



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: ZA 18-003 **Name:**
Type: Zoning Administrator **Status:** Agenda Ready
File created: 1/16/2018 **In control:** Monterey County Zoning Administrator
On agenda: 1/25/2018 **Final action:**
Title: PLN160825 - KEETON

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Big Sur LUAC Minutes, 5. Exhibit D - Photo Simulations, 6. Exhibit E - Construction Management Plan, 7. Exhibit F - Vicinity Map, 8. RESza_18-003_PLN160825_012518, 9. RESza_18-003_PLN160825_012518_REVISED_080718

Date	Ver.	Action By	Action	Result
1/25/2018	1	Monterey County Zoning Administrator		

PLN160825 - KEETON (AT&T Mobility)

Public hearing to consider replacement of an existing guyed tower and microwave antennas.

Project Location: East of the intersection of State Highway 1 and Kyle Perine Road, Big Sur (APN 419-201-005-000).

Proposed CEQA action: Categorically Exempt per Section 15302(c) of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- 1) Find the project is for the replacement of a utility facility involving no expansion in capacity which qualifies as a Class "2" Categorical Exemption pursuant to Section 15302(c) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2;
- 2) Approve a Coastal Development Permit and Design Approval to replace an existing 10-foot tall guyed tower containing 2 microwave antennas with a new 22-foot tall guyed tower containing 2 microwave antennas in approximately the same footprint.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 11 conditions of approval.

PROJECT INFORMATION:

Agent: Jeff Lienert, AT&T Mobility

Property Owner: Keeton, Richard & Susan and Don A. Mc Queen

APN: 419-201-005-000

Parcel Size: 69.380-Acres

Zoning: Watershed and Scenic Conservation, 40-acres per unit, Design Control District, Coastal Zone or "WSC/40-D(CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

SUMMARY:

The subject property is a 69.380-acre parcel located approximately 1,000-feet east of the intersection of Highway 1 and Kyle Perine Road, a private road. The property contains a 100-square foot area leased by AT&T located at the edge of a clearing adjacent to Kyle Perine Road with an existing 10-foot high guyed steel lattice tower with 2 microwave antennas, 2-feet in diameter. This facility, known as the “Big Sur MW Repeater Site,” receives and transmits signals from 2 different coverage sites but provides no wireless service or coverage to AT&T customers. Replacement of the tower is proposed within the same location, does not include vegetation removal or grading, and would not result in a change to the utility of the site, as explained further in the report. Vegetation in the area consists of grasses, brush, scrubs, and Coast live oaks. Existing land uses in proximity to the site include historically agricultural lands, large rural-residential properties, and visitor serving commercial operations (The River Inn, The Village Shops, and The Big Sur Campground).

Existing Facility

As discussed above, the existing facility contains a 10-foot high guyed tower with microwave antennas and a small equipment shelter that sits atop a 2-foot by 4-foot concrete pad. This site, known as the “Big Sur MW Repeater,” is located between 2 Wireless Communication Facility coverage sites: “Point Sur,” located at the Point Sur Lighthouse, Point Sur State Historic State Park northwest of the subject property and “Big Sur,” located at the Post Ranch Inn southeast of the subject property.

AT&T Mobility provides wireless coverage and service through a network (Ethernet) that consists of both fiber-optic cables (hard-wire connections) and backhauls (wireless connections). Backhauls, which rely entirely on “line of site” connections, are particularly important in areas where installation of fiber-optic cables would not be feasible due to protection of resources and/or high construction costs. In this case, fiber-optic cables exist at the Big Sur coverage site and the Big Sur MW Repeater site, but not at the Point Sur coverage site. Due to the height of the existing towers, topography, and vegetation in the area, direct line of site between Big Sur and Point Sur is not feasible. Therefore, in order to provide the Point Sur site with bandwidth, the Big Sur MW Repeater site receives microwave signals from the Big Sur site then transmits, or repeats, the signal to the Point Sur site and vice versa.

Proposed Improvements

AT&T Mobility requests a Coastal Development Permit to allow upgrading of the existing connection with new technology in order to meet existing customer demands on their network. The proposed upgrade includes very little site disturbance. The existing guyed tower and 8-square foot concrete pad will be replaced in approximately the same location and no vegetation removal or grading is anticipated. In order to secure the tower, 3 new guy wires will be installed. It is anticipated that 2 to 3 construction vehicles, ranging in size from a ½ ton to a 1 ton, and an AT&T 1-person lift will access the site once per day (see Construction Management Plan **Exhibit E**). The overall height of the tower will increase from 10-feet to 22-feet and the size of the individual microwave antennas will increase from 2-feet in diameter to 4-feet in diameter. In addition, 2 small radios will be mounted in the back of each antenna. These upgrades will improve the existing wireless connection between the coverage sites but will not increase any existing service or connection ability in the area.

Consistency with Monterey County Wireless Communications Facilities Regulations

In accordance with Section 20.17.050.KK of the Monterey County Zoning Ordinance (Title 20), wireless communications facilities (WCF) are an allowed use with a Coastal Development Permit and pursuant to Section 20.64.310 of Title 20. In order to grant a Coastal Development Permit, the Appropriate Authority, in this case the Zoning Administrator, shall make the following findings:

1. *The development of the proposed WCF will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources as defined in the*

Monterey County General Plan and the Area Plan.

Policy 3.2.2.1 of the Big Sur Coast Land Use Plan defines critical viewshed as everything within sight of State Highway 1 and major public viewing areas. The elevation of State Highway 1 in the project area is roughly 180-feet above mean sea level (AMSL), whereas the development area is surveyed to be at 473-feet AMSL. Thick vegetation surrounds the development area and consists of low brush and tall trees. Based on the elevation difference, vegetative screening, and the height of the proposed structure, the WCF cannot be seen from State Highway 1 is therefore not in the critical viewshed.

The Big Sur Coast LCP Environmentally Sensitive Habitat Areas (ESHA) map does not delineate ESHA on the subject property. However, the Monterey County Geographic Information System indicates a potential for the federally protected Smith's Blue Butterfly to be in the area. Site specific biological information submitted by the applicant (also see CEQA discussion below) found a small quantity of Seacliff Buckwheat, a host plant to the protected butterfly, on the site. However, the minimal construction activities proposed as part of this project would not impact the plant. The USFWS Critical Habitat for Threatened & Endangered Species Map indicates that the subject property is located within the California Red-Legged Frog (CRLF) critical habitat polygon encompassing over 40-square miles. However, the closest known CRLF sighting was recorded just over 2.5-miles from the development area.

2. *The site is adequate for the development of the proposed WCF and that the applicant has demonstrated that there are not alternative sites for the said facility.*

The proposed project includes replacement of a WCF in approximately the same location as the pre-existing WCF. The existing tower will be dismantled and hauled off-site and the existing 2-foot by 4-foot concrete pad that the tower and equipment shelter sits upon will be demolished. The applicant proposes to construct the new 2-foot by 4-foot concrete pad and tower in the same footprint as the existing. Proposed development that would take place outside of the existing footprint would be the installation of 3 new guy wires. As a result, project implementation would result in very little land disturbance on an existing WCF site. Therefore, it has been determined that the site is not only adequate, but also the most appropriate for its intended purpose.

3. *The proposed WCF complies with all of the applicable requirements of Section 20.64.310 of this Title.*

WCF regulations require that site location and development preserve the visual character and aesthetic values of the specific parcel and surrounding land uses by integrating, to the maximum extent feasible, into to the existing characteristics of the site. Photosimulations (**Exhibit E**) submitted by the applicant included visual scenarios of the WCF along State Highway 1, from the parking lot at the Big Sur Library, and from Clear Ridge Road. Due to topography, elevation difference, vegetation screening, and the overall height of the WCF, its establishment would not detract from the neighborhood character. The WCF will not be manned and is below the height limit where the Federal Aviation Administration would require safety lighting; therefore, no exterior lighting is proposed.

Regulations call for co-location to the maximum extent feasible and documentation of the exploration of alternative sites. Since the proposed project includes replacement of a WCF within approximately the same location, it has been determined that the site is most appropriate as it would not result in an additional WCF in the area.

4. *The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20 and that all zoning violation abatement costs, if*

any have been paid.

The subject property and existing development is in compliance with the zoning regulations contained in the Watershed and Scenic Conservation zoning district. No active code enforcement cases are open on the subject property.

5. *The proposed WCF will not create a hazard for aircraft in flight.*

The proposed height (22-feet) of the WCF will not affect any aircraft zones identified in County Airport Approaches Zoning regulations and will not penetrate a FAR Part 77 Imaginary Surface and there are no airports within 5-miles of the development site.

Federal Communications Commission (FCC) and National Environmental Policy Act (NEPA)

The subject property is located within California Red-Legged Frog Critical Habitat Unit MNT-3 (see Fish and Wildlife Service 50 CFR Part 17, effective April 16, 2010) which is over 40-square miles. Based in this identification and pursuant to Title 47 of the Code of Federal Regulations (47 CFR), the applicant prepared a “NEPA-FCC Screening Report” or “Focused Checklist Evaluation.” Although the development site does not contain hydric soils or hydrophytic vegetation indicative of a wetlands or vegetation qualifying it as riparian habitat which would provide an aquatic breeding and non-breeding habitat, the checklist identified several precautionary measures based on its location within critical habitat. These measures include avoiding construction during rainy or drizzly conditions and installing erosion control best management practices. The applicant has elected to incorporate these measures as part of the project’s scope of work for this Coastal Development Permit through notes included on the project plans (**Exhibit B**) and the Construction Management Plan (**Exhibit E**).

Part 1508.18, Chapter 5, Title 40 of the Code of Federal Regulations (Major Federal Action) requires environmental review pursuant to NEPA for proposals (projects or programs), which are financed, assisted, conducted, regulated, or approved by a federal agency. The project does not include financing by a federal agency, is not located on federally owned lands, and is within the permit jurisdiction of the County of Monterey. Therefore, further federal environmental review (Environmental Assessment or Finding of No Significant Impact) as a result of the checklist is not required. However, environmental review pursuant to the California Environmental Quality Act (CEQA) is required.

CEQA

Replacement of the guyed tower and microwave antennas qualifies for an exemption from environmental review pursuant to Section 15302(c) of the CEQA Guidelines as this development has been determined to not have a significant effect on the environment.

In addition, the project does not meet any of the exceptions to exemptions listed in Section 15300.2 of the guidelines where ordinarily insignificant projects may have an impact if, by location of development, there is potential to effect environmental resources of hazardous or critical concern or if the project would result in a significant effect or cumulative impact and therefore would warrant environmental review.

The project, as proposed (see above) and conditioned, meets County requirements for development within the Watershed and Scenic Conservation zoning district as well as regulations for the establishment, and in this case replacement, of wireless communication facilities. There is no reasonable possibility the project would result in a significant effect. The project is consistent with the designated use of the property and replacement of the facility is not considered cumulative.

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
Cal-Fire Fire Coastal
Big Sur Land Use Advisory Committee
California Coastal Commission

The proposed project was reviewed by the Big Sur Land Use Advisory Committee (LUAC) on February 28, 2017. No public comments were received and the committee had no issues or concerns. The LUAC recommended approval of the project by a vote of 3 to 0 with 1 member absent (**Exhibit C**). No issues remain.

FINANCING:

Funding for staff time associated with this project is included in the FY16-17/17-18 Adopted Budgets for RMA-Planning.

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

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director

The following attachments are on file with the RMA:

Exhibit A Project Data Sheet
Exhibit B Draft Resolution including:

- Conditions of Approval
- Project Plans

Exhibit C Big Sur LUAC Minutes
Exhibit D Photo Simulations
Exhibit E Construction Management Plan
Exhibit F Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Jeff Lienert, AT&T Mobility, Agent; Richard & Susan Keeton and Don A. Mc Queen, Applicants/Owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160825.