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Charles McKee, ESQ, County Counsel of the County of Monterey

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

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

March 12th 2018

Dear Sir,

The Huckleberry Hill Neighborhood Association (HHNA) believes that the County of Monterey's latest wireless tower Project PLN180035, located at 4039 Sunset Lane, violates a number of laws and regulations. In particular, although CEQA, the Coastal Act, Title 7 of the Government Code, the Del Monte Forest Land Use Plan, the Del Monte Forest Coastal Implementation Plan, the Monterey County Coastal Zoning Ordinance, and the history of wireless communications facility development on the Monterey Peninsula clearly require the County to include a fiberglass tree disguise as part of PLN180035, the project fails to incorporate such disguise. In order to address the inadequacy of PLN180035, and to address the ongoing legal disputes between the HHNA and the County, the HHNA requests a hearing before the Board of Supervisors. The HHNA believes that such a hearing may avoid future litigation regarding PLN180035 and other telecommunications projects located at 4039 Sunset Lane.

Please find included with this Cover Letter (1) a Request for Hearing, (2) a Request for Public Records, and (3) the 20 FEB 2018 Objection and Demand for Administrative Hearing already filed with the Monterey County Planning Department.

Duly Submitted,

JAMESON RICHARD HALPERN, ESQUIRE
PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION
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831-625-6530

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REQUEST FOR HEARING
BEFORE THE BOARD OF SUPERVISORS OF MONTEREY COUNTY
PLN180035

A Project to Increase the Size of a Telecommunications Tower

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

To The Board of Supervisors of Monterey County: Supervisors Luis Alejo, John M Phillips, Simon Salinas, Jane Parker, Mary Adams, CAO Lew C Bauman, and County Legal Counsel Charles J McKee ESQ.

Copy To : Craig Spencer, Senior Planner, Monterey County

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

PLN180035, Telecommunications Tower Project, Sunset Lane, Pebble Beach

12 March 2018

To the Board of Supervisors of Monterey County and the County Legal Counsel,

Since 2012 the Huckleberry Hill Neighborhood Association (HHNA) has engaged in litigation against the County of Monterey over the issue of construction of telecommunications towers at 1039 Sunset Lane. For instance, due to the County's violation of CEQA, the California Coastal Act, the Planning and Zoning Law of California, and the County's own zoning and land use regulations, through litigation the HHNA forced the County to cancel the NGEN Huckleberry Hill Telecommunications Tower Project, **PLN100516**. In order to avoid further litigation between the HHNA and the County of Monterey, the HHNA requests that the County grant the HHNA a hearing before the Board of Supervisors to discuss not only **PLN180035**, but also more generally the County's telecommunications projects at 1039 Sunset Lane. The HHNA feels

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that if the County applies the law of California and the County's own Regulations fairly, then we can avoid perpetual litigation. However, the HHNA has legitimate concerns that the County continues to ignore the legal and regulatory requirements for the development of telecommunications facilities at 1039 Sunset Lane.

The County of Monterey recently elicited comments for a plan to rebuild a Telecommunication Tower at 1039 Sunset Lane, Project **PLN180035**. The County, however, failed to ever disclose or even issue a permit application for PLN180035. Instead, the County issued, but failed to publicly disclose, a permit **approval** for the Project marked "JAN 12 2018", and also clearly marked "**APPROVED**". The County then mailed a notice regarding the Project to some, but not all, of the neighbors that live within 300 feet of 1039 Sunset Lane, post marked "February 13, 2018". Therefore, the County approved the Project a full month before ever mailing notice of the Project, and additionally failed to disclose the permit application information necessary for the Neighborhood to comment intelligently on the Project.

Prior permits for the towers located at 4039 Sunset Lane, such as **PC96032** and **DA95099**, may already require that the owners of the two towers at that location to implement all available mitigating technologies. These mitigating technologies obviously include a Fake Tree Disguise and Tree Screen for the Towers. HHNA has filed a Public Record Request with the County of Monterey to obtain copies of those permits.

California Public Resources Code §21001.1 states that "...it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects to be approved by public agencies."

The 12 JAN 2018 Coastal Design Approval lists the "County of Monterey Information Technology" Department as both "**APPLICANT**" and as "**AGENT**" for the Project. Since a subsidiary department of the County has submitted the application for this Project to the County, the County has acted as both the Applicant-in-Fact and simultaneously as the Reviewing Authority for this Project.

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The PLN180035 Project violates the Flagging and Staking Practice in Del Monte Forest

The 2 JAN 2003 Monterey County Planning Department Guidelines for Flagging and Staking require the Flagging and Staking of the PLN180035 Project throughout the entire Project Application Process. The Project's Coastal Permit has the form of a Discretionary Permit. The Project contemplates the new construction of a Tower Foundation and ancillary structures, not merely a change in use.

***REPORT REQUIREMENTS FOR DISCRETIONARY PERMIT APPLICATION SUBMITTAL
Del Monte Forest Land Use Plan and Implementation Plan***

<i>What is Required?</i>	<i>When is this Required?</i>	<i>How many copies?</i>	<i>What does the applicant need to initiate the preparation of this document?</i>	<i>Typical Exemptions</i>
Flagging & Staking	All discretionary permits Board Adopted Policy	N/A	Staking and Flagging Criteria & staff determination regarding which criteria apply to the project.	Change in "use" only. No new construction proposed. Staff's evaluation that flagging & staking is not required.

On 21 JUL 2009 Monterey County passed **Resolution #09-360** "Staking and/or Flagging Criteria". Page 3 of **Resolution #09-360** states:

STAKING AND/OR FLAGGING CRITERIA

The purpose of staking and/or flagging is to provide visualization and analysis of projects in relation to County policies and regulations. Staking and/or flagging is intended to help planners and the public visualize the mass and form of a proposed project, or to assist in visualizing road cuts in areas of visual sensitivity. Staking and/or flagging:

- 1) Shall be required when any of the following conditions exist:
 - All or part of the project site is designated with a Design Overlay ("D").
 - All or part of the project site is designated as Visually Sensitive ("VS") on an adopted visual sensitivity map (Toro Area Plan, Greater Monterey Peninsula Area Plan, North County Area Plan).
 - When the project/site has potential to create ridgeline development, as determined by the project planner.
 - When the application includes a variance to height restrictions.
- 2) May be required where the project planner determines that the project has potential to create an adverse visual impact.
- 3) May be exempted when the project planner determines that no visual analysis is required for the project (e.g. Lot Line Adjustment).

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The Monterey County Land Use Record shows that the Cal Am Parcel Location for the PLN180035 Tower has “D” Design Overlay Zoning. The Monterey County Land Use Record also lists the Parcel as part of a “VS” Visually Sensitive Area on the Del Monte Forest Visual Sensitivity Map. The Parcel has a slope greater than 25% and the County’s 17 AUG 2012 Coastal Development Permit Application and Mitigated Negative Declaration for the earlier NGEN Tower proposal admits that the Parcel sits on a Ridgeline. Furthermore, the Parcel sits at the very top of a Hill of 802 Feet with multiple Ridgelines.

Page 7 of **Resolution #09-360** states:

4. PHOTO DOCUMENTATION

Staking and/or flagging is required for the “duration of the review process” in order to help the project planner visualize the proposed development. Photo simulation of the proposed project is encouraged to supplement this visual analysis.

After 60 days from the date of submittal or the date staking and/or flagging is installed (whichever is later) and review by the Land Use Advisory Committee (if applicable), the project planner may determine that use of a photo simulation is adequate in lieu of staking and/or flagging for the duration of the review process, except in the following circumstances:

- 1) The project involves construction of a road or structure within a critical viewshed (Big Sur Land Use Plan), or
- 2) The project is located in an area designated as highly sensitive on an adopted visual sensitivity map (Toro Area Plan, Greater Monterey Peninsula Area Plan, North County Area Plan)
- 3) The project is determined by the project planner to involve ridgeline development.

All photo simulations shall have a point of reference to reveal major building features, highest points, relation to adjacent buildings, entry, or other significant details. Said reference point, and points of visual assessment, shall be from the visually sensitive side of the structure in the best location(s) determined by the project planner.

Please note, with emphasis, **“Staking and flagging is required for the “duration of the review process”...Photo simulation is encouraged to supplement this visual analysis.”** Please also note with emphasis that project applications within **“an area designated as highly sensitive”** must Flag and Stake the Project for the entire Review Process. Please also note with emphasis that that project applications that **“involve ridgeline development”** also

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require Flagging and Staking throughout the entire Review Process. The PLN180035 Huckleberry Hill Tower Project Parcel has a “High Visual Sensitivity” and sits on the top of multiple Ridgelines at the top of a hill. Clearly the County of Monterey’s own **Resolution #09-360** requires Staking and Flagging for the PLN180035 Huckleberry Hill Tower Project’s Location.

Monterey County DMFCIP 20.147.070(A)(1), PAGE 29 requires that “Proposed buildings and other above-ground structures ... shall be accurately indicated as to dimensions, height and rooflines by poles with flags”. The Monterey County Planning Department flags and stakes every project in the Del Monte Forest with large orange nets. This County flagged and staked family home additions not visible from 17 Mile Drive, and the recent 800,000 Water Tank addition, possibly also not visible from 17 Mile Drive.

Monterey County DMFCIP 20.147.070(A)(3), PAGE 29 exempts the flagging and staking requirement “...for proposed development that can conclusively be shown, through photos of the planner’s on-site investigation to not be visible from 17-Mile Drive...”.

The NGEN Initial Study admits to the visibility of the two existent towers of only 80 feet from “Los Altos Drive West of Sunset Lane.” As any good map shows, Los Altos Drive West of Sunset Lane constitutes a segment of the 17-Mile Drive. Obviously the PLN180035 Project has visibility from the Scenic Corridor 17-Mile Drive and requires Flagging and Staking.

The County of Monterey required extensive Flagging and Staking for several Single Family Homes recently built in the Huckleberry Hill Neighborhood of the Del Monte Forest. The County of Monterey required Flagging and Staking of these home sites throughout the entire application process, typically in excess of six and a half (6 ½) months. These homes include 4114 Crest Road (APN# 008-062-004-000), 4088 Sunset Lane (APN# 008-121-005-000) (Project PLN-100072 of August 2010), 4060 Sunset Lane (APN# 008-112-015-000), and 4052 Sunset Lane (APN# 008-112-012-000). The recent 4114 Crest Road Project (PLN-120704) of 2013 merely adds a 605 square feet to the rear of an existing home. The Monterey County Coastal Zoning Ordinance classifies all of these homes as principally permitted uses within their Del Monte Forest Zone MDR/4-D(CZ).

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Unlike the PLN180035 Tower that has a height with antenna of 87 Feet, these homes all have a maximum height of 27 Feet. These homes all have the appearance of a domestic house, consistent with their neighborhood and in sharp contrast to the industrial metal PLN180035 Project Tower. None of these homes have visibility from any Scenic Corridor or Scenic Vista.

PROJECT	Flagging and Staking	Time of F & S	USE
4114 Crest Road	Bright Orange Nets	Entire App Process	Principally Permitted
4088 Sunset Lane	Bright Orange Nets	Entire App Process	Principally Permitted
4060 Sunset Lane	Bright Orange Nets	Entire App Process	Principally Permitted
4052 Sunset Lane	Bright Orange Nets	Entire App Process	Principally Permitted
PLN180035	NONE	NONE	DESIGN APPROVAL

PROJECT	Scenic Corridor Visibility	Scenic Vista Visibility
4114 Crest Road	None	None
4088 Sunset Lane	None	None
4060 Sunset Lane	None	None
4052 Sunset Lane	None	None
PLN180035	17 Mile Drive, Hwy 1, Hwy 68	Outlook #2, DMFLUP Fig 3

The PLN180035 Project violates the Standards for Development of the 2005 PBC WCF Project

In 2005 the Pebble Beach Company (PBC) constructed the Del Monte Forest Wireless Network that consists of Five (5) Wireless Towers located throughout the Del Monte Forest (The PBC Project). The County of Monterey references this Project as PLN-020237, PLN-020288, PLN-020289, PLN-020290, PLN-020291, and PLN-020292. This PBC Project provides the definitive example of Wireless Communication Facility development in the Del Monte Forest. The PBC Project utilized fake dead tree (snag) disguises. The PBC Project sited all towers away from Scenic Corridors, away from Scenic Vistas, and away from Residential Neighborhoods. The Del Monte Forest Land Use Advisory Committee unanimously recommended approval of the PBC Project.

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PBC PROJECT compared to PLN180035 PROJECT

PROJECT	Visual Sensitivity	17 Mile Drive Visibility	Vista Point Visibility	Ridgeline Development
PBC Project	NONE	NO	NO	NO
PLN180035 Project	HIGH	YES	YES	YES

WCF TOWER	Site within Parcel	Parcel Size	SLOPE
Del Ciervo Road	Central	117 Acre	Under 25%
Founder's Bldg	Central	4 + Golf Course	20%
Forest Lake	Central	37 Acre	None
Spanish Bay	Central	200 Acre	None
Corporate Yard	Central	472 Acre	Under 10%
The Lodge	Central	7 + Not Visible	None
PLN180035	Edge	.09 Acre	OVER 25%

WCF TOWER	ZONE	Distance to Nearest Residence	HEIGHT in Feet (with Antenna)
Del Ciervo Road	Low Density Residential	250 Feet	80
Founder's Bldg	Recreational Golf Course	400 Feet	80
Forest Lake	Open Space	600 Feet	80
Spanish Bay	Recreational Golf Course	650 Feet	80
Corporate Yard	Commercial / Industrial	1000 Feet	100
The Lodge	Visitor Serving Commercial	Not Visible	18
PLN180035 Project	Medium Density Residential	15 Feet	87

WCF TOWER	DISGUISE	TREE SCREEN	TOWER HEIGHT	DMFLUAC
Del Ciervo Road	Fiberglass Tree	Thick	Below Tree Line	Approval
Founder's Bldg	Fiberglass Tree	Full	Below Tree Line	Approval
Forest Lake	Fiberglass Tree	Wide Buffer	Below Tree Line	Approval
Spanish Bay	Fiberglass Tree	Full	Below Tree Line	Approval
Corporate Yard	None	Thick and Full	Below Tree Line	Approval
The Lodge	Fake Chimney	Commercial Area	Below Tree Line	Approval
PLN180035 Project	None	Sparse	ABOVE TREES	NO REVIEW

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The PBC Project information listed in the tables above originates from the August 2002 Initial Study and Mitigated Negative Declaration for the Pebble Beach Company's Del Monte Forest Wireless Network. The County of Monterey prepared that Initial Study and Mitigated Negative Declaration. The Slope of the Pebble Beach Company Project Corporate Yard Tower Location comes from the September 1990 Monterey County Planning Commission Resolution #90-292, PC-7224, Page 3, Finding #3. The NGEN MND describes the Huckleberry Hill tree screen as "sparse".

The Del Ciervo Road Tower, unlike the other PBC Project Locations, does have a Residential Zoning. However, the Pebble Beach Company located that tower site more than 250 Feet away from the nearest residential neighbor, in the middle of a 117 Acre Parcel. Furthermore, the County mandated that the Pebble Beach Company utilize a fiberglass dead tree (snag) disguise and locate the tower on a site surrounded by a thick stand of trees that extends above the tower. Moreover, the Pebble Beach Company never actually built the Del Ciervo Tower.

In distinct contrast, the County of Monterey located the PLN180035 Project just 15 Feet away from each of its three nearest residential neighbors, on the edge of a .09 Acre Parcel. The Project has no disguise at all and has only a sparse group of trees that would sit well below the top of the Project Tower.

The Corporate Yard Tower, unlike the other five (5) PBC Project Towers, does not have a disguise. However, Pebble Beach Company located that tower site more than 1000 Feet away from the nearest residential neighbor, in the middle of a 472 Acre Parcel. Furthermore, Pebble Beach Company located the Corporate Yard tower at a site completely encompassed by a thick, dense, and deep forest of trees that provides a wide visual buffer. The Corporate Yard also has an Industrial and Commercial Zoning. For the original construction of the Corporate Yard Tower, the September 1990 Monterey County Planning Commission Resolution #90-292, PC-7224, Page 3, Finding and Evidence #4 states:

"The existing and proposed facility is not visible from any road, public viewing area or residential district. While the top of the existing tower does create a silhouette, it not classified as ridgeline development per Chapter

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20.147.070.A.1 of the Monterey County Coastal Implementation Plan since it is not visible from any road, public viewing or residential area.”

The PLN180035 Huckleberry Hill Tower Project fails to comply with the conditions for development the County enforced upon the Pebble Beach Company in 2002 and 2005. Monterey County, in Planning Commission Resolution #02075 of 11 DEC 2002, and in similar Resolutions passed the same day, required disguises for the PBC Project Towers. Monterey County mandated that the PBC Project include these disguises as necessary conditions for project approval. Condition 7(b) of the Monterey County Planning Commission Findings and Decision requires:

“The proposed monopole will be disguised as a Monterey pine snag in order to blend in with the natural environment. The color and mold for the snag will be taken from existing trees in the area in order to blend in better.”

Page 4 of the PBC Project Initial Study states in relevant part:

“...The monopole will be camouflaged using a resin/fiberglass outer cladding to replicate a standing but dead Monterey Pine. The mold will be taken from pine trees in the immediate site vicinity and colored to match them as well. It will include nesting cavities, knotholes and broken branches...”

The County of Monterey required Pebble Beach Company to carefully pattern the color and mold of its tree disguises not just on any pine tree, but on trees in the immediate vicinity of each of the individual PBC Project tower sites. The County of Monterey also required Pebble Beach Company to include such minor details as nesting cavities, knotholes, and broken branches.

For the County of Monterey’s own PLN180035 Tower, however, the County made no effort to create any disguise at all. The County of Monterey has demonstrated both a willingness to burden a private developer such as Pebble Beach Company with exacting requirements and a willingness to completely ignore all of those requirements for the County’s own project.

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The current Project violates the Standards for Development of the 2011 AT&T WCF Project

In 2011 the County of Monterey considered a permit application by AT&T to build a Wireless Communication Facility Tower in Carmel Valley. The County of Monterey issued an Initial Study and Mitigated Negative Declaration for this Project, PLN-090385 (APN 187-481-001-000) on 23 SEP 2011. Page 42 of this study states:

The project will not create a potential adverse impact to visual resources in Carmel Valley and was designed as a broad leaf monopole to avoid creating a visual impact. While the proposed simulated tree will have a maximum height of 40 feet from grade, the antennas disguised within will have a maximum height of 35 feet. The height of the pole was flagged and staff determined it would not create a substantially adverse visual impact from Carmel Valley Road, a designated county scenic road, although it is visible from points to the east along Carmel Valley Road. East of the site Carmel Valley Road, the valley narrows and the road becomes windy and hills partially block a clear view of the site for more than a few seconds when traveling along the road. The monopole will be visible from Holman Road between Poppy and Ford Roads to the east and from Valley Vista Lane to the south, The flagging was barely visible from above the site on Chaparral Road because of the distance from the site and instead of a ridgeline development, it instead blends in with the background vegetation.

*AT&T Wireless Communication Facility - Holman Ranch
PLN090385*

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Please note, with emphasis, **“The height of the pole was flagged...”**
Please also note, with emphasis, **“The project...was designed as a broad leaf monopole to avoid creating a visual impact. While the proposed simulated tree will have a maximum height of 40 feet...”**.

AT&T CARMEL VALLEY PROJECT compared to PLN180035 PROJECT

WCF TOWER	Flagging and Staking	Disguise	HEIGHT
AT&T Carmel Valley	Complete	Broad Leaf Tree	40 Feet with Antenna
PLN180035 Project	NONE	NONE	87 Feet with Antenna

WCF TOWER	PARCEL SIZE	ZONE	Distance to Road
AT&T Carmel Valley	175 Acres	Rural	1000 Feet
PLN180035 Project	.09 Acre	Medium Density Residential	160 Feet

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The Holman Road Location has a Rural Zoning, and maximum of only a Single (1) home per 10 acres. The Huckleberry Hill Neighborhood has a MDR/4-D(CZ) Zoning, and Four (4) homes per Acre, a Residential Density Forty (40) times that of Holman Road.

Page 44 of the 23 SEP 2011 Initial Study and MND for PLN-090385 states:

Carmel Valley Road. It is a camouflaged broad leaf tree pole with a full bark trunk designed to blend in with the surrounding oak trees and vegetation. Colors and

For AT&T, a private WCF developer, the County of Monterey required exacting detail in the WCF Tower Disguise such as a “full bark trunk”. However, for the PLN180035 Huckleberry Hill Tower Project, the County’s own WCF Public Works Project, the County provided no disguise whatsoever.

On 30 MAR 2011 the Monterey County Planning Commission conducted a hearing on PLN-090385 and considered a draft resolution. This Draft Resolution Finding 5(d) on Page 15 states:

d) Aesthetics: The subject property is located in an area visible from numerous vantage points including East Carmel Valley Road (distance 5,000 feet), Chaparral Road (distance 2,000 feet), Carmel Valley Road near Paso Hondo (distance 3,300 feet), Holman Road (distance 1,000 feet), and E. Carmel Valley Road at Camp Stefani Road (distance 2,500 feet). The antenna is proposed at a height of approximately 40 feet, the

The AT&T Carmel Valley WCF Project has a location 1,000 Feet or more away from nearby roads. Monterey County’s own PLN180035 Huckleberry Hill Tower Project, however, would directly adjoin both Sunset Lane and El Bosque Drive and would stand only a short distance (193 Feet) from Sunset Lane, and also stand only a short distance (160 Feet) from El Bosque Drive . The PLN180035 Tower would also stand within only a Few Hundred Feet (513 Feet) of Scenic Corridor 17 Mile Drive and the Scenic Vista Huckleberry Hill Outlook (671 Feet). The PLN180035 Tower would also stand Fifteen Feet (15 Feet) from three separate residential parcels, each improved with a single family home and occupied by a local family.

On 26 OCT 2011 the Monterey County Planning Commission actually **decided to reject** the AT&T Project for Holman Road and instead approved an

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alternative site at Hawk Ridge (APN 189-411-007-000). Finding 6(d) on Page 8 of that Decision states:

landscape features or vegetation. The facility has been designed as a pine tree-pole covered in bark, to blend in with the surrounding landscape and to minimize visual impacts. The visibility of the project

For the Hawk Ridge Location, as with the Holman Road Location, the County of Monterey required a Tree Disguise with details such as synthetic bark. Furthermore, the County of Monterey rejected the Holman Road Site, 1,000 Feet away from the nearest road, in favor of the Hawk Ridge Site, a site not near any road.

The PLN180035 Project violates the Standards for Development of the 2013 MPCC WCF Project

The Monterey Peninsula Country Club (MPCC) recently built a 100 Foot (with Antenna) Wireless Communication Facility on MPCC's own property. MPCC built PLN-130010 (APN 007-371-011-000), a WCF Project at 3000 Club Road in Pebble Beach. The MPCC Project's location makes it exempt from the Coastal Zone due to an exclusion in the Coastal Act. MPCC received a permit to develop this site with three private companies as MPCC's partners: AT&T Mobility, Trillium, and Bechtel. MPCC will receive \$10,000 per month revenue per wireless telecom carrier MPCC adds to the tower. MPCC will collect this revenue for the benefit of the nearby residents, all of them MPCC members. At present, MPCC expects to collect at least \$30,000 per month in compensation from three wireless telecom carriers. MPCC consulted with its Residents **before filling its permit application** and as a result the nearest Residential Neighbors of MPCC support the MPCC WCF Project. On 18 JUL 2013 the DMFLUAC approved the MPCC Project unanimously by a vote of 5-0.

MPCC PROJECT compared to PLN180035 PROJECT

WCF TOWER	Disguise	Staking and Flagging	DMFLUAC
MPCC Project	Fiberglass Tree	Complete	Approval
PLN180035 Project	NONE	NONE	NO REVIEW

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MPCC PROJECT compared to PLN180035 PROJECT

WCF TOWER	Distance to Nearest Residence	PARCEL SIZE	COASTAL ZONE	RIDGELINE
MPCC Project	270 Feet	400 Acres	NO	NO
PLN180035 Project	15 Feet	.09 Acre	YES	YES

On 19 JUL 2013 the Monterey County Planning Department sent a Letter to AT&T Mobility. Item 5 of that Letter states, with emphasis **“Staking and flagging: Stake and flag the location of the equipment shelter and proposed tower...Staking to remain in place throughout the hearing process.”** The County required staking and flagging of the Tower Location.

The Monterey County Planning Department Project Description for PLN-130010, the MPCC Project, states with emphasis:

The monopole will be designed to look like a Monterey Pine tree "snag"

The County required MPCC to utilize a Fiberglass Tree Disguise to reduce Visual Impacts, protect the Character of the Parcel and surrounding area, preserve Aesthetic values, and comply with Land Use Plans and Policies. In 2013 the County continued to require Visual Disguises as it did for the 2005 Pebble Beach Company Wireless Communications Facilities Project and 2011 AT&T Carmel Valley Project. However, for the County's own PLN180035 Project, the County ignored this requirement entirely.

The PLN180035 Project violates the Wireless Tower Mitigation Practice in the Monterey County

CIP 20.147.070 states, “New structures shall be designed to harmonize with the natural setting and not be visually intrusive”.

CZO 20.64.310(H)(2)(c) states, “Where screening potential is low, innovative designs have been incorporated to reduce the visual impact”.

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Various builders of Fiberglass Tree Disguises have provided such disguises to Wireless Facilities on the Monterey Peninsula:

Larson Camouflage LLC, info@larsoncamo.com, phone 520-294-3900, fax 520-741-3488, 1501 S. Euclid Ave, Tucson, AZ 85713 USA

Sabre Industries, Inc., Mail: Sabre Industries, Inc. 8653 E. Highway 67, Alvarado, TX 76009
Phone: 817-852-1700 Toll Free: 866-254-3707 Fax: 817-852-1703 info@sabreindustries.com

With regard to any permit for construction or modification of a Wireless Facility, **Coastal Zoning Ordinance (CZO) 20.64.310(K)(3)** states “As part of the agreement, the applicant shall commit to the following: where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant shall agree to make those modifications that would reduce the visual impact of the proposed facility.” These modifications obviously include the now available fiberglass Tree Disguise and screening by planting trees around the Project. If a Pine Tree Screen would interfere with the operation of the antennas of the Project, the County could engage in a tree trimming program in order to block the visibility of the lower part of the tower whilst avoiding any blockage of the antenna signals.

CZO 20.64.310(C)(4) states “Wireless communication facilities shall be sited in the least visually obtrusive location possible pursuant to Sections 20.64.310G and 20.64.310H1. Appropriate mitigation measures shall be applied in instances where the facility is visible from a designated scenic corridor or public viewing area.” The PLN180035 Project has visibility from multiple designated scenic corridors including 17 Mile Drive, Highway 68, and Highway 1. The Project also has visibility from the public viewing areas including the streets of the Huckleberry Hill Neighborhood.

CZO 20.64.310(H)(3)(d) states “Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.” This includes a fiberglass Tree Disguise for the Project.

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CZO 20.64.310(H)(1)(a) states “Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses and shall not significantly impact public views to the ocean. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site.” To preserve the visual character of the PLN180035 Project Parcel and the Huckleberry Hill Neighborhood, and to integrate the Project into the forest at the Project site, the Project should include a fiberglass Tree Disguise.

CZO 20.64.310(H)(1)(e) states “Wireless communications facilities shall be screened from any designated scenic corridors or public viewing areas to the maximum extent feasible.” If the County cannot entirely encircle the project with a tree screen, the County must implement a fiberglass Tree Disguise to screen the components of the Project from 17 Mile Drive, Highway 68, Highway 1, Huckleberry Hill Scenic Outlook #2, the Del Monte Forest, and the Coastline of California.

Coastal Implementation Plan (CIP) 20.147.070(B)(3) states, with emphasis “Development within the viewshed of visually prominent settings, including those identified on LUP Figure 3, shall include adequate structural setbacks (generally a minimum of 50 feet) from such settings and shall require siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be sited and **designed to harmonize with the natural setting and not be visually intrusive**. Design and siting of structures in public views of scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. **All structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate construction and materials to achieve that effect**. Where necessary to meet LCP requirements, modifications shall be required for siting, **structural design, shape, lighting, color, texture, building materials**, access, and **screening to protect such public views**.

In **PLN-100516**, the County of Monterey already admitted the visibility of each of the 80 foot Wireless Towers located at the Project site from scenic corridors 17 Mile Drive, Highway 68, and Highway 1. The County of Monterey also admitted the visibility of each of the 80 foot Wireless Towers located at the Project site from visually prominent settings, including those identified on LUP

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Figure 3, such as Huckleberry Hill Outlook #2. The PLN180035 Project should include a fiberglass Tree Disguise.

Given that the Pebble Beach Company spent about \$600,000 on the Fake Tree Disguises for its five towers, the County could reasonably expect to spend between \$100,000 and \$150,000 on a Fake Tree Disguise for the PLN180035 Huckleberry Hill Tower Project. The property owners of the Huckleberry Hill Neighborhood dutifully pay their property taxes every six months. Therefore, the County should honor its obligation to include a Fake Tree Disguise in this Project. Furthermore, if the County wants to add additional antennas to the Tower beyond those disclosed in PLN180035, the County should disclose those antennas, and provide for additional fiberglass tree limb disguises for each of the additional antennas.

Initially 4039 Sunset Lane had a single 25 foot high radio tower used by the forest service. At some point, the County of Monterey took possession of this tower and increased its height to 40 feet. With the introduction of cellular phone service, the County then constructed a second 40 foot tower at the same site. Then the County increased the height of both of these towers to 60 feet. Then the County increased the height of both of these towers again, to 80 feet. Then with the NGEN Project, the County attempted to build a 168 foot tall monster tower at the site. Only after extensive litigation with the HHNA did the County relent and cancel that last tower. The HHNA has a legitimate concern that while PLN180035 appears to decrease overall antenna height, reduce visual obstruction, and improve seismic stability, that the County will complete the Project and then use the new tower's structural stability to install a massive assortment of antennas, ultimately leading to significant increases in antenna height and visual obstruction. Due to the history of the County of Monterey's construction of wireless towers at 4039 Sunset Lane, the HHNA wants the County to assure the Neighborhood that the County will respect the character of the Neighborhood and abstain from building additional massive telecommunications projects at 4039 Sunset Lane. The HHNA wants to prevent the County from transforming our neighborhood into an industrial telecommunications facility. The HHNA also wants Monterey County to comply with the same land use rules that Monterey County enforces upon the Public.

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On behalf of the Huckleberry Hill Neighborhood, thank you for your consideration of these important issues.

JAMESON RICHARD HALPERN, ESQUIRE
PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION

CALIFORNIA STATE BAR LICENSE #236665

831-625-6530

Please note the below Monterey County Land Use Records for the Parcels that the County proposes to use for the Huckleberry Hill PLN180035 Tower. These Records refer to the Parcels as “**SRA/Fire Hazard Zone: Very High**” on the First Page and “**Visual Sensitivity: Highly Sensitive**” on the Second Page. Please also note that the Records refer to the Parcels as “**Slope>25%: Yes**” on the First Page. Please further note that the Records refer to the Parcels as “**Zoning: MDR/4-D(CZ)**” on the First Page.

PLEASE SEE BELOW THE COUNTY OF MONTEREY’S LAND USE RECORDS, OBTAINED IN AUGUST 2013, FOR PARCELS 008-111-016-000 AND 008-111-017-000, THE PARCELS THAT MONTEREY COUNTY INTENDS TO USE AS THE LOCATION OF THE PLN180035 TOWER.

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County of Monterey
Resource Management Agency
168 West Alisal St
Salinas, CA 93901 (831) 755-5025
www.co.monterey.ca.us/rma



Land Use: None

Potential Hazards

SRA/Fire Hazard Zone: Very High

Seismic Hazard Zone: III

I → VI

FEMA Flood: X (unshaded)

Floodway:

Erosion Hazard Rating: Moderate

Liquefaction Susceptibility: Low

Landslide Susceptibility: Low

Slope > 25%: Yes

Active/Potentially Active Faults (660' buffer): None

Historical Resources

Historical Site: None

Archaeological Sensitivity: moderate

Spreckels Historic District:

None

Assessor Parcel ID: 008-111-016-000

Address: 4041 SUNSET LANE

Community: PEBBLE BEACH

Planning Area: Del Monte Forest LUP

Zoning: MDR/4-D(CZ)

Zoning Notes:

Land Use Advisory Committee: Del Monte Forest
Advisory Committee

Administrative Boundaries & Districts

City: None

North County Rec, District: None

North County Water Impact Area: None

Water Mngmnt Agency: MPWMD

MCWRA Zone 2C: None

CCC Appeal Area: Yes

School District-Building Fees:

MONTEREY PEN. UNIFIED

Fire District: Pebble Beach CSD

CAL-AM Service Area: Yes

Agricultural & Soil

Williamson Act Contract: None

Important Farmlands:

Urban and built up land

Soil Survey: NcE

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Planning

Pescadero Watershed: None

Del Monte Forest Sub-Planning Area:

HUCKLEBERRY HILL

Subdivision: DEL MONTE FOREST SUBDIVISION
#2

2nd Unit Restricted Area: None

LCP Land Use: Residential - Density as indicated

FORA Land Use: None

Castroville Community Plan:

None

Special Treatment Area: None

Coastal Zone: Yes

Toro B-8 Zone: None

Visual Sensitivity: Highly Sensitive

Wine Corridor: None

Rural Center: None

Community Area: None

Biology

Monterey Spineflower Critical Habitat: None

Snowy Plover Critical Habitat: None

Environmental Impact Reports:

None

CDFG Natural Community:

None

Western Arroyo Toad Critical Habitat: None

San Joaquin Kit Fox Distribution: None

Library Reports

Archaeological Reports: None

Biology Reports: None

Geology Reports: None

Historic Reports: None

Forestry Reports: None

Drainage Reports: None

Soil Reports: None

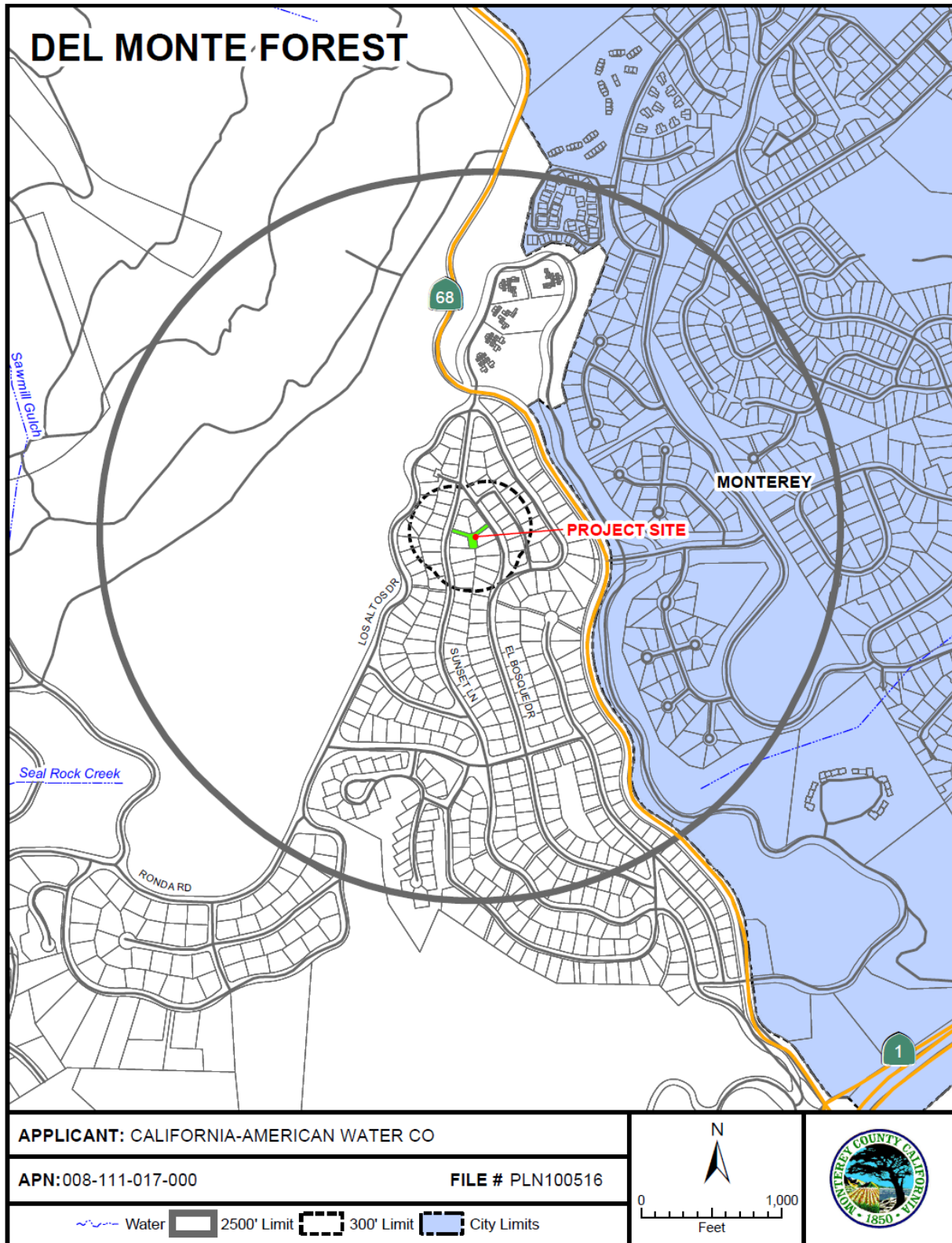
Others

Urbanized Area 2010: None

TAMC Development Fee Area: Peninsula-South Coast

Traffic Fee Impact Area: None

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HUCKLEBERRY HILL TOWER SITE MAP

Photo taken before addition of Second Water Tank to the South of Original Water Tank

Wireless Facility located in the middle of the Residential Huckleberry Hill Neighborhood.

Adjacent to 17-Mile Drive Scenic Corridor. Adjacent to Highway 68 Scenic Corridor.

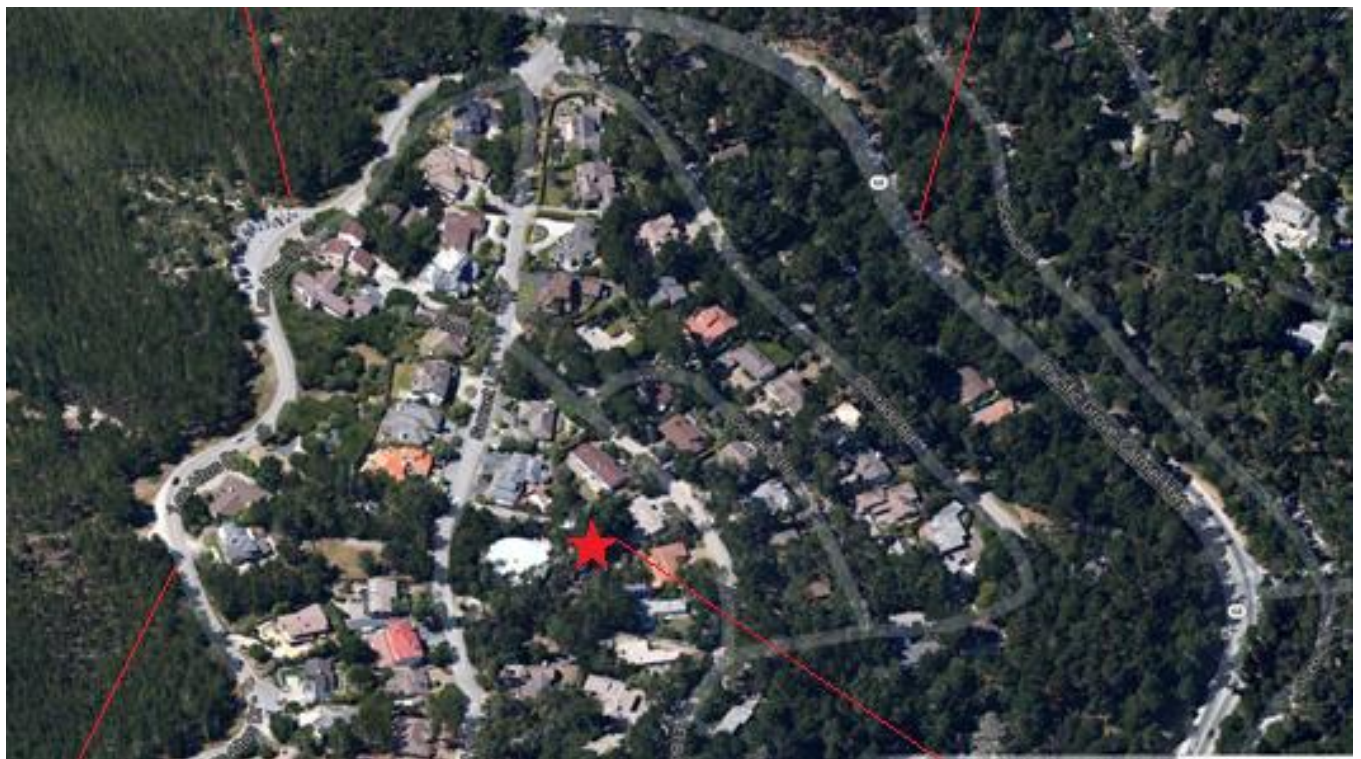
Adjacent to Scenic Vista Huckleberry Hill Outlook Two.

Only 15 Feet from the Nearest Residence. Parcel Size of about .09 Acres.

Parcel has two roadway easements. Usable Parcel Size of about .02 Acres.

OUTLOOK TWO SCENIC VISTA

HIGHWAY 68 SCENIC CORRIDOR



17 MILE DRIVE SCENIC CORRIDOR

HUCKLEBERRY HILL (PLN180035) TOWER SITE