

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 050376

A.P.# 030-281-023-000

In the matter of the application of  
**Narain Prasad (PLN050376)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for a new wireless communication facility on an existing 70 foot high "Union 76 " pole sign, including installing six (6) panel antennas on the two legs of the sign, and associated ground cabinets and equipment at grade level. The property is an existing gas station located at 11400 Merritt Street, Castroville, located at the intersection of Merritt Street (Hwy 183), Haro Street, and Highway 156, North County Area., which came on regularly for hearing before the Zoning Administrator on October 13, 2005.

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

**FINDINGS OF FACT**

1. **FINDING:** The Project, as conditioned is consistent with applicable plans and policies, the North County Land Use Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as light commercial use. This permit allows the construction of a wireless communications facility in accordance with Section 21.18 and Section 21.64.310 of the Zoning Ordinance (Regulations for the Siting, Design and Construction of Wireless Communication Facilities) and land use regulations. The site is an existing gas station located at 11400 Merritt Street, Castroville (Assessor's Parcel number 030-281-023-000), located in the intersection of Merritt Street (Hwy 183) and Haro Street and Highway 156, in the North County Area.  
**EVIDENCE:** Staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent with the North County Land Use Plan which designates this area as appropriate for light commercial development. Staff notes are provided in Project File PLN050376.  
**EVIDENCE:** Project planner conducted an on-site inspection on August 24, 2005 to verify that the project on the subject parcel conforms to the plans listed above.  
**EVIDENCE:** The parcel is zoned Light Commercial Use (LC-Z). The project is in compliance with Site Development Standards for District in accordance with Section 21.18.050  
**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN050376.
2. **FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and the Fire District. Conditions recommended have been incorporated.

**EVIDENCE:** Staff conducted an on-site visit on August 24, 2005 to verify that the site is suitable for this use.

**EVIDENCE:** Necessary public facilities are available and will be provided.

3. **FINDING:** Adequate sewer and water service exists or can be provided, and adequate road and transportation facilities exist for the use. The North County Fire Protection District, Environmental Health Division, Water Resources Agency, and the Public Works Department have reviewed the project and appropriate conditions have been placed on the project.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN050376.

4. **FINDING:** The project is exempt from environmental review.

**EVIDENCE:** The project is exempt from CEQA pursuant to Section 15303, as no potential significant environmental impacts will result from the project. Section 15303, Class 3 exempts small facilities or structures; installation of equipment or facilities in small structures including one-single family residence in a residential zone.

5. **FINDING:** 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. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

6. **FINDING:** 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:** Preceding findings and supporting evidence.

7. **FINDING:** The proposed Use Permit (PLN050376) 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, North County Fire

District, 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 (PLN050376) located at the Monterey County Planning and Building Inspection Department.

**EVIDENCE:** Site inspection by staff conducted August 24, 2005.

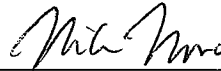
8. **FINDING:** The decision on this project is appealable to the Planning Commission.

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

### DECISION

THEREFORE, it is the decision of said Zoning Administrator 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 13th day of **October, 2005**.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **NOV 18 2005**

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 **NOV 28 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 90<sup>th</sup> 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: Prasad**

**File No: PLN050376**

**APN: 030-281-023-000**

**Approval by: Zoning Administrator**

**Date: October 13, 2005**

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

<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>
1		<p><b>PBD029 - SPECIFIC USES ONLY</b> Use Permit (PLN050376) for a new wireless communication facility on an existing 70 foot high "Union 76 " pole sign, including installing six (6) panel antennas on the two legs of the sign, and associated ground cabinets and equipment at grade level. The property is an existing gas station located at 11400 Merritt Street, Castroville (Assessor's Parcel number 030-281-023-000), located at the intersection of Merritt Street (Hwy 183), Haro Street, and Highway 156, North County Area. 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. (<b>Planning and Building Inspection</b>)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

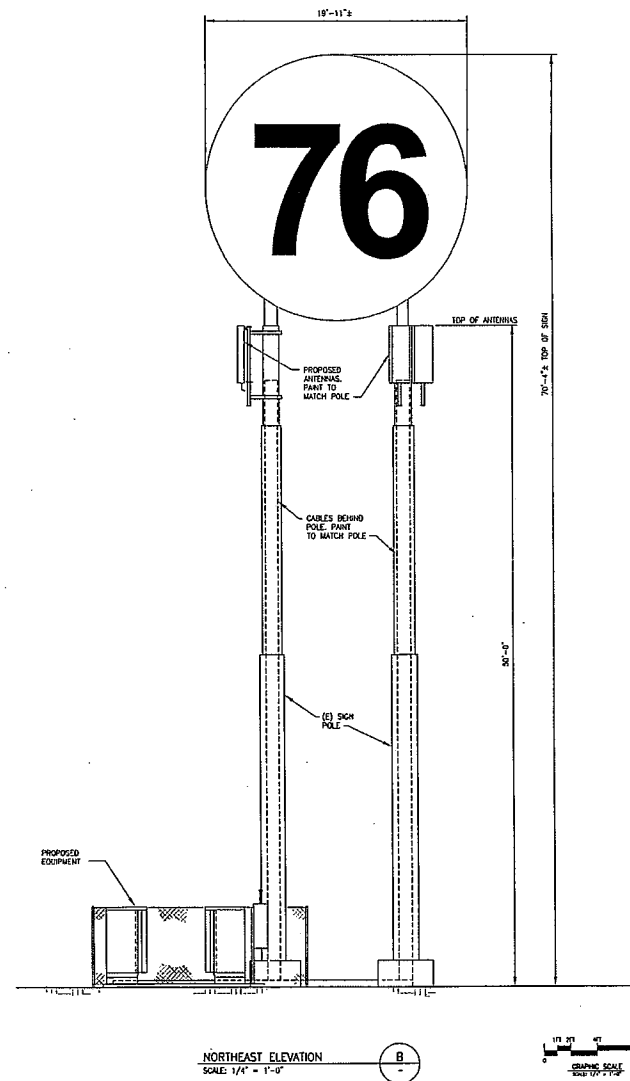
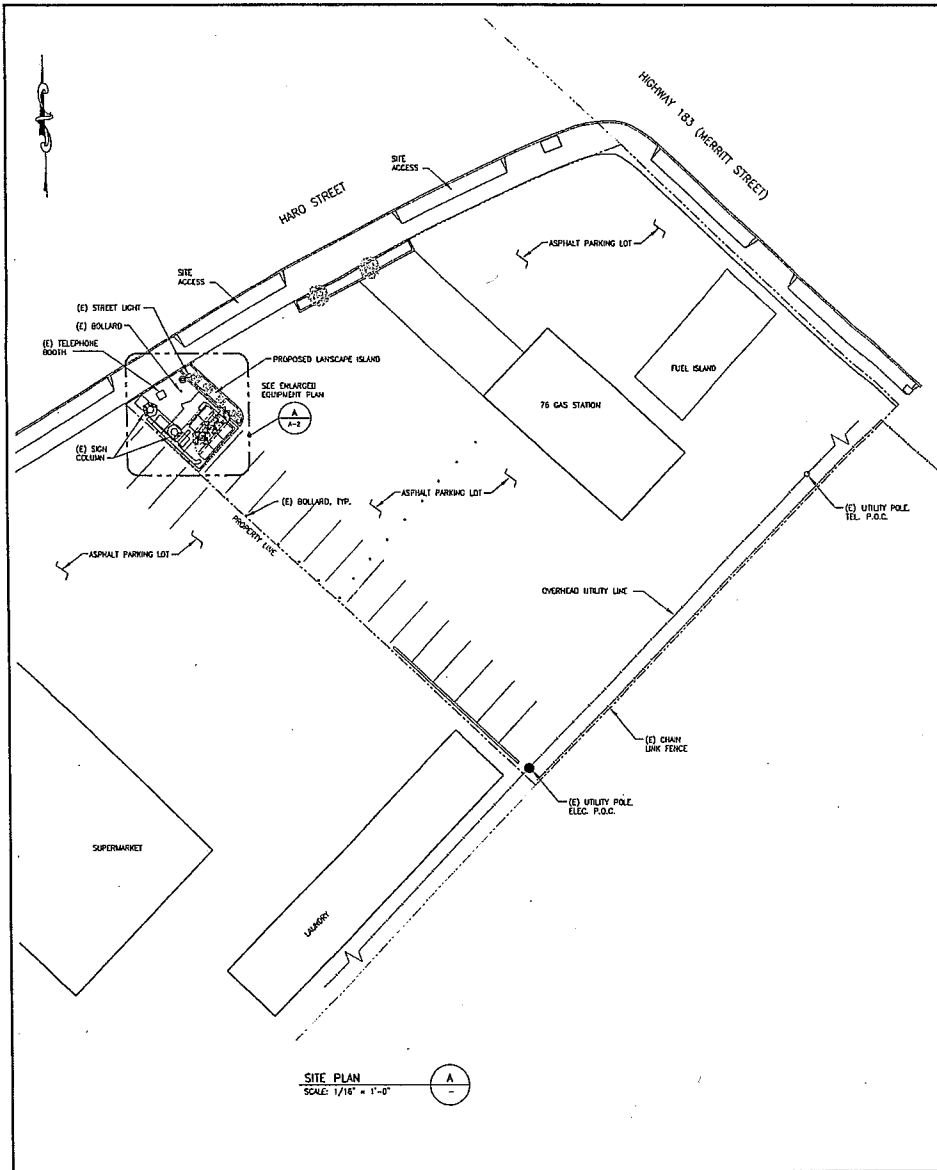
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A Use permit (Resolution 050376) was approved by the Zoning Administrator for Assessor's Parcel Number 030-281-023-000 on October 27, 2005. 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.  <b>(Planning and Building Inspection)</b></p>	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		<p><b>PBI NONSTANDARD CONDITION</b>  A chain link fence shall surround the ground equipment. The antenna colors shall blend in with the surroundings and the color shall be approved by Planning staff.  <b>(Planning and Building Inspection)</b></p>	Applicant/Owner shall submit plans including the colors and materials for Planning and Building Department Director approval.	Owner/ Applicant	Ongoing unless otherwise stated	
4		<p><b>PBI NONSTANDARD CONDITION</b>  The applicant shall submit a landscape and irrigation plan and irrigation to be approved by Planning Staff.  <b>(Planning and Building Inspection)</b></p>	Applicant/Owner shall submit plans to the Planning and Building Department Director approval.	Owner/ Applicant	Prior to Final	

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		<p><b>PBD037(A) – WIRELESS COMMUNICATION FACILITIES</b></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. <b>(Planning and Building Inspection)</b></p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI for review and approval.</p>	<p>Applicant/ Owner</p>	<p>Prior to issuance of grading or building permits.</p>	
6		<p><b>PBD037(B) – WIRELESS COMMUNICATION FACILITIES</b></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 the facility's normal replacement schedule. <b>(Planning and Building Inspection)</b></p>	<p>Submit written agreement to PBI for review and approval.</p>	<p>Applicant/ Owner</p>	<p>Prior to issuance of grading or building permits/ ongoing</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>
7		<b>PBD037(C) – WIRELESS COMMUNICATION FACILITIES</b> 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 70 feet. <b>(Planning and Building Inspection Department)</b>	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 70 feet.	Applicant/ Owner	Ongoing	
8		<b>PBD037(D) – WIRELESS COMMUNICATION FACILITIES</b> 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. <b>(Planning and Building Inspection Department)</b>	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	
9		<b>PBD037(E) – WIRELESS COMMUNICATION FACILITIES</b> 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. <b>(Planning and Building Inspection Department)</b>	None	Applicant/ Owner	Ongoing	



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9		<p><b>PBD037(E) – WIRELESS COMMUNICATION FACILITIES</b></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. <b>(Planning and Building Inspection Department)</b></p>	None	Applicant/ Owner	Ongoing	



**xingular**  
WIRELESS

4420 Rosewood Dr. Bldg. 3, 3rd Floor  
Pleasanton, CA 94588



**CRDC**  
ENGINEERS

1625 Julian Drive, El Cerrito, CA 94530  
Phone: 510.234.3088 Fax: 510.234.0188

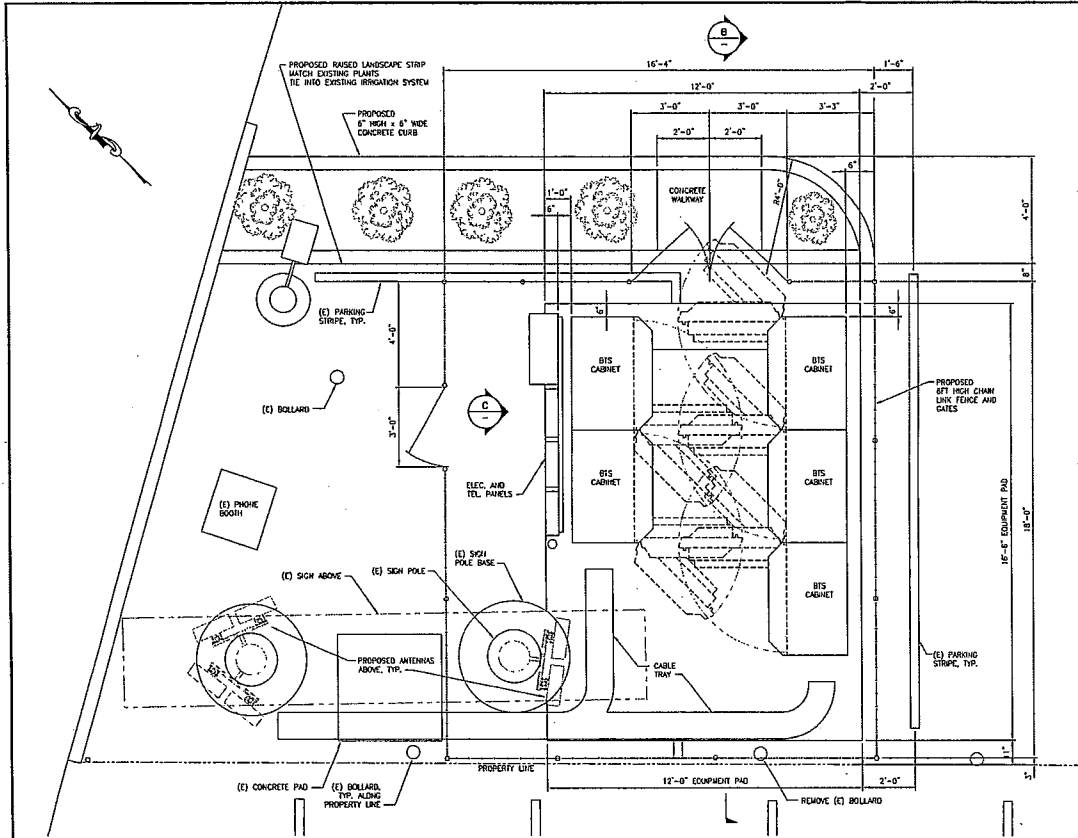
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FILE NO.: MT-208-02

REVISIONS		
DATE	DESCRIPTION	BY
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07/11/05	80% CONST. ISSUE	AS
09/12/05	100% CONST. ISSUE	AS

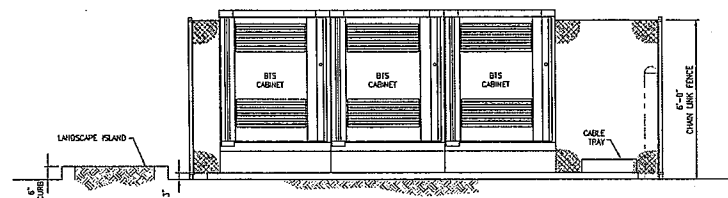
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11400 MERRITT STREET  
CASTROVILLE, CA

**PLAN AND ELEVATION**

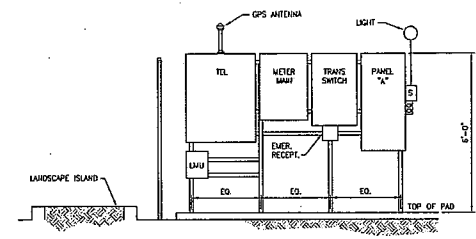
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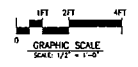
**ENLARGED EQUIPMENT PLAN**  
SCALE 1/2" = 1'-0"



**EQUIPMENT ELEVATION**  
SCALE 1/2" = 1'-0"



**PANEL ELEVATION**  
SCALE 1/2" = 1'-0"



**xingular**  
WIRELESS

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**CRDC**  
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DATE: 06/13/05

DRAWN BY: AS

FILE NO.: MT-208-02

REVISIONS

DATE	DESCRIPTION	BY
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08/17/05	100% ZONING ISSUE	AS
07/11/05	80% CONST. ISSUE	AS
09/12/05	100% CONST. ISSUE	AS

CN3208-02 / MT-208-02  
75 SIGN  
11400 MERRITT STREET  
CASTROVILLE, CA

PLAN AND ELEVATIONS