

Exhibit B

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Jameson Halpern, Attorney at Law
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FORMAL OBJECTION AND DEMAND FOR HEARING

PLN-180035

A Project to Increase the Size of Telecommunications Tower

Located at 4039 Sunset Lane, Pebble Beach, CA, 93953

Craig Spencer, Senior Planner, Monterey County

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

PLN-180035, Telecommunications Tower Project, Sunset Lane, Pebble Beach

20 February 2018

Mr. Spencer,

As President of the Huckleberry Hill Neighborhood Association (HHNA), I hereby formally object to the **PLN-180035** Project and demand a formal administrative hearing.

My neighbor, who owns a home directly adjacent to the Project Site, did not receive notice of this Project until Saturday the 17th of February 2018. Your "Notice of Pending Administrative Design Approval" states that she must deliver an objection by Friday 23rd of February 2018. Thus your office provided her with less than one week to review the Project and deliver a written objection to the Project.

I myself attempted to contact you several times on Monday the 19th of February and again this morning on Tuesday the 20th of February. Despite making several phone calls and leaving two voice mails, I have received no response whatsoever. I myself also received no written notice of this Project, despite the fact that I live within a hundred feet or so of the Project.

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In addition to failing to provide sufficient notice of the Project, your office also has failed to properly disclose the Project. Although the County's website does disclose Site Plans, a Fee Waiver, and the single page "Notice of Pending Administrative Design Approval", the County's Website fails to disclose an actual Permit Application.

Actual Screenshot of Monterey County Planning Department Website as of 20 February 2018:

Name	Description	Upload Date
PLANS_SITE_PLAN_PLN180035_011218.pdf	APPROVED PLANS	01/22/2018
WAIVER_FEE_PLN180035_020918.pdf		02/12/2018
PHN_PLN180035_021318.pdf	NOTICE OF PENDING APPROVAL	02/13/2018

The "Fee Waiver Request" does include a letter from the Monterey County Information Technology Department that states that "The County will not be extending the existing height or ground area of the tower". That same letter also states that the County would be "reducing the total number of antennas from the current sixteen (16) on the tower to (9)". However, since the County failed to disclose an actual Permit Application, the HHNA has nothing to rely on in order to make a decision about this Project.

The HHNA has two principal concerns with the Project. First, the HHNA wants to ensure that the County abstains from increasing the height of the tower. Second, the HHNA wants to ensure that the County abstains from increasing the visual obstruction of the tower. In 2012 and 2016 the HHNA successfully commenced legal actions against the County of Monterey in regard to the NGEN Huckleberry Hill Telecommunications Tower Project: **PLN100516**.

In order to comply with the California Government Code, CEQA, and the Coastal Act, as well as the County of Monterey's own Coastal Zoning Ordinance, Del Monte Forest Land Use Plan, and Coastal Implementation Plan, the County of Monterey must do all of the following:

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- (1) Provide proper notice to the Huckleberry Hill Neighborhood. We request at least thirty (30) days notice prior to any Project within or directly adjacent to the Neighborhood.
- (2) Disclose the **PLN-180035** Project publicly. The County must publicly disclose the actual Permit Application with all development conditions.
- (3) Design the Project without any increases in the height of any tower and without any increase in the visual obstruction of any tower.

This Formal Objection incorporates by reference all of the following:

HHNA “DEIR COMMENT AND COASTAL DEVELOPMENT PERMIT APPLICATIONS OBJECTION” of 5 August 2014 for **PLN-100516**.

PLN-100516 The Formal Objection (40 Pages) submitted by Jameson Halpern, Esquire to the Planning Department. The Appeal (15 Pages) submitted by Jameson Halpern, Esquire. The Public Commentary (32 Pages) submitted by Jameson Halpern, Esquire to the Board of Supervisors at the Board Hearing of December 4th 2012.

PLN-100516 This also incorporates by reference all other written and oral Objections and Comments to the Project (Huckleberry Hill Site as well as other parts of the NGEN System) by *any* party.

The California Public Record Requests regarding the NGEN System, made to the County of Monterey, and the County of Monterey Responses to those Public Record Requests.

All communications between Monterey County and Harris Corporation. All communications between Monterey County and DELTAWRX. All communications between Monterey County and any other consultants, advisors, agents, or other persons associated with the NGEN Project.

The Monterey County – Harris Corporation NGEN System Contract with all its Parts, Request for Proposal (RFP), RFP Response, Best and Final Offer (BAFO), and all Exhibits to the NGEN System Contract.

The Monterey County – DELTAWRX Contract, and all its Exhibits.

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The Agenda, Minutes, Video, and Exhibits of the Monterey County Board of Supervisors, the Monterey County Planning Commission, and DMFLUAC that relate to the NGEN System.

The 2 MAY 2012 “Development Project Application NGEN Public Radio System”

PLN-100501, PLN-100502, PLN-100515, PLN-100516 (NGEN System WCFs)

PLN-100516 (Huckleberry Hill NGEN Tower)

PLN-020237, PLN-020288, PLN-020289, PLN-020290, PLN-020291, PLN-020292 (PBC WCF)

PLN-090385 (AT&T Carmel Valley WCF), PLN-130010 (MPCC WCF)

All files owned or in the possession of Monterey County that regard any part of the NGEN System or NGEN Project. Monterey County **Resolution #09-360**.

The next page of this Formal Objection and Demand for Hearing includes a Timeline of the Huckleberry Hill NGEN Telecommunications Tower Project (**PLN-100516**). With **PLN-100516**, the County precommitted itself to a massive multimillion dollar Project prior to disclosing the Project to the Public. The County failed to properly notice, disclose, and administer that Project, and as a result that Project ended in a tremendous failure that wasted millions of dollars. The HHNA wants to avoid another such failure.

Duly Submitted,

JAMESON RICHARD HALPERN, ESQUIRE

PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION

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NGEN PROJECT TIMELINE

- The County designed the NGEN System and selected Tower Locations (prior to **14 JUN 2010**)
- The County signed an unconditional, nonrefundable **\$24,000,000** contract for the NGEN System with specific tower sites (**7 DEC 2010**)
- The County issued the MND for PLN-100608, an 800,000 Gallon Water Storage Tank directly adjacent to the Huckleberry Hill NGEN Tower Site, and removed a NET of 60 Trees. (**DEC 2010**)
- The County discloses Tower Locations to the Planning Department
- The County prepares its First Defective Permit Application (**2 MAY 2012**)
- The County discloses Tower Locations to the Public and Pebble Beach Community Services District (PBCSD) (**21 JUN 2012**)
- The DMFLUAC rejects the Huckleberry Hill NGEN Tower by a vote of 5-0 (**19 JUL 2012**)
- The County withdraws its First Defective Permit Application
- The County prepares its Second Defective Permit Application and Mitigated Negative Declaration (MND) (**17 AUG 2012**)
- The County grants itself a Permit and certifies its MND (**26 SEP 2012**)
- Huckleberry Hill Neighborhood files a lawsuit against the County of Monterey, Monterey County Superior Court Case #M120430 (**31 OCT 2012**)
- The County revokes its Permit and decertifies its MND (**4 DEC 2012**)
- ORIGINAL FCC NARROW BAND MANDATE COMPLIANCE PERIOD EXPIRES (**1 JAN 2013**)
- The County starts construction on most of the NGEN Towers in the Interdependent NGEN Communications System (**MAR 2013**)
- The County Contracts for an EIR and Alternatives Analysis (**APR 2013**)
- The County Finally Actually Publishes an EIR, although without a viable Alternatives Analysis (**JUL 2014**)
- The County fails to complete lease with Cal Am (**NEVER DONE**)
- The County needs to conduct a physical field test of the Huckleberry Hill NGEN Tower Site (**NEVER DONE**)
- As of **MAY 2013** the County still does not have enough Frequency Licenses to operate the NGEN System even if built.

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