

**Before the Monterey County Zoning Administrator
in and for the County of Monterey, State of California**

In the matter of the application of:

Gabilan Oaks LLC (PLN140648)

RESOLUTION NO. 16 - 031

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project categorically exempt per Section 15303 of the CEQA Guidelines; and
- 2) Approving a Use Permit to allow installation of a wireless communications facility consisting of a 76-foot faux tree-pole with 9 panel antennas, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fence, subject to ten (10) conditions of approval.

475 San Juan Grade Road, Salinas, Greater Salinas
Area Plan (APN: 113-281-001-000)

The Gabilan Oaks LLC application (PLN140648) came on for public hearing before the Monterey County Zoning Administrator on October 13, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY / SITE SUITABILITY / NO VIOLATIONS -**
The proposed project and/or use, as conditioned, is consistent with the policies of the 2010 Monterey County General Plan, the Greater Salinas Area Plan, and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development and use proposed, and no violations exist on the property.
- EVIDENCE:**
 - a) Verizon Wireless proposes to develop a wireless communications facility consisting of a 76-foot faux tree-pole with 9 panel antennas, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fence. 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/or regulations of the Monterey County Code (MCC).
 - b) The property is located at 475 San Juan Grade Road, Salinas (Assessor's Parcel Number 113-281-001-000), Greater Salinas Area Plan. The parcel is zoned Low Density Residential (LDR) and Public/Quasi-Public (PQP). The project will be installed on the area of the parcel zoned LDR, and LDR zoning allows the installation of wireless communications facilities subject to the granting of a Use

Permit.

- c) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any active violations existing on the subject property.
- d) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, 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.
- e) The following reports have been prepared:
 - Radio Frequency Exposure Statement (LIB160307) prepared by Hammett & Edison, Inc., Consulting Engineers, San Francisco, California, March 3, 2016; and
 - Noise Analysis (LIB160306) prepared by Bollard Acoustical Consultants, Inc., Loomis, California, January 26, 2016.The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
- f) The project planner reviewed the project application materials and plans, as well as the County's GIS database, to verify that the project on the subject parcel conforms to the plans listed above and that the site is suitable for this use.
- g) The project was not referred to a Land Use Advisory Committee (LUAC) for review because at the time of application there was no active LUAC for the Greater Salinas Area.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140648.

2. **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 RMA-Planning, Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, 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) The applicant submitted a noise analysis for the project. The proposed site is surrounded by farmland and a golf course. The nearest residence is over 1,400 feet from the proposed site. The noise analysis concluded that the project-related equipment would not produce noise impacts that would exceed Monterey County noise exposure limits, and noise mitigation measures are not warranted.
 - c) The applicant submitted a radio frequency exposure report for the project. The report indicated that there are no physical or environmental impacts resulting from radio frequency emissions that would be detrimental to public health and safety. This report is consistent with applicable requirements of the Federal Communications Commission (FCC).

- 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 and location of new, small facilities or structures.
 - b) The project involves the installation of a 76-foot faux tree-pole, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fence. Therefore, the proposed development is consistent with CEQA Guidelines Section 15303.
 - c) No adverse environmental effects were identified during staff review of the development application.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

- 4. **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 communications facility, and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission (FCC). The proposed wireless communication facility complies with all applicable requirements of Monterey County Code (MCC) Section 21.64.310. 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 applicable provisions of MCC, 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 consists of development of a wireless communications facility consisting of a 76-foot faux tree-pole with 9 panel antennas, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fence. The site is located at 475 San Juan Grade Road in the Greater Salinas Area Plan.
 - b) Pursuant to the requirements in MCC Section 21.64.310(C)(5), the County analyzed potential visual impacts which could result from the placement of the facility, and finds that the proposed facility would not be visible from surrounding roadways and only partially visible from an adjacent residential neighborhood. The project has been designed to include broadleaf tree camouflage to allow blending of the faux tree-pole with surrounding trees. Additionally, conditions have been incorporated that would reduce the visual impacts in the event of technological advances, and require removal and restoration of the site in case of termination of use (Condition Nos. 6 and 8).
 - c) The project is consistent with MCC Chapter 21.86, Airport Approach 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 21.86.050, and the proposed height is within the limitations outlined in MCC Section 21.85.060.
 - d) The project does not penetrate a FAR Part 77 Imaginary Surface. The project site is located approximately 5.71 miles (29,560 linear feet) from Salinas Municipal Airport, the nearest public use airport. If deemed necessary by the FCC, warning lights would be located on top of the structure to prevent conflict with any aircraft (e.g., crop dusters) when visibility is limited.
 - e) The project planner reviewed the project application materials and plans, as well as the County's GIS database, to verify that the project on the subject parcel conforms to the plans listed above and that the site is suitable for this use. The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140648.

5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Planning Commission.

- EVIDENCE:**
- a) Pursuant to Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21), an appeal may be made to the Planning Commission by any person aggrieved by a decision of an Appropriate Authority. The Planning Commission shall consider appeals from the discretionary decisions of the Zoning Administrator. The decision of the Planning Commission would be final and may not be appealed.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Monterey County Zoning Administrator does hereby:

- A. Find the project categorically exempt from CEQA per Section 15303 of the CEQA Guidelines; and
- B. Approve a Use Permit to allow the installation of a wireless communications facility consisting of a 76-foot faux tree-pole tower with 9 panel antennas, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fence, in general conformance with the attached plans and subject to the ten (10) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of October, 2016.


Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON OCT 18 2016.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION, ALONG WITH THE APPROPRIATE FILING FEE, ON OR BEFORE OCT 28 2016.

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. 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 Planning Commission in the event of appeal.

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

2. This permit expires 3 years after the above date of granting thereof unless use is started within this period.

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140648

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The term "applicant" or "owner/applicant" as used in these conditions means Verizon Wireless and its successors and assigns. This Use Permit (PLN140648) allows the installation of a wireless communications facility consisting of a 76-foot faux tree-pole with 9 panel antennas, a 900 square foot equipment enclosure, associated equipment, and 120 linear feet of 8-foot wood fencing. The property is located at 475 San Juan Grade Road, Salinas (Assessor's Parcel Number 113-281-001-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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)

Compliance or Monitoring Action to be Performed: The Owner/Applicant (Verizon Wireless), and its successors and assigns, shall adhere to the conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Use Permit (Resolution Number 16-031) was approved by the Zoning Administrator for Assessor's Parcel Number 113-281-001-000 on October 13, 2016. The permit was granted subject to ten (10) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

4. PD025 - ANTENNA TOWER HEIGHT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The tower, including camouflage and antennas, shall not exceed 76 feet in height. (RMA - Planning)

Compliance or Monitoring Action to be Performed: On an on-going basis, the wireless communications facility shall not exceed the permitted height limit.

The Owner/Applicant shall submit an application to RMA-Planning for an amendment to the granted Use Permit, and await processing and approval of said amendment, prior to exceeding the 76-foot height limit.

5. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of three (3) years, to expire on October 13, 2019, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

6. PD039(B) - WIRELESS REDUCE VISUAL IMPACTS

Responsible Department: RMA-Planning

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)

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

7. PD039(C) - WIRELESS CO-LOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant and/or successors assigns shall allow co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. The pole structure shall be structurally designed to accommodate additional height and/or antennas. 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 the specified height. (RMA - Planning)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall encourage co-location by other wireless carriers on this tower assuming appropriate permits are approved for co-location. The overall height of the pole, including camouflage and antennas, shall not exceed 76 feet, unless the appropriate authority approves additional permits or waivers.

8. PD039(D) - WIRELESS REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, equipment shelter, wood fence, and associated equipment. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to abandoning the facility or terminating the use, the Owner/Applicant shall submit a site restoration agreement to RMA - Planning subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Owner Applicant shall restore the site to its natural state.

9. PD039(E) - WIRELESS EMISSION

Responsible Department: RMA-Planning

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 RMA-Planning 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)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on a tri-annual basis, the Owner/Applicant shall submit documentation demonstrating compliance with the FCC emission standards to the Director of RMA-Planning.

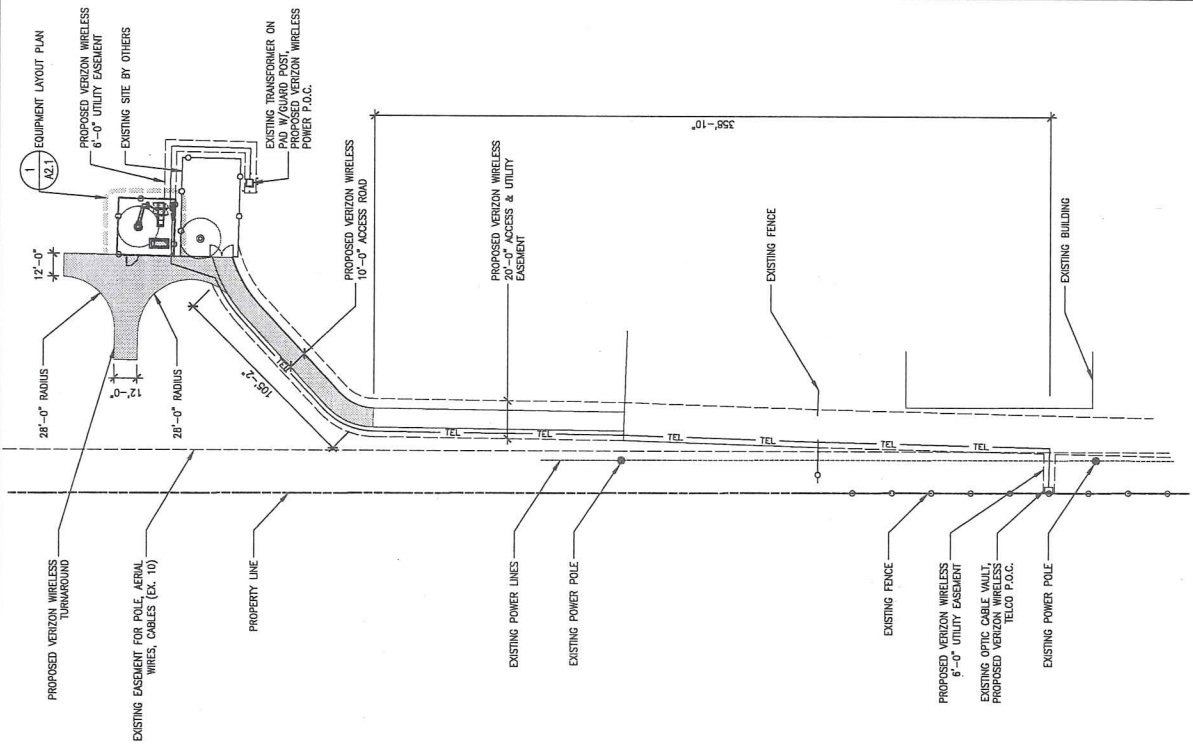
On an on-going basis, if the facility is in violation of FCC emission standards, the Director of RMA-Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

10. EHSP01 – HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN

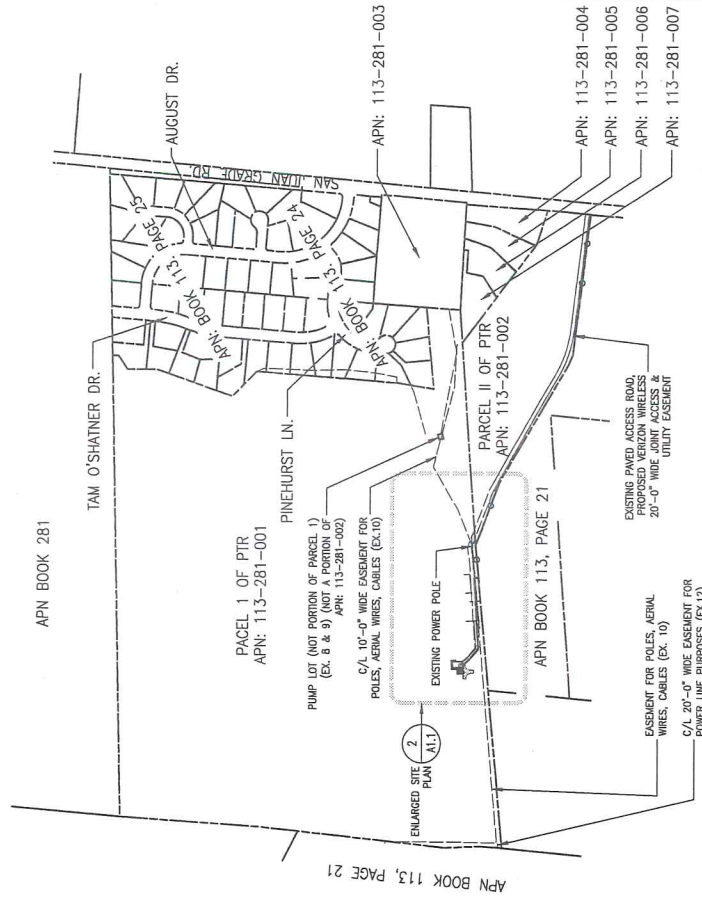
Responsible Department: Health Department

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. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to final inspection of the construction permit, the applicant shall submit registration paperwork to California Environmental Reporting System (CERS) for a Hazardous Material Business Response Plan permit and obtain approval from Hazardous Materials Management Services of the Monterey County Environmental Health Bureau.



0' 10' 50' 100'
1" = 30.0'
2 ENLARGED SITE PLAN
A1.1 SCALE: 1" = 30.0'



0' 60' 300' 600'
1" = 300.0'
1 OVERALL SITE PLAN
A1.1 SCALE: 1" = 300.0'

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COMPLETE
Architectural Consulting, Inc.

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SALINAS COUNTRY CLUB
475 SAN JUAN GRADE ROAD
SALINAS, CA 93906

OVERALL SITE PLAN

SHEET TITLE

A1.1

Job No. 163.715

Drawn By: [Name]
Checked By: [Name]
Scale: As Shown
Date: 02/27/16

Revisions:
1. [Description]
2. [Description]
3. [Description]
4. [Description]

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Verizon
 SALINAS COUNTRY CLUB
 475 SAN JUAN GRADE ROAD
 SALINAS, CA 93906

ANTENNA LAYOUT PLAN

SHEET TITLE:

Revision:

PROJECT INFORMATION

Project Name:

Client:

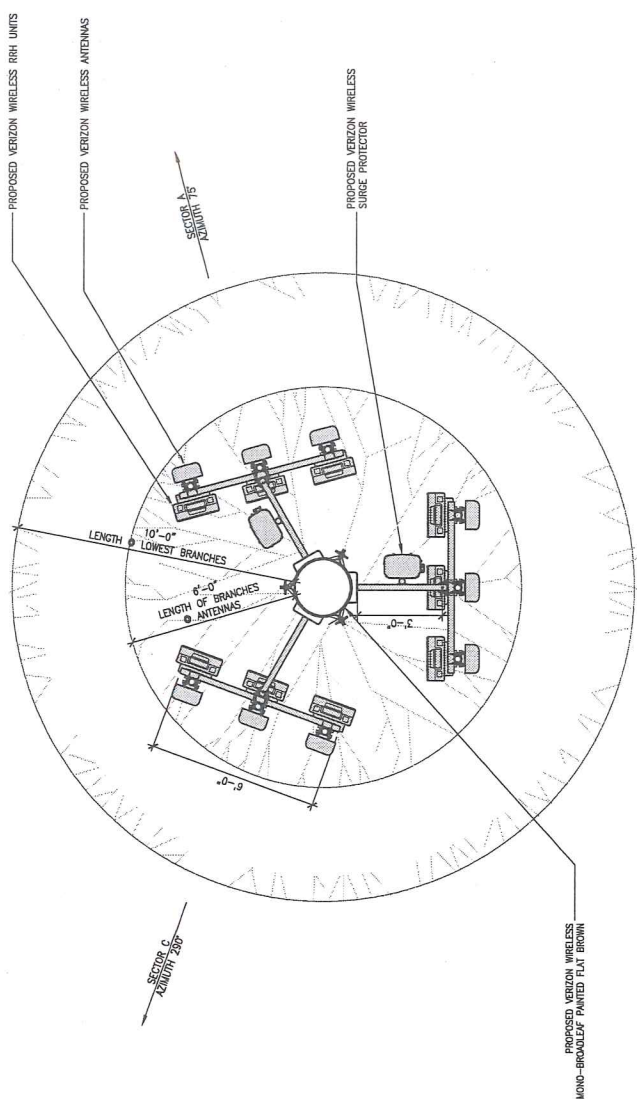
Designer:

Date: 07/27/18

Job No. 182.015

A2.2

EQUIPMENT SCHEDULE					
EQUIPMENT	DESCRIPTION	QUANTITY			TOTAL
		SECTOR A	SECTOR B	SECTOR C	
ANTENNA	TO BE DETERMINED	3	3	3	9
RRH	RRUS32 OR EQUIVALENT	3	3	3	9
DMA OR DIPLEXER	N/A	0	0	0	0
SURGE PROTECTOR/HYBRID	RAYCAP DC3315 OR DC1064 / HYBRID TRUNK CABLE		2/2		2/2
COAXIAL CABLE	7/8" OR 1 5/8" DIAMETER COAX	0	0	0	0
RET CABLE	5/16" RET CABLE OR N/A	0	0	0	0




NOTE: VERIZON WIRELESS TO INSTALL "LIFE SPOCK" ON ALL PROPOSED PANEL ANTENNAS & RRH UNITS. ALL ANTENNAS & EQUIPMENT TO BE PAINTED FLAT GREEN

0' 1' 5' 10'

1/2" = 1'-0"


1 ANTENNA LAYOUT PLAN

A2.2 SCALE 1/2" = 1'-0"



MST ARCHITECTS
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This drawing is prepared by MST Architects, Inc. for the project of SALINAS COUNTRY CLUB. It is to be used for the purpose of obtaining permits and for construction. It is not to be used for any other purpose without the written consent of MST Architects, Inc. All other drawings, specifications, and notes shall be read in conjunction with this drawing.



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PROJECT ELEVATIONS
 SHEET TITLE:

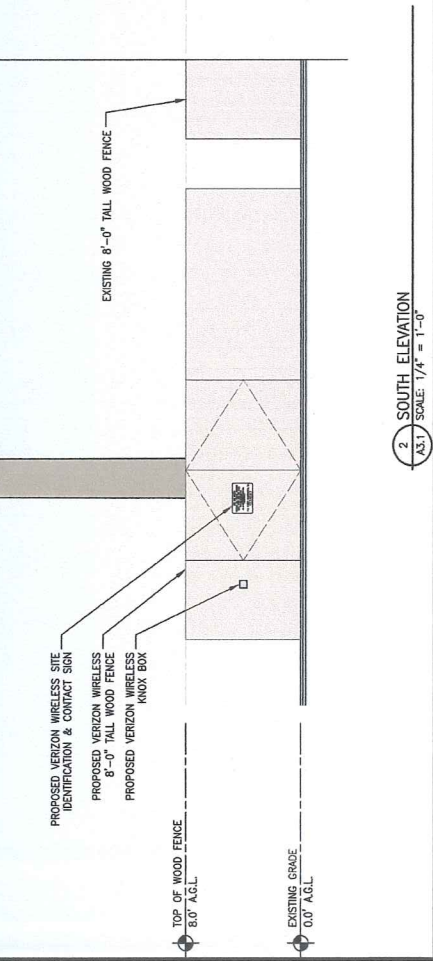
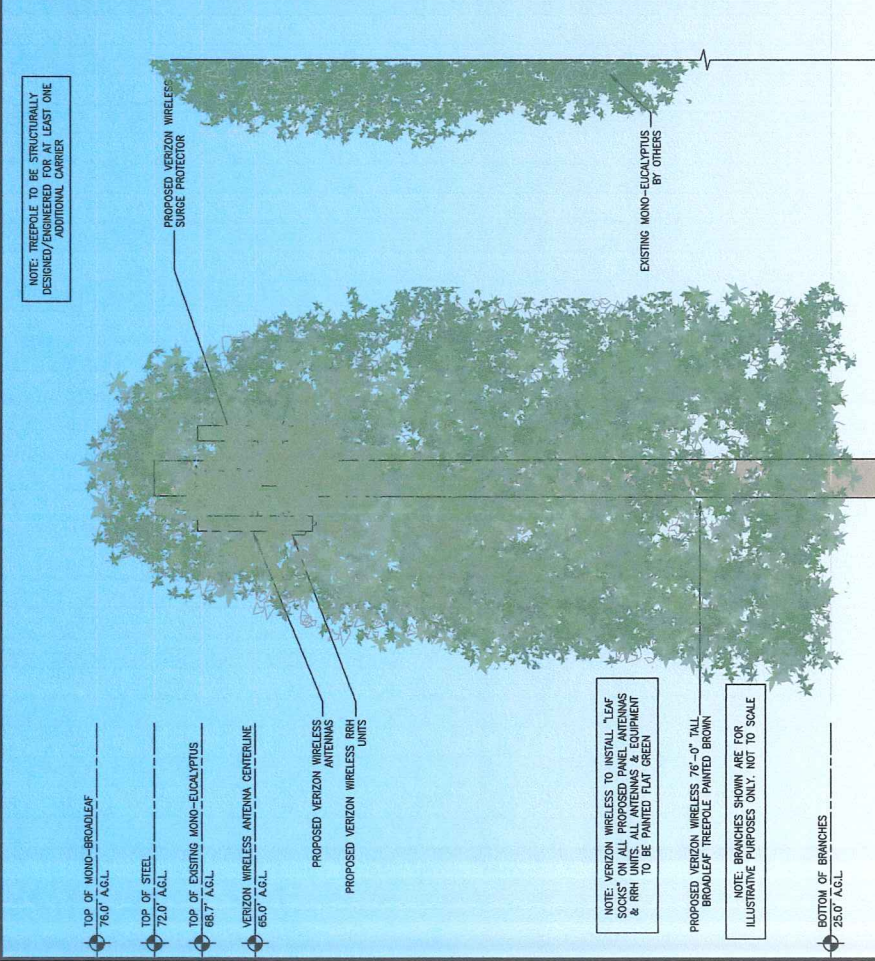
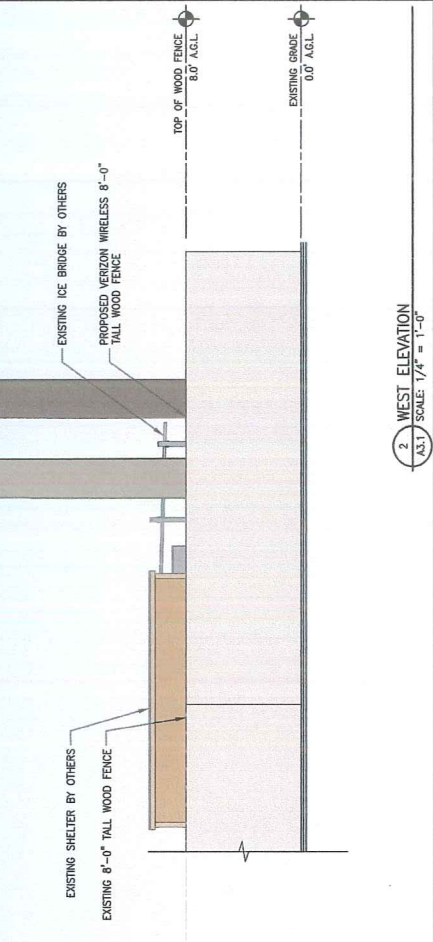
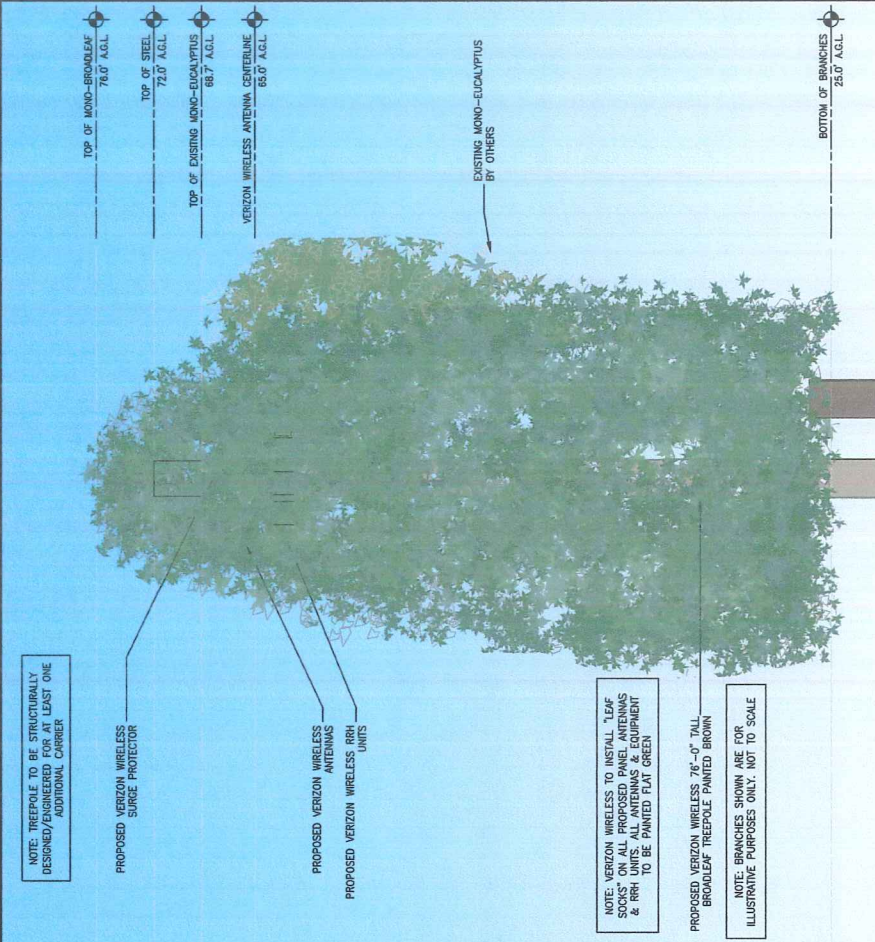
Job No. 1001118
 Date: 02/11/18
 Scale: as noted
 Drawn By: JX
 Checked By: JX
 Project: SALINAS COUNTRY CLUB

A3.1



2 WEST ELEVATION
 A3.1 SCALE: 1/4" = 1'-0"

2 SOUTH ELEVATION
 A3.1 SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
A3.1 SCALE: 1/4" = 1'-0"

2 SOUTH ELEVATION
A3.1 SCALE: 1/4" = 1'-0"