JEFF MAIN ZONING ADMINISTRATOR

COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 060645

A. P. # 117-052-014-000

In the matter of the application of Ronald and Marjanne Dreisbach/Verizon Wireless (PLN060645)

FINDINGS AND DECISION

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to allow a Combined Development Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Combined Development Permits) of the Monterey County Code, consisting of: a Coastal Administrative Permit and Design Approval to allow the installation of a wireless communication facility comprised of six (6) structure-mounted antennas and a 240 square foot equipment shelter, and a Coastal Development Permit to allow an increase in height from 35 feet to 46 feet. The property is located at 1272 Highway 1, Moss Landing, North County Land Use Plan, and came on regularly for meeting before the Zoning Administrator on March 29, 2007.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the North County Area Land Use Plan, Title 20 of the Monterey County Code, and the Monterey County Coastal Implementation Plan Part 2 (Chapter 20.144 MCC).
 - **EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 1272 Highway 1, Moss Landing (Assessor's Parcel Number 117-052-014-000), North County Area Land Use Plan. The proposed project is sited on that portion of the property zoned Agricultural Industrial, Coastal Zone [AI (CZ)]. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed use.
 - (c) Principally permitted uses allowed in the AI zone include 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 allow an increase in height above the required 35 feet. The proposed antennas will reach a height of 46 feet above grade, and will not exceed the height of existing antennas on the site.
 - (d) The project as conditioned is consistent with Section 20.64.310 regulating wireless communication facilities (See Findings 2-5).
 - (e) Requiring a General Development Plan for the project will not further the purpose of Chapter 20.24. Therefore, this requirement was subsequently waived by the Planning Director on February 8, 2007.
 - (f) The project planner conducted site inspections on January 23, 2007 and February 6, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
 - (g) On January 16, 2007, the North County Coastal Land Use Advisory Committee voted 5-0 to recommend approval of the subject Combined Development Permit (PLN060645/Dreisbach). The Committee voted to recommend approval with noted

concerns regarding the health and maintenance of the existing adjacent redwood trees (Condition 10).

(h) The application, plans, and related support materials submitted by the project applicant to the RMA- Planning Department for the proposed development found in Project File PLN060645.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- **EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: California Coastal Commission, RMA-Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) The proposed wireless facility is located to fill a gap in existing
 - wireless coverage along the Highway 1 corridor. The general area consists of industrial, agricultural, and rural residential uses. Co-location on the building was found to be the most suitable to avoid constructing a new tower or monopole that may significantly impact the public viewshed.
 - (c) Previously approved planning files PLN000085 and PLN000421.
 - (d) Staff conducted site inspections on January 23, 2007 and February 6, 2007 to verify that the site is suitable for this use.
 - (e) Materials in Project File PLN060645.
- 3. FINDING: CEQA (Exempt): The project is categorically exempt from environmental review.

EVIDENCE: (a) CEQA Guidelines §15301 (Class 1) categorically exempts minor additions to existing public or private structures involving negligible or no expansion of use.

- (b) The project consists of locating a telecommunication facility on an existing privately owned industrial building.
- (c) Implementation of the project does not require the removal of any protected trees or environmentally sensitive habitat.
- (d) No adverse environmental effects were identified during staff review of the application or during site visits on January 23, 2007 and February 6, 2007.
- (e) No unusual circumstances were found to exist that would cause a potential significant servironmental impact to occur.
- (f) See preceding and following findings and supporting evidence.
- (g) Materials in project file PLN060645.

4. **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 structurally attaching six (6) panel antennas to an existing Industrial building. No ground disturbance is required and no resources are impacted. The project site is moderately developed, primarily supporting industrial uses, wireless technology, and agricultural support facilities. Due to the nature and location of the site a majority of this development is visible from the Highway 1 corridor and Salinas Road.

Staff has determined that the proposed facility represents a minor addition to this already developed site and although briefly visible, the facility will not significantly impact the public viewshed.

- (b) Upon maturity, redwood trees located adjacent to the existing building will serve to partially screen the development.
- (c) 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.
- (d) The project is not located near any coastal beach, dune, ridgeline or wetland.
- (e) Installation of the facility will not interrupt views of the shoreline.
- (f) Staff site visits and project photos.
- (g) Application plans and materials located in project file number PLN060645.

5. FINDING: SITE CONCENTRATION- The continued co-location of wireless facilities at this site may serve to increase visual impacts and create visual clutter that will negatively impact the public viewshed. Therefore, any, future wireless proposals at this location shall demonstrate through design or technological advance that implementation of the project will not result in the creation or exacerbation of significant visual impacts.

EVIDENCE: Upon implementation of the proposed project a total of 14 antennas will be co-located on the existing building which is visible from northbound Highway 1 and Salinas Road. All antennas are concentrated on the north and east portions of the facility; therefore, additional antennas of the same design, in the same location, would serve to cause unsightly cluttering of the facility and the surrounding area.

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

EVIDENCE: (a) The proposed project includes the installation of six (6), 16-foot panel antennas, onto an existing 35-foot industrial building. The top of the antennas reach a height of 46 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:

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 access.

- (b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 6.4 of the North County Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit s on January 23, 2007 and February 6, 2007.
- 8. 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. Zoning violation abatement costs, if any, have been paid.
 - **EVIDENCE:** Staff reviewed RMA- Planning Department and RMA-Building Services records and is not aware of any violations existing on subject property.
- 9. 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: Preceding findings and supporting evidence.

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10. **FINDING:** APPEALABILITY - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

DECISION

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

PASSED AND ADOPTED this 29th day of March, 2007.

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ų. ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 52007

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 APR 15-2007.

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, <u>if this is the final administrative decision</u>, 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 2 years after the above date of granting thereof unless construction or use is started within this period.

Resource Management Agency - Planning Department Project Name: Ronald and Marianne Dreisbach					
Condition Compliance & Mitigation Monitoring and	File No: PLN060645	APN: 117-052-014-000			
Reporting Plan	Approval by: Zoning Administrator	Date: March 29, 2007			

*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.		PD001 - SPECIFIC USES ONLY	Adhere to conditions and uses	Owner/	Ongoing	
		This Combined Development Permit (PLN060645) allows	specified in the permit.	Applicant	unless	
		for the installation of a wireless communication facility			otherwise	
		consisting of six (6) structure mounted Verizon Wireless			stated	
		antennas and a 240 square foot equipment shelter, as well		· ·		
		as an increase in maximum height from 35 feet to 46 feet.				
		The property is located at 1272 Highway 1 (Assessor's				
· ·		Parcel Number 117-052-014-000), Moss Landing, North				
	-	County Land Use Plan. This permit was approved in		· ~		ęż.
		accordance with County ordinances and land use		- `ù		
		regulations subject to the following terms and conditions.				
ľ	•	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 the RMA - Planning Department. 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	t t			
		of this permit and subsequent legal action. No use or				
		construction other than that specified by this permit is				2
		allowed unless additional permits are approved by the				
		appropriate authorities. To the extent that the County has				
2		delegated any condition compliance or mitigation				
		monitoring to the Monterey County Water Resources				
		Agency, the Water Resources Agency shall provide all				

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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 Pariy for Compliance	Timing	Verification of Compliance (name/date)
		information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060645) was approved by the Zoning Administrator for Assessor's Parcel Number 117-052-014- 000 on March 29, 2007. The permit was granted subject to <u>11</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
3.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6.	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
		The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	

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Permit			Compliance or Monitoring Actions	Responsible		Verification
Cond:	Mitig: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	to be performed. Where applicable; a	Party for	Timing	of Compliance
Number			action to be accepted.	Compliance		(name/date)
4.		PD039(A) – WIRELESS COMMUNICATION	Submit signed and notarized	Owner/	Prior to the	
		FACILITIES	Indemnification Agreement to the	Applicant	issuance of	
		The applicant agrees as a condition and in consideration	Director of RMA – Planning		grading or	
		of the approval of the permit to enter into an	Department for review and signature		building	
		indemnification agreement with the County whereby the	by the County.		permits.	
		applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees				
		from actions or claims of any description brought on	Proof of recordation of the		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	4 -
		account of any injury or damages sustained by any	Indemnification Agreement, as outlined, shall be submitted to the			
		person or property resulting from the issuance of the	RMA – Planning Department.			
		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.				
		(RMA – Planning Department)				
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5.		PD039(B) – WIRELESS COMMUNICATION	Submit, in writing, a declaration	Owner/	Prior to the	
		FACILITIES	agreeing to comply with the terms of	Applicant	issuance of	
		The applicant shall agree in writing that if future	this condition the RMA - Planning		grading or	
•		technological advances allow for reducing the visual	Department for review and approval.		building	
		impacts of the telecommunication facility, the applicant			permits.	
		shall make modifications to the facility accordingly to				

Ronald and Marianne Dreisbach/Verizon Wireless (PLN060645) Page 8

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Permii 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)
		reduce the visual impact as part of the facility's normal replacement schedule. (RMA – Planning Department)				
6.		PDSP001 – WIRELESS COMMUNICATION FACILITIES The applicant and/or successors and assigns shall encourage co-location by other wireless carriers on this site assuming appropriate permits are approved for co- location. Any expansion or additions of microwave dishes, antennas and/or similar appurtenances 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 antennas shall not exceed 46 feet.	Encourage co-location by other wireless carriers on this site assuming appropriate permits are approved for co-location. The overall height of the antennas shall not exceed 46 feet.	Owner/ Applicant	Ongoing	
7.		(RMA – Planning Department) PD039(D) – WIRELESS COMMUNICATION FACILITIES If the applicant abandons the facility or terminates the use, the applicant shall remove the 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 the RMA - Planning Department and County Counsel.	If the applicant abandons the facility or terminates the use, a site restoration agreement shall be submitted to the RMA - Planning Department subject to the approval of the RMA - Director of Planning and County Counsel.	Owner/ Applicant	Prior to the issuance of grading or building permits/ Ongoing.	
		The site shall be restored to its natural state within 6 months of the termination of use or abandonment of the site. (RMA – Planning Department)	Restore the site to its natural state.	Owner/ Applicant	Within 6 months of termination of use or abandon- ment of	

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Permit Cond: Number	Milig Number	Conditions of Approval and/or Miligation 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	<i>Timing</i> site.	Verification of Compliance (name/date)
8.		 PD039(E) – WIRELESS COMMUNICATION FACILITIES The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA – Planning Department 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. (RMA – Planning Department) 	Submit documentation demonstrating compliance with the FCC emission standards. If the facility is in violation of FCC emission standards, a public hearing shall be set before the Appropriate Authority to consider revocation or modification of the permit.	Owner/ Applicant Director of the RMA – Planning Department	Prior to the commence- ment of use/ Ongoing Ongoing	
9.		PDSP002-COLORS AND MATERIALS The colors of panel antennas and equipment box shall be approved by the Planning Director. Non-reflective paint shall be used on all equipment. The applicant shall submit a sample of the proposed paint/color to the Planning Department for review and approval prior to issuance of building permits.	Submit color samples to the Planning Department for approval. Color shall be a flat finish with a similar tone as the existing building	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
		All existing wireless antennas shall be painted to match proposed panel antennas.	Submit photo documentation of the painted antennae to the Planning Director. Submit photo documentation to the Planning Director.	Owner/ Applicant Owner/ Applicant	Prior to final building inspection. Ongoing.	Wa

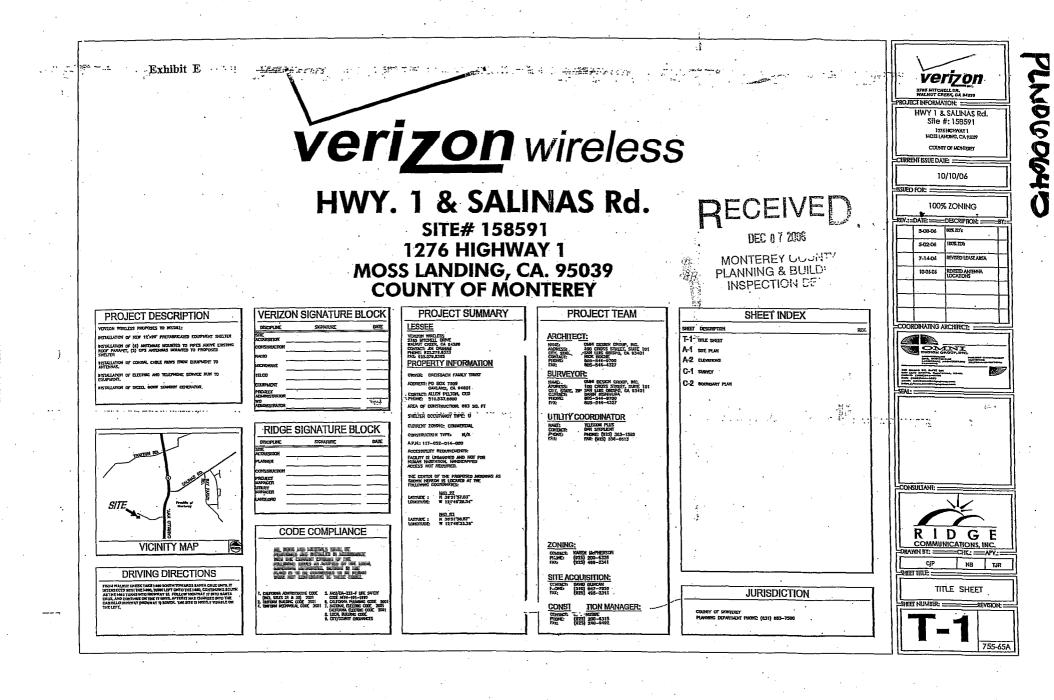
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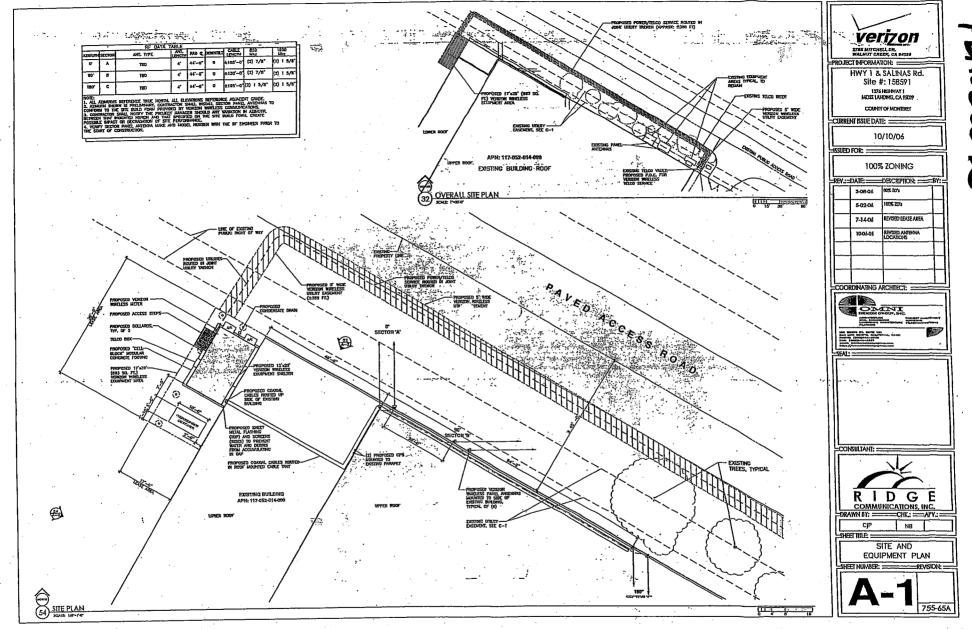
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		(RMA-Planning Department)				
10.		PDSP004-LANDSCAPE MAINTENANCE Existing landscaped areas, including adjacent redwood trees, shall be continuously maintained by the applicant in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	All landscaped areas shall be continuously maintained by the owner; all plant material shall be continuously maintained in a litter- free, weed-free, healthy, growing condition.	Owner	Ongoing	₹ <u>₹</u> 01 ⁴ -
11.		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	

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END OF CONDITIONS

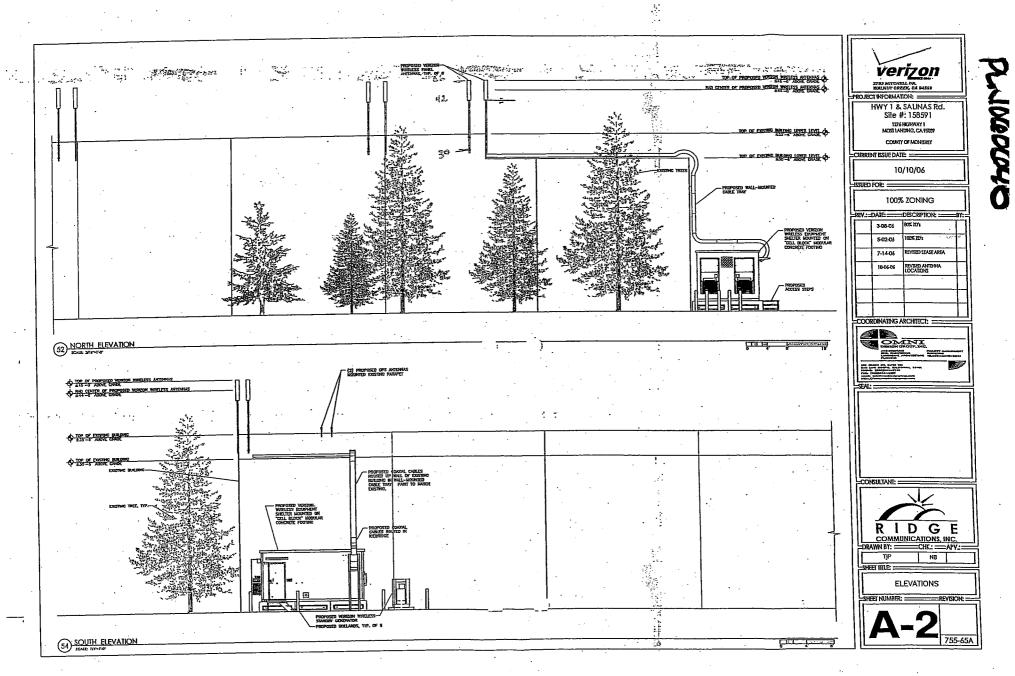




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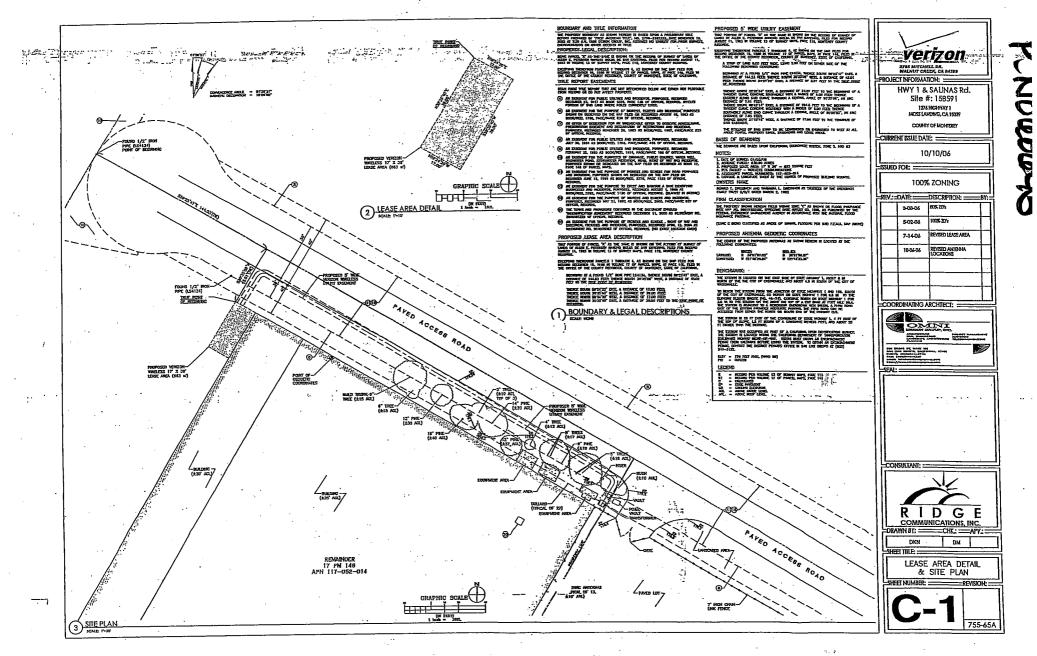
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