



# Monterey County

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## Board Order

Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried by those members present, the Board of Supervisors hereby:

Held a Public hearing, adopted Resolution No. 13-068 to:

- a. Grant the appeal by Verizon Wireless from a decision of the Monterey County Planning Commission approving a Coastal Development Permit to allow a new wireless communication facility to include a 60-foot tall ground-mounted monopole antenna with a 184 square foot equipment shelter and stand-by diesel-powered generator; and
- b. Find the project categorically exempt from CEQA per CEQA Guidelines section 15303; and
- c. Approve a Coastal Development Permit to allow a new wireless communication facility to include a 60-foot tall ground-mounted monopine (faux tree) antenna with a 184 square foot equipment shelter and stand-by diesel-powered generator.

(Coastal Development Permit - Central Coast Baptist Association/Verizon Wireless, 45 Sill Road, Royal Oaks, North County Land Use Plan)

PASSED AND ADOPTED on this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter

NOES: None

ABSENT: Supervisor Parker

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 26, 2013.

Dated: March 5, 2013  
File Number: 13-0193

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By *Danise Hancock*  
Deputy

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No. 13-068**

- a.) Granting an appeal by Verizon Wireless )  
from a decision of the Monterey County )  
Planning Commission approving a Coastal )  
Development Permit to allow a new wireless )  
communication facility to include a 60-foot )  
height ground-mounted monopole antenna )  
with a 184 square foot equipment shelter and )  
stand-by diesel-powered generator; and )
- b.) Finding the project categorically exempt )  
from CEQA per CEQA Guidelines section )  
15303; and )
- c.) Approving a Coastal Development Permit )  
to allow a new wireless communication )  
facility to include a 60-foot height ground- )  
mounted monopine (faux tree) antenna with a )  
184 square foot equipment shelter and stand- )  
by diesel-powered generator pursuant to the )  
attached Conditions of Approval..... )  
(Coastal Development Permit – Central Coast )  
Baptist Association/Verizon Wireless, 45 Sill )  
Road, Royal Oaks, North County Land Use )  
Plan) )

The application for a Coastal Development Permit (PLN120492 Central Coast Baptist Association/Verizon Wireless) came on for public hearing before the Monterey County Board of Supervisors on February 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

**FINDINGS**

- 1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
  - a) The project is described as follows:  
Coastal Development Permit to allow a new wireless communication facility to include a 60-foot height ground-mounted monopine (faux tree) antenna with a 184 square foot equipment shelter, a stand-by diesel-powered generator and approximately of 130 feet of chain-link fence enclosing the above-mentioned facilities.
  - b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;

- North County Land Use Plan;
- North County Coastal Implementation Plan Part 2;
- Monterey County Zoning Ordinance (Title 20);

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.

- c) The property is located at 45 Sill Road, Royal Oaks (Assessor's Parcel Number 119-153-002-000), North County Land Use Plan. The parcel is zoned "Medium-Density Residential/4 units per acre (Coastal Zone)", which allows wireless communication facilities pursuant to an approved Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- d) The project planner conducted a site inspection on August 9, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Pursuant to the North County Land Use Plan, Visual Resource General Policy 2.2.2.4:

The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.

The project, as proposed, is consistent with this policy. The 60' tower would be largely screened when viewed from the east, or obscured when viewed from the west, by a grove 60'+ eucalyptus trees which are located immediately adjacent to the project site (See **ATTACHMENT D** of the February 26, 2013 staff report to Board of Supervisors).

- f) Pursuant to the North County Coastal Implementation Plan (Part 2), Water Resources Development Standards Policy 20.144.070.C.1:

An Erosion Control Plan shall be required for the following types of development:

- a. any development to be located on Critical Erosion Areas;
- b. any development located in... "MDR (Medium Density Residential)..."

The project site is designated as "High" erosion hazard and is zoned "Medium-Density Residential." An Erosion Control Plan requirement has been included as a Condition of Approval.

- g) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review at their October 16, 2012, meeting. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC as Staff is of the belief that the project raises significant land use issues the necessitate review prior to a public hearing by the Appropriate Authority. The Committee

- recommended Approval of the project as proposed by a vote of 5-0.
- h) 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 PLN120492.

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, Public Works, Environmental Health Bureau, 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 August 9, 2012 to verify that the site is suitable for this use.
  - c) 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 PLN120492.

3. **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 was reviewed by the RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies 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.
  - b) Staff conducted a site inspection on August 9, 2012 to verify that the site is suitable for this use.
  - c) 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 PLN120492.

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.
- 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.

- b) Staff conducted a site inspection on August 9, 2012 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120492.

5. **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 and location of small facilities or structures.
- b) There is no evidence in the record that the project would result in substantial, or potentially substantial, adverse environmental changes to any of the physical conditions within the area, including land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance, as listed in Section 15382 of the California Environmental Quality Act Guidelines.
- c) The project site will occupy a 900 square foot (45'x20') previously graded (level) area on a 3.43 acre parcel (149,411 square feet), thereby constituting approximately .06% of overall lot coverage. Minimal grading will be required. Additionally, no water sources are located in the immediate vicinity of the project area. Therefore, no substantial or potential substantial adverse environmental impacts to the surrounding land or water are associated with this development.
- d) The project is not located near any listed, endangered, or potentially significant vegetation or animal life. No substantial or potentially substantial adverse environmental impacts to the surrounding flora, fauna, or minerals are associated with this development.
- e) The project is not located within the vicinity of any structures of recorded historic or aesthetic significance. No substantial or potentially substantial adverse environmental impacts are associated with this development.
- f) The project does not qualify for any of the criteria which might preclude reliance on the categorical exemption, pursuant to CEQA 15300.2 ("Exceptions"): The project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a registered Hazardous Waste Site, and will not result in damage to scenic or historic resources.
- g) No adverse environmental effects were identified during staff review of the development application during a site visit on August 9, 2012.
- h) 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 PLN120492.
- i) The Monterey County Planning Department, located at 168 W. Alisal,

2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access, as outlined in “Shoreline Access/Trails” (“Figure 6” of the North County 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) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120492.
  - e) The project planner conducted a site inspection on August 9, 2012.
7. **FINDING:** **WIRELESS COMMUNICATION FACILITIES** – 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. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed wireless communication facility complies with all the applicable requirements of Monterey County Code section 20.64.310. The subject property on 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 provisions of Title 20 and that all zoning violation abatement costs, if any, have been paid. The proposed telecommunication facility will not create a hazard for aircraft in flight.
- EVIDENCE:**
- a) The project will consist of: 1) a new 60 foot tall monopine to accommodate nine (9) 4.5’ panels; and 2) a 184 square foot equipment shelter with 25 square foot concrete stoop; and a diesel-powered back-up generator to be housed on a 50 square foot foundation; and 3) approximately of 130 feet of chain-link fence enclosing above-mentioned facilities.
  - 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) The project is not located within a scenic corridor or any identified environmentally sensitive area or resources.
- d) The surrounding topography (elevated above the adjacent roads) would serve to shield the ground-level fencing and antenna support structures from public view.
- e) The 60' tower would be largely screened when viewed from public viewing areas from the east, or obscured when viewed from public viewing areas from the west, by a grove 60'+ eucalyptus trees which are located immediately adjacent to the project site (See **ATTACHMENT D** of the February 26, 2013 staff report to Board of Supervisors).
- f) Pursuant to Monterey County Coastal Zoning Code, Section 20.64.310.H (Regulations for the Siting, Design and Construction of Wireless Communication Facilities - General Development Standards):
  - The project site location and development will preserve the visual character and aesthetic values of the specific parcel and surrounding land uses, and will not significantly impact public views to the ocean. Facilities will be integrated to the maximum extent feasible to the existing characteristics of the site.
  - The project has been designed, to every extent possible, so as not to be sited to create visual clutter or negatively affect specific views, and will be screened from public viewing areas to the maximum extent feasible
  - Disturbance to on-site topography and vegetation will be minimal.
  - Exterior lighting will be manually operated and used only during night maintenance checks or in emergencies. The lighting will be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- g) The project is consistent with MCC (Monterey County Code) 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 MCC Section 20.92.040.A and the proposed height is within limitations outlined in MCC Section 20.92.060.
- h) 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.
- i) Staff site visit and project photos in project file PLN120492.

**8. FINDING:**

**APPEAL** - The Applicant contends that: The Planning Commission's findings or decision or conditions were not supported by the evidence. Upon consideration of the documentary information in the files, the staff

reports, the oral and written testimony, and all other evidence presented to the BOS, the Board makes the following findings in regard to the Appellant's contentions:

**EVIDENCE:**

Appellant's Contention No. 1: *The project was presented, and subsequently approved, as a monopine when reviewed by the North County Coastal Land Use Advisory Committee (LUAC) Meeting on October 16, 2013. The Appellant contends: "The decision to change from a stealth monopine to a monopole would not have been a reasonable outcome to expect."*

Response to Contention No. 1: Staff was not in attendance at the LUAC meeting in question, however, the attending Planner has confirmed to Staff that the iteration discussed was in fact the monopine version. The visual simulations which were provided to the LUAC members, however, did present both the monopine and monopole versions. The applicant did not inform the Planning Commission that the property owner (Central Coast Baptist Association) would not allow the monopole option. This information is new information presented by the applicant in its appeal.

Appellant's Contention No. 2: *"...the Central Coast Baptist Church which is the land owner of the subject parcel will not agree to the installation of a monopole."*

Response to Contention No. 2: This new information appears to be the primary impetus for the appeal. The Applicant (Verizon Wireless) was made aware that both options (monopine and monopole) would be presented to the Planning Commission pursuant to the staff report which was circulated prior to the hearing. Staff also requested, on August 24, 2012, that the applicant provide visual simulations of the monopole antenna with the expressed intention of presenting the monopole as a design alternative to the monopine for the Planning Commission to consider. The infeasibility of the monopole option was not raised until after the hearing when the owner (Central Coast Baptist Association) stated that they would not agree to the monopole version of the antenna being constructed on their property, thereby rendering infeasible the project in the Planning Commission-mandated format. Both the monopole and monopine designs are acceptable under County guidelines pursuant to the 1982 General Plan, the North County Land Use Plan, the North County Coastal Implementation Plan and the Title 20 (Zoning Ordinance); however, with the newly presented information about the infeasibility of the monopole, the monopine request is justified.

9. **FINDING:**

**APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:**

Section 20.86.080.A.3 (Development Appealable to the California Coastal Commission – "Conditional Use") Monterey County Zoning Ordinance.



**DECISION**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a.) Grant an appeal by Verizon Wireless from a decision of the Monterey County Planning Commission approving a Coastal Development Permit to allow a new wireless communication facility to include a 60-foot height ground-mounted monopole antenna with a 184 square foot equipment shelter and stand-by diesel-powered generator; and
- b.) Find the project categorically exempt from CEQA per CEQA Guidelines section 15303; and
- c.) Approve a Coastal Development Permit to allow a new wireless communication facility to include a 60-foot height ground-mounted monopine (faux tree) antenna with a 184 square foot equipment shelter, stand-by diesel-powered generator and approximately of 130 feet of chain-link fence enclosing the above-mentioned facilities, subject to the Conditions of Approval and in conformance with the plan set, both attached and incorporated herein by reference.

**PASSED AND ADOPTED** upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter

NOES: None

ABSENT: Supervisor Parker

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 26, 2013.

Dated: March 6, 2013

File Number: 13-0193

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**Monterey County Planning Department**  
**Condition of Approval Implementation Plan/Mitigation**  
**Monitoring Reporting Plan**

PLN120492

**1. PD001 - SPECIFIC USES ONLY**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit: A Coastal Development Permit to allow a new wireless communication facility (to be leased to, and maintained by, Verizon Wireless) consisting of a 60-foot height ground-mounted monopine antenna with a 184 square foot equipment shelter a stand-by diesel-powered generator and approximately of 130 feet of chain-link fence enclosing above-mentioned facilities, with no grading proposed, at 45 Sill Road, Royal Oaks (Assessors Parcel Number 119-153-002-000), was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. The Owner/Applicant responsible for compliance with these Conditions is Verizon Wireless and its successors and assigns. 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)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

**2. PD002 - NOTICE PERMIT APPROVAL**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall, with the permission of the property owner, record a Permit Approval Notice which references the lease agreement between Verizon Wireless and Central Coast Baptist Association. This notice shall state:  
"A Coastal Development Permit (Resolution Number 13-068) was approved by the Board of Supervisors for Assessor's Parcel Number 119-153-002-000 on February 26, 2012. The permit was granted subject to 19 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD010 - EROSION CONTROL PLAN AND SCHEDULE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. 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 RMA - Planning and Director of RMA - Building Services. 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 RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits:  
An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.

Ongoing:

Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

Prior to final inspection:

Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department

### 4. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and/or building permits:  
Submit evidence of tree protection to the RMA - Planning Department for review and approval.

During Construction:

Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection:

Submit photos of the trees on the property to the RMA - Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

## 5. PD025 - ANTENNA TOWER HEIGHT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The tower shall not exceed 60 feet in height. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits:  
The applicant shall submit 3 copies of an elevation plan which shall indicate the maximum height of the tower to the RMA - Planning Department for review and approval.

Prior to final building inspection:  
The RMA - Planning Department staff shall inspect the project site after construction and prior to Final Building Inspection to ensure compliance with condition.

## 6. PD035 - UTILITIES - UNDERGROUND

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

**Compliance or Monitoring Action to be Performed:** Ongoing:  
Install and maintain utility and distribution lines underground.

## 7. PD014(A) - LIGHTING – EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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. 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits:  
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.

Ongoing:  
The lighting shall be installed and maintained in accordance with the approved plan.

## 8. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on February 26, 2016 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** As stated in the conditions of approval:  
The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

## 9. PD039(A) - WIRELESS COMMUNICATION FACILITIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits:  
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.

## 10. PD039(B) - WIRELESS COMMUNICATION FACILITIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits:  
Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.

## 11. PD039(C) - WIRELESS COMMUNICATION FACILITIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 monopine, 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 60 feet. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Ongoing:  
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 60 feet.

## 12. PD039(D) - WIRELESS COMMUNICATION FACILITIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If the applicant abandons the facility or terminates the use, the applicant shall remove the monopine, 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)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits/ Ongoing:  
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.

Within 6 months of termination of use or abandonment of site:  
Restore the site to its natural state.

## 13. PD039(E) - WIRELESS COMMUNICATION FACILITIES

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of use/ Ongoing:  
Submit documentation demonstrating compliance with the FCC emission standards.  
Ongoing:  
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.

## 14. PD041 - HEIGHT VERIFICATION

**Responsible Department:** Building

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning Department and Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits:  
The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection

Prior to the foundation pre-pour inspection:  
The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection:  
The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

### 15. PDSP01 - CONFORMANCE TO PHOTO SIMULATIONS

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The telecommunication tower, when completed, shall be in substantial conformance with the photo simulations as provided by the applicant and attached as ATTACHMENT D of the February 26, 2013 staff report to Board of Supervisors. (RMA - Planning Department and Building Services Department)

**Compliance or Monitoring Action to be Performed:** Upon Final Inspection, County Staff shall confirm that the completed telecommunication tower is in substantial conformance with the photo simulations as provided by the applicant and attached as ATTACHMENT D of the February 26, 2013 staff report to Board of Supervisors

### 16. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** FIRE030 - EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION)  
Emergency access key box ("Knox Box") shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (North County Fire Protection District)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of the building permit, the Applicant shall print the text of this condition as "Fire Department Notes" on the construction plans.

Prior to requesting a final building inspection, Applicant shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

### 17. SPPW01 - ENCROACHMENT

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Submit plans and obtain an encroachment permit from the Department of Public Works to trench across Sill Road

**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

### 18. WR031 - FLOODPLAIN NOTICE

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide a recorded floodplain notice stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any construction permit, the owner/applicant shall submit a signed and notarized floodplain notice to the Water Resources Agency for review and approval. When approved, the applicant shall record the notice.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: [www.mcwra.co.monterey.ca.us](http://www.mcwra.co.monterey.ca.us).

**19. EHSP01 - HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory), and the Monterey County Code Chapter 10.65.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permit, submit a signed Business Response Plan - Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operations. Once approved, the applicant shall maintain an up-to-date Business Response Plan.