

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: June 13, 2013 Time: 1:30 P.M.	Agenda Item No.: 1
Project Description: Consider a Design Approval to allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. Colors and materials to consist of black aluminum.	
Project Location: Water tank easement located at 10 Oak Meadow Lane, Carmel Valley	APN: 187-031-025-000
Planning File Number: PLN130374	Owner (Easement Holder): California American Water Company Agent: Anthony Lombardo
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: : Low Density Residential with Building Site, Design Control, Site Plan Review, and Residential Allocation Zoning District Overlays, or "LDR B-6 D-S RAZ"	
CEQA Action: Categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301; and
- 2) Approve the Design Approval (PLN130374), based on the findings and evidence and subject to the conditions of approval (**Exhibit A**).

PROJECT OVERVIEW:

On December 7, 2012, California American Water Company ("Cal-Am") applied for an after-the-fact Design Approval (PLN120817) to correct a code violation (11CE00134) to allow for the placement of a twenty foot high water tank communication antenna within a water tank easement located at 10 Oak Meadow Lane, Carmel Valley. According to Cal-Am the purpose of the communication antenna is to meter water levels in the attached water tank that serves the Rancho Del Sol Subdivision, and the information is relayed to another antenna/water tank site located approximately 1/8 mile away.

On January 7, 2013 the RMA- Director of Planning approved the after-the-fact Design Approval for an existing 20 foot tall antenna. Notice of the approved Design Approval was mailed to all property owners within 300 feet of the subject property, and subsequently, Constance Murray, the property owner filed an appeal of the approved Design Approval.

On April 9, 2013, at the public hearing on the appeal before the Board of Supervisors, the applicant stated an alternative design that would be a lower profile than the twenty foot tall antenna was being worked on. At the April 9 hearing, the Board set aside the decision of the Resource Management Agency – Planning Director's approval of the Design Approval allowing for the placement of a twenty foot high wireless communication antenna, remanded the application for the alternative design to the Zoning Administrator to render a decision and rendered the April 9, 2013 Board of Supervisor's action as final on the Murray appeal.

Cal Am submitted an application for the alternative design, (an approximately 18-inch radio antenna mounted on a 5 foot high electrical cabinet) on May 1, 2013. Based on staff's review,

the alternative design is consistent with the regulations of Title 21 (Zoning Ordinance), policies of the Carmel Valley Master Plan and the 2010 Monterey County General Plan. The 18-inch radio antenna mounted on an existing electrical cabinet with a total height of 6.5 feet will not be visible from Laureles Grade Road, will not have an impact on public views and will not create ridgeline development due to the size of the antenna and the distance. The radio antenna will be minimally visible when traveling on Oak Meadow Lane, which is toward the end of a private road. Viewshed policies do not protect views from private roads.

A condition of approval requires that the existing twenty foot antenna be removed within thirty days of permit approval to abate the violation.

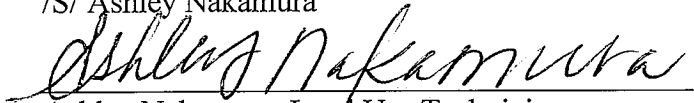
AGENCY INVOLVEMENT: The RMA-Planning Department has reviewed this project.

Conditions recommended by RMA-Planning Department have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit A**).

The application (PLN130374) and alternative plans were reviewed by the Carmel Valley Land Use Advisory Committee (LUAC) on June 3, 2013. The minutes of the LUAC meeting will be included in staff's presentation at the hearing.

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

/S/ Ashley Nakamura



Ashley Nakamura, Land Use Technician
(831) 755-5892, NakamuraA@co.monterey.ca.us
May 21, 2013

cc: Front Counter Copy; Zoning Administrator; Wanda Hickman, Planning Services Manager; Ashley Nakamura, Project Planner; Murray Constance, Property Owner; California American Water Company, Easement Holder; Mark Blum, Agent/Attorney; Anthony Lombardo, Agent/Attorney; The Open Monterey Project; LandWatch; Planning File PLN130374

Attachments:	Exhibit A	Draft Resolution, including:
		• Conditions of Approval
		• Site Plan and Elevations
	Exhibit B	Board Resolution
	Exhibit C	Final Map for Rancho Del Sol
	Exhibit D	Vicinity Map


This report was reviewed by Wanda Hickman. 

Exhibit A
Draft Resolution, including:
Conditions of Approval
Site Plan and Elevations

California-American Water Company
PLN130374

**EXHIBIT A
DRAFT RESOLUTION**

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

In the matter of the application of:

Murray (PLN130374)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Hearing Body:

- 1) Finding the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301; and
- 2) Approving a Design Approval to allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. Colors and materials to consist of black aluminum.

[PLN130374, California American Water Company (Easement Holder), Water Tank Easement located at 10 Oak Meadow Lane, Carmel Valley, Carmel Valley Master Plan (APN: 187-031-025-000)]

The California American Water Company application (PLN130374) came on for public hearing before the Monterey County Zoning Administrator on June 13, 2013. 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:** **PROJECT DESCRIPTION** – The proposed project is a Design Approval to allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. Colors and materials to consist of black aluminum. The applicant is California American Water Company (“Cal-Am”) who holds a water tank easement on the property owned by Constance Murray, located at 10 Oak Meadow Lane, Carmel Valley.

EVIDENCE: 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 PLN130374.

2. **FINDING:** **PROJECT HISTORY** - On December 7, 2012, California American Cal-Am applied for an after-the-fact Design Approval (PLN120817) to correct a code violation (11CE00134), and to allow for the placement of a twenty foot tall water tank communication antenna within a water tank easement held by Cal-Am to relay communications relative to the water tank. On January 7, 2013 the RMA- Director of Planning approved the Design Approval. A Notice of Approved Design Approval was mailed to all property owners within 300 feet of the subject property on January 9, 2013. On January 22, 2013, Constance Murray (“Appellant”) filed a timely appeal from the RMA-Planning Director’s approval of the Design Approval. The Board of Supervisors held a hearing on the appeal on April 9, 2013. At the April 9, 2013 hearing, the applicant stated that an alternative design would be submitted. The Board of Supervisors set aside the decision of the Resource Management Agency – Planning Director’s approval of the Design Approval allowing for the placement of a twenty foot tall wireless communication antenna, remanded the application for the alternative design to the Zoning Administrator to render a decision, and rendered the April 9, 2013

EVIDENCE: a) Board of Supervisor’s action final on the Murray appeal.
b) Board of Supervisors Resolution No. 13-137.
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 PLN120817.

3. **FINDING:** **PROCESS** – The subject Design Approval (PLN130374 California-American Water Company) complies with all applicable procedural requirements.

EVIDENCE: a) The application for the alternative design was submitted on May 17, 2013.
b) Notices of the June 13, 2013 Zoning Administrator hearing were published in the Monterey County Herald on May 30, 2013, and mailed to neighbors within 300 feet on May 28, 2013, pursuant to Monterey County Code Chapter 21.78. Public hearing notices for hearing were posted in three different public places on or near the subject property.
c) 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 Files PLN120817 and PLN130374.

4. **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 2010 Monterey County General Plan;
- Carmel Valley Master Plan;
- Monterey County Zoning Ordinance (Title 21);
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 on which Cal-Am's easement is located is at 10 Oak Meadow Lane, Carmel Valley (Assessor's Parcel Number 187-031-025-000), Carmel Valley Mater Plan. The parcel is zoned Low Density Residential with Building Site, Design Control, Site Plan Review, and Residential Allocation Zoning District Overlays, or "LDR B-6 D-S RAZ", which allows accessory structures, accessory to any permitted use. The existing water tank is the permitted use and the antenna is accessory to the water tank. Therefore, the project is an allowed land use for this site, subject to a Design Approval.
- c) The subject property is located within a Design Control District, which provides for the regulation of size, configuration, materials and colors of structures to ensure protection of the public viewshed, neighborhood character, and visual integrity of structures. The project consists of the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. The antenna is accessory to the existing water tank and serves as a communication device related to the water tank and the reliability of the water system.
- d) The subject site is located within the visual sensitivity map, as shown on the Scenic Highways Corridor and Visual Sensitivity, Greater Monterey Peninsula Map, Figure #14. Although this parcel is identified on the visual sensitivity map, the antenna is not visible from Laureles Grade Road and will not have a significant visual impact from the public viewshed. The antenna is visible when traveling on Oak Meadow Lane, which is a private road. However, policies do not protect views from private roads.
- e) This antenna is not subject to the County's regulations for wireless communication facilities (Monterey County Code, Title 21, Section 21.64.310). The Wireless Communication Facility Regulations were intended to regulate cell towers and not other land uses or associated structures appurtenant to an existing land use. The subject antenna is a structure subject to design review, but is not a wireless communication facility, as it is appurtenant to the land use of the site, which is a water tank. The antenna simply communicates the water levels of the tank to Cal-Am.
- f) Staff determined that the project is not considered ridgeline development, which by definition in Monterey County Code Title 21, Section 21.06.950, is development on the crest of a hill which has the potential to create a silhouette or other substantially adverse visual impact when viewed from a common public viewing area. When viewed from Laureles Grade Road, the trees located on the neighboring property and the distant hills at higher elevations prevent the antenna from creating a silhouette. Monterey County Code Title 21, Section 21.06.1275, defines Substantial Adverse Visual Impact as "a visual impact which, considering the condition of the existing viewshed, the proximity and the duration of the view when observed with normal unaided vision, causes an existing visual experience to be materially

degraded.” As previously stated, the antenna is not visible from Laureles Grade Road with unaided vision and, therefore, does not further degrade the existing visual conditions from a public viewing 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 PLN130374.

5. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the RMA - Planning Department. There has been no indication that the site is not suitable for the proposed development.
 - b) The water tank and antenna exist within a Water Tank Easement, as shown on the final map for the Rancho del Sol subdivision, recorded in October 1979 at Volume 14 of Cities and Towns, page 42. Cal-Am holds an easement together with all improvements thereon. (Attachment C to the staff report)
 - c) 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 PLN130374.

6. **FINDING:** **NO VIOLATIONS** - The subject property is in not compliance with all rules and regulations pertaining to zoning uses. One violation exists on the property. The approval of this permit will correct the violation and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of one violation existing on subject property. The violation is for the placement of a twenty foot tall water tank communication antenna within a water tank easement (11CE00134) without permits.
 - b) On March 21, 2011 a Code Enforcement Case (11CE00134) was opened by the Monterey County RMA-Building Services Department because of the installation of a monopole antenna without permits. A compliance order was mailed to the underlying property owner, Constance Murray, on May 31, 2011.
 - c) This Design Approval application corrects an existing violation regarding the placement of a twenty foot tall water tank communication antenna within a water tank easement (11CE00134). This permit will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violation. The Design Approval will allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. The antenna is accessory to the water tank facility. The parcel is located within a Design Control District and requires a Design Approval for any exterior

change or modification.

- d) A condition of approval has been incorporated that requires that the existing twenty foot tall antenna be removed within thirty days of permit approval. After the twenty foot tall antenna is removed, the site will be in compliance with all rules and regulations pertaining to zoning uses. (See Condition No. 4)
- 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 PLN130374.

6. **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 categorically exempts existing public or private facilities involving negligible or no expansion of use beyond that which exists at the time of the lead agency's determination. The project as described is an 18 inch high antenna appurtenant to a water tank. The Design Approval replaces the antenna that already exists onsite with a smaller antenna and does not change or expand the use on the site.
 - b) No adverse environmental effects were identified during staff review of the development application during a site visit on February 21, 2013.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The exceptions to exemptions listed in sec. 15300.2 are inapplicable to this project because the project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a hazardous waste site, and will not result in damage to scenic or historic resources.
 - 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 PLN130374.
7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:**
- a) Section 21.80.040 B of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Planning Commission.

DECISION

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

1. Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301;
2. Approve the Design Approval to allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 foot tall communication antenna, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and

PASSED AND ADOPTED this 13th day of June, 2013 upon motion of xxxxx, seconded by xxxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

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.

Form Rev. 01-31-2013

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130374

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Design Approval (PLN130374) to allow the installation of a communication antenna measuring 18 inches in height to replace an existing 20 tall communication antenna. The antenna will be mounted to an existing electrical cabinet that is approximately 5 feet tall. Total height of the antenna as measured from the ground will be 6.5 feet. Colors and materials to consist of black aluminum. The property is located at 10 Oak Meadow Lane, Carmel Valley (Assessor's Parcel Number 187-031-025-000), Carmel Valley Master Plan, was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. For purposes of this Design Approval California-American Water Company is the "Owner/Applicant" and documents required by these conditions of approval to be recorded shall be recorded against the easements held by Cal-Am. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval (Resolution Number ***) was approved by the Zoning Administrator for Assessor's Parcel Number 187-031-025-000 on June 13, 2013. The permit was granted subject to four 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.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Applicant shall submit a 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.

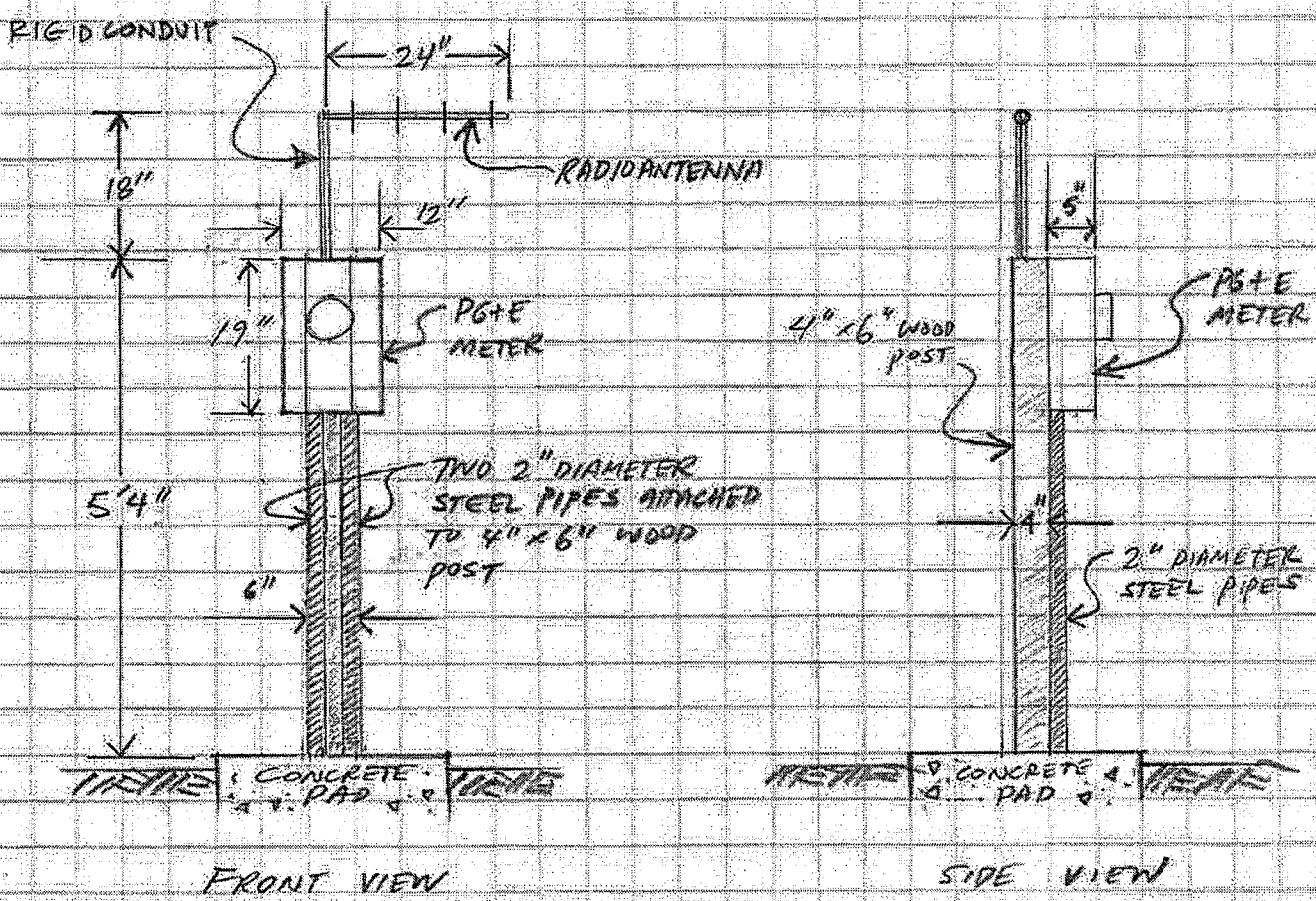
4. PDSP001 - Removal of Existing Antenna

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The existing twenty foot tall communication antenna must be removed within thirty days of permit approval. The new antenna must not be installed prior to the removal of the existing twenty foot tall antenna. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Within thirty days of permit approval the existing twenty foot tall communication antenna must be removed.

Cal-Am must notify the RMA-Planning Department of the removal within thirty days of permit approval and removal must be verified by RMA-Planning Department staff.



RANCHO FIESTA
 PROPOSED ANTENNA LOCATION

Exhibit B
April 9, 2013 Board Resolution

California-American Water Company
PLN130374

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. 13-137

Resolution of the Monterey County Board of Supervisors to:)
 1. Set aside the decision of the Resource Management Agency – Planning Director’s approval of the Design Approval to correct a code violation (11CE00134) allowing for the placement of a twenty foot high wireless communication antenna within a water tank easement to serve a California-American Water Company water tank; and)
 2. Remand the application to the Zoning Administrator to render a decision on the proposed alternative design of a wireless communication antenna; and)
 3. Render this action as the final decision on the Murray appeal.)

The appeal by Constance Murray from the decision of the Resource Management Agency – Planning Director’s approval of the Design Approval (PLN120817) came on for public hearing before the Monterey County Board of Supervisors on April 9, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, on December 7, 2012, California American water Company (“Cal-Am”) applied for an after-the-fact Design Approval to correct a code violation and to allow for the placement of a twenty foot high water tank communication antenna within a water tank easement to serve a Cal-Am water tank;

WHEREAS, on January 7, 2013 the RMA-Planning Director approved the Design Approval;

WHEREAS, on January 9, 2013 a Notice of Approved Design Approval was mailed to all property owners within 300 feet of the subject property;

WHEREAS, on January 22, 2013, Constance Murray (“Appellant”) filed a timely appeal from the RMA-Planning Director’s approval of the Design Approval;

WHEREAS, the notices of the March 19, 2013 public hearing on the appeal were published in the Monterey County Herald and mailed to neighbors within 300 feet on March 8, 2013;

WHEREAS, at the March 19, 2013 hearing, the appellant requested a continuance, and the applicant agreed to a continuance to April 9, 2013. The Board of Supervisors continued the hearing to April 9, 2013;

WHEREAS, on April 9, 2013, the appeal was set to be heard by the Board of Supervisors. After public testimony and concurrence by the applicant and the appellant’s representative, the

applicant stated that an alternative design would be submitted. Staff recommended that the alternative design be remanded to the Zoning Administrator for a decision.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Set aside the decision of the Resource Management Agency – Planning Director’s approval of the Design Approval to correct a code violation (11CE00134) allowing for the placement of a twenty foot high wireless communication antenna within a water tank easement to serve a California-American Water Company water tank; and
- b. Remand the application to the Zoning Administrator to render a decision on the proposed alternative design of a wireless communication antenna; and
- c. Render this action as the final decision on the Murray appeal.

PASSED AND ADOPTED upon motion of Supervisor Salinas seconded by Supervisor Parker and carried this 9th day of April 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on April 9, 2013.

Dated: May 2, 2013
File Number: 13-0319

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

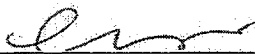
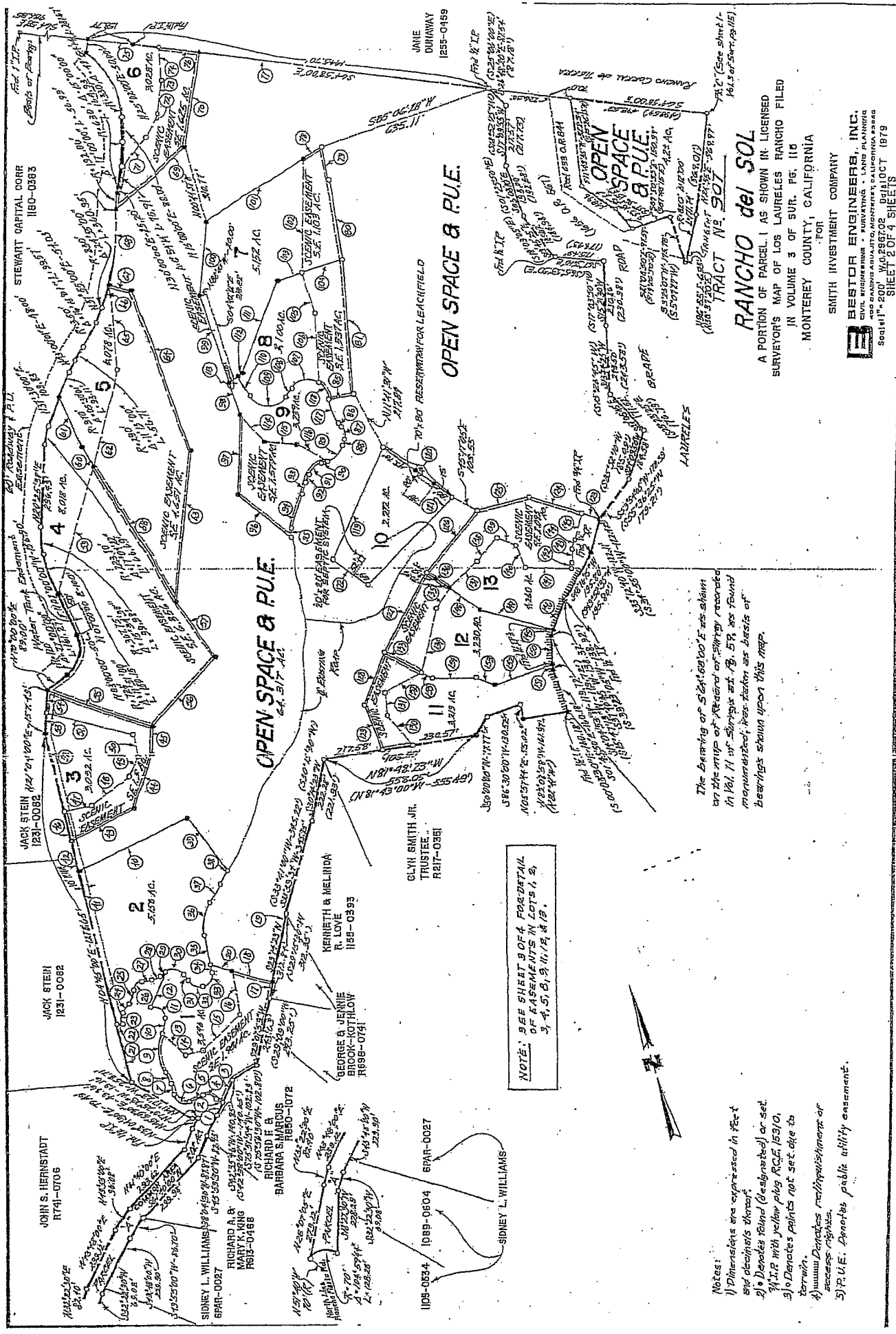
By  Deputy

Exhibit C
Final Map for Rancho Del Sol

California-American Water Company
PLN130374

MAP PG. 9 N O, 443,000 E, 1187,400 SN 1/4, 200

COL. A C E T R E. 42



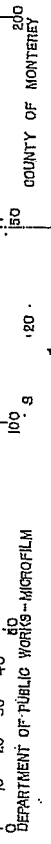
The bearing of S 24° 28' 00" E was shown on the map of Record or Survey recorded in Vol. 11 of Series 18, 59, as found monuments; these taken as basis of bearings shown upon this map.

NOTE: SEE SHEET 304 FOR DETAIL OF EASEMENTS IN LOTS 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, & 13.

- Notes:
- 1) Dimensions are expressed in feet and decimals thereof.
 - 2) D denotes feet (designated) or set.
 - 3) D with yellow flag R.C.E. 159/0.
 - 4) D denotes points not set, etc. to terrain.
 - 5) D denotes relinquishment of access rights.
 - 6) P.U.E. Denotes public utility easement.

RANCHO del SOL
 A PORTION OF PARCEL 1 AS SHOWN IN LICENSED SURVEYOR'S MAP OF LOS LAURELES RANCHO FILED IN VOLUME 3 OF SUR. PG. 110 MONTEREY COUNTY, CALIFORNIA

FOR
 SMITH INVESTMENT COMPANY
BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 2001 W. AVENUE 100, MONTEREY, CALIFORNIA 93940
 SHEET 304 OF 4 SHEETS
 OCT 1979

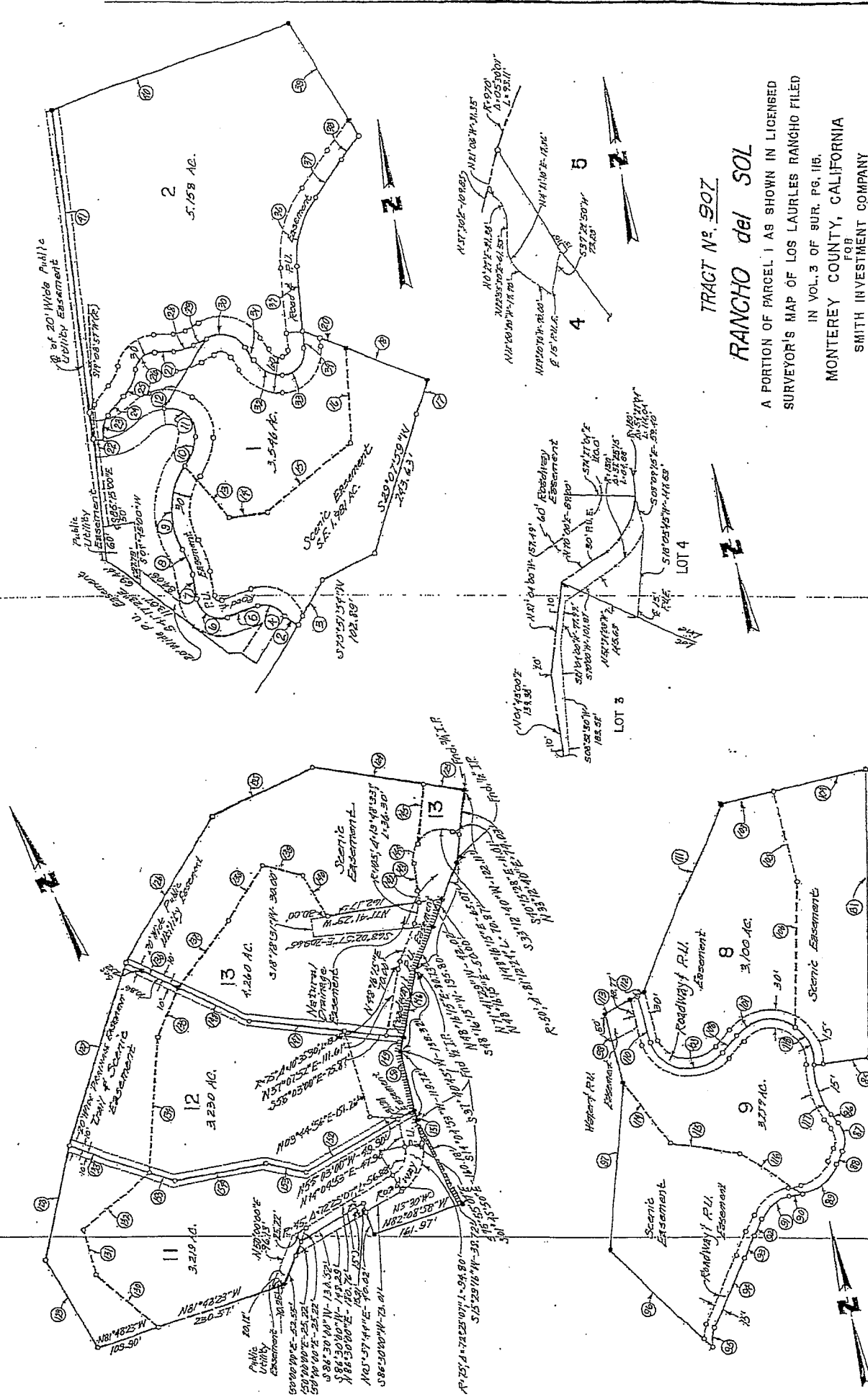


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 COUNTY OF MONTEREY

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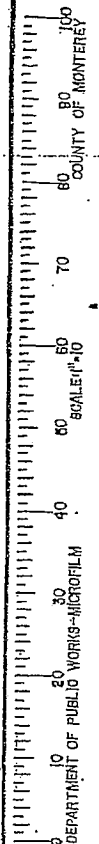
VOL. 1 ACET PG. 4

MAP PG. 9 } 443,000 E 1189,400 SN 16,201

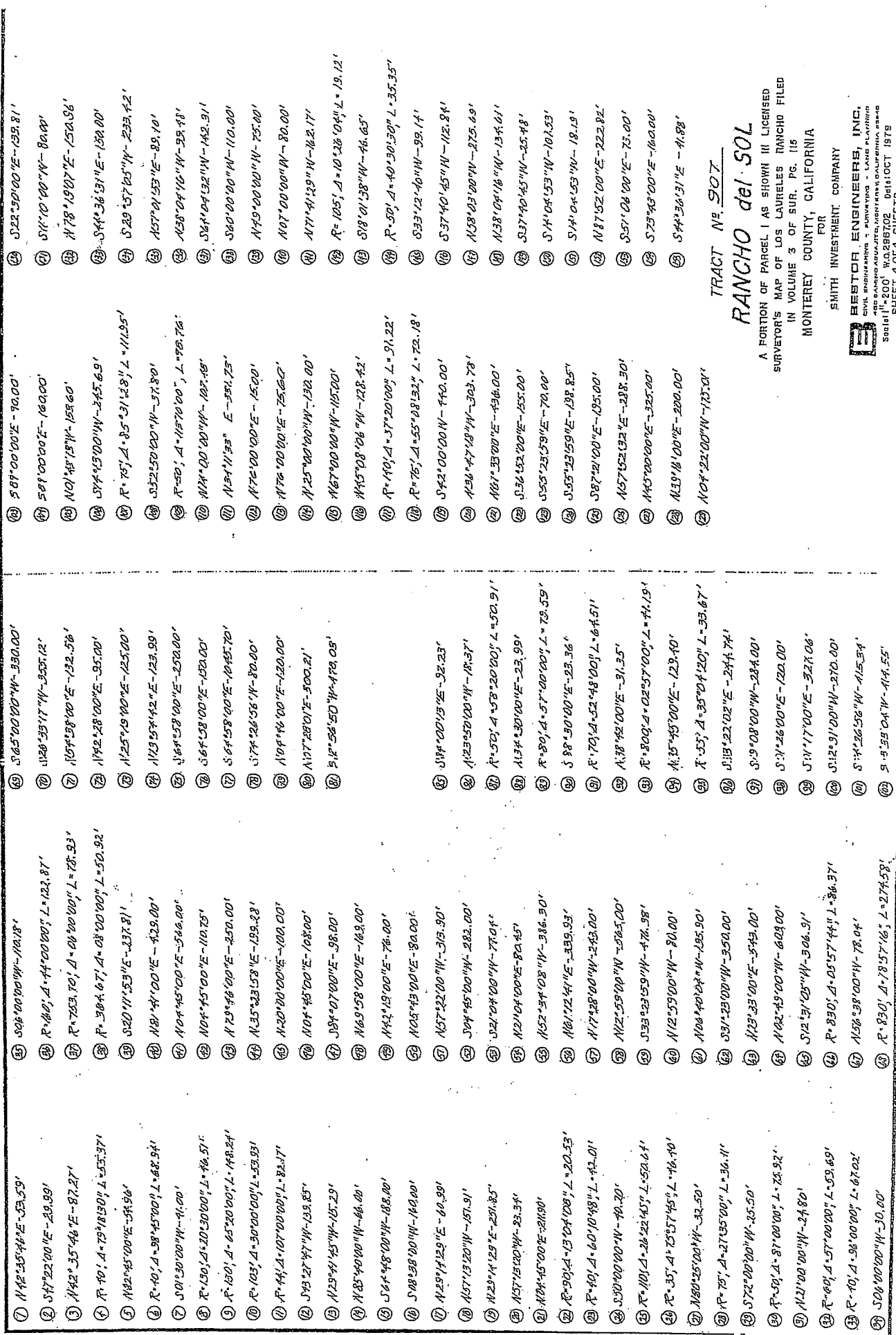


TRACT No. 502
RANCHO del SOL
 A PORTION OF PARCEL 1 AS SHOWN IN LICENSED
 SURVEYOR'S MAP OF LOS LAURLES RANCHO FILED
 IN VOL. 3 OF SUR. PG. 115,
 MONTEREY COUNTY, CALIFORNIA

SMITH INVESTMENT COMPANY
 FOR
BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 OFFICE: 1001 CALIFORNIA STREET, MONTEREY, CALIFORNIA 93940
 SOCIALIST: 1001 W.O. BUELO, Delta OCT 1979
 SHEET 3 OF 4 SHEETS



1506742



TRACT N^o 507
RANCHO del SOL
 A PORTION OF PARCEL I AS SHOWN IN LICENSED
 SURVEYOR'S MAP OF LOS LAURELES RANCHO FILED
 IN VOLUME 3 OF SUR. PG. 115
 MONTEREY COUNTY, CALIFORNIA

FOR
 SMITH INVESTMENT COMPANY
BESTOR ENGINEERS, INC.
 4000 Alessandro - San Jose, CA 95128
 4000 Alessandro - San Jose, CA 95128
 SHEET 4 OF 4 SHEETS

5742

Exhibit D
Vicinity Map

California-American Water Company
PLN130374

CARMEL VALLEY

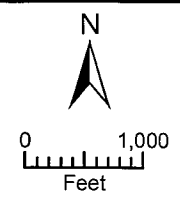


APPLICANT: MURRAY

APN: 187-031-025-000

FILE # PLN120817

2500' Limit 300' Limit ~ ~ ~ Water City Limits



PLANNER: NAKAMURA