

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

RESOLUTION NO. 08005

A.P.# 125-012-013-000

In the matter of the application of
Diocese of Monterey (PLN070491)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the replacement of a flagpole with a 35 foot tall cellular antenna (flag pole design) and the construction of a new utility pole and 2 equipment cabinets. The property is located at 18200 Damian Way, Salinas, North County Area Plan, and came on regularly for hearing before the Planning Commission on January 30, 2008.

Said Planning Commission, 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, North County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), 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 at 18200 Damian Way in Salinas (Assessor's Parcel Number 125-012-013-000), North County Area Plan. The parcel is zoned Low Density Residential, 2.5 acre minimum ("LDR/2.5") which allows for the construction/installation of wireless communication facilities in accordance with Section 21.14.050.AA. Therefore, the property is suitable for the proposed development.
(c) The project planner conducted a site inspection on November 21st, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
(d) 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, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.
(e) 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 PLN070491.
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, 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) Staff conducted a site inspection on November 21st, 2007 to verify that the site is suitable for this use.

(c) Materials in Project File PLN070491.

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 15303, categorically exempts the construction of small facilities and structures.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on September 21st, 2007.

(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 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) Preceding findings and supporting evidence.

6. **FINDING: WIRELESS COMMUNICATION FACILITIES** - The proposed wireless communication facility as conditioned is consistent with the regulations for the siting, design, and construction of wireless communication facilities as provided at Section 21.64.310 of the Monterey County Zoning Ordinance (Title 21). Pursuant to Section 21.64.310.J, the project is consistent with the following:

1. The development of the proposed wireless communication facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource as defined in the Monterey County General Plan or Area Plan.

2. The site is adequate for the development of the proposed wireless communication facility and that the applicant has demonstrated that it is the most adequate for the provision of services as required by the FCC.

3. The proposed wireless communication facility complies with all of the applicable requirements of Section 21.64.310 of Title 21.

4. The subject property upon which the wireless communication facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any

other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.

5. That the proposed wireless communication facility will not create a hazard for aircraft in flight.

- EVIDENCE:** (a) The proposed wireless communication facility is going to replace an flag pole with a 35 foot cellular antenna designed as a 9" diameter flag pole.
- (b) The proposed site is the most adequate and appropriate for the proposed facility for the following reasons:
- i) The site achieves coverage objectives. The location of an alternative site would need to be within a one-quarter mile radius of the proposed site. There are no existing tall structures, or other monopoles in the vicinity in which to co-locate.
 - ii) The subject site is elevated topographically, which provides for greater coverage than a project site that is not elevated.
 - iii) Currently a flag pole exists on the site. The wireless facility would replace the flag pole with a 35 foot cellular antenna designed as a flag pole which assists in blending the facility into the existing surroundings visually.
 - iv) The abandoned facility is an environmentally superior location for the proposed project and will not require ground disturbance.
- (c) The project, as proposed and conditioned complies with all of the regulations found in Section 21.64.310 of Title 21.
- (d) There are no known violations of Monterey County Code on the proposed project site (See finding 4).
- (e) The project site is not located within an aircraft flight path.
- (f) See preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 30th day of January, 2008 by the following vote:

AYES: Errea, Brown, Isakson, Ottone, Diehl, Sanchez, Salazar, Vandever
NOES: None
ABSENT: Rochester, Padilla


MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

FEB - 7 2008

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

FEB 17 2008

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Diocese of Monterey

File No: PLN070491

APNs: 125-012-013-000

Approved by: The Planning Commission

Date: January 30th, 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 Use permit (PLN070491) allows the replacement of a flagpole with a 35 foot tall cellular antenna (Flag Pole Design) and the construction of a new utility pole and 2 equipment cabinets. The property is located at 18200 Damian Way in Salinas (Assessor's Parcel Number 125-012-013-000), North County Area 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwis e stated	

		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)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 08005) was approved by the (Planning Commission) for Assessor's Parcel Number 125-012-013-000 on (January 30, 2008). The permit was granted subject to 9 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County 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 or commencement of use.	
3.		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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits.	

		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)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.			
4.		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.	
5.		PD039(C) – WIRELESS COMMUNICATION FACILITIES 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. (RMA – Planning Department)	Encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location.	Owner/ Applicant	Ongoing	

6.		<p>PD039(D) – WIRELESS COMMUNICATION FACILITIES</p> <p>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 the RMA - Planning Department 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. (RMA – Planning Department)</p>	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	
			Restore the site to its natural state.	Owner/ Applicant	Within 6 months of termination of use or abandonment of site.	
7.		<p>PD039(E) – WIRELESS COMMUNICATION FACILITIES</p> <p>The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of 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)</p>	<p>Submit documentation demonstrating compliance with the FCC emission standards.</p> <p>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.</p>	Owner/ Applicant	<p>Prior to the commencement of use/ Ongoing</p> <p>Ongoing</p>	

8.		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	Contin- uous	
9.		EH30 - HAZARDOUS WASTE CONTROL Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. (Environmental Health)	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Contin- uous	

END OF CONDITIONS

metroPCS

QUEEN OF HEAVEN

SF18390A

**18200 DAMIAN WAY
SALINAS, CA 93907**

APN NO. 125-012-013

LANDLORD/OWNER

CONSTRUCTION MANAGER

LEASING

PLANNING

RF ENGINEER

NET OPS

UTILITIES COORDINATOR

[illegible]

54 SUBMITAL RECORD

APPLICANT/ASSEESSE

COMPANY: MAURO PCL INC.
CITY: ALAMOGordo, N.M.
CITY, STATE, ZIP: ALAMOGordo, NM 88401
COUNTRY: U.S.A.
PHONE: (505) 763-1000
FAX: (505) 763-1000

PROPERTY OWNER

COMPANY: DICKSON M. MONTNEY
CITY: EL PASO TX
CITY, STATE, ZIP: ALBUQUERQUE, CALIFORNIA
COUNTRY: U.S.A.
PHONE: 813-222-4455
FAX: 813-222-4455

SITE ACQUISITION

COMPANY: SAINT DOMINGUE & CYRIL MARIE CHASSE
CITY: ALBUQUERQUE, NM
CITY, STATE, ZIP: ALBUQUERQUE, NM 87105
COUNTRY: U.S.A.
PHONE: 505-261-0000
FAX: 505-261-0000

ZONING

COMPANY: FORTNE CONSULTING
CITY: EL PASO TX
CITY, STATE, ZIP: EL PASO, TX 79901
COUNTRY: U.S.A.
PHONE: 915-738-9900
FAX: 915-738-9900

ARCHITECT

COMPANY: QUINN DESIGN GROUP
CITY: EL PASO TX
CITY, STATE, ZIP: EL PASO, TX 79901
COUNTRY: U.S.A.
PHONE: 915-738-9900
FAX: 915-738-9900

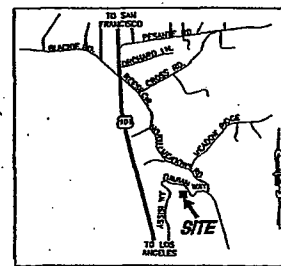
CONTRACTOR

COMPANY: QUINN DESIGN GROUP
CITY: EL PASO TX
CITY, STATE, ZIP: EL PASO, TX 79901
COUNTRY: U.S.A.
PHONE: 915-738-9900
FAX: 915-738-9900

SURVEYOR

COMPANY: QUINN DESIGN GROUP
CITY: EL PASO TX
CITY, STATE, ZIP: EL PASO, TX 79901
COUNTRY: U.S.A.
PHONE: 915-738-9900
FAX: 915-738-9900

34 PROJECT TEAM

[illegible]

#	DESCRIPTION
T-1	TITLE SHEET
C-1	LEASE AREA DETAIL SITE & BOUNDARY PLAN.
A-1	SITE, EQUIPMENT, AND ANTENNA LAYOUT PLANS
A-2	ELEVATION
A-3	ELEVATION

[illegible]

metroPCS
METRO PCS, INC.
1000 MARINA VILLAGE PARKWAY
4TH FLOOR
ALAMEDA, CA 94501
PHONE: 510.522.2610
FAX: 510.746.1122

ARCHITECT:



CONSULTANT:

SEAL:

[illegible]

DRAWN BY:	CHE:	APV:
RJA	SM	TR

CURRENT ISSUE DATE: 08/31/07

ISSUED FOR:

100% ZD's

PROJECT INFORMATION:
QUEEN OF HEAVEN CEMETARY
SF18390A
19200 DAMIAN WAY
SALINAS, CA 93907
APH NO. 125-012-013
COUNTY OF MONTEREY

SHEET TITLE	TITLE SHEET
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SHEET NUMBER: **REVISION:**

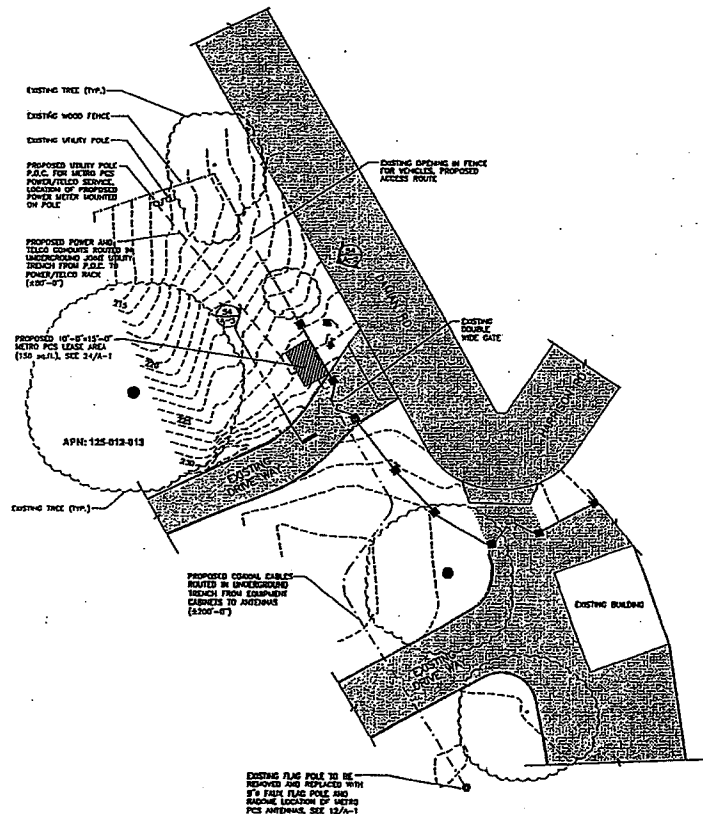
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855-76A

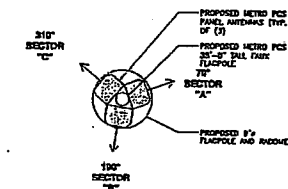
Antenna Sector	# of Antennas	Asimuth	Rad Center	Antenna Make/Model	Mechanical Tilt	Electrical Tilt	RET	Main Cable Length	Cable Size	Top Jumper Length	Bottom Jumper Length	Cable # and Port #	Color Code	Comments
ALPHA	1	70	233'-0"	780	0	0	YES	200'a	1-3/8" 780A	780	780	Ts/Rs 1/1 Rs-2/2	Red White/Red	
BETA	1	190	233'-0"	780	0	0	YES	200'a	1-3/8" 780A	780	780	Ts/Rs 1/3 Rs-2/4	Blue White/Blue	
GAMMA	1	310	233'-0"	780	0	0	YES	200'a	1-3/8" 780A	780	780	Ts/Rs 1/5 Rs-2/6	Green White/Green	
GPS				Antenna Make	Main Cable Length	Cable Size	Cable # and Port #							Comments
				Lucent	NONE		Rcs Part 7							

NOTES:
 AZIMUTH IN TRUE NORTH DEGREES
 MECHANICAL TILT IN DEGREES, POSITIVE VALUE IS DOWN
 ELECTRICAL TILT IN DEGREES, POSITIVE VALUE IS DOWN

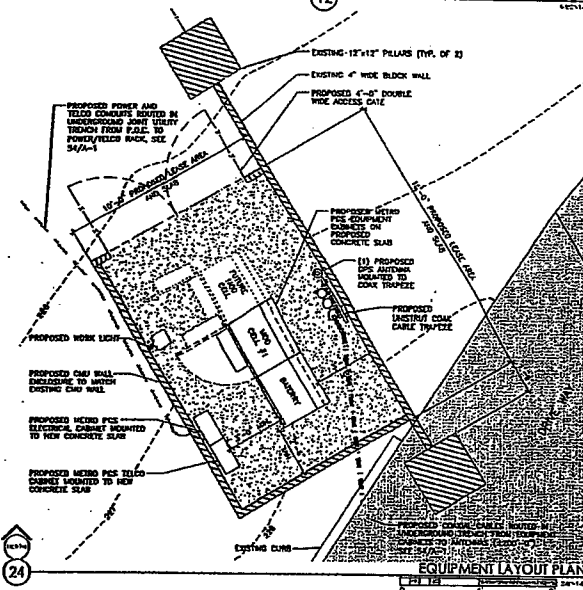
RF DATA CHART



SITE PLAN



ANTENNA LAYOUT PLAN



EQUIPMENT LAYOUT PLAN

metroPCS
 METRO PCS, INC.
 1000 MARINA VILLAGE PARKWAY
 4th FLOOR
 ALAMEDA, CA 94601
 PHONE: 510.521.2110
 FAX: 510.741.1823

ARCHITECT:



CONSULTANT:

SEAL:

REV.	DATE	DESCRIPTION

DRAWN BY: CNE: JWP
 CHECKED BY: JWP

CURRENT ISSUE DATE: 08/31/07

ISSUED FOR: 100% ZD's

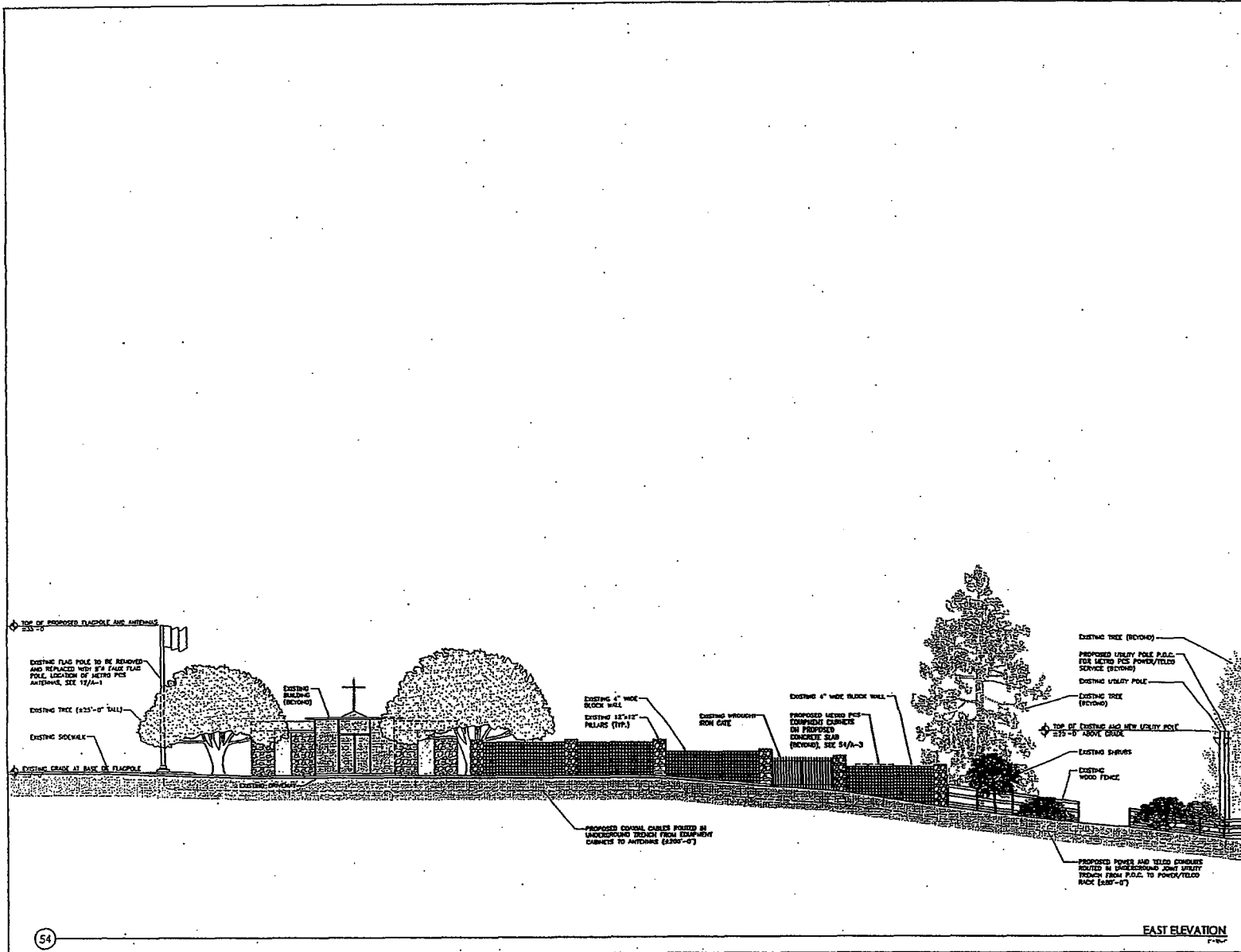
PROJECT INFORMATION:
QUEEN OF HEAVEN CEMETARY
SF18390A
 18200 DAMIAN WAY
 SALINAS, CA 93907
 APN NO. 125-012-013
 COUNTY OF MONTEREY

SHEET TITLE: SITE, EQUIPMENT, AND ANTENNA LAYOUT PLANS

SHEET NUMBER: REVISION:

A-1

855-76A



metroPCS
 METRO PCS INC.
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 ALAMEDA, CA 94601
 PHONE: 916.522.2110
 FAX: 916.748.1822

ARCHITECT:



CONSULTANT:

SEAL:

REV.	DATE	DESCRIPTION	BY

DRAWN BY:	CHK:	APP:
RVA	SM	

CURRENT ISSUE DATE:
 08/31/07

ISSUED FOR:
 100% ZD's

PROJECT INFORMATION:
QUEEN OF HEAVEN CEMETERY
SF18390A
 18200 DALMAN WAY
 SALINAS, CA 93907
 APN NO. 125-012-013
 COUNTY OF MONTEREY

SHEET TITLE:
 ELEVATION

SHEET NUMBER: REVISION:

A-2

855-76A

metroPCS
 AGSIO PCS, INC.
 10000 S. RAYMOND AVENUE
 SUITE 100
 RIVERSIDE, CA 92507
 ARCHITECT

OMNI
 CONSULTING
 10000 S. RAYMOND AVENUE
 SUITE 100
 RIVERSIDE, CA 92507
 CONSULTANT

CONSULTANT

SCALE

REV.	DATE	DESCRIPTION

DRAWN BY	CHKD BY	APP'D BY
RNA	SU	

CHECKED DATE
 08/31/07

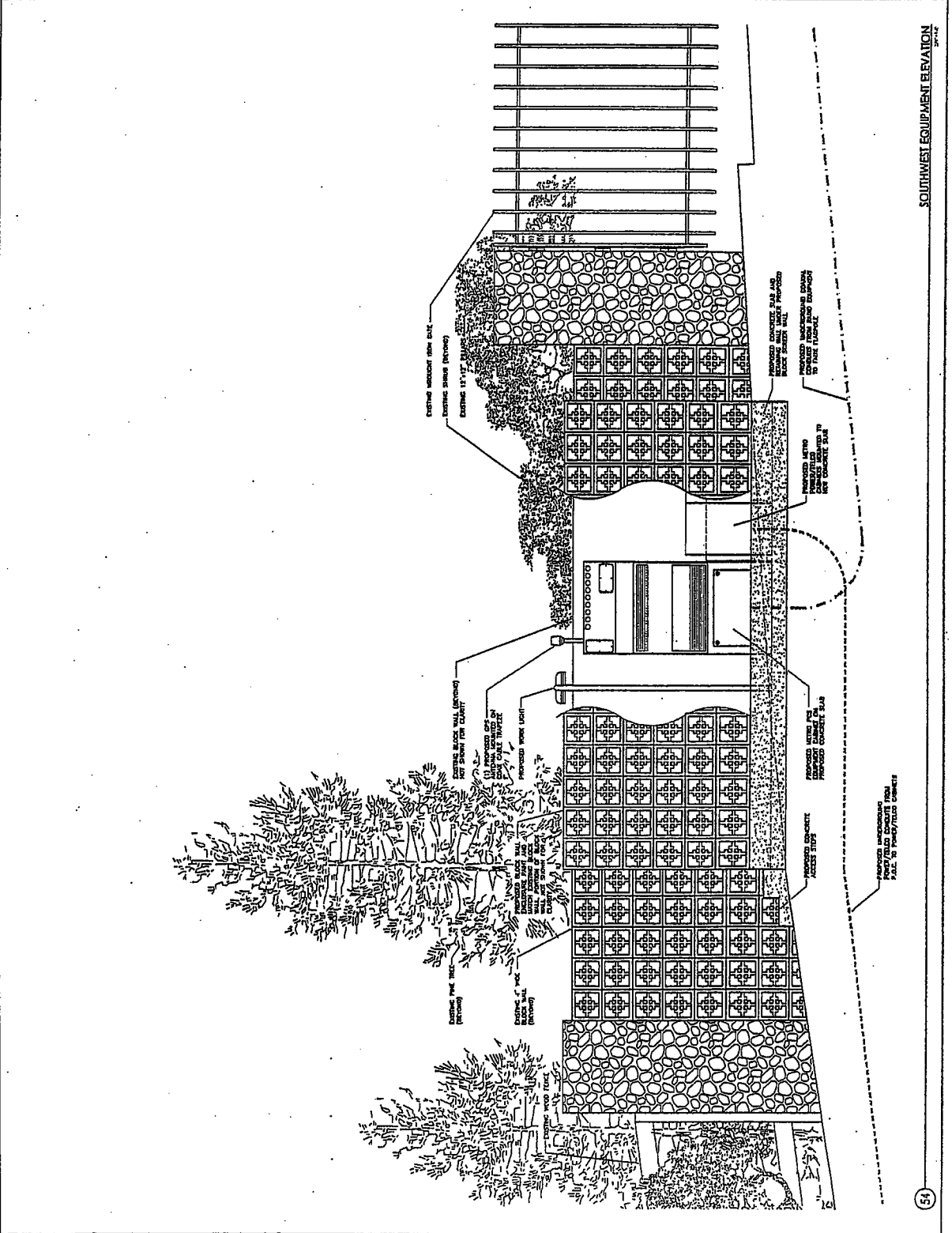
DESIGNED FOR
 100% ZD's

PROJECT INFORMATION:
 QUEEN OF HEAVEN CEMETARY
 SFI18390A
 16200 DUNSMuir WAY
 SALINAS, CA 93907
 SAN JOSE DISTRICT OFFICE
 COUNTY OF MONTEREY

SHEET TITLE
 ELEVATION

SHEET NUMBER
 A-3

855-71A



SOUTHWEST EQUIPMENT BUILDING

Photosimulation of view looking northeast from atop the hill, on the lawn area.

EXHIBIT F

Existing 25 ft flagpole to be retained

Existing

Queen of Heaven
18200 Damian Way
Salinas, CA 93907
SF18390A

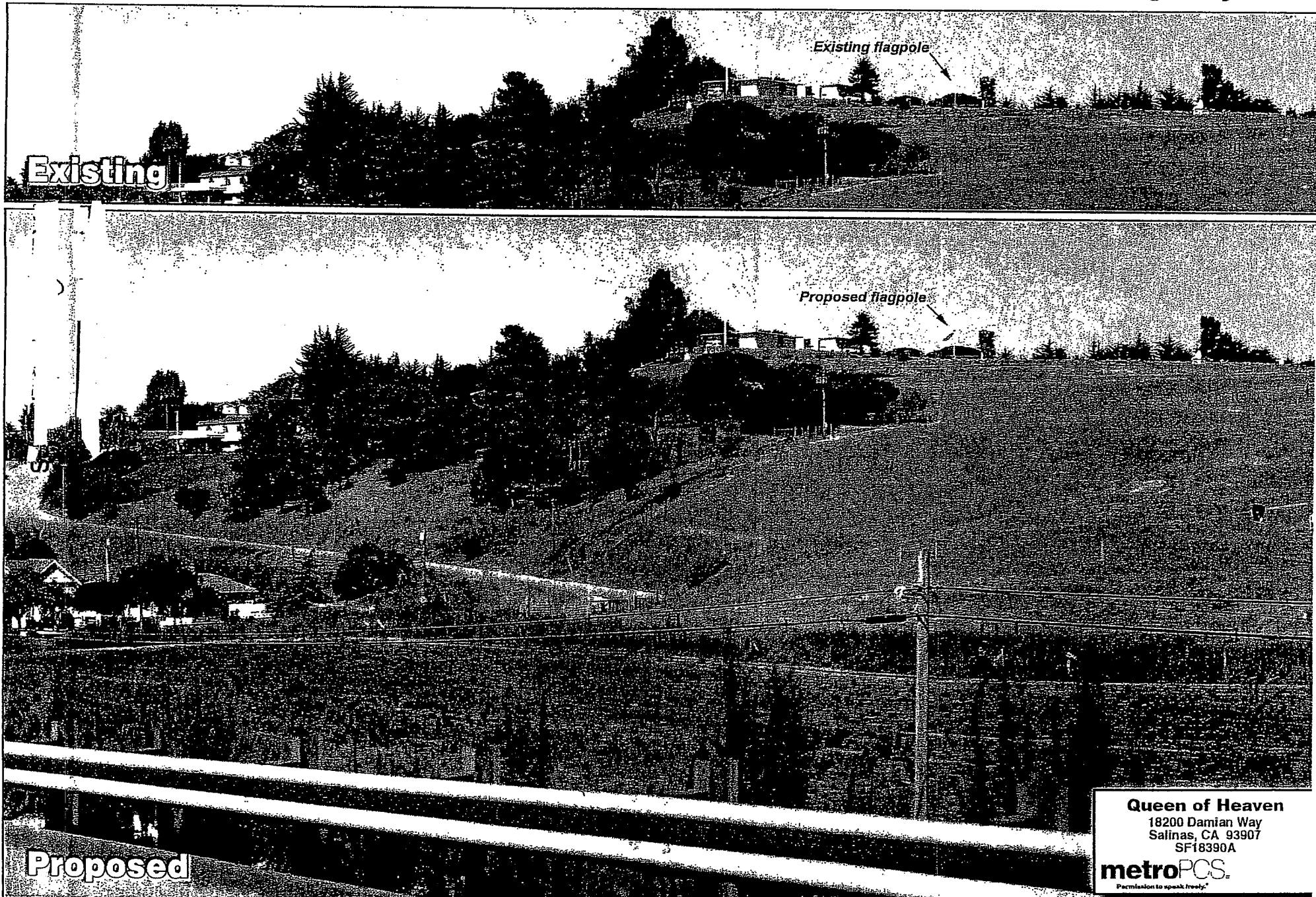
metroPCS.
Permission to speak freely.™

Proposed 35 foot flagpole shown with 9 inch dia. radome

Proposed equipment area
to match (e) fencing

Proposed






Photosimulation of view looking northeast from the nearest viewpoint along Hwy 101.



Queen of Heaven
18200 Damian Way
Salinas, CA 93907
SF18390A

metroPCS
Permission to speak freely.™



APPLICANT: ROMAN CATHOLIC BISHOP OF MONTEREY			
APN: 125-012-013-000	FILE # PLN070491		
 300' Limit	 2500' Limit	 City Limits	