

Attachment C

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APPEAL TO THE BOARD OF SUPERVISORS

NOTICE AND STATEMENT OF APPEAL

20.86.040(A) and 20.86.040(B)

APPEL OF MONTEREY COUNTY PLANNING COMMISSION RESOLUTION #18-019

HUCKLEBERRY HILL 4039 SUNSET LANE MONTEREY COUNTY WCF TOWER PROJECT

Project Applicant County of Monterey

PLN-180035

Appeal by Huckleberry Hill Neighborhood Association

Jameson Halpern, Esquire, President

14 MAY 2018

47 PAGES

No fee required as per **20.86.030** and the Regulations of the California Coastal Commission.

Honorable Supervisors,

BRIEF STATEMENT OF APPEAL

20.86.040(C) and 20.86.040(E)

The Board of Supervisors should revoke the Planning Commission Approval of the **PLN180035** "Coastal Design Permit" and revoke **Monterey County Planning Commission Resolution #18-019** for all of these reasons:

20.86.040 (C)(1) Hearing Not Fair

The County of Monterey Emergency Communications and the County of Monterey Information Technology Departments submitted **PLN180035** to the County of Monterey Planning Department for approval. The Monterey County Planning Department prepared the Staff Report and Draft Resolution for **PLN180035**. The Staff Report and Draft Resolution recommend approval of **PLN180035**. At the Planning Commission Hearing, the Monterey County Planning Department continued to advocate in favor of approval of **PLN180035**. The County of Monterey actually constitutes the Applicant-in-Fact, the Principal Advocate in favor of Project approval, as well as the Reviewing Authority for **PLN180035**. At this time no independent or neutral government authority has ever reviewed **PLN180035**.

At the 9 MAY 2018 Hearing, the Monterey County Planning Commission allowed the County of Monterey ample time to make its argument in favor of approval of **PLN180035**. The County of Monterey consumed approximately fifteen (15) minutes of the Planning Commission's hearing time. The Monterey County Planning Department, on behalf of Monterey County, advocated in favor of project approval for ten (10) minutes (VIDEO 9:06 to 9:16). The Monterey County Information Technology Department, on behalf of Monterey County, advocated in favor of project approval for five (5) minutes (VIDEO 9:17 to 9:22).

In stark contrast, the Monterey County Planning Commission permitted only three (3) minutes to Jameson Halpern, Esquire to make his entire argument in objection to **PLN180035**. The Staff Report and Exhibits to **PLN180035** comprise more than fifty-five (55) pages. The County of Monterey cannot reasonably expect the attorney for the Huckleberry Hill Neighborhood Association (HHNA) to discuss the volume of information in **PLN180035** in just three (3) minutes.

In 2012, the Monterey County Planning Commission held a Hearing on the **PLN100516** Huckleberry Hill NGEN WCF Tower and the HHNA argued against approval. At that Hearing, both of the Planning Commissioners who represent District 5, the district that includes the Del Monte Forest and 4039 Sunset Lane – Project Site for **PLN180035**, advocated in favor of approval of the obviously illegal **PLN100516** Huckleberry Hill NGEN WCF Tower Project. One of those District 5 Planning Commissioners admitted in the middle of the 2012 Hearing that not only had he not read the MND for **PLN100516**, but that he did not even possess a copy of the MND for **PLN100516**. That same District 5 Planning Commissioner chaired the Planning Commission in 2018.

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Monterey County failed to provide sufficient notice of the 3 MAY 2018 DMFLUAC Hearing for **PLN180035**. Monterey County failed to provide notice to Jameson Halpern, Esquire, the Attorney of Record for the HHNA and the Neighbors that live near 4039 Sunset Lane. This violates **CZO 20.84**, the **DMFLUP**, and due process. The County failed to publish notice of the DMFLUAC Hearing in **any** local newspaper. The County failed to notify Jameson Halpern, Esquire of the DMFLUAC Hearing, even though the County knows full well that Jameson Halpern, Esquire has represented the HHNA and the Neighbors that live near 4039 Sunset Lane for the last six years.

Please see “SUPPORTING ARGUMENT AND EVIDENCE” below for additional proof that the Planning Commission Hearing violated standards of Fairness.

20.86.040 (C)(2) Lack of Substantial Evidence

The County of Monterey failed to make the findings required by the Monterey County **Local Coastal Program (LCP)** and **Monterey County Coastal Zoning Ordinance (CZO) 20.64.310(A)** and **CZO 20.64.310(C)(5)**. **CZO 20.64.310** applies to the construction or modification of all Wireless Communication Facilities (WCFs) regulated by the FCC and located in the Coastal Zone of Monterey County. This includes **PLN180035**. **CZO 20.64.310(C)(5)** states:

“A visual simulation of the wireless communication facility shall be provided together with a written report from an installer showing all locations where an unimpaired signal can be received. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means. In instances where the wireless communication facility is located near or in a residential area, photos shall be submitted of the proposed wireless communication facility from the nearest residential neighbors. In instances where the wireless communication facility is located along a scenic corridor, critical viewshed area or within a designated historic resource site or district, a detailed visual analysis of the facility shall be submitted.”

PLN180035 lacks a report from an installer showing all locations where an unimpaired signal can be received. **PLN180035** lacks a visual simulation. **PLN180035** lacks a photographic study of the County WCF proposal as viewed from the nearest residential neighbors, in spite of the fact that the County sited **PLN180035** in the middle of several blocks of residential parcels. **PLN180035** lacks a detailed visual analysis in spite of the fact that **PLN180035** would have

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visibility from Scenic Highway 68, Scenic 17 Mile Drive, and Huckleberry Hill Outlook (Scenic Outlook #2 on Fig 3 of the **DMFLUP**).

The County produced no Photos from either El Bosque Drive or from Costado Place, and large parts of both of these Public Streets have visibility of the County WCF Tower located at 4039 Sunset Lane. The WCF Tower Site at 4039 Sunset Lane consists of Six (6) parcels owned by California American Water Company (Cal-Am). **PLN180035** fails to consider the visual impact of the WCF Tower on Nearby Residential Neighbors except for a Single (1) Neighbor on Sunset Lane.

As a matter of fact, Seven (7) Single Family Homes and One (1) Vacant Residential Lot directly adjoin the lot line of the County WCF Tower Site at 4039 Sunset Lane. Private Homeowners own each of these Residential Parcels. These privately owned parcels include 4055 Sunset Lane, 4035 Sunset Lane, 4032 El Bosque Drive, 4036 El Bosque Drive, 4044 El Bosque Drive, 4048 El Bosque Drive, 4052 El Bosque Drive, and 1 Private Vacant Residential Lot located on El Bosque Drive and not owned by Cal-Am. In fact, Seventy-Five Percent (75%) of the privately owned Residential Parcels that directly adjoin the lot line of the WCF Tower Site at 4039 Sunset Lane also adjoin El Bosque Drive, but not Sunset Lane. However, the County produced no Photographic Studies whatsoever of the Nearest Residential Neighbors on El Bosque Drive.

The County of Monterey failed to obtain a report from the Monterey County Airport Land Use Commission (ALUC) as required by **CZO 20.64.310(I)(b)** and **CZO 20.64.310(I)(c)**. **PLN180035** would create a structure within 5 miles of an airport that exceeds 35 feet in height. **PLN180035** would also create a structure over 100 feet (including additional antennas added later), and requires a Use Permit.

The County failed to provide sufficient notice for the Del Monte Forest Land Use Advisory Committee (DMFLUAC) Hearing that considered **PLN180035**. As a result, Jameson Halpern, Esquire, the President of the Huckleberry Hill Neighborhood Association (HHNA) and the representative the Neighbors who live adjacent to the **PLN180035** Project Site, never had the opportunity to attend the DMFLUAC Hearing. Therefore, the County conducted the Planning Commission Hearing without the benefit of a properly conducted DMFLUAC Hearing.

The County failed to flag and stake **PLN180035**. Therefore, the County conducted the Planning Commission Hearing without the benefit of a proper study of the visual impact of the project.

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The County failed to consider the inclusion of a Fiberglass Tree Disguise and Tree Screen as conditions for approval of **PLN180035**. Therefore, the County of Monterey ignored available mitigating technology.

At the 9 MAY 2018 Planning Commission Hearing for **PLN180035**, a Planning Commissioner asked the Supervising Planner if the County of Monterey had considered a Fiberglass Tree Disguise for the project (VIDEO 9:16). The Supervising Planner answered that the County of Monterey had not considered a Fiberglass Tree Disguise for the project (VIDEO 9:16). A Planning Commissioner also asked the Monterey County Information Technology Department Representative if the County of Monterey had considered a Fiberglass Tree Disguise for the project (VIDEO 9:22). The Monterey County Information Technology Department Representative answered that a Fiberglass Tree Disguise would “increase wind loading” and “make it less safe” (VIDEO 9:22).

The County of Monterey refused to consider adding a Fiberglass Tree Disguise to the project. The County of Monterey failed to investigate the possibility of increasing the structural integrity and seismic stability of the WCF Tower in order to accommodate the wind loading of a Fiberglass Tree Disguise. Instead, the County of Monterey simply rejected that idea without presenting any engineering analysis whatsoever.

Please see “SUPPORTING ARGUMENT AND EVIDENCE” below for additional proof that the Planning Commission Hearing lacked Substantial Evidence.

20.86.040 (C)(3) Contrary to Law

The 9 MAY 2018 Staff Report for **PLN180035**, PAGE 3, states, with emphasis “The total surface **and mass** of the new antennas are less than the surface **and mass** that currently exist.” However, that same 9 MAY 2018 Staff Report, PAGE 4, states “The proposal ... structurally reinforces the foundation of the existing tower to meet building code requirements ...”. The Staff Report claims that the County of Monterey wants to reconstruct its WCF Tower to meet building code requirements for structural integrity and seismic stability, yet the County also claims that the Project will reduce the total mass on the tower. Why would the County need to reconstruct an old WCF Tower to increase structural integrity and seismic stability when the County claims that the new WCF Tower will have a lower structural load? Furthermore, the old County WCF Tower already meets the most recent building code standard, **TIA-222-G**.

In fact, the County of Monterey has piecemealed the **PLN180035** Project with latter projects that will massively increase the number of antennas on the County WCF Tower, thus creating a significant impact on aesthetics, neighborhood character, and visual resources that requires a Coastal Development Permit and review under CEQA. **Monterey County Coastal Zoning Ordinance §20.64.310(D)(1)** exempts “structure mounted antennas as defined in Section 20.64.310(F)(3)” and allows the County of Monterey to attach such antennas without any permit or public review. **Monterey County Coastal Zoning Ordinance §20.64.310(F)(3)** defines “Antenna – Structure Mounted – Any antenna 10 feet or less tall and six inches or less in diameter, attached to a structure not exceeding the height limit for the zoning district.”

An antenna Ten (10) feet tall and six (6) inches in diameter has a surface area of over Sixteen (16) square feet. The County of Monterey and Cal Am have already continuously attached both public and commercial antennas to the two WCF Towers located 4039 Sunset Lane. Later attachment of additional antennas to the **PLN180035** WCF Tower would greatly proliferate the antenna clutter, visual menace, and significant glare at the project site.

The structural integrity and seismic stability enhancements of **PLN180035** in conjunction with the exemption in **CZO §20.64.310(D)(1)** would allow the County of Monterey and other users to add great numbers of antennas to the new WCF Tower. Thus the **PLN180035** Tower would create a visual impact and public nuisance well beyond the original impact of the **PLN180035** Tower described in the **PLN180035** “Coastal Design” Permit.

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 County of Monterey has failed to comply with the Monterey County Local Coastal Program as well as the County’s own land use rules and standards for WCF development in the Del Monte Forest. **PLN180035** would locate an industrial tower without a fiberglass tree disguise or tree screen in the middle of a residential neighborhood and scenic forest, less than 15 feet away from homes occupied by families. Therefore, **PLN180035** violates the **Monterey County General Plan**, the **Monterey County Local Coastal Program**, the **California Environmental Quality Act (CEQA)**, the **California Coastal Act**, and **Title 7 of the California Government Code**.

For the Cal Am WCF Tower located at 4039 Sunset Lane, just 27 feet away from the County WCF Tower, the County of Monterey required Cal Am to implement all available technological advances for the reduction of visual impacts as part of the facility’s normal replacement schedule. Currently available technological advances for the reduction of visual

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impacts presently include incorporating a Fiberglass Tree Disguise and Tree Screen into the retrofit or reconstruction of any WCF Tower located at 4039 Sunset Lane. **PLN180035** lacks these available technological advances and therefore violates the WCF Tower Permit Requirements for 4039 Sunset Lane.

For the 2005 Pebble Beach Company (PBC) WCF Tower Project and for the 2011 Monterey Peninsula Country Club WCF Tower Project, both located in the Del Monte Forest, the County of Monterey imposed a number of conditions of approval for each WCF Tower. The County of Monterey required PBC and MPCC to located all their towers at least 250 feet away from the nearest residence on large parcels of land. The County of Monterey required PBC and MPCC to incorporate elaborate fiberglass tree disguises into all their tower designs, and to screen all their towers by planting trees around them. The County of Monterey comprehensively flagged and staked the PBC and MPCC Projects throughout the entire application process. The County of Monterey properly noticed DMFLUAC Hearings for each tower.

In stark 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 two parcels with a total area of .09 Acre. Due to the presence of two roadway easements, those parcels actually have a usable area of only .02 Acre. The **PLN180035** Project has no disguise at all and has only a sparse group of trees that would sit well below the top of the WCF Tower. The County failed to flag and stake **PLN180035**. The County failed to properly notice the **PLN180035** DMFLUAC Hearing. **PLN180035** violates the WCF Tower Development Standards as enforced by the County of Monterey within the Del Monte Forest.

Please see "SUPPORTING ARGUMENT AND EVIDENCE" below for additional proof that the Planning Commission Hearing violated the Law of California.

SUMMARY OF OBJECTION TO FINDINGS

20.86.040(D)

- 1** **PLN180035** violates multiple laws, regulations, and development standards.
- 1(a)** **PLN180035** conflicts with the **1982 Monterey County General Plan, LCP, DMFLUP, DMFCIP, and CZO.**

- 1(b)** **DA95099/PC96032** refers to the Cal Am WCF Tower located at 4039 Sunset Lane. The County of Monterey has no permit whatsoever for the County WCF Tower located at 4039 Sunset Lane. Since **PLN180035** contemplates a substantial modification of the County WCF Tower, the project requires a Coastal Development Permit and review under **CEQA**. **CZO §20.70.120(B)** does not exempt the Project from a Coastal Development Permit. The Project would improve structural integrity and seismic stability and in conjunction with **Monterey County Coastal Zoning Ordinance §20.64.310(D)(1)** would lead to the hyper loading of antennas onto the new WCF Tower and massively increase its intensity of use. Furthermore, **PLN180035** contemplates the reconstruction of a WCF Tower as defined by **CZO §20.06.310(7)**. Since **PLN180035** involves both an increase in the intensity of use and the reconstruction of a wireless facility, the Project requires a Coastal Development Permit in accordance with **CZO §20.70.025**.
- 1(c)** The Project would tremendously deteriorate visual conditions at the Project Site and the Project requires a Coastal Development Permit.
- 1(d)** The County claims that **CZO §20.64.310(D)(1)** exempts all structure mounted antennas from review under the Coastal Zoning Ordinance. In fact, **CZO §20.64.310(D)(1)** only exempts structure mounted antennas under a certain size. The County's stated policy of failing to review the visual impacts of antennas indicates that the County will allow itself to add limitless additional antennas to the **PLN180035** WCF Tower reconstruction project. This policy will tremendously increase the visual impact of the Project. Furthermore, the County has no permit whatsoever for the existent County WCF Tower located at 4039 Sunset Lane.
- 1(e)** The County's own Land Use Record for the parcels located at 4039 Sunset Lane describes them as "visually highly sensitive". The **DMFLUP** describes the entire Huckleberry Hill Area as "highly visible".
- 1(g)** **PLN180035** conflicts with the **1982 Monterey County General Plan, LCP, DMFLUP, DMFCIP, and CZO**. The Project contemplates reconstruction of the County WCF Tower, and the County has no permit whatsoever for that WCF Tower. The increase in structural integrity and seismic stability of the Project in conjunction with **CZO §20.64.310(D)(1)** would massively increase the visual impact of the County WCF Tower. Therefore, the County must disclose all the antennas it actually intends to add to the Tower, Flag and Stake those antennas, and include appropriate mitigation consistent the **LCP**, and with Monterey County's own rules and development standards. This mitigation includes both a Fiberglass Tree Disguise as well as a Tree Screen.

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- 1(h)** The County failed to hold a proper DMFLUAC Hearing since the County failed to properly notice its DMFLUAC Hearing.
- 1(i)** **PLN180035** contains no permit whatsoever for the original construction of the existent County WCF Tower located at 4039 Sunset Lane.
- 2(a)** The County of Monterey has no permit whatsoever for the original construction of the County WCF Tower located at 4039 Sunset Lane. **PLN180035** would tremendously increase the visual impact of the County WCF Tower located at 4039 Sunset Lane. Title 20 (Coastal Zoning Ordinance) and not Title 21 (Inland Zoning Ordinance) applies to **PLN180035**, a project to reconstruct the County WCF Tower located at 4039 Sunset Lane. The County should have analyzed this project under the **Coastal Zoning Ordinance**.
- 2(b)** **PLN180035** contains no permit whatsoever for the original construction of the existent County WCF Tower located at 4039 Sunset Lane.
- 3** **PLN180035** would have a tremendous negative visual impact on the project parcels, the surrounding area, and neighborhood character. The Huckleberry Hill Neighborhood consists of a suburban neighborhood and scenic forest, and makes up part of Subdivision 2 of the Del Monte Forest in the Coastal Zone of California.
- 3(a)** The County WCF Tower already conforms with the most current building code requirements. The County has actually sought to approve this Project so that the County may hyper load the County WCF Tower with a massive number of new antennas.
- 3(b)** The increase in structural integrity and seismic stability of the Project in conjunction with **CZO §20.64.310(D)(1)** would massively increase the visual impact of the County WCF Tower.
- 3(d)** **PLN180035** contains no permit whatsoever for the original construction of the existent County WCF Tower located at 4039 Sunset Lane.
- 4** **PLN180035** conflicts with the **1982 Monterey County General Plan, LCP, DMFLUP, DMFCIP, and CZO**. The County has no permit whatsoever for the original construction of the County WCF Tower located at 4039 Sunset Lane.
- 4(c)** **PLN180035** contains no permit whatsoever for the original construction of the existent County WCF Tower located at 4039 Sunset Lane.

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- 5** **PLN180035** requires review under CEQA. Furthermore, quite unusually the County has no permit whatsoever for the original construction of the existent County WCF Tower located at 4039 Sunset Lane.
- 5(a)** **CEQA §15301** does not apply to **PLN180035**. The increase in structural integrity and seismic stability of the Project in conjunction with **CZO §20.64.310(D)(1)** would massively increase the visual impact of the County WCF Tower. The Project also contemplates reconstruction of the old County WCF Tower, and the County has no permit whatsoever for that WCF Tower. This constitutes an extensive expansion of the use of the old County WCF Tower.
- 5(b)** The increase in structural integrity and seismic stability of the Project in conjunction with **CZO §20.64.310(D)(1)** would massively increase the visual impact of the County WCF Tower. Furthermore, quite unusually the County has no permit whatsoever for the original construction of the County WCF Tower located at 4039 Sunset Lane.
- 5(c)** This Appeal contains ample evidence that **PLN180035** will definitely cause a substantial negative visual impact on the project parcels, the surrounding area, and neighborhood character.
- 5(d)** The County's own Land Use Record for the parcels located at 4039 Sunset Lane describes them as "visually highly sensitive". The **DMFLUP** describes the entire Huckleberry Hill Area as "visually sensitive". The increase in structural integrity and seismic stability of the Project in conjunction with **CZO §20.64.310(D)(1)** would massively increase the visual impact of the County WCF Tower.

SUPPORTING ARGUMENT AND EVIDENCE

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Abbreviations

Huckleberry Hill Neighborhood Association (HHNA)

California American Water Company (Cal Am)

Wireless Communications Facility (WCF)

Monterey County Coastal Zoning Ordinance (CZO)

Del Monte Forest Coastal Implementation Plan (DMFCIP) [PART 5 of the Monterey County CIP]

Del Monte Forest Land Use Plan (DMFLUP)

Monterey County Local Coastal Program (LCP) – Includes CZO, CIP, and DMFLUP

Del Monte Forest Land Use Advisory Committee (DMFLUAC)

California Environmental Quality Act (CEQA)

Environmental Impact Report (EIR), Draft Environmental Impact Report (DEIR)

Negative Declaration (ND), Mitigated Negative Declaration (MND)

Summary of PLN180035 and Industrial WCF development at 4039 Sunset Lane

The Huckleberry Hill Neighborhood consists of a suburban neighborhood and scenic forest, and makes up part of Subdivision Two of the Del Monte Forest in the Coastal Zone of California. Cal Am owns six parcels at the top of Huckleberry Hill, and Cal Am and the County of Monterey have each developed a WCF Tower on those parcels, variously referred to as 4039 Sunset Lane, 4041 Sunset Lane, APN 008-111-016-000, APN 008-111-017-000, and possibly four other adjacent parcels located on or near Block 203, Track #169, Del Monte Forest Subdivision Two. This Appeal refers to that location, all six of its parcels and the surrounding area, simply as “4039 Sunset Lane”. 4039 Sunset Lane presently has two approximately 80 foot WCF towers, the Cal Am WCF Tower and the County WCF Tower. This Appeal challenges **PLN180035**, the County of Monterey’s latest plan to build a new WCF to replace the existent County WCF Tower located at 4039 Sunset Lane.

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4039 Sunset Lane has visibility from the Surrounding Neighborhood, Scenic 17-Mile Drive, Scenic Vista Point Outlook #2, Scenic Highway 1, Scenic Highway 68, the Del Monte Forest, and the Coastline of California. 4039 Sunset Lane also sits within the Del Monte Forest and the Coastal Zone of California.

In June 2012, the County of Monterey publicly proposed the Huckleberry Hill NGEN WCF Tower **PLN100516**, a plan to build a 168 foot WCF Tower at 4039 Sunset Lane. The County later modified this to a 111 foot WCF Tower. After an initial Public Hearing on 21 JUN 2012 and a final Public Hearing on 19 JUL 2012, the Del Monte Forest Land Use Advisory Committee (DMFLUAC) unanimously (5 to 0) rejected the Huckleberry Hill NGEN WCF Tower **PLN100516**.

On 17 AUG 2012 the County of Monterey prepared a Mitigated Negative Declaration (MND) for the Huckleberry Hill NGEN Project. The MND found that the Huckleberry Hill NGEN Tower would have a “Less Than Significant Impact without Mitigation” on Aesthetics (MND Page 36). The MND found that the Huckleberry Hill NGEN Tower would have a “Less Than Significant Impact without Mitigation” on the Visual Quality of the area surrounding the NGEN Tower (MND Page 53). The MND found that the Huckleberry Hill NGEN Tower would have a “Less Than Significant Impact without Mitigation” on the Visual Quality of the area surrounding the NGEN Tower when cumulative with the visual impact from the two existent WCF Towers (MND Page 79).

The July 2014 DEIR for **PLN100516**, however, states that “Implementation of the proposed Project would degrade the existing visual quality and aesthetic character of the Project vicinity. This would be considered a significant and unavoidable Impact (Class I)” (DEIR Impact VIS-1, Page 4.1-32). Therefore, from the time of the MND to the time of the DEIR, the visual impact of the 111 foot Huckleberry Hill NGEN Tower changed from Less Than Significant without Mitigation, to Significant even with Mitigation.

The Procedural Summary of the 2014 DEIR for **PLN100516** mentions the Initial Study, MND, and the successful Appeal of the certification of the MND (PLN100516 DEIR Page 1-5,6). The 2014 DEIR neglects to mention, however, that the Huckleberry Hill Neighborhood filed a lawsuit against the County of Monterey on 31 OCT 2012 after the County certified the MND. This lawsuit, Monterey County Superior Court Case **#M120430**, caused the Board of Supervisors to decertify the MND.

The County of Monterey originally attempted to deny that the Huckleberry Hill NGEN Tower would cause any impact whatsoever. As a result of the Neighborhood’s Lawsuit, the County of Monterey begrudgingly ordered the preparation of an EIR.

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The HHNA objected to the Monterey County's Huckleberry Hill NGEN Tower **PLN100516** DEIR on the grounds that the DEIR, and the NGEN Project in general, violated CEQA, the Coastal Act, Title 7 of the California Government Code, and many of Monterey County's own Regulations. The County of Monterey obligated itself in 2010 to a nonrefundable unconditional contract to spend what will ultimately amount to more than **\$30,000,000** for the NGEN PROJECT without first disclosing the project to the Public, the Huckleberry Hill Neighborhood, the Pebble Beach Community Services District, the Coastal Commission, or even the County of Monterey's own Planning Department. The County finally disclosed the NGEN PROJECT in June 2012, a year and a half **after** the County absolutely committed itself to approve the project.

As a result of the HHNA's DEIR Comment and Objection, and with the obvious implication that issuance of the Coastal Development Permit and certification of the 2014 DEIR would lead to another lawsuit that the County would certainly lose, on 7 JUN 2016 the County Board of Supervisors cancelled the **PLN100516** Huckleberry Hill NGEN Tower WCF Project.

Thus, since June 2012, the HHNA has already had to enter into litigation twice against the County of Monterey regarding WCF facilities located at 4039 Sunset Lane. The HHNA prevailed in both the 2012 Huckleberry Hill NGEN Tower WCF **PLN100516** Project Coastal Development Permit and MND action, and again in the 2016 Huckleberry Hill NGEN Tower WCF **PLN100516** Project Coastal Development Permit and EIR action.

On 12 JAN 2018, without public disclosure, notice, or any hearing, Monterey County illegally approved **PLN180035**, a Project that Monterey County refers to as a "Coastal Design" Permit. **PLN180035** contemplates rebuilding the foundation for the County WCF Tower at 4039 Sunset Lane, modifying the shaft of the old lattice tower, and adding all new antennas to create a new wireless communications tower. The project site has a slope of well over 25%. Thusly, **PLN180035** constitutes new construction project and requires a coastal development permit, a ridgeline development permit, and environmental review under **CEQA**.

Huckleberry Hill Neighborhood an Inappropriate Location for Industrial WCFs

Please note that the County of Monterey's Land Use Record refers to the Cal Am Huckleberry Hill Parcel as "**Zoning: MDR/4-D(CZ)**" on the First Page and "**Visual Sensitivity: Highly Sensitive**" on the Second Page.

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The **PLN180035** Parcels have Zoning MDR/4-D(CZ) and the **DMFLUP** locates both Parcels within the Del Monte Forest. **Monterey County Coastal Zoning Ordinance 20.12.060(C)(1)(b)** limits the height of structures in the Del Monte Forest to a maximum height of Twenty-Seven (27) Feet, Three (3) Feet below the usual Monterey County inland MDR Height Limit of Thirty (30) Feet. Obviously, due to Visual Impacts, the **Monterey Coastal Zoning Ordinance** and **DMFLUP** place strict limitations on structure height within the Coastal Zone and Del Monte Forest. **PLN180035**, at 80 Feet in Height, grossly violates this policy.

The predominant use of land in the Del Monte Forest includes Residential Homes, Visitor Services (Hotels and Golf Courses), and Recreation (Hiking Trails, Horse Riding, and Biking Pathways). The Principal Land Use of the Huckleberry Hill Neighborhood consists of Residential Single Family Homes. Single Family Homes, Condominiums, Hotels, Golf Courses, and Recreational Trails generally do not interfere with each other but in fact complement each other. An Industrial Scale WCF such as the **PLN180035** Tower interferes with all of these appropriate uses.

The **PLN180035** Tower would have a Type of Use (Industrial) and an Intensity of Use (80 Feet with a multitude of large antennas) inconsistent with a MDR/4-D(CZ) Residential Area located in the Del Monte Forest within the Coastal Zone, adjacent to Scenic 17-Mile Drive and Scenic Vista Outlook #2. As an Industrial Use, the NGEN Tower would have a Type of Use much more obtrusive than a commercial use, and offensive to the predominant residential and recreational uses in the surrounding area. With a height 80 Feet and a mass of Antennas, the NGEN Tower would have an Intensity of Use many times as obtrusive as a residential single family home with a maximum height of Twenty-Seven (27) Feet.

PLN180035 would necessarily include a number of Electromagnetic Radiation safeguards. Ordinary residential and commercial uses do not require analysis of “radiated RF energy” and “Maximum Permissible Exposure”. Clearly, **PLN180035** has an industrial character. The Maximum Permissible Exposure Limit from RF Radiation and the mandatory posting of Radiation Warning Signs make the **PLN180035** Tower unfit for human habitation or even short term occupation by humans. Thus, the Hill NGEN Tower clearly has an Industrial character. Yet the County of Monterey had decided to locate the **PLN180035** Tower just 15 feet away from three (3) homes occupied by families.

Unlike the **PLN180035** Tower that would have a height with antenna of 80 Feet, the nearby homes all have a maximum height of 27 Feet. These homes all have the appearance of a domestic house, consistent with the suburban neighborhood and scenic forest, and in sharp contrast to the massive metallic Industrial **PLN180035** Tower.

PLN180035 creates the obvious potential for the proliferation of even more visually obstructive antennas. **Monterey County Coastal Zoning Ordinance §20.64.310(D)(1)** exempts “structure mounted antennas as defined in Section 20.64.310(F)(3)” and allows the County of Monterey to attach such antennas without any public review. **Monterey County Coastal Zoning Ordinance §20.64.310(F)(3)** defines “Antenna – Structure Mounted – Any antenna 10 feet or less tall and six inches or less in diameter, attached to a structure not exceeding the height limit for the zoning district.”

An antenna Ten (10) feet tall and six (6) inches in diameter has a surface area of over Sixteen (16) square feet. The County of Monterey has continuously attached both public and commercial antennas to the existing County WCF Tower located at 4039 Sunset Lane. Later attachment of additional antennas to the **PLN180035** WCF Tower would greatly proliferate the antenna clutter, visual menace, and significant glare at 4039 Sunset Lane.

The structural and seismic enhancements of **PLN180035** would allow the County of Monterey to add even greater numbers of antennas to the new WCF Tower. The County of Monterey has failed to put any restriction whatsoever on the number of antennas or the size of antennas that the County may add to the new WCF Tower. Thus the **PLN180035** Tower would create a visual impact and public nuisance well beyond the original impact of the **PLN180035** Tower described in the **PLN180035** “Coastal Design” Permit. Additionally, the **PLN180035** Tower would obviously violate **California Nuisance Law (California Civil Code §3479 et seq)**.

Please refer to Exhibit B to this Document: “Tower Site Parcel Comparison”. Notice that each of the Six (6) PBC Project WCF Towers, the MPCC Project WCF Tower, and the Holman Ranch Project WCF Tower have Locations away from Residential Neighborhoods. The **PLN180035** Tower, by comparison, would sit on a very small residential parcel extremely close to its Residential Neighbors. In fact, several layers of Single Family Home Residential Neighbors would surround an area just a few hundred feet away from the NGEN Project Tower Site.

Please refer to EXHIBIT B of this Document: Tower Site Parcel Comparison

Please note the first set of dotted lines refers to 300 Feet from the border of the parcel, not 300 feet from the Tower Site. The second set of dotted lines refers to the 2500 Foot from the border of the parcel, not 2500 feet from the Tower Site.

Coastal Development Permit Standards Violated by the County of Monterey

PLN180035 violates a multitude of LCP and County Regulations

The **PLN180035** Tower at 4039 Sunset Lane would produce Significant Glare, Antenna Clutter, and a Visual Menace and thus cause a Private and Public Nuisance similar to the physical invasion of unpleasant smoke, irritating dust, offensive odor, and disruptive noise. The antennas from the **PLN180035** Tower would create a continuous annoyance throughout the Neighborhood and Del Monte Forest due to their Clutter. The **PLN180035** WCF Tower, especially in combination with the Cal Am WCF Tower at 4039 Sunset Lane, would have an industrial and unsafe appearance. The **PLN180035** Tower would repel residents and visitors from the Neighborhood and Del Monte Forest.

The **PLN180035** Tower would have a Type of Use (Industrial) and an Intensity of Use (80 Feet with a multitude of large antennas) inconsistent with the MDR/4-D(CZ) Residential Area, the Del Monte Forest, the Coastal Zone, and the adjacent to 17-Mile Drive Scenic Corridor and Outlook #2 Scenic Vista.

The **PLN180035** Tower would cause a detriment to the peace, comfort, and general welfare of persons that reside or work in the Neighborhood, as well as Recreational Visitors to the Neighborhood. The Project would cause a detriment to the use and enjoyment of all Private Residences in the Neighborhood.

The **DMFLUP PAGE 58** requires that all Coastal Development Permits must met “Three basic tests”. **DMFLUP, PAGE 59(1)** requires that “The proposed project must conform to the type and intensity of use permitted within the specific geographical area of concern.”

The **PLN180035** Tower constitutes a Type of Use out of character with the Del Monte Forest and Neighborhood. The **PLN180035** Tower also constitutes an Intensity of Use well beyond any of the uses in the Del Monte Forest and Neighborhood.

DMFLUP, PAGE 59(2) and **DMFLUP, PAGE 59(3)** require that any Coastal Development Permit comply with the **LCP, DMFLUP, DMFCIP**, and the **Coastal Zoning Ordinance**. The **PLN180035** Tower would violate the **LCP, DMFLUP, DMFCIP**, and the **Coastal Zoning Ordinance**.

PLN180035 violates the 1982 Monterey County General Plan

Monterey County adopted a new General Plan in 2010, but the Coastal Zone continues to rely on the 1982 Monterey County General Plan and 4039 Sunset Lane sits within the Coastal Zone of Monterey County. Numerous provisions of the 1982 Monterey County General Plan prohibit development of the type that **PLN180035** contemplates:

- 7.2.1** Landowners and developers shall be encouraged to preserve the integrity of existing terrain and natural vegetation in visually sensitive areas such as hillsides and ridges.
- 25.1.2** The County shall promote economic development which is consistent with General Plan goals such as environmental, scenic, natural resource conservation, and growth management.
- 26.1.6** Development which preserves and enhances the County's scenic qualities shall be encouraged.
- 26.1.9** In order to preserve the County's scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas, may be taken into consideration during the subdivision process.

The visually sensitive parcels of 4039 Sunset Lane sit at the top of a hill surrounded on 360 degrees by multiple ridgelines. The **DMFLUP, PAGE 20** states, with emphasis, “Considering **the high visibility of the Del Monte Forest...**”. The Monterey County Land Use Record for 4039 Sunset Lane states, “**Visual Sensitivity: Highly Sensitive**” on the Second Page. The **PLN180035** WCF Tower would create a substantially adverse visual impact when viewed from multiple common public viewing areas including Sunset Lane, El Bosque Drive, Costado Place, the entire Huckleberry Hill Neighborhood, Scenic 17 Mile Drive, Scenic Outlook #2, Scenic Highway 68, the Del Monte Forest, the Coastline of California, and other areas.

PLN180035 violates the Del Monte Forest Land Use Plan

Numerous provisions the **Del Monte Forest Land Use Plan** prohibit development of the type that **PLN180035** contemplates. Please note the following Policies, with emphasis:

- 52. Development within the viewshed of visually prominent settings, including those identified on 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.**
- 53. 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. **Structures, including fences, shall be subordinate to and blended into the environment, including by using appropriate materials that will achieve that effect.** Where necessary, **modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening** to protect such public views.
- 54. Structures in public view in scenic areas shall utilize non-invasive native vegetation and topography to help provide **visual compatibility** and, when such structures cannot be sited outside of public view, to **provide screening** from public viewing areas. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).
- 68. **New development shall incorporate mitigation measures to** avoid, and where unavoidable, to minimize and reasonably **mitigate potential adverse environmental impacts.**

DMFLUP Policies 52, 53, 54, and 68 require the County of Monterey to implement mitigations for **PLN180035** that include a Fiberglass Tree Disguise with any necessary Structural Reinforcement to overcome wind load, and a Tree Screen with and necessary Tree Trimming Plan to overcome antenna blockage. 4039 Sunset Lane, especially with a 80 foot WCF Tower, has high visibility from Sunset Lane, El Bosque Drive, the entire Huckleberry Hill Neighborhood, Scenic 17 Mile Drive, Scenic Outlook #2 (clearly identified in FIGURE 3 of the DMFLUP), Scenic Highway 68, the Del Monte Forest, the Coastline of California, and other public viewing areas. Designing the Project to harmonize with the natural setting, blending the Project into the environment, and providing visual compatibility with the surroundings all obviously require a Fiberglass Tree Disguise for the WCF Tower. These same four policies also require a Tree Screen

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to mitigate the adverse environmental impact of visual obstruction that a WCF Tower at 4039 Sunset Lane would cause.

- 78.** Development on slopes of 30% or more is prohibited unless such siting better addresses LUP objectives as a whole when compared to other possible siting alternatives on slopes of less than 30% associated with projects and/or sites.

The **DMFLUP, PAGE 33**, states “Much of the west-facing hillside within the Huckleberry Hill planning area has slopes over 30%.” This includes 4039 Sunset Lane. The County Land Record for 4039 Sunset Lane states “Slope greater than 25%”.

- 87.** Commercial development may be permitted when integrated with other visitor-serving facilities.

The **DMFLUP, PAGE 29**, states “The basic categories of land use designated in the Del Monte Forest are 1) Residential, 2) Commercial, and 3) Open Space.” The DMFLUP prohibits industrial uses such as **PLN180035**. Furthermore, the DMFLUP, pages 29 and 30, define commercial uses in the DMF:

“These land use designations are described as follows:

Visitor-Serving Commercial

This category allows for uses and development providing basic support services and visitor needs associated with visitor-serving commercial development. Major hotel or inn accommodations and support commercial facilities are principal uses. Employee housing may be permitted as secondary uses under this category provided such use and development is clearly secondary to the primary use. The four areas in this category are:

- The Lodge at Pebble Beach and environs in the Pebble Beach planning area (including the Beach & Tennis Club),
- the existing Spanish Bay resort and its associated parking facilities,
- the existing Poppy Hills golf course clubhouse and related facilities, and
- the hotel site at the former Spyglass Quarry site (in Area M).

General Commercial

This category provides for uses and development providing commercial facilities that support both visitor and community needs, and it is limited in the Forest to the general commercial facilities provided in The Lodge at Pebble Beach area (including retail sales, market,

post office, gas station, etc.). All such uses shall be compatible with the general retailing and community service character of this designation, as well as community services and storage facilities.

Institutional Commercial

This category provides for uses and development of an institutional nature, and includes the Pebble Beach Company offices and corporation yard, Robert Louis Stevenson School, firehouses, and a utility substation.”

Even if someone wanted to define **PLN180035** as a commercial instead of an industrial use, the **DMFLUP** prohibits commercial uses outside of The Lodge, Spanish Bay, Poppy Hills, RLS, the firehouses, and the power station located near Community Hospital of the Monterey Peninsula (CHOMP). No provision of the DMFLUP allows for a WCF Tower at 4039 Sunset Lane.

PLN180035 violates the Del Monte Forest Coastal Implementation Plan

Numerous provisions the **Del Monte Forest Coastal Implementation Plan 20.147** prohibit development of the type that **PLN180035** contemplates. Please note the following Policies:

20.147.070 (Scenic and Visual Resources)

- B(2)** ...Development shall be screened from view using native vegetation and topography...
- B(3)** ...New structures shall be sited and designed to harmonize with the natural setting and not be visually intrusive...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.
- B(5)** Structures in public view in scenic areas shall utilize non-invasive native vegetation and topography to help provide visual compatibility and, when such structures cannot be

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sited outside of public view, to provide partial to full screening from public viewing areas.

- B(6)** Ridgeline development is prohibited. In the instance that a parcel is unable to be developed except as a ridgeline development project, the applicant may apply for a coastal development permit to allow ridgeline development. "Ridgeline Development" is development on the crest or side of a hill or other location which creates a silhouette against the sky when viewed from a public viewing area... The proposed development shall be modified for height, bulk, design, size, location and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.
- B(9)** Utility lines shall be placed underground, typically within road access footprints, except where 1) such undergrounding would result in removal of native trees and 2) it can be shown that the lines can be hidden from public view using different siting and design approaches (e.g., placing lines behind existing vegetation or structures, etc.). In cases where above-ground utilities are proposed, applicants shall be required to conclusively demonstrate the manner in which such development meets these criteria.
- B(10)** ... New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

The **DMFCIP** requires the County of Monterey to implement a Fiberglass Tree Disguise with Structural Reinforcement and Tree Screen with Tree Trimming Plan for **PLN180035**. 4039 Sunset Lane, especially with a 80 foot WCF Tower, has high visibility from Sunset Lane, El Bosque Drive, Costado Place, the entire Huckleberry Hill Neighborhood, Scenic 17 Mile Drive, Scenic Outlook #2 (clearly identified in FIGURE 3 of the DMFLUP), Scenic Highway 68, the Del Monte Forest, the Coastline of California, and other public viewing areas. 4039 sits on the top of a hill surrounded by multiple ridgelines. **PLN180035** requires a Coastal Development Permit and Monterey County must design the WCF to minimize the visual impacts of the ridgeline development as viewed from multiple public viewing areas. Monterey County must demonstrate how it would hide the WCF from public view using different siting and design approaches. In order to harmonize the WCF with the natural setting, the County of Monterey to implement a Fiberglass Tree Disguise and Tree Screen for **PLN180035**.

20.147.090 (Land Use and Development)

1. All development and use of the land, whether public or private, shall conform to the policies and shall meet resource protection requirements as set forth in the LCP.
6. New development shall incorporate mitigation measures to avoid, and where unavoidable, to minimize and reasonably mitigate potential adverse environmental impacts.

The WCF Tower of **PLN180035** would cause an obvious adverse environmental impact due to visual obstruction. Therefore, the **DMFCIP** requires the Project to include a Fiberglass Tree Disguise and Tree Screen to mitigate this impact.

12. Commercial development may be permitted when integrated with other visitor serving facilities.
13. New visitor-serving and commercial recreation facilities shall be designed to maximize opportunities for public use and offer a range of visitor serving facilities. Low, no, and moderate cost facilities shall be provided as feasible (e.g., trails, picnic facilities, moderately-priced food and beverage service, viewing areas, etc.).
14. Low intensity public visitor-serving facilities (such as a restaurant, golf-related shops, etc.) shall be allowed at Del Monte Forest golf courses.

The **DMFCIP** entirely prohibits industrial projects such as **PLN180035**. The **DMFCIP** also prohibits commercial development except for visitor-serving facilities such as restaurants, shops, and golf courses.

PLN180035 violates the Monterey County Coastal Zoning Ordinance

Numerous provisions the **Monterey County Coastal Zoning Ordinance Title 20**, an integral component of the **LCP**, prohibit development of the type that **PLN180035** contemplates. Please note the following Ordinances:

20.12.030 NONEXEMPT DEVELOPMENT

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- D. [Ridgeline Development;](#)

PLN180035 would cause a Significant Environmental Impact due to its obvious visual impact. **PLN180035** would construct a WCF Tower at the top of the hill surrounded on all sides by Ridgelines. **PLN180035** requires a Coastal Development Permit.

20.12.060(C) SITE DEVELOPMENT STANDARDS

Structure Height and Setback Regulations

Maximum height: 30 feet [Coastal Zone Generally]

Del Monte Forest: 27 feet [Underline Emphasis in Original Coastal Zoning Ordinance]

The **CZO** limits the maximum height of structures built in the visually sensitive Del Monte Forest to 27 feet, three feet less than the rest of the Monterey County Coastal Zone. **PLN180035** violates the principle of this ordinance since it would construct a 80 foot high WCF Tower within Del Monte Forest without appropriate mitigating measures.

20.12.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

J. [Ridgeline development:](#)

PLN180035 would construct a WCF Tower at the top of the hill surrounded on all sides by Ridgelines. **PLN180035** requires a Coastal Development Permit. Furthermore, the Project would increase the intensity of use at 4039 Sunset Lane due to the proliferation of antennas on the new WCF Tower. The Project would also replace 20% or more of the materials of an existing structure with materials of a different kind.

Please note the specific [Monterey County Coastal Zone WCF Tower Ordinance](#), with emphasis:

20.64.310 REGULATIONS FOR THE SITING, DESIGN AND CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES

20.64.310 (C)(4) 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.***

20.64.310 (E)(1) ***The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to insure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.***

20.64.310 (H)(1)(a) 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.***

20.64.310 (H)(1)(d) In designated visually sensitive areas, designated scenic corridors or areas of high visibility, ***wireless communication facilities*** shall be sited according to Sections 20.144.030; 20.145.030; 20.146.030; or ***20.147.070***. Furthermore, they ***should always be sited below the ridgeline where possible and be designed to minimize their visual impact.***

20.64.310 (H)(1)(e) *Wireless communications facilities shall be screened from any designated scenic corridors or public viewing areas to the maximum extent feasible.*

20.64.310 (H)(3)(d) *Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.*

20.64.310 (K)(3) As part of the agreement, the [WCF] 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.

The **CZO** requires the County of Monterey to implement a Fiberglass Tree Disguise and Tree Screen for **PLN180035**. 4039 Sunset Lane, especially with a 80 foot WCF Tower, has high visibility from scenic corridors and public viewing areas including Sunset Lane, El Bosque Drive, Costado Place, the entire Huckleberry Hill Neighborhood, Scenic 17 Mile Drive, Scenic Outlook #2 (clearly identified in FIGURE 3 of the **DMFLUP**), Scenic Highway 68, the Del Monte Forest, the Coastline of California, and other public viewing areas. 4039 sits on the top of a hill surrounded by multiple ridgelines. Monterey County's land record for 4039 Sunset Lane designates all of the parcels as "Visually Highly Sensitive".

The unsightly facilities contemplated by **PLN180035** would mar the appearance and integrity of the Huckleberry Hill Neighborhood and the surrounding area. **PLN180035** requires a Fiberglass Tree Disguise and Tree Screen to preserve the visual character and aesthetic values of the specific parcels and land uses that surround the Project. Integrating **PLN180035** into the existing characteristics of the site to the maximum extent feasible also requires a Fiberglass Tree Disguise and Tree Screen. Designing **PLN180035** to minimize visual impact means including a Fiberglass Tree Disguise and Tree Screen.

Screening **PLN180035** to the maximum extent feasible from designated scenic corridors such as Scenic 17 Mile Drive and Scenic Highway 68 requires a Fiberglass Tree Disguise and Tree Screen. Screening **PLN180035** to the maximum extent feasible from public viewing areas such as Sunset Lane, El Bosque Drive, Costado Place, the entire Huckleberry Hill Neighborhood, Scenic Outlook #2 (clearly identified in FIGURE 3 of the **DMFLUP**), the Del Monte Forest, and the Coastline of California likewise requires a Fiberglass Tree Disguise and Tree Screen.

PLN180035 requires special design of its WCF Tower in order to mitigate potentially significant adverse visual impacts. The technological advance known as a Fiberglass Tree Disguise can definitely reduce the visual impact resulting from the proposed wireless communication facility. Therefore, **PLN180035** must include this modification.

PLN180035 requires a Coastal Development Permit and CEQA Review

PLN180035 contemplates rebuilding a foundation for a WCF Tower at 4039 Sunset Lane, modifying the shaft of an old lattice tower, and adding mostly new antennas to create a new wireless communications tower in excess of 75 feet. This amounts to the construction of a new structure, and not mere maintenance or repair of an old structure. The **CZO** and **LCP** permit WCF development in the Del Monte Forest only as a conditional use, and this includes all development located at 4039 Sunset Lane.

PLN180035 has an associated Building Permit Application, **#18CP00119**. Building Permit Application **#18CP00119**, **PAGE 6**, states “Construction of a new structure? **Yes**”. **PLN180035** would lead to the construction of a new structure, and not mere repair or maintenance of an old structure.

On 19 DEC 2017 Black and Veatch performed a Structural Analysis of the **existing** County of Monterey WCF Tower located at 4039 Sunset Lane, and determined, on **PAGE 1** of that Report:

A **Rigorous Structural Analysis** was performed. Based on the analysis, the tower and foundation **fully complies** with TIA-222-G standards for antenna supporting structures. Therefore, the existing tower and foundation are deemed **sufficient** for the existing load cases.

Analysis Results

Tower Stress Level with Existing Equipment:	79.8%	Pass
Foundation Ratio with Existing Equipment:	76.8%	Pass

That same 19 DEC 2017 Black and Veatch Structural Analysis, on **PAGE 5** determined:

The tower and its foundation will have sufficient capacity to carry the existing and proposed loads after proper installation of the reinforcements shown in Appendix B

The existing County of Monterey WCF Tower already “**fully complies**” with the current TIA-222-G (2016) construction standard, and the existing County of Monterey WCF Tower’s

shaft and foundation have “sufficient” capacity for the existing antennas. Thus, **PLN180035** obviously seeks to replace the existing County of Monterey WCF Tower in order to increase the antenna capacity at 4039 Sunset Lane. Since **PLN180035** contemplates constructing a substantially new project with a significant increase in capacity over the project that it would replace, no exemption to the Coastal Development Permit Application requirement or **CEQA** applies to **PLN180035**. Monterey County must obtain a Coastal Development Permit and perform a full review under **CEQA** prior to issuance of any building permit for **PLN180035**.

The Monterey County Staff Report for the 9 MAY 2018 Planning Commission Hearing on **PLN180035** includes an Exhibit D, a 28 FEB 2018 Analysis by the Monterey County IT Department. The very first sentence of this Exhibit D states, “The primary intent of the proposed project is to reduce tower loading and modify the structure to provide adequate structural capacity in accordance with the revised Telecommunications Industry Association Structural Standard for Antenna Supporting Structures and Antennas, ANSI/TIA-222-G (“Revision G”), and other applicable codes.” However, on 19 DEC 2017 Black and Veatch performed a Structural Analysis on the County WCF Tower and found the tower already fully compliant with ANSI/TIA-222-G. Yet on 1 JAN 2018 the County of Monterey issued an approval in the form of a “Coastal Design Permit” for **PLN180035**, supposedly to comply with ANSI/TIA-222-G. Why then, has the County of Monterey sought to structurally and seismically reinforce the County WCF Tower? Apparently, the County of Monterey has some ulterior motive for **PLN180035**.

PLN180035 creates the obvious potential for the proliferation of even more visually obstructive antennas. **Monterey County Coastal Zoning Ordinance §20.64.310(D)(1)** exempts “structure mounted antennas as defined in Section 20.64.310(F)(3)” and potentially allows the County of Monterey to attach such antennas without any permit or public review. **Monterey County Coastal Zoning Ordinance §20.64.310(F)(3)** defines “Antenna – Structure Mounted – Any antenna 10 feet or less tall and six inches or less in diameter, attached to a structure not exceeding the height limit for the zoning district.”

An antenna Ten (10) feet tall and six (6) inches in diameter has a surface area of over Sixteen (16) square feet. The County of Monterey and Cal Am have already continuously attached both public and commercial antennas to the existing County WCF Tower located at 4039 Sunset Lane. Later attachment of additional antennas to the **PLN180035** WCF Tower would greatly proliferate the antenna clutter, visual menace, and significant glare at the project site.

The structural and seismic enhancements of **PLN180035** would allow the County of Monterey and Cal Am to add even greater numbers of antennas to the new WCF Tower. The

County of Monterey has failed to put any restriction whatsoever on the number of antennas or the size of antennas that the County and other users may add to the new WCF Tower. Thus the **PLN180035** WCF Tower would create a visual impact and public nuisance well beyond the original impact of the **PLN180035** WCF Tower described in the **PLN180035** "Coastal Design" Permit.

The 9 MAY 2018 Staff Report for **PLN180035**, **PAGE 3**, states, with emphasis "The total surface **and mass** of the new antennas are less than the surface **and mass** that currently exist." However, that same 9 MAY 2018 Staff Report, **PAGE 4**, states, with emphasis "The proposal...structurally reinforces the foundation of the existing tower **to meet building code requirements...**". The Staff Report claims that the County of Monterey wants to reconstruct its WCF Tower to meet building code requirements for structural integrity and seismic stability, yet the County also claims that the Project will reduce the total mass on the tower. Why would the County need to reconstruct a WCF Tower to increase structural integrity and seismic stability of a Tower that the County claims will have a lower structural load? Furthermore, the County WCF Tower already meets the most recent building code standard, **TIA-222-G**. The County of Monterey obviously intends to hyper load the new **PLN180035** with many more antennas of much greater mass than the antennas currently located on the old County WCF Tower located at 4039 Sunset Lane.

4039 Sunset Lane has a slope in excess of 25% and sits at the top of the highest point in Del Monte Forest, the peak of a 802 foot high hill surrounded on 360 degrees by ridgelines. The 17 AUG 2012 Coastal Development Permit Application and Mitigated Negative Declaration for **PLN100516** admits that 4039 Sunset Lane sits on a Ridgeline. The 2014 **PLN100516** WCF DEIR refers to 4039 Sunset Lane and states that "the proposed Project would result in ridgeline development and associated visual impacts..." (DEIR Impact LU-I, Page 4.5-17). The 2014 **PLN100516** WCF DEIR also refers to 4039 Sunset Lane and states "The Project area is part of a ridgeline, making it visible from several areas within the coastal zone..." (DEIR Page 5-3). The 2014 **PLN100516** WCF DEIR further states "The proposed project would potentially conflict with several policies related to ridgeline development and visual resources" (DEIR Page 5-13). The **PLN100516** WCF Tower did in fact conflict with several policies related to ridgeline development and visual resources. The **LCP** requires a Coastal Development Permit for all Ridgeline Development. The **PLN180035** WCF Tower proposal constitutes ridgeline development and violates **CZO 20.64.310(C)(1)**, **CZO 20.64.310(H)(1)(d)** and other provisions of the **LCP**.

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Monterey County required a Coastal Development Permit for **DA96093 / PC96032** (1996 twenty foot extension to **DA95099**, the prior sixty foot Cal Am WCF Tower at 4039 Sunset Lane). **DA96093 / PC96032** also admits the “Project is visible from a public area. (public road, park , slough, beach, trail)”.

Therefore in accordance with **20.06.310, 20.70.025, 20.70.120, 20.62.030**, and **20.66.010, PLN180035** requires a Coastal Development Permit. In accordance with **California Public Resources Code §21000, §21001, §21001.1, §21002, §21004, §21005, §21006, §21065, and §21080, PLN180035** requires review under **CEQA**.

Monterey County violated the LCP and County Flagging and Staking Regulations

With the **PLN180035** Project, the County of Monterey has engaged in a hypocritical double standard. For its own **PLN180035** Project, the County has ignored the Coastal Implementation Plan Requirements for Flagging and Staking. The County has violated the County Ordinance Requirements for Flagging and Staking. The County has violated the Flagging and Staking Requirements and other Standards established by the 2005 PBC Project in the Del Monte Forest, the 2011 AT&T Project in Carmel Valley, and the 2013 MPCC Project in Pebble Beach. The County has violated the Flagging and Staking Requirements and other Development Standards established by the Single Family Homes recently built in the Huckleberry Hill Neighborhood. The County has violated the Flagging and Staking Requirements and other Standards of Residential and Commercial Projects built throughout the Del Monte Forest throughout the last Thirty-Five (35) years.

DMFCIP 20.147.070(A)(1) PAGE 29 requires that the County place poles and flags upon the **PLN180035** Tower Site to accurately indicate the dimensions and visual impact of the **PLN180035** Tower. The County failed to do so. The County also failed to perform a Balloon Study, post Story Poles, Flag, Stake, or erect Nets to indicate the **PLN180035** Tower Project. In enforcement of Private Projects, the County requires all Private Developers to perform these Visual Demonstrations with Nets, Flags, or Balloons of a prominent bright orange color.

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The County did not perform these Visual Demonstrations since they would (1) Constitute a Temporary Public and Private Nuisance, as well as cause a Temporary adverse Significant Environmental Impact, (2) Attract the attention Neighbors, Visitors, and the General Public to create opposition to the **PLN180035** Project Tower, and (3) Demonstrate that the **PLN180035** Tower itself would cause a Permanent Public and Private Nuisance, as well as a Permanent adverse Significant Negative Environmental Impact.

Monterey County failed to provide Notice of the DMFLUAC Hearing as required by the LCP

Monterey County failed to provide sufficient notice of the 3 MAY 2018 DMFLUAC Hearing for **PLN180035**. Monterey County failed to provide notice to the HHNA, or to Jameson Halpern, Esquire, the Attorney of Record for the HHNA and those Neighbors that live adjacent to 4039 Sunset Lane. This violates **CZO 20.84**, the **DMFLUP**, and due process.

The **DMFLUP**, **PAGE 62**, states with emphasis “**The County provides a mechanism for advice and comment from appointed community representatives on permit matters** and on long-range decisions affecting planning and land management. In the Del Monte Forest, this occurs on a regular basis through the Planning Commission-appointed **Del Monte Forest Land Use Advisory Committee**. The general public is encouraged to attend and participate in County public meetings and hearings concerning administration of the LUP or processing of development applications pursuant to the LUP. **Such hearings are noticed in local newspapers and by similar measures.**” The County failed to publish notice of the DMFLUAC Hearing in *any* local newspaper. The County failed to post notice of the DMFLUAC Hearing at 4039 Sunset Lane.

The County also failed to notify Jameson Halpern, Esquire of the DMFLUAC Hearing, even though the County knows full well that Jameson Halpern, Esquire represents the HHNA and the Neighbors that live near 4039 Sunset Lane. In fact, Jameson Halpern, Esquire has represented the HHNA in its opposition to the County’s WCF Tower Projects at 4039 Sunset Lane for the past six years.

The County of Monterey has received communications from Jameson Halpern, Esquire since the County first mailed notice of its approval of PLN180035 on 13 FEB 2018. The County has a record of the home address, home phone number, and email address for Jameson Halpern, Esquire. Between 13 FEB 2018 and 3 MAY 2018, an eighty (80) day time period, the

Huckleberry Hill Neighborhood Association

County of Monterey and Jameson Halpern, Esquire discussed PLN180035 multiple times, but the County never informed Jameson Halpern, Esquire of the DMFLUAC Hearing.

Jameson Halpern, Esquire mailed a Formal Objection to **PLN180035** on 20 FEB 2018. Within a few days of receiving that Formal Objection, Craig Spencer, Supervising Planner, the Planner of Record for **PLN180035**, telephoned Jameson Halpern, Esquire and promised “to add you [Jameson Halpern, Esquire] to the Notice List [for PLN180035]”. The County never provided notice of the DMFLUAC Hearing to Jameson Halpern, Esquire. The County never mailed, telephoned, or emailed Jameson Halpern, Esquire to notify him of the DMFLUAC Hearing.

The County of Monterey received six (6) formal written objections and requests for records from the HHNA and Jameson Halpern, Esquire on 20 FEB 2018, 12 MAR 2018, 18 MAR 2018, and 30 APR 2018. The County of Monterey also received eight (8) emails from the HHNA and Jameson Halpern, Esquire between 18 FEB 2018 and 3 MAY 2018. The County of Monterey also received approximately a dozen (12) phone calls from Jameson Halpern, Esquire between 18 FEB 2018 and 3 MAY 2018. However, the County never mentioned the DMFLUAC Hearing to the HHNA or to Jameson Halpern, Esquire.

The County of Monterey sent an email to the HHNA and Jameson Halpern, Esquire on 30 APR 2018 that contained a Notice for the 9 MAY 2018 Planning Commission Hearing. The County of Monterey sent an email to the HHNA and Jameson Halpern, Esquire on 2 MAY 2018 that contained an Agenda for the 9 MAY 2018 Planning Commission Hearing. Both of these emails, however, neglected to mention the 3 MAY 2018 DMFLUAC Hearing.

Since the County of Monterey excluded the HHNA and Jameson Halpern, Esquire from the DMFLUAC Hearing, the DMFLUAC did not consider any of the persuasive arguments and evidence that the HHNA has in favor of including a Fiberglass Tree Disguise in **PLN180035**. The DMFLUAC did not consider that **PLN180035** violates the WCF Tower Permit Requirements for 4039 Sunset Lane. The DMFLUAC did not consider that **PLN180035** violates the WCF Tower Development Standards as enforced by the County of Monterey within the Del Monte Forest. The DMFLUAC did not consider that **PLN180035** in conjunction with **CZO §20.64.310(D)(1)** would create a visual impact and public nuisance well beyond the original impact of the **PLN180035** Tower described in the **PLN180035** “Coastal Design” Permit.

In July of 2012, Jameson Halpern, Esquire argued against the **PLN100516** Huckleberry Hill NGEN WCF Tower before the Del Monte Forest Land Use Advisory Committee (DMFLUAC). The DMFLUAC unanimously (5 to 0) rejected the Huckleberry Hill NGEN WCF Tower **PLN100516**. Perhaps for that reason, the County of Monterey decided to deny the HHNA and Jameson

Halpern, Esquire an opportunity to comment at the **PLN180035** WCF Tower Project DMFLUAC Hearing. Monterey County should have properly noticed the 3 MAY 2018 DMFLUAC Hearing

The **DMFLUP Page 59** states, with emphasis:

“CDP [Coastal Development Permit] applications are subject to review by: 1) the Del Monte Forest Architectural Review Board (ARB), a private body whose review authority is established by CC&Rs that are incorporated in the deeds of property in the Del Monte Forest, and 2) **the Del Monte Forest Land Use Advisory Committee (LUAC)**, an advisory body to the County Zoning Administrator, Planning Commission, and Board of Supervisors. **The principal charge of these committees is to review CDP applications and make recommendations to the County decision-making bodies regarding consistency with deeds (ARB) and LCP requirements (ARB and LUAC).** Decisions on CDPs are made at the County level by the County Zoning Administrator, Planning Commission, and Board of Supervisors, where each lower body decision is appealable to the higher body. In addition, because all of the Del Monte Forest is seaward of the first through public road and the sea, all County CDP approval decisions are appealable to the Coastal Commission, as are any local actions (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility.”

Monterey County Resolution #08-338 Exhibit A 1(d) states:

The applicable LUAC shall review projects that require the following: Design Approvals for projects subject to review by the Zoning Administrator or Planning Commission.”

Monterey County’s failure to properly notice the 3 MAY 2018 DMFLUAC Hearing has the same effect as if the County had never held that Hearing at all. The **DMFLUP**, **LCP**, and the County’s own **LUAC Resolution #08-338** require DMFLUAC review for all projects in the Del Monte Forest that require review by the Zoning Administrator or Planning Commission. The Planning Commission reviewed **PLN180035**. Therefore, the County of Monterey should have properly noticed the 3 MAY 2018 DMFLUAC Hearing.

Mitigation Requirement applies to 4039 Sunset Lane with or without PLN180035

With or without **PLN180035**, the County of Monterey's own Regulations, the **LCP**, the prior permits that allowed the construction of the two towers at 4039 Sunset Lane, and the standards for development of WCFs in Del Monte Forest clearly require that the County and Cal Am immediately implement all available mitigating technologies. These technologies presently include Fiberglass Tree Disguises, as well as Tree Screening Plans.

On 25 AUG 2009, the Monterey County Board of Supervisors considered an appeal of **DA90057**, a design permit to replace three antennas on the Cal Am WCF Tower located at 4039 Sunset Lane. The Cal Am WCF Tower sits 27 feet from the County WCF Tower on the same two parcels of the Del Monte Forest. The Board of Supervisors approved the permit, subject to several conditions of approval. These conditions of approval included **Permit Condition #4 and #6** of the Board of Supervisors Order:

**PD039(B) – WIRELESS COMMUNICATION
FACILITIES**

The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. (RMA – Planning Department)

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.”

This condition applies not only to the 80 foot Cal Am WCF Tower located at 4039 Sunset Lane, but also applies to the immediately adjacent 80 foot County WCF Tower also located at 4039 Sunset Lane. The County’s Project must comply with all of the same laws and regulations that apply to private development. **PLN180035** contemplates replacing an old WCF Tower with a substantially new WCF Tower. Therefore, the County of Monterey must utilize technological advances for the reduction of visual impacts that include incorporating a Fiberglass Tree Disguise into **PLN180035** as part of the facility’s normal replacement schedule.

DA90057 also states “Project is visible from a public area. (public road, park, slough, beach, trail)”. Thus **PLN180035**, sitting in the same location as **DA90057** and consisting of a 80 foot industrial WCF Tower arrayed with antennas, would also have visibility from public areas, and would create a negative visual impact on its surroundings, negatively affect the project parcel and surrounding parcels, and deteriorate the character of the Huckleberry Hill Neighborhood, Del Monte Forest, and Coastal Zone.

PLN180035 violates the Del Monte Forest WCF Tower Development Standards

PLN180035 violates the WCF Tower Development Standards as enforced by the County of Monterey within the Del Monte Forest. The County of Monterey established development standards for WCF Towers in the Del Monte Forest when the County issued conditions for approval in the permits for the 2005 Pebble Beach Company (PBC) WCF Project and the 2013 Monterey Peninsula Country Club (MPCC) WCF Project. The County approved six WCF Towers for the PBC Project, and PBC actually built five of them. The County approved a single WCF Tower for the MPCC Project. The California Public Resources Code statutorily exempts MPCC from the Coastal Zone.

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	Lack of Notice

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

Huckleberry Hill Neighborhood Association

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.

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.

Monterey County required PBC to locate each of the WCF Towers at least 250 feet away from the nearest residential neighbor. Ultimately, PBC cancelled the Del Ciervo WCF Tower, and the as built WCF Towers each stand at least 400 feet away from the nearest residential neighbor. Monterey County required PBC to include an elaborate Fiberglass Tree Disguise for each of the WCF Towers to conceal the towers and all of their antennas. Monterey County required PBC to provide what the County itself described as “thick”, “full”, or “wide” tree screens for each of the PBC WCF Towers. The County required PBC to flag and stake each WCF Tower throughout the entire project application process. The County required PBC to obtain approval from the DMFLUAC.

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 two parcels with a total area of .09 Acre. Due to the presence of two roadway easements, those parcels actually have a usable area of only .02 Acre. The **PLN180035** Project has no disguise at all and has only a sparse group of trees that would sit well below the top of the WCF Tower. The County failed to flag and stake **PLN180035**. The County failed to properly notice the **PLN180035** DMFLUAC Hearing.

MPCC PROJECT compared to PLN180035 PROJECT

WCF TOWER	Disguise	Staking and Flagging	DMFLUAC
MPCC Project	Fiberglass Tree	Complete	Approval
PLN180035 Project	NONE	NONE	Lack of Notice

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

Huckleberry Hill Neighborhood Association

Monterey County required MPCC to locate the WCF Tower 270 feet away from the nearest residential neighbor. Monterey County required MPCC to include an elaborate Fiberglass Tree Disguise for the WCF Tower to conceal the tower and all of its antennas. Monterey County required MPCC to integrate the WCF into a golf course with trees to further screen the tower from residences, scenic corridors, and scenic vistas. The County required MPCC to flag and stake the WCF Tower throughout the entire project application process. The County required MPCC to obtain approval from the DMFLUAC.

The County of Monterey required MPCC to carefully pattern the color and mold of its tree disguise not just on any pine tree, but on trees in the immediate vicinity of the WCF Tower site. The County of Monterey also required MPCC to include such minor details as nesting cavities, knotholes, and broken branches.

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 two parcels with a total size of .09 Acre. Due to the presence of two roadway easements, those parcels actually have a usable area of only .02 Acre. The **PLN180035** Project has no disguise at all and has only a sparse group of trees that would sit well below the top of the WCF Tower. The County failed to flag and stake **PLN180035**. The County failed to properly notice the **PLN180035** DMFLUAC Hearing.

No Permit Ever Issued for the Existent County WCF Tower at 4039 Sunset Lane

On 12 MAR 2018, the HHNA submitted a request for records to the County of Monterey in accordance with the provisions of the **California Public Records Act**. This Request included the following documents:

- C. Please deliver copies of ALL Records that relate to wireless towers located at **APN #008-111-016-000** and **APN #008-111-017-000**, excluding records from PLN100516.*
- D. Please deliver copies of ALL Records that relate to wireless towers located at **4039 Sunset Lane** or **4041 Sunset Lane**, excluding records from PLN100516.*

HHNA later modified that Record Request to include additional documents:

E. Please deliver, in electronic format (on a DVD) copies of ALL Records that related to PLN100516 (The NGEN Project).

The HHNA Records Request clearly includes every permit ever issued to construct a WCF at 4039 Sunset Lane. However, neither the dozens of records on CDs provided by the County, nor the eighteen (18) boxes of records inspected by Jameson Halpern, Esquire at the County of Monterey Planning Department contain **any permit whatsoever** for the construction of the existent County WCF Tower located at 4039 Sunset Lane. Apparently, the County of Monterey never actually obtained a permit to build its existent WCF Tower located at 4039 Sunset Lane.

The 9 MAY 2018 Monterey County Planning Commission Staff Report, PAGE 2 claims that in 1995 Monterey County issued Permit **DA95099** to build the Monterey County WCF Tower at 4039 Sunset Lane. The 9 MAY 2018 Monterey County Planning Commission Staff Report, PAGE 2 also claims that in 1996 Monterey County issued Permit **PC96032** to enlarge the Monterey County WCF Tower by 20 Feet.

However, both **DA95099** and **PC96032** refer not to the Monterey County WCF Tower, but rather to the Cal Am WCF Tower also located at 4039 Sunset Lane. Furthermore, **DA95099** contains diagrams and memorandums that demonstrate that in 1995 the 80 foot industrial metal lattice County of Monterey WCF Tower already existed. Thusly, neither the 1995 Permit **DA95099** nor the 1996 Permit **PC96032** could possibly have authorized the construction of the County WCF Tower.

Please notice that the 26 APR 1995 Cal Am Letter that accompanies the Public Record for **DA95099** states, with emphasis, **“There is also a wooden antenna tower located at this water-tank facility that belongs to Cal-Am, along with several other wooden poles used for antenna tower owned by other utilities and one metal lattice tower owned by the Monterey County....Cal-Am proposed to replace its existing wooden tower with a metal lattice-designed tower....”**. **DA95099** authorizes the construction of the Cal Am WCF Tower. **DA95099** does not authorize the construction of the County WCF Tower. In fact, **DA95099** shows that the construction of the County WCF Tower predated **DA95099**.

Huckleberry Hill Neighborhood Association



California-American Water Company

Monterey Division
50 Ragsdale Dr., Suite 100, P.O. Box 951 • Monterey, CA 93942-0951
(408) 373-3051 FAX (408) 375-4367

443-737

April 26, 1995

Ms. Linda Weiland
Monterey County Planning Department
P.O. Box 1208
Salinas, Ca 93902

Re: California-American Water Company
Radio Communication Antenna Replacement

Dear Ms. Weiland:

California-American Water Company (Cal-Am) currently operates a proprietary two-way radio system for communications between Company employees. This system includes a repeater station on Huckleberry Hill in Monterey, AP No. 8-111-17. This parcel is owned by Cal-Am and is utilized as a terminal water-storage facility. There is also a wooden antenna tower located at this water-tank facility that belongs to Cal-Am, along with several other wooden poles used for antenna towers owned by other utilities and one metal lattice tower owned by the Monterey County.

Cal-Am proposes to replace its existing wooden tower with a metal lattice-designed tower. The wooden tower is deteriorating and is becoming unsafe for technicians to climb when repairs of the installed antenna are necessary. It is not necessary to disturb or relocate any vegetation on the premises, and the proposed replacement tower is located as close to the existing tower as possible (see site plan). It is necessary to have the replacement tower installed before dismantling the existing wooden tower as communication between Cal-Am employees must be maintained. Once the replacement tower is installed, the existing wooden tower will be removed.

If you have any questions or need further information, please contact me.

Sincerely,

Mario Iglesias
Loss Control Manager

MI/llm

Huckleberry Hill Neighborhood Association

The HHNA filed an addendum to its Public Records Request on 30 APR 2018 and asked the County to “(F) Please deliver, in electronic format (on a DVD) copies of the original permits for the Monterey WCF Tower at 4039 Sunset Lane.” The County responded as follows:

The Monterey County Resource Management Agency has no additional records responsive to this request beyond what has already been produced.

The County of Monterey never produced the original planning and building permits for construction of the County WCF Tower. Therefore, either the County of Monterey has concealed those permits, or those permits simply never existed.

Since the Design Permit **PLN180035** depends upon the original Coastal Development Permit for construction of the existent County WCF Tower located at 4039 Sunset Lane, and since no such permit exists, **PLN180035** has no legal validity at all. Construction of a new County WCF Tower would require a new Coastal Development Permit and review under **CEQA**.

Conclusion

Monterey County has thoroughly demonstrated an inability to regulate itself. Monterey County has engaged in a hypocritical double standard, strictly applying land use rules and development standards to private projects, whilst simultaneously entirely disregarding those very same rules and standards when reviewing the County’s own projects.

The project site of **PLN180035**, 4039 Sunset Lane, consists of two parcels of .09 Acres with two roadway easements and thus has a usable area of only .02 Acres. The project site has visibility from the 17-Mile Drive Scenic Corridor, the Highway 68 Scenic Corridor, Scenic Vista Huckleberry Hill Outlook Two, the Del Monte Forest, and Coastline of California. The project site sits 15 feet away from three residential neighbors in the middle of a residential suburb and scenic forest in the Del Monte Forest and California’s Coastal Zone. The project site sits atop the highest hill in the Del Monte Forest, and Ridgelines surround it on all sides. Monterey County’s own land use records describe the site as highly visually sensitive. The particular characteristics of 4039 Sunset Lane preclude the site from serving as an appropriate location for an industrial metal lattice WCF Tower of the type contemplated by **PLN180035**.

Huckleberry Hill Neighborhood Association

The County failed to provide sufficient notice for the **PLN180035** DMFLUAC Hearing. The County failed to flag and stake **PLN180035**. The County failed to include a Fiberglass Tree Disguise and Tree Screen as conditions for approval of **PLN180035**.

PLN180035 violates the **United States Constitution**, and the **Constitution of California**. **PLN180035** violates the **California Environmental Quality Act (CEQA)**, the **California Coastal Act**, and **Title 7 of the California Government Code**. **PLN180035** violates the **Monterey County General Plan**, and the **Monterey County Local Coastal Program**. **PLN180035** violates the WCF Tower Permit Requirements for 4039 Sunset Lane. **PLN180035** violates the WCF Tower Development Standards as enforced by the County of Monterey within the Del Monte Forest.

In the past twenty years, the County of Monterey's development of Wireless Communications Facilities at 4039 Sunset Lane has caused the residents in the Huckleberry Hill Neighborhood to file more than one hundred and forty (140) formal written objections to the County's development. Over that same time period, residents of the Huckleberry Hill Neighborhood have also made countless informal inquires and complaints about the nuisance caused by the WCF Towers and Antennas located at 4039 Sunset Lane. Throughout the history of the County's development of WCF Towers and Antennas at 4039 Sunset Lane the County has largely ignored the residents of the Huckleberry Hill Neighborhood. With **PLN180035**, Monterey County continues pursue development that would cause a public nuisance in the Huckleberry Hill Neighborhood, the Del Monte Forest, and the Coastal Zone.

LIST OF EXHIBITS

Please see DVD for Contents of Exhibits

EXHIBIT	DESCRIPTION
A	Tower Visual Comparison
B	Tower Site Parcel Comparison
C	Flagging and Staking Comparison
D	Industrial Radiation Warnings and Industrial Hazards at 4039 Sunset Lane
E	Official Documents

Huckleberry Hill Neighborhood Association

Duly Submitted,

JAMESON RICHARD HALPERN, ESQUIRE

PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION

CALIFORNIA STATE BAR LICENSE #236665

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.

Huckleberry Hill Neighborhood Association

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

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

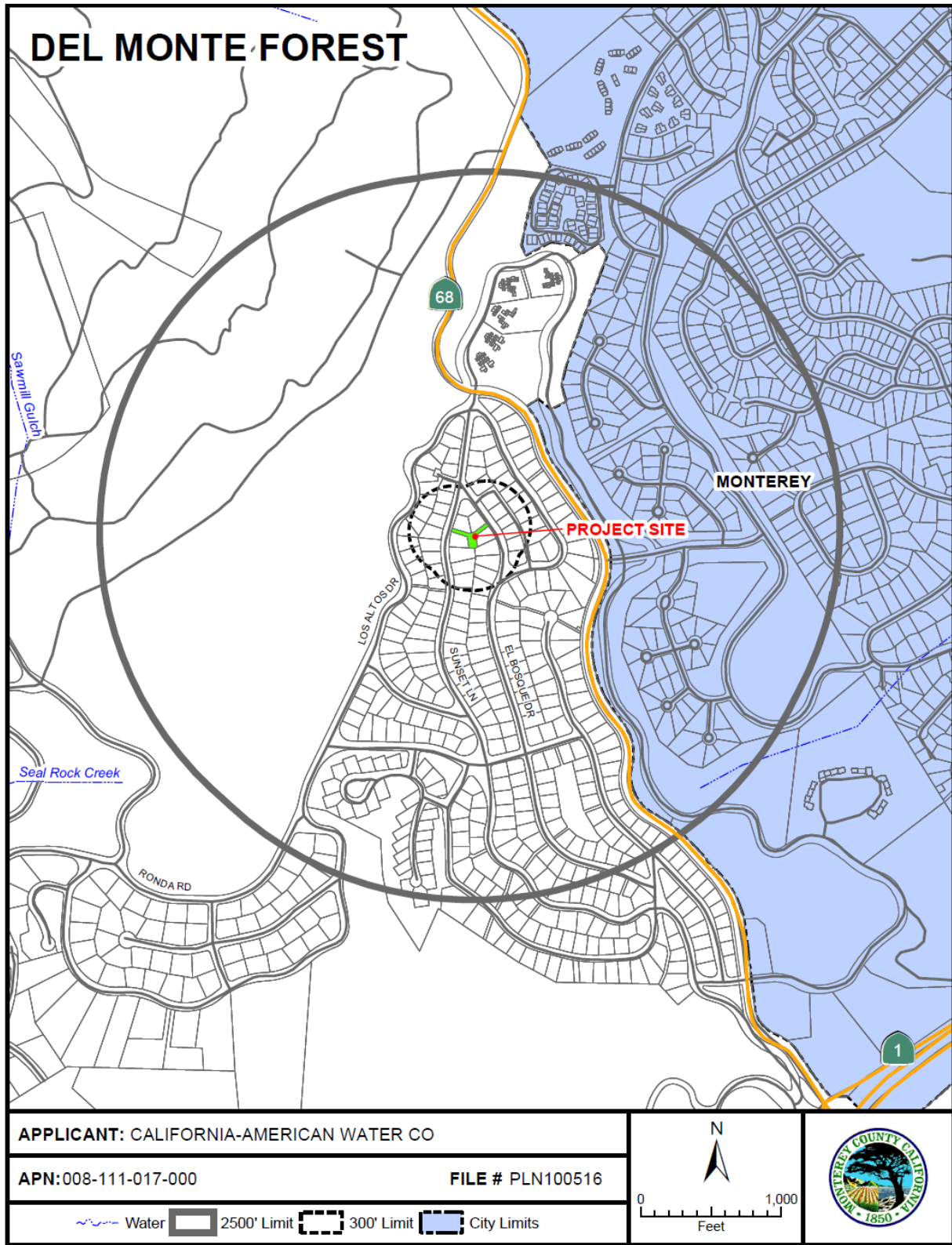
Soil Reports: None

Others

Urbanized Area 2010: None

TAMC Development Fee Area: Peninsula-South Coast

Traffic Fee Impact Area: None



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.

Parcels have two roadway easements. Usable Parcel Size of about .02 Acres.

OUTLOOK TWO SCENIC VISTA

HIGHWAY 68 SCENIC CORRIDO



17 MILE DRIVE SCENIC CORRIDOR

HUCKLEBERRY HILL (PLN180035) TOWER SITE

PLN100516 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**, a 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 HHNA files an Objection and Comment to the EIR (**AUG 2014**)
- The County Board of Supervisors cancelled the **PLN100516** Huckleberry Hill NGEN Tower WCF Project (**JUN 2016**)
- The County of Monterey has committed itself to ultimately spend **\$30,000,000** on the NGEN System, and the system will never work properly.

Two Existing Towers (27 NOV 2012) extend Five (5) to Fifteen (15) Feet above the Highest Tree , and have more than Thirty (30) Feet of Exposure in various locations at 4039 Sunset Lane

These Industrial Towers create an eyesore, with visual obstruction and aesthetic degradation



FOUNDERS BUILDING TOWER PBC PROJECT

Tree Disguise Wireless Tower blends almost seamlessly into the background setting



FOREST LAKE TOWER PBC PROJECT

Tree Disguise Wireless Tower blends almost seamlessly into the background setting



PEBBLE BEACH CORPORATE YARD TOWER SITE MAP

Adjacent to Pebble Beach Company Industrial Facility and Old Quarry.

More than 1000 Feet from the Nearest Residence. Parcel Size of about 472 Acres.



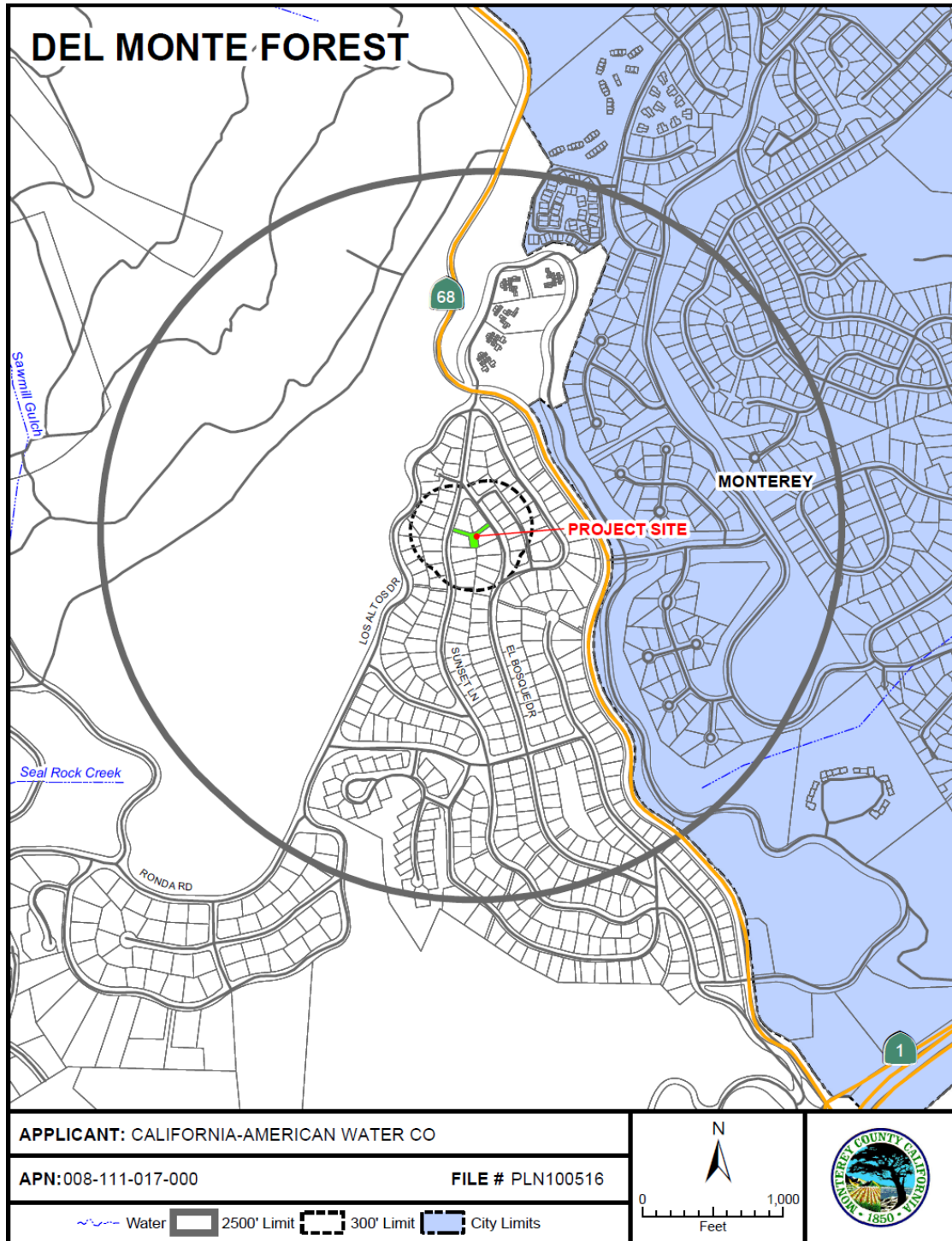
EXHIBIT B

WIRELESS TOWER PROJECT PARCEL COMPARISON

Please note that on the below maps, the first set of dotted lines refers to 300 Feet from the border of the parcel, not 300 feet from the Tower Site. The second set of dotted lines refers to the 2500 Foot from the border of the parcel, not 2500 feet from the Tower Site.

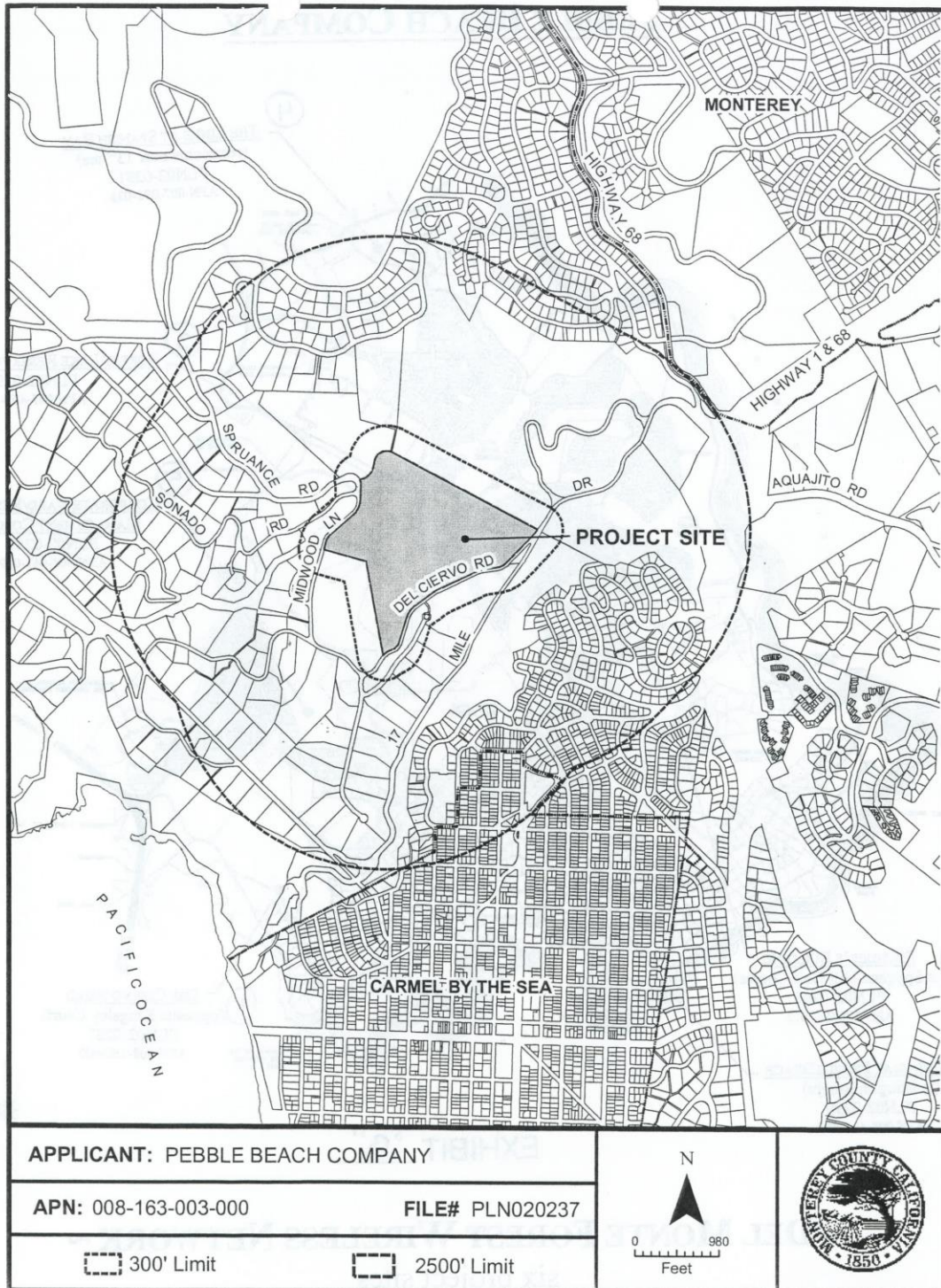
4039 Sunset Lane PLN180035 PROJECT

Less than 15 Feet to Three Nearest Residential Neighbors, Parcel Size .09 Acre



DEL CIERVO TOWER PBC PROJECT

250 Feet to Nearest Residential Neighbor, Parcel Size 117 Acre



FOUNDERS BUILDING TOWER PBC PROJECT

400 Feet to Nearest Residential Neighbor, Parcel Size 4 Acre + Golf Course

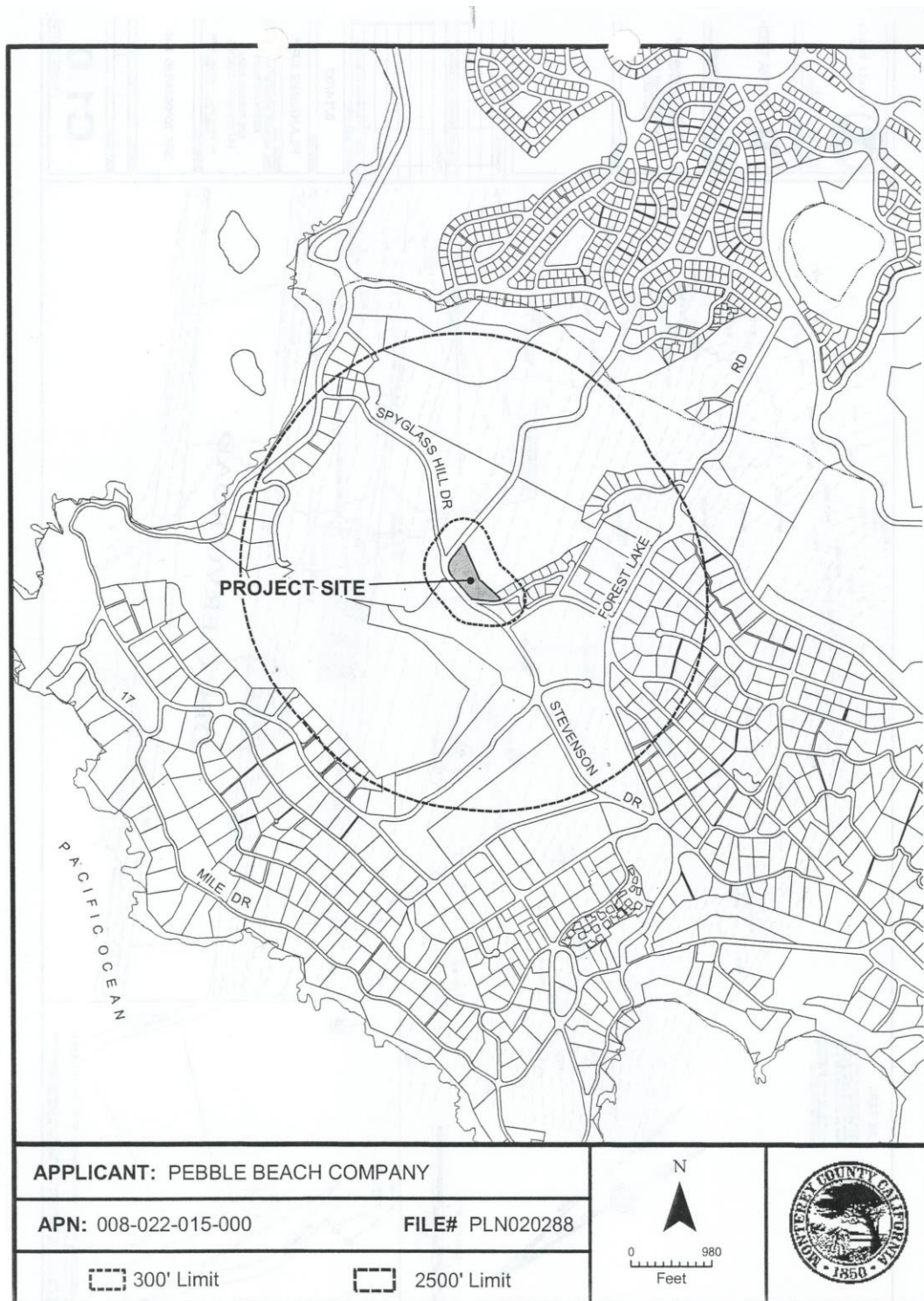


EXHIBIT "B.2"

PLANNER: LEE

FOREST LAKE TOWER PBC PROJECT

600 Feet to Nearest Residential Neighbor, Parcel Size 37 Acre

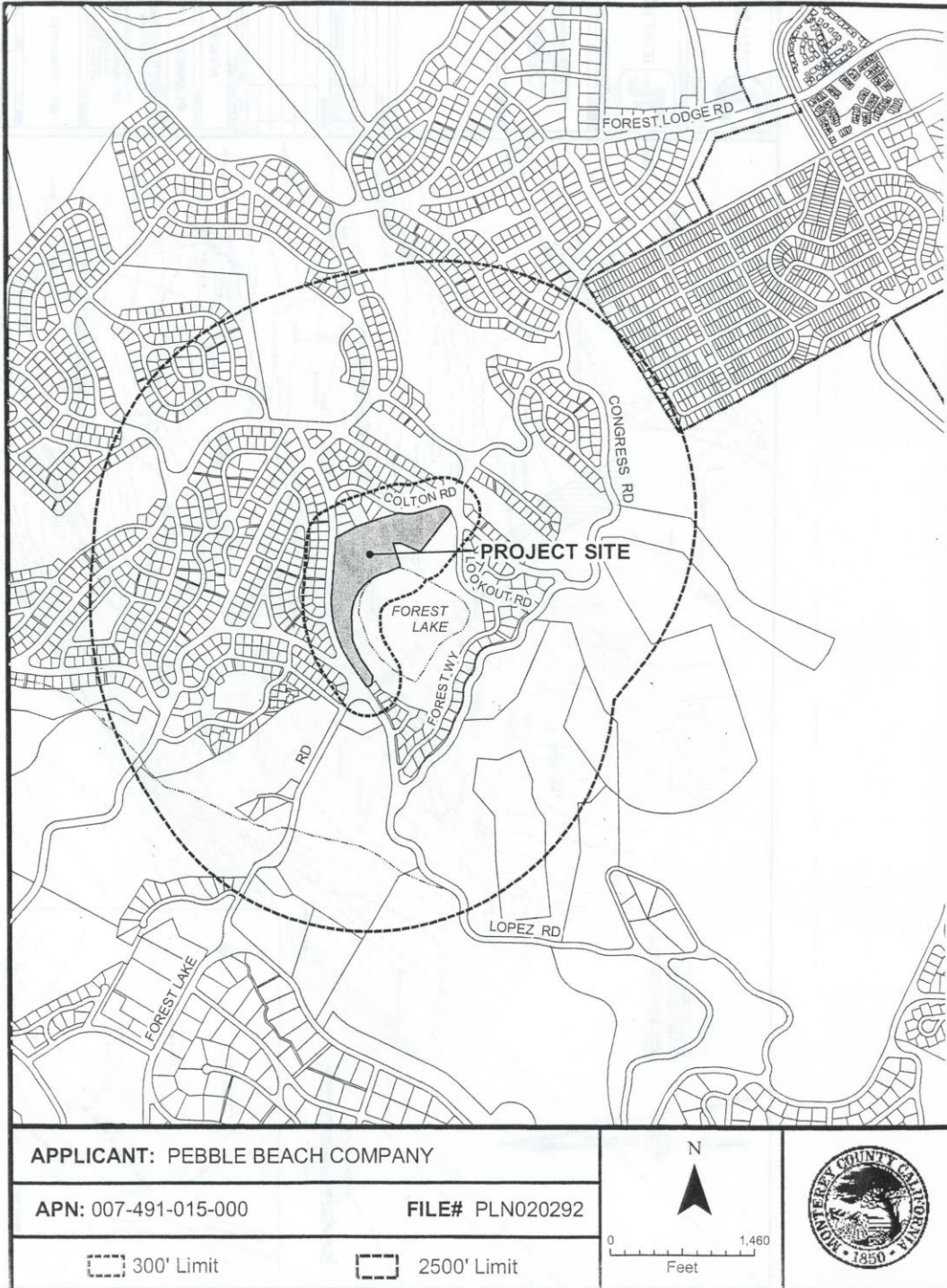
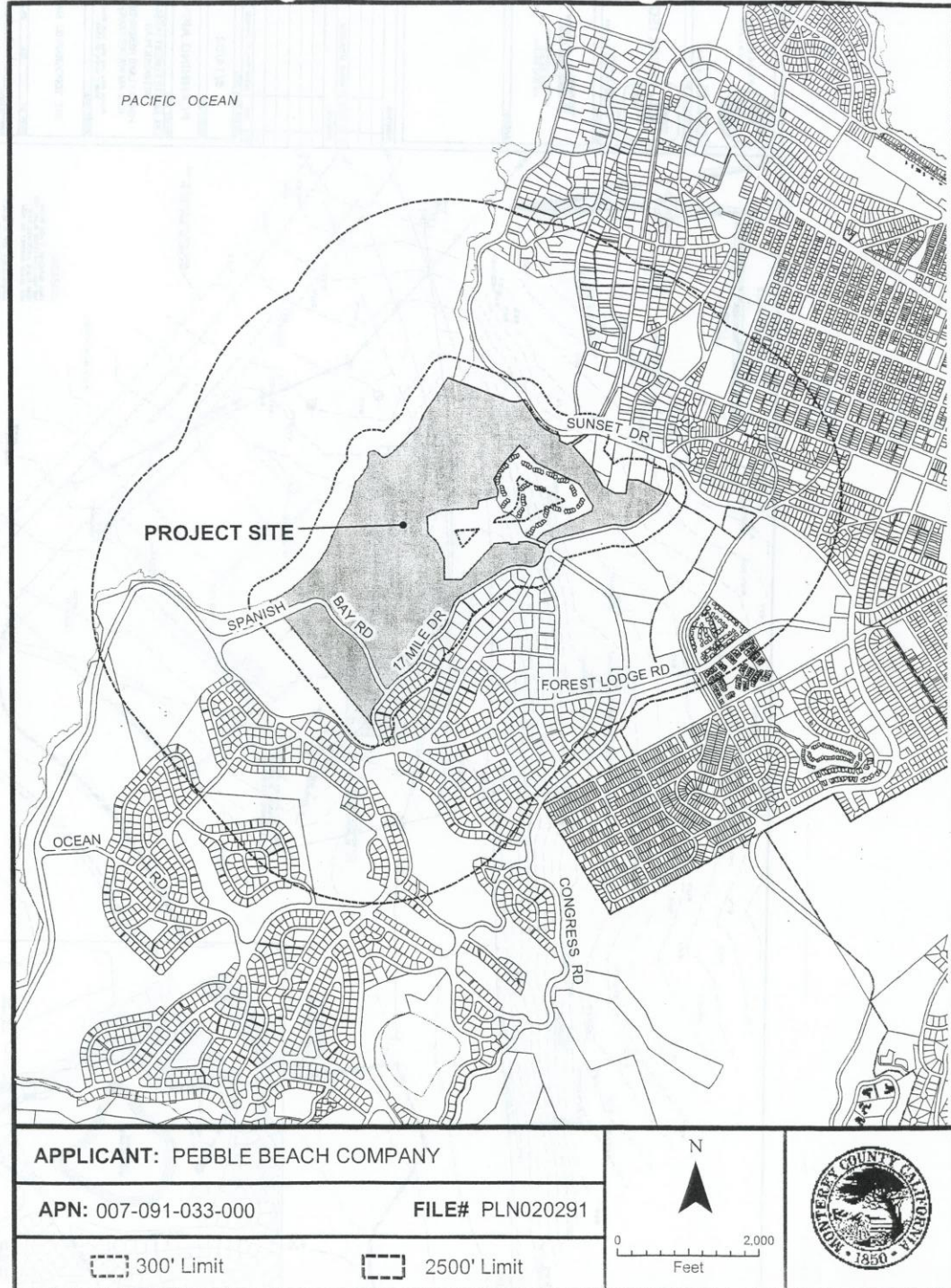


EXHIBIT "B.3"

PLANNER: LEE

SPANISH BAY TOWER PBC PROJECT

650 Feet to Nearest Residential Neighbor, Parcel Size 200 Acre



CORPORATE YARD TOWER PBC PROJECT

1000 Feet to Nearest Residential Neighbor, Parcel Size 472 Acre

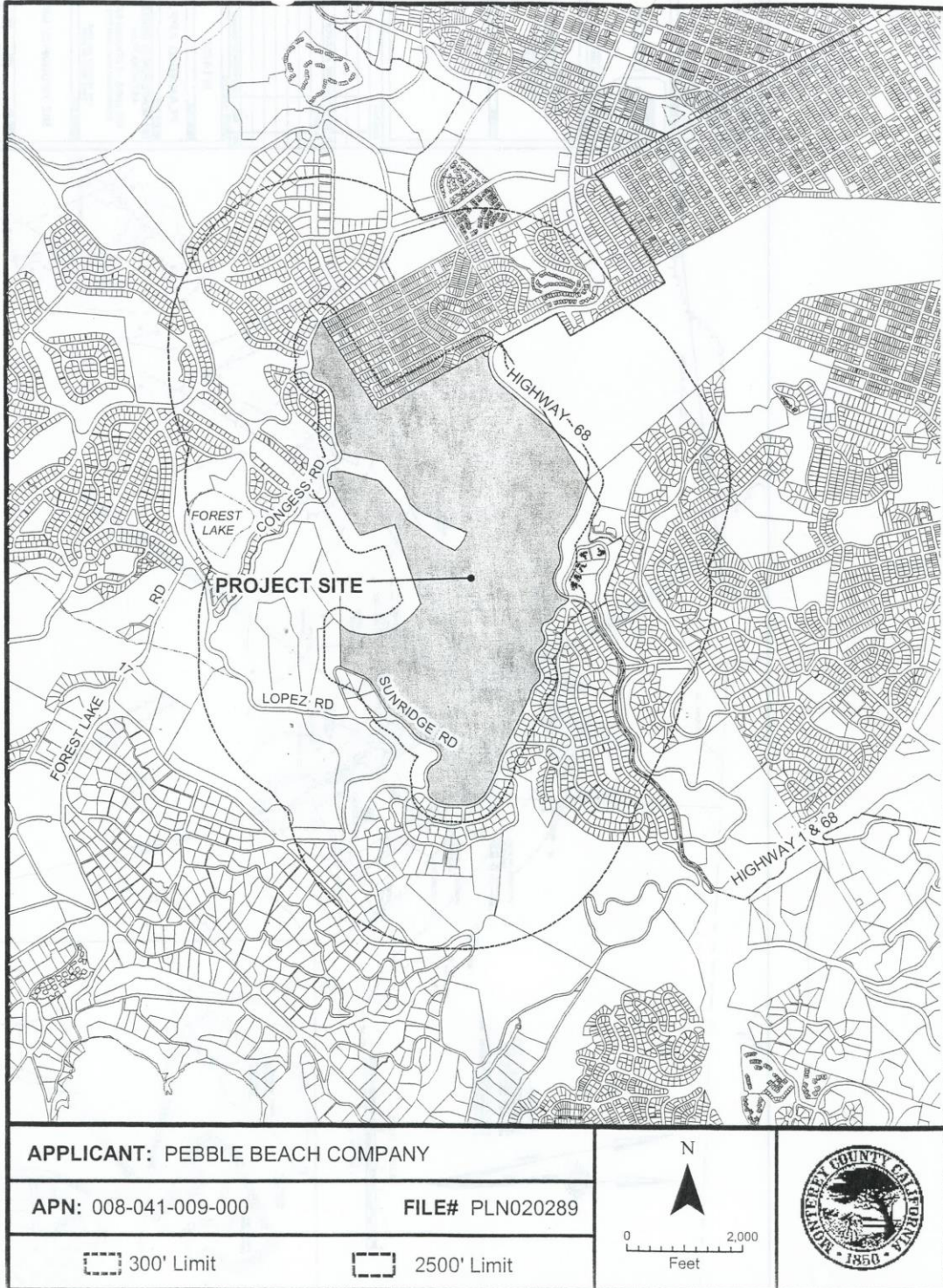


EXHIBIT 'B.5'

PLANNER: LEE

THE LODGE TOWER PBC PROJECT

Not Visible to Residential Neighbors, Parcel Size 7 Acre

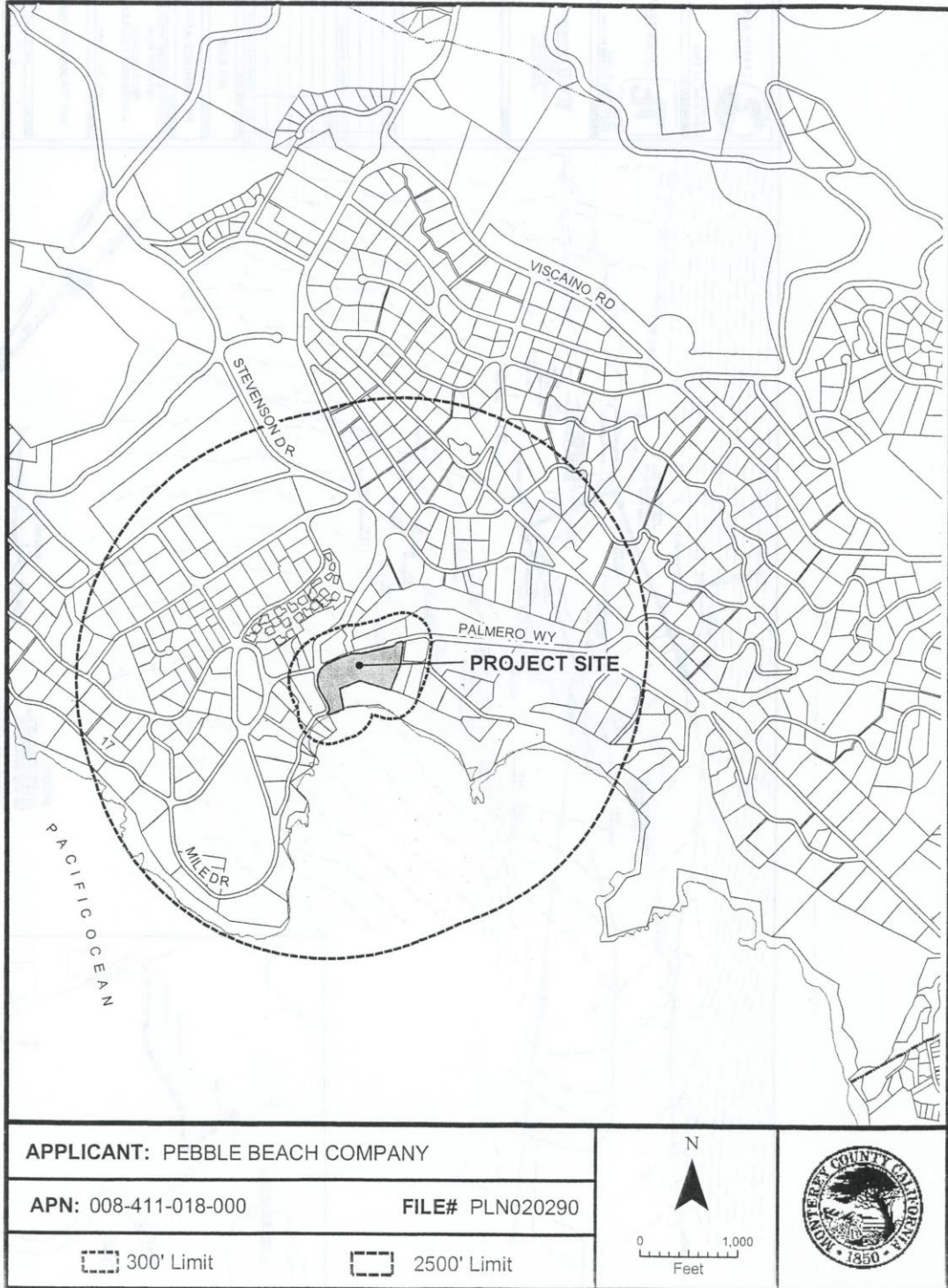
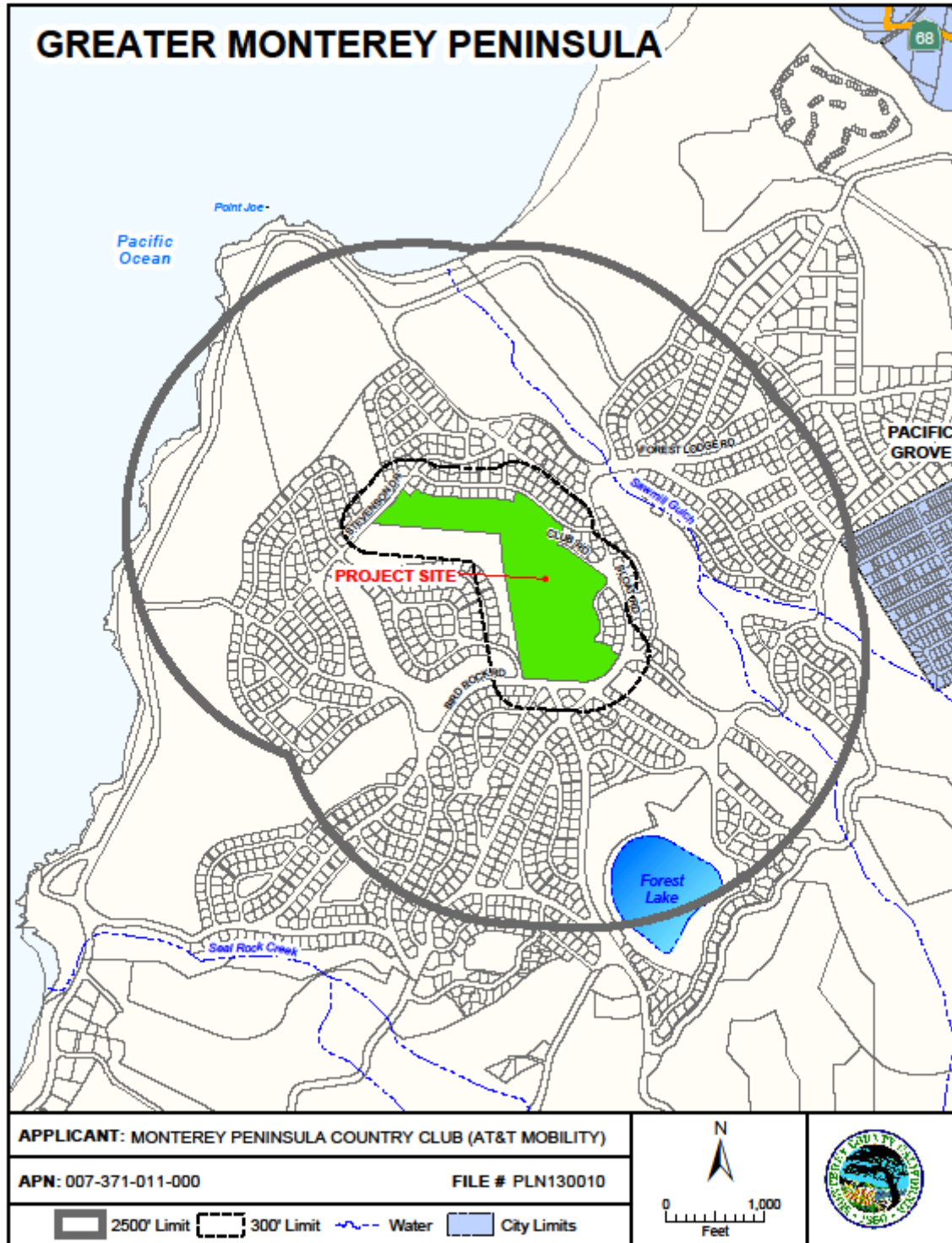


EXHIBIT "B.6"

PLANNER: LEE

MONTEREY PENINSULA COUNTRY CLUB (AT&T) TOWER PROJECT

270 Feet to Nearest Residential Neighbor, Parcel Size 400 Acres



HOLMAN RANCH TOWER PROJECT

1000 Feet to Nearest Residential Neighbor, Parcel Size 175 Acres

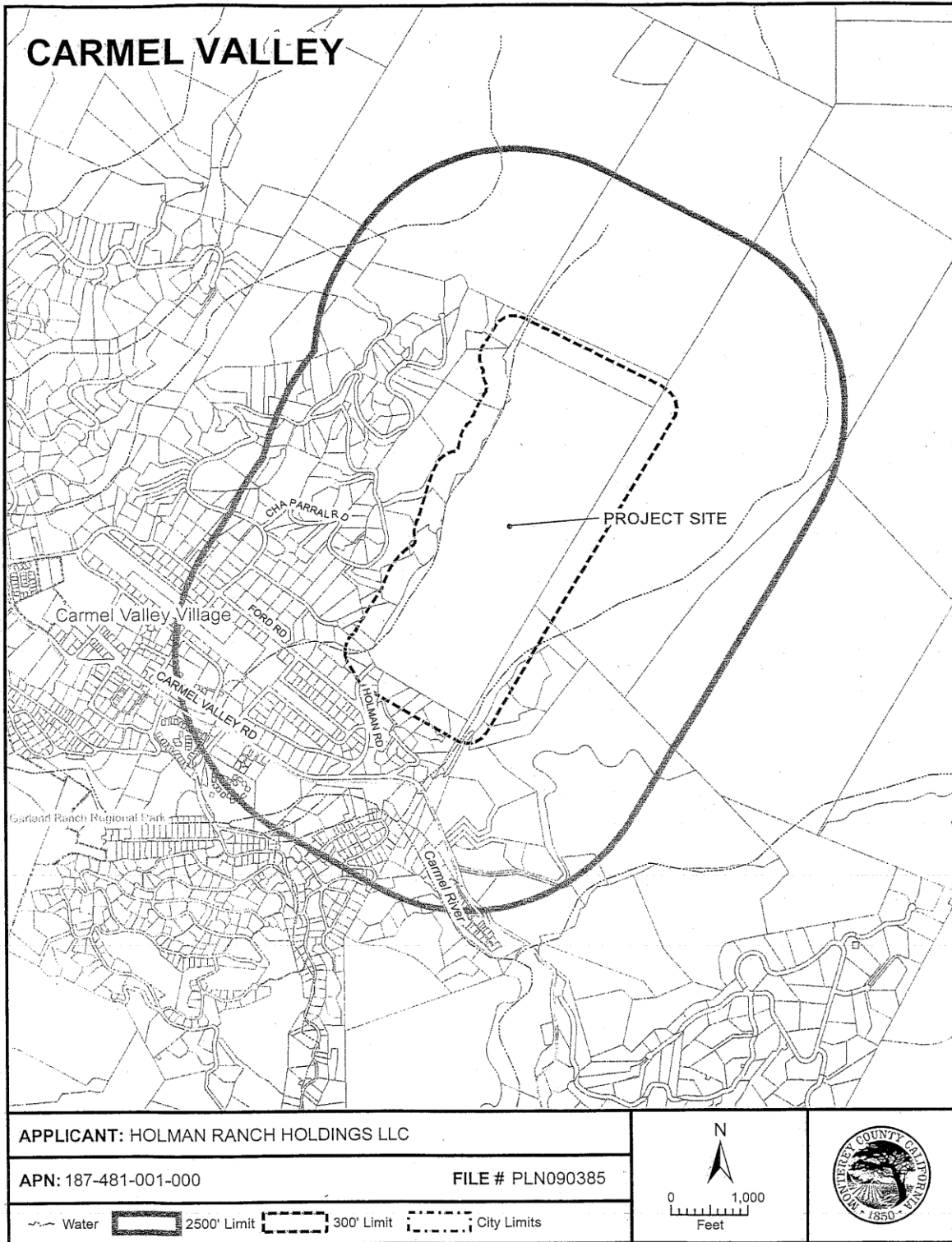


EXHIBIT C

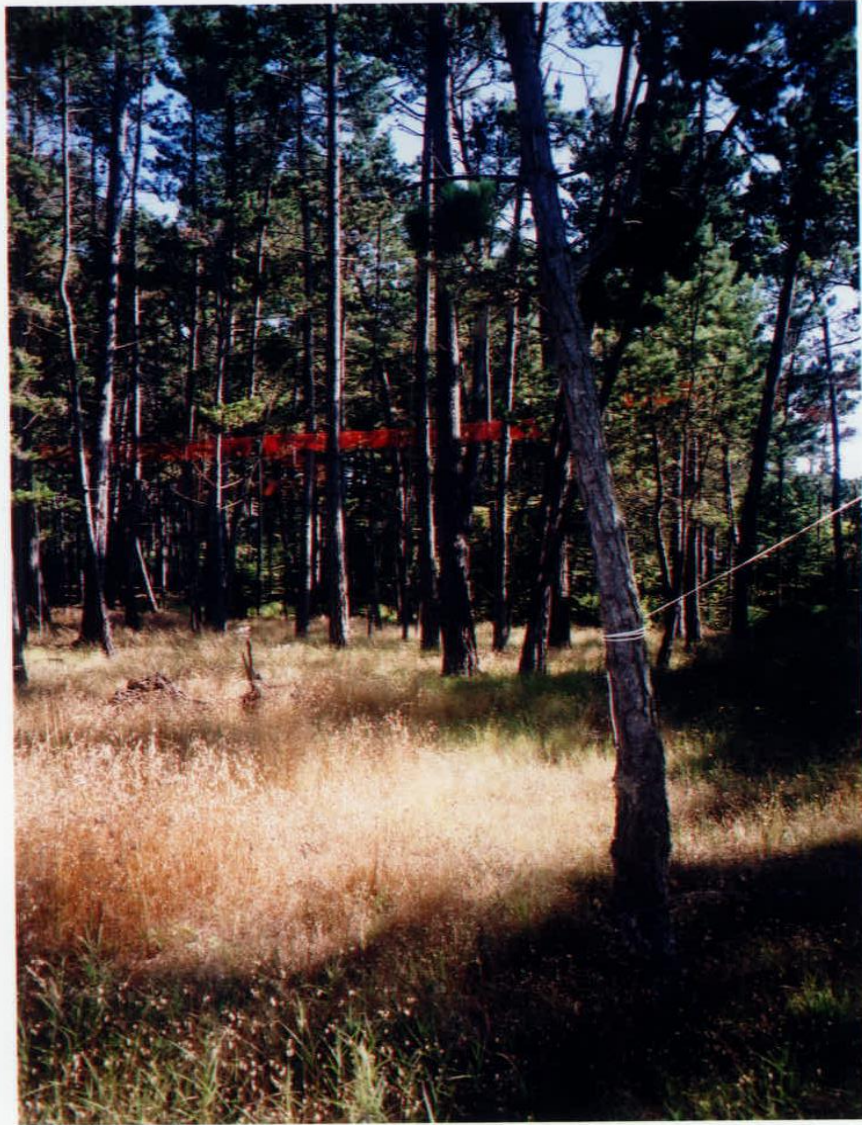
FLAGGING AND STAKING COMPARISON

1993 Addition to the Lodge at Pebble Beach



FLAGGED AND STAKED VERTICALLY AND HORIZONTALLY

2007 Single Family Home at 1264 Lisbon Lane

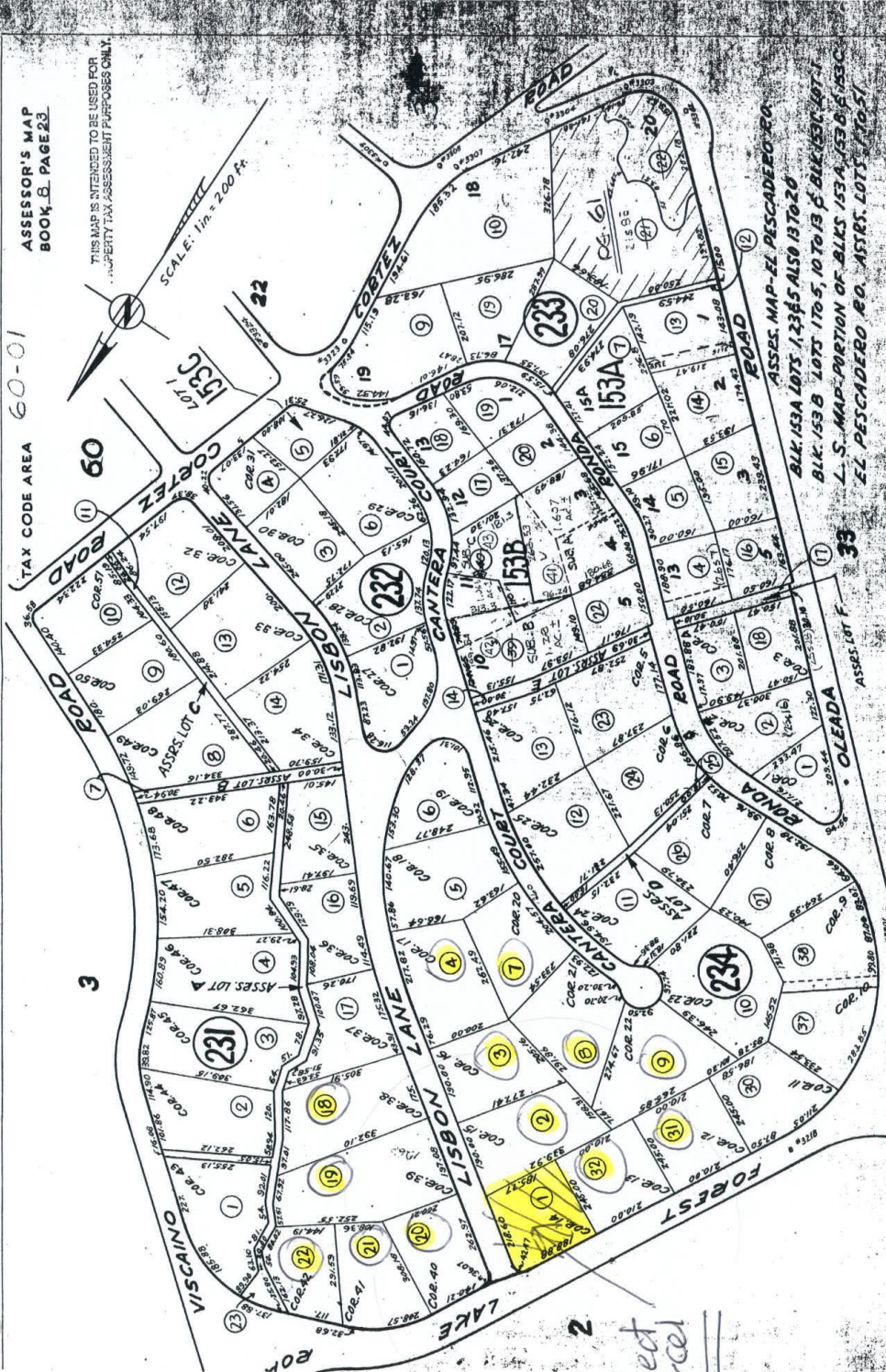




TAX CODE AREA 60-01

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY.

SCALE: 1 in. = 200 ft.



Subject
parcel

PA16060212

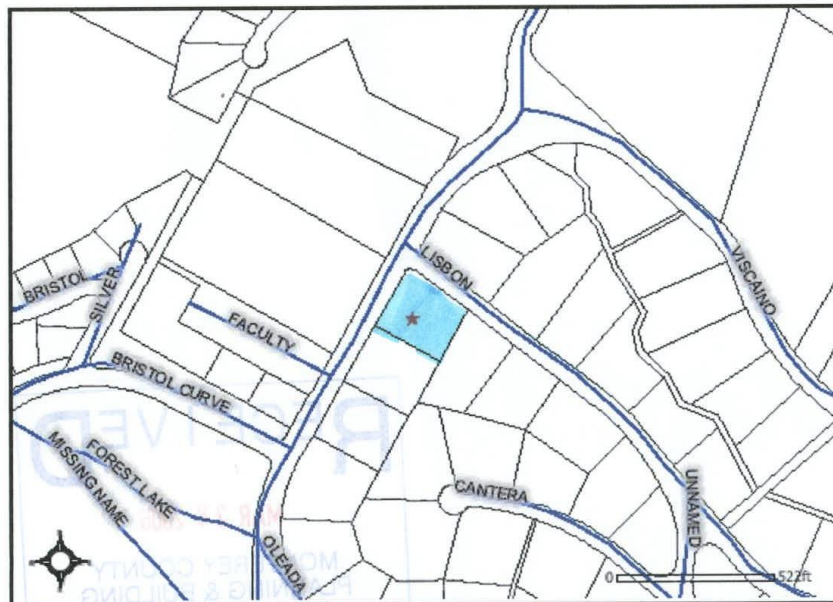
County of Monterey

Planning and Building Inspection Department

2620 First Avenue
Marina, CA 93933
(831) 883-7500
www.co.monterey.ca.us/pbi

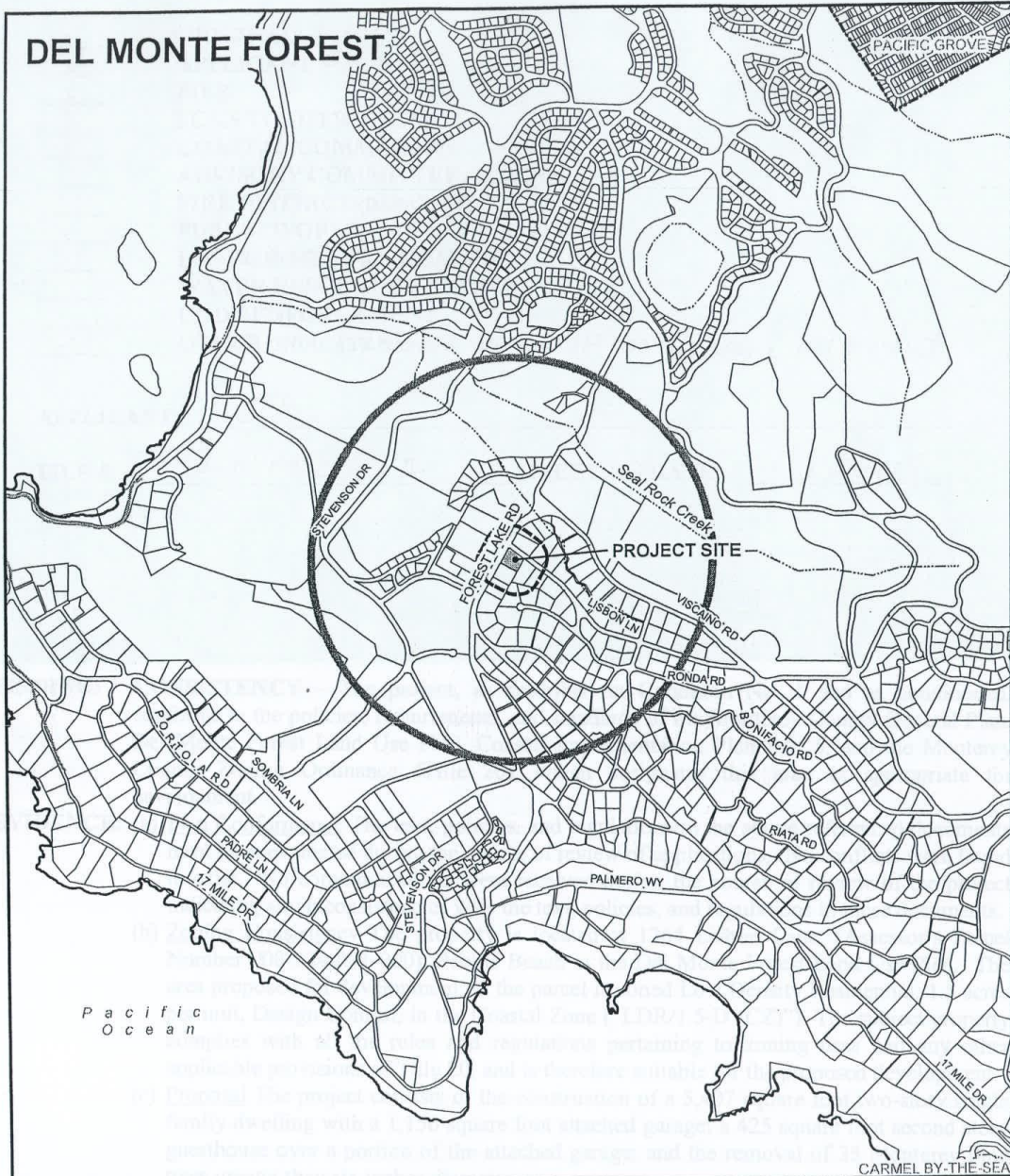
Property Report for Selected Location

Assessor Parcel No.:	008-234-001-000
Zoning:	LDR/1.5-D(CZ)
Planning Area:	Del Monte Forest LUP
High School District:	CARMEL UNIFIED
Fire District:	Pebble Beach Community Services District
State Responsibility Area:	Yes - may require 30' setback
Land Use Advisory Committee:	Del Monte Forest Advisory Committee
Archaeological Sensitivity:	high
Historical Site:	No
Seismic Hazard Zone:	I
660 Foot Earthquake Fault Buffer Zone:	No
Water Resources Referral:	No



Source: Monterey County Planning and Building Inspection Department GIS System.
All data is believed to be accurate to within 300 feet.

DEL MONTE FOREST



APPLICANT: OH

APN: 008-234-001-000

FILE # PLN060212

300' Limit

2500' Limit

City Limits

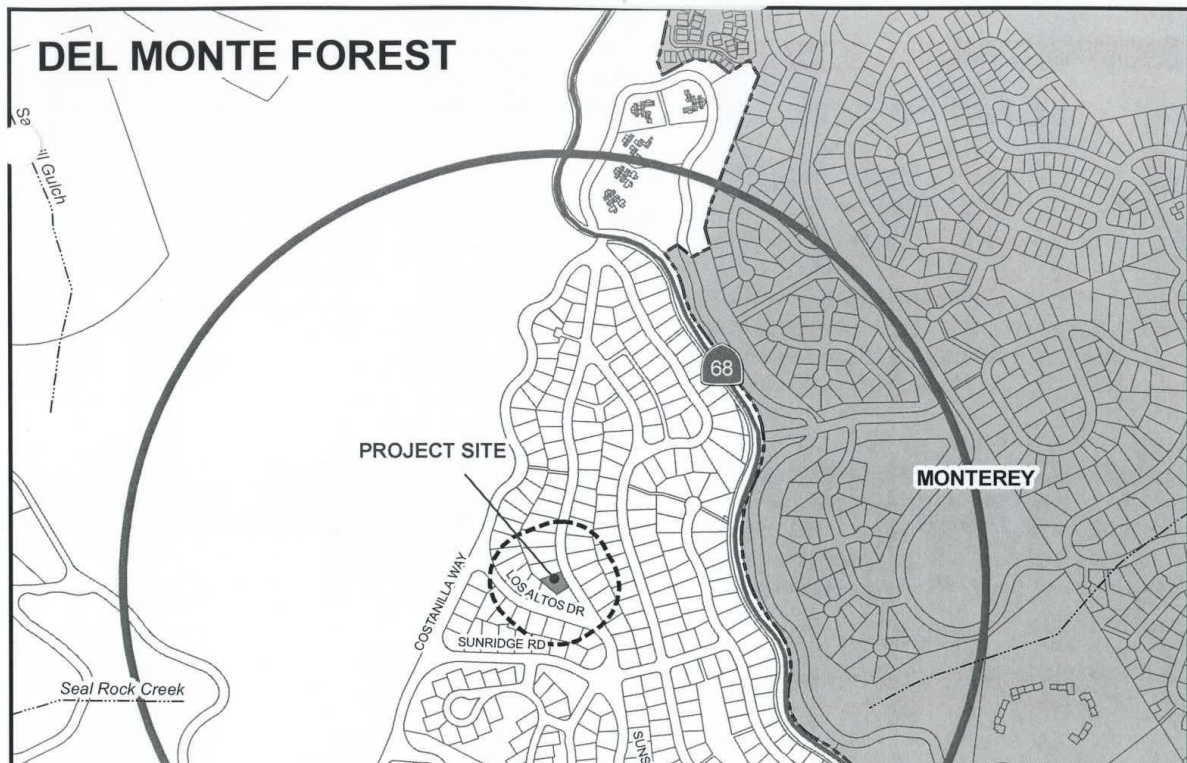


PLANNER: GONZALES

2010 Single Family Home at 4088 Sunset Lane



EXHIBIT D



2013 View From Middle of Crest Road to 4114 Crest Road 605 Square Foot Addition



2013 View From 4114 Crest Road to Middle of Crest Road in Direction of Highway 68



4114 CREST ROAD HAS NO VISIBILITY FROM HWY 1, HWY 68, OR 17 Mile Drive

2013 View From 4114 Crest Road to Middle of Crest Road in Direction of Highway 68



2013 View From 4114 Crest Road to Middle of Crest Road in Direction of Highway 68



4114 CREST ROAD HAS NO VISIBILITY FROM HIGHWAY 68

2013 View From 4114 Crest Road to Middle of Crest Road in Direction of Highway 68

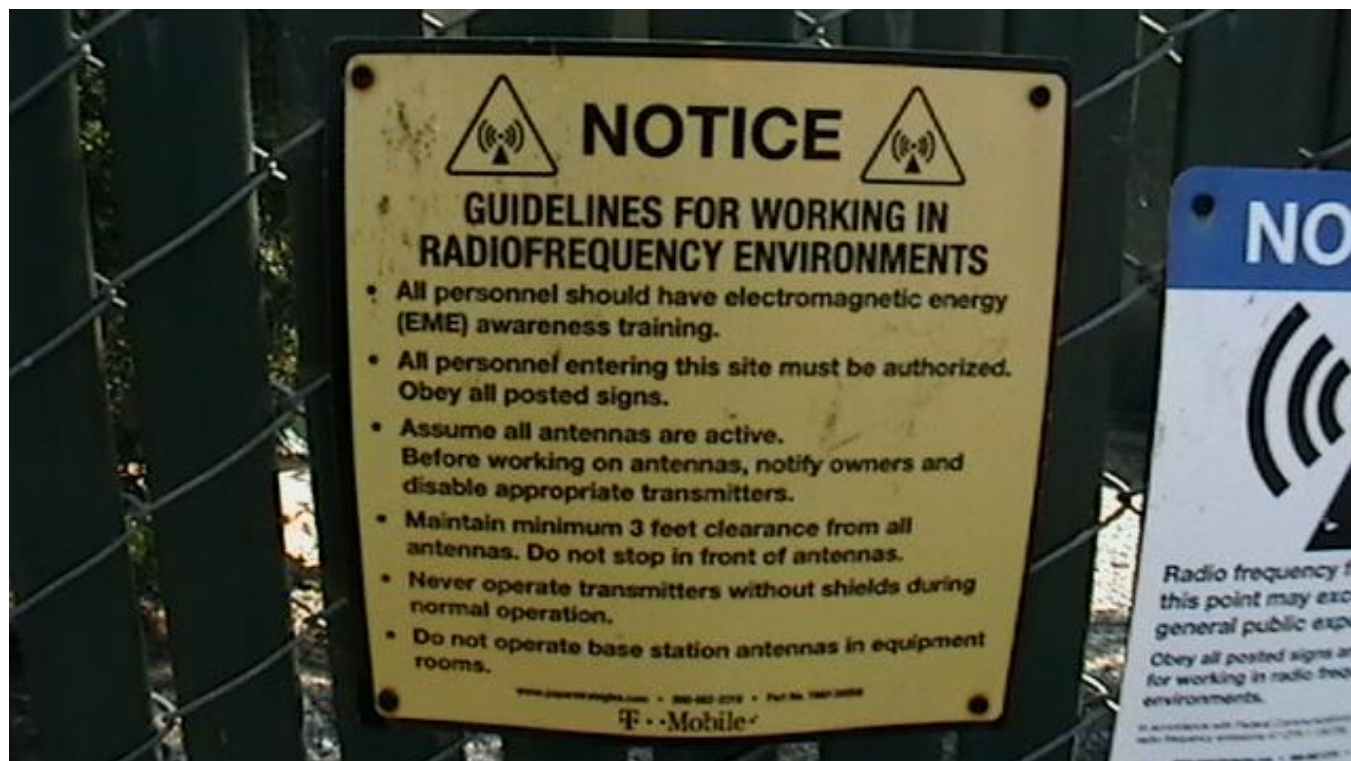
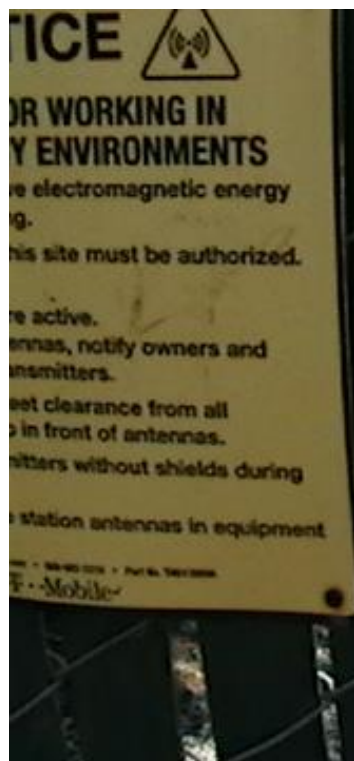


INDUSTRIAL RADIATION WARNINGS AND OTHER INDUSTRIAL HAZARDS

AT 4039 SUNSET LANE

APRIL 2018











MONTEREY COUNTY



BLACK & VEATCH Corporation
6800 W. 115th St., Suite 2292
Overland Park, KS 66211

December 19, 2017

STRUCTURAL MODIFICATION ANALYSIS REPORT

Monterey County Designation:	Site Name:	Huckleberry Hill
Site Information:	Address:	4041 Sunset Ln, Pebble Beach, Monterey County, CA 93908
	Description:	80' Self Support Tower
Applicable Codes:	TIA-222-G	
	IBC 2015	
	2016 California Building Code	

Black & Veatch is pleased to submit this Structural Modification Analysis Report to determine the structural integrity of the aforementioned tower. The purpose of the analysis is to determine the suitability of the tower with the existing loading configuration detailed in the analysis report.

A **Rigorous Structural Analysis** was performed. Based on the analysis, the tower and foundation **fully complies** with TIA-222-G standards for antenna supporting structures. Therefore, the existing tower and foundation are deemed **sufficient** for the existing load cases.

We at Black & Veatch appreciate the opportunity to provide our professional services to Monterey County Radio Network. If you have any questions or need further assistance please contact us.

Analysis Results

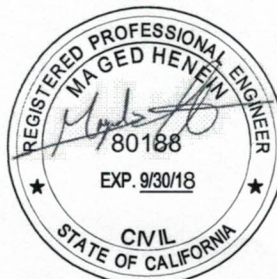
Tower Stress Level with Existing Equipment:	79.8%	Pass
Foundation Ratio with Existing Equipment:	76.8%	Pass

Sincerely,

Black & Veatch Corporation

Analysis Prepared by: Jumpon Uea-areevorakul

Analysis Reviewed by: Maged Henein, P.E.



01/04/2018



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HUCKLEBERRY HILL | MONTEREY COUNTY ITD INFRASTRUCTURE READINESS STUDY STRUCTURAL MODIFICATION ANALYSIS REPORT

TOWER LOADING

Existing Loading

Discrete Appurtenances					Mount		Feed Lines	
Carrier	Mount Center (ft)	RAD CL (ft)	Quantity	Model / Description	Quantity	Type	Quantity	Size (in)
Monterey County Radio Network	80.0	85.0	1*	10' Dipole	-	-	1*	1/2
PG&E	80.0	83.0	1	6' Omni	1	Standoff	1*	7/8
Monterey County Radio Network	79.5	79.5	1	1.33' Yagi	-	-	1*	7/8
	78.0	88.0	1*	20' Dipole	1*	Standoff	1*	7/8
	77.5	77.5	1*	1.33' Yagi	-	-	1*	7/8
Unknown	75.5	76.25	1	1.5' Omni	1	Standoff	1	1/2
Monterey County Radio Network	73.5	77.5	1*	8' Omni	1*	Standoff	1*	7/8
Cal American Water	72.5	82.5	1*	20' Omni	1*	Standoff	1*	1/2
MST	70.0	71.5	1	3' Omni	1	Standoff	1	7/8
Monterey County Radio Network	56.5	61.5	1*	10' Dipole	1*	Standoff	1*	1/2
	54.0	59.0	1*	10' Dipole	1*	Standoff	1*	1/2
	53.5	58.5	1*	10' Dipole	1*	Standoff	1*	1/2
	51.0	53.0	1*	4' Dipole	1*	Standoff	1*	1/2
PG&E	43.5	45.0	1*	DS4C00F36V-D Omni	1*	Standoff	1*	7/8
FBI	29.0	39.0	1*	20' Dipole	1*	Standoff	1*	1/2
PG&E	25.0	29.0	1*	SPD-398-A Omni	1*	Standoff	2*	7/8

* To Be Removed.

Proposed Loading

Discrete Appurtenances					Mount		Feed Lines	
Carrier	Mount Center (ft)	RAD CL (ft)	Quantity	Model / Description	Quantity	Type	Quantity	Size (in)
PG&E	80.0	83.0	-	-	-	-	1	1/2
Monterey County Radio Network	79.5	79.5	-	-	-	-	1	1/2
	78.0	82.0	1	SD335-HF1PASNM(D00B) Dipole	1	Standoff	1	1/2
	75.0	82.0	1	SD235-SF2PASNM(D00B) Dipole	1	Standoff	1	1/2
	55.0	60.625	1	SD335D-HF1PASNM(D00B) Dipole	1	Standoff	1	1/2
	37.0	44.0	2	SD235-SF2PASNM(D00B) Dipole	2	Standoff	2	1/2



MATERIAL STRENGTH

Capacity of the structural members is based on theoretical values obtained from the design structural and shown in the table below:

Member Type	Yield Strength
Legs / Leg bolts	50 ksi / A325
Bracing / Bracing Bolts	36 ksi / A325
Anchor Rods	A449

REFERENCE DOCUMENTS

Existing tower, foundation information and site loading information are based on the following table.

Document Title	Description
Tower Drawing by Rohn, dated 02/12/1988	Tower Geometry
Tower Mapping Report by Tower Engineering Professionals, Inc., dated 11/29/2016	Tower Geometry and Loading Data
Foundation Drawing by Rohn, dated 03/04/1989	Foundation Data
Foundation Mapping Report by Tower Engineering Professionals, Inc., dated 11/30/2016	Foundation Data
Geotechnical Report by Adapt Engineering, Inc., dated 10/20/2011	Geotechnical Data
Structural Analysis Report by Black & Veatch Corp., dated 05/31/2017	Previous Structural Analysis Report
Site Photos from 2016	Site Condition Data

ASSUMPTIONS, DISCLAIMERS, AND NOTES

1. This analysis was performed under the assumption that all information provided to Black & Veatch is current and correct. This is to include site data, existing/proposed appurtenance loading, tower/foundation details, and geotechnical data. If this information is not current and correct, this report should be considered obsolete and further analysis will be required.
2. This analysis assumes that the tower structural components and mounts, including all steel sections and attachment hardware, are in good working order and in their original state, free of rust or other forms of corrosion. Furthermore, it is assumed that the tower and the tower foundation have been properly maintained and monitored since the time of construction. This report should be considered obsolete and further analysis will be required if the tower and/or foundation does not meet all of the above specifications.
3. This analysis assumes that all existing equipment mounts on the tower will have adequate capacity to support the existing equipment loading.
4. The existing tower has been analyzed with applicable seismic loading taken into consideration. Seismic loading considerations are based on the codes criteria for this tower's jurisdiction.
5. This analysis was performed under the assumption that all information provided to Monterey County Radio Network is current and correct. If it is not, this report should be considered obsolete and further analysis will be required. Black & Veatch has not investigated the tower loading or performed a tower mapping and takes no responsibility for the verification of information provided by Monterey County Radio Network.
6. This structural analysis is only valid if the existing coax cables are stacked as shown in the coax configuration page.



RECOMMENDATIONS/COMMENTS

The tower and its foundation will have sufficient capacity to carry the existing and proposed loads after proper installation of the reinforcements shown in Appendix B



Coax Table

#	Carrier	Size	Quantity	Elevation (ft)	Notes
1	Monterey County Radio Network	1/2"	1	80.0	To Be Removed
2	PG&E	7/8"	1	80.0	To Be Removed
3	PG&E	1/2"	1	80.0	Proposed
4	Monterey County Radio Network	7/8"	1	79.5	To Be Removed
5	Monterey County Radio Network	1/2"	1	79.5	Proposed
6	Monterey County Radio Network	7/8"	1	78.0	To Be Removed
7	Monterey County Radio Network	1/2"	1	78.0	Proposed
8	Monterey County Radio Network	7/8"	1	77.5	To Be Removed
9	Unknown	1/2"	1	75.5	Existing
10	Monterey County Radio Network	1/2"	1	75.0	Proposed
11	Monterey County Radio Network	7/8"	1	73.5	To Be Removed
12	Cal American Water	1/2"	1	72.5	To Be Removed
13	MST	7/8"	1	70.0	Existing
14	Monterey County Radio Network	1/2"	1	56.5	To Be Removed
15	Monterey County Radio Network	1/2"	1	55.0	Proposed
16	Monterey County Radio Network	1/2"	1	54.0	To Be Removed
17	Monterey County Radio Network	1/2"	1	53.5	To Be Removed
18	Monterey County Radio Network	1/2"	1	51.0	To Be Removed
19	PG&E	7/8"	1	43.5	To Be Removed
20	Monterey County Radio Network	1/2"	2	37.0	Proposed
21	FBI	1/2"	1	29.0	To Be Removed
22	PG&E	7/8"	2	25.0	To Be Removed

DESIGN APPROVAL REQUEST

DA#:

54
020456
Ladoman

PROPERTY OWNER: CAL-AM WATER COMPANY
Address: 50 RAGSDALE DRIVE, SUITE 100
City/State/Zip: MONTEREY, CA. 93940

Telephone: (831) 646-3268

AGENT: ART NAJERA (FOR VERIZON WIRELESS)
Address: P.O. BOX 67171
City/State/Zip: SCOTTS VALLEY, CA. 95067

Telephone: (831) 430-0306

PROJECT ADDRESS: 4041 SUNSET LANE, PEBBLE BEACH
ASSESSOR'S PARCEL #: 008-111-017-000

REQUEST DESIGN APPROVAL FOR: REVISION TO EXISTING C.U.P. FOR A WIRELESS
TELECOMMUNICATIONS SITE CONSISTING OF ANTENNA REPLACEMENTS ONLY.

TYPES OF MATERIALS AND COLORS TO BE USED: NOT APPLICABLE

You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit.

PROPERTY OWNER/AGENT SIGNATURE: Art Najera

DATE: 10-10-02

FOR DEPARTMENT USE ONLY

GENERAL/AREA PLAN: DMF DESIGNATION ma Doss Res
ZONING MDR/4 (CZ) Height 27
SETBACKS: Front: 20 Side: 5 Rear: 10
LOT COV.: 35% FAR: 35%
ADVISORY COMMITTEE REFERRAL: ☒ YES ☐ NO
ADMINISTRATIVE APPROVAL: ☒ YES ☐ NO
PUBLIC HEARING: ☐ YES ☒ NO
DOES THIS APPLICATION CORRECT A VIOLATION?: ☐ YES ☒ NO
LEGAL LOT DETERMINATION: Prov. Permit ☒ YES ☐ NO
PLANS REVIEWED PRIOR TO SUBMISSION ☐ YES ☒ NO

ADVISORY COMMITTEE RECOMMENDATION

☒ APPROVAL ☐ DENIAL
For: 6 Against: 0 Abstain: 0

RECOMMENDED CHANGES: No more
intrusive than present
structure, less mass

PLANNER GIVEN OUT DMF ACCEPTED LEONS 11/10/02
ADVISORY COMMITTEE:

COMMENTS: is this exempted?

WAS APPLICANT PRESENT?: ☒ YES ☐ NO

SIGNATURE: [Signature]

DATE: 12/5/02

APPROPRIATE AUTHORITY: ☒ DIRECTOR OF P&BI ☐ ZONING ADMINISTRATOR ☐ PLANNING COMMISSION

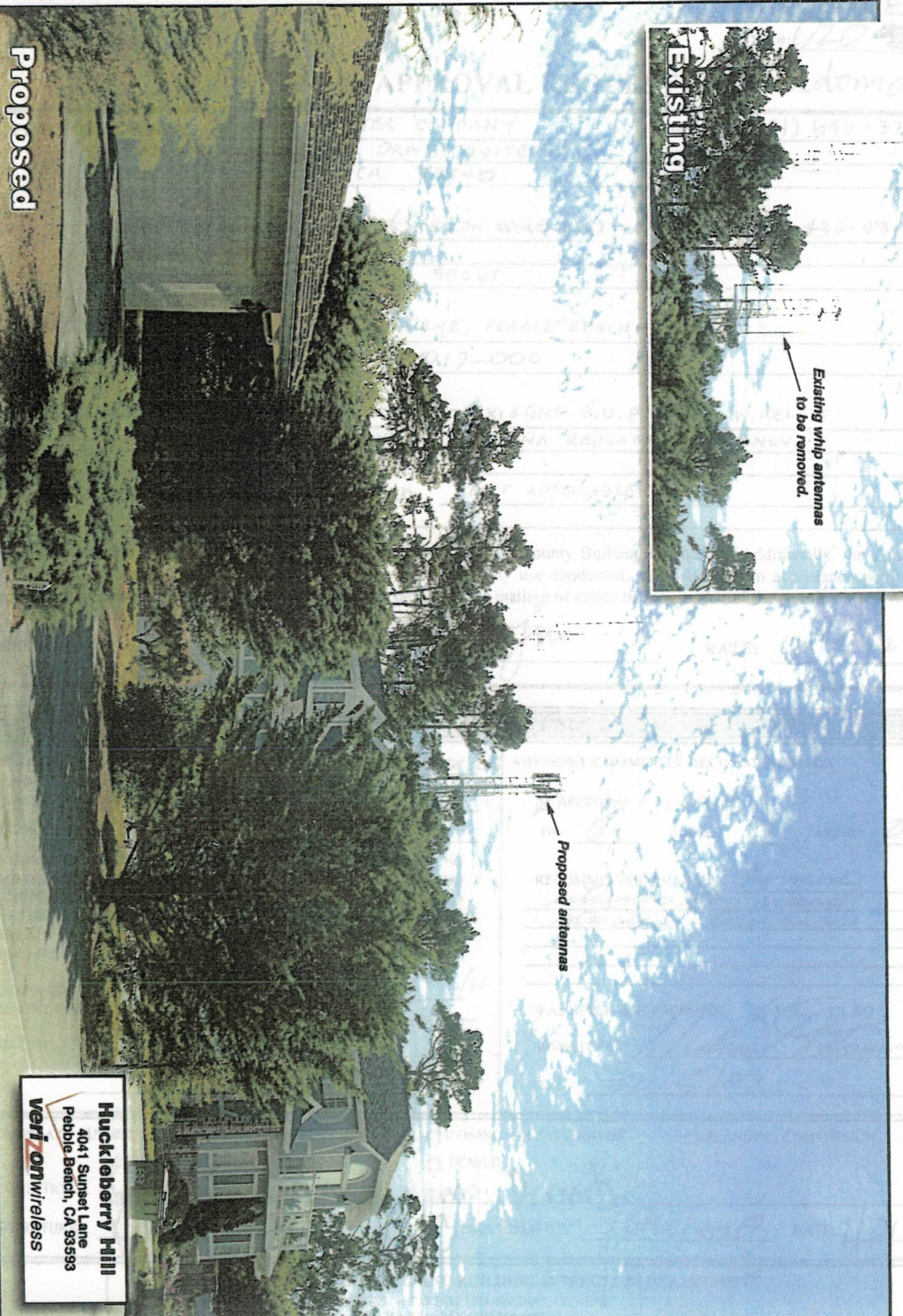
ACTION: ☒ APPROVED ☐ DENIED

CONDITIONS: To obtain BP And, demo permits
SIGNATURE: [Signature] DATE: 1/17/03 PROCESSED BY: [Signature] DATE: 1/21/03

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

SALINAS OFFICE ~ P.O. BOX 1208 SALINAS, CA. 93902
(831) 755-5025 FAX (831) 755-5487
COASTAL OFFICE ~ 2620 FIRST AVENUE, MARINA, CA. 93933
(831) 883-7500 FAX (831) 883-3261

Photosimulation of view looking southeast from Sunset Lane.



Proposed

Huckleberry Hill
 4041 Sunset Lane
 Pebble Beach, CA 93593
verizonwireless



electronic submittal
MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
LAND USE & COMMUNITY DEVELOPMENT

PERMIT NUMBER

18CP00119

☒ **BUILDING**

☐ **ELECTRICAL**

☐ **PLUMBING**

☐ **MECHANICAL**

☐ **GRADING**

CONSTRUCTION PERMIT APPLICATION

PROJECT ADDRESS 4041 Sunset Lane		CITY Pebble Beach	ZIP 93908
ASSESSOR'S PARCEL NUMBER 008111017000 / 008991001000		TRACT/LOT # N/A	NEAREST CROSS STREET El Bosque Drive
OWNER NAME California American Water		PHONE	E-MAIL
STREET ADDRESS 1033 B Avenue, Suite 200		CITY, STATE, ZIP Coronado, CA 92118	
FAX			
APPLICANT NAME Black & Veatch (Maged Henein, P.E.)		PHONE (913) 458-7556	E-MAIL HeneinM@bv.com
STREET ADDRESS 6800 W 115th ST, Suite 2292		CITY, STATE, ZIP Overland Park, KS 66211	
FAX (913) 458-7245			
<input type="checkbox"/> OWNER <input type="checkbox"/> OWNER-BUILDER <input type="checkbox"/> AGENT FOR OWNER <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> AGENT FOR CONTRACTOR <input type="checkbox"/> ARCHITECT <input checked="" type="checkbox"/> ENGINEER <input type="checkbox"/> DEVELOPER <input type="checkbox"/> TENANT			
CONTRACTOR NAME Darin Terrazas, Project Manager		LICENSE NUMBER 783608	LICENSE TYPE A and B
COMPANY NAME Newton Construction and Management, Inc.		E-MAIL darin@newtonconstruction.com	FAX
STREET ADDRESS 2436 Broad Street		CITY, STATE, ZIP San Luis Obispo, CA 93401	
PHONE (805) 208-2982			
ARCHITECT/ENGINEER NAME Maged Henein, P.E.		LICENSE NUMBER C80188	
COMPANY NAME Black & Veatch		E-MAIL HeneinM@bv.com	FAX (913) 458-7245
STREET ADDRESS 6800 W 115th ST, Suite 2292,		CITY, STATE, ZIP Overland Park, KS 66211	
PHONE (913) 458-7556			
DESCRIPTION OF WORK			

Monterey County proposes to provide structural modifications to an existing 80 foot 3 leg self-supporting tower and foundation. The modifications will include soil anchors, replacing diagonal members and tower leg supports. An ice bridge and associated grounding will also be installed.

EXISTING USE Telecommunications		PROPOSED USE Telecommunications		ZONING		OFFICE USE ONLY				
SQ. FT. EXISTING 144	SQ. FT. REMODEL 0	SQ. FT. DEMO 0	SQ. FT. ADDED 0	TOTAL SQ. FT. 144		OCC. GROUP	TYPE	DESCRIPTION	SQ. FT.	VALUATION
# DWELLING UNITS 0		NAME OF SEWER DISTRICT/SEPTIC N/A		NAME OF WATER SYSTEM N/A						
ESTIMATED CUT / FILL (CU. YDS) CUT 0 / FILL 0		AREA OF DISTURBANCE (S.F.) 10 SF		PLANNING APPL # N/A						
WELL ON PARCEL? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SCHOOL DISTRICT NAME N/A		CODE ENFORCE. CASE # N/A		APPLICATION RECEIVED BY: Huey Bernal TOTAL VALUATION: \$1250.00				

By my signature below, I certify to each of the following: I am the property owner or authorized agent to act on the property owner's behalf. I have read this application and the information I have provided is correct. I have read the Description of Work and verify it is accurate. I agree to comply with all applicable county ordinances and state laws relating to building construction. I authorize representative of the County of Monterey to enter the above-identified property for inspection purposes. I have received and will comply with BMP Guidance Series for stormwater management.

Applicant/Agent Print: **Thomas Montoya** Signature: **[Signature]** Date: **1/12/18**

Time limitation of application. An application for a permit for any proposed work shall expire 365 days after the date of filing unless a permit has been issued or the Building Official has granted an extension of time.

OFFICE USE ONLY - ROUTING SLIP			
<input checked="" type="checkbox"/> BUILDING PLAN REVIEW <input type="checkbox"/> CODE ENFORCEMENT <input type="checkbox"/> ENVIRONMENTAL HEALTH <input type="checkbox"/> PUBLIC WORKS. ENCROACHMENT <input type="checkbox"/> PUBLIC WORKS. SPECIAL DISTRICTS <input type="checkbox"/> RMA-ENVIRONMENTAL SERVICES <input type="checkbox"/> WATER RESOURCES <input type="checkbox"/> OTHER:		<input type="checkbox"/> FIRE DEPARTMENT <input type="checkbox"/> AROMAS/TRI-COUNTY <input type="checkbox"/> CACHAGUA <input type="checkbox"/> CDF/COASTAL <input type="checkbox"/> CDF/SOUTH COUNTY <input type="checkbox"/> CDF/CENTRAL <input type="checkbox"/> CARMEL HIGHLANDS <input type="checkbox"/> CYPRESS <input type="checkbox"/> CARMEL VALLEY <input type="checkbox"/> GONZALES <input type="checkbox"/> GREENFIELD <input type="checkbox"/> MISSION SOLEDAD <input type="checkbox"/> NORTH COUNTY <input type="checkbox"/> PEBBLE BEACH CSD <input type="checkbox"/> M.C. REGIONAL FIRE	
APPROVAL BY: [Signature] DATE: 1/12/18		DATE: 1/12/18	
FIRE MITIGATION FEES DUE: \$			
REVIEWED BY: [Signature]		PLANNING REVIEW REQUIRED <input type="checkbox"/> PLANNING REVIEW COMPLETE AND APPROVED <input checked="" type="checkbox"/>	



RESOURCE MANAGEMENT AGENCY LAND USE & COMMUNITY DEVELOPMENT

QUESTIONNAIRE FOR BUILDING PERMIT APPLICATIONS

Number of Plans and Fees Required for Plan Check Submittals

Building Application Review No. 18CP00119

Your answers to the following questions will help us determine which agencies will need to review your plan check submittal and the correct fees to charge for our reviews. Accurate and complete answers help ensure our goal of being efficient in our processes by limiting your plan reviews and fees to the minimum required. For further assistance in completing this form, please contact a Permit Technician (831-755-5025).

Please submit two complete sets of paper plans and one electronic copy on CD or USB storage device. One paper set of plans will be returned to you upon permit issuance stamped as "Approved." You will need these "Approved" plans for inspections during construction. If submitting an electronic copy of your plans presents a problem for you, please contact a Permit Technician for assistance.

To Be Completed By Design Professional of Record

Project Name: Huckleberry Hill - Self-Support Tower: Tower Reinforcement / Ice Bridge

Project Street Address: 4041 Sunset Lane, Pebble Beach, CA 93908

City / APN: Pebble Beach / 008 - 111 - 017 -000

I understand that incorrect answers provided on this questionnaire may result in delays in obtaining the building permit or receiving approval of any permitted construction in progress. I further understand that incorrect answers may require the submittal of additional sets of plans and payment of additional fees.

Design Professional Name: Maged Henein, P.E. Contact Phone No.: (913) 458-7556

Signature: Maged Henein  Date: December 19, 2017

RMA-ENVIRONMENTAL SERVICES- Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Construction or land disturbance within an Urbanized Area? (Go to: www.co.monterey.ca.us/government/departments-i-z/information-technology/gis-mapping-data and click "Apps" then "County Basemap")	X	
2.	Construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavations, or any other activity that results in a land disturbance of equal to or greater than one acre? (Including stockpiles, material storage areas, laborer parking, etc.)		X
3.	Construction activity that results in land surface disturbance of less than one acre if the construction activity is part of a larger common plan of development?		X
4.	Excavation or fill that, alone or combined, exceed 100 cubic yards?		X
5.	Land clearing or grading? If the proposed scope of work includes land clearing or grading and you have received an approved Erosion Control Plan Waiver Request, please check "No".		X
6.	Work for which RMA-Environmental Services required conditions of approval on an associated discretionary permit?		X

If you answered "Yes" to any of the above questions, provide only 1) Title sheet, 2) Site plan and 3) Civil sheets for review by RMA-Environmental Services.

ENVIRONMENTAL HEALTH BUREAU - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Change in building footprint, additional structures (including sheds, decks, solar panels etc.), underground structures, or grading on a parcel with a septic system?		X
2.	Addition of bedrooms or garbage disposals on a parcel with a septic system?		X
3.	Construction or modification (including pump tanks and/or distribution lines) or destruction of a septic system?		X
4.	Construction or modification (including tanks, water lines etc.) of a rainwater or graywater system?		X
5.	Work for which the Health Department required conditions of approval on an associated discretionary permit?		X
6.	Construction of a new structure that includes plumbing on a parcel that is served by a well or water system that has between 2-199 service connections?		X
7.	Installation or activation of a well for domestic or irrigation use?		X
8.	Construction of ground or roof mount solar that will utilize batteries on a commercial property?		X
9.	Business that will store Hazardous Materials over the accumulated amount equal or greater than 55 gallons of a liquid, 200 cubic feet of a gas, or 500 pounds of a solid (including drums, small containers, cylinders, aboveground storage tanks, and underground storage tanks)?		X
10.	Business that stores or generates Hazardous Waste (including oil/water clarifiers, drums, aboveground storage tanks, and/or underground storage tanks)?		X
11.	Construction or modification of a commercial facility that will prepare and/or serve food/ beverages and/or store packaged food/beverages for sale to public (including convenience stores, pharmacies, markets, restaurants/cafes, wine tasting, etc.)?		X
12.	Construction or modification of a detention facility?		X
13.	Construction or modification of a swimming pool or spa that will be accessible by the public?		X
14.	Business that will generate medical waste? (including sharps, body fluids, etc.)		X
15.	Work on a structure that will be utilized for employee housing?		X
16.	Construction or modification of any enclosed space (i.e. dwelling, barn, workshop) that is within 1000 feet of a closed or active landfill?		X
17.	Construction or modification of a structure(s) related to composting operations that generate more than 1000 c.y. of compost annually.		X
18.	Demolition of a dwelling unit or other structure connected to a septic system? (including residential house, guesthouse house, caretaker unit, garage/barn with any wastewater, commercial building)		X
19.	Demolition of any aboveground or underground storage tank that previously stored hazardous materials?		X

If you answered "Yes" to any of the above questions, one additional set of plans is required for review by the Environmental Health Division of the Health Department.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	New water fixtures or a modification to existing water fixtures within the Monterey Peninsula Water Management District?		X
2.	Commercial projects that increase square footage or change the use of the business within the Monterey Peninsula Water Management District?		X
3.	Single-family dwelling addition equal to or greater than 25% of existing square footage.		X

If you answered "Yes" to any of the above questions, a Monterey Peninsula Water Management District Water Release Form must be completed and submitted.

PUBLIC WORKS DEPARTMENT - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Construction of a new single family dwelling, caretakers unit, senior unit, or apartment?		X
2.	Construction of a new commercial structure?		X
3.	Construction of a new accessory structure (barn, outbuilding, butler building, swimming pool, carport etc.)?		X
4.	Additions or remodels to structures located on public County maintained roads (except residential additions located on private roads and in private subdivisions- Pebble Beach, Pasadera, Santa Lucia Preserve, etc)?		X
5.	Construction that requires trench excavation of utilities in the County right-of-way?		X
6.	Construction or improvements that would require daylight of site drainage onto the County right-of-way?		X
7.	Improvements or construction in the County right-of-way (i.e. drainage, driveway relocation or reconstruction, landscaping, walls, fences and pillars)?		X
8.	Improvements, construction or alterations that will impact the County sewer system? (see attached map of sanitation districts)		X
9.	Work on a project located in a County Sanitation District (Chualar, Boronda, Pajaro, and Moss Landing)?		X
10.	Work for which the Public Works Department required conditions of approval on an associated discretionary permit?		X

If you answered "Yes" to any of the above questions, one additional set of plans is required for review by the Public Works Department.

WATER RESOURCES AGENCY - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Work within or near a FEMA defined 100 year floodplain?		X
2.	Work within 50 feet of a creek or within 200 feet of a river?		X
3.	Work for which the Water Resources Agency required conditions of approval on an associated discretionary permit?		X
4.	Construction of an accessory structure that is 2,000 square feet or larger?		X
5.	Construction of a new single family dwelling or addition to a single family dwelling that increases the size of the structure by greater than 50% in the Del Monte Forest LUP, the Carmel Area LUP, the North County LUP, the North County Area Plan, or the Carmel Valley Master Plan?		X
6.	Construction of a new commercial or industrial project that is 5,000 square feet or larger?		X
7.	Addition to a commercial or industrial project that increases the size of the structure by more than 50%?		X
8.	Disturbance of 1 or more acres of land or is part of a larger project that involves the disturbance of 1 or more acres of land.		X
9.	Pond or irrigation reservoir construction?		X

If you answered "Yes" to any of the above questions, one additional set of plans is required for review by the Water Resources Agency.

FIRE PREVENTION - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Construction of a new building or other structure, except construction of a new building less than 500 square feet that is a Building Code Group U Occupancy (miscellaneous) such as a carport, detached garage or shed?		X
2.	Addition to or substantial rehabilitation of an existing building or other structure?		X
3.	Change of the use and/or occupancy classification of an existing building?		X
4.	Modification of an existing building equipped with a fire protection system (fire sprinklers, fire alarm, etc.)?		X
5.	Construction or alterations to a building having floors used for human occupancy more than seventy-five feet above the lowest level of Fire Department vehicle access?		X
6.	Installation or replacement of gates that restrict vehicle access to the property?		X
7.	Installation of conventional or electrostatic spraying operations?		X
8.	Installation or replacement above ground or underground storage of liquid petroleum products, liquefied petroleum gases, compressed natural gas, explosives or other regulated hazardous materials?		X
9.	Use, dispensing, mixing or storage of flammable or combustible liquids or gases, hazardous materials, etc.?		X
10.	Work for which the appropriate Fire Protection District or Community Services District placed conditions of approval on an associated discretionary permit?		X
11.	Construction of any new building or structure in a State Responsibility Area?		X

If you answered "Yes" to any of the above questions, one additional set of plans is required for review by the appropriate Fire Protection District or Community Services District.

PLANNING DEPARTMENT - Please mark your answer with an "X" in the Yes or No box.

Does the proposed scope of work include any:		Yes	No
1.	Change in the foot print or use of an existing structure?		X
2.	Construction of a new structure?	X	
3.	Demolition of a structure or a portion of a structure?		X
4.	Installation of a pre-manufactured unit?		X
5.	Replacement and/or repair of 50 percent or more of the exterior walls of a structure?		X
6.	Exterior modifications to a structure, including but not limited to changes in color, roofing materials or roof pitch?	X	
7.	Historical structure or a structure older than 50 years?		X
8.	Site grading or site drainage changes?		X
9.	Work on slopes greater than 25 percent?		X
10.	Construction of a retaining wall or sea wall?		X
11.	Work within fifty feet of a coastal bluff?		X
12.	Removal of any trees or other vegetation?	X	
13.	Work for which the Planning Department required a discretionary permit or conditions of approval with an associated discretionary permit?		X

If you answered "Yes" to any of the above questions, one additional set of plans is required for review by the Planning Department.

CONSTRUCTION & DEMOLITION REQUIREMENTS - Please mark your answer with an "X" in Yes or No box.

Construction and demolition materials shall be handled in accordance with CALGreen's requirements to divert at least 65% of waste to an approved recycling facility (effective January 1, 2017).		Yes	No
1.	I intend to contract with Waste Management to haul construction & demolition materials to their approved recycling facility.		X
2.	I intend to source separate and self-haul construction & demolition materials to an approved recycling facility.	X	
<i>Depending on the response to Items 1 and 2, RMA Building Services staff will place the corresponding final inspection hold on the project to confirm that the construction waste management worksheet has been submitted in accordance with the approved construction waste management workplan.</i>			
3.	In accordance with the California Green Building Standards Code, Part 11, Sections 3, 4, and 5, I attest/swear the following statements and figures related to this permit are true and accurate. By signing the associated construction permit application, I also affirm I will be held accountable for any misrepresentation, omission, or any other error in regards to this form under penalty of law. Any permit related to this form is contingent upon adherence to California Green Building Standards Code, specifically the CALGreen Construction Waste Management Requirements. Contact Recycling & Resources Recovery Services of the Environmental Health Bureau by calling (831) 755-4540 or visit http://www.hcd.ca.gov/building-standards/calgreen/index.shtml for more information.	X	

If you intend to self-haul construction and demolition materials, a completed County of Monterey Construction & Demolition (C&D) Recycling Plan form shall be submitted with the construction permit application.

MONTEREY BAY AIR RESOURCES DISTRICT (MBARD)

Please respond to the following questions:		Yes	No
1.	I have contacted the Monterey Bay Air Resources District (MBARD) regarding the proposed project in regards to the Federal Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations for Renovations and Demolition of Structures and/or District Equipment Operating Permits per Federal, State, and Local regulations. MBARD Representative: _____ Date Contacted: _____		X
2.	I have NOT contacted the MBARD yet but understand that it is a requirement prior to my demolition, renovation, and/or new equipment installation and agree to do so prior to issuance of any construction permits. By signing the associated construction permit application, I acknowledge and understand the following: <ul style="list-style-type: none">• I am responsible to contact MBARD to determine if the proposed scope of work is subject to their Federal EPA Asbestos NESHAP Regulations for Renovations and Demolition of Structures and/or District Equipment Operating Permits per Federal, State, and Local regulations.• Significant penalties for non-compliance can be assessed against property owners and/or any person who controls, supervises or performs demolition or renovation activities or operates equipment without a District permit. Action is usually taken against the property owner and all contractors involved. Contact the Monterey Bay Air Resources District by calling (831) 647-9411 and visit www.mbard.org for more information.	X	

No additional information is required by Monterey County. It is the applicant's responsibility to contact the Monterey Bay Air Resources District.

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: August 25, 2009 at 1:30 p.m.		AGENDA NO: 3-5
SUBJECT: Public hearing to consider a resolution to: a. Deny the appeal from the Director of Planning's decision to approve a Design Approval. b. Determine that the project is Categorically Exempt per Section 15301 Class (I) c. Approve the Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area, based on the findings and evidence and subject to the recommended conditions. (Appeal, Discretionary Decision – DA090057/ Cal Am/T-Mobile Design Approval, 4041 Sunset Lane, Pebble Beach (Del Monte Forest Land Use Plan))		
Project Location:	4041 Sunset Lane, Pebble Beach	APN: 008-111-017-000
Planning Number:	DA090057	Name: Cal Am/T Mobile
Plan Area:	Del Monte Forest Land Use Plan	Flagged and Staked: No
Zoning Designation:	MDR/4-D (CZ)) [Medium Density Residential 4 units per acre with a Design Control Overlay (Coastal Zone)].	
CEQA Action:	Categorically Exempt per Section 15301 Class 1 (b)	
DEPARTMENT:	RMA – Planning Department	

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (Exhibit B) to:

- a. Deny the appeal from the Director of Planning's decision to approve a Design Approval.
- b. Determine that the project is Categorically Exempt per Section 15301 Class (I)
- c. Approve the Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area, based on the findings and evidence and subject to the recommended conditions.

SUMMARY:

On April 22, 2009, the Director of Planning approved a Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on existing paved area on behalf of T-Mobile. On April 29, 2009, the Planning Department mailed notice of the decision to the property owners within 100 feet of the property. On May 12, 2009, Richard Oh filed an appeal with the Clerk of the Board of Supervisors appealing the Director of Planning's decision to grant a Design Approval for the replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area (DA090057). Staff's review focused on consistency with the Coastal Implementation Plan policies regarding telecommunications facilities (Monterey County Code Section 20.64.310) and per Section 20.44.040 D. and 20.44.050 B regulating Design Control Districts. Under the telecommunications section of Title 20, additions and amendments of a minor nature to existing approved wireless communication facilities can be approved by the Director of Planning (Monterey County Code Section 20.64.310. I.). The County finds that the project qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA). Therefore staff recommends that the Board of Supervisors deny the appeal on the basis of the findings and evidence contained within the attached draft resolution and approves the proposed Design Approval.

DISCUSSION:

Discussion & Appellants statements and Staff's responses are provided in **Exhibit A**

OTHER AGENCY INVOLVEMENT:

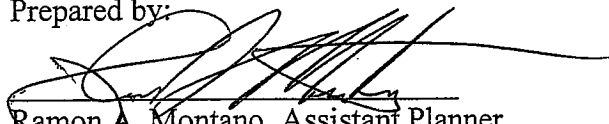
The following agencies have reviewed the project and those that are checked ("✓") have comments and/or recommended conditions:

✓	County Counsel
✓	Public Works Department
✓	Water Resources Agency
✓	Pebble Beach Community Service District
✓	Del Monte Land Use Advisory Committee

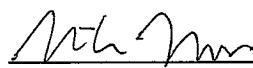
FINANCING:

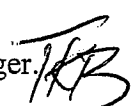
Funding for staff time associated with this project is included FY09 Final Budget for the Planning Department.

Prepared by:


Ramon A. Montano, Assistant Planner
755-5169; montanor@co.monterey.ca.us

Approved by:


Mike Novo
Director of Planning

This report was reviewed by Taven Kinison Brown, Planning Services Manager. 

cc: Front Counter Copy; Board of Supervisors (16); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; Pebble Beach Community Service District; California Coastal Commission, Mike Novo; Taven Kinison Brown, Planning Services Manager; T Mobile, Applicant; Cal Am Water Co., Owner; Leah Hernikl, agent; Richard Oh, (Appellant); Project File DA090057

Attachments:	Exhibit A	Discussion & Appellant's statement and staff responses
	Exhibit B	Draft Resolution and Recommended Findings and Evidence
	B-1	recommended conditions
	Exhibit C	Design Approval Application Approved by the Director
	Exhibit D	Notice of Appeal

EXHIBIT A

DISCUSSION & APPELLANTS' STATEMENTS & STAFF RESPONSES

(Appellant statements are quoted verbatim below and are identified with *bold italicized font*)

Summary of Appellants Concerns:

Mr. Richard Oh filed the appeal in order to "have trees planted as a barrier from the noise created from the equipment cabinets and to block the cell towers & cabinets itself (eye sore)." The appellant states that he was not made aware of this process until he received an approval notice from the County. Mr. Oh contends that the proposed changes would add noise and not conform to the natural surroundings.

Overview of Project & Process:

The RMA-Planning Department determined that the proposed application to replace the existing antenna panels and add a new equipment cabinet is considered to be minor, because the change in the size of each of the three antenna panels is not significant and the equipment cabinet will be located in an area previously disturbed and paved with asphalt and not visible to the public. Staff conducted a site visit to determine if the project as proposed would be minor in nature. It did not appear that the replacement of the antennas would be a significant issue visually because the proposed antennas are of a similar size and will be constructed of similar material and color to avoid any new significant visual impacts. The proposed cabinet is not visible to the public or the appellant because of existing minor vegetation and a fence. There were no indications that there were existing issues regarding noise or visual impacts in the area where the towers and the Cal Am water tank reside. For those reasons the application was processed administratively. Title 20 does not require these types of minor Design Approvals to have a public hearing or be publicly noticed, per Section 20.44.040 D. and 20.44.050 B. On April 29, 2009, the Planning Department mailed a courtesy notice to property owners within 100 feet of the subject property indicating that the Design Approval application was approved on April 22, 2009. Seventeen property owners were noticed including the appellant. The notice informed the public of the appeal period.

Staff asked the appellant to continue this appeal until some alternative solutions could be explored. Staff reviewed three previous permits on the existing property to determine if the previous projects had been conditioned to address noise or visual impacts. Those permits created the original 60 foot tower (1995) and later added an additional 20 feet (1996) and more recently in 2002 by a Design Approval added the existing antenna panels. Staff found no conditions in these permits that required visual screening or any requirements for sound attenuation. Staff contacted the Department of Environmental Health in order to determine whether the County noise ordinance contained db thresholds with real life comparisons that staff could use to establish the impact or level of sound being emitted from the existing equipment on the Cal Am site. Environmental Health confirmed that under our current County ordinance, the sound coming from the equipment cabinet would have to be at 85 db 50 feet from the source to constitute a violation under MCC 10.60.030. The example given is a jack hammer at 50 feet. Staff determined that based on the examples given in the noise ordinance the current equipment cabinets on the Cal Am property do not exceed the 50 to 70 db range listed in the General Plan for residential areas or the 85 db threshold in MCC 10.60.030.

Appellants Contention No.1:

I am appealing to have trees planted as a barrier from the noise created from the equipment cabinets and to block the cell towers and cabinets itself (eye sore).

Staffs Response:

No new visual impacts were ascertained during project review. No nexus was established requiring visual screening because the antennas would be no more visible than before. The replacement of the antenna panels does not generate sound, and the proposed cabinet will not violate the county's regulation on sound levels. Therefore no conditions for sound attenuation were required as conditions of approval.

Appellants Contention 2:

There was a lack of a fair and impartial hearing.

Staffs Response:

The Zoning Ordinance designates the Director of Planning as the appropriate authority to consider and decide on Design Approvals for minor additions/amendments to existing wireless communications facilities per Section 20.64.310& 20.44.040 D. Design Approvals for minor modifications to approved designs do not require a public hearing (MCC Sections 20.44.040D and 20.44.050.B); however, as a matter of courtesy, the neighbors within 100 feet of the project site were provided a notice after the Director took action.. The Appellant contacted the Planning Department, and was advised that the next course of action would be for the property owner to file an appeal with the Board of Supervisors. An appeal was filed with the Clerk of the Board on May 12, 2009 and set for a hearing before the Board of Supervisors.

Appellant's Contention 3:

Installation of equipment cabinets and bigger emitters adds to the noise factor and does not conform to the natural surroundings. A noise test should be preformed to see if they comply

Staffs Response:

Staffs visited the site with T-Mobile's representative (the applicant) and the appellant Mr. Oh to ascertain existing noise conditions. During the course of staff's site visit, the noise affecting the Oh's property appeared to come from the County's repeater building. Although staff found the source of the audible humming sound, staff determined that based on the current Noise Ordinance, the existing equipment cabinet could not generate a level of sound that would violate the ordinance. The ordinance states that 85 dBA measured 50 feet from the source would constitute a violation. An example given is that 85 dBA fifty feet from a source would be equivalent to the sound of a jack hammer. Based on this staff concludes that the noise emitting from the existing equipment cabinet does not exceed the current restrictions for noise producing devices. The appellant contends that bigger emitters and another equipment cabinet would add to the noise factor. Staff considered this and found that the emitters will not generate any sound because they are antennas which transmit radio signals far above the human hearing range and therefore would not contribute. The proposed equipment cabinet may add to the existing T Mobile equipment cabinet; however that equipment does not produce a significant amount of sound. The equipment contains internal insulation to attenuate the noise. Therefore staff concluded that the proposed project would not violate County ordinance.

Conclusion:

Current noise identified by the appellant is an existing condition and not a result of the proposed project or T-Mobile's exiting equipment cabinets. The installation of another equipment cabinet would not significantly add to the existing noise factor. Furthermore the proposed equipment cabinet and replacement antenna panels will not affect the existing visual conditions or degrade the visual quality of the area because the proposed cabinet would not be visible from a public viewing area and the replacement antenna will not significantly change the exiting antenna panels.

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

- a. Deny the appeal from the Director of Planning's decision to approve a Design Approval (DA090057/T-Mobile).
- b. Determine that the project is Categorically Exempt per Section 15301 Class (I) (b) and
- c. Approve the Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area.

This Appeal of the Director of Planning's decision to approve a Design Approval (DA090057/T-Mobile), Came on for a public hearing on August 25, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Del Monte Forest Land Use Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 4039 Sunset Lane, Pebble Beach (Assessor's Parcel Number 008-111-017-000), Del Monte Forest area, Coastal Zone. The parcel is zoned: "MDR/4-D" (CZ) [Medium Density Residential 4 unit per acre with a Design Control Overlay (Coastal Zone)].

(c) Based on information and materials provided, and a Staff site visit conducted on April 22, 2009, to verify that the project on the subject parcel conforms to the above listed plans.

(d) The project complies with the regulations for Wireless Communication Facilities in accordance with Section 20.64.310 of Title 20.

- 2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following department: RMA - Planning Department. There has been no indication

that the site is not suitable for the proposed development. Conditions recommended by the Planning Department have been incorporated.

- (b) The project is located within a high archaeological area therefore, a condition has been incorporated to require that a certified Archaeologist be present during all excavation work and that all work is to stop if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site. (Condition #3)
- (c) Staff conducted a site visit in April 22, 2009, to verify that the site is suitable for this use.
- (d) Materials in Project File DA090057.
- (e) Previous Permits

3. FINDING: CEQA (Exempt): - CEQA (Exempt): - The project is Categorically Exempt from environmental review and no unusual circumstances were identified that would create a reasonable possibility that the project would have a significant effect on the environment.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (1) (1), Categorically Exempts minor alteration of existing public or Investment-owned utilities structures
 - (b) Although the project is located within a high archaeological sensitivity area, a condition has been incorporated to require that an archeological consultant from the county's approved list be present during all excavation work and that work is to stop if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site.
 - (c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 22, 2009.
 - (d) See preceding and following findings and supporting evidence.

4. FINDING: PUBLIC ACCESS: The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project. No substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
 - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - (d) Staff site visit on April 22, 2009.

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed

use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) See Findings #1, #2, #3 and #4 and supporting evidence.

- 6. FINDING: WIRELESS COMMUNICATION FACILITIES** - The proposed minor alteration and additions to the existing wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or identified environmentally sensitive areas or resources. The site is adequate for the proposed development of the wireless communication facility and the applicant has demonstrated that it is the most adequate for the provision of services as required by the Federal Communications Commission. The proposed improvement and the existing wireless communications facility complies with all the applicable requirements of the Monterey County Code Section 20.64.310. The subject property on which the wireless communication facility is to be built is in compliance with all the rules and regulations pertaining to zoning uses, subdivisions and any other provisions of Title 20, and all zoning violation abatement costs, if any, have been paid. The proposed telecommunications facility will not create a hazard for aircraft in flight.

EVIDENCE: (a) The proposed improvements will consist of the following: replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area.

(b) Conditions have been incorporated that require that in the event of technological advances, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule and maintenance or restoration of the site.

(c) The project does not require any changes to existing height; therefore no referral was made the Airport Land Use Advisory nor does the proposed changes do not revised the project's current compliance with FAR regulations regarding Imaginary Surface.

(d) Staff site visit on April 22, 2009.

- 7. FINDING: NO VIOLATIONS** - The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

- 8. FINDING: APPEALABILITY** - The decision of the Board of Supervisors to approve this application is final and not appealable to the California Coastal Commission.

EVIDENCE: (a) Section 20.86.080 of the Monterey County Zoning Ordinances Title 20 (Coastal Commission)

FINDING FOR THE APPEAL

9. **FINDING:** The appeal was filed pursuant to Chapter 20.86 of the Monterey County Code.

EVIDENCE: (a) On May 12, 2009, Mr. Richard Oh on his own behalf filed an appeal from the April 22, 2009, Director of Planning's decision to approve a Design Approval, file number (DA090057).

(b) Said appeal has been determined to be complete

(c) Mr. Oh was as a courtesy allowed to file the appeal one day late because he had contacted staff the day that the appeal period would close but was not able to meet with the Clerk of the Board to file the appeal in the manner specified in Tile 20 within the 10 day period

10. **FINDING:** This appeal is brought on the claim that:

- Contention No.1:

"I am appealing to have trees planted as a barrier from the noise created from the equipment cabinets and to block the cell towers and cabinets itself (eye sore)".

- Contention No.2:

There was a lack of a fair and impartial hearing.

- Contention No.3:

Installation of equipment cabinets and bigger emitters adds to the noise factor and does not confirm to the natural surroundings. A noise test should be preformed to see if they comply

EVIDENCE: Appellant's Notice of Appeal dated May 12, 2009; files of Clerk of the Board of Supervisors.

11. **FINDING:** The Board of Supervisors conducted a fair and impartial public hearing on the applications and related approvals.

EVIDENCE: (a) The Board of Supervisors conducted a duly noticed, full, fair, and impartial de novo public hearing on the application on August 25, 2009.

(b) The public hearing was duly noticed at least 10 days before the first public hearing date. Notices of the public hearing before the Board of Supervisors were published in the Monterey Herald and were also posted on and near the property and mailed to the property owners within 300 feet of the subject property

12. **FINDING:** This Board of Supervisors has reviewed, evaluated, and considered the appeal and responds as follows:

EVIDENCE: (a) **Summary of Appellants concerns:**

Mr. Richard Oh filed the appeal in order to "have trees planted as a barrier from the noise created from the equipment cabinets and to block the cell towers & cabinets itself (eye sore)." The appellant states that he was not made aware of this process until he received an approval notice from the County. Mr. Oh contends that the proposed changes would add noise and not conform to the natural surroundings.

Overview of Project & Process:

The RMA-Planning Department determined that the proposed application to replace the existing antenna panels and add a new equipment cabinet is considered to be minor, because the change in the size of each of the three antenna panels is not significant and the equipment cabinet will be located in an area previously disturbed and paved with asphalt and not visible to the public. Staff conducted a site visit to determine if the project as proposed would be minor in nature. It did not appear that the replacement of the antennas would be a significant issue visually because the proposed antennas are of a similar size and will be constructed of similar material and color to avoid any new significant visual impacts. The proposed cabinet is not visible to the public or the appellant because of existing minor vegetation and a fence. There were no indications that there were existing issues regarding noise or visual impacts in the area where the towers and the Cal Am water tank reside. For those reasons the application was processed administratively. Title 20 does not require these types of minor Design Approvals to have a public hearing or be publicly noticed, per Section 20.44.040 D. and 20.44.050 B. On April 29, 2009, the Planning Department mailed a courtesy notice to property owners within 100 feet of the subject property indicating that the Design Approval application was approved on April 22, 2009. Seventeen property owners were noticed including the appellant. The notice informed the public of the appeal period.

Staff asked the appellant to continue this appeal until some alternative solutions could be explored. Staff reviewed three previous permits on the existing property to determine if the previous projects had been conditioned to address noise or visual impacts. Those permits created the original 60 foot tower (1995) and later added an additional 20 feet (1996) and more recently in 2002 by a Design Approval added the existing antenna panels. Staff found no conditions in these permits that required visual screening or any requirements for sound attenuation. Staff contacted the Department of Environmental Health in order to determine whether the County noise ordinance contained db thresholds with real life comparisons that staff could use to establish the impact or level of sound being emitted from the existing equipment on the Cal Am site. Environmental Health confirmed that under our current County ordinance, the sound coming from the equipment cabinet would have to be at 85 db 50 feet from the source to constitute a violation under MCC 10.60.030. The example given is a jack hammer at 50 feet. Staff determined that based on the examples given in the noise ordinance the current equipment cabinets on the Cal Am property do not exceed the 50 to 70 db range listed in the General Plan for residential areas or the 85 db threshold in MCC 10.60.030.

Appellants Contention No.1:

I am appealing to have trees planted as a barrier from the noise created from the equipment cabinets and to block the cell towers and cabinets itself (eye sore).

Staffs Response:

No new visual impacts were ascertained during project review. No nexus was established requiring visual screening because the antennas would be no more or less visible than before. The replacement of the antenna panels does not generate sound, and the proposed cabinet will not violate the county's regulation on sound levels. Therefore no conditions for sound attenuation were required as conditions of approval.

Appellants Contention 2:

There was a lack of a fair and impartial hearing.

Staffs Response:

The Zoning Ordinance designates the Director of Planning as the appropriate authority to consider and decide on Design Approvals for minor additions/amendments to existing wireless communications facilities per Section 20.64.310& 20.44.040 D. Design Approvals for minor modifications to approved designs do not require a public hearing (MCC Sections 20.44.040D and 20.44.050.B); however, as a matter of courtesy, the neighbors within 100 feet of the project site were provided a notice after the Director took action.. The Appellant contacted the Planning Department, and was advised that the next course of action would be for the property owner to file an appeal with the Board of Supervisors. An appeal was filed with the Clerk of the Board on May 12, 2009 and set for a hearing before the Board of Supervisors.

Appellants Contention 3:

Installation of equipment cabinets and bigger emitters adds to the noise factor and does not conform to the natural surroundings. A noise test should be preformed to see if they comply

Staffs Response:

Staffs visited the site with T-Mobile's representative (the applicant) and the appellant Mr. Oh to ascertain existing noise conditions. During the course of staff's site visit, the noise affecting the Oh's property appeared to come from the County's repeater building. Although staff found the source of the audible humming sound, staff determined that based on the current Noise Ordinance, the existing equipment cabinet could not generate a level of sound that would violate the ordinance. The ordinance states that 85 dBA measured 50 feet from the source would constitute a violation. An example given is that 85 dBA fifty feet from a source would be equivalent to the sound of a jack hammer. Based on this staff concludes that the noise emitting from the existing equipment cabinet does not exceed the current restrictions for noise producing devices.

The appellant contends that bigger emitters and another equipment cabinet would add to the noise factor. Staff considered this and found that the emitters will not generate any sound because they are antennas which transmit radio signals far above the human hearing range and therefore would not contribute. The proposed equipment cabinet may add to the

existing T Mobile equipment cabinet; however that equipment does not produce a significant amount of sound. The equipment contains internal insulation to attenuate the noise. Therefore staff concluded that the proposed project would not violate County ordinance.

Conclusion:

Current noise identified by the appellant is an existing condition and not a result of the proposed project or T-Mobile's exiting equipment cabinets. The installation of another equipment cabinet would not significantly add to the existing noise factor. Furthermore the proposed equipment cabinet and replacement antenna panels will not affect the existing visual conditions or degrade the visual quality of the area because the proposed cabinet would not be visible from a public viewing area and the replacement antenna will not significantly change the exiting antenna panels.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Deny the appeal from the Director's decision to approve a Design Approval (DA090057/T Mobile).
- b. Determine that the project is Categorical Exempt per Section 15301 Class (I) (b) and
- c. Approve the Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on an existing paved area, subject to the conditions attached hereto as Exhibit B-1.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____ for the meeting on _____.

Dated:
Board of Supervisors

California

Gail T. Borkowski, Clerk of the

County of Monterey, State of

By

Deputy

EXHIBIT B-1

Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Cal Am/T-Mobile

File No: DA090057

APNs: 008-111-017-000

Approved by: Board of Supervisors **Date:** August 25, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Design Approval to allow the replacement of three existing antennas and the addition of one equipment cabinet on existing paved area. Materials and colors to match existing antenna panels. The property is located at 4041 Sunset lane Pebble Beach, (Assessor's Parcel Number 008-111-017-000) Del Monte Forest Land Use Plan area, Coastal Zone.. The property is located at 3908 Ronda Way, Pebble Beach, Del Monte Forest Lands User Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Design Approval (Resolution ____) was approved by the Board of Supervisors for Assessor's Parcel Number 008-111-017-000 on August 25, 2009. The Design Approval was granted subject to 10 conditions of approval which run with the land. A copy of the Development Permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		SPD01 - NON STANDARD - WIRELESS COMMUNICATION FACILITIES The applicant shall reduce the visual impacts of the telecommunication facility improvements by using colors and materials to match existing antenna panels.. (RMA - Planning Department)	Submit, photographic evidence demonstrating compliance of this condition the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
4.		PD039(B) - WIRELESS COMMUNICATION FACILITIES The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. (RMA - Planning Department)	Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)


5.	<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>An archaeological monitor will be onsite during all excavation work. A letter confirming that a monitor was present during excavation will be provided to the RMA-Planning Department at the conclusion of said excavation work. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Provided written proof to the RMA-Planning Department that all excavation work was monitored by a and a qualified archaeologist Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Prior to final building/grading permits</p>	
6.	<p>PD039(B) – WIRELESS COMMUNICATION FACILITIES</p> <p>The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. (RMA – Planning Department)</p>	<p>Submit, in writing, a declaration agreeing to comply with the terms of this condition the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits.</p>	
Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)

10.	<p>PD039(E) – WIRELESS COMMUNICATION FACILITIES</p> <p>The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of the RMA – Planning Department shall set a public hearing before the Appropriate Authority whereupon the Appropriate Authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit. (RMA – Planning Department)</p>	Submit documentation demonstrating compliance with the FCC emission standards.	Owner/ Applicant	Prior to the commencement of use/ Ongoing	
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END OF CONDITIONS

EXHIBIT C

FILE #: 090057

	MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT Salinas - 168 West Alisal, 2nd Floor, Salinas, CA 93902 Telephone: 831.755.5025 Fax: 831.757.9516 Coastal Office - 2620 First Avenue, Marina, CA 93933 Telephone: 831.883.7500 fax: 831.384.3261 http://www.co.monterey.ca.us/pbi/
DESIGN APPROVAL REQUEST FORM	
ASSESSOR'S PARCEL NUMBER: <u>008-111-012-000</u>	
PROJECT ADDRESS: <u>4041 SUNSET LANE / PEBBLE BEACH</u>	
PROPERTY OWNER: <u>CALAM WATER COMPANY</u> Telephone: <u>(831) 646-3216</u> Address: <u>880 KUHNS DR</u> Fax: _____ City/State/Zip: <u>CHULA VISTA / CA 91914</u> Email: _____	
APPLICANT: <u>T-MOBILE</u> Telephone: <u>(925) 521-5500</u> Address: <u>1855 GATEWAY BLVD 9TH FL</u> Fax: _____ City/State/Zip: <u>CONCORD CA 94520</u> Email: _____	
AGENT: <u>LEAH HERNIKL</u> Telephone: <u>(408) 799-1182</u> Address: <u>410 CLUBHOUSE DR</u> Fax: <u>(831) 688-4719</u> City/State/Zip: <u>APTOS / CA 95003</u> Email: <u>HERNIKLE@SECGLOBAL.NET</u>	
PROJECT DESCRIPTION: (Attach Scope of Work) <u>REPLACE 3 ANTENNAS,</u> <u>ADD 1 EQUIPMENT CABINET</u>	
MATERIALS TO BE USED: <u>METALLIC PANEL ANTENNAS</u>	
COLORS TO BE USED: <u>MATCH EXISTING</u>	
You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit.	
PROPERTY OWNER/AGENT SIGNATURE: <u>Leah Hernikl</u> DATE: <u>2/19/90</u>	
FOR DEPARTMENT USE ONLY	
ZONING: <u>MDR-4-D (C2)</u> GENERAL/AREA PLAN: <u>DMA LUP</u> ADVISORY COMMITTEE: _____ RELATED PERMITS: _____ LUAC REFERRAL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ADMINISTRATIVE APPROVAL: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PUBLIC HEARING REQUIRED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DOES THIS CORRECT A VIOLATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO LEGAL LOT: <u>Tract 169</u> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO GIVEN OUT BY: <u>DMON</u> DATE: <u>1-26-09</u> ACCEPTED BY: <u>DM</u> DATE: <u>2-19-09</u> COMMENTS: <u>to replace existing poles</u> <u>with slightly larger poles</u>	ADVISORY COMMITTEE RECOMMENDATION <div style="text-align: center;"> <input type="checkbox"/> APPROVAL <input type="checkbox"/> DENIAL </div> For: _____ Against: _____ Abstain: _____ Absent: _____ Was the Applicant Present? <input type="checkbox"/> YES <input type="checkbox"/> NO Recommended Changes: _____ _____ _____ Signature: _____ Date: _____
APPROPRIATE AUTHORITY: <input checked="" type="checkbox"/> DIRECTOR OF P & BI <input type="checkbox"/> ZONING ADMINISTRATOR <input type="checkbox"/> PLANNING COMMISSION ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	
CONDITIONS: <u>Must secure all necessary building permits</u>	
APPROVED BY: <u>[Signature]</u> DATE: <u>4-22-2009</u>	
PROCESSED BY: <u>[Signature]</u> DATE: <u>4-22-2009</u>	

copies mailed 7/29/9

STATEMENT OF PLANNING SCOPE OF WORK

PLEASE CHECK "YES" OR "NO" FOR ALL BOXES

- | | Yes | No | |
|-----|-------------------------------------|-------------------------------------|--|
| 1. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is for residential use. |
| 2. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is commercial use. |
| 3. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is for agricultural use. |
| 4. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for industrial use. |
| 5. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is public or quasi/public. |
| 6. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes a subdivision/lot line adjustment. |
| 7. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is for cell site, telecom (digital) communication facility/site. |
| 8. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes construction of a new structures. |
| 9. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project includes enlarging, altering, repairing, moving, improving, or removing an existing structures. |
| 10. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If "yes" describe <u>REMOVE/REPLACE ANTENNAS (3) WITH NEW MODEL, ADD (1) EQUIPMENT CABINET ON EXISTING PAVED AREA</u>
The project includes demolition work.
If "yes" describe _____ |
| 11. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes replacement and/or repair of (50%) or more of the exterior walls of a structure. |
| 12. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes historical structure or a structure more than fifty (50) years old. |
| 13. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes an accessory structure(s) |
| 14. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If "yes" describe _____
Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit.
<input type="checkbox"/> Private property <input type="checkbox"/> Park installation _____ (mobile home park) |
| 15. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes retaining walls, sea wall, riprap. |
| 16. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system. |
| 17. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a well. |
| 18. | <input type="checkbox"/> | <input type="checkbox"/> | Project is associated with a new or improvements to a water system. _____ number of connections. |
| 19. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes removal of trees. |
| 20. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If "yes", type _____ size _____ number _____ |
| 21. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project includes grading, dirt importation, dirt removal, and/or drainage changes. |
| 22. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is visible from a public area. (public road, park, slough, beach, trail) |
| 23. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located on a slope/hillside. (30 percent (25 percent-North County) |
| 24. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located within 50 feet of bluff. |
| 25. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands. |
| 26. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If "yes", describe _____ |
| 27. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes the use of roofing materials that are different in type and/or color from the original materials. |
| 28. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If "yes", describe _____ |
| 29. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project includes site grading and/or site drainage changes. |
| 30. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes a historical structure, or a structure older than fifty (50) years. |
| 31. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes an accessory structure(s). |
| | | | If "yes", describe _____ |
| 29. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is change or modification to an approved application. |
| 30. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project involves or includes an existing or proposed trail or easement. |
| 31. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project involves new, change or modifications to existing utilities and/or power lines. |

PLEASE DESCRIBE COMPLETELY AND FULLY THE PROJECT YOU ARE APPLYING FOR.
INCLUDE INFORMATION ON ALL QUESTIONS ANSWERED WITH A "YES".

AT EXISTING CO-LOCATION CELL TOWER, REPLACE (3)
ANTENNA PANELS WITH SMALLER ONES. ADD (1) EQUIPMENT
CABINET ON EXISTING PAVED AREA. THERE WILL BE NO
INCREASE IN HEIGHT OR ADDITIONAL ANTENNAS AS PART
OF THIS APPLICATION.

I hereby certify that the above information is complete and correct. I certify that I am the property owner or that I am authorized to act on the property owner's behalf.

Orlando Hernandez
 Signature

2/10/09
 Date

	PARCEL	OWNER/FIRST	OWNER/LAST	MAIL/NUMBER	MAIL/STREET	MAIL/CITY	MAIL/STATE	MAIL/ZIP
1	008 111 015 000	Pebble Beach Company			Po Box 1767	Pebble Beach	CA	93953
2	008 111 016,017	California-American Water Co			Po Box 5600	Cherry Hill	NJ	08034
3	008 091 004 000	Donald M	Falk	6075a.	Manchester Dr	Oakland	CA	94618
4	008 091 005 000	Lawrence E & Katherine		34	Lake Rd	Salisbury Mills	NY	12577
5	008 091 006 000	Maxine	Sommers	4055	El Bosque Dr	Pebble Beach	CA	93953
6	008 102 004 000	Mike & Pauline	Stewart-Carlson	291	Skyline Rdg	Los Gatos	CA	95033
7	008 102 005 000	Young & Mee	Doyle	4024	Costado Pl	Pebble Beach	CA	93953
8	008 102 006 000	Stewart P & Dolores M	Woo	4026	Costado Pl	Pebble Beach	CA	93953
9	008 102 007 000	John Paul	Lambert	4030	Costado Pl	Pebble Beach	CA	93953
10	008 102 008 000	Raymond	Beaudoin	2554	Derby Dr	San Ramon	CA	94583
11	008 102 009 000	Ronald L & Candice C	Mok	12870	Roadrunner Dr	Penn Valley	CA	95946
12	008 102 013 000	Hyla	Lema		Po Box 2072	Carmel	CA	93921
13	008 102 014 000	Eric	Dag	4045	El Bosque Dr	Pebble Beach	CA	93953
14	008 102 015 000	Sat K	Letowt		Po Box 670	Monterey	CA	93942
15	008 102 018 000	Janice Lynn	Khalsa	816	Wave St	Monterey	CA	93940
16	008 102 019 000	Loye D & Ann	Peterson	4021	El Bosque Dr	Pebble Beach	CA	93953
17	008 102 020 000	Thomas & Yvonne A	Bechtold Jr.		Po Box 736	Pebble Beach	CA	93953
18	008 102 022 000	Robert J & Helen F	Scardina	4035	El Bosque Dr	Pebble Beach	CA	93953
19	008 102 023 000	Andrew A & Marylou F	Newell		Po Box 84	Pebble Beach	CA	93953
20	008 102 024 000	Kim Helena Sun Estate Of	Parker	4038	Costado Pl	Pebble Beach	CA	93953
21	008 102 026 000	Harold A	Fick	1495	Tartan Trail Rd	Hillsborough	CA	94010
22	008 111 001 000	Norma S	Robinson	4029	Sunset Ln	Pebble Beach	CA	93953
23	008 111 002 000	Sahin & Umran	Gunsel	4032	El Bosque Dr	Pebble Beach	CA	93953
24	008 111 003 000	Richard	Oh	4036	El Bosque Dr	Pebble Beach	CA	93953
25	008 111 004 000	Roger L & Jacqueline L	Theisen	4044	El Bosque Dr	Pebble Beach	CA	93953
26	008 111 005 000	John H	Wehner	1434	Knowlton Dr	Sunnyvale	CA	94087
27	008 111 006 000	Frank H	Maruyama		Po Box 509	Monterey	CA	93942
28	008 111 007 000	Sullivan		4054	El Bosque Dr	Pebble Beach	CA	93953
29	008 111 013 000	Richard D	Hanson		Po Box 1346	Gardnerville	NV	89410
30	008 111 014 000	Pebble Beach Company			Po Box 1767	Pebble Beach	CA	93953
31	008 111 018 000	Salvatore P	Cardinale	4035	Sunset Ln	Pebble Beach	CA	93953
32	008 111 019 000	Witherell		4058	El Bosque Dr	Pebble Beach	CA	93953
33	008 111 020 000	Joseph John	VonSchwind	4063	Sunset Ln	Pebble Beach	CA	93953
34	008 111 021 000	Margaret D	Roberts	4059	Sunset Ln	Pebble Beach	CA	93953
35	008 112 005 000	Alan A	Turpen	4024	Sunset Ln	Pebble Beach	CA	93953
36	008 112 006 000	Joseph R & Anna C	Panetta	4028	Sunset Ln	Pebble Beach	CA	93953

57 05123

Existing

existing T-Mobile antennas
to be removed/replaced

T-Mobile ■ SF05723A

**SF723 Cal-Am
Water Tank**

4041 Sunset Lane
Pebble Beach, CA 93953

Proposed

proposed new T-Mobile antennas

905923

Certified Property Owner's
Affidavit

I, MICHAEL HIBBELSON

Hereby certify that the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the county within the area described on the attached application and for all properties within 300 feet from the exterior boundaries of the property described on the attached application, as of 2/1/09.

Subject Parcel number 008 111 015-017

I certify under penalty of perjury the forgoing is true and correct to the best of my knowledge.

(Signed) 22

Name MICHAEL HIBBELSON

Address 7511 FAIRWAY TWO HW FAIR OAKS CA 95628

Phone # 800 568 7104

Need
Authentication letter
& envelops

EXHIBIT D

RECEIVED
MONTEREY COUNTY

2009 MAY 12 PM 1:55

CLERK OF THE BOARD

NOTICE OF APPEAL

Monterey County Code

Title 19 (Subdivisions)

Title 20 (Zoning)

Title 21 (Zoning)



P-12 DEPUTY
No appeal will be accepted until written notice of the decision has been given. If you wish to file an appeal, you must do so on or before 5-11-2009 (10 days after written notice of the decision has been mailed to the applicant). Request received on 5-8-2009 in planning

Date of decision: 4-22-2009

1. Name: RICHARD OH
Address: 4036 EL BOSQUE DR. PEBBLE BEACH
Telephone: 831 320 3050

2. Indicate your interest in the decision by placing a check mark below:

Applicant

Neighbor X

Other (please state) _____

3. If you are not the applicant, please give the applicant's name:

T-MOBILE

4. Fill in the file number of the application that is the subject of this appeal below:

	Type of Application	Area
a) Planning Commission: PC-	<u>DA090057</u>	_____
b) Zoning Administrator: ZA-	_____	_____
c) Minor Subdivision: MS-	_____	_____
d) Administrative Permit: AP-	_____	_____

Notice of Appeal

5. What is the nature of your appeal?

a) Are you appealing the approval or denial of an application? APPEALING THE APPROVAL OF APP.

- b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheet if necessary)

I AM APPEALING TO HAVE TREES PLANTED AS A
BARRIER FROM THE NOISE CREATED FROM
THE EQUIPMENT CABINETS AND TO BLOCK THE
CELL TOWERS & CABINETS ITSELF (EYE-SORE)

6. Place a check mark beside the reason(s) for your appeal:

There was a lack of fair or impartial hearing X
The findings or decision or conditions are not supported by the evidence _____
The decision was contrary to law _____

Give a brief and specific statement in support of each of the reasons for your appeal checked above. The Board of Supervisors will not accept an application for an appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary) I WAS NOT MADE AWARE OF THIS PROCESS

7. UNTIL I RECEIVED AN APPROVAL, NOR WAS THE NEIGHBORS.
As part of the application approval or denial process, findings were made by the decision-making body (Planning Commission, Zoning Administrator, or Minor Subdivision Committee). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary)

INSTALLATION OF ANOTHER EQUIPMENT CABINET &
BIGGER EMITTERS ADDS TO THE NOISE FACTOR &
DOES NOT CONFORM TO THE NATURAL SURROUNDINGS. A
NOISE TEST SHOULD BE PERFORMED TO SEE IF THEY COMPLY

8. You are required to submit stamped-addressed envelopes for use in providing notice of the public hearing on the appeal to all interested persons and all property owners within 300 feet of the subject property. You may obtain the mailing list from the Planning and Building Inspection Department.
9. You must pay the required filing fee of \$4,698.84 (make check payable to "County of Monterey") at the time you file your appeal. (Please note that appeals of projects in the Coastal Zone are not subject to the filing fee.)
10. Your appeal is accepted when the Clerk to the Board accepts the appeal as complete and receives the required filing fee and the stamped-addressed envelopes. Once the appeal has been accepted, the Clerk to the Board will set a date for the public hearing on the appeal before the Board of Supervisors.

The appeal, filing fee, and envelopes must be delivered to the Clerk to the Board or mailed and postmarked by the filing deadline. A facsimile copy of the appeal will be accepted only if the hard copy of the appeal, filing fee, and envelopes are mailed and postmarked by the deadline.

APPELLANT SIGNATURE

Date: 5/11/2009

ACCEPTED

R. P. W.

Date: _____

Clerk to the Board

cc: Original to Clerk to the Board; Planning & Building Inspection Department
/cwilk

Rev. 9/30/04

FILE # DA 95099

DESIGN APPROVAL REQUEST

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT
P. O. BOX 1208, SALINAS, CA 93902
TELEPHONE (408) 755-5025

PROPERTY OWNER: California-American Water Company

ADDRESS: P.O. Box 951
CITY: Monterey STATE: CA ZIP: 93942-0951
TELEPHONE: (408) 373-3051

AGENT: Maria Iglesias - 373-3051 ext. 229
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____

ASSESSOR'S PARCEL NUMBER: 008-111-017-000

PROPERTY ADDRESS: _____

REQUEST DESIGN APPROVAL FOR: Replacement Radio Tower

TYPES OF MATERIALS AND COLORS TO BE USED: Galvanized Tubing; Lattice-Work Design;
Gray in Color

PROPERTY OWNER/AGENT SIGNATURE: [Signature] DATE: May 2, 1995

FOR DEPARTMENT USE ONLY

ZONING: MDR/4(C2) HEIGHT: 30'
SETBACKS:
FRONT: 20 SIDE: 10 REAR: 10
LEGAL LOT: 016' 64" App book
DATE REFERRED TO ADVISORY: _____
VIOLATION # _____
ADMINISTRATIVE PERMIT ☐ YES ☐ NO
VS WITHOUT USE PERMIT ☐ YES ☐ NO
COMMENTS: PA per Bud
PLANNER: Wendy

5-0, 2 abs. (Spivey, DeLay, Miller, O'Brien, Townley)
ADVISORY COMMITTEE RECOMMENDATION:
☒ APPROVED ☐ DENIED DATE: May 25, 1995
RECOMMENDED CHANGES: _____

WAS APPLICANT PRESENT ☒ YES ☐ NO
ADVISORY COMMITTEE: [Signature]
SIGNATURE: [Signature]

DIRECTOR OF PLANNING & BUILDING INSPECTION
ACTION: ☐ APPROVED ☐ DENIED
ZONING ADMINISTRATOR
ACTION: ☐ APPROVED ☐ DENIED
CONDITIONS: _____

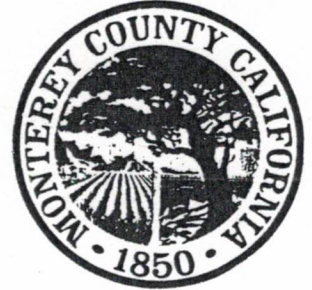
PLANNING COMMISSION ACTION:
☐ APPROVED ☐ DENIED DATE: 6/28/95
CONDITIONS: NONE

SIGNATURE: _____
DATE: _____
PROCESSED BY: _____
DATE: _____

PROCESSED BY: [Signature]
DATE: 6/28/95

You will need a building permit and must comply with the Monterey County Building Ordinance in every respect. Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

NOTICE OF PUBLIC HEARING



PLANNING COMMISSION

DATE:

TIME:

3:00 p.m.

(DA95099)

LOCATION:

Pebble Beach Community Services District Office

Notice is hereby given that the Planning Commission of the County of Monterey, State of California, will hold a public hearing on the application of CAL AM WATER COMPANY (DA95099) for a Design Approval in accordance with Title 21 (Zoning) Chapter 21.44 of the Monterey County Code. The design request is for REPLACE EXISTING RADIO TOWER WITH NEW METAL TOWER; COLORS AND MATERIALS: NATURAL GALVANIZED located at DEL MONTE FOREST.

The hearing will be held on JUNE 28, 1995 at the hour of 9:10 a.m. in the Board of Supervisors' Chambers, Courthouse, Salinas, California, at which time and place any and all interested persons may appear and be heard thereon.

FOR ADDITIONAL INFORMATION, CONTACT:

MR. (MS) WEILAND, PROJECT PLANNER

MONTEREY COUNTY PLANNING AND

BUILDING INSPECTION DEPARTMENT

P. O. BOX 1208 - SALINAS, CALIFORNIA 93902

(408) 755-5025

SITUS ADDRESS:

Del Monte Forest Area

PLANNER:

Weiland

/clw

ACTION:

Consider Recommendation to Planning Commission

6/12/95

008-111-017-000

Item # D03

Hill, James J., III

(DA95109)

APPLICATION:

Generator and concrete fuel tank (both painted dark green on concrete pad with 6' high red-wood grape stake fence at

MONTEREY COUNTY
PLANNING & BUILDING INSPECTION DEPARTMENT
P.O. BOX 1208
SALINAS, CA 93902

PLANNER:

ACTION:

DEL MONTE FOREST LAND USE
ADVISORY COMMITTEE AGENDA

6. APPLICANT:

Schroeder, Ernst

(DA93094)

DATE:

APPLICATION:

May ²⁵~~18~~, 1995

TIME:

SITUS ADDRESS:

3:00 p.m. File Drive

LOCATION:

PLANNER:

Pebble Beach Community Services District Office

ACTION:

Consider Recommendation to the Planning Commission

1. ROLL CALL

2. APPROVAL OF MINUTES

3. PUBLIC COMMENT:

The Del Monte Forest Land Use Advisory Committee will receive public comment on non-agenda items within the purview of the Advisory Committee. The length of individual presentations may be limited by the chair.

4. APPLICANT:

California American Water Company (DA95099)

APPLICATION:

Replace existing Radio Tower with new Metal Tower; colors and materials: natural galvanized.

SITUS ADDRESS:

Del Monte Forest Area

PLANNER:

Weiland

ACTION:

Consider Recommendation to Planning Commission

5. APPLICANT:

Hill, James J., III

(DA95109)

APPLICATION:

Generator and concrete fuel tank (both painted dark green on concrete pad with 6' high redwood grape stake fence at



California-American Water Company

Monterey Division
50 Ragsdale Dr., Suite 100, P.O. Box 951 • Monterey, CA 93942-0951

(408) 373-3051 FAX (408) 375-4367

443-737

April 26, 1995

Ms. Linda Weiland
Monterey County Planning Department
P.O. Box 1208
Salinas, Ca 93902

Re: California-American Water Company
Radio Communication Antenna Replacement

Dear Ms. Weiland:

California-American Water Company (Cal-Am) currently operates a proprietary two-way radio system for communications between Company employees. This system includes a repeater station on Huckleberry Hill in Monterey, AP No. 8-111-17. This parcel is owned by Cal-Am and is utilized as a terminal water-storage facility. There is also a wooden antenna tower located at this water-tank facility that belongs to Cal-Am, along with several other wooden poles used for antenna towers owned by other utilities and one metal lattice tower owned by the Monterey County.

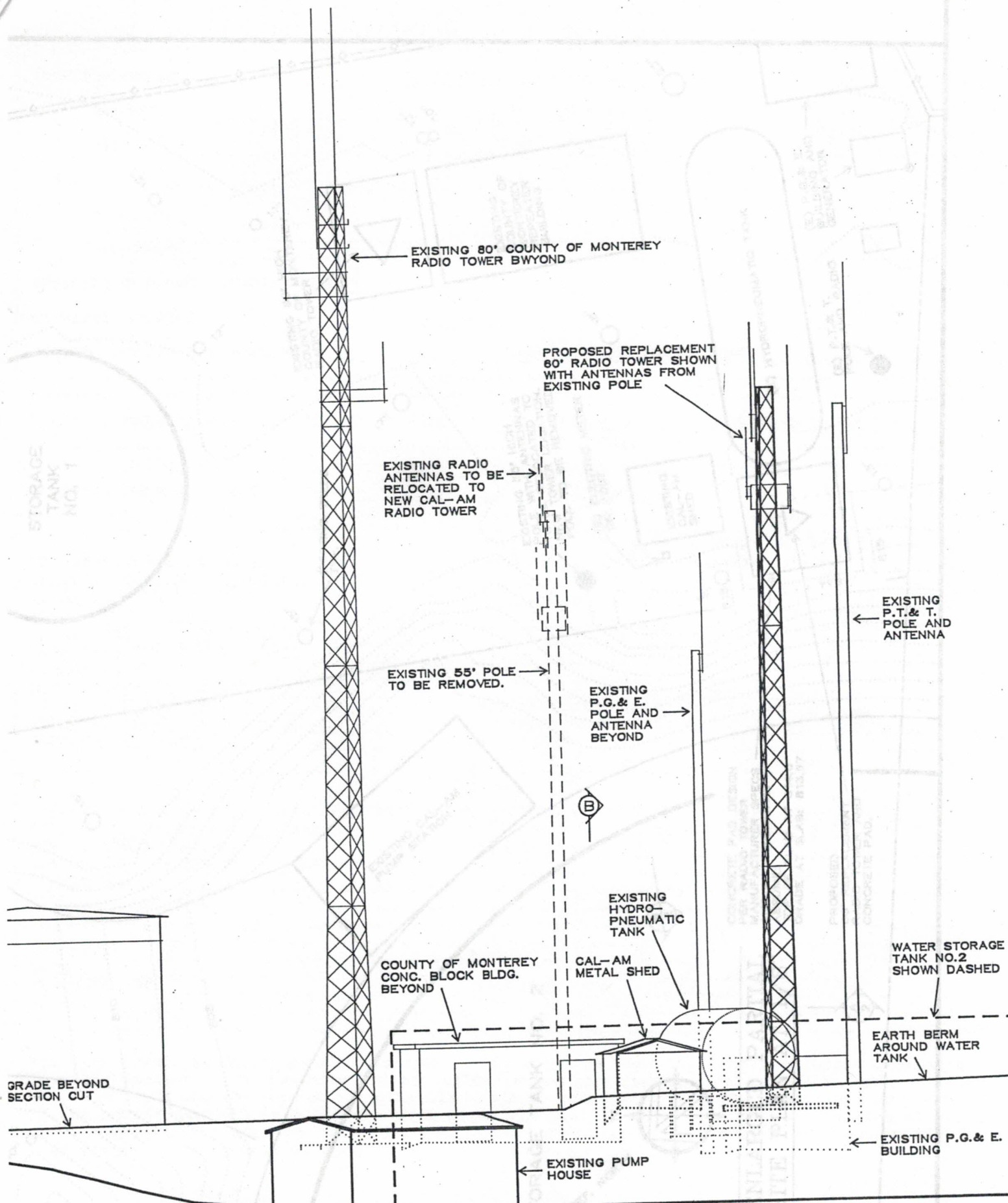
Cal-Am proposes to replace its existing wooden tower with a metal lattice-designed tower. The wooden tower is deteriorating and is becoming unsafe for technicians to climb when repairs of the installed antenna are necessary. It is not necessary to disturb or relocate any vegetation on the premises, and the proposed replacement tower is located as close to the existing tower as possible (see site plan). It is necessary to have the replacement tower installed before dismantling the existing wooden tower as communication between Cal-Am employees must be maintained. Once the replacement tower is installed, the existing wooden tower will be removed.

If you have any questions or need further information, please contact me.

Sincerely,

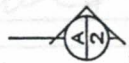
Mario Iglesias
Loss Control Manager

MI/llm



**PROPOSED
60" REPLACEMENT
RADIO TOWER AND
CONCRETE PAD.**

ENLARGED PARTIAL
SITE PLAN AT 1/8"



Monterey County Record for DA95099

Obtained from Monterey County Planning Department Website on 3 May 2018

Permit Number DA95099:

Discretionary

Current Permit Status: APPROVED

Project Description:

CAL AM WATER COMPANY

REPLACE EXISTING RADIO TOWER WITH NEW METAL TOWER;

COLORS AND MATERIALS: NATURAL GALVANIZED

▼ **More Details**

▣ **Application Information**

GENERAL

Subdivision:

No

▣ **Parcel Information**

Parcel Number:

008-111-017-000

Fire District:

Pebble Beach CSD

Planning Area:

Del Monte Forest LUP

Zoning:

MDR/4-D(CZ)



May 17, 2007

County of Monterey
Planning and Building Inspection
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

**RE: Verizon Wireless Communications Facility
Huckelberry Hill, Del Monte Forest
APN#: 008-111-017-000**

To Whom It May Concern:

Verizon Wireless received approval from the County of Monterey Planning Division to operate a wireless communications facility at the above referenced location under Permit #PC96032 and DA#96093 dated July 31, 1996. Verizon needs to install a receive-only GPS unit as an upgrade to its system. The conical shaped GPS unit measures 5" in height, 3" in diameter and will be mounted at 9' above ground level in accordance with Section 20.64.310 (D)(1) & Section 20.64.310 (F)(3) of the Monterey County Zoning Ordinance which allows such a unit to be installed with no permit requirements.

I would appreciate the opportunity to discuss this matter in further detail. Feel free to contact me with any questions or comments at (925) 330-5749.

Regards,

Phillip Thomas
Ridge Communications
Representative for Verizon Wireless

Acknowledgement:
County of Monterey Planning and Building Division

Signature: 
Printed Name: Jennifer Savage
Title: Assistant Planner
Date: 21 May 2007

008-111-017-000



Omnipoint Communications, Inc. d/b/a T-Mobile
Engineering Development
1855 Gateway Blvd, 9th Floor
Concord, CA 94520

May 6, 2009

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)
Notification Letter for T-Mobile Site No. SF05723A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

☒ (a) T-Mobile has obtained all requisite land use approvals for the project described in Attachment A.

☐ (b) No land use approval is required because N/A

A copy of this notification letter is being sent to the local government agency identified below. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Sr. Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Joni Norman
Sr. Development Manager
Omnipoint Communications, Inc. d/b/a T-Mobile

Enclosed: Attachment A

CC:

County of Monterey, Attn: County Admin. Officer, 168 W. Alisal, 3rd Floor, Salinas, CA 93901
County of Monterey, Attn: Clerk to the Board, 168 W. Alisal, 1st Floor, Salinas, CA 93901
County of Monterey, Attn: Planning Dept., Director, 168 W. Alisal, 2nd Floor, Salinas, CA 93901

ATTACHMENT A

1. Project Location

Site Identification Number: SF05723A

Site Name: SF723 Cal-Am Water Tank

Site Address: 4041 Sunset Lane, Pebble Beach, CA 93953

County: Monterey

Site Location: Pebble Beach, CA

Assessor's Parcel Number: 008-111-017-000

Latitude: 36° 35' 9.3978"

Longitude: -121° 55' 18.8394"

2. Project Description

Number of Antennas to be installed: 3

Tower Design: Lattice tower

Tower Appearance: Antennas mounted to sides of tower

Tower Height: A) Tower height: 80' 1"
 B) Top of antenna height: 59'

Size of Buildings: Lease area: 10' x 14'

3. Business Addresses of all Governmental Agencies

County of Monterey Attn: County Admin. Officer 168 W. Alisal, 3 rd Floor Salinas, CA 93901	County of Monterey Attn: Clerk to the Board 168 W. Alisal, 1 st Floor Salinas, CA 93901	County of Monterey Attn: Planning Dept., Director 168 W. Alisal, 2 nd Floor Salinas, CA 93901
--	---	---

4. Land Use Approvals

Date Zoning Approval Issued: 4/29/09

Land Use Permit #: 090057

Monterey County Record for PC96032

Obtained from Monterey County Planning Department Website on 3 May 2018

Permit Number PC96032:

Discretionary

Current Permit Status: APPROVED

Project Description:

CAL AMERICAN WATER COMPANY
COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL FOR
THE ADDITION OF 20 FEET TO A PRE-APPROVED 60 FOOT RADIO
TOWER (DA95099) TO ALLOW FOR THE USE OF TOWER AS A
TRANSEIVER FACILITY; TOWER ADDITION TO BE
CONSTRUCTED OF GALVANIZED TUBING IN A LATTICE WORK
DE

▼ **More Details**

▣ **Application Information**

GENERAL

Application Name:

CAL AMERICAN WATER COMPANY

Entitlement:

Combined Development Permit

Subdivision:

No

▣ **Parcel Information**

Parcel Number:

008-111-017-000

Fire District:

Pebble Beach CSD

Planning Area:

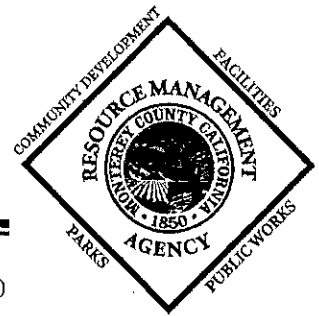
Del Monte Forest LUP

Zoning:

MDR/4-D(CZ)

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831)755-4800

www.co.monterey.ca.us/rma

March 23, 2018

Jameson Halpern
Huckleberry Hill Neighborhood Association
4067 Sunset Lane
Pebble Beach, Ca 93953

Via Electronic Mail to: monarchvillage1@comcast.net

Re: Public Records Act Request ("PRAR") dated March 12, 2018 regarding records that relate to wireless towers at 4039 Sunset Lane or 4041 Sunset Lane and a revised request received on March 20, 2018 regarding PLN100516.

Dear Mr. Halpern,

This letter responds to your above-referenced PRAR dated March 12, 2018 and revised request received on March 20, 2018. Your letters request records described by you as follows:

Request:

- A. *Please deliver all copies of ALL Records that related to Project **PLN180035**, excluding records from PLN100516.*
- B. *Please deliver copies of ALL Records that relate to Projects **PC96032** and **DA95099**, excluding records from PLN100516.*
- C. *Please deliver copies of ALL Records that relate to wireless towers located at **APN #008-111-016-000** and **APN #008-111-017-000**, excluding records from PLN100516.*
- D. *Please deliver copies of ALL Records that relate to wireless towers located at **4039 Sunset Lane** or **4041 Sunset Lane**, excluding records from PLN100516.*

Revised Request:

- E. *Please deliver, in electronic format (on a DVD) copies of ALL Records that related to PLN100516 (The NGEN Project).*

Response:

The Monterey County Resource Management Agency has identified records responsive to this request and they are available for your inspection now. Portions of these records exist

electronically, while others are only kept in hard copy. Please contact Sophia Magana at 831-755-5305 to arrange a way for you to inspect or obtain copies of these records. We have received your check for \$5.00 and if you wish for us to mail you a disc with the electronic records we currently have available, please let me know. Hard copies of any of the above records may be obtained at cost of \$0.12 cents per page.

Additionally, because your request involves the search, collection and review of a voluminous amount of potentially responsive records, pursuant to Government Code Section 6253 we are extending the time to provide you with a complete response. We will advise you further, no later than April 6, 2018, as to the status of our complete response.

Please contact me or Deputy County Counsel Kelly Donlon (831-755-5045) if you have any questions over any statement in this response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sophia Magana", written in black ink.

Sophia Magana
Resource Management Agency – Records Team

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor

(831)755-4800

Salinas, California 93901-4527

www.co.monterey.ca.us/rma

April 4, 2018

Jameson Halpern
Huckleberry Hill Neighborhood Association
4067 Sunset Lane
Pebble Beach, Ca 93953

Via Electronic Mail to: monarchvillage1@comcast.net

Re: Public Records Act Request ("PRAR") dated March 12, 2018 regarding records that relate to wireless towers at 4039 Sunset Lane or 4041 Sunset Lane and a revised request received on March 20, 2018 regarding PLN100516.

Dear Mr. Halpern,

On March 23, 2018, we responded to your above-referenced PRAR, dated March 12, 2018 and your revised request, received on March 20, 2018. On March 23, 2018, we advised that the County held certain records responsive to your request electronically, and that they could be placed on a compact disc at a cost of \$5.00. You were instructed to contact me if you wished the disc mailed to you. Further, on March 23, 2018, you were advised that the County has located responsive records that are not in electronic format and that these hard copy records were available for your review and copying at a charge of \$0.12 per page. These responses remain the same.

On March 23, 2018, the County advised that due to the volume of potentially responsive records, pursuant to Government Code Section 6253, the County extended its time to provide a further response to April 6, 2018. Below is the County's additional response:

Request:

- A. *Please deliver all copies of ALL Records that related to Project **PLN180035**, excluding records from PLN100516.*
- B. *Please deliver copies of ALL Records that relate to Projects **PC96032** and **DA95099**, excluding records from PLN100516.*
- C. *Please deliver copies of ALL Records that relate to wireless towers located at **APN #008-111-016-000** and **APN #008-111-017-000**, excluding records from PLN100516.*
- D. *Please deliver copies of ALL Records that relate to wireless towers located at **4039 Sunset Lane** or **4041 Sunset Lane**, excluding records from PLN100516.*

Revised Request:

E. Please deliver, in electronic format (on a DVD) copies of ALL Records that related to PLN100516 (The NGEN Project).

Response:

The County understands your request as seeking the permit files associated with Projects PLN180035, PC96032, DA95099, and PLN100516. Additionally, the County understands your request as seeking the permit files associated with wireless towers located at APN #008-111-016-000, APN #008-111-017-000, 4039 Sunset Lane, and 4041 Sunset Lane. The Monterey County Resource Management Agency and the Information Technology Department have identified records responsive to this request as they understand it, and the records are available for your inspection now. Portions of these records exist electronically while others are kept in hard copy only. Please contact me to arrange for inspection of these records. If you wish for the County to mail you a disc with the electronic records currently available, please let me know. Hard copies of records are available at a cost of \$0.12 per page.

A limited number of these records are not subject to disclosure pursuant to Government Code Section 6254(k) [attorney client communications]. If you wish to dispute any of the County's determinations concerning documents which are otherwise responsive but exempt from disclosure, contained in this response to your PRAR, please advise us of your legal argument. Please provide us with citation or legal authority which supports your legal argument so that we may reconsider our determination concerning documents which are otherwise responsive but exempt from disclosure.

Please be advised that every effort has been made to provide all of the disclosable records which might fall within your inquiry. As such, we believe our reply is quite thorough. However, if you have knowledge of a specific document which has not been provided in response to your inquiry, please notify us and we will be happy to provide the document(s) to you unless, of course, it is exempt from disclosure under applicable law.

Please contact me or Deputy County Counsel Kelly Donlon (831-755-5045) if you have any questions over any statement in this response.

Sincerely,

Sophia Magana
Resource Management Agency – Records Team

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

1441 Schilling Place, South 2nd Floor

Salinas, California 93901-4527

(831)755-4800

www.co.monterey.ca.us/rma



May 10, 2018

Jameson Halpern
Huckleberry Hill Neighborhood Association
4067 Sunset Lane
Pebble Beach, Ca 93953

Via Electronic Mail to: monarchvillage1@comcast.net

Re: Public Records Act Request ("PRAR") dated April 30, 2018 regarding the original permits for the Monterey WCF Tower at 4039 Sunset Lane.

Dear Mr. Halpern,

This letter responds to your above-referenced PRAR dated April 30, 2018 and received on May 1, 2018. Your letter request records described by you as follows:

Request:

F. Please deliver, in electronic format (on a DVD) copies of the original permits for the Monterey WCF Tower at 4039 Sunset Lane.

Response:

The Monterey County Resource Management Agency has no additional records responsive to this request beyond what has already been produced.

Please be advised that every effort has been made to provide all of the disclosable records which might fall within your inquiry. As such, we believe our reply is quite thorough. However, if you have knowledge of a specific document which has not been provided in response to your inquiry, please notify us and we will be happy to provide the document(s) to you unless, of course, exempt from disclosure under applicable law.

Please contact me or Deputy County Counsel Kelly Donlon (831-755-5045) if you have any questions over any statement in this response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sophia Magana'.

Sophia Magana
Resource Management Agency – Records Team