

## MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 14, 2005	Agenda Item
Project Description: Use Permit (PLN040629) to construct a 122 Ft. monopole on a 270-acre parcel with six panel antennas measuring approximately 51" high x 12" wide. The project includes a 30' x 30' fenced area for storage of attendant radio equipment.	
Project Location: 20985 Buena Vista Road, Salinas APN: 1398-101-030-000	
Planning Number: PLN040629	Name: AT&T Wireless
Plan Area: Toro Area	Flagged and Staked: No
Zoning Designation: Farmland/40 (F/40)	
CEQA Action: Exempt pursuant to §15303	
Department: Planning and Building Inspection	

### RECOMMENDATION:

Approve Use Permit based on Findings and Evidence (Exhibit A) and subject to proposed conditions (Exhibit B)

### OVERVIEW OF PROPOSED ACTION:

The project site is located in an agriculturally zoned parcel adjacent to the Salinas River approximately 4.25 miles southeast of scenic Highway 68, 1.5 miles west of Highway 101 and 1.25 miles east of River Road. The primary coverage objective for this facility is Highway 101 and portions of River Road. The facility will consist of a communications tower and ground mounted radio equipment. The tower will be a 122' monopole with six panel antennas measuring approximately 51" high x 12" wide. The radio equipment will be placed on the ground at the base of the tower inside a fenced area measuring 30 x 30'.

Visual Impacts: The facility will not be visible from Hwy 101 because there is a heavily landscaped levee on both sides of the Salinas River between Highway 101 and the site. The facility will also be located approximately 1.25 miles east of River Road, situated near the lowest point of the valley and well beneath any residents living southwest of River Road. Consequently, the site will not visually obstruct views from River, or for the residents living west of River Road. Because of the distant proximity to River Road, the proposed facility will have a nominal visual impact on the surrounding area.

The single issue identified by staff that warrants attention is whether the proposed monopole would create a potential hazard for agricultural aircraft operating in the vicinity. Pursuant to guidance provided by the Agricultural Commissioner's office, Condition No. 16 requires installation of a red flashing beacon to warn agricultural and other aircraft. Said beacon shall be lit during hours of dark or fog or low visibility. Staff is satisfied that said beacon will provide adequate warning to agricultural aircraft operating in the vicinity.

As noted in Exhibit D, the project will significantly upgrade existing coverage at locations along and adjacent to Highway 101 and River Road.

The Toro Land Use Advisory Committee reviewed the project on August 8, 2005 and voted 6-0 with two absent to recommend approval.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Water Resources Agency
- ✓ Planning and Building Inspection Department
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Salinas Rural Fire Protection District

All have reviewed this project. Conditions of approval are found in Exhibit B.

Note: The decision on this project is appealable to the Board of Supervisors.

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Paul Mogan  
Senior Planner  
(831) 755-5130

cc: Applicant; Property Owner, File, Lynne Mounday

Attachments: Exhibit "A" Findings and Evidence  
Exhibit "B" Conditions of Approval  
Exhibit "C" Vicinity Map/Site Plan  
Exhibit "D" Service Coverage Map & Photo Simulation

## Exhibit A

### RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING:** The project consists of a Use Permit for the construction of a 122 Ft. monopole on a 270-acre parcel with six panel antennas measuring approximately 51” high x 12” wide. The project includes a 30’ x 30’ fenced area for storage of attendant radio equipment. The property is located at 20985 Buena Vista Road, Salinas (Assessor’s Parcel Number 139-101-030-000) in the Toro area. This permit allows the construction of a wireless communications facility in accordance with Section 21.64.310 of the Zoning Ordinance (Regulations for the Siting, Design and Construction of Wireless Communication Facilities) and land use regulations. 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 Planning and Building Inspection. 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.

**EVIDENCE:** Materials and project plans in file PLN040629.

**EVIDENCE:** Site and visual inspection by staff conducted October 14, 2005.

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**EVIDENCE:** A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- 2. FINDING:** 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 resource as defined in the Monterey County General Plan, or Toro Area Plan.

**EVIDENCE:** Materials and project plans in file PLN040629.

**EVIDENCE:** Site and visual inspection by staff conducted October 14, 2005.

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division. There has

been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**EVIDENCE:** A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

- 3. FINDING:** The proposed Use Permit (PLN040629) as described in the staff report and associated plans complies with all of the applicable requirements and regulations of Section 21.64.310 of the Zoning Ordinance (Regulations for the Siting, Design and Construction of Wireless Communication Facilities).

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**EVIDENCE:** The application and plans in the project file (PLN040629) located at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** Site inspection by staff conducted October 14, 2005.

- 4. FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to the general welfare of persons residing or working in the neighborhood of such proposed use, and/or will not be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** Preceding findings and supporting evidence.

**EVIDENCE:** Materials and project plans in file PLN040629.

**EVIDENCE:** Site and visual inspection by staff conducted October 14, 2005.

- 5. FINDING:** The subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

**EVIDENCE:** Materials and project plans in file PLN040629.

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are

available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**6. FINDING:** The proposed wireless communications facility will not create a hazard for aircraft in flight.

**EVIDENCE:** The location and size of the proposed facility does not require review by the Monterey County Airport Land Use Commission as it does not intrude into FAR Part 77. The project is conditioned to be equipped with a red-lit beacon to alert aircraft of potential hazards (Condition No. 16).

**7. FINDING:** The project is exempt from CEQA review pursuant to Section 15303.

**EVIDENCE:** Site visit with a visual inspection of the site by staff conducted October 14, 2005.

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, CDF South County, the Public Works Department, Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**8. FINDING:** The decision is appealable to the Board of Supervisors.

**EVIDENCE:** Sections 21.86.030(A) and 20.86.080 of the Monterey County Zoning Ordinance (Title 21).

**Exhibit B**  
**Monterey County Planning and Building Inspection**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: AT&T Wireless

File No: PLN040629 APN 139-101-030-000

Approval by: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This Use Permit allows construction of a 122 Ft. monopole on a 270-acre parcel with six panel antennas measuring approximately 51” high x 12” wide. The project includes a 30’ x 30’ fenced area for storage of attendant radio equipment. The property is located at 20985 Buena Vista Road, Salinas, in the Toro area (Assessor's Parcel Number 139-101-030-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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. (Planning and Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution — ) was approved by the Planning Commission for Assessor's Parcel Number 139-101-030-000 on December 14, 2005. The permit was granted subject to 16 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p><b>PBD030 - STOP WORK - RESOURCES FOUND</b></p> <p>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 Planning and Building Inspection 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 the discovery. (Planning and Building Inspection)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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.	Owner/ Applicant/ Archaeologist	Ongoing	

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4		<p><b>PBD016 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (Planning and Building Inspection)</p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.</p>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5		Any exterior lighting, except as required for FAA regulations for airport safety, or as recommended by the ALUC, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. (Planning and Building Inspection)	Applicant/Cingular Wireless	Owner/ Applicant	Ongoing unless otherwise stated	
6		The monopoles and support facilities shall be constructed of non-flammable materials and painted to blend with surrounding natural features, unless specifically approved and conditioned by Monterey County. The antennas shall be painted earth toned gray or green. Nonreflective paint shall be used on the antennas. Applicant shall submit a sample of the proposed paint/color to the Director of Planning and Building Inspection for review and approval prior to building permit issuance. To further ensure compliance, applicant shall submit photo-documentation of the painted antennas to said Director prior to final building permit issuance. (Planning and Building Inspection)	Applicant/Cingular Wireless	Owner/ Applicant	Ongoing unless otherwise stated	
7		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. (Planning and Building Inspection)	Applicant/ Cingular Wireless	Owner/ Applicant	Prior to issuance of a building permit	
8		A red flashing beacon shall be attached to the monopole and shall be lit during hours of dark or fog/low visibility consistent with requirements and recommendations of the FAA & FCC. (Planning and Building Inspection)	Applicant/Cingular Wireless	Owner/ Applicant	Ongoing unless otherwise stated	

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9		The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this monopole assuming appropriate permits are approved for collocation. Any expansion or additions of microwave dishes, antennas and/or similar appurtenances located on the monopole, which are not approved pursuant to this permit, are not allowed unless the appropriate authority approves additional permits or waivers. In any case, the overall height of the pole shall not exceed 122 feet. (Planning and Building Inspection)	Applicant/AT&T Wireless	Owner/ Applicant	Ongoing unless otherwise stated	
10		If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, 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 Planning and Building Inspection and County Counsel. The site shall be restored to its original state within 6 months of the termination of use or abandonment of the site. (Planning and Building Inspection)	Cingular Wireless/Applicant	Owner/ Applicant	Ongoing unless otherwise stated	
11		The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of Planning and Building Inspection 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. (Planning and Building Inspection)	Applicant/Cingular Wireless	Owner/ Applicant	Ongoing unless otherwise stated	

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12		<b>Encroachment into Public Right of Way</b> The applicant shall obtain an encroachment permit for any work within the public right of way. (Public Works Department)	Applicant/Cingular Wireless	Owner/ Applicant	Ongoing unless otherwise stated	
13		<b>FLOODPLAIN RECORDATION</b> Prior to issuance of any grading or building permits, the owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resource Agency)	Applicant or property owner		Prior to issuance of grading or building permits	
14		<b>FLOODPROOFING CERTIFICATION</b> Prior to final inspection, the applicant shall provide the Water Resources Agency certification from a registered civil engineer that the structure has been floodproofed in accordance with approved plans. (Water Resources Agency)	Applicant or property owner		Prior to final inspection	

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15		<p><b>FLOODPROOFING PLAN</b></p> <p>Prior to issuance of any grading and/or building permits, the applicant shall provide the Water Resources Agency a dry floodproofing plan, prepared by a registered civil engineer, that includes the following provisions:</p> <ol style="list-style-type: none"> <li>1. The outdoor equipment cabinets shall be watertight with walls substantially impermeable to the passage of water;</li> <li>2. The outdoor equipment cabinets and antenna shall have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.</li> <li>3. The electrical system shall be designed so that floodwaters cannot infiltrate or accumulate within any component of the system. The wiring shall be encased in a non-corrosive conduit. (Water Resources Agency).</li> </ol>	Submit 3 copies of the floodproofing plan to the Water Resources Agency for review and approval.	Owner/applicant	Prior to issuance of any grading or building permits.	
16		<p><b>LIGHTING</b></p> <p>The tower shall be lighted with warning lights. A red flashing beacon shall be installed to warn agricultural and other aircraft, and shall be lit during hours of dark or fog or low visibility (Ag Commissioner's Office) .</p>	Applicant or Singular Wireless	Owner/Applicant	Prior to final inspection and use.	
		End of Conditions				