

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 9, 2012 Time:	Agenda Item No.: 1
Project Description: Combined Development Permit consisting of: 1) Use Permit and Design Approval to allow the co-location and construction of a new 25 foot tall telecommunications tower (treepole) with 4 antenna panels and 8 additional antenna panels constructed on a metal support structure constructed approximately 2 feet from the surface of the existing water tank; and a 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the north westerly base of the water tank and grading less than 50 cubic yards of cut and fill; and 2) a Use Permit to allow ridgeline development.	
Project Location Adjacent to the corner of Prestancia Court and Prestancia Way, Salinas	APN: 139-013-027-000
Planning File Number: PLN100541	Owner: California Water Service Company Agent: Charnel James, AT&T Wireless
Planning Area: Toro Area Plan	Flagged and staked: Yes
Zoning Designation: PQP-D or "Public Quasi Public and Design Review overlay"	
CEQA Action: Categorically Exempt per Section 15303 of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Find the project PLN100541 as proposed Categorically Exempt; and
- 2) Approve Combined Development Permit PLN100541, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The subject application proposes to make additions to an existing, approved wireless communications facility, pursuant to Section 21.64.310. The new 25 foot tall, wireless communications tower would be leased to AT&T by California Water Service Company, the current property owners. The purpose of the proposed facility is to infill gaps in AT&T's wireless cell coverage area along segments of River Road and within the Las Palmas Ranch service area. The property is zoned "PQP-D or Public Quasi Public with Design Control overlay. Under the 2010, General Plan Land Use Map indicates the water tank lot is located within an area designated as "RC" or Resource Conservation. The land use plan and current zoning allow the establishment of water system facilities which includes water tanks and new wireless communications facilities with a use permit. Next to the existing water tank are several small equipment cabinets for the existing wireless communications facility located on the south easterly side of the water tank. That facility was constructed on a metal support structure approximately 2 feet from the surface of the existing water tank. That facility was established with a permit in October 2001 thereby establishing the site as an approved wireless communications facility.

The existing water tank was established with a use permit on June 30, 1999. A condition of approval required the planting of 22 Coast live oak trees and 19 Fremont poplar trees to allow the tank to be constructed on the ridgeline within the Las Palmas Ranch subdivision. Only few of these trees survived the harsh windy conditions on the ridge. Consequently, the water tank remains highly visible from several public viewpoints along Highway 68, Spreckels Boulevard, and Reservation Road. AT&T is proposing to locate a new telecommunications tower (treepole) on the ridge adjacent to the water tank. The project is designed in a manner that will avoid creating a substantially adverse visual impact when viewed from the previously mentioned public viewing areas. The proposed wireless communication facility is designed to look like a 25 foot tall oak tree.

This camouflaging will insure that the tower blends with the existing vegetation and required landscape screening vegetation. The camouflaged tower, due to its height, will have the added benefit of providing additional screening of the water tank from the public viewshed.

(See **Exhibit B** for further discussion).

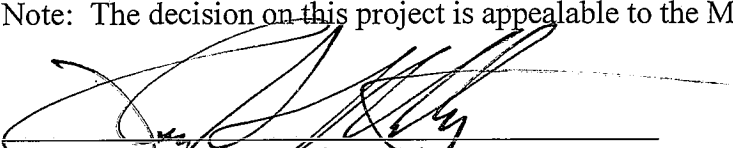
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
Water Resources Agency
- √ Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by RMA - Public Works Department, Environmental Health Bureau, and Monterey County Regional Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) on December 12, 2011. The LUAC had several questions and discussed several issues (**See attached Exhibit E**). The LUAC went on to approve the application on a vote of 5-1 with no suggested changes.

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



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May 1, 2012

cc: Front Counter Copy; Planning Commission; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; California Water Service Company, Owner; Charnel James, AT&T Wireless, Agent; The Open Monterey Project; LandWatch; Michael Weaver; Planning File PLN100541

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:

- Conditions of Approval
- Site Plan and Elevations

Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (Toro LUAC 12/12/2011)
Exhibit F Photo simulations and propagation maps


This report was reviewed by Delinda Robinson, Senior Planner and Laura Lawrence, Planning Services Manager 

EXHIBIT A

Project Information for PLN100541

Project Information:

Project Name:	CALIFORNIA WATER SERVICE COMPANY		
Location:	LAS PALMAS WATER TANK OFF OF PRESTANCIA WY SALINAS		
Permit Type:	Combined Development Permit		
Environmental Status:	Exempt	Final Action Deadline (884):	3/11/2012
Existing Structures (sf):	2802	Coverage Allowed:	25%
Proposed Structures (sf):	235	Coverage Proposed:	15.3%
Total Sq. Ft.:	3033	Height Allowed:	30'
Tree Removal:	None	Height Proposed:	25'
Water Source:	Well	FAR Allowed:	25%
Water Purveyor:	California Water Service Company	FAR Proposed:	15.3%
Sewage Disposal (method):	N/A	Lot Size:	21600
Sewer District:	N/A	Grading (cubic yds.):	50

Parcel Information:

Primary APN:	139-013-027-000	Seismic Hazard Zone:	IV
Applicable Plan:	Toro	Erosion Hazard Zone:	Moderate
Advisory Committee:	Toro Advisory Committee	Fire Hazard Zone:	Moderate
Zoning:	PQP-D	Flood Hazard Zone:	N
Land Use Designation:	Resource Conservation	Archaeological Sensitivity:	Low
Coastal Zone:	No	Viewshed:	Yes
Fire District:	Monterey County Regional FPD	Special Setbacks on Parcel:	N

Reports on Project Parcel:

Soils Report #:	N/A
Biological Report #:	N/A
Geologic Report #:	LIB120131
Forest Management Rpt. #:	N/A
Archaeological Report #:	N/A
Traffic Report #:	N/A

EXHIBIT B DISCUSSION

Proposed Project

The project consists of a Combined Development Permit consisting to allow the establishment of a new wireless telecommunications facility on the ridge within the Las Palmas Ranch water tank lot. The facility will include a 25 foot tall tree pole with 4 antenna panels located within the simulated tree foliage. Additional 8 antenna panels are proposed on the northwesterly side of the existing water tank and will be constructed on a metal support structure approximately 2 feet from the surface of the existing water tank, giving it the appearance that the antenna panels are attached to the water tank. The antenna panels and support structure will be painted the exact same color as the water tank. The project also includes an 11 foot tall equipment shelter measuring 11.5 feet wide by 20 feet long adding approximately 230 square feet of structural coverage. The shelter is located at the northwesterly base of the water tank and will be screened by landscaping; approximately less than 50 cubic yards of cut and fill will be required for the proposed development.

Entitlement

The property is zoned PQP-D or "Public Quasi Public and Design Review overlay." Pursuant to Monterey County Code Section 21.40.040, this zoning designation requires a use permit for the proposed use. Additions to approved wireless communications facility require an administrative permit. The proposed facility is consistent with Monterey County Code Section 21.64.310 (Regulation for the Siting, Design, and Construction of Wireless Communication Facilities). The development of the wireless communication facility will require a use permit to allow development on the ridgeline. A Design Approval is required and the Toro Land Use Advisory Committee recommended approval of the project as designed.

Property History

The water tank lot located within the Las Palmas Ranch Subdivision permitted the replacement of 2 tanks authorized as part of the Tentative Map for Las Palmas Ranch Phase 1 in 1990. The site is a 0.495 acre water tank lot within the developed Las Palmas Ranch subdivision recorded February 5, 1991, Cities and Towns, Volume 20, Page 21 as Lot 158. The site is accessible through a paved road located to the north end of Prestancia Court within the residential area of the Las Palmas Ranch Subdivision. In 1999, the current water tank was approved to replace the previously approved water tanks. Since then, several attempts have required the property owner to re-screen the water tank. The conditions of approval required the planting of 22 Coast Live oaks trees and 19 Fremont poplar trees. Very little of the original screening vegetation exists today; subsequent efforts have provided some vegetation. However due to the strong windy conditions on the ridge, only a few of the surviving trees have screened the water tank. The County has approved other structure mounted antenna panels for wireless communications because they would not be visible from the Highway 68 or other common public viewing areas.

In 2006, the County engaged the property owner, California Water Service Company, and required them to develop a revised landscape plan to replace the failed landscaping that was approved and installed under PLN990197. As a result, landscaping was installed in accordance with the County's approved landscape plan. However, due to the harsh windy conditions, the type of vegetation used has partially screened the water tank. Therefore, in order to increase the effectiveness of the landscape screening, AT&T and California Water Service Company will provide additional screening for the facility. The proposed wireless tower (treepole) will screen portions of the visible water tank as seen from the Spreckels area. The proposed screening will provide infill to the existing gaps in the

vegetation planted in 2009. Consequently, the addition of the new screening in addition to the a maintenance agreement

The project (wireless communications facility tower) will fully screen the tower from the public viewshed. However, to ensure that the artificial vegetation on the treepole achieves its full potential to screen the tower and compliment the natural aesthetic of the surrounding area, a landscape screening condition (Condition No. 5) was required to provide additional live vegetation in the foreground, blending the artificial vegetation on the treepole with the surrounding vegetation. Additionally, this will reinforce the existing landscape screening for the water tank by infilling areas that have not been successfully screened. The objective of this is to have the property owner (California Water Service Company) and the lessees of the communications tower (AT&T) combine their efforts to reduce the visibility of the water tank.

Ridge Line Development

The principal issue is that the project is located on a ridge. For that reason, the project was designed to camouflage the wireless communications tower (treepole) and incorporate a condition (Condition No. 5) requiring landscape screening plan to enhance the existing landscape screening to avoid diminishing the scenic value of the area.

Unfortunately, because of the naturally strong prevailing winds several attempts to fully screen the existing water tank with landscape screening have failed. In this case, the proposed wireless communications tower or treepole, as it appears in the photo simulations (**Exhibit F**), will increase the screening of the water tank. The treepole will not be distinguishable from the surrounding natural vegetation from public viewing areas. Therefore, the project as designed and conditioned will have no significant adverse visual impact from common public viewing areas. Moreover, the project will substantially improve the landscape screening of the Las Palmas water tank thereby, diminishing the visibility of the water tank and its impact to the viewshed.

Aesthetics:

The site not located within an area identified in the 2010 General Plan as critical or sensitive viewshed. However, as provided under the Resource Conservation land use designation and the Toro Area Plan supplemental policy T-3.2, scenic entrances such as the River Road/Highway 68 intersection allows the use of landscaping controls to preserve such scenic entrances. Therefore, conditions have been incorporated to enhance existing landscape screening and create new screening elements for the proposed development and existing water tank, to achieve the objective of preserving the scenic value of the area. (I am waiting for a revised vegetation plan from, joint Cal Water/AT&T)

Site Development Standards:

The existing lot maintains an approved water tank. Site coverage requirements under the site development standards per Section 21.40.060 allow maximum building site coverage of 25%. The site with the proposed improvements is 3,033 and will not exceed the maximum site coverage limit of 5,400 square feet. The proposed wireless communication tower (treepole) is to be constructed to a height of 25 feet and will not exceed the structure height limit of 30 feet.

LUAC Review

The project was referred to the Toro Land Use Advisory Committee (LUAC) on December 12, 2011. Staff has received verbal and written communication during Toro Land Use Advisory Committee review (LUAC) and finds that the concerns identified at the meeting by the LUAC and the public have been addressed in the staff report and will be resolved through the conditions of approval. (**See Exhibit E**) The committee was uncertain about the status of the previously approved water

tank project with regard to several attempts to replant landscaping to achieve the intended screening effect of the water tank approved in 1999. Staff addressed the LUAC's concern over the visibility of the existing water tanks by incorporating a landscape screening condition (Condition No. 5) that was approved by the applicant and the property owner. The objective of this condition is to first provide added screening needed to enhance the existing water tank landscape screening and blend the proposed camouflaging of the treepole to ensure that the project is screened; second, to develop a flexible screening plan and maintenance program with appropriate vegetation that can withstand the harsh windy conditions on the ridge. The additional screening for the water tank will allow the tank to blend with the surrounding environment thereby, reducing the visual intrusion into the viewshed. (See Condition No. 5)

Environmental Determination:

California Environmental Quality Act (CEQA) Guidelines Section 15303(d) categorically exempts the construction of new small facilities, such as the proposed 230 square foot equipment shelter and per subsection (d) allows for extension of existing utilities. In this case, the project will extend the cell coverage for the existing network. The project will construct the 25 foot tall treepole and equipment shelter on relatively level ground with minimal grading. The project site is within the existing water tank site which is located on a ridge within the Las Palmas Ranch Subdivision. The project is not located within a visually sensitive area as determined by the 2010 General Plan. However, the proposed treepole is visible from the town of Spreckels for approximately one-half mile west of Spreckels on Spreckels Boulevard. Beyond that halfway point, going towards Highway 68, the treepole cannot be seen. The proposed treepole is not visible from any point along River Road as it passes Las Palmas Ranch. The water tank site is visible from Highway 68, a designated scenic highway. For that reason, the project has been designed to camouflage the wireless communication facility to appear as part of the surrounding vegetation. As a result, no substantial or potentially significant adverse visual impacts or environmental impacts to the surrounding area can be associated with this development. Therefore, the County determined that the project qualified for a categorical exemption per Section 15303(d). There is no evidence in the record that the project as proposed would result in substantial or potentially substantial, adverse environmental changes to the physical conditions within the area, including land, air, water, minerals, or flora. No adverse environmental effects were identified during staff review of the development application or during a site visit and visual assessment conducted on December 10, 2011.

Recommendation:

The project was found to be consistent with the 2010 General Plan, Monterey County Zoning Ordinance, and the Toro Area Plan and is not considered to have any unresolved issues. Therefore, staff recommends that the Planning Commission find the project categorically exempt and approve the project as proposed in the resolution contained herein.

**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 Water Service Company & AT&T
Wireless (PLN100541)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project PLN100541 as proposed Categorically Exempt; and
- 2) Approving a Combined Development Permit PLN100541 consisting of: 1) Administrative Permit and Design Approval to allow the co-location and construction of a new 25 foot tall Telecommunications tower (treepole) with 4 antenna panels and 8 additional antenna panels constructed on a metal support structure constructed approximately 2 feet from the surface of the existing water tank; and a 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the north westerly base of the water tank and grading less than 50 cubic yards of cut and fill; and 2) a Use Permit to allow ridgeline development.

[PLN100541, California Water Service Company & AT&T Wireless, corner of Prestancia Court and Prestancia Way, Salinas, Toro Area Plan (APN: 139-013-027-000)]

The California Water Service Company & AT&T Wireless application (PLN100541) came on for public hearing before the Monterey County Planning Commission on May 9, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County 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 2010 Monterey County General Plan; and
 - Toro Area Plan; and
 - 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 property is located at corner of Prestancia Court and Prestancia Way, Salinas (Assessor's Parcel Number 139-013-027-000), Toro Area Plan. The parcel is zoned PQP-D or "Public Quasi Public and Design Review overlay," and designated in the 2010 General Plan as "RC" or Resources Conservation which allow wireless communication Facilities. Therefore, the project is an allowed land use for this site.
- c) The subject property is located within a Design Control District, which provides for the regulation of location, size, configuration, materials, and colors of structures to ensure protection of the public viewshed. The project was staked with a mock pole tower to identify the proposed location of the mock tree/ wireless communication tower. A visual assessment was made. It was determined that the proposed wireless facility is in fact ridgeline development and will create a silhouette, as defined in the Monterey County Code, Section 21.06.950 from certain perspectives along certain public viewing areas. However, the project as designed and conditioned, would not create a substantially adverse visual impact from public viewing areas due to the mock tree camouflaging and additional natural vegetation screening.
- d) The project is consistent with the Monterey County General Plan policies T-3.1 and T-3.2 require land use, architectural, and landscaping controls be applied and to encourage sensitive site design to preserve Toro's visually sensitive areas and scenic entrances of River Road and Highway 68 intersections. In this case, the water tank site is visible from Highway 68 however, the wireless communications facility and treepole will not visible from Highway 68 due to existing vegetation and the location of the proposed treepole in relationship to the existing water tank. The project is located within a "D" district overlay which requires design review of structures to ensure new development matches the character and visual integrity of the surrounding area. The proposed project achieved this by utilizing the mock tree camouflaging and additional natural vegetation screening to obscure and mask the visibility of the treepole and antenna panels located within the simulated vegetation. The project has been designed to blend and enhance the existing vegetation surrounding the existing water tank.
- e) A non-standard condition of approval (condition No. 5) requiring landscaping screening vegetation to grow to a minimum height of 15 feet and fully cover the base of the tank to blend all development on the ridge with vegetation. The condition will require a maintenance program agreement be instituted between the property owner and the lessee subject to the approval of the Director of Planning. The screening will be re-reviewed in 5 years by the Planning Commission to determine if the desired effect has achieved or if further efforts are required by the owner of the property.
- f) The project is consistent with the 2010 Monterey County General Plan, policy Section OS-1.3 (See Finding No. 6).
- g) The project planner conducted a site inspection on December 10, 2011 to verify that the project on the subject parcel conforms to the plans

listed above.

- h) The project was referred to the Toro Land Use Advisory Committee (LUAC) on December 12 2011. The LUAC had several questions and discussed several issues with suggested changes (See Exhibit E of the May 9, 2012 staff report). The LUAC went on to recommend the application be approved on a vote of 5-1 with no final suggested changes. The concerns of the LUAC have been addressed by conditions incorporated into the staff report.
- i) 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 PLN100541.

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, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, 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 determined that the project as proposed would create potential impacts to the site or the surrounding area, land uses or public viewshed. 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:
 - “Geotechnical and Geological Investigation for the Las Palmas Water Tank Site” (LIB120131) prepared by Brown and Mills Inc., Folsom, CA, May 31, 2011.
 - c) Information submitted by the applicant AT&T wireless, demonstrating the suitability of the site to support the wireless communications facility were stated in the Geotechnical report regarding the infrastructure for the facility. Coverage propagation maps and alternative site analysis indicate that the site is the most suitable and cannot be achieved through co-locating at an alternate site.
 - d) Staff conducted a site inspection on December 10, 2011 to verify that the site is suitable for this use.
 - e) 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 PLN100541.

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 - Planning Department, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. 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.
 - b) No public facilities are necessary for the site. The site is part of a public water distribution system operated by California Water Service Company for the residents of the Las Palmas Ranch area. The project will not generate wastewater so a connection to public sewer is not required. The Environmental Health Bureau reviewed the project and did not impose any conditions on the project.
 - c) A Federal Communications Commission Compliance Study report was prepared for the project. The report analyzed the Maximum Permissible Exposure levels of microwave radiation near the facility. No modeled areas on any accessible ground-level walking/working surface related to the proposed AT&T antennas exceed the FCC's occupation or population exposure limits.
 - d) Preceding findings and supporting evidence for PLN100541.

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 records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on December 10, 2011 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 PLN100541.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(d) exempts the construction of new small facilities, and allows utility extension. As in this case, AT&T Wireless proposes to extend and infill the cell coverage beyond the existing telecommunications network for the area.
 - b) The project allows the construction of a new telecommunications tower as a 25 foot tall tree pole 25 inches at the base with 4 antenna panels and 8 additional antenna panels on an existing water tank with a 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the base of the water tank and will require less than 50 cubic yards

of grading on relatively flat ground previously disturbed. The project, as proposed, will construct the 25 foot tall treepole on an existing water tank site at the crest of a hill. The project is not located within a visually sensitive area as determined by the 2010 General Plan. However, the site is visible from Highway 68, a designated scenic highway. The project has been designed to camouflage the wireless communication facility to appear as part of the surrounding vegetation. As a result, no substantial or potentially significant adverse visual impact or environmental impacts to the surrounding land, air or water, can be associated with this development.

- c) No adverse environmental effects were identified during staff review of the development application during a site visit on December 10, 2011.
- d) No unique circumstances or unresolved issues remain for the project as conditioned. No exceptions per Section 15300.2 apply to the proposed development.
- e) A Federal Communications Commission Compliance Study report was prepared for the project. The report analyzed the Maximum Permissible Exposure levels of microwave radiation, near the facility. No modeled areas on any accessible ground-level walking/working surface related to the proposed AT&T antennas exceed the FCC's occupation or population exposure limits.
- f) See proceeding findings, supporting evidence, application plans, and supporting materials submitted by the project applicant. All records retained by Monterey County Planning Department for the proposed development are found in Project File PLN100541 and The Monterey County data-base (Accela).

6. **FINDING:** **RIDGELINE DEVELOPMENT** – The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

- EVIDENCE:**
- a) Site design and incorporation of the design of artificial leaves, limbs and branches as camouflage, obscure the visibility of the internal tower pole and antenna panels.
 - b) OS-1.3: The project, as demonstrated in the alternative site analysis and coverage propagation maps, and through conditions of approval, meet the General Plan policy objective requiring that a project proposed on a ridgeline, not create a substantially adverse visual impact when viewed from, a common public viewing area. Additionally, based on the applicant's coverage objective to overcome coverage gaps in the Las Palmas Ranch service area, including the westerly end of the greater Salinas area, no other site location would achieve this objective. Therefore, there are no feasible alternatives to the proposed ridgeline development.
 - c) The proposed project achieves a screening affect by utilizing mock tree camouflaging in conjunction with additional natural vegetation screening to obscure and mask the visibility of the treepole and antenna panels located within the simulated vegetation. The project has been designed to blend and enhance the existing vegetation with additional landscape screening to blend the artificial vegetation with surrounding

- d) planted vegetation within the existing site.
- e) The proposed wireless communications facility/treepole, although located at the ridge, is positioned south of the brow of the ridge so that the treepole appears lower than the existing water tank and appears as part of the line of natural vegetation in the foreground, especially from points along Spreckels Boulevard, Highway 68 just before the bridge, and just west of the intersection of River Road on Hilltown Road. As indicated in the photo simulations. (Exhibit F of the May 9, 2012 staff report).
- f) Staff conducted a site inspection and visual assessment on December 10, 2011 to verify the visibility of the staking from the sites indicated in the photo simulations as well as other public viewing areas.
- g) 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 PLN100541.

7. FINDING:

WIRELESS COMMUNICATION FACILITY – The development of the proposed wireless communication facilities will not significantly affect any designated public viewing, scenic corridor or any identified environmentally sensitive area or resources. The site is adequate for the development of the proposed wireless communications facility; the applicant has demonstrated that it is the most adequate site for the provision of services as required by the Federal Communications Commission. The proposed wireless communications facility complies with all the applicable requirements of Monterey County Code section 21.64.310. The subject property on which the wireless communications facility is to be built complies with the rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 21. The proposed wireless communications facility will not create a hazard for aircraft in flight or create a substantially adverse visual impact from any public viewing area.

EVIDENCE:

- a) The proposed facility will consist of: 1) new telecommunications tower as a 25 foot tall tree pole with 4 antenna panels; 2) 8 additional antenna panels on an existing water tank; and 3) an 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the base of the existing water tank.
- b) Wireless communication facility currently exists on the Las Palmas water tank site. The applicant utilized propagation maps and explored alternative site co-location to the maximum extent feasible. A co-location agreement could not be met; documentation of the effort and the reasons why co-location was not possible were reviewed and found to be consistent with Monterey County Code (MCC) 21.64.310 allowing the development of new wireless communications facilities.
- c) Conditions have been incorporated that would reduce the visual impact of the proposed treepole and ancillary equipment. This includes review of colors on all equipment and exterior lighting. In the event of technological advances, the ongoing screening condition allows modifications to improve artificial vegetation used as camouflage of the tower, including the maintenance and restoration of the site if the wireless communications facilities are no longer needed.

- d) The project does not penetrate imaginary surface or exceed height limitations under Federal Aviation Administration regulations, Part 77. The site is not located within the sphere of influence of the Monterey Peninsula Airport, the Salinas Airport, Mesa Del Rey/King City, or Marina Municipal Airport nor does the proposed wireless communications facility create a navigable hazard by breaching approach and transitional zones as defined in MCC 21.86.040.
- e) Staff conducted a site inspection on December 10, 2011 to determine if the site is suitable for the proposed use and identify any potential adverse visual impacts to the public viewing areas.
- f) 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 PLN100541.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

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

- 1. Find the project PLN100541 as proposed Categorical Exempt; and
- 2. Approve Combined Development Permit PLN100541, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PASSED AND ADOPTED this 9th day of May, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Mike Novo, Secretary

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.

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 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100541

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Developemnt Permit consisting of: 1) Use Permit and Design Approval to allow the co-location and construction of a new 25 foot tall telecommunications tower (treepole) with 4 antenna panels and 8 additional antenna panels constructed on a metal support structure constructed approximately 2 feet from the surface of the existing water tank; and a 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the north westerly base of the water tank and grading less than 50 cubic yards of cut and fill; and 2) a Use Permit to allow ridgeline development was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. The notice shall state "A Combined Developemnt Permit , Resolution Number was approved by the Planning Commission for Assessor's Parcel Number 139-013-027-000, on May 9, 2012. "The permit was granted subject to 16 conditions of approval which run with the land" and "A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD039(A) - WIRELESS INDEMNIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 conduct of the activities authorized under said permit. Applicant shall obtain the permission of the owner on which the wireless communication 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, 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)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proof of recordation of the Indemnification Agreement, as outlined, to the RMA-Planning Department.

4. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 recovery.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. 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.

5. PDSP001 - NON STANDARD LANDSCAPE SCREENING AND MAINTENANCE CONDITION

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The site shall be landscaped with additional screening for the project to enhance existing vegetation previously approved for the site. The purpose of the landscape screening is to insure the project and existing landscaping provide enough screening vegetation to reduce the visibility of the site from the public viewshed. The plan shall include a maintenance plan and maintenance agreement. The landscape screening plan shall be in sufficient detail to identify the location, species, and size of the proposed landscape screening and shall include an irrigation plan and success criteria for replanting in the event of failure as specified in the maintenance agreement. Landscape screening vegetation will utilize draught tolerant native or non-invasive plants that can grow to a minimum height of 15 feet and fully cover the base of the tank to blend all development on the ridge with existing vegetation. This condition requires that a maintenance program agreement be instituted between the property owner and the lessee subject to the approval of the Director of Planning. Prior to the issuance of building permits, three (3) copies of the landscape screening plan and maintenance agreement shall be submitted to the Director of the RMA - Planning Department for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The screening will be re-reviewed in 5 years by the Planning Department and a report on the status of the screening vegetation will be made to the Planning Commission by planning staff to determine if the desired effect has been achieved or if further efforts are required by the owner of the property. The landscape screening shall be installed and inspected prior to commencement of use. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition as specified in the maintenance agreement. (RMA & Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of building permits, the applicant or owner of the property shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

The landscaping shall be installed and inspected prior to commencement of use of the wireless communications facility and or treepole.

All landscaped areas and fences shall be continuously maintained by the responsible parties specified in the approved maintenance agreement; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. The screening will be re-reviewed in 5 years by the Planning Department and a report on the status of the screening vegetation will be made to the Planning Commission by planning staff to determine if the desired effect has been achieved or if further efforts are required by the owner of the property.

6. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

7. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

8. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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.

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

9. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A(n) "Geotechnical and Geological Investigation for the Las Palmas Water Tank Site" (LIB120131) prepared by Brown and Mills Inc., Folsom, CA, May 31, 2011 and is on file in the Monterey County RMA - Planning Department. All development shall be in accordance with this report."
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.

10. PD025 - ANTENNA TOWER HEIGHT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The tower shall not exceed the specified height of 25 feet. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, 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.

Prior to final building inspection, the Owner/Applicant shall coordinate with the RMA - Planning Department staff to inspect the project site after construction to ensure compliance with condition.

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on May 9, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

12. PD039(B) - WIRELESS REDUCE VISUAL IMPACTS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.

13. PD039(C) - WIRELESS CO-LOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant and/or successors 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 the specified height of 25 feet. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall 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.

14. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permits, the applicant or owner shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Dept. Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

15. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

16. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Monterey County Regional Fire District)

**Compliance or
Monitoring
Action to be Performed:**

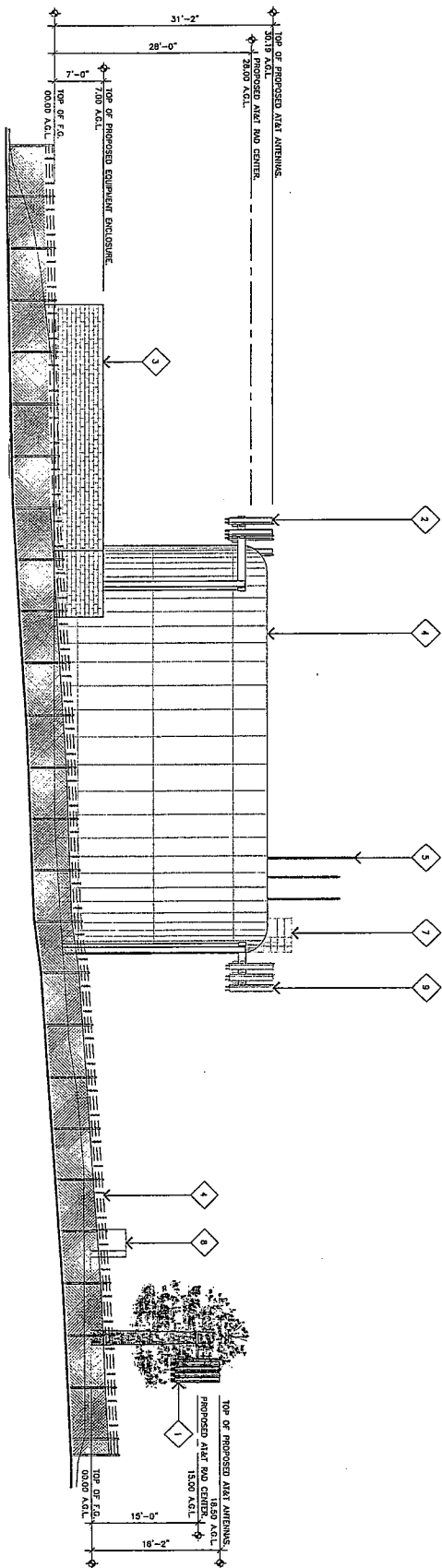
1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.
2. Prior to requesting a final building inspection, the applicant or owner shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

EXHIBIT C

California Water Service Company & (AT&T Wireless)
SITE PLAN, FLOOR PLAN, AND ELEVATIONS

ELEVATION KEYNOTES

- 1 PROPOSED AIR WALK ANTENNAS (1 PER SECTION, 1 SECTION)
- 2 PROPOSED AIR WALK ANTENNAS (1 PER SECTION, 2 SECTIONS) LOCATED ON THE EXISTING STRUCTURE TO MAINTAIN EXISTING NETEL
- 3 PROPOSED AIR WALK 10'-0" X 4'-0" EQUIPMENT ENCLOSURE WITH 1/2" OF GALVANEUM WALL
- 4 EXISTING 6'-0" CONDUIT RACE WITH BARBED WIRE
- 5 EXISTING WATER DISTRICT ANTENNAS
- 6 EXISTING WATER TANK
- 7 EXISTING LAUNDER
- 8 EXISTING TRANSFORMER
- 9 EXISTING NETEL ANTENNAS

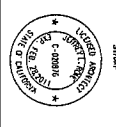


EAST ELEVATION

SCALE: 1/8"=1'-0" 0 4 8 1

JRA
 Jeffrey R. Anderson, Inc.
 12000 Wilshire Blvd., Suite 200
 Beverly Hills, California 90210
 Tel: (310) 276-1111
 Fax: (310) 276-3531

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PREPARED FOR
 4430 Reswood Drive
 Pasadena, California 91208

APPROVALS

P.E. ENGINEER DATE

SITE A.C.L. & ZONING DATE

EXPOSITION C.A. DATE

AIR WALK C.A. DATE

OWNER APPROVAL DATE

PROJECT NAME
LAS PALMAS PARKWAY
 PROJECT NUMBER
CNS774-A
 PREPARED BY WATER TANK
 SHAWN, CALIFORNIA 92308
 MONROE COUNTY

DRAWING DATES
 09/22/10 00% 20% (P1)
 02/28/10 100% 20% (P2)
 10/29/10 REVISION 100% 20% (P3)

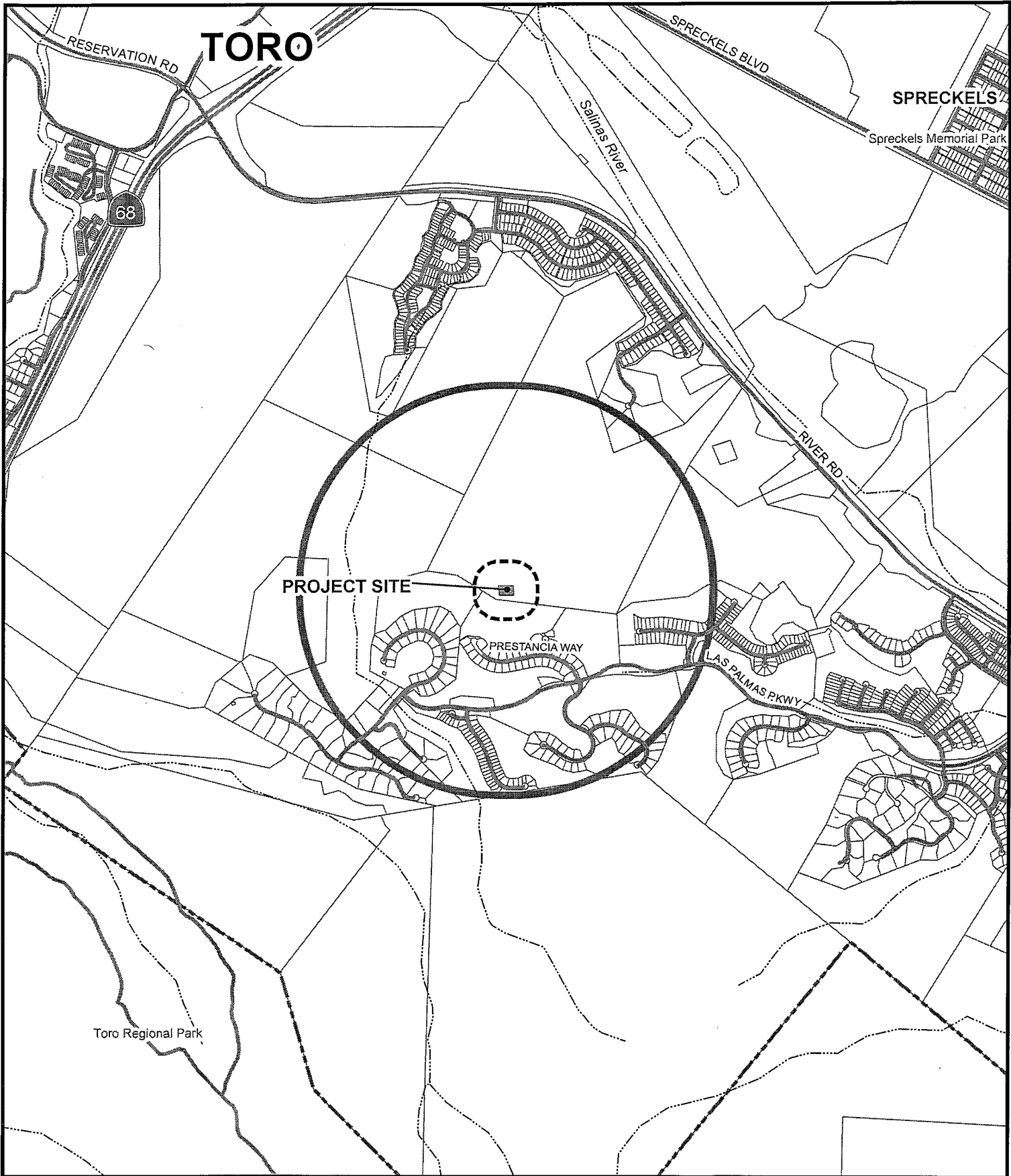
RIMS REVISION LEVEL 1.1

SHEET TITLE

SOUTH ELEVATION

A-4

EXHIBIT D
California Water Service Company & (AT&T Wireless)
VICINITY MAP

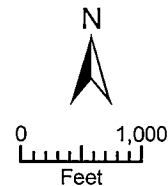


APPLICANT: CALIFORNIA WATER SERVICE CO. (AT&T MOBILITY)

APN:139-013-027-000

FILE # PLN100541

 Water
  2500' Limit
  300' Limit
  City Limits



PLANNER: MONTANO

EXHIBIT E

California Water Service Company & (AT&T Wireless)
LAND USE ADVISORY COMMITTEE MINUTES

MINUTES
Toro Land Use Advisory Committee
Monday, December 12, 2011

1. Meeting called to order by Chair: Kerry Varney at 4:03 p.m.

2. **Roll Call**

Members Present: Ron Vandergrift, Mike Mueller, Kerry Varney, Bob Rieger, Mike Weaver, Bonnie Baker, Mark Kennedy

Members Absent: Beverly Bean (excused)

3. **Approval of Minutes:**

A. September 26, 2011 minutes

Motion: Ron Vandergrift (LUAC Member's Name)

Second: Bonnie Baker (LUAC Member's Name)

Ayes: Vandergrift, Baker, Varney, Weaver, Rieger

Noes: None

Absent: Bean

Abstain: Mueller, Kennedy (They were not at the meeting)

4. **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.

Mike Weaver: CalAm's Toro Water site adjacent to Highway 68, west of Highway 68 and east of Quail Ridge Lane has had chain link fencing and gate installed there. A 4ft X 8ft advertising sign for a Monterey Engineering firm was next to this entrance for over a year. This chain link fence looks like it is going to be permanent. The LUAC will remember two meetings and a field trip we had on this site regarding the visual impacts to Hwy 68. Chair Varney: Recalls that the proposed two tank heights were lowered and made wider for less visibility and that the site had a wooden gate. He opines that the LUAC had a positive role in making that a better project. Mike Weaver: Nothing in the plans the LUAC saw at the time, or that were disclosed on the site visit, or by CalAm, showed new chain link fencing and gate. It is very unsightly on a scenic highway. Wood is better. This is not an agenda item however, bringing it up during public comment time hopefully will get the Planning Department to look into this.

Kerry Varney: He is disappointed that the County Planner is not at today's hearing for the agenda item. He is also disappointed that there is no representative from applicant AT&T. These items are scheduled. He asks that representatives be there to answer questions that may come up, and yet they are not here. He suggests that he will write a letter to Planning asking how things can be better coordinated so the LUAC meetings have attendance by parties involved.

5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. **Meeting Adjourned:** 4:55 pm

Minutes taken by: Mike Weaver

Minutes received via email on Monday, December 19, 2011

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: **Toro**

Please submit your recommendations for this application by: **December 12, 2011**

Project Title: CALIFORNIA WATER SERVICE COMPANY (NSA WIRELESS)

File Number: PLN100541

File Type: PC

Planner: MONTANO

Location: NO ADDRESS ASSIGNED (LAS PALMAS WATER TANK OFF OF PRESTANCIA WAY)

Project Description:

Combined Development Permit consisting of: 1) Use Permit to allow the construction of a new telecommunications tower as a 25 foot tall treepole with 4 antenna panels and 8 additional antenna panels on an existing water tank with a 11.5 foot wide by 20 foot long (230 square foot) equipment shelter at the base of the water tank; grading less than 50 cubic yards of cut and fill; 2) a Use Permit to allow ridgeline development and; Design Approval. The property is located at Las Palmas Parkway water tank off of Prestancia Way, Salinas (Assessor's Parcel Number 139-013-027-000), Toro Area Plan.

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

Fred Rios, Business Development Manager, Cell Site Leases, for California Water Service was in attendance.

Address: 1720 North First Street, San Jose, CA 95112-4598

Tel: 408-367-8326

Cell: 408-482-1013

Fax: 408-392-9797

Email: frios@calwater.com

Web: <http://www.calwater.com>

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Fred Rios-California Water Co.		X	Sprint and Nextel towers are on the site now. Six antennas surround the tank. No structure is required for these. There is also an existing antenna for Cal Water's water signal use.
Fred Rios-California Water Co.		X	Proposed AT&T antenna height will be lower than the top of the tank. Tower on the west for service, smaller tower on the east for service. Equipment shelter, minimum grading.

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)
Kerry Varney: Lives near Prestancia Way. Cannot see the site from his house or nearby.		Pleased that proposed towers are lower than water storage tank.
Mike Weaver: Las Palmas Ranch Subdivision was one of 20 projects selected for review as part of the settlement of the Leeper Lawsuit about ten years ago.		Mike attended several PC Hearings regarding Leeper Lawsuit mitigation monitoring and condition compliance. This water tank was a ridgeline issue that had slipped through somehow.
Mike Weaver: Suggestions to screen with trees (trees died), paint tank a different color (still showed), or move tank underground were made.		Weaver does not think the tank issue was ever resolved. It is an outstanding issue of non-compliance. The PC stopped holding hearings on Leeper.

ADDITIONAL LUAC COMMENTS:

Ron Vandergrift: The cell service reception area is increased by cell tower overall height.

Mark Kennedy: California Water makes money leasing the site for cell towers

Ron Vandergrift: Recalls that a previous request for cell towers inside Toro Regional Park was refused by the Parks Department as being inappropriate in a County Park. Instead the applicants at the time, got the ok from the owners of the Toro Café property to install a cell tower there instead. And, there it is today. Visible.

Kerry Varney: Cannot see the ones there at Las Palmas water tank now. He didn't even know there were cell towers there. He has lived near Prestacia for about seven years. The water tank issue was ten years ago.

Bob Rieger states that there is water at the storage tank. He asks if there is irrigation at the site?

Fed Rios says he does the leasing for Cell Towers all over for Cal Water. He did not know about the history of the tank. Cal Water acquired the tank and water system from the Fletcher's (Developers of Las Palmas Ranch Subdivision). The water storage tank is 30-35 feet high. The cell towers will be 25 feet high without the foundations.

Mike Weaver states the tank is visible from many other areas besides the ones depicted in staff sketches. For example it is visible from parts of Corral de Tierra. He can see it from his house. Trees were tried, attempting to shield the tank. Many of the trees died. Those remaining have been there for about ten years, however, still do not shield the tank. The tank was also painted but it still shows. It is a very large water storage tank. The details of how it ended up where it did, when it apparently wasn't supposed to, are not fully clear, other than a lot happened during Phase II of Las Palmas that wasn't fully explored.

Ron Vandergrift says he can also see the tank from his house on Toro Road although the distance is so great that the tank is a small spec on the horizon. He remembers Phase II of Las Palmas. Ron was a member of the Toro LUAC at the time. He remembers various arguments with the Fletchers for about six months time..

Bob Rieger asks if there is an irrigation system at the site?

Fred Rios responds he thinks remembering seeing at least part of one.

Bob Rieger asks: Who maintains the landscaping? He asks 1) Is the site supposed to be planted, 2) Do trees need to be planted? If money is being paid to Cal Water for the lease, is there money for landscaping?

ADDITIONAL LUAC COMMENTS [CONTINUED]:

Fred Rios responds that he does the Cell Site Leases for all of Cal Water and their headquarters are in San Jose. He explains that as a result, unfortunately he is not real familiar with this specific site.

The question comes up as to what is Cal Water versus what is CalAm? It is explained that Cal Water serves most of The City of Salinas except for the area served by the Adcock's. Cal Water also serves all of Las Palmas Ranch.

Bonnie Baker asks about the retaining wall or earthen walls referenced in the plan. How many retaining walls are there? Fred Rios responds that the grading will be minimal. Retaining walls to screen equipment shelter.

Questions/Concerns are:

- 1) Is there a current violation on the property or has it been lifted?
- 2) What are the numbers of trees planted there now? Is there irrigation? What is the maintenance plan?
- 3) Regarding earthen walls, how many?
- 4) Is there a landscape plan with these towers? Will there be a landscape plan? Will the landscape plan include earthen walls?

Mark Kennedy makes a motion to approve

Bonnie Baker asks if there are more earthen walls? It seems unknown.

Mark Kennedy makes a motion to approve with the following stipulations:

- 1) Review previous landscape plan to require verifying mitigating screening was put into place.
- 2) Ensure site operation building towers to properly maintain proposed landscaping

Mike Weaver explains he cannot support because the question as to whether the previous violation regarding ridgeline development was ever cleared is unknown. Recommending approval of additional cell towers, equipment shelter, and earthen retaining walls at this time may be adding insult to injury.

RECOMMENDATION:

Motion by: Mark Kennedy (LUAC Member's Name)

Second by: Ron Vandergrift (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Mark Kennedy, Kerry Varney, Mike Mueller, Ron Vandergrift, Bonnie Baker

NOES: Mike Weaver

ABSENT: Beverly Bean

ABSTAIN: None

EXHIBIT F
California Water Service Company & (AT&T Wireless)
PHOTO SIMULATIONS AND PROPAGATION MAPS

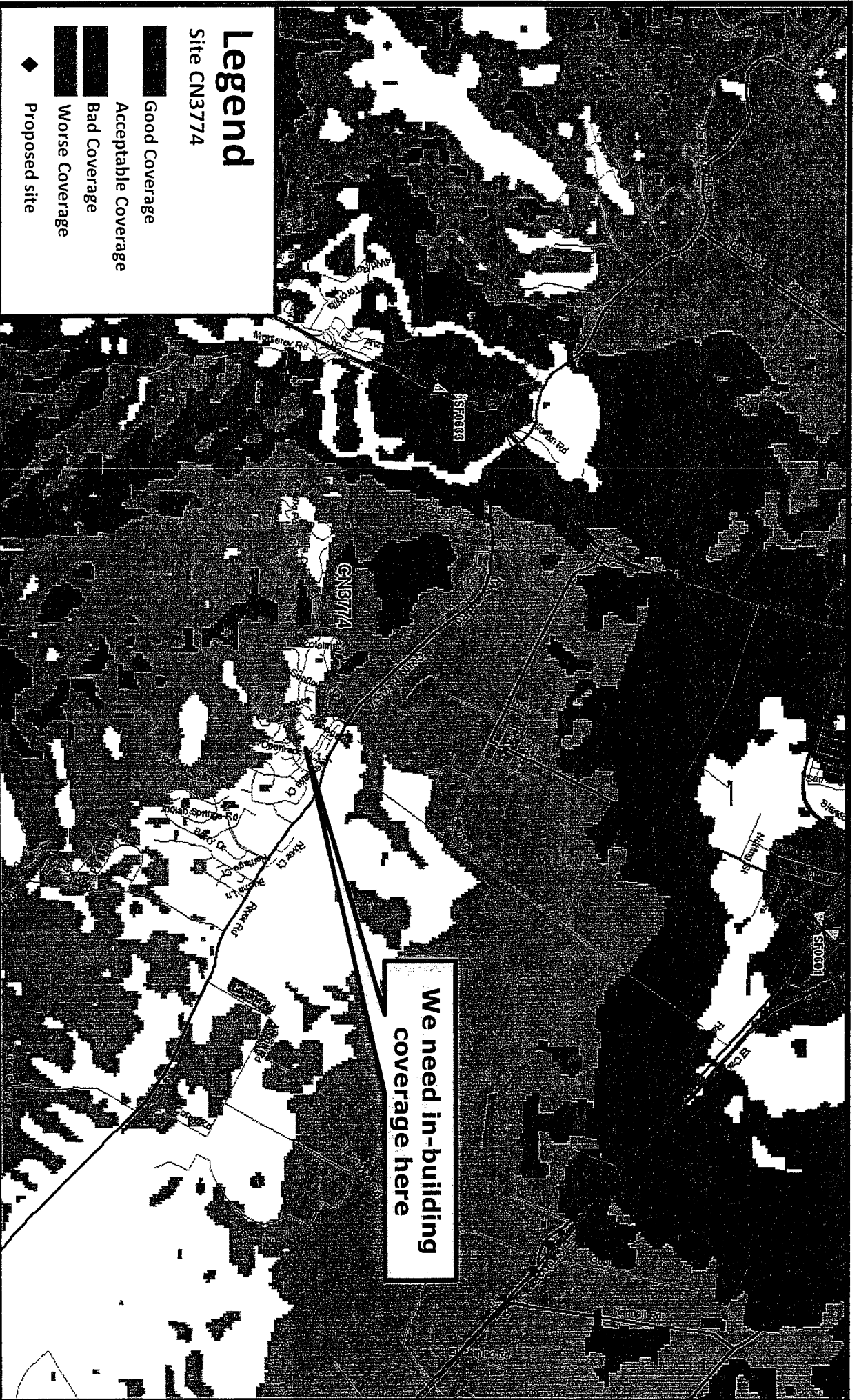
CN3774 Propagation Map

September 30th 2010

Site Objective: This site will provide coverage along River Road between River View CT and Pine Canyon Dr. It will also cover Las Palmas Pkwy between Acclaim way and River Rd. It will provide coverage on Rancho Del Rio Dr, Tara Dr and other residential streets and residents in the area.

Existing 850 Coverage

September 30, 2010



Proposed 850 Coverage

September 30, 2010

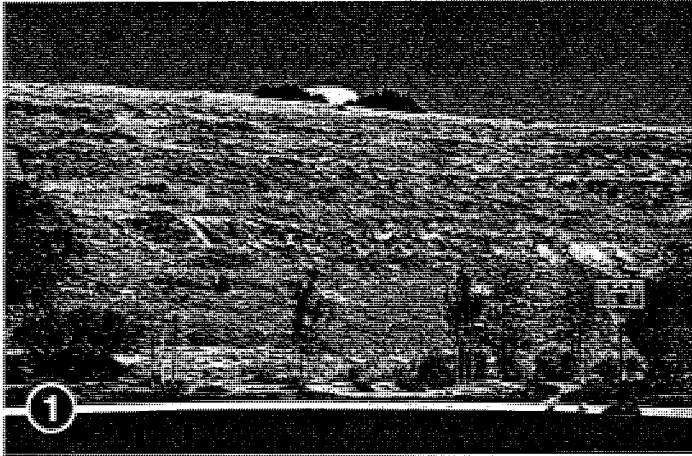


Legend

Site CN3774

- Good Coverage
- Acceptable Coverage
- Bad Coverage
- Worse Coverage
- Proposed site





Las Palmas Parkway

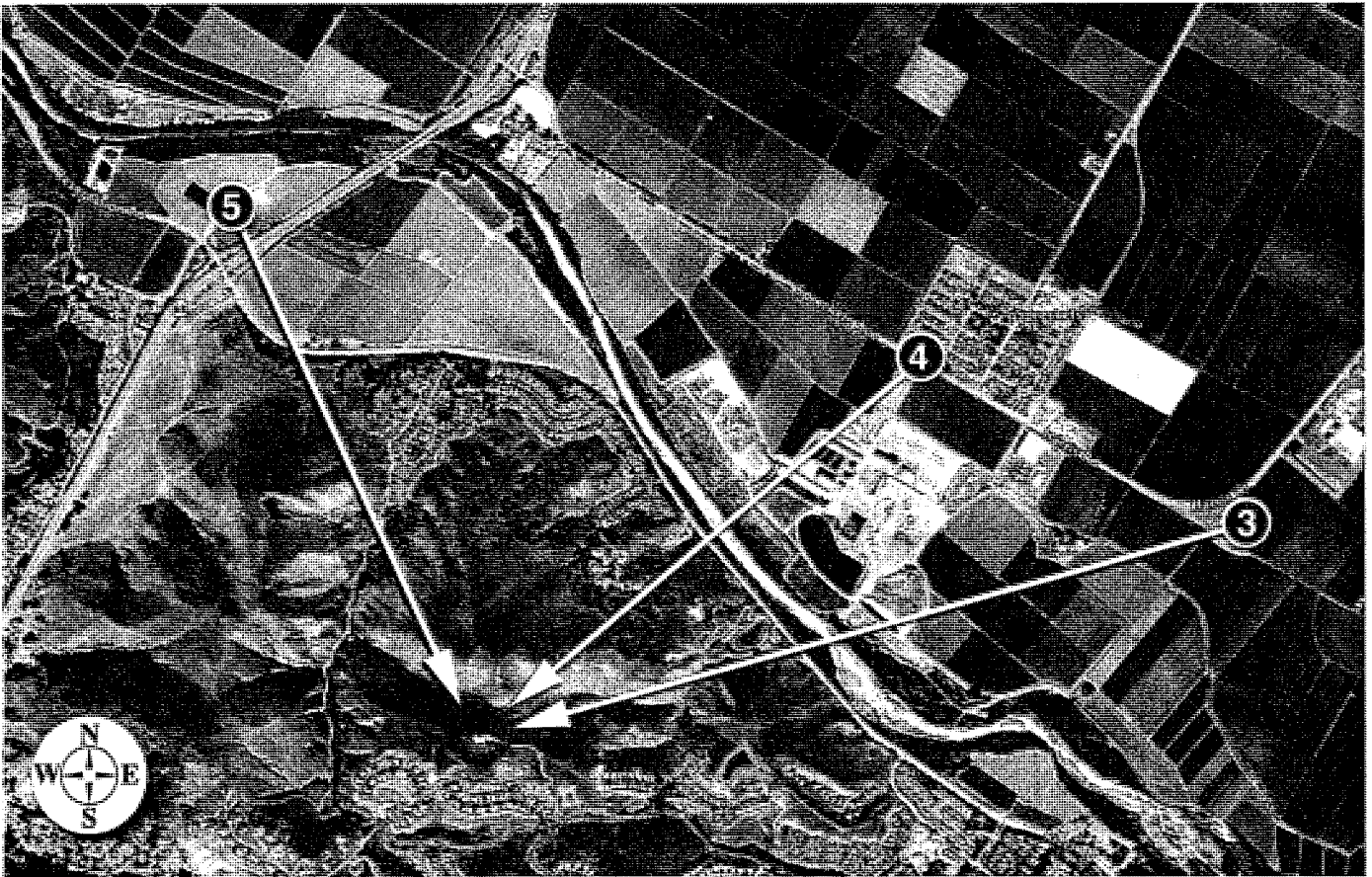
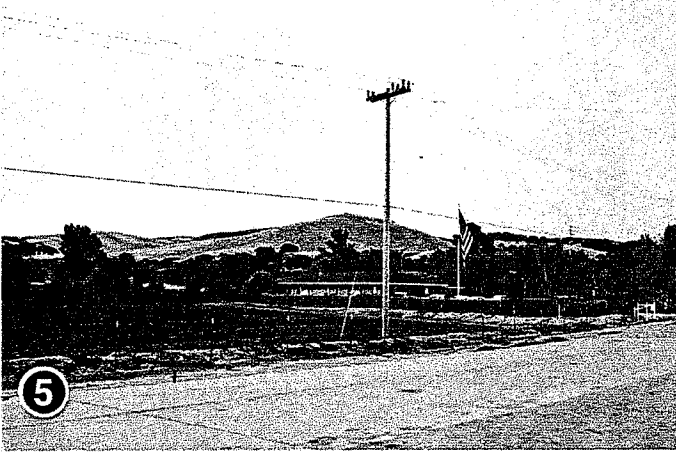
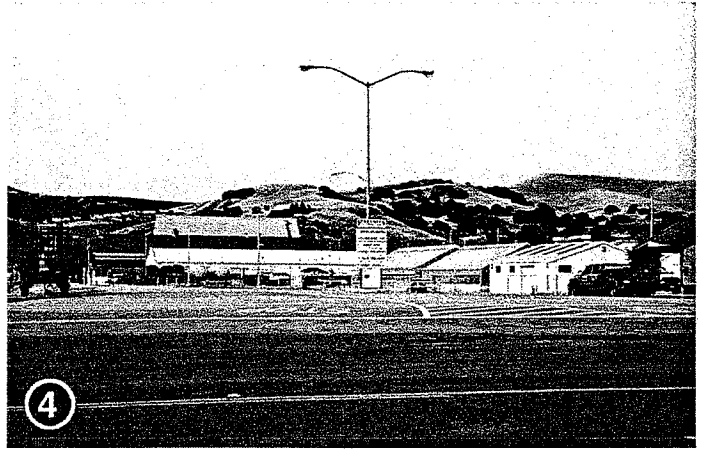
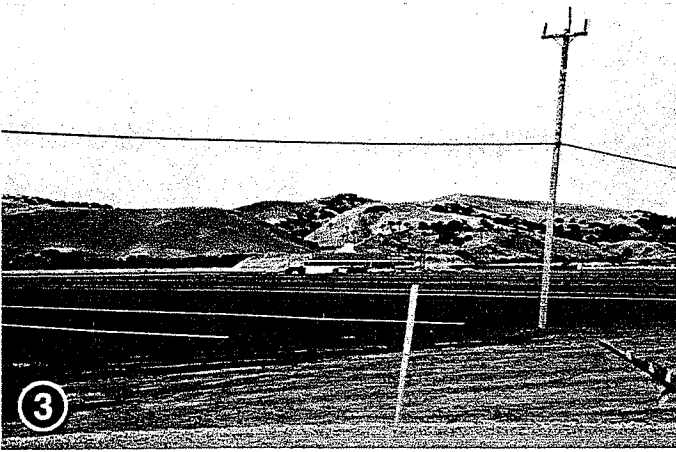
Site # CNU3774A

Aerial Map

9/25/10

Prestancia Ct. Water Tank
Salinas, CA 93908

Applied Imagination 510 914-0500



Las Palmas Parkway

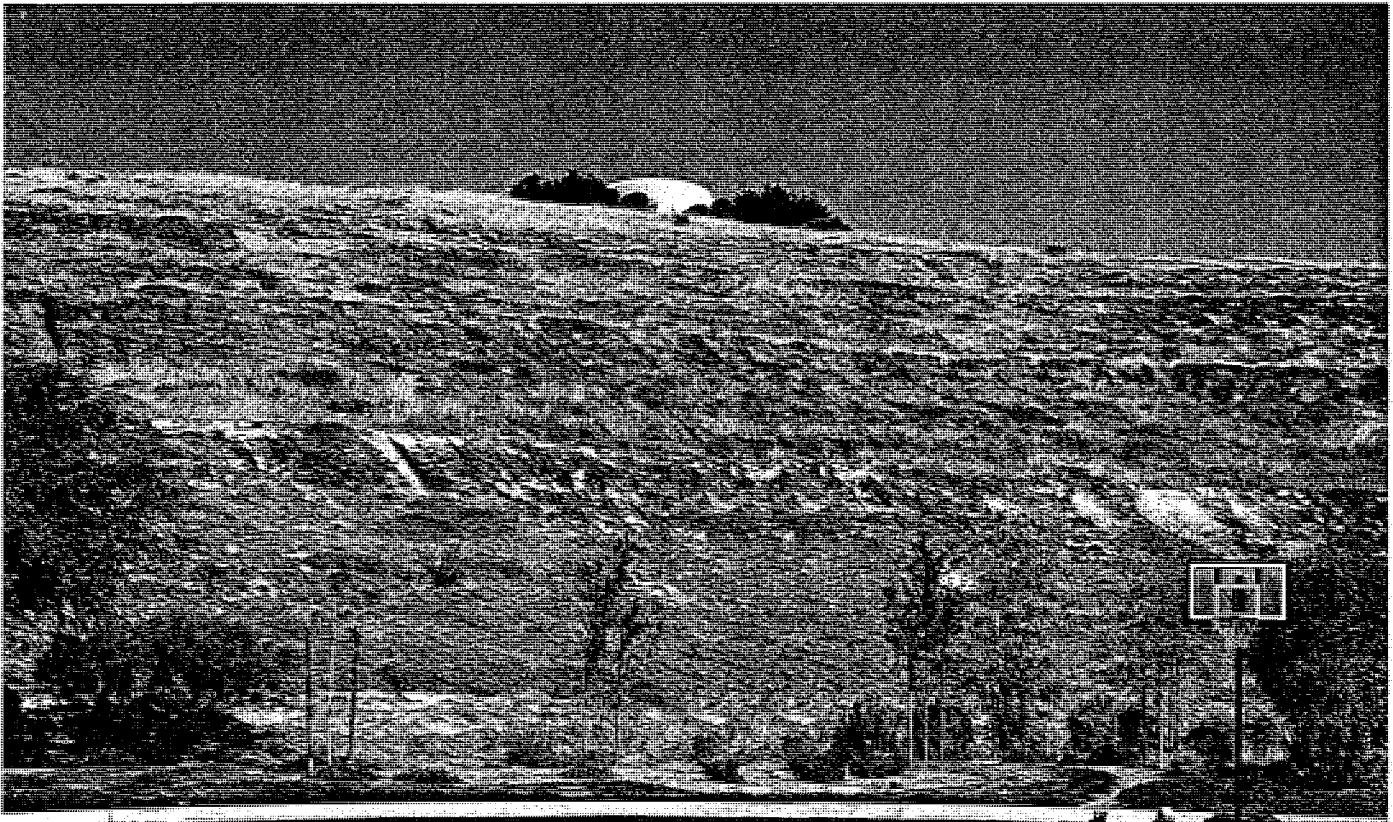
Site # CNU3774A

Aerial Map

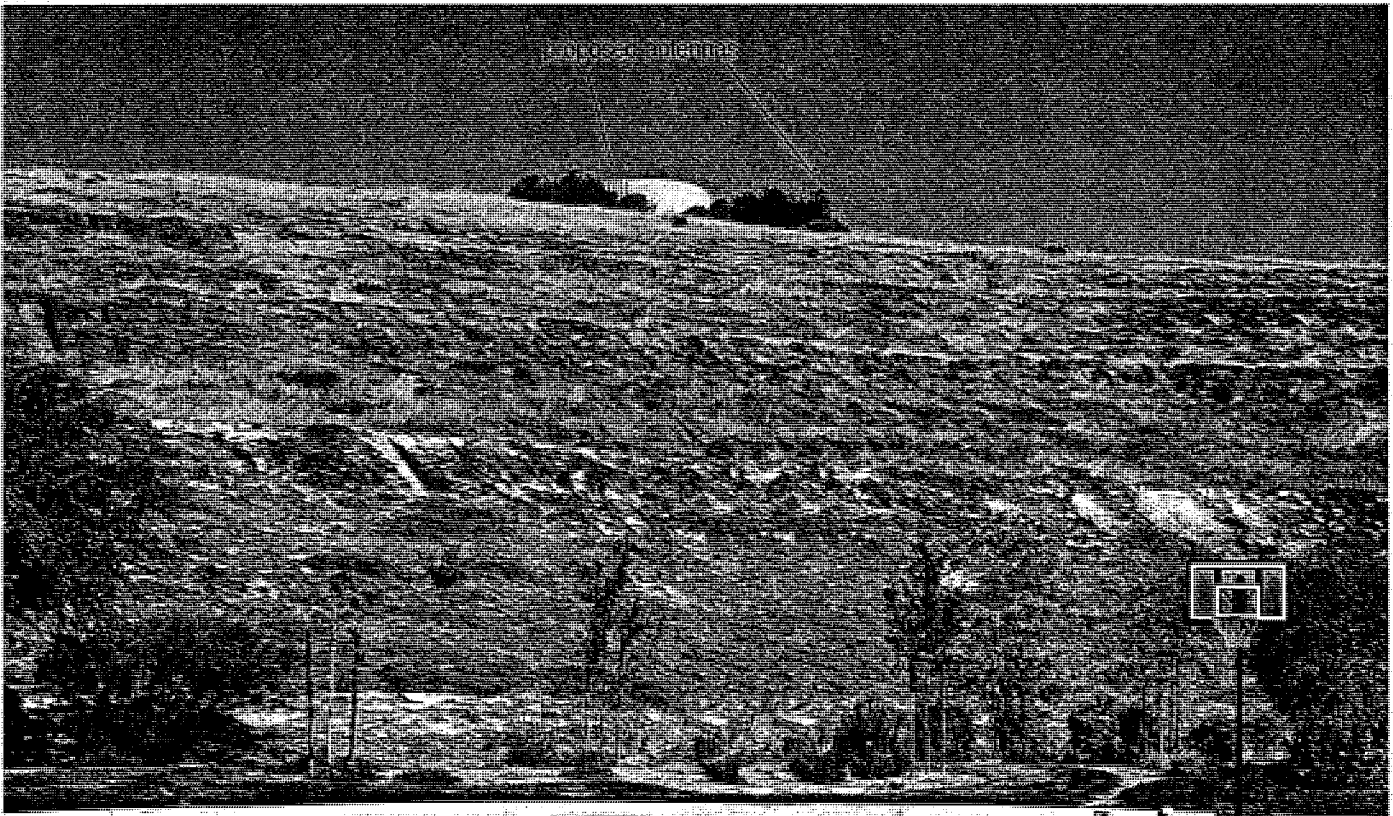
6/03/11

Prestancia Ct. Water Tank
Salinas, CA 93908

Applied Imagination 510 914-0500



Existing



Proposed



Las Palmas Parkway

Site # CNU3774A

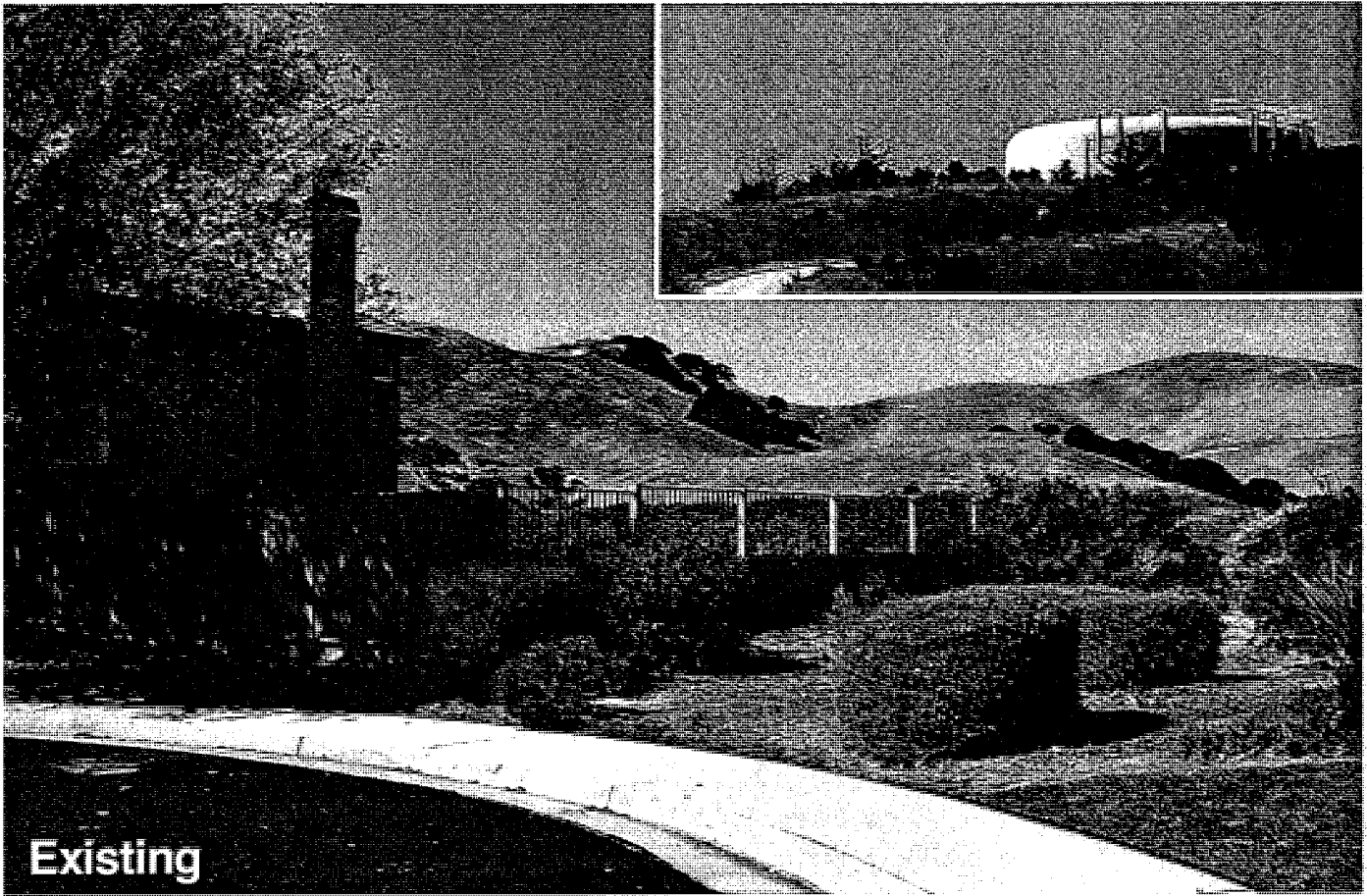
Looking Northeast from Prestancia Way

9/25/10

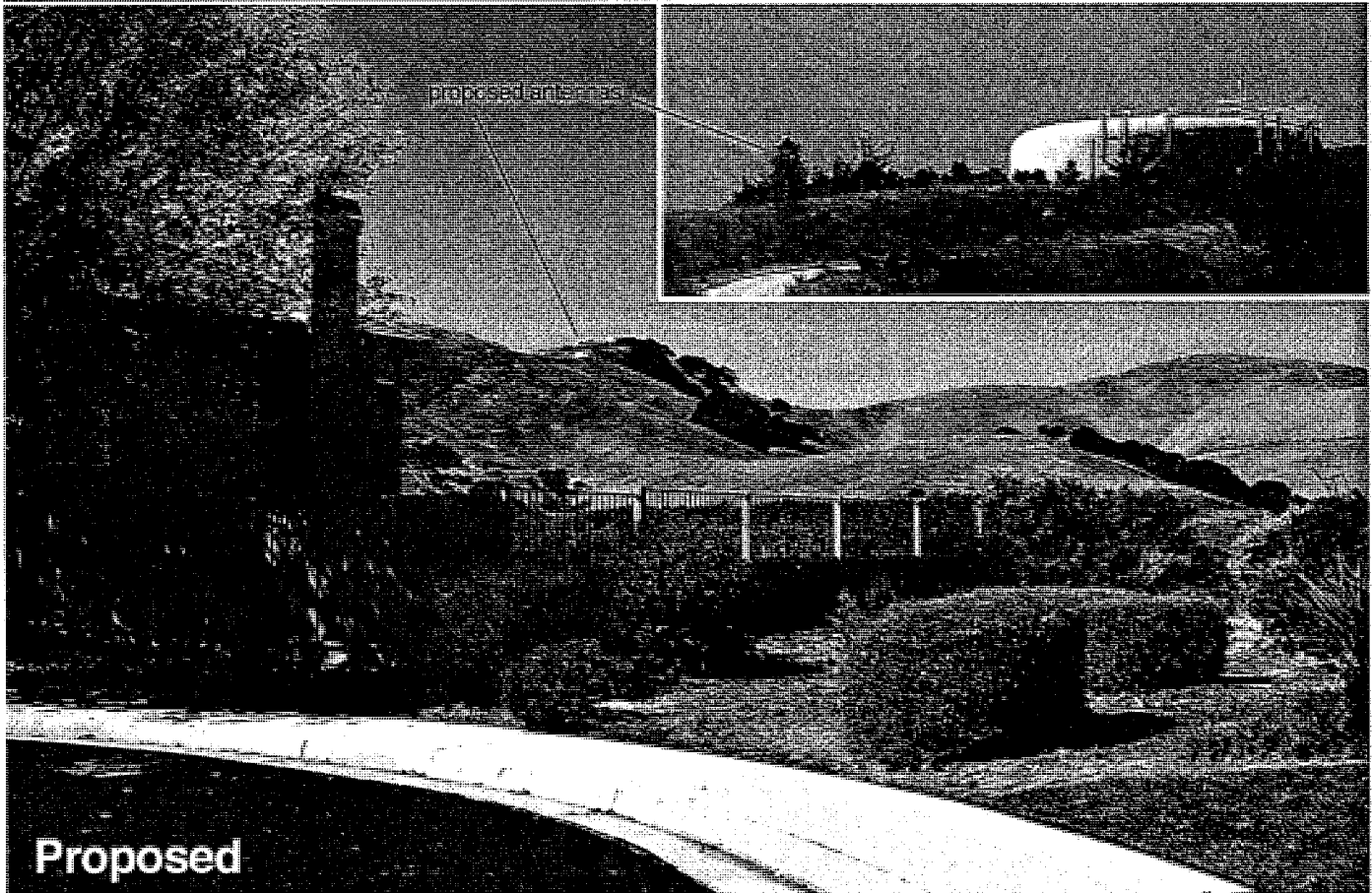
Prestancia Ct. Water Tank
Salinas, CA 93908

View #1

Applied Imagination 510 914-0500



Existing



proposed antennas

Proposed



Las Palmas Parkway

Site # CNU3774A

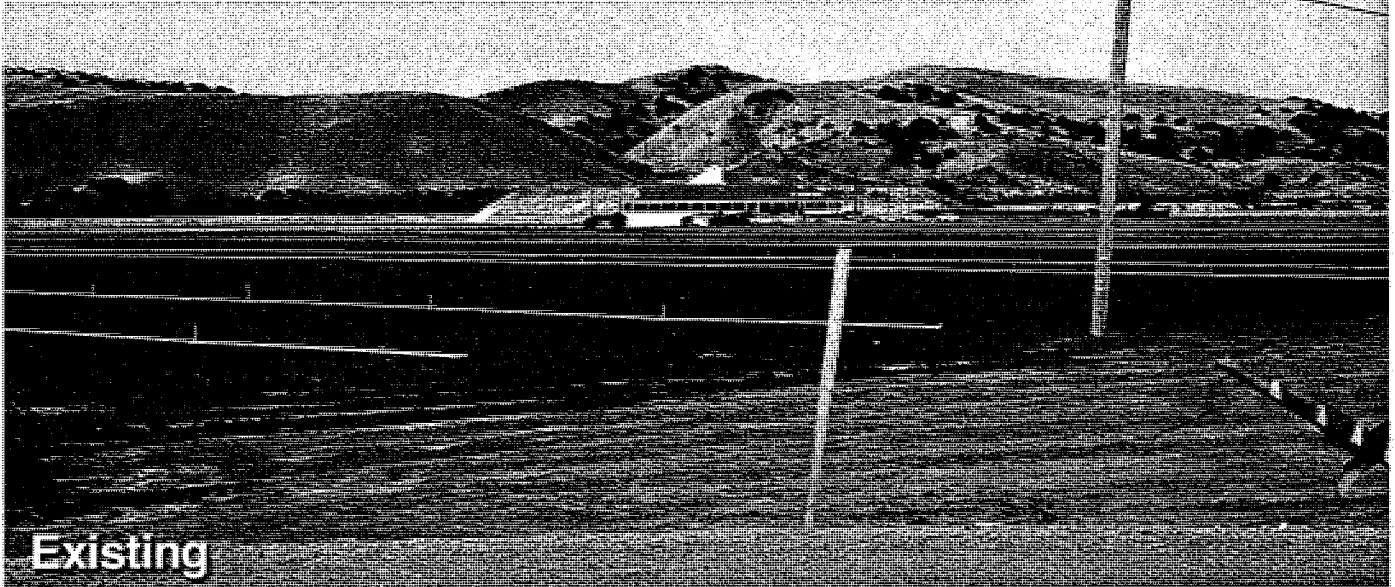
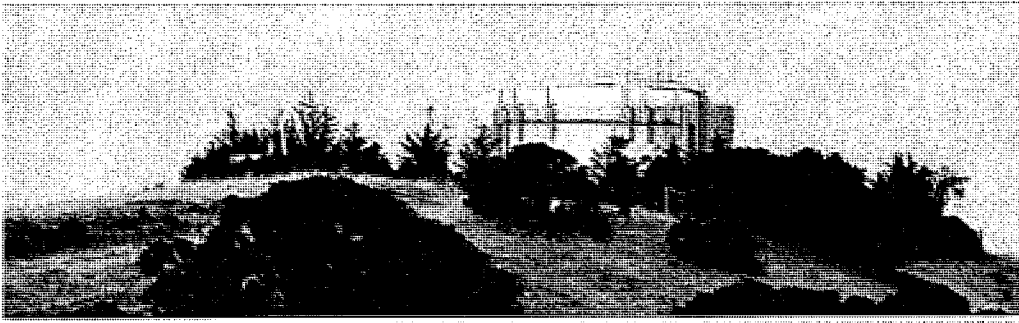
Looking Northwest from Honor Lane

9/25/10

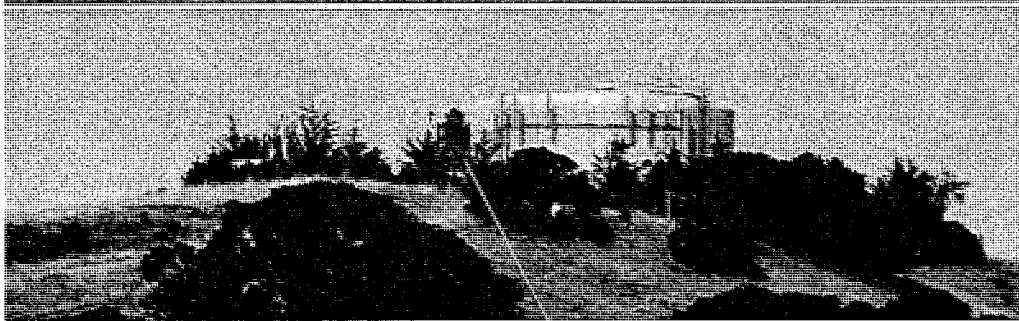
Prestancia Ct. Water Tank
Salinas, CA 93908

View #2

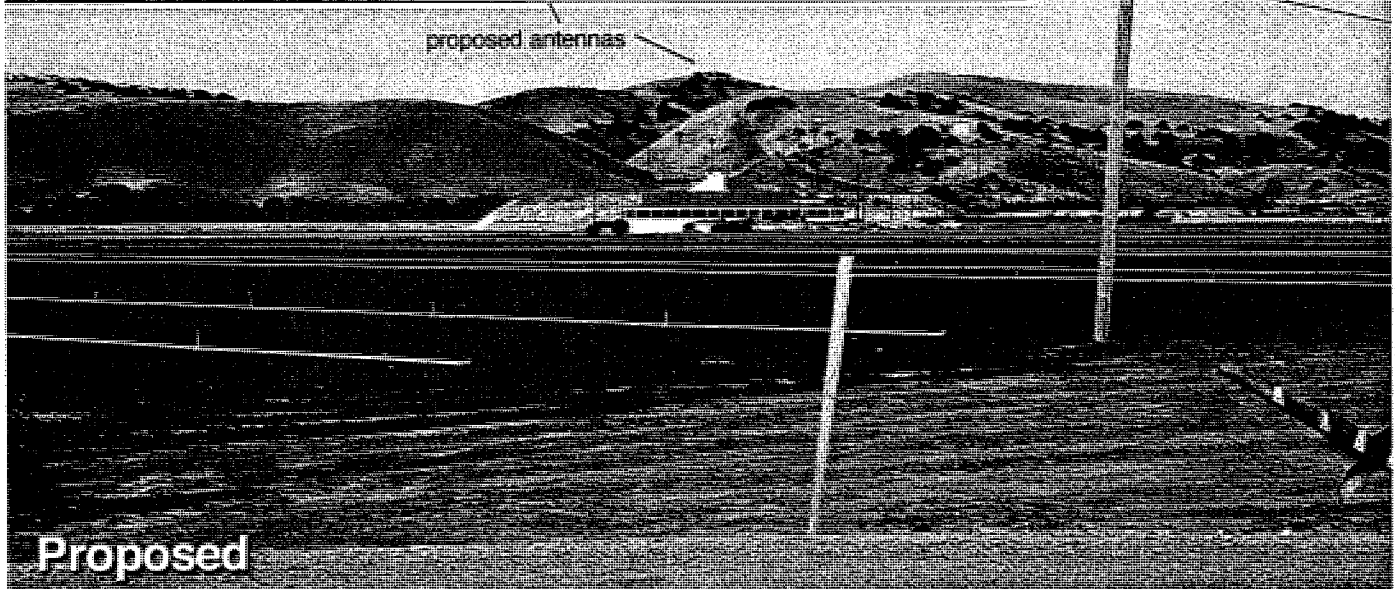
Applied Imagination 510.914-0500



Existing



proposed antennas



Proposed



Las Palmas Parkway

Site # CNU3774A

Looking West from Harris Road

6/03/11

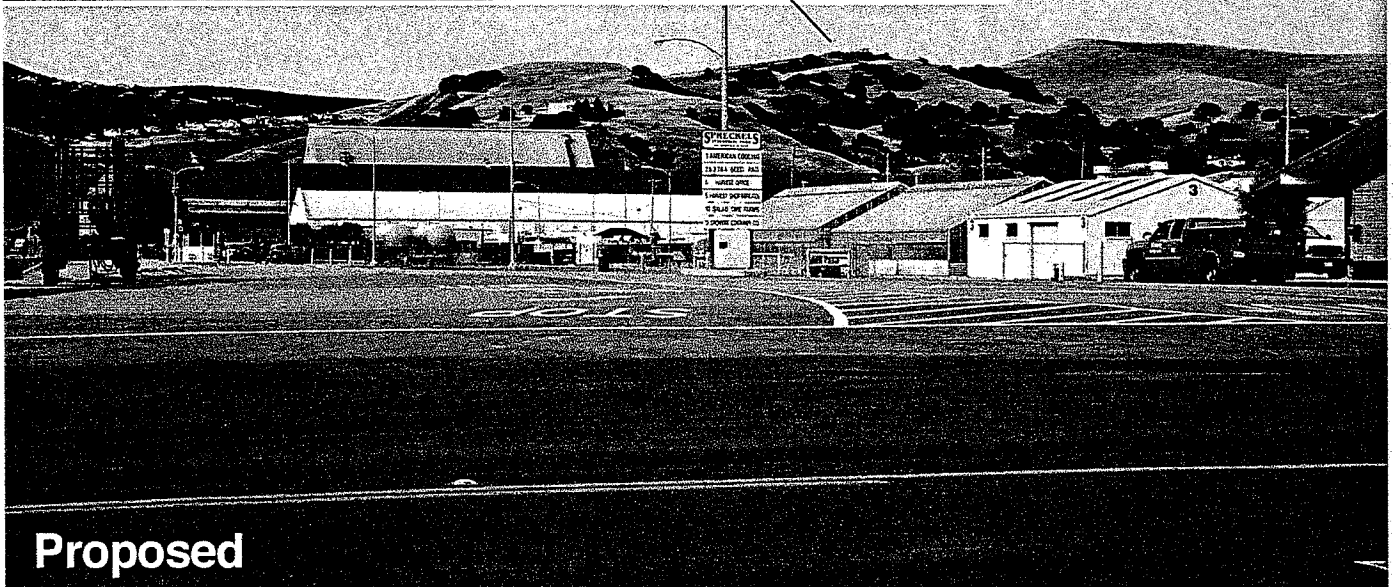
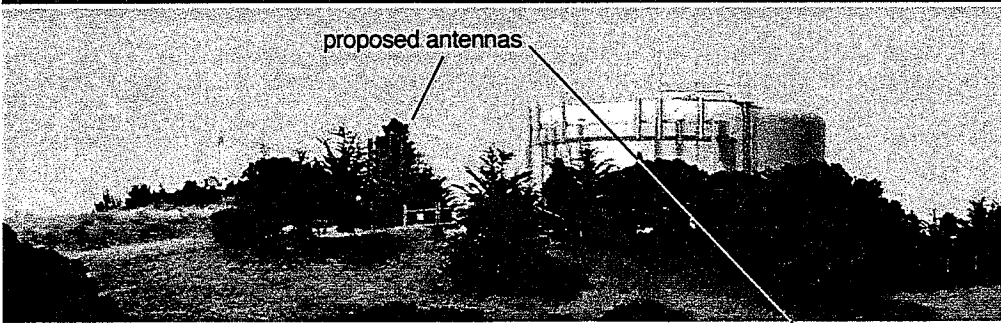
Prestancia Ct. Water Tank
Salinas, CA 93908

View #3

Applied Imagination 510.914-0500



Existing



Proposed



Las Palmas Parkway

Site # CNU3774A

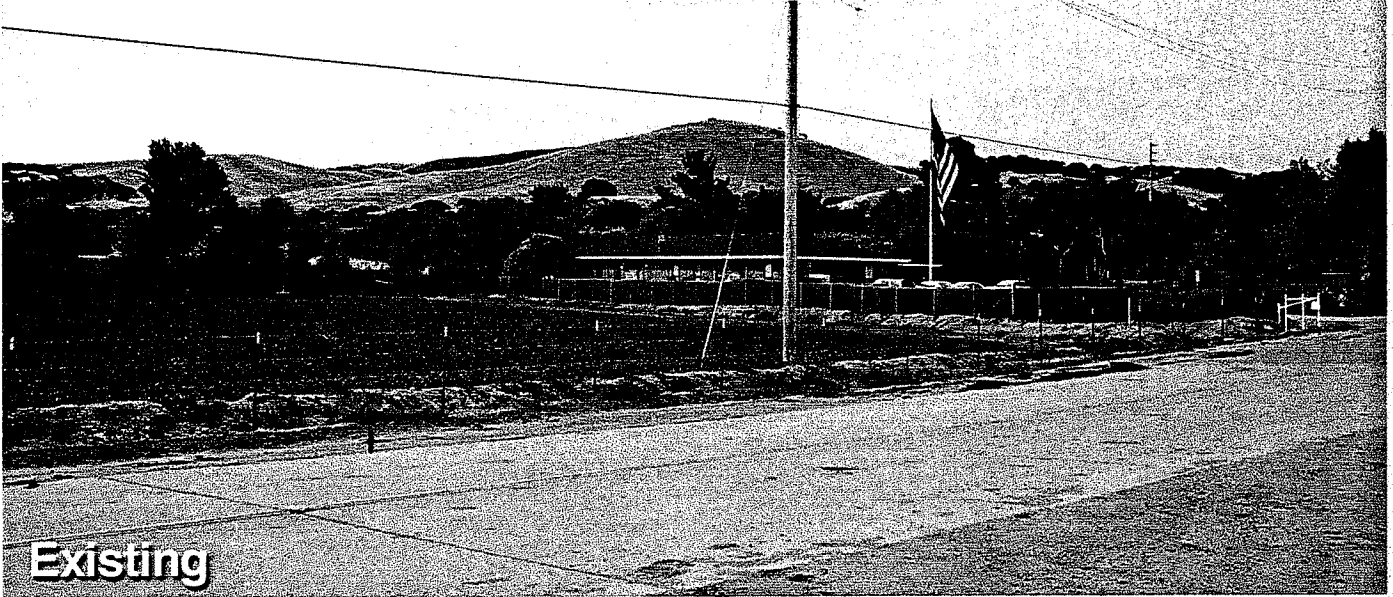
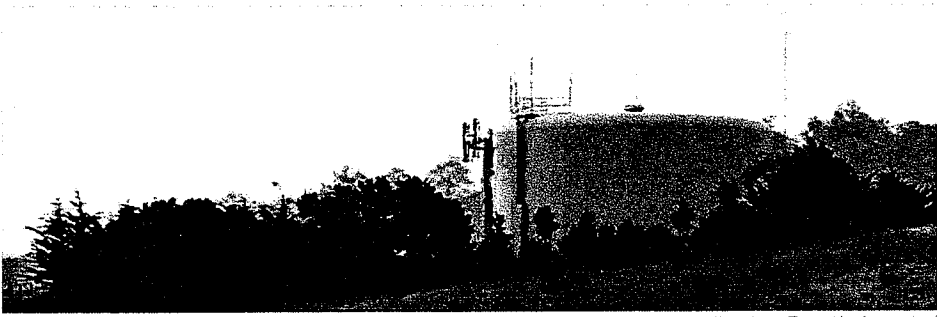
Looking Southwest from Spreckles Avenue

6/03/11

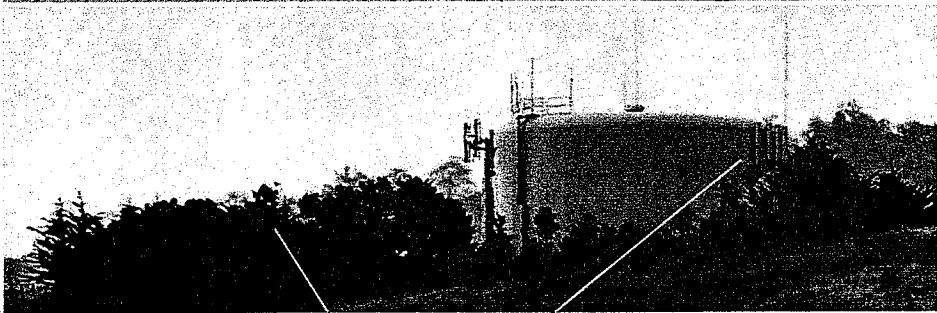
Prestancia Ct. Water Tank
Salinas, CA 93908

View #4

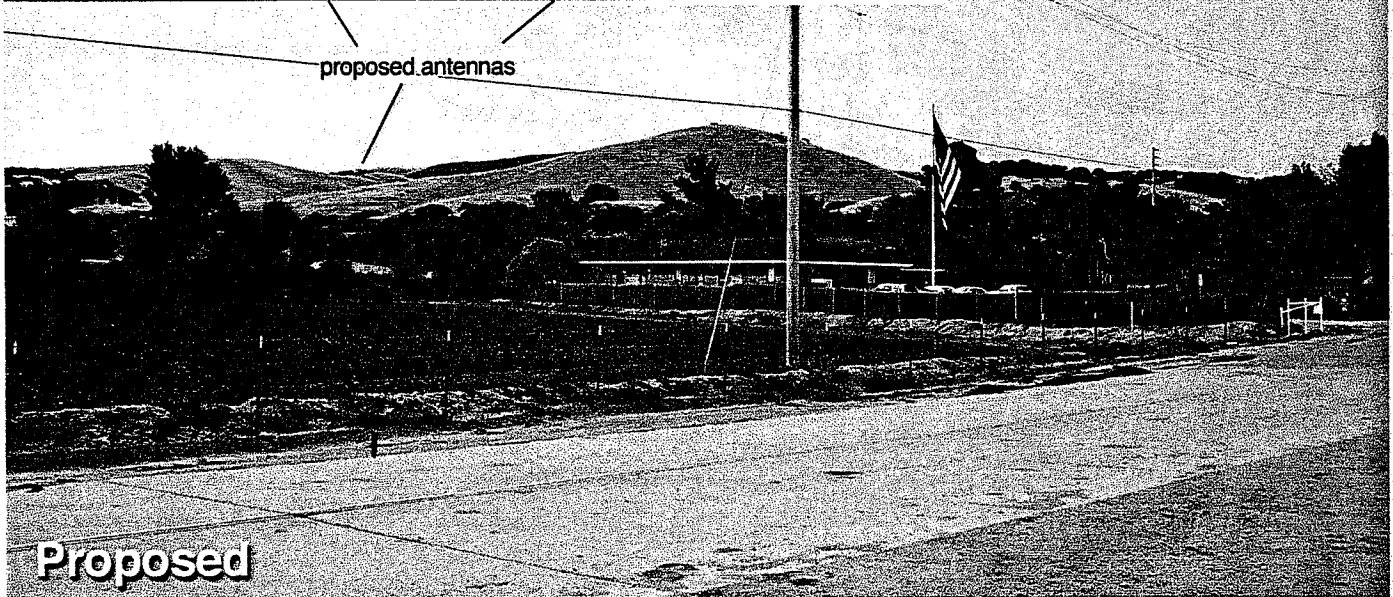
Applied Imagination 510.914.0500



Existing



proposed antennas



Proposed



Las Palmas Parkway

Site # CNU3774A

Looking Southeast from Hilltown Road

6/03/11

Prestancia Ct. Water Tank
Salinas, CA 93908

View #5

Applied Imagination 510 914-0500