CALIFORNIA COASTAL COMMISSION
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Item W16c

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Staff:	Liliana Roman-LB
Staff Report:	October 13, 2011
Hearing Date:	November 2-4, 2011
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-11-090

APPLICANT: Orange County Sheriff's Department, Communications and Technology Division (OCSD)

AGENT: LSA Associates, Inc., Attn: Mr. Frank Haselton

PROJECT LOCATION: Adjacent to the Moro Ridge trail, 0.5 mile north of Pacific Coast Hwy within the Crystal Cove State Park (Orange County)

PROJECT DESCRIPTION: Construction of a one-story, 10 ft wide by 12 ft long by 10 ft high prefabricated concrete modular building installed on a poured concrete pad; a 800 MHz fiberglass "fishing pole" type 10-ft. tall antenna atop a 10-ft. steel pole, a 4-ft. diameter microwave dish antenna and two, 6-in. diameter GPS antennas mounted on the rooftop of the shelter housing electronic equipment; an 8-ft. wide, 100-ft. long decomposed granite access road from an existing unimproved Park access road; and restoration of area disturbed during construction.

LOCAL APPROVALS: CEQA Categorically Exempt, Class 1(c)

OTHER AGENCY APPROVALS: Support letter from the Orange Coast District of the CA Department of Parks and Recreation

SUBSTANTIVE FILE DOCUMENTS: *Initial Study/Mitigated Negative Declaration (IP09-414)* prepared by LSA Associates, dated March 2010; *Habitat Restoration Plan Moro Ridge Radio Site Project*, prepared by LSA Associates, dated November 2010; *Conceptual Fuel Modification Plan Moro Ridge Radio Site Project* prepared by LSA Associates, Inc. dated January 2011; Crystal Cove Public Works Plan (1982).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with **NINE (9) special conditions** regarding; 1) prohibition of site expansion and co-location of future antennas; 2) future redesign; 3) final revised plans; 4) erosion control plans; 5) color and texture plan; 6) construction responsibilities and debris removal; 7) compliance with proposed construction staging plan; 8) compliance with proposed habitat restoration and monitoring plan; and 9) future improvements.

The primary issues associated with this development are biological resources, visual resources and the compatibility with the continuance of habitat and recreation areas.

The project proposes installation of a prefabricated one-story, 10 ft wide by 12 ft long by 10 ft high concrete modular building installed on a poured concrete pad; a 800 MHz fiberglass "fishing pole" type 10-ft. tall antenna atop a 10-ft. steel pole, a 4-ft. diameter microwave dish antenna and two, 6-in. diameter GPS antennas mounted on the rooftop of the shelter housing electronic equipment; an 8-ft. wide, 100-ft. long decomposed granite access road from an existing unimproved Park trail/access road; and restoration of area disturbed during construction.

The applicant, Orange County Sheriff's Department (OCSD), has identified a radio communications deficiency in the Countywide Coordinated Communications System (CCCS) along a large stretch of Pacific Coast Hwy from the southern end of the City of Newport Beach (Corona del Mar) through the northern end of the City of Laguna Beach. The CCCS supports all 34 incorporated cities, unincorporated county areas, ten contract cities; in total more than 20,000 mobile, portable and base radios currently use the system. Primary users include OCSD's Patrol Divisions, CA State Parks and Recreation, Orange County Fire Authority, John Wayne Airport Operations, Harbor Patrol, Lifeguards, Transit Authority Transit Police, plus all 34 incorporated cities' police, fire and public works. The applicant conducted a thorough evaluation of 12 sites to determine the most appropriate location to site the new radio antenna in order to provide the greatest range of service. Due to the nature of radio wave communications, the Moro Ridge site within Crystal Cove State Park was the only site that provided the greatest amount of coverage at 90% coverage, to the identified deficient area with minimal community and habitat impacts. The Orange Coast District of the CA Department of Parks and Recreation which is one of the primary users of the radio communication, provided a letter in support of placement of the radio antenna within the State Park land. As proposed and as conditioned, the project is in conformance with the biological resources, visual resources and the compatibility with the continuance of habitat and recreation areas policies of the Coastal Act.

LIST OF EXHIBITS:

1. Location Maps
2. Project Site Plan
3. Proposed Restoration Area
4. Conceptual Fuel Modification Plan
5. Project Visual Analysis
6. Map of Alternative Radio Antenna Sites Evaluated

STAFF RECOMMENDATION:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-11-090 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:

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. PROHIBITION OF SITE EXPANSION AND 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 prohibit the future co-location of additional antennas and/or equipment on the outside or the roof of the proposed radio antenna facility/building for use by the applicant or by other parties. Additionally, the applicant agrees on behalf of itself and all successors and assigns to prohibit any additions or expansions of the proposed building footprint or height.

2. FUTURE REDESIGN/REMOVAL

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 radio antenna facility, the applicant (or its successor/assignee) shall make those modifications which would reduce the visual impact of the proposed facility. Future technological advances that would trigger the requirement to make these modifications include, but are not limited to, antennas and associated rigging devices that are at least 25 percent smaller in width/diameter and height that have the same functional performance as the antennas and rigging devices approved in this coastal development permit. 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 Park 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. FINAL REVISED PROJECT PLANS

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised final plans to the Executive Director for review and approval. The revised final plans shall show the following changes to the project:

1. SITE PLAN/GRADING REVISIONS

(a) The proposed 4 ft. high horseshoe shaped earthen berm surrounding the proposed building shall be setback further away from the building in order to allow for the berm to be vegetated with larger, bush-type container plants to allow for greater visual screening of the building without compromising required fuel modification plans.

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

4. EROSION CONTROL PLAN

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, a plan for erosion control.

(a) The plan shall demonstrate that:

(1) during construction, erosion on the site shall be controlled to avoid impact to adjacent sensitive habitat
(2) use of temporary erosion control measures shall be used during construction
(3) following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent coastal resources
(4) permanent erosion control measures shall be installed to avoid ponding from runoff the roof of the proposed new structure or erosion of proposed new road

(b) The plan shall include, at a minimum, the following components:

(1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
(2) A site plan showing the location of all temporary erosion control measures.
(3) A schedule for installation and removal of the temporary erosion control measures.
(4) A site plan showing the location of all permanent erosion control measures.
(5) A schedule for installation and maintenance of the permanent erosion control measures.
(6) A site plan showing finished grades (at 1 foot contour intervals) and any permanent drainage control measures.

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

5. <u>COLOR AND TEXTURE PLAN</u>

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan demonstrating that the color and texture of the structure will be compatible with the adjacent natural habitat. The plan shall demonstrate that:

1. the building will be colored/constructed with concrete that has been colored with earth tones that are compatible with the adjacent vegetation,

2. the antenna and dish will be colored with earth tones that are compatible with the adjacent habitat,

3. white and black tones will not be used,

4. the color will be maintained through-out the life of the structures,

5. drought tolerant, non-invasive vegetation may also be used if feasible to cover and camouflage the structures.

B. The permittee shall undertake development in accordance with the approved final color and texture plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The permittee shall comply with the following construction-related requirements:

(a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion;

(b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;

(c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines;

(d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters.

7. CONSTRUCTION STAGING PLAN

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to public access and to sensitive habitat areas.

1. The plan shall demonstrate that:
   (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
   (b) Construction equipment, materials, or activity shall not be placed outside of the immediate construction zone;
   (c) Adverse impacts to sensitive habitat shall be avoided;
   (d) Public parking areas shall not be used for staging or storage of equipment;
   (e) Beach areas shall not be used as staging areas;

(f) The staging area for construction of the project shall not obstruct access to the public dirt trail/unimproved road.

2. The plan shall include, at a minimum, the following components:

(a) A site plan that depicts:
(1) Limits of the staging area(s)
(2) Construction corridor(s)
(3) Construction site
(4) Location of construction fencing and temporary job trailers, if any

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

8. COMPLIANCE WITH HABITAT RESTORATION AND MONITORING PLAN

The applicant shall conform to the proposed restoration and monitoring plan titled *Habitat Restoration Plan for the El Moro Radio Site Project* prepared by LSA Associates, Inc. dated November 2010.

9. FUTURE IMPROVEMENTS

This permit is only for the development described in coastal development permit 5-11-090. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to coastal development permit 5-11-090 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed development is located approximately half a mile along the "Moro Ridge" dirt trail/unimproved access road within the portion of Crystal Cove State Park that is inland of Pacific Coast Highway. Crystal Cove State Park is under the jurisdiction of the CA Department of Parks and Recreation and is located between the cities of Newport Beach and Laguna Beach. The Park continues to the north, south, east and west of the project area (Exhibit 1). Laguna Coast Wilderness Park is located north of Crystal Cove State Park and single-family residential developments in both the cities of Newport Beach and Laguna Beach. There is no parking along

this portion of Pacific Coast Highway (State Route 1), however there is public parking at the Moro Ridge Range Station and at the Moro Campground Day-Use Area of Crystal Cove State Park.

The proposed project site is along a large coastal ridge inland of the first public road and the sea and is characterized by a gentle slope with southern exposure immediately north of a public trail/unimproved access road, approximately 150 ft east of existing Southern California Edison (SCE) utility power poles/electrical power lines. The proposed project is the placement of a one-story, 10 ft wide by 12 ft long by 10 ft high prefabricated concrete modular building installed on a poured, reinforced concrete pad of the same dimensions, with one standard steel entry door, a 800 MHz fiberglass "fishing pole" type 10-ft. tall antenna atop a 10-ft. steel pole located at the west shelter wall at ground level along with a 4-ft. diameter microwave dish antenna and two, 6-in. diameter GPS antennas mounted on the rooftop of the shelter (Exhibit 2). The shelter would house electronic equipment (11 radio cabinets), heating, ventilation and air-conditioning units to provide necessary equipment temperatures. Power (AC) would be routed from the nearby power lines via trenched and buried conduit. The building is proposed to be placed within a depression surrounded on three sides by a 4-ft high horse-shoe shaped earthen berm cut into the slope for visual mitigation. No outside lighting is proposed. Construction of an 8-ft. wide, 100-ft. long, curvilinear, decomposed granite access road leading to the structure from the park dirt trail/unimproved access road is also proposed. Approximately 267 cubic yards of material would be excavated on site during construction; all earthwork material would be balanced on site. Approximately 0.33 ac is estimated to be disturbed during construction. The applicant proposes to restore this area and a buffer zone for a total restoration area of approximately 0.41 acres.

B. Standard of Review and Consistency with the Crystal Cove Public Works Plan

Section 30605 of the Coastal Act provides, in pertinent part, that:

> *Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1.*

Section 30606 of the Coastal Act states:

> *Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university shall notify the Commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified Public Works Plan or Long Range Development Plan. No development shall take place within 60 working days after the notice.*

Section 13359 of the Commission's Administrative Regulations states:

> *(b) The Commission shall…determine whether the proposed development is consistent with the certified public works plan…*

The Crystal Cove Public Works Plan (PWP) was approved by the Commission with conditions on May 20, 1982. Conditions were met on August 26, 1982. A few amendments to the PWP have occurred since the initial approval. The most recent PWP amendment was authorized in June 2003 (PWP-4-82-A2) and involved an update that replaced the Crystal Cove Historic District

Development and Public Use Plan and On-Site Maintenance Program with the Crystal Cove Historic District Preservation and Public Use Plan. The PWP is now comprised of the Crystal Cove State Park General Plan dated July 1982, the On-Site Maintenance Plan dated August 1982 and the Crystal Cove State Park Historic District Development and Public Use Plan dated November 2003. Section 30605 of the Coastal Act, cited above, establishes the standard of review. The first threshold question is whether the specific project is contained in the PWP. If it is, then the Commission's review is limited to the imposition of conditions. The Commission cannot deny a project that it previously certified as part of the PWP; however, the Commission can regulate the manner in which the project is carried out to bring it into conformance with the PWP. Once it is determined that a project is contained in the PWP, the second question is whether or not the project is consistent with the PWP. On the other hand, if the project is not contained in the PWP, the standard of review is the Chapter 3 policies of the Coastal Act.

The applicant determined that the proposed project is not contained in the PWP. The applicant chose to submit the project for a coastal development permit. The Commission finds that the proposed project was not previously contemplated and is therefore not contained in the PWP. The Coastal Act will serve as the standard of review for the proposed project, with the Crystal Cove Certified PWP serving as guidance.

C. Need for Proposed Development

The applicant, Orange County Sheriff's Department (OCSD), has stated that the proposed development is necessary for improved coverage of the Countywide Coordinated Communications System (CCCS) along a large stretch of Pacific Coast Hwy from the southern end of the City of Newport Beach (Corona del Mar) through the northern end of the City of Laguna Beach. The OCSD operates the 800 MHZ CCCS public safety communications system which serves the voice communication needs of all Orange County city and county law enforcement, fire, public works, water supply, building and safety, and lifeguard/marine safety agencies. The CCCS supports all 34 incorporated cities, unincorporated county areas, ten contract cities; in total more than 20,000 mobile, portable and base radios currently use the system. Primary users include OCSD's Patrol Divisions, CA State Parks and Recreation, Orange County Fire Authority, John Wayne Airport Operations, Harbor Patrol, Lifeguards, Transit Authority Transit Police, and all 34 incorporated cities' police, fire and public works. The County has identified emergency communication service deficiency in this region of Pacific Coast Hwy. The 800 MHz CCCS is comprised of a network of 26 remote radio sites interconnected by dedicated microwave links between remote radio antenna sites and the network hub located at the County's Loma Ridge Emergency Operations Center. The need for reliable radio communications for public safety services has increased as the area has greatly developed over the last ten years with the large housing developments adjacent to Crystal Cove State Park and the creation of a new campground at El Moro Ridge within the State Park.

Based on information provided by the applicant, the need for a new radio antenna site to serve the region is justified by continual coverage deficiency reports they received from the public safety and public service users of the system. Currently, the system is able to only provide reliable outdoor coverage on mobile radios as long as the user is outdoors and has a direct line of sight with an existing radio antenna. The existing radio antenna sites in the vicinity are located off-shore on Catalina Island and much further inland of the coast on Signal Peak. Coverage from these far off antenna sites is unreliable both in-building and in-vehicle along Pacific Coast Hwy as radio waves do not penetrate through these obstructions.

The applicant further clarified the difference between cellular telecommunication antennas and radio communication antennas as follows. Cellular telephone carriers employ hundreds of low-level cellular antenna sites within a network to provide coverage for subscriber handsets/telephones that may be used in vehicles, outdoors, or within buildings. These sites are typically designed and situated to provide cellular coverage for a nominal 2 mile radius, and are designed to handoff calls to adjacent cellular antenna sites as the cellular customer changes location. Cellular telephone networks are designed to enable a single cellular telephone user to connect with another single cellular or land-based telephone user. In contrast, public safety dispatch systems such as the CCCS, are required to simultaneously broadcast to multiple units over a wide area. The system demands the highest degree of reliability and calls to go through on the first attempt for public safety confidence. Additionally, a public safety radio site may need to have a greater coverage area radius of 5 to 10 miles or more, supporting high-reliability communications on street, in vehicles, and within structures.

Since cellular telephone frequencies are adjacent to public safety frequencies, or in some cases, within the very same band, mutual radio interference can and does occur, and is particularly troublesome where cellular and public safety systems are co-located. This interference will directly result in degraded service for both systems, jeopardizing the effectiveness of the emergency response. In terms of public safety communications system reliability, this potential interference is an unacceptable risk and therefore, co-location of cellular and radio antennas at the same site was not considered an option in the County's radio antenna site selection process.

In response to the identified need for reliable radio coverage, OCSD evaluated a total of 12 sites to determine the most appropriate location to site the new radio antenna in order to provide the greatest range of service (Exhibit #6). The majority of locations evaluated did not provide sufficient single-site radio coverage, and most would not accommodate the necessary line of sight path for the microwave link that would support this proposed 800 MHz radio site. There were no locations within developed areas that would provide the line of site coverage they needed (i.e. they were too isolated and/or too low in elevation). Furthermore, OCSD only has the capacity/funding to add a single new antenna to the system and therefore unable to consider using multiple antennas in developed areas to provide the necessary coverage in this area. The study conducted by OCSD telecommunication engineers determined the Moro Ridge site within Crystal Cove State Park provided the greatest amount of coverage, 90% coverage, to the identified deficient area with minimal community and habitat impacts.

D. Minimization of Adverse Impacts

Section 30253 of the Coastal Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The chaparral and coastal sage scrub habitats in the inland areas of Crystal Cove State Park are high fire zones. As proposed, the project includes a conceptual fuel modification plan (Exhibit #4)

prepared in consultation with the Orange County Fire Authority (OCFA). The fuel modification plan includes a 20-foot wide "Zone A" absent of any plant material. A "Zone C" 40-feet in width, this zone is to be initially cleared of all nonnative grasses and weeds and then re-vegetated with native plant materials. Maintenance of this zone includes a minimum thinning percentage of 50%. Lastly, is "Zone D" 40-feet in width with its exterior boundary setback approximately 100 feet from the proposed building. The portion of Zone D that coincides with the construction area will be initially cleared and then partially re-vegetated with native plants; the existing vegetation within a portion of Zone D outside of the construction area will not be cleared and no native plants will be installed. Zone D maintenance includes a minimum thinning of 30%. No coastal sage scrub or chaparral habitats will be impacted by the proposed fuel modification zones.

The proposed facility would be unoccupied, constructed of concrete with one steel door and equipped with an interior automatic fire suppression system. Additionally, the proposed habitat restoration plan utilizes only plant species native to the area and which are compliant with the OCFA regulations. As proposed the project minimizes risks to property in this high fire hazard area.

The proposed structure would be sited on an almost level pad 100 ft from an existing public dirt trail/unimproved road. The proposed single story prefabricated concrete building would be installed on a poured, reinforced concrete pad. No deepened foundation, caissons or such is required for stability or structural integrity. The applicant proposes best management practices to address erosion during construction and erosion control measures are proposed in the habitat restoration plan, however, the applicant has not included a grading/erosion control plan for the final project. **Special Condition 4** requires the applicant to submit an erosion control plan addressing permanent erosion control measures for the project.

Therefore, as conditioned, the Commission finds the proposed development consistent with Section 30253 policies of the Coastal Act regarding minimization of adverse impacts.

E. Scenic and Visual Qualities

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 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.

The visual simulation depicts the site before and after construction from the nearby dirt trail/unimproved access road (i.e. Moro Ridge trail) as it would be visible to pedestrians along the trail. In addition, as shown on the pictures, the view from this point is somewhat diminished due to the presence of existing power poles and power lines located within the general project vicinity. Views of the proposed building would be mostly limited due to a proposed vegetated 4-ft. high horseshoe shaped earthen berm and surrounding vegetation; the road leading to the proposed structure and the antenna and satellite dish are what would be mostly visible from the Park trail. The new, unpaved access road has a curvilinear design recommended by State Parks' staff as a measure to minimize the visibility of the road length from the Moro Ridge trail.

As proposed, the earthen berm would be vegetated with a hydroseed mix of native grasses and flowers (e.g., needlegrass and lupine) which grow low to the ground. However, in order to maximize the use of vegetative screening of the proposed structure, **Special Condition 3** requires the applicant to revise the proposed plans to move the proposed earthen berm farther away from the structure. This would completely place the berm outside of Fuel Modification Zone A in order to be able to plant the berm with larger container plants as those proposed elsewhere in the habitat restoration plan (e.g., lemonade berry, coyote bush, coastal goldenbush, toyon). These bushes are taller and larger than the grasses and flowers in the hydroseed mix and would therefore provide greater vegetative cover to the proposed building, antenna and dish. Additionally, **Special Condition 5** requires the applicant submit a color and texture plan ensuring that natural earth tones are used for the proposed building, antenna and dish to further camouflage these man-made structures from the natural views.

Views of the project site from the Park trail would be temporarily impacted by construction activities such as staging truck hauling, excavation activity and construction signage. The applicant proposes to place net fencing around the construction area to minimize the temporary visual impacts during construction during the estimated 4 month construction period.

Therefore, as conditioned, the Commission finds the proposed development consistent with Section 302 51 of the Coastal Act.

F. Land Resources

Section 30240 of the Coastal Act states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Sensitive Habitats and Resources

Crystal Cove State Park (CCSP) contains some of the last remaining undeveloped coastal property in Southern California and has three miles of coastline, wooded canyons, brush-covered bluffs, several creeks and offshore waters designated as an underwater park. The undeveloped bluffs, canyons and ridges act as open space and wildlife habitat, as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the open space. As such, the quality of the habitat must be assessed on a site-by-site basis. The subject site is considered somewhat degraded due to the presence of non-native plant species. Crystal Cove State Park provides habitat for protected plant and wildlife species. Several federally listed plant and avian species associated with coastal sage scrub habitats have a high potential to occur in the vicinity of the Project Area. The Project Area itself is within ruderal vegetation adjacent to upland coastal sage scrub and chaparral habitats. The term "ruderal" refers to weedy and/or early successional

species, such as non-native grasses. Dominant species include black mustard and purple false brome. Based on the information provided by the applicant, it appears that no portion of the Project Area contains resources that rise to the level of ESHA. No listed bird, animal or plant species were observed in the project area. All plant species observed on the site during the biological survey were non-native. The site and immediate vicinity do not provide suitable nesting habitat for any bird species. The project site is approximately 60 feet from habitat with low suitability for California gnatcatcher nesting and approximately 180 feet from habitat with high suitability for California gnatcatcher nesting.

During construction, the applicant proposes to preserve the adjacent habitat by setting up appropriate construction fencing around the work area. Furthermore, the applicant proposes to restore the 0.33 acre site disturbed during construction with native grassland species from local genetic sources, plus restore an additional 0.16 acres around the site as mitigation for permanent impacts (i.e., placement of permanent structure and 100 ft long access road). The project would result in temporary and permanent impacts to ruderal nonnative grassland of 0.25 ac and 0.08 ac, respectively. The applicant proposes to restore all temporary impacts to fire resistant native habitat and mitigate for the permanent impacts by restoring adjacent nonnative ruderal grassland habitat to fire resistant native habitat at a 2:1 ratio. Exhibit #3 shows the proposed restoration area. **Special Condition 8** requires the applicant to comply with the proposed habitat restoration plan.

Feasible Alternatives

The Crystal Cove State Park land uses are governed by a Public Works Plan (PWP) referred to as the Crystal Cove State Park General Plan, certified by the Commission in 1982. The PWP identifies man-made structures as having the potential to have a significant impact on the esthetic quality of the Park.

As proposed, the project includes design features to minimize visual impacts such as constructing the building below grade to help shield direct views of the building and equipment from the nearby Park dirt trail/unimproved road; burying the electrical lines under the unimproved road and re-vegetating the surrounding site. The site was also selected because of its location nearby existing power poles and power lines, which are much more visually prominent than the proposed development would be.

Section 30240(b) requires that development be "compatible with the continuance of those habitat and recreation areas." In other words, siting new permanent structures in the Park not related to recreation shall be permitted only if it is compatible with the continuation of recreation uses.

As previously discussed, the applicant conducted a thorough evaluation of twelve possible sites for placement of the radio antenna. According to that analysis, this is the only possible location for placement of the proposed radio antenna in order to meet the required coverage and to the greatest range of service for emergency personnel and is the least environmentally damaging alternative as it requires no major excavation, has a minimal footprint thereby entailing a minimum amount of work on the coastal ridge, and results in no impact to native vegetation.

Furthermore, the Commission imposes **Special Condition 1** prohibiting the expansion of the proposed structure and future co-location of additional antennas and/or equipment on the outside or the roof of the proposed radio antenna facility/building for use by the applicant or by other

parties and **Special Condition 2** which requires the applicant agree that should future technological advances render the radio facility 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 Park area.

Therefore, as conditioned, the Commission finds the proposed development consistent with the relevant biological protection policies of the Coastal Act.

G. Public Access and Recreation

Section 30212 of the Coastal Act states, in relevant part:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby*

Currently, adequate public access exists to this inland portion of Crystal Cove State Park. Public access is available off of Pacific Coast Hwy, the El Moro Ranger Station and the El Moro Campground (Exhibit #1).

As proposed, construction access to the site would be via the "Moro Ridge" dirt trail/unimproved road entering directly from Pacific Coast Hwy. Construction access will not be required from the campground. Construction activities will not require any lane closures on Pacific Coast Hwy or closure of the dirt trail/unimproved road. No temporary public access impacts are anticipated from construction activities. Construction is estimated to be complete within a 4-month period. **Special Condition 7** requires the applicant submit a construction staging plan to ensure among other things, that construction equipment, materials or activity does not occur outside the staging area, that adverse impacts to sensitive habitat are avoided; public parking areas not be used for staging or storage of equipment; and that the staging area for construction of the project does not obstruct access to the public dirt trail/unimproved road.

Therefore, as conditioned, the Commission finds the development as conditioned, in conformity with public access policies of the Coastal Act.

H. Local Coastal Program (LCP)

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 that conforms with the Chapter 3 policies of the Coastal Act.

Crystal Cove State Park General Plan PWP was originally certified by the Coastal Commission on March 12, 1982 and the Newport Coast LCP Land Use Plan was originally certified by the Coastal Commission on January 18, 1982/the LCP Land Use Plan and Implementing Action Program was

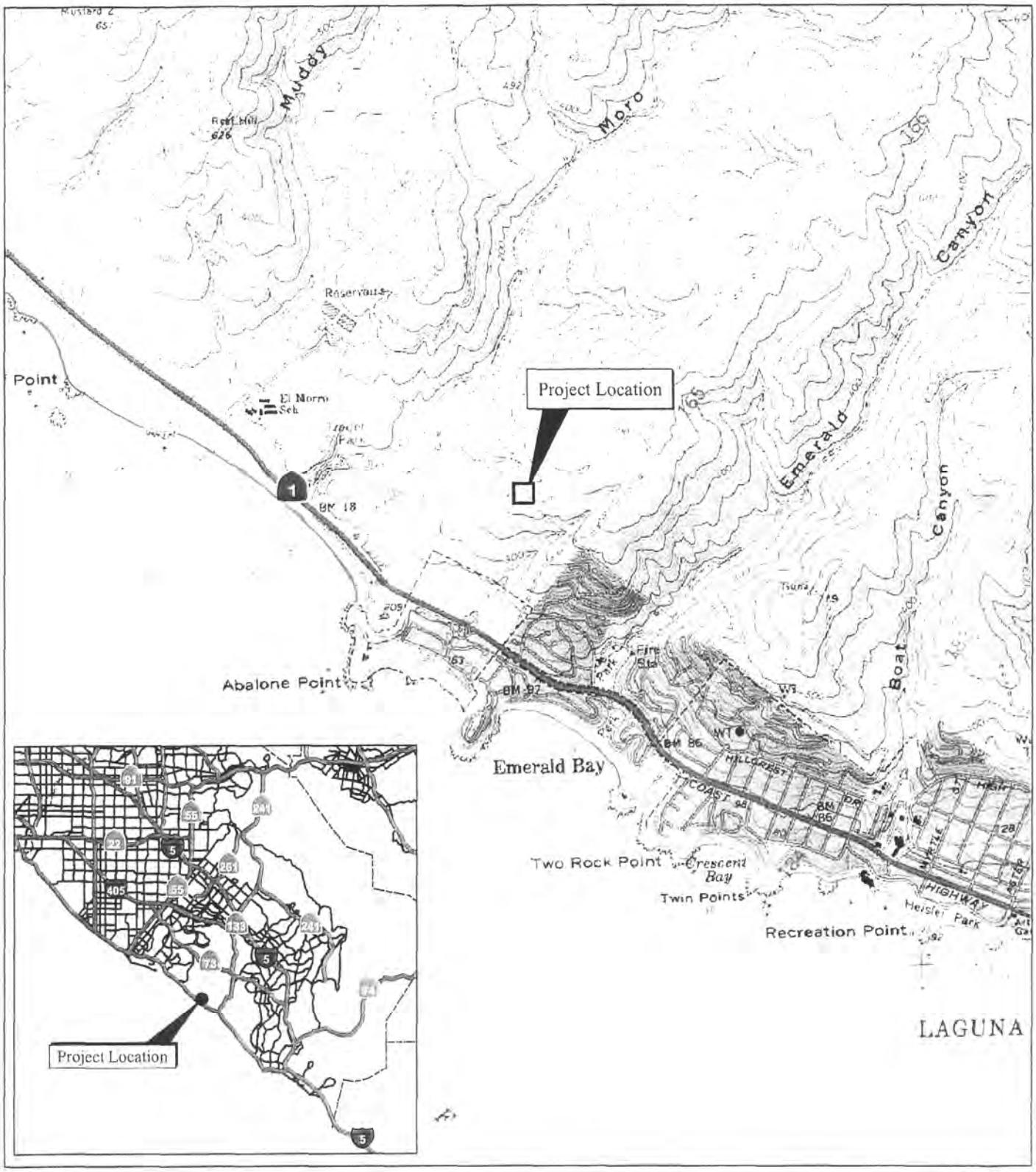
certified on January 14, 1988. The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act and with the certified LCPs for the area.

I. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 County of Orange is the lead agency for California Environmental Quality Act (CEQA) purposes. On January 25, 2009 the County of Orange posted a Negative Declaration that project will not create a significant adverse effect with proposed mitigation measures. The proposed project is located in a natural open space area. Infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the public access, water quality, visual resource protection, and biological resource protection policies of the Coastal Act. Special conditions to ensure compliance with Coastal Act requirements relate to 1) prohibition of site expansion and co-location of future antennas; 2) future redesign; 3) final revised plans; 4) erosion control plans; 5) color and texture plan; 6) construction responsibilities and debris removal; 7) compliance with proposed construction staging plan; 8) compliance with proposed habitat restoration and monitoring plan; and 9) future improvements.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act and CEQA.



LSA

FIGURE 1

LEGEND

Project Location

0 1,000 2,000 FEET

SOURCE: USGS 7.5' QUAD - Laguna Beach ('81); Calif

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COASTAL COMMISSION

EXHIBIT # 1

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Moro Ridge Radio Site Project

Project Location Map

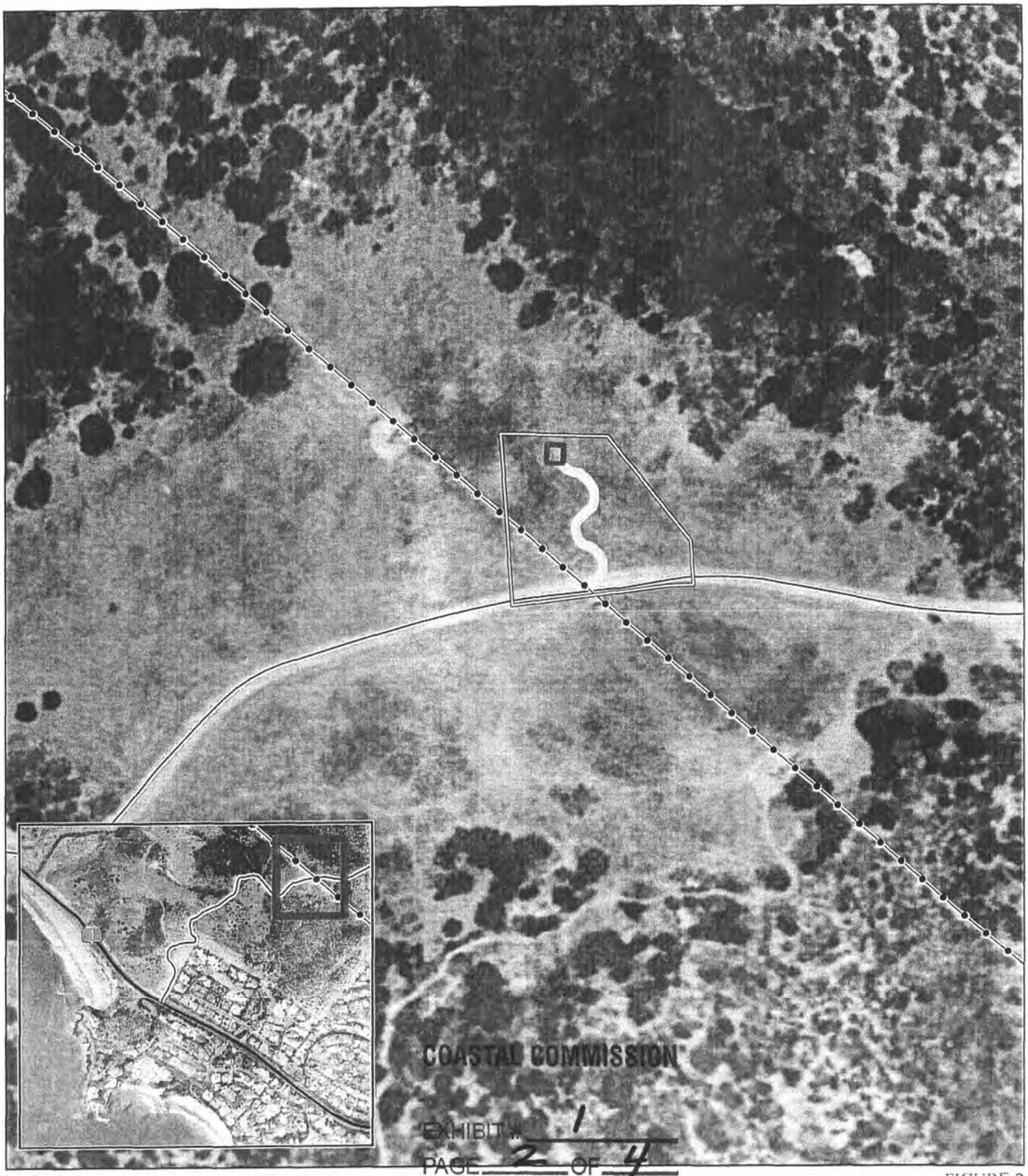

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EXHIBIT # 1

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LSA

FIGURE 2

LEGEND

- Construction Area (0.318 ac)
- Proposed Building (0.004 ac)
- Proposed Access Road (8 ft wide = 0.023 ac)
- High Voltage Power Line
- Trail/Construction Access Road

N

0 50 100

FEET

SOURCE: Air Photo USA (2007).

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Moro Ridge Radio Site Project

Project Location Map

COASTAL COMMISSION

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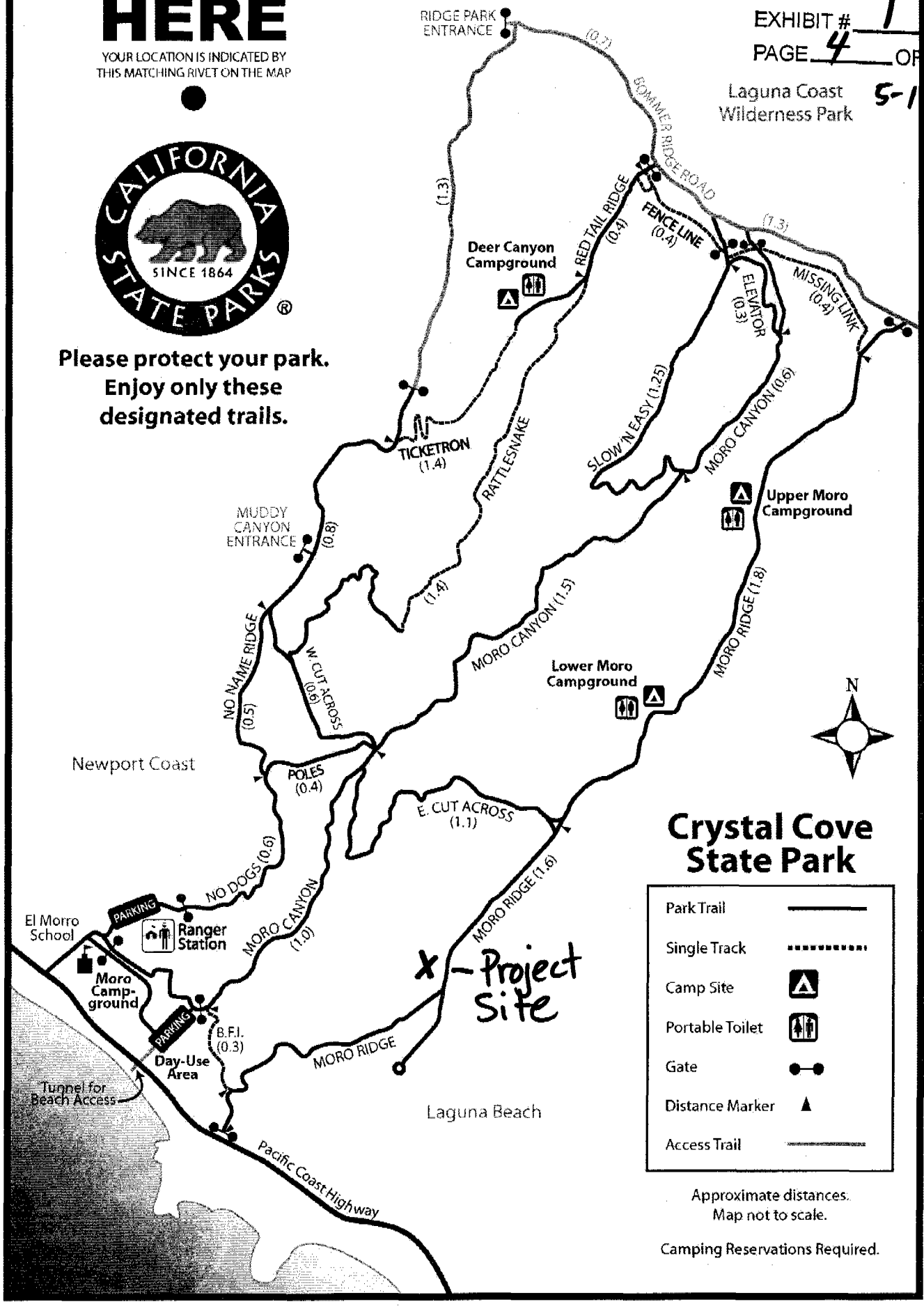
YOU ARE HERE

YOUR LOCATION IS INDICATED BY THIS MATCHING RIVET ON THE MAP

Laguna Coast Wilderness Park

CALIFORNIA STATE PARKS SINCE 1864 ®

Please protect your park. Enjoy only these designated trails.



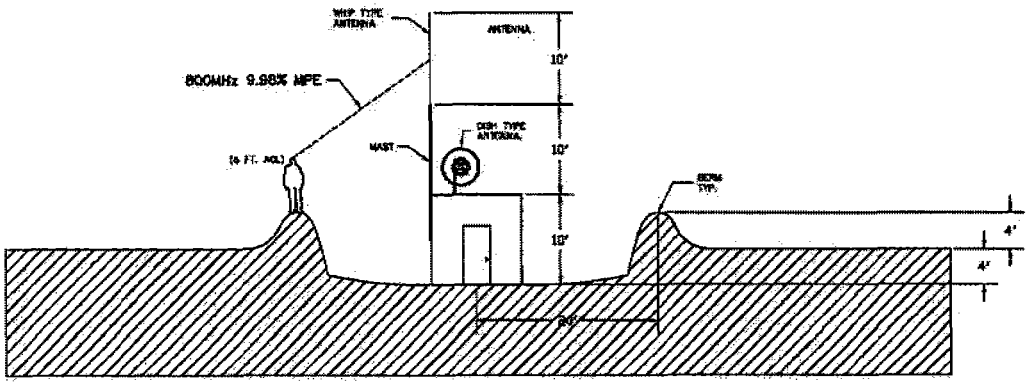
X - Project Site

Crystal Cove State Park

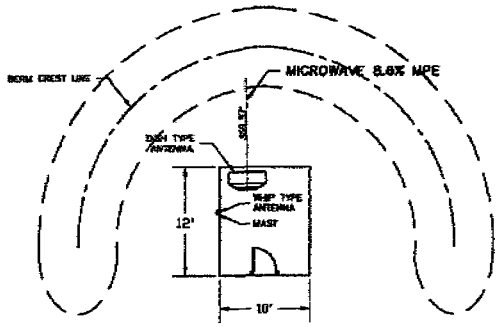
Park Trail	———
Single Track	▪▪▪▪▪▪▪▪▪▪
Camp Site	▲
Portable Toilet	
Gate	●—●
Distance Marker	▲
Access Trail	———

Approximate distances. Map not to scale.

Camping Reservations Required.



ELEVATION VIEW



PLAN VIEW

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EXHIBIT # 2

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LSA

FIGURE 3

0 10 20

FEET

SOURCE:OCSD Communications

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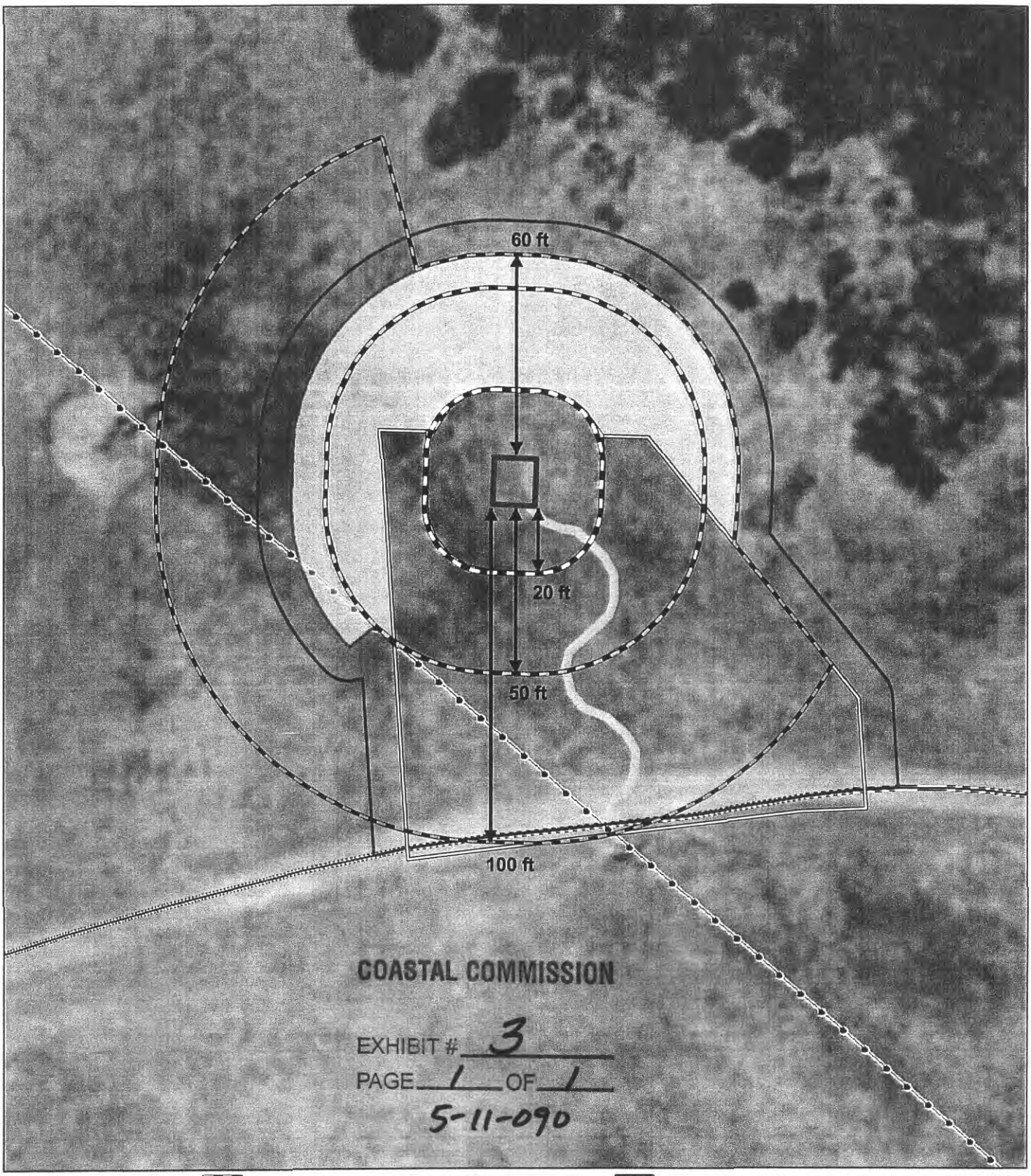
Moro Ridge Radio Site Project

Elevation & Plan View



LSA

FIGURE 2

Zone A - Setback Zone (20 ft) - [0.06 ac]
Zone B - Non-Irrigated Zone (50 ft) - [0.19 ac]
Zones C/D - Vegetation Thinning (60-100 ft) - [0.41 ac]
Construction Area (0.32 ac)
Proposed Building (0.01 ac)
Mitigation Area for Permanent Impacts (0.16 ac)
10 foot Buffer of Restoration Area
High Voltage Power Line
Trail/Construction Access Road
Proposed Access Road
(8 ft wide = 0.02 ac)

N

0 20 40
FEET

SOURCE: Air Photo USA (2007).

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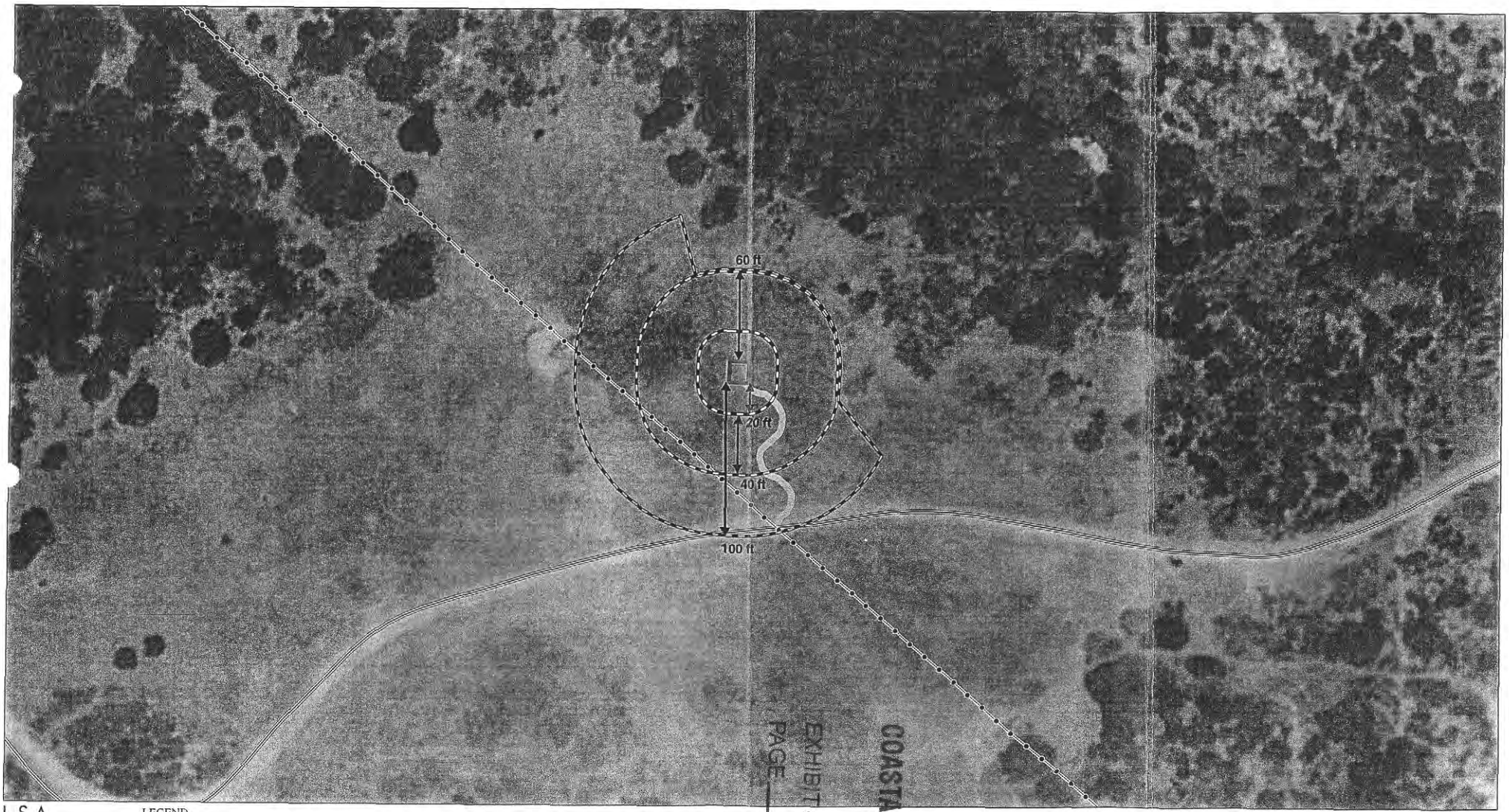
Moro Ridge Radio Site Project

Restoration Area



LSA

LEGEND

- Proposed Building (0.01 ac)
- Zone A - (20 ft) - [0.06 ac]
- Zone C - 50% Vegetative Thinning (40 ft) - [0.27 ac]
- Zone D - 30% Vegetative Thinning (40 ft) - [0.32 ac]
- High Voltage Power Line
- Trail/Construction Access Road
- Proposed Access Road (8 ft wide = 0.02 ac)

0 30 60 FEET

SOURCE: Air Photo USA (2007).

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COASTAL COMMISSION
EXHIBIT # 4
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5-11-096

FIRE ORANGE COUNTY REVIEWED CALIFORNIA AUTHORITY 175 737

FIGURE 4

Moro Ridge Radio Site Project

Conceptual Fuel Modification Plan

LSA

FIGURE 4

Moro Ridge Radio Site Project

Foreground View of Project Area

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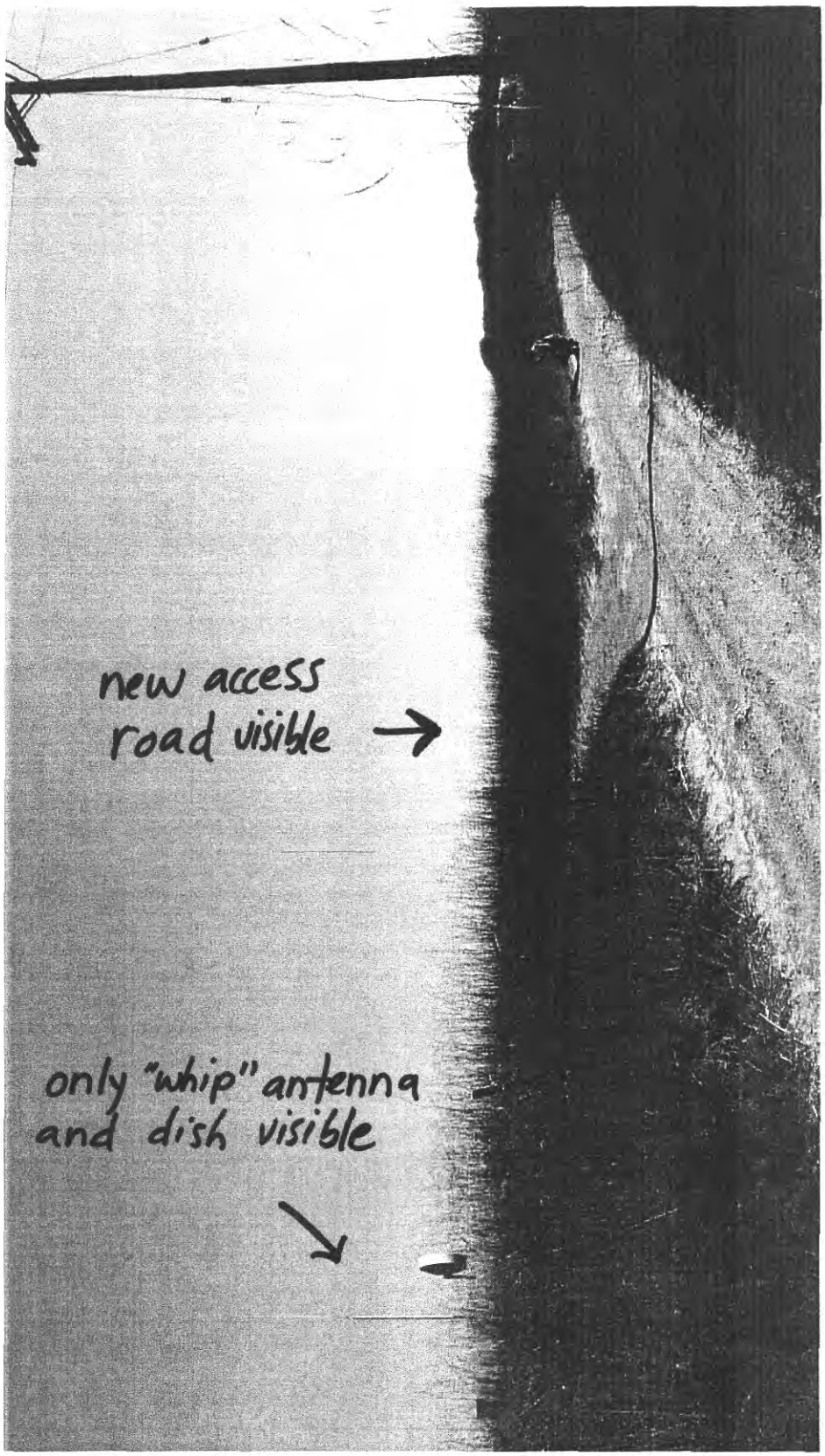

FIGURE 5

Moro Ridge Radio Site Project

Postconstruction Foreground View Simulation 1

LSA

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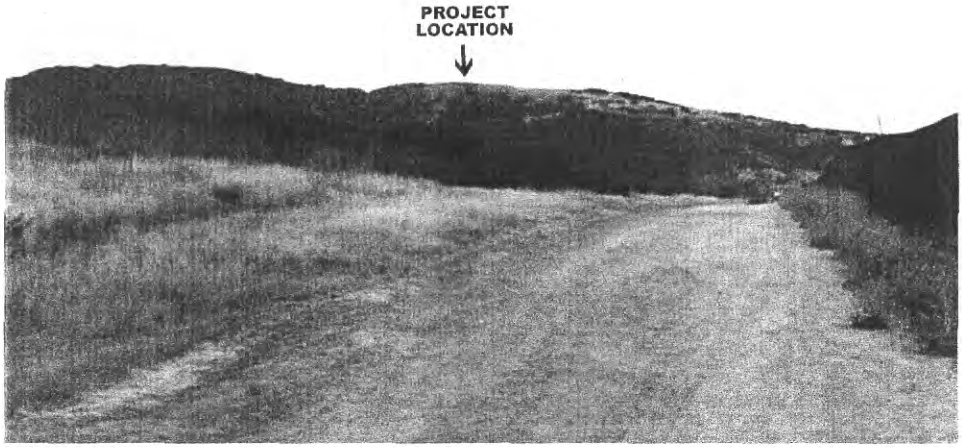

View of the site from the trail located south of the state park headquarters.

View of the site from the residential area off Reef Point Drive.

LSA

FIGURE6

Moro Ridge Radio Site Project
Existing Ridgeline Views

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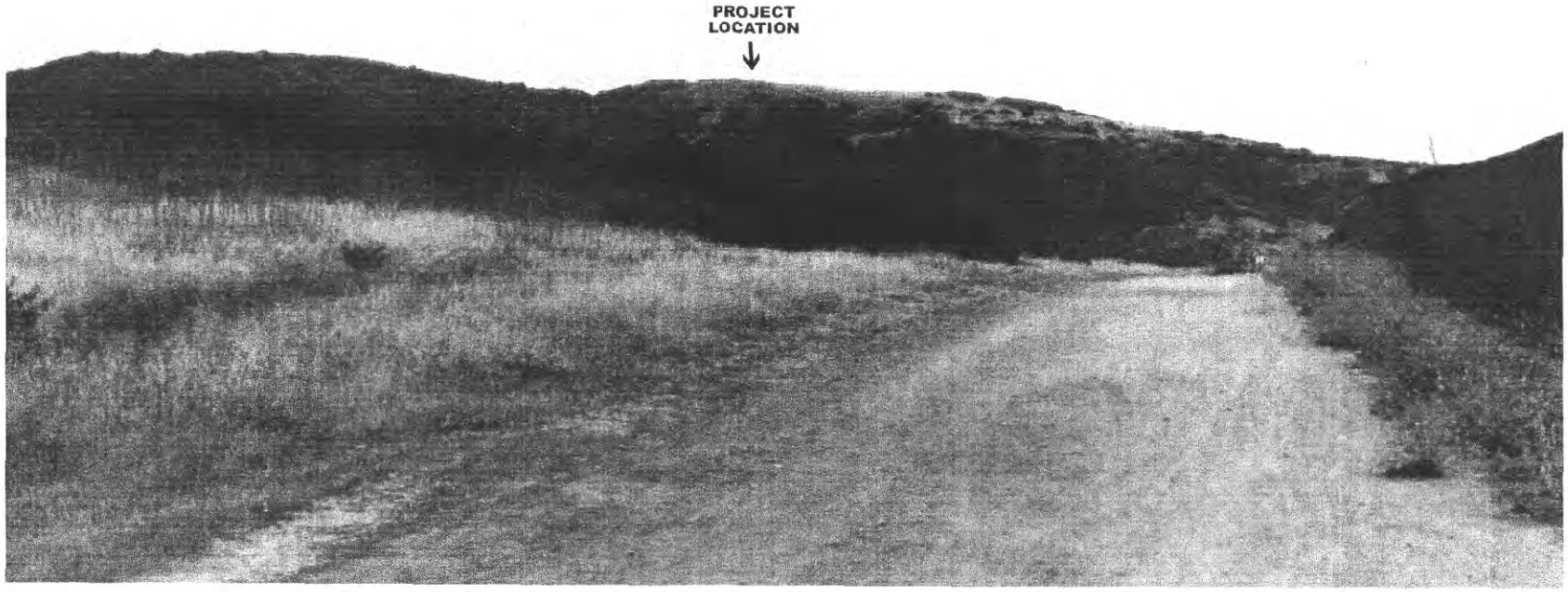
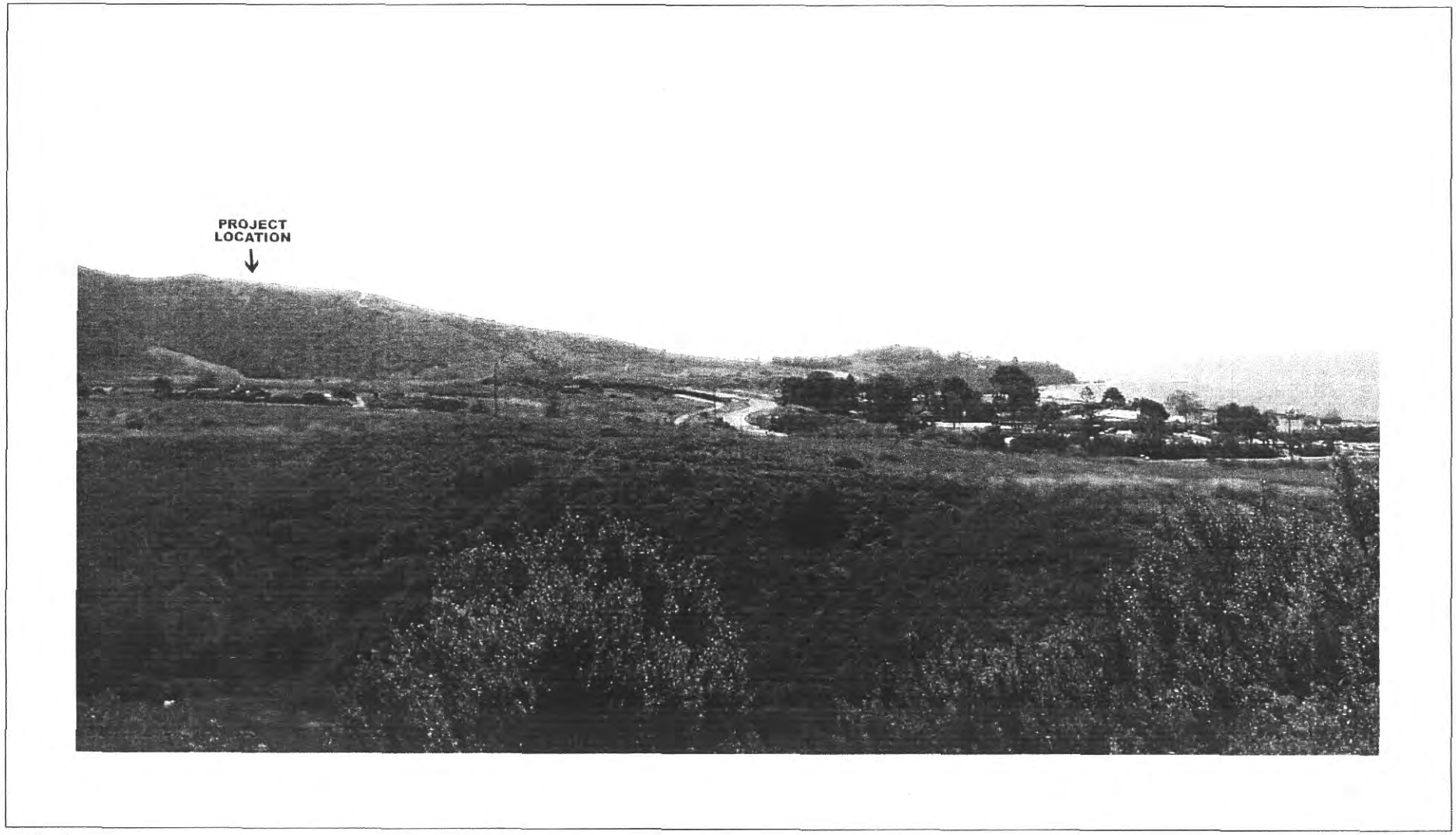


LSA

FIGURE 7

Moro Ridge Radio Site Project
Postconstruction Distant View Simulation 2



LSA

FIGURE 8

Moro Ridge Radio Site Project
Postconstruction Distant View Simulation 3

I:\ORG0801\G\Photo_Views_9-11.cdr [Page 2 of 3] (6/3/09)

Less Than Significant Impact with Mitigation. A scenic vista is typically a rural area containing natural visual elements that can be seen from a distance. A scenic vista can be impacted in two ways. A development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or "vista" of the scenic resource. Important factors in determining whether a proposed project will block views include its height, mass, and location relative to surrounding land uses and travel corridors.

The project area is located near a vista point as designated on the Crystal Cove State Park Land Use Map. A vista point is located just northeast of the project site along the service road/trail.

Immediate Foreground Views. Refer to Views 1 and 2 found in Attachment A of Appendix E for views toward the project site from the immediate foreground view and the general vista point location. As shown, the proposed project, due to its design features (e.g., low-profile building due to grading and use of a berm; and use of natural colors) blends in with the natural environment and topography, limiting its visibility. In addition, the view from this scenic point is somewhat diminished due to the series of power poles located within the general project vicinity. Overall, implementation of the proposed project would not obstruct views of or from the vista point. The anticipated effect of the proposed project on the vista point is considered neutral due to the limited amount of visible building/equipment and the adjacent existing power poles' disruption of the view. Therefore, no long-term impacts related to this vista point are expected.

Immediate foreground views of the project site would be visible for pedestrians along the service road/trail near the project site. Refer to View 1 in Attachment A of Appendix E and Figures 4 and 5 for existing and conceptual views of the project site postconstruction. As shown, the antenna and satellite dish are what is mostly visible from this perspective. Views of the building are largely limited due to the proposed berm and the surrounding vegetation (grasses of varying height). In addition, the views in this area are somewhat diminished due to the series of power poles located within the general foreground vicinity. Therefore, the placement of the proposed project at this location is perhaps more appropriate than other areas of the park, due to the existing urban elements in this area.

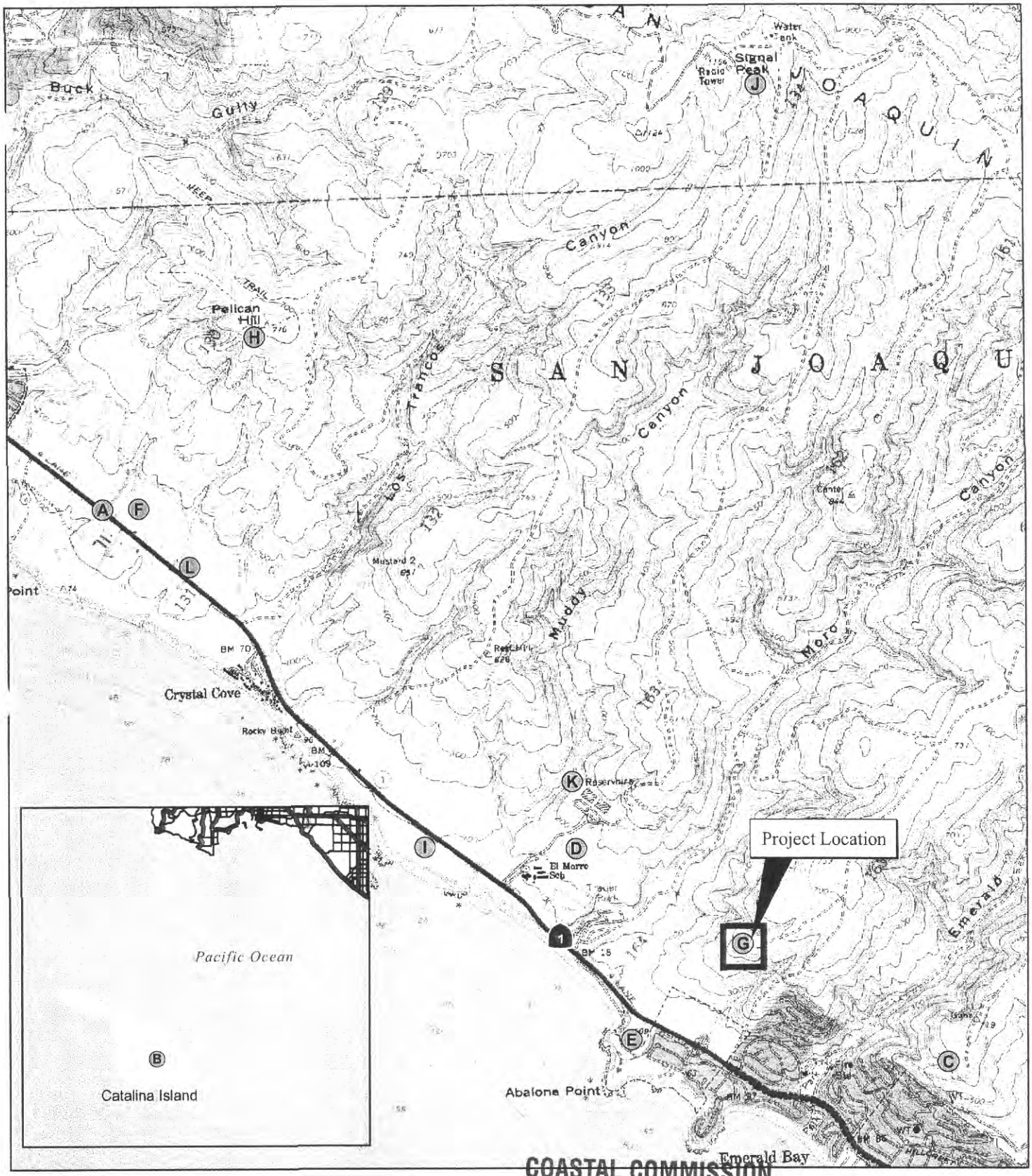
Views of the project site from the immediate areas would be temporarily impacted by construction activities. Viewer groups that would be impacted by construction activities are mainly recreational visitors to the State Park and nearby residential areas. Temporary visual impacts during construction include construction activity, staging sites, truck hauling, excavation activity, and construction area signage. Temporary visual impacts would cease upon the completion of construction activities. Although views of the project area may be temporarily impacted by construction, the activities, once completed, would have a minimal impact on the vista point and immediate foreground views. Implementation of the recommended Mitigation Measures 4.10.1 and 4.10.2 listed below would minimize construction-related impacts to less than significant levels.

Foreground Views. Foreground views are views within 0.5 mi of the project site. At this distance, the viewer groups that would be impacted by the project and construction activities are mainly recreational visitors to other parts of the State Park and nearby residential land uses to the west and southeast. Refer to Views 3 through 6 in Attachment A for conceptual views of the project site from these areas. As shown, the proposed project is not really visible to the naked eye from this perspective. The structures that are potentially visible, the antenna and satellite dish, are very small items and it is questionable as whether they can be seen at this distance. Due to topography and project design features, views of the building are not seen at this distance. In addition, the dominant urban element seen from these locations is the power poles located just south of the project limits. The power poles would remain the dominant structures in this foreground area.

However, views of the project site from these distant areas would be temporarily impacted by construction activities, particularly the large construction equipment. Refer to the discussion in the paragraph above for construction impacts. Implementation of recommended Mitigation Measures 4.10.1 and 4.10.2 listed below would minimize construction-related impacts to less than significant levels.

Middle-Ground and Background Views. Middle-ground and background views are views from 0.5 mi of the project site to the horizon. At this distance, impacts would be similar to the impacts that would be experienced by those in the foreground views. However, the further the viewer from the site, the less severe the impacts, for both construction and permanent impacts. Implementation of recommended Mitigation Measures 4.10.1 and 4.10.2 listed below would minimize construction-related impacts to less than significant levels.

Long-Range Views. Refer to Views 3 through 6 (Attachment A of Appendix E) and Figures 6 through 8 for existing conditions and a conceptual view of the project site postconstruction from distant nearby areas (homes along Reef Point Drive and near El Moro School). At this distance, visual impacts would be very limited. As shown in Figures 7 and 8, views of the proposed project (mostly the antenna dish and antenna) are barely, if at all, perceptible to the naked eye. Implementation of the recommended mitigation measures listed below would minimize construction-related impacts.



COASTAL COMMISSION

LSA

LEGEND

Project Location

Alternative Sites Evaluated with ID#

* See Attached Key

EXHIBIT # 6

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5-11-090

0 1250 2500

FEET

SOURCE: USGS 7.5' QUAD - Laguna Beach ('81); Calif.

I:\org0801\GIS\AltSitesEvaluated.mxd (3/28/2011)

Moro Ridge Radio Site Project

Alternative Sites Evaluated - Location Map

A: Arches on Newport Coast - This site is too far north, too low in altitude and blocked by several ridges from the intended coverage area. Substantial visual mitigation required as it is in view of Pacific Coast Highway and only about 100 yards from the nearest residences. No practical tower height is feasible to overcome the ridges blocking the intended coverage area.

B: Black Jack Peak, Catalina Island - There is an existing radio site at Black Jack Peak on Catalina Island. 800 MHz portable radio coverage from Catalina is unreliable, both in-building and on the highway. The Newport Beach Police Department has evaluated the current Catalina repeater coverage in the Crystal Coast area and has found it to be insufficient. Signal penetration into the coastal canyons, especially inside structures, is also poor. This long, over-water alternative is not feasible.

C: Boat Canyon Reservoir (near Guna Peak) - Several ridgelines obstruct the intended coverage area from this location. This site is too far south to cover into the critical Newport Beach area. In addition, this site is approximately 150 yards away from existing residences and would be visually intrusive.

D: Crystal Cove State Park Headquarters - This site has insufficient altitude to provide coverage in the target area. Also, the existing cellular telephone facilities will degrade the already limited potential of this location. There is poor line- of-sight, making microwave backhaul unfeasible.

E: Irvine Cove - This site is on a hill on the coastal side of Pacific Coast Highway and very visible from existing residences, the beach, and cars traveling on the State Route 1. The Irvine Cove HOA has rejected any possibility of locating a radio site at this location.

F: Marriot Hotel (New Phase) - This site is too far north, too low in altitude, and blocked by several ridges from the required coverage area. This site is near an existing neighborhood of single family and multiple family residences and would be visually intrusive.

G: Moro Ridge (Preferred) - The site is near the top of a ridgeline, adjacent to a power line right-of-way next to a park access road. It has a view along the coast to the north, south and into the canyons that are not covered by the Signal Peak or Moorhead (Laguna) radio sites. The location is high enough for coverage but inland enough to reduce visual impact from the Pacific Coast Highway and residences in the area. The closest residence is over ¼ mile away from the proposed site.

H: Pelican Hill North - This site is too far up coast and blocked by several ridges from the required coverage area. This site is near an existing residential neighborhood and would be visually intrusive.

I: Reef Point - The site is a small entrance building located on the coastal side of Pacific Coast Highway. Coverage would be severely limited south of Irvine Cove. In addition, the site is in view of existing residences and significant visual mitigation and construction would be required to use this site.

J: Signal Peak - Signal peak is the major 800 MHz Countywide Coordinated Communications System (CCCS) site in the immediate area. It is the lack of coverage from the Signal Peak site that is driving the need for a new site. A sharp terrain drop in 2.8 miles and a series of rolling hills and ridgelines adjacent to Coast Highway obstruct the intended coverage area.

K: Sweany Reservoir/Nextel Site - The required coverage area is blocked by the ridge of this proposed site. Also, the existing cellular telephone facilities would degrade the already limited potential of this location.

L: Trancos - This site is too low and too far north. No practical tower height is feasible to mitigate the location. There is no line of site making microwave backhaul impossible.