

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040459

APN# 129-231-029-000

In the matter of the application of
KRIDER RICHARD H (PLN040459)

FINDINGS & DECISION

to allow a Coastal Development Permit to install an array of 8-foot tall telecommunication panels on top of an existing PG&E utility line tower plus a 4-foot wide microwave dish approximately 40-feet up the same tower. The project includes a 6-foot wood fence and equipment cabinet around/within a 360 square foot leased area. The project is located at 630 Hidden Valley Road, Watsonville, North County, Coastal Zone. The project came on regularly for meeting before the Zoning Administrator on March 31, 2005.

WHEREAS: Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. **FINDING – CONSISTENCY:** The subject Combined Development Permit (PLN040459/Krider) has been processed in accordance with all applicable requirements.

EVIDENCE:

- (a) On December 22, 2004, Mr. Evan Shepherd with Tetrattech Wireless filed an application on behalf of Nextel of California, Inc for a Coastal Development Permit requesting entitlements to install an 8-panel telecommunication array on an existing structure (PG&E utility line tower) including a 6-foot wood fence and equipment cabinet around/within a 360 square foot leased area. The application was deemed complete on January 20 2005.
- (b) The project site, owned by Richard Krider, is located 630 Hidden Valley Road (Assessor's Parcel Number 129-231-029-000), North County, Coastal Zone, in the County of Monterey (the property).
- (c) LUAC. On January 18, 2005, the North County Land Use Advisory Committee voted 5-0 to recommend approval of the subject Combined Development Permit (PLN040459/Krider). The Committee voted to recommend approval with noted concern of road maintenance/erosion and controlling invasive plants pursuant to Policy 2.2.2.5 of the LUP (**Condition 11**).
- (d) CEQA. Review of the application material found that the project would not result in any adverse environmental affects and that the project qualifies for a Class 1 Categorical Exemption. There are no unusual circumstances related to the project or property that would require additional review. See **Finding 8**.
- (e) Zoning Administrator. On March 31, 2005, the Monterey County Zoning Administrator held a public hearing and considered findings, evidence, and conditions for approving a Coastal Development Permit (PLN040459/Krider) in the North County Coastal Land Use Plan area.

2. **FINDING - COMPLY WITH REGULATIONS** - The Coastal Development Permit PLN040459/Krider, as conditioned is consistent with applicable plans and policies of the North County Land Use Plan (LUP), Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC); Monterey County Grading Ordinance (Title 16), and the Monterey County Zoning Ordinance (Title 20/Coastal

Implementation Plan, Part 1) which designates this area as appropriate for rural density residential development.

EVIDENCE:

- (a) The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
- 1982 Monterey County General Plan, as amended.
 - North County Land Use Plan
 - Coastal Implementation Plan – Part 2 (Chapter 20.144 MCC)
 - Chapters 20.16 MCC – Rural Density Residential
 - Chapter 20.70 MCC - Coastal Development Permits.
 - Chapter 20.64.310 – Regulations for Siting, Design and Construction of Wireless Communication Facilities

As conditioned, there would be no conflict or inconsistencies with the regulations of these plans or policies.

- (b) Existing Conditions. The Site (APN: 129-231-029-000) is 1.3 acres and is designated as Rural Density Residential, 5 acres per unit (RDR/5), North County Coastal Land Use Plan. There is an existing single family residence located on the northern portion of the property. An existing maintenance road runs along the west property line to a large (104 feet tall) transmission tower within a PG&E right of way that encumbers the southern half of the property.
- (c) Proposed Project. Conditional uses allowed in the RDR zone include the wireless communication facilities pursuant to Section 20.64.310 MCC (Section 20.16.050.RR MCC). A Coastal Development Permit is required in order to install an array of four, 8-foot tall panels on top of the existing PG&E tower (“top hat design”). Mechanical equipment for the system would be located within a 360-foot lease area located within the base of the tower. A 6-foot tall redwood fence would be constructed around the mechanical equipment for screening and security.
- (d) The project as conditioned is consistent with Section 20.64.310 regulating wireless communication facilities (See **Findings 3-6**).
- (e) No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.
- (f) Materials in project file PLN040459/Krider.

3. **FINDING – SITE SUITABILITY:** The site is adequate for the development of the proposed wireless communications facility and the applicant has demonstrated that there are not alternative sites for the proposed facility. The proposed wireless communication facility complies with all of the applicable requirements of Section 20.62.310 of Title 20 Monterey County Codes.

EVIDENCE:

- (a) Agency Review. The project has been reviewed for suitability by staff from Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks and Recreation Department, and North County Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
- (b) Alternatives. The proposed wireless facilities are located to fill a gap in existing wireless coverage between Highways 101 and 1. The general area consists of rolling hills with single family homes on larger lots. Co-location on an existing utility tower was found to be the most suitable to avoid constructing a new tower and to gain additional elevation.

- (c) Site Inspection. The project planner conducted a site inspection and determined that the proposed improvements will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.
- (d) Project File. The application, plans, photographs and support materials submitted by the project applicant to the Monterey county Planning and Building Inspection Department for the proposed development, found in the project file (PLN040459).

4. **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) LUAC/Neighbor Comments. Minutes from the January 18, 2005 North County Coastal LUAC meeting identifies that neighbors expressed concern with impacts to radio/television (satellite) as well as health and safety issue from the added facility. The representative was present at the meeting to specifically address these concerns. The facility will be operated well within the 1996 Federal Telecommunications Act restrictions and is maintained on a monthly basis to make sure it is properly calibrated.
- (b) Agency Review. The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments 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; or the County in general. There has been no indication from these agencies that the site is not suitable for the proposed development.
- (c) Justification Report. The applicant provided detailed project information including contacts as required by Chapter 20.64.310. This report justifies the need and how the proposed facility meets federal guidelines (See Project File PLN040459).

5. **FINDING - VISUAL RESOURCES:** 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.

EVIDENCE:

- (a) The project consists of attaching eight panel antennas on top of an existing PG&E tower plus installing accessory equipment within the base of said tower. There is an existing access road for maintenance. No ground disturbance is required and no resources are impacted. Although the project site is visible because of the height of the existing PG&E tower, the antennas would consist of a minor addition. Their color matches the tower they are attached to in order to minimize their visibility.
- (b) Conditions have been incorporated that would reduce the visual impact and include further review of colors and exterior lighting, modifications in the event of technological advances, and maintenance and restoration of the site.
- (c) Staff site visit and project photos.
- (d) Application plans and materials located in project file number PLN040459.

6. **FINDING - NO AIRCRAFT HAZARD:** The proposed telecommunication facility will not create a hazard for aircraft in flight.

EVIDENCE:

- (a) The subject project proposes to attach eight (8), 8-foot tall panels on top of a 104 foot tall utility tower. The top of the antennas reaches a height of 114 feet above the existing grade. This is consistent with the height of other antennas in the vicinity.
- (b) The project is consistent with Section 20.92 (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 in Section 20.92.050 MCC and the proposed height is within limitations outlined in Section 20.92.060 MCC.
- (c) 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). If deemed necessary by the FCC, proper warning lights would be located on top of the structure to prevent conflict with any aircraft (e.g. crop dusters) when visibility is limited.

7. **FINDING - NO VIOLATIONS:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE:

- (a) Staff verified 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.
- (b) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

8. **FINDING - CEQA (Exempt):** The project is exempt from environmental review.

EVIDENCE:

- (a) CEQA Guidelines categorically exempt minor alteration to existing structures (CEQA Guidelines §15301, Class 1). Class 1 exemptions consist of minor alterations to existing facilities involving limited expansion of use. An example includes existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.
- (b) The project consists of locating an investor-owned telecommunication facility on an existing publicly-owned utility tower.
- (c) The design was revised to avoid removal of any protected trees and conditions require non-native, invasive plants to be removed.
- (d) No adverse environmental effects were identified during staff review of the development application during site visits.
- (e) There are no unusual circumstances related to the project or property that would require additional review.

9. FINDING - PUBLIC ACCESS: The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE:

- (a) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Land Use Plan).
- (b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (c) The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Section 20.144.150 CIP). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150.B of the Monterey County Coastal Implementation Plan, can be demonstrated.

10. FINDING – APPEALABILITY: The decision on this project is appealable to the Board of Supervisors.

EVIDENCE:

- (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
- (b) The project may be appealed to the Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1. The proposed project is permitted in the underlying zone as a conditional use (Section 20.86.080.A.3 MCC)

DECISION

It is the decision of the Zoning Administrator of the County of Monterey to that said application for a Coastal Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 31st day of March, 2005.

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 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 Marina.

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

<p>Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: KRIDER</p> <p>File No: <u>PLN040459</u> APNs: <u>129-231-029-000</u></p> <p>Approval by: <u>Zoning Administrator</u> Date: <u>March 31, 2005</u></p>
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**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		<p>PBD029 - SPECIFIC USES ONLY This Coastal Development Permit to install an 8-panel telecommunication array on an existing structure (PG&E utility line tower) including a 6-foot wood fence and equipment cabinet around/within a 360 square foot leased area. The property is located at 630 Hidden Valley Road, Watsonville (Assessor's Parcel Number 129-231-029-000). 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)</p>	<p>Adhere to conditions and uses specified in the permit.</p>	<p>Owner/ Applicant</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		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 129-231-029-000 on March 31, 2005 . The permit was granted subject to 11 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		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
4		PBD034 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	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>
5		<p>PBD037(A) – WIRELESS COMMUNICATION FACILITIES</p> <p>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)</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits.	
6		<p>PBD037(B) – WIRELESS COMMUNICATION FACILITIES</p> <p>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</p>	Submit written agreement to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits.	

<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>
		the facility's normal replacement schedule. (Planning and Building Inspection)				
7		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 114 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 114 feet.	Owner/ Applicant	Ongoing	
8		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.	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>
9		<p>PBD037(E) – WIRELESS COMMUNICATION FACILITIES</p> <p>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)</p>	None	Owner/ Applicant	Ongoing	
10		<p>COLORS AND MATERIALS (NON-STANDARD)</p> <p>The colors of telephone pole, panel antennas and equipment box shall be approved by the Director of Planning and Building Inspection. Non-reflective paint shall be used on all equipment. The applicant shall submit a sample of the proposed paint/color to Planning and Building Inspection for review and approval prior to issuance of building permits. (Planning and Building Inspection)</p>	<p>Submit color samples to PBI for approval. Color shall be a flat finish with a similar tone as the PG&E tower.</p> <p>Submit photo documentation of the painted antennae to the Director of Planning and Building Inspection.</p>	Owner/ Applicant	<p>Prior to Issuance of grading and building permits or start of use.</p> <p>Prior to Final approval.</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>
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11		<p>SITE MAINTENANCE (NON-STANDARD)</p> <p>The access road and general area within and around the lease (equipment) area shall be continuously maintained by the applicant in a litter-free, weed-free, healthy, growing condition. Primary telecommunication receivers and transmitters, support structures and accessory antennas shall be permanently maintained and regularly painted as long as the facility is in operation. All cut and/or fill areas exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection.</p> <p>(Planning and Building Inspection)</p>	<p>Submit an Erosion Control and Maintenance Plan to PBI for review and approval. Said plan shall address control of erosion (sediment) and invasive plant species for the access road and area immediately surrounding the lease area. Where areas are seeded or planted, the maintenance plan shall include the type and duration of irrigation to be used and provide a listing of materials that meet North County landscape requirements.</p>	Owner/ Applicant	Prior to issuance of building and grading permits.	
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