PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 05043

A.P. # 125-011-016-000

In the matter of the application of

FINDINGS & DECISION

Church of God (Cingular) (PLN040628)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the construction of a new wireless communication facility consisting of a 40 foot antenna structure designed as a steeple depicting the name and logo of the existing church on site and GPS unit with associated equipment cabinets located on concrete slabs surrounded by a 6' in height redwood fence. The property is located at 747 El Camino Real North, Salinas, adjacent to Highway 101 and south of Highway 156, North County area. The project came on regularly for hearing before the Planning Commission on August 31, 2005.

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

FINDINGS OF FACT

- 1. FINDING:
- CONSISTENCY- The Project, as conditioned, is consistent with the applicable plans and policies of the Monterey County General Plan, the North County Area Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for wireless communication towers. Specifically, this permit complies with Section 21.64.310 of the Zoning Ordinance (Title 21), Regulations for the Sitting, Design and Construction of Wireless Communication Facilities.
- EVIDENCE: (a)
- (a) Materials and project plans in file PLN040628.
 - (b) Project planner conducted an on-site inspection in order to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) A review of Chapter 21.30.050 II. Regulations for Farmlands Zoning Districts and 21.64.310 Siting, Design and Construction of Wireless Communications Facilities of the Monterey County Zoning Ordinance (Title 21) establishes that the facility is consistent with the applicable regulations.
- 2. FINDING:

SITE SUITABILITY- The site is suitable for the use proposed

EVIDENCE: (a)

- (a) Materials and project plans in file PLN040628.
- (b) Project planner conducted an on-site inspection in order to verify that the project on the subject parcel conforms to the plans listed above.
- (c) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire District, Public Works Department, Environmental Health Division and the Agriculture Commissioners Office. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic

or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

- (d) Geotechnical Investigation Report prepared by BMI (Brown & Mills Inc.) dated February 21, 2005 provided in Project File PLN040628.
- 3. FINDING: CEQA- The project is exempt from environmental review.
 - **EVIDENCE:** CEQA Guidelines Section 15061 Class b(3) categorically exempts activities that do not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project will not cause a significant effect on the environment.
- 4. FINDING: HEALTH & SAFETY- The establishment, maintenance or operation of the project applied for will, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the 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) Preceding findings and supporting evidence.
 - (b) Recommendations of the Geotechnical Report prepared by BMI (Brown & Mills Inc.) dated February 21, 2005, will be considered and made part of the conditions of approval.
- 5. **FINDING:** NO VIOLATIONS EXIST- That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.
 - **EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- 6. FINDING: NOT HAZARDOUS TO AIRCRAFTS IN FLIGHT- The proposed wireless communications facility will not create a hazard for aircraft in flight.
 - **EVIDENCE:** The location and size of the proposed facility does not require review by the Monterey County Airport Land Use Commission as it does not intrude into FAR Part 77 zones and is not taller than 100 feet (Chapter 21.86 of the Monterey County Code).
- 7. **FINDING:** APPEALABILITY- The decision is appealable to the Board of Supervisors. **EVIDENCE:** Sections 21.80.040 (D) of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 31st day of August 2005, by the following vote:

AYES:

Errea, Hawkins, Parsons, Padilla, Vandevere, Sanchez, Salazar, Rochester, Wilmot, Diehl

NOES:

None

ABSENT:

None None

ABSTAIN:

New 40

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON OCT 4 2005

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE OCT 14 2005

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

Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Church of God/Cingular Wireless

File No: PLN040628 APN: 125-011-016-000

Approval by: Planning Commission Date: August 31, 2005

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		PBD029 - SPECIFIC USES ONLY	Adhere to conditions and uses specified in	Owner/	Ongoing	
		This Use Permit allows construction of a 40 foot in height	the permit.	Applicant	unless	
		wireless communication facility designed as a steeple			other-	
		depicting the name and logo of the church on site (Church of God) and GPS units with associated equipment cabinets			wise	
		located on concrete slab surrounded by a 6 foot in height			stated	
•		redwood fence (Assessor's Parcel Number 125-011-016-000).				
ŀ		This permit was approved in accordance with County	•			
		ordinances and land use regulations subject to the following				,
		terms and conditions. Neither the uses nor the construction				
		allowed by this permit shall commence unless and until all of the	·			
		conditions of this permit are met to the satisfaction of the				
		Director of 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)				·

Permit Cond: Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040628) was approved by the Planning Commission on August 31, 2005 for Assessor's Parcel Number 125-011-016-000. The permit was granted subject to 12 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County 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 onsite. 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)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Applicant/ Archaeo-	Ongoing	
4		PBI NONSTANDARD CONDITION All future antennas shall be located inside the 40 foot structure and must not visible. (Planning and Building Inspection)	Applicant/ Owner	Owner/ Applicant	Ongoing unless other- wise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5		PBI NON-STANDARD CONDITION The radio equipment facility shall be surrounded by a 6 foot high redwood fence and screened with landscape material. Submit 3 copies of the landscape materials to P&BI for review and approval.	Applicant/Owner	Owner/ Applicant	Prior to the final of the building permit	
6		PBD037(A) — WIRELESS COMMUNICATION FACILITIES 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 said 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 the issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such claim, action, or proceeding 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)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI for review and approval.	Applicant/ Owner	Prior to issuance of grading or building permits.	
7		PBD037(B) – WIRELESS COMMUNICATION FACILITIES 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)	Submit written agreement to PBI for review and approval.	Applicant/ Owner	Prior to issuance of grading or building permits.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8		PBD037(C) – WIRELESS COMMUNICATION FACILITIES 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 approves additional permits or waivers. In any case, the overall height of the pole shall not exceed 40 feet. (Planning and Building Inspection Department)	Encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. The overall height of the pole shall not exceed 40 feet.	Applicant/ Owner	Ongoing	
9		PBD037(D) – WIRELESS COMMUNICATION FACILITIES If the applicant abandons the facility or terminates the use, the applicant shall remove the 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 Planning and Building Inspection 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. (Planning and Building Inspection Department)	If the applicant abandons the facility or terminates the use, a site restoration agreement shall be submitted to PBI subject to the approval of the Director of Planning and Building Inspection and County Counsel.	Applicant/ Owner	Ongoing	
10		PBD037(E) – WIRELESS COMMUNICATION FACILITIES 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 Department)	None	Applicant/ Owner	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
				Owner/ Applicant	Ongoing unless other-wise stated	
11		PBI NON-STANDARD CONDITION- GEOTECHNICAL CERTIFICATION Prior to final inspection, geological consultant shall provide certification that all development has been constructed in accordance with Geotechnical Report prepared by BMI Geotechnical and Environmental Consultants, dated February 21, 2005. (Planning and Bldg.)	Submit certification by the geological consultant to PBI showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final bldg. inspection	
12		EH- NON STANDARD Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans as approved by the Director of Environmental Health. (Environmental Health)	Monterey County Health Department	Owner/ Applicant	Prior to issuance of Building Permit	Owner/ Applicant



SITE NUMBER: SNFCCA2350 SITE NAME: RALPH LANE & HWY 101









