

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 01075

A.P. # 125-501-046-000

FINDINGS AND DECISION

In the matter of the application of
David H. Freeman, et al (PLN000646)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the construction of two (2) flush mounted antennas onto a 60 ft. high monopole including ground equipment, located at 2624 El Camino Real North, approximately 600 feet north of Messick road and approximately 500 feet east of Highway 101, Prunedale area, came on regularly for hearing before the Planning Commission on December 12, 2001.

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

FINDINGS OF FACT

- 1. FINDING:** The Freeman/Sprint PCS Use Permit Application (PLN000646) as described in the staff report and associated plans, does not conform to the County's regulations for wireless communication facilities in Title 21 which encourage, among other things, co-location to reduce the proliferation of towers. The project is inconsistent since there are alternative sites in proximity to the proposed location which would allow for co-location. With the exception of the project's inconsistency with co-location requirements, it is otherwise consistent with all other applicable plan policies, zoning regulations, requirements and standards of the General Plan, the North County Non-Coastal Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 2624 El Camino Real N (Assessor's Parcel Number 125-501-046-000) east of Highway 101 in the community of Prunedale. The parcel is zoned "HC" or Heavy Commercial. The subject property is in compliance with all rules and regulations pertaining to zoning uses, and any other applicable provisions of Title 21.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan, Title 21 of the Monterey County Zoning Ordinance and the North County Non-Coastal Area Plan.

EVIDENCE: The application and plans in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit on April 20, 2001 to determine potential visual impacts and consistency with co-location requirements.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- 2. FINDING:** The project is inconsistent with the following regulations in Ordinance 3938 which addresses wireless telecommunication facilities in Monterey County.

 - The proliferation of antennas, towers and or satellites dishes could create significant adverse visual impacts, therefore, there is a need to regulate the siting, design and construction of wireless communication facilities to insure that the

appearance and integrity of the community is not marred by the cluttering of unsightly facilities.

- Wireless communications facilities shall be screened from any designated scenic corridors or public viewing areas to the maximum extent possible.
- Co-location is encouraged when it will decrease visual impacts.

EVIDENCE: There is an existing 130+ ft. tall PG&E lattice tower located approximately 1 mile away from the proposed parcel. Co-location on the existing PG&E tower (APN 133-023-011) would eliminate the need for the proposed project and would enable the applicant to place the antennas on higher tower which may be beneficial to the carrier. The applicant did not address the County's request to analyze the feasibility of the existing PG&E lattice tower for co-location.

EVIDENCE: In addition to the PG&E tower, there is an existing 50 ft. Nextel telecommunication (PLN990189) facility located at the southeast corner of the intersection of Highway 101 and Pesante Road in the Prunedale area (APN 125-042-002-000). The applicant did not address the County's request to analyze the feasibility of the existing Nextel 50 ft. monopole for co-location.

EVIDENCE: Based on a discussion with HMM, the consulting firm previously working with the County on processing permits for wireless telecommunication projects, both alternatives described above would provide a line of sight for the intended coverage area.

EVIDENCE: The applicant has not provided satisfactory evidence as to why co-location is not feasible.

EVIDENCE: The proposed project will be visible from Highway 101, a designated scenic corridor in the North County Non-Coastal Area Plan.

EVIDENCE: Construction of the new 70 foot tower could be avoided based on staff's recommendation for co-location and identification of alternative sites.

EVIDENCE: File and application materials contained in the project file.

3. FINDING: The establishment, maintenance, or operation of the use or structure applied for will, under the circumstances of the particular case, be detrimental to the general welfare of persons residing or working in the neighborhood of such proposed use, and/or will be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

4. FINDING: The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Sections 21.86.030(A) and 20.86.080 of the Monterey County Zoning Ordinance (Title 21).

DECISION

It is the decision of the Planning Commission of the County of Monterey that said application for a Use Permit be denied.

PASSED AND ADOPTED this 12th day of December, 2001, by the following vote:

- AYES: Errea, Sanchez, Hawkins, Parsons, Diehl, Hernandez, Lacy, Wilmot
- NOES: None
- ABSENT: Brennan, Pitt-Derdivanis



DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on **DEC 17 2001**

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 **DEC 27 2001**

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.

Sprint.
Sprint PCS
4888 CHURCH STREET, SUITE 100
PLEASANTON, CA 94588

PROJECT INFORMATION:
VIERRA CANYON
M045XCR07A
2624 EL CAMINO REAL, N.
SALINAS, CA 93907
MONTEREY COUNTY

CURRENT ISSUE DATE:
4/10/01

ISSUED FOR:
CONSTRUCTION

REV.	DATE	ISSUED FOR
1	11-20-00	100% ZONING
2	3-9-01	ZONING COMMENTS TO

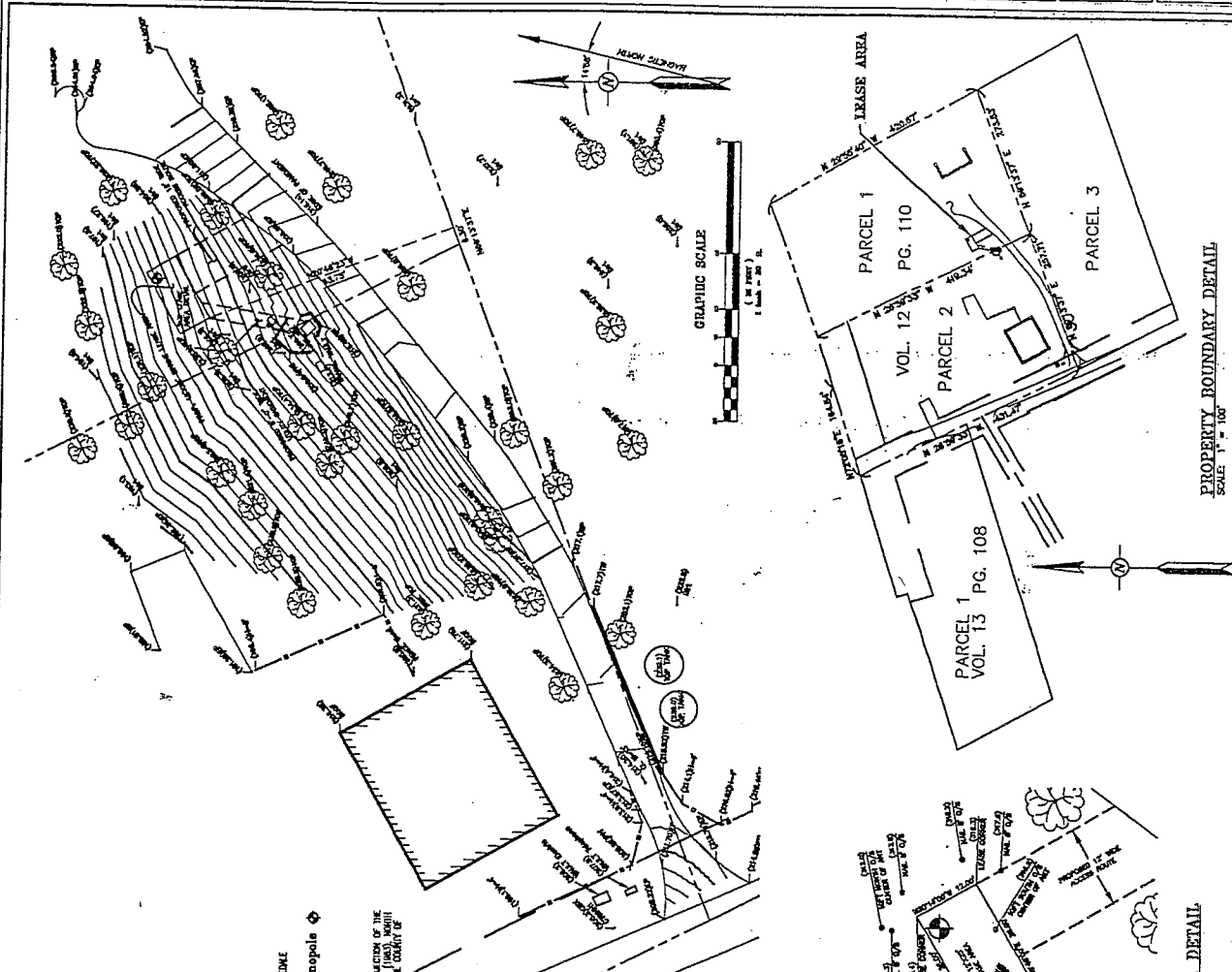
TETRA TECH
9 Mendocino Court, Suite 110
Mendocino, CA 95501
(707) 735-5666, FAX (707) 735-5603

GUIDA SURVEYING, INC.
14715 FRANKLIN AVENUE, SUITE 8
TUSTIN, CALIFORNIA 92680
(714) 835-1118
FAX (714) 835-1119

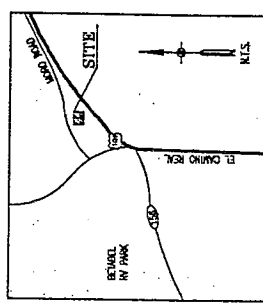
PLAN NUMBER: LG AB
LICENSE NUMBER: [Blank]
DRAWN BY: [Blank]

SHEET TITLE: TOPOGRAPHIC SURVEY

SHEET NUMBER: **LS1**
REVISION: 2
200-00



SPRINT PCS
SITE NAME: M045XCR07A
SITE ADDRESS: 2624 EL CAMINO REAL, N. SALINAS, CA 93907
APPLIC: 125-501-04
Lease Area Coverage
Approx Lot Area
Parcel 1 = 213 acs
Date of Survey
November 14, 2000
Basis of Bearings
The bearings shown herein are based on the true meridian as determined by GPS observation.
Bench MARK
The datum used herein are based upon the PRIMEIDE
Geodetic Coordinates at Center of Monopole
Easting: 177 50 07.17' 1927 SOUTH
Latitude: 37 48 02.25' 1063 SOUTH
Longitude: 117 30 13.37'



Legal Description.
THE PORTION OF LAND IN SHOW IN TOWNSHIP T45N, RANGE R10E, MONTEREY COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:
PARCEL 1:
THE S 1/4 OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ACCORDING TO THE ORIGINAL COUNTY RECORDS OF SAO COUNTY, PARCEL 1, AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
PARCEL 2:
TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD AND UTILITY PURPOSES, OVER AND ACROSS THAT PORTION OF PARCEL 1 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
PARCEL 3:
A NON-EXCLUSIVE EASEMENT FOR TRAIL (OR PURPOSES, OVER, UNDER AND ACROSS THAT PORTION OF PARCEL 1 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
PARCEL 13:
A NON-EXCLUSIVE EASEMENT FOR TRAIL (OR PURPOSES, OVER, UNDER AND ACROSS THAT PORTION OF PARCEL 1 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
PARCEL 15:
A NON-EXCLUSIVE EASEMENT FOR TRAIL (OR PURPOSES, OVER, UNDER AND ACROSS THAT PORTION OF PARCEL 1 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
Title Report (Easements)
THE TITLE REPORT FOR THIS PROJECT WAS PREPARED BY FIRST MONTEREY TITLE COMPANY, 1001 MARKET STREET, SALINAS, CA 93901.
A NON-EXCLUSIVE EASEMENT FOR ROAD AND UTILITY PURPOSES, OVER, UNDER AND ACROSS THAT PORTION OF PARCELS 2 AND 3 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
Lease Area Legal Description
THE LEASE AREA IS THAT PORTION OF PARCEL 1 AS SHOWN ON THE MAP FILED JUNE 8, 1978 IN VOLUME 11, PAGE 111 OF PARCEL MAPS, MONTEREY COUNTY, CALIFORNIA, LING WITH THE "TRUE" PERMITS DESCRIBED AS SHOWN THEREIN.
NOTE:
ANY CHANGES MADE TO THE ATTACHMENT OF THIS PLAN, WITHOUT THE WRITTEN CONSENT OF GUIDA SURVEYING, RELAYS DATA SURVEYING OF ANY AND ALL INSTANT.

PROPERTY BOUNDARY DETAIL
SCALE: 1" = 100'

LEASE AREA DETAIL
SCALE: 1" = 10'