

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> January 28, 2010	<b>Time:</b> 1:30 P.M.	<b>Agenda Item No.:</b> 5
<b>Project Description:</b> After-the-fact Coastal Development Permit (per 20.62.030.B) and Design Approval for an existing telecom facility to allow an increase in lattice tower height from 20 feet to the existing 30 feet, to allow a proposed 10 foot pipe mount extension (total height of 40 feet), and to allow the proposed addition of new equipment within the existing enclosure area (GPS antenna, two panel antenna, microwave dish, and equipment cabinet).		
<b>Project Location:</b> Red Wolf Drive, Point Lobos Ridge		<b>APN:</b> 416-011-007-000
<b>Planning File Number:</b> PLN090271		<b>Owner:</b> Big Sur Land Trust <b>Agent:</b> SBA Network Services
<b>Planning Area:</b> Carmel Area Land Use Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> WSC/80-D (CZ) [Watershed and Scenic Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone)]		
<b>CEQA Action:</b> Categorically Exempt per CEQA Guidelines Section 15301(b)		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically exempt PLN090271 per CEQA Guidelines Section 15301(b); and
- 2) Approve PLN090271, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

### PROJECT OVERVIEW:

The applicant proposes an after-the-fact increase in lattice tower height from 20 feet to the existing 30 feet, a 10 foot pipe mount extension (total height of 40 feet), and the addition of new equipment within the existing enclosure area (GPS antenna, two panel antenna, microwave dish, new generator, and equipment cabinet). The Monterey County Zoning Ordinance (Title 20), Section 20.62.030.B, allows increases in tower height with a Coastal Development Permit. The applicant proposes to increase the height from the previously-approved 20 feet to a new height of 40 feet. The proposed height increase is required to ensure separation between antennas in order to avoid signal interference, and to avoid tree obstruction of signal transmissions.

The existing telecommunications facility was originally approved by Coastal Commission permit number 87-33 and County planning file number PC05990. These permits authorized a 20 foot lattice tower, an equipment shelter, and associated antennae. Subsequent permits allowed shelter and equipment additions and modifications (PC92238, PC07182, PLN980091, PLN000701, DA020282, and DA070260); however, none of these subsequent permits allowed an increase in tower height to the existing 30 feet. During review of a separate application (PLN080442), the County discovered that the lattice tower on site was increased in height without required permits. The tower was originally approved for a height of 20 feet, but was subsequently increased to a current height of 30 feet. The site manager (SBA Network Services) submitted this application to correct the outstanding violation. The County also completed environmental review and adopted a Negative Declaration under PC07182.

Visual Resource policies of the Carmel Area Land Use Plan (LUP) are designed to protect the public viewshed, which is defined as areas visible from major public use areas including Highway One and Point Lobos State Reserve (LUP Map A, General Viewshed). The project, as proposed and conditioned, is consistent with policies of the LUP dealing with visual resources and will have no significant impact on the highly sensitive viewshed, and will not result in ridgeline

development. The project site is not visible from common public viewing areas due to distance and existing tree screening.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

RMA - Public Works Department  
Environmental Health Division  
Water Resources Agency  
Carmel Highlands Fire Protection District (FPD)  
California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA – Planning Department have been incorporated into the Condition Compliance and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator. The Carmel Highlands LUAC continued the item at a public meeting held on November 2, 2009, and unanimously recommended approval at a public meeting held on November 16, 2009.

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

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December 22, 2009

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Big Sur Land Trust, Owner; SBA Network Services (Attn: Audrey Smith), Agent; Planning File PLN090271

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
1. Conditions of Approval  
2. Site Plan and Elevations  
Exhibit C Vicinity Map  
Exhibit D Advisory Committee Minutes

This report was reviewed by Laura Lawrence, Planning Services Manager.

**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Big Sur Land Trust (PLN090271)**

**RESOLUTION NO.**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempting PLN090271 per CEQA Guidelines Section 15301(b); and
- 2) Approving an after-the-fact Coastal Development Permit (per 20.62.030.B) and Design Approval for an existing telecom facility to allow an increase in lattice tower height from 20 feet to the existing 30 feet, to allow a proposed 10 foot pipe mount extension (total height of 40 feet), and to allow the proposed addition of new equipment within the existing enclosure area (GPS antenna, two panel antenna, microwave dish, and equipment cabinet).

(PLN090271, Big Sur Land Trust, Red Wolf Drive, Carmel Area Land Use Plan, APN: 416-011-007-000)

**The Big Sur Land Trust (SBA Network Services) application (PLN090271) came on for public hearing before the Monterey County Zoning Administrator on January 28, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - Carmel Area Land Use Plan,
  - Carmel Area Coastal Implementation Plan (Part 4),
  - Monterey County Zoning Ordinance (Title 20)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 on Red Wolf Drive, Point Lobos Ridge (Assessor's Parcel Number 416-011-007-000), Carmel Area Land Use Plan. The parcel is zoned WSC/80-D (CZ) [Watershed and Scenic

Conservation, 80 acres per unit, with a Design Control Overlay (Coastal Zone)], which allows additions to existing, approved wireless communications facilities. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on August 21, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Viewshed and Ridgeline Development: See Finding Nos. 7 and 8.
- e) Height: The Monterey County Zoning Ordinance (Title 20), Section 20.62.030.B, allows increases in tower height to a greater height than the limit established for the district in which they are to be located, subject to securing a Coastal Development Permit in each case. The applicant proposes to increase the height from the previously-approved 20 feet to a new height of 40 feet. The proposed height increase is required to ensure separation between antennas in order to avoid signal interference, and to avoid tree obstruction of signal transmissions.
- f) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves a Design Approval subject to review by the Zoning Administrator. The Carmel Highlands LUAC continued the item at a public meeting held on November 2, 2009, and unanimously recommended approval, with conditions, at a public meeting held on November 16, 2009. The LUAC recommended the tower and equipment be painted a color that would blend with the site location. Condition No. 10 requires the applicant to submit proposed colors for review and approval prior to commencement of use. The LUAC also recommended that no new antennas be allowed at this facility; however, this recommendation is inconsistent with state law regarding co-location of telecommunication providers. Condition No. 9 shall also require the applicant to maintain the enclosure area.
- g) 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 PLN090271.

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: RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, 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) Staff identified potential impacts to visual resources. The applicant submitted photographic evidence demonstrating the site is not visible from the Highway 1 scenic corridor, and that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed this

evidence and concurs with the conclusions.

- c) Staff conducted a site inspection on August 21, 2009, to verify that the site is suitable for this use.
- d) 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 PLN090271.

3. **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:**
- a) The project was reviewed by the RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Preceding findings and supporting evidence for PLN090271.

4. **FINDING: NO VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. Violations exist on the property.

- EVIDENCE:**
- a) The proposed project cures an existing violation regarding an increase in tower height from 20 feet to 30 feet without the required permits. When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violation.
  - b) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any other violations existing on the subject property.
  - c) Zoning violation abatement costs have been paid.
  - d) Staff conducted a site inspection on August 21, 2009, and researched County records to assess if any violation exists on the subject property.
  - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090271.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301(b) categorically exempts the minor alteration of existing public or private structures and facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

- b) The applicant proposes an increase of tower height and equipment additions to an existing telecommunications facility, within an existing enclosure area. The project will not result in an increase to site coverage. Nor will the project, as proposed, result in any visual impacts. Therefore, the proposed development is consistent with Section 15301(b).
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 21, 2009.
- d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090271.
  - e) The project planner conducted a site inspection on August 21, 2009.

7. **FINDING:** **RIDGELINE DEVELOPMENT** – The subject project, as conditioned by this permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

- EVIDENCE:**
- a) Pursuant to Section 20.66 of the Monterey County Zoning Ordinance, ridgeline development may be approved if, as conditioned or designed, the project will not create a substantially adverse visual impact when viewed from a common public viewing area.
  - b) There is no alternative location on the subject site which would allow a reasonable development without the potential for ridgeline development.
  - c) The project planner conducted a site inspection on August 21, 2009, to verify that the project on the subject parcel conforms to the ridgeline development requirement to not create a substantially adverse visual impact. The project is not visible from a common public viewing area.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090271.

8. **FINDING: VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes development within a highly sensitive viewshed. In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), the project has been designed and conditioned to minimize potential impacts.
  - b) Visual Resource policies of the Carmel Area Land Use Plan (LUP) are designed to protect the public viewshed, which is defined as areas visible from major public use areas including Highway One and Point Lobos State Reserve (Map A, General Viewshed). Development visible from these areas is regulated to ensure minimum visual impact based on the visual policies. The overriding Key Policy for Visual Resources (Policy 2.2.2) states that “all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area” and that it “must conform to the basic viewshed policy of minimum visibility.” Specific policies include avoiding ridgeline development, minimizing visibility, using appropriate materials, and landscaping to screen development. The project, as proposed and conditioned, is consistent with policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the highly sensitive viewshed.
  - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090271. The potential visual impacts of the new structure height and equipment were evaluated based on flagging, site visit, and information submitted by the applicant in a viewshed analysis of the project and project plans.
  - d) The project planner conducted a site inspection on August 21, 2009, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development. The project, as proposed, is not visible from a common public viewing area due to distance and existing tree screening.

9. **FINDING: WIRELESS COMMUNICATION FACILITIES** – 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. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code Section 20.64.310. The subject property on which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 20 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.

- EVIDENCE:**
- a) The project consists of tower height and equipment additions, within an

existing enclosure area, at an existing wireless communications facility. As proposed, the project will not result in an increase of site coverage, will not result in visual impacts or ridgeline development, and will not result in impacts to environmentally sensitive resources. See Finding Nos. 5, 7, and 8.

- b) The proposed height increase is required to ensure separation between antennas in order to avoid signal interference, and to avoid tree obstruction of signal transmissions.
- c) Conditions have been incorporated that would reduce the potential for visual impacts, require modifications in the event of technological advances, and restoration of the site (Condition Nos. 4, 6 and 8).
- d) The project is consistent with Section 20.64.310.I (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 and the proposed height is within limitations. The site is approximately seven miles from the Monterey Peninsula Airport, the nearest airport. Therefore, 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).
- e) Staff site visit on August 21, 2009, and project photos in Project File PLN090271.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN090271 per CEQA Guidelines Section 15301(b); and
- B. Approve an after-the-fact Coastal Development Permit (per 20.62.030.B) and Design Approval for an existing telecom facility to allow an increase in lattice tower height from 20 feet to the existing 30 feet, to allow a proposed 10 foot pipe mount extension (total height of 40 feet), and to allow the proposed addition of new equipment within the existing enclosure area (GPS antenna, two panel antenna, microwave dish, and equipment cabinet), in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.



**PASSED AND ADOPTED** this 28<sup>th</sup> day of January, 2010:

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MIKE NOVO, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: Big Sur Land Trust**

**File No: PLN090271**

**APNs: 416-011-007-000**

**Approved by: Zoning Administrator**

**Date: January 28, 2010**

*\*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>
<b>RMA – Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This after-the-fact Coastal Development Permit and Design Approval (PLN090271) for an existing telecom facility allows an increase in lattice tower height from 20 feet to the existing 30 feet, allows a proposed 10 foot pipe mount extension (total height of 40 feet), and allows the proposed addition of new equipment within the existing enclosure area (GPS antenna, two panel antenna, microwave dish, and equipment cabinet). The property is located on Red Wolf Drive, Point Lobos Ridge (Assessor’s Parcel Number 416-011-007-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. <b>(RMA-Planning Department)</b></p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner / Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated.</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>
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 416-011-007-000 on January 28, 2010. The permit was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." ( <b>RMA-Planning Department</b> )	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner / Applicant  RMA-Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on January 28, 2013, unless use of the property or actual construction has begun within this period. ( <b>RMA – Planning Department</b> )	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval.	
4.		<b>PD039(B) – WIRELESS COMMUNICATION FACILITIES</b> 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. ( <b>RMA – Planning Department</b> )	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.	
5.		<b>PD039(C) – WIRELESS COMMUNICATION FACILITIES</b> The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. 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	Encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. The overall height of the tower and pole shall not exceed 40 feet.	Owner / Applicant	Ongoing	

<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>
		approves additional permits or waivers. In any case, the overall height of the tower and pole shall not exceed 40 feet. <b>(RMA – Planning Department)</b>				
6.		<b>PD039(D) – WIRELESS COMMUNICATION FACILITIES</b> If the applicant abandons the facility or terminates the use, the applicant shall remove the tower, monopole, 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. 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>	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.  Restore the site to its natural state.	Owner / Applicant  Owner / Applicant	Prior to the issuance of grading or building permits / Ongoing  Within 6 months of termination of use or abandonment of site.	
7.		<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	
8.		<b>PD041 – HEIGHT VERIFICATION (NON-STANDARD)</b> The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of the structure(s) is consistent with what	The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of the structure(s) from the benchmark is	Owner / Applicant / Engineer	Prior to final inspection.	

<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>
		was approved on the building permit associated with this project. <b>(RMA – Planning Department and Building Services Department)</b>	consistent with what was approved on the building permit.			
9.		<b>PDSP001 - ENCLOSURE MAINTENANCE (NON-STANDARD)</b> All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(RMA – Planning Department)</b>	All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free condition.	Owner / Applicant	Ongoing	
10.		<b>PDSP002 – VERIFICATION OF EXTERIOR COLORS</b> In order to minimize potential glare and visibility of the facility, all materials shall be non-reflective materials or painted in tones to blend into the surrounding environment. Prior to commencement of use, the applicant shall submit proposed colors to the RMA-Planning Department for review and approval. <b>(RMA – Planning Department)</b>	Prior to commencement of use, exterior colors shall be reviewed and approved by the RMA -Planning Department for conformance.	Owner / Applicant	Prior to commencement of use.	

**END OF CONDITIONS**