

Exhibit B

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EXHIBIT B

PROJECT DISCUSSION

Project Background

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 (Homeowners Association).

During initial review, it was determined that the project location is restricted by a Conservation and Scenic Easement. Staff interpretation of the language contained within the deed determined that the proposed use was not allowed. Subsequently, the applicant filed an appeal of the interpretation to the Planning Commission. The commission denied the appeal and recommended that the applicant either relocate the WCF or amend the Conservation and Scenic Easement to allow the proposed WCF.

Co-location and alternative sites were explored by the applicant. Unfortunately, there were no known existing WCF within the vicinity of the subject property and lease agreements for the alternative sites (Assessor’s Parcel Numbers 139-022-005-000 and 139-141-011-000) could not be obtained. Therefore, the applicant requests to move forward with the application and amend the Conservation and Scenic Easement.

Proposed Project

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. This would serve residents in the area as statistically, 1 of 3 American households no longer have a landline telephone. See **Figure 1** below.

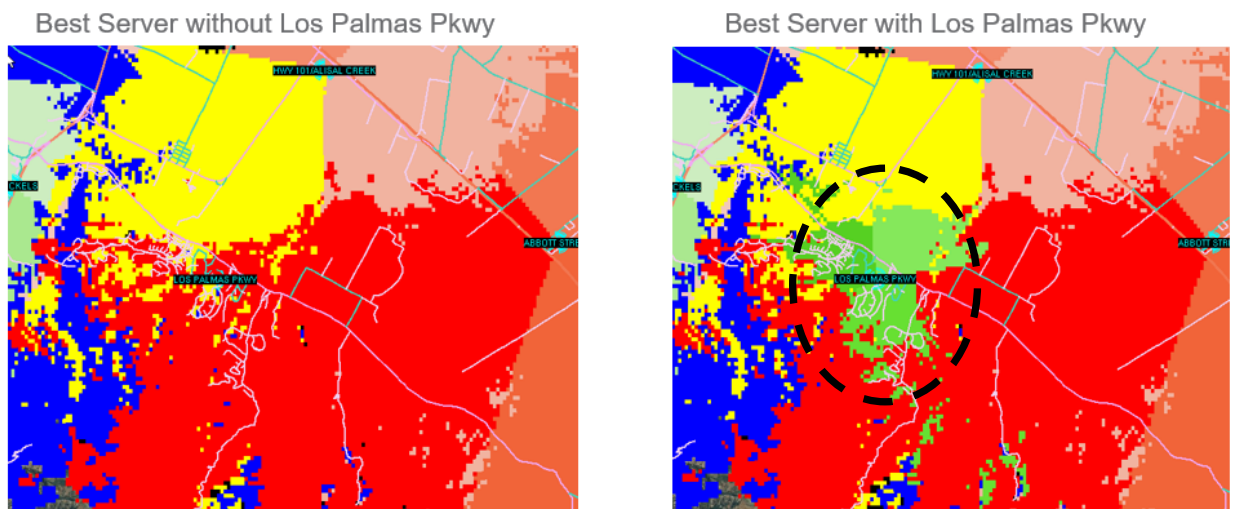


Figure 1. Capacity

The applicant indicates establishment of the WCF was at the request of the Indian Springs Ranch homeowners and at the proposed location, the facility would serve the needs of the community.

The WCF consists of a 34-foot tall mono-eucalyptus with six panel antennas, nine remote radio units, and four surge protectors; an equipment shelter; electric meter; and a 30-kilowatt standby diesel generator surrounded by an 8-foot tall fenced security enclosure. See **Figure 2** below.

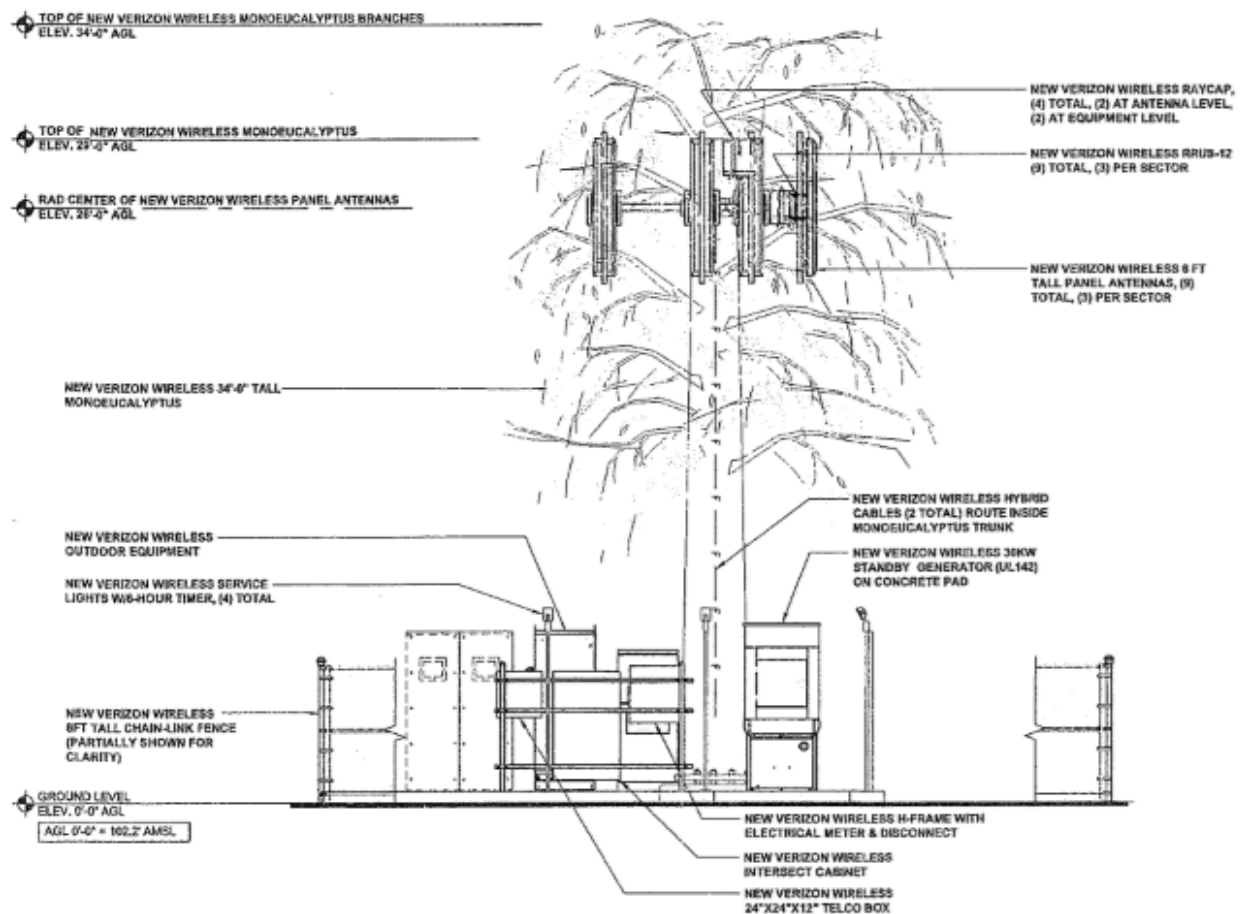


Figure 2. Elevation of Proposed Wireless Communication Facility

The applicant has demonstrated to staff that there are no opportunities for co-location or alternative sites available. As part of the application materials, an assessment for compliance with Federal Communications Commission (FCC) regulations was submitted (Exhibit H). This assessment concluded that the proposed WCF is under the allowance of radio frequency emittance and therefore, will not for this reason cause a significant impact on the environment. To ensure the WCF's emissions are maintained within FCC standards, the project has been conditioned (Condition No. 4) to allow RMA-Planning to set a public hearing to consider revocation or modification of this permit.

Amendment to Conservation and Scenic Easement

On July 3, 1973, a Conservation and Scenic Easement Deed (easement) was recorded on the subject property pursuant to Condition of Approval No 29 for the Indian Springs Ranch subdivision. The applicant contended that the easement was created prior to the invention of cell phones; and since a WCF is similar to those utilities listed as exceptions in the easement, establishment of a WCF should be allowed. Both the RMA-Director of Planning and the

Monterey County Planning Commission (see attached Exhibits E and F), determined that the easement language shall be modified to allow establishment of a WCF. While it is understood that Verizon Wireless is registered and classified as a public utility by the California Public Utilities Commission, WCF are regulated differently than electricity, telephones (landlines), and cable. Therefore, the exceptions listed in the easement cannot be ubiquitously applied. Furthermore, staff had concerns with setting a precedent for easement in the County with interpreting that WCF and electricity, telephone, and cable utilities are one in the same.

Due to a lack of options for co-location and alternative sites, the applicant wishes to move forward with a request to amend the easement. In accordance with Monterey County regulations, the Planning Commission may approve the Use Permit and Design Approval; however, a recommendation must be made to the Board of Supervisors to amend the easement.

Staff's analysis of the proposed project's location and design revealed that if the amendment were to be approved, establishment of the WCF would not detract from the nature or character of the project site. The subject property, "Area E," is developed with numerous equine recreational facilities (see Figure 3 below).



Figure 3. Aerial of Subject Property

As demonstrated in Figure 2 above, the WCF has been designed to resemble a eucalyptus tree to blend in with the surroundings. Furthermore, in its proposed location, the WCF will be tucked into an existing tree strand. Photo simulations (see Exhibit I) submitted by the applicant demonstrate how there will be very little aesthetic impacts when viewed from River Road, the intersection of River Road and Indian Springs Road, and Indian Springs Road. As part of the WCF, development includes equipment cabinets, a generator, and the mono-eucalyptus surrounded by a security enclosure. To ensure the enclosure is screened appropriately, the project has been conditioned (Condition No. 7) requiring submittal of a landscape plan.

To ensure allowances in the amended easement is specific to the proposed development, the project has been conditioned (Condition No. 14), requiring a corresponding map illustrating the exact location of where the WCF is allowed. The condition further states that granting of this Use Permit and Design Approval will not take effect until the amendment is approved by the Board of Supervisors.

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. 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.

Staff received one comment during the review period and one comment after the deadline. These comments are attached in their entirety as **Exhibit J**. In summary, both comments state that the ND was inadequate relative to impacts caused by the emittance of radio frequency (RF) as identified by “independent research” conducted. In addition, the comments outline how allowing establishment of a WCF within a conservation and scenic easement would be precedence setting; allowing for wireless carriers to establish WCF in easements throughout the County.

Pursuant to the CEQA Guidelines, comments need to raise substantial evidence, in light of the whole record, showing that the project may have a significant environmental effect. The Federal Communications Commission (FCC) developed guidelines for exposure to RF energy, based on exposure levels considered harmful to humans, resulting in specific levels of exposure to provide sufficient protection for various segments of the population. The applicant conducted an assessment for compliance with FCC regulations (Exhibit H). This assessment concluded that the proposed WCF is well under the allowance of radio frequency emittance and therefore, will not for this reason cause a significant impact on the environment. Therefore, staff finds that the information contained in the ND adequately addresses potential impacts caused by hazards.

Incorporating a request to amend the easement has been identified as a mechanism to prevent setting a precedent that would allow proliferation of WCF within conservation and scenic easements throughout the County. During the September 30, 2015 Planning Commission meeting, staff recommended that the Planning Commission uphold the RMA-Director’s interpretation of the easement language, and not consider a WCF similar to a utility such as electricity, telephone, and cable. This recommendation was based specifically on the restrictive language contained within the easement deed as well as the potential of setting a precedent on *interpreting* that WCFs would be allowed in any conservation and scenic easement allowing establishment of “utilities.” Therefore, requiring an amendment to the easement prior to establishing a WCF would allow staff to make a separate analysis and recommendation for future projects involving WCF in easement. 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.