

When recorded, return to:

CITY OF SALINAS  
Community Development Department  
65 West Alisal Street, Salinas, CA 93901  
Attn: Thomas Wiles, Senior Planner

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Title of Document

## **CONDITIONAL USE PERMIT NO. 2018-009**

### **City of Salinas**

### **Community Development Department**

**WHEREAS**, the Salinas Planning Commission, at a public hearing duly noticed and held on November 21, 2018, found that the proposed location of the use and structure is in accord with the objectives of the Salinas Zoning Code and the purposes of the zoning district in which the site is located; that the location of the use and structure and the proposed conditions under which it would be operated and maintained will be consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; that the use and structure will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed use and structure; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas Planning Commission has reviewed and considered an Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

**NOW, THEREFORE**, the Salinas Planning Commission hereby grants and issues Conditional Use Permit No. 2018-009 pursuant to *Article VI, Division 8: Conditional Use Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

**ISSUED TO:** Sequoia Deployment Services, representing Verizon Wireless

**PROPERTY OWNER:** Evangelical Lutheran Church

**FOR USE:** Construction and operation of a Major Telecommunications Facility at an existing Religious Assembly (church).

**ON PROPERTY LOCATED AT:** 1230 Luther Way

**ASSESSOR'S PARCEL NO.:** 207-161-012-000

**ZONING DISTRICT:** Public/Semipublic (PS)

**ENVIRONMENTAL REVIEW ACTION & DATE:** Mitigated Negative  
Declaration and Mitigation Monitoring and Reporting Program: November 21, 2018

**EXPIRATION DATE:** None, once properly established, unless the subject Major Telecommunications Facility use ceases operation for a continuous period of six (6) months or more.

## **RIGHT TO OPERATE/DEVELOP**

1. The Permittee shall have the right to operate a construct and operate a Major Telecommunications Facility consisting of a 60-foot high stealth facility (Monopine) with nine (9) six-foot high antennas and 18 Radio Remote Units (RRU's) installed at a height of 55-feet within a 30-foot by 30-foot lease area with support equipment enclosed by an eight (8) foot high wood fence at an existing Religious Assembly use located on the above-described property in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

**Exhibit "A" Vicinity Map**  
**Exhibit "B" Title Sheet (Sheet T-1)**  
**Exhibit "C" Topographic Survey (Sheet LS-1)**  
**Exhibit "D" Final Survey (Sheet LS-2)**  
**Exhibit "E" Site Plan (Sheet A-1)**  
**Exhibit "F" BMP Plan (Sheet A-1.1)**  
**Exhibit "G" Enlarged Site Plan (Sheet A-2)**  
**Exhibit "H" Equipment and Antenna Layout (Sheet A-3)**  
**Exhibit "I" Architectural Elevations (Sheet A-4)**  
**Exhibit "J" Architectural Elevations (Sheet A-5)**  
**Exhibit "K" Photosimulations (Exhibits K1 – K4)**  
**Exhibit "L" Engineer's Report, dated June 13, 2018**  
**Exhibit "M" Mitigation Monitoring and Reporting Program**  
**Exhibit "N": Radio Frequency Study dated March 19, 2018**  
**Exhibit "O": Noise Study dated March 19, 2018**

## **LIMITATIONS ON USE**

2. In accordance with Zoning Code Section 37-50.290(c)(10), all obsolete or unused facilities shall be removed within twelve (12) months of cessation of telecommunications operations at the site. If the Telecommunication Facility is not removed within twelve months after the cessation of such operations, the City may remove the facilities at the applicant's cost. The City also reserves the right to require any applicant of a telecommunication application to post a bond with the City to cover the cost of removal of any such facility.

If the subject Major Telecommunications Facility use ceases operation for a continuous period of twelve (12) months or more, this Conditional Use Permit shall become null and void.

3. The City Planner may conduct a review of this Permit after inauguration, and may require modifications, if appropriate. The City Planner may also schedule a review by the Salinas Planning Commission, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Permittee shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.
4. The project shall comply with all performance standards in accordance with Zoning Code Section 37-50.180, or other Zoning Code standards as the same may be amended from time to time.
5. This is a telecommunications facility with no assigned employees; therefore no permanent parking spaces are required for the subject facility.
6. Any exposed cables, conduit, and mounting hardware shall be painted to match the facility.
7. Hours of operation shall be 24 hours per day. Operation of the generator shall be limited to emergency operations and occasional maintenance. Per Zoning Code Section 37-50.180(a)(1)(A), the noise level for the generator at adjacent residential property lines shall not exceed 55 dBA between 9:00 p.m. and 7:00 a.m. except for emergency operations.

## **CO-LOCATION**

8. The applicant and its successors and assigns shall allow additional antennas from other providers to be co-located on the subject facility if the City of Salinas approves said co-location; provided such co-location does not interfere with the operation of the applicant's existing equipment. In the event interference does occur, the applicant shall make reasonable efforts to alter antennas and/or radio signals to eliminate such interference.

## **SCREENING**

9. The generator and support equipment shall be screened from public view with an eight (8) foot high wood fence. The building permit plans shall show landscaping (trees and shrubs) installed in front of the fence to screen the generator and support equipment from public view.

## **ENVIRONMENTAL MITIGATIONS**

10. All environmental mitigation measures contained in the Mitigation Monitoring

and Reporting Plan (MMRP), attached as Exhibit “M”, shall be conditions of approval incorporated herein by reference.

## **SIGNS**

11. No signs shall be allowed except exempt signs in accordance with Zoning Code Section 37-50.580 which include, but are not limited to, official notices of any court, public body, utility, or public or quasi-public agent or officer, or any person giving legal notice as required by law.

## **OUTDOOR LIGHTING**

12. Exterior lighting, except FAA emergency identification lighting, may be installed in accordance with Zoning Code Section 37-50.480 under the following limitations:
  - a. No floodlighting will be allowed on any structure.
  - b. Lighting shall have cutoff optics and be shielded to confine light spread to within the site boundaries.
  - c. Prior to the issuance of a Building Permit, the applicant shall submit a detailed lighting plan for review and approval by the Community Development Department.

## **BUILDING MATERIALS AND COLORS**

13. Prior to issuance of a building permit, all exterior structure materials and colors shall be identified on the building plans for review and approval by the Community Development Department.

## **MAINTENANCE**

14. The telecommunications facility shall be regularly maintained. All exterior surfaces; including but not limited to; the support structure, fencing, and landscaping shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions of this Permit.
15. The Applicant, or successor-in-interest shall eradicate graffiti painted or marked on the facility within seventy-two (72) hours of occurrence pursuant to Municipal Code Section 5-03.19(a)(4).

## **PUBLIC IMPROVEMENTS**

16. Public improvements to serve the development shall be reviewed and approved by the City Engineer and shall be installed in accordance with City standards. All utilities shall be installed underground with details to be

included on the final improvement plans.

#### **UTILITIES/EQUIPMENT SCREENING**

17. All utility lines shall be placed underground and all power transformers shall be placed underground where permitted by the utility company. Where transformers must be pad-mounted above ground, they shall be located away from the general public view or shall be effectively concealed by landscaping or a screen fence of a design approved by the utility company and the City Planner.
18. All mechanical equipment and appurtenances (i.e. gas, water meters, electrical boxes, HVAC systems, refrigeration equipment, etc.), building or ground mounted, shall be screened from public view and adjacent properties. Roof vents shall be painted to blend with roof materials. Details shall be shown on the final construction and/or land plans and are subject to the approval of the City Planner.

#### **PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS**

19. The issuance of this Permit shall not relieve the Permittee of any requirement to obtain permits or licensing from any county, regional, state or federal agencies. If applicable, a City Business License shall be obtained prior to commencement of use.
20. The Applicant or successor-in-interest shall contact the Monterey Bay Unified Air Pollution Control District (MBUAPCD) regarding the potential requirement for a District permit for any standby engine/generators.

#### **MODIFICATION OF APPROVED USE AND PLANS**

21. Any modification to the terms and conditions of this Permit are subject to the issuance of a new Permit. The City Planner may approve minor modifications to this Permit if the City Planner finds the modification to be in substantial compliance with the original approval.

#### **VIOLATION; REVOCATION**

22. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the City. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provision of this Permit shall be guilty of a misdemeanor or an infraction, as charged. Alternatively, any violation of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance and/or other applicable laws, regulations or codes. Upon

determination by the City Planner that there are reasonable grounds for revocation of this Permit, a revocation hearing shall be set to be heard before the Salinas Planning Commission in accordance with *Article VI, Division 18: Enforcement and Penalties* of the Salinas Zoning Code or such codes as may be subsequently adopted.

## **SUBSTANTIAL ACTION TIME LIMIT**

23. This Permit shall expire one year after its effective date unless:
- a. A building permit has been issued and construction diligently pursued;
  - b. A certificate of occupancy has been issued;
  - c. The use is established in conformance with the provisions of the Zoning Code; or
  - d. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

## **PERMIT VALIDATION**

24. Pursuant to Zoning Code Section 37-60.530, this Permit shall be null and void and all terms and conditions shall have no force or effect unless this Permit is signed by the Permittee(s) and returned to City of Salinas The Community Development Department within 90 days of approval. ***It is the applicant's responsibility to track the 90-day expiration date. No notice will be sent.***

## **STANDARD CONDITIONS**

25. Pursuant to **Salinas City Code Section 1-8.1: Civil action enforcement**, and **Section 1-8.2: Liability for costs**, permittee shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.
26. The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

27. Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state and federal laws and regulations.
28. No further development other than that shown on this permit or attached exhibits shall be allowed unless or until an amendment to this permit has been approved. Requests for a minor modification of an approved permit may be granted by the City Planner provided the modification is substantially in compliance with the original approval and conditions.

#### **NOTICE OF CHALLENGE LIMITATIONS**

29. Code of Civil Procedure Section 1094.6 requires all Court challenges to the decision to grant this Permit be initiated within 90 days of the final decision of the City in this matter.

### **EXECUTIONS**

**THIS CONDITIONAL USE PERMIT** *was approved by action of the Salinas Planning Commission on November 21, 2018, and shall become effective on the following date unless appealed to the City Council of the City of Salinas in accordance with Article VI, Division 17: Appeals:*

Effective Date: December 4, 2018

\_\_\_\_\_  
Courtney Grossman  
Planning Manager, City of Salinas

(Signatures Listed Below on Pages 8 through 10 Must Be Notarized)

**THIS CONDITIONAL USE PERMIT** is hereby accepted upon the express terms and conditions hereof, and the undersigned Permittee agrees to strictly conform to and comply with each and all of this Permit's terms and conditions.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Dayna Aguirre, Planning Manager  
Sequoia Deployment Services Representing  
Verizon Wireless, Permittee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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STATE OF CALIFORNIA  
COUNTY OF MONTEREY

On \_\_\_\_\_ 201\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_



Dated:\_\_\_\_\_

\_\_\_\_\_  
Cathy Beagle,  
Verizon Network Real Estate, Permittee

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WITNESS my hand and official seal.

Signature \_\_\_\_\_

**CONSENT** is hereby granted to the Permittee to carry out the terms and conditions of this Conditional Use Permit.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lawrence Weissshahn, President  
Evangelical Lutheran Church, Property Owner

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WITNESS my hand and official seal.

Signature \_\_\_\_\_

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