



Monterey County Planning Commission

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Agenda Item No. 1

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PLN150082 - INDIAN SPRINGS RANCH PROP OWNERS (VERIZON WIRELESS) (CONTINUED FROM JUNE 28, 2017)

Public hearing to consider recommending the Board of Supervisors amend the Conservation and Scenic Easement and approve construction of a wireless communication facility, pending amendment of the Conservation and Scenic Easement Deed.

Project Location: 22400 Indian Springs Road, Salinas, Toro Area Plan (Assessor's Parcel Number 139-111-011-000)

Proposed CEQA Action: Adopt a Negative Declaration

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- 1) Adopt a Negative Declaration;
- 2) Recommend the Board of Supervisors accept the Amended Conservation and Scenic Easement Deed from the Indian Springs Ranch Property Owners Association; and
- 3) Approve a Use Permit and Design Approval, subject to Board approval of the Amended Conservation and Scenic Easement Deed, to allow a wireless communication facility consisting of:
 - a. construction of a 34-foot tall mono-eucalyptus wireless communications pole
 - b. equipment shelter
 - c. electric meter
 - d. 30-kilowatt standby diesel generator surrounded by an 8-foot tall fence.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 16 conditions of approval.

PROJECT INFORMATION:

Agent: Verizon Wireless

Property Owner: Indian Springs RCH Prop Owners

APN: 139-111-011-000

Parcel Size: 72.67 Acres

Zoning: "O-D" or Open Space, Design Control District or

Plan Area: Toro

Flagged and Staked: No

SUMMARY:

On June 28, 2017, the Indian Springs/Verizon Wireless project came before the Planning Commission for consideration. The Planning Commission identified concerns with the appropriateness of amending the existing conservation and scenic easement to allow a wireless communication facility and potential

visual and neighborhood character impacts caused by establishment of such facility. The commission found the findings and evidence presented were inadequate to substantiate staff's recommendation for approval. Therefore, the Planning Commission continued the hearing and directed staff to provide additional evidence in order to render their decision. As discussed in **Exhibit B** (Discussion) and outlined in the amended finding in **Exhibit C** (Draft Resolution), staff presents analysis of the existing site improvements contained within the easement area and how the proposed project would be consistent with those uses and how the amendment would not be detrimental to the purpose of the easement.

The applicant requests a Use Permit and Design Approval for the construction of a wireless communication facility (WCF) located at 22400 Indian Springs Road, Salinas, within the Indian Springs Ranch Subdivision. The subject property is an "Open Space" parcel owned and maintained by the Indian Springs Ranch Property Owners. The need for this facility is to increase bandwidth capacity, resulting in tripling the available data capacity in the area and allowing higher data speeds. The applicant explored available options for co-location and alternative sites and found that there were no known existing facilities within the vicinity of the subject property and lease agreements for the alternative sites could not be obtained.

Based on the project application materials and staff's analysis, the project is found to be consistent with the General Development Standards for site location and design review criteria contained in the Monterey County Code for WCFs (Section 21.64.310.H). The proposed location of the WCF meets the required setbacks for non-habitable accessory structures within the Open Space zoning district. The proposed height of 34-feet exceeds the maximum height limit of the district; however, approval of the Use Permit entitlement would allow for the exceedance.

Potential impact to the scenic quality of the area have been considered and addressed. The proposed location would not substantially modify the topography and landscape of the area. In addition, a design alternative has been presented and discussed in **Exhibit B** for the Planning Commission's consideration. Staff and the Planning Commission received comments from the public regarding potential impacts caused by the emittance of radio frequency from the WCF. Evidence provided by the applicant indicate that the projected radio frequency emittance is within the exposure limits established by the Federal Communications Commission. Co-location of existing facilities as well as the potential for future co-location on the site have been explored, and an alternative site analysis provided by the applicant indicates that the proposed location better meets the needs of the applicant to reduce a gap in coverage.

CEQA Review and Comments

An Initial Study/Negative Declaration (ND) was prepared and circulated for a 20-day public review period, from April 5, 2017 to April 25, 2017 (**Exhibit G**). The ND identified less than significant impacts to aesthetics, air quality, geology/soils, greenhouse gas emissions, hazards/hazardous materials, land use/planning, and noise. These impacts have been addressed through implementation of existing policies and regulations contained in the 2010 Monterey County General Plan, the Toro Area Plan, and the Monterey County Zoning Ordinance (Title 21). No impacts requiring mitigation have been identified.

As discussed in the June 28, 2017 Planning Commission staff report, comments were submitted stating that the ND was inadequate relative to impacts caused by the emittance of radio frequency (RF) and approval of the project would set a precedent; allowing for wireless carriers to establish WCF in easements throughout the County (**Exhibit H**).

The applicant conducted an assessment for compliance with FCC regulations (**Exhibit D**) which concluded that the proposed WCF is well under the allowance of radio frequency emittance and therefore, will not cause a significant impact on the environment. Approval, and/or denial of the project would not be considered as precedent setting. The project involved discretionary review in which site and project specific analysis is required and approval of previous developments cannot be used as evidence for project consistency alone. Staff finds that the information contained in the ND adequately addresses potential impacts caused by hazards. In conclusion, staff has determined that the comments received do not provide substantial evidence, in light of the whole record, showing that the project may have a significant environmental effect and that the ND is adequate.

Staff recommends the Planning Commission approve the project. This recommendation is supported by the detailed discussion provided in **Exhibit B** and the findings and evidence, conditions of approval, and project plans found in **Exhibit C**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Monterey County Regional Protection District
- Toro Land Use Advisory Committee

The proposed project was reviewed by Toro Land Use Advisory Committee (LUAC) on June 8, 2015 and continued due to a lack of design alternatives, flagging, and a detailed site plan. On May 23, 2016, the item was brought back before the LUAC for reconsideration. A motion to support the project with the recommendation to relocate the facility off of the scenic easement was made and the vote consisted of three ayes and three noes with three members absent. The motioned failed resulting in no recommendation by the LUAC. (**Exhibit F**)

FINANCING:

Funding for staff time associated with this project is included in the FY2016-2017 Adopted Budget for RMA-Planning.

Prepared by: Anna V. Quenga, Associate Planner, x5175

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: Carl P. Holm, AICP, Director of RMA

The following Attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Project Discussion

Exhibit C - Draft Resolution, including:

- Conditions of Approval
- Project Plans

Exhibit D - Federal Communications Commission Compliance Assessment

Exhibit E - Photo Simulation

Exhibit F - Toro LUAC Minutes

Exhibit G - Negative Declaration

Exhibit H - CEQA Comments

cc: Front Counter Copy; Anna V. Quenga, Associate Planner; Brandon Swanson, RMA Services Manager; Indian Springs RCH Prop Owners, Owner; Verizon Wireless (Tricia Knight), Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Lorna Moffat, Interested Party; Nina Beety, Interested Party; Project File PLN150082