MIKE NOVO ZONING ADMINISTRATOR STATE OF CALIFORNIA COUNTY OF MONTEREY

RESOLUTION NO. 050122

A.P.# 416-511-012-000

In the matter of the application of Robert & Margaret Sherar (PLN050122)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for a new 50 ft. high telecommunications facility; and Design Approval. The project is located 1/2 mile south of 916 Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan Area, came on regularly for hearing before the Zoning Administrator on May 25, 2006.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS -

The subject Combined Development Permit as described in condition #1 and as conditioned, conforms with the policies, requirements and standards of the Monterey County General Plan, Carmel valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 916 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 416-511-012-000). The parcel is zoned "PG/40-D-S-RAZ" (Permanent Grazing, 40 acres per unit, Design Review and Site Plan Review in the Residential Allocation Zone).

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan;
- b) The Carmel Valley Master Plan; and
- c) Chapter 21.34 of the Monterey County Zoning Ordinance (Title 21) for the "PG" Zoning District.
- d) Chapter 21.45 for the "D" Zoning District.
- e) Chapter 21.46 for the "S" Zoning District.
- f) Chapter 21.62.030 B for the Exception to Height.

- EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, and Environmental Health Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.
- **EVIDENCE:** Written and verbal public testimony submitted at public hearings before the Zoning Administrator.
- **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 file PLN050122.
- **EVIDENCE:** The on-site inspection by the project planner on June 16, 2005 to verify that the proposed project complies with the plan policies and County Code regulations.
- 2. **FINDING: CEQA** The proposed project is categorically exempt from the California Environmental Quality Act.
 - **EVIDENCE:** Section 15303 e of the CEQA Guidelines categorically exempts the proposed development from environmental review. The subject property is situated within an existing, developed area, surrounded by suburban residential uses.
 - **EVIDENCE:** Materials within the project file, PLN050122.
- 3. FINDING: NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
 - **EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- 4. FINDING: HEALTH AND SAFETY 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: 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, and the 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

EVIDENCE: Site inspection by Planner on June 16, 2005.

EVIDENCE: Materials in file PLN050122.

EVIDENCE: Preceding findings and supporting evidence.

5. FINDING:

The integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate and inappropriate proliferation of wireless communication facilities while complying with the Federal Telecommunications Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Monterey County.

- EVIDENCE: a) The wireless communication facility complies with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards, as reviewed above and the declaration on the plan sheet T-1 in the Code Compliance section.
 - b) The wireless communication facility complies with all FCC rules, regulations and standards. This is declared on the plan sheet T-1 in the Code Compliance section.
 - c) Wireless communication facilities shall be sited in the least visually obtrusive location possible. Appropriate mitigation measures shall be applied in instances where the facility is visible from a designated scenic corridor or public viewing area. This is demonstrated by the plans and photo simulations provided by the applicant, which are in the project file.
 - d) A visual simulation of the wireless communication facility shall be provided. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer installation or other means. In instances where the wireless communication facility is located near or in a residential area, photos shall be submitted of the proposed wireless communication facility from the nearest residential neighbors. In instances where the wireless communication facility is located along a scenic corridor, or within a Historic Resource Area or District, a detailed visual analysis of the facility shall be submitted. This is demonstrated by the plans and photo simulations provided by the applicant, which are in the project file.
 - (e) Staff site visit above.
 - (f) Previous findings and evidence.
 - (g) Materials in Project file PLN050560.

6. FINDING:

HEALTH AND SAFETY - The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

7. FINDING: The development of the proposed wireless

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: Preceding findings and evidence.

8. FINDING: The site is adequate for the development of the proposed wireless

communications facility and the applicant has demonstrated that it is the

most adequate for the provision of services required by the FCC.

EVIDENCE: Preceding findings and evidence.

9. FINDING: The proposed wireless communication facility complies with all of the

applicable requirements of Monterey County Code Section 21.64.310.

EVIDENCE: Preceding findings and evidence.

10. FINDING: The subject property upon which the wireless communication 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 of the Monterey County Code and all zoning violation abatement costs,

if any, have been paid.

EVIDENCE: Preceding findings and evidence.

11. FINDING: The proposed wireless communication facility will not create a hazard

for aircraft in flight.

EVIDENCE: Preceding findings and evidence.

12. FINDING: APPEALABILITY -The 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 25th day of May, 2006.

MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

JUN - 6 2006

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 JUN 1 6 2006

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: Sherar

File No: PLN050122

APNs: 416-511-012-000

Approved by: Zoning Administrator

Date: May 25, 2006

*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	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	Verific ation of Compli ance (name/ date
	PBD029 - SPECIFIC USES ONLY The Sherar Use Permit to allow for a new 50 ft. High telecommunications facility; and Design Approval. The project is located 1/2 mile south of 916 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 416-511-012-000), Carmel Valley Master Plan 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. (Planning And Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

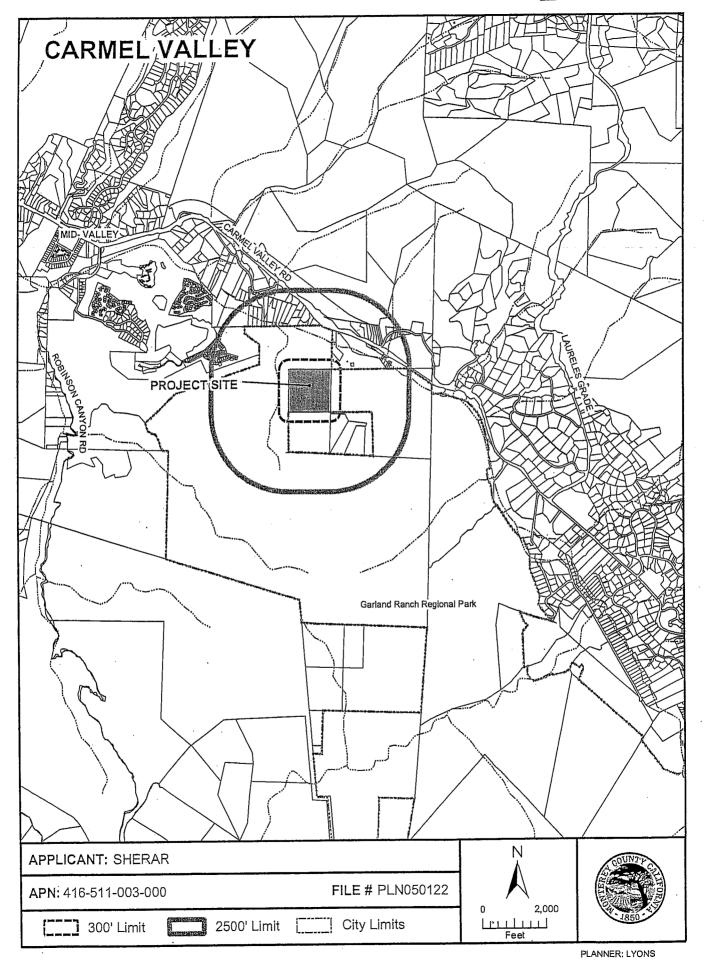
Përmit Cond: Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verific ation of Compli ance (name/ date
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 050122) was approved by the Zoning Administrator of Monterey County for Assessor's Parcel Number 416-511-012-000 on May 25, 2006. 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.	Cost (eliman Con) and (c) (c)
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/ Archaeo- logist	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	Verific ation of Compli- ance (name/ date
4		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.	
5		EH28 - HAZ MAT BUSINESS RESPONSE PLAN 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)	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	

	litig. Imber	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,	Verific ation of Compli- ance (name/ date
6		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be	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.	
		required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For drive-ways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a min-imum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on drive-ways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a ham-merhead/T is used, the top of the "T" shall be a min-imum of 60 feet in length. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final 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	Verific ation of Compliance (name/date
7	All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be	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.		
		wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
8		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys.	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.	
		Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	:
9		FIRE 030-RESPONSE REQUIREMENTS for APPLICANT - (NON-STANDARD) Applicant shall provide to the Carmel valley fire District detailed description and map(s) reflecting fire district access from a public right of way. (Carmel Valley Fire District)	Applicant shall provide fire district with access information	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond.	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	Verific ation of Compli- ance (name/ date
10		FIRE 030-RESPONSE ACKNOWLEDGEMENT - (NON-STANDARD) Applicant shall record an executed agreement with the Carmel Valley Fire District. The agreement shall detail an acknowledgement of reduced coverage for fire protection and a notification of the fire dept when cell maintenance staff is on site. This agreement shall run with the land. (Carmel Valley Fire District)	Applicant shall provide fire district with an executable agreement, duly authenticated, notarized, and authorized. Subsequent to fire department signing, applicant shall furnish proof of recordation of this agreement to PBI.	Applicant or owner	Prior to issuance of grading and/or building permit.	
11		The tower shall be painted a flat gray color and shall not be illuminated. (Planning & Building Inspection)				
		End of conditions				v





NEW CINGULAR WIRELESS PCS, LLC

SITE NO.: SNFCCA2238A

SITE NAME: LAURELS GRADE ROAD & SOUTH

(FLAGPOLE IN MEADOW)

