

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> December 11 <sup>th</sup> , 2008. <b>Time:</b> 2:10 P.M	<b>Agenda Item No.:</b> 10
<b>Project Description:</b> Development of a wireless telecommunication facility consisting of a pre-fabricated 110-foot high steel tower and a 312 square foot (12' X 26') pre-fabricated concrete building and emergency generator. The property is owned by the County of Monterey and is located 522 North Second Street, King City (Assessors Parcel Number 026-261-001-000).	
<b>Project Location:</b> 522 Second Street, King City	<b>APN:</b> 026-261-001-000
<b>Planning File Number:</b> PLN080190	<b>Name:</b> County of Monterey Department of Information Technology, Property Owner.
<b>Plan Area:</b> The project site is located in the City of King	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> No County zoning designation applies to the property as it is located within the King City boundary. The property is designated as "Public/Quasi-Public" under the King City General Plan and is zoned General Commercial (C-2) under the King City Zoning Ordinance.	
<b>CEQA Action:</b> Mitigated Negative Declaration prepared for the project.	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan and approve the proposed wireless telecommunication facility (PLN080190) based on the Findings and Evidence (Exhibit C) and subject to the recommended Conditions of Approval (Exhibit D) and revised Mitigation Monitoring Plan (Exhibit "H").

### PROJECT OVERVIEW:

The proposed project consists of the installation of a 110-foot tall communications tower intended to improve public safety communications within the King City and south county areas of Monterey County. The proposed project additionally includes the construction of a 312 square foot (12' by 26') manufactured equipment shelter pre-wired for electrical, voice and data technologies. The proposed tower would increase bandwidth and telecommunication capabilities to South County facilities, resulting in the following:

- Improved portable coverage for ambulance services.
- Improved coverage for the Fire and Sheriff Departments in the Pine Canyon area (west of King City).
- Improved coverage for the King City Police Department, including a non-shared channel.
- Improved coverage for the King City Fire Department.
- Development of two Homeland Security channels.
- Improved connectivity of public safety channels to the 911 dispatch center in Salinas.
- Gang Task Force repeater.
- Other public agencies.

### OTHER AGENCY INVOLVEMENT:

Public Works Department  
 Environmental Health Division  
 Water Resources Agency  
 City of King City  
 County of Monterey Agriculture Office

County of Monterey Information Technology

The above checked agencies and departments have reviewed this project. Conditions recommended by Environmental Health and the City of King Planning Department have been incorporated into the condition compliance reporting plan (Exhibit D) and the revised Mitigation Monitoring Plan (Exhibit H).

The project was not referred to the Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because there isn't a Land Use Advisory Committee for this area of the County.

Note: The decision on this project is appealable to the Planning Commission.

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cc: Front Counter Copy, Zoning Administrator; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Public Works; King City Fire Department; Doreen Liberto-Blank, King City Planning Department; Michael Powers; Dave Pratt, Dave Dalby, Lee Hollingsworth, Monterey County Planning & Building Services Manager; Luis Osorio, Mike Novo, David Heinlein; Carol Allen, Monterey County Information Technology Department, Applicant; Planning File PLN080190.

Attachments:

Exhibit A	Project Data Sheet
Exhibit B	Project Discussion
Exhibit C	Recommended Findings and Evidence
Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
Exhibit E	Vicinity Map
Exhibit F	Site Plan, Floor Plan and Elevations
Exhibit G	Mitigated Negative Declaration
Exhibit H	Revised Mitigation Monitoring Plan
Exhibit I	State Clearinghouse Memorandum
Exhibit J	Memorandum from King City
Exhibit K	Alternative Site Analysis
Exhibit L	Determination of No Hazard to Air Navigation
Exhibit M	FCC Memorandum

This report was reviewed by Luis Osorio, Planning Services Manager

## **EXHIBIT B PROJECT DISCUSSION**

### **Project Description:**

The proposed information technology tower would be constructed out of prefabricated steel and would be approximately 110 feet high and supported on three legs. The proposed tower would be of lattice design and open in nature. Foundation support for the tower would be provided by drilled cast-in-place concrete piles. The proposed 110-foot telecommunication facility would be a co-locatable wireless telecommunication facility.

As required under the County's Telecommunication Ordinance, the County Department of Information Technology (Applicant) reviewed six alternative sites (see Exhibit "K"). Due to lack of funding, the required line of site needed to provide adequate coverage and the amount of antennas and other associated communication equipment required to provide essential emergency services, it was determined that the proposed site would be the superior site.

### **Environmental Setting and Surrounding Land Uses**

The project site (APN 026-261-001-000) is located at the southeast corner of King Street and 2<sup>nd</sup> Street in King City, Monterey County, California. The project site is designated Public/Quasi-Public under the King City General Plan and is zoned General Commercial (C-2) and Multi-Family Residential and Professional Offices (R-4) under the City's Zoning Ordinance. The project site is currently developed with Monterey County Agriculture Commissioner and County Supervisor administrative offices, four warehouses utilized for maintenance activities, an oil recycling shed, and two abandoned buildings. The proposed tower would be located approximately 110 feet east of the existing County of Monterey Agricultural Commissioner Office on a flat dirt area adjacent to an existing paved parking lot.

Surrounding land use designations per the City's General Plan include Planned Development (P-D) and Single-Family Residential (R-1) to the north; Light Industrial (M-1) to the east; Multi-Family Residential and Professional Offices (R-4) to the south; and Single-Family Residential (R-1) to the west. Two master planned residential communities were approved and are currently under construction along San Antonio Drive, approximately 0.25 miles northwest of the project area. Residential development borders the site to the north and west.

### **Zoning**

The property is owned by the County and is located within the boundaries of King City. The applicability of the City's land use and zoning regulations has been reviewed by staff in consultation with the County Counsel office under the provisions of Sections 53091 and 53090 of the Government Code. Section 53091 provides that "each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory agency is situated;" Section 53090 defines "local agency" to specifically exclude a county among other entities.

These provisions have been interpreted previously to mean that municipal restrictions or zoning ordinances do not generally apply to the state or any of its subdivisions (such as counties). Accordingly, the County does not have to comply with provisions of King City's general plan or zoning ordinance to develop property owned by the County within the territorial jurisdiction of the city. However, the application was submitted to the City of King Planning Department in an effort to collaborate and to obtain input from the City for development of the facility.

Planning staff received correspondence from the King City Planning Department (Exhibit “J”) stating that the proposed project is not consistent with several policies the City’s General Plan. The correspondence from the City also states that the proposed wireless telecommunication tower is not consistent with the King City Zoning Ordinance and that an environmental impact report (EIR) should be considered. Planning staff reviewed the EIR request and determined that an initial study and mitigated negative declaration are the appropriate environmental documents for the proposed project and that an EIR is not necessary.

Based on the discussion above, planning staff determined that a County’s Regulations for Wireless Telecommunication Facilities (Chapter 21.64.310 of the Zoning Ordinance) apply to the proposed project.

### **Visual Impacts**

The proposed project will be visible from adjacent properties and other areas further away within the boundaries of King City and within County jurisdiction. Due to the size of the proposed tower, the impacts to the adjacent residential neighborhoods and other development, there is no way avoid the visibility of the proposed 110-foot wireless telecommunication facility. The mitigated negative declaration, mitigation measure #1 recommends that the telecommunication tower shall be painted blue or robin’s blue as a mitigation measure.

Planning staff reviewed this mitigation measure and recommends that it be revised to state: “the tower shall be painted a dull, non-reflective grey, all associated antennas, relays, dishes, whips and other associated equipment shall be painted a dull non-reflective grey to match the proposed tower.” This revised mitigation is included in the Mitigation and Condition matrix (Exhibit H). I Condition of Approval shall state; “that all future associated antennas, relays, dishes, whips and other associated wireless telecommunication equipment attached to the proposed wireless telecommunication tower shall be painted a dull non-reflective grey to match the proposed tower.” Implementation of the revised mitigation measure and the added condition would reduce the visibility and visual impacts of the facility to the maximum extend possible.

### **Initial Study/Mitigated Negative Declaration**

An Initial Study was prepared by Rincon and Associates in January, 2008, and was circulated for public review in February of 2008. The initial study identified potentially significant impacts to the surrounding areas resulting from the visibility of the tower; the visibility from the existing residential communities nearby would result in significant visual impacts even though some shielding is provided by existing trees and buildings located in some older residential areas in the area. A mitigation measure requiring the use of blue or Robin’s blue color for the tower was included in the initial study. As discussed above, staff recommends that the color of the tower be changed. Comments on the initial study/mitigated negative declaration were received from the King City Planning Department (Exhibit J). These comments generally refer to the purported incompatibility of the project with certain policies of the City’s General Plan; express disagreement with the recommended mitigation; request consideration of alternative sites; and suggest the preparation of an environmental impact report. As stated above, staff believes that an initial study and mitigated negative declaration are the appropriate environmental documents for the proposed project

### **Change of proposed Mitigation Measure # 1**

Upon further review, planning staff recommends that this Mitigation Measure be revised from the original proposed tower color of blue or Robin’s blue to the following: “the tower should remain the dull grey color and that all antennas, whips and other related fixtures on the proposed telecommunication tower shall be painted grey to match the proposed

telecommunication lattice tower.” In addition, “all future antennas, dishes, relays and other associated telecommunication equipment attached to the proposed tower shall painted to match the existing tower.” (Condition # 7)

### **Alternative Site Analysis**

In reviewing the most efficient site feasible, and per the requirements of the County’s Zoning Ordinance, the Department of Information Technology reviewed other potential sites for development of the proposed project (Exhibit “K”), including:

- (1) An existing 80-foot PG&E tower located one block south of the County Agriculture Department property;
- (2) Cal Am Water Tank and existing tower one block south at the County Agriculture Department;
- (3) Doud Ranch Cell Tower area. The site is located to the south of King City and sits upon a mesa overlooking the community;
- (4) AM Radio Tower north of town;
- (5) San Lorenzo Park and
- (6) King City Waste Water Facility

The site(s) would not be suitable for the following reasons:

- lack on continual funding;
- security could be compromised;
- existing wireless communication facilities could not support the antennas and associated equipment needed for the proposed project;
- additional telecommunication equipment would be required;
- additional funding would be required to lease the site;
- cost of developing the site would be too expensive;
- Technical needs due to the geography of the coverage area; and
- the type of technology being used.

After carefully reviewing the alternative analysis and the requirements of Chapter 21.64.310 of the County’s Zoning Ordinance, the applicant concluded that the proposed site is the most adequate and practical to build the project given the technical requirements needed for the provision of the services provided by the facility.

### **Flight Patterns**

The proposed project is located over a mile away from the King City airport. Planning staff determined that the project as proposed will not interfere with any new or potential flight plans from King City Airport. A copy of the project plans and the initial study/mitigated negative declaration was sent to the King City airport and no comments were received. The Federal Aviation Administration reviewed the proposed project in 2005, and determined that the project as proposed does not create a flight hazard (Exhibit L).

The project site does not lie within an agricultural area, therefore planning staff is recommending that no beacon light be placed on the top of the tower. A light would only attract additional attention to the proposed wireless co-locatable telecommunication facility.

## **Discussion with King City**

Planning staff met with King City planning staff to discuss the project and the potential of building the wireless telecommunication facility at an alternative site located at the waste water treatment plant northwest of the city limits. While a wireless communication facility could be constructed at this location, due to lack of funding and the tower size required to provide essential emergency services to areas inside and outside King City, it would not be adequate to provide the technical requirements needed for the project; in addition, a facility would still be required at the proposed site to technically complement a potential facility at the water treatment plant, which would result in two facilities/towers in two different locations. This option would lead to the proliferation of towers which is discouraged in the Wireless Telecommunication Ordinance (21.64.310.E.1). The alternative site location is not feasible for the County of Monterey.

In addition, planning staff received a memorandum from city staff from Maricruz Aguilar on September 14<sup>th</sup>, 2008, (Exhibit J) requesting a landscaping plan to include native species from the King City vicinity as a condition of approval for the project site. Staff has incorporated this request into a Condition of Approval

Planning staff determined that the proposed project site is the superior site.

## **Conclusion**

The project as proposed meets the intent of the Monterey County General Plan and the regulations of Chapter 21.064.310 of the Zoning Ordinance (Title 21) of Monterey County. Planning staff reviewed potential alternative sites provided by the applicant and determined that the proposed project site is the environmentally superior site.

Planning staff recommends that the zoning administrator: (1) adopt the mitigated negative declaration (Exhibit G); (2) adopt the Condition Compliance/Mitigation Monitoring Plan with the substitute mitigation measure recommended by staff (Exhibit H); and (3) approve the proposed project PLN080190 based on the Findings and Evidence (Exhibit "C"), and the Conditions of Approval (Exhibit "D").

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE**

1 **FINDING: CONSISTENCY** - The application is consistent with the provisions of Section 65402 (b) of the California Government Code.

**EVIDENCE:** The site of the proposed wireless telecommunications facility is located at 522 North 2<sup>nd</sup> Street, within the limits of the City of King (Assessor's Parcel Number 026-261-001-000), and is owned by Monterey County. The project has been reviewed and processed under the provisions of Section 65402 (b) of the California Government Code. These provisions require in part that a county shall not "...construct or authorize a public building or structure, in another county or within the corporate limits of a city if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto..." until such public building or structure "have been submitted to and reported upon by the planning agency having jurisdiction, as to the conformity with said adopted general plan or part thereof." The application was submitted to the City of King for review on September 5, 2008. In correspondence dated September 14, 2008, the City states that the City Council "discussed the proposed antenna during the September 9, 2008 Council meeting." In their review, the City Council requested the installation of landscaping and the painting of existing buildings on the site to reduce the visibility of the proposed facility. A corresponding condition of approval requesting certain landscaping has been included in the recommended conditions of approval of the project.

2. **FINDING: CONSISTENCY** - The application is consistent with the provisions of Government Code Sections 53090 and 53091 of the California Government Code.

**EVIDENCE:** The site of the proposed wireless telecommunications facility is located at 522 North 2<sup>nd</sup> Street, within the limits of the City of King (Assessor's Parcel Number 026-261-001-000), and is owned by Monterey County. While Government Code Section 53091 provides that "Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated...", Government Code Section 53090 defines "local agency" to specifically exclude a county, among other entities. These provisions have been interpreted to mean that municipal restrictions or zoning ordinances do not generally apply to the state or any of its subdivisions such as counties and legal precedent has been set to that effect. [40 Ops. Cal. Atty. Gen. 243 (1962) (county owned property situated in a city was exempt from city ordinances)]; Lawler v. City of Redding (1992) 7 Cal. App. 4th 778, 784-785 [cities and counties are exempt from each other's building and zoning regulations, including compliance with general plans]. Therefore, the County of Monterey, as the applicant, is not obliged to comply with the provisions of the King City's general plan or zoning ordinance to develop property owned by the County within the territorial jurisdiction of the City.

3. **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: RMA - Planning Department, King City Fire

Department, King City Police Department, Parks, 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) Site inspection conducted by staff on 21 August 2008.

(c) Materials in Project File PLN080190.

4. **FINDING:** CEQA – The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Mitigated Negative Declaration has been prepared and is on file in the office of the RMA - Planning Department (File No. PLN080190). Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, mitigated and conditioned, may cause a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Conditions of project approval and/or mitigation measures have been identified in the Initial Study, incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. These conditions of project approval and mitigation measures have been included into the Mitigation Monitoring / Condition Compliance Reporting Plan. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County RMA - Planning Department located at 168 W Alisal St., CA.

**EVIDENCE:** An Initial Study was prepared for the project by Rincon Consultants, under contract with the Planning Department, in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Initial Study was circulated for public review from January 28, 2008 to February 27, 2008. The Initial Study identified potentially significant impacts resulting from the visibility of the project from nearby residential areas located within the City of King. The Initial Study identified a mitigation measure requiring certain paint color for the lattice tower to reduce its visibility, and concluded that with this mitigation and the fact that the tower is a lattice tower which allows a degree of transparency, the project would not have significant environmental impacts. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes land use plans, ordinances, data, and reports supporting the initial study and the project; documentation requested by staff regarding potential alternative sites for the project; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among



the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Chapter 21.064.310 of the Monterey County Zoning Ordinance;
2. Monterey County General Plan and Central Salinas Valley Area Plan;
3. Communications Upgrade Project, King City Site Assessment, prepared by the Monterey County Department of Information Technology (Applicant), reviewed by staff from the Monterey County Resource Management Agency – Planning Department and contained in the project file.

5. **FINDING: CEQA SUBSTITUTION OF MITIGATION MEASURES** – Upon further review of the proposed mitigation measure requiring certain paint color for the proposed lattice tower, staff has identified a different color which would be equivalent or more effective in mitigating or avoiding potential significant effects and that itself will not cause any potentially significant effect on the environment.

**EVIDENCE:** Staff has recommended a revised Mitigation Measure 1 as follows: “The proposed lattice tower shall be painted grey and all associated antennas, dishes and relays shall be painted grey, or as otherwise approved by the Director of Planning and Building Inspection. This change will allow the flexibility to reduce the visual impacts of the 110-foot lattice tower.

**EVIDENCE:** An additional Condition of Approval action to ensure future installation of towers, antennas, dishes, and relays shall be painted grey to match the existing tower which will further reduce visual impacts to the surrounding communities. The timing has been changed to “on-going.”

6. **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 Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

7. **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.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040 B of the Monterey County Zoning Ordinance (Title 21).

**CONSISTENCY WITH REQUIREMENTS OF THE REGULATIONS FOR THE SITING, DESIGN, AND CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES (CHAPTER 21.064.310) OF THE MONTEREY COUNTY ZONING ORDINANCE**

9. **FINDING:** **CONSISTENCY** - 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, Area Plan or Local Coastal Plan.

- EVIDENCE:** (a) The existing uses on the site have been established for years for general commercial and have been historically used by the County of Monterey Agricultural Commissioner's Office.
- (b) The proposed tower will be visible from surrounding communities and from the majority of the town of King City. The project site is general commercial where the County of Monterey recommends new and replacement towers.
- (c) The project site is not located within a County designed scenic corridor, will be minimally visible from designated County public viewing areas (i.e. County roads), is not located in a County designated environmental or an archaeological resource area.
- (d) Materials in project file # PLN080190

10. **FINDING:** The site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the most adequate for the provision of services as required by the FCC.

- EVIDENCE:** (a) The applicant considered multiple alternate locations for development of the proposed facility. The applicant has provided a technical analysis (Exhibit K to the December 11, 2008 Staff report) which demonstrates that the site of the proposed facility is the most adequate to provide wireless communication services needed by several agencies in the area.
- (b) The Mitigated Negative Declaration prepared on January 9, 2008 by Rincon Consultants, Inc.
- (c) Proposed project complies with all FCC rules and regulations.
- (e) Alternative site analysis (Exhibit K)
- (f) Material located in project file # PLN080190

11. **FINDING:** That the proposed wireless communication facility complies with all of the applicable requirements of Section 20.64.310 of Title 21 (Zoning Ordinance).

- EVIDENCE:** (a) Planning staff has reviewed the present proposal and determined that the project as proposed meets the requirements and intent County of Monterey Telecommunication Ordinance 21.64.030 and the County of Monterey General Plan.
- (b) The project as proposed is a co-locatable wireless telecommunication tower with the capacity of holding additional carriers.
- (c) The project site is in a commercial district, where planning staff recommends new telecommunication towers should be located.
- (d) Alternative site analysis (Exhibit K).
- (e) The design of the proposed facility has been integrated to the existing buildings on the site.

- (f) The proposed facility complies with all rules, regulations and standards of the Federal Communications Commission.
- (g) The proposed facility would not be located in any County-designated scenic corridor or public viewing area.
- (h) Lighting would be manually operated and used only during night maintenance checks or in emergencies.
- (i) No special painting is required by the Federal Aviation Administration.

**12. 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 this Title and that all zoning violation abatement costs, if any have been paid.

- EVIDENCE:**
- (a) the project as proposed complies with the regulations of Chapter 21.64.310 (Regulations for the Siting, Design, and Construction of Wireless Communication Facilities) of the Monterey County Zoning Ordinance and other relevant zoning/general plan policies and/or ordinances.
  - (b) The proposed building site is owned and operated by the County of Monterey. There is no record of any violation of any regulation applicable to the site.
  - (c) See preceding findings and evidence
  - (d) Materials located in project number PLN080190

**13. FINDING:** That the proposed wireless communication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- (a) The project site is not located with any flight pattern nor is it adjacent to any farmlands requiring crop dusting thereby not requiring a light to be located on the top of the proposed 110-foot wireless telecommunication tower.
  - (b) The applicant/owner is required to comply with all the Federal State and local Codes, including the notification of compliance with all applicable FAA regulations.
  - (c) The project is located approximately a mile away from the King City airport.
  - (d) Materials located in project file PLN080190.
  - (e) The proposed project complies with the Monterey County General Plan, Title 21 and the Monterey County Telecommunication Ordinance (21.64.310).
  - (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080190.

<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b>	<b>Project Name:</b> <u>Monterey County Wireless Telecommunication Facility</u> <b>File No:</b> <u>PLN080190</u> <b>APN:</b> 026-261-001-000 <b>Approved by:</b> Zoning Administrator <b>Date:</b> 21/11/2008
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*\*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>
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1.		<p><b>PD001 - SPECIFIC USES ONLY</b>  This Use Permit (PLN080190) allows the construction of a 110-foot wireless telecommunication facility and associated ground equipment shelters. The property is located at 522 N. Second St., King City (Assessor’s Parcel Number 026-261-001-000), Central Salinas Valley Area. 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 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></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 080190) was approved by the (<b><i>HEARING BODY</i></b>) for Assessor's Parcel Number 026-261-001-000 on (<b><i>DATE</i></b>). The permit was granted subject to <u>six</u> conditions of approval and two Mitigation Measures 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>)</p>	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 or commencement of use.	

<i>Permit Cond. Number</i>	<i>Mitig. Numbe r</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>Responsibl e Party for Complianc e</i>	<i>Timing</i>	<i>Verificat ion of Complia nce (name/d ate)</i>
3.		<p><b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</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 RMA – Planning 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. <b>(RMA – Planning Department)</b></p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA – Planning 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.</p>	<p>Owner/ Applicant/ Archaeo- logist</p>	<p>Ongoing</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>
4.		<p><b>PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>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. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from a common public viewing area are prohibited. The plan shall obtain provisions for the <u>manual operation</u> of the lighting fixtures of the equipment shelter buildings; these fixtures shall only be used during night maintenance checks or in emergencies. 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. 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></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval.</p> <p>Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
5.		<p><b>EH28 – HAZ MAT BUSINESS PLAN</b></p> <p>The applicant/owner shall submit a HAZ MAT BUSINESS PLAN to Environmental Health for review. <b>(Division of Environmental Health)</b></p>	The applicant shall submit to environmental health a HAZ MAT BUSINESS PLAN for approval	Applicant /Owner		



<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>
6.		<b>SPD001 (Future Additions)</b> All future associated antennas, relays, dishes, whips and other associated equipment attached to the wireless telecommunication tower shall be painted a dull non-reflective grey to match the proposed tower.” (RMA Planning Department)	Applicant agrees in writing that all future additional antennas, relays, dishes, whips and associated telecommunication projects will be painted to match the existing wireless telecommunication tower	Owner/ Applicant	On-going	
7.	MM#1	<b>Mitigation Monitoring Measure # 1 (MM #1) (colors)</b> <del>The proposed lattice tower shall be painted blue or Robin’s blue.</del> The lattice tower, associated antennas and dishes shall be painted a non-reflective grey color. (RMA - Planning Department)	The applicant shall paint the 110 foot lattice tower, associated antennas, whips and dishes shall be painted a non-reflective grey color which matches the proposed tower. Color shall be approved prior to issuance of a building permit.	Owner/ Applicant	Within 120 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
8.	MM#2	<b>Mitigation Monitoring Measure #2 (MM#2) (Construction Hours):</b> The applicant shall ensure that noise generating construction activities are limited to Monday through Friday between the hours of 7:00 am and 7:00 pm, and Saturdays between 8:00 am and 5:00 pm. Noise generating construction shall not be permitted on Sundays or County and/or City holidays. (RMA - Planning Department)	The applicant/owner shall limit construction hours from 7:00 AM – 7:00 PM. No construction is allowed on Sundays and/or County/City holidays	Owner/ Applicant	On-going during construction	

