

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 26, 2012 **Time:** 9:00AM

Agenda Item No.: 3

Project Description: The Monterey County Emergency Communications Department and other local public safety agencies are participating in a project to deploy the Next Generation Emergency Network (NGEN) radio system for emergency communications throughout the County. The project is proposed to upgrade the regional public safety wireless communication systems used by the member agencies and to support critical communications of first responders to emergency calls. The new system would consolidate 33 existing telecommunication equipment sites into 18 sites. Development of the improvements at four of the sites would require discretionary permits per the Zoning Ordinance. The specific project descriptions are as follows:

Site No.1 – Lewis Road (Snodgrass) – PLN100501

Use Permit for the development of a new public safety, non-commercial wireless telecommunications facility consisting of an 80 foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank. Excavation will be required for associated foundation work and utility lines (less than 100 cubic yards of grading); and a Tree Removal Permit to allow the removal of two trees (17-inch Oak and 20-inch Pine). The proposed facility would replace an existing 40-foot high radio transmission tower and other related equipment operated by the Monterey County Sheriff's Office and the North County Fire Protection District. The property is located at 1705 Covenant Lane, Royal Oaks (Assessor's Parcel Number 412-151-002-000), Lewis Road area, North County Area Plan.

Site No. 2 – Laguna Seca (County of Monterey) – PLN100502

Use Permit and Design Approval for development of a "Wireless Telecommunications Collocation Facility" [as defined in Section 65850.6 (d) (3) of the California Government Code] including the following: 1) a public safety, noncommercial wireless telecommunication facility consisting of a 100-foot high lattice tower, a 900 square foot equipment shelter building, a 750-gallon propane gas tank and a propane generator to be owned and operated by the Monterey County Emergency Communications Department; 2) collocation of a commercial wireless telecommunication facility to be operated by Verizon Wireless, consisting of the installation of additional antennas and ancillary equipment on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; and 3) the future collocation of two additional commercial wireless telecommunications facilities to be operated by commercial wireless telecommunications providers, consisting of additional antennas and ancillary equipment also to be installed on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility. The future development of the commercial wireless telecommunication facilities would not require additional discretionary approvals by the County. The site is pre-disturbed (paved) and development of the entire project would include minimal grading (less than 100 cubic yards of excavation). The property is located at 1021 Monterey-Salinas Highway, adjacent to the Laguna Seca Raceway, (Assessor's Parcel Number 173-011-023-000), Highway 68 area within the Greater Monterey Peninsula Area Plan. The site is located in the Laguna Seca Recreational Area and is owned by the Monterey County Parks Department.

Site No. 3 – Pinyon Peak (Santa Lucia Preserve) – PLN100515

Combined Development Permit including: 1) a Use Permit and Design Approval for development of a new public safety, noncommercial wireless telecommunications facility consisting of a 75-foot high monopole with one Omni antenna affixed to the top; three (3), 22-foot long Omni antennas

and one (1) four-foot diameter microwave dish to be installed on the outside of an existing building known as the "Sid Ormsbee Lookout Tower;" and installation of related equipment in the inside of the building and removal of an existing underground propane gas tank. The site is already developed, and minimal grading would be required for construction (15 cubic yards of grading); 2) a Use Permit to allow Ridgeline Development; and 3) Use Permit to allow the Rehabilitation of an existing historic building known as the "Sid Ormsbee Lookout Tower." The property is located generally east of Robinson Canyon Road on Pinyon Peak Trail, Carmel Valley (Assessor's Parcel Number 239-141-002-000) within the Greater Monterey Peninsula Area Plan.

Site No. 4 – Huckleberry Hill (California-American Water Company) – PLN100516

Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the development of a public safety, non-commercial wireless telecommunications facility including a 100-foot high monopole with ten (10) Omni-directional antennas, two 4-foot diameter microwave dishes and three panel antennas; a 276 square foot (11.5 x 24.0) equipment shelter; two GPS antennas mounted to the roof of the shelter; demolition of an abandoned 50,000 –gallon water tank and grading (less than 100 cubic yards cut and fill); 2) a Coastal Development Permit to allow ridgeline development; and 3) Design Approval. The property is located at 4041 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-111-017-000) within the Del Monte Forest Land Use Plan.

Project Location: See individual project descriptions above.	APN: See individual project descriptions above.
Planning File Number: Site 1: PLN100501; Site 2: PLN100502; Site 3: PLN100515; Site 4: PLN100516.	Owner: Site 1: Steve Snodgrass; Site 2: County of Monterey; Site 3: Santa Lucia Conservancy; Site 4: California American Water Company. Agent: Monterey County Emergency Communications Department
Planning Area: Site 1: North County Area Plan; Site 2: Greater Monterey Peninsula Area Plan; Site 3: Greater Monterey Peninsula Area Plan; Site 4: Del Monte Forest Land Use Plan.	Flagged and staked: No. Visual simulations prepared for the project at each site.
Zoning Designation: Site No. 1: LDR/B-6 [Low Density Residential with a Building overlay]; Site No. 2: PQP-D-S [Public/Quasi-Public with a Design Control and Site Review overlay]; Site No. 3: RC/40-D-S [Resource Conservation, 40 acres per unit with a Design Control and Site Review overlay]; Site No. 4: MDR/4-D (CZ) [Medium Density Residential, 4 units per acre with a Design Control overlay within the Coastal Zone].	
CEQA Action: Mitigated Negative Declaration.	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt individual resolutions for each project to:

- 1) Adopt a Mitigated Negative Declaration (**Exhibit F**);

- 2) Approve Use Permit No. PLN100501 based on the findings and evidence and subject to the conditions of approval contained in **Exhibit B**;
- 3) Approve Use Permit No. PLN100502 and adopt a Mitigation Monitoring Reporting Plan/Conditions of Approval based on the findings and evidence and subject to the conditions of approval contained in **Exhibit C**,
- 4) Approve Use Permit No. PLN100515 and adopt a Mitigation Monitoring Reporting Plan/Conditions of Approval based on the findings and evidence and subject to the conditions of approval contained in **Exhibit D**, and
- 5) Approve Use Permit No. PLN100516 based on the findings and evidence and subject to the conditions of approval contained in **Exhibit E**.

PROJECT OVERVIEW:

The County of Monterey, on its behalf and for all local agencies participating in the Next Generation (NGEN) radio system, is administrating a project to replace and upgrade regional public safety wireless communication systems. Currently, member agencies operate a number of separate systems with redundant service areas. The NGEN project is an upgrade and consolidation of radio communication systems used by its member agencies. The NGEN system will support mission critical communications of first responders. Successful implementation of the NGEN system is a top priority for local enforcement and fire prevention organizations. The new system would consolidate 33 existing telecommunication equipment sites into 18 sites. Development of the improvements at four of the sites would require discretionary permits per the Zoning Ordinance.

An Initial Study has been prepared for the four projects requiring discretionary review. Potential significant impacts on Maritime Chaparral and California Tiger Salamander were identified for the project at the Laguna Seca Park (Site No. 2). Potential significant impacts on the Smith's blue butterfly, California red-legged frog and California tiger salamander were identified at the Pinion Peak site (Site No. 3). Adequate mitigation measures have been identified and recommended and a Mitigated Negative Declaration (MND) was filed for public review from August 19, 2012 to September 21, 2012. Comments received on the MND will be addressed at the Planning Commission hearing. The Initial Study/MND is contained in Exhibit K. A separate Resolution (Exhibit F) has been prepared for the adoption of the Mitigated Negative Declaration for the four projects.

Comments have been received for the projects at Lewis Road and Huckleberry Hill sites (Site Nos. 1 & 4 respectively). Those comments are included in Exhibit J. Staff has completed a substantial amount of visual impact analysis consistent with the requirements of the Zoning Ordinance and the General Plan. The projects as proposed and modified through the public and staff review are consistent with applicable policies of the General Plan and Area Plans. Staff recommends approval of the projects through the adoption of separate Resolutions and subject to the recommended mitigation measures and conditions of approval.

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

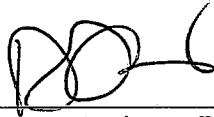
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- Water Resources Agency
- √ North County Fire Protection District
- √ Pebble Beach Community Services District

✓ Monterey County Regional Fire Protection District
Parks Department
California Coastal Commission

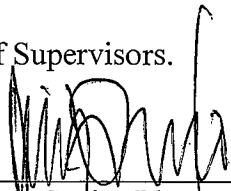
Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by individual agencies have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the individual draft resolutions (**Exhibits B, C, D, E**).

The subject projects have been considered by the respective Land Use Advisory Committees (LUAC) as follows: Site No.1 –Lewis Road (Snodgrass): North County Non-Coastal LUAC; Site No. 2 – Laguna Seca (County of Monterey): Not reviewed by any LUAC as the site is not located within the review area of any of the advisory committees; Site No. 3 – Pinyon Peak (Santa Lucia Preserve): Carmel Valley LUAC; Site No. 4 – Huckleberry Hill (California-American Water Company): Del Monte Forest LUAC. The dates of review and the recommendations of the LUACs are included below under the discussion of the individual projects (Exhibits A.1 – A.4).

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



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September 14, 2012



Luis Osorio – Senior Planner
(831) 755-5177, osoriol@co.monterey.ca.us


This report was reviewed by Mike Novo, Director of Planning

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District; Monterey County Regional Fire Protection District; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Luis Osorio, Project Planner; Carol Allen, Senior Secretary; County of Monterey, Owner; DeAnna Hilbrant, Agent; The Open Monterey Project; LandWatch; Planning File Nos. PLN100501, PLN100502, PLN100515 and PLN100516

Attachments: Exhibit A Project Data Sheets/Project Discussion

- Exhibit A.1 Site 1: Data Sheet and Project Discussion
- Exhibit A.2 Site 2: Data Sheet and Project Discussion
- Exhibit A.3 Site 3: Data Sheet and Project Discussion
- Exhibit A.4 Site 4: Data Sheet and Project Discussion

Exhibit B Draft Resolution for File No. PLN100501, including:

- Conditions of Approval
- Site Plan, Floor Plan and Elevations, Parcel Map, Vicinity Map

Exhibit C Draft Resolution for File No. PLN100502, including:

- Conditions of Approval and Mitigation Monitoring and Reporting Program
- Site Plan, Floor Plan and Elevations, Parcel Map, Vicinity Map

- Exhibit D Draft Resolution for File No. PLN100515, including:
 - Conditions of Approval and Mitigation Monitoring and Reporting Program
 - Site Plan, Floor Plan and Elevations, Parcel Map, Vicinity Map
- Exhibit E Draft Resolution for File No. PLN100516, including:
 - Conditions of Approval Site Plan, Floor Plan and Elevations, Parcel Map, Vicinity Map
- Exhibit F Draft Resolution for Adoption of Mitigated Negative Declaration
- Exhibit G Del Monte Forest Land Use Advisory Committee Minutes for Site No. 4 (Huckleberry Hill)
- Exhibit H North County Non-Coastal Land Use Advisory Committee Minutes for Site No. 1 (Lewis Road)
- Exhibit I Carmel Valley Land Use Advisory Committee Minutes for Site No. 2 (Pinion Peak)
- Exhibit J Correspondence
- Exhibit K Initial Study/Mitigated Negative Declaration and Technical Reports (CD Attached to the Staff Report)

Exhibit A

Project Data Sheet

Project Discussion

Exhibit A.1
Site 1 – PLN100501
Project Discussion
and
Project Data Sheet

EXHIBIT A.1
DISCUSSION - SITE No.1 – LEWIS ROAD (SNODGRASS)

The subject site is an approximately three-acre parcel located in the “Lewis Acres No. 3 Subdivision” in the Lewis Road area of north Monterey County. The site contains a single family residential unit as well as a 40-foot high radio transmission tower and other related equipment operated by the Monterey County Sheriff's Office and the North County Fire Protection District. A designated Scenic and Conservation easement accounts for over 50% of the site. The proposed project at this site includes development of a new public safety, non-commercial wireless telecommunications facility consisting of an 80 foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank. Excavation will be required for associated foundation work and utility lines (less than 100 cubic yards of grading); and a Tree Removal Permit to allow the removal of two trees (17-inch Oak and 20-inch Pine). The proposed facility would replace the existing 40-foot high radio transmission tower and related equipment. Site plan and elevations are illustrated in Figure Nos. 1 and 2 below.

Discussion

The potential impacts on the environment identified in the Initial Study/Mitigated Negative Declaration (Exhibit M) for this site relate only to visual impacts. Visual analysis is based on views from common public viewing areas, which the 2010 Monterey County General Plan defines as, “a public area, such as a public street, public road, designated vista point, or commonly utilized areas of public park from which the general public ordinarily views the surrounding viewshed.”

The site is relatively flat with access through a driveway connection to Covenant Lane, which is a private driveway connecting the site to Lewis Road. The proposed tower would generally not be visible from Lewis Road (a common public viewing area) because the view would be blocked by trees and other vegetation (Figure 3). Based on field review of the site and area, the most impacted views will be from Covenant Lane (Figure 4). However, Covenant Lane or other areas within the Lewis Acres No. 3 Subdivision are not common public viewing areas and are not protected by policy. Pursuant to Figure 15 (Scenic Highway Corridors & Visual Sensitivity – North County) of the North County Area Plan, the property is not located within a visually sensitive area. The nearest visually sensitive area is approximately $\frac{3}{4}$ mile north of the project site; the tower cannot be seen from that location. Therefore, potential impacts to existing visual character of the site and its surroundings is less-than-significant. Staff recommends approval of the project subject to the recommended conditions.

Land Use Advisory Committee Review

The project was initially scheduled for review by the North County Non-Coastal Land Use Advisory Committee (LUAC) on June 20, 2012. The meeting of the LUAC was cancelled due to a lack of quorum and the review of the project continued to the LUAC meeting on July 18, 2012, at which time the LUAC continued their review to August 1, 2012, asking the Applicant to provide additional information. The LUAC meeting of August the 1st was cancelled due to a lack of quorum. The Applicant was present at all three meetings when the project was scheduled for review. Per Section 8.f of LUAC procedures and guidelines (Guidelines) adopted by the Board of Supervisors (Resolution No. 08-338), “No matter may be continued more than two times unless requested by the Applicant.” The project was scheduled for review twice and the review continued as many times; the scheduled meeting after the second continuance was cancelled. The

review of the project was not be continued a third time under the provisions of the Guidelines and therefore the project was returned to the Planning Department without official action by the LUAC.

FIGURE 1 – SITE PLAN

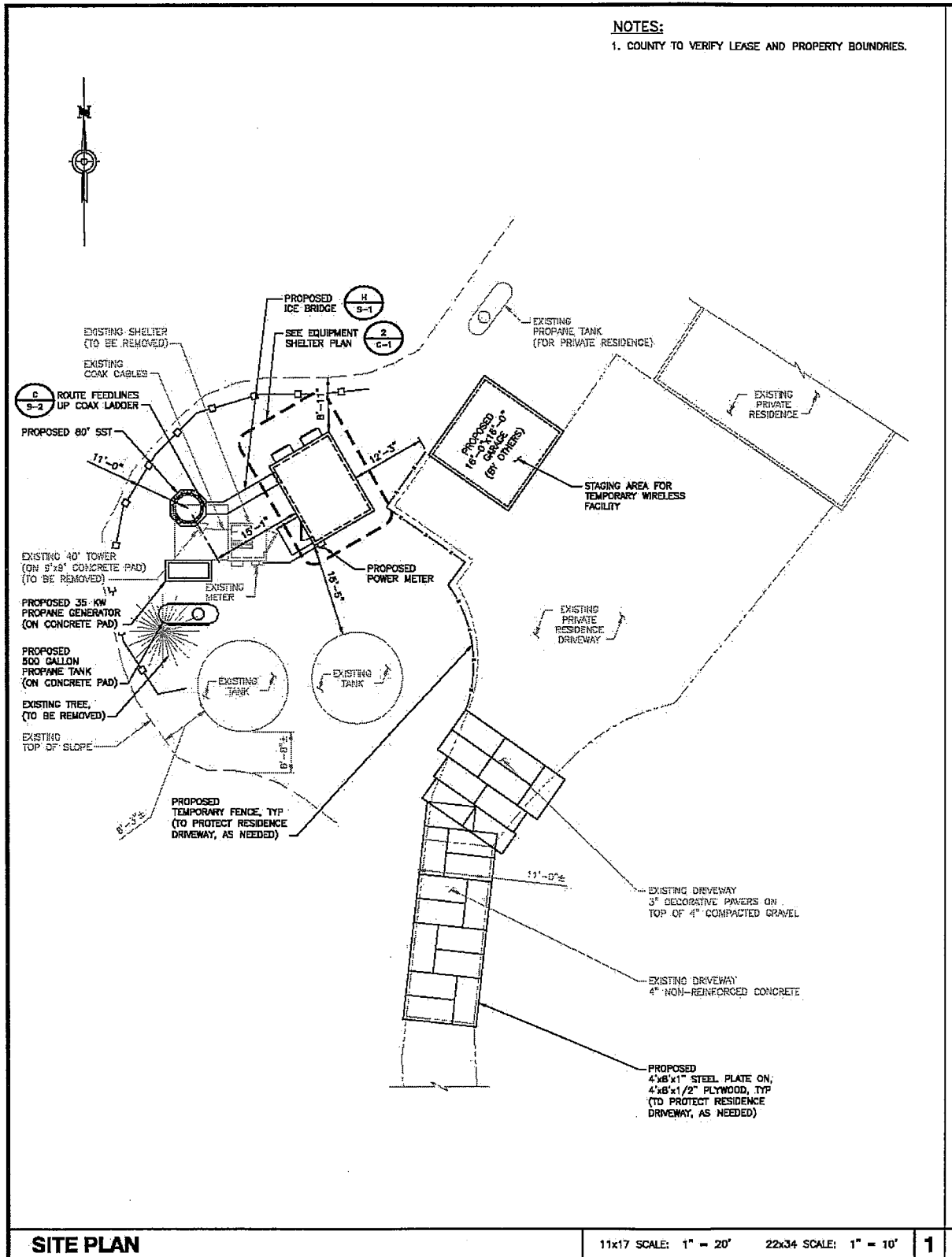
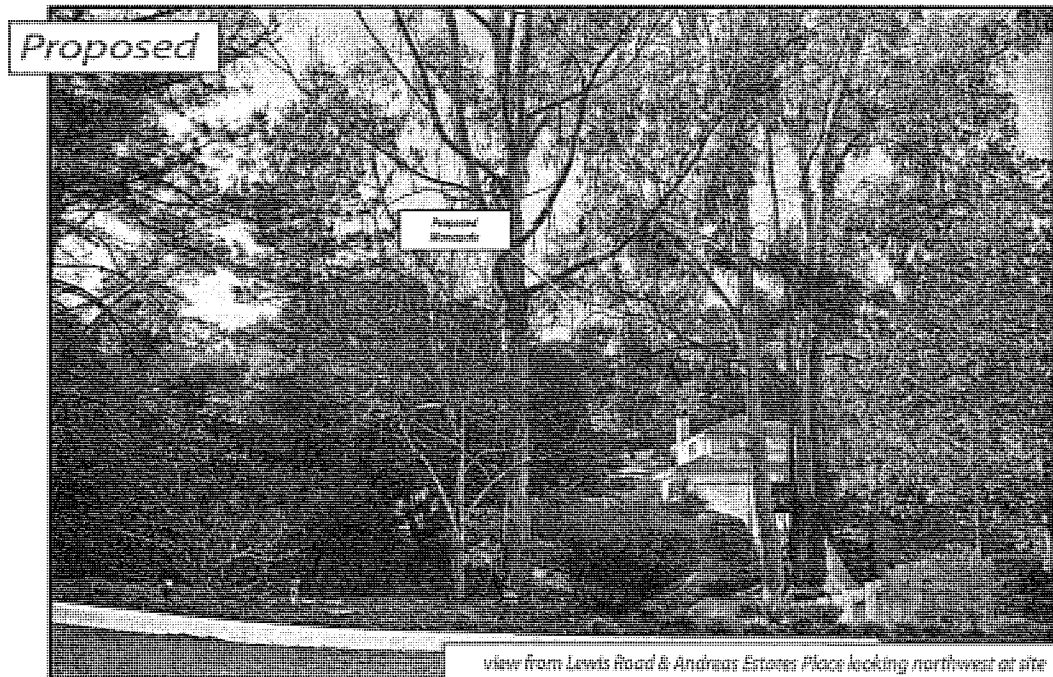
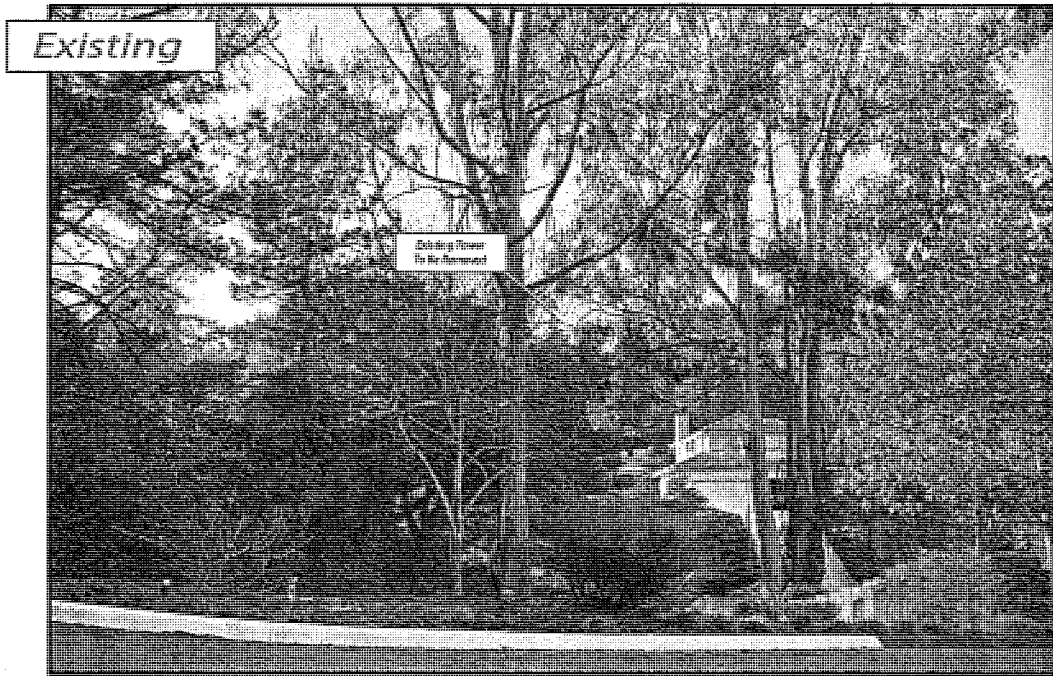


FIGURE 3 - VIEW FROM LEWIS ROAD (Public Viewing Area)

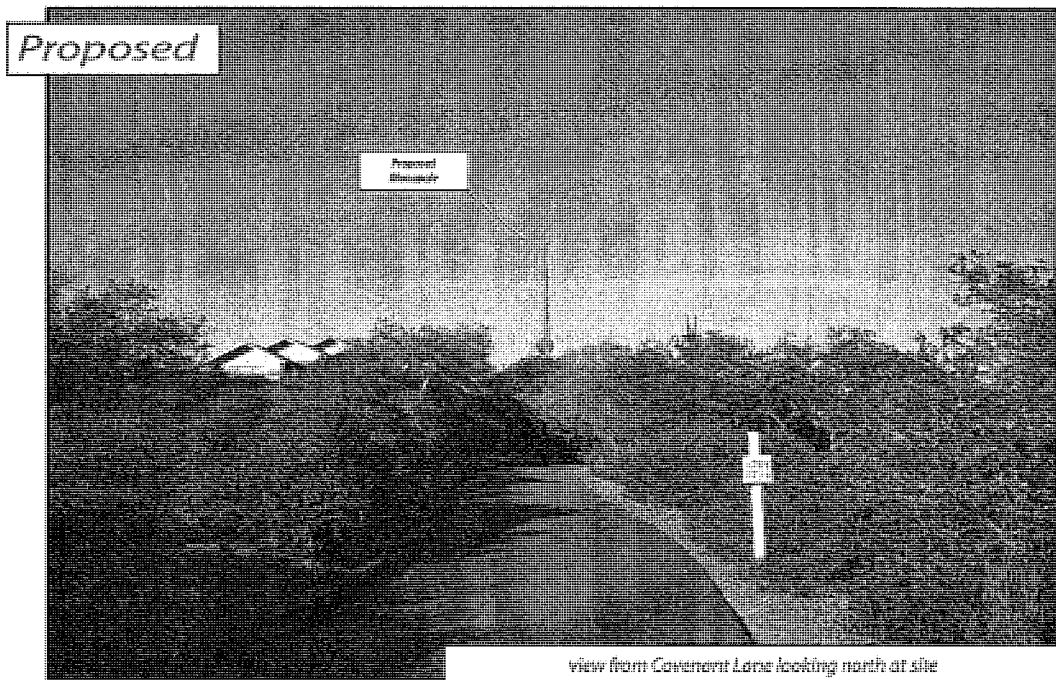


view from Lewis Road & Andreas Estates Place looking northwest at site

Lewis Road
1705 Greenwood Lane, Royal Oaks, CA

AdvanceSim
P.O. Box 11000, San Jose, CA 95128
Contact: 1-925-333-4607

FIGURE 4 - VIEW FORM COVENANT LANE (Private Property)



view from Covenant Lane looking north at site
Lewis Road
1705 Covenant Lane, Royal Oaks, CA



Project Information for PLN100501

Project Information:

Project Name: COUNTY OF MONTEREY NEXT GENERATION EMERGENCY TELECOMMUNICATIONS NETWORK (NGEN)
Location: 1705 COVENANT LN ROYAL OAKS
Permit Type: Use Permit
Environmental Status: Mitigated Negative Declaration
Final Action Deadline (884): 12/6/2012

Existing Structures (sf): 2536	Coverage Allowed: 25
Proposed Structures (sf): 172	Coverage Proposed: <25%
Total Sq. Ft.: 2708	Height Allowed: 30
Tree Removal: 1 Oak & 1 Pine	Height Proposed: 80
Water Source: NA	FAR Allowed: NA
Water Purveyor: NA	FAR Proposed: NA
Sewage Disposal (method): NA	Lot Size: 3.16
Sewer District: NA	Grading (cubic yds.): 99

Parcel Information:

Primary APN: 412-151-002-000	Seismic Hazard Zone: IV
Applicable Plan: NORTH COUNTY AREA PLAN	Erosion Hazard Zone: LOW
Advisory Committee: NORTH COUNTY NON COASTAL LUAC	Fire Hazard Zone: HIGH
Zoning: LDR/B-6	Flood Hazard Zone: NO
Land Use Designation: RESIDENTIAL	Archaeological Sensitivity: LOW
Coastal Zone: NO	Viewshed: NO
Fire District: NORTH COUNTY FPD	Special Setbacks on Parcel: NO

Reports on Project Parcel:

Soils Report #: NA
Biological Report #: NA
Geologic Report #: NA
Forest Management Rpt. #: NA
Archaeological Report #: NA
Traffic Report #: NA

Exhibit A.2
Site 2 – PLN100502
Project Discussion
and
Project Data Sheet

EXHIBIT A.2

DISCUSSION - SITE No. 2 – LAGUNA SECA PARK

The proposed project at this site includes a proposal to develop four wireless telecommunications facilities as follows: 1) a public safety, noncommercial wireless telecommunication facility consisting of a 100-foot high lattice tower, a 900 square foot equipment shelter building, a 750-gallon propane gas tank and a propane generator to be owned and operated by the Monterey County Emergency Communications Department; 2) collocation of a commercial wireless telecommunication facility to be operated by Verizon Wireless, consisting of the installation of additional antennas and ancillary equipment on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; and 3) the future collocation of up to two telecommunications facilities to be operated by commercial wireless telecommunications providers, consisting of additional antennas and ancillary equipment also to be installed on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility. The site plan and elevations are illustrated in Figures 1 and 2 below.

The project qualifies as "Wireless Telecommunications Collocation Facility" as defined in Section 65850.6 (d) (3) of the California Government Code. Such facilities are consistent with the County Zoning Ordinance which encourages collocation of wireless facilities. Review and approval of such facilities allow for the incremental development of wireless telecommunications facilities at a single site without the operators of each facility having to apply for individual permits and approvals. It also allows for comprehensive environmental impact assessment.

The project site is located within the Laguna Seca County Park (Park). Highway 68 is designated as a County and State Scenic Corridor. The site is located in an area designated as "Visually Sensitive" in the "Scenic Highway Corridors and Visual Sensitivity Map" of the Greater Monterey Peninsula Area Plan. The site is visible at a distance from a short portion of Highway 68 when traveling east (Figure 3 below). The site is also visible from a number of points (common public viewing areas) along Laureles Grade Road (Figure 4), inside the Laguna Seca County Park (Figures 5, 6 & 7) and from non common public viewing areas within the Pasadera subdivision to the west. The top photos in the Figures show existing views and the bottom photos show a simulation of the tower superimposed on the same views.

The project tower would be visible from Highway 68 only from a point near the intersection of the Highway with Boots Road approximately 3 miles away from the project site (Figure 3). Going east on Highway 68, the tower would be seen for approximately 3 seconds. Based on the distance of the site from the visible area on Highway 68, the proposed tower looks like a thin line coming from the hillside and potentially not visible when the skies are overcast. Based on the photo simulation, distance of project site and duration of visibility of the project site from Highway 68, the project impact on aesthetics was determined less-than-significant.

The tower would also be visible from Laureles Grade road when travelling north towards Highway 68 for approximately a half mile (Figure 4). Before and after that point, the view of the project site is completely blocked by topography and vegetation. The duration of the visibility from Laureles Grade is approximately 30 seconds at a significant distance, approximately 1.5 miles, when traveling towards Highway 68. Based on the photo simulation, the winding condition of this road and the distance, the tower is barely visible, as it blends into the distant

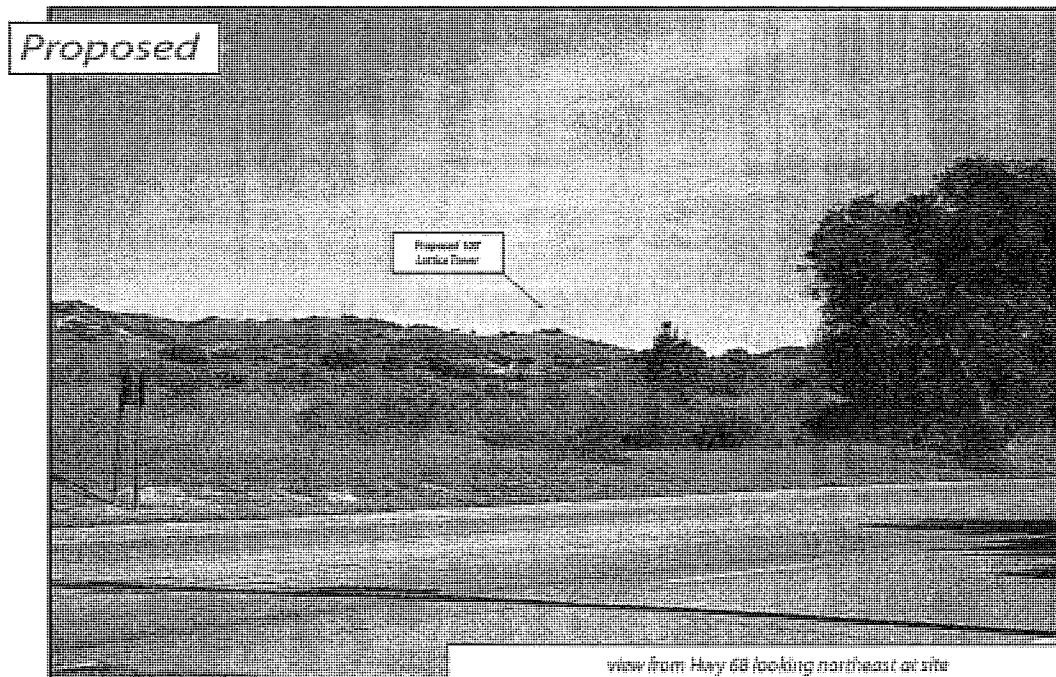
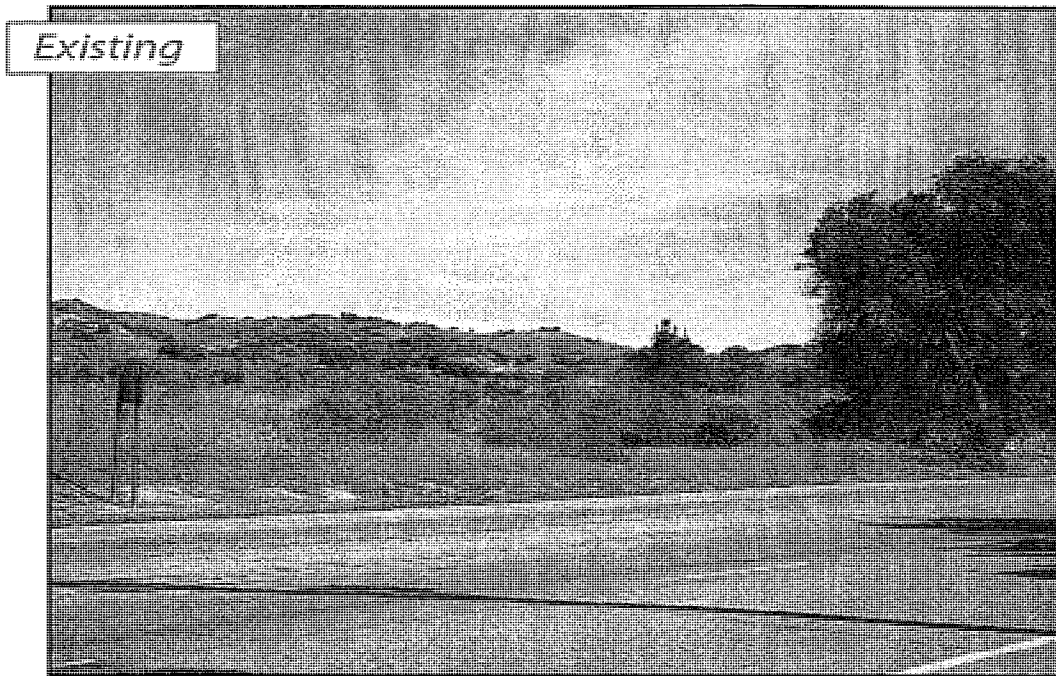
hillside in the background. Based on the photo simulation, distance of project site and duration of visibility of the project site from Laureles Grade, the project impact on aesthetics from this vantage point was determined less-than-significant.

The tower would also be visible from a number of points within the Laguna Seca Race Track County Park. The illustrations on Figures 5 and 6 are taken from areas near the race track and campgrounds. Figure 7 is taken adjacent to the shooting range on B Road, heading north. Unlike the views from Laureles Grade and Highway 68, view of the tower while inside the race track or campgrounds is on-going and cannot be measured by duration of view. Views within the park are much different compared to those from Laureles Grade and Highway 68, in that the existing view within the park consists of a race track and associated numerous signs and structures, an existing telecommunications tower and structures and signs for campground purposes. Within the race track/park setting, the proposed tower would be similar to already existing structures and development associated to the use of the park mainly as a race track. Based on the photo simulations and existing uses and viewshed within the park, the project impact to the viewshed was determined less-than-significant.

Land Use Advisory Committee Review

The project at this site was not reviewed by a land use advisory committee as the site is not located within the area of any committee. The areas where the project would be visible from are located within the area of the Greater Monterey Peninsula Land Use Advisory Committee. As explained above, the visibility from these areas would not be significant.

FIGURE 3: Visual Simulation from Highway 68 (near Boots Road)



view from Hwy 68 looking northeast at site

Laguna Seco
Laguna Seco Reservoir, Monterey, CA

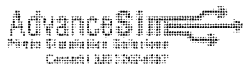


FIGURE 4: Visual Simulation from Laureles Grade

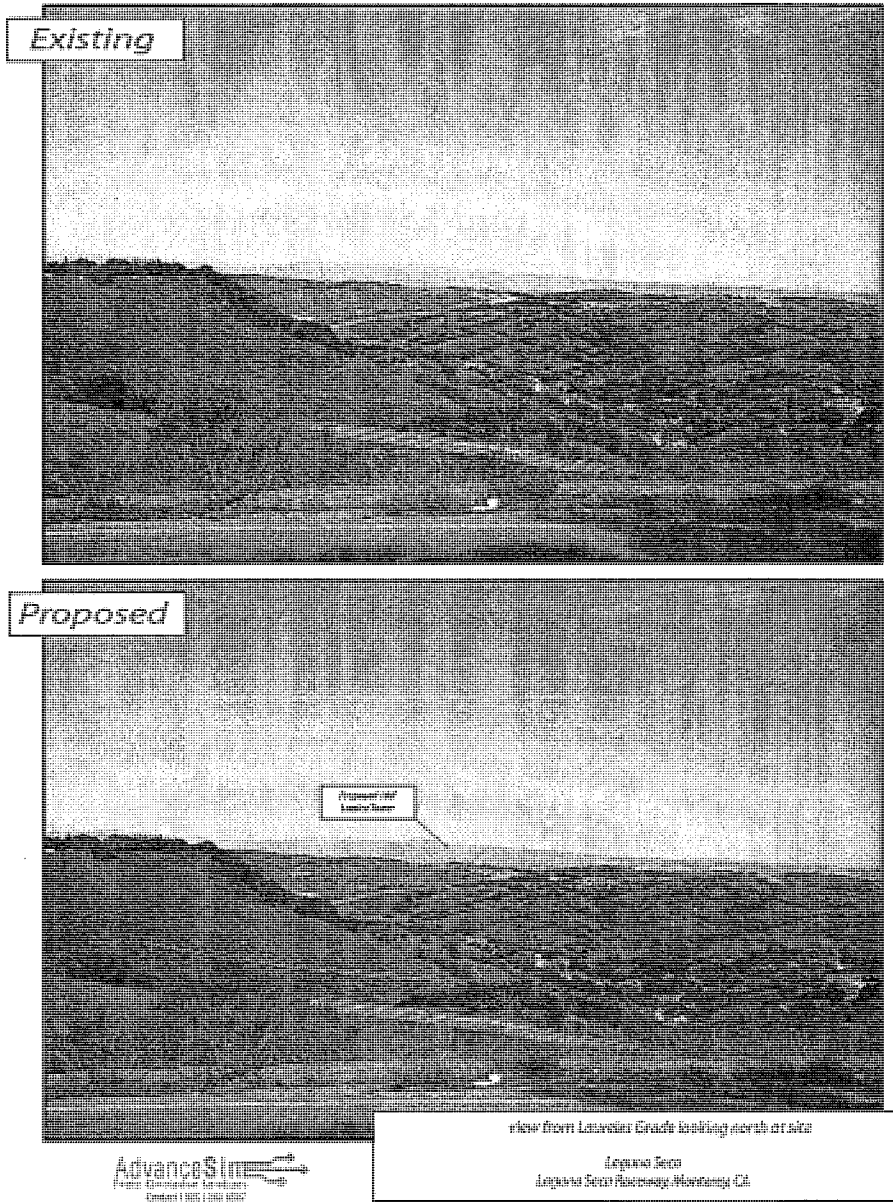
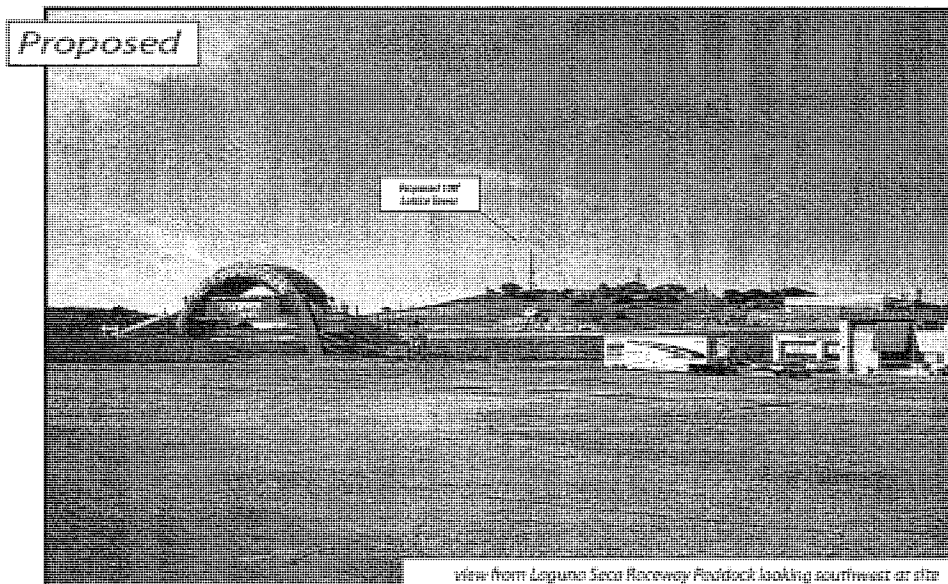
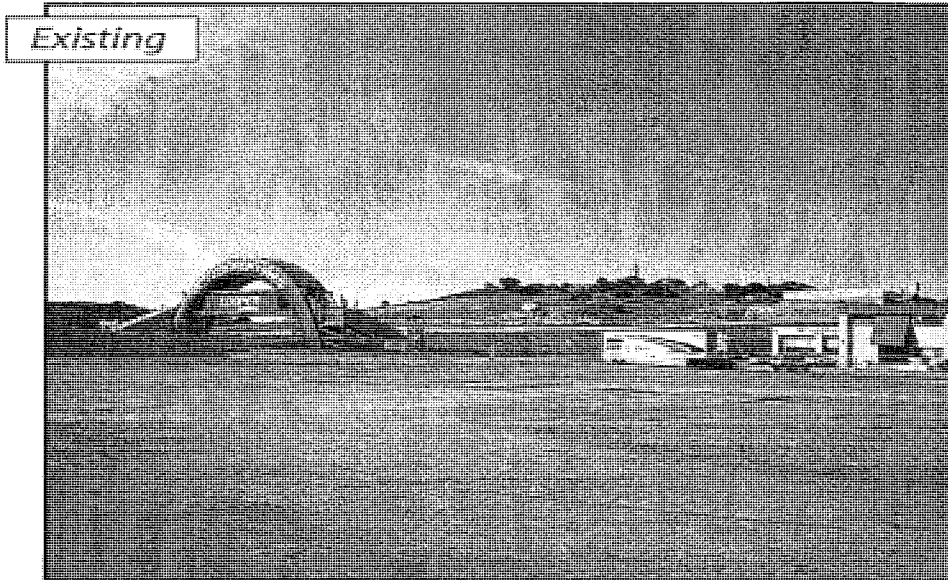


Figure 5: Visual Simulation from the racetrack area



AdvanceSim
Pacifica, CA 94040
800-451-1000

view from Laguna Seca Raceway Pacific looking southwest at site

Laguna Seca
Laguna Seca Raceway, Monterey, CA

FIGURE 6: Visual Simulation from S. Perimeter Road (near the campgrounds)

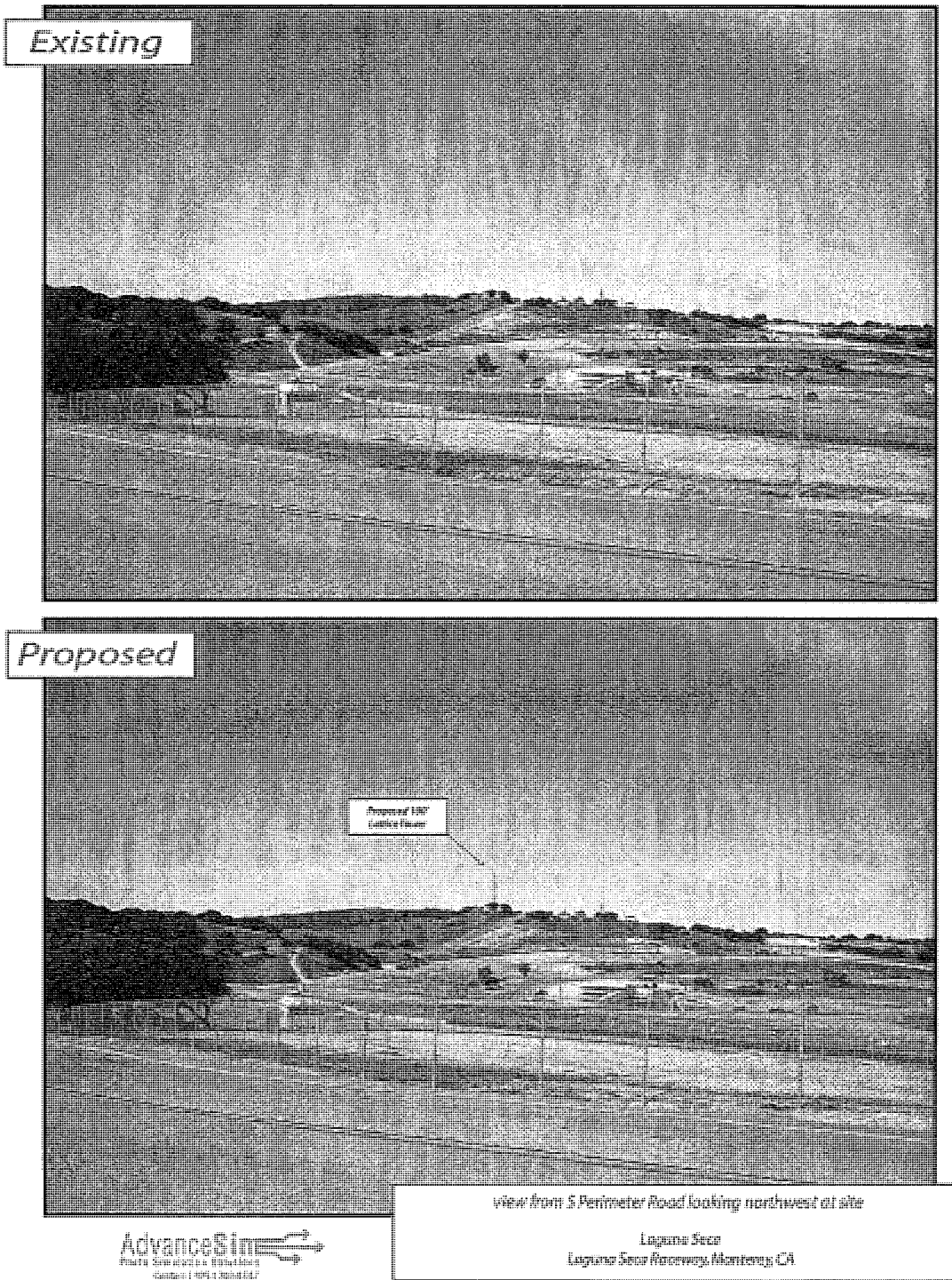
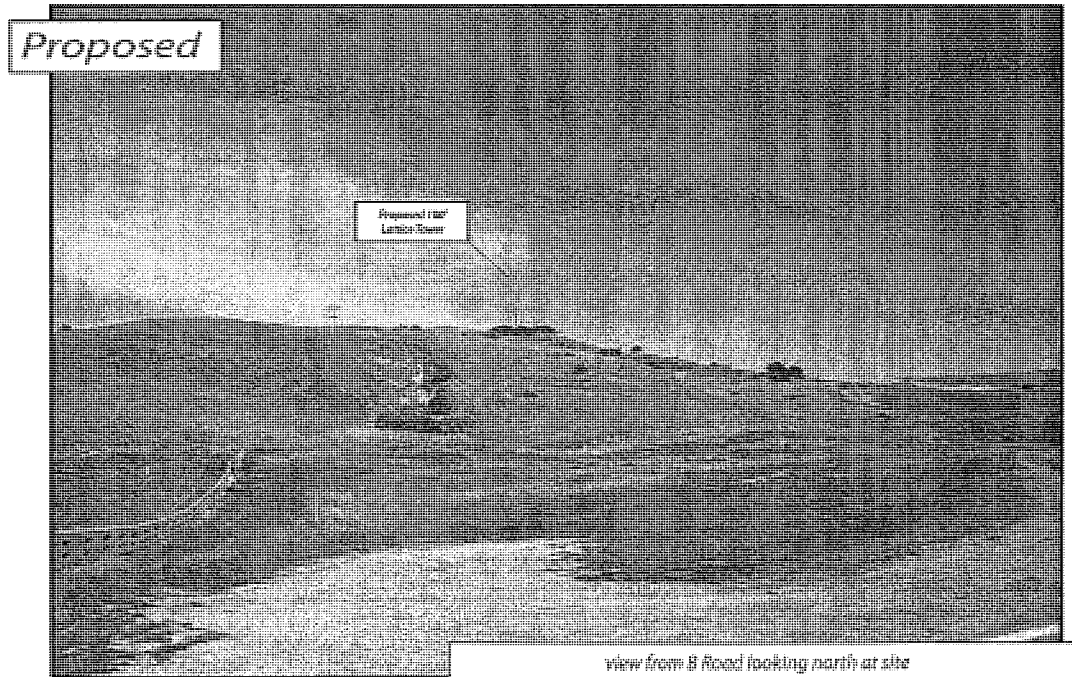
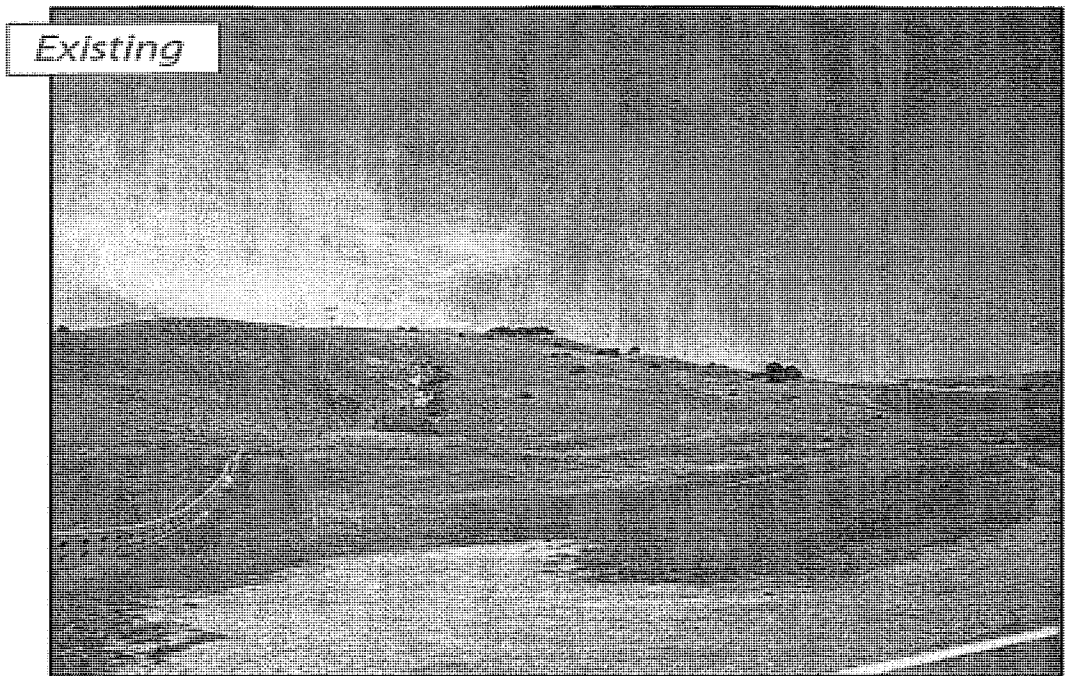


FIGURE 7: Visual Simulation from B Road (near shooting range)



view from B Road looking north at site

Laguna Seca
Laguna Seca Raceway, Monterey, CA

AdvanceSim
Public Simulation Software
Contact: 800-393-4627

Project Information for PLN100502

Project Information:

Project Name: COUNTY OF MONTEREY NEXT GENERATION EMERGENCY TELECOMMUNICATIONS NETWORK (NGEN)
Location: 1021 MONTEREY SALINAS HWY SALINAS
Permit Type: Use Permit
Environmental Status: Mitigated Negative Declaration
Final Action Deadline (884): 12/6/2012

Existing Structures (sf): 0	Coverage Allowed: 25%
Proposed Structures (sf): 900	Coverage Proposed: <25%
Total Sq. Ft.: 900	Height Allowed: 30
Tree Removal: 0	Height Proposed: 100
Water Source: NA	FAR Allowed: NA
Water Purveyor: NA	FAR Proposed: NA
Sewage Disposal (method): NA	Lot Size: 447,567
Sewer District: NA	Grading (cubic yds.): 99

Parcel Information:

Primary APN: 173-011-023-000	Seismic Hazard Zone: IV
Applicable Plan: GREATER MONTEREY PENINSULA AREA PLA	Erosion Hazard Zone: NO
Advisory Committee: GREATER MONTEREY PENINSULA AREA PLA	Fire Hazard Zone: NO
Zoning: PQP D S	Flood Hazard Zone: NO
Land Use Designation: PUBLIC QUASI PULBIC	Archaeological Sensitivity: MODERATE
Coastal Zone: NO	Viewshed: NO
Fire District: MONTEREY COUNTY REGIONAL FPD	Special Setbacks on Parcel: NO

Reports on Project Parcel:

Soils Report #: NA
Biological Report #: NA
Geologic Report #: NA
Forest Management Rpt. #: NA
Archaeological Report #: NA
Traffic Report #: NA

Exhibit A.3
Site 3 – PLN100515
Project Discussion
and
Project Data Sheet

EXHIBIT A.3

DISCUSSION – SITE No. 3 – PINION PEAK

The project at this site includes: 1) development of a new public safety, noncommercial wireless telecommunications facility consisting of a 75-foot high monopole with one Omni antenna affixed to the top; three (3), 22-foot long Omni antennas and one (1) four-foot diameter microwave dish to be installed on the outside of an existing building known as the "Sid Ormsbee Lookout Tower;" installation of related equipment inside the building, removal of an existing underground propane gas tank; and minimal grading (approximately 15 cubic yards); 2) Ridgeline Development; and 3) Rehabilitation of the "Sid Ormsbee Lookout Tower." Use permits are required for the facility, for ridgeline development and for the rehabilitation of the historic building. The site plan and elevations are illustrated in Figure Nos. 1 and 2 below. A simulation of the project is illustrated in Figure 3.

The project site (site) is located on the south side of Carmel Valley about 10 miles southeast of the Monterey Peninsula area in a remote, yet prominent hilltop in the mountain range separating Carmel Valley from the Santa Lucia Preserve area to the south. The Garland Ranch Regional Park is located directly adjacent to the east. Access to the site is from Robinson Canyon Road to the west through an initially paved road which becomes dirt as it approaches the site; the access road loops around the site (Figure 1). The site contains the "Sid Ormsbee Lookout Tower" (Lookout) which has been determined to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources and the Monterey County Local Official Register of Historic Places. The Lookout has been used as a site for communications equipment since 1971 [Refer to Section VI.5 of the Initial Study (Cultural Resources) for additional information regarding the building].

The existing vegetation on the site includes a mixture of grasslands and chaparral community plants with chaparral dominating the north-west to north-east sides of the site; an area containing Buckwheat, which is the host plant for the Federally Threatened or Endangered Smith's butterfly is located adjacent to the project site. Additionally, according to the California Department of Fish and Game Natural Diversity Data Base, areas with occurrences of the Federally Threatened or Endangered California red-legged frog and the California tiger salamander have been identified approximately 1,000 feet from the project site. [Refer to Section VI.4 (Biological Resources) of the Initial Study for additional discussion].

Visual Impacts

The site is visible at a significant distance from areas of Carmel Valley Road and Laureles Grade. The site is not located in a designated "visually sensitive" or "highly visually sensitive" area in the "Scenic Highways & Visual Sensitivity Map," of the Greater Monterey Peninsula Area Plan (Figure 4 below). The project area is visible from portions of Laureles Grade (Figure 5) when traveling towards Carmel Valley Road and from portions of Carmel Valley Road at a significant distance (Figure 5). Laureles Grade is a designated Scenic Route and Carmel Valley Road is a proposed scenic route. Views from identified viewshed locations, which are between 2-6 miles away, are extremely limited. The duration of view from these roads varies with a maximum of approximately 10 seconds travelling south on Laureles Grade to approximately 1-1.5 minutes on Carmel Valley Road. The facility would not be visible from Robinson Canyon Road.

Figure 1 – Pinyon Peak Site Plan

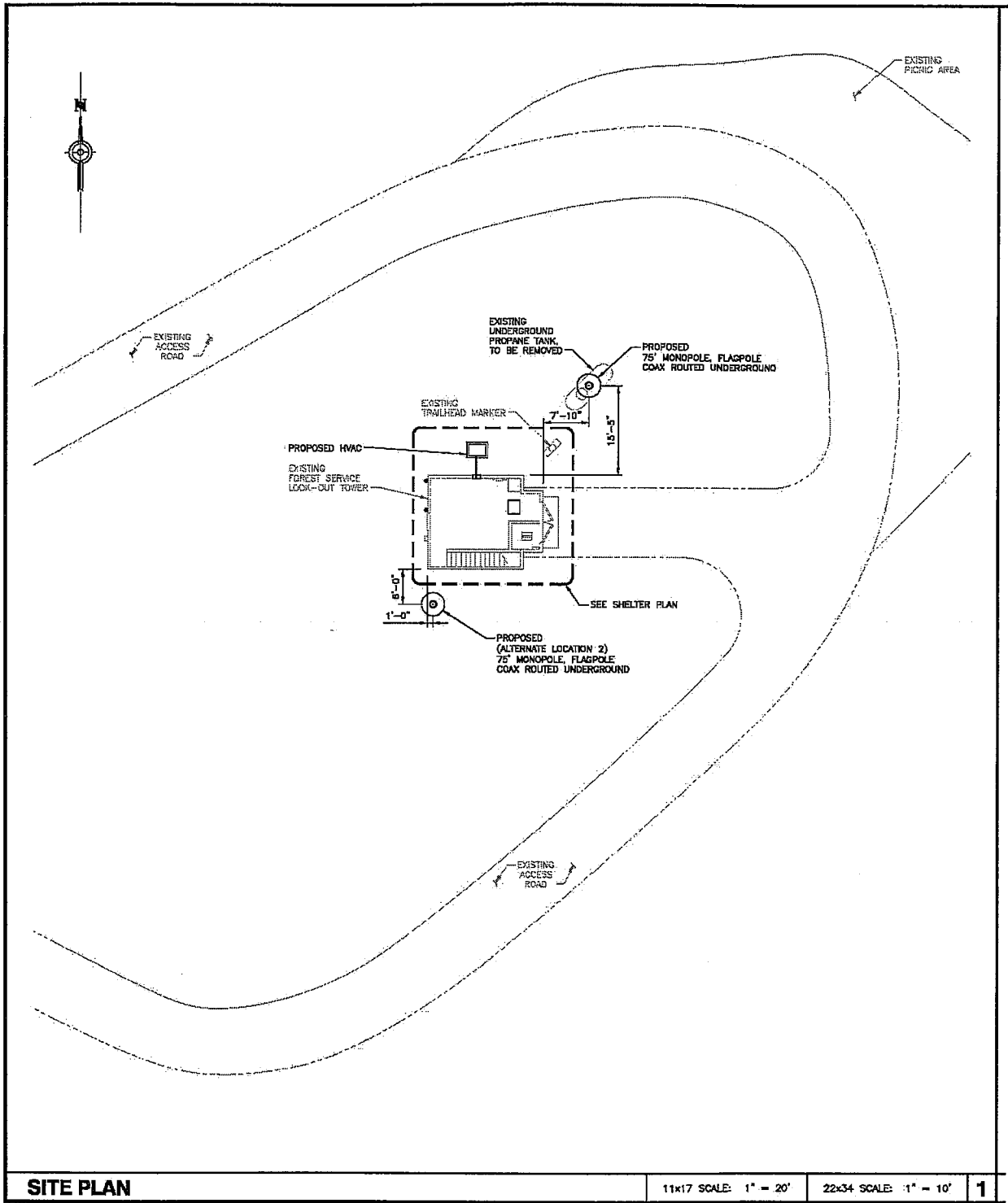
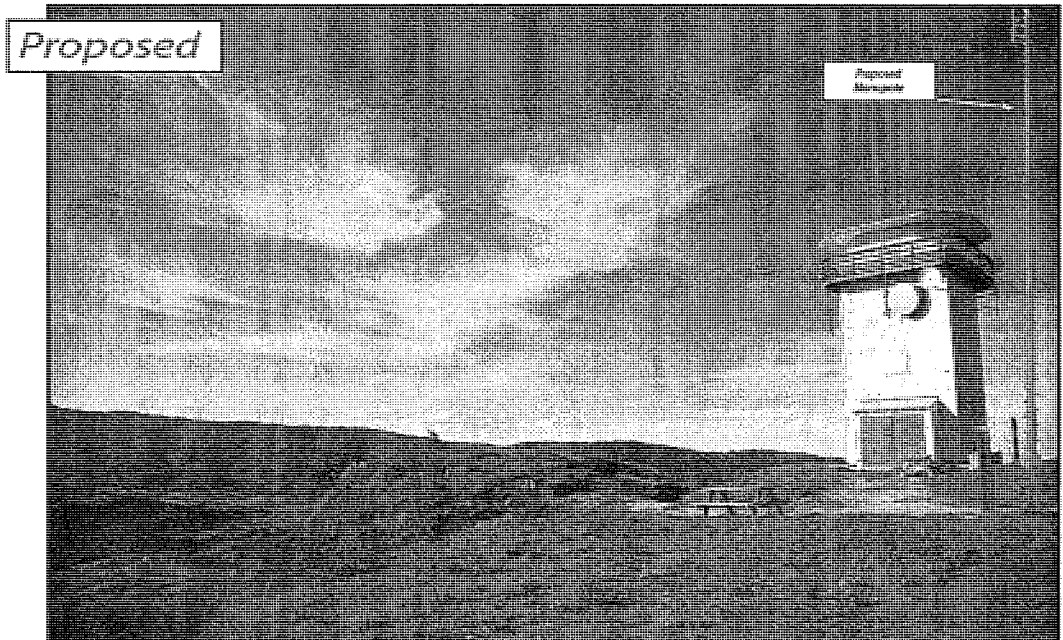
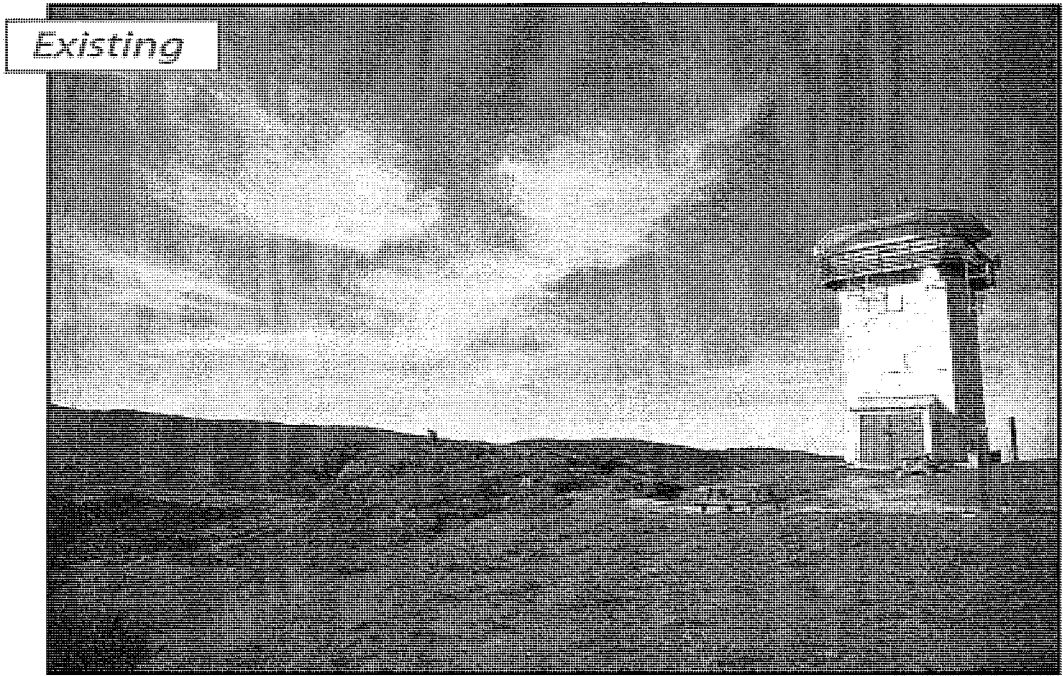


Figure 3: Visual Simulation from Pinyon Peak



view from Pinyon Peak looking southwest at site

Pinyon Peak
10 Miles Southeast of Monterey, CA

AdvanceSim
Visual Simulation Software
Contact: 1-800-123-4567

Figure 4 – Greater Monterey Peninsula Area Plan, Figure 14: “Scenic Highways & Visual Sensitivity Map.”

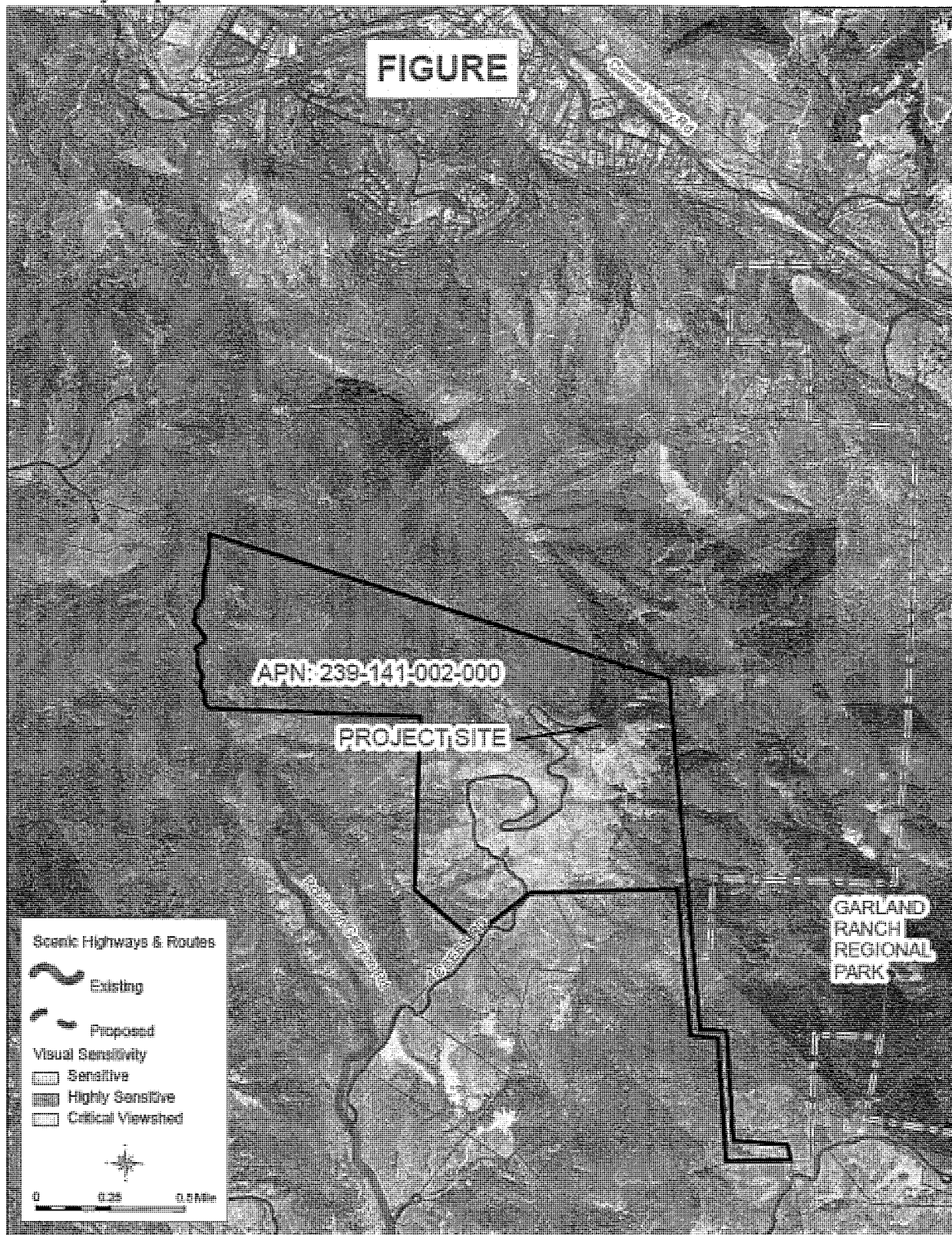


Figure 5: Visual simulation from Laureles Grade

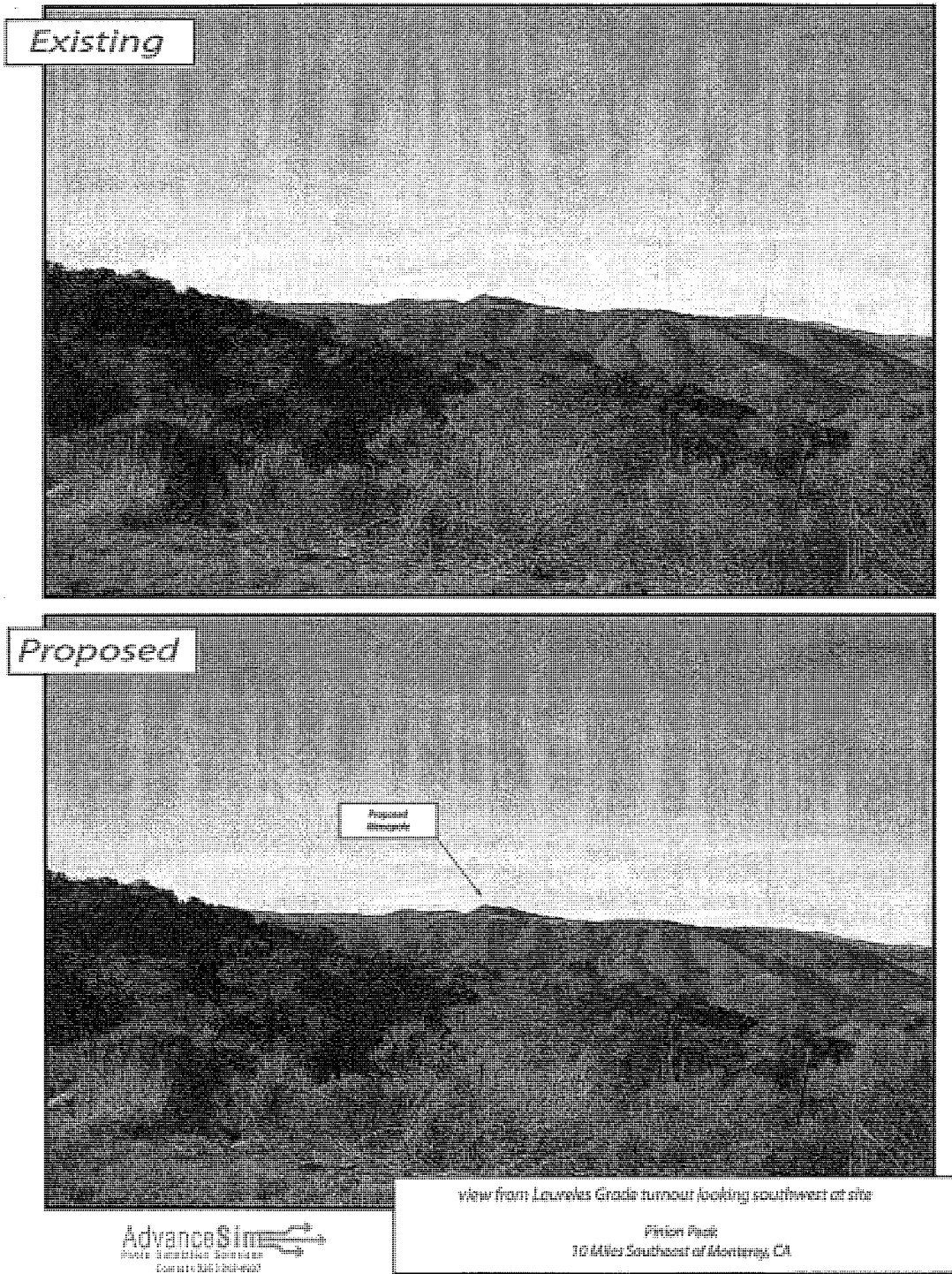
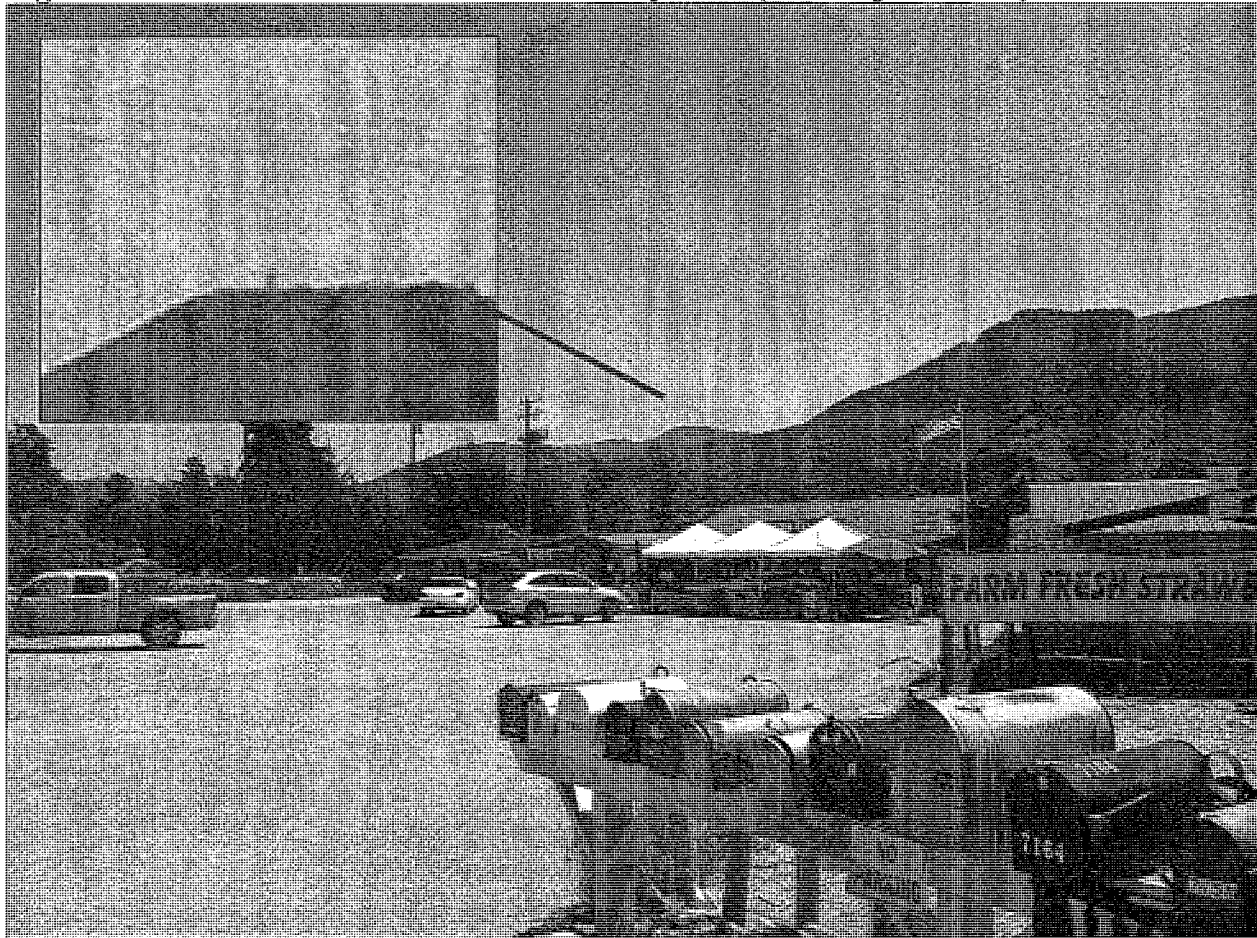


Figure 6: Visual Simulation from Carmel Valley Road (near Baja Cantina)



Development in designated areas designated as “visually sensitive” or “highly visually sensitive” area in the “Scenic Highways & Visual Sensitivity Map,” must comply with the provisions of Policy GMP-3.3 of the Greater Monterey Peninsula Area Plan. As stated above the site is not located within but immediately adjacent to such areas and the project has been designed and sited to minimize the visibility of the 75-foot high monopole. The monopole will blend into the view of the existing lookout tower and in most cases be invisible due to the distances and design of the monopole. In addition, the distance and duration of the visibility of the site from different vantage points would be minimal. From these distances the proposed monopole would not add significantly to the visibility of the Fire Lookout. Therefore, the impact on the existing visual character and quality of the site and its surroundings has been determined less-than-significant.

Historic Resources

The Rehabilitation Plan (Plan) for the "Sid Ormsbee Lookout Tower" has been prepared per the Secretary of the Interior's Standards. The Plan includes the removal of existing equipment, i.e. dish antennas, etc. on the exterior of the building which have been placed on the building as part of communication systems use by different agencies. The Plan for the lookout meets the rehabilitation guidelines within the Secretary of the Interior's Standards for the Treatment of Historic Properties. The uses proposed are consistent to the historic uses of the Lookout in that in 1971 the lookout tower began to be used as a site for communications equipment (Rehabilitation Standards No.1). The proposed installation of the antennas and microwave dish on the outside of the building would not alter the character-defining features or spatial relationships that

communicate the Lookout's historic significance (Rehabilitation Standards No. 2). The installation of said antennas and microwave dish to the exterior are easily reversible and would not destroy historic materials of the Lookout. All elements of the proposed project placed on the façade of the building can be removed in the future without impairing the essential form and integrity of the historic property and its environment (Rehabilitation Standards No. 5, 9, 10). Because the project follows the Rehabilitation Standards, no mitigation measures are required. Both the proposed project and the Plan have been reviewed by the Historical Resources Review Board, which recommended approval. The proposed project would not have any significant impacts on the historic character of the building or the site.

Biological Issues

The California Department of Fish and Game CNDDDB lists three Federally Threatened or Endangered species in the vicinity of the project site: Smith's blue butterfly, California red-legged frog, and California tiger salamander. Of these three species, only Smith's blue butterfly's habitat and host plant buckwheat is present in the project site. 15 individuals of the Buckwheat plant species were identified in the west side of the existing building inside the road loop around the building. The impacts from the construction of the project on the buckwheat were identified as potentially significant. Mitigation Measure No. 2 in the Initial Study/Mitigated Negative Declaration was identified to reduce the impacts to less than significant. This mitigation measure requires the fencing of the areas of the buckwheat and other measures that would be implemented before and during construction of the project.

Regarding the California red-legged frog and California tiger salamander, even though the CNDDDB lists occurrences of in the vicinity of the site, the site does not support suitable habitat for these species and their presence on the site would not be expected to occur. Individuals of these species could migrate across the road leading to the site. Vehicle circulation on the road leading up to the site would be a potential significant impact from the project since individuals of these species could migrate across the road. Mitigation Measure No. 3 in the Initial Study/Mitigated Negative Declaration was identified to reduce the impact to less than significant. This measure requires the preparation of pre-construction surveys of the species in accordance with the USWS and CDFG protocols.

Land Use Advisory Committee Review

The project at Pinion Peak was reviewed by the Carmel Valley Land Use Advisory Committee which recommended its approval by a 5-0 vote with one abstention and one Committee member absent. The LUAC did not make any specific recommendations.

Project Information for PLN100515

Project Information:

Project Name: COUNTY OF MONTEREY NEXT GENERATION EMERGENCY TELECOMMUNICATIONS NETWORK (NGEN)
Location: OFF OF ROBINSON CYN RD CARMEL (NEAR SID ORMSBEE LOOKOUT TOWER)
Permit Type: Use Permit

Environmental Status: Mitigated Negative Declaration
Final Action Deadline (884): 12/6/2012

Existing Structures (sf): 0
Coverage Allowed: 25%
Proposed Structures (sf): 0
Coverage Proposed: existing
Total Sq. Ft.: 0
Height Allowed: 35
Tree Removal: N/A
Height Proposed: 75
Water Source: Santa Lucia Community Services District
FAR Allowed: 0
Water Purveyor: FAR Proposed: 0
Sewage Disposal (method): Septic
Lot Size: 719.43
Sewer District: N/A
Grading (cubic yds.): 15

Parcel Information:

Primary APN: 239-141-002-000
Seismic Hazard Zone: IV, Undetermined, III
Applicable Plan: Greater Monterey Peninsula Area Plan
Erosion Hazard Zone: High, Moderate
Advisory Committee: None
Fire Hazard Zone: Very High
Zoning: RC/40-D-S
Flood Hazard Zone: No
Land Use Designation: Resource Conservation 40 acres per unit
Archaeological Sensitivity: High, Moderate
Coastal Zone: No
Viewshed: N/A
Fire District: Monterey County Regional FPD
Special Setbacks on Parcel: Y

Reports on Project Parcel:

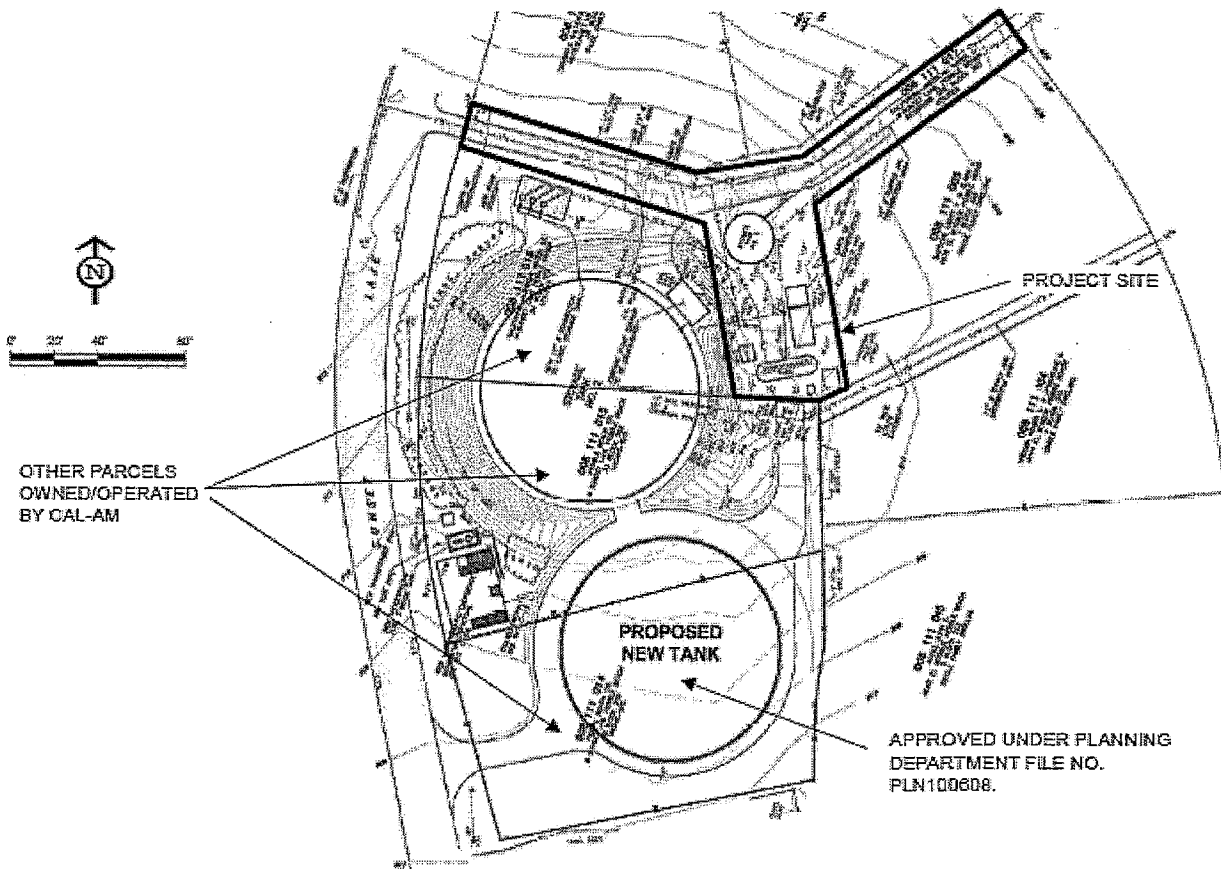
Soils Report #: No
Biological Report #: No
Geologic Report #: No
Forest Management Rpt. #: No
Archaeological Report #: No
Traffic Report #: No

Exhibit A.4
Site 4 – PLN100516
Project Discussion
and
Project Data Sheet

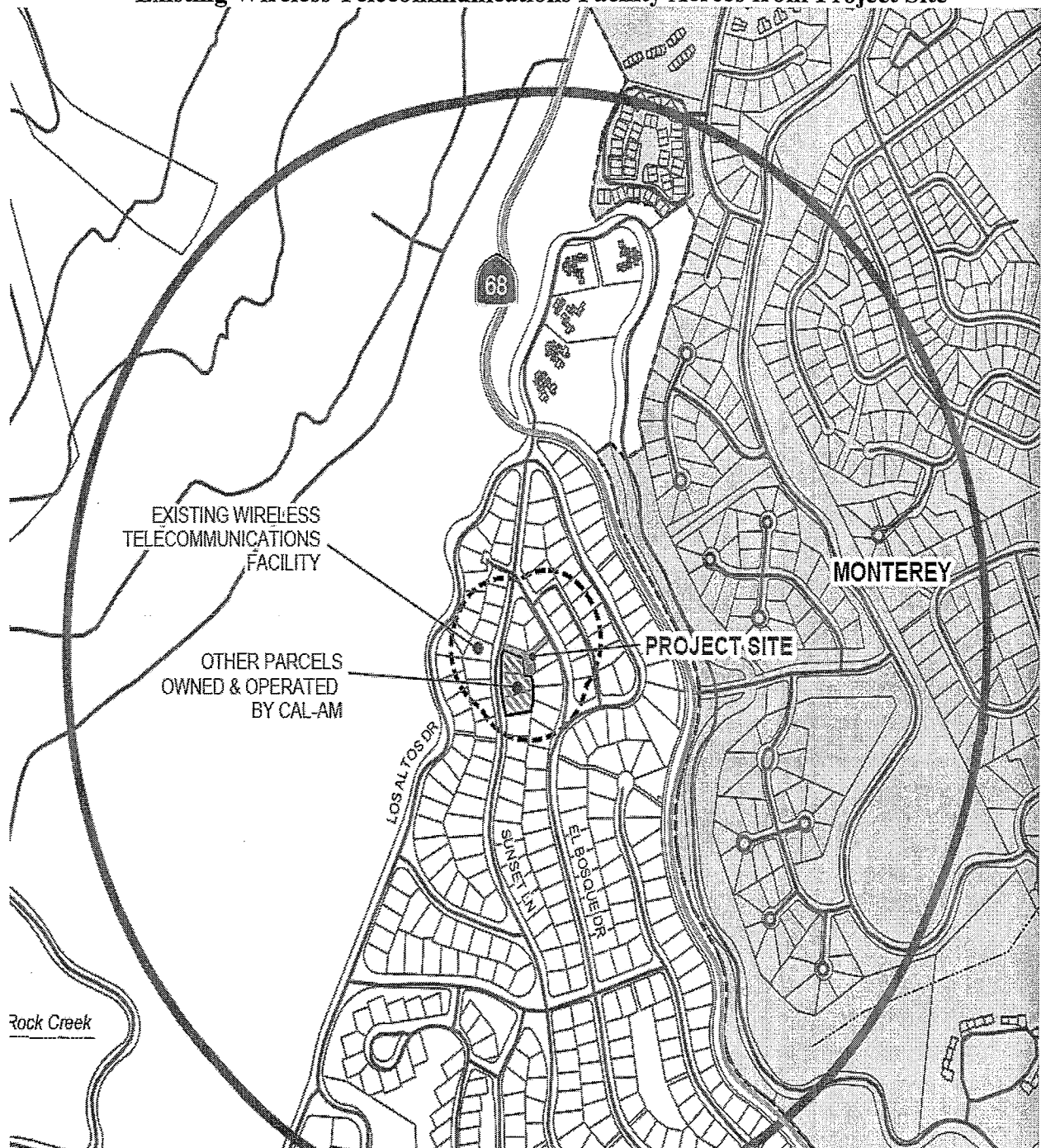
EXHIBIT A.4 DISCUSSION – SITE No. 4 – HUCKLEBERRY HILL

The proposed project is located at 4041 Sunset Lane in Pebble Beach (Assessor's Parcel Number 008-111-017-000). The site currently has telecommunications facilities, including two 80-foot high lattice towers, owned by the County and commercial wireless telecommunications providers. Cal-Am also owns a telecommunications facility on the property that provides service for its operations. The site, as well as some of the adjacent parcels (Assessor's Parcel Numbers 008-111-014-000 and 008-111-015-000 and 008-111-016-000), is part of facilities owned and operated by the California American Water Company (Cal-Am) in conjunction with the Pebble Beach Community Services District for water storage and related operations. An 800,000 gallon potable water storage tank is located on Parcel Nos. 008-111-015-000 and 008-111-016-000 directly adjacent to the project site; and a new 800,000 gallon tank is projected for construction on Parcel Nos. 008-111-014-000 and 008-111-015-000 (Figure 1). The later project included the removal of 74 Monterey pine trees varying in size and was approved with an adopted Mitigated Negative Declaration by the Planning Commission on December 14, 2011 (Planning Department File No. PLN100608). An additional wireless telecommunications facility including an approximately 60-foot high tower is located on Parcel No. 008-112-009-000 directly across the street to the west (Figure 2). The project site plan and elevations are illustrated in Figure Nos. 3 and 4 below.

Figure 1 – Existing Development



**Figure 2 – Site and Adjacent Parcels Owned by Cal Am.
Existing Wireless Telecommunications Facility Across from Project Site**



The project site is located in an area surrounded mostly by single family residential development within an “urban type” setting mixed with undeveloped Monterey Pine Forest habitat to the west. The area is near Highway 68 (Holman Highway) and near the border of the incorporated City of Monterey. The Del Monte Forest Land Use Plan (LUP) identifies Huckleberry Hill, as one of the eight planning areas within the Del Monte Forest (Figure 6e, LUP). The LUP further identifies the area surrounding the medium density residential areas of Huckleberry Hill to be preserved for its habitat and scenic value. The vegetation on the site consists mostly of Monterey pines and two species of non-native acacia trees. Other sparse vegetation, mostly huckleberry plant exists on the site. The existing Monterey pines are tall with sparse vegetation at their tops. There is one

Visual Impacts

Development in the area of the site is regulated by the policies of the Del Monte Forest Area Land Use Plan (LUP). The objective of the LUP is “to protect the area’s magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities that complement the forest’s natural scenic assets and enhance the public’s enjoyment of them.” The LUP (p.20) states that “to protect the scenic and visual resources of the Del Monte Forest area, only development that does not block significant public views and does not significantly adversely impact public views and scenic character, including with specific attention to the 17-Mile Drive corridor and designated public access areas/vista points, shall be allowed.”

Policy 47 of the LUP requires protection as resources of public importance of the “views from designated public access areas and vista points, from Highway 68 and 17-Mile Drive corridors, and of ridgelines as seen from the public viewing areas identified on Figure 3” of the LUP (See Figure 5). This policy also requires that “development that could adversely impact such views shall only be allowed where it protects, preserves, and if feasible enhances such scenic resources.” Policy 48 requires that “Development within prominent settings, including those identified on Figure 3 of the LUP shall be sited to avoid blocking or having a significant adverse impact on significant public views” including situating buildings “to maximize the effectiveness of screening vegetation and related viewshed mitigation.” The “Regulations for Development in the Del Monte Forest Land Use Plan Area,” Part Five of the Monterey County Coastal Implementation Plan, contain specific regulations that implement these policies for the protection of scenic and visual resources.

The site contains a 50,000-gallon water tank slated for removal and two 80-foot high lattice towers and related wireless telecommunications equipment and antennae. The height of the existing towers does not significantly exceed the height of the trees on the site and therefore their visibility does not significantly affect the scenic character of the site or its visibility from the nearby streets. The site and adjacent parcels contain Monterey Pines; some of the trees on Parcel No. 008-111-014-000 (See Figure 1) are slated for removal as part of the construction of a new water tank already approved by the Planning Commission. The site is not identified in Visual Resources Map of the Del Monte Forest Area Land Use Plan (LUP) as a vista point or located within the viewshed from 17-Mile Drive, the viewshed from Point Lobos or the viewshed from any designated vista point. The large majority of the designated vista points and view sheds are located towards the ocean side of 17-Mile Drive, some at significant distances from the site. Huckleberry Hill is a generally forested area higher in altitude than other areas of the Del Monte Forest; therefore the top line of the forest in this area may be more visible from different vantage points within the Del Monte Forest area and from nearby roads and highways.

The original project included the substitution of a 150-foot high monopole for the two existing 80-foot high towers and the consolidation of all existing antennae on the substituting monopole. The new monopole would have almost doubled the height of the existing towers (150 vs. 80 feet) and would have protruded approximately 60-70 feet above the existing tree line (Figure 6). A visual simulation of the original project from Highway One is shown on Figure 7. During review of the potential visual impacts of the project, it was determined that the top of the monopole could be visible from various protected areas, including a designated Vista Point and when driving north on 17-Mile Drive in the vicinity of the site. Figure 5.A provides naked eye and amplified views of the existing towers as seen from 17-Mile Drive. The proposed monopole would be higher than the existing towers. The duration of the visibility from 17-Mile Drive would be about 5 seconds due to topography, distance, the existing residential development and

vegetation. Additionally, due to the elimination of the existing towers which are minimally visible above the tree line, the proposed monopole would be a stand-alone structure significantly taller than the existing trees. It was determined that the additional height of the proposed monopole and its visibility from nearby areas could result in potential significant impacts on the aesthetic value of the scenic resources and the visual character of the site and the area.

Figure 5: Figure #3 of the Del Monte Forest Area Land Use Plan – Visual Resources

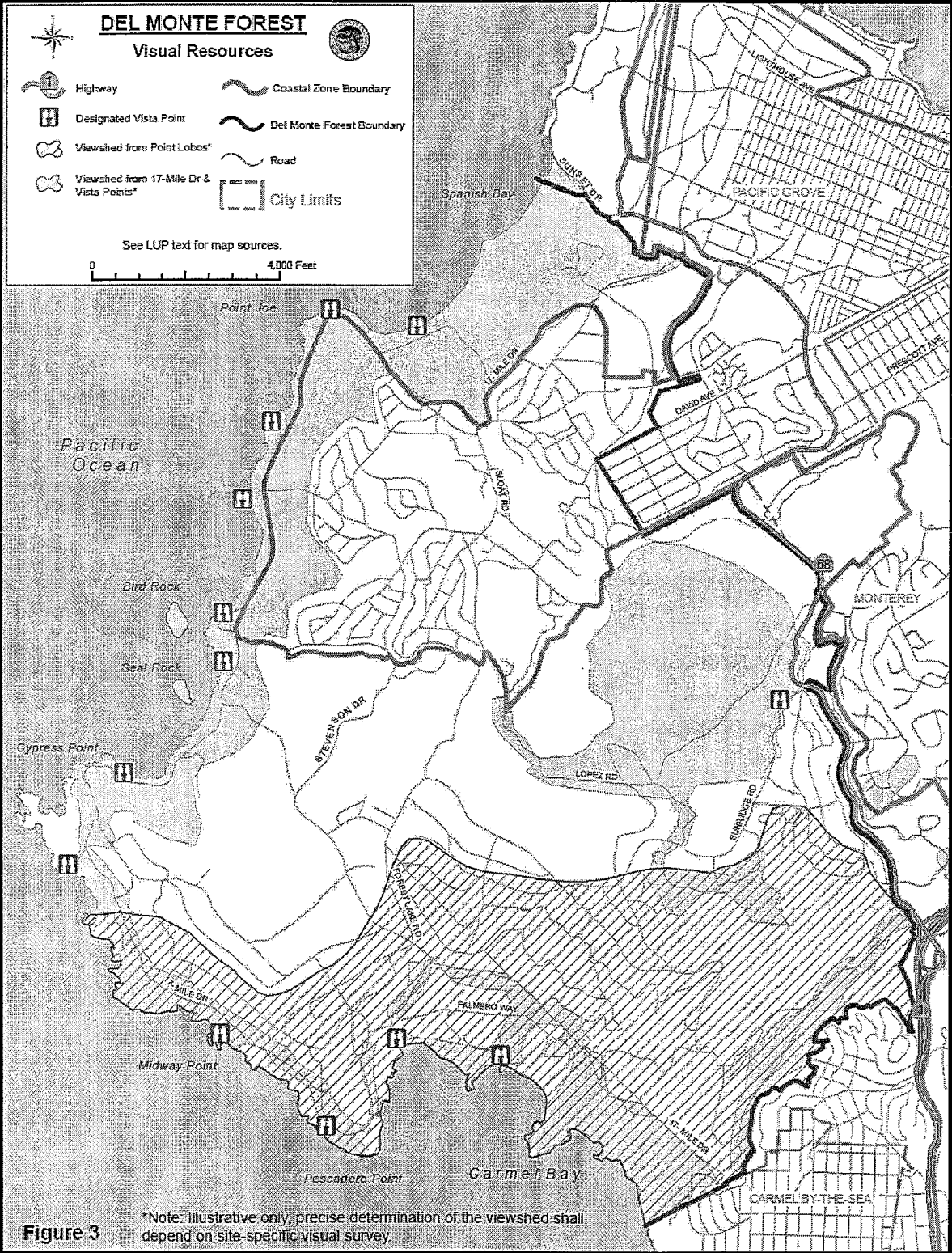
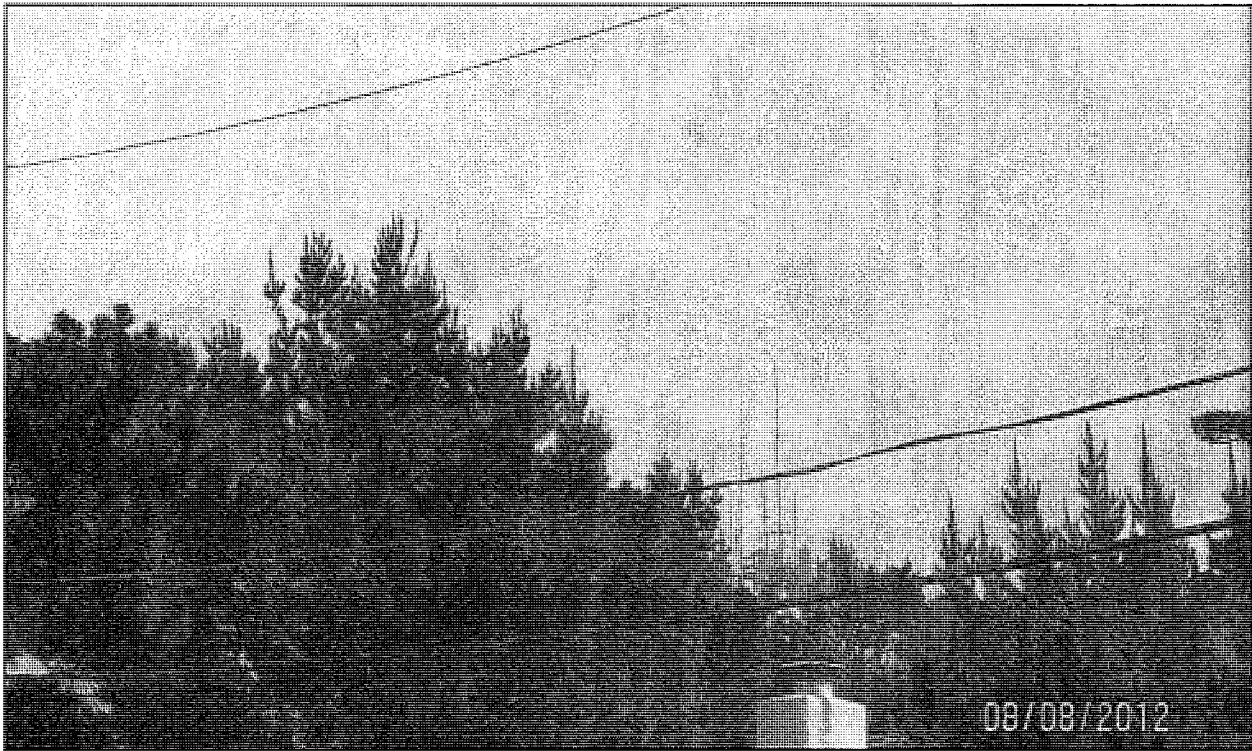


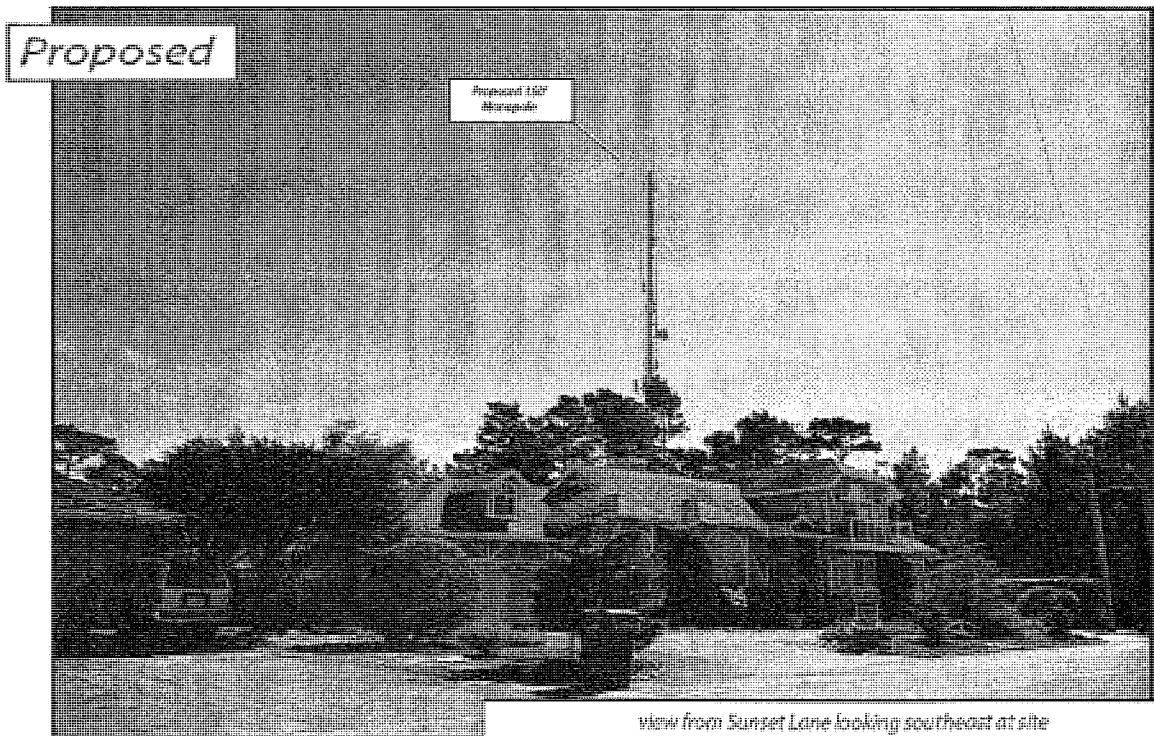
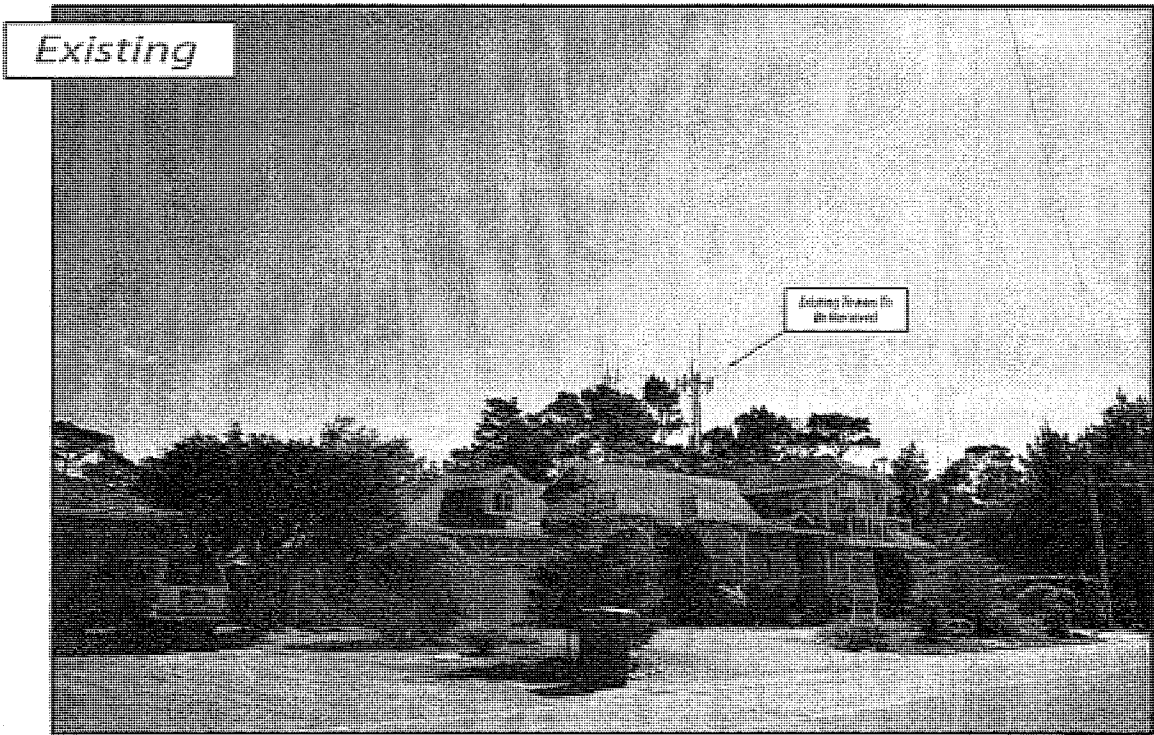
Figure 5.A – Amplified view of the visibility of existing towers from 17-Mile Drive.



Non-Amplified View from 17-Mile Drive



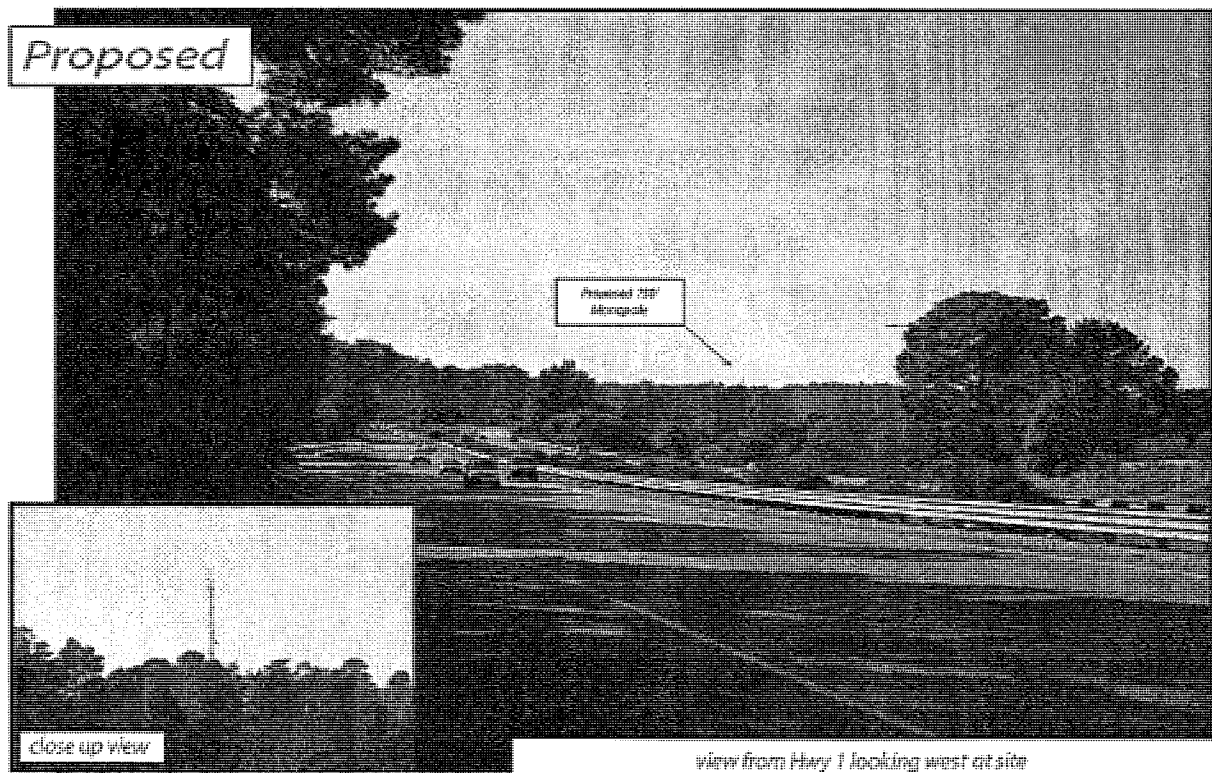
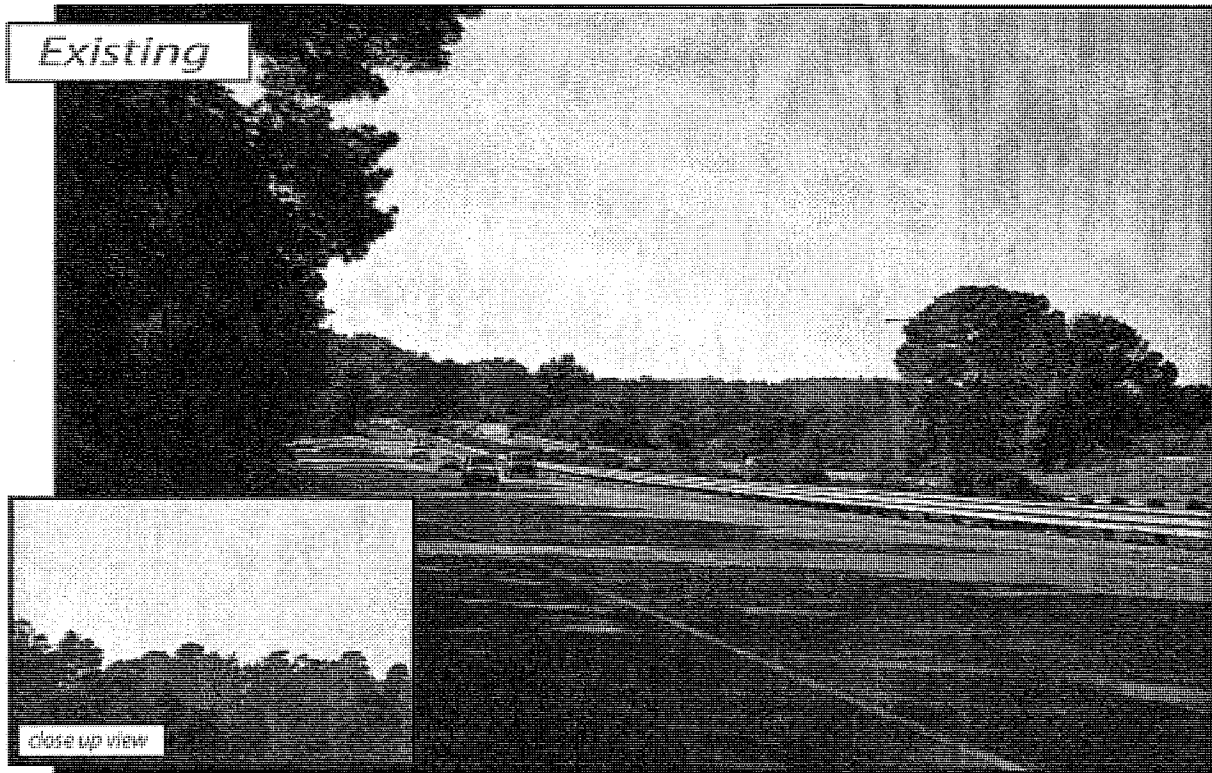
Figure 6: - Existing Towers and Originally Proposed 150-Foot High Monopole as viewed from Sunset Lane (A Private Street)



view from Sunset Lane looking southeast at site
Huckleberry Hill
4041 Sunset Lane, Pebbly Beach, CA



Figure 7: - Visibility of Originally Proposed 150-Foot High Monopole from Highway 1.



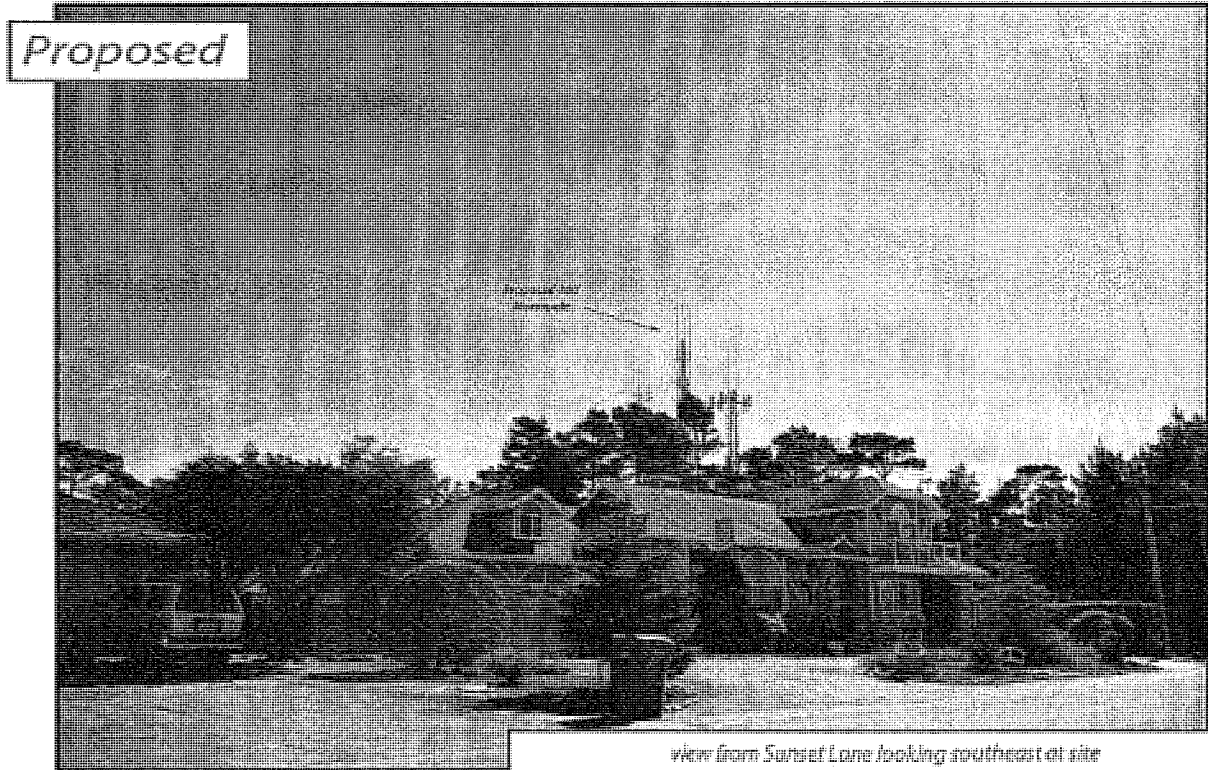
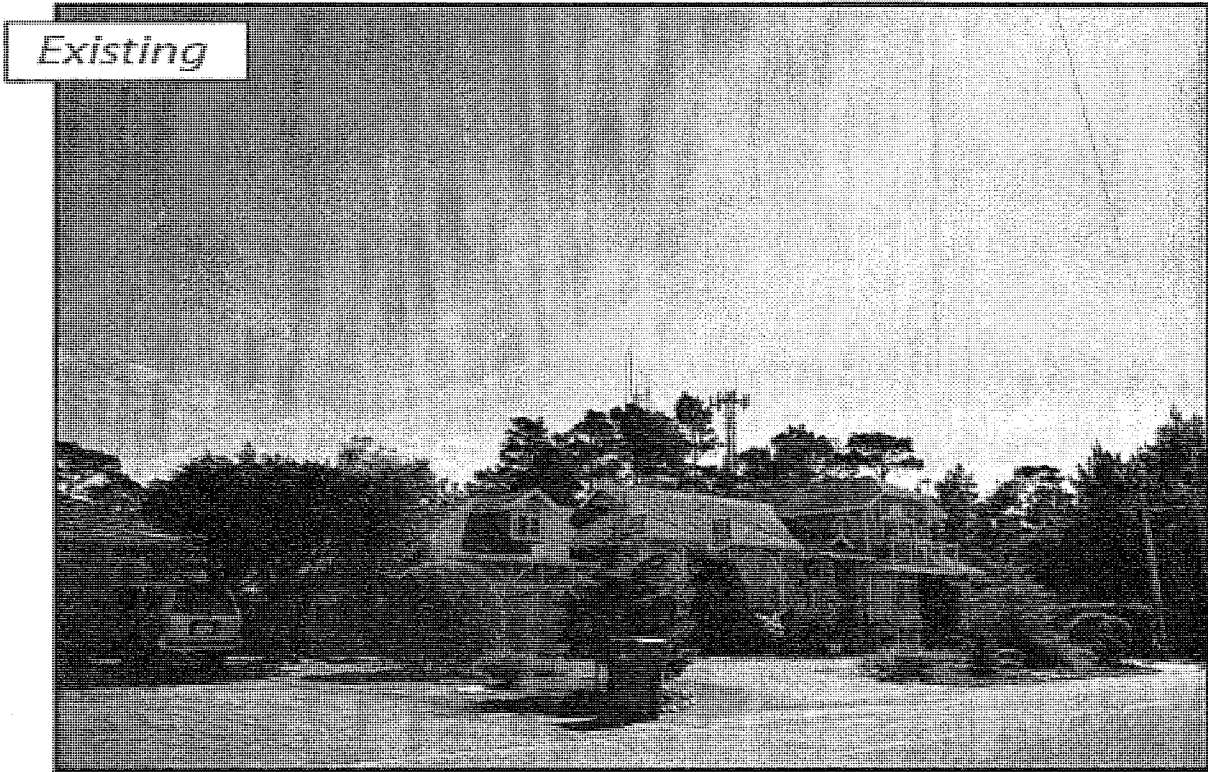
AdvanceSim
Photo Simulation Software
Contact (1083) 309-8887

To address these potential impacts, the applicant revised the project to eliminate the proposed 150-foot monopole and construct a 100-foot high monopole and maintain the two existing 80-foot high towers (Figure 8). The newly proposed monopole would protrude an additional approximately 20 feet from the height of the existing towers and trees. Analysis by staff concludes that the visibility of the proposed lower monopole, in combination with the use of appropriate colors (light gray), would significantly reduce the impacts of the project by reducing its visibility and keep it in scale with the tree line, existing development, and with the scenic character of the site. Staff considers that development of the revised project would result in less than significant impacts by resulting in an addition of 20 feet to the height of the existing towers. The cumulative visual impacts of the existing plus proposed revised project on the public viewshed and designated vista points would not be significant given the location of the site in relationship to them and the scattered visibility of the towers. Based on this conclusion staff recommends that the project is consistent with the policies of the Del Monte Forest Land Use Plan.

Land Use Advisory Committee Review

The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. 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 due to the location of the site and the potential for visual impacts. The LUAC reviewed the originally proposed 150-foot high monopole and removal of the two existing towers on June 21, 2012 and requested the applicant to provide an alternative design for consideration. On July 19, 2012 the LUAC considered two alternative designs including a 120-foot high monopole with removal of one of the existing towers and 100-foot high tower maintaining the two existing towers. The LUAC recommended denial of the project based on the diminishment of the adjacent property values, the height of the facility and perceived danger to nearby properties. The minutes of the LUAC are included in Exhibit G to the Staff Report.

Figure 8: - Existing Towers and Revised Project with a 100-Foot High Monopole as viewed from Sunset Lane (A Private Street)



view from Sunset Lane looking southeast at site

Hickisberry Hill

4047 Sunset Lane, Pebble Beach, CA



Project Information for PLN100516

Project Information:

Project Name: COUNTY OF MONTEREY NEXT GENERATION EMERGENCY TELECOMMUNICATIONS NETWORK (NGEN)
Location: 4039 SUNSET LN PEBBLE BEACH
Permit Type: Coastal Development Permit
Environmental Status: Mitigated Negative Declaration
Final Action Deadline (884): 12/6/2012

Existing Structures (sf): 0	Coverage Allowed: 35%
Proposed Structures (sf): 276	Coverage Proposed: 276
Total Sq. Ft.: 273	Height Allowed: 27
Tree Removal: 2/ Monterey Pine	Height Proposed: 100
Water Source: Cal-Am Water Service Area	FAR Allowed: 35%
Water Purveyor:	FAR Proposed: 0
Sewage Disposal (method): N/A	Lot Size: .3
Sewer District: N/A	Grading (cubic yds.): 100

Parcel Information:

Primary APN: 008-111-017-000	Seismic Hazard Zone: III
Applicable Plan: Del Monte Forest Land Use Plan	Erosion Hazard Zone: Moderate
Advisory Committee: Del Monte Forest LUAC	Fire Hazard Zone: Very High
Zoning: MDR/4-D (CZ)	Flood Hazard Zone: No
Land Use Designation: Medium Density Residential 4 units per acre	Archaeological Sensitivity: Moderate
Coastal Zone: Yes	Viewshed: No
Fire District: Pebble Beach Community Services District	Special Setbacks on Parcel: No

Reports on Project Parcel:

Soils Report #: No
Biological Report #: No
Geologic Report #: No
Forest Management Rpt. #: No
Archaeological Report #: No
Traffic Report #: No

Exhibit B
PLN100501
Draft Resolution
Site Plan, Floor
Plan & Elevations
Parcel Map
Vicinity Map

EXHIBIT B
DRAFT RESOLUTION – PLN100501

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

In the matter of the application of:

COUNTY OF MONTEREY (PLN100501)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

Approving a Use Permit for the demolition of a 40-foot high non-commercial radio transmissions tower with associated equipment shelter and equipment for the development of a new non-commercial wireless telecommunications facility consisting of an 80-foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank; removal of two trees (17 inch Oak and 20 inch Pine); and grading (excavation).

PLN100501, County of Monterey (Snodgrass), 1705
Covenant Lane, Royal Oaks, North County Area Plan
(APN: 412-151-002-000)

The Next Generation Emergency Network (NGEN) application (PLN100501) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
 - North County Area Plan;
 - 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 1705 Covenant Lane, Royal Oaks (Assessor's Parcel Number 412-151-002-000), North County Area Plan. The parcel is zoned "LDR/B-6" (Low Density Residential), which allows

development of wireless telecommunication facilities with a Use Permit. Therefore, the project is an allowed land use for this site.

- c) The proposed project is consistent with the standards and provisions of Section 21.64.310 (Regulations for Siting, Design and Construction of Wireless Communications Facilities) of the Zoning Ordinance (See Finding 7 below).
- d) The proposed project is consistent with the Open Space policies of the North County Area Plan. Two trees are to be removed as part of the project, one Oak tree (17 inches in diameter) and one Pine tree (20 inches in diameter). Pine trees are not a protected species within the North County, non-coastal area. Policy NC-3.4 of the North County Area Plan does require a permit for the removal of any healthy oak trees. Such permit is included as part of the application. The Oak tree would be replaced per the requirements of the Zoning Ordinance.
- e) The project site is not designated as “sensitive” or “highly sensitive” on the Scenic Highway Corridors and Visual Sensitivity Map (Figure 15) of the North County Area Plan. Therefore the project would not affect the Scenic Highway Corridors or Visually Sensitive areas of North County.
- f) The project was scheduled for review by the North County Non-Coastal Land Use Advisory Committee (LUAC) twice and the review continued as many times; the scheduled meeting after the second continuance was cancelled. The review of the project was not be continued a third time under the provisions of the Monterey County Land Use Advisory Committee Procedures (Board of Supervisors Resolution No. 08-338) and therefore the project was returned to the Planning Department and the Planning Commission without official action by the LUAC.
- g) The project planner conducted a site inspection on May 23, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- 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 PLN100501 (REF100041).

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

EVIDENCE: . The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County 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. Staff identified potential impacts to Aesthetics and Biological Resources. The project is consistent with the Open Space and Land Use Policies of the North County Area Plan (See also Evidence (d) and (e) under Finding No. 1 above). 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:

- a) "Geotechnical Engineering Evaluation, 1705 Covenant Lane, Watsonville, CA 95076," prepared by Adapt Engineering, Inc. October 17, 2011;
- b) "Tree Resource Assessment/Forest Management Plan, Monterey County NGEN Lewis Road Site," prepared by Frank Ono, Forester; March 9, 2012;
- c) Visual Simulations submitted by the applicant and reviewed by staff and the Planning Commission.

Site inspection conducted by staff to verify that the site is suitable for this use.

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 PLN100501 (REF100041).

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, North County 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) Preceding findings and supporting evidence for PLN100501 (REF100041).
 - c)

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 May 23, 2012 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 PLN100501 (REF100041).

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project under File No. PLN100501 as designed and conditioned would have a significant effect on the environment. A Mitigated Negative Declaration was adopted by the Planning Commission (Resolution No. _____) on September 26, 2012.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference. The Initial Study provides substantial evidence based upon the record as a whole, that the subject project would not have a significant effect on the environment and therefore no mitigation measures are necessary for the project.
 - c) A Draft Mitigated Negative Declaration (MND) for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 was prepared in accordance with CEQA and circulated for public review from August 21, 2012 through September 21, 2012 (SCH#: 2012081052). The MND reflects the independent judgment and analysis of the County.
 - d) Issues that were analyzed in the Mitigated Negative Declaration for the subject project (File No. PLN100501) include aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - e) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100501) and are hereby incorporated herein by reference.
 - f) Staff analysis contained in the Initial Study and the record as a whole indicate the subject project (File No. PLN100501) would not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
 - g) The County has considered the comments received during the public

review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration

- h) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **TREE REMOVAL – INLAND** The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

EVIDENCE: a) The project includes application for the removal of one Oak tree (17 inches in diameter) and one Pine tree (20 inches in diameter). In accordance with the applicable policies of the North County Area Plan and the Monterey County Zoning Ordinance (Title 21), a permit is required for the removal of the Oak tree and the authority to grant said permit has been met. Section 21.64.260.D.3, 4, and 5 of the Monterey County Zoning Ordinance (Title 21) require an arborist report, tree replacement and that the project meets the following findings which are in case:

- a) The tree removal is the minimum required under the circumstances of the case; and
 - b) The removal will not involve a risk of adverse environmental impacts, such as: soil erosion; water quality, ecological impacts, noise pollution, air movement, or wildlife habitat.
- b) The tree removal is consistent with the requirements per the “Tree Resource Assessment/Forest Management Plan” prepared for the project.
 - c) Measures for tree protection during construction have been incorporated as conditions of approval and include tree protection zones, trunk protection, hand excavation and bridging roots. The removed tree would be replaced.
 - d) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible. The site of the project is already developed.
 - e) 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 PLN100501 (REF100041).

7. **FINDING:** **WIRELESS COMMUNICATION FACILITIES** – The development of the proposed public safety, non commercial wireless telecommunications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code Section 21.64.310. The subject property on which the wireless communication facility is to

be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- a) The construction of the project includes substitution of an existing 40-foot high radio transmission tower with an 80-foot high monopole which would result in an additional height of 40-feet. Although the project would be visible from nearby private properties, there are no policies that protect views from private areas. The proposed monopole would be screened from Lewis Road (a common public viewing area) by mature vegetation. Additionally, the height of the proposed monopole would not result in a significant impact compared to the existing condition when viewed from common public viewing areas.
 - b) The project is consistent with Section 21.86 (Airport Approaches Zoning) and does not require review by the Monterey County Airport Land Use Commission. This project does not affect any aircraft zones identified in Section 21.86 MCC and the proposed height is within limitations outlined in Section 21.86 MCC.
 - c) The project does not penetrate a FAR Part 77 Imaginary Surface since it is not located within five (5) miles of an airport (Monterey Peninsula, Salinas Municipal, Mesa Del Rey/King City, Carmel Valley, or Fritzsche Army/Fort Ord).
 - d) Scenic Highways Corridors & Visual Sensitivity Map – North County Area Plan.
 - e) Staff site visit and project photo simulations in project file PLN100501 (REF100041).

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.

DECISION

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

Approve a Use Permit for the demolition of a 40-foot high non-commercial radio transmissions tower with associated equipment shelter and equipment for the development of a new non-commercial wireless telecommunications facility consisting of an 80-foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank; removal of two trees (one 17 inch Oak and one 20 inch Pine); and grading (excavation), in general conformance with the attached sketch and subject to the attached conditions all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 26th day of September, 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 DATE

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

PLN100501

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Use Permit (PLN100501) allows for the development of a new public safety, non-commercial wireless telecommunications facility consisting of an 80 foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank. Excavation will be required for associated foundation work and utility lines (less than 100 cubic yards of grading); and a Tree Removal Permit to allow the removal of two trees (17-inch Oak and 20-inch Pine). The proposed facility would replace an existing 40-foot high radio transmission tower and other related equipment operated by the Monterey County Sheriff's Office and the North County Fire Protection District. The project is one of the 18 sites proposed for upgrade to the Next Generation Emergency Network (NGEN) radio system for emergency communications throughout the County and to support critical communications of first responders to emergency calls. The property is located at 1705 Covenant Lane, Royal Oaks (Assessor's Parcel Number 412-151-002-000), Lewis Road area, North County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. This permit 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 notice which states: "A permit (Resolution _____) was approved by the (HEARING BODY) for Assessor's Parcel Number 412-151-002-000 on (DATE). The permit was granted subject to 15 conditions of approval which run with the land. 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. 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 _____ 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.

4. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

5. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio: 1:1
- Replacement tree(s) shall be the same species removed

Replacement tree(s) shall be located within the same general location as the tree being removed.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

6. 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.

7. 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.

8. PD039(D) - WIRELESS REMOVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning Department and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: If the applicant abandons the facility or terminates the use, prior to the issuance of grading or building permits or on an on-going basis, the Owner/Applicant shall submit a site restoration agreement to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Owner Applicant shall restore the site to its natural state.

9. PD039(E) - WIRELESS EMISSION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA - Planning Department shall set a public hearing before the Appropriate Authority whereupon the appropriate authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Owner/Applicant shall submit documentation demonstrating compliance with the FCC emission standards.

On an on-going basis, if the facility is in violation of FCC emission standards, the Director of Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

10. 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. (North County Fire Protection District)

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

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

11. 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. (North County Fire Protection District)

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

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

12. 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. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

13. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION)
Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

14. NON-STANDARD CONDITION - GENERATOR SIGNAGE

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: GENERATOR SIGNAGE (NON-STANDARD CONDITION)
Prior to the Fire Department Final for this project, this sign (or approved alternate) must be posted and maintained at the MAIN EXTERIOR ELECTRICAL SHUT OFF:

THIS SERVICE CONNECTION IS FED BY A SECONDARY EMERGENCY GENERATOR LOCATED AT _____. (fill in location of generator)

(North County Fire Protection District)

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of grading and /or building permit applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

2. Prior to final building inspection, applicant or owner shall schedule fire dept. clearance inspection prior to final building inspection.

15. NON-STANDARD CONDITION -GENERATOR SIGNAGE & FUEL TANK LOCATION

Responsible Department: Fire

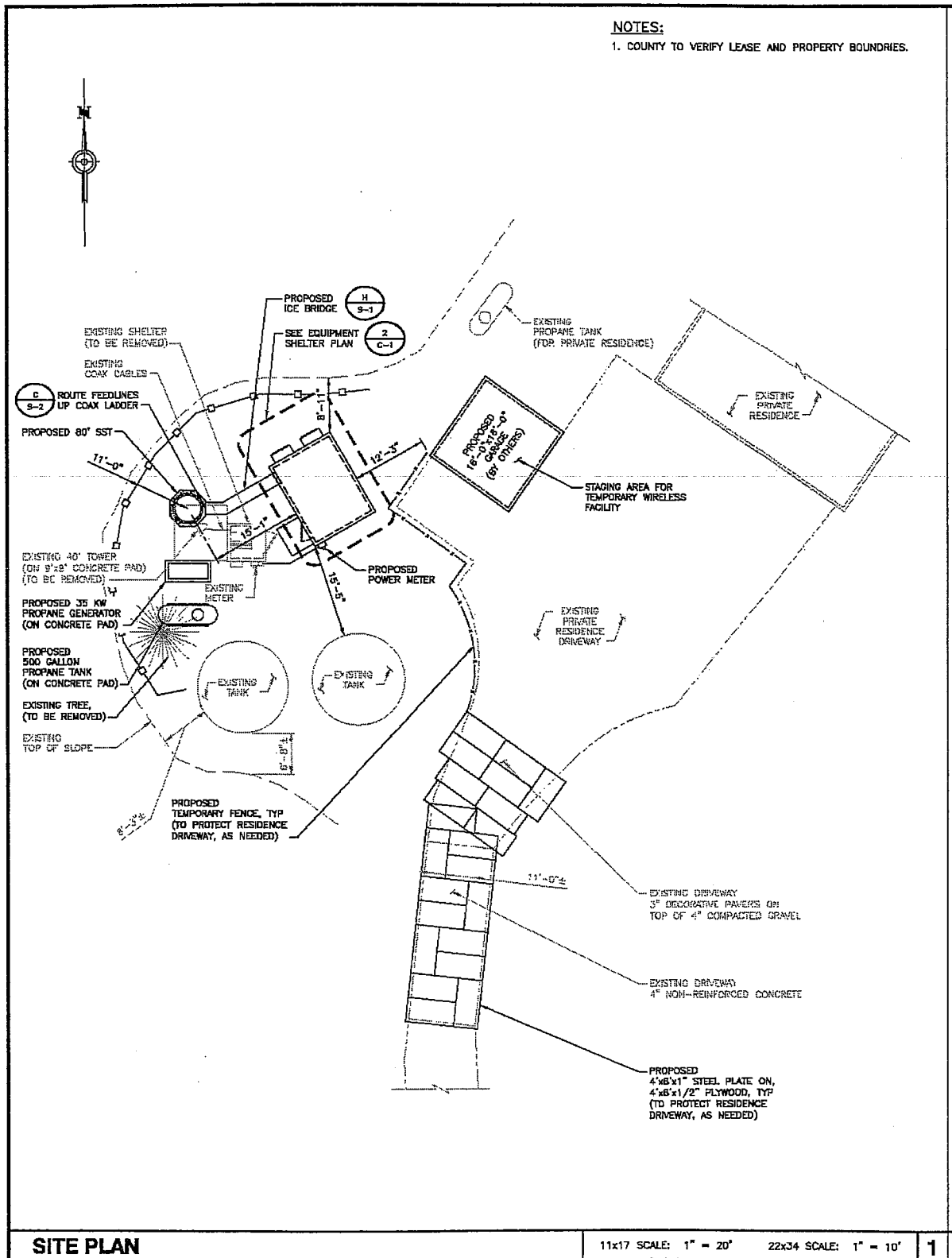
**Condition/Mitigation
Monitoring Measure:**

GENERATOR SIGNAGE & FUEL TANK LOCATION (NON-STANDARD CONDITION)
The emergency power generator and associated liquefied petroleum gas (LPG) tank for this project shall comply with the National Electrical Code requirements for emergency responder signage and with requirements of the California Fire Code and NFPA 58 for LPG storage. (North County Fire Protection District)

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

1. Prior to issuance of grading and /or building permit applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, applicant or owner shall schedule fire dept. clearance inspection prior to final building inspection.

FIGURE 1 – SITE PLAN



NORTH COUNTY

SANTA CRUZ COUNTY

SANTA CRUZ COUNTY

SAN JUAN RD

Pajaro River

MURPHY RD

UNION PACIFIC RAILROAD

VEGA RD

SAN MIGUEL CANYON RD

PROJECT SITE

LEWIS RD

COVENANT LN

HALL RD

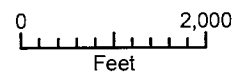
TARPEY RD

APPLICANT: SNODGRASS

APN: 412-151-002-000

FILE # PLN100501

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO

Exhibit C
PLN100502
Draft Resolution
Site Plan, Floor
Plan & Elevations
Parcel Map
Vicinity Map

EXHIBIT C
DRAFT RESOLUTION – PLN100502

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

In the matter of the application of:

COUNTY OF MONTEREY (PLN100502)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Approving a Use Permit and Design Approval for development of a "Wireless Telecommunications Collocation Facility" [as defined in Section 65850.6 (d) (3) of the California Government Code] including the following: 1) a public safety, noncommercial wireless telecommunication facility consisting of a 100-foot high lattice tower, a 900 square foot equipment shelter building, a 750-gallon propane gas tank and a propane generator to be owned and operated by the Monterey County Emergency Communications Department; 2) collocation of a commercial wireless telecommunication facility to be operated by Verizon Wireless, consisting of the installation of additional antennas and ancillary equipment on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; and 3) the future collocation of up to two additional commercial wireless telecommunications facilities to be operated by commercial wireless telecommunications providers, consisting of additional antennas and ancillary equipment also to be installed on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility. The future development of the commercial wireless telecommunication facilities would not require additional discretionary approvals by the County. The site is pre-disturbed (paved) and development of the entire project would include minimal grading (less than 100 cubic yards of excavation); and
- 2) Adopting a Mitigation Monitoring and

The Next Generation Emergency Network (NGEN) application (PLN100502) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 2010 Monterey County General Plan;
 - Greater Monterey Area Plan;
 - 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 1021 Monterey-Salinas Highway (Assessor's Parcel Number 173-011-023-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "PQP-D-S" (Public Quasi-Public with Design Review and Site Plan Review Overlays), which allows wireless communications facilities subject to a Use Permit. Therefore, the project is an allowed land use for this site.
 - c) The proposed project is consistent with the standards and provisions of Section 21.64.310 (Regulations for Siting, Design and Construction of Wireless Communications Facilities) of the Zoning Ordinance (See Finding 6 below).
 - d) The proposed project is consistent with the standards and provisions of the "D" (Design Review) Zoning Overlay District. The project would not significantly affect the public viewshed, neighborhood character or visual integrity of the site.
 - d) The project is located in an area designated as "Visually Sensitive" in the "Scenic Highway Corridors and Visual Sensitivity Map" of the Greater Monterey Peninsula Area Plan. The proposed project is consistent with the provisions of Policy GMP-3.3 of the Greater Monterey Peninsula Area Plan. The site is visible at a distance (approximately one mile) from a short portion of Highway 68 for approximately three (3) seconds when traveling east. The site is also visible from a number of points (common public viewing areas) along Laureles Grade Road. Based on the duration of visibility (approximately 30 seconds), the distance to the proposed tower from

the different visibility points (approximately 1.5 miles) and the winding condition of the road (Laureles Grade Road) the visibility from this area would not create an adverse impact on the visual character of the viewshed. The site is also visible from areas inside the Laguna Seca County Park, which are considered common public viewing areas. Within the race track/park the proposed tower would not detract from the character of the race track and associated park equipment and buildings and therefore would not result in a significant visual impact.

- e) The project planner conducted a site inspection on May 23, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was not referred to a Land Use Advisory Committee (LUAC) for review as the project site is not located within the review area of any LUAC.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100502 (REF100041).

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 County Regional Fire Protection District, Parks, 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 identified potential impacts to Aesthetics, Archaeological Resources and Soil/Slope Stability. 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:
 - 1. "Preliminary Archaeological Assessment of the Laguna Seca NGEN Site, Monterey; County, California," prepared by Archaeological Consulting, March 28, 2012;
 - 2. "Geotechnical Engineering Evaluation, Laguna Seca, Off of South Perimeter Road, Monterey, California, 93940," prepared by Adapt Engineering, Inc. October 17, 2011;
 - 3. Visual Simulations submitted by the applicant and reviewed by staff and the Planning Commission.
 - c) Staff conducted a site inspection on May 23, 2012 to verify that the site is suitable for this use.
 - 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 PLN100502 (REF100041).

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 County 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) Necessary public facilities are available for development of the project.
- c) Preceding findings and supporting evidence for PLN100502 (REF100041).

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 May 23, 2012 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) Zoning violation abatement costs, if any, have been paid.
- e) 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 PLN100502 (REF100041).

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project under File No. PLN100502 as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County. A Mitigated Negative Declaration was adopted by the Planning Commission (Resolution No. _____) on September 26, 2012.

- EVIDENCE:** a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project

- may have a significant effect on the environment.
- b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference. The Initial Study provides substantial evidence based upon the record as a whole, that the project under File No. PLN100502 would not have a significant effect on the environment.
 - c) A Draft Mitigated Negative Declaration (MND) for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 was prepared in accordance with CEQA and circulated for public review from August 21, 2012 through September 21, 2012 (SCH#: 2012081052). The MND reflects the independent judgment and analysis of the County.
 - d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - e) A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
 - f) Biological Resources: According to the Department of Fish and Game Natural Communities database and California Natural Diversity Database (CNDDDB), the project site is located approximately 2,000 feet away from known Maritime Chaparral habitat and 1,500 feet from identified areas north of the project site, within Laguna Seca, that have documented occurrences of California tiger salamanders. Maritime Chaparral and the California tiger salamander are both federally listed as threatened and the California Tiger Salamander is listed as threatened by the California Department of Fish and Game. Based on the location and lack of suitable habitat on the existing, already developed site, the project would not adversely affect environmentally sensitive Maritime Chaparral habitat. No riparian corridors or conservation areas are located on or near the project site. Mitigation Measure No. 1 in the MND has been identified requiring preconstruction surveys for California Tiger Salamanders in accordance with USFW and CDFG protocols prior to the start of construction. These surveys shall be done by a qualified biologist and would assure protection of the species and reduce potential impacts to less than significant impacts.
 - g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as

- applicable). These documents are on file in the RMA-Planning Department and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
 - i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration
 - j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

- EVIDENCE:**
- a) The project consists of the collocation of four wireless telecommunications facilities on a 100-foot high lattice tower. The project site is located at the Laguna Seca Race Track which is developed with car racing facilities and recreational areas. The location of the project site would not affect the visual character of the already-developed area.
 - b) The site is located in a designated “Visually Sensitive Area” but the project minimizes its visual impacts on common viewing areas on Highway 68 and Laureles Grade Road due to its distance from them and the duration of its visibility (See Evidence d under Finding No. 1 above).
 - c) The project includes collocation of four wireless telecommunication facilities which would avoid the potential development of additional sites and potential visual impacts.
 - d) Conditions have been incorporated that would reduce the visual impact and include further review of colors and exterior lighting, modifications in the event of technological advances, and maintenance

- and restoration of the site.
- e) The project is consistent with Section 21.86 (Airport Approaches Zoning) and does not require review by the Monterey County Airport Land Use Commission. This project does not affect any aircraft zones identified in Section 21.86 MCC for the Monterey Peninsula Airport and the proposed height is within limitations outlined in Section 21.86 MCC.
 - f) The project does not penetrate a FAR Part 77 Imaginary Surface since it is not located within five (5) miles of an airport (Monterey Peninsula, Salinas Municipal, Mesa Del Rey/King City, Carmel Valley, or Fritzsche Army/Fort Ord). If deemed necessary by the FCC, proper warning lights would be located on top of the structure to prevent conflict with any aircraft (e.g. crop dusters) when visibility is limited.
 - g) Staff site visit and project photos in project file PLN100502 (REF100041)

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

DECISION

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

1. Approve a Use Permit and Design Approval for development of a "Wireless Telecommunications Collocation Facility" [as defined in Section 65850.6 (d) (3) of the California Government Code] including the following: 1) a public safety, noncommercial wireless telecommunication facility consisting of a 100-foot high lattice tower, a 900 square foot equipment shelter building, a 750-gallon propane gas tank and a propane generator to be owned and operated by the Monterey County Emergency Communications Department; 2) collocation of a commercial wireless telecommunication facility to be operated by Verizon Wireless, consisting of the installation of additional antennas and ancillary equipment on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; and 3) the future collocation of two additional commercial wireless telecommunications facilities to be operated by commercial wireless telecommunications providers, consisting of additional antennas and ancillary equipment also to be installed on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; including grading (less than 100 cubic yards of excavation). The project is in general conformance with the attached sketch and is subject to the attached conditions all being attached hereto and incorporated herein by reference.
2. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 26th day of September, 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 DATE

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

PLN100502

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Use Permit and Design Approval(PLN100502) allows for development of a "Wireless Telecommunications Collocation Facility" [as defined in Section 65850.6 (d) (3) of the California Government Code] including the following: 1) a public safety, noncommercial wireless telecommunication facility consisting of a 100-foot high lattice tower, a 900 square foot equipment shelter building, a 750-gallon propane gas tank and a propane generator to be owned and operated by the Monterey County Emergency Communications Department; 2) collocation of a commercial wireless telecommunication facility to be operated by Verizon Wireless, consisting of the installation of additional antennas and ancillary equipment on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility; and 3) the future collocation of two additional commercial wireless telecommunications facilities to be operated by commercial wireless telecommunications providers, consisting of additional antennas and ancillary equipment also to be installed on the 100-foot high lattice tower and inside the 900 square foot equipment shelter approved as part of the first facility. The future development of the commercial wireless telecommunication facilities would not require additional discretionary approvals by the County. The site is pre-disturbed (paved) and development of the entire project would minimal grading (less than 100 cubic yards of excavation). The project is one of the 18 sites proposed for upgrade to the Next Generation Emergency Network (NGEN) radio system for emergency communications throughout the County and to support critical communications of first responders to emergency calls. The property is located at 1021 Monterey-Salinas Highway, adjacent to the Laguna Seca Raceway, (Assessor's Parcel Number 173-011-023-000), Highway 68 area within the Greater Monterey Peninsula Area Plan. The site is located in the Laguna Seca Recreational Area and is owned by the Monterey County Parks Department. This permit 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 notice which states: "A permit (Resolution _____) was approved by the (HEARING BODY) for Assessor's Parcel Number 173-011-023-000 on (DATE). The permit was granted subject to 20 conditions of approval which run with the land. 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. 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.

4. 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 _____ 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.

5. 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.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. 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.

8. 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.

9. 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.

(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 100 feet.

10. PD039(D) - WIRELESS REMOVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning Department and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: If the applicant abandons the facility or terminates the use, prior to the issuance of grading or building permits or on an on-going basis, the Owner/Applicant shall submit a site restoration agreement to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Owner Applicant shall restore the site to its natural state.

11. PD039(E) - WIRELESS EMISSION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA - Planning Department shall set a public hearing before the Appropriate Authority whereupon the appropriate authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Owner/Applicant shall submit documentation demonstrating compliance with the FCC emission standards.

On an on-going basis, if the facility is in violation of FCC emission standards, the Director of Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

12. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) No fees shall be required for monitoring of the project.

13. MMRP001 - BIOLOGICAL RESOURCES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 1 – Biological Resources (Laguna Seca Site)
Preconstruction surveys for California Tiger Salamanders shall be conducted in accordance with USFW and CDFG protocols prior to the start of construction. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and CDFG protocols. Prior to issuance of any building permits, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction shall be submitted for approval. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permits, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction shall be submitted for approval to the RMA - Planning Department

14. EHSP01 HAZARDOUS MATERIALS INVENTORY FORM AND SITE MAP

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issuance of building, the applicant shall provide to Environmental Health an updated Inventory form and site map showing the location of the new propane tank.

15. EHSP01 HAZARDOUS MATERIALS INVENTORY FORM AND SITE MAP

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permit, the applicant shall provide to Environmental Health an updated Inventory form and site map showing the location of the new propane tank.

16. 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:**

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

17. 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:**

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

18. 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: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

19. FIRES01 - GENERATOR SIGNAGE & FUEL TANK LOCATION

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The emergency power generator and associated liquefied petroleum gas (LPG) tank for this project shall comply with the National Electrical Code requirements for emergency responder signage and with requirements of the California Fire Code and NFPA 58 for LPG storage. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as Fire Department Notes on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of generator and fuel tank signage and shall obtain fire department approval of the final fire inspection.

20. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRES02 - EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION) Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

GREATER MONTEREY PENINSULA

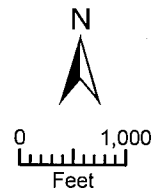


APPLICANT: COUNTY OF MONTEREY

APN: 173-011-023-000

FILE # PLN100502

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO

Exhibit D
PLN100515
Draft Resolution
Site Plan, Floor
Plan & Elevations
Parcel Map
Vicinity Map

EXHIBIT D
DRAFT RESOLUTION – PLN100515

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

In the matter of the application of:

COUNTY OF MONTEREY (PLN100515)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

1) Approving a Combined Development Permit
including:

a. Use Permit and Design Approval for
development of a new public safety,
noncommercial wireless telecommunications
facility consisting of a 75-foot high monopole
with one Omni antenna affixed to the top;
three (3), 22-foot long Omni antennas and one
(1) four-foot diameter microwave dish to be
installed on the outside of an existing building
known as the "Sid Ormsbee Lookout Tower;"
installation of related equipment in the inside
of the building and removal of an existing
underground propane gas tank. Grading
would include approximately 15 cubic yards
of excavation;

b Use Permit to allow Ridgeline Development;

c. Use Permit to allow the Rehabilitation of an
existing historic building known as the "Sid
Ormsbee Lookout Tower."; and

2) Adopting a Mitigation Monitoring and
Reporting Plan

PLN100515, Santa Lucia Conservancy, East of
Robinson Canyon Road, Greater Monterey Peninsula
Area Plan (APN: 239-141-002-000)

The Next Generation Emergency Network (NGEN) application (PLN100515) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan;
 - Monterey County Zoning Ordinance (Title 21).
 - Monterey County Code (Title 18.25) – Preservation of Historic Resources

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 east of Robinson Canyon Road in the Santa Lucia Preserve Subdivision. (Assessor's Parcel Number 239-141-002-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "RC/40-D-S" (Resource Conservation, 40 Acre Minimum with Design and Site Plan Review Overlays), which allows development of wireless telecommunications facilities with a Use Permit. Therefore, the project is an allowed land use for this site.
- c) The proposed project is consistent with the standards and provisions of Section 21.64.310 (Regulations for Siting, Design and Construction of Wireless Communications Facilities) of the Zoning Ordinance (See Finding 7 below).
- d) The project is consistent with the standards and provisions of the "D" (Design Review) and "S" (Site Plan Review Overlays). The proposed 75-foot tower would be located in front of the existing building on the site, towards Carmel Valley where it would blend visually with the building and would not significantly affect the public viewshed. The project would require only minimal excavation and therefore would not affect the physical condition of the site.
- e) The subject project is consistent with the provisions of Policy GMP-3.3 of the Greater Monterey Peninsula Area Plan (GMPAP) for development in "sensitive" or "highly sensitive" areas. While the project site is not located within any of these areas per the "Scenic Highway Corridors & Visual Sensitivity Map" of the GMPAP, the site is adjacent to an area designated as "sensitive," is located in a prominent location in Carmel Valley and therefore it was analyzed critically for visual impacts. The proposed monopole is located in a manner that minimizes visible effects to the greatest extent possible (See Finding No. 6 below).
- f) The subject project is consistent with the provisions of Title 18.25.170 of the Monterey County Code regarding historic resources. The project includes the Rehabilitation Plan for the "Sid Ormsbee Lookout Tower" which is a significant historic resource eligible for listing under the National Register of Historic Places, the California Register of Historic Resources and the Monterey County Local Official Register of Historic Places. The Rehabilitation Plan meets the rehabilitation guidelines within the Secretary of the Interior's Standards for the treatment of historic places and the uses proposed are consistent with the historic uses of the building in that in 1971 the building began to be used as a site for communications equipment (Rehabilitation Standards No. 1).

The proposed installation of the antennas and microwave dish would not alter the character-defining features or spatial relationships that communicate the Lookout's historic significance (Rehabilitation Standards No. 2). The installation of said antennas and microwave dish to the exterior are easily reversible and will not further destroy historic materials of the Lookout. All portions of the project can be removed in the future while the essential form and integrity of the historic property and its environment would be unimpaired (Rehabilitation Standards No. 5, 9, 10). Because the project follows the Rehabilitation Standards, no mitigation measures are required. The project and the Rehabilitation Plan were reviewed by the Historical Resources Review Board on April 4, 2012 per the provisions of Chapter 18.25.170 of the Monterey County Code. The Board recommended approval of the project and Rehabilitation Plan.

- g) 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 of the potential impacts on visual resources. The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. The LUAC reviewed the application on June 4, 2012 and recommended approval (5-0 vote with one abstention and one Committee member absent).
- h) The project planner conducted a site inspection on May 23, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- 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 PLN100515 (REF100041).

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 County Regional Fire Protection District, Parks, 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 identified potential impacts to Aesthetics, Biological Resources, Archaeological/Cultural Resources and Soil/Slope Stability. 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:

1. "Preliminary Archaeological Assessment of the Pinyon Peak NGEN Site, Monterey County, California," prepared by Archaeological Consulting, March 28, 2012;
2. "Biological Assessment, Pinon Peak NGEN Radio Tower,

Monterey County Emergency Communications, Carmel Valley, California,” prepared by Scott Hennessy. Not dated;

3. “Geologic Hazard Evaluation for Monterey County Radio Network, Pinion Peak, 10 Miles Southeast of Monterey, Monterey County, California,” prepared by Toro International. May 2, 2012; and

4. “Sid Ormsbee Fire Lookout, Monterey County, California, Phase Two Historic Assessment,” prepared by PAST Consultants. March 26, 2012.

c) Staff conducted a site inspection on May 23, 2012 to verify that the site is suitable for this use.

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 PLN100515 (REF100041).

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 County 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) Necessary public facilities are available.

c) Preceding findings and supporting evidence for PLN100515 (REF100041).

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 May 23, 2012 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) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.

e) 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 PLN100515 (REF100041).

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration was adopted by the Planning Commission (Resolution No. _____) on September 26, 2012. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference. The Initial Study provides substantial evidence based upon the record as a whole, that the project under File No. PLN100515 would not have a significant effect on the environment.
 - c) A Draft Mitigated Negative Declaration (MND) for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 was prepared in accordance with CEQA and circulated for public review from August 21, 2012 through September 21, 2012 (SCH#: 2012081052). The MND reflects the independent judgment and analysis of the County.
 - d) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures) that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN100515).
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - g) Biological Resources (1): The California Department of Fish and Game

CNDDDB lists three Federally Threatened or Endangered species in the vicinity of the project site: Smith's blue butterfly (*Euphilotes enoptes smithi*), California red-legged frog (*Rana draytonii*), and California tiger salamander (*Ambystoma californiense*). Of these three species, only Smith's blue butterfly's habitat and host plant buckwheat (*Erigonum parvifilium*) is present in the project site. 15 individual of the Buckwheat plant species were identified in the west side of the existing building road loop around the building. The impacts from the construction of the project on the buckwheat were identified as potentially significant. Mitigation Measure No. 2 in the Initial Study/Mitigated Negative Declaration was identified to reduce the impacts to less than significant. This mitigation measure requires the fencing of the areas of the buckwheat and other measures that would be implemented before and during construction of the project.

- h) Biological Resources (2): Even though the CNDDDB lists occurrences of the California red-legged frog and California tiger salamander in the vicinity of the site, the site does not support suitable habitat for these species and their presence on the site would not be expected to occur. Individuals of these species could migrate across the road leading to the site. Vehicle circulation on the road leading up to the site would be a potential significant impact from the project since individuals of these species could migrate across the road. Mitigation Measure No. 3 in the Initial Study/Mitigated Negative Declaration was identified to reduce the impact to less than significant. This measure requires the preparation of pre-construction surveys of the species in accordance with the USWS and CDFG protocols.
- i) Cultural Resources: The project includes the Rehabilitation Plan for the "Sid Ormsbee Lookout Tower" which is a significant historic resource eligible for listing under the National Register of Historic Places, the California Register of Historic Resources and the Monterey County Local Official Register of Historic Places. The Rehabilitation Plan meets the rehabilitation guidelines within the Secretary of the Interior's Standards for the treatment of historic places and the uses proposed are consistent with the historic uses of the building in that in 1971 the building began to be used as a site for communications equipment (Rehabilitation Standards No. 1). The proposed installation of the antennas and microwave dish would not alter the character-defining features or spatial relationships that communicate the Lookout's historic significance (Rehabilitation Standards No. 2). The installation of said antennas and microwave dish to the exterior are easily reversible and will not further destroy historic materials of the Lookout. All portions of the project can be removed in the future while the essential form and integrity of the historic property and its environment would be unimpaired (Rehabilitation Standards No. 5, 9, 10). Because the project follows the Rehabilitation Standards, no mitigation measures are required and the project would result in less than significant impacts.
- j) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and

information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100515) and are hereby incorporated herein by reference.

- k) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports the buckwheat plant species which provide habitat for the Smith's blue butterfly which is Federally endangered or threatened species. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- l) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
- m) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **RIDGELINE DEVELOPMENT** – The proposed project is consistent with the provisions of Policy OS-1.3 of the General Plan for ridgeline development. The project will not create a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE: a) The subject site contains the "Sid Ormsbee Lookout Tower" which constitutes ridgeline development. The proposed 75-monopole would be located in the front of the existing building towards Carmel Valley where its visibility from public viewing areas would be minimal due to the substantial distance and difference in altitude and because it would be blended into the bulk of the existing building. The location of the monopole would not substantially add to the visibility and bulk of the existing building and therefore would not create a substantially adverse visual impact from common public viewing areas.

7. **FINDING:** **WIRELESS COMMUNICATION FACILITIES** – The development of the proposed wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code section

21.64.310. The subject property on which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 21/20 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- a) The proposed 75-monopole would be located in the front of the existing building towards Carmel Valley where its visibility from public viewing areas would be minimal due to the substantial distance and difference in altitude. The location of the monopole would not substantially add to the visibility and bulk of the existing building and therefore would not create a substantially adverse visual impact from common public viewing areas.
 - b) Construction of the proposed project at the site takes into account the technical needs as well as the bulk of the existing building. The construction at this site would avoid the need to develop sites in natural state where there would be added visual impacts and therefore would result in reduced impacts on the natural scenic qualities of Carmel Valley.
 - c) The project is consistent with Section 21.86 of the Zoning Ordinance (Airport Approaches Zoning) and does not require review by the Monterey County Airport Land Use Commission. This project does not affect any aircraft zones identified in Section 21.86 of the Ordinance.
 - d) Staff site visit and project photos in project file PLN100515 (REF100041).

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

EVIDENCE: Section 21.80.040 D of the Monterey County Zoning Ordinance.

DECISION

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

1. Approves a Combined Development Permit including:
 - a. Use Permit and Design Approval for development of a new public safety, noncommercial wireless telecommunications facility consisting of a 75-foot high monopole with one Omni antenna affixed to the top; three (3), 22-foot long Omni antennas and one (1) four-foot diameter microwave dish to be installed on the outside of an existing building known as the "Sid Ormsbee Lookout Tower;" installation of related equipment in the inside of the building and removal of an existing underground propane gas tank. Grading would include approximately 15 cubic yards of excavation;
 - b. Use Permit to allow Ridgeline Development; and
 - c. Use Permit to allow the Rehabilitation of an existing historic building known as the "Sid Ormsbee Lookout Tower.;" and
2. Adopts a Mitigation Monitoring and Reporting Plan, in general conformance with the attached sketch and subject to the attached conditions all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 26th day of September, 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 ~~DATE~~

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

PLN100515

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN100515) consists of: 1) a Use Permit and Design Approval for development of a new public safety, noncommercial wireless telecommunications facility consisting of a 75-foot high monopole with one Omni antenna affixed to the top; three (3), 22-foot long Omni antennas and one (1) four-foot diameter microwave dish to be installed on the outside of an existing building known as the "Sid Ormsbee Lookout Tower;" and installation of related equipment in the inside of the building and removal of an existing underground propane gas tank. The site is already developed, and minimal grading would be required for construction (15 cubic yards of grading); 2) a Use Permit to allow Ridgeline Development; and 3) Use Permit to allow the Rehabilitation of an existing historic building known as the "Sid Ormsbee Lookout Tower." The project is one of the 18 sites proposed for upgrade to the Next Generation Emergency Network (NGEN) radio system for emergency communications throughout the County and to support critical communications of first responders to emergency calls. The property is located generally east of Robinson Canyon Road on Pinyon Peak Trail, Carmel Valley (Assessor's Parcel Number 239-141-002-000) within the Greater Monterey Peninsula Area Plan. This permit 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 notice which states: "A permit (Resolution _____) was approved by the (HEARING BODY) for Assessor's Parcel Number 239-141-002-000 on (DATE). The permit was granted subject to 20 conditions of approval which run with the land. 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. 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.

4. 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 _____ 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.

5. 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.

6. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

7. 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.

8. 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.

9. PD039(D) - WIRELESS REMOVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning Department and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site.
(RMA - Planning Department)

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

If the applicant abandons the facility or terminates the use, prior to the issuance of grading or building permits or on an on-going basis, the Owner/Applicant shall submit a site restoration agreement to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Owner Applicant shall restore the site to its natural state.

10. PD039(E) - WIRELESS EMISSION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA - Planning Department shall set a public hearing before the Appropriate Authority whereupon the appropriate authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Owner/Applicant shall submit documentation demonstrating compliance with the FCC emission standards.

On an on-going basis, if the facility is in violation of FCC emission standards, the Director of Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

11. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

12. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

13. MMRP001 - BIOLOGICAL RESOURCES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Biological Resources (Pinyon Peak)
To avoid and minimize impacts at the site, the existing buckwheat plant population inside the loop road shall be protected by fencing before construction commences and during the entire construction process. Permanent signage at the site shall inform people present of the presence of sensitive habitat. Construction and operational employees shall be trained in identification of the buckwheat plants to then avoid contact with plants during construction and operation of tower. A defined pathway between monopole and fire tower shall be established for maintenance purposes, and kept free of vegetation to prevent future growth of buckwheat plants and potential habitat. Pathway maintenance shall be on-going to ensure no vegetation growth within pathway area. Construction staging areas shall be clearly demarcated and fenced in during construction.

Once buckwheat fencing is installed, a construction team member shall be assigned to ensure fencing stays in place throughout the construction period. Once tower is operational, staff should ensure signage is present and on-going training shall keep staff aware of sensitive habitat presence.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a Construction Permit the owner/applicant shall submit the following:

- a) Evidence that fencing around existing buckwheat is in place and permanent signage warning people of the sensitive habitat shall be in place, and defined pathways are in place that allow maintenance of the tower and monopole without impact to buckwheat species; and
- b) A sign letter from the contractor stating that employees have been trained to identify buckwheat species, and an employee has been tasked to ensure that all fencing is properly in place during construction activities.

Prior to Building Final, a qualified biologist shall conduct an site inspection of the site to ensure that the mitigation measures were complied with. A letter prepared by the biologist shall be submitted to the RMA - Planning Department regarding the site inspection and analysis.

14. MMRP002 - BIOLOGICAL RESOURCES

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Biological Resources (Pinyon Peak Site)
Preconstruction surveys for California Tiger Salamanders and California Red-Legged Frogs shall be conducted in accordance with USFW and CDFG protocols prior to the start of construction. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent take of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and CDFG protocols. Prior to issuance of any building permits, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction shall be submitted for approval.

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permits, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction shall be submitted for approval.

15. EHSP01 HAZARDOUS MATERIALS INVENTORY FORM AND SITE MAP

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issuance of building, the applicant shall provide to Environmental Health an updated Inventory form and site map showing the location of the propane tank to be removed

16. EHSP01 HAZARDOUS MATERIALS INVENTORY FORM AND SITE MAP

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permit, the applicant shall provide to Environmental Health an updated Inventory form and site map showing the location of the propane tank to be removed

17. 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: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

18. 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: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

19. 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: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

20. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO2 - EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION)
Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

Figure 1 – Pinyon Peak Site Plan

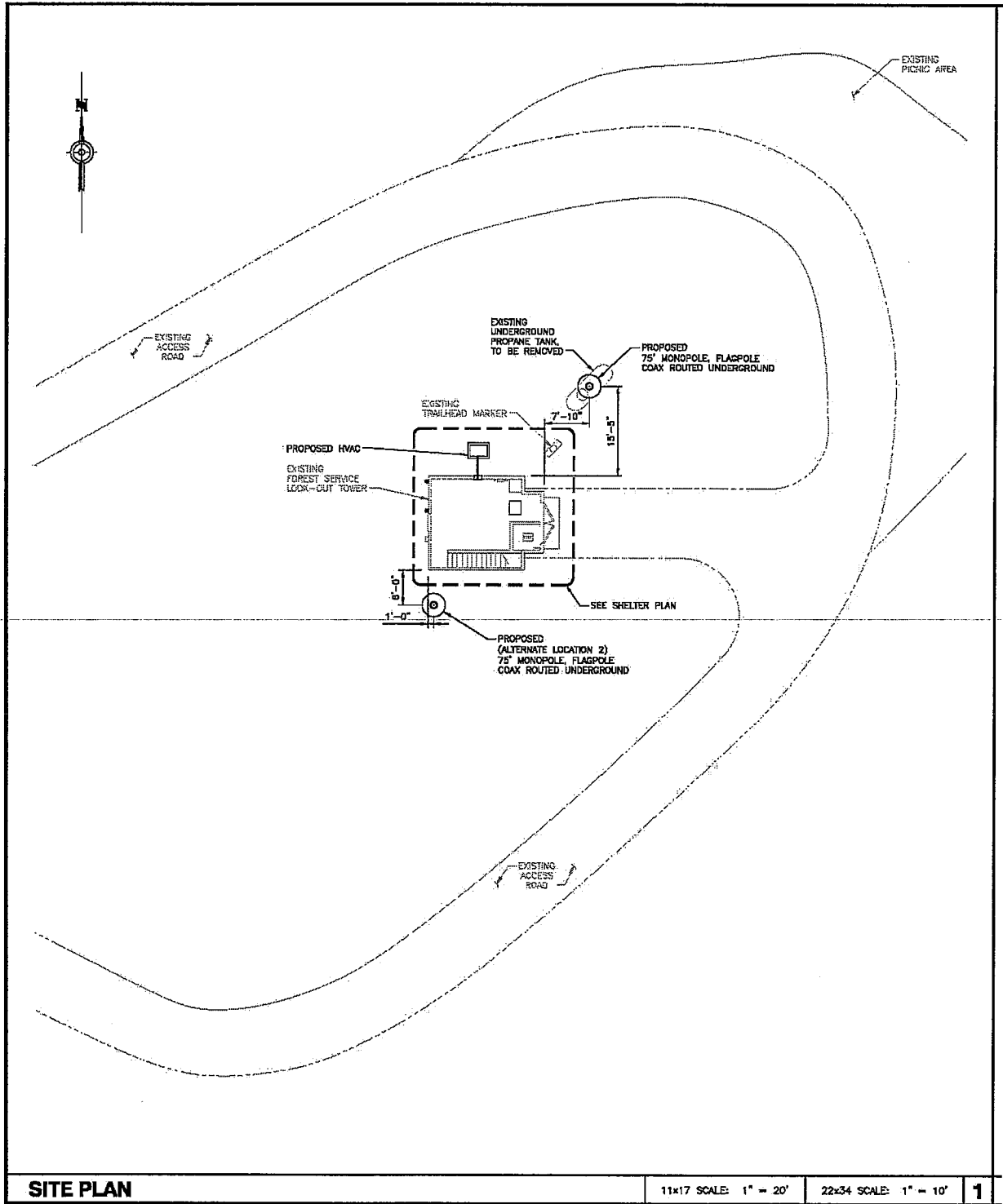
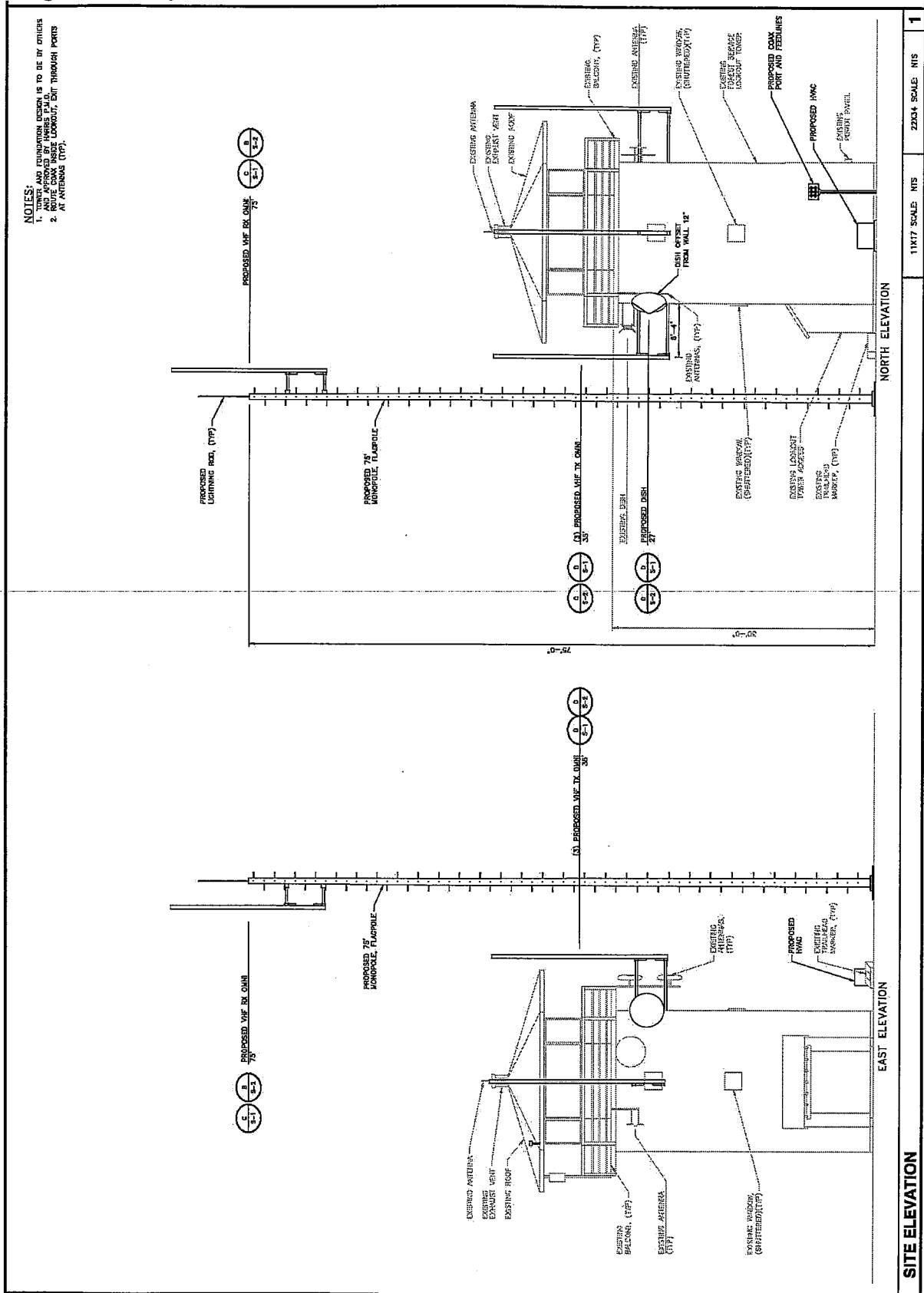
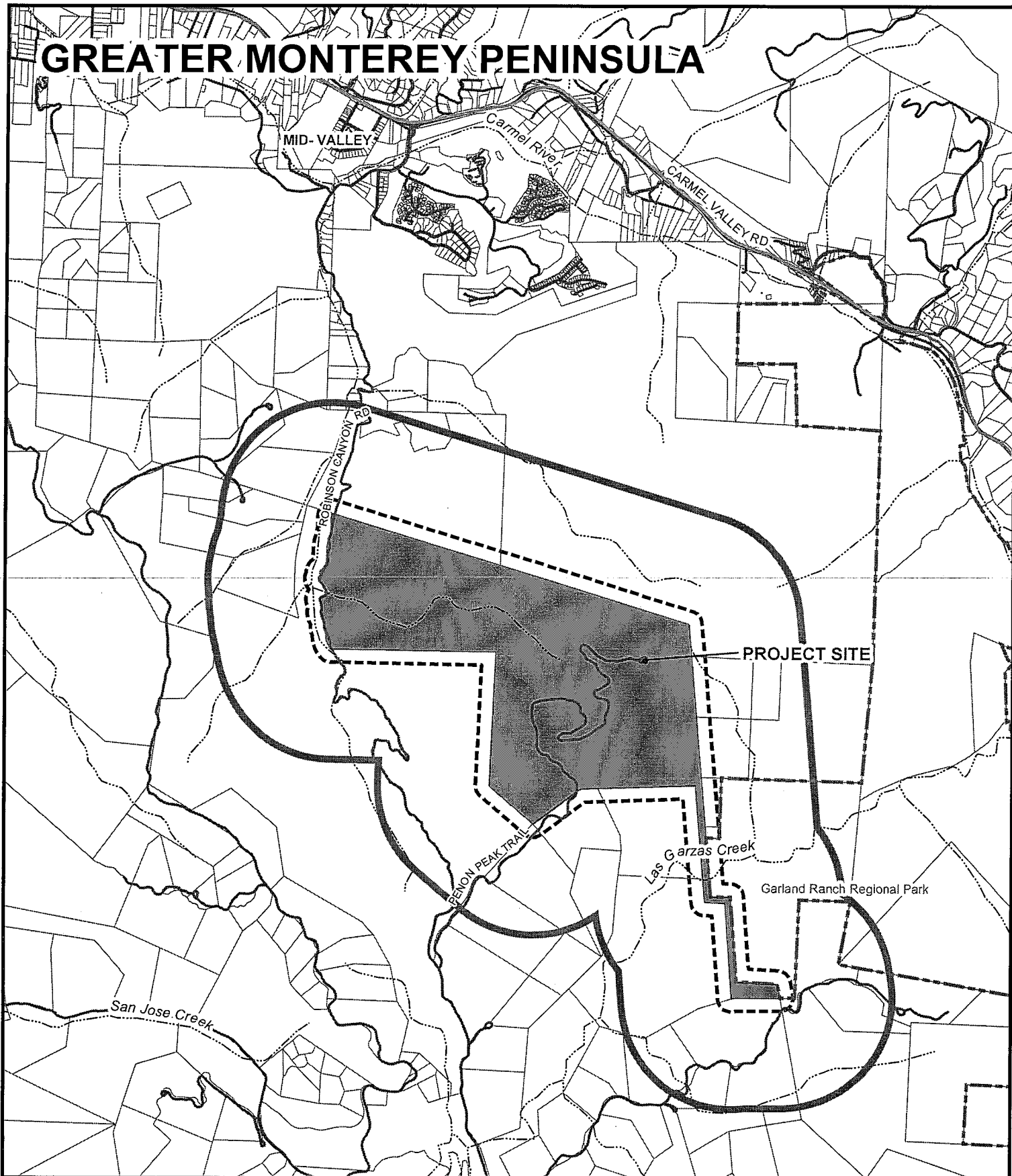


Figure 2 – Pinyon Peak Elevations



GREATER MONTEREY PENINSULA

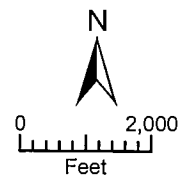


APPLICANT: SANTA LUCIA CONSERVANCY

APN: 239-141-002-000

FILE # PLN100515

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO

Exhibit E
PLN100516
Draft Resolution
Site Plan, Floor
Plan & Elevations
Parcel Map
Vicinity Map

EXHIBIT E
DRAFT RESOLUTION – PLN100516

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

In the matter of the application of:

COUNTY OF MONTEREY (PLN100516)

RESOLUTION NO. ----

Resolution by the Monterey County Planning Commission approving a Combined Development Permit consisting of:

- 1) Coastal Development Permit to allow the development of a public safety, non-commercial wireless telecommunications facility including a 100-foot high lattice tower with ten (10) Omni-directional antennas, two 4-foot diameter microwave dishes and three panel antennas; a 276 square foot (11.5 x 24.0) equipment shelter; two GPS antennas mounted to the roof of the shelter; demolition of an abandoned 50,000 –gallon water tank and grading (less than 100 cubic yards cut and fill);
- 2) Coastal Development Permit to allow ridgeline development; and
- 3) Design Approval.

PLN100516, California American Water Company, 4041 Sunset Lane, Del Monte Forest Land Use Plan (APN: 008-111-017-000)

The Next Generation Emergency Network (NGEN) application (PLN100516) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan;
 - Del Monte Forest Area Plan
 - Monterey County Coastal Implementation Plan Part 5;
 - Monterey County Zoning Ordinance (Title 20);

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 4041 Sunset Lane (Assessor's Parcel Number 008-111-017-000), Del Monte Forest Land Use Plan. The parcel is zoned MDR/4-D (CZ) [Medium Density Residential, 4 units per acre with a Design Control overlay within the Coastal Zone], which allows wireless telecommunications facilities with a Use Permit. Therefore, the project is an allowed land use for this site.
- c) The proposed project is consistent with the standards and provisions of Section 20.64.310 (Regulations for Sitting, Design and Construction of Wireless Communications Facilities) of the Zoning Ordinance (See Finding 8 below).
- d) The proposed project is consistent with the standards and provisions of the "D" (Design Review) Zoning Overlay District. The project site is not located in a designated vista point. The location, size (height), materials and colors of the proposed lattice tower would not significantly affect the public viewshed because the height of the project would only be seen from the adjacent street (Sunset Lane) and private properties and would be minimally seen from other areas. The project would affect neighborhood character minimally and would not significantly affect the public viewshed.
- e) The proposed project is consistent with the objectives of the visual protection objectives of the Del Monte Forest Land Use Plan (LUP) and the provisions of Policy 20.147.070 A.1 of the LUP. During review of the potential visual impacts of the project and it was determined that the top of the monopole could be visible from various vantage points and from some of the protected areas identified in Figure 3 of the LUP. Additionally, due to the elimination of the existing towers which are minimally visible above the tree line, the proposed monopole would be a stand-alone structure significantly taller than the existing trees and compared to the height of the existing towers as seen from nearby streets and view sheds. It was determined that the additional height of the proposed monopole and its visibility from nearby areas could result in potential significant impacts on the aesthetic value of the scenic resources and would not comply with the provisions of the Policy. The application was revised eliminating the proposed 150-foot monopole and substituting a 100-foot high monopole and to maintain the two existing 80-foot high towers. The newly proposed monopole would protrude only an additional approximately 20 feet from the height of the existing towers and trees where it would be minimally visible from public viewsheds and protected areas identified in Figure 3 of the LUP. The revised project in combination with the proposed color of the tower (light gray) would reduce its visibility and by mingling it better with the scenic character of the site and would not result in significant adverse impacts on the viewshed nor block significant public views. Therefore, the revised project is consistent with the objectives of the LUP and with the provisions of Policy 20.147.070 A.1.
- f) The proposed project is consistent with the provisions of Policy

20.147.070 B.1 and 20.147.070 B.3 of the Del Monte Forest Land Use Plan (LUP). While a highest portion of the proposed 100-foot high monopole would be visible from a short stretch of 17-Mile Drive, the visual impact would not be adverse due the short duration of the visibility, approximately 3-5 seconds, the configuration of the road, topography, vegetation and the location of residential development.

- g) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. 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 due to the location of the site and the potential for visual impacts. The LUAC reviewed the originally proposed 150-foot high monopole and removal of the two existing towers on June 21, 2012 and requested the applicant to provide an alternative design for consideration. On July 19, 2012 the LUAC considered two alternative designs including a 120-foot high monopole with removal of one of the existing towers and 100-foot high tower maintaining the two existing towers. The LUAC recommended denial of the project based on the diminishment of the adjacent property values, the height of the facility and perceived danger to nearby properties.
- h) The project planner conducted a site inspection on May 23, 2012 and August 8, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- 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 PLN100516.

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, Pebble Beach Community Services 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 identified potential impacts to Aesthetics, Biological/Forest Resources, Archaeological Resources, Soil/Slope Stability. 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:

1. "Preliminary Archaeological Assessment of the Huckleberry Hill NGEN Site" prepared by Archaeological Consulting, Salinas, CA, April 12, 2012.
2. "Biotic Assessment Report" prepared by Scott Hennessy, Salinas, CA, March 20, 2012.

3. "Geotechnical Engineering Evaluation" prepared by Adapt Engineering, Inc, Portland, Oregon, October 20, 2011.
 4. "Monterey County NGEN Huckleberry Hill Site Tree Assessment/Forest Management Plan" prepared by Frank Ono, Pacific Grove, CA, March 7, 2012.
 5. "Initial Study/Mitigated Negative Declaration for the Huckleberry Hill Tank" prepared by RMC Water and Environment for the Pebble Beach Community Services District, December 10, 2012, for the construction of a 100,000-gallon water tank adjacent to the project site (Planning Department Project File No. PLN100608).
- c) Staff conducted a site inspection on May 23, 2012 and August 8, 2012 to verify that the site is suitable for this use.
 - 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 PLN100516.

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 the RMA - Planning Department, Pebble Beach Community Services 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) Necessary public facilities are available. The project would not require any water or sewer disposal. Storm water would be contained on site. Adequate vehicular access is provided by existing road infrastructure.
 - c) Preceding findings and supporting evidence for PLN100516.

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 May 23, 2012 and researched County records to assess if any violation exists on the subject property.
 - c) 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 PLN100516.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration was adopted by the Planning Commission (Resolution No. _____) on September 26, 2012. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA for the projects under File Nos. PLN100515, PLN100502, PLN100515 and PLN100516. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference. The Initial Study provides substantial evidence based upon the record as a whole, that the project under File No. PLN100516 would not have a significant impact on the environment.
 - c) A Draft Mitigated Negative Declaration (MND) for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 was prepared in accordance with CEQA and circulated for public review from August 21, 201 through September 21, 2012 (SCH#: 2012081052). The MND reflects the independent judgment of the County.
 - d) The Initial Study identified potentially significant impacts on visual resources, but revisions have been made that reduce the impacts to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (See Also Evidence (e) to Finding No. 1 above).
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference.
 - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100516) and are hereby incorporated herein by

reference.

- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. Therefore, the project will not be required to pay the State fee; however, a fee payable to the Monterey County Clerk/Recorder is required for posting the Notice of Determination (NOD).
- i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration
- j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) The subject property is not described as an area where the Local Coastal Program requires public access.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) 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 PLN100516
 - d) The project planner conducted a site inspection on May 23, 2012.

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

- EVIDENCE:**
- b) Pursuant to the Monterey County Zoning Ordinance, ridgeline development may be approved if, as conditioned or designed, the project will not create a substantially adverse visual impact when viewed from a common public viewing area. The application approved by the Planning Commission includes a 100-foot high monopole which would protrude only an additional approximately 20 feet from the height of the existing towers and trees on the site where it would be minimally visible from public viewsheds and protected areas identified in Figure 3 of the LUP. The project in combination with the proposed color of the tower (light gray) would reduce its visibility and by mingling it better with the scenic character of the site and would not result in significant adverse impacts on the viewshed nor block significant public views.
 - c) The project planner conducted a site inspection on May 23, 2012 to

verify that the project on the subject parcel conforms to the ridgeline development requirement to not create a substantially adverse visual impact.

- 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 PLN100516.

8. **FINDING: WIRELESS COMMUNICATION FACILITIES** – The development of the proposed wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code section 20.64.310. The subject property on which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 20 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- a) The project consists of a wireless telecommunications facility including a 100-foot high monopole, related telecommunications antennas and equipment shelter. Only the top portion of the tower would be minimally visible from nearby private streets and properties and for a very short time, 3-5 seconds, from the 17-Mile Drive corridors. This visibility significant effect on the public and protected viewshed and vista points identified in the Del Monte Forest Land Use Plan.
 - b) The applicant has considered alternative sites for the facility and has provided evidence that development of the facility at the proposed site is the most adequate to provide the needed emergency communication services in compliance with federal regulations.
 - c) Development of the project at the subject site would not result in significant visual impacts and is consistent with the requirements of the Zoning Ordinance which encourage the co-location of wireless telecommunication facilities when such facilities would not result in such impacts.
 - d) Conditions have been incorporated that would reduce the visual impact and include further review of colors and exterior lighting, modifications in the event of technological advances, and maintenance and restoration of the site.
 - e) The project is consistent with Section 20.86 (Airport Approaches Zoning) and does not require review by the Monterey County Airport Land Use Commission. This project does not affect any aircraft zones identified in Section 20.86 of the Zoning Ordinance.
 - f) The project does not penetrate a FAR Part 77 Imaginary Surface since it is not located within five (5) miles of an airport (Monterey Peninsula, Salinas Municipal, Mesa Del Rey/King City, Carmel Valley, or

Fritzsche Army/Fort Ord). If deemed necessary by the FCC, proper warning lights would be located on top of the structure to prevent conflict with any aircraft (e.g. crop dusters) when visibility is limited.

- g) Staff site visit and project photos in project file PLN100516 (REF100041).

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

EVIDENCE: a) Section 20.86.030.A of the Monterey County Zoning Ordinance (Board of Supervisors).

- b) Section 20.86.080.A.1 of the Monterey County Zoning Ordinance (Coastal Commission). The project is/not subject to appeal by/to the California Coastal Commission because the property is located between the sea and the first public road.

DECISION

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

Approves a Combined Development Permit consisting of:

- 1) Coastal Development Permit to allow the development of a public safety, non-commercial wireless telecommunications facility including a 100-foot high monopole with ten (10) Omni-directional antennas, two 4-foot diameter microwave dishes and three panel antennas; a 276 square foot (11.5 x 24.0) equipment shelter; two GPS antennas mounted to the roof of the shelter; demolition of an abandoned 50,000 –gallon water tank and grading (less than 100 cubic yards cut and fill);
- 2) Coastal Development Permit to allow ridgeline development; and
- 3) Design Approval.

in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 26th day of September, 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 ~~DATE~~

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

PLN100516

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN100516) consisting of: 1) a Coastal Development Permit to allow the development of a public safety, non-commercial wireless telecommunications facility including a 100-foot high communications monopole that will support ten (10) Omni-directional antennas, two 4-foot diameter microwave dishes, three panel antennas, and all associated transmission cables, a 276 square foot (11.5 x 24.0) equipment shelter is proposed to house all base station radios and amplifiers, antenna combiner systems, and battery back-up power, two GPS antennas mounted to the roof of the shelter; and the removal of an abandoned water tank. The new telecommunications facility requires connection to underground utilities and generator, as well as additional trenching to install grounding rings and fencing (grading: less than 100 cubic yards cut and fill); 2) a Coastal Development Permit to allow ridgeline development; 3) Tree Removal Permit to allow the removal of two Monterey Pine trees; and 4) a Design Approval. The project is one of the 18 sites proposed for upgrade to the Next Generation Emergency Network (NGEN) radio system for emergency communications throughout the County and to support critical communications of first responders to emergency calls. The property is located at 4041 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-111-017-000) within the Del Monte Forest Land Use Plan.. This permit 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 notice which states: "A permit (Resolution _____) was approved by the (HEARING BODY) for Assessor's Parcel Number 008-111-017-000 on (DATE). The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." 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. 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.

4. 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 _____ 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.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio:
- Replacement ratio recommended by arborist:
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

7. 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.

8. 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.

9. PD039(D) - WIRELESS REMOVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning Department and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: If the applicant abandons the facility or terminates the use, prior to the issuance of grading or building permits or on an on-going basis, the Owner/Applicant shall submit a site restoration agreement to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Owner Applicant shall restore the site to its natural state.

10. PD039(E) - WIRELESS EMISSION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA - Planning Department shall set a public hearing before the Appropriate Authority whereupon the appropriate authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Owner/Applicant shall submit documentation demonstrating compliance with the FCC emission standards.

On an on-going basis, if the facility is in violation of FCC emission standards, the Director of Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

11. PDSP001 - DRAINAGE PLANS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the RMA - Planning Department. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

12. EHSP01 HAZARDOUS MATERIALS INVENTORY FORM AND SITE MAP

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).

Compliance or Monitoring Action to be Performed: Prior to issues any of building, the applicant shall provide to Environmental Health an updated Inventory form and site map showing any changes in inventory

13. 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. (Pebble Beach Community Services District)

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

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

14. 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. (Pebble Beach Community Services District)

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

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

15. 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. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

16. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION)
Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

17. NON-STANDARD CONDITION - GENERATOR SIGNAGE

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: GENERATOR SIGNAGE (NON-STANDARD CONDITION)
Prior to the Fire Department Final for this project, this sign (or approved alternate) must be posted and maintained at the MAIN EXTERIOR ELECTRICAL SHUT OFF:

THIS SERVICE CONNECTION IS FED BY A SECONDARY EMERGENCY GENERATOR
LOCATED AT _____ (fill in location of generator)

(Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as Fire Dept. Notes on plans.

Prior to requesting a final building inspection, Applicant shall install the required signage and shall obtain fire department approval of the fire department final inspection.

18. NON-STANDARD CONDITION - GENERATOR SIGNAGE & FUEL TANK LOCATION

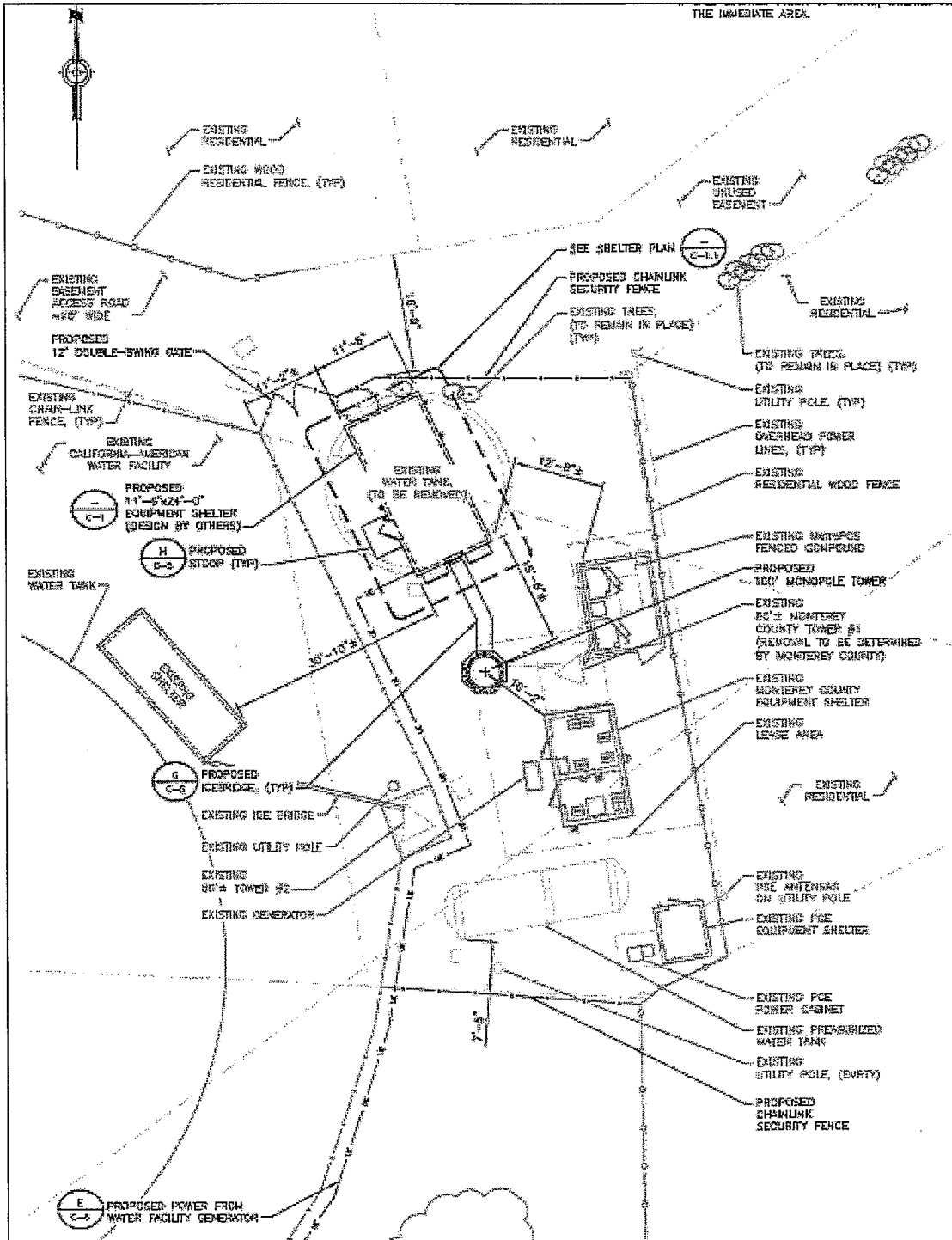
Responsible Department: Fire

Condition/Mitigation Monitoring Measure: GENERATOR SIGNAGE & FUEL TANK LOCATION (NON-STANDARD CONDITION)
The emergency power generator and associated liquefied petroleum gas (LPG) tank for this project shall comply with the National Electrical Code requirements for emergency responder signage and with requirements of the California Fire Code and NFPA 58 for LPG storage. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required signage and shall obtain fire department approval of the fire department final inspection.

Figure 3 – Site Plan



DEL MONTE FOREST

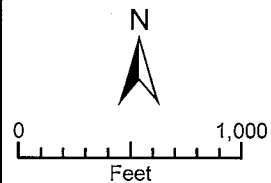


APPLICANT: CALIFORNIA-AMERICAN WATER CO

APN: 008-111-017-000

FILE # PLN100516

Water 2500' Limit 300' Limit City Limits



PLANNER: OSORIO

Exhibit F

Draft Resolution For Adoption of Mitigated Negative Declaration

EXHIBIT F
DRAFT RESOLUTION – PLN100502

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

In the matter of the application of:

COUNTY OF MONTEREY (PLN100502)

RESOLUTION NO. ----

Resolution by the Monterey County Planning Commission Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The projects were considered and approved by the Planning Commission on September 26, 2012 (Resolution Nos. _____, _____, _____ and _____) subject to the mitigation measures identified in the Initial Study and Mitigated Negative Declaration.

[PLN100502, County of Monterey (Laguna Seca), 1021 Monterey-Salinas Highway, Greater Monterey Peninsula Area Plan (APN: 173-011-023-000)]

The Next Generation Emergency Network (NGEN) application (PLN100501, PLN100502, PLN100515 and PLN100516) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. 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:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: k) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.

 1) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated

by reference. The Initial Study provides substantial evidence based upon the record as a whole, that the project under File No. PLN100502 would not have a significant effect on the environment.

- m) A Draft Mitigated Negative Declaration (MND) for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516 was prepared in accordance with CEQA and circulated for public review from August 21, 2012 through September 21, 2012 (SCH#: 2012081052). The MND reflects the independent judgment and analysis of the County.
- n) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- o) Potential significant impacts were identified for the projects proposed at Site No. 2 (Laguna Seca) and Site No. 3 (Pinion Peak). Appropriate mitigation measures have been identified to reduce those impacts to less than significant level. A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- p) Mitigation Measure No. 1: Site No. 2 – Laguna Seca (PLN100502): Biological Resources: According to the Department of Fish and Game Natural Communities database and California Natural Diversity Database (CNDDDB), the project site is located approximately 2,000 feet away from known Maritime Chaparral habitat and 1,500 feet from identified areas north of the project site, within Laguna Seca, that have documented occurrences of California tiger salamanders. Maritime Chaparral and the California tiger salamander are both federally listed as threatened and the California Tiger Salamander is listed as threatened by the California Department of Fish and Game. Based on the location and lack of suitable habitat on the existing, already developed site, the project would not adversely affect environmentally sensitive Maritime Chaparral habitat. No riparian corridors or conservation areas are located on or near the project site. Mitigation Measure No. 1 in the MND has been identified requiring preconstruction surveys for California Tiger Salamanders in accordance with USFW and CDFG protocols prior to the start of construction. These surveys shall be done by a qualified biologist and would assure protection of the species and reduce potential impacts to less than significant impacts.
- q) Mitigation Measure No. 2: Site No. 3 – Pinion Peak (PLN100515): Biological Resources: To avoid and minimize impacts at the site, the existing buckwheat plant population inside the loop road shall be protected by fencing before construction commences and during the entire construction process. Permanent signage at the site shall inform

people present of the presence of sensitive habitat. Construction and operational employees shall be trained in identification of the buckwheat plants to then avoid contact with plants during construction and operation of tower. A defined pathway between monopole and fire tower shall be established for maintenance purposes, and kept free of vegetation to prevent future growth of buckwheat plants and potential habitat. Pathway maintenance shall be on-going to ensure no vegetation growth within pathway area. Construction staging areas shall be clearly demarcated and fenced in during construction.

Once buckwheat fencing is installed, a construction team member shall be assigned to ensure fencing stays in place throughout the construction period. Once tower is operational, staff should ensure signage is present and on-going training shall keep staff aware of sensitive habitat presence.

- r) Mitigation Measure No. 3: Site No. 3 – Pinion Peak (PLN100515): Biological Resources: Preconstruction surveys for California Tiger Salamanders and California Red-Legged Frogs shall be conducted in accordance with USFW and CDFG protocols prior to the start of construction. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent “take” of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and CDFG protocols. Prior to issuance of any building permits, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction shall be submitted for approval.
- s) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department and are hereby incorporated herein by reference.
- t) Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- u) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration
- v) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

DECISION

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

Adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the projects under File Nos. PLN100501, PLN100502, PLN100515 and PLN100516. The projects were considered and approved by the Planning Commission on September 26, 2012 (Resolution Nos. _____, _____, _____ and _____) subject to the mitigation measures identified in the Initial Study and Mitigated Negative Declaration.

PASSED AND ADOPTED this 26th day of September, 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 ~~DATE~~

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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.

Exhibit G

Site No. 4

Huckleberry Hill

**Del Monte Forest
Land Use Advisory
Committee Minutes**

FILE COPY
PLN100516

MINUTES
Del Monte Forest Land Use Advisory Committee
Thursday, July 19, 2012

1. Meeting called to order by DEWAR at 3:05 pm

2. Roll Call

Members Present: CANEER, VERBANEC, LIETZKE, STOCK, DEWAR, GETREU

Members Absent: SZABO

3. Approval of Minutes:

A. June 21, 2012 minutes

Motion: GETREU (LUAC Member's Name)

Second: STOCK (LUAC Member's Name)

Ayes: CANEER, VERBANEC, LIETZKE, STOCK, DEWAR, GETREU

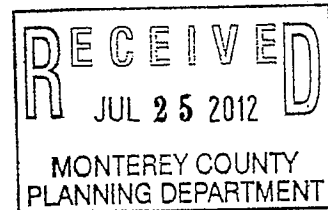
Noes: φ

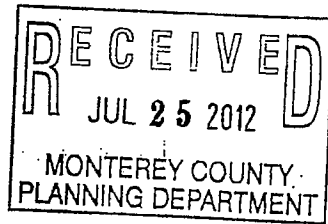
Absent: SZABO

Abstain: φ

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.

NONE





5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

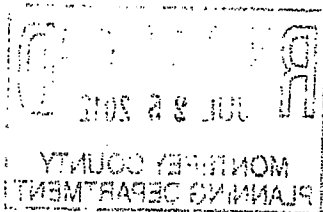
NONE

B) Announcements

NONE

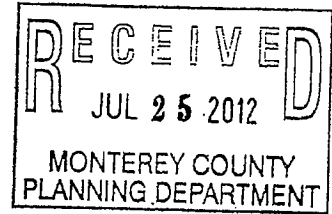
7. Meeting Adjourned: 5:00 pm

Minutes taken by: LIEZKE



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: **Del Monte Forest**

Please submit your recommendations for this application by: **July 19, 2012**

Project Title: CALIFORNIA-AMERICAN WATER CO
File Number: PLN100516
File Type: PC
Planner: OSORIO
Location: 4039 SUNSET LN PEBBLE BEACH

Item continued from 6/21/12 meeting

Project Description:
Coastal Development Permit and Design Approval for: 1) demolition of an existing water tank and two existing 80-foot high lattice towers and related telecommunication antennas and equipment; and 2) development of a new wireless telecommunications facility consisting of an 150-foot high monopole and related equipment shelter. The property is located at 4039 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-111-017-000), Del Monte Forest Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? DAN LISTER (Name)

DIETL

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
-	CAN POLE BE MOVED TO QUARRY? MULFIND: LOCATION REVIEWED, BUT IT WOULD NOT PROVIDE FULL DIGITAL COVERAGE		
-	ANY EIR? LISTER: NEG. DECLARATION'S BEING PREPARED		
-	CELL USERS? PEREZ: MAY BE INCLUDED GETREV: SELLING SPACE A CONSIDERATION? NO		MULFIND:
-	NEIGHBOR - WILL ANTENNA INCREASE HEIGHT? PEREZ: YES ABOUT 11'		
-	NEIGHBOR - (E) TOWERS HAVE BEEN ADDED TO HAPHAZARDLY		
-	NEIGHBOR - HOME VALUES ARE NOT BEING PROTECTED, CAL-AM - LEASED SPACE BENEFITS CAL-AM USERS COSTS. MULFIND - TOWER CAN'T STAY BELOW TREELINE.		

- NEIGHBOR - DO NEW PROPOSALS SAVE COST?
- NEIGHBOR - SUBMITTED WRITTEN COMMENTS. NOTICE NOT GIVEN
- PN 3 DENAR - NOTICE NOT A PART OF OUR CONSIDERATION (CONT.)

NEIGHBOR (CONTINUED) : ANTENNAS MAY NOT BE AS REPRESENTED

- NOTICING SHOULD BE CONSIDERED BY COMMITTEE
- COUNTY LISTS NO NOTICING TO BE GROUNDS FOR DENIAL
- ALTERNATIVE (E) SITE HAS NOT BEEN CONSIDERED

ARE SMALLER TOWERS BEING CONSIDERED?

FLAGGING WAS NOT DONE @ SITE.

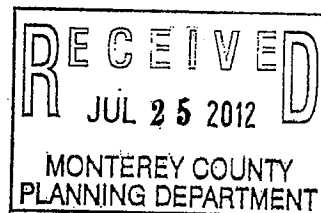
YOUNG
MONTGOMERY

SCENIC POLICY REFERS TO RIDGELINE DEVELOPMENT & VIEW PROTECTION.

- CO-LOCATION PRINCIPAL (PER COUNTY) DEFEATS PURPOSE OF LAND USE PLAN. COASTAL ZONING ORDINANCE STATES THAT CO-LOCATION BE CONSIDERED IF IMPACT IS NEGATIVE.
- EXCLUSION OF ALTERNATIVES BECAUSE OF COST IS NOT PERMISSIBLE
- PHOTOS FROM NEIGHBORS HAVE NOT BEEN CONSIDERED
- DETAILED VISUAL STUDY WAS NOT PREPARED.
- ADDITIONAL POLES SEEM TO BE BEING CONSIDERED.
- WAS PREVIOUS PLANNER ASKED ABOUT ADD'L ISSUES? IF THEY WERE NOT GIVEN, IT'S A VIOLATION PER TOPANGA ACT.
- PROPERTY VALUES SHOULD BE CONSIDERED
- ITEM BEFORE LVAC IS 150' POLE
- DEIHL - PROJECT IS NOT IN FINAL PHASE

NEIGHBOR (FROM MONTEREY) - HEALTH CONCERNS.

DEWAR - NOT CORRECT BODY



PROJECT PRESENTATION

TRACY MULFIND - REDUCTION OF NUMBER OF SITES FROM 30 TO 15
REQUIRED BY FCC
COMMUNICATION BETWEEN DIFFERENT AGENCIES &
FIRST RESPONDERS
4 YEAR PROCESS

PARTICIPANTS: NGEN, HARRIS CORP., DELTAWRX, CAL-AM WATER

FILIFE PEREZ W/ DELTAWRX - CONCERNS CONSIDERED:

HEIGHT, DESIGN, SITE?
- CONSIDERED; COVERAGE, LINE OF SITE, RELIABILITY,
NETWORK FIT & COST.

- PROPOSED CHANGE:

~~PREVIOUS: 150' POLE, REMOVE (2) 80' TOWERS.~~

CURRENT: 120' POLE, LEAVE (1) 80' TOWER
LOCATE ANALOG SYSTEM @ DIFF SITE

A 100' POLE WOULD BE A LATTICE DESIGN & MAY NOT
PROVIDE COVERAGE REQUIRED.

DENAR - THIS WAS NOT REVIEWED PREVIOUSLY

LISTER - CHANGES CAN BE CONSIDERED & VOTED ON

DEIHL - CO-USE OF AGENCIES ARE A COUNTY REQUIREMENT

PEREZ - VISUAL DISGUISE HAS BEEN CONSIDERED

- EXTENSIVE CONSIDERATION OF ALTERNATIVE SITES OCCURRED

- RF EXPOSURE WILL BE WITHIN FCC & OSHA GUIDELINES &
WILL BE TESTED AFTER CONSTRUCTION.

- NOISE WILL BE ADDRESSED & A POINT OF CONTACT PROVIDED
FOR CONCERNS.

VERBANEC - HOW DOES COVERAGE CHANGE W/ DIFF. HT. TOWERS?

- CAN ALTERNATE SITES BE CONSIDERED IN COMBINATION?

PEREZ - 100' TOWER MAY PROVIDE ADEQUATE COVERAGE.

MULFIND - COVERAGE AT ALTERNATE SITES NOT ROBUST

NEIGHBOR - HAVE HEALTH CONCERNS BEEN CONSIDERED?

DEIHL - HEALTH CAN'T BE CONSIDERED LEGALLY.

LISTER - FCC GUIDELINES WILL BE REQUIRED BY COUNTY.

NEIGHBOR - INDIVIDUALLY TESTED BUT WAS LESS THAN 5% OF
ALLOWED AMOUNT.

CAL FIRE - WHERE WILL FIRE FREQUENCIES BE LOCATED?

PEREZ - ON 120' TOWER

LEIGHTON - WOULD SPREADING TOWERS OUT TO ADJACENT LOT WORK BETTER?

PEREZ - IT WAS CONSIDERED BUT WOULD NOT BE ADEQUATE.

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)
GETREU - OTHER SITES CONSIDERED? MULFIND - CONSTRAINTS ARE: COST COVERAGE GUARANTEE, ONLY SITE		
DEWAR - OTHER HEIGHTS CONSIDERED? MULFIND -		
CANEER - WHY KEEP 80' TOWER PEREZ - OTHER TENANTS WILL STAY ON 80' TOWER VERBANEE - WHAT IS ANALOG SYSTEM?		
STOCK - ARE ALTERNATIVES PENDING? PEREZ - NO, BUT TOWER MAY WORK @ 100'		

ADDITIONAL LUAC COMMENTS

MAY
 EAR: REASONS FOR PREVIOUS CONTINUANCE: NEIGHBORS NOT HAVE BEEN PROPERLY NOTICED AND ISSUES WITH CONFIGURATION.
 CRITERIA FOR REVIEW: FOCUS ON NEIGHBORHOOD.
 ISSUES WILL BE NOTED IN MINUTES.
 WE CANNOT RE-DESIGN PROJECT OR RELOCATE. DEIHL: VOTE IS "RECOMMENDATION"
 DO WE REDUCE TO A MOTION? DEIHL - YES.
 COMMITTEES DISCUSSION: CANEER - CAN'T WE CONSIDER ALTERNATIVES BEYOND THOSE PRESENTED? DEWAR: WE ARE LIMITED TO WHAT IS PRESENTED

RECOMMENDATION:

Motion by GETREU (LUAC Member's Name)

Second by DEWAR (LUAC Member's Name)

Support Project as proposed 120' POLE, REMOVAL OF TANK, DEMO. OF (1) 80' TOWER

Recommend Changes (as noted above) SEE ATTACHED RECOMMENDATION

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

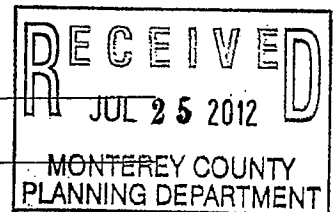
AYES: GETREU, DEWAR, STOCK, LIETZKE, VERBANEE

NOES: _____

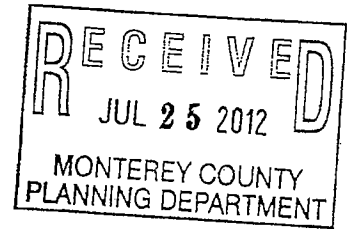
ABSENT: GLABO

ABSTAIN: Ø

RECUSE: CANEER



ATTACHMENT TO
Del Monte Forest Land Use Advisory Committee
Minutes/July 19, 2012



RECOMMENDATION

This Committee concern is neighborhood issues. Applicant seeks approval of a 120 foot monopole, the removal of one of the two existing 80 foot towers and the removal of the water tank.

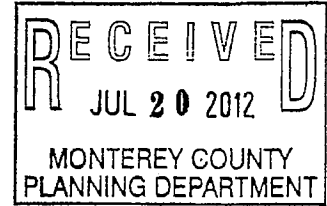
Based on neighborhood issues, the Committee recommends denial of the application on the basis of diminished adjacent property values, the height of the monopole and the appearance of its danger to nearby properties.

The Committee declines to consider the alleged lack of notice of the LUAC meeting, and declines to consider the alleged lack of a complete and accurate application by the applicant. Most significantly the Committee declines to consider whether the public interest in the project outweighs the local concerns.

The Committee hopes that measures can be taken to further lower the monopole and still serve public interests.

ATTACHMENT

Submitted to DMF LUAZ on 7/19/12



PUBLIC COMMENTARY

Huckleberry Hill Costal Development Permit (PLN 100516)

Sunset Lane Communications Facility

The Next Generation Monterey County Emergency Services Communication System comprises 15 towers. Only four of these towers are large enough to require Planning Commission Approval. Three of these towers, The Pinion Peak, Laguna Seca, and Lewis Road Towers, are smaller than the Sunset Lane Tower and they are also located in sparsely populated areas. The Proposed Sunset Lane Communications Tower is the only large tower in a residential area, the largest tower in the entire system, and with attached antennas will be over 165 feet in height and over 35 feet in width.

LACK OF NOTICE

The County of Monterey did not provide legally adequate Notice prior to the June 21 2012 DMFLUC Meeting or prior to the July 19, 2012 DMFLUC Meeting. Since the County posted no Notice whatsoever at the project site, the County violated both **California Government Code Section 65091** as well as **Monterey County Zoning Ordinance 20.84.040**. Since both meetings of DMFLUC are public hearings, under its own ordinance and under California law, the County should have posted Notice of these meetings at the Sunset Lane Facility at least 10 days prior to each meeting. The County failed to do so. Because the County did not provide proper notice to my neighborhood, many of the residents of the neighborhood were unaware of the June 21 2012 DMFLUC Meeting and did not have an opportunity to review the County's presentation or comment on the County's Project.

LACK OF ALTERNATIVES

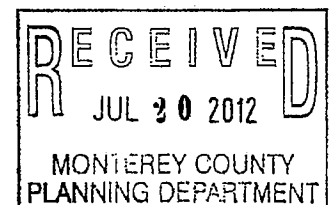
Page 7 NGEN Application states "There are no other viable sites known that can also provide this service." Actually both the California Department of Forestry and Fire Protection and the California Highway Patrol have a perfectly viable FCC compliant narrow banded system with over 500 channels and it

operates at 60 feet on one of the current towers at Huckleberry Hill. The application also omits that there are communications contractors other than Harris Corporation that can provide an alternative system that complies with the FCC narrowband mandate.

In fact, the California State Office of Public Safety Communications Services provides FCC compliant narrow banded communications services to the California Department of Forestry and Fire Protection, the California Highway Patrol, the California Department of Corrections, California Emergency Management Agency, and 30 other California and Federal public safety organizations. Through its Office of Public Safety Communications Services the State Of California is itself a competitor to Harris Corporation and the State of California maintains its own engineers and construction crews. The State of California can build a fully FCC compliant narrow banded system for a fraction of the cost of Harris Corp, and is willing to do this for Monterey County and other local governments. The State of California System, already in service, only requires a 60 foot tower at the Sunset Lane Location. CalFire and CHP have a State of California System with excellent service that provides more than 500 channels to each service. The State of California System utilized by CalFire and CHP does not have any coverage gaps in the Del Monte Forest or anywhere else in Monterey County.

Page 8 NGEN Application lists 4 tower configurations but for technical reasons claims that only a 150 foot plus monopole will suffice. Since none of these alternatives includes the possibility of using different technology that allows for either (1) smaller towers or (2) towers in a different location other than Sunset Lane, there is actually only a single proposal listed. The county has proposed exactly one plan with no alternatives.

The county's preferred configuration is the largest tower and is listed as a 150 foot monopole. The picture of this configuration, on page 8 of the NGEN Application, is inaccurate. It is inaccurate for two reasons. First, the actual height will be over 165 feet because the Monterey County Zoning Ordinance allows the attachment of an additional 15 foot antenna to the top of the tower. Second, and much more importantly, the width of the communications tower, as it will actually operate, is grossly under represented. Since the Zoning Ordinance also allows HORIZONTAL attachments of antenna on every side of the tower in a 360 degree arc, the WIDTH of the tower will not be the 5 or 10 feet depicted on Page 8 of the application but rather more like 35 to 45 feet when the density of antennas is considered. The neighborhood, 17 mile drive,



and Huckleberry Hill Outlook Number 2 will literally look up at an enormous bushel of metal projections.

The Application also fails to disclose that systems similar to the system requested in the Application failed in the 2003 San Diego Fire, 2007 San Diego Fire, and the 2011 Los Angeles Fire. However, the California Public Safety Communications Services System performed well in each of those fires.

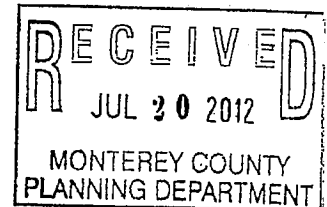
RIDGELINE AND SCENIC DEVELOPMENT

Page 7 NGEN Application states Huckleberry Hill is the highest point on a ridgeline. A recent project approved to add a 800,000 gallon water tank to the Sunset Lane Facility included an orange scaffolding study conducted at the project site, but this was not done for this Application's NGEN communications tower. No orange balloon study has been done either. The approved water tower was actually much lower in height than the 150 plus foot proposed communications tower. An orange balloon study is necessary due to extreme height of project and adjacency to 17 Mile Drive, Residential Neighborhood, and Huckleberry Hill Outlook #2. The lack of an orange scaffolding or orange balloon study has further concealed the existence of this project from the Neighborhood as well as the Del Monte Forest Community. The absence of these studies has also prevented adjacent property owners from being aware of the Application to build a massive telecommunications tower visible from their homes, their 17 Mile Drive Scenic Corridor, and from the Del Monte Forest in general.

The Project violates **Policy #32 of the Del Monte Forest Area Land Use Plan (Local Costal Program of Monterey County)** because the project as designed will impact scenic resources, disrupt the ridgeline at Huckleberry Hill, and impair the visual aesthetics of the 17 Mile Drive Scenic Corridor. The Project also violates the **Forest Resources Key Policy** since it will destroy the scenic attractiveness for both residents and visitors.

COLOCATION PRINCIPLE VIOLATED

Page 8 of the Application states that "due to the number of antennas at this site, we were unable to combine them on a single 120 foot tower." The application does not state if this is due to all the commercial tenants at the Sunset Lane Location or if it is due merely to the NGEN system itself.

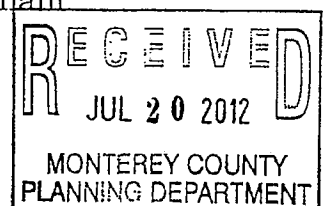


The 29 commercial antennas currently located at the Sunset Lane Location include tenants Nextel, Fci 900, Monterey Carmel Communications Corporation, Repeater Communications Company of Monterey Bay, USA Mobility Wireless, Greater Bay Transportation Incorporated, Metrocall USA, Pagemart Incorporated, and several antennas licensed to private individuals. Verizon may also have several antennas listed under GTE Service. In any event, the County intends to add T-Mobile and Verizon to the new tower and probably plans to add several other new commercial tenants. These commercial tenants, combined with the extensive array of antenna from the County NGEN System will create a visual obstruction, a massive eyesore, and a public nuisance for the entire residential neighborhood. While I appreciate that the County and Cal Am want to generate additional revenue from telecomm leases, they should not do so at the expense of neighboring property owners and visitors to the Del Monte Forest.

Page 12 of the Application states this project will co-locate the antennas of multiple small towers into one massive tower. This proposal violates **Monterey County Zoning Ordinance 20.64.310 (H)(1)(a through d)**. The site location and development ruin the aesthetic values of the surrounding land uses, and in particular the residential neighborhood. The co-location of several small towers of similar height to nearby trees into a single massive tower cluttered with antenna that extends far above any tree will obviously greatly multiply the visual impact of the Sunset Lane Communications Facility.

Furthermore, the project is sited directly on the ridge line overlooking 17 Mile Drive and Huckleberry Hill Outlook #2 and the County has not performed a Ridge Line Development Study. Since the current towers are at about the height of nearby trees and since the new tower would extend far above the Tree Line, it is not merely twice as bad as the current facility but more like 10 to 100 times worse. Unlike the existent towers, the communications tower proposed in the Application will be highly visible from throughout the Del Monte Forest.

The application is insufficient to satisfy the requirements of **Monterey County Zoning Ordinance 20.64.310 (C)(5)**. The Zoning Ordinance requires that the application provide photos from all adjacent neighbors. The Application provides a photo of the proposed tower from only 1 neighbor but there are no fewer than 6 single family homes that share a property line with the Sunset Lane Facility location. The picture on Page 8 of the Application is also inaccurate as it does not include the 29 or more commercial tenant antennas.



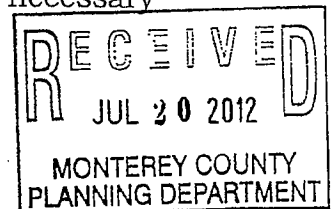
Due to the high number of commercial telecommunications tenants planned for the 150 foot tower, the new tower when first constructed will already be oversubscribed. This will require construction of additional, co-located towers in order to accommodate additional commercial tenants. Please note the statement on Page 12 of the Application, "Analysis is currently underway to evaluate different tower construction options." This statement refers not to construction options for the 150 foot tower proposed in this Application, but rather to "additional capacity for future co-location" provided by the construction of FUTURE ADDITIONAL TOWERS to be located adjacent to the 150 foot tower. These additional towers would also likely be of the 150 foot or larger size.

PREVIOUS MISMANAGEMENT AT SUNSET LANE FACILITY

The County of Monterey is obligated to maintain a visual screen of the current communications equipment at the Sunset Lane Facility and has not done so. Where the plant screen is present, it extends beyond the property line and creates a public hazard due to its visual and physical obstruction of the roadway. In other places there is no screen at all, and mechanical and electrical equipment is openly visible. A much more serious problem, the current communications towers at the Sunset Land Facility lack a backup power generator. A backup power generator does exist for water supply but not for emergency communications. Addition of a power generator would do much more to improve public safety than developing an expensive and possibly unreliable system different than the FCC approved narrow banded system currently employed by California Department of Forestry and Fire Protection as well as the California Highway Patrol.

LACK OF SUBSTANTIAL EVIDENCE

Although I was not present at the June 21 2012 DMFLUC meeting, I understand that the Monterey County Planning Department refused to provide the committee with evidence necessary to approve the Application. I also understand that the Planning Department asserted that it had not made any analysis whatsoever of the diminution in property values this project will cause. When the applicant refuses to provide substantial evidence necessary



to support a basis for approval of a permit application, the committee must issue a recommendation of disapproval for lack of substantial evidence necessary to form the basis of approval. *Topanga Association for a Scenic Community v County of Los Angeles* (1974) 11 C3d 506, 113 CR 836. Furthermore, when the applicant refuses to consider the impact of its project on the surrounding neighborhood, the committee must also issue a recommendation of disapproval for lack of substantial evidence necessary to form the basis of approval. *Topanga Association for a Scenic Community v County of Los Angeles* (1974) 11 C3d 506, 113 CR 836. Any other recommendation would be a violation of procedural due process required by California Law. (California Code of Civil Procedure Section 1094.5).

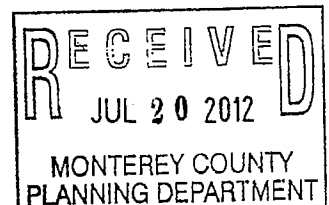
CONCLUSION

The County may assert that it is evaluating alternative tower configurations, but this application is for the 150 foot tower, and therefore should be disapproved. If the Del Monte Forest Committee approves this application, it will give the County all the political authority it needs to build the 150 foot tower at the Sunset Lane Location. The County could always submit another Coastal Development Permit Application to the Committee at a later time with a more realistic tower plan.

The Project as proposed violates **Monterey County Zoning Ordinance 20.70.050**. The Committee should recommend disapproval of the Coastal Development Permit because this Project will be detrimental to the comfort of the neighborhood, injurious to property value, and harm the scenic resources of Monterey County. This Project also violates other provisions of the Monterey County Zoning Ordinance as well as the Monterey County Local Coastal Program.

The DMFLUC Committee should recommend disapproval of this Coastal Development Permit Application for the following reasons:

-The County of Monterey did not properly Notice either of the two DMFLUC public hearings on this Application. The County did not post any Notice whatsoever at the Sunset Lane Communication Facility, the County failed to mail Notice to several of the residents within 300 feet of the Facility, and 300 feet is not a sufficient radius for Notice in this case since the proposed communications tower is an industrial sized 165 foot plus monstrosity that will adversely affect the use, enjoyment, and value of property in the entire neighborhood.



-The Application lacks alternatives. The Application does not consider the California State Communications System utilized successfully by CalFire and CHP. The Application also does not consider the possibility of multiple, shorter towers located throughout the Del Monte Forest.

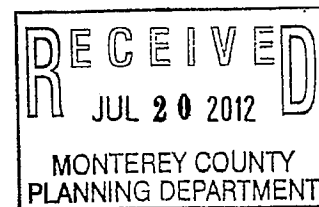
-The County has not made a proper study of the Ridgeline Development and Scenic Resources impact of the Project. For every other major project of this scale, such as the recent 800,000 gallon water tank addition, the County has provided orange scaffolding or orange balloon studies but has neglected to do so in this case.

-The County has violated its own Telecommunications Co-Location Principle. The use of co-location as expressed in the application actually creates a visual obstruction, whereas the purpose of the co-location principle is to eliminate visual obstructions.

-The County has failed to provide the Committee with Substantial Evidence sufficient to legally justify a Recommendation of Approval of the Application.

If DMFLUC recommends approval of this Application, it will create a dangerous precedent that the County can damage a neighborhood in the Del Monte Forest without political opposition. Once the County does this to one neighborhood, it can do it again to any neighborhood anywhere in the Forest.

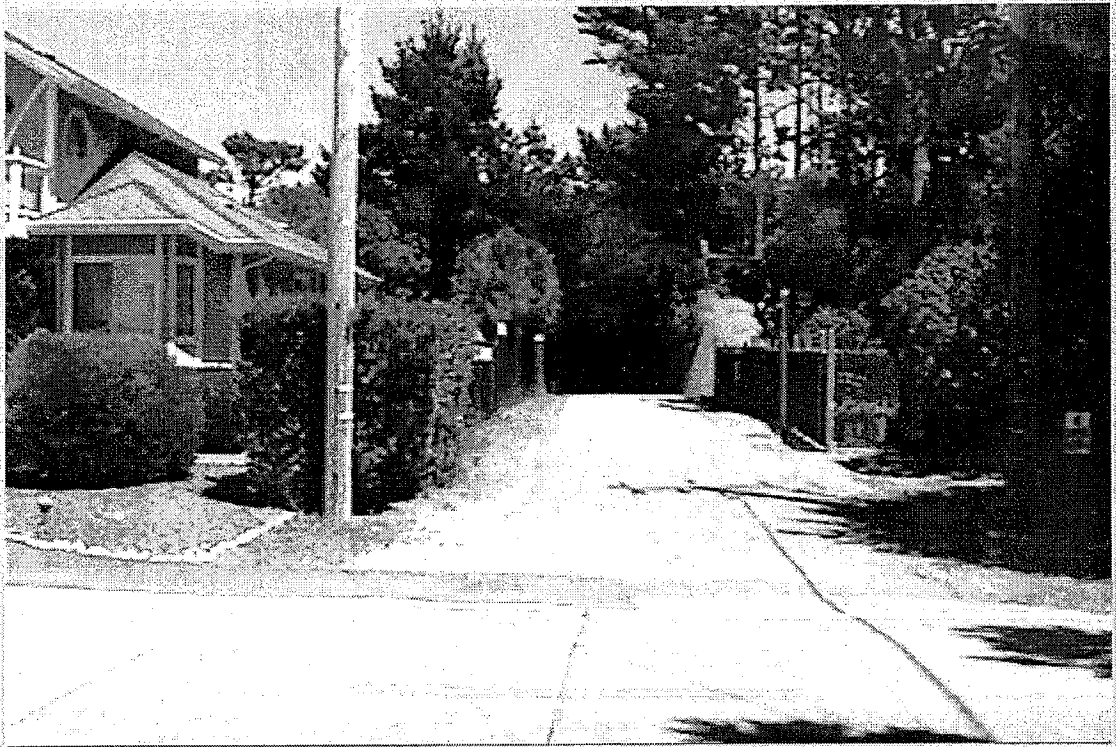
The Residents of the Sunset Lane Neighborhood take Public Safety quite seriously since many of them lived through the 1987 Fire. Sunset Lane and El Bosque Street burned in the 1987 Fire. The Residents want their public safety departments to have the best equipment available. However, they oppose the Application because the 150 foot tower proposed in the Application is unnecessary.



Submitted to DMF LUAC on 7/19/12

JUNE 29, 2012 PHOTOGRAPHS

RECEIVED
JUL 20 2012
MONTEREY COUNTY
PLANNING DEPARTMENT



VIEW OF DRIVEWAY ON SUNSET LANE TO CAL AM'S FACILITY --- NO NOTICE PRESENT OF PROPOSED TOWER



RIGHT SIDE VIEW OF ABOVE DRIVEWAY TO CAL AM'S FACILITY --- NO NOTICE OF PROPOSED TOWER PRESENT

RECEIVED
JUL 20 2012
MONTEREY COUNTY
PLANNING DEPARTMENT



RECEIVED
JUL 20 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

RIGHT SIDE VIEW OF ABOVE DRIVEWAY TO CAL AM'S FACILITY --- NO NOTICE OF PROPOSED TOWER PRESENT



CAL AM'S SIGN *WITHOUT* NOTICE OF PROPOSED NEW TOWER CONSTRUCTION PLAN

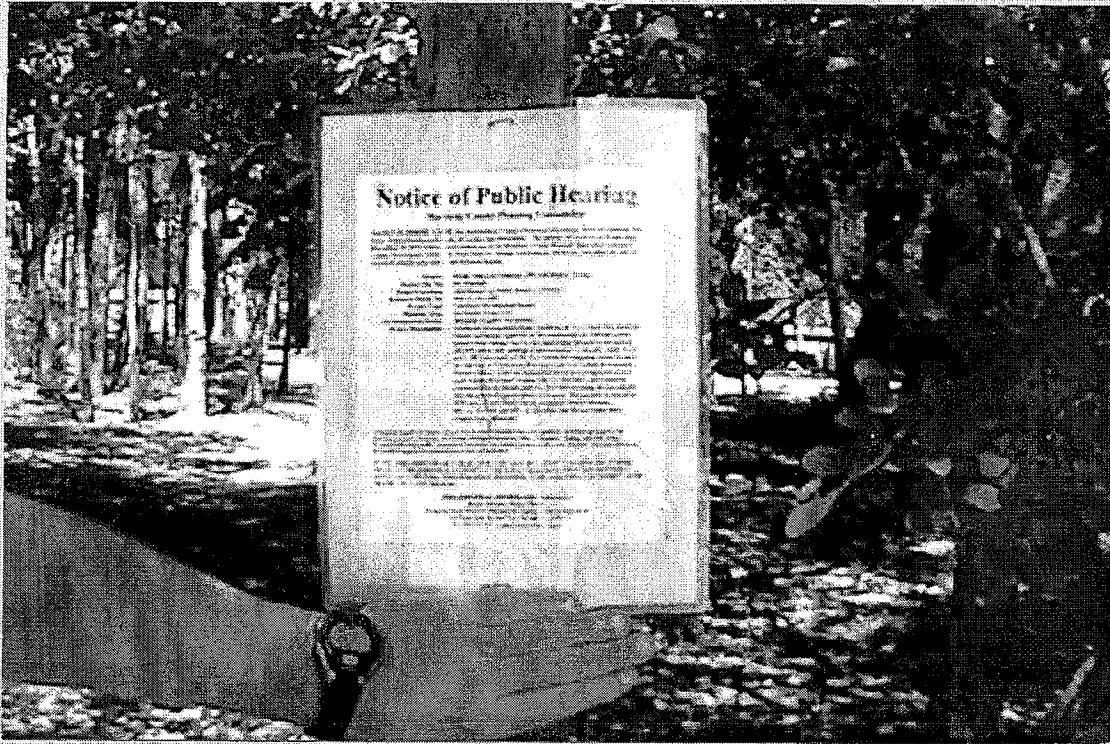
RECEIVED
JUL 20 2012
MONTEREY COUNTY
PLANNING DEPARTMENT



FRONT VIEW OF CAL AM LOT FROM SUNSET LANE --- NO NOTICE PRESENT OF PROPOSED TOWER



VIEW OF DRIVEWAY TO CAL AM FROM EL BOSQUE --- NO NOTICE PRESENT OF PROPOSED TOWER



PEBBLE BEACH COMMUNITY SERVICES DISTRICT NOTICE OF PUBLIC HEARING
FOR PROPOSED NEW WATER TANK ON SUNSET LANE ON LOT ADJOINING THE CAL
AM LOT

NO MENTION OF COMMUNICATIONS TOWER

RECEIVED
JUL 20 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

MINUTES
Del Monte Forest Land Use Advisory Committee
Thursday, June 21, 2012

1. Meeting called to order by PEWAR at 3:03 pm

2. Roll Call

Members Present: VERBANEC, CANEER, LIETZKE, GETREU, DENAR, STOCK

Members Absent: SZABO

3. Approval of Minutes:

A. June 7, 2012 minutes

Motion: GETREU (LUAC Member's Name)

Second: STOCK (LUAC Member's Name)

Ayes: LIETZKE, CANEER, VERBANEC, GETREU, DENAR, STOCK

Noes: ϕ

Absent: SZABO

Abstain: ϕ

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.

NONE

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

NONE

B) Announcements

NONE

7. Meeting Adjourned: 4:43 pm

Minutes taken by: LIETZKE

MINUTES RECEIVED VIA EMAIL JUNE 22, 2012

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: **Del Monte Forest**

Please submit your recommendations for this application by: **June 21, 2012**

Project Title: CALIFORNIA-AMERICAN WATER CO

File Number: PLN100516

File Type: PC

Planner: OSORIO

Location: 4039 SUNSET LN PEBBLE BEACH

Project Description:

Coastal Development Permit and Design Approval for: 1) demolition of an existing water tank and two existing 80-foot high lattice towers and related telecommunication antennas and equipment; and 2) development of a new wireless telecommunications facility consisting of an 150-foot high monopole and related equipment shelter. The property is located at 4039 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-111-017-000), Del Monte Forest Land Use Plan, Coastal Zone.

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

LYNN DEBOLD (& PROJECT PARTNERS) **DAVID SARGENTI**
CHUCK MONARQUE
FILIFE PEREZ

Was a County Staff/Representative present at meeting? NO YES: LUIS OSORIO (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
LYNN DEBOLD CHUCK MONARQUE FILIFE PEREZ		X	PRESENTED PROJECT: - REPLACING EMERGENCY COMMUNICATIONS SYSTEM
DAVID SARGENTI VERBANEC: (SARGENTI):			- PLANNING PROCESS - WHY REMOVE WATER TANK? - NOT IN USE, GOOD TIME TO REMOVE
NEIGHBOR 1	X		1) - NO NOTIFICATION REC'D. 2) - CONCERN OVER LESS WATER AVAIL. 3) - RADIOS NOT WORKING (GAR. DR. ORN) ETC.
(NICLUM): (LUIS OSORIO) (DEBOLD):			- WATER WILL BE SUFFICIENT TO FIGHT FIRES - 300 FT. RADIUS NEIGHBORS WERE NOTIFIED, NEWSPAPER WILL PUBLISH NOTICES FOR ALL MEETINGS,

LEIGHTON - NO ONE IN PB WAS NOTIFIED

OSORIO - LIST EXISTS & SHOULD HAVE BEEN NOTIFIED

MIKE ANSEL (FIRE DIST) - INTERESTED IN HEARING ALL QUESTIONS

PEREZ - TOWER WILL COMPLY WITH ALL APPLICABLE REGULATIONS

DIEBOLD - BUILDER WILL TEST AT EVERY SITE TO VERIFY

NEIGHBOR
#1

) - WHAT ARE EASEMENTS?

- MDR ZONING

OSORIO - PROP. OWNED BY CAL AM. USER WILL ENTER INTO LEASE AGREEMENT, AND DURING THAT PROCESS EASEMENTS WILL BE INCLUDED.

(NEIGHBOR) - WOULD PROJECT PARTNERS WANT TOWER IN THEIR NEIGHBORHOOD?

- CAN RESIDENTS OF DMF BE REPRESENTED @ NEXT MTG?

DIEBOLD - HAVE FOLLOWED COUNTY PLANNING PROCESS, PUBLIC HEARING PROCESS WILL INCLUDE PUBLIC

MARGARET + LEIGHTON - WILL COMMENT BE ALLOWED? DEWAR - YES.

VERBANEC - WHY NOT REPLACE (E) TOWERS W/ (N) OF SAME HEIGHT?

DIEBOLD - ALL INFO WILL BE AVAIL. TO PUBLIC

NEIGHBOR
#2

) - CAN POLE BE MOVED TO QUARRY? OR JACKS PEAK?

DIEBOLD - JACKS PEAK WILL NOT WORK

ANSEL - CURRENT TECHNOLOGY REQUIRES 150 FOOT TOWER.

NEIGHBOR 3 - TECHNOLOGICAL CONCERN RE: REPEATERS, WOULD LIKE TO REVIEW DOCS. FOR VALIDITY. WILL TOWER BE LIGHTED

PEREZ - REDUCE INTERFERENCE BY HT. OF TOWER

(LEE HOLMES) - LIGHTING NOT REQUIRED.

ETHEL ARNOLD - (NEIGHBOR) - WILL TOWER HELP CAL FIRE?

PEREZ - CAL FIRE NOT INCLUDED BUT SPACE IS PROVIDED

ARREIRDA ~~RE~~ (CAL FIRE REP.) - SPACE ON NEW TOWER WAS OFFERED, RADIOS WILL BE ABLE TO USE FREQUENCIES, BACKUP WILL STILL BE PROVIDED

(NEIGHBOR #1) - WIND CONCERNS, SAFETY & VISUAL IMPACT, WAS AN EIR DONE?

OSORIO - COUNTY ~~WAS~~ IS DOING EIRS FOR THIS SITE.

(NEIGHBOR #2) - DUG DATE IS APPROACHING

DIEBOLD - HAVE APPLIED FOR EXTENSION.

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)
CANEER - JACK'S PEAK PEREZ / DIEBOLD - TO	LOCATION? DISTANT, NO POWER AT SITE.	
VERBANEC - NOT CONFIDENT	EVERYONE WAS	NOTIFIED AS REQD.
CANEER - WHAT IS CORRECT ADDRESS FOR PROJECT?	ADDRESS IS DIFFERENT IN APPLICATION.	

ADDITIONAL LUAC COMMENTS:

DEWAR - WE HAVE NEIGHBORHOOD CONCERNS, AS NEIGHBORS DO.
NEED EIR

GETREV - PLANNING STAFF SHOULD HAVE INFO PRIOR TO RECOMMENDATIONS
(& LUAC)

VERBANEC - SEE MORE SNAG DESIGNS

OSORIO - CAN ONLY CONTINUE ONCE. NEED CLEAR REASON FOR CONTINUANCE

RECOMMENDATION:

Motion by VERBANEC (LUAC Member's Name)

Second by STOCK (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item
Reason for Continuance: - WE WANT TO LOOK AT ALTERNATIVES; SITES & CONFIG.
NEIGHBORS NOT PROPERLY NOTICED.

Continued to what date: JULY 19th, 2012

AYES: DEWAR, CANEER, VERBANEC, GETREV, LIETZKE, STOCK

NOES: ∅

ABSENT: SZABO

ABSTAIN: ∅

LEIGHTON (ARC MANAGER) - ONLY 1 TOWER (OF 15) IS 150'
OTHER TOWERS ARE NOT IN RESIDENTIAL AREAS. PB IS NOT
AGAINST "FAKE TREES". CONSIDER TWO TOWERS INSTEAD OF ONE.
SPACING CAN BE ADDRESSED. NEXT-DOOR LOT CAN BE PURCHASED
& USED IF NECESSARY (OWNED BY PB CO.). PB IS NOT AGAINST SAFETY

LEE HOLMS - (RADIO COMMUNICATIONS) - HEIGHT IS NECESSARY.

"TREE" DOES NOT WORK WITH ANTENNAS THAT WILL BE INSTALLED

OSORIO - PLANNING COMMISSION HAS NOT CONSIDERED THIS APPLICATION

"FAKE TREE" COULD BE CONSIDERED

(NEIGHBOR 1) - ANTENNA EXTENDS HIGHER THAN 150' HOLMES - YES

~~(NEIGHBOR 2) -~~

(NEIGHBOR 4) - MONOPOLE DOWN COASTLINE?

DIEBOLD - NOT SURE WHEN INFO WILL BE AVAIL.

(NEIGHBOR 1) - PROPERTY VALUE CONCERNS

VERBANEC - WOULD 2 TOWERS PROVIDE FOR NEEDS?

DIEBOLD - CAN'T REDESIGN SYSTEM VERBANEC - MAY HAVE TO.

(REP. OF SALINAS POLICE DEPT.) - OTHER SITES CAN BE ADDRESSED.

(NEIGHBOR 1) - PLEASE REVIEW.

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: **Del Monte Forest**

Please submit your recommendations for this application by: **June 21, 2012**

Project Title: MID-COAST REALITY ADVISORS LLC

File Number: PLN120274

File Type: ZA

Planner: LISTER

Location: 3171 DEL CIERVO RD PEBBLE BEACH

Project Description:

Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the demolition of an existing 7,283 square foot single family dwelling and construction of a new 9,214 square foot single family dwelling with a 685 square foot Caretaker's Unit. The existing driveway will be reshaped and replaced with permeable interlocking concrete pavers; 2) a Coastal Administrative Permit for development within 750 feet of a known archaeological source; 3) a Coastal Development Permit to allow the removal of a 16" Monterey Pine tree; and 4) a Design Approval. The property is located at 3171 Del Ciervo Road, Pebble Beach (Assessor's Parcel Number 008-371-021-000), Del Monte Forest Land Use Plan, Coastal Zone.

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

DESIGNER: JAN MATHAMS OF IDG

Was a County Staff/Representative present at meeting? NO (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
MATHAMS		x	PRESENTED PROJECT

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 GETREU (LUAC Member's Name)

Second by VERBANEC (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: DEWAR, CANEER, VERBANEC, GOREV, LIETZKE, STUCK

NOES: φ

ABSENT: SZABO

ABSTAIN: φ

Exhibit H

Site No. 1 Lewis Road

North County Non- Coastal Land Use Advisory Committee Minutes

MINUTES
North County Non-Coastal Land Use Advisory Committee
Wednesday, ~~June 28, 2012~~ July 18, 2012

1. Meeting called to order by EMILY TAFOYA at 5:10 pm

2. Roll Call

Members Present: EMILY TAFOYA, MIKE DODD, D.L. GRIDER

Members Absent: JOHN ROBINETTE, STEVE SNODGRASS

3. Approval of Minutes:

A. January 4, 2012 minutes

Motion: EMILY TAFOYA (LUAC Member's Name)

Second: MIKE DODD (LUAC Member's Name)

Ayes: MIKE DODD, EMILY TAFOYA, D.L. GRIDER

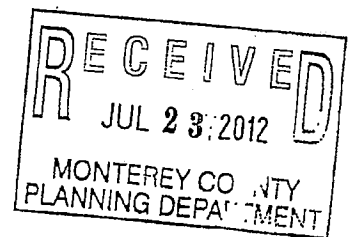
Noes: NONE

Absent: JOHN ROBINETTE, STEVE SNODGRASS

Abstain: Ø

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.

NONE



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

6. Other Items:

N/A

A) Election of Officers:

LUAC member nominated for Chairperson: _____

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

N/A
LUAC member nominated for Secretary: _____

Motion: _____ (LUAC Member's Name)

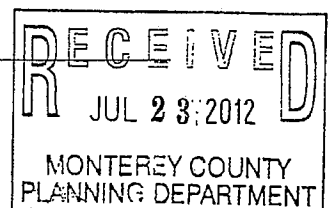
Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____



B) Preliminary ~~Courtesy~~ Presentations by Applicants Regarding Potential Projects

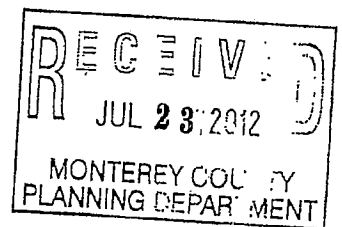
CHUCK MONARQUE - SPEAKER (MO CO Sheriff)
DOUG Mc COUN - SPEAKER (NO CO FIRE)
FELIPE PEREZ - SLIDE PRESENTATION (NGEN/DETA WORK)

C) Announcements

NONE

7. Meeting Adjourned: 7:05 pm

Minutes taken by: MIKE DODD

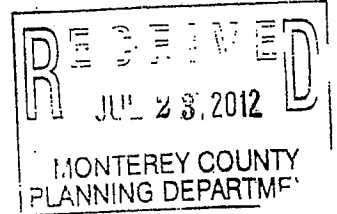


Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **North County Non-Coastal**

Please submit your recommendations for this application by: **June 20, 2012**



Project Title: SNODGRASS STEPHEN J & GAIL J
File Number: PLN100501
File Type: PC
Planner: OSORIO
Location: 1705 COVENANT LN ROYAL OAKS

Project Description:

Use Permit for development of a new wireless telecommunications facility consisting of an 80-foot high steel monopole with two Omni antennas and a six-foot diameter dish, a 172 square foot equipment shelter, propane gas emergency power generator, and a 500-gallon propane gas tank. The proposed facility would substitute for an existing radio transmission tower and related equipment operated by the Monterey County Sheriff's Office. The property is located at 1705 Covenant Lane, Royal Oaks (Assessor's Parcel Number 412-151-002-000), Lewis Road area, North County Area Plan.

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

Was a County Staff/Representative present at meeting? VAUBRIE NEGUTE (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
SCOTT SUGGETON	X		NON COMPLIANCE w/CCR MOVE SITE, COMPUTER MODEL NEWIST? - SHORT NOTIFICATION
DENNIS HEELIN	X		EXISTING TOWER ERRECTED WITHOUT NOTIFICATION TO NEIGHBORS PRIVATE ROAD DAMAGE HEALTH ISSUE
SCOTT MYERS	X		SHINY ALUMINUM PIPE EXISTS WASNT THERE BEFORE DIMINISH PROPERTY VALUE
MR/MRS. EASTERLING	X		ECHOS ABOVE CONCERNS

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

DONT REMEMBER ORIG. APPLICATION IN 1999
 WHERE IS 2ND TREE TO BE CUT?
 CC & R VS. COUNTY
 RECOMMEND APPLICANT MEET W/ OWNERS ON SITE TO SHOW
 WHERE PICTURE WAS TAKEN.

RECOMMENDATION: CONTINUANCE

Motion by: D.L. GRIER (LUAC Member's Name)

Second by: MIKE DODD (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: TOO MANY QUESTIONS - TREE FOOTAGE & LOCATION

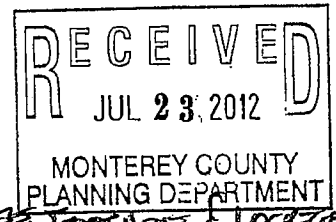
Continued to what date: NEXT MEETING DATE OR WHEN APPLICANT READY BY AUG 1 2012

AYES: MIKE DODD, D.L. GRIER, EMILY TRAPOYA

NOES: Ø

ABSENT: JOHN ROBINETTE, STEVE SWONGRASS

ABSTAIN: Ø



MO CO LUMA

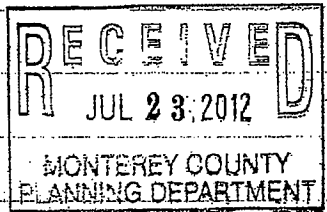
July 18, 2012

SSingleton@attitude.com

- ① Scott Singleton N P.O. 980 Coaksopt 9364
- ② Dennis Heekin N Tickerpro@fuzzolink.com
- ③ * Scott Myers N a904chief@yahoo.com
- ④ HARRY EASTERLING N L EASTER @WILD BLUE.NET
- CONNIE EASTERLING N "
- ⑤ Lisa Erickson N 1711 Andreas Est. Pl. WAs 95076
"CASADELITTLES@gmail.com"
- TRACY MOLFINO SALINAS Police Dept TRACY CA
- SAM KLEMEK SALINAS Fire Dept
- * CHUCK MONARQUE Monterey County Sheriff
- DeAnna Hillbants Monterey Tmer. COMMUN (COP) "
- Lynn Driesold " " " "
- MIKE ASPLAND Monterey Police Department
- * Doug McCown NORTH County Fire
- * Felipe Perez NGEN / DELTA WAX

Scott Myers
 1701 Andreas Estates Pl.
 Royal Oaks, CA 95076

Valerie Negrete MO. Co. Planning Dept.



11 LOTS IN SUBDIV.

* Primary Speaker & Presentation (Slide)

Exhibit I

Site No. 2 Pinion Peak

Carmel Valley Land Use Advisory Committee Minutes

MINUTES
Carmel Valley Land Use Advisory Committee
Monday, June 4, 2012

1. **Site visit at 4:00 PM at ENTRANCE GATE TO SUBJECT SITE OFF OF ROBINSON CYN RD CARMEL (SANTA LUCIA CONSERVANCY)**

ATTENDEES: _____ CANCELLED BY THE APPLICANT _____

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

3. **Roll Call**

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

Members Absent: Doug Pease

4. **Approval of Minutes:**

A. January 17, 2012 minutes

Motion: David Burbidge (LUAC Member's Name)

Second: John Anzini (LUAC Member's Name)

Ayes: 6

Noes: 0

Absent: 1 (Pease)

Abstain: 0

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

None

6. **Scheduled Item(s)**

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

8. **Meeting Adjourned:** 7:30 pm

Minutes taken by: Charles Franklin

Minutes received via email June 12, 2012

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Carmel Valley**

Please submit your recommendations for this application by: **June 4, 2012**

Project Title: SANTA LUCIA CONSERVANCY

File Number: PLN100515

File Type: PC

Planner: OSORIO

Location: OFF OF ROBINSON CYN RD CARMEL (NEAR SID ORMSBEE LOOKOUT TOWER)

Project Description:

Combined Development Permit including: 1) Use Permit to for development of a new wireless telecommunications facility consisting of a 75-foot high monopole with one Omni antenna affixed to the top; installation of three Omni antennas on the north, east and west sides of an existing building known as the "Sid Ormsbee Lookout Tower" and installation of related equipment in the inside of the building; and removal of an existing underground propane gas tank; and 2) Use Permit to allow exterior alterations to an existing historic building known as the "Sid Ormsbee Lookout Tower." The property is located off Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number 239-141-002-000), Greater Monterey Peninsula Area Plan.

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

David Sargenti, Monterey County Regional Fire District
Lynn Diebold, Monterey County Emergency Communications

Was a County Staff/Representative present at meeting? Luis Osorio (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

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

John Anzini- Has Historic Commission reviewed proposal? – answer yes
 John Anzini - What is the cost savings? – Answer unclear
 Charles Franklin will this change the noise level - probably not
 Janet Brennan - Is this a “Ridgeline development” - answer yes and the project description should be changed to reflect the fact.

RECOMMENDATION:

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

Second by: David Burbidge (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: 1 (Pease)

ABSTAIN: 1 (MacClelland)

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Carmel Valley**

Please submit your recommendations for this application by: **June 4, 2012**

Project Title: SIMA BARNYARD LLC

File Number: PLN120238

File Type: PC

Planner: LOPEZ

Location: 26400 CARMEL RANCHO LN CARMEL

Project Description:

Design Approval to replace existing exterior lighting around the eaves of the buildings A, C, D, E, F, G, H, & I, located in the Barnyard. The exterior lighting consists of LED rope light reels (warm white). The property is located at 26400 Carmel Rancho Lane, Carmel (Assessor's Parcel Number 015-012-061-000), Carmel Valley Master Plan.

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

Tony Lombardo

Was a County Staff/Representative present at meeting? Osorio (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

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)
Lighting should be installed under eaves rather than on top so as to minimize light pollution		

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION:

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

Second by: Neil Agron (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 6

NOES: 0

ABSENT: 1 (Pease)

ABSTAIN: 0

EXHIBIT J

CORRESPONDENCE

PLN100501

PLN100502

PLN100515

PLN100516

RECEIVED

AUG 28 2012

August 27, 2012

County of Monterey
Resource Management Agency – Planning Department
Attention: Mike Novo, Director of Planning
168 West Alisal Street, Second Floor
Salinas, CA 93901

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Re: Next Generation Emergency Network (NGEN)
File Number - PLN100501
Project Name – SNODGRASS STEPHEN J & GAIL J
Location – 1705 Covenant Lane, Royal Oaks
Project Planner – Luis Osorio

Project Status – Planning Department meeting scheduled Wednesday,
September 26, 2012 at 9:00am

Dear Mr. Novo,

I am writing to ask you to deny final approval of the NGEN project at the following location: Snodgrass, Stephen J & Gail J. Lewis Acres.

This project must be submitted to the Lewis Acres Association and it's Architectural Committee (to include all paper work, surveys, reports and construction plans as they are required for submission to the planning department) before any legal contract can be agreed upon.

We have been kept uninformed of the project initially and denied a public forum at the North County Non-Coastal Land Use Advisory Committee. Because of these actions and the move to directly place this issue before the County Planning Department at a time when most residents will not be able to attend further impedes us of our right to oppose this project as it is presented. This project should not be approved until the Community of Lewis Acres agrees to compatibility and merit to our community. At issue are the tower location, scenic disruption, property values and potential health problems created with this structure so close to homes.

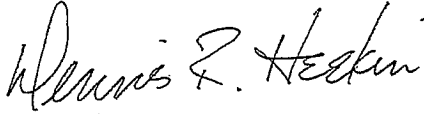
It is still not clear as to what will be placed on the tower now or in the future for upgrades, co-location or changes to the technology. This is a major concern of the residents in Lewis Acres in that the technology is experimental thus will change and the need for added infrastructures will add to the problem that this plan presents at this present proposed location.

The Monterey County Grand Jury found that NGEN was using strong arm and misleading tactics to course smaller agencies in the county to become members of this project. NGEN is using these same tactics to influence our community to push through this Tower Proposal as they have presented it.

We ask respectfully that you not approve of this project at this time.

Resident of Lewis Acres, 15880 Faith Place, Royal Oaks, CA 95076

Dennis R. Heekin



Lisa M. Racine



Enclosure:

Cc: Board of Supervisors for the County of Monterey

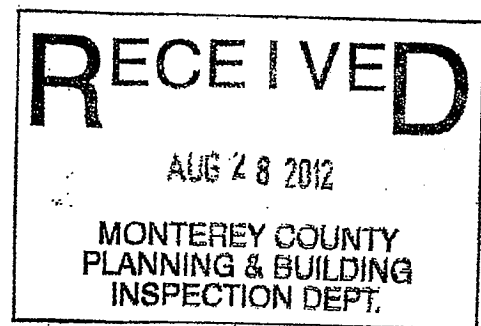
Mr. Fernando Armenta, District 1

Mr. Louis R. Calcagno, District 2

Mr. Simon Salinas, District 3

Ms. Jane Parker, District 4

Mr. Dave Potter, District 5



LEWIS ACRES HOMEOWNERS ASSOCIATION

ROYAL OAKS, CA 95076

Ron Perez, President

Ayla Coplin, Treasurer

Lisa Racine, Secretary

County of Monterey
Resource Management Agency - Planning Department
Attention: Mike Novo, Director of Planning
168 West Alisal Street, Second Floor
Salinas, CA 93901

August 31, 2012

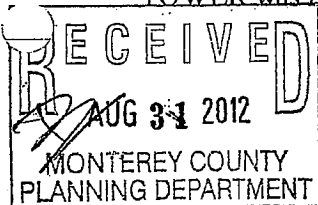
Re: Next Generation Emergency Network (NGEN)
File No. - PLN 100501
Project name/property owner - SNODGRASS STEPHEN J & GAIL J
Location - 1705 Covenant Lane, Royal Oaks, CA 95076
Project Planner - Luis Osorio
Project Status - **PLANNING COMMISSION MEETING SCHEDULED
WEDNESDAY, SEPTEMBER 26, 2012 AT 9:00AM**

Dear Mr. Novo:

Lewis Acres is a North Monterey County subdivision comprised of 11 properties whose owners are members of Lewis Acres Homeowners Association, hereafter LAHA. On behalf of its members the undersigned officers respectfully request that **PLN100501** captioned above, hereafter the TOWER, be denied approval for its failure to comply with the procedures of due process. The TOWER has failed to comply with the requirements set forth in the Covenants, Conditions and Restrictions, hereafter CC&Rs, of LAHA, filed with the Monterey County Recorder, date stamped received May 23, 1990. There is also question regarding whether or not the approval process was compromised through the Land Use Advisory Committee, hereafter LUAC. The property owner captioned above is a LAHA member and was concurrently a committee member of LUAC who, only after concerns regarding the TOWER were raised by LAHA, recused himself from the committee. The TOWER has also failed to abide by the tenets of Open Public Forum. Please consider the following in support of this request:

On or about June 16, 2012, a limited number of LAHA residents were notified by mail of a LUAC meeting to be held on June 20, 2012. Concurrently, a second notice was sent by LUAC regarding the cancellation of the June 20 meeting for lack of a quorum; the meeting was rescheduled to July 18, 2012 with the principal scheduled item for discussion being the TOWER. Notice of the June 20 meeting was first knowledge for Lewis Acres residents of the proposed TOWER. LAHA officers and residents met to discuss the matter and thereafter, a panel of speakers representing the TOWER, hereafter the PANEL, was invited to address LAHA before the scheduled July 18 LUAC meeting.

On July 7, 2012, the PANEL met with LAHA who expressed an initial concern of how the TOWER was initiated without prior notice to LAHA, its officers or its Architectural Committee.



Additional LAHA concerns included questions on potential health and/or general welfare risks for local residents, the probable negative impact on property values, and whether or not the TOWER would pose a threat to the topography and aesthetic beauty of the community at large. It was determined at the conclusion of the meeting that additional dialogue was required and would take place at the scheduled July 18 LUAC meeting which was noticed by mail.

On July 18, 2012, the LUAC meeting was held to discuss the TOWER. According to the Minutes of the meeting, date stamped received July 23, 2012 by the Monterey County Planning Department, a continuance was determined to be necessary for the stated reason of "Too many questions" around the project. Of note were the additional LUAC comments of its failure to recall whether or not an original application was filed in 1999 (an existing communication tower erected in 1999 sits on the above captioned property) and a notation which simply reads "CC&R VS. COUNTY". It is the interpretation of the undersigned that this second comment indicates LUAC questioned whether or not the TOWER had complied with the CC&Rs and if the CC&Rs supersede the current TOWER project. As deemed necessary, the LUAC meeting was continued to August 1, 2012.

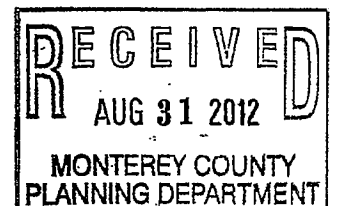
The officers of LAHA have reviewed the Lewis Acres Subdivision CC&Rs, copy attached for ease of reference, and find that the TOWER has failed to comply with the requirements set forth at page 4, Section 2, A which reads in part:

"No fence, wall, building or other structure...shall be commenced, constructed, erected, placed or permitted to remain...until plans and specifications shall have been submitted to and approved in writing by an Architectural Committee..."

To date, no plans have been submitted to the LAHA Architectual Committee for consideration of providing written approval of the proposed TOWER.

Whether knowingly or not, the property owner captioned above exceeded his authority by approving construction of the 1999 TOWER and by failing to direct the TOWER planners to LAHA and its Architectural Committee as required by the CC&Rs for the currently proposed TOWER. Pursuant to the requirements of the CC&Rs, all parties holding an interest in the LAHA boundary properties are subject to its restrictions. The CC&Rs at page 11, Article VII, Section 1 reads in part:

"...any purchaser under any contract of sale or lessee or tenant under any lease...shall be subject to all of the restrictions, conditions, covenants, reservations, assessments, and charges within the jurisdiction, rights and powers of the association provided for in this Declaration."



The property owner captioned above and the TOWER planners as lessee are subject to the conditions of the LAHA CC&Rs and failed to comply with same for the original 1999 TOWER and subsequently for the currently proposed replacement TOWER.

Although the 1999 TOWER was erected out of compliance with the LAHA CC&Rs, it is the duty of the LAHA officers to determine whether or not the current TOWER proposal complies. Article VII, Section 4, on unnumbered page (12) of the CC&Rs reads in part:

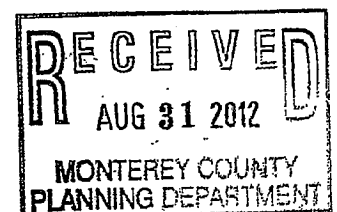
"The failure by the association...to enforce any of the restrictions, conditions, covenants...to which said property or any part thereof subject, shall in no event be deemed a waiver of the right to do so thereafter or to enforce..."

It is the opinion of the undersigned that the currently proposed TOWER does not comply with the CC&Rs to which it is subject.

On July 30, 2012, a second meeting was held by LAHA and joined by the PANEL. Others in attendance included neighboring owners outside of LAHA boundaries and residents of Andreas Estates, an association of homes next to Lewis Acres and in sight of the TOWER project. At the meeting, a member of LAHA presented to Felipe Perez of NGEN, and PANEL representative, a list of alternatives to the project for consideration which, in the estimation of LAHA, were simply dismissed. At the conclusion of the meeting it was again determined that additional dialogue was required and would take place in the proper venue, the August 1 LUAC meeting.

On August 1, 2012, many concerned residents of LAHA, adjacent properties, and Andreas Estates appeared at the LUAC meeting, which had previously been deemed necessary, to discuss the TOWER. The August 1 meeting was cancelled for a lack of committee quorum. Project Planner Luis Osorio who was in attendance advised the parties that instead of scheduling the customary follow up meeting, no additional LUAC meetings would be set. Mr. Osorio stated that instead, the TOWER would move on to the Monterey County Planning Commission for approval without consideration of further public forum. Mr. Osorio also advised that the next commission meeting would possibly take place on either September 12 or 13 and notices would be mailed to residents living within 300 feet of the proposed TOWER site. Thereafter, the proposal would be presented to the Board of Supervisors for the County of Monterey for final approval. The Planning Commission meeting has been set as captioned above and will take place in the Monterey County Board of Supervisors Chambers.

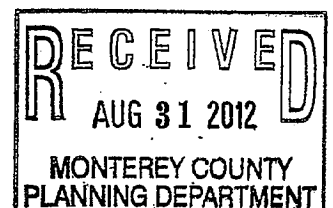
The decision reached on August 1 by the TOWER planners to forego further LUAC meetings to address owner/residents concerns directly contradicts the determination made at the July 18 meeting that additional discussion were necessary and unjustly denies those concerned with access to the appropriate venue to exercise their right to discuss the TOWER in the public forum.



According to Planning Department records recently made available, it appears that the current TOWER application was requested on September 10, 2010. Since LAHA's first knowledge of the TOWER was by the LUAC meeting notice regarding the aborted June 20, 2012 meeting, it is the opinion of the undersigned that all LUAC records and minutes prior to June 20, 2010 should be disclosed to LAHA and any other interested party for review.

For the reasons stated above, on behalf of LAHA, the undersigned officers respectfully request that the TOWER project be denied approval and that the project be remanded to LAHA and its Architectural Committee in adherence to the CC&Rs. The undersigned also respectfully request that all records prior to June 20, 2012 regarding the TOWER be made available to LAHA and any other interested party and that the project be returned to complete the public forum process at the appropriate venue, in this instance LUAC, for additional discourse.

By copy of this letter, the Board of Supervisors for the County of Monterey is advised of this request. Please feel free to contact or reply any of the LAHA officers at the addresses provided on signature page 5 of this letter.



LEWIS ACRES HOMEOWNERS ASSOCIATION
OFFICERS

Ron Perez
Ron Perez, President

1702 COVENANT LN, ROYAL OAKS, CA 95076
Address

Ayla M Coplin
Ayla Coplin, Treasurer

1712 COVENANT LANE, ROYAL OAKS, CA 95076
Address

Lisa Racine
Lisa Racine, Secretary

15880 Faith Place, Royal Oaks, CA
Address
95076

Enclosure

Cc: Board of Supervisors for the County of Monterey

Mr. Fernando Armenta, District 1

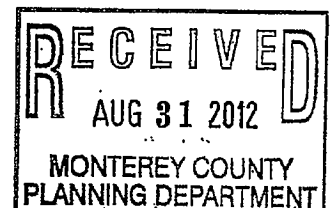
Mr. Louis R. Calcagno, District 2

Mr. Simon Salinas, District 3

Ms. Jane Parker, District 4

Mr. Dave Potter, District 5

Lewis Acres Homeowners Association



W.A. 16:

FOUNDERS TITLE COMPANY
FOUNDERS TITLE BLDG.
S.E. CORNER MONTEREY AND ALISAL
SALINAS, CALIFORNIA 93901
PHONE: (408) 757-8051

REEL 2511 PAGE 972

Recorded at the Request of
FOUNDERS TITLE

MAY 23 1990

8:00 A.M.
MONTEREY COUNTY RECORDER

30999

LEWIS ACRES SUBDIVISION
COVENANTS, CONDITIONS AND RESTRICTIONS

R	16
M	1
RF	14
T	31

RECEIVED
AUG 31 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

LEWIS ACRES SUBDIVISION
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION is hereby made on the date hereinafter set forth by Lewis Reader and Nancy Reader, hereinafter referred collectively as "Declarants."

W I T N E S S E T H:

WHEREAS, Declarants are the owners of certain real property located in North Monterey County, State of California, consisting of approximately 29.58 acres of real property as shown in that certain subdivision map of SUBDIVISION, Tract No. 1105; units 1, 2 and 3 (remainder parcel) recorded June 29, 1989, in Volume 16 of Maps Cities and Towns at Page 77, Official Records of Monterey County, California.

WHEREAS, the subject property is a subdivision as defined in Section 11000 of the California Business and Professions Code; and

WHEREAS, it is Declarants' intention to impose upon said real property mutually beneficial restrictions under a general plan of improvement for all the benefit of all portions of the subject property, and the owners thereof;

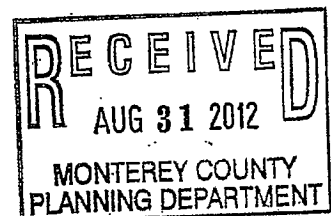
NOW, THEREFORE, Declarants hereby declare that the real property hereinafter declared to be subject to this Declaration shall be held, sold, occupied and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of and which shall run with the real property and be binding upon all parties having any right, title or interest in said property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

PROPERTY SUBJECT TO DECLARATION

The real property subject to this Declaration, which is hereinafter referred to as "the subject property" is situated in North Monterey County, California, as is described as follows:

Lots 1, 2, 3, 9, 10, and 11, together with the remainder Parcel as shown on that certain map entitled Tract No. 1105, Lewis Acres, and which map was filed for record on June 29, 1989 in volume 16 of Maps, "Cities and Towns", at Page 77, Official Records of Monterey County, California.



ARTICLE II

DEFINITIONS

Certain terms as used in this Declaration and in the deeds conveying the lots and maps filed for record pertaining to this real estate development shall be defined as follows unless the context clearly indicates a different meaning therefor:

1. Declaration. This Declaration as the same may be amended, changed or modified from time to time as provided herein.

2. Association. LEWIS ACRES HOMEOWNERS ASSOCIATION, an unincorporated nonprofit association, and its successors.

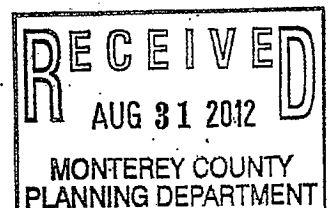
3. Board. Board of Directors of LEWIS ACRES HOMEOWNERS ASSOCIATION, as that Board shall be constituted from time to time. Board shall consist of three (3) members: President, secretary and treasurer, duly elected by the majority of the association members.

4. Lot. The parcels or lots into which the subject property has been subdivided, as shown and designated on a recorded final subdivision map or maps of all or a part of the subject property.

Map/Maps Refers to that certain Subdivision Map entitled "Tract No. 1105, Lewis Acres, Units 1 and 2, filed for record on June 29, 1989 in Volume 16 of Maps, "Cities and Towns", at Page 77, Official Records of Monterey County, California and the map to be recorded on the remainder Parcel shown on the above referred to map that will be divided into 5 additional lots.

6. Owner. The record owner of any lot as shown on the record of the County Recorder of the County of Monterey, California, but excluding those holding title merely as security for the performance of an obligation.

7. Recorded, Recording and/or of Record. Recorded, recording, and/or of record in the office of the County Recorder of Monterey County, California.



ARTICLE III

RESTRICTIONS ON THE USE AND OCCUPANCY OF PROPERTY

Section 1. Uses of Property.

A. No lot shall be used except for residential purposes and no building shall be erected, placed or permitted to remain on any lot without prior written consent of the association, other than one (1) detached single family dwelling with private garage and guest house as the same is defined by the Monterey County Zoning Ordinance. All driveways shall be paved a minimum of ten (10) feet.

B. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood.

C. No boat, trailer, camper, mobile home, motor home, tent, shack, garage, barn or other outbuilding other than one non-commercial guest house or servant quarters erected on a building site covered by this Declaration shall be used at any time for permanent human habitation.

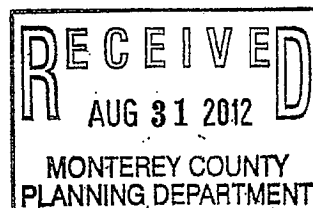
D. No building or structure upon any property covered by this Declaration shall be permitted to fall into a state of disrepair and each building and structure shall at all times be kept in good condition and repair and adequately maintained.

E. No lots shall be permitted to grow up in unsightly underbrush nor shall improved yards or dwellings be permitted to deteriorate in appearance so as to detract from the neighborhood.

F. No fence, wall, hedge, shrub, bush, tree or other obstruction shall be permitted at street corners or at driveway entrances which will obstruct the sight-lines for drivers so as to constitute a safety hazard.

G. The raising or keeping of livestock and/or farm animals may not be done for commercial purposes and must comply with Monterey County ordinances.

H. No rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of the property subject to this Declaration, and no odor shall be permitted to arise therefrom which is or may become detrimental to any of the property in the vicinity thereof and the occupants thereof and no property which is offensive or detrimental to any property in the vicinity thereof or to its occupants.



1. No vehicles of any type shall be permanently or semi-permanently parked on the properties or any lot for the purpose of accomplishing repairs thereto or the reconstruction thereof.

I. All dead wood from brush, trees, and/or any other matter within 100 feet of structures that are a fire hazard shall be removed by individual owners.

J. Major underground electrical and telephone transmission cables as well as water lines are installed within dedicated utility easements. No excavation, earth moving or other construction shall be carried out within said easement without the prior written consent of Pacific Bell, Pacific Gas and Electric and Water Board of Directors.

Section 2. Architectural Approval.

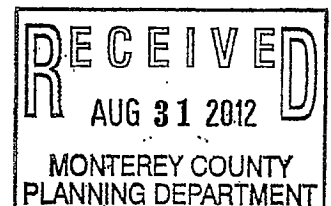
A. No fence, wall, building or other structure, or exterior addition to or alteration thereof shall be commenced, constructed, erected, placed, or permitted to remain on the subject property or any portion thereof, until plans and specifications shall have been submitted to and approved in writing by an Architectural Committee, initially to be appointed by Declarants (the "Architectural Committee"). Said plans and specifications shall include where appropriate, the following:

- 1) Plot plans, showing the location of all structures, and showing grade elevations and drainage;
- 2) Building plans, including floor, foundation and roof plans, with all materials therefor;
- 3) Exterior elevations and surfaces, and sections showing structural design and salient exterior details;

Approval shall be based upon conformity and harmony of exterior design with existing structures in the subdivision; location of the structures with respect to finished ground elevation and topography; preservation of view and aesthetic beauty; and conformity with the purpose and intent of this Declaration.

- 4) Grading and Construction:

It is the specific intent and purpose of this ARTICLE III, Section 2, among other things, to provide control by the association over grading and excavation so as to preserve as far as practicable the natural beauty of the property subject to this

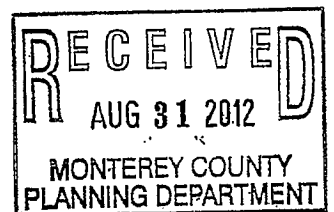


Declaration, to preserve the natural terrain and topography, to prevent erosion and to secure and encourage the erection of attractive and well-designed homes thereon. In this connection, the Architectural Committee shall have the power and duty to disapprove plans for construction of homes when in the opinion of the Architectural Committee alternative construction methods such as the use of piles on cantilevering or a change in architectural design or setting or a change in materials can be used to avoid or minimize the necessity for grading, excavation or in any other manner destroying or disturbing natural topography and terrain. Approval shall not be given so as to permit the cutting, filling or other excavation or site preparation of any lot; or the erection, construction or maintenance of any dwelling house, building, fence, roof, exposed wiring, wall, outbuildings, bulkhead, retaining wall, colors, finish, proportions, architecture, design, style, or pitch of roof, which will render said lot or improvements discordant or inharmonious with the other lots or structures in the subdivision.

B. Number of Members and Term of Architectural Committee Appointed by Declarants. The Architectural Committee shall consist of three members. Two of the Declarants and a mutually agreed upon third party shall have the right to appoint all of the members of the Architectural Committee and their replacements until ninety percent (90%) or more of the lots within the property subject to this Declaration have been sold. After ninety percent (90%) or more of the lots within said property have been sold, the Board shall appoint all of the members of the Architectural Committee. Those appointed to the Architectural Committee by the Board shall be owners.

The term of each member of the Committee shall be three years, except that upon initial appointment of the Committee one member shall be appointed to a one year term and one member shall be appointed to a two year term. If a member of the Architectural Committee resigns, is removed, or otherwise ceases to be a member at any time during his term, the replacement shall be appointed by the remaining members on the Architectural Committee for the period of time necessary to complete the term of the member whom they are replacing.

C. Failure to Approve or Disapprove Plans and Specifications. IN the event the Architectural Committee, or its representatives designated in accordance with sub-section F hereinbelow, fails to either approve or disapprove such plans and specifications within thirty days after the same have been submitted to it, it shall be conclusively presumed that the Architectural Committee has approved such plans and specifications. All improvement work approved by the



Architectural Committee shall be diligently completed and constructed in accordance with approved plans and specifications. Declarants, the Association, the Architectural Committee or any of the members or designated representatives thereof to recover any such damages.

D. Rules and Regulations. The Architectural Committee may from time to time, in its sole discretion, adopt, amend and repeal reasonable rules and regulations interpreting and implementing the provisions hereof and establishing reasonable architectural standards for the subject property.

E. Appointments and Designation. The Architectural Committee may from time to time, by a majority vote of the members thereof, delegate any of its rights or responsibilities hereunder to one or more duly licensed architects or other qualified persons who shall have full authority to act on behalf of said Architectural Committee in all matters delegated.

ARTICLE IV

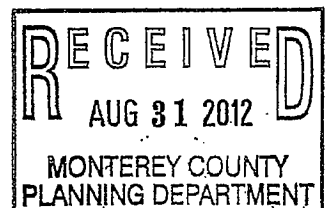
POWERS AND PURPOSES OF THE ASSOCIATION

LEWIS ACRES HOMEOWNERS ASSOCIATION, an unincorporated nonprofit association, shall have the general rights, powers and duties of an unincorporated nonprofit association subject to the provisions of this Declaration and any limitations imposed hereby, to do and perform each and every of the following for the benefit, maintenance, and improvement of the property subject to this Declaration and for the benefit of the owners thereof.

Section 1. Powers of Association

A. Enforcement of Restrictions. To exercise such powers of enforcement, control, interpretation, modification and cancellation of this Declaration which now are or hereafter may be vested in, delegated to, or assigned to the association, and to pay all expenses incidental thereto; to commence and maintain in its own name on behalf of itself and/or any owner of any lot, or in the name of or on behalf of and as the agent of any owner of any such lot, actions and suits to restrain and enjoin the breach or threatened breach of this Declaration or any portion thereof and to enforce this Declaration and to pay the expenses therefor.

B. Maintenance. To maintain, repair, manage and replace the private roads and drainage facilities within the property subject to this Declaration, and to assess the various owners for the cost thereof.



C. General Powers. Generally to do any and all things that an unincorporated nonprofit association may lawfully do in operating for the benefit of its members and without profit to said association, except as expressly limited in this Declaration and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the association or for the peace, health, comfort, safety, and/or general welfare of the owners of any property subject to the jurisdiction of the association.

D. Agency. The authorized powers of the association are set forth in this Declaration of Protective Restrictions. The association is irrevocably appointed agent and attorney-in-fact of each and all of the lot owners and their successors to exercise the powers delegated to the association by this Declaration.

Section 2. No Common Areas. The subject property shall consist of lots separately owned by the various owners together with certain non-exclusive easements appurtenant thereto. There shall be no additional contiguous or non-contiguous lots, parcels or areas owned in common by the owners of the separately owned lots; nor shall there be any mutual, common or reciprocal interests in or restrictions upon all or portions of such separately owned lots other than non-exclusive easements over the subdivision roads and the restrictions contained herein. It is the intention of Declarant that this subdivision not be constituted or defined as a "planned development" within the meaning of Section 11003 of the California Business and Professions Code.

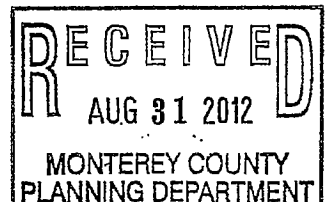
Section 3. Membership in Association

A. Membership. Every owner of a legal lot shall be a member of The Association.

B. Qualification for Membership.

1) Each membership shall be owned by the owner of record of the lot to which said membership is appurtenant; and if a lot is owned of record by two (2) or more owners, the membership shall be owned jointly by all of such owners of record, with respect to any lot.

2) Such membership interest shall vest immediately upon becoming a owner of record and such owner or owners shall thereupon be entitled to all rights and privileges of membership in the Association and subject to all duties and obligations imposed upon the members of the Association. Such membership interest shall automatically terminate upon ceasing to be a recorded owner of such lot.



C. Voting Rights. The association shall have one class of voting membership. There shall be one (1) vote for each lot in the subdivision. The voting rights of memberships shall be subject to the restrictions and limitations provided in this Declaration.

D. Actions by The Association. Any action by The Association which must have the approval of the members before being undertaken shall require the vote or written consent of a majority. There must be approval by the vote or written consent of a majority of the total voting power of The Association as well as the vote or written consent of at least fifty-one percent (51%) of the total voting power of the members other than the Declarants. All decisions and/or votes taken shall be in writing and acknowledged by the secretary and verified by two (2) other board members.

If any owner casts a vote representing a certain lot, it will thereafter be conclusively presumed for all purposes that he or they were acting with the authority and consent of all other owners of the same lot.

Section 4. Road Maintenance Assessments.

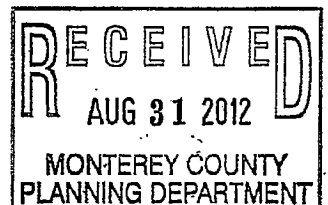
A. Declarants agree, in order to establish a maintenance fund for LEWIS ACRES HOMEOWNERS ASSOCIATION, that upon close of escrow, \$140.00 per lot shall be deposited into a trust account in the name of LEWIS ACRES HOMEOWNERS ASSOCIATION, to be established at a bank mutually agreed upon by Declarants. Such funds to be held in trust account until 51% of lots are sold, at which time control of such funds shall be turned over to LEWIS ACRES HOMEOWNERS ASSOCIATION'S Board of Directors.

B. Basic Assessments.

1) In December of each year, beginning December 1989, the Association shall prepare and shall adopt by a vote of a majority of the Board a budget for the forthcoming calendar year, which budget shall include the estimated costs of maintaining the private roads and drainage facilities as provided herein.

2) The budgeted costs of maintaining the private roads and drainage facilities shall be allocated as follows:

a) The budgeted costs of maintaining the private roads within the boundaries of the property covered by these restrictions shall be allocated equally among all of the lots. Maintenance costs of Covenant Lane shall be shared by other owners of adjacent properties according to that certain document entitled "Lewis Acres Subdivision Reciprocal Easement Agreement"



and Road Maintenance Agreement under Civil Code Section 1468^u recorded April 13, 1989 in Reel 2352 at page 325 of Official Records.

b) The Budgeted costs of maintaining the drainage facilities within the subdivision shall be allocated equally among all of the lots covered by these restrictions.

c) The budgeted costs of the provision of vertical curb, gutter and pavement along the entire frontage of Lewis Road as per agreement between Declarants and the County of Monterey.

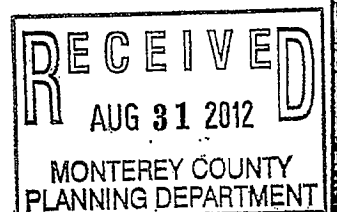
3) The total amount of such allocations shall be the basic assessment for each such lot for the forthcoming year. The owners shall pay to the association on or before January 31 following the adoption of the budget, the basic assessment levied against the lot owned by them.

4) The Association may not, without the vote or written consent of a majority of the voting power of the Association residing in members other than Declarants, impose a basic assessment which is more than 20% greater than the basic assessment for the immediately preceding year.

C. Special Assessments. Special assessments may be levied by the association against the owners of the lots subject to the basic assessment under this Declaration for the purpose of defraying in whole or part the cost of any extraordinary or unexpected maintenance, repair or replacement or private roads, or drainage facilities for which the reserve fund is insufficient; provided however, that the association shall not levy special assessments in any fiscal year which in the aggregate exceeds 5% of the budgeted gross expenses of the association for that year, without the vote or written consent of a majority of the voting power of the association residing in members other than Declarant.

D. Commencement. The basic assessment shall commence on the same day of month following the recording of the sale of a lot in the subject property. Assessments shall be paid irrespective of whether the lot is developed or undeveloped. Declarant shall pay any assessments for unsold lots starting January 31, 1990.

E. Delinquency. Any basic assessment or special assessment shall be delinquent if not paid in full by the date due and shall bear interest at the rate of 10% per annum from said date until paid. Homeowners Association will institute any remedy necessary against any delinquent owner 90 days after due date.



F. Private Driveways. The private driveways, other than the roads described in paragraph B2a of this article and section, connecting one or more residences to the subdivision streets, shall be maintained and repaired by the owners of the lots served by such private driveways and not by the Association.

G. Right to Access. Every owner of a lot subject to this Declaration, his guest, tenants and invitee, shall be entitled to the use of the subdivision road for purpose of ingress and egress and utilities.

ARTICLE V

REMEDIES OF ASSOCIATION AND OWNERS

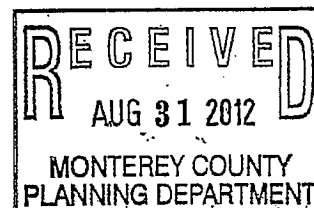
Section 1. Nuisance and Violations of Provisions. Every act or omission whereby any restriction, condition or covenant in this Declaration set forth or to which the said property or any portion is subject, is violated in whole or in part is declared to be and shall constitute a nuisance and may be enjoined or abated by the association. Each remedy provided for in this Declaration shall be cumulative and not exclusive. In the event it is necessary for the association to bring any sort of legal action to enforce the conditions and covenants set forth in this Declaration, the party enjoined may be required to pay reasonable attorney's fees for the bringing of said injunction or abatement proceedings.

Section 2. Any damage to the road, gate, landscaping or drainage facilities, by an owner or his invitees shall be the sole responsibility of that owner.

ARTICLE VI

DURATION AND MODIFICATION

Section 1. All of the restrictions, conditions, covenants, reservations and charges set forth in this Declaration shall continue and remain in full force and effect at all times against said property covered by this Declaration and each part thereof and the owners thereof, until January 1, 2035, and shall automatically be extended for successive ten year periods unless within six months prior to the expiration of any successive ten year period, 66 2/3 of the then record owners of the lots in the property covered by these restrictions sign a rescission agreeing to rescind the restrictions in whole or part. Such rescission shall become effective upon recordation in the office of the Monterey County Recorder.



Section 2. Modification of Restrictions. This Declaration may be amended by a written document executed by both a) the owners of 66 2/3% of the lots; and b) members representing a majority of the voting power of the association residing in members other than Declarant, and recorded. No amendments, alterations, changes or addendum to this Declaration concerning road or drainage maintenance shall have any force of effect unless and until approved by the Board of Supervisors of Monterey County.

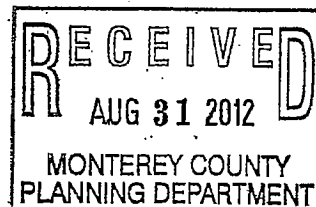
ARTICLE VII

MISCELLANEOUS

Section 1. Interpretation of Restrictions. In interpreting and applying the provisions of this Declaration, they shall be held to be minimum requirements adopted for the promotion of the health, safety, comfort, convenience and general welfare of the owners and occupants of the property subject to this Declaration. It is not the intent of this Declaration to interfere with any provisions of any laws or ordinance or any rules, regulations or permits previously adopted or issued or which may be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it the intent of this Declaration to interfere with or abrogate or annul easements, covenants and/or other agreements between parties; provided, however, that where this Declaration imposes a greater restriction upon the use and/or occupancy of any lot or upon the construction of buildings or structures or in connection with any other matters that are imposed or required by such provisions of law or ordinance or by covenants, and agreements then in that case the provision of this Declaration shall control.

Section 2. Binding Upon Owners and Grantees. The undersigned, the association, each present owner and each grantee hereafter of any part or portion of the property subject to this Declaration, and any purchaser under any contract of sale or lessee or tenant under any lease or tenancy (including a month-to-month tenancy) covering any part or portion of such property shall be subject to all of the restrictions, conditions, covenants, reservations, assessments, and charges within the jurisdiction, rights and powers of the association provided for in this Declaration.

Section 3. Construction and Validity of Reservations. All of said restrictions, conditions, covenants, reservations, assessments and charges contained in this Declarations shall be construed together; but if it shall at any time be held that any one or more of these restrictions, conditions, covenants,



reservations, assessments or charges, or any part thereof, is invalid or for any reason becomes unenforceable, no other restrictions, conditions, covenants, reservations, assessments or charges or any part thereof shall be thereby affected or impaired.

Section 4. Waiver and Exemption. The failure by the association or any owner of any lot included in said property or any other person to enforce any of the restrictions, conditions, covenants, reservations, assessments or charges to which said property or any part thereof is subject, shall in no event be deemed a waiver of the right to do so thereafter or to enforce any other restrictions, conditions, reservations, covenants, assessments or charges.

Section 5. Protection of Mortgages or Deeds of Trust. No breach of any covenants, conditions, restrictions, limitations or uses herein contained shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value but all of said matters shall be binding upon any owner whose title is derived through foreclosure of trustee's sale.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed on the dates herein written:

BY: Lewis Reader
Lewis Reader

DATE: 5-21-90

BY: Nancy Reader
Nancy Reader

DATE: 5-21-90

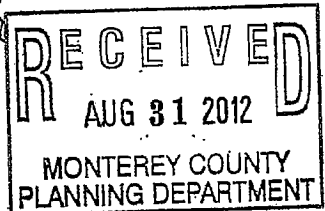
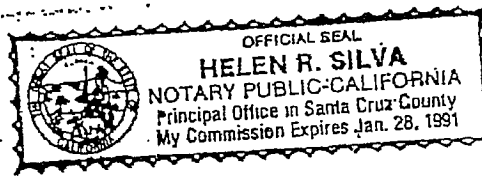
(General)

STATE OF CALIFORNIA }
COUNTY OF Santa Cruz } SS.

On May 21, 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Lewis Reader and Nancy Reader

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person s whose name s are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.
Signature: Helen R. Silva
Helen R. Silva



CONSENT AND SUBORDINATION

PACIFIC WESTERN BANK, A California Bank Corporation as
 Beneficiary under the Deeds of Trust, recorded May 30, 1989
 in Reel 2369, at Page 515 and 521, and recorded August 21, 1989
 in Reel 2400, Pages 747 and 752 of Official Records of Monterey
 County, hereby consents to the execution of and also subordinates
 all the right, title, interest and lien which they now have to
 that of the foregoing Amendment to the Declaration of Covenant,
 Conditions and Restrictions, dated MAY 21, 1990
 as if and as though said Declaration has been made, executed and
 recordation of said Deeds of Trust.

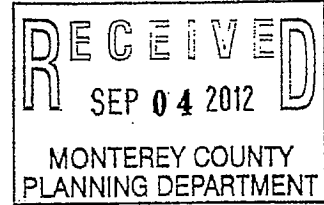
BY: Barbara J. Puck
 Vice President

BY: Laura Ashley
 Vice President

END OF DOCUMENT

RECEIVED
 AUG 31 2012
 MONTEREY COUNTY
 PLANNING DEPARTMENT

Hyun S. Ahn
430 Dry Creek
Monterey, Ca 93940



To the County of Monterey,

As the property owner directly across from the proposed 150 ft. tower I am deeply concerned with how this will negatively impact me and my neighbors. I am one of those residents who lost their homes in the 1987 fire. I lived next to the "shorter" towers which showed themselves even more after the fire. To help diminish their presence I planted Cyprus trees along the fence line. But with a 150 ft. structure in my front yard there can be no tree to help us. This is a residential area that deserves to maintain a sense of peace.

We are being told this is the only location for this tower. I strongly disagree. One look at a Google map shows multiple less residential locations that are even higher than this site. This site is a convenient EASY fix for Caltran but there are alternatives that won't affect residents and whole neighborhoods.

Hyun S. Ahn
4044 Sunset Ln, Pebble Beach

A handwritten signature in cursive script that reads "Hyun S. Ahn".

Aug 30. 12.

LEWIS ACRES HOMEOWNERS ASSOCIATION

ROYAL OAKS, CA 95076

Ron Perez, President

Ayla Coplin, Treasurer

Lisa Racine, Secretary

County of Monterey
Resource Management Agency - Planning Department
Attention: Mike Novo, Director of Planning
168 West Alisal Street, Second Floor
Salinas, CA 93901

September 6, 2012

Re: Next Generation Emergency Network (NGEN)
File No. - PLN 100501

Dear Mr. Novo:

Based on newly acquired information relevant to the above captioned project, Lewis Acres Homeowners Association, in order to clarify the record, must **AMEND** its previously submitted letter dated August 31, 2012 as follows:

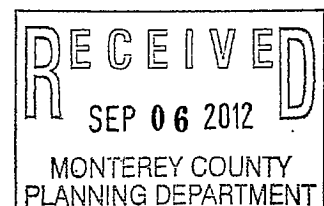
- At paragraph 1, line 9, sentence beginning "The property owner captioned above..." this sentence should be **STRICKEN**.
- Immediately following paragraph 2, the following paragraph should be entered as follows:

"The property owner captioned above, and LUAC committee member, by email on June 8, 2012 advised Michele Friedrich, Planning Department Principal Office Assistant, that because of a financial interest held in the TOWER project he would not attend the June 20, 2012 LUAC meeting as he would otherwise need to recuse himself. In his July 6, 2012 email, said property owner reiterated the conflict to Ms. Friedrich and confirmed his intended recusal as a LUAC committee member involved in any issues related to the TOWER."

As a footnote, by background, the community of neighbors in the Lewis Acres subdivision have not previously enforced the CC&Rs, however, given the size and scale of the TOWER project, and due to a number of residents expressing concerns, the association officers are compelled to bring those concerns for address by the appropriate agency and venue, in the immediate instance, the Planning Department.

By copy of this Amendment to the parties listed on page 2, and on behalf of all concerned, our apologies for any inconvenience this required clarification to the record may have caused. We thank you for your kind and prompt attention to this matter.


Ron Perez, President
Lewis Acres Homeowners Association



Re: PLN 100501
September 6, 2012
Amendment to August 31, 2012
Lewis Acres Homeowners Association letter
Page: 2

Cc: Board of Supervisors for the County of Monterey

Mr. Fernando Armenta, District 1

Mr. Louis R. Calcagno, District 2

Mr. Simon Salinas, District 3

Ms. Jane Parker, District 4

Mr. Dave Potter, District 5

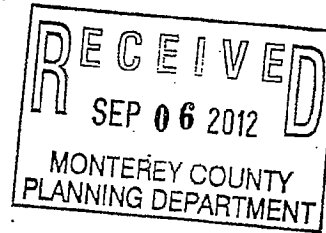
Lewis Acres Homeowners Association

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*



September 4, 2012

MON-68-10.90
SCH# 2012081052

Luis Osorio
Monterey County Planning Department
168 West Alisal, 2nd Floor
Salinas, CA 93901.

Dear Mr. Osorio:

COMMENTS TO NEXT GENERATION EMERGENCY NETWORK

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

- Any work within the State right-of-way will require an encroachment permit issued from Caltrans. Detailed information such as complete drawings, biological and cultural resource findings, hydraulic calculations, environmental reports, traffic study, etc., may need to be submitted as part of the encroachment permit process.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

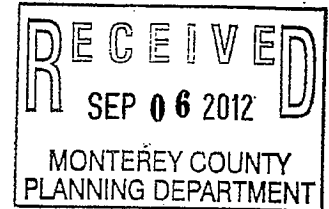
Sincerely,

A handwritten signature in black ink, appearing to read "JOHN J. OLEJNIK".

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

County of Monterey / Resource Management Agency -- Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

TO: Planning Commissioners
RE: Huckleberry Hill (PLN 100515)
DATE: September 4, 2012
FROM: Ron and Candice Lema



First of all, we note that the subject parcel of land is zoned Residential / Single Family Dwelling and was initially used by Cal Am as a fire protection water tank reservoir. At some point, at least two other uses occurred: 1) a communication center for county and local fire and police services, and 2) a commercial venture between Cal Am and at least three cellular phone companies.

The commercial venture, with its unsightly towers and cellular equipment, was totally inappropriate for a residential lot which is adjacent to several homes. This equipment should be removed from the lot and located away from homes.

There are two serious negative ramifications resulting from all the equipment now located on the subject parcel:

1. The unsightliness of the equipment devalues the properties adjacent to the parcel and on the streets in the nearby area (300-800 feet).
2. The heavy concentration of microwave equipment is likely a health hazard to the nearby homes, or at the very least a perceived health hazard, thus devaluing the adjacent properties.

Before any decision is made on the referenced proposal, we implore the following by the Planning Commission members:

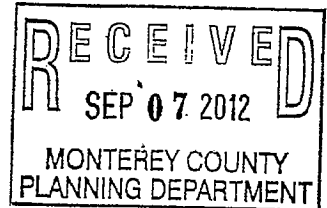
1. All members go to the subject parcel site and ask yourselves these questions:
 - A. Would I buy a house close to these towers?
 - B. Would I want a government agency to add more unsightly microwave and other communication equipment (as proposed) next door or in my neighborhood?
 - C. Do I honestly believe that the value of the homes in the general area will not be negatively impacted?
 - D. By approving the proposed tower, am I using good judgment and applying the "Golden Rule"?
2. A thorough and impartial study by a highly qualified company should be done to insure that the existing equipment is not a health hazard to the nearby residents. And, the results of the study should be distributed to all owners of property within 1000 feet of the Cal Am parcel. Also, the Comcast/Xfinity property across the street should be included in the study.

The County of Monterey has a moral obligation to do this since the County allowed Cal Am to have the cellular companies install their equipment.

The County departments should immediately find other alternative sites for all their communication needs.

We urge your serious consideration and action on the above items..

Two handwritten signatures in black ink. The first signature is "Ronald Lema" and the second is "Candice Lema".



DATE: September 6, 2012

TO: County of Monterey Resource Management Agency—Planning Department
Attention: Mr. Mike Novo, Director of Planning
168 West Alisal Street, Second Floor Salinas, CA 93901


FROM: Doug Nakashima
1722 Covenant Lane
Royal Oaks, CA 95076

RE: Next Generation Emergency Network (NGEN)
File No. PLN 100501
Project name/property owner: Snodgrass, Stephen J. and Gail J.
Location: 1705 Covenant Lane, Royal Oaks, CA 95076
Project Planner: Luis Osorio
Project Status: Planning Commission Meeting Scheduled Wednesday, September 26, 2012

Dear Mr. Novo,

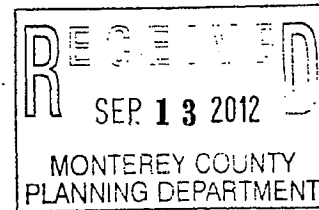
I have been a resident of the Lewis Acres neighborhood located in North Monterey County and a member of the Lewis Acres Homeowners Association, LAHA, since 1999. I recently learned at a LAHA meeting on July 7, 2012 that the Next Generations Emergency Network group, NGEN, had well-developed plans to erect an 80 foot emergency services communication tower within our community on the private property site of one of our fellow association members. That came as a shock to many of us because the feasibility of erecting a new and taller tower within our neighborhood had apparently been under study and discussion for well over a year prior to that announcement. That belated announcement to us association members created not only some debate but also, unfortunately, some anxiety. The debate over the proposed tower construction has been especially difficult because of a number of controversial issues such as deleterious effects to health, private property rights, potential conflicts with our Lewis Acres Homeowners CC&R document (Covenants, Conditions and Restrictions) and loss of property value. By now I am personally of the following opinions in regard to the construction of this tower:

1. The announcement of the proposed tower construction to the members of the Lewis Acres Homeowners Association came so late by July 7, 2012 that it communicated arrogance and disrespect to the resident members of the Lewis Acres Homeowners Association and their CC&R.
2. Initial discussions of the construction of a project of this magnitude and impact most certainly should have included the private property owner, the Lewis Acres Homeowners Association Architectural Committee, and the Next Generation Emergency Network Group from the onset.
3. The CC&R document, as I understand it, is a contract. Rules and laws bind people together. Without them there is chaos and eventually distress and conflict, and that is what is happening now.
4. The Monterey County Planning Commission will convene on September 26, 2012 to decide the question as to whether approval should be granted for the tower construction project to proceed. I would like to see that decision delayed at least until that time the LAHA Architectural Committee has been included in this important discussion and had an opportunity to determine this project's true impact upon our entire neighborhood.


Doug Nakashima

cc: Ron Perez, LAHA President

Monterey County
Resource Management Agency – Planning Dept.
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901



Sept. 12, 2012
Re: Next Generation Emergency Network
Huckleberry Hill Site

Dear Mr. Novo:

We are residents of Pebble Beach, residing at 4048 Sunset Lane. It is our concern that the NGEN tower will be too noticeable in our residential neighborhood.

We ask that the tower be designed so that it does not stand out as an "eye sore" for any of our neighbors. We suggest that the color be green and that the size be moderate.

We strongly request that vegetation be planted and a watering system be included around the tower and the new equipment shelter, so that there will be some covering up of the project once it is completed.

Thank you for your help.

Sincerely,

A handwritten signature in cursive script that reads "Jack and Ethel Arnold".

Jack and Ethel Arnold
4048 Sunset Lane
Pebble Beach, CA 93953
phone 831-624-0936

address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

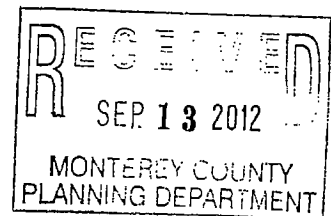
Re: Next Generation Emergency Network (NGEN); File Number PLN100501, PLN100502, PLN100515, and PLN100516 *Huckleberry Hill Site*

From: Agency Name: *Resident*
Contact Person: *JACK + ETHEL ARNOLD*
Phone Number: *831-624-0936*

JACK & ETHEL ARNOLD
4048 Sunset Lane
Pebble Beach, CA 93953

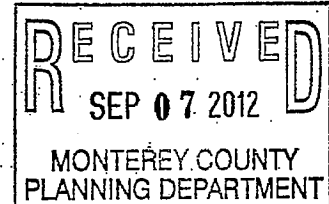
- No Comments provided
- Comments noted below
- Comments provided in separate letter, *attached.*

COMMENTS: _____





11360 COMMERCIAL PARKWAY CASTROVILLE, CA 95012-3204
PHONE (831) 632-4100 • FAX (831) 632-4109
CAL PUC # T-102808
www.cardinalemoving.com
info@cardinalemoving.com



September 5, 2012

Mr. Luis Osorio, Project Manager
Monterey County Planning Dept.
168 West Alisal St., 2nd Floor
Salinas, CA 93901

Re: PLN100516-Huckleberry Hill

Dear Mr. Osorio,

This letter is directed to your attention to advise your office regarding our concern of the proposed 100-foot antenna at the Huckleberry Hill, Pebble beach, site.

There are several factors that we feel need to be addressed, as follows:

- 1) The negative visual impact of a tall tower in a residential area.
- 2) The negative effect of the tower on property values in the area.
- 3) The potential of interference with local residence wireless communications including, cell phones, internet connectivity, etc.
- 4) The electromagnetic radiation concerns that could have long term effects.

Our home is directly adjacent to the proposed site, and we have lived there since 1966. We have watched the evolution of the two existing 80 foot towers, as they have gone from just a single use to multiple antennae, which we believe were added to accommodate the several cellular phone providers that are leasing space on the towers.

We feel that there will be a very negative impact on our neighborhood by the proposed towers and urge your department to have the project located elsewhere, so that there will be less of a detrimental impact on surrounding property owners.

We are also concerned over the manner in which this project was not brought to the attention of all the concerned property owners in the area.

Your thoughtful consideration of our concerns will be very much appreciated.

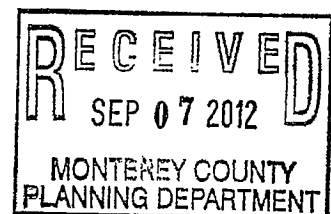
Sincerely,



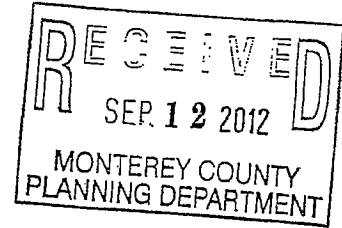
Sal P. Cardinale, CEO
Cardinale Moving & Storage Co., Inc.

Residence: 4035 Sunset Lane
Pebble Beach, CA 93953

jl/sc



Stella Singleton
P. O. Box 986
Coarsegold, CA 93614
559-658-6565
insurance@attitude.com



September 11, 2012

VIA ELECTRONIC & REGULAR MAIL

Planning Commission
Monterey County
168 West Alisal Street, 2nd Floor
Salinas, California 93901

RE: Petition to STOP proposed Next Generation Emergency Network (NGEN) Project -- Site No. 1, Lewis Road (Snodgrass) (File No. PLN100501)

Honorable Commissioners:

Concerned residents living in close proximity to Next Generation Emergency Network (NGEN) project, specific to Site No. 1, Lewis Road (Snodgrass) (hereinafter the "Project"), are strongly opposed to the project and ask you deny approval of the project for the following reasons:

1. Communication towers do not belong in residential neighborhoods.
2. Oppose the communications tower aesthetics. It doesn't look good or fit in with the environment and character of the neighborhood. It is a blight and eyesore.
3. Will devalue our real estate. Average home value drops 20% if a communications tower is in the area.
4. And even though the Telecommunications Act of 1996 doesn't allow the municipality to prohibit the location of communications phone towers based on adverse health effects, fears of EMF (Electrical and Magnetic Fields) and people getting cancer will drive home prices down.
5. Tower does not meet the approval of the Lewis Acres Homeowners Association (LAHA) and is in violation of the Covenants, Conditions and Restrictions (CC&R's).

Located near the proposed site, are many other better suited locations. The installation of the cellular antenna is inconsistent with the character of the neighborhoods surrounding the location. We request the Planning

Planning Commission
September 11, 2012
Page 1 of 3

Commission discourage antenna or tower proliferation and protect against visual blight and damage to our community aesthetics.

We also request the project be moved to a more appropriate location in nearby commercial and industrial zones away from residential rural neighborhoods and that all alternative scenarios be exhausted to make a more appropriate selection on industrial or commercial land.

Perceived property values as well as concerns over health topics, specific to this type of technology are well published and also must be taken into consideration prior to site selection.

Furthermore, the project should not be allowed to move forward simply on the basis the project has failed to comply with the requirements set forth in the CC&R's, of the Lewis Acres Homeowners Association filed with the Monterey County Recorder, date stamped received May 23, 1990.

Please reference attached petitions submitted by the following residents:

Eddie Rodriguez

~~Debbie Rodriguez~~

15865 Faith Place, Royal Oaks, CA 95076

Scott Myers

Diane Myers

1701 Andreas Estates Place, Royal Oaks, CA 95076

a904chief@yahoo.com

Bret Fowler

Kristie Fowler

1651 Andreas Estates Pl., Royal Oaks, CA 95076

831-601-2293

Dennis R. Heekin

Lisa M. Racine

15880 Faith Place, Royal Oaks, CA 95076

tinkerpro@razzalink.com

Efraim A B.

938 Lewis Rd., Watsonville, CA 95077

Jeff Fiegel

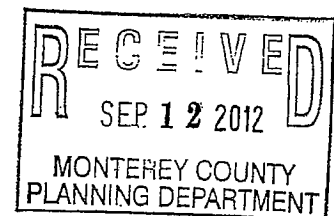
15875 Faith Place, Royal Oaks, CA 95077

Jeff@twomindsatwork.com

Planning Commission

September 11, 2012

Page 2 of 3



Hugo Barthelmess
Keena Kasunich
1692 Covenant Lane, Watsonville, CA 95076
kkasunich@hotmail.com

Manuel Larcerda
Mary Larcerda
968 Lewis Rd., Watsonville, CA 95076

Doug Nakashima
Sharyn Nakashima
1722 Covenant Lane, Royal Oaks, CA 95076
dnakashima@razzolink.com

Felix Plascencia
942 Lewis Rd., Watsonville, CA 95076

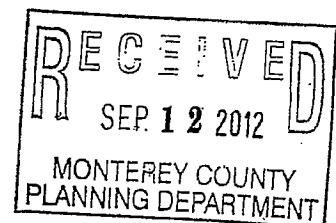
Thank you very much.



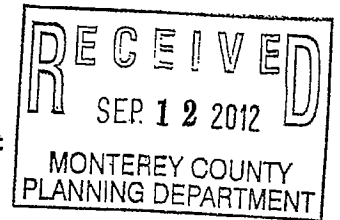
Stella Singleton

Encl: 10

Cc: Residents
Luis Osorio
Board of Supervisors for the County of Monterey
Mr. Fernando Armenta, District 1
Mr. Louis R. Calcagno, District 2
Mr. Simon Salinas, District 3
Ms. Jane Parker, District 4
Mr. Dave Potter, District 5



Petition to STOP proposed NGEN Radio Project Communications Tower location at
1705 Covenant Lane, Royal Oaks, CA; AKA "Lewis Road Site"
County PLN100501



To whom it may concern: We the undersigned are opposed to the proposed site location of the NGEN Radio Project Communications Tower location at 1705 Covenant Lane, Royal Oaks, California; A.K.A. Lewis Road Site for the following reasons:

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5. Tower does not meet the approval of Lewis Homeowners Association and is in violation of the CC&R's.

Eddie + Debbie Rodriguez
15865 Faith Place
Royal Oaks CA. 95076
Eddie Rodriguez

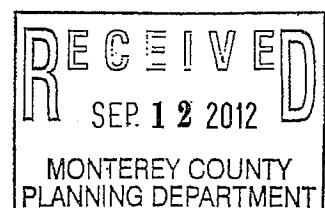
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County PLN100501

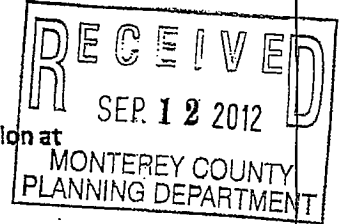
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Scott Myers

Diane Myers





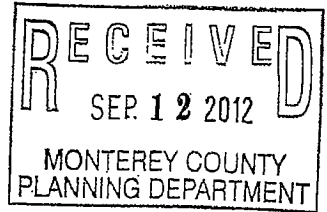
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[Your name]

Bret + Kristie Fowler
 1651 Andreas Estates Pl
 Royal Oaks, CA 95076
 831-601-2293



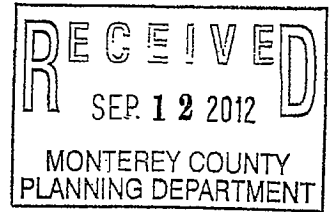
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Norris R. Heekin
Lynne Racine

15880 Faith Place
Royal Oaks, CA
95076

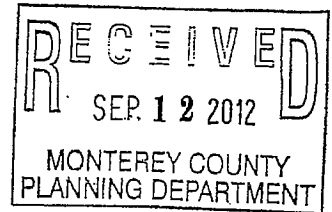


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John A. L.
938 Lewis Rd
Watsonville CA 95077



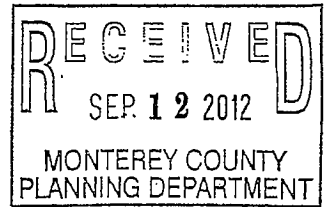
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A handwritten signature in black ink, appearing to be "J. M. L." or similar, written in a cursive style.

15875 FAITH Pl., Royal Oaks, CA
95076



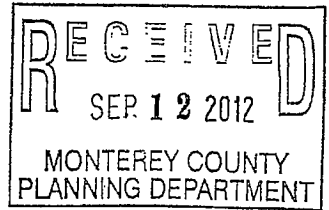
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Keene Kasim

1692 Covenant Lane
Watsonville - Royal Oaks.
95076

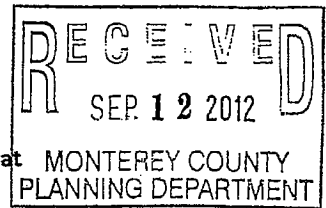


Petition to STOP proposed NGEN Radio Project Communications Tower location at
1705 Covenant Lane, Royal Oaks, CA; AKA "Lewis Road Site"
County PLN100501

To whom it may concern: We the undersigned are opposed to the proposed site location of the NGEN Radio Project Communications Tower location at 1705 Covenant Lane, Royal Oaks, California; A.K.A. Lewis Road Site for the following reasons:

1. Oppose communications towers in residential neighborhoods.
2. Oppose the communications tower aesthetics. It doesn't look good or fit in with the environment and character of the neighborhood. It's a blight and eyesore.
3. Will devalue our real estate. Average home value drops 20% if a communications tower is in the area.
4. And even though, the Telecommunications Act of 1996 doesn't allow the municipality to prohibit the location of communications phone towers based on adverse health effects, fears of EMF (Electrical and Magnetic Fields) and people getting cancer will drive home prices down.
5. Tower does not meet the approval of Lewis Homeowners Association and is in violation of the CC&R's.

Manuel Lacerda Mary Lacerda
968 Lewis Rd
Watsonville Ca, 95076

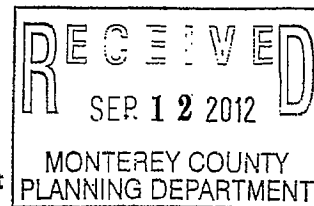


Petition to STOP proposed NGEN Radio Project Communications Tower location at
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Doug and Sharyn Nalleshwar
1722 Covenant Lane,
Royal Oaks -

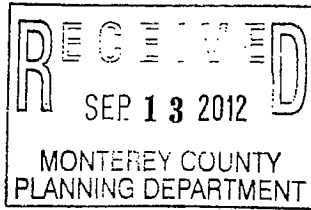


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Felix Plascencia
942 Lewis Rd
Watsonville CA 95076



Tim Huber
4085 Los Altos Drive
Pebble Beach, CA 93953
(831) 624-4326

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

September 12, 2012

Subject: Proposed Huckleberry Hill Communication Tower
Next Generation Emergency Network
4041 Sunset Lane, Pebble Beach
(File Number PLN100516)

Dear Mr. Novo:

I am writing this letter to express my disagreement with the Mitigated Negative Declaration prepared for this project. I am a local resident living at 4085 Los Altos Drive in Pebble Beach. This property is located approximately 900 feet south of the proposed communication tower. My wife and I purchased this house in 1979 and have used this as our principal residence continuously since that time.

My primary concern is the visual impact the tower will have on the adjacent community. Specific objections include the following:

1. Menacing Appearance. The proposed tower site is surrounded by single-family residential properties. With a planned height of 100+ feet, the new antenna structure will rise well above the adjacent tree line. I expect this new tower looming over all adjacent homes will adversely affect the quality of life for residents in the area. Additionally, 17-Mile Drive passes within 350 feet of the tower site. The Huckleberry Hill scenic turnout for 17-Mile Drive is located just 400 feet from the site and the new tower should be clearly visible from this location.
2. No Visual Study. There was no visual demonstration of the proposed tower dimensions. For example, before my next door neighbor in Pebble Beach was allowed to begin construction on his new home in 2010, he was required to erect "story poles" to demonstrate the exterior dimensions of this new structure. These "story poles" and bright orange netting remained in-place for over four months. Why hasn't a similar study been provided for the new tower? This type of visual demonstration for such a non-conforming use seems like a necessity to me.

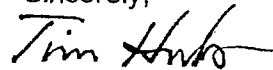
3. Diminished Property Values. The new tower will have an adverse affect on residential property values in the vicinity. By lowering the quality of life for current residents, it will also make it a less desirable place to live for future homeowners.

The proposed Mitigated Negative Declaration concludes that the new Huckleberry Hill Tower will have a "less than significant impact" on the visual character of the area. For the reasons summarized above, I think the visual impact statement should be modified to read "potentially significant impact".

It is my understanding that there are alternative tower sites available that will be less intrusive to their local environment than the Huckleberry Hill site. I encourage serious consideration of these other locations.

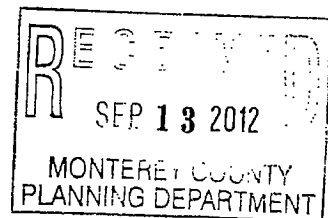
Thank you for addressing these concerns.

Sincerely,



Tim Huber

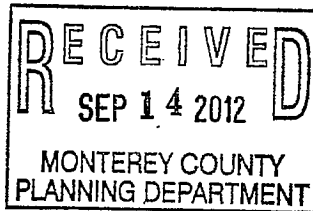
Cc: Dave Potter
Monterey County Supervisor, 5th District



9-13-12

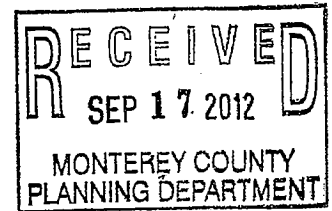
TO MONTEREY COUNTY RESOURCE MANAGEMENT
AGENCY - PLANNING DEPARTMENT

I OBJECT COASTAL DEVELOPMENT PERMIT
(LEWIS ROAD PLN 10051) 4041 SUNSET LANE,
PEBBLE BEACH (ASSESSOR'S PARCEL # 008-111-017-000)
WITHIN THE DELMONTE FOREST LAND USE PLAN.



SINCELEY
MEE N. WOOD
MEE WOOD

PLN 10051



To: County of Monterey, Resources Management Agency- Planning Department,

Attn: Mike Novo, Director of planning\168 West Alisal, 2nd Floor, Salinas, CA 93901

From: Ronald P. Hempel, D.M.D., 4071 Sunset Lane and 4041 El Bosque, Pebble Beach, CA

93953/ Phone number: (831) 620-0407, (559) 448-9442

Re: Next Generation Emergency Network (NGEN); File Number PLN100516 (Huckleberry Hill)

After reading the Del Monte Forest Area Land Use Plan (LUP), Monterey County Local Coastal Program, amended certified by the California Coastal Commission on May 9, 2012 and amended adopted by the Board of Supervisors on May 22, 2012 with an Effective date of the LCP amendment June 22, 2012:

1. SCENIC AND VISUAL RESOURCES

- (a) Page 5: "The Del Monte Forest and 17- Mile Drive are significant and important visitor destinations. It is the objective of this LUP to protect the area's magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvement and facilities that complement the Forest's natural scenic assets and enhance the public's enjoyment of them. To protect the scenic and visual resources of the Del Monte Forest area, only development that does not block significant public views and does not significantly adversely impact public views and scenic character, including specific attention to the 17-Mile Drive corridor and designated public access areas/ vista points, shall be allowed."
- (b) Page 20, section 47 "Views from designated public access areas and vista points, from highway 68 and 17-Mile Drive corridors, and of ridgelines as seen from public viewing areas identified on Figure 3, shall be protected as resources of public importance, and development that could adversely impact such views shall only be allowed where it protects, preserves, and if feasible enhances, such scenic resources. Conservation and scenic easements shall be required as one means of protecting such views in perpetuity." How can a 100 foot tower with a 12-16 foot antenna attached to its top, 10 omni-directional antennas, two 4- foot diameter microwave dishes, three panel antennas which makes it about 30 feet wide in the close proximity to stop 2, Huckleberry Hill, on the 17-Mile Drive meet his criteria?
- (c) Page 33, Huckleberry Hill Planning Area States "...Other than a ten-lot subdivision that is planned in the portion of the former quarry area nearest the Pebble Beach Company offices and corporation yard(see figure 91), the remainder of the planning area is intended to be preserved for its habitat and scenic resource value, and is

designated Open Space Forest. " Why is there is not mention of a tower in the report? Was it a secret?

2. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

- (a) Page 9, states that "Environmentally sensitive habitat areas (or ESHAs) in the Del Monte Forest are defined as those areas in which plant and animal life or their inhabitants are either rare or especially valuable due to their special nature or role in the ecosystem and which could easily disturbed or degraded by human activities and developments. The Coastal Act provides strong protection for environmentally sensitive habitat areas and within such areas permits resource-dependent uses (eg., nature education and research) that do not result in any significant disruption of habitat values. The Act also requires that any development adjacent to environmentally sensitive habitat areas be properly sited and designated to avoid impacts that would significantly degrade such habitat areas. ...Historically, the following types of habitats have generally been found to meet the definition of ESHA: Habitat areas that support plant and animal species designated or candidates for listing as rare, threatened, or endangered under State or Federal law. ... Habitat areas that support plant species for which there is compelling evidence of rarity (e.g., those designated 1b (rare or endangered in California and elsewhere) or 2 (rare, threatened, or endangered in California but more common elsewhere) by the California Native Plant Society)".

There are a number of endangered species in the Del Monte Forest including the native Monterey Pine Forest which the United Nations Food and Agricultural Organization declared Endangered in 1986, The California Native Plant Society (CPNS) in 1994 as 1B (extinct is 1A). The Del Monte Forest provides the ecosystem for the California Red -legged Frog which is listed as federally threatened by the US Fish and Wildlife Services, *Potentilla Hickmanii* which grows in the Huckleberry Hill area and was placed on the endangered species list by the State of California in 1973 and the Federal government in 1995 by the US Fish and Wildlife Services , and *Piperia Yadonii* which has been on the Federal endangered species list since 1998 (US Federal Register: August 2, 1995, Vol. 60,39326-39337)

- (b) The FCC requests that all new tower applications fill out an environmental impact report. New towers must not interfere with Native American burial sites or endangered animal species. In 1996, Congress directed the FCC to adopt safety regulations for microwave cell transmission antennas. These FCC standards were based on earlier studies created 20 years ago using even older data. The FCC standards are limited to preventing thermal effects of wireless signals in heating

human flesh, and do not set safety standards for non thermal microwave and RF radiations. The 1996 law prohibits state and local governments from considering environmental health effects independently when deciding on placement of cell tower antennas (47 U.S.C. 332(c)(7)(B)(iv)). In the UK, the relevant "safety" limit is laid down by the National Radiological Protection Board (NRPB) which has adopted the international (ICNIRP) maximum power standard of 0.4 microwatts/cm². This standard, although international, is not universally adopted. In Australia the limit is 0.2 microwatts/cm², Switzerland 0.0042 microwatts/cm², and Italy 0.01 microwatts/cm². The Salzburg Resolution (2000) recommends the intensity below which no health effects have been published is 0.1 microwatts/cm². Thus the international community not only cannot agree on intensity levels, but have determined that they need to be lowered while we maintain the higher levels of 1996. What will be the effects of thermal, non thermal and RF radiation be on these forms of life?

3. POSSIBLE EFFECTS ON HUMAN

Although, the FCC says we cannot consider the effects on humans in the determination of the cell tower location. It would not be prudent to ignore the more recent literature and consider future legal actions:

- (a) Cell antennas transmit signals continuously 365 days a year. They are engineered to reach at least 7 miles. Many go further. Families who live near cell towers and children who spend each day at school located near cell towers are exposed to continuous radiation. Studies now show that persons living closer than 1500 feet to towers can contract a number of adverse health issues (Horst, Eger and Manfred, Jann, " Environmental Medicine Association", Feb 2010, p 130-139). Radiation from cell phone towers has been associated with brain tumors. This is due to the damage in the blood brain barrier and the cells in the brain which are concerned with learning, memory and movement (Hardell Lennart et al, "Epidemiological evidence for an association between wireless phones and tumor disease", Pathophysiology 595, 2009). A study shows weak electromagnetic fields release calcium ions from cell membranes (Blackman CF et al, "Effects of ELF fields on calcium-ion efflux from brain tissue in vitro", Radiation research, 92, 510- 520, 1982). Leakage of calcium ions into cytosol acts as a metabolic stimulant, which accelerates growth and healing, but it also promotes growth of tumors. Loss of calcium ions causes leaks in membranes of lysosomes releasing DNAase that causes DNA damage. Another possibility of DNA damage is via increased free radical formation inside cells which further causes cellular damage in mitochondria (Lai, H, Singh, NP, "Melatonin and a spin trap

compound block radiofrequency electromagnetic radiation-induced DNA strand breaks in rat brain cells", *Bioelectromagnetics*, 18, 446-454, 1997; Simko M, "Cell type specific redox status is responsible for diverse electromagnetic field effects", *Current Medicinal Chemistry*, 14, 1141-1152, 2007). Irreversible fertility in mice (Magras IN, Xenos TD, "RF radiation induced changes in the prenatal development of mice", *Bioelectromagnetics*, 18, 455-461, 1997) and continuous exposure has been associated with the reduction in sperm viability and mobility by around 25% in men (Agaewal A et al, "Relationship between cell phone use and human fertility: an observational study", *Oasis, The Online Abstract Submission System*, 2006).

- (b) RF exposure can adversely affect the heart pacemaker, implantable cardiovascular defibrillators and impulse generators (Altamura G et al, "Influence of digital and analogue cellular phones on implanted pacemakers", *European Heart Journal*, 18(10), 1632-4161, 1997). These radiations may stop Pacemakers from delivering pulses in a regular way or may generate some kind of external controlling pulse putting the patient at risk of death. Exposure to electromagnetic fields has been shown to be in connection with Alzheimer's disease, motor neuron disease and Parkinson's disease (World Health organization, *ELF Health Criteria Monograph. Neurodegenerative Disorders*, p 187, 2007). All these diseases are involved in the death of specific neurons and are classified as neurodegenerative diseases. Inhabitants living near mobile phone base stations are also at risk for developing neuropsychiatric problems as headache, memory loss, nausea, dizziness, tremors, muscle spasm, numbness, tingling, altered reflexes, muscle and joint pain, leg/foot pain, depression and sleep disturbance (Abdel-Rassoul G et al, " Neurobehavioral effects among in habitants around mobile phone base stations", *Neurotoxicology*, 28(2), 434-40,2006)
- (c) A study in Australia found that children living near TV and FM broadcast towers had more than twice the rate of leukemia as children living more than 7 miles from the towers (Hocking B et al, "Cancer incidence and mortality and proximity to TV towers", *Medical Journal of Australia*, 165, 601-605, 1996)
- (d) In the United States, there is the case of the Ossining School Board which voted to allow placement of a PCS Base Station atop the Ossining High school on the basis of a safety analysis which claimed to report the health effects of radiation emitted from antennas ("Safety analysis of the electromagnetic environment in the vicinity of a proposed personal communications services base station, site 06-460l,: Ossining High School, Ossining, New York). Instead it suppressed current areas of controversy and uncertainty and claimed falsely that this technology is, in effect, universally safe. The school board was not told that a National Institute of Environmental Health Sciences panel designated power frequency Electromagnetic Fields (EMF) as

"possible human carcinogens" on June 24, 1998 (Microwave News, July/August 1998). Many scientists and physicians question the safety of exposure to RF. The Commonwealth Scientific Industrial Research Organization study, for example, notes that there are no clear cutoff levels at which low intensity exposure has no effect, and that the results of ongoing studies takes years to analyze (Commonwealth Scientific Industrial Research Organization, "Status of research on biological effects and safety of electromagnetic radiation: Telecommunications frequencies", a report prepared by Dr. Stan Barnett, Microwave News, September/ October 1995). The county of Palm Beach, Florida, the state of California and the country of New Zealand have prohibited cellular towers near schools. The County of Monterey Resource Management Agency has a responsibility of protecting and promoting the best interests of the community. The commercial interests of outside profit making corporations (California American Water) can play no role in their decision.

- (e) Many national and international organizations have recognized the need to define the true risk of low intensity, non thermal RF exposure, calling for intensive scientific investigation. These are:

World Health Organization, noting reports of "cancer, reduced fertility, memory loss and adverse changes in behavior and development in children"

The FDA

The international Agency for Research on Cancer

The Swedish Work Environmental Fund

The National Cancer Institute

The European Commission

New Zealand's Ministry of Health

National health and research Council of Australia

Commonwealth Scientific Industrial research Organization of Australia

4. COMMUNITY CONCERNS AND ALTERNATIVE SITES

- (a) Of the four sites, we are the only residential area collocated to a tower. The site itself is zoned utility because of the water tanks. California American Water pays no property taxes. Is the proposed tower considered a utility or should this property be rezoned to commercial due to its cell phone operation?
- (b) Critics say this is the biggest land grab by one industry since the building of railroads at the turn of the century. Others say it is a flagrant challenge to the Fifth and Tenth Amendments. Now those who are silenced at public hearings from speaking out about the health effects point to the First Amendment violation. Legal challenges are currently making their way through the courts, the most promising of which was filed in Federal court by a group of citizens in conjunction with the Communications

Workers of America and a group of "electrically sensitive" people, who have allergic-like reactions to electromagnetic fields. The suit charges, among other things, that Federal health and safety agencies should be held accountable for failure to protect the public, and accuses the FCC of ignoring important studies on RF radiation hazards, as well as overstepping its statutory authority in banning RF regulation at the local level.

- (c) It seems a better location would have been Jack's Peak with a power line and backup generator run up to the tower.
- (d) Consider the effect this will have on property values and the associated tax base. My realtor suggests that property values could decrease up to 30% in an already down market.

I most strongly encourage the members of the Monterey County Resource and Management Agency to look unfavorably upon the development permit for Huckleberry Hill (PLN 100516)


Ronald P. Hempel D.M.D.

Exhibit K

Initial Study/Mitigated Negative Declaration and Technical Reports

*These reports are
available for viewing at
the Monterey County
Planning Department's
Front Counter*