

## **Attachment D**

Planning Commission Resolution No 12-042 approving the Huckleberry Hill NGEN site (PLN100516) on September 26, 2012

**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. 12-042**

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 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.

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

**REVISED**

**November 26, 2012**

*(This resolution supersedes the  
previous resolution mailed on  
September 28, 2012)*

**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. 12-039) 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. 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:**
- a) 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.
  - b) 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.
  - 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.

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 would not result in a 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 26<sup>th</sup> day of September, 2012 upon motion of Commissioner Hert, seconded by Commissioner Getzelman, by the following vote:

AYES: Vandever, Getzelman, Roberts, Mendez, Diehl, Padilla, Hert  
NOES: Brown  
ABSENT: Salazar, Rochester  
ABSTAIN: None



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON      SEP 28 2012

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      OCT 08 2012

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS 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**  
**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 12-042) was approved by the Planning Commission for Assessor's Parcel Number 008-111-017-000 on September 26, 2012. The permit was granted subject to 19 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 September 26, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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

## 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.

**19. PDSP002 - LEASE AGREEMENT**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Development of the proposed facility shall not commence until the Lease Agreement has been fully executed and approved by the Board of Supervisors.

**Compliance or Monitoring Action to be Performed:** Development of the proposed facility shall not commence until the Lease Agreement has been fully executed and approved by the Board of Supervisors.

Site Plan

