

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06032

A. P. # 243-262-003-000  
243-262-004-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Rocky Point – Cingular (PLN030313)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, consisting of: 1) Coastal Development Permit to allow the installation of four (4) new 51-inch telecommunication antennas attached to an existing 35-foot utility pole, an equipment housing enclosure measuring approximately 20-foot by 9-foot including three cabinets, a 4-foot tall retaining wall, trenching; 2) Coastal Development Permit for development within the critical viewshed, 3) Coastal Development Permit for development on slopes of 30% or greater, and 4) Design Approval. The property is an undeveloped parcel adjacent to the Rocky Point restaurant, approximately 12 miles south of Carmel on Highway 1, Rocky Point, Big Sur, Coastal Zone and came on regularly for hearing before the Planning Commission on May 31, 2006.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING – CONSISTENCY:** The subject Combined Development Permit (PLN030313/Rocky Point-Cingular) has been processed in accordance with all applicable requirements.

**EVIDENCE:**

- (a) On June 16, 2004, Mr. Monroe Cochran with NSA Wireless filed an application on behalf of AT&T for a Coastal Development Permit requesting entitlements to install an 4-panel telecommunication array on an existing utility line pole including a 4-foot retaining wall cut into a hill for housing three equipment cabinets within a 2-foot by 14-foot lease area. The application was deemed complete on January 6, 2006. The original application also included after-the-fact permits for unpermitted development at the restaurant including installing: a deck and patio, exterior lights, new water tanks, a gazebo; and changing a monument sign.
- (b) Rocky Point Restaurant LLC owns a 2.75-acre site where the equipment would be located (Assessor's Parcel Number 243-262-004-000) and Monterey County owns an 8.87-acre site with a utility pole that will support the antenna array (Assessor's Parcel Number 243-262-003-000). The site is located approximately 12 miles south of Carmel on Highway One, Big Sur, Coastal Zone, in the County of Monterey (the "site").

- (c) LUAC. On July 23, 2004, the subject Combined Development Permit (PLN030313/Rocky Point-Cingular) was reviewed by the Big Sur Land Use Advisory Committee. The LUAC voted 3-0 to recommend approval subject to conditions to remove ice plant and exotic plants in the project area (**Condition 11**).
- (d) The application was deemed incomplete on July 16, 2004 until code violations (CE990087) at the Rocky Point Restaurant were addressed.
- (e) On May 23, 2005, the application was split into two project files: 1) PLN030313 for the telecommunication facilities; and 2) PLN050269 for the restaurant improvements.
- (f) On January 6, 2006, PLN030313 was deemed complete.
- (g) CEQA. Review of the application material found that the project would not create any adverse environmental affects and that the project qualifies for a Class 1 Categorical Exemption. There are no unusual circumstances related to the project or property that would require additional review. See **Finding 8**.
- (h) Planning Commission. On May 31, 2006, the Monterey County Planning Commission considered findings, evidence, and conditions for approving a Combined Development Permit for telecommunication facilities (PLN030313/Rocky Point-Cingular) in the Big Sur Coastal Land Use Plan area.

2. **FINDING - COMPLY WITH REGULATIONS** - The project, as conditioned, is consistent with applicable plans and policies of the Big Sur Land Use Plan (LUP), Coastal Implementation Plan, Part 3 (Chapter 20.145 MCC); Monterey County Grading Ordinance (Title 16), and the Monterey County Zoning Ordinance (Title 20/Coastal Implementation Plan, Part 1).

**EVIDENCE:**

- (a) The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
  - 1982 Monterey County General Plan, as amended.
  - Big Sur Land Use Plan
  - Coastal Implementation Plan – Part 3 (Chapter 20.145 MCC)
  - Chapters 20.17 MCC – Watershed and Scenic Conservation
  - Chapters 20.22 MCC – Visitor Serving Commercial
  - Chapter 20.44 MCC – Regulations for Design Control Zoning District
  - Chapter 20.64.230 MCC – Regulations for Development on Slopes in Excess of 30%
  - Chapter 20.64.310 MCC – Regulations for Siting, Design and Construction of Wireless Communication Facilities
  - Chapter 20.70 MCC - Coastal Development Permits.

As conditioned, there would be no conflict or inconsistencies with the regulations of these plans or policies.

- (b) Land Use. Rocky Point Restaurant LLC owns a 2.75-acre site (Assessor's Parcel Number 243-262-004-000) designated VSC(CZ) and has an existing restaurant and parking lot developed on the site. Monterey County owns an 8.87-acre site (Assessor's Parcel Number 243-262-003-000) that is designated WSC/40-D(CZ). County property has water storage tanks for the restaurant and overhead utility lines (poles). Access is provided off Highway One by a long narrow driveway into the restaurant parking lot.

- (c) Proposed Project. Conditional uses allowed in the WSC zone include new wireless communication facilities pursuant to Section 20.64.310 MCC (Section 20.17.040.KK MCC). A Coastal Development Permit is required in order to install an array of four, 4-foot tall panels on an existing 35-foot tall, wooden utility pole plus a 2-foot diameter microwave dish on top of the existing restaurant building. Mechanical equipment for the system would be located within a 280-square foot lease area located at the base of the hill near the restaurant. A 6-foot chain link fence would be constructed around the mechanical equipment (including a 4-foot tall retaining wall around the rear) for screening and security.
- (d) Visual Resources. As conditioned, the project is consistent with policies of the Big Sur Coastal Implementation Plan (BS CIP) dealing with the critical viewshed from Highway 1 (Section 20.145.030 BS CIP). The subject site is located within the critical viewshed, which is defined as everything within sight of Highway 1 and major public viewing areas. There is an existing 35-foot tall utility pole on the back side of a small hill. All other components will be underground or located where they are not visible within the critical viewshed. Due to steep slopes along the coastal bluffs, there is no other less visible location on the site that can provide the service without adding a new cell tower in the area (Policy 3.2.3.A.7 LUP). Some existing vegetation located near the facility to screen water storage tanks helps the structure blend into the surroundings (Policy 3.2.3.A.2 LUP). Attaching the panels to an existing pole and using a color to match meets the intent of the LUP policies when working with existing structures in the viewshed (Policy 3.2.3.A.9 LUP).
- (e) Archaeology. The project does not involve any land clearing or disturbance in areas not previously disturbed by existing development (Section 20.145.120.B.5 CIP). Development consists of trenching within an area previously disturbed to trench water lines from the storage tanks to the Rocky Point Restaurant. A standard condition to monitor the site during construction has been incorporated.
- (f) Environmentally Sensitive Habitat. The project site consists of coastal bluff scrub that has been disturbed by ice plant and other invasive weedy plants as a result of development not associated with this project and a fire that occurred within the area. A biological assessment prepared for the Rocky Point Restaurant followed by a field review by staff determined that no sensitive habitat is located within the project area. The subject project (PLN030313) would install utility lines at grade (a.k.a. "sleepers") to reduce disturbance of the area. A standard condition requires abatement of invasive plant species within the project area. As conditioned, the proposed project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with environmentally sensitive habitats (Section 20.145.040 CIP).
- (g) Wireless Facilities. The project as conditioned is consistent with Section 20.64.310 regulating wireless communication facilities (See **Findings 3-6**). No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.
- (h) Development on Slopes over 30%. The subject project includes development on slopes over 30% for which no alternative to avoid the slope exists and which also better meets the goals and policies of the Big Sur Coast Land Use Plan. The project area is located on a small hill and the proposed facility would be located on the back (west) side of said hill. Utility lines from the antenna to the equipment area are located at grade in areas where slopes exceed 30%.

Development on slopes in excess of 30% requires a Coastal Development Permit (Section 20.64.230.C.1 CIP) in order to evaluate the best location for development given site constraints. The Planning Commission has determined that no feasible alternative exists that would avoid the development on 30% slope and that the project design better meets the goals and policies of the Land Use Plan by reducing potential hazards (Section 20.64.230.E CIP).

- (i) Site Visit. Project planner conducted on-site inspections to verify that the project on the subject parcel conforms to the plans and reports listed above. Preliminary staking was installed to determine impacts to views from Highway One.
- (j) Application. 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 PLN030313/Rocky Point-Cingular. The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

3. **FINDING – SITE SUITABILITY:** The site is adequate for the development of the proposed wireless communications facility and the applicant has demonstrated that there are not alternative sites for the proposed facility. The proposed wireless communication facility complies with all of the applicable requirements of Section 20.62.310 of Title 20 Monterey County Codes.

**EVIDENCE:**

- (a) Agency Review. The project has been reviewed for suitability by staff from Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and the California Department of Forestry and Fire Prevention (Coastal District). There has been no indication from these agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated. Conditions are designed to address the concerns and recommendations of these agencies.
- (b) Alternatives. The proposed wireless facilities are located to fill a gap in existing wireless coverage along Highway 1 in the Big Sur area. The general area consists of steep mountains with a few single family homes on larger lots. Co-location on an existing utility tower located on the point where it has good exposure along the coastline was found to be the most suitable to avoid constructing a new tower within the critical viewshed.
- (c) Site Inspection. The project planner conducted a site inspection and determined that the proposed improvements will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.
- (d) Project File. The application, plans, photographs and support materials submitted by the project applicant to the Monterey county Planning and Building Inspection Department for the proposed development, found in the project file (PLN030313).

4. **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) Agency Review. 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, applicable Fire Department, and 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 general. There has been no indication from these agencies that the site is not suitable for the proposed development.
- (b) Justification Report. The applicant provided detailed project information including contacts as required by Chapter 20.64.310. This report justifies the need and how the proposed facility meets federal guidelines (See Project File PLN030313). This facility will be operated well within the 1996 Federal Telecommunications Act restrictions and is maintained on a monthly basis to make sure it is properly calibrated.

5. **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 attaching four panel antennas to an existing wooden utility pole plus installing accessory equipment at the base of the hill. An existing access road for the restaurant provides access to the equipment area for maintenance. Although the project site is visible from certain areas along Highway 1, the antennas would consist of a minor addition and their color matches the tower they are attached in order to minimize their visibility. Existing trees located around the antenna screen the utility pole from major viewing areas.
- (b) 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.
- (c) Staff site visit and project photos.
- (d) Application plans and materials located in project file number PLN030313.

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

**EVIDENCE:**

- (a) The subject project proposes to attach four (4), 4-foot tall panels on an existing 35-foot tall utility pole. This is well below any height that could interfere with aircraft.
- (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, or Marina Airport).

7. **FINDING - VIOLATIONS:** The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. Violations exist on the property; however, zoning violation abatement cost, if any, have been paid.

**EVIDENCE:**

- (a) Code Enforcement proceedings were initiated in 1999 (CE990087) to address unpermitted improvements at the Rocky Point Restaurant (APN: 243-262-004-000). Although part of the antenna facilities are located on property where no violation exists (APN: 43-262-003-000), the proposed telecommunication facility includes leasing and placing equipment on the restaurant property where violations do exist (APN: 243-262-004-000). PLN030313 for the telecommunication facility was placed on hold until the restaurant issues were addressed and plans to address the violation issues were submitted with a violation fee (PLN050296). In addition, the applicant for PLN030313 (NSA Wireless) has provided a written agreement that they will secure all land use approvals, building permits, and other required local and state approvals to provide for the legalization of existing violations installed on the restaurant property (APN: 243-262-004-000) including a gazebo, retaining wall/patio, new sign, and water tanks. These actions are considered part of the administrative remedy to address violations at the Rocky Point Restaurant (CE990087).
- (b) The application for PLN050296 will be heard separately by the Planning Commission within the next couple of months. The applicant for the telecommunication facility (NSA Wireless) has agreed in writing to make sure all issues are addressed as directed by the County (Condition 17). As conditioned, granting of this entitlement (PLN030313) is part of an administrative remedy to abate code violations at the Rocky Point Restaurant (APN: 243-262-004-000).
- (c) Staff reviewed Monterey County Planning and Building Inspection Department records.

8. **FINDING - CEQA (Exempt):** The project is exempt from environmental review.

**EVIDENCE:**

- (a) CEQA Guidelines categorically exempt minor alteration to existing structures (CEQA Guidelines §15301, Class 1). Class 1 exemptions consist of minor alterations to existing facilities involving limited expansion of use. An example includes existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.
- (b) The project consists of locating an investor-owned telecommunication facility on an existing publicly-owned utility pole. Existing trees and topography conceal most of the project from public viewing areas. No new facility would be installed within the viewshed by using an existing utility pole. Installing sleeper lines for utilities at grade will avoid disturbance of soil and vegetation and would be located on the side of the slope where it is not visible to the public. The equipment storage area is located within a dense tree cover where it would not be visible from any public viewing area. No new lighting is proposed with this facility.

- (c) The design avoids removal of any protected vegetation and conditions require non-native, invasive plants to be removed. Use of an existing utility pole and installing antenna panels parallel to said pole avoids creating any new structure that could interfere with flight paths for birds or aesthetics of the coastline.
- (d) No adverse environmental effects were identified during staff review of the development application during site visits.
- (e) There are no unusual circumstances related to the project or property that would require additional review.

9. **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). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.145.150 of the Big Sur Coastal Land Use Plan and Coastal Implementation Plan (Part 3).

**EVIDENCE:**

- (a) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 2, the Shoreline Access Map, of the Big Sur Coast Land Use Plan.
- (b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (c) 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. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan, can be demonstrated.

10. **FINDING – APPEALABILITY:** The decision on this project may be appealed to the Board of Supervisors and/or the California Coastal Commission.

**EVIDENCE:**

- (a) Board of Supervisors. Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).
- (b) Coastal Commission. The project may be appealed to the Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1:
  - The project is located between the sea and the first through public road paralleling the sea (Highway One).
  - The project involves development that is permitted in the underlying zone as a conditional use (telecommunication facility, 30% slope, critical viewshed).

**DECISION**

**THEREFORE,** it is the decision of said Planning Commission that said application is granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 31st day of May, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Rochester, Wilmot  
NOES: None  
ABSENT: Salazar

  
MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN - 7 2006

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 JUN 17 2006

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 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:** ROCKY POINT - CINGULAR

**File No:** PLN030313

**APNs:** 243-262-003-000,

243-262-004-000

**Approval by:** Planning Commission

**Date:** May 31, 2006

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

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
1		<p><b>PBD029 - SPECIFIC USES ONLY</b>  <i>This Combined Development Permit consisting of: Coastal Development Permit to allow the installation of four (4) new 51-inch telecommunication antennas attached to an existing 35-foot utility pole, a 2-foot diameter microwave dish on top of the Rocky Point Restaurant; an equipment housing enclosure measuring approximately 20-foot by 9-foot including three cabinets, a 4-foot tall retaining wall, trenching; Coastal Development Permit for development within the critical viewshed, Coastal Development Permit for development on slopes of 30% or greater, and Design Approval . The project is located adjacent to the Rocky Point restaurant, approximately 12 miles south of Carmel on Highway 1, Rocky Point, Big Sur coastal zone (Assessor's Parcel Number 243-262-003-000 and 243-262-004-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to</i></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		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>				
2		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 06032) was approved by the <b>Planning Commission for Assessor's Parcel Numbers 243-262-003-000 and 243-262-004-000 on May 31, 2006. The permit was granted subject to 17 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.</b> " 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>	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		<b>PBD004 - DEBRIS REMOVAL</b> Prior to the issuance of a building permit, recordation of a final map or parcel map or initiation of the use, applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, abandoned pipes, dismantled or wrecked vehicles/machinery/tanks, garbage, debris or similar materials. <b>(Planning and Building Inspection)</b>	Proof of compliance shall be submitted to PBI prior to issuance of building permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

4		<p><b>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</b>  The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	<p>1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.</p>	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
<p>2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.</p>	Prior to Final Inspection					
5		<p><b>PBD014 - GRADING-WINTER RESTRICTION</b>  No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	None	Owner/ Applicant	Ongoing	

6		<p><b>PBD028 - RESTORATION OF NATURAL MATERIALS</b>  Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of Planning and Building Inspection. Plans for such restoration shall be submitted to and approved by the Director of Planning and Building Inspection prior to commencement of use. <b>(Planning and Building Inspection)</b></p>	Submit restoration plans to PBI for review and approval.	Owner/ Applicant	Prior to start of use.	
7		<p><b>PBD032(A) - TREE PROTECTION</b>  Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
8		<p><b>PBD034 - UTILITIES - UNDERGROUND</b>  All new utility and distribution lines shall be placed underground. <b>(Planning and Building Inspection; Public Works)</b></p>	None	Applicant/ Owner	Ongoing	

9		<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>	
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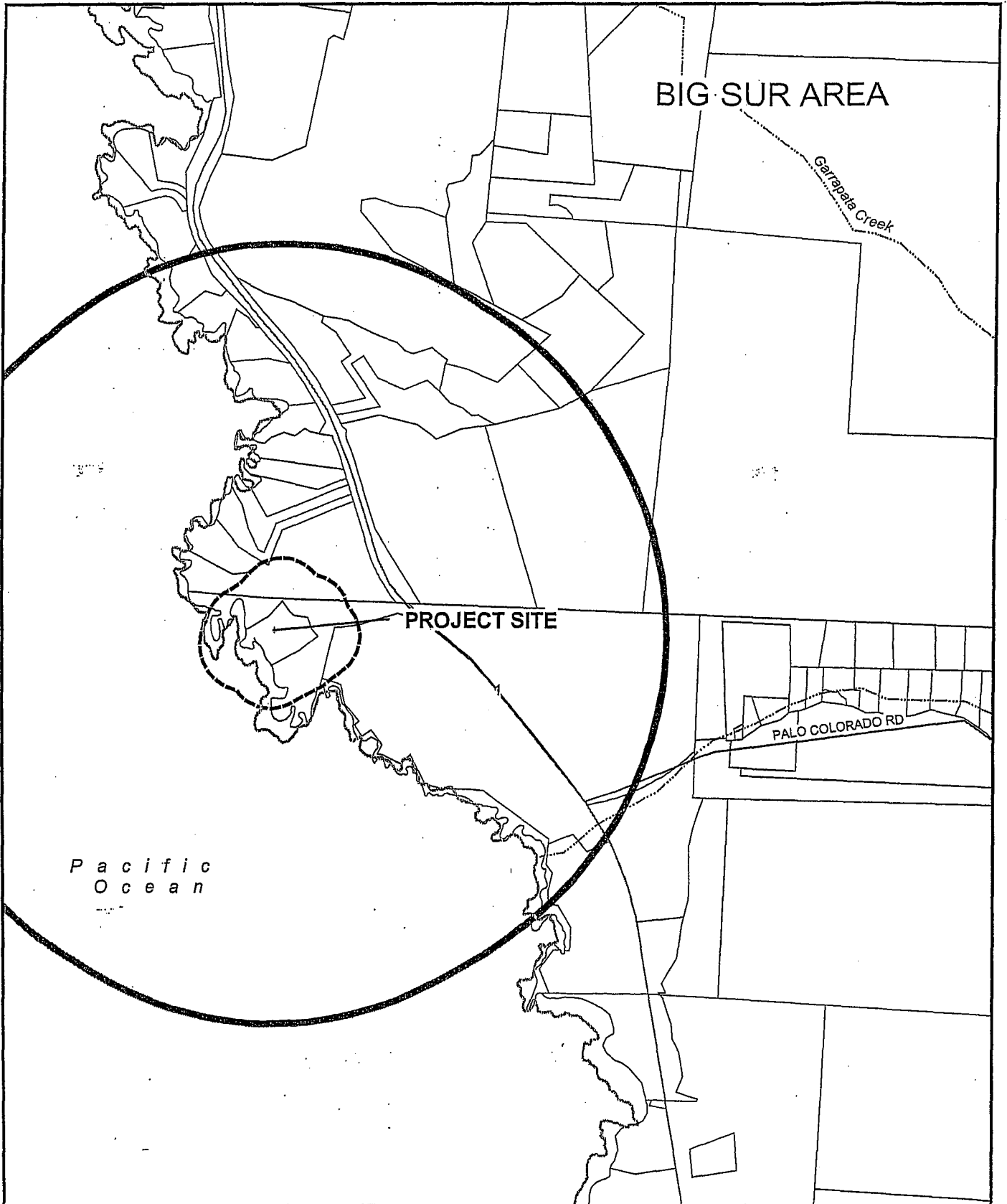
10		<p><b>PBD037(B) - WIRELESS COMMUNICATION FACILITIES</b>  The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. (Planning and Building Inspection)</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.</p>	
11		<p><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 35 feet. (Planning and Building Inspection Department)</p>	<p>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 35 feet.</p>	<p>Applicant/ Owner</p>	<p>Ongoing</p>	

12		<p><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></p>	<p>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.</p>	Applicant/ Owner	Ongoing	
13		<p><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></p>	None	Applicant/ Owner	Ongoing	
14		<p><b>PBD039 – LIGHTING (NON-STANDARD)</b>          No lighting is included as part of the proposed project. <b>(Planning and Building Inspection Department)</b></p>	<p>Include this condition as a note on the building plans.</p>	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

			Maintain lighting in accordance with approved plans.		On going	
15		<b>COLORS AND MATERIALS (NON-STANDARD)</b> The colors of panel antennas and equipment box shall blend in with the surrounding area as approved by the Director of Planning. Non-reflective paint shall be used on all equipment. The applicant shall submit a sample of the proposed paint/color to Planning and Building Inspection for review and approval prior to issuance of building permits. (Planning and Building Inspection)	Submit color samples to Planning for approval. Color shall be a flat finish with a similar tone as the utility pole.  Submit photo documentation of the painted antennae to the Director of Planning and Building Inspection.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.  Prior to release of utilities for operation	



16		<p><b>SITE MAINTENANCE (NON-STANDARD)</b>  The access road and general area within and around the lease (equipment) area shall be continuously maintained by the applicant in a litter-free, weed-free, healthy, growing condition. Primary telecommunication receivers and transmitters, support structures and accessory antennas shall be permanently maintained and regularly painted as long as the facility is in operation. All cut and/or fill areas exposed during the course of construction shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b></p>	<p>Submit an Erosion Control and Maintenance Plan to PBI for review and approval. Said plan shall address control of erosion (sediment) and invasive plant species for the areas around and between the antenna and equipment. Where areas are seeded or planted, the maintenance plan shall include the type and duration of irrigation to be used and provide a listing of materials that meet Big Sur landscape requirements.</p>	Owner/ Applicant	Prior to issuance of building and grading permits.	
17		<p><b>CODE VIOLATIONS (NON-STANDARD)</b>  All violations relative to the Rocky Point Restaurant (APN: 243-262-004-000) shall be resolved. <b>(Planning and Building Inspection)</b></p>	<p>Entitlements (PLN050296) for unpermitted development at the Rocky Point Restaurant shall be obtained or unpermitted structures removed.</p> <hr/> <p>Obtain all necessary grading and building permits or remove unpermitted structures to the satisfaction of the Director of Planning.</p>	Owner and Applicant	<p>Prior to Issuance of Building Permits</p> <hr/> <p>Prior to release of utilities for operation</p>	



BIG SUR AREA

Garrepa Creek

PROJECT SITE


PALO COLORADO RD


Pacific Ocean

APPLICANT: ROCKY POINT RESTURANT LLC

APN: 243-262-004-000

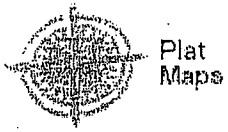
FILE # PLN030313

 300' Limit

 2500' Limit



PLANNER: JOHNSTON

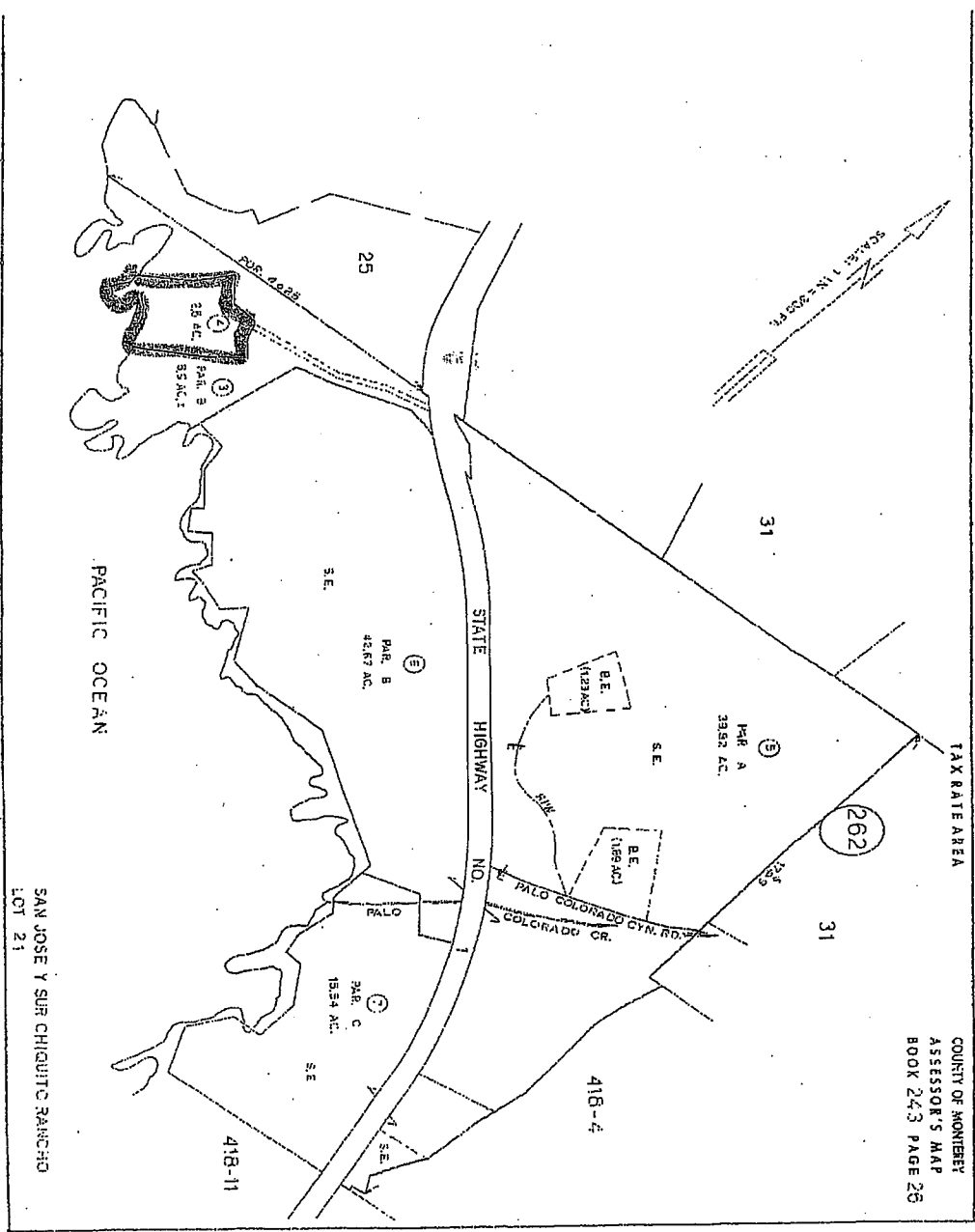


APN: 243-262-004

1 Assessor's Parcel Map for the parcel number 243-262-004-000 was found

Vacant Land or N/A

Map 1 of 1



Save/View in .TIF format (243-26- -0700-0300-000)



# AT&T

## AT&T WIRELESS SERVICES, L.L.C. SITE NUMBER: SNFCCA1610 SITE NAME: ROCKY POINT RESTAURANT

DRAWING INDEX	REV.	DIRECTIONS	PROJECT INFORMATION																								
SNFCCA1610-Z01	TITLE SHEET	2	<p><b>SCOPE OF WORK:</b> THE PROJECT WILL INCLUDE THE INSTALLATION OF 2 ERICSSON RRS 2106 CABINETS PLUS 1 GROWTH CABINET NEAR THE NORTHERN MOST CORNER OF THE PROPERTY, PLUS THE INSTALLATION OF 57 CELLULAR ANTENNAS ON AN EXISTING POWER POLE.</p> <p><b>SITE ADDRESS:</b> ROCKY POINT RESTAURANT 10 MILES SOUTH OF CARMEL ON HWY 1 MONTEREY COUNTY</p> <p><b>PROPERTY OWNER:</b> ROCKY POINT RESTAURANT, L.L.C. ROCKY POINT RESTAURANT/ HWY 1 CARMEL, CA. 93922</p> <p><b>CONTACT PERSON:</b> VICTORIA WILLOX (408) 391-4884</p> <p><b>APPLICANT:</b> AT&amp;T WIRELESS SERVICES, INC. 831 GATEWAY BLVD., SUITE 1500 SO. SAN FRANCISCO, CA 94080</p> <p><b>LATITUDE:</b> 36°24'11.0" <b>LONGITUDE:</b> 121°54'42.2" <b>LAT/LONG TYPE:</b> NAD 83</p> <p><b>ELEVATION:</b> 180.0% AMSL AT POLE</p> <p><b>JURISDICTION:</b> MONTEREY COUNTY</p> <p><b>OCCUPANCY:</b> U (UNMANNED)</p> <p><b>CONSTRUCTION TYPE:</b> OUTDOOR CELLULAR EQUIPMENT CABINETS</p> <p><b>A.P.N.:</b> 243-262-004-000</p> <p><b>CURRENT USE:</b> N/A</p> <p><b>PROPOSED USE:</b> TELECOMMUNICATIONS FACILITY</p>																								
SNFCCA1610-Z02	SITE SURVEY	2																									
SNFCCA1610-Z03	SITE PLAN & DETAILS	2																									
SNFCCA1610-Z04	ELEVATION VIEWS	2																									
SNFCCA1610-Z05	EROSION CONTROL PLAN	2																									
		<p><b>DIRECTIONS</b> START ON HOWE ROAD, TURN LEFT ON PINE STREET, TURN LEFT TO TAKE THE HWY 4 EAST RAMP TOWARDS STOCKTON. MERGE ON HWY 4 EAST, TAKE THE I-680 SOUTH EXIT TOWARDS SAN JOSE. MERGE ON I-680 SOUTH, TAKE THE HWY 101 EXIT TOWARDS LOS ANGELES/SAN FRANCISCO, CONTINUE ON HWY 101 SOUTH RAMP TOWARDS LOS ANGELES. MERGE ON HWY 101 SOUTH, CONTINUE TOWARDS HWY 150 WEST-MONTEREY EXIT FOLLOW 156 (CASTROVILLE/MONTEREY) TO HWY 1 SOUTH. FOLLOW HWY 1 INTO CARMEL. ROCKY POINT RESTAURANT IS 10 MILES SOUTH OF CARMEL.</p>																									
		<p><b>VICINITY MAP</b></p>																									
		<p><b>PORTION OF THOMAS BROS. MAPS MAP #251 GRID #C5</b></p>	<p><b>SITE QUALIFICATION PARTICIPANTS</b></p> <table border="1"> <thead> <tr> <th>A/E</th> <th>NAME</th> <th>COMPANY</th> <th>NUMBER</th> </tr> </thead> <tbody> <tr> <td></td> <td>GLEN K. LEWIS</td> <td>JES ENGINEERING, INC.</td> <td>(925) 674-1151</td> </tr> <tr> <td>SAC</td> <td>VICTORIA WILLOX</td> <td>NSA</td> <td>(408) 391-4884</td> </tr> <tr> <td>RF</td> <td>MIHAI TABACU</td> <td>WFI</td> <td>(925) 335-5190</td> </tr> <tr> <td>CONST.</td> <td>JERRY EPPERSON</td> <td>BECHTEL</td> <td>(925) 957-8935</td> </tr> <tr> <td>LANDLORD/CONTACT</td> <td>HORST MIETH</td> <td>ROCKY POINT RESTAURANT</td> <td>(831) 624-2933</td> </tr> </tbody> </table>	A/E	NAME	COMPANY	NUMBER		GLEN K. LEWIS	JES ENGINEERING, INC.	(925) 674-1151	SAC	VICTORIA WILLOX	NSA	(408) 391-4884	RF	MIHAI TABACU	WFI	(925) 335-5190	CONST.	JERRY EPPERSON	BECHTEL	(925) 957-8935	LANDLORD/CONTACT	HORST MIETH	ROCKY POINT RESTAURANT	(831) 624-2933
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**JES ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
1355 WILLOW WAY, SUITE 105  
CONCORD, CA 94520  
PHONE: (925) 674-1151  
FAX: (925) 674-1314

ROCKY POINT RESTAURANT  
SITE NO. SNFCCA1610  
10 MILES SOUTH OF CARMEL (HWY 1)  
CARMEL, CA.

**AT&T**  
AT&T WIRELESS SERVICES, INC.  
831 GATEWAY BLVD., SUITE 1500  
SO. SAN FRANCISCO, CA 94080

NO.	DATE	REVISIONS	BY	CHK APPR
2	5/25/04	REVISED PER REDLINES	WCA	
1	6-5-03	REVISED PER REDLINE/ADDED 3rd CABINET	PCW	
0	4/30/03	ISSUED FOR ZONING APPROVAL	WCA	

SCALE: AS SHOWN    DESIGNED:    DRAWN:   

TITLE SHEET			
JES NO.	SHEET NO.	SITE NUMBER	REV.
03-198CC	Z01	SNFCCA1610	2

H:\PROJECTS\03198CC\03198CC.dwg - 5/24/2004 - 11:22:00 AM PST













Existing

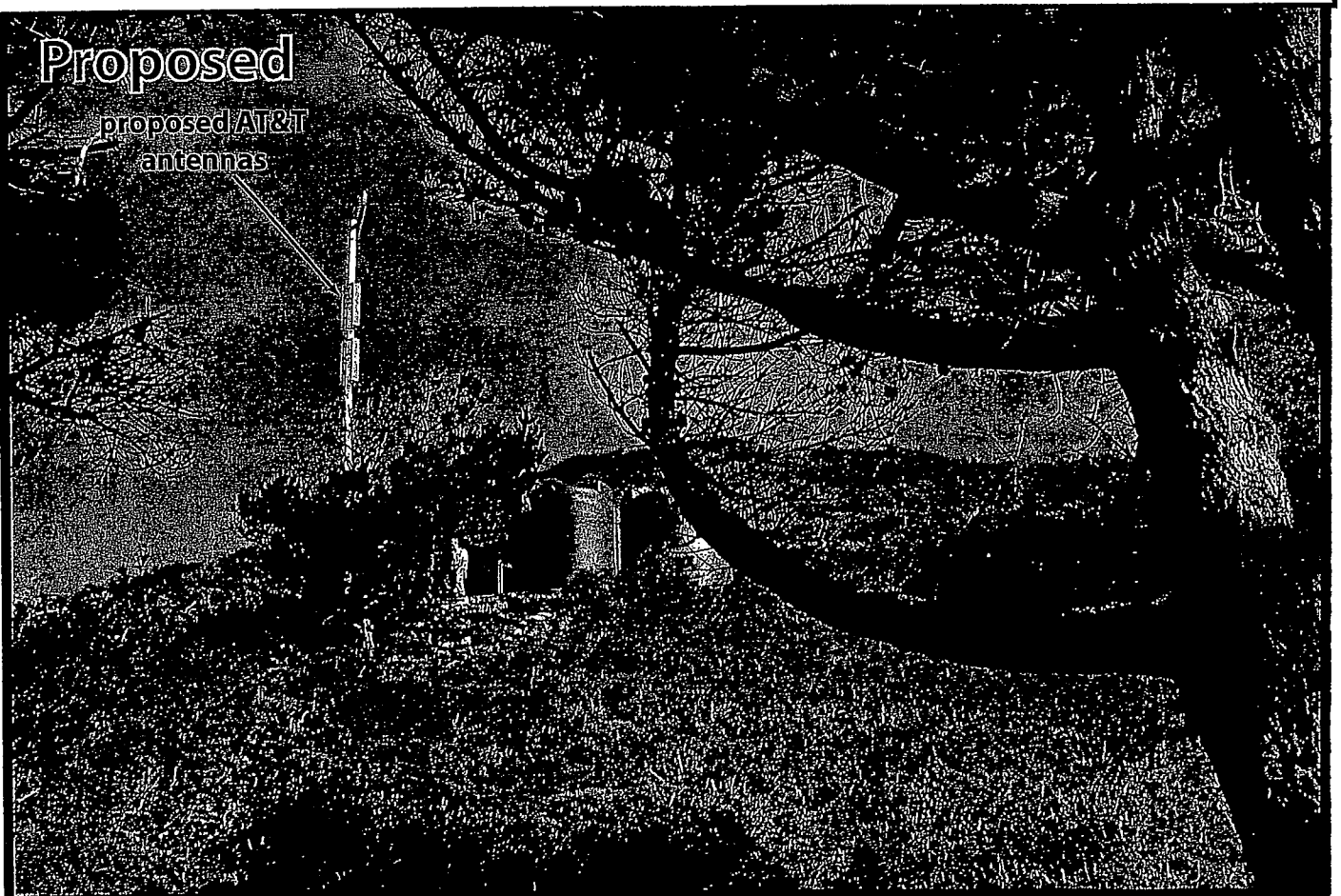


**AT&T Wireless**

**960016009**

**Rocky Point  
Restaurant**

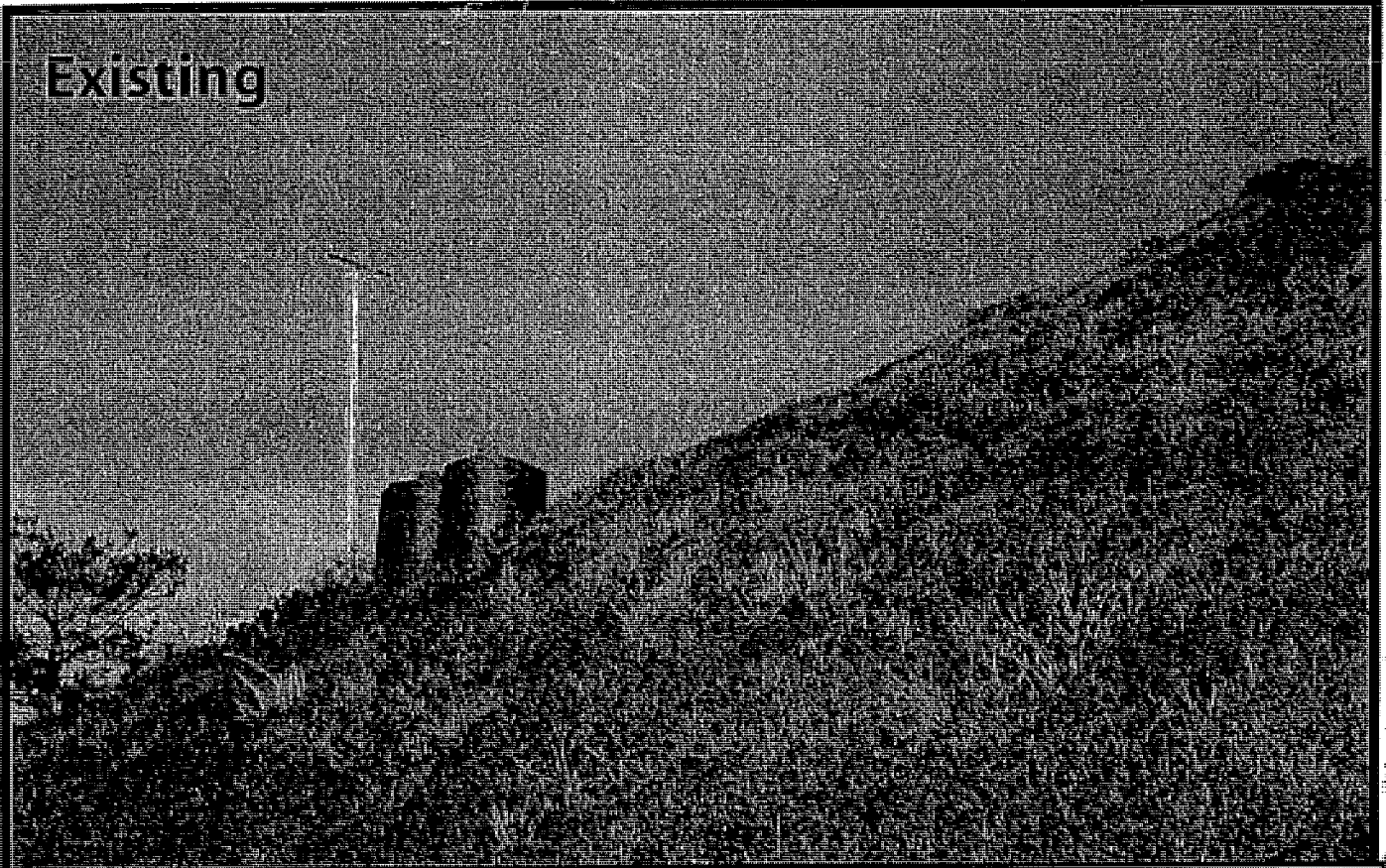
10 mi. south of Carmel  
Hwy 1, Carmel, CA



Proposed

proposed AT&T  
antennas

Existing



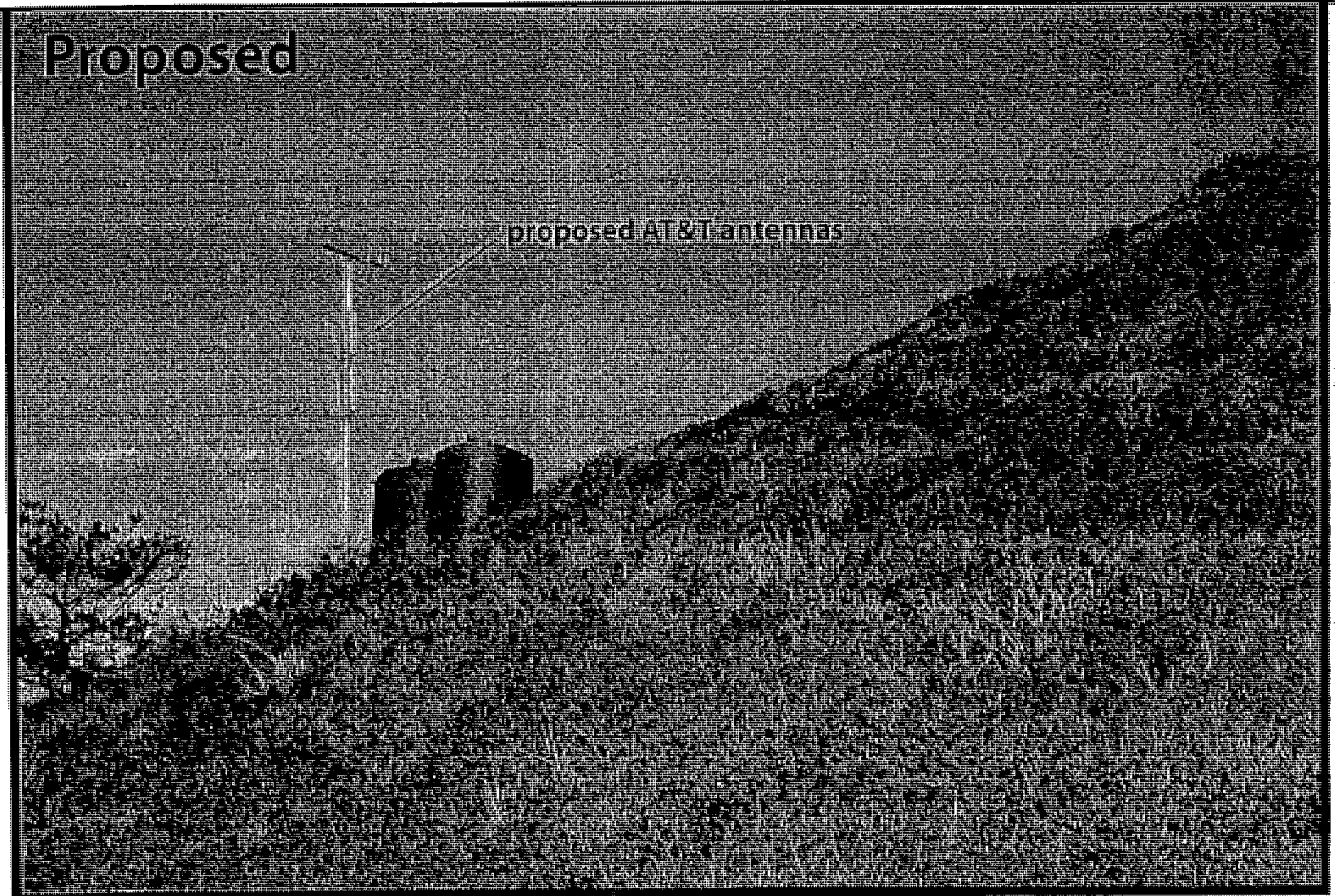
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