

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040528

APN# 221-072-006-000
FINDINGS & DECISION

In the matter of the application of
PG&E (CINGULAR WIRELESS) (PLN040528)

A Use Permit to allow construction of a 100 foot high monopole to house six antennas (two per sector) , one microwave dish and six equipment cabinets. The property is located adjacent to a PG&E substation on Highway 101 between Greenfield and Lagomarsino Avenue, Central Salinas Valley Area.

FINDINGS OF FACT

1. FINDING: The Cingular (PLN040528) described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, the Central Salinas Valley Area and the Monterey County Zoning Ordinance (Title 21), specifically Chapter 21.64.310 (Regulations for Siting, Design, and Construction of Wireless Communication Facilities). The property is located at 42820 Susan Lane, Greenfield, State Parcel Number 221-011-033-000. 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 the this Title.

EVIDENCE: Materials and project plans in file PLN040528.

EVIDENCE: Site and visual inspection by staff conducted March 11, 2005.

EVIDENCE: 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, CDF South County, Public Works Department and Environmental Health Division. 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.

EVIDENCE: A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. FINDING: 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 resource as defined in the Monterey County General Plan, Area Plan or Local Coastal Plan.

EVIDENCE: Materials and project plans in file PLN040528.

EVIDENCE: Site and visual inspection by staff conducted March 11, 2005.

EVIDENCE: 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, CDF South County, Public Works Department and Environmental Health Division. 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.

EVIDENCE: A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

3. FINDING: The proposed Use Permit (PLN040528) as described in the staff report and associated plans complies with all of the applicable requirements and regulations of Section 21.64.310 of the Zoning Ordinance (Regulations for the Siting, Design and Construction of Wireless Communication Facilities).

EVIDENCE: 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, CDF South County, Public Works Department and Environmental Health Division. 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.

EVIDENCE: The application and plans in the project file (PLN040528) located at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Site inspection by staff conducted March 11, 2005.

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 the general welfare of persons residing or working in the neighborhood of such proposed use, and/or will not 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: Materials and project plans in file PLN04528.

EVIDENCE: Site and visual inspection by staff conducted March 11, 2005.

5. FINDING: The subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid.

EVIDENCE: A review of Chapters 21.30, 21.62, & 21.64.310 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: Materials and project plans in file PLN040258.

EVIDENCE: 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, CDF South County, Public Works Department and Environmental Health Division. 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.

6. FINDING: 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: The project is exempt from CEQA review pursuant to Section 15303.

EVIDENCE: Site visit with a visual inspection of the site by staff conducted March 11, 2005 indicates the site is already disturbed with established PG&E facilities.

EVIDENCE: 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, CDF South County, the Public Works Department, Environmental Health Division. 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.

8. FINDING: That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the most adequate for the provision of services as required by FCC.

EVIDENCE: Material in File No. PLN040528.

9. FINDING: The decision is appealable to the Planning Commission.

EVIDENCE: Section 21.80.030(B) of the Monterey County Zoning Ordinance (Title 21).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Use 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

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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.

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

Project Name: PG&E Cingular Wireless

File No: PLN040528 APN 221-072-006-000

Approval by: Zoning Administrator **Date:** March, 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		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Use Permit allows construction of a 100' wireless telecommunication monopole, and six equipment cabinets enclosed by a six foot high chain link fence. The property is located adjacent to a PG&E substation on Highway 101 between Greenfield and Lagomarsino Avenue (Assessor's Parcel Number 221-072-006-000). 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>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

<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 040528) was approved by the Zoning Administrator for Assessor's Parcel Number 221-072-006-000 on March 31, 2005. The permit was granted subject to 13 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 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)	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.	Owner/ Applicant/ Archaeologist	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>
4		<p>PBD016 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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. (Planning and Building Inspection)</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever occurs first and as applicable	

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5		Any exterior lighting, except as required for FAA regulations for airport safety, or as recommended by the ALUC, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. (Planning and Building Inspection)	Applicant/Cingular	Owner/ Applicant	Ongoing unless otherwise stated	
6		The monopoles and support facilities shall be constructed of non-flammable materials and painted to blend with surrounding natural features, unless specifically approved and conditioned by Monterey County. 7. The antennas shall be painted earth toned gray or green. Nonreflective paint shall be used on the antennas. Applicant shall submit a sample of the proposed paint/color to the Director of Planning and Building Inspection for review and approval prior to building permit issuance. To further ensure compliance, applicant shall submit photo-documentation of the painted antennas to said Director prior to final building permit issuance. (Planning and Building Inspection)	Applicant/Cingular	Owner/ Applicant	Ongoing unless otherwise stated	
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)	Applicant/Cingular	Owner/ Applicant	Prior to issuance of a building permit	
8		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. (Planning and Building Inspection)	Applicant/Cingular	Owner/ Applicant	Ongoing unless otherwise stated	

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9		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)		Owner/ Applicant	Ongoing unless otherwise stated	
10		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)	Cingular/Applicant	Owner/ Applicant	Ongoing unless otherwise stated	
11		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)	Applicant/Cingular	Owner/ Applicant	Ongoing unless otherwise stated	

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12		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: (CDF South County)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant or owner</i>	Prior to final building inspection	

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13		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (CDF South County)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
		End of Conditions				