

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

RESOLUTION NO. 03035

A.P. # 227-021-012-000

**FINDINGS AND
DECISION**

In the matter of the application of
Associated Tagline, Inc. (PLN000669)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the construction of a 50 foot monopole with Sprint PCS antennas mounted at 47.5 feet and the construction of a 125 square foot raised concrete pad, two ground mounted cabinets and a 6 foot tall chain length fence enclosing a 645 square foot lease area, located at 1504 Highway 183, Salinas fronting on Highway 183 and northeast of Cooper Road, Greater Salinas area, came on regularly for hearing before the Planning Commission on June 11, 2003.

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

FINDINGS OF FACT

1. FINDING: The Associated Tagline / Sprint Use Permit (PLN000669) described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Salinas Area Plan and the Monterey County Zoning Ordinance (Title 21), specifically Chapter 21.28 (Regulations for Heavy Industrial Zoning) and Chapter 21.64.310 (Siting, Design and Construction of Wireless Communication Facilities). The property is located at 1504 Highway183, Salinas in the Greater Salinas Area Plan (Assessor's Parcel Number (227-021-012-000), east of Cooper Road. The subject property upon which the wireless communication facility is located is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provision of this Title.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials in file PLN000669 for conformity with the Monterey County General Plan, the Greater Salinas Area Plan and the applicable regulations in Title 21.

EVIDENCE: The staff planner conducted an on-site inspection to verify that the project conforms to the plans listed above.

EVIDENCE: The proposed project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works and Parks Departments, Environmental Health Division, the Salinas Rural Fire Protection District, the Monterey County Agricultural Commissioner's office, and the Airport Land Use Advisory Committee. There has been no indication from these agencies that the site is not suitable for the proposed development. A condition requiring a red flashing beacon be attached to the monopole and that the warning light be lit during hours of dark or fog/low visibility has been included in the conditions of approval.

EVIDENCE: There has been no public opposition to this project.

EVIDENCE: Administrative record as a whole.

- 2. FINDING:** The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA).

EVIDENCE: The CEQA Guidelines, Section 15303 exempts this project from environmental review. This project will not have significant adverse impacts on the environment. The site is not located within any environmentally sensitive area or other sensitive resource area as defined in the Monterey County General Plan and the Greater Salinas Area Plan.
- 3. FINDING:** The proposed wireless communication facility will not significantly affect any designated public viewing area or scenic corridor as defined in the Monterey County General Plan and Area Plan.

EVIDENCE: Highway 183 is not a designated Scenic Highway nor a candidate in the Monterey County General Plan or Greater Salinas Area Plan.

EVIDENCE: The proposed wood monopole has been reduced in height to 50 ft. and will blend with other such utility type poles in the area. The installation of antennas will be flush mounted.

EVIDENCE: The 6 ft tall chain link screening will not have a substantial visual impacts due to the installation of landscape around the small 125 s.f. equipment enclosure. This internal equipment cabinets and base of the wood monopole will be screened from view on three sides by the fencing landscape.
- 4. FINDING:** The proposed wireless communication facility will not create a hazard for aircraft in flight. The pole is within the range of other utility type poles in this area in terms of height. The pole does not penetrate restricted airspace.

EVIDENCE: The project is consistent with Section 21.86 (Airport Approaches Zoning) and does not raise concern by the Monterey County Airport Land Use Commission due to minimal height and location of the monopole.
- 5. FINDING:** The applicant identified two alternative sites for this project on adjacent parcels. However, after review it was determined that these sites are not feasible.

EVIDENCE: The Associated Tagline structure is to be demolished in 5 years, presenting lease agreement difficulties and unnecessary expense to the applicant.

EVIDENCE: The adjacent UPRR property, while willing to accept the proposed monopole, was inefficient in that the Associated Tagline building facility itself blocked desired radio signals and efficiencies. These locations did not meet the objectives of Sprint.

EVIDENCE: Documentation in file PLN000669.
- 6. 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.

EVIDENCE: The operator shall conform to local and federal levels of compliance. Operation of the facility shall be within acceptable limits under those categories, regulations and mandates of public health, safety, welfare, zoning and environmental issues. The use/permit shall conform to FCC, FAA, and PUC standards and is licensed federally.

7. **FINDING:** The Planning Commission's decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 21.80.040 of the Monterey County Zoning Ordinance, Title 21.

DECISION

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

1. The Associated Tagline / Sprint Use Permit (PLN000669) is for the construction of a 50 ft. monopole with Sprint PCS antennas mounted at 47.5 ft. and the construction of a 125 sq. ft. raised concrete pad, two ground mounted cabinets and a 6 ft. tall chain length fence enclosing a 645 sq. ft. lease area. The property is located at 1504 Highway 183, Salinas (Assessor's Parcel Number 227-021-012-000), fronting on Highway 183 and northeast of Cooper Road, Greater Salinas 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)**

2. If during the course of construction or other activities on the subject property, cultural, archaeological, historical, and/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)**

Prior to the Issuance of a Building Permit:

3. 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)**
4. The applicant shall record a notice that states: "A permit (Resolution 03035) was approved by the Planning Commission for Assessor's Parcel Number 227-021-012-000 on June 11, 2003. The permit was granted subject to 9 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)**

Prior to Final Building Inspection/Occupancy:

- 5. 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)**

Continuous Permit Conditions:

- 6. A red flashing beacon shall be attached to the monopole and shall be lit during hours of dark or fog/low visibility consistent with requirements and recommendations of the FAA, FCC, Agriculture Commission and Airport land Use Advisory Committee.
- 7. The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this monopole assuming appropriate permits are approved for collocation. 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 approves additional permits or waivers. In any case, the overall height of the pole shall not exceed 50 feet. **(Planning and Building Inspection)**
- 8. If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, 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 Planning and Building Inspection and County Counsel. The site shall be restored to its original state within 6 months of the termination of use or abandonment of the site. **(Planning and Building Inspection)**
- 9. The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of Planning and Building Inspection 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. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of June, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
 NOES: None
 ABSENT: None

Original Signed By:

 JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS 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 Salinas.

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