

Exhibit E

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MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



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March 14, 2018

Jameson Halpern
4067 Sunset Lane
Pebble Beach CA 93953

Subject: Administrative Processes and Appeal Authorities for consideration of PLN180035

Dear Mr. Halpern,

The County of Monterey is in receipt of your correspondence regarding a permit (PLN180035) for modifications to an existing wireless communication facility located at 4039 Sunset Lane, Pebble Beach. The project includes installation of foundation anchors on an existing 80-foot tall radio tower, construction of an ice bridge connecting the existing equipment shelters to the base of the existing tower, and removal of 16 structure-mounted antennas and replacement with 9 structure-mounted antennas attached to the existing tower.

This letter is provided in response to your request for a hearing before the Board of Supervisors and to clarify the process and authority for consideration of the permit by the County. Your public records request and responses to the specific contentions within your correspondence will be responded to separately from this letter.

Appropriate Authority

The Board of Supervisors is designated as the Appropriate Authority to consider appeals of discretionary decisions made by the Planning Commission (Section 20.86.030.A of Title 20, Coastal Zoning Regulations). As of the writing of this letter, no discretionary decision on the permit application has been made and therefore, the Board of Supervisors is not the appropriate authority to consider the permit at this time.

The Chief of Planning has received a Design Approval application for the proposed improvements (PLN180035) pursuant to the regulations contained in Monterey County Code Chapter 20.44 (Regulations for Design Control Zoning Districts). Although not required pursuant to Section 20.44.050.B of the Monterey County Code, public notice of the consideration of the Design Approval by the Chief of Planning was provided pursuant to Sections 20.44.050 and 20.84.040.A of the Monterey County Code. Within the 10-day noticing period, the County received a letter and email from you, formally objecting to approval of the Design Approval and requesting a public hearing (email dated February 20, 2018). Having received the objection and request for a hearing, the Chief of Planning has not approved the plans and Design Approval application and, pursuant to Section 20.44.060.E of the Monterey County Code, the project will be scheduled for consideration at a noticed public hearing before the Planning Commission.

Appeals

Pursuant to Chapter 20.86.030.A of the Monterey County Code, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors. This means that the determination of the Planning Commission will be appealable to the Board of Supervisors.

If, following review and a discretionary determination on the subject application by the Monterey County Planning Commission, you choose to appeal the Planning Commission decision to the Board of Supervisors, the criteria contained in Chapter 20.86 will apply.

Conclusion

Based on the procedures and criteria for review of and consideration of the permit application contained in Title 20 of the Monterey County Code, the County will be scheduling the project for consideration by the Planning Commission and, if necessary before the Board of Supervisors on appeal. Public Notices for these hearings will be provided in accordance with the Zoning Ordinance and state law.

We hope that this letter clarifies the process and authorities granted for consideration of the subject permit and any appeals to decisions made on that permit. If you have additional questions please do not hesitate to call or email.

Sincerely,

Craig W. Spencer, Supervising Planner
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