



County of Monterey

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

Board Report

File #: PC 18-033, **Version:** 1

PLN150082 - INDIAN SPRINGS RANCH PROPERTY OWNERS (VERIZON WIRELESS)

Public hearing, continued from October 11, 2017, to adopt a resolution denying a Use Permit to establish a wireless communication facility.

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

Proposed CEQA Action: Statutory Exemption per Public Resource Code Section 21080(b)(5) and Section 15270 of the CEQA Guidelines.

RECOMMENDATION:

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

- 1) Find that this is the disapproval of a project by a public agency which qualifies as a Statutory Exemption pursuant to Section 15270 of the CEQA Guidelines; and
- 2) Deny a Use Permit and Design Approval, 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; and
 - d. 30-kilowatt standby diesel generator surrounded by an 8-foot tall fence.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**).

PROJECT INFORMATION:

Agent: Verizon Wireless

Property Owner: Indian Springs Ranch Property 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:

Indian Springs RCH Property Owners (Verizon Wireless) proposed development of a wireless communication facility (WCF) within an area zoned Open Space with a Design Control overlay district (OS-D). This zoning allows for the establishment of a WCF, provided a Use Permit and Design Approval is granted. However, the subject property is incumbered by restrictions of an existing Conservation and Scenic Easement Deed (CSED), limiting development on the site. The proposed project sought to amend the existing CSED to allow a WCF as an appropriate use and to establish a WCF, consisting of a 34-foot tall tower, equipment shelter, and backup generator.

At the first hearing, the Planning Commission determined that this project as designed was in conflict with the existing easement and Zoning, but gave the applicant the opportunity to redesign/relocate the project. This application has since come before the Planning Commission two times, in an effort to find a more appropriate design/location for the proposed WCF. The applicant has been unsuccessful, and is returning now to move forward with the Planning Commission's resolution to deny the project application.

DISCUSSION:

On June 28, 2017, the project came before the Planning Commission for consideration. The Commission identified concerns with the appropriateness of amending the existing conservation and scenic easement to allow a wireless communication facility and potential impacts to both the visual and neighborhood character caused by establishment of such a facility. Therefore, the Commission continued the hearing and directed staff to provide additional analysis and supporting evidence in order to render their decision.

On September 13, 2017, the Indian Springs/Verizon Wireless project was brought back before the Commission for consideration. Alternative designs, in the same location, were submitted by the applicant and presented by staff. The Commission identified that the purpose of the easement was to preserve the existing scenic beauty and open space for public benefit by restricting the use of the property. Most notably, the Commission determined that the exceptions to the restrictions specified in the easement were limited to utilities (electricity, telephone, and cable TV systems) necessary to support uses (indoor and outdoor recreation) and structures (recreational facilities) allowed by the easement and there has been no change in circumstances with the easement area to support approval of an amendment. Therefore, the Commission found that the proposed project was inconsistent with applicable development regulations and easement restrictions of the site based on the protection objectives specified in the Conservation and Scenic Easement Deed. On this basis, the Commission adopted a motion of intent to deny the permit and continued the project to October 11, 2017 in order to allow staff to return with appropriate findings and evidence for denial of the project.

At the October 11 hearing, the applicant's representative requested that the Commission grant an additional continuance to allow further exploration of more appropriate alternative sites that would still decrease the existing gap in coverage within the project area. The Commission agreed and granted a continuance of the hearing until a date uncertain. The applicant has made several attempts to find a new location but has been unsuccessful. On March 2, 2018, the applicant's representative formally notified the County that they no longer wish to explore alternative sites, and have elected to move forward with the denial (**Exhibit C**). Therefore, the project has been brought back before the Commission for denial. Denial of the project complies with the Federal Telecommunications Act and its standards regarding local government regulation of placement, construction, and modification of personal wireless service facilities provided in the Federal Telecommunications Act. Necessary findings and evidence have been made and are included within the draft resolution (**Exhibit B**).

CEQA:

An Initial Study/Negative Declaration (ND) was prepared, circulated for public review, and presented to the Planning Commission. However, Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270 provides a statutory exemption for projects which a public agency rejects or disapproves. Therefore, action on the Mitigated Negative Declaration prepared for the project is not required.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Monterey County Regional Protection District

Toro Land Use Advisory Committee

FINANCING:

Funding for staff time associated with this project is included in the FY2016-2017/FY2017-2018 Adopted Budget for RMA-Planning.

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

Reviewed by: Brandon Swanson, RMA Services Manager

Approved by: John M. Dugan, AICP, Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Project Resolution of Denial
- Exhibit C - Project Applicant Correspondence
- Exhibit D - Vicinity Map

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.