

RESOLUTION NO. 000549

A.P.# 030-191-016-000

In the matter of the application of
Lawson Hambey, Jr. TR (PLN000549)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, for a 15 ft. extension to an existing 60 ft. telecommunications tower including three 5 ft. high panel antennas and 240 sq. ft. ground equipment shelter surrounded by a 6 ft. high brown slated fence; located at Wood Street, east of Hwy 1 and west of Wood Street, Castroville, North County Area Plan, came on regularly for meeting before the Zoning Administrator on May 31, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The Hambey/Sprint Administrative Permit & Design Application (PLN000549) allows for construction of a 240 sq. ft. equipment building and a 15' extension to an existing 60' monopole. The property is located at 11399 Merritt Street (APN: 030-191-016-000), southeast of the intersection of Highway 156 and Merritt Street, in Castroville. The project, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the North County Area Plan and the Monterey County Zoning Ordinance (Title 21). The parcel is zoned "LC" or Light Commercial. The site is physically suitable for the use proposed. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan, the North County Area Plan and Title 21 (Zoning Ordinance).
EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks Department and the North County Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: Design Approval request form with a recommendation for approval (4 to 0) by the North County (Inland) Land Use Advisory Committee.
EVIDENCE: Written and verbal public testimony submitted at the public hearing before the Zoning Administrator.
EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development in the project file.
EVIDENCE: Section 21.18.050.AA and 21.64.310 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicates that there are no violations on the property.
EVIDENCE: The on-site inspection by the project planner on January 12, 2001 to verify that the proposed project complies with the North County Area Plan.

2. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code. As a result, this project qualifies for an exemption to the Fish and Game fee requirement.
- EVIDENCE:** The administrative record as a whole contains the following information to support the above finding. The site is already developed with a vacant service station. A grading permit is not required. Development will occur on an existing monopole and the existing paced are will not be increased. There is no evidence that the project, as a whole will have the potential for adverse effect either individually or cumulatively on wildlife resources, including riparian areas, wetlands, native or non-native plant life, rare and unique plant life, threatened, protected, special status or endangered plants or animals or their habitats, marine terrestrial species or biological diversity as defined under Sections 759.2 and 711.2 of the Fish and Game Code.
3. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment and a Mitigated Negative Declaration has been prepared. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant affects on the environment have been incorporated into the approved project. Adoption of a mitigation monitoring program for this project is not necessary since the 3 mitigations identified in the initial study are short-term measures that would be fully implemented prior to commencement of the use as a telecommunication facility.
- EVIDENCE:** The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process. Studies, data and reports prepared by staff from various County departments including Planning & Building Inspection, Public Works, Environmental Health, Water Resources and the North County Fire Protection District support the adoption of the Mitigated Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning & Building Inspection Department located at 240 Church Street, Room 116, Salinas. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.
- EVIDENCE:** County Staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study provides substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk for a 20-day public review and comment period which ended on May 25, 2001. All comments on the Initial Study have been received and considered as well as evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports analyzed as part of the environmental determination.

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
5. **FINDING:** The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of the Zoning Administrator of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for an Administrative Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Administrative Permit and Design Application (PLN000549) allows for construction of a 240 sq. ft. equipment building and a 15' extension to an existing 60' monopole. The property is located at 11399 Merritt Street (APN: 030-191-016-000), southeast of the intersection of Highway 156 and Merritt Street, in Castroville. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits. **(Planning and Building Inspection)**

Prior to the Issuance of a Building Permit:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**

3. The applicant shall record a notice which states: "A permit (Resolution 000549) was approved by the Zoning Administrator for Assessor's Parcel Number 030-191-016-000 on May 31, 2001. The permit was granted subject to 7 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. All exterior lighting shall be unobtrusive, 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. Exterior lighting for the equipment shelter shall be limited to 60-watt bulbs which are down lit. Exterior lights shall only be used during maintenance activities when employees or other personnel are on the site. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection & M.M. #3)**
5. Antennas shall be flush mounted and painted the same color as the pole **(Planning and Building Inspection & M.M. #2)**

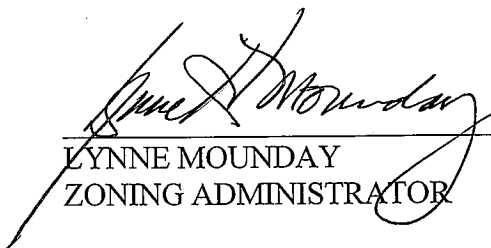
Prior to Final Building Inspection:

6. The existing monopole and the proposed extension shall be painted a non-reflective brown/olive color to blend in with the existing setting. **(Planning and Building Inspection & M.M. #1)**

Continuous Permit Conditions:

7. No sign shall be allowed on top of the telecommunication tower. **(North County Land Use Advisory Committee)**

PASSED AND ADOPTED this 31st day of May, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JUN - 4 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUN 14 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.

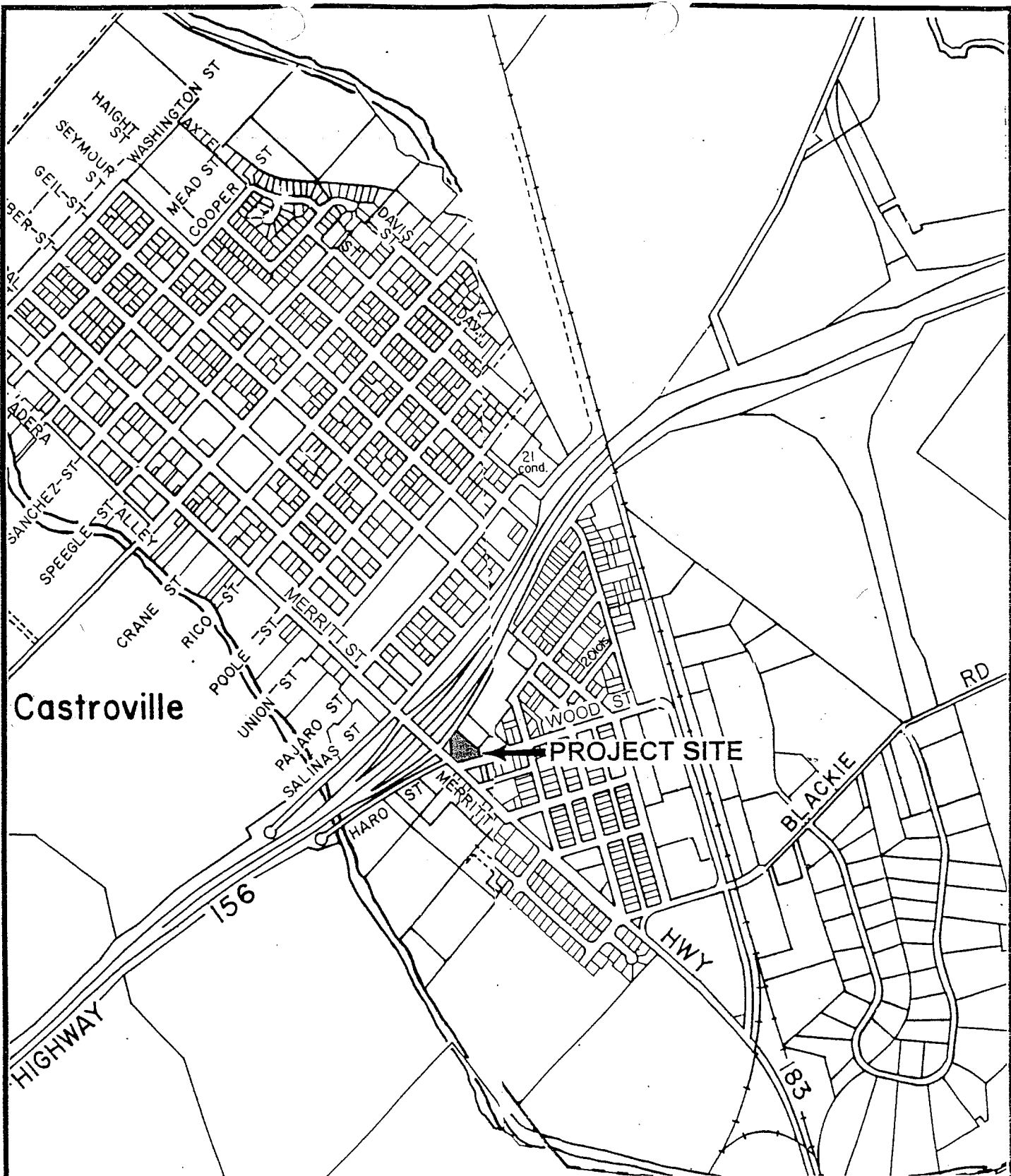
NOTES

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.



Castroville

PROJECT SITE

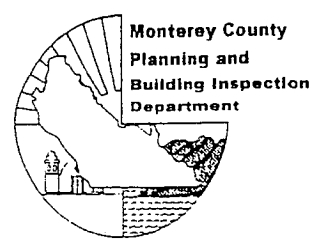
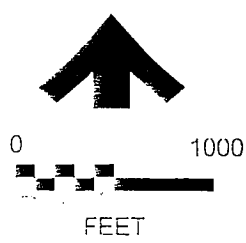
APPLICANT: HAMBEY TRUST

APN: 030-191-016-000

FILE # 000549

300' LIMIT: 

2,500' LIMIT: 



DATE: