

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 12, 2011	<b>Time:</b> 1:30 P.M	<b>Agenda Item No.:</b> 6
<b>Project Description:</b> Extension of a previously approved Use Permit and Design Approval (PLN100206) to allow continued temporary cellular broadcasting from a portable Cell on Wheels (COW) structure. Request for temporary cellular broadcasting not to exceed six months in duration or until the Use Permit for the permanent structure has been approved and the permanent facility is constructed and is in operation, which ever occurs first.		
<b>Project Location:</b> 26 Via Contenta, Carmel Valley		<b>APN:</b> 187-433-004-000
<b>Planning File Number:</b> PLN100494		<b>Owner:</b> Carmel Valley Fire Protection District <b>Agent:</b> AT&T Mobility <b>Agent:</b> Denise Duffy & Associates
<b>Planning Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : PQP-D-S-RAZ or "Public/Quasi-Public with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays"		
<b>CEQA Action:</b> Statutorily Exempt per Section 15270(a)		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

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

- 1) Find the project Statutorily Exempt per Section 15270(a) of the California Environmental Quality Act Guidelines.
- 2) Deny PLN100494, based on the findings and evidence (**Exhibit B**):

### PROJECT OVERVIEW:

The subject site is a 1.59-acre parcel located at 26 Via Contenta in Carmel Valley. The applicant requests approval of an Extension of a previously approved Use Permit and Design Approval (PLN100494) to allow temporary cellular broadcasting from a portable "Cell on Wheels" (COW) mobile unit measuring approximately 60 feet in height. The extension is for an additional six months in duration (January 12, 2011 through July 12, 2011) or until the permanent facility (PLN090385) has been constructed and is in operation, whichever occurs first.

#### Request for Temporary Permit/ Permit History

AT&T's initial desire for temporary cellular broadcasting and placement of a mobile unit (COW) was due to the pending termination of an existing lease agreement with another carrier (for use of facilities); therefore jeopardizing the ability of AT&T to maintain their existing coverage and service being provided to the Carmel Valley Area. To remedy the potential loss of existing coverage, the possibility for a temporary facility (PLN100206) was approved by the Planning Commission for a time period not to exceed six months (June 30, 2010 through December 30, 2010). This initial six month approval was to allow the applicant (AT&T) to diligently pursue application, processing and approval of a permanent facility (PLN090385). An application for the permanent site was not submitted to the RMA- Planning Department until November 19, 2010, nearly five months into the granted six month time period and approximately one-year from the initial Application Request submittal in November of 2009.

The following is a timeline for both the permanent and temporary site applications:

November 16, 2009 - RMA-Planning Department received an application request (PLN090385) for a "proposed 100 foot tall monopole with nine antennas (plus three future antennas), fire department communication antennas (to replace existing fire

department antenna tower), and associated ground equipment and cabinets”, along with preliminary plans. At the time of submittal the agent (AT&T) was informed the site would need to be flagged/staked, to allow the assigned planner to conduct a visual analysis and associated review of the proposed project, as part of the application submittal.

December 10, 2009 - AT&T again informed of the flagging/staking requirement, and advised that no further planning review would commence until the site had been flagged/staked. “Cell on Wheels” unit (COW) was first discussed as a means of allowing the visual analysis only.

January 27, 2010 - AT&T submitted a Construction Permit Application –Electrical (10CP00131) for the “installation of a temporary ‘COW’ with crank-up mast and 9 panel antennas.” The AT&T agent was informed that the COW could not be connected to electrical power, nor be in a functional capacity, until the Use Permit had been approved. It was reiterated that in order to move forward with the use permit that the site needed to be flagged and staked and the application needed to be filed.

In Response, AT&T, expressed need and desire to have the COW operational, due to potential termination of an existing lease agreement with another carrier.

February 10, 2010 - Application submittal requirement packet prepared and AT&T notified (via voice mail) to schedule an appointment to receive packet and continue processing of the application request. No response or request for appointment was received.

March 5, 2010 - Letter mailed to AT&T, stating that a formal application had yet to be submitted, site had not been flagged/staked as requested, and correspondence (voice messages) relative to the processing of the Application Request had not been returned by AT&T.

March 31, 2010 - Planning Department receives a letter submitted by AT&T, clearly expressing AT&T’s desire to deploy the COW to serve both as a story pole (flagging/staking) and to provide wireless coverage, but no longer would be requesting a permit to provide temporary service due to an exemption listed under Section 21.64.310(D)(6) of the Zoning code, allowing “mobile services of a temporary nature”.

AT&T expresses the need to provide additional coverage for the upcoming US Open Pebble Beach golf event. Planning staff again informed the AT&T representative that no broadcasting of any kind could be approved without the approval of a Use Permit, pursuant to Section 21.40.050(O) of Monterey County Code, Title 21, which allows “wireless communication facilities, pursuant to Section 21.64.310” on a Public/Quasi-Public ((PQP) zoned parcel.

April 1, 2010 - Staff responds to AT&T letter, clearly stating that the cited exemption does not apply for the proposed project, as the exemption is intended to be

applied to events having a duration of a number of days, not weeks or months; and for on-site event services, not services located miles away, or in adjacent communities. It was explained that a COW located in Carmel Valley would therefore not be considered as providing coverage to the US Open Pebble Beach event.

- April 19, 2010 - AT&T representative and Planning Staff meet to discuss deployment of proposed COW, interpretation of exemption under Section 21.64.310(D)(6), and possible solutions to allow temporary cellular broadcasting pending the application and construction of a permanent facility.
- April 21, 2010 - Application for a Use Permit and Design approval to allow a temporary cellular broadcasting site was submitted for processing.
- June 30, 2010 - Monterey County Planning Commission considers and approves a Use Permit and Design Approval (PLN100206) allowing temporary cellular broadcasting for a period of not to exceed six months in duration (June 20, 2010 through December 30, 2010) or until the permanent facility has been constructed and in is operation (PLN090385), which ever occurs first.
- A condition of approval for the temporary site (Condition No. 3 – PD032) specifically called out a firm expiration date of December 30, 2010.
- August 23, 2010 - Correspondence mailed to AT&T relative to the condition compliance status of the temporary cell site (PLN100206) and requesting an update on application status of the permanent facility (PLN090385). As of this date, no formal application for the permanent facility had been received.
- September 2010 - Planning Staff confirms Carmel Valley Fire Station is not selected as a potential site within the County's forthcoming NGEN communication network. The Fire/County radio infrastructure will not be placed on this site as previously presented.
- September 13, 2010- All conditions cleared for temporary site (PLN100206) and building permits issued for deployment and use of the temporary cellular broadcasting facility.
- September 28, 2010 - Application materials for six month Extension Request of Use Permit and Design Approval submitted to RMA – Planning Department (PLN100494). Agent (Denise Duffy & Associates) is notified that approval of the extension would not be favorable due to the continued lack of an application for a permanent facility. Agent advises Staff that an application for a newly selected site would be forthcoming.
- October 21, 2010 - Extension Request application deemed "Complete" by all reviewing departments. No conditions recommended from respective departments. Planning Department staff informed agent (Denise Duffy & Associates) that a recommendation of denial would be made on the extension application, due to knowledge that the Carmel Valley Fire Station site would not be used for the permanent facility; and the lack of a formal application for the permanent facility. Staff expressed concern that a permanent facility (if

applied for) will not be processed and constructed within an additional 6 month period.

- November 9, 2010 - Extension Request scheduled for consideration before the Monterey County Planning Commission (January 12, 2011).
- November 19, 2010 - Application materials for a permanent facility (PLN090385) are submitted to the RMA – Planning Department for the newly selected site (Holman Ranch) for initial processing.
- December 17, 2010 - Application for permanent facility (PLN090385) deemed incomplete from Planning<sup>1</sup> for the following reasons:
- 1) Application fees for the Use Permit for Ridgeline Development are required to be paid;
  - 2) Flagging and Staking for height and location of the proposed tree-pole is required for Ridgeline and Visual Sensitivity Analysis;
  - 3) Requirement to provide a site/location alternatives and co-location analysis (justify why location and height are required).
- December 30, 2010 – Additional materials are submitted to County (Paula Bradley) by agent for AT&T (Denise Duffy & Associates) addressing the concerns relative to item 3 (above), the site was subsequently flagged and staked, as required for item 2, and application fees for the Use Permit for Ridgeline Development were transmitted separately, complying with item 1.

## ANALYSIS

### Need for Temporary Facility

In November of 2009, an Application Request for a “proposed 100 foot tall monopole with nine antennas (plus three future antennas), fire department communication antennas (to replace existing fire department antenna tower), and associated ground equipment and cabinets” at the Carmel Valley Fire Station site was submitted to the RMA-Planning Department. At that time, it was presented that a permanent site at the fire station would provide a public benefit by placing existing fire station communication antennas and future County “next generation” (NGEN) antennas on the new tower.

At the time which the Planning Commission approved the temporary Use Permit, the County was attempting to accommodate AT&T’s desire to provide continued service to their customers. It was understood by the County that a temporary site was desired to achieve this purpose but at the same time assurances were being made that the permanent site could be permitted and constructed in six months. The troubling fact is that now there is a temporary site in operation, but the applicant has not been able to have an application for a permanent site deemed complete. This is entirely inconsistent with the assurance given when the temporary facility was approved.

It was clear that the Planning Commission approved and conditioned the temporary facility with a firm expiration that would not lead to an open ended approval. This application requests a six month time extension to allow approval and construction of a permanent site. The application for that site is not yet deemed complete and involves potential ridgeline development in a visually sensitive area. This will require a visual sensitivity analysis and possibility preparation of an initial study. Completion of this in four months would be ambitious. Then there is the time required to go

<sup>1</sup> Letter from Paula Bradley – dated December 17, 2010 (Exhibit E)  
CARMEL VALLEY FIRE (AT&T) (COW EXT) (PLN100494)

through condition compliance and plan check for a tree pole, the lead time involved in ordering the tree pole and actual construction. Staff believes that the following time is more realistic (from today's date):

- 2 weeks – Completion of application for permanent site (Holman Ranch)
- 2 months – Preparation of Initial Study (IS) and possible Mitigated Negative Declaration (MND)
- 30 days - Public Review and circulation of IS/MND.
- 30 days – Response to comments received on IS/MND (if received)
- 1.5 months – Preparation of Staff Report and scheduling for Planning Commission
- 2 months – Condition Compliance for prior to issuance conditions and legal documents
- 2 months – Plan Check and Building Permit routing prior to issuance.
- 2-3 months –Actual construction of permanent wireless facility.

This very ambitious time line totals 12-13 months, and leaves very little time or room for delay. However, using these estimates, it is clear that the temporary COW would need to remain for at least 1 full additional year. If the site were approved and constructed within a year that would be meritorious.

Approval of a six month extension now would mean another six month extension would be needed six months from now. If the Planning Commission is inclined to extend the temporary Use Permit it should be for at least a year. Staff is recommending that the permit not be extended, because it becomes a commitment to a temporary facility that is dependent upon approval and construction of another site that is loaded with complication. The Planning Commission would be indicating a willingness to allow this site to remain here until another site is approved and constructed and that event is not on the foreseeable horizon. It has not been the County's practice to approve these types of temporary cell sites.

During the Planning Commission hearing for this temporary Use Permit it was presented that the permanent facility for this site would involve radio equipment for the fire station. The Carmel Valley Fire Station is not a potential site within the County's forthcoming NGEN communication network; therefore there will not be new equipment placed at the site. The perceived public benefit of placing a permanent wireless facility on the site no longer exists. Part of the rationale for the temporary site was that the permanent site was co-locating with forthcoming County communications equipment which would be in place even if AT&T did not co-locate on this site. The permanent site is no longer a consideration. Concerns were expressed with whether it would be a good telecom site. The only rationale was the new County radio equipment, which is no longer a consideration. This would not be a good temporary telecom site; it is visible and has residences in close proximity.

#### Existing and Proposed Coverage

The temporary COW facility provides increased coverage to AT&T customers within Carmel Valley. Exhibit F of this staff report shows what coverage would be supplied with (Proposed 850 Coverage – COW – 60ft) and without (Existing 850 Coverage) to the surrounding communities. The temporary COW facility currently provides "In-Building" and "In-Transit" service to the Carmel Valley Village area. Without the COW in operation, service would not be lost entirely, although the level of service would revert back to "Outdoor Service" only.

#### California Environmental Quality Act (CEQA)

California Environmental Quality Act (CEQA) Guidelines Section 15270(a) statutorily exempts projects which a public agency rejects or disapproves.

### Recommendation

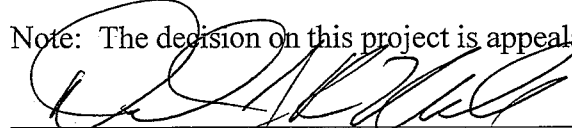
This temporary Use Permit to allow a COW to operate at the Carmel Valley Fire Station site was to provide time for the applicant to diligently pursue approval and construction of the permanent facility on site. Since that time the proposed permanent site has moved to another location which will involve a complicated approval, plan check and construction process likely to take a year or more, under optimal circumstances. Renewing this permit would involve a nod to the reality that this COW would be located at this site for an indefinite time period which is inconsistent with the intent of the original approval. Based upon these factors, Staff recommends denial of the temporary Use Permit extension.

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

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

The project was reviewed by the Carmel Valley Land Use Advisory Committee on November 1, 2010. The CVLUAC recommended approval of the project by a vote of 5-0 (2 members absent).

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

  
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David I. R. Mack, Associate Planner  
(831) 755-5096, mackd@co.monterey.ca.us  
January 12, 2011

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; John Ford, Planning Services Manager; David J. R. Mack, Project Planner; Carol Allen, Senior Secretary; Carmel Valley Fire Protection District, Owner; Tyler Potter (Denise Duffy & Associates), Agent; Tasha Skinner (AT&T Mobility), Agent; Planning File PLN100494

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including:
		1. Site Plan, Floor Plan and Elevations
	Exhibit C	Vicinity Map
	Exhibit D	Advisory Committee Minutes (CVLUAC)
	Exhibit E	Letter from Paula Bradley, Associate Planner – dated December 17, 2010 – deeming Permanent Facility Application Incomplete.
	Exhibit F	Coverage Map Comparison for Temporary Facility – Carmel Valley Fire Station
	Exhibit G	Letter from Tasha Skinner (AT&T) – dated November 17, 2010 – Justification for Extension Request

This report was reviewed by John Ford, Planning Services Manager



**Exhibit A**  
**Project Information for PLN100494**

<b>Project Title:</b>	Carmel Valley Fire (ATT)	<b>Primary APN:</b>	187-433-004-000
<b>Location:</b>	26 Via Contenta, CV	<b>Coastal Zone:</b>	NO
<b>Applicable Plan:</b>	Carmel Valley Master Plan	<b>Zoning:</b>	PQP-D-S-RAZ
<b>Permit Type:</b>	Use Permit & Design Approval	<b>Plan Designation:</b>	Public / Quasi-Public
<b>Environmental Status:</b>	Exempt per 15304(e)	<b>Final Action Deadline:</b>	N/A
<b>Advisory Committee:</b>	Carmel Valley		

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**Project Site Data:**

<b>Lot Size:</b>	1.59 acres	<b>Coverage Allowed:</b>	N/A
<b>Existing Structures (sf):</b>	N/A	<b>Coverage Proposed:</b>	N/A
<b>Proposed Structures (sf):</b>	N/A	<b>Height Allowed:</b>	N/A
<b>Total Square Feet:</b>	625	<b>Height Proposed:</b>	60' 2"
		<b>FAR Allowed:</b>	N/A
		<b>FAR Proposed:</b>	N/A

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**Resource Zones and Reports**

<b>Environmentally Sensitive Habitat:</b>	N/A	<b>Erosion Hazard Zone:</b>	N/A
<b>Botanical Report #:</b>	N/A	<b>Soils/Geo. Report #</b>	N/A
<b>Forest Mgt. Report #:</b>	N/A	<b>Geologic Hazard Zone:</b>	III
		<b>Geologic Report #:</b>	N/A
<b>Archaeological Sensitivity Zone:</b>	HIGH	<b>Traffic Report #:</b>	N/A
<b>Archaeological Report #:</b>	N/A		
<b>Fire Hazard Zone:</b>	N/A		

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**Other Information:**

<b>Water Source:</b>	N/A	<b>Sewage Disposal (method):</b>	N/A
<b>Water District/Company:</b>	N/A	<b>Sewer District Name:</b>	N/A
<b>Fire District:</b>	Carmel Valley Fire	<b>Grading (cubic yds):</b>	N/A
<b>Tree Removal (Count/Type):</b>	N/A		

**EXHIBIT B**  
**DRAFT RESOLUTION**

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

In the matter of the application of:

**CARMEL VALLEY FIRE PROTECTION DISTRICT (PLN100494)**

**RESOLUTION NO. [REDACTED]**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project statutorily exempt per Section 15270(a) of the California Environmental Quality Act Guidelines;
- 2) Deny the Extension of a previously approved Use Permit and Design Approval (PLN100206) to allow continued temporary cellular broadcasting from a portable Cell on Wheels (COW) structure. Request for temporary cellular broadcasting not to exceed six months in duration or until the Use Permit for the permanent structure has been approved and the permanent facility is constructed and is in operation, which ever occurs first.

(PLN100494, CARMEL VALLEY FIRE PROTECTION DISTRICT, 26 VIA CONTENTA, CARMEL VALLEY, CARMEL VALLEY MASTER PLAN (APN: 187-433-004-000))

**The Extension Request (PLN100494) of a previously approved Use Permit and Design Approval (PLN100206) came on for public hearing before the Monterey County Planning Commission on January 12, 2011. 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:** **INCONSISTENCY** – The Project, as proposed, is inconsistent 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:

- 2010 Monterey County General Plan,
- Carmel Valley Master Plan,
- Carmel Valley Master Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21).

- b) The property is located at 26 Via Contenta, Carmel Valley (Assessor's Parcel Number 187-433-004-000, Carmel Valley Master Plan. The parcel is zoned PQP-D-S-RAZ or "Public/Quasi-Public with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays". Monterey County Zoning Code, Section 21.40.050(O) allows wireless communication facilities as a conditional use, subject to



approval of a Use Permit, pursuant to Section 21.64.310 (Regulations for the Siting, Design, and Construction of Wireless Communication Facilities). Although the project can be approved as a conditional use for this site (PQP), the project is inconsistent with the intent of the Zoning Code, to require responsible and reasonable development. The continued use of temporary facilities without a clear alternative plan/remedy creates a situational “de-facto” permanent facility, which can not be considered responsible or reasonable development.

- c) 2010 Monterey County General Plan Policy CV-1.20 establishes guidelines for properties in the “D” (Design Control Overlay) areas. Policy CV-1.20(b) requires that all development be visually compatible with the character of the valley and immediate surrounding areas or enhance the quality of areas that have been degraded by existing development. The COW facility was approved for a limited timeframe, and lacks the ability to be adequately screened from the surrounding residential areas. The COW facility does not enhance the quality of the surrounding areas, but rather further degrades the visual aesthetics of the surrounding areas. Therefore, COW facility is inconsistent with 2010 Monterey General Plan Policy CV-1.20.
- d) Section 21.64.310.C.4 (Regulations) of Monterey County Zoning Code, Title 21, requires that “wireless communications facilities be sited in the least visually obtrusive location possible. Appropriate mitigation measures shall be applied in instances where the facility is visible from a designated scenic corridor or public viewing area.” The temporary “cell on wheels” (COW) is visible from numerous public viewing areas, as well as Carmel Valley Road, a designated Scenic Corridor. The site can not be camouflaged or disguised in any way, due to the trailer and telescoping pole design of the temporary facility; therefore the project is inconsistent with design standards.
- e) Section 21.64.310.H.1.a (General Design Standards – Site Location) of the Monterey County Zoning Code, Title 21, states “site location and development of wireless communication facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site.” The temporary “cell on wheels” (COW) is positioned on fire station site, surrounding by residential uses. The tower height (60 feet) and lack of visual screening, is not consistent with the visual character or aesthetic values of the residential areas.
- f) Planning Commission approved and conditioned the temporary facility with a firm timeline to ensure that the site would not become semi-permanent. The permanent site proposed to combine the cell site with new improvements to the fire districts radio equipment. Since that time the fire departments new equipment will be placed at another location and the proposed permanent cell site has moved to another location which will involve a complicated approval, plan check and construction process likely to take a year or more.
- g) The extension request was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on November 1, 2010. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did

warrant referral to the LUAC because the project involves a Design Approval subject to review by the Planning Commission, and involves a discretionary permit which raises a significant land use concern involving visibility from the surrounding area. The LUAC recommended approval of the extension request with a 5-0 vote (2 members absent).

- h) 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 PLN100494.

2. **FINDING:** **SITE SUITABILITY** – The site is physically unsuitable 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. While respective reviewing departments did not indicate that the site is not suitable for the proposed extension, from a planning perspective, no foreseeable reason exists to allow continued temporary cellular broadcasting on a site not being selected for placement of a permanent facility.

- b) Exhibit F of the January 12, 2011 staff report shows coverage supplied to the surrounding communities with (Proposed 850 Coverage – COW – 60ft) and without (Existing 850 Coverage) the COW facility. The temporary COW facility currently provides “In-Building” and “In-Transit” service to the Carmel Valley Village area. Without the COW in operation, service would not be lost entirely, although the level of service would revert back to “Outdoor Service”; therefore the site is not required to maintain minimal levels of coverage to the Carmel Valley Village area.
- c) The Carmel Valley Fire Station is not a potential site within the County’s forthcoming NGEN communication network; therefore there will not be new equipment placed at the site. The public benefit of co-locating a permanent wireless facility on the site with public radio equipment no longer exists.
- d) Preceding findings and supporting evidence for PLN100494.
- e) Staff conducted a site inspection on September 30, 2010.
- f) 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 PLN100494.

3. **FINDING:** **FEDERAL TELECOMMUNICATION ACT** – The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not 1) unreasonably discriminate among providers of functionally equivalent services; and 2) prohibit or have the effect of prohibiting the provision of personal wireless services.

**EVIDENCE:** a) The denial of the subject extension request does not unreasonably discriminate against AT&T or any other provider. It is not normal County practice to allow a temporary site in lieu of appropriate processing of a permanent site. The approval of the temporary site for an initial six month permit was a special circumstance intended to allow

the applicant to provide continued service to their customers, while assurances were made by AT&T that a permanent site could be processed, permitted, and constructed in six months. There is now a temporary site in operation, however, the applicant is no closer to the approval or construction of a permanent facility than they were six months ago. In addition, the County has approved various other wireless communication sites for AT&T and other carriers including:

- PLN080572 – Darwin (AT&T) – 22 Rancho Fiesta Way, Carmel Valley
- PLN080442 – Big Sur Land Trust (Verizon) – 3400 Red Wolf Drive, Carmel
- PLN080239 – Cypress Community Church (AT&T) – 681 Monterey-Salinas Hwy, Salinas
- PLN070295 – Metro PCS – 46 Camino de Travesia, Carmel Valley
- PLN060474 – Carmel Properties Company (Metro PCS) – 3665 Rio Road, Carmel Valley

No unreasonable discrimination or prejudice against AT&T or any other wireless provider has been exercised by the County.

- b) The denial of the subject extension request does not prohibit or have the effect of prohibiting the provision of personal wireless services. The temporary COW facility currently provides “In-Building” and “In-Transit” service to the Carmel Valley Village area. Without the COW in operation, service would not be lost entirely, although the level of service would revert back to “Outdoor Service”; therefore the site is not required to maintain minimal levels of coverage to the Carmel Valley Village area. Exhibit F of the January 12, 2011 staff report shows coverage supplied to the surrounding communities with (Proposed 850 Coverage – COW – 60ft) and without (Existing 850 Coverage) the COW facility.
- c) Preceding findings and supporting evidence for PLN100494.
- d) 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 PLN100494.

4. **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 - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Preceding findings and supporting evidence for PLN100494.

5. **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 records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on September 30, 2010 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 PLN100494.

6. **FINDING: CEQA (Exempt):** - The project is statutorily exempt from environmental review.

- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15270(a) statutorily exempts projects which a public agency rejects or disapproves.
- b) See preceding and following findings and supporting evidence.

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

- EVIDENCE:** e) Section 21.80.040(D) Monterey County Zoning Ordinance.

### **DECISION**

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

- 1) Find the project statutorily exempt per Section 15270(a) of the California Environmental Quality Act Guidelines; and
- 2) Deny PLN100494, based on the findings and evidence (**Exhibit B**):

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2011 upon motion of \_\_\_\_, seconded by \_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_.

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.

# CARMEL VALLEY

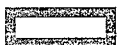


APPLICANT: CARMEL VALLEY FIRE DISTRICT

APN: 187-433-004-000

FILE # PLN100494

Water



2500' Limit



300' Limit

City Limits

Exhibit C

N



0 1,000  
Feet



PLANNER: MACK

# Action by Land Use Advisory Committee

## Project Referral Sheet

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

Advisory Committee: **Carmel Valley**

Please submit your recommendations for this application by: **November 1, 2010**

**Project Title:** CARMEL VALLEY FIRE DIST      Item rescheduled due to a lack of quorum at October 18, 2010 meeting

**File Number:** PLN100494

**File Type:** PC

**Planner:** MACK

**Location:** 26 VIA CONTENTA CARMEL VALLEY

**Project Description:**

Extension of Use Permit and Design Approval (PLN100206) to allow temporary cellular broadcasting from a portable Cell on Wheels (COW) structure. Request for temporary cellular broadcasting not to exceed 6 months in duration or until the Use Permit for the permanent structure has been processed (PLN090385). The property is located at 26 Via Contenta, Carmel Valley (Assessor's Parcel Number 187-433-004-000), Carmel Valley Master Plan Area.

**Was the Owner/Applicant/Representative Present at Meeting?** Yes X No \_\_\_\_\_

Tyler Potter of Denise Duffy & Associates for AT&T & Fire Dist.

Tyler Potter advised that a permanent location was in process on Holman Ranch and an application should be forthcoming within a few weeks.

David Mack, Planner, suggested that the term of the extension would be for six months or until the permanent tower can be completed whichever is less.

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

Exhibit D

Page 1 of 2 Pages

## 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)

## ADDITIONAL LUAC COMMENTS

## RECOMMENDATION :

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

Second by: Doug Pease (LUAC Member's Name)

☐ Support Project as proposed

☒ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: 5

NOES: 0

ABSENT: 2 (Agron, Burbidge)

ABSTAIN: 0



# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT, Mike Novo, Director  
168 W. Alisal St., 2<sup>nd</sup> Floor  
Salinas, CA 93901

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



December 17, 2010

Tyler Potter  
Denise Duffy & Associates, Inc.  
947 Cass Street Suite 5  
Monterey, CA 93940

Subject: HOLMAN RANCH LLC PLN090385

Dear Mr. Potter:

The application status is "incomplete" as of 12/17/10. The application is incomplete for the Planning Department: 1) application fees are required to be paid for the Use Permit for Ridgeline development; and 2) flagging and staking for the height and location of the treepole is required for Ridgeline and Visual Sensitivity (#2); 3) provide a site and location alternatives and co-location analysis. Please justify why this location and height is required (I have the coverage maps), can the site be located on another structure (water tank), what other wireless sites are nearby and why co-location is not an option, etc.; 4) submit electronic format of plans and reports (the cd submitted was unreadable).

Attached are the draft comments and conditions received from other County departments and agencies. Please review the conditions and comments received from all departments. If you have any questions contact the agency or department that required it directly. The Planning Department will require conditions of approval in addition to those included with Interdepartmental Review as part of the staff report. Prior to a decision on the project, I will need to know that the owner has agreed to the project conditions of approval. After it is approved, I will forward the staff report and complete conditions of approval for you and the owner's review.

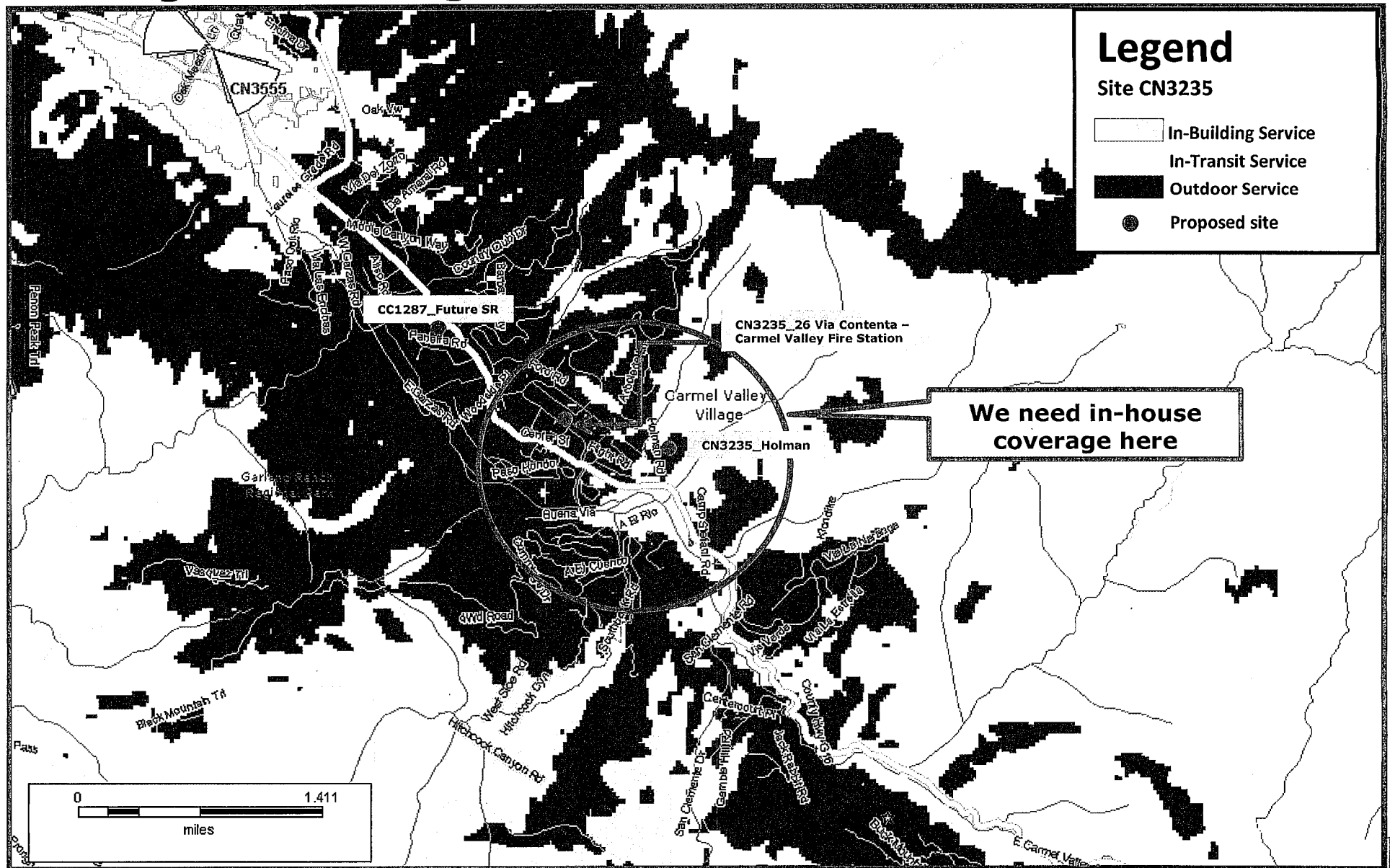
If you have any questions please call (831) 755-5158, or email [bradley@co.monterey.ca.us](mailto:bradley@co.monterey.ca.us).

Sincerely,

Paula Bradley, MCP, AICP  
Associate Planner

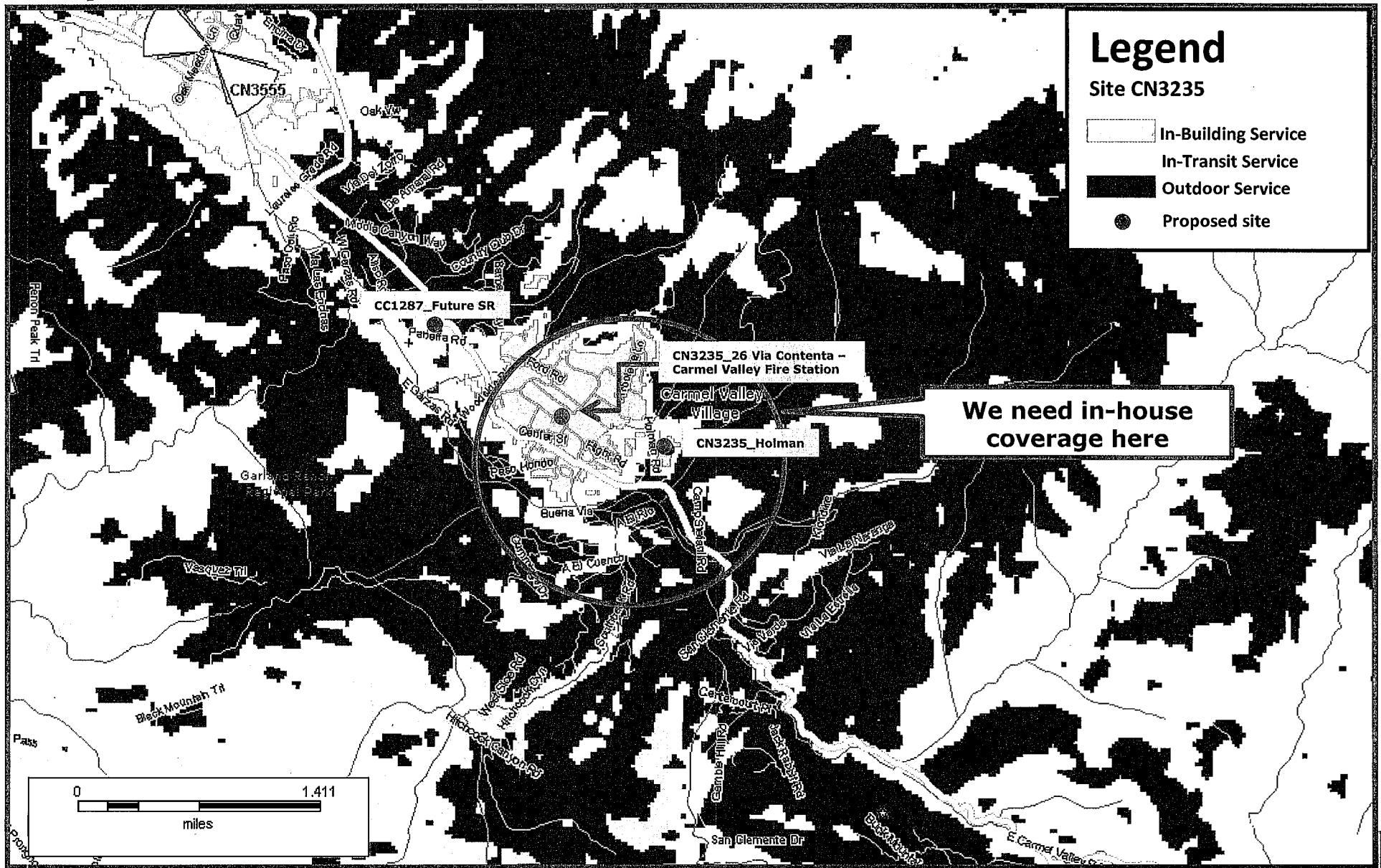
## Existing 850 Coverage

November 17, 2010



## Proposed 850 Coverage – COW (60ft)

November 17, 2010





November 17, 2010

David Mack  
Associate Planner  
RMA - Planning Department  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

**RE: COW EXTENSION PLN100494**

Dear Mr. Mack:

On June 30, 2010, the Monterey County Planning Commission unanimously acted upon the Land Use Advisory Committee's May 17, 2010 recommendation to approve the AT&T Mobility Conditional Use ("CUP")/Design Permit. The approval granted entitlement to AT&T Mobility to operate a temporary Cell On Wheels ("COW") facility for a six month duration at the Carmel Valley Fire Protection District property (PLN100206) located on 26 Via Contenta.

AT&T Mobility's third party consultant, Denise Duffy & Associates subsequently submitted the six month Use Permit and Design Approval extension request (PLN100494) on September 28, 2010. Upon receipt, review, and unanimous recommendation from the Carmel Valley Land Use Advisory Committee on October 18, 2010 [and again on November 1, 2010 with quorum], the Monterey County Resource Management Agency's Planning Department ("RMA Planning") issued the notice of complete application status as of October 22, 2010.

Shortly thereafter on October 25, 2010, the County's RMA Planning Staff informed Denise Duffy & Associates that "Planning is not recommending approval [to the Planning Commission] of the continued use of the temporary facility" given the County had yet to receive AT&T Mobility's CUP/Design application corresponding to the permanent facility and therefore lacked sufficient evidence supporting the continued temporary use.

Upon release of AT&T Mobility's building permit, as well as completion of the network integration and testing process, the COW began broadcasting in late September 2010. As required by California State law, AT&T Mobility's newly operating temporary facility provides new phase two E911 service to all cell phone subscribers in the coverage area (Not only to AT&T Mobility). Phase two E911 service means the AT&T Mobility facility can receive E911 calls, and identify the location from where the call originated to first responders. Further, the COW provides new AT&T Mobility 2G and 3G coverage to customers in and around Carmel Valley Village.

The selected location of the *permanent facility* will ultimately achieve both the COW's current coverage objectives and beyond to include the important thoroughfare from Carmel Valley Road to San Clemente Road. AT&T Mobility requests the continued operation of the temporary COW at the Fire Station until the permanent facility is permitted, constructed and turned on-air to provide the community with continuous new AT&T Mobility 2G and 3G coverage, including E911 service.

AT&T Mobility acknowledges that cellular broadcasting by the COW is allowed "up to six months in duration or until the permanent facility is constructed and in operation" and wishes to acknowledge the delay in submitting the CUP/Design application corresponding to the permanent facility.

That said, AT&T Mobility requests that RMA Planning Staff please reconsider its recommendation in light of the sequence of events surrounding AT&T Mobility's on-going efforts to secure a permanent site:

- 1) AT&T Mobility intended to apply for the necessary land use entitlements to construct the permanent facility at the Carmel Valley Fire Station on 26 Via Contenta upon both the May 17, 2010 Land Use Advisory Committee meeting and the June 30, 2010 Planning Commission hearing. The application was slated for submittal in early July 2010.
- 2) However, while the aforementioned meetings centered on decision making to allow the COW, both the Land Use Advisory Committee members, Monterey Planning Commissioners, and concerned Carmel Valley neighbors stressed the importance of aesthetics specific to AT&T Mobility's forthcoming permanent installation application, and explicitly voiced major aesthetic impact concerns over a 100' monopole at the Fire Station.
- 3) Given the resources already invested to develop the permanent cell site at the Fire Station, through that point, the significant future capital investment remaining, and the critical path required to provide AT&T Mobility customers with new cell coverage, AT&T Mobility immediately began inquiries to reexamine options with the AT&T Mobility RF Engineering team, and the Carmel Valley Fire District to address these concerns.
- 4) AT&T Mobility clarified the Fire Department's needs surrounding tower height for their new emergency notification siren as well as existing communications equipment, which they determined to be between 70-80'. Simultaneously, AT&T Mobility's Radio Frequency ("RF") Engineers examined the possibility of lowering the monopole to more readily blend with the existing tree line, and therefore improve the aesthetic impact. Unfortunately, the AT&T Mobility RF Engineering team determined they require a minimum of 100' of height at this location to target the coverage gap in Carmel Valley Village and along Carmel Valley Road through San Clemente.
- 5) Further, the RF Engineering team determined that the 100' monopole will likely fail to provide *contiguous* coverage along Carmel Valley Road to San Clemente Road. Rather, coverage as currently plotted at 100' on the Fire Station property is predicted to deteriorate prior to reaching San Clemente Road. At this juncture in time, the RF Engineering team authorized the site acquisition team to secure a new, single property that can address *both* the coverage gap in and around Carmel Valley Village and achieve contiguous coverage from Carmel Valley Road through San Clemente Road.

Due to the aforementioned circumstances, AT&T Mobility elected to postpone the Carmel Fire Station permanent cell site application submittal and began the search for a new property that meets both the aesthetic concerns voiced by the County, and AT&T Mobility's current network demands. AT&T Mobility's Site Acquisition team subsequently evaluated alternative locations and identified the Holman Ranch property at 60 Holman Road to pursue as permanent cell site development. Upon securing AT&T Mobility's RF Engineering approval as well as landlord interest to enter in to a long term lease agreement, the third party site acquisition team assembled the County's required application submittal materials in preparation to submit the permanent facility's CUP/Design application. **Submittal is slated to take place this Friday, November 19, 2010.**

All of this said, AT&T Mobility respectfully requests that RMA Planning Staff recommend approval to extend the 6 month permit to operate the COW at the Fire Station, allowing AT&T Mobility customers uninterrupted coverage in and around the Village, and uninterrupted E911 service to all cell phone subscribers in the coverage area until AT&T Mobility permits and operates the permanent facility on 60 Holman Road. We appreciate the County's continued willingness to work with us and we look forward to continuing to work with the County to develop a long-term solution to the communities' needs.

If you have any questions and/or concerns, please do not hesitate to contact me directly.

Thank you.

Sincerely,



Tasha Skinner  
Abound Consulting Group  
Real Estate Manager for  
AT&T Mobility