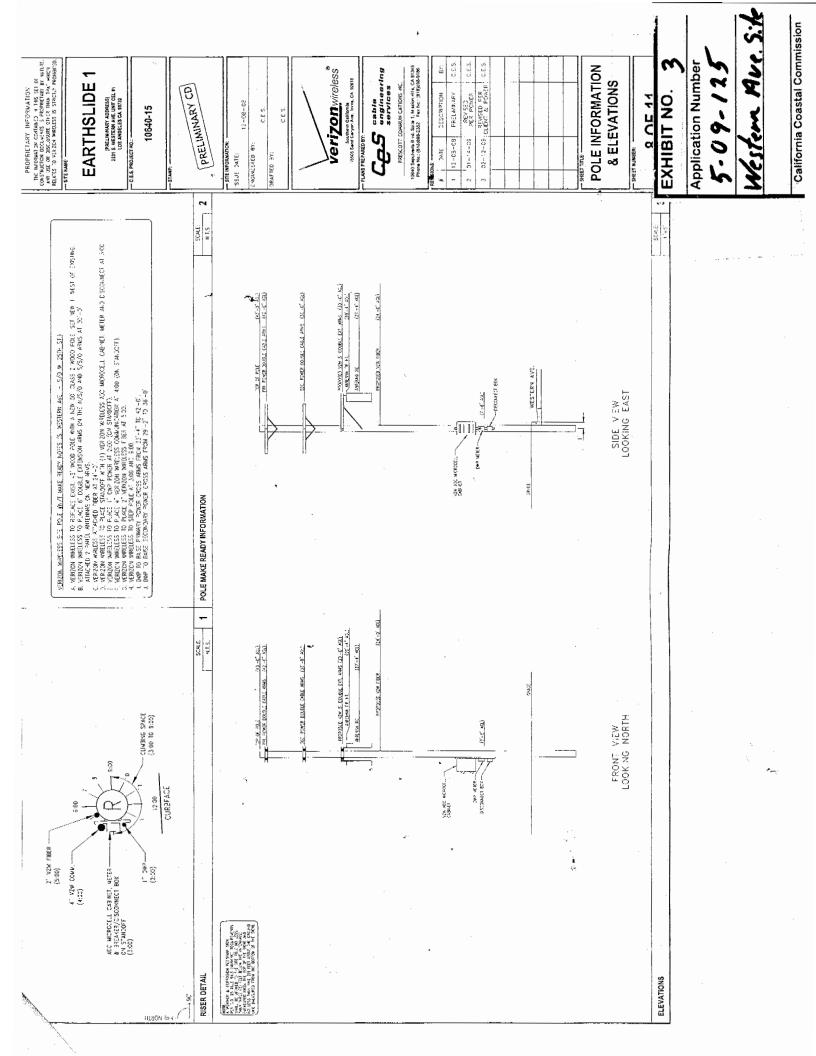
The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

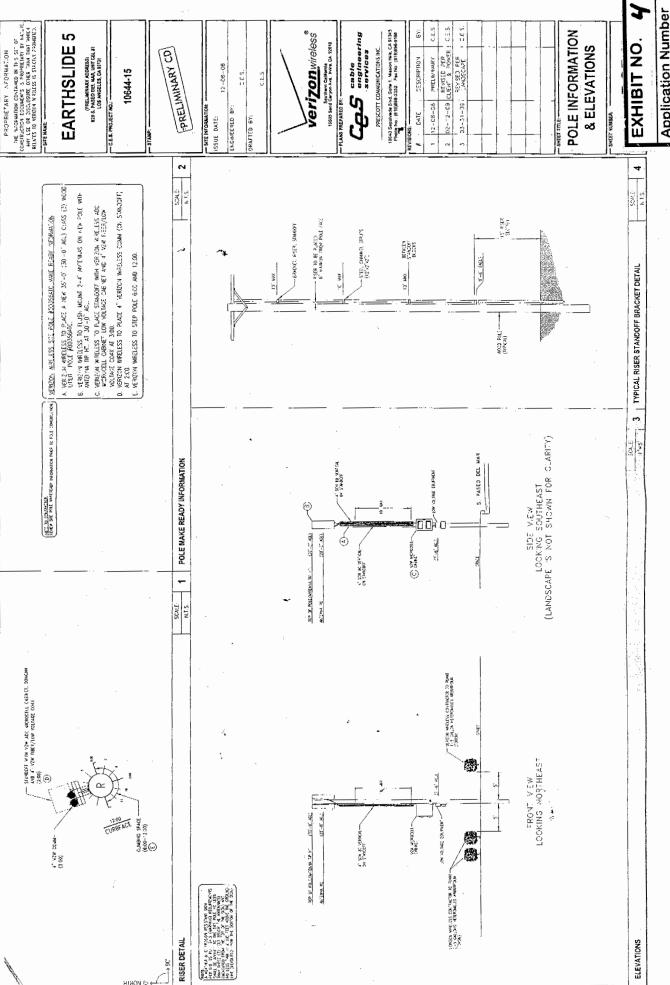
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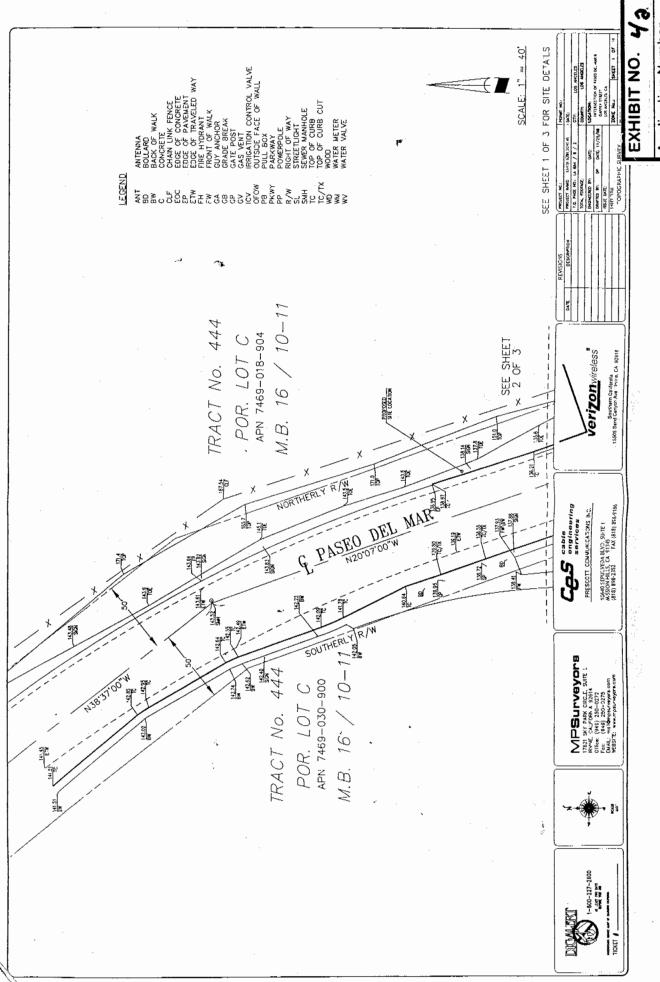






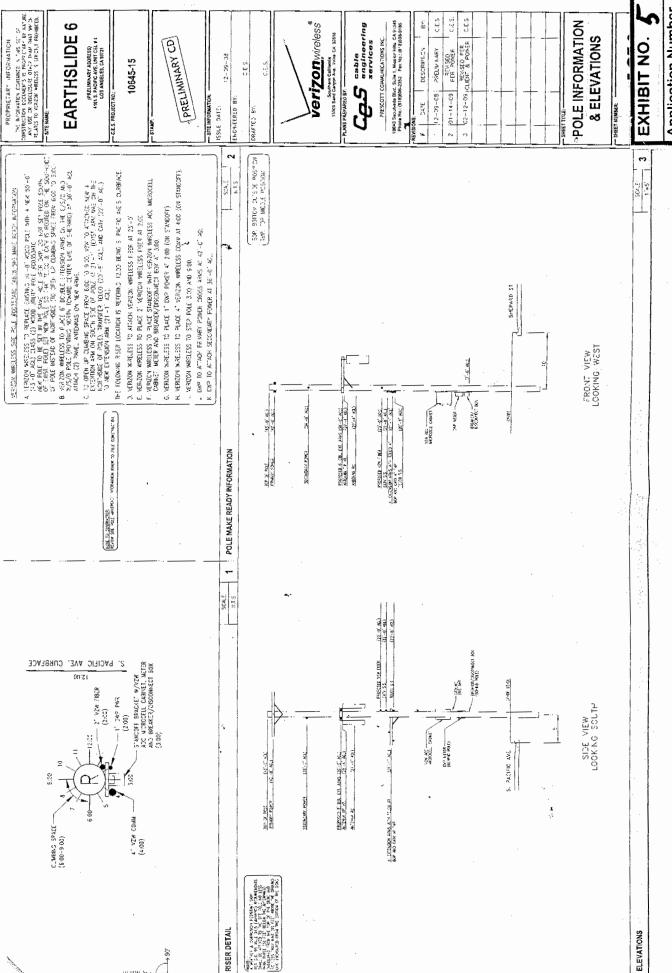
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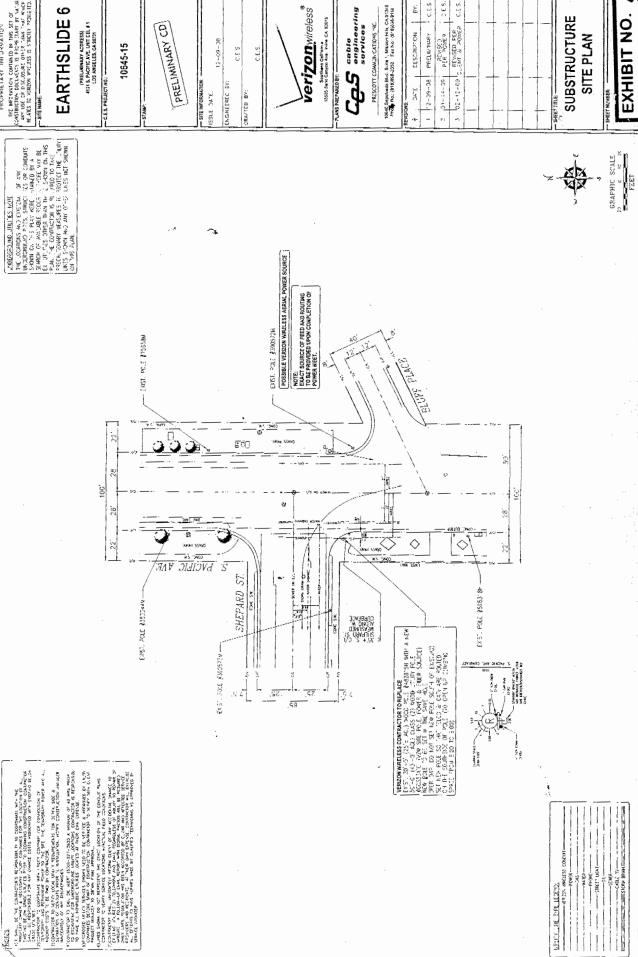
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Application Number

5-09-125

Pacific Ave.



PROPRIETARY INFORMATION

EARTHSLIDE 6



verizonwireless*

Ces cable angineering services

PRESCOTT COMMUNICATIONS INC.

10640 Seput-ada Bilid. Scite 1, Mission Hills, CA 91346 Prof. No.: (818)858-2352 Fax No.: (818)696-9154

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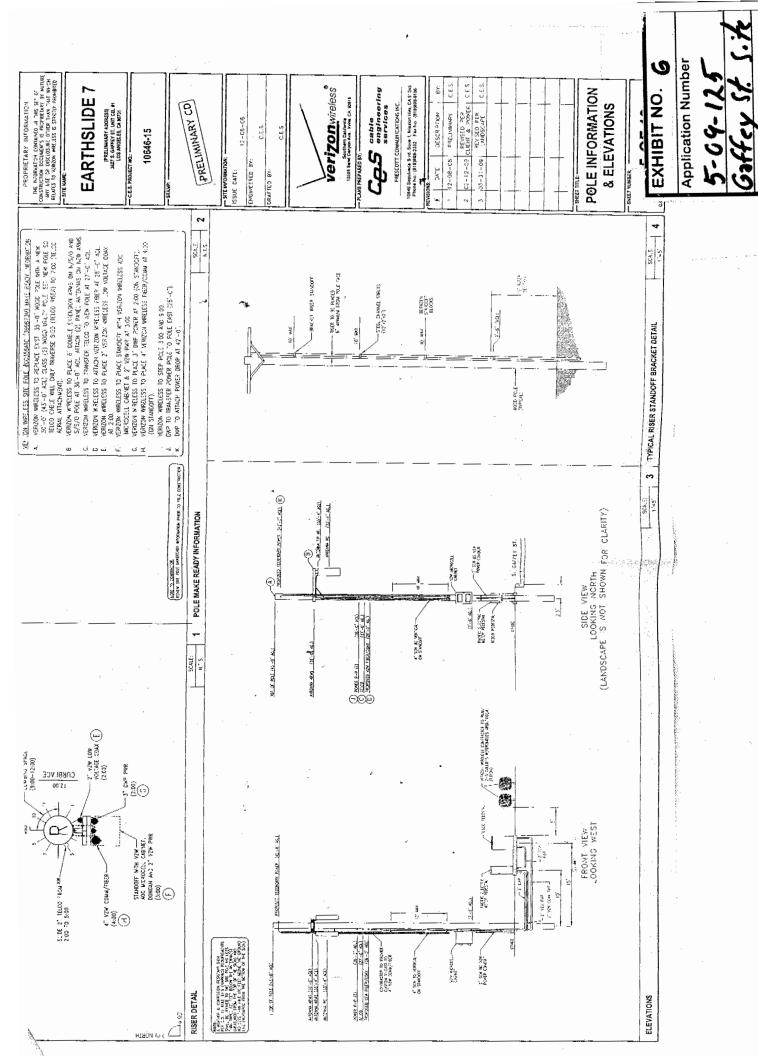
SUBSTRUCTURE

EXHIBIT NO. 53

Application Number

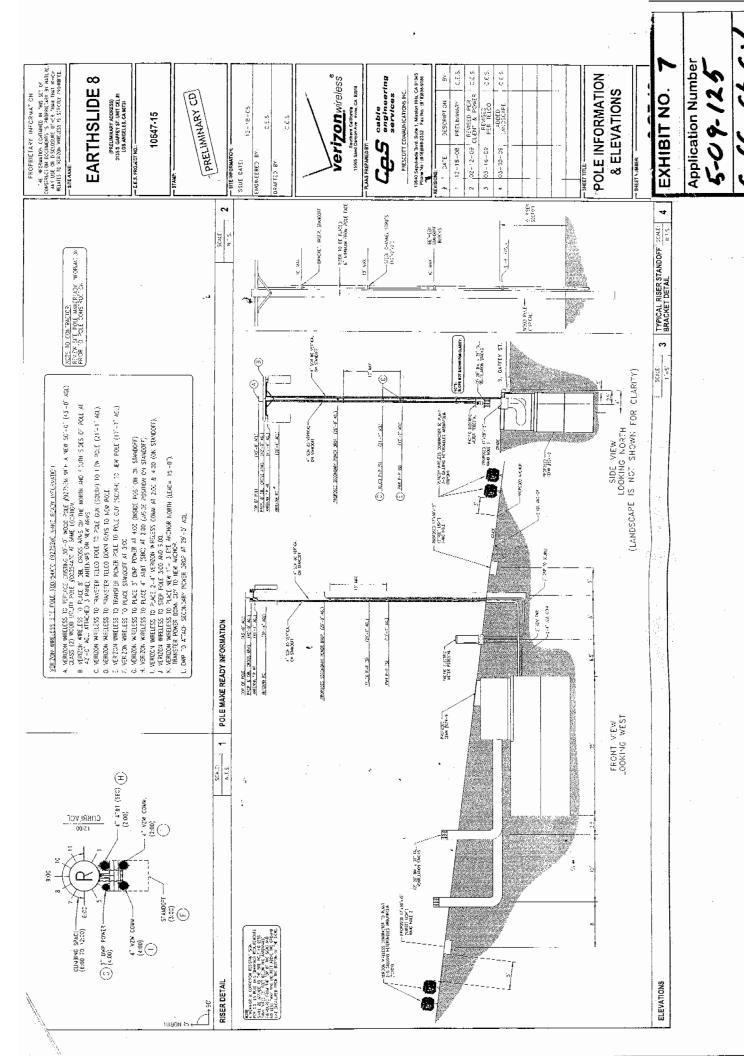
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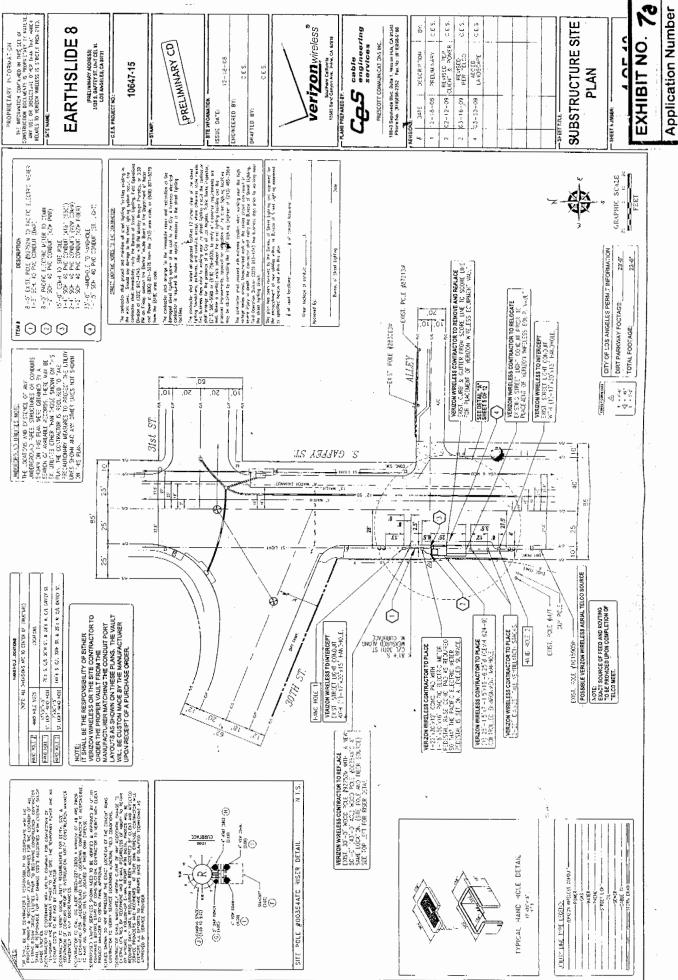
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California Coastal Commission (ocation 5-06-125 ttey St

Hello, My Name is Patrick Gillogly; I live at 1452 west 37th st San Pedro ca 90731. I'm writing to express my opposition to a pending permit for a Verizon cell tower less then a block away from my home. This would be the third tower to be installed in the same city block area. We have a huge buzzing ATT tower, with a under ground silo that marred the city walk brickwork. Six houses away, another tower was installed a few months later with added telephone poles that block the neighborhood views and further depress home values. Enough is enough, these cell phone companies are riding roughshod over our neighbor and this is the first time any notice was posted of any pending permit. Janice Hahn does not give a damn about what these towers are doing to our neighborhood, but the people who live here still do. Why can't these cell companies be forced to play like good children and share these towers for the good of the community? Please keep me informed about the status of this issue.

Thank You, Patrick lames Gillogly

310 519-1357

1504 & Paseo Del MAN, Unit Cell #1, Los Mygel

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CASTAL COMMISSION

EXHIBIT NO.	8
Application Number	
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Public Le	ther
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Dear Coastal Commission,

You left a small flyer on a pole at Paseo Del Mar and the "OCEAN" that you are going to allow yet another cell tower to be erected on the coast in our view and as high as possible!!

That would be the Fourth cell tower erected with in 200 yards of each other right in front of the homes here at the beach.

Not only are the cell towers a visual blight on the community but they are extremely noisy at night when all gets quiet as these things must be cooled by fans. Everyone used to bitch about how we had terrible cell reception here at the beach, but I do believe this is a little "Overkill"

Attached is a set of pictures to explain my adamant refusal to allow this to proceed. I will do what ever is necessary to keep this from happening.

You are a "coastal commission" and should have the coast as your priority, not to make a buck from the phone companies. Even though your junkets and favors are paid for by the phone companies please don't sell us out. If you have ever driven down Paseo Del Mar here in San Pedro you would see very nice houses and enough power, cable, and phone lines to block out the sun.

Shame on You,

Russ Parkison

1462 W. 37th St.

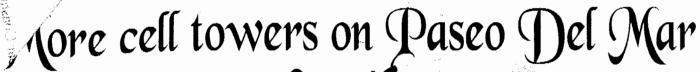
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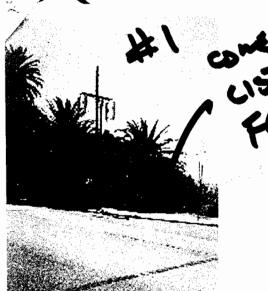
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CALIFORNIA COASTAL COMMISSION

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