

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> March 29, 2007 Time:	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of: a Coastal Administrative Permit and Design Approval to allow the installation of a wireless communication facility comprised of six (6) structure-mounted antennas and a 240 square foot equipment shelter, and a Coastal Development Permit to allow an increase in height from 35 feet to 46 feet.	
<b>Project Location:</b> 1272 Highway 1, Moss Landing	<b>APN:</b> 117-052-014-000
<b>Planning File Number:</b> PLN060645	<b>Owner:</b> Ronald and Marianne Dreisbach <b>Applicant:</b> Verizon Wireless
<b>Plan Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "AI (CZ)" [Agricultural Industrial, Coastal Zone]	
<b>CEQA Action:</b> Categorically Exempt per Section 15301, Class 1	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

### SUMMARY:

This project was originally scheduled for the March 8, 2007 Zoning Administrator Hearing. The item was subsequently continued to allow the applicant sufficient time to confer with the property owner regarding the color of the existing on-site wireless antennas. The owner has agreed to coordinate with the wireless carriers to pursue an effort to paint and maintain the existing antennas using the same color as the proposed Verizon Wireless antennas. All antennas will be painted to more readily blend with the surrounding natural environment. Condition 9 has been modified to reflect this agreement.

### PROJECT OVERVIEW

Verizon Wireless, the applicant, is requesting permits that would allow the installation of wireless communications facilities on an existing building located at 1272 Highway 1, Moss Landing. The proposed facility includes mounting six (6) panel antennas to an existing 35-foot tall industrial building. In addition, one 240 square foot equipment shelter will be located on the westerly side of the building screened from public view.

An additional Coastal Development Permit was required in accordance with Section 20.24.070.A.1 to allow additional height above the required 35 feet. Proposed antennae would extend 16 feet above the roof line along the northerly and easterly portions of the building. Total height of the antennas from grade is 46-feet, which is consistent with previously approved antennas located on the same building.

The project site is moderately developed, primarily supporting industrial uses, wireless technology, and agricultural support facilities. Due to the nature and location of the site a majority of this development is visible from the Highway 1 corridor and Salinas Road. Upon detailed review of the project application materials and on-site analysis, staff has determined that the proposed facility represents a minor addition to this already developed site and although briefly visible, the facility will not significantly impact the public viewshed. Conditions of approval have been included to further minimize any potential impacts to visual resources.

Staff finds the project is categorically exempt from CEQA review pursuant to §15301. Class 1 exemptions include additions to privately or publicly owned structures involving negligible or no expansion of use. The project consists of co-locating a wireless communication facility on an existing privately-owned industrial building. There are no unusual circumstances related to the project or the site.

**OTHER AGENCY INVOLVEMENT:**

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA-Planning Department and the Environmental Health Division have been incorporated into the conditions of approval (**Exhibit C**).

The proposed project was reviewed by the North County Coastal Land Use Advisory Committee (LUAC) on January 16, 2007. The LUAC recommended approval of the project by a vote of 5-0 (**Exhibit D**), with noted concerns relative to the health and maintenance of the adjacent redwood trees. Staff has addressed this concern in the recommended conditions of approval.

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

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Shandell Brunk, Associate Planner  
(831) 755-5185; [brunks@co.monterey.ca.us](mailto:brunks@co.monterey.ca.us)  
March 15, 2007

Cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission; Carl Holm; Shandell Brunk; Carol Allen; Connie Mendoza; Ronald and Marianne Dreisbach; Clarence Chavis, Planning File PLN060645.

Attachments:    Exhibit A            Project Data Sheet  
                  Exhibit B            Recommended Findings and Evidence  
                  Exhibit C            Recommended Conditions of Approval  
                  Exhibit D            LUAC recommendations  
                  Exhibit E            Project Plans/Justification

This report was reviewed by Carl Holm, AICP, Acting Planning Services Manager

**EXHIBIT B**  
**RECOMMENDED FINDINGS AND EVIDENCE**

PLN060645/Dreisbach (Verizon Wireless)

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the North County Area Land Use Plan, Title 20 of the Monterey County Code, and the Monterey County Coastal Implementation Plan - Part 2 (Chapter 20.144 MCC).
- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. 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 1272 Highway 1, Moss Landing (Assessor's Parcel Number 117-052-014-000), North County Area Land Use Plan. The proposed project is sited on that portion of the property zoned Agricultural Industrial, Coastal Zone [AI (CZ)]. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed use.
- (c) Principally permitted uses allowed in the AI zone include wireless communication facilities pursuant to Section 20.64.310 MCC (Section 20.16.050.RR MCC). A Coastal Development Permit is required in order to allow an increase in height above the required 35 feet. The proposed antennas will reach a height of 46 feet above grade, and will not exceed the height of existing antennas on the site.
- (d) The project as conditioned is consistent with Section 20.64.310 regulating wireless communication facilities (See **Findings 2-5**).
- (e) Requiring a General Development Plan for the project will not further the purpose of Chapter 20.24. Therefore, this requirement was subsequently waived by the Planning Director on February 8, 2007.
- (f) The project planner conducted site inspections on January 23, 2007 and February 6, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
- (g) On January 16, 2007, the North County Coastal Land Use Advisory Committee voted 5-0 to recommend approval of the subject Combined Development Permit (PLN060645/Dreisbach). The Committee voted to recommend approval with noted concerns regarding the health and maintenance of the existing adjacent redwood trees (Condition 10).
- (h) The application, plans, and related support materials submitted by the project applicant to the RMA- Planning Department for the proposed development found in Project File PLN060645.
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: California Coastal Commission, RMA- Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, 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) The proposed wireless facility is located to fill a gap in existing wireless coverage along the Highway 1 corridor. The general area consists of industrial, agricultural, and rural residential uses. Co-location on the building was found to be the most suitable to avoid constructing a new tower or monopole that may significantly impact the public viewshed.
- (c) Previously approved planning files PLN000085 and PLN000421.
- (d) Staff conducted site inspections on January 23, 2007 and February 6, 2007 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN060645.

**3. FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) CEQA Guidelines §15301 (Class 1) categorically exempts minor additions to existing public or private structures involving negligible or no expansion of use.
  - (b) The project consists of locating a telecommunication facility on an existing privately owned industrial building.
  - (c) Implementation of the project does not require the removal of any protected trees or environmentally sensitive habitat.
  - (d) No adverse environmental effects were identified during staff review of the application or during site visits on January 23, 2007 and February 6, 2007.
  - (e) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
  - (f) See preceding and following findings and supporting evidence.
  - (g) Materials in project file PLN060645.

**4. FINDING: VISUAL RESOURCES** - 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.

- EVIDENCE:**
- (a) The project consists of structurally attaching six (6) panel antennas to an existing industrial building. No ground disturbance is required and no resources are impacted. The project site is moderately developed, primarily supporting industrial uses, wireless technology, and agricultural support facilities. Due to the nature and location of the site a majority of this development is visible from the Highway 1 corridor and Salinas Road. Staff has determined that the proposed facility represents a minor addition to this already developed site and although briefly visible, the facility will not significantly impact the public viewshed.
  - (b) Upon maturity, redwood trees located adjacent to the existing building will serve to partially screen the development.
  - (c) 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.
  - (d) The project is not located near any coastal beach, dune, ridgeline or wetland.
  - (e) Installation of the facility will not interrupt views of the shoreline.
  - (f) Staff site visits and project photos.

(g) Application plans and materials located in project file number PLN060645.

5. **FINDING: NO AIRCRAFT HAZARD** - The proposed telecommunication facility will not create a hazard for aircraft in flight.

**EVIDENCE:** (a) The proposed project includes the installation of six (6), 16-foot panel antennas, onto an existing 35-foot industrial building. The top of the antennas reach a height of 46 feet above the existing grade. This is consistent with the height of other antennas in the vicinity.

(b) The project is consistent with Section 20.92 (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 20.92.050 MCC and the proposed height is within limitations outlined in Section 20.92.060 MCC.

(c) 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.

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.

(b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 6.4 of the North County Area Land Use Plan.

(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(d) Staff site visits on January 23, 2007 and February 6, 2007.

7. **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. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff reviewed RMA- Planning Department and RMA-Building Services records and is not aware of any violations existing on subject property.

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

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

**Exhibit C**  
**Resource Management Agency - Planning Department**  
**Condition Compliance & Mitigation Monitoring and**  
**Reporting Plan**

**Project Name:** Ronald and Marianne Dreisbach  
**File No:** PLN060645                      **APN:** 117-052-014-000  
**Approval by:** Zoning Administrator      **Date:** March 29, 2007

*\*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>PD001 - SPECIFIC USES ONLY</b>  This Combined Development Permit (PLN060645) allows for the installation of a wireless communication facility consisting of six (6) structure mounted Verizon Wireless antennas and a 240 square foot equipment shelter, as well as an increase in maximum height from 35 feet to 46 feet. The property is located at 1272 Highway 1 (Assessor's Parcel Number 117-052-014-000), Moss Landing, North County Land Use Plan. 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 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 060645) was approved by the Zoning Administrator for Assessor's Parcel Number 117-052-014-000 on March 29, 2007. The permit was granted subject to <u>11</u> 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. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
3.		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6.	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	



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		The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b>	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
4.		<b>PD039(A) – WIRELESS COMMUNICATION FACILITIES</b> 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 the conduct of the activities authorized under said permit. Applicant shall obtain the permission of the owner on which the wireless communications 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. <b>(RMA – Planning Department)</b>	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.  Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits.	

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5.		<p><b>PD039(B) – WIRELESS COMMUNICATION FACILITIES</b></p> <p>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.</p> <p><b>(RMA – Planning Department)</b></p>	Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
6.		<p><b>PDSP001 – WIRELESS COMMUNICATION FACILITIES</b></p> <p>The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this site assuming appropriate permits are approved for co-location. Any expansion or additions of microwave dishes, antennas and/or similar appurtenances 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 antennas shall not exceed 46 feet.</p> <p><b>(RMA – Planning Department)</b></p>	Encourage co-location by other wireless carriers on this site assuming appropriate permits are approved for co-location. The overall height of the antennas shall not exceed 46 feet.	Owner/ Applicant	Ongoing	
7.		<p><b>PD039(D) – WIRELESS COMMUNICATION FACILITIES</b></p> <p>If the applicant abandons the facility or terminates the use, the applicant shall remove the 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 the RMA - Planning Department and County Counsel.</p>	If the applicant abandons the facility or terminates the use, a site restoration agreement shall be submitted to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.	Owner/ Applicant	Prior to the issuance of grading or building permits/ Ongoing.	

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		The site shall be restored to its natural state within 6 months of the termination of use or abandonment of the site. <b>(RMA – Planning Department)</b>	Restore the site to its natural state.	Owner/ Applicant	Within 6 months of termination of use or abandonment of site.	
8.		<b>PD039(E) – WIRELESS COMMUNICATION FACILITIES</b> 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. <b>(RMA – Planning Department)</b>	Submit documentation demonstrating compliance with the FCC emission standards.  If the facility is in violation of FCC emission standards, a public hearing shall be set before the Appropriate Authority to consider revocation or modification of the permit.	Owner/ Applicant  Director of the RMA – Planning Department	Prior to the commencement of use/ Ongoing  Ongoing	
9.		<b>PDSP002-COLORS AND MATERIALS</b> The colors of panel antennas and equipment box shall be approved by the Planning Director. Non-reflective paint shall be used on all equipment. The applicant shall submit a sample of the proposed paint/color to the Planning Department for review and approval prior to issuance of building permits.  All existing wireless antennas shall be painted to match proposed panel antennas.	Submit color samples to the Planning Department for approval. Color shall be a flat finish with a similar tone as the existing building.  Submit photo documentation of the painted antennae to the Planning Director.	Owner/ Applicant  Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.  Prior to final building inspection.	

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		Primary telecommunication receivers and transmitters, support structures and accessory antennas shall be permanently maintained and regularly painted as long as the facility is in operation. <b>(RMA-Planning Department)</b>	Submit photo documentation to the Planning Director.	Owner/ Applicant	Ongoing.	
10.		<b>PDSP004-LANDSCAPE MAINTENANCE</b> Existing landscaped areas, including adjacent redwood trees, shall be continuously maintained by the applicant in a litter-free, weed-free, healthy, growing condition. <b>(RMA – Planning Department)</b>	All landscaped areas shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
11.		<b>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</b> Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. <b>(Environmental Health)</b>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	