

In the matter of the application of
Pacific Gas & Electric Company (PLN070500)

FINDINGS AND DECISION

for a **Coastal Development Permit** in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow installation of three telecom antennas on the top of a PG&E electric tower that will add an additional twelve feet to the 126 foot tower with equipment cabinets, work light and power meter on concrete slab surrounded by a six foot high fence at the tower base. The property is located at Dolan Road, Moss Landing, North County Land Use Plan, Coastal Zone, and came on regularly for hearing before the Zoning Administrator on March 13, 2008.

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, North County Area Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 along Dolan Road (Assessor's Parcel Number 131-054-010-000), North County Area Plan. The parcel is zoned Rural Density Residential/5 acres per unit ("RDR/5"). Wireless Communication facilities are allowed in the LDR zone according to Title 20 (20.16.050RR CIP). A 200 foot PG&E utility crosses the northern side of the property with the existing tower. According to Title 20 (20.64.310 CIP) "Wireless communications shall be allowed on any lot or parcel in any zoning district, subject to a Coastal Administrative Permit or a Coastal Development Permit." Wireless communication facilities in the RDR District require a Coastal Development Permit as a conditional use. 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 development.

- (c) Title 20 (20.64.310 H CIP) requires that wireless communication facilities include:

- Preserves visual character.

Project does not impact public views by placing antenna on existing tower beyond view of Highway 1.

- Co-location.
Project antennas are on top of existing PG &E tower to decrease visual impact.
- The new Cell unit should comply with Visual Resource Development Standards for all CIPs within the Coastal Zone.
Project meets the CIP standards for North County
- Wireless communication shall be screened from any designated scenic corridors or public viewing areas.
Project is over two miles from Highway 1 on top of existing PG&E tower to minimize visibility. The radio equipment is screened with a fence.

The project will create an additional 12 feet to the top of an existing 126 foot tall PG&E tower on Dolan Road. The tower is approximately two miles from Highway 1 and the 12 foot addition is not visible.

- (d) The project planner conducted a site inspection on February 1, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (e) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070500.

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: RMA - Planning Department, North County Fire Protection District and Public Works. 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) This location for antennas will add additional reception along Dolan Road and Highway 156. Similar coverage benefits would require a pole within one-quarter mile of the chosen tower but there are no other existing cell monopoles to co-locate. The nearest monopole is closer to Highway 1 but too far west and too low to satisfy coverage objectives. The selected site has the best coverage without building a new tower and no visual impacts. This location best satisfies Title 20 (20.64.310 H) for co-location and reduced visual impact.
 - (c) Staff conducted a site inspection on February 1, 2008 to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN070500.

3. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 Class 1 (b), categorically exempts Existing Facilities "...of both investor and publicly-owned utilities..." for minor alteration of existing structures.

- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on February 1, 2008.
- (c) See preceding and following findings and supporting evidence.

4. **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: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The project will need batteries (more than 1,000 lbs of lead) and must 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 Preceding findings and supporting evidence.

(b) The site will be registered with Environmental Health as a hazardous materials handler.

(c) Condition #5 will require the site to register and create a business response plan.

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

EVIDENCE: Section 20.86.303 and 20.86.080 Monterey County Zoning Ordinance Title20.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said request for a Coastal Development Permit be approved as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 13th day of **March, 2008**.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAR 17 2008**

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

MAR 27 2008

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, 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 RMA - Planning and RMA - Building Services Department offices 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 Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: PG&E Telecommunications Antennas

File No: PLN070500

APNs: 131-054-010-000

Approved by: Zoning Administrator **Date:** March 13, 2008

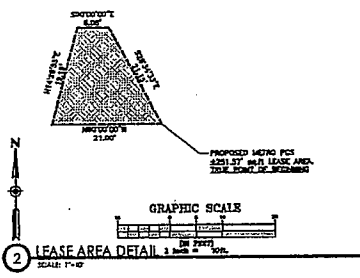
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Development Permit (PLN131-054-010-000) allows installation of three cell phone antennas on the top of a PG&E electric tower that will add an additional twelve feet to the 126 foot tower with equipment cabinets, work light and power meter on concrete slab surrounded by a six foot high fence at the tower base. The property is located at (Assessor's Parcel Number 131-054-010-000), North County Area Plan/Land Use Plan. 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 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 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all 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)</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>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 070500) was approved by the (Zoning Administrator) for Assessor's Parcel Number 131-054-010-000 on March 13, 2008. The permit was granted subject to 6 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)</p>	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 or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>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 RMA - Planning 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. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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.		PD039(A) – WIRELESS COMMUNICATION FACILITIES 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. (RMA – Planning Department)	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
5.		PD039(B) – WIRELESS COMMUNICATION FACILITIES 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. (RMA – Planning Department)	Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
6.		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	Prior to Building Permit	

END OF CONDITIONS



BOUNDARY AND TITLE INFORMATION
 THIS MAP IS A GRAPHIC SUMMARY OF DATA COMPILED FROM PREVIOUSLY FILED RECORDS. THE PROPERTY BOUNDARY IS SHOWN APPROXIMATELY ON THE BASIS OF A PRELIMINARY SURVEY. THE PROPERTY BOUNDARY IS SHOWN APPROXIMATELY ON THE BASIS OF A PRELIMINARY SURVEY. THE PROPERTY BOUNDARY IS SHOWN APPROXIMATELY ON THE BASIS OF A PRELIMINARY SURVEY.

PROPERTY LEGAL DESCRIPTION
 PARCEL A: 1.00 AC. (approx.)
 PARCEL B: 1.00 AC. (approx.)
 PARCEL C: 1.00 AC. (approx.)
 PARCEL D: 1.00 AC. (approx.)

PROPERTY LEGAL INFORMATION
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PROPOSED LEASE AREA DESCRIPTION
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BASE OF RECORDS
 THE RECORDS ARE BASED UPON CALIFORNIA COORDINATE SYSTEM, ZONE 10, NAD 83.

NOTES
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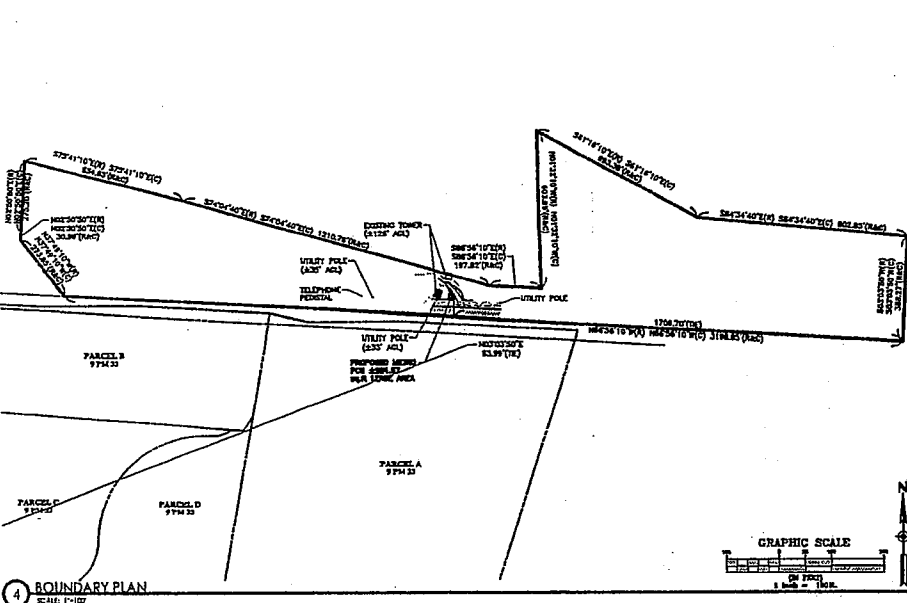
BENCHMARKS
 1. BENCH MARK 1: 110.00' (approx.)
 2. BENCH MARK 2: 110.00' (approx.)
 3. BENCH MARK 3: 110.00' (approx.)

OWNERS NAME
 PARCEL ONE AND ELECTRIC COMPANY

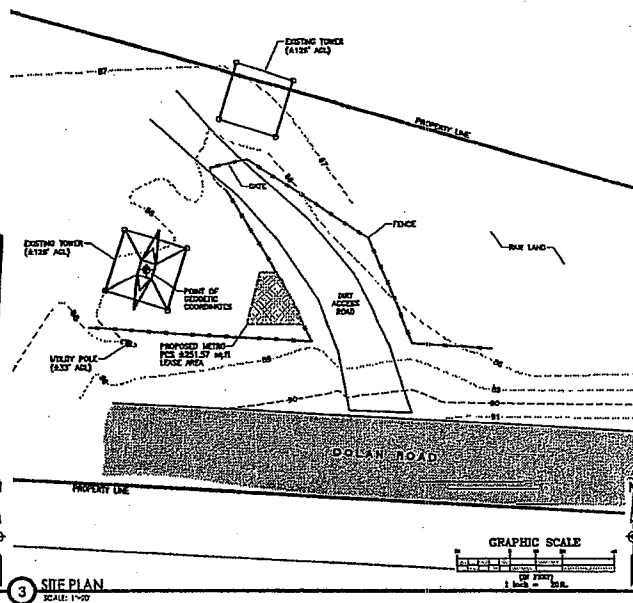
FIRM CLASSIFICATION
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PROPOSED ANTENNA COORDINATES
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1 BOUNDARY & LEGAL DESCRIPTIONS
 SCALE: NONE



4 BOUNDARY PLAN
 SCALE: 1"=100'



3 SITE PLAN
 SCALE: 1"=100'

metroPCS
 METRO PCS INC.
 1000 MARINA VILLAGE PARKWAY
 4TH FLOOR
 ALAMEDA, CA 94501
 PHONE: 510.823.2810
 FAX: 510.748.1153

ARCHITECT:
OMNI
 CONSULTANTS
 1000 MARINA VILLAGE PARKWAY
 4TH FLOOR
 ALAMEDA, CA 94501
 PHONE: 510.823.2810
 FAX: 510.748.1153

CONSULTANT:

SBAL:

REV.	DATE	DESCRIPTION	BY

DRAWN BY: CMC: APV:

CURRENT ISSUE DATE:
 10/05/07

ISSUED FOR:
 100% ZD's

PROJECT INFORMATION
PGE TOWER
SF19320A
 (CLOSEST DWELLING 860 DOLAN RD.)
 CASTROVILLE, CA 95039
 APN NO. 131-004-010-000
 COUNTY OF MONTEREY

SHEET TITLE
 LEASE AREA DETAIL
 BOUNDARY AND SITE PLAN

SHEET NUMBER: **REVISION:**

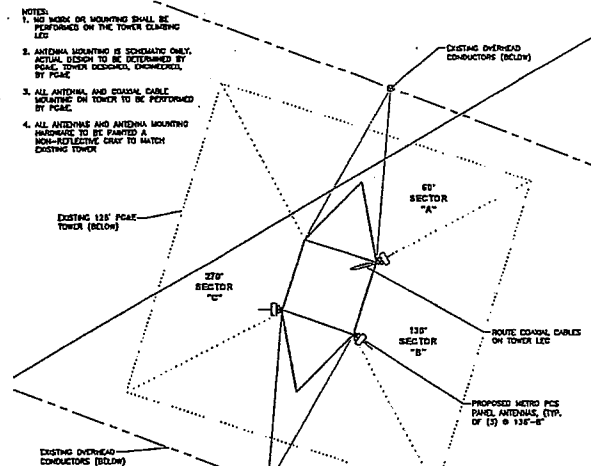
C-1

855-71A

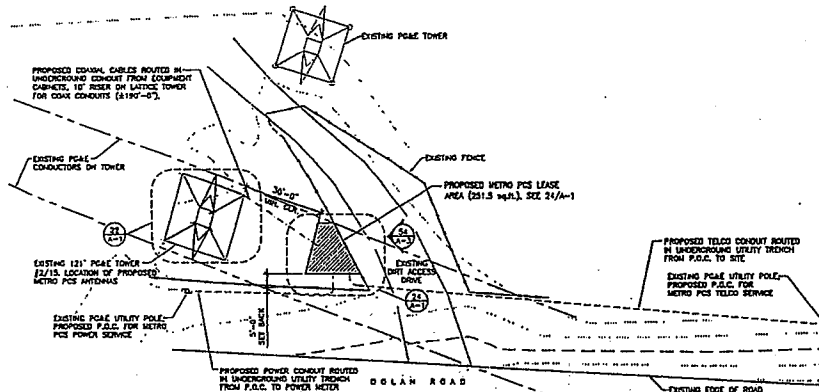
Antenna Sector	# of Antennas	Azimuth	Rad. Center	Antenna Make/Model	Mechanical Tilt	Electrical Tilt	RET	Main Cable Length	Cable Size	Top Jumper Length	Bottom Jumper Length	Cable # and Port #	Color Code	Comments
ALPHA	1	80°	+136°-8'	QES-8883 18-DUAL	0	0	NONE	190'x	-5/8"	-	-	Ts/Ra 1/1 Ra - 2/2	Red White/Red	
BETA	1	130°	+136°-8'	QES-8883 18-DUAL	0	0	NONE	190'x	-5/8"	-	-	Ts/Ra 1/3 Ra - 2/4	Blue White/Blue	
GAMMA	1	270°	+136°-8'	QES-8883 18-DUAL	0	0	NONE	190'x	-5/8"	-	-	Ts/Ra 1/5 Ra - 2/6	Green White/Green	
Antenna Make		Main Cable Length		Cable Size		Cable # and Port #		Comments						
GPS		Lincat		NONE		Ra Port :								

NOTES:
 1. ALL ANGLES IN TRUE NORTH DEGREES.
 2. MECHANICAL TILT IN DEGREES, POSITIVE VALUE IS DOWN.
 3. ELECTRICAL TILT IN DEGREES, POSITIVE VALUE IS DOWN.

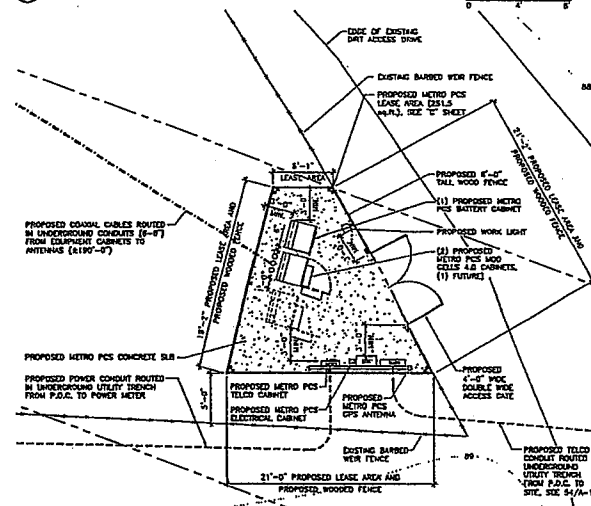
RF DATA CHART



ANTENNA LAYOUT PLAN @ 136°-8'



SITE PLAN



EQUIPMENT LAYOUT PLAN

metroPCS
 METRO PCS, INC.
 1080 MARINA VILLAGE PARKWAY
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 FAX: 510.745.1823

ARCHITECT:
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 CONSULTING GROUP, INC.
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 SAN JOSE, CA 95128
 PHONE: 408.291.1000
 FAX: 408.291.1001
 WWW.OMNIGROUP.COM

CONSULTANT:

SEAL:

REV.	DATE	DESCRIPTION	BY

DRAWN BY: CHK: APV:
 SKD SM

CURRENT ISSUE DATE:
 10/05/07

ALLOWED FOR:
 100% ZD's

PROJECT INFORMATION:
PG&E TOWER SF19320A
 (CLOSEST DWELLING 860 DOLAN RD.)
 CASTROVILLE, CA 95039
 APN NO. 131-054-010-000
 COUNTY OF MONTEREY

SHEET TITLE:
 SITE, EQUIPMENT, AND
 ANTENNA LAYOUT PLANS

SHEET NUMBER: REVISION:

A-1

855-78A