

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02011

A.P. # 141-012-019-000

In the matter of the application of
William Leon Hill (PLN000451)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for a 13 foot extension, with 3 antennas, to an approved 30 foot “monopine” and associated ground equipment; located at 55 Dunbarton Road, Watsonville, west of Highway 101, North County Non-Coastal area, came on regularly for meeting before the Planning Commission on February 27, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The subject Administrative Permit (PLN000451), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 55 Dunbarton Road (Assessor’s Parcel Number 141-012-019-000). The parcel is zoned “RDR/5.1” or Rural Density Residential. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the North County Area Plan and the applicable regulations in Title 21.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks Department, the North County Fire Protection District and the Monterey County Agricultural Commissioner’s office. There has been no indication from these agencies that the site is not suitable for the proposed development. Conditions recommended by each agency are incorporated in this resolution.
EVIDENCE: The on-site inspection by planning staff to verify that the proposed project complies with the North County Area Plan and related policies.
EVIDENCE: The North County (Non-Coastal) Land Use Advisory Committee recommended approval of the project by a vote of 5-0 on December 5, 2001.
EVIDENCE: A Geotechnical Investigation prepared by Krazan & Associates, Inc., on February 5, 2001.
2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during review of the proposed development application.

3. **FINDING:** The development of the proposed wireless communication 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, the North County Non-Coastal Area Plan and Title 21 of the Monterey County Code. The applicant has demonstrated that the site is the most adequate for provision of services required by the FCC. The proposed wireless communication facility complies with all of the applicable requirements of Section 21.64.310 of Title 21.

EVIDENCE: File and application materials contained in project in file.

EVIDENCE: The application is for a 13-foot extension for co-location of 3 wireless telecommunication antennas on a previously approved, but not yet constructed, 30-foot monopine. Co-location is encouraged pursuant to Chapter 21.64.310 of Title 21.

EVIDENCE: Other Agency's comments.

EVIDENCE: Lack of opposition to the project.

EVIDENCE: Administrative record as a whole.

EVIDENCE: Staff has recommended permit conditions to reduce visual impacts. These conditions include landscaping with trees and minimal lighting as required by the ALUC.

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

5. **FINDING:** The decision on this project is appealable to the Board of Supervisors.

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

DECISION

THEREFORE, it is the decision of said Planning Commission, that said application for an Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Administrative Permit (PLN000451) allows for the construction of a 13-foot extension for co-location by Sprint PCS of 3 wireless telecommunication antennas on a previously approved, but not yet constructed, 30-foot monopine and associated ground equipment. The project is located at 55 Dunbarton Road, west of Highway 101 (Assessor's Parcel Number 141-012-019-000) in the North County Non-

Coastal planning area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of a Building Permit:

2. The applicant agrees as a condition and in consideration of the approval of the permit to enter into an indemnification agreement with the County whereby the applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under the permit. Applicant shall obtain the permission of the owner on which the wireless communications facility is located to allow the recordation of said indemnification agreement, and the applicant shall cause said indemnification agreement to be recorded by the County Recorder as a prerequisite to County issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such action or claim, and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. **(Planning and Building Inspection)**
3. The applicant shall record a notice which states: "A permit (Resolution 02011) was approved by the Planning Commission for Assessor's Parcel Number 141-012-019-000 on February 27, 2002. The permit was granted subject to **14** conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. Lighting shall be installed on the tower consistent with Federal Communications Commission (FCC) standards and requirements. The proposed lighting and FCC requirements shall be delineated and/or noted on the building permit plans prior to issuance. No other exterior lighting is approved. **(Planning and Building Inspection)**
5. All stationary noise-generating construction equipment such as air compressors shall be located as far as practical from existing nearby residences. A note stating this requirement shall be included on the construction plans. If equipment noise results in noise complaints, the equipment shall be acoustically shielded. **(Planning and Building Inspection)**
6. The applicant shall obtain appropriate approvals from the California Public Utilities Commission and the Federal Communications Commission and provide evidence to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

7. The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy

8. Extra tree branches or limbs and foliage shall be added to the 13-foot extension to the previously approved 30-foot monopine so that it is fully screened, especially when viewed from Highway 101. These branches will extend as far down to the base of the monopine as possible. **(Planning and Building Inspection)**
9. A bark shading will be added to the faux tree extension so that it blends in with the surrounding trees. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

10. If during the course of construction activity on the subject property, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
11. If, in the future, the facility is no longer needed, the applicant agrees to abandon the facility and remove the tower, panel antennas and equipment shelter. The site shall be restored to its natural state within 6 months of termination of use or abandonment of the site. If this should occur, the applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building Inspection and County Counsel. **(Planning and Building Inspection)**
12. 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. New microwave dishes, antennas and/or similar appurtenances located on the tower, which are not approved pursuant to this permit, are not allowed unless the appropriate authority approves additional permits or waivers. In any case, the overall height of the tower shall not exceed 160 feet. **(Planning and Building Inspection)**
13. If, as a result of future scientific studies and/or alterations of industry wide standards resulting from such studies, substantial evidence is presented to the County that radio frequency transmissions are in violation of the existing Federal Communications Commission emission standards, the Director of Planning and Building Inspection shall set a public hearing at which time this permit may be revoked or conditions of the permit may be modified. **(Planning and Building Inspection)**
14. Antennas and support structures shall be permanently maintained and regularly painted as long as the facility is in operation. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 27th day of February, 2002.

Original Signed By:

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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 and Building Inspection Department office in Marina.

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