



# Monterey County Planning Commission

## Agenda Item No. 1

Legistar File Number: PC 18-035

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**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

### **PLN180035 - CALIFORNIA-AMERICAN WATER CO. (COUNTY OF MONTEREY INFORMATION TECHNOLOGY)**

Public hearing to consider a Design Approval for structural reinforcement of an existing 80-foot-tall, 3-leg, self-supporting communications tower and replacement of 16 tower-mounted antennas with 9 antennas.

**Project Location:** 4041 Sunset Lane, Pebble Beach (Assessor's Parcel Number: 008-111-017-000), Del Monte Forest Land Use Plan area.

**Proposed CEQA Action:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

#### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find that the project is a minor alteration to an existing public facility, which qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines; and
- b. Approve a Design Approval allowing structural reinforcement of an existing 80-foot-tall, 3-leg, self-supporting tower and replacement of 16 tower-mounted antennas with 9 antennas in substantially the same location. Proposed structural changes include placement of soil anchors, replacement of diagonal members and tower leg supports, and construction of an elevated metal walkway (ice bridge) attaching the bottom of the tower to the existing antenna equipment shelter at the site.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to one condition of approval.

#### PROJECT INFORMATION:

**Owner:** California-American Water Co.

**Agent:** County of Monterey Information Technology (lessor)

**Zoning:** Medium Density Residential, 4 units per acre, with a Design Control Zoning Overlay, in the Coastal Zone (MDR/4-D(CZ))

**Plan Area:** Del Monte Forest Land Use Plan Area

**Flagged and Staked:** N/A

#### SUMMARY:

The County of Monterey, through its Information Technology Department (ITD), is requesting a permit to structurally reinforce an existing 80-foot tall communications tower, construct a new elevated metal walkway known as an "ice bridge" to connect the base of the existing tower to existing equipment shelters (approximately ten feet above grade), and replace 16 structure-mounted antennas with 9 new antennas, resulting in an overall reduction of equipment on the tower. The subject real

property is owned by Cal-Am and also currently contains two large water tanks and one additional 80-foot tall communications tower. The County of Monterey leases a portion of the Cal-Am property to operate and maintain one of the two communications towers and associated communications equipment at the site. The project was originally scheduled for administrative approval by the Chief of Planning, but was elevated to the Planning Commission due to a written request for public hearing and formal objection to the project.

DISCUSSION:

The site is zoned Medium Density Residential, 4 units per acre, with a Design Control Zoning Overlay, in the Coastal Zone (MDR/4-D(CZ)). Communications towers are permitted in all zoning districts subject to regulations contained in Section 20.64.310 of the Coastal Implementation Plan, Part 1 (Title 20, Coastal Zoning Ordinance). Structural reinforcement of the tower for safety purposes, without removing and reconstructing the tower, and replacement of structure-mounted antennas on the tower, are all allowed uses.

In 1995, a permit was granted to construct a new 60-foot tall metal communications tower (DA95099) and a permit allowing a 20-foot addition to the tower was approved by the Planning Commission in 1996 (PC96032; Resolution No. 96061). The current proposed project involves structurally reinforcing the existing tower to conform with current building code requirements and improve safety. In addition, the proposed project includes construction of a small “ice bridge” at the base of the tower and consolidation of antennas attached to the tower, reducing the number from 16 to 9 antenna total. Due to the Design Control Overlay, and pursuant to Section 20.64.310.I of Title 20, a Design Approval was considered for the minor modifications to the previously approved design.

Resource Management Agency- Planning staff reviewed the proposed project and determined that the project conforms to the applicable policies and regulations of the Del Monte Forest Land Use Plan and the Coastal Zoning Ordinance (Title 20). A Design Approval was required for the proposed modifications pursuant to Chapter 20.44 of Title 20. The Appropriate Authority to approve the Design Approval for the minor amendment to the previously permitted facility was the Chief of Planning pursuant to Section 20.64.310.I.

On February 13, 2018, pursuant to noticing requirements contained in Section 20.44.050.A, notice of the Chief of Planning’s intent to consider approving the project was mailed to property owners and residents within 300 feet of the project more than 10 days in advance of the Chief’s consideration of the Design Approval scheduled for February 26, 2018. An objection to the approval of the Design Approval and request for public hearing before the Board of Supervisors was received on February 20, 2018, within the 10-day notification period. Due to receipt of the request for hearing and written objection, the Chief of Planning referred the application to the Planning Commission for consideration.

A letter dated February 20, 2018, submitted by Mr. Jameson Halpern on behalf of the Huckleberry Hill Neighborhood Association (HHNA) (Exhibit B) objects to approval of the Design Approval and alleges that:

- 1) Inadequate notice was provided;
- 2) The project application and conditions were not adequately disclosed; and

- 3) The project should be designed so as not to increase height of the facility or increase the visual clutter.

Following receipt of the letter, RMA staff provided Mr. Halpern with a copy of the Design Approval application and related materials via email, and provided a description and analysis of the project demonstrating that the tower height will not change and showing how the project will reduce visual clutter through a reduction of the total number of antenna's and total square footage of antenna surface (Attachment D). Mr. Halpern responded to this information in a second letter dated March 12, 2018 (Attachment C) alleging that the proposal:

- 4) Violates the California Environmental Quality Act, the Coastal Act, County policies and regulations;
- 5) Is inconsistent with past practices where simulated tree designs were required; and
- 6) Was not staked and flagged in accordance with adopted policies.

Staff has reviewed the letters and information provided by Mr. Halpern on behalf of HHNA and responds as follows:

*Response to contention 1 (Inadequate Noticing):*

Adequate notice of the Chief of Planning's consideration of a Design Approval was provided pursuant to Section 20.44.050.A of the Coastal Zoning Ordinance (Title 20). On February 13, 2018, notices to property owners and residents within 300 feet of the project were placed in the mail. The notices provided 10 days, by February 23, 2018 at 5:00 pm, for anyone interested in the project to request a public hearing. If no requests for hearing were received, the Chief of Planning would act on the Design Approval on February 26, 2018. A written request for hearing and objection to the project was filed on February 20, 2018, and the Chief of Planning referred the project to the Planning Commission for a public hearing without acting on the Design Approval. Notice of the Public hearing before the Planning Commission has been provided pursuant to Chapter 20.84 of the Coastal Zoning Ordinance (Title 20).

*Response to Contention 2 (non-disclosure of permit application and conditions):*

There are no requirements in County Code or State law that require publication of the project application and no conditions were being considered for the project. At the request of Mr. Halpern, a copy of the permit application was provided pursuant to the Public Records Act.

*Response to Contention 3 (design to avoid visual impacts):*

The project has been designed to reduce the number and overall size of antennas attached to the existing tower, and the location and height of the existing tower will not change. The project includes reinforcing the foundation of the existing tower without changing the height or mass of the tower and removal of 16 antennae mounted to the structure and replacement of those antennas with 9 new structure-mounted antennas in substantially the same locations. The total surface and mass of the new antennas are less than the surface and mass that currently exist.

*Response to Contention 4 (inconsistency with law, policies, and regulations):*

The applicable regulations for development on the property include the Del Monte Forest Land Use

Plan, the Coastal Implementation Plan, Part 5 (Regulations for development in the Del Monte Forest Land Use Plan area), and the Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance, Title 20 of the Monterey County Code). These plans have been certified by the California Coastal Commission (certified Local Coastal Plan) pursuant to the Coastal Act. Staff has reviewed the project for consistency with the applicable regulations and has found that the project complies with the regulations. The proposal reduces the size and number of antennas attached to the existing pole, structurally reinforces the foundation of the existing tower to meet building code requirements and improve safety, and includes appropriate paint treatment to further minimize visibility from existing conditions. The existing and proposed tower are allowed and permitted uses in the Medium Density Residential zoning district, the project reduces visibility from offsite, and it will not conflict with resource protection goals or policies of the Del Monte Forest area. The proposal is consistent with visual policies of the Del Monte Forest Land Use Plan, the regulations contained in Chapter 20.44 of the Coastal Zoning Ordinance (Design Control Regulations), and Section 20.64.310 of the Coastal Zoning Ordinance (Regulations for Wireless Communications Facilities). In terms of the California Environmental Quality Act, staff is recommending that the project be found categorically exempt pursuant to Section 15301, as minor alteration to a public facility. As proposed, the project can be found consistent with the applicable plans and policies and approval of the project would not violate state or local laws.

*Response to Contention 5 (inconsistency with past practices):*

The County Code requires appropriate siting and design considerations for new development. Many other projects in the vicinity are cited in the March 12, 2018 letter from Mr. Halpern to support the contention that a simulated pine tree design is required. The circumstances of this case are different. In the cases cited, proposals included new monopoles or wireless communication towers, or added substantially to the height and mass of such facilities. In those cases, design considerations to minimize visual impacts were considered. In this case, the project includes structural reinforcement of an existing tower that does not change the height or mass, reduction in the mass of structure-mounted antennas, an ice bridge that is under the tree canopy screened from view by existing vegetation, and painting of the tower to help reduce visibility. The project does not involve demolition and reconstruction or expansion of the existing facility that would warrant the requirement to replace the facility entirely with a new design.

*Response to Contention 6 (staking and flagging criteria):*

Staking and Flagging criteria adopted by the Board of Supervisors provide County staff or the Decision-making body for the permit with the authority to require, or not require, installation of staking and flagging. 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. In this case, there are existing antennas attached to an existing tower. The project would clearly reduce visual impacts from existing conditions. The ice bridge is near ground level, screened by trees and a fence, the existing antennas already provide a visual representation of visual conditions which the project will improve upon, and the structural reinforcement will not change the size, location, or mass of the existing structure. For these reasons, staff found that the project would clearly not result in potential visual impacts and exempted the project from staking and flagging requirements pursuant to the Board adopted policies.

Overall, there are no requirements in County Code or State law that require the removal of the existing tower and replacement with a simulated tree design. Consistent with applicable policies and regulations, the proposed project reduces the visual clutter from existing conditions by consolidating the size and number of structure-mounted antennas. There is no increase in size or height of the facilities and, in conformance with the Design Review Criteria contained in Section 20.64.310.H.3, the County of Monterey Information Technology Department will paint the existing tower with a flat brown color to help it blend with the site and its surroundings.

In summary, the project conforms to the applicable Monterey County policies and regulations, and staff recommends that the Planning Commission approve the Design Approval as proposed.

OTHER AGENCY INVOLVEMENT:

The project is proposed by the County of Monterey through its Information Technology Department and has been reviewed by the Resource Management Agency - Planning Division.

The proposed project will be reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on May 3, 2018. As of the writing of this report, the LUAC minutes were not available. Staff will present the LUAC recommendation to the Planning Commission at the hearing.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Craig W. Spencer, Supervising Planner, x5233  
Reviewed by: Brandon Swanson, RMA-Planning Services Manager  
Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

- Attachment A - Draft Resolution
  - Exhibit 1 - Condition of Approval
  - Exhibit 2 - Site Plans and Elevations
- Attachment B - February 20, 2018 letter from Jameson Halpern
- Attachment C - March 12, 2018 letter from Jameson Halpern
- Attachment D - Analysis prepared by Monterey County IT (antenna size and mass)
- Attachment E - March 14, 2018, Staff response letter to Jameson Halpern

cc: Front Counter Copy; California Coastal Commission; Brandon Swanson, RMA Services Manager; County of Monterey Information Technology Department, Applicant; California-American Water Co., Owner; Jameson Halpern, neighbor; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN180035