

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 10, 2010	Time: 9:00 AM	Agenda Item No.: 2
Project Description: Combined Development Permit consisting of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; (3) a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential zoning district or "LDR" district by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval.		
Project Location: 46 & 48 Camino de Travesia, Carmel Valley		APN: 189-401-004-000 & 189-401-005-000
Owner: California-American Water Company Applicant: Metro PCS		Planning File Number: PLN070295
Planning Area: Carmel Valley Master Plan		Flagged and staked: Yes
Zoning Designation: "LDR/2.5-D-S" [Low Density Residential, 2.5 acres per unit with Design Control and Site Plan Review zoning district overlays]		
CEQA Action: Negative Declaration pursuant to CEQA Guidelines Section 15070		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit D**) to:

- 1) Adopt a Negative Declaration (**Exhibit D.2**); and
- 2) Approve Combined Development Permit PLN070295, based on the findings and evidence and subject to the conditions of approval (**Exhibit D.1**):

PROJECT OVERVIEW:

Metro PCS (applicant) requests permits to install a wireless communication facility that involves erecting a 40-foot monopole and placing equipment cabinets within a 160-square-foot ground lease area. This new antenna would co-locate an existing California-American Water Company (property owner) whip antenna within the new pole. Metro's new pole will be the same height as the existing Cal-Am pole but will have a larger diameter to support the co-location. Antennae for this new facility will be flush mounted to the pole and will be painted a natural earth toned color to blend in with the surrounding mature vegetation.

A neighbor contested the proposed facility and proposes an alternate location outside the water tank area. In response to concerns raised by the neighbor and LUAC, staff worked with Metro PCS to develop an alternative location that moves the facility further from this neighbor, avoids impact to trees and slope, and stays within the general disturbed area of the water tank facility. **Exhibit B** provides a comparative analysis of the different locations and **Exhibit C** provides some background as to the history for this project.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- | | |
|---------------------------------|--|
| √ RMA - Public Works Department | √ Water Resources Agency |
| √ Environmental Health Division | √ Carmel Valley Fire Protection District |

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Environmental Health Division have been incorporated into the Condition Compliance Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit D**).

LAND USE ADVISORY COMMITTEE REVIEW:

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on December 1, 2008. The LUAC expressed concerns regarding visual impact, height, radiation hazard, noise, and parking. The committee recommended that the hearing be continued until the existing and an alternative site could be staked and additional information about the noise is presented. On January 19, 2010, the LUAC recommended denial of the application based on the following reasons: 1. the setbacks appear to conflict with Title 21; (2) the project description is inaccurate (ie: APN and address); and (3) recommendations from the CVLUAC regarding consideration of alternative sites at the project site and adjacent to the area (Parcel -004) were not addressed during the 13 months since the application was first heard. Staff reviewed the LUAC's recommendation and addresses these concerns in this staff report. The minutes are attached as **Exhibit F**.

Note: The decision on this project is appealable to the Board of Supervisors.

Elisa Cavaliere

Elisa Cavaliere, Associate Planner
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March 1, 2010

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Jacqueline Onciano, Planning Services Manager; Elisa Cavaliere, Project Planner; Carol Allen, Senior Secretary; California-American Water Company, Owner; Metro PCS, Applicant; Planning File PLN070295; Cristine Kemp, Noland, Hammerly, Etienne, & Hoss, attorney for neighbor; Robert & Robert Jeffress; Neighbor; Aaron Johnson, Johnson & Moncrief, attorney for property owner.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Project Background
	Exhibit D	Draft Resolution, including: 1. Conditions of Approval 2. Site Plan, Floor Plan, and Elevations
	Exhibit E	Vicinity Map
	Exhibit F	Advisory Committee Minutes (LUAC)
	Exhibit G	Negative Declaration
	Exhibit H	Comments on Negative Declaration
	Exhibit I	Technical Reports
	Exhibit J	Proposed Alternatives
	Exhibit K	Photos submitted by Metro PCS
	Exhibit L	Letter from Applicant
	Exhibit M	Coverage Maps
	Exhibit N	Senate Bill No. 1627 - Kehoe telecommunications facilities

This report was reviewed by Carl Holm, Assistant Director RMA - Planning Department

EXHIBIT A

Project Information for PLN070295

Project Title: CALIFORNIA-AMERICAN WATER CO

Location: 46 CAMINO DE TRAVESIA CARMEL VALL

Primary APN: 189-401-004-000

Applicable Plan: Carmel Valley Master Plan

Coastal Zone: No

Permit Type: Coastal Development Permit

Zoning: LDR/2.5-D-S

Environmental Status: MND

Plan Designation: LDR 5-1 UN/AC

Advisory Committee: Carmel Valley

Final Action Deadline (884): 6/2/2009

Project Site Data:

Lot Size: 15,984 sq ft

Coverage Allowed: 35%

Existing Structures (sf): 22,600 gal water tank

Coverage Proposed: N/A

Proposed Structures (sf): 1 cell tower

Height Allowed: 35 FT

Height Proposed: 49 FT

Total Sq. Ft.: 15,984 sq ft

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

Erosion Hazard Zone: VI

Biological Report #: N/A

Soils Report #: N/A

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: HIGH

Geologic Hazard Zone: IV

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: EXTREME

Traffic Report #: N/A

Other Information:

Water Source: N/A

Sewage Disposal (method): N/A

Water Dist/Co: N/A

Sewer District Name: N/A

Fire District: CARMEL VALLEY FPD

Grading (cubic yds.): 0.0

Tree Removal: 0

EXHIBIT B DISCUSSION

Proposed Project

The property is located within the Robles del Rio subdivision area of Carmel Valley Village. California American Water Company, the property owner, owns two adjacent parcels at this site (Assessor's Parcel Number 189-401-005-000 & 189-401-004-000) totaling approximately 15,984 square feet. The applicant, Metro PCS, requests permits to install a wireless communications facility adjacent to the existing 22,600-gallon water tank. The existing steel water tank is approximately 18-feet high with an antenna on top, resulting in a height of approximately 40-feet in height. A 6-foot-tall chain-link fence topped with barbed wire surrounds the water tank facility. Vegetation outside of the fenced area is categorized as dense oak woodland. Both properties are constrained by sloped terrain along the northern property boundary. Since the circulation of the environmental document, discussed below, the understory has been cleared.

The proposed project consists of establishing a wireless telecommunication facility within an approximately 160-square-foot lease area secured within the fenced area around the water tank (APN: 189-401-005-000). Establishing the wireless communication facility involves:

1. Removing the exiting 49.5 foot wireless communication facility (40.5 foot pole with Omni Antenna whip on top) to the south of the water tank and replace it with a monopole of 40.8 feet;
2. Attaching two antennas to the new monopole at a height of approximately 49 feet (top of antennas); and
3. Installing equipment cabinets for battery backup and electrical and telecommunications connections.

The immediate neighbor, Robert Jeffress, has expressed concern with the proposed placement of the cell tower and proposes that the facility be located in the middle of APN 189-401-004-000. Staff has worked with the applicant and neighbor to identify alternative locations, however, there still remains disagreement as to the most appropriate location. Alternative locations are illustrated in Figure 1 (next page).

Site Location Alternatives

A. Applicant's Request

Metro PCS (the applicant) submitted an application proposing to install a new pole approximately 20 feet from an existing pole. Once erected, they would take the whip antenna off the California-American Water pole and place it on top of the new pole. Because construction has already commenced (See Background - **Exhibit C**) there are two antennas erected at this location. Upon completion of construction, the whip antenna will be removed from the Cal Am antenna and placed on top of the Metro PC antenna. The existing Cal Am pole will be removed leaving only the one new pole standing. This is considered co-location, which is encouraged by County ordinance in order to reduce the number of facilities thereby reducing visual impacts.

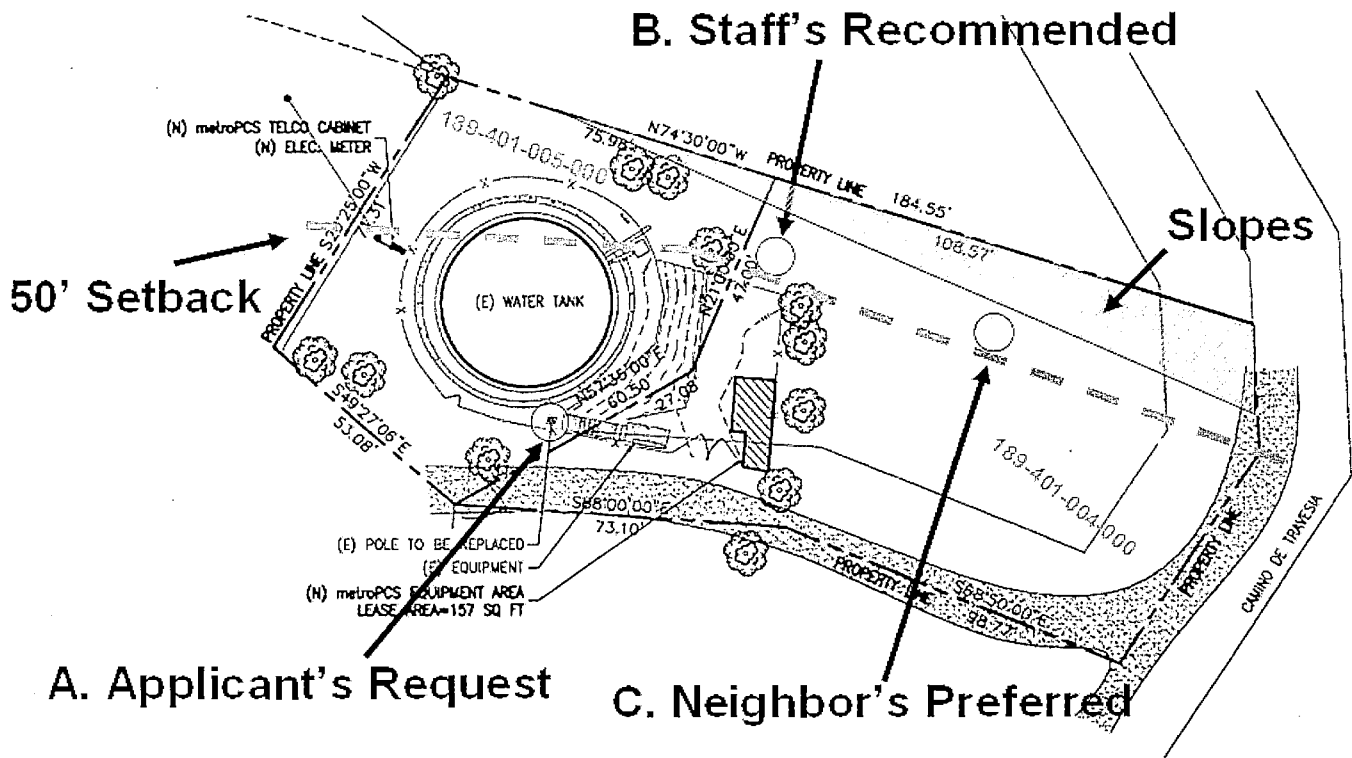
Metro's new pole will be 48.8 feet in height, which is approximately the height as the existing pole. The new antenna will be flush-mounted to the pole and will be painted a natural earth toned color to blend in with the surrounding mature vegetation. The proposed antenna is set back 5 feet from Camino de Trivisa, which would require a variance to the 50-foot front setback requirement for accessory non-habitable structures.

B. Staff's Recommended

In response to comments from the neighbor and LUAC, staff recommends that the antenna be located at the northern portion of the property, on the opposite side of the property from Mr. Jeffress's driveway easement. This would require fencing around the water tank be extended to include the new antenna and

mechanical storage, but is within an open area of the oak woodland and would not require a set back variance. The minimal extension of the fencing will aid in blending the developed area together. Furthermore, the existing water tank is very large; placing the antenna here would use the water tank to block the bottom portion of the antenna from Mr. Jeffress's view. While this location is not within the existing disturbed area and will require additional fencing, placing the antenna in this location will consolidate development on the otherwise unimproved area.

Figure 1. Site Plan with proposed locations



C. Neighbor's Preferred

The neighbor, Robert Jeffress, requests that the antenna be located on Assessor's Parcel Number 189-401-005-000, see Figure 1 above. Mr. Jeffress has expressed that placement of the antenna in this location would minimize exposure to Radio Frequencies (RF), minimizes impacts of his private views, and would not require a variance to the front setback requirements.

Staff does not recommend placement in this site for the following reasons:

1. Placing the antenna in the middle of undeveloped parcel scatters development on an undeveloped parcel. The other two locations better utilize the existing impacted area to consolidate development.
2. Additional fencing would be required around the antenna for safety purposes and makes the facility more visible from Camino de Trivisa. A new fence surrounding a 160 square foot leased area in the middle of Assessor's Parcel Number 189-401-005-000 increases visual impacts from Camino de Trivisa.
3. Assessor's Parcel Number 189-401-005-000 is a separate lot of record and is zoned LDR. Placing the antenna in the middle of the property would significantly restrict potential development on this parcel in the future in the event that property owner sold this parcel.
4. Staff has received no technical evidence supporting claim that there would be a RF impact, as required by the Telecommunications Act.

Proposed Height

According to the project plans, the location of the antenna must have a clear view of the southern sky and cannot have any blockages exceeding 25% of the surface area of a hemisphere around the GPS antenna to receive clear signals from a minimum of four satellites. Irrespective of where the antenna is located, the antenna is required to protrude from the oak woodland canopy a minimum of 6 feet to achieve the clearance required to obtain the frequency the application aims to achieve. Placing the antennas below the tree line would cause an approximate 18dB decrease in signal levels (approximately a 40% decrease in efficiency for the site) in the surrounding area and reducing the quality of coverage in the Carmel Valley area. As a component of the project's design the applicant is proposing to color the top portion of the antenna that will protrude from the oak woodland canopy a natural earth toned color blending with the natural terrain and vegetation in order to reduce impacts from public view.

Visual Impact

The subject property is located in an area designated as "Visually Sensitive". There are some existing structures in the area where the antenna is proposed, which currently protrude from the mature canopy of this Carmel Valley mountainside. See photos attached as **Exhibit K**. Power lines traverse the mountainside near the proposed antenna and are visually obtrusive from Carmel Valley Road. Staff has reviewed applicable Carmel Valley Master Plan policies, which discourage hillside-scarring, disruption of views from existing homes, and encourages the use of natural terrain and vegetation to screen public facilities such as water tanks and wireless communication facilities (Policy 26.1.31 CVMP). In an effort of reducing visual impacts to the mountainside, the applicant is proposing to color the antenna a natural earth toned color blending it with the surrounding landscape.

Staff evaluated the visual impacts of the proposed facility using unaided and aided photos from the intersection of Carmel Valley and Esquiline Roads. Staff finds that when viewed from Carmel Valley Road with unaided vision, the upper portion of the proposed facility is visible because the surrounding oak trees provide screening for the lower part. When viewed from Ford Road and El Caminito the uppermost 1/3 of the pole is slightly visible with unaided vision; however, the proposed coloring of the upper portion of the antenna will allow for blending with surrounding Oak foliage.

The adjacent property owner, Robert Jeffress, will likely be most affected by the visual impacts of the proposed antenna. Staff finds that there would be no new visual impact because an existing Cal AM antenna currently exists within 5 feet of the applicant's property line. However, staff has attempted to identify reasonable measures to address visual impacts to Mr. Jeffress immediate view, including an alternative site located further from the Jeffress property for both the existing and proposed antenna. Co-locating the existing antenna with this new facility would reduce the visual clutter of separate antenna.

Environmental Review

An Initial Study / Negative Declaration was prepared and circulated for public review from December 4, 2009 to January 4, 2010. The primary environmental concerns regarding this project involve impacts to aesthetic resources. The project has been designed to replace an existing whip antenna with a thicker antenna within the existing site and to blend in with surrounding conditions. Staff finds that no adverse environmental impacts to aesthetic resources will result from the construction of this project. Conditions No. 13 and 14 have been incorporated to address potential environmental hazardous by requiring adherence to hazardous materials regulations. A comment letter from Christine Kemp of Noland, Hamerly, Etienne, and Hoss on behalf of Robert Jeffress, a neighbor to the subject property was received and is attached to the Staff Report as **Exhibit H**. Staff has addressed the primary concerns in this report.

LUAC

On January 19, 2010, the Carmel Valley LUAC conducted a site visit and recommended denial of the application based on the following reasons:

1. Setbacks appear to conflict with Title 21. Staff has prepared an alternative location that meets setback requirements.
2. Project description is inaccurate (ie: APN and address). Staff has corrected the project description to include both properties.
3. Recommendations from the CV LUAC regarding consideration of alternative sites were not addressed during the continuance. Staff has developed an alternative location that is acceptable to the applicant. While it may also be acceptable to the neighbor, they prefer a third alternative location.

Conclusions

The application is consistent with applicable policies, requirements, and standards of the Carmel Valley Master Plan, Monterey County Zoning Ordinance (Title 21), and General Plan. There are no unusual circumstances or unresolved issues related to the project or the site. Therefore, staff recommends approval of the project.

EXHIBIT C BACKGROUND

On June 5, 2007, the applicant submitted an Application Request form (Planning File No. PLN0702695), requesting an initial assessment to determine what permits would be required by the County for the project. The application materials submitted requested the replacement of an existing communication tower and the installation of two antennas on the same pole at the subject property.

On August 31, 2007, the project planner visited the property with the applicant. At that time, it was understood that the application involved the replacement of an existing wireless communication facility with a like-for-like antenna which would provide services for both Cal-Am Water Company and Metro PCS. Staff interpreted Senate Bill No. 1627, the Kehoe Wireless communications facilities bill (Government Code Section 65850.6), to local jurisdictions to “*administratively approve an application for a collocation facility on or immediately adjacent to a wireless telecommunications collocation facility...through the issuance of a building permit or a nondiscretionary permit process.*” Because the project involved a “replacement facility”, and not a new facility, staff believed the application of SB1627 to be appropriate and a Design Approval permit was approved on August 31, 2008. However, consistent with Department practice for minor projects at the time, a Notice of Approved Design Approval was not circulated to neighbors within 300 feet of the project site.

A corresponding building permit (Building Department File No. BP072463) was issued on October 25, 2007 for: (1) the replacement of the existing communications pole with a new mono-pole (40'-8" in height) with three antenna units attached; and (2) the construction of 157 square foot slab for two-3'x3' cabinets. Construction of the facility commenced in mid-April 2007.

Once construction began, staff received several telephone calls from adjoining property owner Robert Jeffress regarding the approval and construction of the antenna. Mr. Jeffress submitted a letter dated April 27, 2008 outlining several of his concerns with the project that was then under construction. In a second letter dated May 15, 2008, Mr. Jeffress again requested a public hearing on this matter. After further review of applicable County Codes, and in an abundance of caution, staff circulated a Notice of Approved Design Approval pursuant to the Design Control zoning designation, Section 21.44.050 of the Monterey County Zoning Ordinance (Title 21).

On June 9, 2008, Mr. Jeffress formally submitted an appeal to the RMA – Director’s approval of Design Approval No. DA070214 and Planning Department staff began further investigating Mr. Jeffress’s concerns. On June 11, 2008, as a matter of process, staff posted a Stop Work Notice on-site, which remains in effect until the appropriate entitlements are secured. The matter was scheduled for appeal before the Board of Supervisors on July 22, 2008 based on the misinterpretation of Senate Bill No. 1627, the Kehoe Wireless communications facilities bill (see discussion below). The misinterpretation was that this is a new facility because it is being constructed in a new location from where the existing antenna pole is located. However, the appeal was not heard by the Board because Mr. Jeffress agreed to withdrawal his appeal if the applicant would apply for a Use Permit and agree to the preparation of environmental documents. On November 6, 2008, Metro PCS applied for this Use Permit.

Senate Bill No. 1627, the Kehoe Wireless communications facilities bill

It appears that the appropriate application of SB1627 involves co-location projects where the primary wireless communication facilities were: (1) established by a discretionary permit process involving public notice and hearing; and (2) where the discretionary permit process involved either an environmental impact report, or a negative declaration, or mitigated negative declaration as required for compliance with the California Environmental Quality Act (CEQA). After further investigation of the property’s permit

history, it appear that the existing communications facility located on top of the Cal-Am water tanks on-site was not subject to a discretionary permit and environmental review and therefore, cannot be exempted via SB1627 from the County's discretionary permit process. Information provided by the property owner confirms that the existing communication facility was placed on the property in order to comply with Compliance Order No. 02-05-0101CO-001 issued by the State of California – Health and Human Services Agency, Department of Health Services.

Staff has determined that the proposed wireless communication is not co-location as defined by the bill because it involves installing a new pole in a new location. It is also not replacement because it is not proposed in exactly the same location as the existing antenna and is not proposed on top of the water tanks. Based on this reasoning, it appears the County issued Design Approval No. DA070214 in error and this application has been processed to establish a new wireless communication facility.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

CALIFORNIA-AMERICAN WATER COMPANY (PLN070295)

RESOLUTION NO. 070295

Resolution by the Monterey County Planning Commission:

- 1) Adopting a Negative Declaration; and
- 2) Approving the Staff Preferred Alternative for a Combined Development Permit consisting of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; (3) a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential zoning district or "LDR" district by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval. The project is located at 46 & 48 Camino De Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000 & 189-401-005-000), Carmel Valley Master Plan Area.

[PLN070295, California-American Water Company (Metro PCS), 46 & 48 Camino De Travesia, Carmel Valley, Carmel Valley Master Plan (APN: 189-401-004-000 & 189-401-004-000)]

The California-American Water Company / Metro PCS application (PLN070295) came on for public hearing before the Monterey County Planning Commission on January 14, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies, which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - Carmel Valley Master Plan,

- Carmel Valley Master Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The project site is located at 46 & 48 Camino de Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000 & 189-401-005-000, Carmel Valley Master Plan. The parcel is zoned "LDR/2.5-D-S" (Low Density Residential, 2.5 acre minimum with Design Control and Site Plan Review Overlays), which allows wireless communication facilities subject to the approval of a Use Permit per Section 21.14.050.AA, and pursuant to Section 21.64.310 of the Monterey County Zoning Ordinance (*Regulations for the Siting, Design, and Construction of Wireless Communication Facilities*). The location of the structure at Alternative B (Staff Preferred) would result in the project meeting the setbacks for accessory non-habitable structures, which requires a front setback of 50 feet applied to the two property lines adjacent to Camino de Travesia, a side setback of six feet and a rear setback of one foot. The location as proposed in the application would require a variance for the front set back, and those required findings are not included as part of this action.
- c) Design Control or "D" zoning requires design review of structures to assures the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The project involves the construction of a non habitable structure; therefore a Design Approval application has been incorporated.
- d) Site Plan Review or "S" zoning requires review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. This application involves the construction of a non-habitable structure, therefore it is subject to the permit requirements of the Site Plan Review zoning district overlay. An Administrative Permit as required by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21) for the construction of structures, additions, deposit, or removal of materials has been incorporated into the project.
- e) A Use Permit is required for to allow the erection of towers, poles, water tanks, and similar structure to a greater height than the limit established for the district they are located in pursuant to Section 21.62.030.B, Height and Setback Exceptions, of the Monterey County Zoning Ordinance (Title 21). The Low Density Residential or "LDR" zoning designation allows a maximum height of 35 feet pursuant to the development standards provided at Section 21.14.060 of the Monterey County Zoning Ordinance (Title 21). However, the applicants request a Use Permit under the aforementioned exemption section to allow a maximum height of 49.5 feet. The antenna is required to protrude from the oak woodland canopy a minimum of 6 feet to achieve the clearance required to obtain the frequency the application aims to achieve. Placing the antennas below the tree line would cause an approximate 18dB

decrease in signal levels (approximately a 40% decrease in efficiency for the site) in the surrounding area and reducing the quality of coverage in the Carmel Valley area.

- f) Carmel Valley Master Plan Policy 26.1.31 requires that development be located in a manner that minimizes disruption of views from existing homes. This applies to road cuts as well as structures. The adjacent property owner has indicated that the proposed project will affect existing views from their residence. In balancing policy considerations, The Staff Preferred alternative location and co-locating the existing whip antenna will result in a less than significant impact to views from existing homes. If the communications facility was relocated at another location on-site, it would require the removal of large vegetation and likely result in hillside scarring. Condition No. 15 will require that the applicant plant landscaping along the protective chain-link fencing encasing the proposed mechanical storage area and existing water tank in an effort to further reduce impacts to adjacent neighbors.
- g) The proposed project is consistent with Carmel Valley Master Plan Policy 26.1.32(CV) which requires that *development should be located in a manner that minimizes disruption of views from existing homes*. An adjacent property owner will likely be most affected by the visual impacts of the proposed antenna. However, this impact is not new because an existing Cal AM antenna currently exists within 5 feet of the neighboring property and the Staff Preferred location is approximately 50 feet away thereby resulting in no new visual impact and consistency with CVMP 26.1.32. Alternative Location B (Staff Preferred) is located at the northern portion of the property on the opposite side of the property from Mr. Jeffress's driveway. Placing the wireless communications facility here involves extending existing fencing to include the new antenna and mechanical storage. This will aid in blending the developed area together and would utilize the existing water tank to block any view of the bottom portion of the antenna from Mr. Jeffress's driveway. The upper 1/3 of the antenna, will protrude from the existing oak tree canopy approximately 6 feet, will be colored a natural earth toned color blending with the oak woodland canopy to further blending the antenna into the landscape. Implementation of these design techniques as required by Conditions No. 6 will result in minimal disruption of views from existing homes thereby being consistent with Carmel Valley Master Plan Policy 26.1.32(CV).
- h) Carmel Valley Master Plan Policy 31.1.4 requires that facilities (such as sewage treatment facilities, solid waste disposal facilities, water storage tanks, pumping stations, power and communication substation) be subject to design control and screened from public view by use of natural terrain and vegetation or buffer areas and artificial screening. The applicant is proposing to use the existing landscape to screen the bottom portion of the cell tower from public view. The top portion of the antenna will be colored with a natural earth toned color blending with the natural terrain and vegetation in order to reduce impacts from public view.
- i) The project planner conducted a site inspection on March 26, 2009 and February 2, 2010 to verify that the project on the subject parcel

- conforms to the plans listed above.
- j) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on December 1, 2008. The LUAC expressed concerns regarding visual impact, height, radiation hazard, noise, and parking. The committee recommended that the hearing be continued until the existing and an alternative site could be staked and additional information about the noise is presented. On January 19, 2010, the LUAC recommended denial of the application based on the following reasons: 1. the setbacks appear to conflict with Title 21; (2) the project description is inaccurate (ie: APN and address); and (3) recommendations from the CVLUAC regarding consideration of alternative sites were not addressed during the continuance. Staff has addresses the LUAC concerns in the Preferred Alternative.
 - k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070295.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Aesthetics, Hazards/Hazardous Materials, Land Use/Planning, and Noise. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - *“Report regarding compliance with guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.”* Prepared by Hammett & Edison, Inc., Consulting Engineers, San Francisco, CA, dated July 15, 2008
 - *“Geotechnical Engineering Investigation”* prepared by SALEM Engineering Group, Inc., Fresno, CA, dated September 27, 2007.
 - *“Biological Evaluation of a proposed personal communications service facility on a water tank property at 46 Camino de Travesia.”* Prepared by Earth Touch, Inc, Layton UT, dated November 14, 2007.
 - c) A biological report was prepared for the property by EarthTouch, Inc., which identified the site as being located within designated critical habitat for California red-legged frog. The proposed project would be confined to previously graded and bare soils within a developed water tank facility that is surrounded by a chain-link fence fitted with wood slats, and would not result in the loss of any suitable habitat or habitat characteristics of designated critical habitat for California red-legged frog. The report concluded that the proposed action would have no

effect to California red-legged frog or any other federally listed species that the US Fish and Wildlife Service (USFWS) has identified as potentially occurring within the Carmel Valley. Therefore, it is anticipated that this project will have no impacts to biological resources.

- d) Although the project is located in an area of high archaeological sensitivity according to the Monterey County Geographic Information System. The proposed project involves erecting a wireless communications antenna and no site disturbance. Therefore, impact to archeological resources is not anticipated.
- e) The property is located in a Seismic Hazard VI Zone (very high) and is approximately two miles away from a potentially active fault known as the Rinconada Fault Zone. The site has been identified as possessing a high risk for liquefaction, landslides, and erosion. Because the proposed project consists of the installation of a wireless communications antenna which is required to conform with the Uniform Building Code's regulations protecting structures within active or potentially active seismic areas. It is not anticipated that these resource hazards would significantly affect the project or exposes humans to these hazards. As such, the proposed project is suitable for this site.
- f) Staff conducted a site inspection on March 26, 2009 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070295.

3. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Public Works Department, Environmental Health Division, Water Resources Agency, and Carmel Valley Fire Protection District. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to all conditions in **Exhibit 1**, attached hereto and incorporated herein by reference.
 - b) Staff conducted a site inspection on September 11, 2007 to verify that the site is suitable for this use.
 - c) Preceding findings and supporting evidence.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070295.

4. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any

other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on March 26, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070295.

- 5. FINDING: CEQA (Neg Dec) -** On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN070295).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) Issues that were analyzed in the Negative Declaration include Aesthetics, Hazards/Hazardous Materials, Land Use/Planning, and Noise.
 - e) The Draft Negative Declaration ("ND") for PLN070295 was prepared in accordance with CEQA and circulated for public review from December 4, 2009 through January 4, 2010. Issues that were analyzed in the ND include aesthetic resources, agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, traffic and transportation and utilities and service systems. No significant impact was identified and no mitigation is required.
 - f) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN070295) and are hereby incorporated herein by reference.
 - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations.

All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. State Department of Fish and Game reviewed the ND to comment. Staff has not received a “no effect” determination and the ND included assessment of impact to oak woodlands. Therefore, the project will be required to pay the State fee of \$2,010.54 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- h) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration
- i) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. FINDING: WIRELESS COMMUNICATION FACILITIES – The development of the proposed wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code section 21.64.310. The subject property on which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- a) The proposed facility at the Staff Preferred location will consist of: 1) a new 54-foot tall monopole with 6 antennas; and 2) 7 ground mounted radio cabinets (2 cabinets installed immediately and 5 for future installation; and 3) one 260 square foot (22.5x11.5) concrete pad.
 - b) Conditions have been incorporated that would reduce the visual impact and include further review of colors and exterior lighting, modifications in the event of technological advances, and maintenance and restoration of the site.
 - c) The project does not penetrate a FAR Part 77 Imaginary Surface since it is not located within five (5) miles of an airport (Monterey Peninsula, Salinas Municipal, Mesa Del Rey/King City, Carmel Valley, or Fritzsche Army/Fort Ord). If deemed necessary by the FCC, proper warning lights would be located on top of the structure to prevent conflict with any aircraft (e.g. crop dusters) when visibility is limited.
 - d) Staff site visit and project photos (PLN070295).

7. FINDING: APPEALABILITY - The decision on this project may be appealed to the

Board of Supervisors.

EVIDENCE: a) Section 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt a Negative Declaration; and
- B. Approve the Staff Preferred Alternative location for a Combined Development Permit consisting of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; (3) a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential zoning district or "LDR" district by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval. The project is located at 46 Camino De Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000), Carmel Valley Master Plan Area., in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10 day of March, 2010.

MIKE NOVO, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON MARCH ____, 2010.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 070295 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan

Project Name: California-American Water Company (Metro PCS)

File No: PLN070295

APNs: 189-401-004-000

Approved by: Planning Commission

Date: March 10, 2010

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN070295) allows (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential zoning district or "LDR" district by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval. The project is located at 46 Camino De Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000), Carmel Valley Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice, which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 189-401-004-000 on March 10, 2010. The permit was granted subject to 17 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant Owner/ Applicant	Within 5 working days of project approval. Prior to the recordation of the start of use or the issuance of	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
					building or grading permits	
5.		PD005a – NOTICE OF EXEMPTION Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	After project approval.	
6.		PDSP001 – REVISED PROJECT PLANS The applicants shall submit revised project plans, to the Director of the RMA – Planning Department for review and approval, consistent with the approved alternative site located consistent with the location described within the staff report. (RMA - Planning Department)	Submit revised project plans.		Prior to issuance of building permits.	
7.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
8.		PD039(A) – WIRELESS COMMUNICATION FACILITIES The applicant agrees as a condition and in consideration of the approval of the permit to enter into an indemnification agreement with the County whereby the applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit. Applicant shall obtain the permission of the owner on which the wireless communications facility is located to allow the recordation of said indemnification agreement, and the applicant shall cause said indemnification agreement to be recorded by the County Recorder as a prerequisite to the issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such claim, action,	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits.	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		or proceeding and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. (RMA – Planning Department)				
9.		PD039(B) – WIRELESS COMMUNICATION FACILITIES The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility’s normal replacement schedule. (RMA – Planning Department)	Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
10.		PD039(C) – WIRELESS COMMUNICATION FACILITIES The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. Any expansion or additions of microwave dishes, antennas and/or similar appurtenances located on the monopole, which are not approved pursuant to this permit, are not allowed unless the appropriate authority approves additional permits or waivers. In any case, the overall height of the pole shall not exceed ___ feet. (RMA – Planning Department)	Encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. The overall height of the pole shall not exceed ___ feet.	Owner/ Applicant	Ongoing	
11.		PD039(D) – WIRELESS COMMUNICATION FACILITIES If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of the RMA - Planning Department and County Counsel. The site shall be restored to its natural state within 6 months of the termination of use or abandonment	If the applicant abandons the facility or terminates the use, a site restoration agreement shall be submitted to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.	Owner/ Applicant	Prior to the issuance of grading or building permits/ Ongoing	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		of the site. (RMA – Planning Department)	Restore the site to its natural state.	Owner/ Applicant	Within 6 months of termination of use or abandonment of site.	
12.		PD039(E) – WIRELESS COMMUNICATION FACILITIES The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA – Planning Department shall set a public hearing before the Appropriate Authority whereupon the Appropriate Authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit. (RMA – Planning Department)	Submit documentation demonstrating compliance with the FCC emission standards. If the facility is in violation of FCC emission standards, a public hearing shall be set before the Appropriate Authority to consider revocation or modification of the permit.	Owner/ Applicant Director of the RMA – Planning Department	Prior to the commencement of use/ Ongoing Ongoing	
13.		PD025 - ANTENNA TOWER HEIGHT The tower shall not exceed 54 feet in height. (RMA – Planning Department)	The applicant shall submit 3 copies of an elevation plan, which shall indicate the maximum height of the tower to the RMA - Planning Department for review and approval. The RMA - Planning Department staff shall inspect the project site after construction and prior to Final Building Inspection to ensure compliance with condition.	Owner/ Applicant Owner/ Applicant	Prior to the issuance of grading and building permits. Prior to final building inspection.	
14.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	
15.		PBD028 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed within the County right of way for Camino de Travia (opposite side of Jeffress’s driveway) shall be restored to a condition to correspond with the adjoining area. The area adjacent to the chain link fence protecting the water tank and Camino de Travia along the protective chain-link fencing shall be landscaped with non-invasive native. A plan for restoration and landscaping shall be submitted for review and approval by the RMA - Director of Planning prior to final inspection of the building permit. (RMA - Planning Department)	Submit plan for restoration and landscaping.	Owner/ Applicant	Prior to final inspection.	
Health Department - Environmental Health Division						
16.		EHSP001- HAZARDOUS MATERIALS BUSINESS RESPONSE PLAN (NON-STANDARD) The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory). (Environmental Health)	Submit a signed <u>Business Response Plan – Memorandum of Understanding</u> (form available from EHD) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services of Environmental Health prior to bringing hazardous materials on site and/or commencement of operation.	Owner/ Applicant	Prior to issuance of building permit. Continuous	

<i>Permit Cond. No.</i>	<i>Mitig. No.</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			Once approved, the applicant shall maintain an up-to date Business Response Plan.			
17.		EHSP002 - HAZARDOUS WASTE CONTROL (NON-STANDARD) The facility shall comply with the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Chapter 6.50 for the proper handling, storage and disposal of Hazardous Waste as approved by the Environmental Health Division (EHD). (Environmental Health)	Register the facility with Hazardous Materials Management Services of EHD. Maintain the Hazardous Materials permit and comply with all permit conditions.	Owner/ Applicant	Prior to commencement of operation Continuous	

END OF CONDITIONS

Exhibit D.2

Site Plan, Floor Plan, and Elevations

CA AMERICAN WATER TANK SF19360A 46 CAMINO DE TRAVESIA CARMEL VALLEY, CA 93924 COUNTY OF MONTEREY

Benjamins Associates, Inc.
720 York Street, #114
San Francisco, California 94110
Ph 415.550.2600
Fx 415.520.2600
www.benjamins-inc.com



DA EA ELEC GPS IN LB MFR MSC NO OC PCS PPC PRC SCH TYP UG VE	DIAMETER EACH ELECTRICAL GLOBAL POSITIONING SYSTEM INCH(S) POUND(S) MANUFACTURER MISCELLANEOUS NUMBER ON CENTER PERSONAL COMMUNICATION SERVICES POWER PROTECTION CABINET PRIMARY RADIO CABINET SCHEDULE TYPICAL UNDERGROUND VERIFY IN FIELD
	ANTENNA
	LIGHT POLE
	ELEVATION
	REVISION
	DETAIL REFERENCE
	ELEVATION REFERENCE
	SECTION REFERENCE

ABBREVIATIONS & SYMBOLS

	CONCRETE		GRAVEL
	EARTH		SHARD
	ELECTRICAL/TELEPHONE CONDUCTORS		
	UNDERGROUND ELECTRICAL CONDUIT		
	UNDERGROUND TELEPHONE CONDUIT		
	UNDERGROUND COAXIAL CABLE		
	ODDIAL LINE		
	ELECTRICAL LINE		
	TELEO LINE		
	PROPERTY LINE		
	FENCE		

ARCHITECT: BENJAMIN ASSOCIATES, INC.
720 YORK STREET, #114
SAN FRANCISCO, CALIFORNIA 94110
PH 415.550.2600
FX 415.520.2600
WWW.BENJAMINS-INC.COM

ELECTRICAL ENGINEER: ELECTRIC AMERICA ENGINEERING SERVICES
2996 WEST SHELD PLACE
TUSTIN RANCH, CA 92782
SCOTT REVARO, P.E.
PH 714.389.4107
FX 714.389.4108
ELECTRICAMERICA.COM

PROJECT MANAGER: SCOTT REVARO
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 510.747.4693
FX 510.747.1823
SREVARO@METROPCS.COM

PLANNING: SANDRA STEELE
DETNET INC. INC
720 YORK ST., #114
SAN FRANCISCO, CA 94110
415.373.7400

LEASING: LISA NYHRAJANSON
FORDAY INC. INC
720 YORK ST., #114
SAN FRANCISCO, CA 94110
415.756.6640

RADIO FREQUENCY ENGINEER: JON SCHWARTZ
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UTILITY COORDINATOR: JOHN KORCHI
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1080 MARINA VILLAGE PARKWAY, 4TH FLR
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JKORCHI@METROPCS.COM

CONSTRUCTION MANAGER: MIKE FARAGE
METROPCS, INC
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 925.576.1500
FX 510.748.1823

ELECTRIC COMPANY: PACIFIC GAS & ELECTRIC COMPANY
PH 800.743.5000

TELEO COMPANY: AT&T
PH 800.310.2335

PROJECT TEAM

PROJECT DESCRIPTION
THIS PROJECT CONSISTS OF THE INSTALLATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR THE metroPCS WIRELESS TELECOMMUNICATIONS NETWORK. A TOTAL OF THREE (3) ANTENNAS LOCATED ON A NEW MANOPHORE. THE RADIO EQUIPMENT WILL BE INSTALLED AT GRADE INSIDE A FENCED ENCLOSURE.

SITE INFORMATION

SITE NAME: CA AMERICAN WATER TANK
SITE NUMBER: SF19360A
SITE ADDRESS: 46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924
APR: 188-01-004
APPLICANT: SCOTT REVARO
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 510.747.4693
FX 510.747.1823
SREVARO@METROPCS.COM

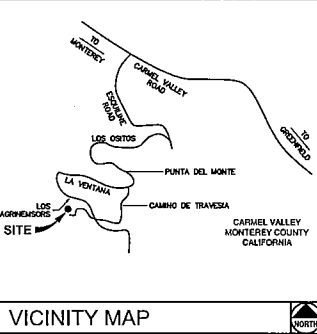
PROPERTY OWNER: CA AMERICAN WATER COMPANY
CONTACT PERSON: JEAN MARIE
FRANKLEY-TECHNOC ENGINEERING
REPRESENTS AMERICAN WATER COMPANY
516-783-1630

LEASE AREA: 157.50 FT
LATITUDE: 36° 28' 8.436"
LONGITUDE: 121° 43' 41.916"
ELEVATION: 743.5 AMSL
JURISDICTION: COUNTY OF MONTEREY
ZONING: -
HANDICAP REQUIREMENTS: FACILITY IS UNHANNED AND NOT FOR HUMAN HABITATION. HANNED ACCESS IS NOT REQUIRED.

TREES TO BE REMOVED: NONE
LOT SIZE: 18,000 SF
LOT COVERAGE (BEFORE DEVELOPMENT): 1,100 SF - 6.9% LOT COVERAGE
LOT COVERAGE (WITH DEVELOPMENT): 1,120 SF - 7.0% LOT COVERAGE
IMPERVIOUS COVERAGE: 20 SF
CUTS: 0 CY
FILL: 0 CY

THE PROJECT LOCATION IS NOT IN A VIEW CORRIDOR

PROJECT SUMMARY



DIRECTIONS

DRIVING DIRECTIONS FROM METRO PCS OFFICE 1080 MARINA VILLAGE PKWY, ALAMEDA TO SITE

WEDGE OHTO US-101 S WA EXIT 46 TO LOS ANGELES - 00 56.5 MI
EXIT AT N MAIN ST TOWARD SALINAS - 00 0.9 MI
CONTINUE ON SALINAS ST 00 0.4 MI
SOUTH LEFT AT JOHN ST 00 208 FT
RIGHT TURN LEFT AT JOHN ST 00 208 FT
CONTINUE ON JOHN ST 00 208 FT
LEFT TURN LEFT AT JOHN ST 00 208 FT
CONTINUE ON JOHN ST 00 208 FT
RIGHT TURN LEFT AT JOHN ST 00 208 FT
CONTINUE ON JOHN ST 00 208 FT
CONTINUE ON JOHN ST 00 208 FT
CONTINUE ON JOHN ST 00 208 FT

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES, NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

CALIFORNIA BUILDING CODE 2001
CALIFORNIA ADMINISTRATIVE CODE (MCL)
TITLES 24 & 26 2001
MUTUAL/ELECTRIC CODE 2001
MUTUAL/ELECTRIC CODE 2001
MUTUAL/ELECTRIC CODE 2001
MUTUAL/ELECTRIC CODE 2001

UNIFORM MECHANICAL CODE 2001
UNIFORM PLUMBING CODE 2001
NATIONAL ELECTRIC CODE 2001
LOCAL BUILDING CODE(S)
CITY AND/OR COUNTY ORDINANCES

SHEET	DESCRIPTION	REV.
T-1	PROJECT INFORMATION	-
T-2	SPECIFICATIONS	-
T-3	CONDITIONS FOR APPROVAL	-
LS-1	SURVEY	-
A-1	OVERALL SITE PLAN, PARTIAL SITE PLAN	-
A-2	ELEVATIONS	-
A-3	DETAILS	-
E-1	ELEC. 1 LINE WAGRAM, GROUNDING PLAN & SPEC.	-

SHEET INDEX

SITE ACQUISITION: _____
PLANNING: _____
RF ENGINEER: _____
RF ENGINEER: _____
CONSTRUCTION: _____
UTILITY COORD: _____
PROJECT MANAGER: _____
LAND OWNER: _____

SIGNATURE _____ DATE _____

ISSUED

NO.	DATE	ISSUED

REVISIONS

NO.	DATE	REVISION

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DRAWN BY: JH
CHECKED BY: AZB
JOB NUMBER: 0720

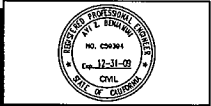
SITE NAME
CA AMERICAN WATER TANK
SITE NUMBER:
SF19360A
SITE ADDRESS
46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924

SHEET TITLE
PROJECT INFORMATION

SHEET

T-1

Benjamini Associates, Inc.
 720 York Street, #114
 San Francisco, California 94110
 Ph 415.550.2600
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 www.benjamin-inc.com



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NO.	DATE	ISSUED

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NO.	DATE	REVISION

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SITE NAME

CA AMERICAN WATER TANK

SITE NUMBER:

SF19360A

SITE ADDRESS

46 CAMINO DE TRAVESIA
 CARMEL VALLEY, CA 93924

SHEET TITLE

SPECIFICATIONS & NOTES

SHEET

BATTERY INFORMATION | **3 CONCRETE AND REINFORCING STEEL NOTES** | **2 GENERAL NOTES** | **1**

MARATHON M12V155FT

Specifications:

Exide type designation	Part number	Nom. Voltage V	Nominal capacity Cl [Ah]	Cl [Ah] 1.75 VpC	Length in mm	Width in mm	Height in mm	Weight approx. kg	Internal resistance acc. IEC60886-21 mOhm	Terminal resistance
M12V155FT	NAM1F120155VM0FA	12	150	155	559	124	265	53.8	4.1	F-M6-90

- ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE PROJECT SPECIFICATIONS.
 ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.
- REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNDO.
- THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE OR DRAWINGS:
 CONCRETE CAST AGAINST EARTH.....3 IN.
 CONCRETE EXPOSED TO EARTH OR WEATHER:
 #6 AND LARGER2 IN.
 #5 AND SMALLER & WWF1 1/2 IN.
 CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:
 SLAB AND WALL3/4 IN.
 BEAMS AND COLUMNS1 1/2 IN.
- A CHAIRER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNDO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.
- INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, WHEN REQUIRED BY CONTRACTING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

BOLT DIA.	MIN. EMBED	ALLOWABLE		TENSION TEST LOAD	TORQUE
		SHEAR	TENSION		
1/2"	3 1/2"	2050#	1250#	2330#	30 FT. #

- THIS PROPOSAL IS FOR AN UNMANNED TELECOMMUNICATIONS FACILITY. SEE PROJECT DESCRIPTION ON SHEET 11 FOR FURTHER INFORMATION.
- THE PROPOSED FACILITY WILL BE UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SEWER SERVICE.
- THE PROPOSED FACILITY IS UNMANNED AND IS NOT FOR HUMAN HABITAT. (NO HANDICAP ACCESS IS REQUIRED).
- OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION, APPROXIMATELY 2 TIMES PER MONTH, BY METROPCS TECHNICIANS.
- NO NOISE, SHAKING, DUST OR ODOR WILL RESULT FROM THIS PROPOSAL.
- OUTDOOR STORAGE AND SOLID WASTE CONTAINERS ARE NOT PROPOSED.
- IN CASE OF A CONFLICT BETWEEN THE CONSTRUCTION SPECIFICATIONS AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN.
- CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED BY THE CONSTRUCTION OPERATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTION REQUIRED FOR CONSTRUCTION.
- CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE ON A DAILY BASIS DURING THE CONSTRUCTION PERIOD.
- INFORMATION SHOWN ON THESE DRAWINGS WAS OBTAINED FROM SITE VISITS AND DRAWINGS PROVIDED BY THE SITE OWNER. SUBCONTRACTOR SHALL NOTIFY METROPCS OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
- NO WHITE STROBE LIGHTS ARE PERMITTED LIGHTING, IF REQUIRED, WILL MEET FAA STANDARDS AND REQUIREMENTS.
- SUBCONTRACTOR SHALL CALL DIG ALERT (1-800-227-5800) FOR UNDERGROUND UTILITY WARRIORT PRIOR TO CONSTRUCTION.
- SUBMITTALS: NO WORK IN THIS PROJECT SCOPE REQUIRES A SUBMITTAL OF ANY DATA OR SHOP DRAWINGS.
- THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.
- ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEERS. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PITS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.
- ALL SITE WORK SHALL BE COMPLETED AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.
- IF NECESSARY, RUBBER STAMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
- THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE EQUIPMENT CABINETS AND TOWER AREAS.
- NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
- THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, AS DIRECTED BY THE RESPONSIBLE ENGINEER, AND SUBJECT TO THE APPROVAL OF THE OWNER AND/OR LOCAL UTILITIES.
- THE AREAS OF THE OWNER'S PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION.
- SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL.

ANTENNA & CABLE SCHEDULE | **4**

RF SPECIFICATION

ANTENNA SECTOR	# OF ANTENNAS	AZIMUTH	RAD CENTER	ANTENNA MAKE/MODEL	MECHANICAL TILT	ELECTRICAL TILT	RET	RET CABLE LENGTH	MAIN CABLE LENGTH	CABLE SIZE	TOP JUMPER LENGTH	BOTTOM JUMPER LENGTH	CABLE # AND PORT #	COLOR CODE	COMMENTS
ALPHA	1	75°	35°	RR90-17-DVML2-R	0°	2°	YES	TBD	45'	7/8"	4'	3'	TX/RX: ALPHA 1/ PORT 1	RED/WHITE	
BETA	1	340°	35°	RR90-17-DVML2-R	0°	2°	YES	TBD	45'	7/8"	4'	3'	TX/RX: BETA 1/ PORT 3	BLUE/WHITE	
													TX/RX: BETA 2/ PORT 4	BLUE	

	ANTENNA MAKE	MAIN CABLE LENGTH	CABLE SIZE	CABLE # AND PORT #	COMMENTS
GPS	LUCENT	5'	7/8"	RX: PORT 7	---

NOTE:
 AZIMUTH: IN TRUE NORTH DEGREES
 MECHANICAL & ELECTRICAL TILT: IN DEGREES, POSITIVE VALUE IS DOWN
 CONTRACTOR TO FIELD VERIFY CABLE LENGTHS PRIOR TO ORDERING, FABRICATION, OR INSTALLATION OF CABLES.

DRAWN BY: JH
 CHECKED BY: AZB
 DATE: 11/17/2009
 TIME: 12:21 PM
 PROJECT: SF19360A

STANDARD CONDITIONS OF APPROVAL FOR WIRELESS COMMUNICATIONS FACILITIES

1

STANDARD CONDITIONS OF APPROVAL FOR WIRELESS COMMUNICATIONS FACILITIES

1. The location, type and size of all antennas, satellite dishes, towers, and similar appearances be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
2. Exterior lighting shall be hooded and shall be located no higher than 10' above ground level. Proposed lighting is to be located on the pre-fabricated building. Lighting shall be operated by means of an on-off switch and shall be used only during maintenance checks or emergencies. To ensure compliance, the applicant shall submit a site plan prior to land use clearance illustrating/listing these measures and shall submit photodocumentation to Planning and Building Inspection after the lights have been installed. (Planning and Building Inspection)
3. The colors of the monopole, panel antennas and equipment shelter shall be approved by the Director of Planning and Building Inspection. Nonreflective paint shall be used on all equipment. The applicant shall submit a sample of the proposed paint/color to Planning and Building Inspection for review and approval prior to issuance of building permits. (Planning and Building Inspection)
4. The location, type and size of all antennas, satellite dishes, towers, and similar appearances shall be approved by the Director of Planning and Building Inspection or Appropriate Authority as specified in Chapters 20.14, 20.44, 20.62 and 20.70 of the Monterey County Coastal Implementation Plan. (Planning and Building Inspection)
5. If necessary, new utility and service lines shall be underground. (Planning and Building Inspection)
6. The monopole, panel antennas and equipment shelter shall be removed no later than six months after the operation ceases, and the locate site be returned to the pre-project state. (Planning and Building Inspection)
7. The overall antenna height shall not exceed ___ feet in height. (Planning and Building Inspection)
8. Any additional microwave dishes or antennas proposed to be added to the monopole must be approved by the Director of Planning and Building Inspection, either as an Amendment to a previously approved permit, or by a new permit, prior to installation. (Planning and Building Inspection)
9. The applicant shall obtain all the required building permits from the Planning and Building Inspection Department before beginning the operation. (Planning and Building Inspection)

10. Prior to issuance of required building permits, the applicant shall obtain approval from the California Public Utilities Commission and the Federal Communications Commission. (Planning and Building Inspection)
11. Antennas and support structures shall be permanently maintained and painted regularly as long as the facility is in operation. (Planning and Building Inspection)
12. If, as a result of future scientific studies and alterations of industry wide standards resulting from those studies, substantial evidence is presented to the County that radio frequency transmissions may be a hazard to human health and/or safety, then the County Planning and Building Inspection Department shall set a public hearing and in its sole discretion, may revoke or modify the conditions in this permit. (Planning and Building Inspection)
13. 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 agrees to make those modifications which would allow for reduced visual impact of the proposed facility as part of the normal replacement schedule. If, in the future, the facility is no longer needed, the applicant agrees to 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 vegetation. (Planning and Building Inspection)
14. _____ (Applicant) and their successors and assigns shall allow additional antennas from other providers to be co-located on their monopole or tower if the Planning Commission approves that co-location. Additionally, _____ (Applicant) and their successors and assigns shall allow this antenna to be co-located on another monopole or tower on the same site. In either event, there shall be only one monopole or tower on this property, site or parcel.
15. The applicant shall submit an operation schedule for the emergency generator to the Director of Environmental Health for review and approval indicating the time of day, duration and frequency of operation of the generator as part of its routine maintenance. The schedule shall be designed to minimize noise impacts to adjacent residential uses. (Environmental Health)

17. The design of the emergency generator shall incorporate noise attenuation features subject to the review and approval of the Director of Environmental Health and shall have the following features at a minimum:

- A) An insulated enclosure,
- B) Shock absorbers mounting,
- C) Latest muffler technology,
- D) Exhaust shall be baffled and directed away from nearest residences,
- E) Use of a diesel engine is prohibited.

(Environmental Health)

PCS

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www.benjamini-inc.com



ISSUED		
NO.	DATE	ISSUED

REVISIONS	
NO.	
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DRAWN BY: JH
CHECKED BY: AZB
JOB NUMBER: 0720

SITE NAME

CA AMERICAN WATER TANK

SITE NUMBER:

SF19360A

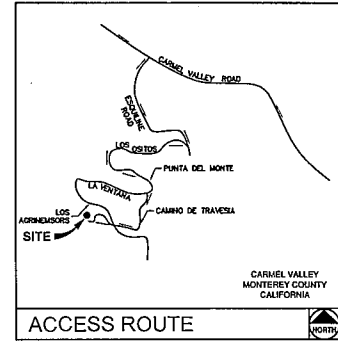
SITE ADDRESS

46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924

SHEET TITLE

CONDITIONS FOR APPROVAL

SHEET



10/11/07 11:21 AM C:\Users\jhamil\Documents\Projects\0720\0720.dwg User: jhamil Plot: 0720.dwg Plot Date: 10/11/07 11:21 AM

T-3

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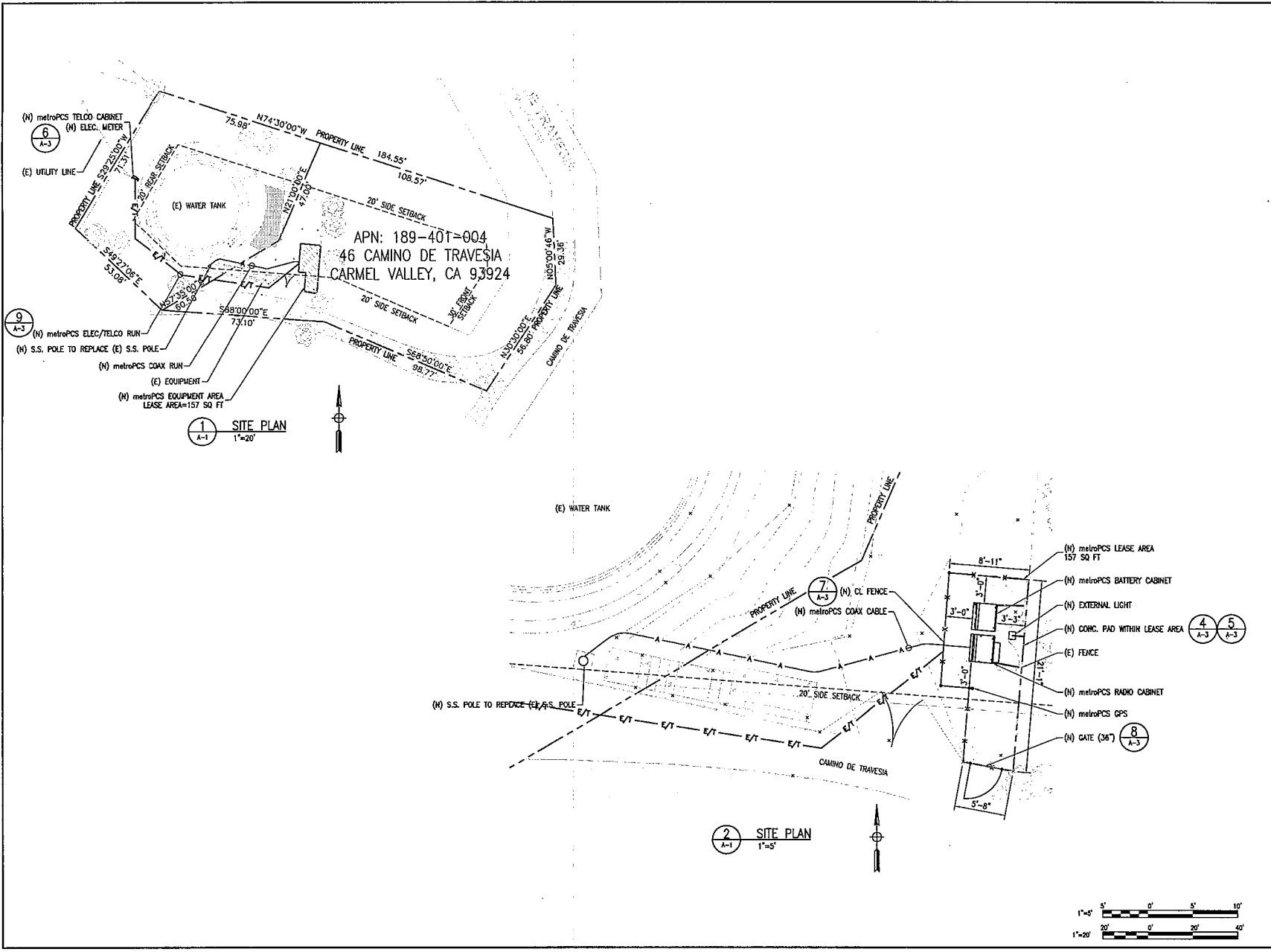
46 CAMINO DE TRAVESIA
 CARMEL VALLEY, CA 93924

SHEET TITLE

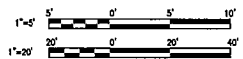
OVERALL SITE PLAN,
 PARTIAL SITE PLAN

SHEET

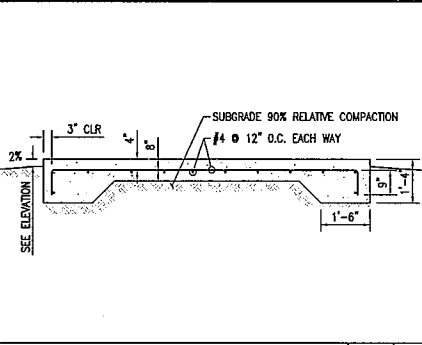
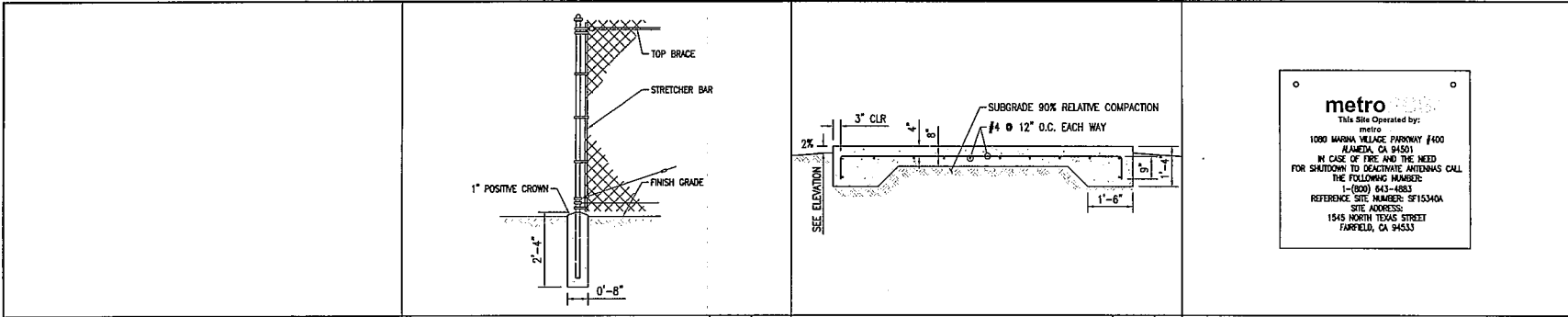
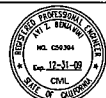
A-1



DATE PLOTTED: 11/17/2009 11:24:30 AM
 PLOTTER: HP DesignJet 5000PS
 PLOT SCALE: 1"=20'
 PLOT SHEET: A-1
 PLOT TITLE: OVERALL SITE PLAN, PARTIAL SITE PLAN
 PLOT USER: jh
 PLOT PATH: \\server\projects\19360A\19360A.dwg
 PLOT DEVICE: HP DesignJet 5000PS

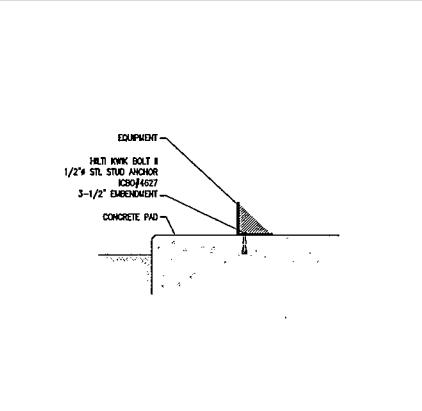
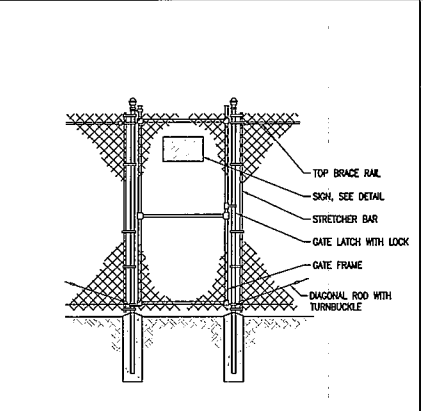
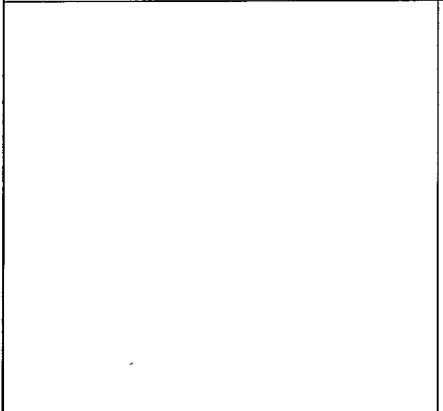


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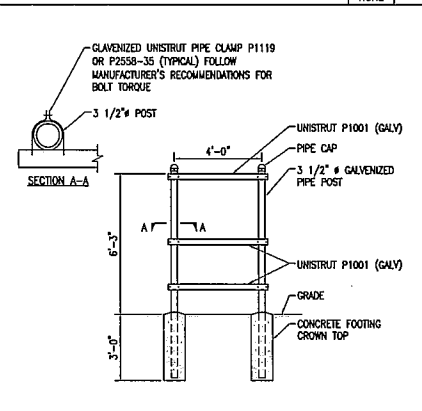
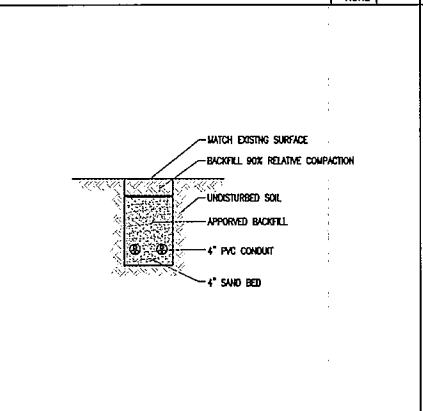
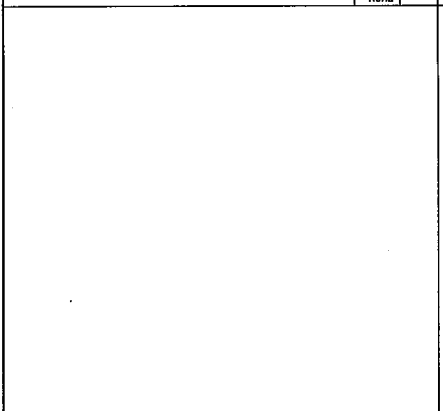


metro
 This Site Operated by:
 metro
 1080 MARINA WILSON PARKWAY #400
 ALAMEDA, CA 94501
 IN CASE OF FIRE AND THE NEED
 FOR SHUTDOWN TO SCIENTIFIC ANTENNAS CALL
 THE FOLLOWING NUMBERS:
 1-(800) 643-4883
 REFERENCE SITE NUMBER: SF15340A
 SITE ADDRESS:
 1545 NORTH TEXAS STREET
 FARFIELD, CA 94533

NOT USED	SCALE: NONE	10	CL FENCE	SCALE: NONE	7	CONC SLAB	SCALE: NONE	4	SIGN	SCALE: NONE	1
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NOT USED	SCALE: NONE	11	CL FENCE GATE	SCALE: NONE	8	EQUIPMENT ANCHORAGE	SCALE: NONE	5	SIGN	SCALE: NONE	2
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NOTES:

1. LOCATION OF ANTENNA MUST HAVE CLEAR VIEW OF SOUTHERN SKY AND CANNOT HAVE ANY OBSTACLES EXCEEDING 25% OF THE SURFACE AREA OF A HEMISPHERE AROUND THE GPS ANTENNA.
2. ALL GPS ANTENNA LOCATIONS MUST BE ABLE TO RECEIVE CLEAR SIGNALS FROM A MINIMUM OF FOUR (4) SATELLITES. VERIFY WITH HANDHELD GPS BEFORE FINAL LOCATION OF GPS IS DETERMINED.
3. CABLE RACK SHALL BE GROUNDING WITH #2 AWG THINNED BARE COPPER WIRE EXOTHERMICALLY BONDED TO POST AND CONNECTED TO GROUND RING.

NOT USED	SCALE: NONE	12	UTILITY TRENCH	SCALE: NONE	9	UTILITY RACK	SCALE: NONE	6	GPS	SCALE: NONE	3
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ISSUED		
NO.	DATE	ISSUED

REVISIONS	
NO.	

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SITE NUMBER:

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SITE ADDRESS

46 CAMINO DE TRAVESIA
 CARMEL VALLEY, CA 93924

SHEET TITLE

DETAILS

SHEET

DATE: 01/11/08
 DRAWN BY: JH
 CHECKED BY: AZB
 PROJECT: SF19360A
 SHEET: A-3

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ELECTRICAL SYMBOLS

⊗	GROUND ROD WITH ACCESS	●	CLAMP OR DOUBLE HOLE LOG TYPE GROUND CONNECTION
⊙	NOT GROUND ROD	■	ELECTROMAGNETIC CONNECTION (GROWLED) TO GROUND RING AND COMPRESSION CONNECTION TO GROUND HAUD
⊖	GROUND ROD	⊕	GENERATOR
⊠	DISCONNECT SWITCH	⊖	UTILITY METER
⊔	UTILITY METER	⊖	GROUNDING WIRE DASHED LINE INDICATES UNDERGROUND
⊔	CIRCUIT BREAKER	⊖	POWER LINE DASHED INDICATES UNDERGROUND, 3/4" TO 3/8" DIA. FIBRE OPT. AND IN WEATHERPROOF ENCLOSURE
⊔	FUSE	⊖	TELEPHONE LINE, DASHED LINE INDICATES UNDERGROUND
⊔	DUPLEX RECEPTACLE	⊖	COAXIAL CABLE DASHED LINE INDICATES UNDERGROUND
⊔	DUPLEX RECEPTACLE WITH GFCI IN WEATHERPROOF ENCLOSURE	⊖	⊖
⊔	SWITCH, 150AC, 20A	⊖	⊖
⊔	⊖	⊖	⊖
⊔	⊖	⊖	⊖

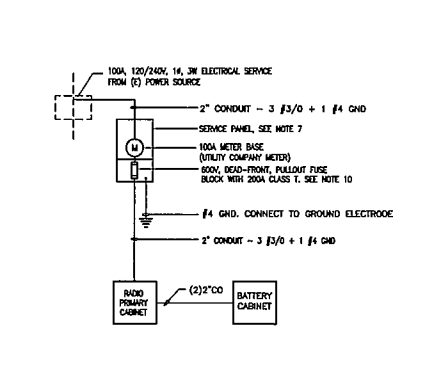
OR
 ⊖ - SWITCH LID
 ⊖ - MANUAL MOTOR STARTER

⊖ - DETAILS REFERENCE DETAIL NO. 2 ON SHEET E3

PANEL "PP" - 120/240V 1Ø 3W (INSIDE PFC CAB) 100A BUS, 100A MAIN BREAKER

DESCRIPTION	NO.	1000	L1	L2	NO.	DESCRIPTION
RADIO CABINET	1	2000		2000	2	SURGE SUPPRESSOR
SPACE	3				3	SPACE
SPACE	4				4	SPACE
SPACE	5				5	SPACE
SPACE	6				6	SPACE
SPACE	7				7	SPACE
SPACE	8				8	SPACE
SPACE	9				9	SPACE
SPACE	10				10	SPACE
SPACE	11				11	SPACE

LOAD PHASE: 118 KVA, 240 V
 TOTAL CONNECTED LOAD: 3.58 KVA/240 = 23.25A



- NOTES:**
- POWER TO METRO PCS EQUIPMENT SHALL BE 120/240V, 1Ø, 3W.
 - NOT USED.
 - NOT USED.
 - PROVIDE A MIN. 36" WORK CLEARANCE IN FRONT OF OTHER EQUIPMENT.
 - ALL WIRING SHALL BE COPPER RATED FOR 75° C.
 - CONDUIT REQUIREMENTS (TYP. U.L.D.): UNDERGROUND: PVC (SCHED. 40 OR 80) INDOOR: EMT (PCS IN TRAFFIC AREAS) OUTDOOR: ABOVE GROUND: RGS (ADJUST CONDUIT FULL PER SCHEDULE 90 PVC CONDUITS)
 - SERVICE METER SHALL BE RATED FOR 42,000 AC.
 - NOT USED.
 - NOT USED.
 - PROVIDE CURRENT LIMITING FUSES TO REDUCE THE INSTANTANEOUS PEAK LET-THRU CURRENT TO LESS THAN 10,000 AC. LOCATE BELOW SERVICE PANEL. PROVIDE 4 SPARE FUSES.

ABBREVIATIONS

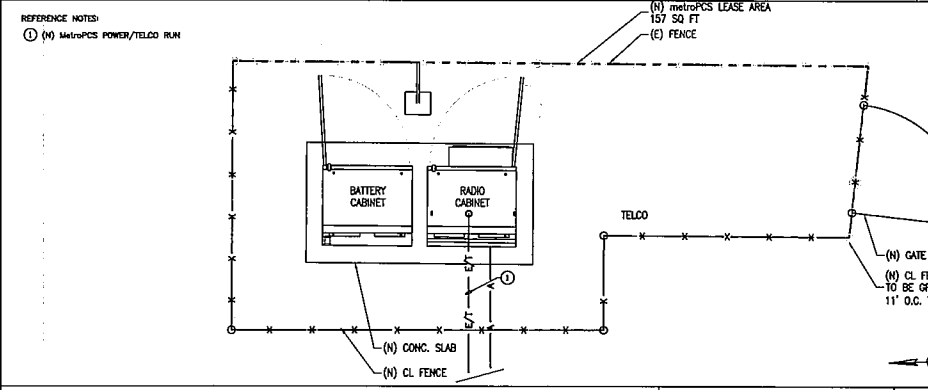
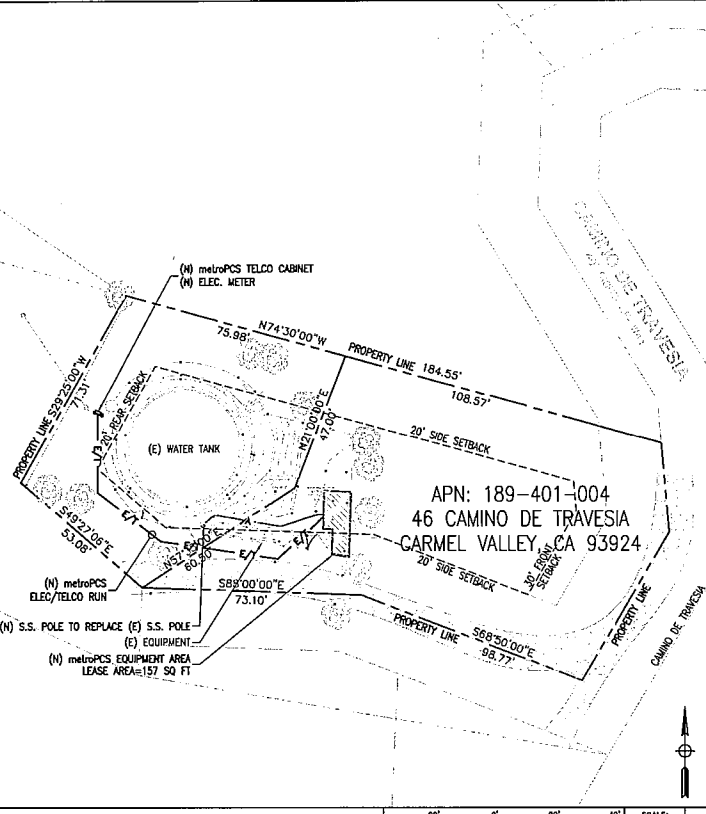
AWG	AMERICAN WIRE GAUGE	OR	GROWLED
ACA	ANTENNA CABLE COVER	IR	INTERIOR GROUND RING (NUL)
ASSEMBLY	ASSEMBLY	IRG	GROUNDING METERS INTERFERING CAPACITY
BTDR	BASE TAPPED COPPER WIRE	ISAC	INSULATED GROUNDING ROD
ETS	BASE TRANSMISSION SYSTEM	ISG	INSULATED GROUNDING ROD
CONDUIT	CONDUIT	N	NEW (PROVIDE AND INSTALL, UNLESS NOTED OTHERWISE)
CODE	CODE	PCS	PERSONAL COMMUNICATION SERVICE
CON	CONCRETE	PFC	POWER PROTECTION CABINET
CB	CIRCUIT BREAKER	PRC	PRIMARY RADIO CABINET
CON	CONDUIT ONLY	PRC	POWELL GARDNER CABINET
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	PCS	PERSONAL COMMUNICATION SERVICE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE
EMERGENCY GENERATOR RECEPTACLE	EMERGENCY GENERATOR RECEPTACLE	RFI	RADIO FREQUENCY INTERFERENCE

- PANEL SCHEDULE** 6
- UTILITY POINTS OF SERVICE AND WORK / MATERIALS SHOWN ARE BASED UPON PRELIMINARY INFORMATION PROVIDED BY THE UTILITY COMPANIES AND ARE FOR BID PURPOSES ONLY.
 - CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK / MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY. CONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL ROPES, CABLES, PULL BOXES, CONCRETE ENCASUREMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL. PAY ALL UTILITY COMPANY FEES AND INCLUDE ALL REQUIREMENTS IN SCOPE OF WORK.
 - UTILITY CONTACTS FOR THIS PROJECT SHALL BE AS FOLLOWS:
 POWER: PACIFIC GAS & ELECTRIC TELEPHONE:

SYMBOLS & ABBREVIATIONS 7

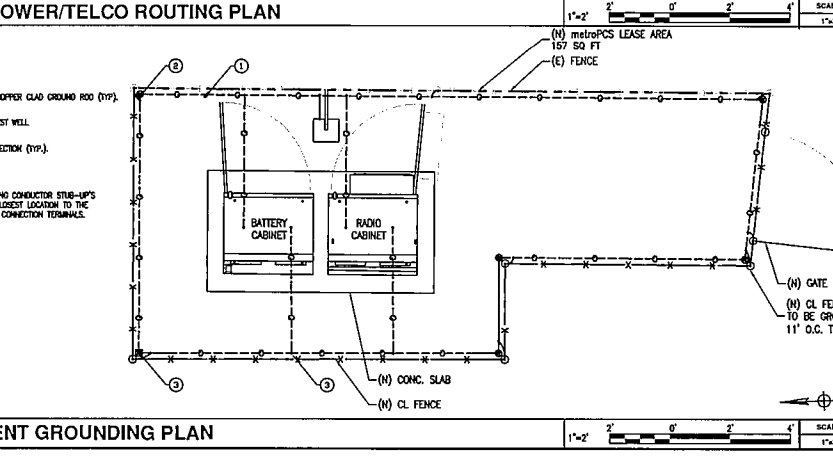
UTILITY GENERAL NOTES 6

ELECTRICAL 1-LINE DIAGRAM 4



SITE POWER/TELCO ROUTING PLAN 3

EQUIPMENT GROUNDING PLAN 1



SCALE: NONE 4

ISSUED		
NO.	DATE	ISSUED

REVISIONS		
NO.	DATE	REVISION

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DRAWN BY: JH
 CHECKED BY: AZB
 JOB NUMBER: 0720

SITE NAME:

CA AMERICAN WATER TANK

SITE NUMBER:

SF19360A

SITE ADDRESS:

46 CAMINO DE TRAVESIA CARMEL VALLEY, CA 93924

SHEET TITLE:

ELEC. 1-LINE DIA., EQUIPMENT GROUNDING & NOTES

SHEET:

Exhibit E

Vicinity Map




CARMEL VALLEY



APPLICANT: CALIFORNIA-AMERICAN WATER CO

APN: 189-401-004-000

FILE # PLN070295

 300' Limit  2500' Limit  City Limits

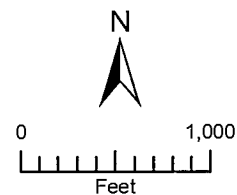


Exhibit F

Advisory Committee Minutes (LUAC)

MMINUTES

Carmel Valley Land Use Advisory Committee Monday, December 1, 2008

A. Meeting called to order at 6:30 pm by Janet Brennan

B. Roll Call

Members Present: Janet Brennan, Neil Agron, David Burbidge, Doug Pease, Judy MacClelland, Charles Franklin, John Anzini

Members Absent: None

C. Public Comments:

a) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications:
None

b) Other
None

D. Scheduled Items

a) Approval of Minutes: Motion: Doug Pease (LUAC Member's Name)

(Date Nov 3 2008)

Second: David Burbidge (LUAC Member's Name)

Ayes: 7

Noes: 0

Absent: 0

Abstain: 0

b) As listed below (please refer to Project Referral Sheet section)

E. Other Items

Presentation of new LUAC Guidelines. Specifically new LUAC Guidelines require disclosure of all Ex Parte communication to members of the committee.

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by **Monday, December 1, 2008**

Project Title: CALIFORNIA-AMERICAN WATER CO

File Number: PLN070295

File Type: PC

Land Use Technician: MANUGUERRA

Location: 46 CAMINO DE TRAVESIA CARMEL VALLEY

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) A USE PERMIT TO ALLOW THE ESTABLISHMENT OF A WIRELESS COMMUNICATION FACILITY TO CONSIST OF ONE POLE 40 FEET IN HEIGHT WITH TWO ANTENNAS ON THE POLE; (2) AN ADMINISTRATIVE PERMIT TO ALLOW DEVELOPMENT WITHIN A SITE PLAN REVIEW OR "S" ZONING DESIGNATION; (3) A VARIANCE TO THE LOW DENSITY RESIDENTIAL ZONING DESIGNATION DEVELOPMENT STANDARD FOR HEIGHT TO ALLOW AN ANTENNA HEIGHT OF 49 FEET (14 FEET ABOVE ALLOWED HEIGHT OF 35 FEET) TO EXTEND AND (4) DESIGN APPROVAL. THE PROJECT IS LOCATED AT 46 CAMINO DE TRAVESIA, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 189-401-004-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No
Scott Revard of Metro PCS

PUBLIC COMMENT:

Communications from the community to the committee presented to committee Chair.

Comments by
Bob Jeffress adjacent home owner

Mr. Jeffress was concerned about the visual impact at his residence and also that the pole could be seen from a large portion of the valley. He stated that he could see the existing antenna from the park in the village. He is concerned that Cal Am and Metro PCS have been parking on the road and adjacent property and not on Cal Am's property. This he believed created a hazard on the very narrow road.

He objected to the continuing noise from the equipment in a very quiet neighborhood.

He expressed concern about the radiation hazard and the perception of a radiation hazard impact on property values.

Comments by Scott Revard representative of PCS owners tenant

Antenna Pole will extend approx 3 feet above adjacent trees and existing antenna will extend six feet above that. Owner is willing to screen equipment for both sound & visual impact.

Mr. Revard suggested a site visit to a comparable completed site at 9 Valley Hills Lane (Patterson Site)

Attached are
Email Messages from Emily Gray Freeman - Neighbor on Camino de Travesia
Photographs & Notes from Bob Jeffress
Email from Elisa Manuguerra, Associate Planner Monterey County

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

Visual Impact
Height
Radiation Hazard
Noise from Equipment
Parking

[PLN070295 CALIFORNIA-AMERICAN CONTINUED]

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

John Anzini recommended that the antenna be moved further away from the Jefress Property to a location on lot 004 which would be lower and more appropriately screened from the road, the neighborhood and the valley.

ADDITIONAL LUAC COMMENTS:

The hearing should be continued until the existing and an alternative site can be staked and additional information about the noise can be presented.

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

John Anzini moved:
The matter be continued until
the existing and an alternative site could be staked,
a site visit to the completed tower arranged to judge the noise impact
The set back requirements on the lot 004 is verified.
Doug Pease seconded

CONCUR WITH RECOMMENDATION:

AYES: 7 Brennan, Agron, Burbidge, Pease, MacClelland, Franklin, Anzini

NOES: 0

ABSENT: 0

ABSTAIN: 0

MEETING ADJOURNED AT: 7:45PM **SIGNATURE:** Charles Franklin



MINUTES
Carmel Valley Land Use Advisory Committee
TUESDAY, January 19, 2010
(REVISED JANUARY 12, 2010 – SITE VISIT LOCATION CHANGED)

1. Site visit at 4:30 PM at 3775 RIO RD CARMEL (CYPRESS FIRE PROTECTION DISTRICT)

ATTENDEES: Charles Franklin, David Burbidge, Janet Brennan, Judy MacClelland, Doug Pease

2. Meeting called to order by Janet Brennan at 6:30 pm

3. Roll Call

Members Present: Charles Franklin, John Anzini, Neil Agron, Doug Pease, David Burbidge, Janet Brennan, Judy MacClelland

Members Absent: None

4. Approval of Minutes:

A. December 7, 2009 minutes

Motion: Doug Pease (LUAC Member's Name)

Second: David Burbidge (LUAC Member's Name)

Ayes: 7

Noes: 0

Absent: 0

Abstain: 0

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

Charles Franklin reminded the members thea the minutes of each meeting were due five days after the meeting and that comments made at the time of approval of the minutes are too late usually for the planning department to integrate into the decision.

6. Scheduled Item(s)

7. **Other Items:**

ELECTION OF OFFICERS DID NOT TAKE PLACE AT THIS MEETING

A) Election of Officers:

LUAC member nominated for Chairperson: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

LUAC member nominated for Secretary: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

None

8. Meeting Adjourned: 8:30 pm

Minutes taken by: Charles Franklin

Minutes received via email January 26, 2010

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Carmel Valley**

Please submit your recommendations for this application by: **January 19, 2010**

Project Title: CALIFORNIA-AMERICAN WATER CO (METRO PCS)

File Number: PLN070295

File Type: PC

Planner: CAVALIERE

Location: 46 CAMINO DE TRAVESIA CARMEL VALLEY

Project Description:

Combined Development Permit consisting of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" Zoning Designation; (3) a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential Zoning District or "LDR" District by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval. The project is located at 46 Camino De Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000), Carmel Valley Master Plan area.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Scott Revard and Cal Bordonaro of Metro PCS

Scott Revard presented. He indicated that a planner had visited the site with him and found that the committee's recommendation of locating the tower on lot 4 required oak tree removal and would not be pursued. He reviewed the history of the errors by planning and others that brought this application to this situation. The original intent was to co-locate with the Cal Am tower on site. The fact that the Cal Am tower was not permitted was not known by staff & Metro PCS until it was raised by the neighbor, Mr. Jeffers. Revard presented copies of photographs said to have been taken by Mr. Jeffers from his porch of the CalAm pole and antenna and the new Metro PCS pole.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Bob Jeffers	X		1. He never received notice of the original administrative process 2. The address and parcel numbers in the current noticed hearing are incorrect. 3. The situation is not a co-location application since the original tower was never approved. 4. The street is too narrow and twisted to support any additional traffic. 5. In fact service trucks were parking on the street because the onsite parking is too difficult. 6. The installation is in the required setback area. 7. He was concerned with the noise from the equipment 8. The power line that supplies the site crosses his property without an easement. 9. His wife has an implanted medical device which may be affected by the EMF field of the tower.
Christine Kemp Attny for Jeffers		X	Presented a letter dated Jan 6 which is attached
Bruce Sterten	X		Was concerned about noise, EMF and traffic

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
John Anzini	Visual impact, traffic, noise	Better locations on the site or adjacent were available.
Janet Brenan	Visual impact, traffic, noise	The committee never received a copy of the Negative Declaration. The committee received no material about the exploration of other locations

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION:

We recommended denial for the cell tower for the following reasons: (1) setbacks appear to conflict with Title 21; (2) the project description is inaccurate, i.e., APN and address; and (3) recommendations from the CVLUAC regarding consideration of alternate sites at the project site and adjacent to the area (parcel 04) were not addressed during the 13 months since the application was first heard.

Motion by: Charles Franklin (LUAC Member's Name)

Second by: John Anzini (LUAC Member's Name)

 Support Project as proposed

 Recommend Changes (as noted above)

 Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Robert D. Jeffress
50 Camino de Travesia
1/19/2010

RECEIVED

JAN 22 2010

To: Carmel Valley LUAC

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Project: Cal Am water Co. (Metro PCS)

I am asking that you recommend denial of the subject project permit application

for the following reasons:

The LUAC on 12/1/08 recommended continuance and three specific actions:

- Noise impact could be judged
- An alternate site be stacked
- Set back requirements could be verified

Were these issues adequately addressed and reported back to the LUAC?

Issues of Concern to my property include

- My Property Value and Enjoyment.
- Visual Impacts –mine and publics
- Height and Set Backs
- Noise
- Parking
- Single lane road with blind turn simply not suitable for commercial traffic
- Radiation hazard for my wife's condition

1. Visual Impacts- My Viewshed- Carmel Valley Master Plan

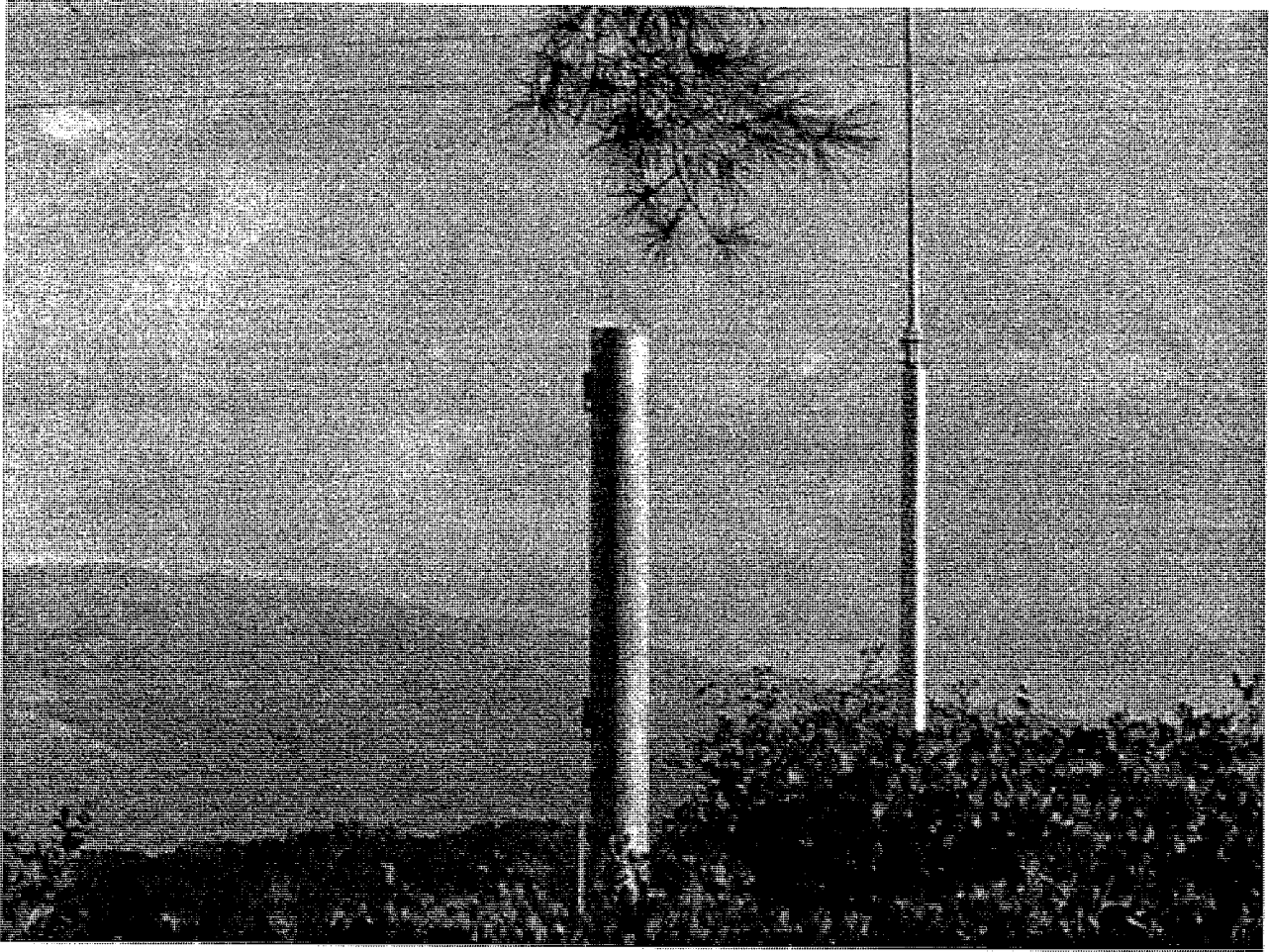
- Development should be located in a manner that minimizes disruption of views from existing homes
- Development should be visually compatible with the character of the valley
- See attached pictures from my home, this is without trimming the trees

2. Height , Set Backs and Parking

- Set Back –Title 21 requires that accessory structures shall not be less than 50ft. from the front of the property. The antenna is approx. 7ft.
- Height- Title 21 allows maximum height be 30 ft. Antenna is 49ft
- Lot Size-Title 21 requires new construction on lots of 1 acre minimum.
- Parking-Title 21 requires off-street maintained parking be provided for maintenance vehicles on the owners property.

3. Title 21.64.310 Wireless Communication Facilities

- Shall be sited in the least visually obtrusive location possible
- Should not be sited to create visual clutter or impact specific views
- Support facilities shall be placed underground



RECEIVED

JAN 22 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.



Each time service people visit the Water Tank, they do not park on Cal Am's property.

They park across the road , degrading the landscape, destroying plant life, and creating bare dirt spots and mud.

RECEIVED

JAN 22 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

RECEIVED

JAN 22 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

48 Camino de Travesia

46 Camino de Travesia

My
P
r
o
p
e
r
t
y

Fenced Area

APN 189-401-005

APN 189-401-004

Water Tank

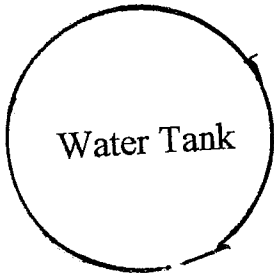
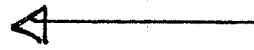
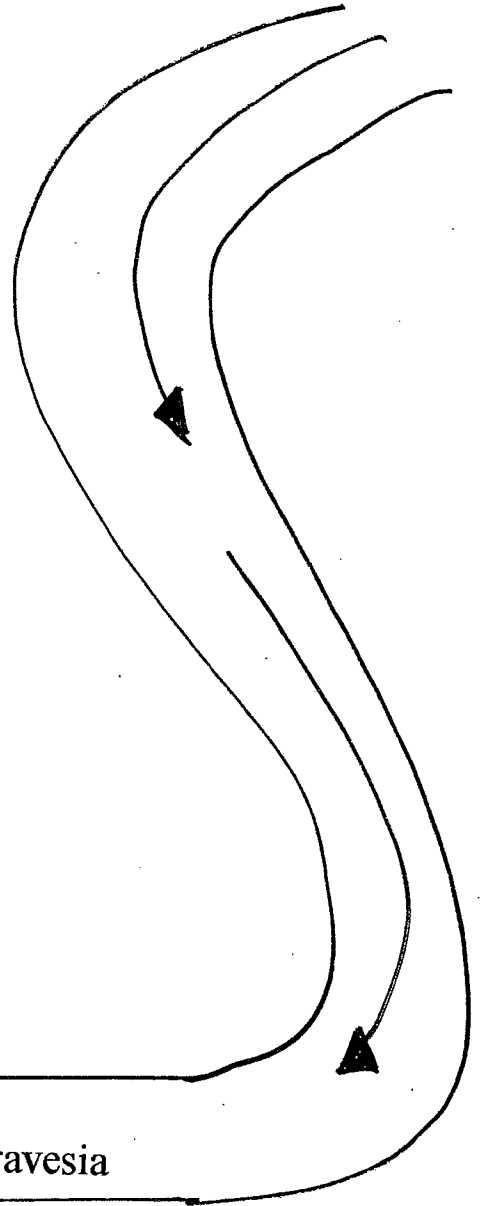
Cal Am vacant lot

Cell Tower

Gate Entrance to Tank

Camino de Travesia

My Gate



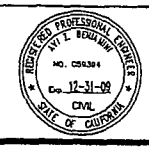
PCS CA AMERICAN WATER TANK SF19360A

RECEIVED 46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924
COUNTY OF MONTEREY

JAN 22 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Benjamini Associates, Inc.
720 York Street, #114
San Francisco, California 94110
Ph 415.550.2600
Fx 415.520.2600
www.benjamini-inc.com



BENJAMINI ASSOCIATES, INC.
720 YORK STREET, #114
SAN FRANCISCO, CALIFORNIA 94110
PH 415.550.2600
FX 415.520.2600
WWW.BENJAMINI-INC.COM

ELECTRIC AMERICA ENGINEERING SERVICES
2806 WEST SHELDON PLACE
TUSTIN BRANCH, CA 92782
SEYED YASREB, P.E.
PH 714.388.4107
FX 714.389.4108
ELECTRICAMERICA@COX.NET

SCOTT REVARO
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 510.747.4893
FX 510.747.1823
SREVARO@METROPCS.COM

SANDRA STEELE
PERMIT ME, INC
720 YORK ST., #114
SAN FRANCISCO, CA 94110
415.573.7400

LISA HAMMARSON
PERMIT ME, INC
720 YORK ST., #114
SAN FRANCISCO, CA 94110
415.756.6040

JOH SCHWARTZ
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1080 MARINA VILLAGE PARKWAY, 4TH FLR
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JSCHWARTZ@METROPCS.COM

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ALAMEDA, CALIFORNIA 94501
PH 925.451.1590
FX 510.748.1823
JHORCH@METROPCS.COM

MIKE PARADE
METROPCS, INC
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 559.679.1589

PACIFIC GAS & ELECTRIC COMPANY
PH 800.743.5000

AT&T
PH 800.310.2355

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE INSTALLATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR THE METROPCS WIRELESS TELECOMMUNICATIONS NETWORK. A TOTAL OF THREE (3) ANTENNAS MOUNTED ON A NEW MONOPOLE. THE RADIO EQUIPMENT WILL BE INSTALLED AT GRADE INSIDE A FENCED ENCLOSURE.

SITE INFORMATION

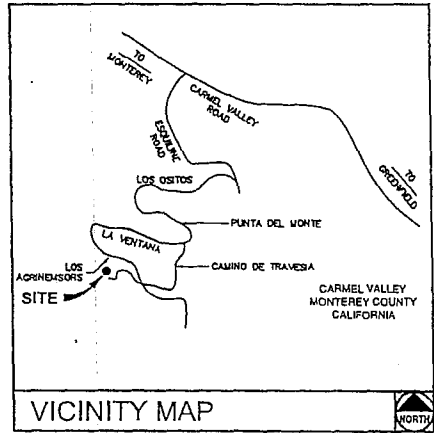
SITE NAME: CA AMERICAN WATER TANK
SITE NUMBER: SF19360A
SITE ADDRESS: 46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924
APH: 189-401-004
APPLICANT: SCOTT REVARO
1080 MARINA VILLAGE PARKWAY, 4TH FLR
ALAMEDA, CALIFORNIA 94501
PH 510.747.4893
FX 510.747.1823
SREVARO@METROPCS.COM
PROPERTY OWNER: CA AMERICAN WATER COMPANY
CONTACT PERSON: JEAN MARIE
FRAWLEY-TECHNICON ENGINEERING
REPRESENTS AMERICAN WATER COMPANY
516-783-1630

LEASE AREA: 157 SQ FT
LATITUDE: 36° 28' 8.436"
LONGITUDE: 121° 43' 41.916"
ELEVATION: 743.5, AMSL
JURISDICTION: COUNTY OF MONTEREY
ZONING: -
HANDICAP REQUIREMENTS: FACILITY IS UNHARMED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS IS NOT REQUIRED.

TREES TO BE REMOVED: NONE
LOT SIZE: 16,000 SF
LOT COVERAGE (BEFORE DEVELOPMENT): 1,100 SF - 6.9% LOT COVERAGE
LOT COVERAGE (WITH DEVELOPMENT): 1,120 SF - 7.0% LOT COVERAGE
IMPERVIOUS COVERAGE: 20 SF
CUT: 0 CY
FILL: 0 CY

THE PROJECT LOCATION IS NOT IN A VIEW CORRIDOR

PROJECT SUMMARY



DIRECTIONS

DRIVING DIRECTIONS FROM METRO PCS OFFICE 1080 MARINA VILLAGE PKWY, ALAMEDA TO SITE:

MERGE ONTO US-101 S VIA EXIT 48 TO LOS ANGELES - CO 59.5 MI
EXIT AT N MAIN ST TOWARD SAJAS - CO 0.8 MI
CONTINUE ON SAJAS ST CO 0.4 MI
SLIGHT LEFT AT JOHN ST CO 269 FT
TURN RIGHT AT S MAIN ST CO 1.5 MI
CONTINUE ON MONTEREY RD CO 6.2 MI
TURN LEFT AT LAURELES GROVE RD CO 5.9 MI
TURN LEFT AT W CARMEL VALLEY RD CO 6.4 MI
TURN RIGHT AT ESQUOLINE RD CO 0.8 MI
TURN RIGHT AT LOS OSTITOS CO 0.8 MI
CONTINUE ON PUNTA DEL MONTE CO 1.0 MI
TURN LEFT AT CAMINO DE TRAVESIA CO 0.1 MI

DIRECTIONS

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

CALIFORNIA BUILDING CODE 2001
CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2001
ANSI/ISA-222-F LIFE SAFETY CODE
NFPA-101-1997

UNIFORM MECHANICAL CODE 2001
UNIFORM PLUMBING CODE 2001
NATIONAL ELECTRIC CODE 2001
LOCAL BUILDING CODE(S)
CITY AND/OR COUNTY ORDINANCES

CODE COMPLIANCE

SHEET	DESCRIPTION	REV.
T-1	PROJECT INFORMATION	-
T-2	SPECIFICATIONS	-
T-3	CONDITIONS FOR APPROVAL	-
LS-1	SURVEY	-
A-1	OVERALL SITE PLAN, PARTIAL SITE PLAN	-
A-2	ELEVATIONS	-
A-3	DETAILS	-
E-1	ELEC. 1 LINE DIAGRAM, GROUNDING PLAN & SPEC.	-

SHEET INDEX

SITE ACQUISITION: _____

PLANNING: _____

RF ENGINEER: _____

RF ENGINEER: _____

CONSTRUCTION: _____

UTILITY COORD: _____

PROJECT MANAGER: _____

LAND OWNER: _____

SIGNATURE DATE

APPROVALS

CT TEAM

ISSUED

NO.	DATE	ISSUED

REVISIONS

NO.		
△		
△		
△		
△		
△		
△		

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DRAWN BY: JH
CHECKED BY: AZB
JOB NUMBER: 0720

SITE NAME
CA AMERICAN WATER TANK

SITE NUMBER:
SF19360A

SITE ADDRESS
46 CAMINO DE TRAVESIA
CARMEL VALLEY, CA 93924

SHEET TITLE

PROJECT INFORMATION

SHEET

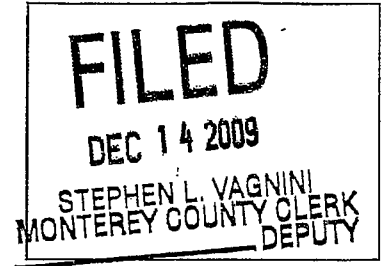
T-1

Exhibit G

Negative Declaration

County of Monterey
State of California

MITIGATED NEGATIVE DECLARATION



Owner:

Project Title:	Metro PCS Cell Tower
File Number:	PLN070295
Owner:	California-American Water Company
Applicant:	Metro PCS
Project Location:	46 Camino de Travesia, Carmel Valley
Primary APN:	189-401-004-000
Project Planner:	Elisa Cavaliere, Associate Planner
Permit Type:	Combined Development Permit
Project Description:	Combined Development Permit consisting of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; (3) a Use Permit to allow the wireless communication facility to exceed the maximum height allowance of the Low Density Residential zoning district or "LDR" district by 19 feet in height (antenna height to be 49 feet) and (4) Design Approval.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Planning Commission Hearing January 14, 2010
Responsible Agency:	County of Monterey
Review Period Begins:	December 14, 2009
Review Period Ends:	January 6, 2010

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901 (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Metro PCS Cell Tower

File No.: PLN070295

Project Location: 46 Camino De Travesia, Carmel Valley

Name of Property Owner: California-American Water Company

Name of Applicant: Metro PCS

Assessor's Parcel Number(s): 189-401-004-000

Acreage of Property: 0.13611 acres

General Plan Designation: Low Density Residential, 5-1 acres per unit

Zoning District: "LDR/2.5-D-S" [Low Density Residential, 2.5 acres per unit with Design Control and Site Plan Review zoning district overlays]

Lead Agency: County of Monterey, RMA – Planning Department

Prepared By: Elisa Cavaliere, Associate Planner

Date Prepared: December 11, 2009

Contact Person: Elisa Cavaliere, Associate Planner

Phone Number: (831) 755-5179

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

The proposed project consists of establishing an approximately 160-square-foot lease area in the southeastern portion of the existing fenced water tank facility within which equipment cabinets and battery backup would be placed;

1. Removing the existing 40-foot-tall pole to the south of the water tank and replacing it with a monopole of 40.8 feet;
2. Attaching two antennas to the new monopole at a height of approximately 49 feet (top of antennas); and
3. Establishing electrical and telecommunications connections within the fenced water tank facility.

A Combined Development Permit is required to establish the antenna which will consist of: (1) a Use Permit to allow the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas on the pole; (2) an Administrative Permit to allow development within a Site Plan Review or "S" zoning designation; (3) a Variance to the Low Density Residential zoning designation development standard for height to allow an antenna height of 49 feet (19 feet above allowed height of 30 feet) and (4) Design Approval. The project is located at 46 Camino De Travesia, Carmel Valley (Assessor's Parcel Number 189-401-004-000), Carmel Valley Master Plan Area.

The site consists of a large water tank and a communication pole built by California American Water Company (the property owner). In order to remove American Water Company's pole, Metro PCS (the applicant) is proposing install their pole approximately 20 feet from the existing pole and will then take the whip antenna off the California-American Water pole and place it on top of the new pole. Upon transferring the whip antenna, Metro will remove the California-American Water Company's pole leaving only the one new pole standing. Metro's new pole will be the same height as the existing pole but will have a larger diameter. The new antenna will be flush mounted to the pole and will be painted a natural earth toned color to blend in with the surrounding mature vegetation. (Source: 1, 9)

The proposed PCS facility would involve erecting a 40-foot monopole and placing equipment cabinets within a roughly 160-square-foot ground lease and obtaining utility connections. Surface and subsurface impact is necessary to construct foundations for vertical structures associated with the proposed-P-CS facility. Therefore, construction of the proposed PCS facility would involve excavating and trenching within a roughly 160-square-foot lease area and ancillary locations. (Source: 1, 9)

B. Environmental Setting and Surrounding Land Uses:

Environmental Setting

The project site is located in the Santa Lucia Mountains of the Coast Range system of Central California. The subject property is an irregularly shaped plot of land north of Camino de Travesia near Carmel Valley. It consists of natural vegetation dominated by dense stands of mature mixed-

oak woodland. A large portion of the parcel is constrained by sloped terrain. The site is located at roughly 720 feet above mean sea level. The Carmel River is located about 0.45 miles to the north, at roughly 240 feet above mean sea level. (Source: 1, 9, 11, 14)

The subject property has been developed by the property owner, California American Water Company with an 18-foot steel water tank, concrete steps leading from the access gate to a water tank, an approximately 40-foot-tall pole with a single antenna on top, and a 6-foot-tall chain-link fence with barbed wire along the top. The balance of the site is vegetated with mature trees and ground cover plants. Access to the site is derived from Camino De Travesia. (Source: 1, 9, 11, 14)

Surrounding Land Uses

The property is located within an area commonly known as Robles del Rio of Carmel Valley. The area contains low or rural density residential uses with historical light commercial uses for over one hundred years. The project site is located in close proximity to well known historical resources and commercial uses such as Rosie's Cracker Barrel, Rosie's Bridge, and the Robles del Rio Lodge. Rosie's Cracker Barrel is located on the opposite side of the Carmel River and is less than 1000 feet from the subject property at 1 Esquiline Road. While the structure is not currently in use and is under renovation, it was recently approved to be a small grocery market. In addition, the Robles del Rio Lodge located at 200 Punta del Monte, is less than one mile from the subject property. The Lodge was historically utilized as a hotel and resort. The Rosie's Cracker Barrel and Robles del Rio Lodge are properties designated as Light Commercial with a Historic Resources zoning overlay. (Source: 1, 9, 11, 16)

Aesthetic Values

The subject property is located in an area designated as "Visually Sensitive". The proposed antenna has been located considering a variety of requirements. There are several existing structures in the area where the antenna is proposed, which currently protrude from the mature canopy of this Carmel Valley mountainside. Power lines also traverse the mountainside near the proposed antenna and are visually obtrusive. In an effort of reducing potential visual impacts to the mountainside, the applicant is proposing to color the antenna a natural earth toned color so that it blends with the surrounding landscape. In reviewing alternative locations on site, it appears that placing the antenna in an alternative location on the subject parcel would not further reduce impacts to aesthetics than the proposed project location. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

Biological Resources

A biological report was prepared for the property and identified the site as being located within designated critical habitat for California red-legged frog. The proposed project would be confined to previously graded and bare soils within a developed water tank facility that is surrounded by a chain-link fence fitted with wood slats, and would not result in the loss of any suitable habitat or habitat characteristics of designated critical habitat for California red-legged frog. The report concluded that the proposed action would have no effect to California red-legged frog or any other federally listed species identified by the US Fish and Wildlife Service (USFWS). (Source: 1, 11, 15)

Geology/Soils

According to the Monterey County Geographic Information System and County resource maps, the property is located in a Seismic Hazard VI Zone (very high). The project site is approximately two miles away from a potentially active fault known as the Rinconada Fault Zone. The site is also identified as possessing a high risk for liquefaction, landslides, and erosion. (Source: 1, 2, 3, 4, 6, 9, 12, 14)

Hazardous Materials

The project involves the installation of a battery cabinet and a radio cabinet on top of a cement slab next to the proposed wireless communication facility. These cabinets will serve to provide power to the antenna. The Monterey County Health Department has reviewed the project and recommends a condition of approval requiring the applicant to submit a Business Response Plan. This plan shall detail the project's compliance with proper radio frequency, storage, and disposal of Hazardous Waste pursuant to applicable local and state health and safety codes. (Source: 1, 7, 9, 12)

The proposed wireless communications facility will emit radio frequency electromagnetic fields. Radio frequency exposure conditions are regulated by the Federal Communications Commission (FCC) and have been determined to not be a health hazard for this project. A letter report regarding human exposure to radio frequency electromagnetic fields was prepared for the project and concluded that the project would emit less than the prevailing standards for public exposures to radio frequency energy. The applicant will post explanatory signs as required by the FCC for compliance with occupational exposure limitations. (Source: 1, 7, 9, 12, 13)

Land Use

The project site is located in the Carmel Valley Village area, less than two miles from the intersection of Carmel Valley and Esquiline Roads. A vicinity map is shown on Figure 2 at page 4. Access to the property from Carmel Valley Village is derived via Esquiline Road from Carmel Valley Road. The property is zoned Low Density Residential, 1 acre per unit with Design Control and Site Plan Review Overlay Districts or "LDR/1-D-S". The LDR zoning designation allows the establishment of a wireless communication facility subject to securing an Administrative Permit (see MCC 21.14.050.AA). (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16)

Figure 1 - Vicinity Map

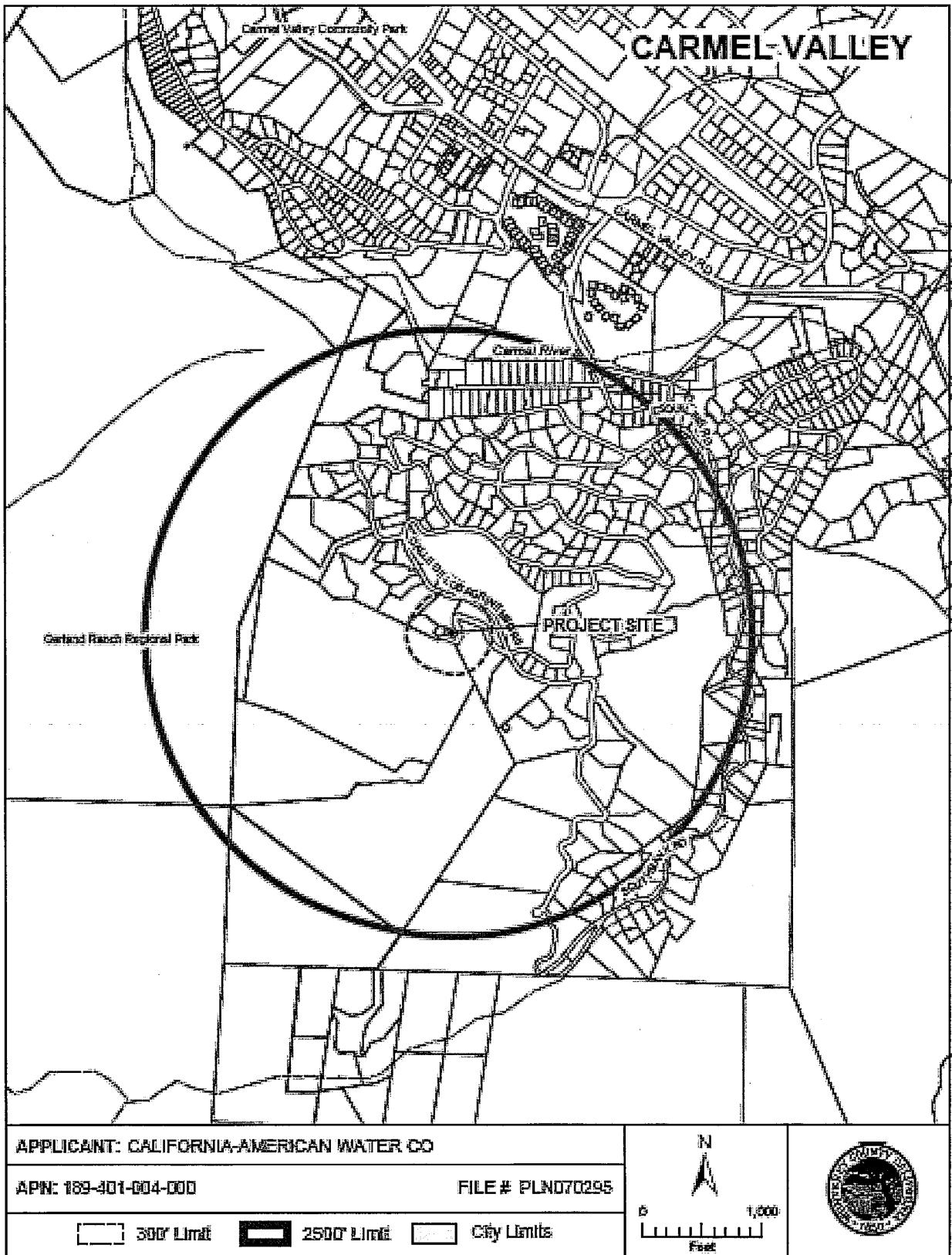


Figure 2 – Aerial Photo of Cal Am Property (Assessor's Parcel Number 189-401-004-000)

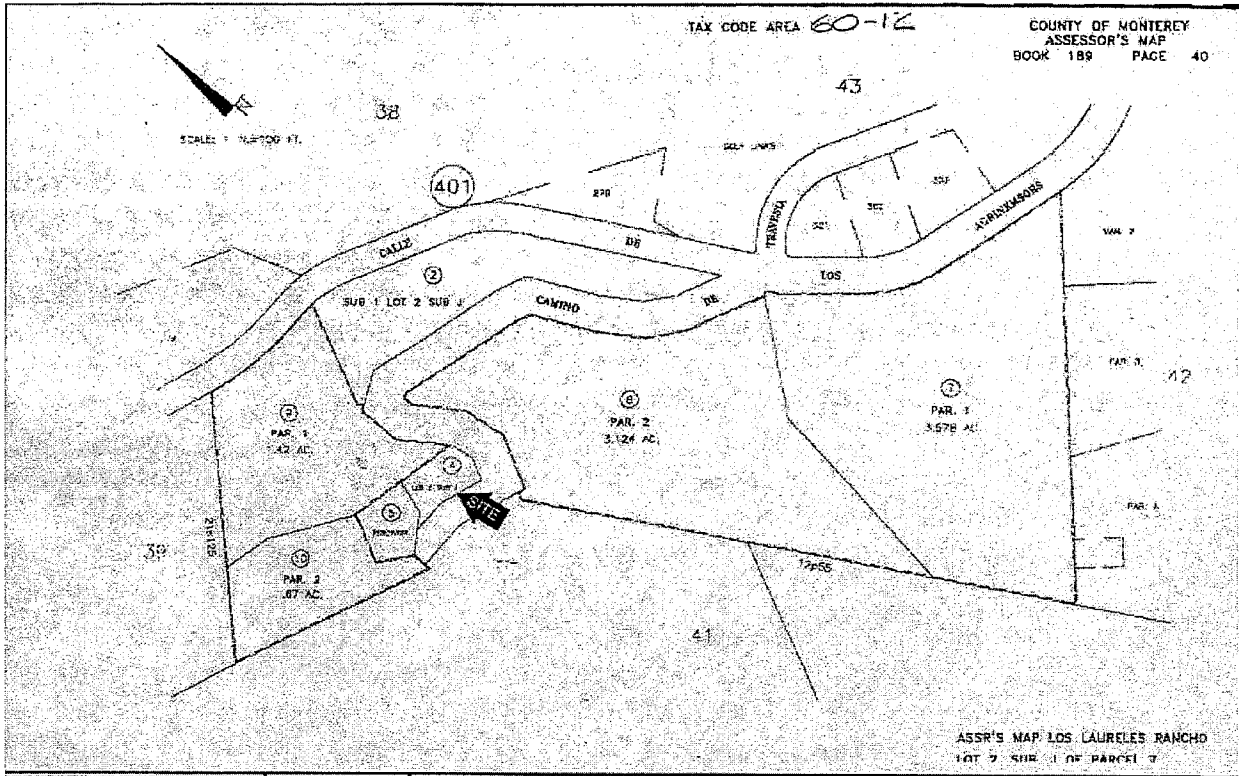


Figure 3 - Project Plans - Site Plan

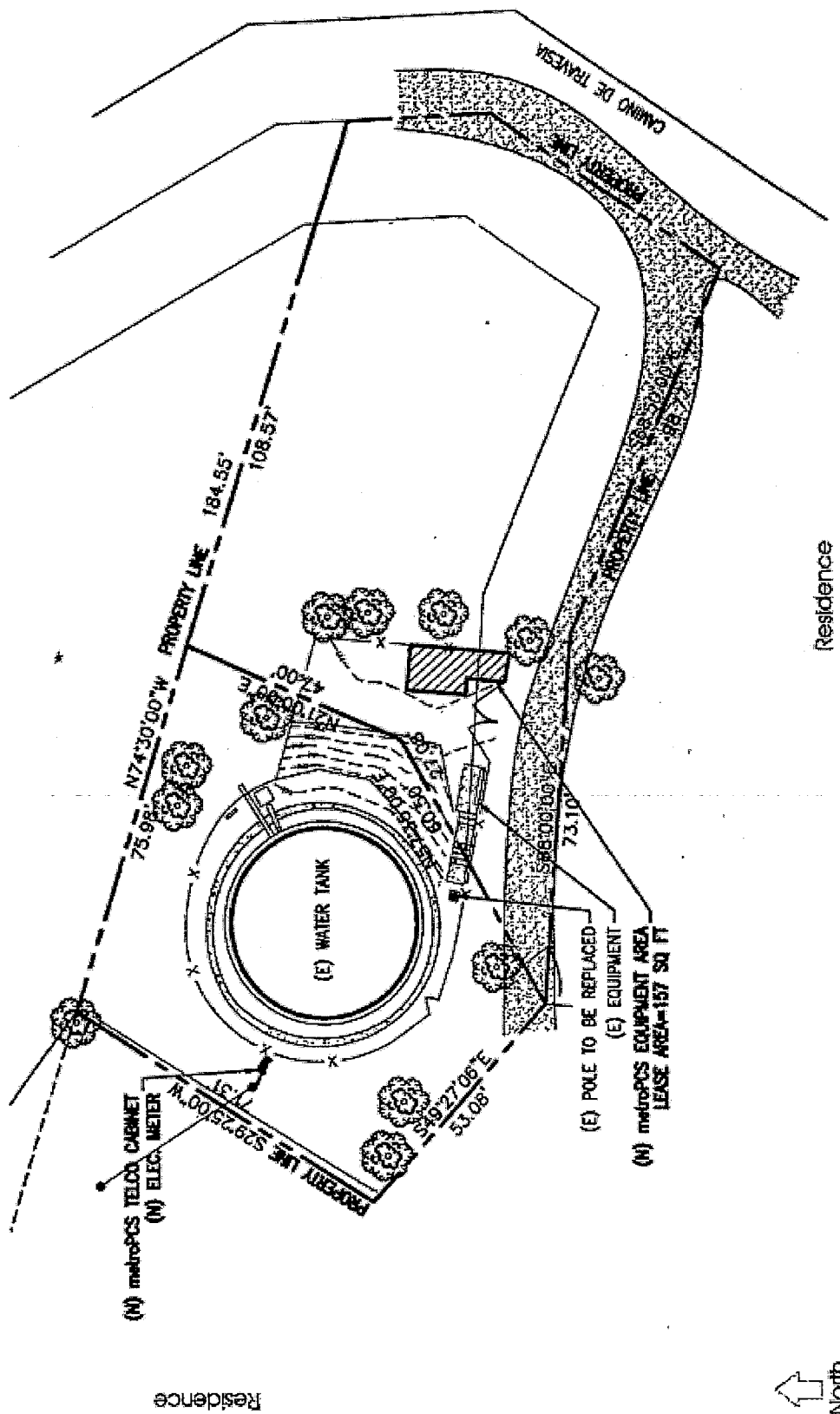


Figure 4. Project Plan – Site Plan

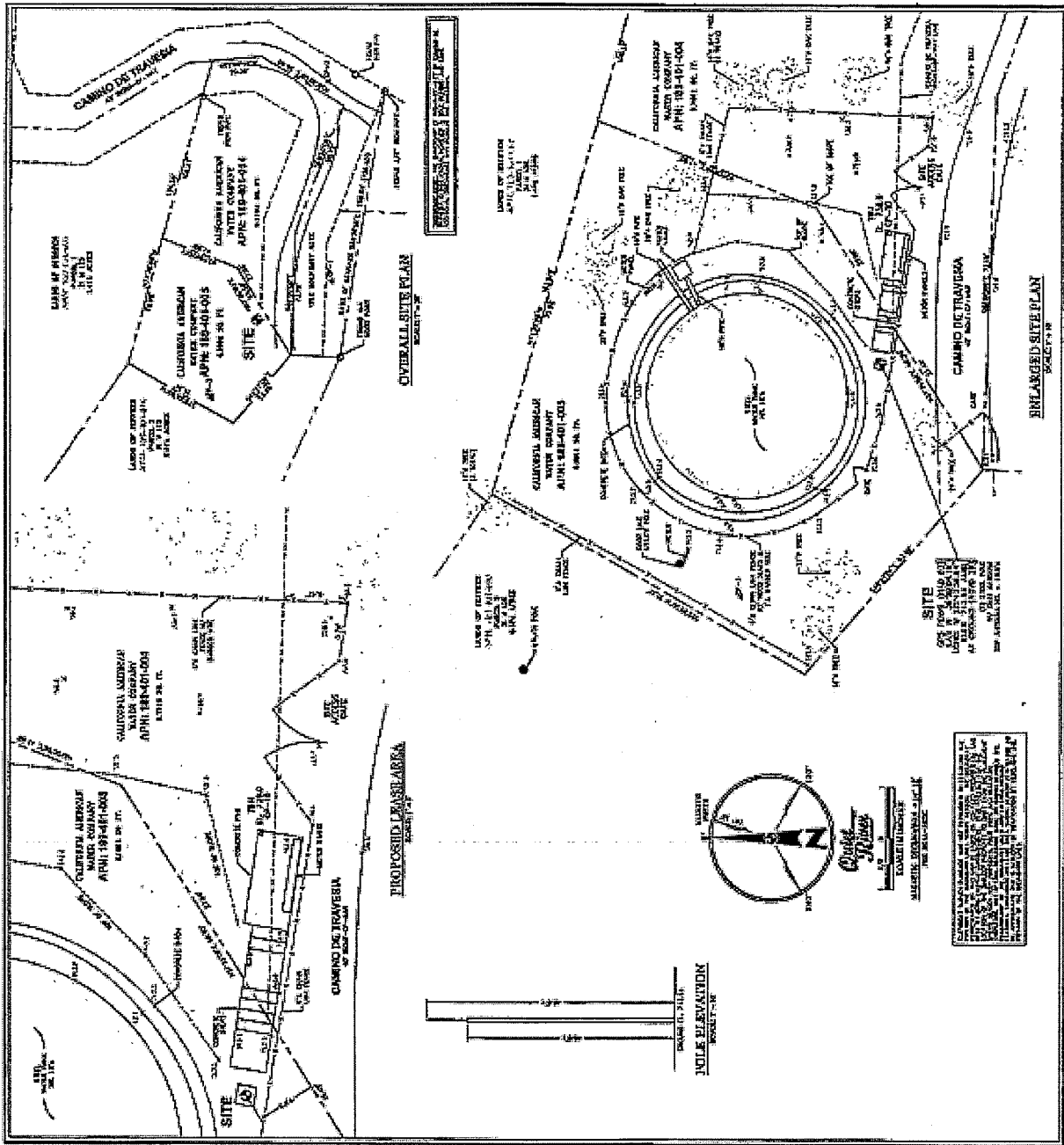


Figure 5. Project Plan – Site Plan

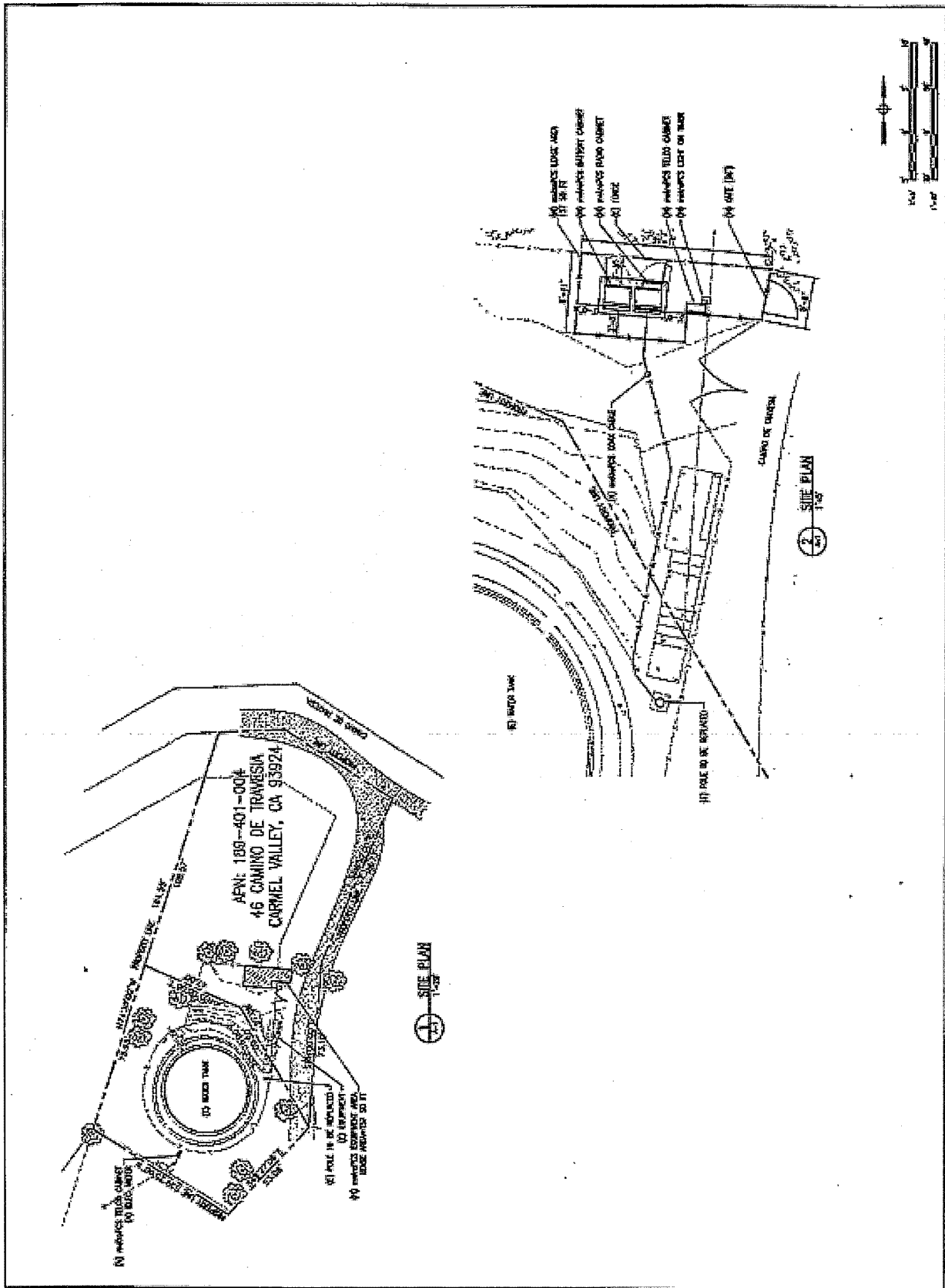


Figure 6. Project Plan – Elevations

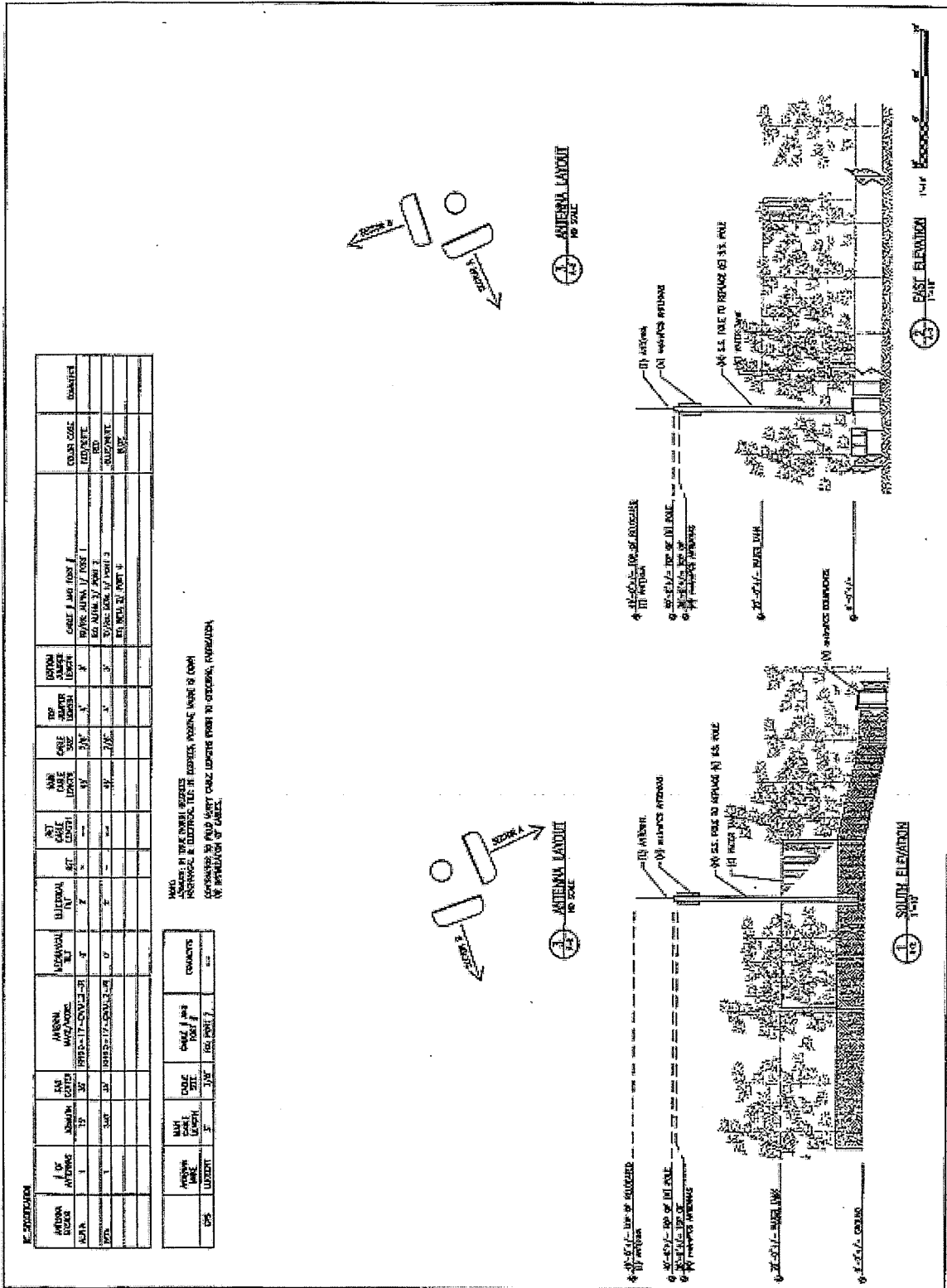


Figure 7. Photos of antennas similar to the proposed.

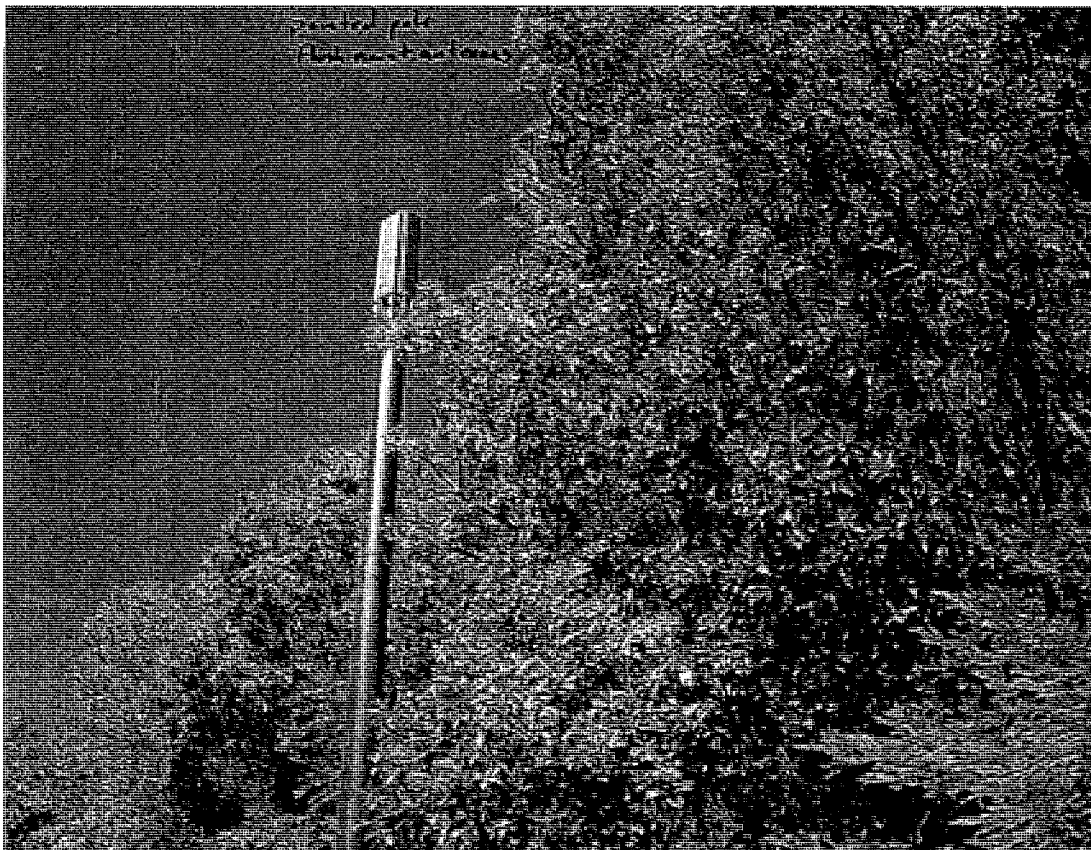


Figure 8. Aerial Photo of the project's vicinity

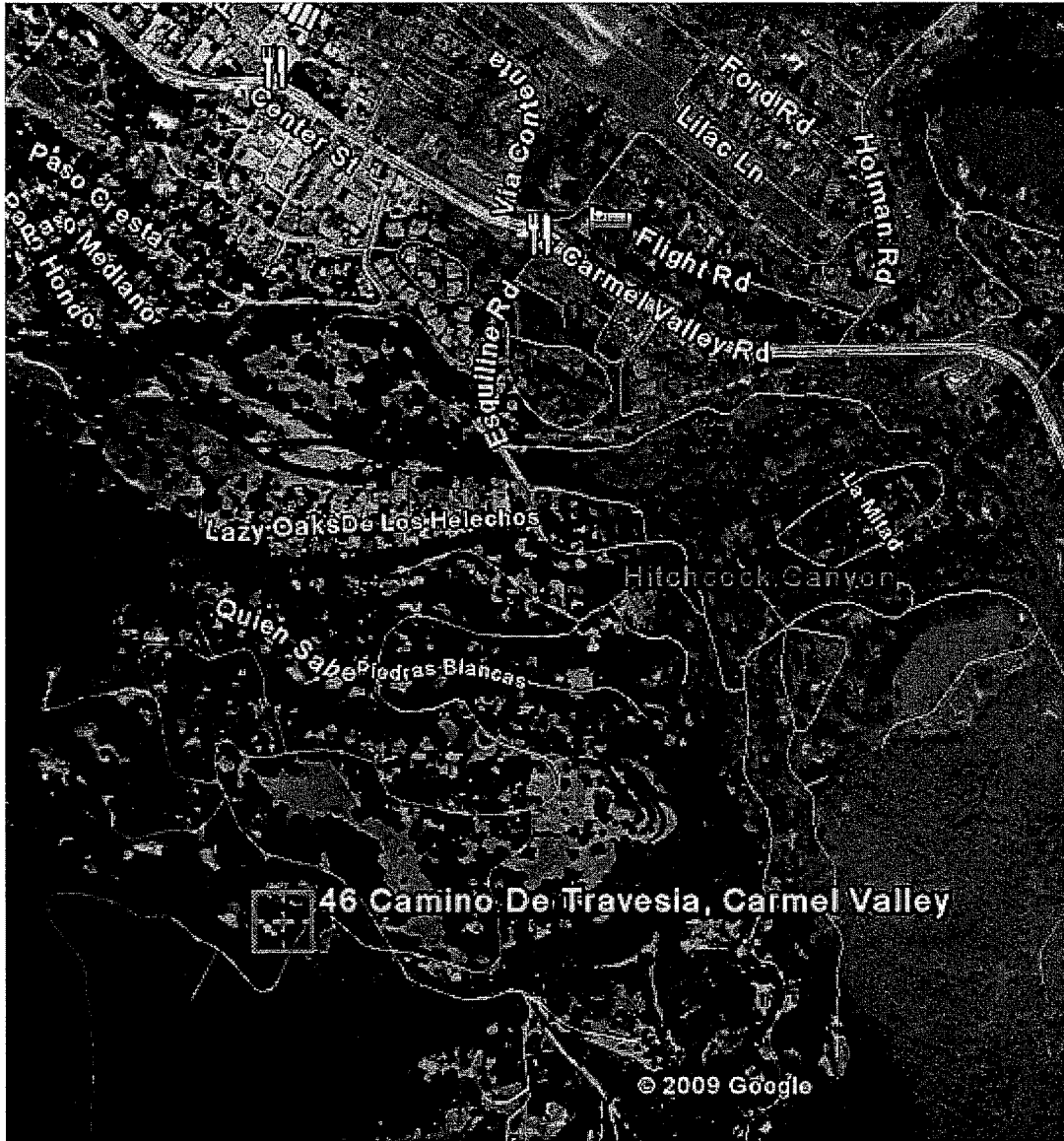


Figure 9. Aerial photo of subject property

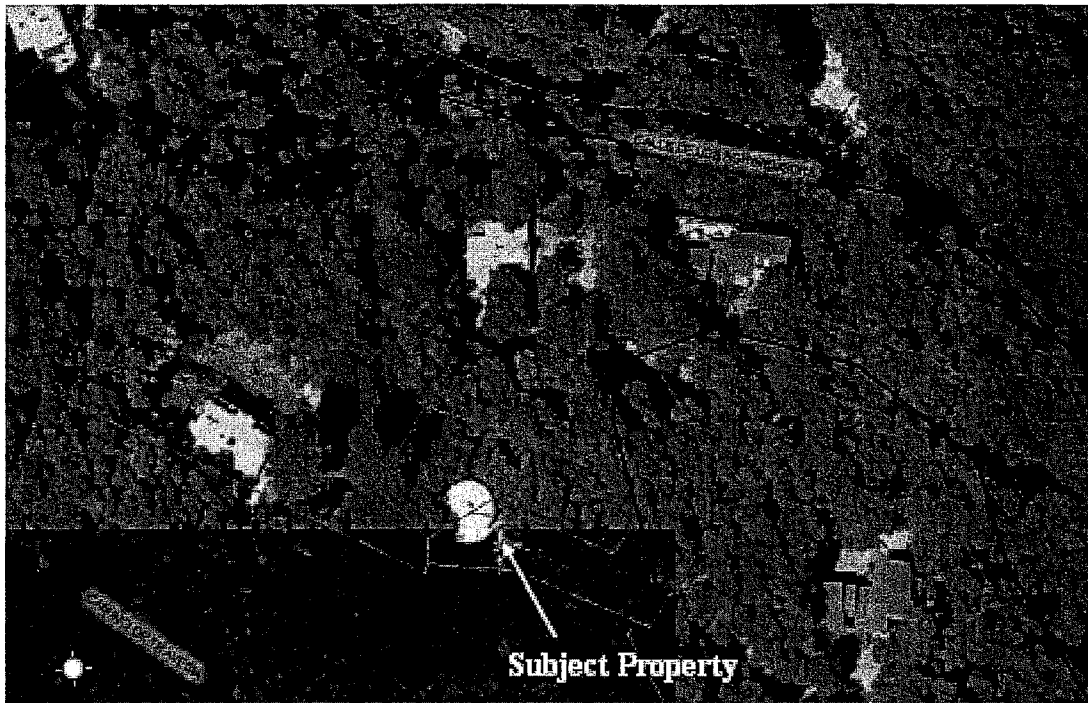


Figure 10. Existing wireless communications facilities near the subject property

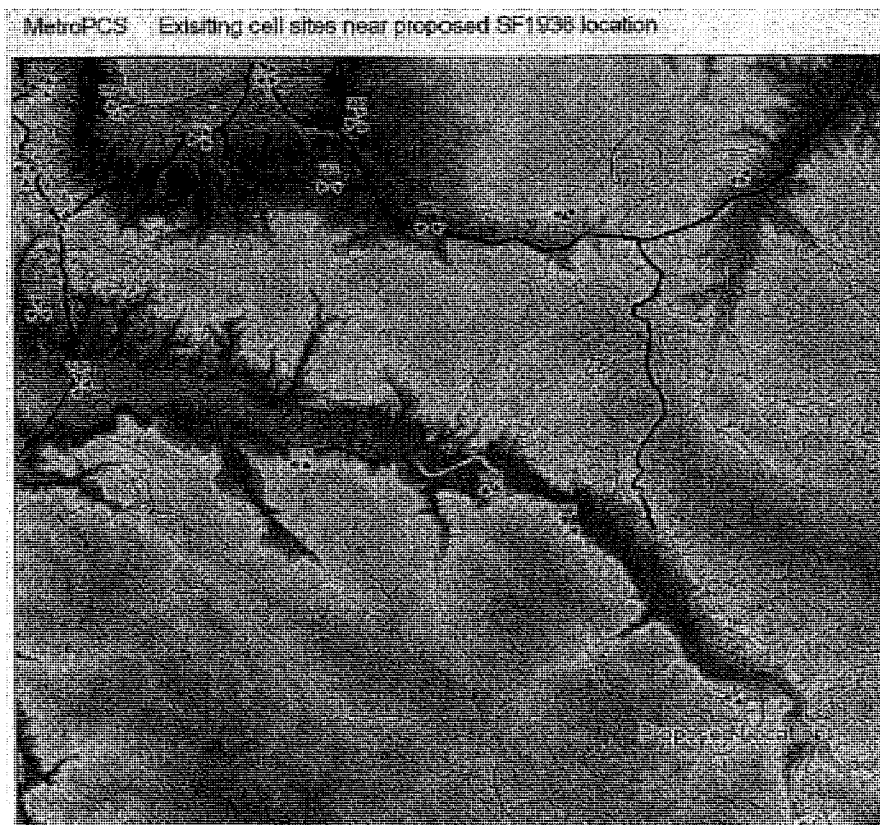


Figure 11. Existing Coverage Conditions

MetroPCS Coverage Prediction Plot SF1936 (shown NOT on-air)

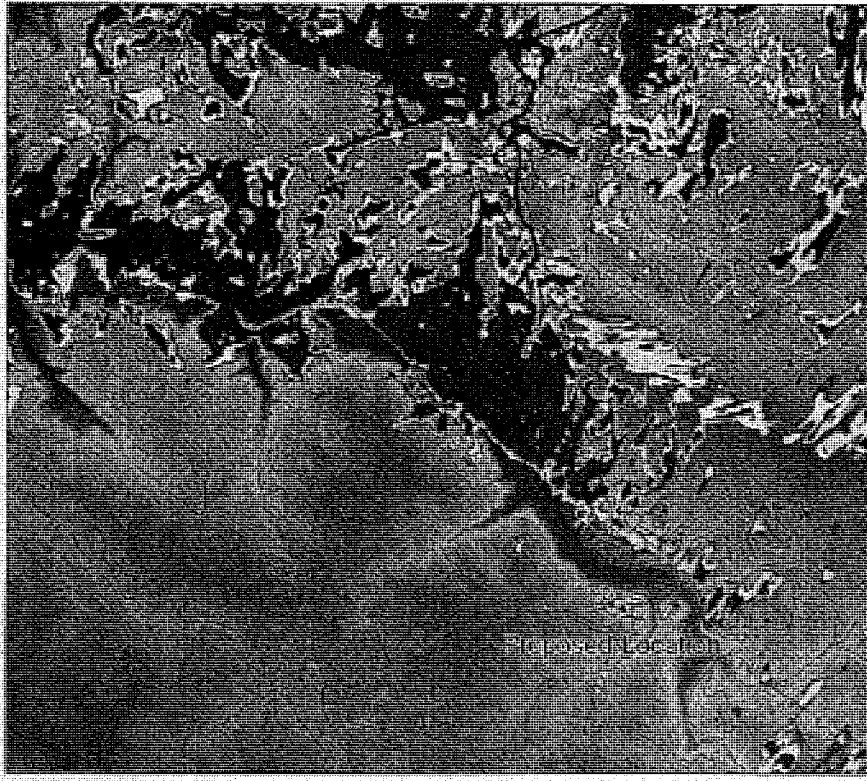
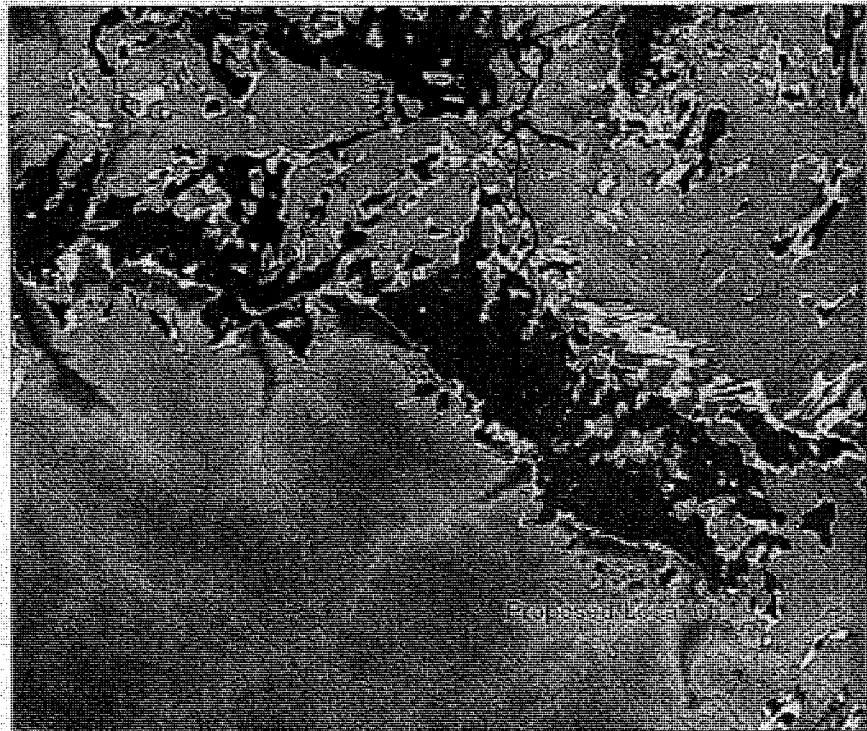


Figure 12. Proposed Coverage Condition

MetroPCS Coverage Prediction Plot SF1936 (shown on-air)



III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

Monterey County General Plan/Carmel Valley Master Plan: The proposed project is consistent with the Monterey County General Plan and the Carmel Valley Master Plan. The Carmel Valley Master Plan (Source: 3, 6) designates the site as “Low Density Residential.” Low density residential designates lands for residential development that combines the space and privacy of a rural or suburban setting. The proposed project does not interfere with residential development in a rural setting. The proposed project is consistent with allowable uses under this designation (Source: 1, 2, 3, 4, 6). **CONSISTENT**

Air Quality Management Plan: Consistency with the AQMP is an indication of a project’s cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District’s adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five-year increment that is listed in the AQMP. The proposed subdivision will not result in a population increase as the project involves a division of land to divide existing residences and is therefore consistent with the population forecast in the AQMP (Source: 8). **CONSISTENT**

Water Quality Control Plan

The Regional Water Quality Control Board incorporates the County’s General Plan in its preparation of regional water quality plans. The project is consistent with the General Plan and with AMBAG’S regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. The proposed residential development to subdivide an existing 8.95-acre parcel into two parcels with existing residences and no potential for intensification will not violate any water quality standards or waste discharge requirements, substantially deplete groundwater supplies or interfere substantially with groundwater recharge, substantially alter the existing drainage pattern of the site or area or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage (Source: 1, 2, 3, 4, 10). **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | | |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE: The environmental factors listed above have been reviewed in light of the current proposed wireless communication facility. It has been determined that the proposed wireless communication facility will not have a significant effect on the environment because no significant physical changes proposed as part of this application.

Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than significant impacts are identified for **Aesthetics**.

The project will have no quantifiable adverse environmental effect on the categories not checked above, as follows:

Agricultural Resources: Based upon the General Plan and County resource maps, the proposed project would not convert prime farmland or otherwise conflict with agricultural zoning or uses. The project site is not under a Williamson Act Contract. Project development will not result in conversion of farmland to non-agricultural use. The parcel is constrained by steep slopes at the northern portion of the parcel and a large section of the southern portion of the parcel lies within the Carmel Valley Flood Plain. According to the County records, the property and surrounding property have been used for residential purposes since 1937. Therefore, no present or historical agricultural production that could be affected by the proposed project (Source: 1, 2, 3, 4, 9, 11, 12).

Air Quality: The CEQA Air Quality Guidelines for the Monterey Bay Region is prepared by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin. It is anticipated that the project will result in no increases in emissions from construction vehicles and dust generation. Construction will consist of the erection of a new tower and nine foot tall antenna. Therefore, this project will not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standards, contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors (Source: 1, 2, 3, 4, 8, 9, 11).

Biological Resources: A biological report was prepared for the property by EarthTouch, Inc., which identified the site as being located within designated critical habitat for California red-legged frog. The proposed project would be confined to previously graded and bare soils within a developed water tank facility that is surrounded by a chain-link fence fitted with wood slats, and would not result in the loss of any suitable habitat or habitat characteristics of designated critical habitat for California red-legged frog. The report concluded that the proposed action would have no effect to California red-legged frog or any other federally listed species that the US Fish and Wildlife Service (USFWS) has identified as potentially occurring within the Carmel Valley, California 7.5-minute quadrangle. Therefore, it is anticipated that there will be no impact to any species identified as a candidate, sensitive, or special status species nor will it affect riparian habitat, marine habitat, federally protected wetlands or the movement of any native resident or migratory fish or wildlife species. The project site is not located within the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Sources 1, 2, 3, 4, 6, 10).

Cultural Resources: Although the project is located in an area of high archaeological sensitivity according to the Monterey County Geographic

Information System, no site disturbance is proposed. The proposed project involves erecting a wireless communications antenna. No significant project impacts are anticipated as a result of the minor subdivision. The proposed project will not change the significance of a historic resource, destroy a unique paleontological resource, site, or unique geologic feature, and does not disturb any identified human remains (Sources 1, 2, 3, 4, 6, 9, 11, 12).

Geology and Soils: According to the Monterey County Geographic Information System and resource maps, the property is located in a Seismic Hazard VI Zone (very high). The project site is approximately two miles away from a potentially active fault known as the Rinconada Fault Zone. The site is also identified as possessing a high risk for liquefaction, landslides, and erosion. The proposed project consists of the installation of a wireless communications antenna. No structures built for human habitation are proposed. The construction of the tower is required to conform with the Uniform Building Code, which contains regulations to protect structures within active or potentially active seismic areas. It is not anticipated that the project will impact these hazards. The proposed project will not result in significant soil erosion nor be located on unstable or expansive soils. (Source: 1, 2, 3, 4, 6, 9, 12, 14).

Hydrology and Water Quality: The project would not violate water quality standards since the structure would not create a new source of storm water runoff. No water resources would be required and no disturbance to existing resources is anticipated. The project is not for human habitation and would not be affected by flood hazards. (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)

Mineral Resources: Federal, state or local plans do not identify this site as significant for mineral resources nor will the project impact mineral resources. (Source: 1, 2, 3, 4, 9, 11, 12, 14, 16)

Population/Housing: The project involves the erection of a wireless communication facility adjacent to an existing water storage tank. The project would not impact the local or regional population or housing situation. No residential development is proposed nor would existing residences be impacted. (Source: 1, 2, 3, 4, 6, 9, 11, 12)

Public Services: The project would not result in increased demand for public services as it would not involve an increase in local population. The proposed project would improve telecommunications service to the area. (Source: 1, 2, 3, 4, 9, 11, 12).

Recreation: The property is zoned Low Density Residential. No recreational uses exist on the property. The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project does not include recreational facilities, nor require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment (Source: 1, 2, 3, 4, 9, 11, 12, 1, 2, 3, 6).

Transportation/Traffic: The project would not impact local traffic, emergency access, or parking, nor would it impact any air traffic patterns or conflict with adopted transportation policies, plans, or programs. Construction equipment and occasional maintenance vehicles would use Esquiline Road to access the project site. This small amount of additional traffic would not result in a significant change to existing road service levels or traffic safety. The proposed project would improve telecommunications service to the area. (Source: 1, 2, 3, 4, 9, 11, 12)

Utilities/Service Systems: The project would not require the use of water resources or wastewater facilities, therefore no impact to existing stormwater or wastewater facilities is anticipated. The project would not create solid waste that would impact local landfill capacity. (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Elisa Cavaliere, Associate Planner

Date

V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and

- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 4, 6, 9, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 4, 6, 9, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 3, 4, 6, 9, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 4, 6, 9, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Aesthetics 1(a) (b) (c): Less than Significant Impact.

The rural nature of this area of the county lends many of the vistas seen from County roads to be considered scenic vistas. The County's land use policies support that ridge top development and development on slopes exceeding 30% subtract from the natural and rural character and result in impacts to aesthetics. The subject property is located in an area designated as "Visually Sensitive" by the Visual Sensitivity and Scenic Routes Map, Figure 17, of the Greater Monterey Peninsula Area Plan (see **Figure 12** below). (Source: 1, 2, 3, 4, 6, 9, 11, 16)

Proposed Project Design

The antenna is proposed at a height of approximately 40 feet. This height has been established considering several variables respective to Metro PCS's desired service coverage area. According to the project plans (sheet A-3), the location of the antenna must have a clear view of the southern sky and cannot have any blockages exceeding 25% of the surface area of a hemisphere around the GPS antenna and must be able to receive clear signals from a minimum of four satellites. Staff has consulted with the applicant regarding the placement of the antenna at lower elevations on the property and finds the proposed site to be the environmentally superior location of the wireless communication facility. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

Alternative Designs

Because of the requirements discussed above, placement of the antenna at a lower elevation would result in an increased tower height and would effectively yield the same amount of antenna protruding from the existing tree canopy of the surrounding area (Project plans and conversations with applicant). Furthermore, placement of the antenna at the northern property boundary would result in development in 30% slopes and the removal of large vegetation, such as protected oak trees, to provide road access compliant with fire department standards. Staff has

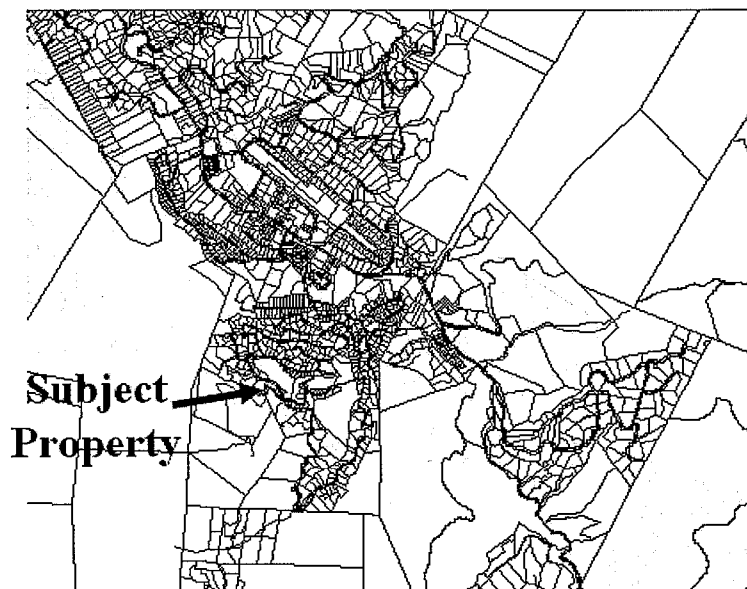
reviewed the potential aesthetic impacts of an alternative design and finds that the relocation of the wireless communication facility to a lower elevation on the property would likely result in increased impacts to aesthetics. It is likely that an alternative location would cause the antenna to be more visible from common public viewing areas including Carmel Valley and Ford Roads in Carmel Valley Village because mature vegetation screening the antenna would need to be removed causing a “gap” in the canopy surrounding it. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

The antennas are proposed to be located at an elevation of 743.5 feet above mean sea level with an antenna height of 48.8 feet. According to the applicant, the antenna has been designed at the lowest height the antenna can be before the trees and anticipated future growth of the trees would interfere with the functionality of the antenna. Placing the antennas below the tree line would cause an approximate 18dB decrease in signal levels (approximately a 40% decrease in efficiency for the site) in the surrounding area and reducing the quality of coverage in the Carmel Valley area. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

As outlined above, the proposed antenna has been located considering a variety of requirements. Placing the antenna in an alternative location would not reduce impacts to aesthetics. There are several existing structures in the area where the antenna is proposed, which currently protrude from the mature canopy of this Carmel Valley mountainside. Power lines also traverse the mountainside near the proposed antenna and are visually obtrusive. In an effort of reducing potential visual impacts to the mountainside, the applicant is proposing to color the antenna a natural earth toned color so that it blends with the surrounding landscape when viewed from afar. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

Therefore, it is anticipated that the project will have a *less than significant impact* on a scenic vista, scenic resources, (including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway) or the existing visual character or quality of the site and its surroundings.

Figure 13. Map of Visually Sensitive Areas in Carmel Valley Village



Aesthetics 1(d) – No Impact

This application involves the establishment of a wireless communication facility to consist of one pole 40 feet in height with two antennas to be flush mounted onto the pole. The topography of the subject parcel is very mountainous with large mature vegetation. The proposed siting of the wireless communication facility is adjacent to an existing water tank. New or additional exterior lighting is not part of this application. It is anticipated that the approval of the project will have **no impact** on the creation of a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. (Source: 1, 2, 3, 4, 6, 9, 11, 16)

Figure 14. Visual Simulation of project site - West-facing view.



Figure 15. Visual Simulation of project site - West-facing view.

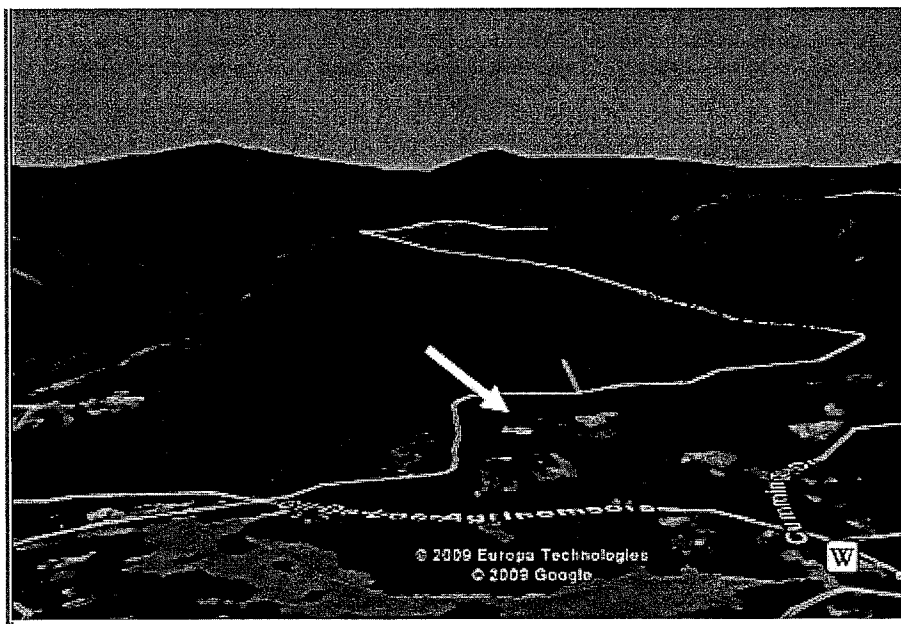
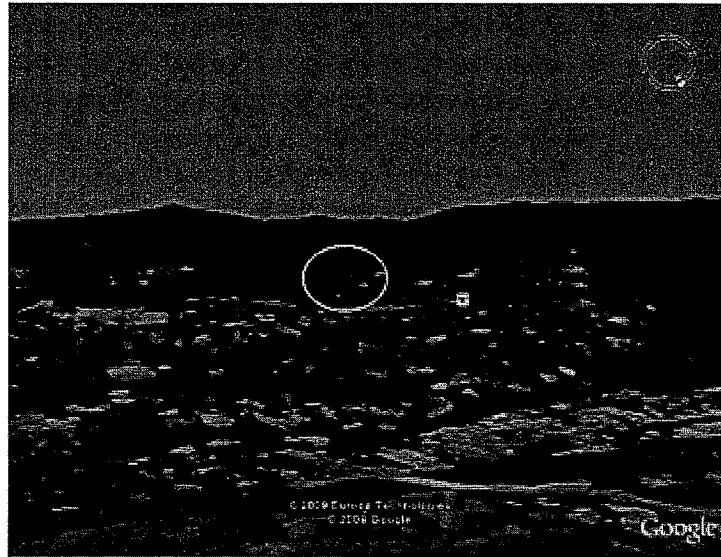


Figure 16. Visual Simulation from opposite Carmel Valley Village mountain.



2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 4, 8, 9, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 11, 15)				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Sources 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Sources 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Sources 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 2, 3, 4, 6, 9, 12, 14) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 3, 4, 6, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 7, 9, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 7, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hazardous Materials 7(a), (b): Less Than Significant Impact.

The project will involve the use of hazardous materials and as such will involve the use of known hazards or hazardous materials.

Battery Cabinet

The project involves the installation of a battery cabinet and a radio cabinet on top of a proposed cement slab next to the proposed wireless communication facility. These cabinets will serve to provide power to the antenna. The project was referred to the Hazardous Materials division of the Monterey County Health Department. Information provided to County staff by the applicant confirms that chemicals will not be used onsite. As conditions of approval, the Health Department is requiring that the applicant:

1. Submit and maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory);
2. Submit a signed Business Response Plan – Memorandum of Understanding that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services of Environmental Health prior to bringing hazardous materials on site and/or commencement of operation.; and
3. The facility shall comply with the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Chapter 6.50 for the proper handling, storage, and disposal of Hazardous Waste as approved by the Environmental Health Division (EHD). (Source: 1, 7, 12, 13)

Electromagnetic Fields

The radio frequency exposure conditions are regulated by the Federal Communications Commission (FCC) and determined to not be a health hazard. A letter report regarding human exposure to radio frequency electromagnetic fields was prepared for the project by Hammett & Edison, Inc. Consulting Engineers (Source: 13) which concluded that the project will comply with the prevailing standards for limiting public exposures to radio frequency energy, and will not for this reason cause a

significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allowed for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. FCC regulations require that the applicant post explanatory signs to establish compliance with occupational exposure limitations. (Source: 1, 13)

Due to the existing regulatory requirements for hazardous materials and electromagnetic fields, it is anticipated that compliance with standard conditions of approval will result in *less than significant impacts* to the public or the environment through the use of hazardous materials.

Hazardous Materials 7(c-g): No Impact.

The project site is not located in a known area of hazardous material contamination. The project site is not within an airport land use plan or within the vicinity of a private airstrip. The proposed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The remote location is identified as an area of “high” fire hazard. The Carmel Valley Fire Protection District (CVFD) has reviewed the project plans and has recommended standard conditions of approval in compliance with the County Code (Source: 1, 2, 3, 4, 9, 11, 12).

Hazardous Materials 7(h): No Impact.

The remote location is identified as an area of “high” fire hazard. The Carmel Valley Fire Protection District (CVFD) has reviewed the project plans and has recommended standard conditions of approval (Source: 1, 2, 3, 4, 9, 11, 12).

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 4, 9, 10, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Would the project: (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16)</p>				
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

9(a)(c) Land Use: No Impact. The project will not physically divide an established community, or conflict with any applicable habitat or natural community conservation plan. See also previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced. (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16)

9(b) Land Use: Less Than Significant Impact. See also Aesthetics discussion above.

Applicable Viewshed Policies

The following are applicable Carmel Valley Master Plan policies applicable to aesthetics of this project's design:

1. Carmel Valley Master Plan Policy 26.1.24 requires that every attempt should be made to minimize hillside scarring by avoiding cuts, fills were possible, and where cuts and fill are unavoidable, by creating slopes that shall be re-vegetated. Permanent non-revegetated scarring of hills is strongly discouraged and should only occur only if no other reasonable alternative is available.

Some immediate neighbors may be impacted by seeing the antenna but it isn't a new disruption to the existing views. In consideration of the impacts of all neighbors, more neighbors would be impacted by alternative locations on the site. The existing location would better achieve the intent of CVMP 26.1.31. Concerns have been raised by an adjacent property owner regarding increased visibility of the proposed tower. In an effort to blend the new mechanical storage area, a condition of approval will be recommended requiring that the applicant landscape the entry way and existing chain link fence within the view of the adjacent property owner to reduce impacts to aesthetics to the immediate neighbors.

2. Carmel Valley Master Plan Policy 26.1.31 requires that development be located in a manner that minimizes disruption of views from existing homes. This applies to road cuts as well as structures.

The adjacent property owner has indicated that the proposed project will affect existing views from their residence. In balancing policy considerations, as discussed at the aesthetics section, staff finds that the location of the proposed antenna will result in a less than

significant impact to views from existing homes. If the communications facility was relocated at another location on-site, it would require the removal of large vegetation. A recommended condition of approval will require that the applicant plant landscaping along the protective chain-link fencing encasing the proposed mechanical storage area and existing water tank in an effort to further reduce impacts to adjacent neighbors.

3. Carmel Valley Master Plan Policy 31.1.4 requires that facilities (such as sewage treatment facilities, solid waste disposal facilities, water storage tanks, pumping stations, power and communication substation) be subject to design control and screened from public view by use of natural terrain and vegetation or buffer areas and artificial screening.

The applicant is proposing to use the existing landscape to screen the bottom portion of the cell tower from public view. The top portion of the antenna will be colored with a natural earth toned color blending with the natural terrain and vegetation in order to reduce impacts from public view.

The project will not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Source: 1, 2, 3, 4, 5, 6, 7, 10, 12, 16). The project is consistent with the Monterey County General Plan, Carmel Valley Master Plan, and Zoning Ordinance with regard to policy conformance and allowed uses, therefore there will be a *less than significant impact* to land use planning.

10. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 4, 9, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 3, 4, 9, 11, 12, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

11(a, c, d): Less Than Significant With Mitigation Incorporated:

The Monterey County General Plan (Table 6: Land Use Compatibility for Exterior Community Noise) considers 50 dBA CNEL or better acceptable from the interior of a residence (Source: 1, 2, 3, 6). The proposed project involves erecting a wireless communications antenna and a back-up generator (for power interruptions) for supplying electricity. There is a fan within the generator apparatus to ensure that the unit does not overheat. It is anticipated that this will generate some unwanted noise especially during the summer months when the weather is warmer; however, it is not anticipated that the project will generate noise levels in excess of those expected for a Low Density Residential zoning district and will conform with conditionally acceptable noise range II of the Monterey County General Plan Noise Element. In addition, the project is required to comply with the General Plan Noise Element and the County's noise requirements. Section 10.60.030 of the Monterey County Code limits noise from any machine, mechanism, device, or contrivance to 85 dBA as measured at a distance of 50 feet. This limit does not apply to aircraft or to equipment that is operated in excess of 2,500 feet from any occupied dwelling unit.

11(b, e, f): No Impact: The proposed project will not result in generation of excessive ground borne vibration, or substantial permanent increases in ambient noise levels. The project is not located within an airport land use plan or within the vicinity of a private airstrip.

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 4, 6, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: 1, 2, 3, 4, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
 See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 3, 4, 7, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) No Impact. Based upon the analysis throughout this Initial Study, the proposed project, as designed, and conditioned would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. See previous Sections II. B (Project Description) and C (Environmental Setting) and Sections IV and

V. A (Environmental Factors Potentially Affected), as well as the sources referenced (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10).

(b) No Impact. The project would involve installation of a tower, antennae, and appurtenant facilities on a parcel that could not be further subdivided and that is designated for Low Density Residential uses in the Monterey County General Plan and Carmel Valley Master Plan. The incremental air quality, transportation/traffic, public services, and utilities impacts of the project, when considered in combination with the effects of past projects, current projects, and probable future projects in the planning area, would result in less than significant impacts (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10).

(c) No Impact. Conditions of approval that assure compliance with existing local, state and federal regulations would ensure consistency with relevant General Plan health and safety policies. All potential impact areas are deemed less than significant with County imposed conditions of approval. (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)

Global Warming:

The enactment of AB 32, the Global Warming Solutions Act, which was signed into legislation by Governor Schwarzenegger in September 2006, requires that greenhouse gas emissions be reduced to 1990 levels by the year 2020. Increased emissions of greenhouse gases due to developmental pressures have resulted in multiple adverse environmental effects, including sea level rise, increased incidence and intensity of severe weather events (e.g., heavy rainfall, droughts), and extirpation or extinction of plant and wildlife species. Further, emissions contributing to climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Given the significant adverse environmental effects associated with anthropogenic climate change, increased emissions have the potential to result in cumulatively considerable air quality impacts and indirect biological and hydrological impacts.

When analyzing a project's potential to affect climate change, it is important to note that neither CEQA nor current case law identifies thresholds or other direction in measuring or evaluating the effect of individual projects on global warming. As a result, in the absence of applicable methodology and thresholds, the significance of the project's effect on global warming cannot be quantified. Furthermore, given the transboundary nature of greenhouse gases, the cumulative global emissions contributing to climate change can be attributed to every nation, region, and city, in addition to naturally occurring phenomenon.

The level of emissions resulting due to project-generated traffic would not be expected to exceed air quality standards. The project would generate infrequent maintenance trips to the site. Further, as identified in Section VI.3 - Air Quality, the development of the proposed project would not exceed applicable air quality standards as established by the air pollution district. Given the scale and nature of the proposed project, the proposed project is unlikely to substantially impact existing levels of greenhouses gases on a local, regional, or global scale.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN070295 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plan
2. Monterey County General Plan
3. Carmel Valley Master Plan
4. Greater Monterey Peninsula Area Plan
5. Title 19 of the Monterey County Code (Subdivision Ordinance)
6. Title 21 of the Monterey County Code (Zoning Ordinance)
7. Monterey County Code Chapter 10.41, Solid Waste Collection and Disposal, Ordinance No. 4190, 2003.
8. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004.
9. Site Visit conducted by the project planner on March 26, 2009.
10. Regional Water Quality Control Plan.
11. RMA-County of Monterey Planning Department's Geographic Information Systems (GIS).
12. Inter-Departmental Comments and Conditions.
13. "*Report regarding compliance with guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.*" Prepared by Hammett & Edison, Inc., Consulting Engineers, San Francisco, CA, dated July 15, 2008
14. "*Geotechnical Engineering Investigation*" prepared by SALEM Engineering Group, Inc., Fresno, CA, dated September 27, 2007.
15. "*Biological Evaluation of a proposed personal communications service facility on a water tank property at 46 Camino de Travesia.*" Prepared by Earth Touch, Inc, Layton UT, dated November 14, 2007.
16. Google Earth, 2009 for aerial photographs

X. ATTACHMENTS

1. "*Report regarding compliance with guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.*" Prepared by Hammett & Edison, Inc., Consulting Engineers, San Francisco, CA, dated July 15, 2008
2. "*Geotechnical Engineering Investigation*" prepared by SALEM Engineering Group, Inc., Fresno, CA, dated September 27, 2007.
3. "*Biological Evaluation of a proposed personal communications service facility on a water tank property at 46 Camino de Travesia.*" Prepared by Earth Touch, Inc, Layton UT, dated November 14, 2007.

Exhibit H

Comments on Negative Declaration

NOLAND
HAMERLY
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Jo Marie Ometer

Terrence R. O'Connor

Dale E. Grindrod

Lisa K. Omori

Leslie E. Finnegan

Timothy J. Baldwin

Charles Des Roches

Of Counsel

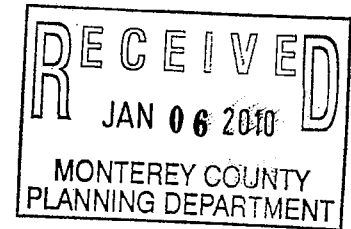
Peter T. Hoss

Martin J. May

January 6, 2010

HAND DELIVERED

Monterey County Planning Department
Attn: Elisa Cavaliere, Associate Planner
168 W. Alisal, 2nd Floor
Salinas, CA 93901



Re: Metro PCS, PLN070295; Negative Declaration

Dear Ms. Cavaliere:

I am writing on behalf of Robert and Barbara Jeffress to submit comments on the Initial Study and Negative Declaration ("Neg. Dec.") for the above referenced project.

The Jeffress property is adjacent to the proposed cell tower. The proposed tower will be less than 5 yards from their gate and less than 50 yards from their home. The Jeffress have significant concerns about the impact and effect of the installation of this tower on their property and themselves.

Hearing Date: The Neg. Dec. states the hearing will be before the Monterey County Planning Commission on January 14, 2010. The Planning Commission meets on Wednesdays. January 14th is a Thursday. The hearing date is incorrect.

Review Period: There is a discrepancy in the review period. The face sheet of the Negative Declaration says comments are due by January 6, 2010, while the first page of the Notice of Intent to Adopt the Neg. Dec. says comments are welcome during the 30-day public review prior which would make comments due on January 14, 2010.

Format: The pagination on the Neg. Dec. is confusing and misnumbered. It says it is 1 of 43 etc and then repeats that in other places. It is not 43 pages and the duplication in page numbers is confusing. The document is entitled a "Mitigated Negative Declaration" yet the determination is that there are no impacts and a "Negative Declaration", not Mitigated Neg. Dec., should be adopted.

Project Description: The Neg. Dec. states the parcel is APN 189-401-004. That is not correct. The parcel is APN 189-401-005. The project description on the face

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333 SALINAS STREET POST OFFICE BOX 2510 SALINAS, CA 93902-2510

19796\000\438484.1:10610

page of the Neg. Dec., as well as throughout the Initial Study, should clearly state that the project requires a "variance" (not just a use permit) to exceed height limits and also state that the project will have an overall total height of 54 feet above the County road including the 40 ft pole, 9 feet of antenna and 5 feet of foundation under the antenna. The description on the face page only states it needs a use permit and confusingly references a 40 ft pole and antennas with a total height of 49 feet throughout the document. With the foundation, the total height of the project is 54 feet above the County road, a full 24 feet over the 30 foot zoning height limitation

Aesthetics: As stated above, the tower will be 54 feet height, not 40 or 49 feet. There are no photos or evidence of power lines or other protrusions that protrude from the tree canopy in this area included with the Neg. Dec. The average PG&E power pole or telephone pole in this residential area is approximately 30 feet high; 24 feet lower than this tower will be. There is no comparison between the two structures. The existing antenna is also considerably smaller in diameter than the proposed tower. (See attached photographs). The new tower will be visible from Carmel Valley village and the community park.

There is no evidence as to why another location would not be acceptable. The other site owned by Cal-Am (APN 189-401-004) is covered with invasive weeds which should be removed. The extensive weed cover on the 004 parcel makes it difficult to assess the suitability of this site. Have other cell tower locations been investigated so this tower could be placed in a location where other cell towers exist? For example, there are over 100 acres of open forest land above the proposed site that are currently not being used.

The existing site is not a cell tower site; it is a relatively small area in which a Cal-Am water tank is enclosed by a fence. It only has an antenna to transmit water levels to Cal-Am which was required by order of the California Department of Health Services.

Lack of LUAC Recommendation: This project was heard by the Carmel Valley LUAC in December 2008 and continued so the LUAC could make a site visit to another tower to view the potential impacts and also to study alternate locations. The matter was never rescheduled before the LUAC. Accordingly the project review is not complete.

Hazardous Materials: Although the Neg. Dec. concludes that there will be no harm to humans from the radio frequency electromagnetic fields, the report also states that the application must post "explanatory signs as required by the FCC for compliance with occupation exposure limitations". If there is no risk of harm from the electromagnetic fields, why do warning signs need to be posted? The potential health risk to persons, such as the Jeffresses who reside with 50 yards of the tower and whose property gate access to the County road is less than 5 yards, with exposure 24 hours a

day /7 days a week, is not discussed or documented. Workers would only be there for minimal periods of exposure. The radio frequency ("RF") study referenced in the Neg. Dec., which is listed as an attachment to the document, was not attached. Although I asked to receive a copy of the report, it was not sent to me.

Mrs. Jeffress suffers from severe neck pain and has been fitted with a state-of-the-art electronic device called a peripheral nerve stimulator. This device includes an implanted computer programmable battery in her right hip and implanted wires running along the spine and on into her neck near the base of the skull to help relieve the pain. The device is sensitive to electromagnetic transmissions and prevents her from going through airport screening devices. Mr. Jeffress has asked the device maker if Mrs. Jeffress will be harmed by the radio frequency electromagnetic field emissions. At this point they simply do not have the data or knowledge to make a conclusive statement. Mrs. Jeffress will have to walk within 3 yards of the tower each time she goes to get her mail, walks her dogs, or stops to open the gate to her home.

Land Use: The property is zoned Low Density Residential 2.5 acre per unit, not 1 acre per unit as stated on page 4. This is intended to be a rural residential area, not a commercial cell tower area in close proximity to existing homes. The "D" and "S" district overlays are further evidence of the County's intended concern over land uses in this area.

Title 21.64.310H.2.b – regulations for wireless communication facilities requires that the support facilities for the tower, such as vaults, equipment rooms, utilities and equipment enclosure, be placed underground. In this case, a utility pole and equipment panels are being added above ground. (See attached photograph). In addition, a battery cabinet and a radio cabinet are being installed on a cement slab next to some 20 feet from the proposed wireless facility.

General Plan/Carmel Valley Master Plan Consistency: The Neg. Dec. summarily states that the "project does not interfere with residential development in a rural setting". That statement is not true. The tower is 50 yards from the Jeffress home, in their viewshed and alters the tranquil rural setting of the area. Carmel Valley policy 26.1.31 requires that development be located in a manner that minimizes disruption of views from existing residences. This tower is right in the Jeffresses viewshed (See attached photograph) and violates CV policy 26.1.31. Painting it green does not solve the viewshed issue or any of the other concerns outlined herein. Carmel Valley Master Plan policy 17.3.1.1 requires that access for fire vehicles that the road be adequate for two lanes of traffic for roads serving more than two structures. The access road is a one lane road.

Population and Housing: The Neg. Dec. states that the tower will not impact existing residences, but fails to mention the impact on the Jeffress property.

Public Services: It seems clear that Metro PCS chose this site because they could “piggy back” on the fact there was an existing antenna on the site. The application materials state that Metro PCS may allow other cell providers to use their tower. Because there is a preference for grouping cell towers in one location, it is likely that once the cell tower use is established, other users will want to “piggy back” on this approval. This approval is just the start of what could be many more towers on this site. That scenario is not addressed in the Neg. Dec.

The California Department of Health Services is responsible for insuring that Cal-Am dependably, reliably and safely provides water supplies to area residents. Therefore, they should be made aware of the cell tower being proposed for the Cal-Am water tank site. And have an opportunity to review and respond. They were responsible for requiring Cal-Am to put up the existing antenna for transmitting water tank data and they may have other concerns, as well. For example, has there been, or will there be, a protocol established that specifically addresses who has priority to access the tank if for example there is a power outage, a water leak, or a fire given that the only access road is a one lane, windy road with extremely limited parking? Do we save the water system or the cell tower equipment? Who decides and who has the ability to turn off the cell phone equipment in an emergency; Cal-Am?

If there are plans to remove the existing Cal-Am antenna, there would no longer be a dedicated antenna for water tank measurements as originally required by State Health Services. State Health Services should be notified and given the opportunity to review and comment on the change in the antenna which they required.

Noise: The Neg. Dec. states “It is anticipated that this facility will generate some unwanted noise” especially in the summer months and during power outages...It is not anticipated that the project will generate noise levels in excess of those expected for a LDR district and will conform to conditionally acceptable noise range II of the County General Plan Noise Element. What do terms “anticipated” and “expected” mean? These statements are not based on scientific fact. The analysis should have actual measurements from other similar facilities/locations to see what the noise impact will actually be on Jeffress property. The ambient noise in this area is minimal. Accordingly, noise from any source will ruin the tranquil nature of the area and the Jeffress property values. Mr. Jeffress initially spoke with a Metro PCS representative early on and the representative said that with their windows open, as would be the case many times of the year, the Jeffresses “would probably be able to hear the noise”. Actual data on noise impacts should be accumulated and analyzed instead of using so-called “anticipated” noise. The Neg. Dec states that impact will be “less than Significant with “with mitigation incorporated”, but there are no mitigations.

Traffic/Transportation: This site is accessed by a very narrow one lane windy road. It is unsafe to add any more vehicles to this road. In addition to the workers and maintenance people associated with this tower, as stated above, this application is more

than likely just the start of several more application to follow. Once Metro PCS has its foot in the door here, other providers may well seek to have their towers or antennas placed there, as well, and once the precedent is set, it is unlikely they will be stopped. Workers have already blocked the road, preventing the Jeffresses from leaving their home for as long as 5 hours. (See attached photograph)

Parking: There is inadequate parking to accommodate service trucks at this facility. If Metro PCS installs their gasoline powered electric generator and their high voltage equipment, the remaining area around the tank will accommodate at most, one vehicle. Furthermore, the available parking space within the water tank property is not maintained parking, it is basically dirt and weeds. As it is now, service vehicles do not park on Cal-Am's property, they find space along the side of the County road, often making it difficult for the Jeffresses to enter or leave their property. (See photographs). Where are additional service vehicles to park?

Fish and Game Fee: Why is the project exempt from the Fish and Game fee? The discussion states that the DFG revoked local agencies ability to make "de minimus" findings and goes on to say that "all land development projects that are subject to environmental review are now subject to filing the fees unless DFG determines that the project will not have an effect on fish and wildlife resources". The discussion states the applicant needs to submit a form requesting such a determination. The conclusion then states, "The project will not be required to pay the fee". Did DFG exempt this project? There is no evidence presented that they did. Therefore, the fee is required.

Attachments: The Neg. Dec states that three reports are attached, but none of the reports was attached.

Conclusion: There is evidence of potential significant impacts associated with this project. The Negative Declaration and Initial Study did not adequately analyze the potential environmental impacts of this project. The Initial Study should be redone and recirculated before action is take on this project. Depending on the analysis of if Initial Study and the additional evidence submitted, an Environmental Impact Report may need to prepared.

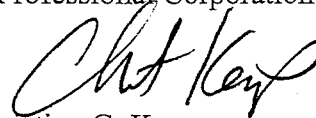
Additionally the matter should be returned to the Carmel Valley LUAC for their review before the matter is set for hearing, as the LUAC did not complete their review of the project.

Elisa Cavaliere, Associate Planner
January 6, 2010
Page 6

Thank you for the opportunity to comment on this document.

Sincerely,

NOLAND, HAMERLY, ETIENNE & HOSS
A Professional Corporation

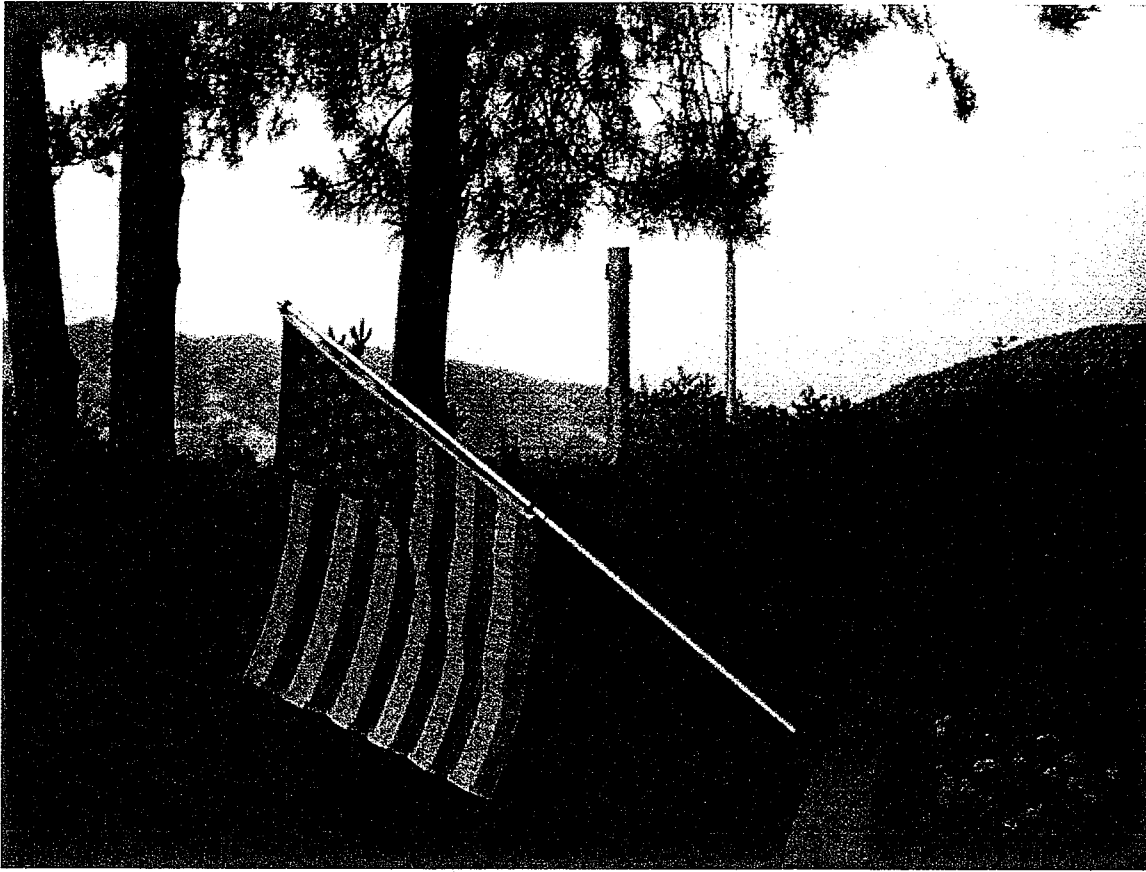


Christine G. Kemp

CGK:ccm

Enclosures

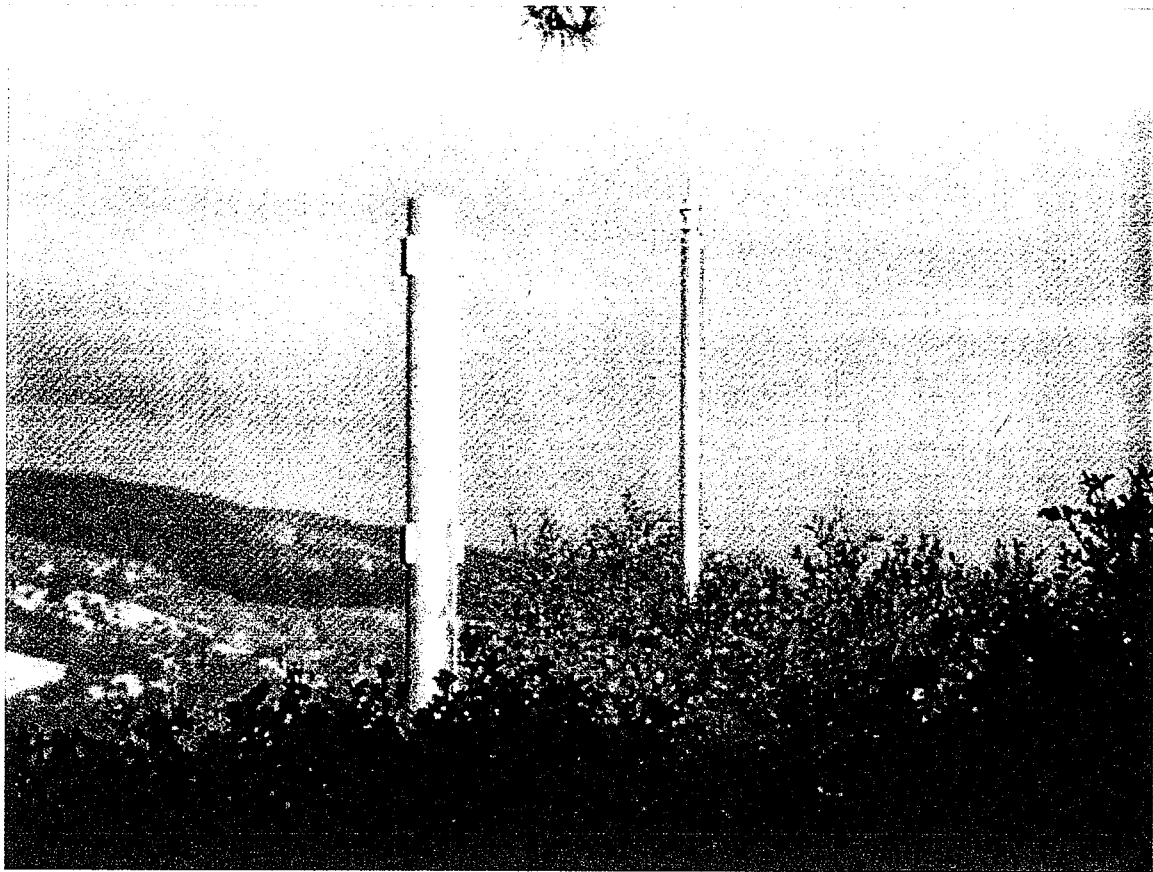
cc: Mr. and Mrs. Jeffress
Mike Novo, Planning Director
Carl Holm, Assistant Planning Director



Another picture from my Deck- trees are scheduled to be cut to enhance my view which will further increase visual exposure of the antennas.

Clearly there is visual impact on my property, negatively impacting my enjoyment and property value.

In addition there are health issues related to cell tower electromagnetic fields and noise emanating from auxiliary equipment

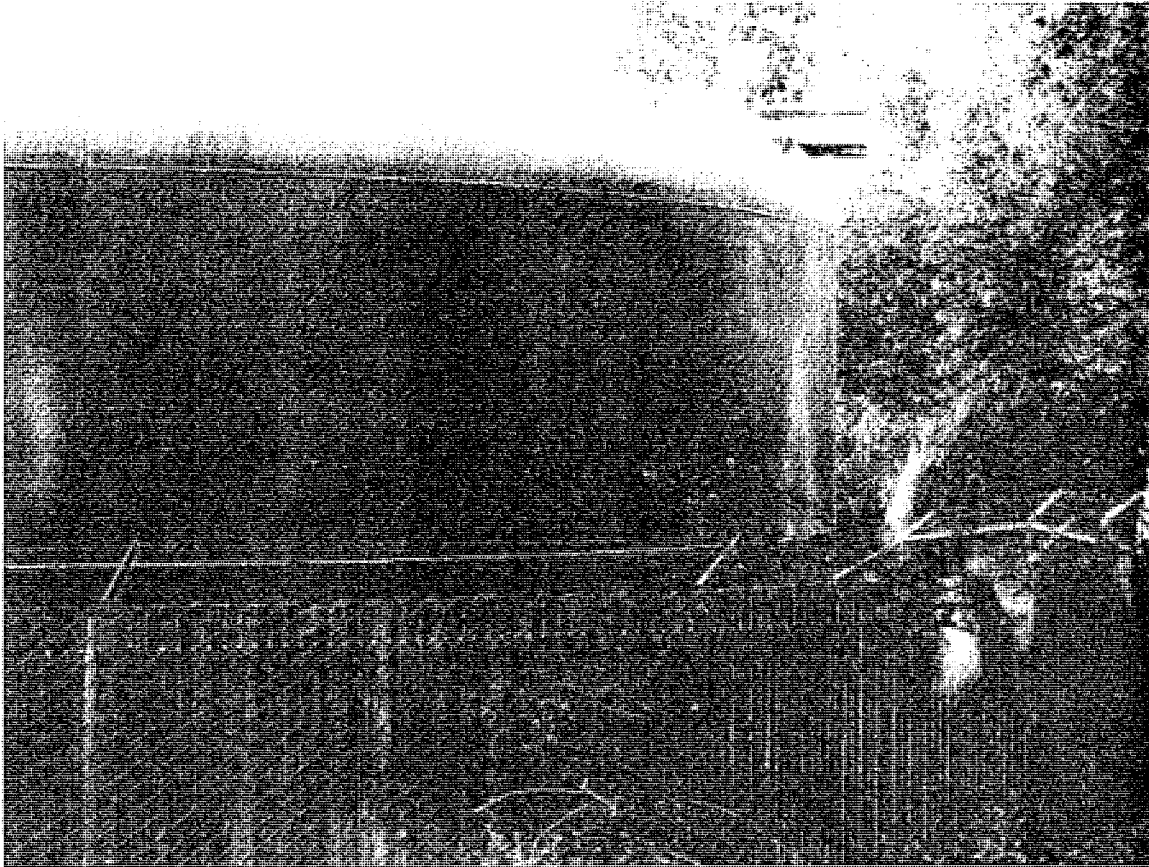


On the right ,is a picture of the existing Antenna (built some 3 years ago) without public hearing or oversight. The *Cell Phone antenna that was under construction. Is clearly much larger in diameter and does not as yet have the top part attached making it at least as high and much more of an eyesore than the existing antenna.

The main purpose of the Cell Phone Antenna is to produce income for Cal Am –It has little to do with Cal Am’s mission of supplying water to the Monterey Peninsula

Clearly Cal Am and their Cell Phone partner have no regard for my property or the affect the antenna and related equipment have on the value and enjoyment of my property

*Construction was stopped by the County –pending the permit process.

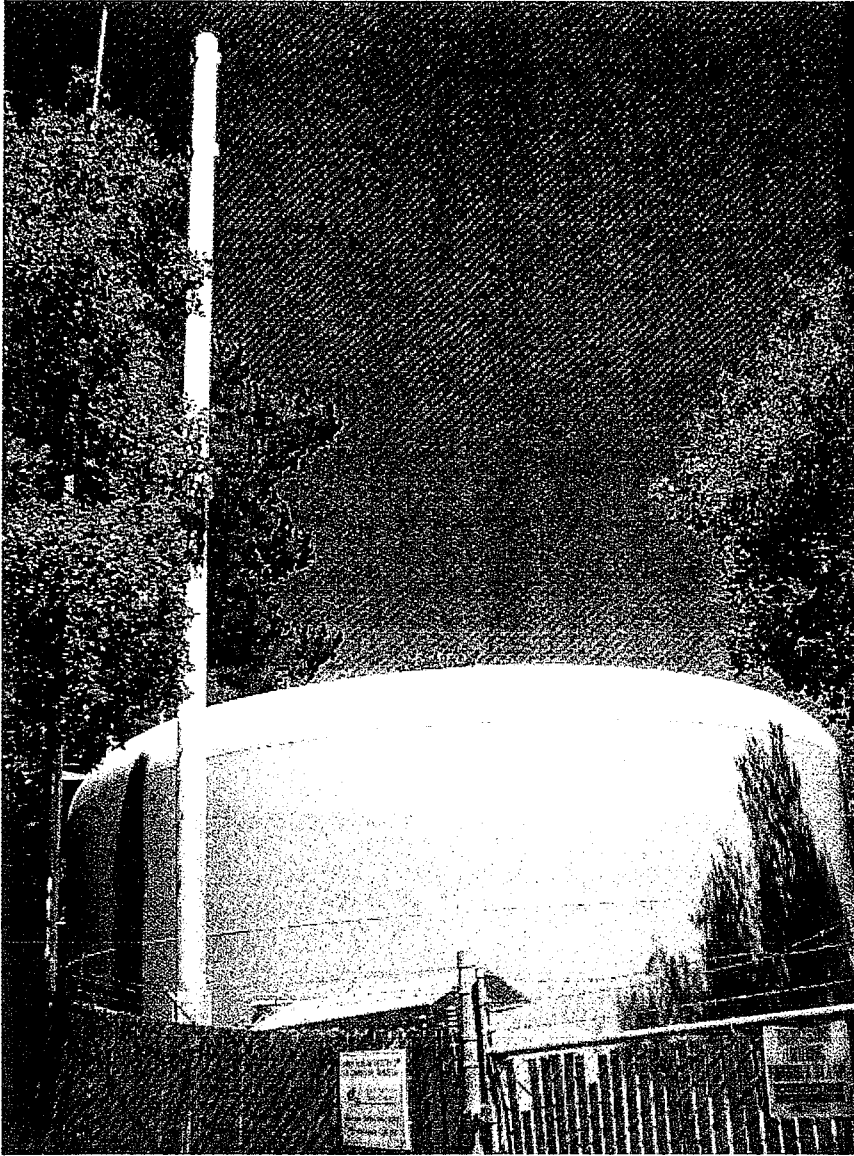


This is a picture of the Cal Am water tank as it has looked from my property for over 40 years and prior to the construction of any antenna.

The Cal-Am water tank and auxiliary equipment was all located inside a 8 foot high circular fence surrounding the tank.

The Tank/equipment produced no noise and there was no antenna affecting my views

p(1)

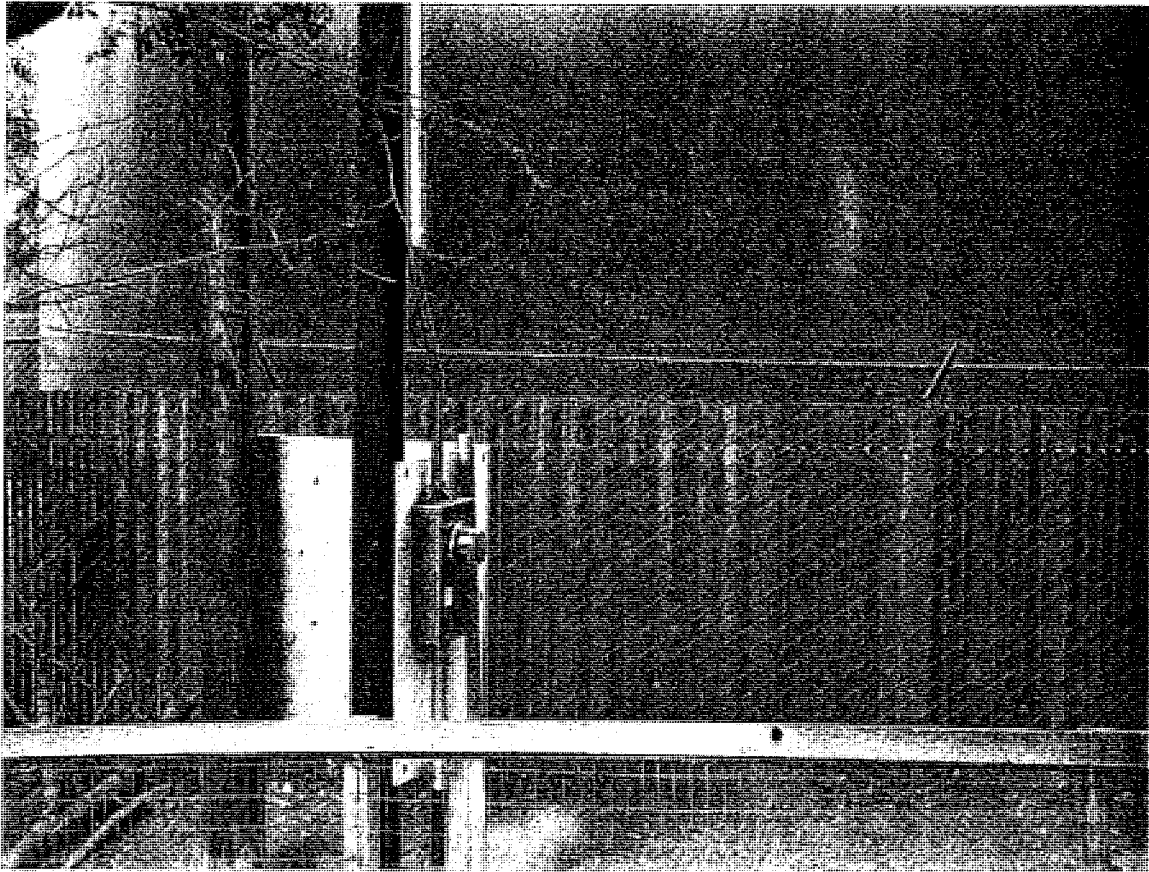


**Health Issues and Noise--Cell Phone Antennas create /emit
Electromagnetic Fields (EMF) and
EMF has been related to Health Problems-**

**Cities have taken action to limit public exposure the these Cell Antennas –
Santa Cruz county did so in November of this year**

Cell Phone equipment emits Noise from the High Voltage –

**My property value and enjoyment depends on maintaining a
rural, scenic, and tranquil area**

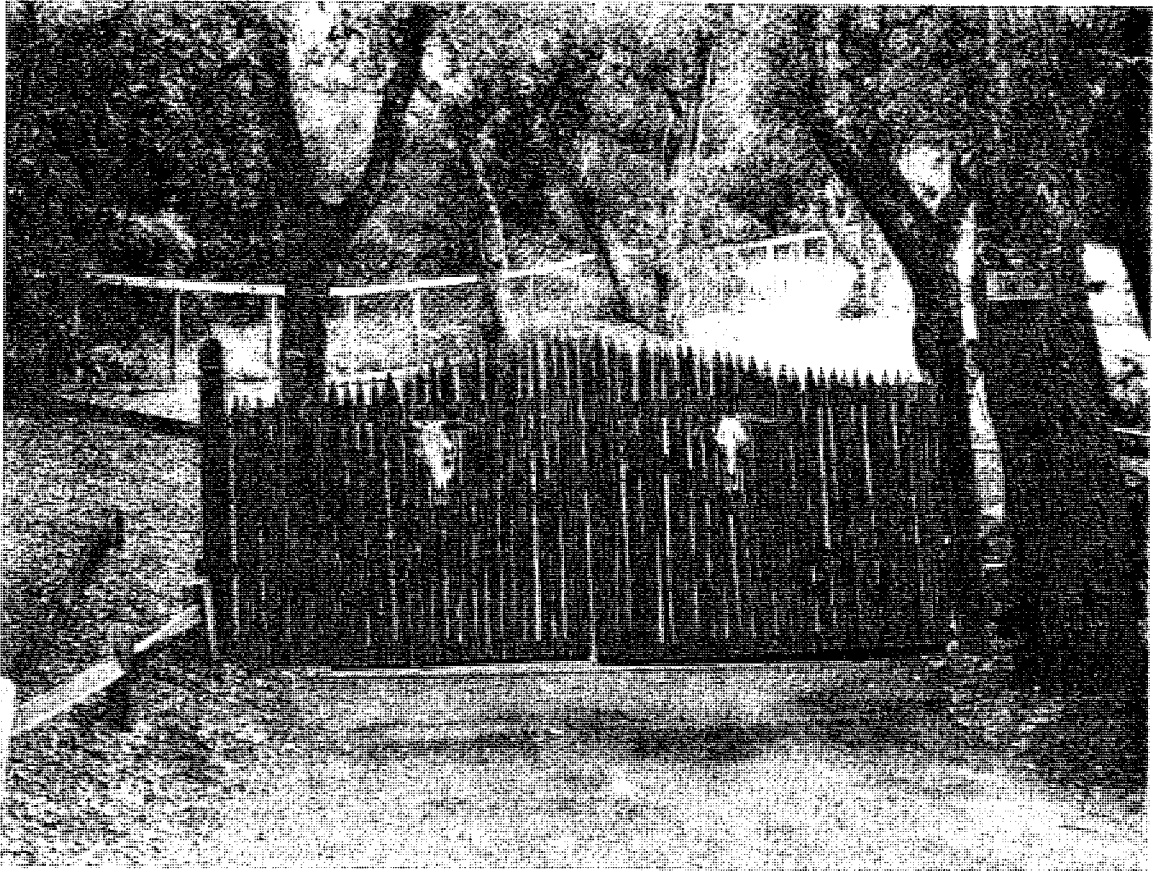


When the first Cal Am Antenna was constructed, a utility pole was put in the ground outside the fenced perimeter of the water tank and next to my fence in plain view from my property creating an eyesore. With total disregard for their neighbors property

Now to accommodate the Cell Phone Company's Antenna, a another pole has been put up next to and connected to the existing pole, further degrading the visual impact on my property.



This picture shows the narrow rural county road with blind turns approaching the Cal Am water tank and my property (it dead ends at my gate). Very, very dangerous for any vehicle traffic.



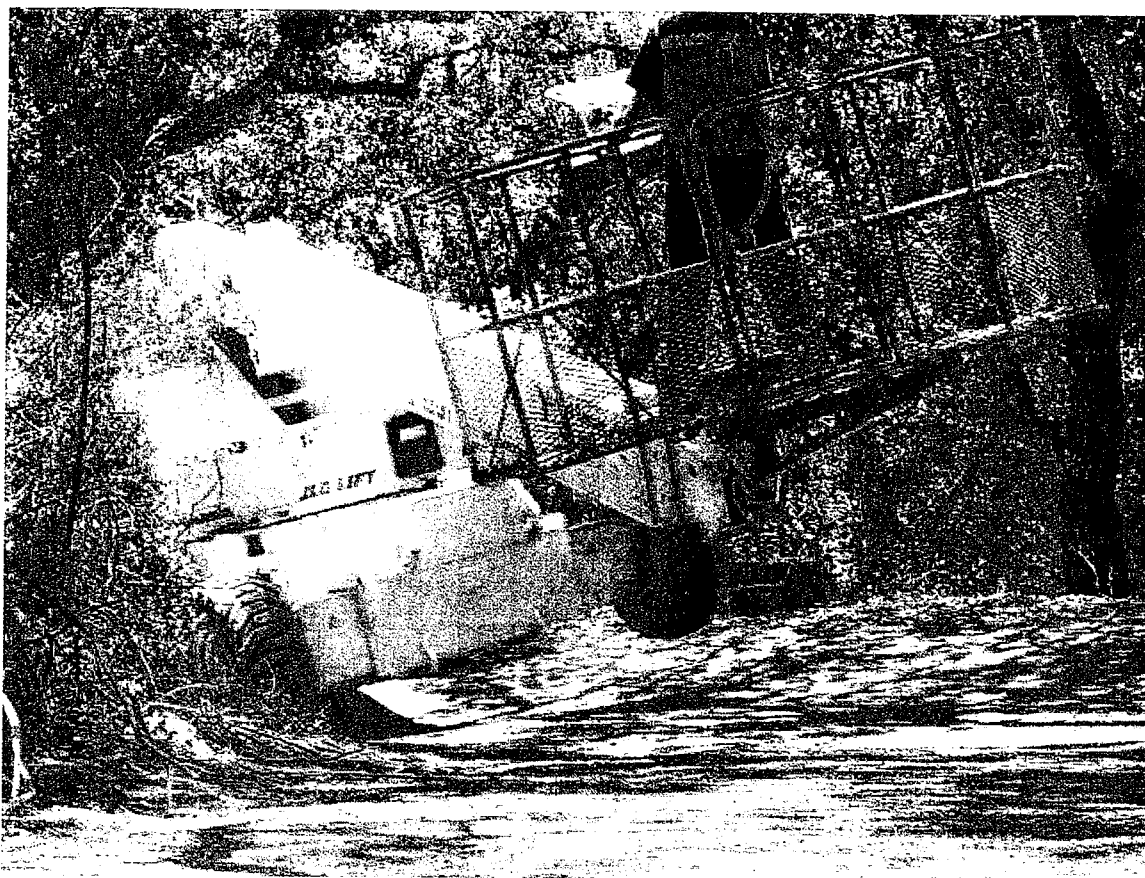
This is the end of the narrow County road and beginning of my property.

This road is simply not equipped to handle traffic created by trucks and other vehicles servicing the Cell Phone Company's Antenna on Cal Am's property.



The installation of the Cell Phone Antenna required use of a “Man Lift” which totally blocked the road.

Equipment owner , United Rental –San Jose, said they would never come back to this area again, “the roads and bridges are too dangerous to bring in this type equipment”



Another picture of the "Man Lift equipment" with it wheels off the ground trying to turn the blind corner " just below the water tank and my property.



Each time Cal Am and Cell Phone Antenna employees visit the site,

They do not park on Cal Am's property, they park across the road, degrading the landscape, destroying plant life, and creating bare dirt and mud.



Exhibit I

Technical Reports

**MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of MetroPCS, a personal wireless telecommunications carrier, to evaluate proposed modifications to its existing base station (Site No. SF19360A) located at 46 Camino de Travesia in Carmel Valley, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar exposure limits. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

<u>Personal Wireless Service</u>	<u>Approx. Frequency</u>	<u>Occupational Limit</u>	<u>Public Limit</u>
Personal Communication (“PCS”)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio	855	2.85	0.57
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for



MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California

wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by MetroPCS, including zoning drawings by Benjamin Associates, Inc., dated August 26, 2007, it is proposed to mount two EMS Model RR90-17-DVML2-R directional panel PCS antennas on a new 41-foot metal pole to replace an existing pole sited within a fenced enclosure next to the water tank located at 46 Camino de Travesia in Carmel Valley. The antennas would be mounted at an effective height of about 35 feet above ground and would be oriented with 2° downtilt towards 75°T and 340°T. The maximum effective radiated power in any direction would be 1,890 watts, representing six channels operating simultaneously at 315 watts each.

To be re-located to the top of the new pole is an existing omnidirectional antenna for use by American Water Company, the property owner, for the purposes of a monitoring system for the water tank. For the purposes of this study, it is assumed that this antenna makes no significant contribution to RF exposure conditions at ground level.

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed MetroPCS operation is calculated to be 0.010 mW/cm², which is 1.0% of the applicable public limit; the maximum calculated level at the second-story elevation of any nearby residence* is 0.61% of the

* Located about 175 feet away, according to aerial photographs from Google Maps.



**MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California**

public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels.

Recommended Mitigation Measures

Since they are to be mounted on a tall pole within a fenced enclosure, the MetroPCS antennas are not accessible to the general public, and so no mitigation measures are necessary for that carrier to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 3 feet directly in front of the Metro antennas themselves, such as might occur during maintenance work on the pole, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory warning signs* at the antennas and/or on the pole below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that the MetroPCS base station located at 46 Camino de Travesia in Carmel Valley, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Posting of explanatory signs is recommended to establish compliance with occupational exposure limitations.

* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

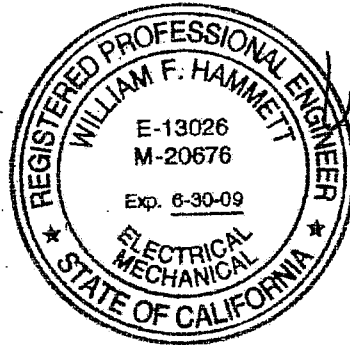


MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2009. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

July 15, 2008



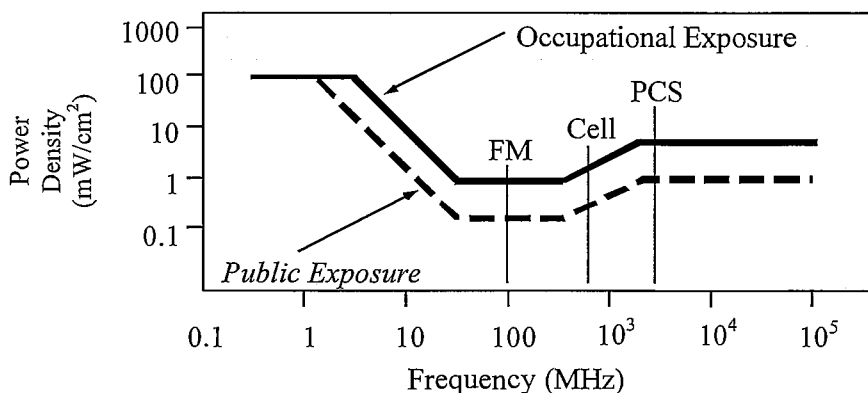
William F. Hammett
William F. Hammett, P.E.

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D^2 \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

- where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
 P_{net} = net power input to the antenna, in watts,
 D = distance from antenna, in meters,
 h = aperture height of the antenna, in meters, and
 η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

- where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.





HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
RADIO AND TELEVISION

WILLIAM F. HAMMETT, P.E.
DANE E. ERICKSEN, P.E.
STANLEY SALEK, P.E.
MARK D. NEUMANN, P.E.
ROBERT P. SMITH, JR.
RAJAT MATHUR, P.E.
FERNANDO DIZON
ROBERT L. HAMMETT, P.E.
1920-2002
EDWARD EDISON, P.E.

BY E-MAIL SREVARD@METROPCS.COM

July 15, 2008

Mr. Scott Revard
Property Specialist
MetroPCS
1080 Marina Village Parkway
4th Floor
Alameda, California 94501

Dear Scott:

As you requested, we have analyzed the RF exposure conditions for proposed modifications to the existing MetroPCS base station (Site No. SF19360A) located at 46 Camino de Travesia in Carmel Valley, California. An electronic copy of our report is enclosed. Fields in publicly accessible areas at the site are calculated to be well below the applicable limits.

We appreciate the opportunity to be of service and would welcome any questions on this material. Please let me know if we may be of additional assistance.

Sincerely yours,

William F. Hammett

tm

Enclosure

NON CELLULAR OMNIDIRECTIONAL BASE STATION ANTENNAS

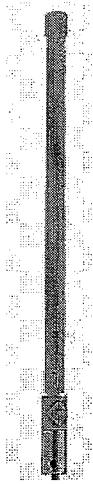
Fiberglass Omnidirectional Antennas

900/800 MHz MAXRAD Fiberglass Base Station (MFB) Omnidirectional Antennas

The MFB 900/800 MHz series are base matched half wave antennas encapsulated in heavy duty fiberglass radomes with a thick walled aluminum mounting base for reliable long term use. All models are DC grounded and UPS shippable.

Features

- White ultra-violet resistant pultruded fiberglass radome
- Thick walled aluminum mounting base
- Unity/3 dB/5 dB/7 dB models
- UPS shippable
- Factory tuned

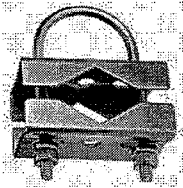


MFB9155

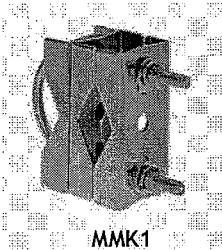


Technical Data

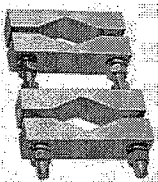
Maximum Power: 150 watts
Normal Impedance: 50 ohms
Radome Material: 1.0" OD pultruded white fiberglass
Radiator Material: Coated steel wire
ESD Protection: DC grounded
Wind Survival: 100 mph
Termination: Unity and 3 dB models, N Female
Mounting Base Diameter: 1-5/16"
Mounting Method: Mast or wall mounted. Mounting hardware is sold separately. MMK1: light duty mast mount for antennas under 30" MMK3: light duty mast mount for antennas over 30" MMK4: heavy duty mast mount MMK6: cast mounting bracket MMK9: Aluminum mast mount for 1-5/16" OD antennas MBSWM: wall mounting bracket for antennas over 30" (two are required)



MMK3



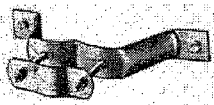
MMK1



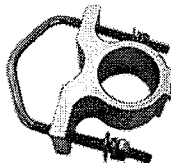
MMK4



MMK6



MBSWM



MMK9

NON CELLULAR OMNIDIRECTIONAL BASE STATION ANTENNAS

Fiberglass Omnidirectional Antennas

Antenna Electrical Specifications

Model	Frequency Range	Factory Tuned Frequency	Gain	Bandwidth @ 1.5:1 VSWR	Vertical Beamwidth @ 1/2 Power
MFB8133	806-866 MHz	813 MHz	3 dB	30 MHz	40°
MFB8135	806-866 MHz	813 MHz	5 dB	20 MHz	22°
MFB8583	806-866 MHz	858 MHz	3 dB	30 MHz	40°
MFB8585	806-866 MHz	858 MHz	5 dB	20 MHz	22°
MFB8353	824-896 MHz	835 MHz	3 dB	30 MHz	40°
MFBW8903	890-960 MHz	N/A	3 dB	70 MHz	40°
MFBW8905	890-960 MHz	N/A	5 dB	70 MHz	22°
MFB8963	896-940 MHz	898 MHz	3 dB	30 MHz	40°
MFB8965(NF)	896-940 MHz	898 MHz	5 dB	20 MHz	22°
MFB9387	896-940 MHz	938 MHz	7 dB	20 MHz	17°
MFB8967(NF)	896-940 MHz	898 MHz	7 dB	20 MHz	17°
MFB9153	902-928 MHz	915 MHz	3 dB	20 MHz	40°
MFB9155(NF)	902-928 MHz	915 MHz	5 dB	20 MHz	22°
MFB9155RPC	902-928 MHz	915 MHz	5 dB	20 MHz	22°
MFB9157(NF)*	902-928 MHz	915 MHz	7 dB	20 MHz	17°

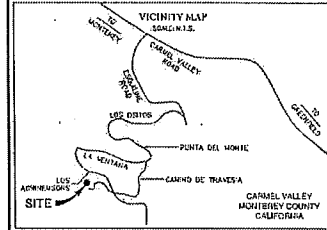
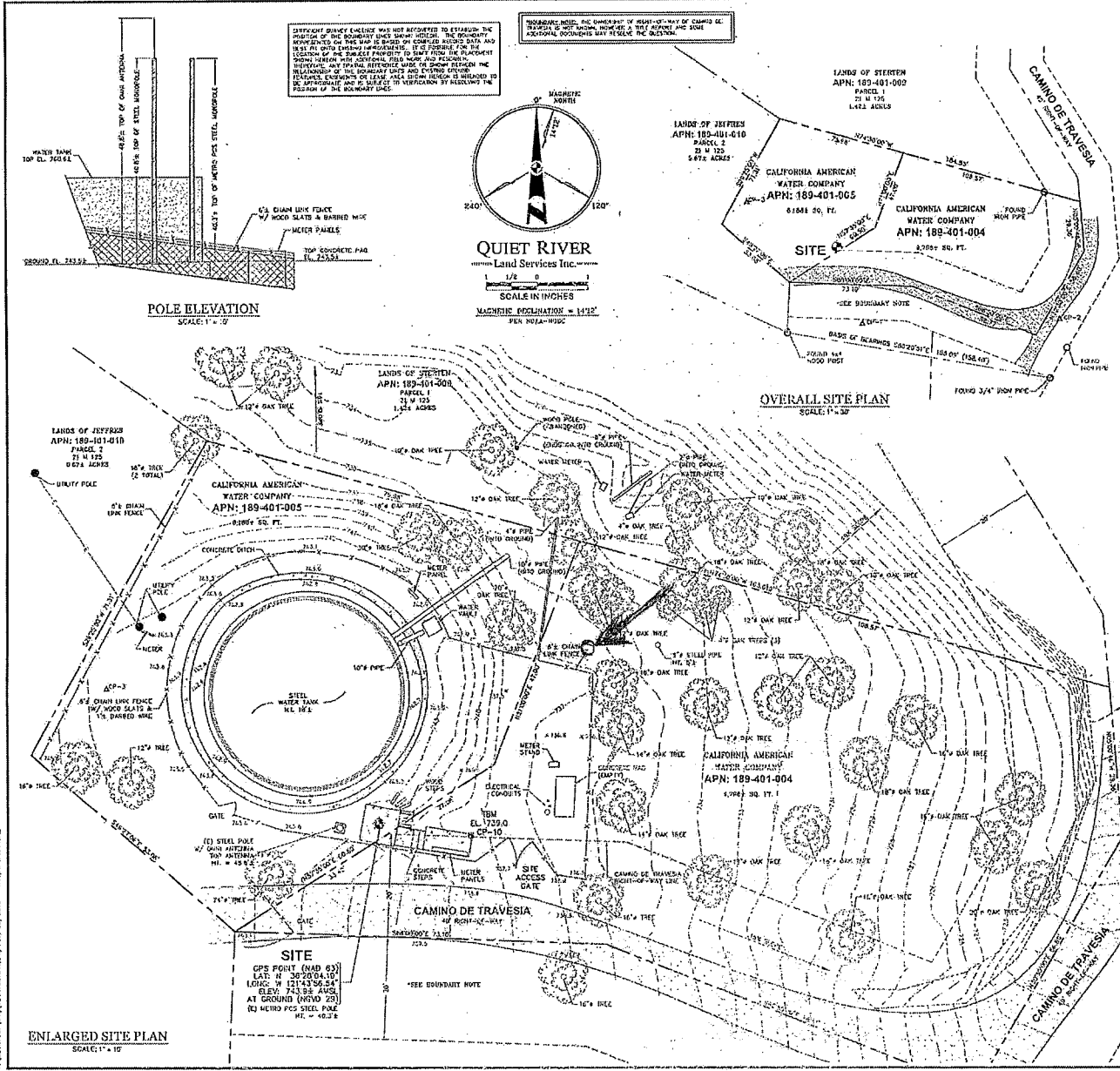
Mechanical Specifications

Model	Height	Weight (Mass)	Bending Moment at Rated Wind	Lateral Thrust at Rated Wind	Equivalent Flat Plate Area
MFB8133	26"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFB8135*	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB8583	26"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFB8585*	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB8353	26"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFBW8903	23"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFBW8905	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB8963	26"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFB8965*	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB9387*	96"	4.00 lbs	62.5 ft-lbs	15.8 lbs	.44 sq ft
MFB8967*	96"	4.00 lbs	62.5 ft-lbs	15.8 lbs	.44 sq ft
MFB9153	23.25"	1.25 lbs	4.7 ft-lbs	4.3 lbs	.12 sq ft
MFB9155(NF)**	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB9155RPC	48"	1.75 lbs	14.2 ft-lbs	8.0 lbs	.22 sq ft
MFB9157 (NF)*	96"	4.00 lbs	62.5 ft-lbs	15.8 lbs	.44 sq ft

** For N Female (NF) connector add \$10.00. Mount sold separately.

Exhibit J

Proposed Alternatives



Metro PCS LLP
 1089 MARINA VILLAGE PARKWAY, 4TH FLOOR
 ALAMEDA, CA 94501

REVISIONS		
DATE	DESCRIPTION	NOTED
03/20/07	REV. CLARK	WAS
07/06/05	ADDITIONAL T&E	WAS

PLANS PREPARED BY

QUIET RIVER
 Land Services Inc.
 3573 West Las Pinedas Boulevard, Suite 216
 Pleasanton, California 94568
 (925) 734-8788 Phone (925) 734-6732 Fax

SITE DATA
 OWNER'S NAME: CALIFORNIA AMERICAN WATER COMPANY
 OWNER'S ADDRESS: P.O. BOX 5000
 CARMEL VALLEY, CA 93924
 ACCESSOR'S PARCEL NUMBER(S): 189-401-004 & 189-401-005
 NET AREA OF UNDERLYING PARCELS: 13,588 SQ. FT. (CONVEYED)
 NET AREA OF LEASE AREA: TO BE DETERMINED
 HEIGHT OF BUILDING/STRUCTURE: 80.3' METRO PCS STEEL WATER TOWER
 LAT: N 26°20'04.10" LONG: W 127°43'56.54" (NAD83)
 SITE GROUND ELEVATION: 743.54 AMSL (ENVD 22) AT SITE POLE
 SITE TEMPORARY BENCHMARK:
 ONE "X" LOCATED IN NORTHEAST CORNER OF CONCRETE PAD WITH ELEVATION OF 733.0 AS SHOWN. (ENVD)
 BASIS OF ELEVATIONS: GLOBAL POSITIONING SYSTEM (GPS). (SEE NOTE 2)
 BASIS OF BENCHMARK:
 RECORD OF SURVEY MAP FILED IN BOOK 21 OF SURVEYS, AT PAGE 123 IN THE RECORDS OF MONTEREY COUNTY, AND TWO PAVED BENCHMARKS AS SHOWN.

FEMA FLOOD ZONE DESIGNATION
 County: MONTEREY - Effective Date: JANUARY 20, 1994
 Community-Postal Number: 050185-0215-0
 The Flood Zone Designation for this site is:
 C Area of minimal flooding.

TITLE REPORT
 NO TITLE REPORT FURNISHED. EXCEPTIONS TO TITLE AND RESERVATIONS DISCLOSED FROM AVAILABLE RECORD DATA.

PROPERTY DESCRIPTION
 PROPERTY SITUATED IN CARMEL VALLEY, COUNTY OF MONTEREY, STATE OF CALIFORNIA, AS GENERALLY SHOWN UPON THIS PLAN.

LEASE AREA LEGAL DESCRIPTION
 TO BE DETERMINED.

LEGEND

APN	ASSESSOR'S PARCEL NUMBER	ASPHALT
CP	CONTROL POINT	CONCRETE
EL	ELEVATION	CONTROL POINT
FR	FIRE HYDRANT	FOUR MOUNTMENT
FUEL	FUEL TANK	GPS POINT
HT	HEIGHT	PARADEL/POSS ELEVATIONS
MUN.	MOUNTMENT	12.5 SPOT ELEVATION
(D-M)	MOUNTMENT TO MOUNTMENT	PP
P.O.B.	POINT OF BEGINNING	TEMPORARY BENCHMARK
P.O.C.	POINT OF COMMENCEMENT	TYPICAL
PP	POWER POLE	
(TYP)	TYPICAL	

- GENERAL NOTES**
- This is not a boundary survey. This is a topographic map with property lines and easements being a general condition of various information and data and outside measurements based upon the fact survey. No property lines are shown. Measurements are based upon generally accepted surveying methods and standards. Elevation is 2.10 (ENVD).
 - The latitude, longitude and elevation shown herein was obtained from GPS (Trimble 5600) data collected using a receiver (Trimble 5600) and a base station (Trimble 5600) located on the site. The receiver and base station were used to collect data and the data was processed using the Trimble software. The accuracy of the data is dependent upon the accuracy of the receiver and base station. The accuracy of the data is dependent upon the accuracy of the receiver and base station. Elevation is 2.10 (ENVD).
 - Unless otherwise noted, an underground utility location survey was conducted prior to this map being prepared. However, there may be the possibility of other utility lines not shown on this map - see G.L. BEFORE THIS SET.
 - Any electronic digital maps provided by Quiet River Land Services Inc. for use in a computer and to not be reproduced, stored, transmitted, or otherwise used or modified without the express written consent of the Office of Quiet River Land Services, Inc. Further, any of the information, typed and digital copies, that are not part of our survey or map is considered to be our property and not to be reproduced.

SURVEYOR'S STATEMENT
 DATE OF FIELD SURVEY: 03/15/07 & 03/16/07
 I, the undersigned, a Registered Professional Land Surveyor licensed under the laws of the State of California, do hereby certify that the information, measurements, calculations, record boundary lines, bearings and distances on which these plans are based upon a field survey or other information and data as shown, measured and calculated in a site report, as referenced, is true and correct and as accurate as will be obtained under the circumstances and as required by the laws of the State of California, and that I am a duly licensed and registered Professional Land Surveyor in the State of California. The conditions stated and contained on this plan are true and correct and as shown on this plan. I am not responsible for any errors or omissions on this plan.

SIGNATURE _____ DATE _____

CA AMERICAN WATER TANK
 SF19360A
 46 CAMINO DE TRAVESIA
 CARMEL VALLEY, CA 93924
 MONTEREY COUNTY

LS1
 OF 1 SHEET

REVISION
2
 MTR7007

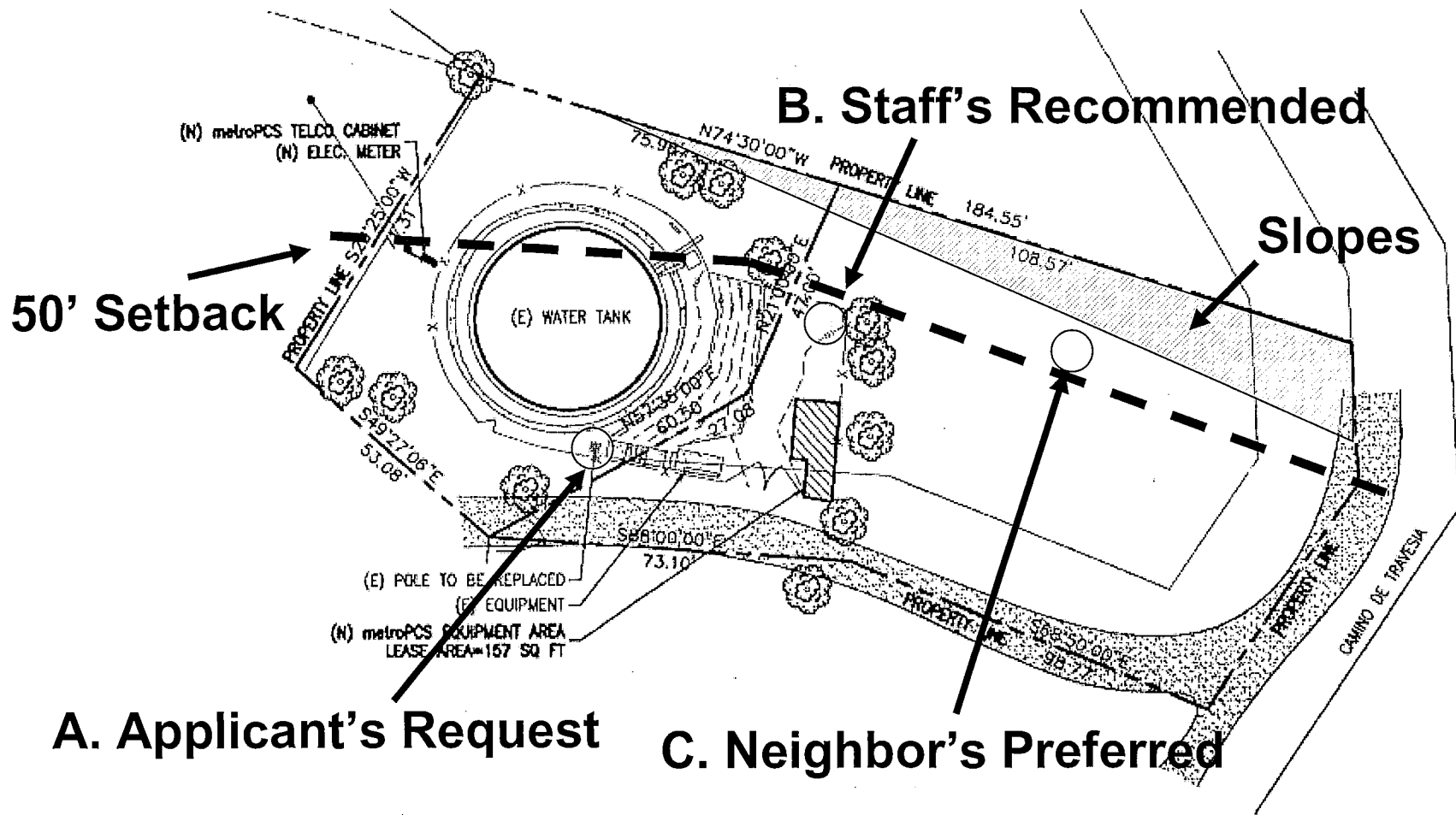
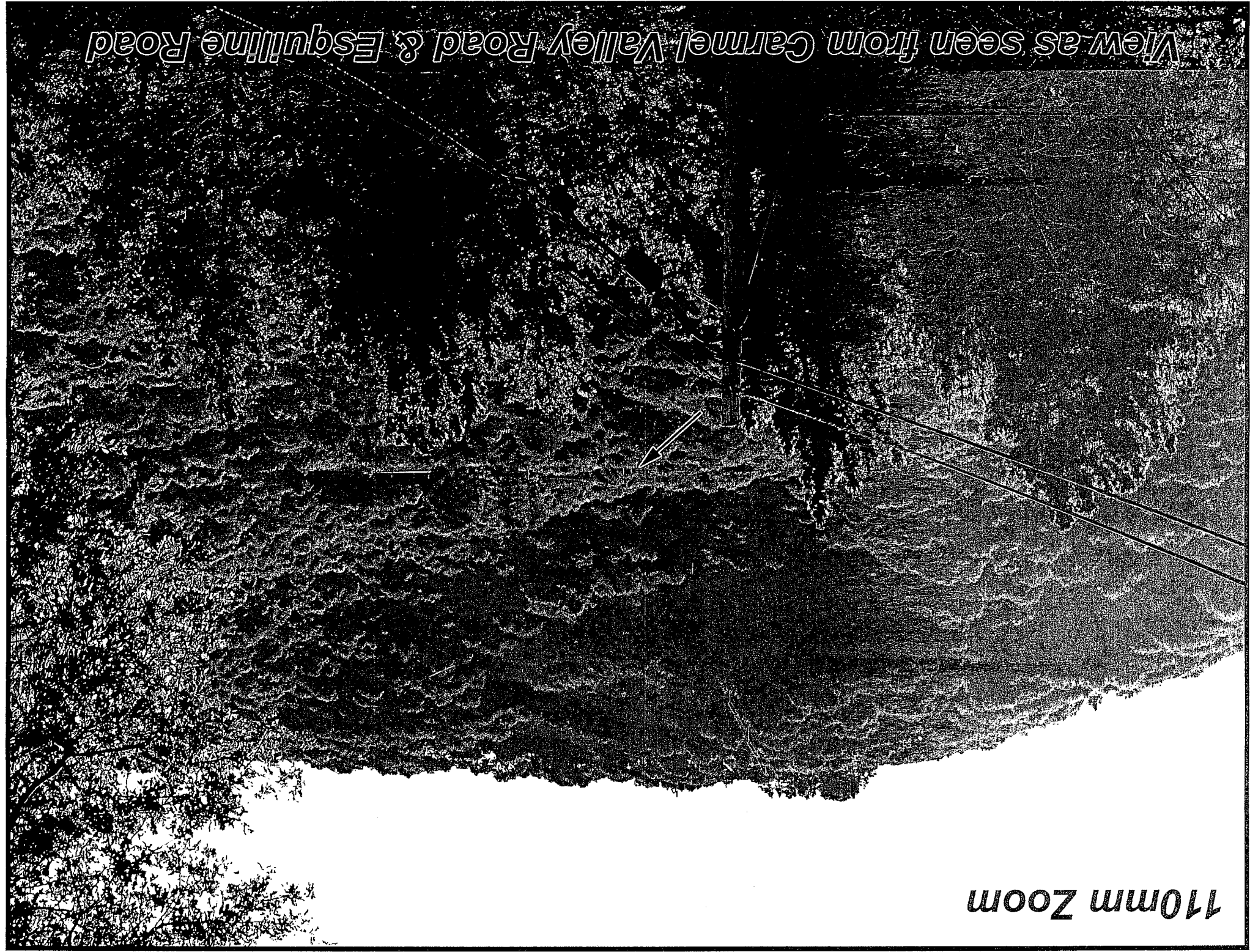


Exhibit K

Photos submitted by Metro PCS

View as seen from Carmel Valley Road & Esquiline Road



110mm Zoom

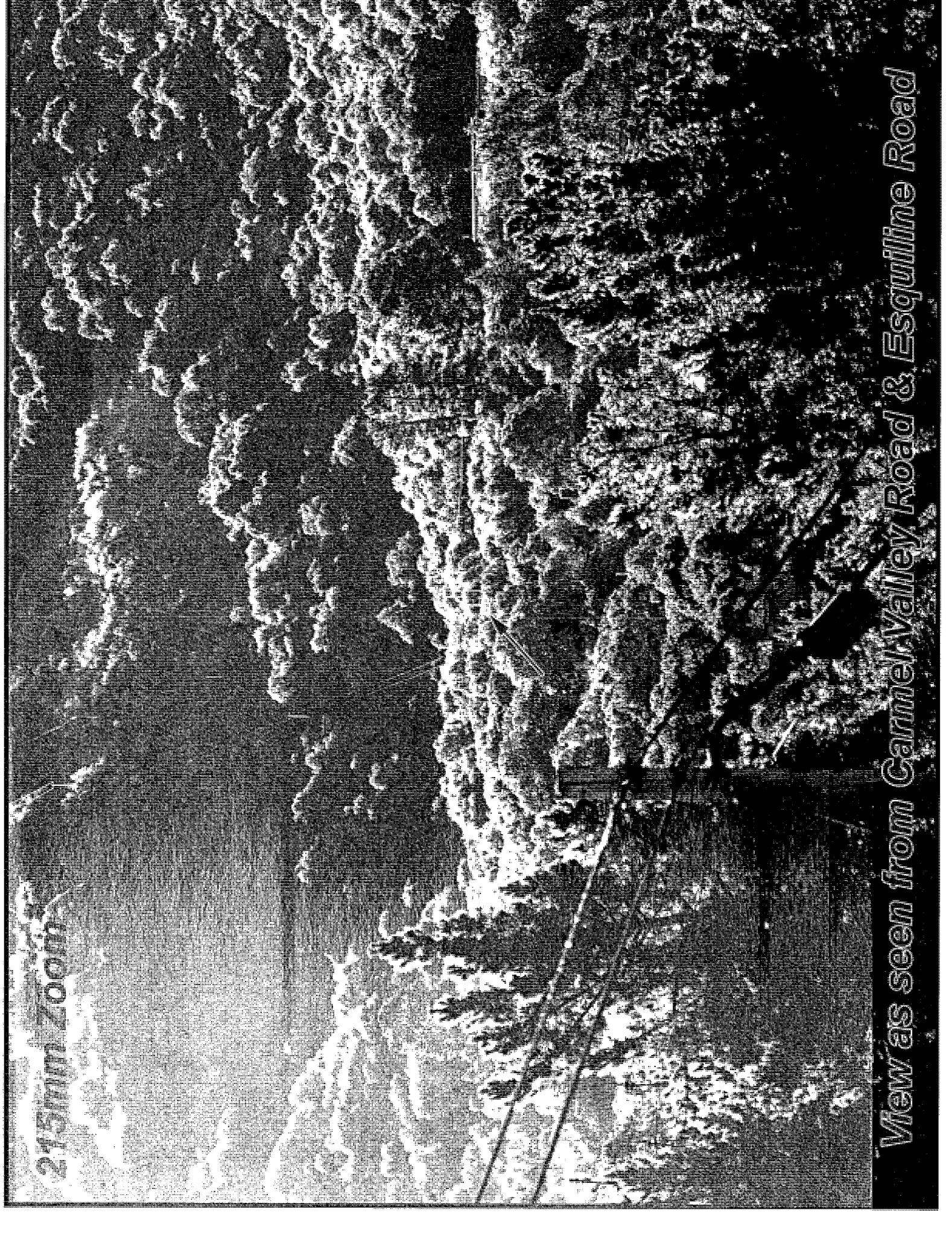
View as seen from Carmel Valley Road & Esquiline Road

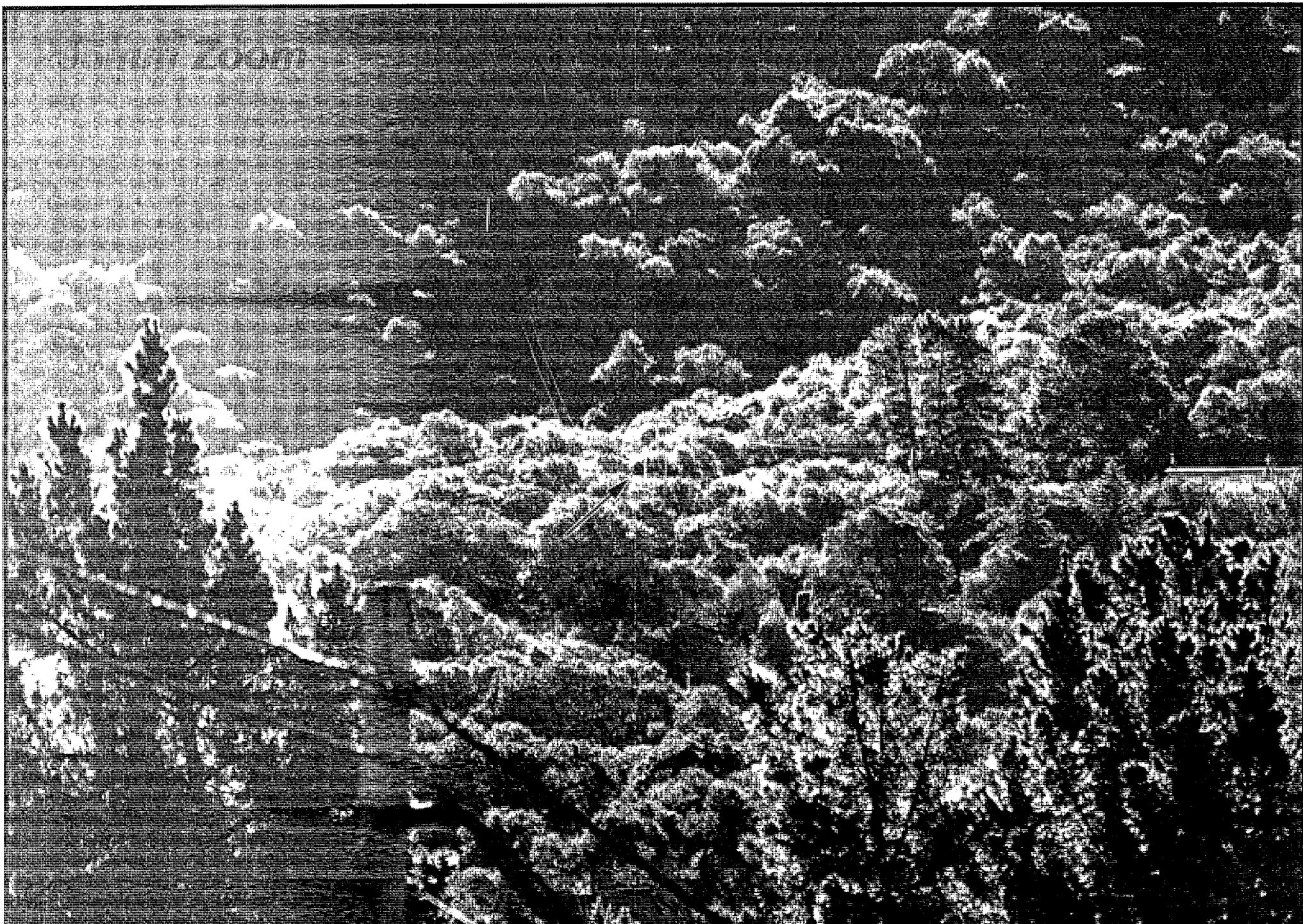


160mm Zoom

215mm zoom

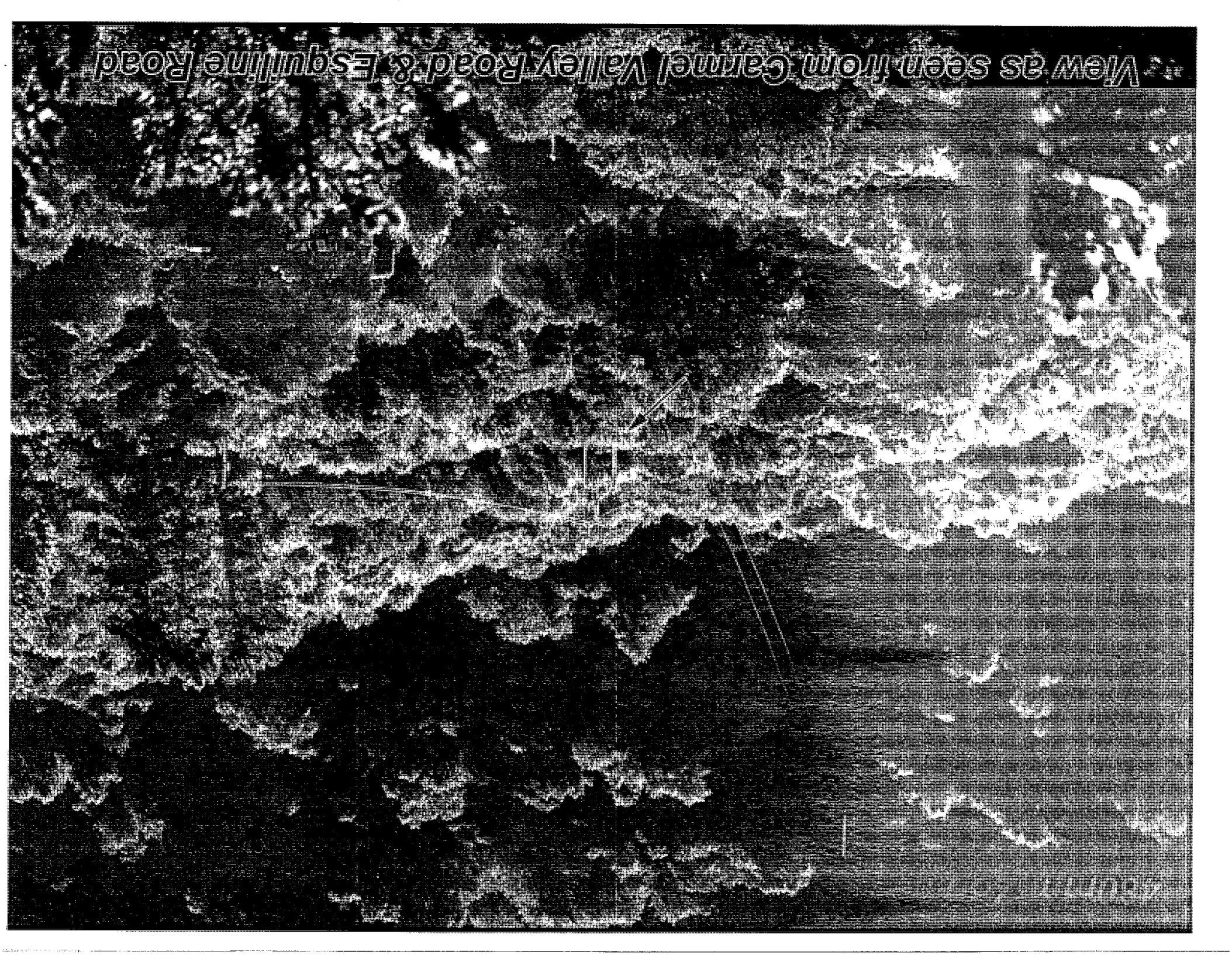
View as seen from Carmel Valley Road & Esquiline Road





View as seen from Carmel Valley Road & Esquilline Road

View as seen from Carmel Valley Road & Esquiline Road



45000

Exhibit L

Letter from Applicant

MACKENZIE & ALBRITTON LLP

423 WASHINGTON STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE 415/288-4000

FACSIMILE 415/288-4010

SENDER'S EMAIL: JHEARD@MALLP.COM

March 2, 2010

VIA EMAIL TO ELISA CAVALIERI

Monterey County Planning Commission
Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal Street
Salinas, CA 93901

Re: *MetroPCS and American Water, 46 Camino De Travesia, Carmel Valley, PLN070295*

Dear Commissioners:

I am writing on behalf of our client MetroPCS to urge you to approve the use permit and related approvals for our client's long-delayed, nearly completed wireless facility. Specifically, we ask that you either approve the application as submitted, based on the current location of the facility, or the alternate location recommended by planning staff.

The proposed facility will consist of antennas mounted on a monopole approximately 49 feet tall that will replace an existing antenna pole of roughly the same height, and small equipment cabinets mounted on the ground behind an existing fence. *Once completed, the facility will look essentially the same as what existed before MetroPCS came along.*

The County approved this facility in 2007, and MetroPCS largely completed building it before the County issued a stop-work order in July 2008, based on the objections of a single neighbor, Mr. Jeffress. We will discuss Mr. Jeffress's complaints in more detail below, but they appear to center largely on the spurious argument that the top of the new pole – which is visible from his property – has a diameter somewhat larger than the pre-existing pole. To help the Commission determine whether this is closer to a mountain or a molehill, we have enclosed as Exhibit A a photograph of both poles from the porch of the Jeffress residence.

After the County issued its stop-work order, it required MetroPCS to apply for an entirely new set of zoning permits, which are still awaiting action over 18 months later. As I will explain below, the denial or further delay of this application will violate our client's vested rights, as well as the federal Telecommunications Act of 1996. I realize that these are serious charges, and hope the following bit of history will put them in perspective.

I. Background – MetroPCS's Vested Rights in the Current Location.

MetroPCS has no coverage in Carmel Valley, and in early 2007 began investigating locations for a wireless facility to fill this gap. In order to minimize aesthetic impacts and neighborhood objections, MetroPCS seeks wherever possible to collocate with existing wireless facilities. There were no commercial wireless facilities within the search ring specified by MetroPCS's engineers, but there was an existing communications tower

located on the American Water Company property at 46 Camino De Travesia, Carmel Valley (the "Site").

The Site consists of two legal parcels, one of which is already developed with utility infrastructure (a large water tank and the antenna tower already mentioned), and the other undeveloped and partially wooded. In addition to the existing utility infrastructure, the Site offered the advantages of relatively high elevation (which allows MetroPCS to cover the Valley with a shorter pole than would otherwise be required) and low visibility due to a combination of tree cover and topography. As a result, the facility is virtually invisible from surrounding public viewing areas, though it is partially visible from the neighboring Jeffress residence.

When MetroPCS contacted County planning staff in 2007, staff advised that they could approve the project administratively without a use permit because MetroPCS would be replacing an existing communications tower. At the time, neither MetroPCS nor County planning staff realized that the existing facility had been installed pursuant to the order of a state agency, without local permits. County staff issued the necessary design approval on August 31, 2007, and MetroPCS received a building permit in November 2007.

Thereafter, MetroPCS commenced construction and spent a large sum of money in good-faith reliance on the building permit. In fact, the facility was nearly completed by June 2008, when Mr. Jeffress complained to County representatives. In response to those complaints, County staff decided that the permit was issued in error and ordered MetroPCS to stop work. That determination was based on the belated discovery that the existing communications tower – though legally installed – had not been permitted by the County.

Under these circumstances, MetroPCS is entitled to complete construction as authorized by the 2007 building permit under the doctrines of vested rights or estoppel. MetroPCS followed exactly the process outlined by County staff, the County issued a building permit, and MetroPCS spent a large sum of money in reliance on that permit. In very similar circumstances, the federal Ninth Circuit Court of Appeals held in 2004 that the City of Los Angeles could not revoke a building permit – even though it was allegedly issued in error – after a property owner had spent approximately \$36,000 in reliance on it.¹ Here, the case for vested rights or estoppel is even stronger: MetroPCS has spent a much larger sum in reliance on the building permit and, as already noted, has almost completed the facility. In fact, we have never seen a stronger case of estoppel and/or vested rights.

Thus, while MetroPCS has cooperated to date with the County in seeking new zoning approval (discussed in more detail below), as a legal matter no further approval is actually required. We therefore expressly reserve our client's rights under the doctrines of estoppel and vested rights.

II. Protracted Review of the New Zoning Application.

As noted above, the County ordered MetroPCS to stop work in July 2008, in response to Mr. Jeffress's objections. Staff belatedly determined that a use permit was required, and informed MetroPCS that the County would not lift the stop work order until MetroPCS

¹ See *Congregation Etz Chaim v. City of Los Angeles*, 371 F.3d 1122 (9th Cir. 2004).

applied for and obtained a use permit.² Left with no realistic alternative, MetroPCS cooperated with the County and applied for a use permit and related approvals on August 6, 2008.

Before filing the new application, MetroPCS inquired about the projected time to complete zoning review, and was informed the process should take between four and eight months. Unfortunately, it has now been over *18 months* since MetroPCS filed its application, with no decision yet. MetroPCS was first advised that this Commission would hear the matter in November 2009, but the date has been repeatedly rescheduled or continued. At least one of these continuances was to accommodate the schedule of Mr. Jeffress, and none of them were the fault of MetroPCS.

In 2008, in the process of completing the new zoning application, MetroPCS also inquired about the applicable setbacks, and County staff advised that the applicable front setback was 30 feet, without any suggestion that there could be more than one "front" setback. The existing MetroPCS pole is located well over 30 feet from Camino De Travesia.

MetroPCS was never informed of any potential setback issues for well over a year, until January 21, 2010, when planning staff advised MetroPCS in an email that the applicable front setback might be 50 feet instead of 30, and that it might apply to two different sides of the property. In the same email, planning staff conceded that interpreting the setbacks this way (as favored by Mr. Jeffress) would preclude any development on all but a small portion of the Site, which "would likely require development on slopes exceeding 30% and oak tree removal." Nonetheless, staff now recommend that MetroPCS relocate the facility to another portion of the Site, based largely on this new interpretation of the setback rules.

In short, MetroPCS has gone the extra mile to cooperate with the County, only to suffer continuing delay and shifting standards. However, MetroPCS continues to desire an amicable resolution of this matter, even if that means relocating to the alternate site recommended by planning staff. In fact, MetroPCS identified the alternate location in an effort to facilitate an amicable resolution.

Unfortunately, Mr. Jeffress and his attorney have refused to consider that location, and propose a third location that is roughly in the middle of the water company's undeveloped parcel. ***Because the water company will almost certainly not allow it, requiring relocation to that portion of the property is effectively a denial.*** Furthermore, even if it were possible to relocate to that portion of the property, that would not resolve the matter, as Mr. Jeffress has presented a number of other unreasonable demands as conditions for any settlement, including payment of \$15,000 in attorneys' fees, and agreement by the water company never to allow any other wireless carriers on their property.

As we will explain below, any further delay or denial of the application – including any requirement to relocate to the infeasible location proposed by Mr. Jeffress – would violate the federal Telecommunications Act of 1996. We therefore urge you to approve either the location described in the application, or the alternative recommended by staff.

² In an email dated July 10, 2008, Ms. Cavalieri of the County planning department informed MetroPCS that "A stop work order has been placed on the building permits which were issued for the previously approved project. This hold will not be removed until a Use Permit is secured."

III. Federal Law Restricts Local Discretion.

The federal Telecommunications Act of 1996, P.L. No. 104-104, 110 Stat. 56 (1996), imposes fundamental limits on local zoning regulation of wireless facilities. Specifically, the statute:

- Prohibits the County from basing any decision on the alleged environmental or health effects of radio-frequency emissions, so long as the facility meets applicable federal standard for such emissions (which is undisputed here);³
- Requires the County to take final action on a permit application within a reasonable period of time;⁴
- Requires that any permit denial be in writing and based on substantial evidence in the record;⁵
- Prohibits unreasonable discrimination among competing wireless carriers;⁶ and
- Bars local regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.⁷

As we will explain, further delay or denial on this record would implicate several of these provisions.

A. MetroPCS has Suffered Unreasonable Delay.

In a recent declaratory ruling, the FCC clarified the meaning of the statutory requirement to act on wireless permit applications within a “reasonable period of time.” Specifically, the FCC established a legal presumption that a state or local government has violated this provision of the Telecommunications Act if it fails to act on a permit application within 90 days in the case of collocations, or 150 days for all other applications.⁸ As discussed above, the County has already taken far longer than the permissible 150 days to review the MetroPCS application.⁹

B. There is No Substantial Evidence for Denial.

Under controlling federal case law, in order to satisfy the substantial evidence standard, a denial of a wireless carrier’s application must be based on grounds authorized under

³ See 47 USC § 332(c)(7)(B)(iv).

⁴ 47 USC § 332(c)(7)(B)(iii).

⁵ 47 USC § 332(c)(7)(B)(iii).

⁶ 47 USC 332(c)(7)(B)(i)(I).

⁷ 47 USC 332(c)(7)(B)(i)(II).

⁸ See *In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009) (the “Order”).

⁹ Separate deadlines apply under the California Permit Streamlining Act, Cal. Govt. Code §§ 65920, *et seq.* (the “PSA”). The discussion above is limited to federal law, but MetroPCS expressly reserves all rights under applicable state law, including but not limited to the PSA.

applicable state and local law. *See MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 723-24 (9th Cir. 2005) (substantial evidence test looks first at whether stated reason for denial is authorized under applicable state and local law). Here, given that state law recognizes MetroPCS's vested rights in the existing facility,¹⁰ any denial would not pass this threshold requirement under the substantial evidence test.

Furthermore, there is no substantial evidence that would support a denial on any other basis. Mr. Jeffress has opposed the application on a host of grounds, including alleged health effects of the RF emissions, impact on property values, visual impacts, noise, traffic impacts, conflict with the rural nature of the area, height limit, setbacks, alternative locations, speculation about future collocation by other carriers, and a proposal to place the equipment underground. As we will explain, there is no substantial evidence that would support denial on any of these grounds.

- **The County may not regulate RF emissions:** The MetroPCS facility will operate at no more than 1% of the FCC limits for RF emissions, as documented in the report of Hammett and Edison dated July 15, 2009, a copy of which is attached as Exhibit B. Consequently, the County may not base a decision on the alleged health effects of such emissions, either directly or indirectly. *See, e.g., AT&T Wireless Services of California LLC v. City of Carlsbad*, 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003) (since alleged impact on property values was based on health concerns about RF emissions, which is preempted by federal law, it was not a lawful basis for denial of application). In addition, Mr. Jeffress has not provided a shred of evidence – substantial or otherwise – to support his claim that the facility risks interfering with his wife's medical device. There is no opinion from a doctor, the manufacturer, or any expert of any kind to support this claim, which is based entirely on the statements of his attorney.

- **No evidence of impact to property values:** There are two problems with the alleged impact to property values. First, to the extent this claim is simply a proxy for the fear of RF emissions, it is preempted by federal law just as regulation explicitly based on that factor would be. *Carlsbad, supra*. Second, Mr. Jeffress has provided no expert opinion or any other substantial evidence to support the claim that the facility will have any effect on property values. As discussed below, any visual impact is de minimis, and will be further minimized if the pole is relocated to the alternate location recommended by staff.

- **Visual impact is de minimis:** The visual impact of the facility even in the current location is de minimis. First, it is important to bear in mind that the County's wireless regulations primarily seek to protect *public* views, not the views from a single private residence.¹¹ Presumably, this is because it is virtually impossible to build

¹⁰ *See Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 C.3d 785, 791 (vested rights created by substantial expenditures in reliance on duly issued building permit).

¹¹ *See Monterey County Zoning Code* §§ 21.64.310.C.4 (mitigation required when site is "visible from a public viewing area"); 21.64.310.H.1.e (sites must be "screened from any public viewing areas to the maximum extent feasible"); 21.64.310.I.1 (zoning administrator authorized to approve certain types of facilities, including those "that have no significant adverse visual impact from any common public viewing

anything in a populated area that will not be visible from *someone's* property. Furthermore, even from the Jeffress property any visual impact is insignificant in light of the existing use of the Site for a large water tank with its own communications tower. MetroPCS, if allowed to complete construction, will remove the existing water company tower and relocate the antenna to the new MetroPCS tower. The overall height of the new tower, including the water company's antennas, will be roughly the same as the pre-existing water company tower, which means the net visual impact will be zero. Again, to put this issue in perspective, we ask that you refer to Exhibit A, attached. Finally, even assuming there could be some minimal impact in the existing location, it will be reduced to insignificance if the MetroPCS pole is relocated to the alternate location recommended by staff, which is significantly further from the Jeffress property, and will be largely screened by mature oak trees and the water tank.¹²

- **Alleged noise impacts:** The claimed noise impacts are also not supported by any substantial evidence. While there will be some noise during the relatively brief construction period, once the facility is operational, the facility will emit only low-level noise from air conditioning equipment, comparable to that from a residential unit, and even that will be limited to hotter weather (over 85 degrees). It will operate well within the applicable noise standards under the County zoning code, which is all that is required of any other land use.

- **Traffic impacts limited to construction:** During construction, there will be some traffic impacts due to the narrow access road to the Site, but MetroPCS will need only approximately 2 weeks to complete construction even if it has to relocate to another part of the property. *This period – and any impacts – would be reduced by at least half if MetroPCS were to complete construction in the present location.* In any event, there will be no significant traffic impacts following construction, as MetroPCS will only need to send a service vehicle to the Site roughly once a month.

- **Rural character:** Mr. Jeffress emphasizes the rural character of the area, but this overlooks the existing use of the Site, which as noted includes a large water tank already served by its own communications tower. As already discussed, any visual impact of the MetroPCS facility is negligible, it will comply with applicable residential noise standards under the County code, and traffic impacts are limited to a brief construction period. In short, MetroPCS is not altering the rural character of the area.

area”); 21.64.310.J.1 (approval requires finding that facility “will not significantly affect any public viewshed”).

¹² Mr. Jeffress has also complained about two wooden utility poles at the edge of the Site. However, one of these was installed several years before MetroPCS had any involvement with the Site, and neither pole has any bearing on this application. That is true because the County permits utility poles on any parcel in any zoning district, without a use permit or other discretionary review. See Monterey County Zoning Code § 21.62.030(B) (“Local distribution poles for public utilities shall be allowed in all districts and to greater heights than allowed for the districts without a Use Permit.”).

- **Setbacks:** As discussed above, the County initially advised MetroPCS that a 30-foot front setback applied, but Mr. Jeffress and his attorney have suggested that a 50-foot setback applies to not one, but two sides of the property. That interpretation is based on the argument that the MetroPCS facility is an “accessory structure,” but that cannot be the case because an “accessory structure” is a permitted use (which would not require a use permit) under the applicable zoning for the Site.¹³ Even assuming that Mr. Jeffress’s interpretation is correct, any potential setback issue is resolved by the alternate location recommended by staff, which is located outside of even the 50-foot setback.

- **A height variance is not required:** The County zoning code exempts a number of utilitarian structures from zoning height limits, and provides in relevant part: “Towers, poles, water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit (ZA) in each case.” Monterey County Zoning Code § 21.62.030(B). In this case, the justification for exceeding the 30-foot zone height limit is straightforward: in order to prevent interference with signal transmission and reception, the antennas must be located above the existing tree canopy. In addition, as discussed above, there is no net visual impact because MetroPCS is simply replacing an existing pole with another of roughly the same height.

- **Alternative off-site locations are irrelevant:** Mr. Jeffress has suggested that MetroPCS consider locations on other property, but alternative locations away from the Site have no bearing on this application. First, as noted above, the County has already approved this facility at this location (in the 2007 building permit), and MetroPCS has vested rights in that approval. Even assuming that alternative sites would be relevant for a completely new application, that is not the case in this unique situation. Furthermore, even for a new application, the County’s wireless regulations do not require the applicant to examine alternative sites. Consequently, any effort to require MetroPCS to relocate to an alternative off-site location, or any denial based on the supposed existence of such alternatives, would not satisfy the substantial evidence requirement under federal law. As discussed above, the threshold inquiry is whether a denial is based on criteria that actually exist under the applicable state and local law.¹⁴ Where the local code does not require consideration of alternatives, a denial based on the supposed existence of alternative sites is not supported by substantial evidence. *See AT&T Wireless Services of California LLC v. City of Carlsbad*, 308 F.Supp.2d 1148, 1163-64 (S.D. Cal. 2003) (City could not deny application based on failure to exhaust alternative sites when it had no written policy requiring exhaustion of alternatives).

- **Future collocation by other carriers is speculative:** The alleged impact of future collocation by other carriers is mere speculation, and as such cannot support any decision by this Commission. The County may properly consider the impacts of any future collocation requests if and when they are actually submitted, at which time they

¹³ See Monterey County Zoning Code § 21.14.030.F.

¹⁴ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 725 (9th Cir. 2005) (first question under substantial evidence test is whether the “decision is authorized by applicable local regulations”).

will be required to minimize visual, noise, and any other impacts to the point of insignificance (as MetroPCS has here), accept appropriate mitigation measures, or be subject to denial.

- **No Justification to Require MetroPCS to Bury its Equipment:** In one of her letters, counsel for Mr. Jeffress makes passing reference to section 21.64.310H.2.b of the County's wireless regulations, which states that support facilities such as MetroPCS's equipment cabinets "shall be placed in underground vaults, unless otherwise approved by the County." Here, the County has already determined once (in the 2007 design approval and building permits) that there was no basis for undergrounding the equipment, and the same reasoning applies here. The equipment cabinets will be mounted on a small concrete pad that has already been installed just inside the existing fence that surrounds the water tank. They will be screened by that fence, which consists of wooden slats woven into a chain-link fence, and further hidden by some of the existing oak trees and the tank itself, which are situated between the Jeffress property and the equipment cabinets (and far taller than the cabinets). Therefore, the equipment cabinets will be invisible from most – if not all – of the Jeffress property, and will have no significant impacts of any kind.

In short, there is no substantial evidence that would support denial of the application, either with the tower in its current location or in the alternate location recommended by staff.

C. Denial Would Have the Effect of Prohibiting Service.

The Ninth Circuit recently held that the City of Anacortes had effectively prohibited a wireless carrier from providing service by denying an application that represented the least intrusive means of filling a significant gap in coverage. *See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009). Here, there is no question that MetroPCS has a significant gap, as it has no coverage in the area of Carmel Valley that would be served from the Site. Furthermore, there is no less intrusive alternative. The Site is already developed with significant utility infrastructure including an existing communications tower, which MetroPCS will replace without increasing the overall height. There are no commercial wireless facilities within the search ring that would offer the potential for collocation, and meeting the coverage objective from any other potential location would require a new tower that is substantially higher – and therefore more visually obtrusive. Furthermore, if MetroPCS were to move to another property, the existing water company tower would remain on the Site, which means the overall visual impact would necessarily be greater because there would be two towers instead of one. Consequently, denial of the MetroPCS application would have the effect of prohibiting service in violation of the Telecommunications Act.

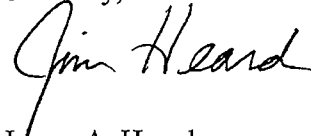
IV. Conclusion

MetroPCS has made every effort to work with the County and comply with all of its requirements in order to design a facility with no significant impacts. Unfortunately, that process has taken far longer than it should have, and the County's requirements have at

Monterey County Planning Commission
March 2, 2010
Page 9 of 10

times been a moving target. As we have explained, MetroPCS has vested rights under the 2007 permits, and any further delay or denial would also violate its rights under federal law. While expressly reserving its rights, MetroPCS is nonetheless willing to continue working with the County provided the current process can be brought to a satisfactory conclusion in a reasonable amount of time. For all of the reasons set forth above, we encourage you to approve the application, either as submitted, or with a condition to relocate to the alternate location staff recommends.

Sincerely,

A handwritten signature in black ink that reads "Jim Heard". The signature is written in a cursive style with a large, prominent "J" and "H".

James A. Heard

Enclosures

cc: Scott Revard
Cal Bordonaro
Wendy S. Strimling, Esq. (Deputy County Counsel)



Exhibit A

**MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of MetroPCS, a personal wireless telecommunications carrier, to evaluate proposed modifications to its existing base station (Site No. SF19360A) located at 46 Camino de Travesia in Carmel Valley, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar exposure limits. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

<u>Personal Wireless Service</u>	<u>Approx. Frequency</u>	<u>Occupational Limit</u>	<u>Public Limit</u>
Personal Communication (“PCS”)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio	855	2.85	0.57
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for



**MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California**

wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by MetroPCS, including zoning drawings by Benjamin Associates, Inc., dated August 26, 2007, it is proposed to mount two EMS Model RR90-17-DVML2-R directional panel PCS antennas on a new 41-foot metal pole to replace an existing pole sited within a fenced enclosure next to the water tank located at 46 Camino de Travesia in Carmel Valley. The antennas would be mounted at an effective height of about 35 feet above ground and would be oriented with 2° downtilt towards 75°T and 340°T. The maximum effective radiated power in any direction would be 1,890 watts, representing six channels operating simultaneously at 315 watts each.

To be re-located to the top of the new pole is an existing omnidirectional antenna for use by American Water Company, the property owner, for the purposes of a monitoring system for the water tank. For the purposes of this study, it is assumed that this antenna makes no significant contribution to RF exposure conditions at ground level.

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed MetroPCS operation is calculated to be 0.010 mW/cm², which is 1.0% of the applicable public limit; the maximum calculated level at the second-story elevation of any nearby residence* is 0.61% of the

* Located about 175 feet away, according to aerial photographs from Google Maps.



**MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California**

public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

Recommended Mitigation Measures

Since they are to be mounted on a tall pole within a fenced enclosure, the MetroPCS antennas are not accessible to the general public, and so no mitigation measures are necessary for that carrier to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 3 feet directly in front of the Metro antennas themselves, such as might occur during maintenance work on the pole, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory warning signs* at the antennas and/or on the pole below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the MetroPCS base station located at 46 Camino de Travesia in Carmel Valley, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Posting of explanatory signs is recommended to establish compliance with occupational exposure limitations.

* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

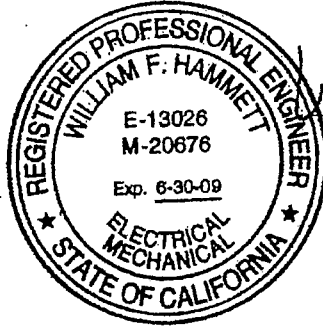


MetroPCS • Base Station No. SF19360A
46 Camino de Travesia • Carmel Valley, California

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2009. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

July 15, 2008



William F. Hammett
William F. Hammett, P.E.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

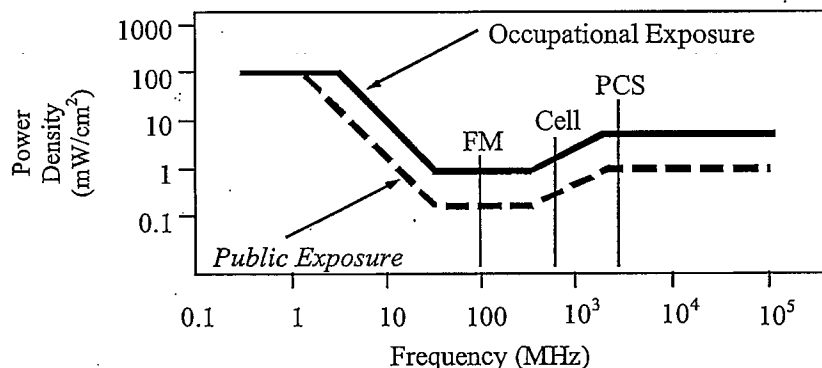
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Page 4 of 4

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	<i>f</i> /300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D^2 \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

- where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
 P_{net} = net power input to the antenna, in watts,
 D = distance from antenna, in meters,
 h = aperture height of the antenna, in meters, and
 η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

- where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
 D = distance from the center of radiation to the point of calculation, in meters.

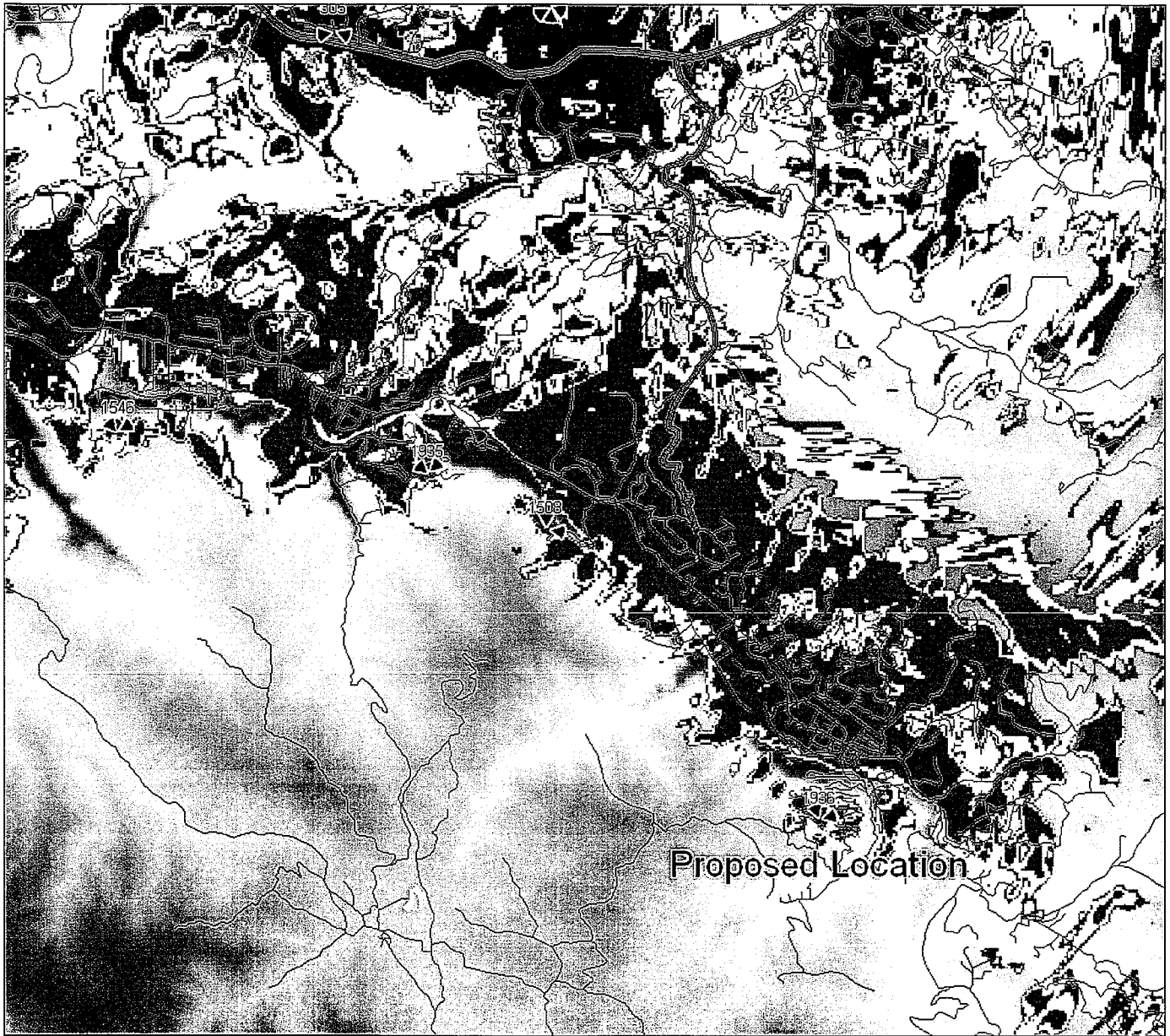
The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



Exhibit M

Coverage Maps

MetroPCS Coverage Prediction Plot SF1936 (shown on-air)



October 21st 2008

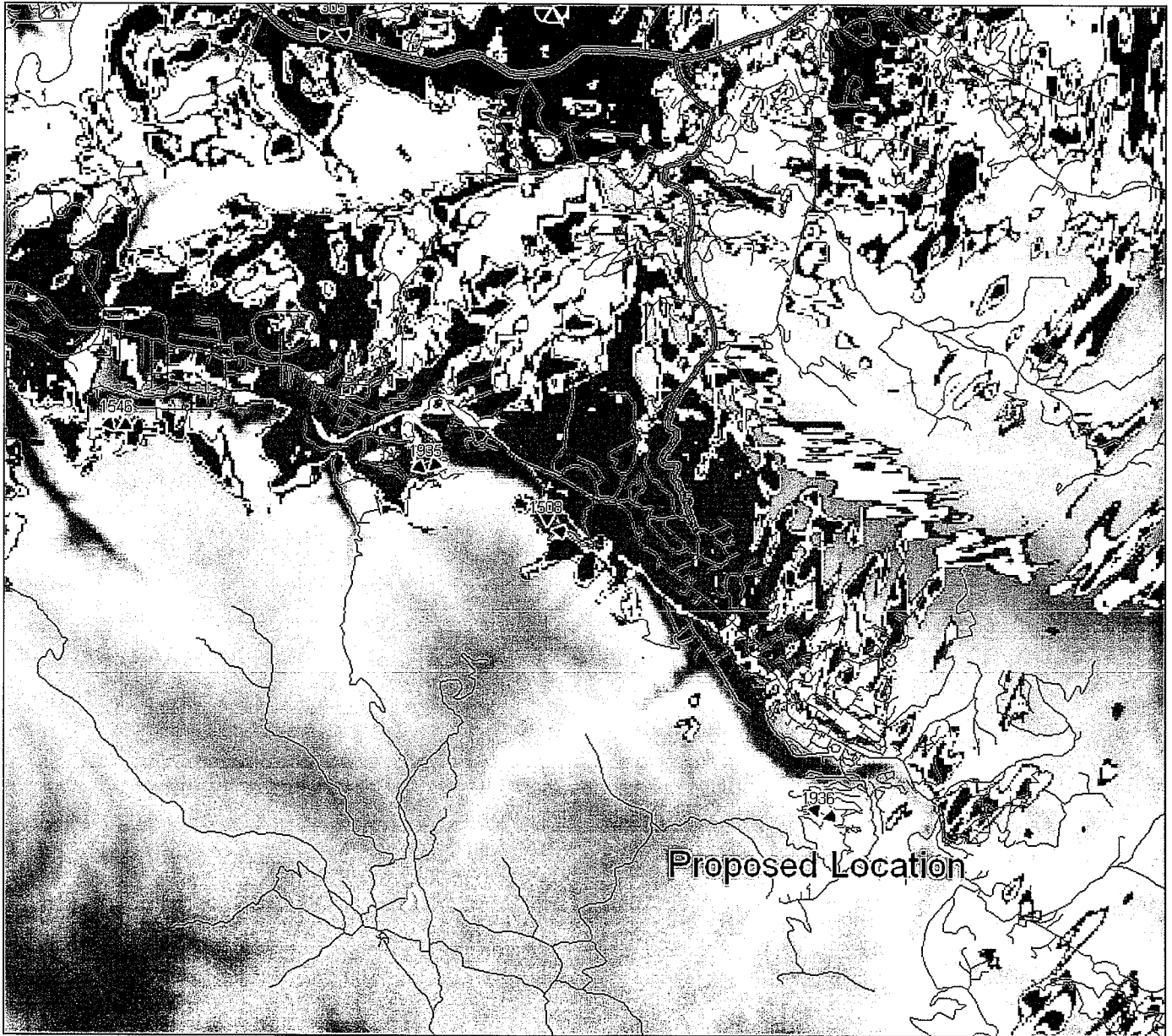
- GREEN = In-Building Coverage
- YELLOW = Mobile Coverage
- RED = Outdoor Coverage
- (Beyond RED = No Coverage)

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MetroPCS Coverage Prediction Plot SF1936 (shown NOT on-air)



October 21st 2008

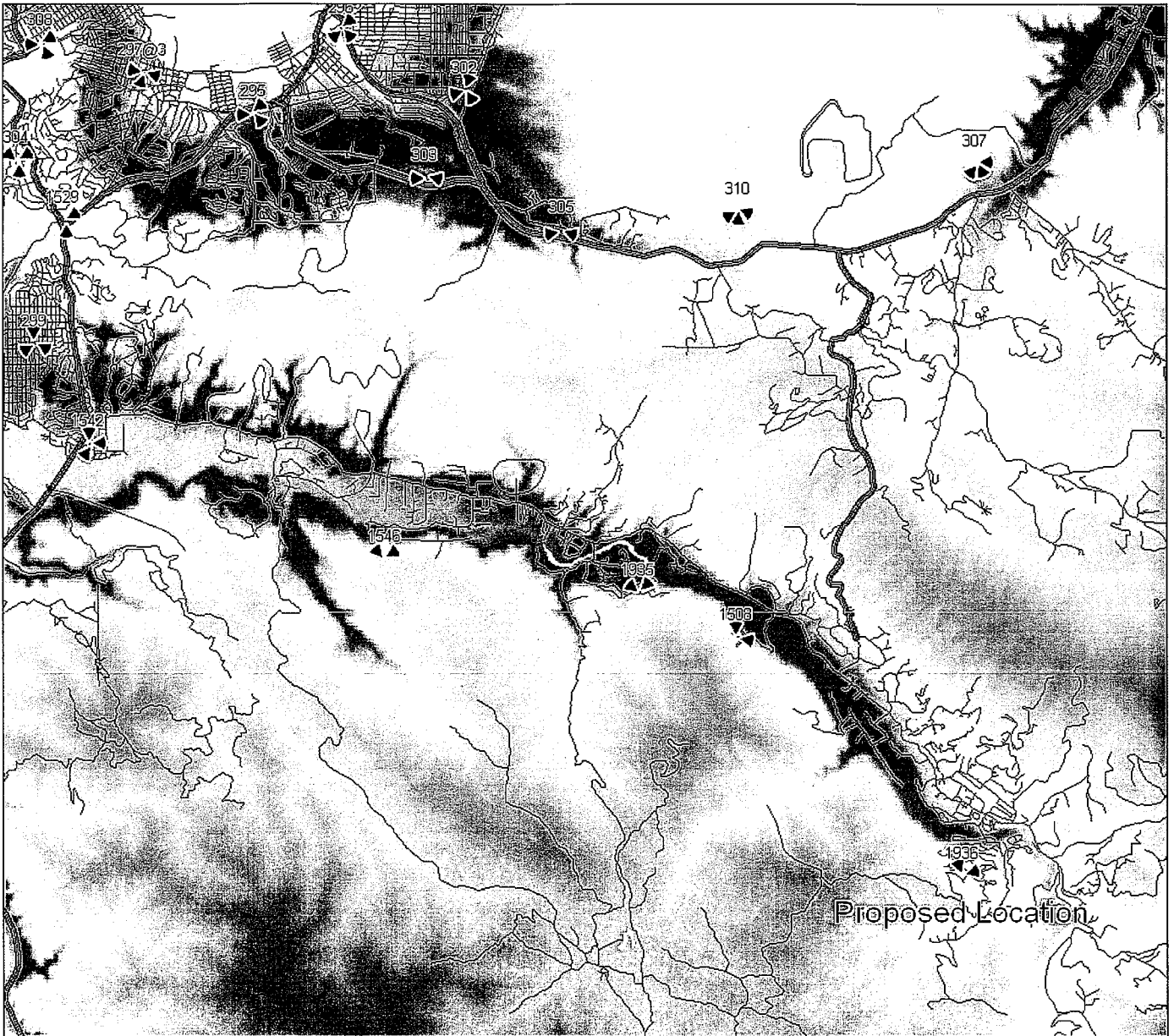
GREEN = In-Building Coverage
YELLOW = Mobile Coverage
RED = Outdoor Coverage
(Beyond RED = No Coverage)

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MetroPCS Existing cell sites near proposed SF1936 location



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Exhibit N

Senate Bill No. 1627
Kehoe telecommunications facilities

Senate Bill No. 1627

CHAPTER 676

An act to add Sections 65850.6 and 65964 to the Government Code, relating to telecommunications.

[Approved by Governor September 29, 2006. Filed with Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1627, Kehoe. Wireless telecommunications facilities.

(1) The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, and open space.

This bill would require a city, including a charter city, or county to administratively approve an application for a collocation facility on or immediately adjacent to a wireless telecommunications collocation facility, as defined, through the issuance of a building permit or a nondiscretionary permit, as specified.

(2) The Permit Streamlining Act defines the term "development project" to include projects involving the issuance of a permit for construction or reconstruction but not a permit to operate.

This bill would prohibit a city or county from taking certain actions as a condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility, and would specify that a development project for a wireless telecommunications facility is not subject to a permit to operate.

By imposing new duties on local agencies, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65850.6 is added to the Government Code, to read:

65850.6. (a) A collocation facility shall be a permitted use not subject to a city or county discretionary permit if it satisfies the following requirements:

(1) The collocation facility is consistent with requirements for the wireless telecommunications collocation facility pursuant to subdivision (b) on which the collocation facility is proposed.

(2) The wireless telecommunications collocation facility on which the collocation facility is proposed was subject to a discretionary permit by the city or county and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunications collocation facility in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), the requirements of Section 21166 do not apply, and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

(b) A wireless telecommunications collocation facility, where a subsequent collocation facility is a permitted use not subject to a city or county discretionary permit pursuant to subdivision (a), shall be subject to a city or county discretionary permit issued on or after January 1, 2007, and shall comply with all of the following:

(1) City or county requirements for a wireless telecommunications collocation facility that specifies types of wireless telecommunications facilities that are allowed to include a collocation facility, or types of wireless telecommunications facilities that are allowed to include certain types of collocation facilities; height, location, bulk, and size of the wireless telecommunications collocation facility; percentage of the wireless telecommunications collocation facility that may be occupied by collocation facilities; and aesthetic or design requirements for the wireless telecommunications collocation facility.

(2) City or county requirements for a proposed collocation facility, including any types of collocation facilities that may be allowed on a wireless telecommunications collocation facility; height, location, bulk, and size of allowed collocation facilities; and aesthetic or design requirements for a collocation facility.

(3) State and local requirements, including the general plan, any applicable community plan or specific plan, and zoning ordinance.

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) through certification of an environmental impact report, or adoption of a negative declaration or mitigated negative declaration.

(c) The city or county shall hold at least one public hearing on the discretionary permit required pursuant to subdivision (b) and notice shall be given pursuant to Section 65091, unless otherwise required by this division.

(d) For purposes of this section, the following definitions apply:

(1) "Collocation facility" means the placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a wireless telecommunications collocation facility.

(2) "Wireless telecommunications facility" means equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services.

(3) "Wireless telecommunications collocation facility" means a wireless telecommunications facility that includes collocation facilities.

(e) The Legislature finds and declares that a collocation facility, as defined in this section, has a significant economic impact in California and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, but is a matter of statewide concern.

(f) With respect to the consideration of the environmental effects of radio frequency emissions, the review by the city or county shall be limited to that authorized by Section 332(c)(7) of Title 47 of the United States Code, or as that section may be hereafter amended.

SEC. 2. Section 65964 is added to the Government Code, to read:

65964. As a condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility, as defined in Section 65850.6, a city or county shall not do any of the following:

(a) Require an escrow deposit for removal of a wireless telecommunications facility or any component thereof. However, a performance bond or other surety or another form of security may be required, so long as the amount of the bond security is rationally related to the cost of removal. In establishing the amount of the security, the city or county shall take into consideration information provided by the permit applicant regarding the cost of removal.

(b) Unreasonably limit the duration of any permit for a wireless telecommunications facility. Limits of less than 10 years are presumed to be unreasonable absent public safety reasons or substantial land use reasons. However, cities and counties may establish a build-out period for a site.

(c) Require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county.

SEC. 3. It is the intent of the Legislature that a permit to operate a wireless telecommunications facility is not intended to preclude compliance by an applicant or city or county with the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code) or any other applicable state or federal statutes or regulations.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or

Ch. 676

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assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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