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Monterey County Planning Commission

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Agenda Item No. 1

Legistar File Number: PC 18-035

May 09, 2018

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

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

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

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

RECOMMENDATION:

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

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

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

PROJECT INFORMATION:

Owner: California-American Water Co.

Agent: County of Monterey Information Technology (lessor)

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

Plan Area: Del Monte Forest Land Use Plan Area

Flagged and Staked: N/A

SUMMARY:

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

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

DISCUSSION:

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

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

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

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

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

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

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

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

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

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

Response to contention 1 (Inadequate Noticing):

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

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

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

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

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

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

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

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

Response to Contention 5 (inconsistency with past practices):

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

Response to Contention 6 (staking and flagging criteria):

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

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

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



OTHER AGENCY INVOLVEMENT:

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

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

FINANCING:

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

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

The following attachments are on file with the RMA:

Attachment A - Draft Resolution

Exhibit 1 - Condition of Approval

Exhibit 2 - Site Plans and Elevations

Attachment B - February 20, 2018 letter from Jameson Halpern

Attachment C - March 12, 2018 letter from Jameson Halpern

Attachment D - Analysis prepared by Monterey County IT (antenna size and mass)

Attachment E - March 14, 2018, Staff response letter to Jameson Halpern

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

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Exhibit A

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**EXHIBIT A
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

**California American Water Co. (County of Monterey Information Technology
Department) (PLN180035)**

RESOLUTION NO.

- 1) Finding the project is the repair and maintenance of a public facility which qualifies for a Class 1 categorical exemption pursuant to Section 15301 of the CEQA Guidelines and none of the exceptions contained in Section 15300.2 apply; and
- 2) Approving a Design Approval allowing structural reinforcement of an existing 80-foot-tall 3 leg self-supporting tower and replacement of 16 tower-mounted antennas with 9 antennas in substantially the same location. Proposed structural changes include placement of soil anchors, replacement of diagonal members and tower leg supports, and construction of an ice bridge attaching the bottom of the tower to the existing antenna equipment shelter at the site.

[PLN180035, Cal-Am/County of Monterey,
4039 Sunset Lane, Pebble Beach, Del Monte
Forest Land Use Plan Area (APN: 008-111-017-
000)]

The Cal-Am (County of Monterey Information Technology Department) application (PLN180035) came on for public hearing before the Monterey County Planning Commission on May 9, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - The Del Monte Forest Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 5;
 - Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. Communications were received during the course of review of the project alleging that the project is inconsistent with the text, policies, and regulations in these documents.

- b) Allowed Use: The property is located at 4039 Sunset Lane, Pebble Beach (Assessor's Parcel Number: 008-111-017-000), Del Monte Forest Land Use Plan Area. The subject real property is owned by Cal-Am and also currently contains two large water tanks and one additional 80-foot tall communications tower. The County of Monterey leases a portion of the Cal-Am property to operate and maintain one of the two communications towers and associated communications equipment at the site. The project applicant is the County of Monterey, which is acting through its Information Technology Department. The parcel is zoned Medium Density Residential, 4 units per acre, with a Design Control overlay, in the Coastal Zone (MDR/4-D (CZ)) which allows wireless communication facilities subject to a Coastal Development Permit and subject to the requirements contained in Section 20.64.310 of the Coastal Zoning Ordinance (Title 20). The communication tower and facilities were permitted at the site under file numbers DA95099 and PC96032 (Planning Commission Resolution No. 96061). The project involves minor alterations to the existing facilities including structural reinforcement of the existing tower, construction of an ice bridge, and replacement of antennas on the existing tower without changing the location or nature of the use. Section 20.70.120.B exempts maintenance, alteration, or addition to existing structures and public works facilities with exceptions for projects that involve a risk of adverse environmental impacts. The proposed alterations to the previously permitted facility are exempt from a Coastal Development Permit pursuant to Section 20.70.120.B of the Coastal Zoning Ordinance (Title 20) and none of the circumstances involving risk of adverse environmental impacts that would preclude an exemption from the Coastal Development Permit requirement apply. Therefore, the project is an allowed land use for this site.
- c) Design Review: The property is subject to the zoning requirements contained in Chapter 20.44 of the Monterey County Code (Design Control Zoning District ("D" district). The "D" district is intended to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The County (Applicant) proposes to reinforce the foundation of the existing tower, build a 35-foot-long by 12 inch wide ice bridge connecting the bottom of the existing tower to the existing equipment shelters at the site (approximately 10 feet above grade) and to replace 16 tower-mounted antennas with 9 tower-mounted antennas in substantially the same location. The proposal will not change the height, mass, or location of the existing tower and facilities when viewed from off-site, and the consolidation of antennas attached to the tower will reduce the overall number and size of antennas from existing conditions. The existing metal lattice tower is also proposed to be painted a flat, earth-toned color in accordance with design standards contained in Section 20.64.310 of the Coastal Zoning Ordinance (Title 20). Therefore, the project meets the criteria for granting a Design

Approval as it will improve visual conditions when measured against the existing permitted conditions at the site.

- d) Wireless Communications Facilities: The proposal involves modifications to a previously permitted wireless communication facility. The project has been reviewed for consistency with the Regulations for the Siting, Design and Construction of a Wireless Communication Facilities contained in Section 20.64.310 of the Coastal Zoning Ordinance (Title 20). Section 20.64.310.D.1 exempts structure-mounted antennas from the regulations contained in that chapter. This means that the component of the project involving replacement of tower-mounted antennas is exempt from the subject regulations. Policies contained in Section 20.64.310.H (General Development Standards) have also been met. The project includes minor revisions to an existing facility. The location and height of the facility are not proposed to change from the existing, permitted condition and the project will not have new adverse impacts on visual resource, environmental resources, or conflict with public access rights. The tower and equipment shelters are constructed with non-flammable materials, and the applicant is proposing to paint the existing tower to help minimize visual impacts of the existing tower pursuant to Section 20.64.310.H.3.c. No violations exist on the site. Therefore, the project complies with the relevant requirements of Section 20.64.310 of the Zoning Ordinance.
- e) Del Monte Forest Land Use Plan: The proposal has been reviewed for consistency with the goals and policies of the Del Monte Forest Land Use Plan (LUP) and the Regulations for Development in the Del Monte Forest Land Use Plan area (CIP, Part 5). The project complies with the resource protection standards contained in these plans and will not adversely impact coastal resources including access, habitat, trees, marine environment, cultural resources, land use, or other resources identified in said plans. The existing leased site is currently disturbed with existing structures contained within a fenced area. The project improves the visual conditions at the site, is not in a location where the LUP requires public access, does not involve removal of trees, and is not located in a particularly sensitive environment.
- f) Site Visit: The project planner conducted a site inspection on April 24, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
- g) Response to communications: Letters from Jameson Halpern on behalf of the Huckleberry Hill Neighborhood Association, dated February 20, 2018 and March 12, 2018, have been received. The letters allege inconsistency of the project with: 1) Legally required noticing requirements; 2) Board adopted staking and flagging criteria; 3) applicable State and local laws and regulations pertaining to visual resources; and 4) County's treatment of past wireless facilities.
County's Response 1: Consideration of the Design Approval by the Chief of Planning was adequately noticed on February 13, 2018 pursuant to the requirements contained in Section 20.44.050.A of the Coastal Zoning Ordinance (Title 20). The notice provided 10 days for submittal of a written request for a hearing, before 5 pm on February 23, 2018. A written request for hearing was received on February 20, 2018,

and the project has been referred to a noticed public hearing before the Planning Commission. Notices of the public hearing before the Planning Commission were sent to all property owners and residents within 300 feet of the project and three notices were posted at the entrances to the site on April 24, 2018. The notice was published in the Monterey County Weekly on April 26, 2018, and notice was emailed directly to Jameson Halpern on April 30, 2018.

County's Response 2: Staking and Flagging criteria adopted by the Board of Supervisors provide County staff or the decision-making body for the permit with the authority to require, or not require, installation of staking and flagging. Staking and/or flagging is intended to help planners and the public visualize the mass and form of a proposed project. In this case, there are existing antennas attached to an existing tower. The project would clearly reduce visual impacts from existing conditions. The ice bridge is near ground level, screened by trees and a fence, the existing antennas already provide a visual representation of visual conditions which the project will improve upon, and the structural reinforcement will not change the size, location, or mass of the existing structure. For these reasons, staff found that the project would clearly not result in potential visual impacts and exempted the project from staking and flagging requirements pursuant to the Board adopted policies.

County's Response 3: The applicable regulations for development on the property include the Del Monte Forest Land Use Plan, the Coastal Implementation Plan, Part 5 (Regulations for development in the Del Monte Forest Land Use Plan area), and the Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance, Title 20 of the Monterey County Code). These plans have been certified by the California Coastal Commission (certified Local Coastal Plan) pursuant to the Coastal Act. Staff has reviewed the project for consistency with the applicable regulations and has found that the project complies with the regulations (see preceding findings and evidence regarding consistency with applicable plans).

County's Response 4: The circumstances of this case are different than projects cited in Mr. Halpern's March 12, 2018. In the cases cited in the March 12, 2018 letter, proposals included new monopoles or wireless communication towers or added substantially to the height and mass of such facilities. In those cases, design considerations to minimize visual impacts were considered. In this case, the project includes structural reinforcement of an existing tower that does not change the height or mass, reduction in the mass of structure mounted antennas, an ice bridge that is under the tree canopy and screened from view by existing vegetation, and painting of the tower to help reduce visibility. The project does not involve demolition and reconstruction or expansion of the existing facility that would warrant the requirement to replace the facility entirely with a new design.

- h) The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review. The comments and recommendations of the LUAC were provided to the Planning Commission prior to adoption of this resolution.

- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180035.
2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project includes minor modifications to a previously permitted use. The location and nature of the use at the site will not change. The site currently supports a communications tower and equipment that support the local emergency communications network. The project would make safety improvements and upgrades to an existing facility. Use of existing facilities is encouraged by the Wireless communication facility regulations contained in Title 21 (Inland Zoning Ordinance) to minimize the proliferation of new poles.
 - b) Staff conducted a site inspection on April 24, 2018 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180035.
3. **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) The project includes structural improvements, consolidation of antennas, and construction of an ice bridge at an existing facility. The structural improvements will improve safety by bring the structure into conformance with current building code requirements. A construction permit is required for the proposed improvements and the construction permit will be review to ensure that the structural changes meet the current building and fire code requirements.
 - b) There is no change or intensification to the existing use of the site. The site is currently leased and maintained by the County of Monterey to support the local emergency communication network. The project does not represent a new use or an intensification of the existing use. Visual clutter from existing conditions will be improved, safety of the structures will be improved, and no new uses or improvements are introduced that could be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons in the neighborhood.
 - c) Staff conducted a site inspection on April 24, 2018 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180035.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance 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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on April 24, 2018 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180035.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review, and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts minor alterations to existing public or private facilities involving negligible or no expansion of use beyond that existing at the time of permit consideration.
 - b) The proposed project includes structural improvements, construction of a small ice bridge, and consolidation of antennas attached to the existing tower. The project will not change the location, height, or nature of the existing use. There is no substantial evidence of unusual circumstances that would remove this project from the class of projects under the Class 1 categorical exemption.
 - c) There is no substantial evidence supporting a fair argument of a reasonable possibility that the project will have a significant effect on the environment. No adverse environmental effects were identified during staff review of the development application during a site visit on April 24, 2018. The site contains existing improvements in the leased facility area including an existing tower, existing antennas, and existing equipment shelter, all enclosed by a fence.
 - d) Class 1 categorical exemptions are not qualified by the exceptions contained in Section 15300.2(a). In any event, the project would not result in potentially significant adverse environmental impacts due to location within a sensitive environment, visual resources will be improved from existing conditions, the project is not located on a hazardous site, and there is no evidence that the project would impact cultural resources.
 - e) Staff conducted a site inspection on April 24, 2018 to verify that the site is suitable for this use.
 - f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN180035.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance designates the Board of Supervisors as the authority

to consider appeals of discretionary decisions of the Planning Commission.

- b) Coastal Commission: Section 20.86.080 of the Monterey County Zoning Ordinance allows an appeal by or to the California Coastal Commission following a local decision on Coastal Development permit applications. The project is exempt from a Coastal Development Permit pursuant to Section 20.170.120.B. Therefore, the project is not appealable to the Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the Design Approval allowing structural reinforcement of an existing 80-foot-tall 3 leg self-supporting tower, construction of an ice bridge connecting the base of the tower to the existing equipment shelter at the site, and replacement of 16 tower-mounted antennas with 9 antennas in substantially the same location, in substantial conformance with the attached sketch which is attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of May, 2018 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. 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.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN180035

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Design Approval (PLN180035) allows structural reinforcement of an existing 80-foot-tall, 3-leg, self-supporting tower and replacement of 16 tower-mounted antennas with 9 antennas in substantially the same location. Proposed structural changes include placement of soil anchors, replacement of diagonal members and tower leg supports, and construction of an elevated metal walkway (ice bridge) attaching the bottom of the tower to the existing antenna equipment shelter at the site. The property is located at 4041 Sunset Lane Pebble Beach (Assessor's Parcel Number 008-111-017-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

SELF-SUPPORT TOWER TOWER REINFORCEMENT/ ICE BRIDGE DRAWINGS

SITE NAME: HUCKLEBERRY HILL

SITE ADDRESS:
4039 SUNSET LN PEBBLE
BEACH, CA 93908
MONTEREY COUNTY, USA

CODE COMPLIANCE

THIS REINFORCEMENT DESIGN IS BASED ON THE REQUIREMENTS OF TIA-222-G STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS, IBC 2015, AND 2016 CALIFORNIA BUILDING CODE USING A 3-SECOND GUST WIND SPEED OF 89 MPH WITH NO ICE, AND 60 MPH UNDER SERVICE LOADS, EXPOSURE CATEGORY B.

TOWER INFORMATION

TOWER MANUFACTURER / DWG#: ROHN / DWG #UNKNOWN

TOWER HEIGHT / TYPE: 80 FT SELF-SUPPORT TOWER

TOWER LOCATION:
DATUM: NAD 1983

LATITUDE 36° 35' 9.86" (36.586072)
LONGITUDE -121° 55' 18.84" (-121.9219)

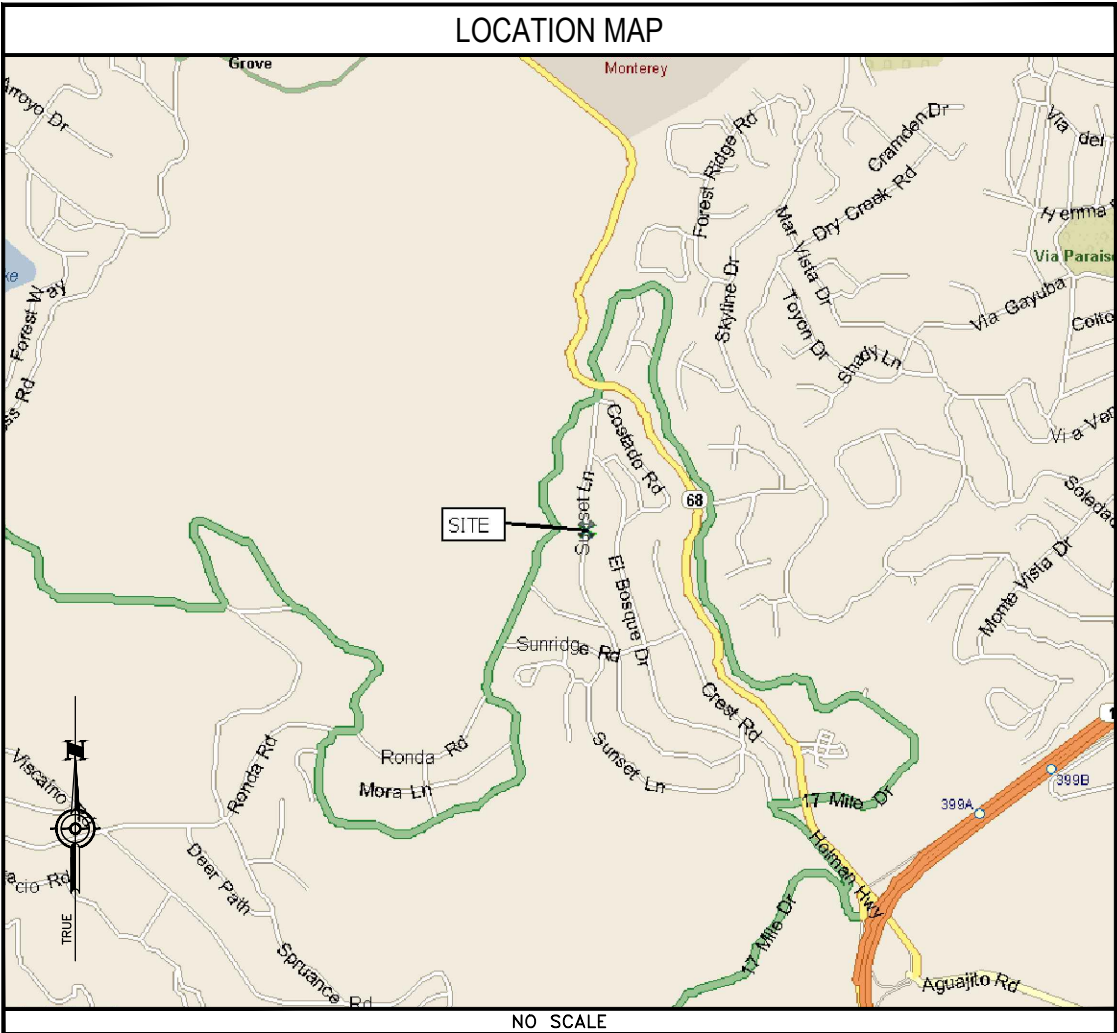
FCC REGISTRATION: 1215564

PROJECT CONTACTS

MONTEREY COUNTY CONTACT
THOMAS MONTOYA, E.I.T.
(831) 796-6433
MONTOYATL@CO.MONTEREY.CA.US
1590 MOFFETT STREET
SALINAS, CA 93905

B&V PROJECT MANAGER
BRIAN NIGG
(503) 443-4455
NIGGBJ@BV.COM
5885 MEADOWS ROAD, SUITE 700
LAKE OSWEGO, OR 97035

B&V STRUCTURAL ENGINEER
HYUN KIM, P.E.
(913) 458-2258
KIMH@BV.COM
6800 W 115TH ST, SUITE 2292
OVERLAND PARK, KS 66211



DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE PAGE
C-1	OVERALL SITE PLAN
C-1.1	SITE PLAN
C-2	SITE ELEVATIONS
C-2.1	SITE ELEVATIONS
C-2.2	SITE ELEVATIONS
C-3	MONTEREY COUNTY EQUIPMENT LAYOUT
C-4	CABLE ROUTING DETAILS AND NOTES
S-1	ICE BRIDGE DETAILS
G-1	GROUNDING ONE-LINE
G-2	GROUNDING DETAILS
TM-1	NOT USED
TM-2	MODIFICATION INSPECTION CHECKLIST
TM-3	NOTES
TM-4	TOWER ELEVATION
TM-5	REINFORCEMENT DETAILS
TM-6	REINFORCEMENT DETAILS
TM-7	TOWER FOUNDATION DETAILS
TM-8	TOWER FOUNDATION DETAILS
TM-9	TOWER FOUNDATION DETAILS

FOR REFERENCE

DETAIL 1	VHF PLAN
DETAIL 2	ANTENNA SYSTEM DETAIL (FOR 150 MHZ)
DETAIL 3	EQUIPMENT DETAIL
DETAIL 4	ANTENNA SYSTEM DETAIL (FOR 450 MHZ)
DETAIL 5	EQUIPMENT DETAIL
DETAIL 6	EQUIPMENT RACK ELEVATIONS
DETAIL 7	UHF RACK FACE ELEVATIONS
DETAIL 8	VHF RACK FACE ELEVATIONS
DETAIL 9	PG&E PLAN
DETAIL 10	ANTENNA DATA

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

PREPARED FOR:



BLACK & VEATCH

6800 W 115TH ST, SUITE 2292
OVERLAND PARK, KS 66211

PROJECT NO:	188528
DRAWN BY:	TYW
CHECKED BY:	HK

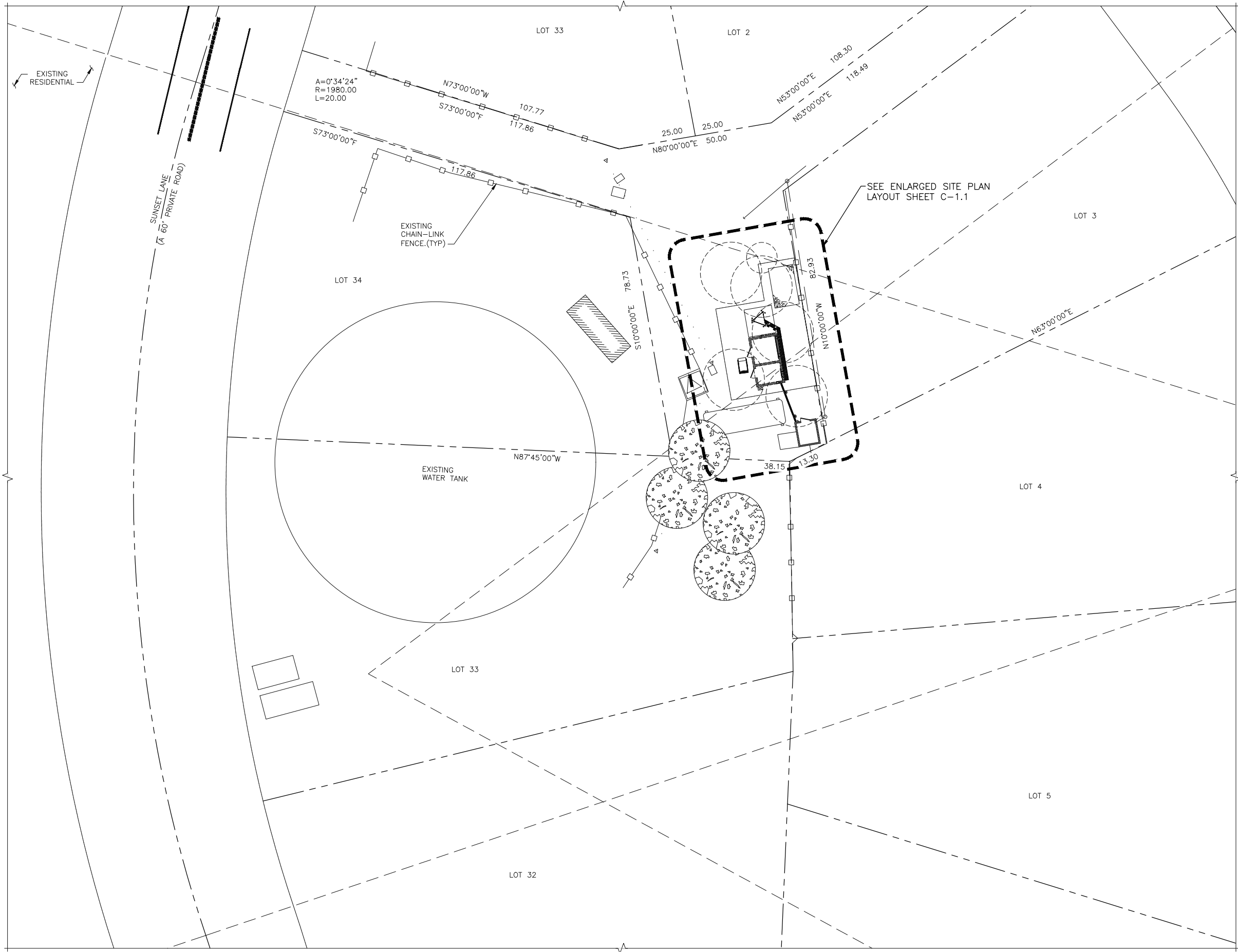
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HUCKLEBERRY HILL
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PEBBLE BEACH, CA 93908
MONTEREY COUNTY, USA

SHEET TITLE
TITLE PAGE

SHEET NUMBER
T-1



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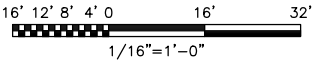
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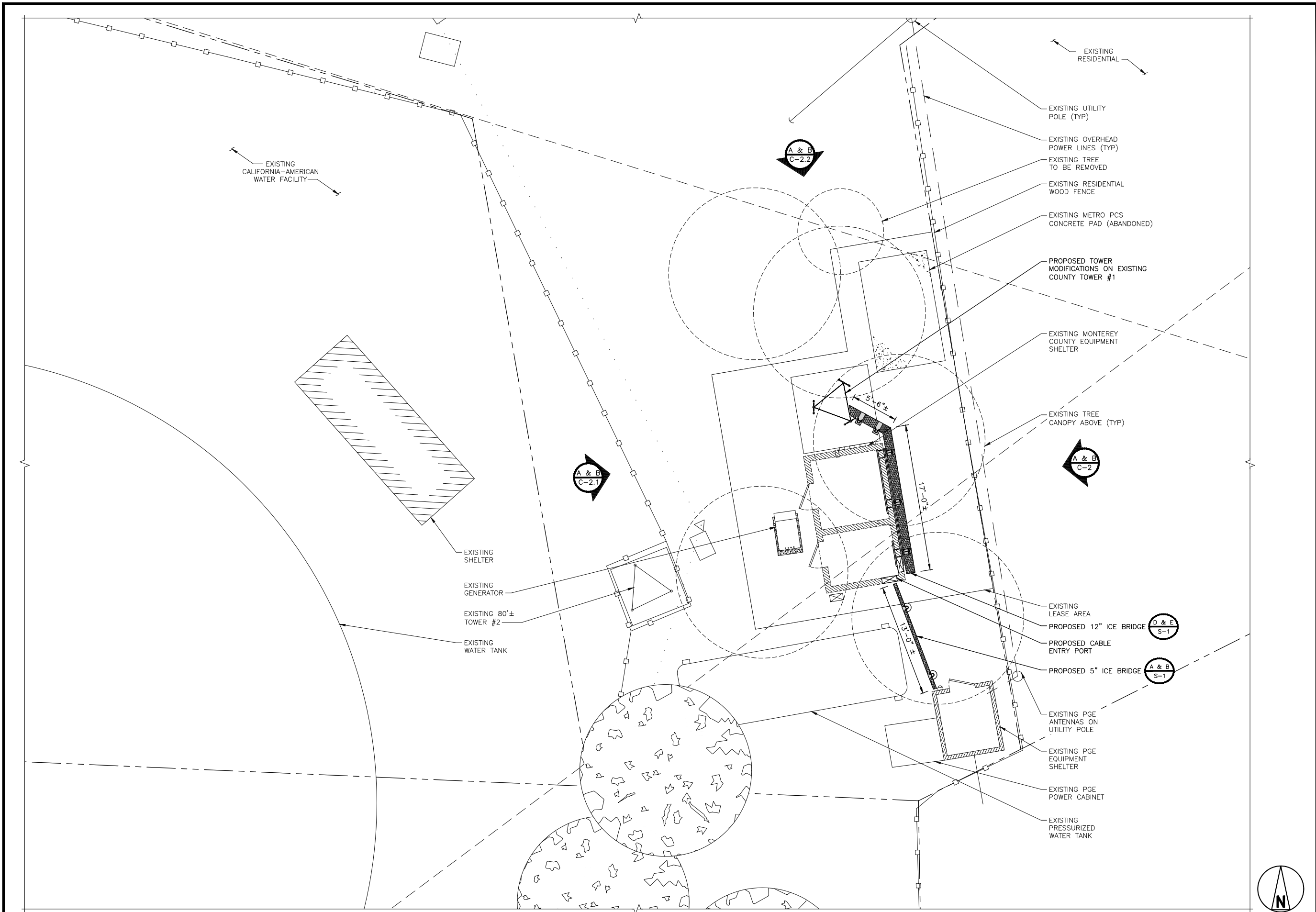
HUCKLEBERRY HILL
4039 SUNSET LN
PEBBLE BEACH, CA 93908
MONTEREY COUNTY, USA

SHEET TITLE
OVERALL SITE PLAN

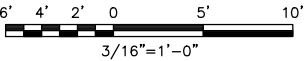
SHEET NUMBER
C-1

OVERALL SITE PLAN





SITE PLAN



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OVERLAND PARK, KS 66211

PROJECT NO: 188528

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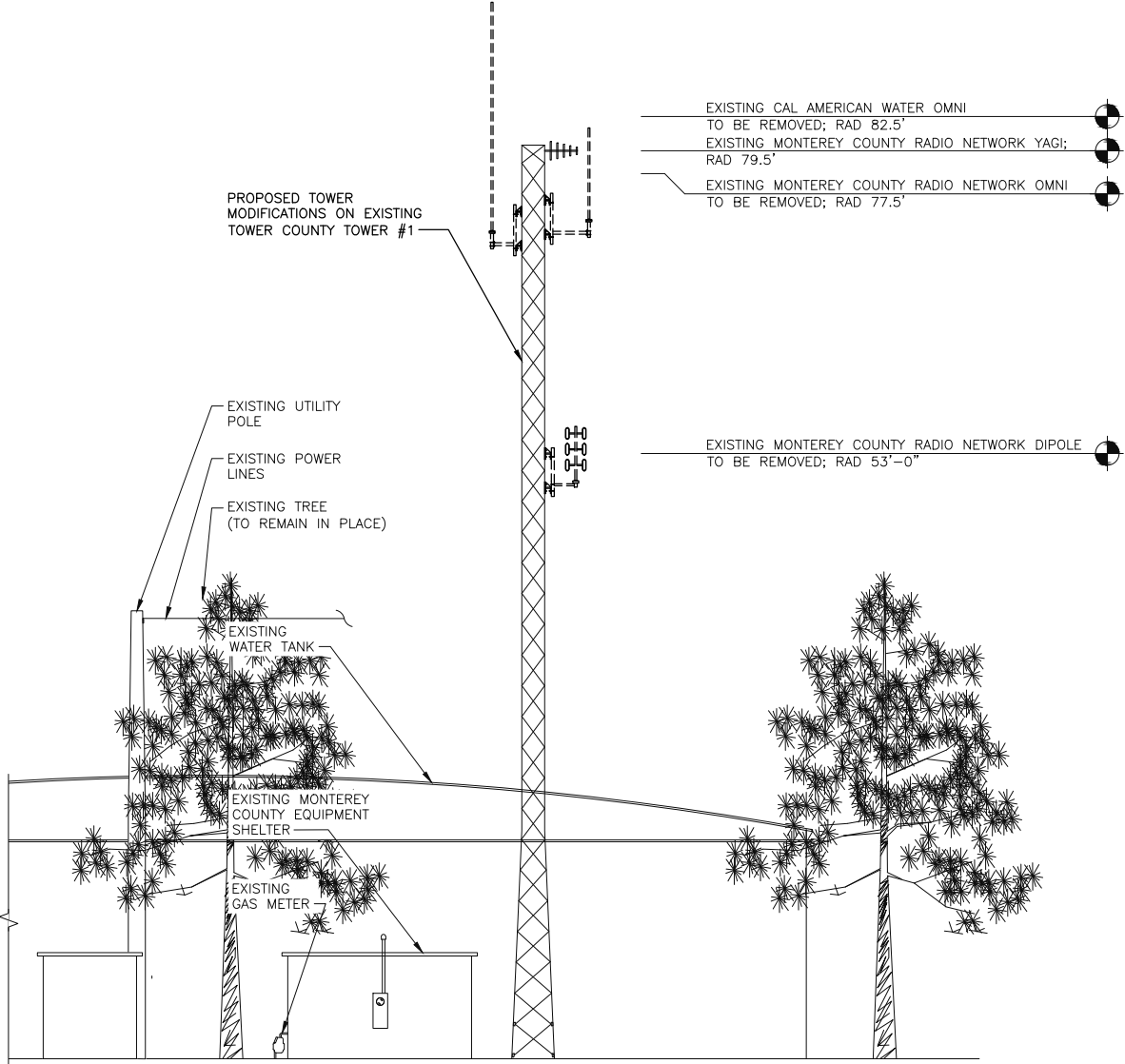
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SITE PLAN

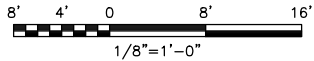
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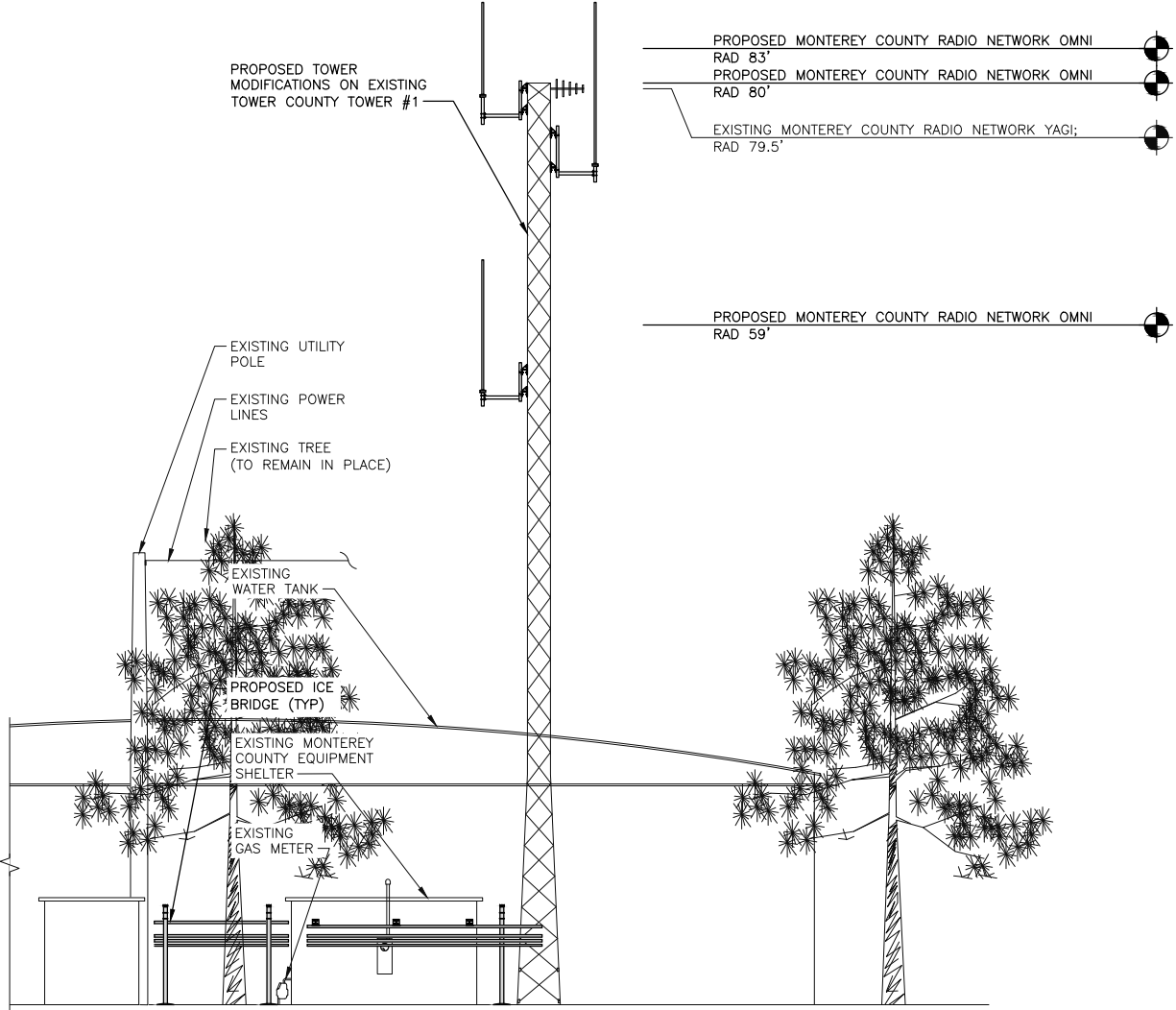
NOTE
IT HAS BEEN DETERMINED THAT MODIFICATIONS TO THE EXISTING STRUCTURE ARE REQUIRED. NO WORK OUTLINED IN THESE DRAWINGS SHALL COMMENCE UNTIL MODIFICATIONS ACCORDING TO THE ANALYSIS AND/OR DESIGN COMPLETED BY BLACK AND VEATCH ARE COMPLETE AND VERIFIED.



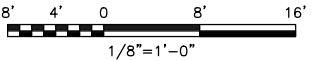
EXISTING EAST FACING ELEVATION



A



PROPOSED EAST FACING ELEVATION



B

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BLACK & VEATCH

6800 W 115TH ST, SUITE 2292
OVERLAND PARK, KS 66211

PROJECT NO: 188528

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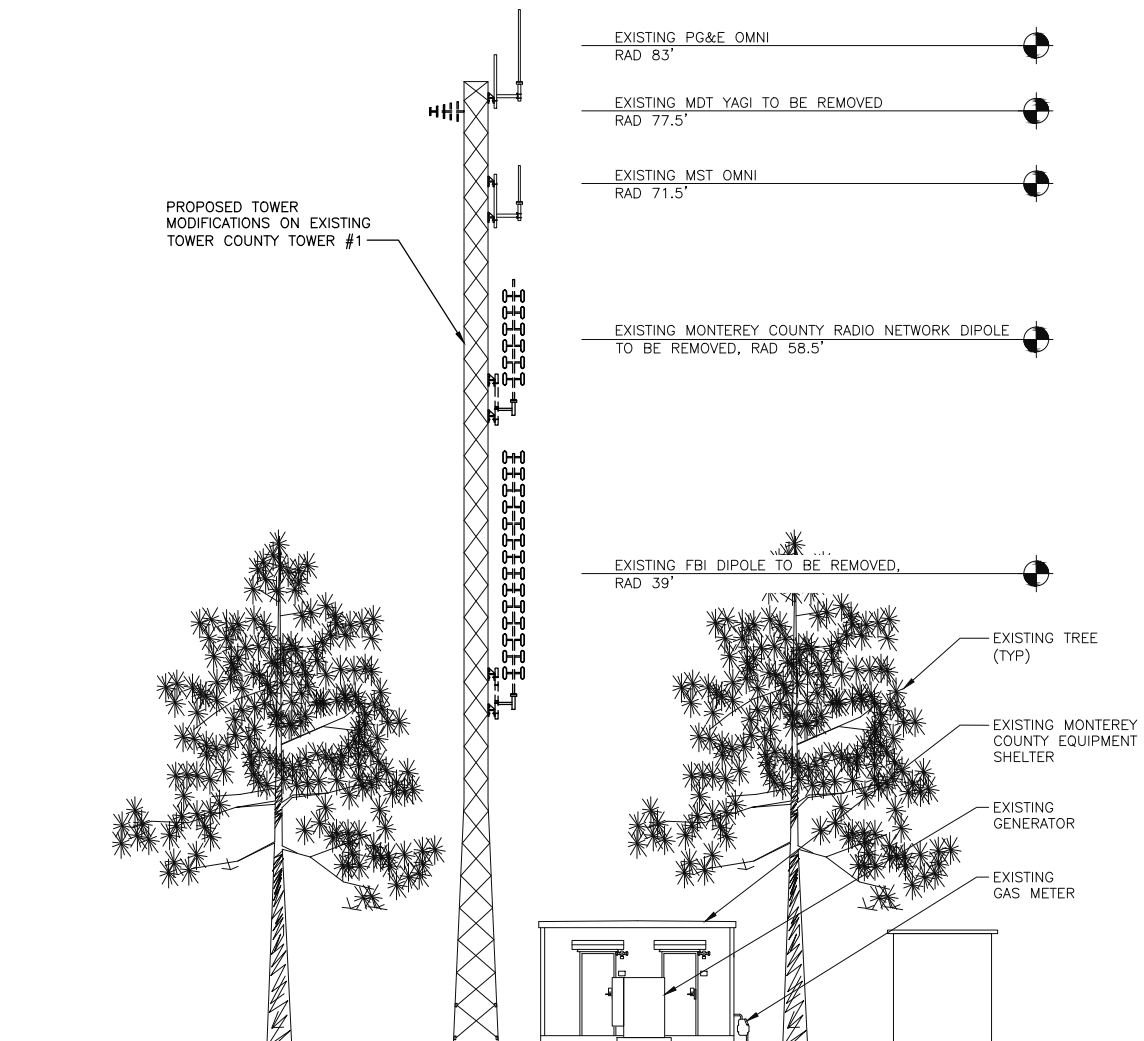
HUCKLEBERRY HILL
4039 SUNSET LN
PEBBLE BEACH, CA 93908
MONTEREY COUNTY, USA

SHEET TITLE
SITE ELEVATIONS

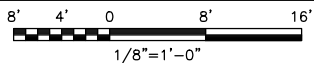
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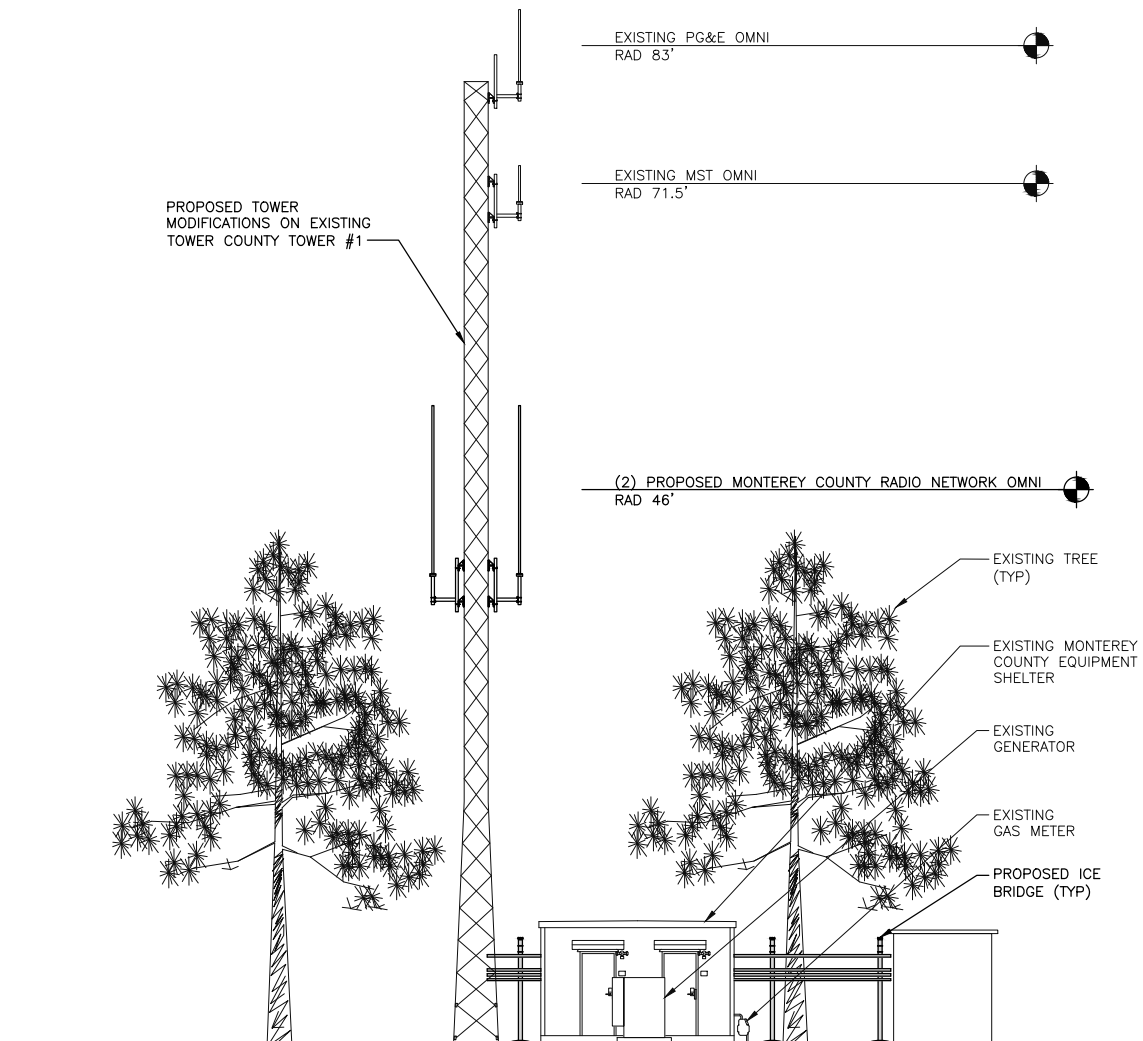
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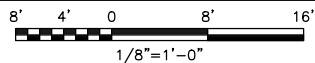
EXISTING WEST FACING ELEVATION



A



PROPOSED WEST FACING ELEVATION



B

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BLACK & VEATCH

6800 W 115TH ST, SUITE 2292
OVERLAND PARK, KS 66211

PROJECT NO: 188528

DRAWN BY: TYW

CHECKED BY: HK

REV	DATE	DESCRIPTION
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HUCKLEBERRY HILL
4039 SUNSET LN
PEBBLE BEACH, CA 93908
MONTEREY COUNTY, USA

SHEET TITLE
SITE ELEVATIONS

SHEET NUMBER

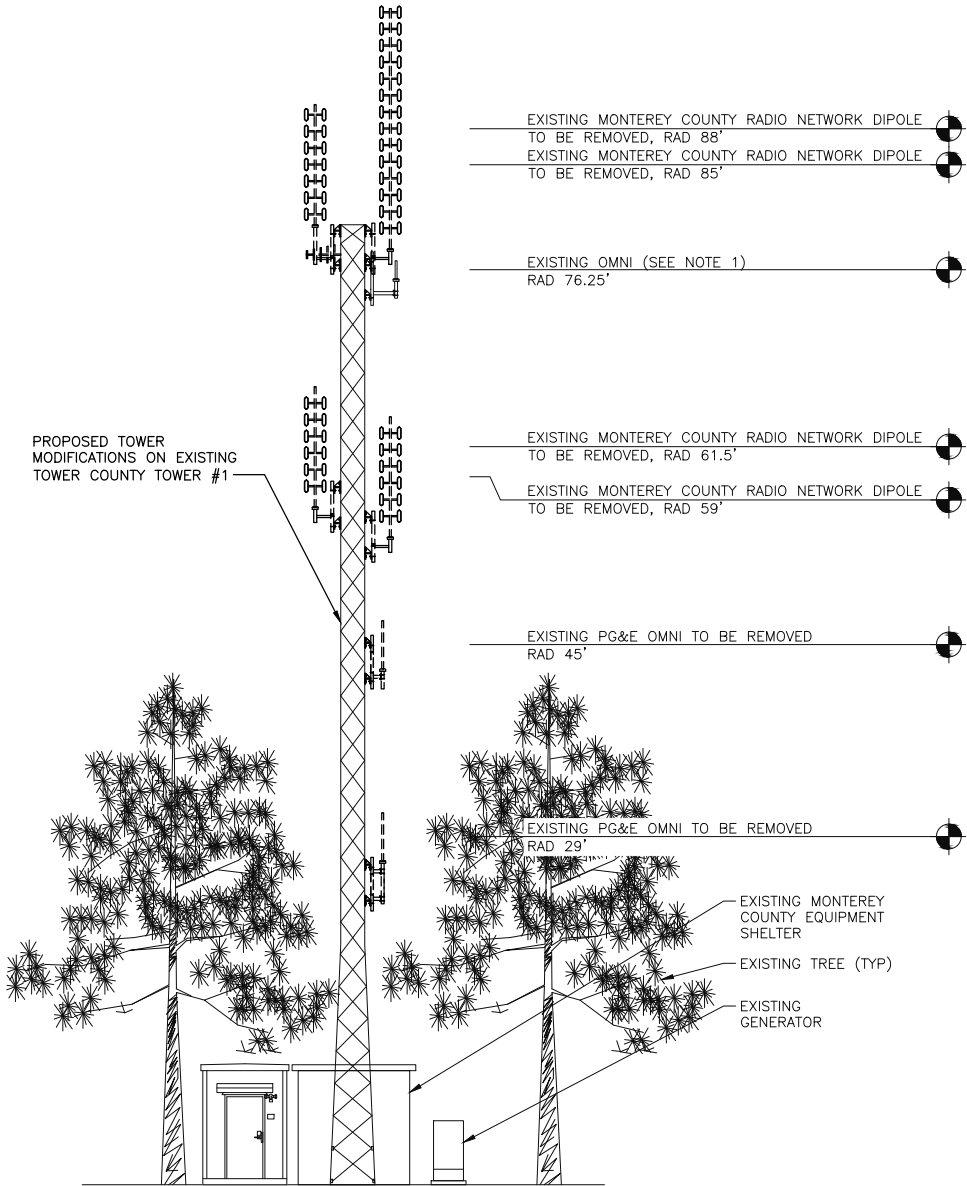
C-2.1

NOTE

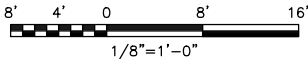
1. CONTRACTOR SHALL TRACE TRANSMISSION LINE FROM ANTENNA AT 76.25' BACK TO ITS RADIO IN ORDER TO DETERMINE WHO OWNS THE EQUIPMENT. INFORMATION REGARDING LOCATION OF THE RADIO EQUIPMENT AND ITS OWNER (IF AVAILABLE) SHALL BE COMMUNICATED TO THE COUNTY FOR FURTHER INSTRUCTION.

NOTE

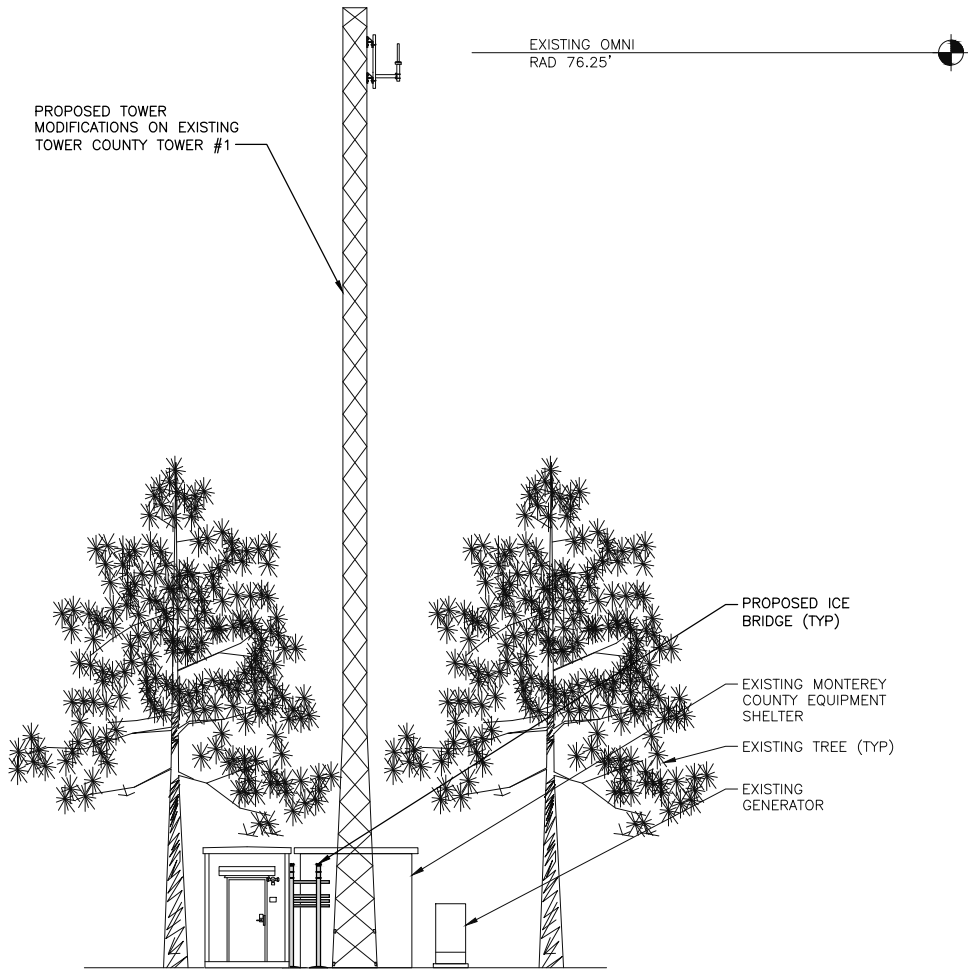
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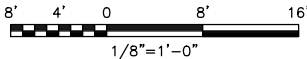
EXISTING SOUTH FACING ELEVATION



A



PROPOSED SOUTH FACING ELEVATION



B



**BLACK & VEATCH**

6800 W 115TH ST, SUITE 2292
OVERLAND PARK, KS 66211

PROJECT NO:	188528
DRAWN BY:	TYW
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PEBBLE BEACH, CA 93908
MONTEREY COUNTY, USA

SHEET TITLE
SITE ELEVATIONS

SHEET NUMBER
C-2.2

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Exhibit B

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Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

FORMAL OBJECTION AND DEMAND FOR HEARING

PLN-180035

A Project to Increase the Size of Telecommunications Tower

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

Craig Spencer, Senior Planner, Monterey County

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

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

20 February 2018

Mr. Spencer,

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

This Formal Objection incorporates by reference all of the following:

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

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
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The Agenda, Minutes, Video, and Exhibits of the Monterey County Board of Supervisors, the Monterey County Planning Commission, and DMFLUAC that relate to the NGEN System.

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

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

PLN-100516 (Huckleberry Hill NGEN Tower)

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

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

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

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

Duly Submitted,

JAMESON RICHARD HALPERN, ESQUIRE

PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION

CALIFORNIA STATE BAR LICENSE #236665

831-625-6530

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

NGEN PROJECT TIMELINE

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

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Exhibit C

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Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

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

March 12th 2018

Dear Sir,

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

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

Duly Submitted,

JAMESON RICHARD HALPERN, ESQUIRE
PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION
CALIFORNIA STATE BAR LICENSE #236665

831-625-6530

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

A Project to Increase the Size of a Telecommunications Tower

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

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

Copy To : Craig Spencer, Senior Planner, Monterey County

Jameson Halpern, ESQ, Huckleberry Hill Neighborhood Association

PLN180035, Telecommunications Tower Project, Sunset Lane, Pebble Beach

12 March 2018

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
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The PLN180035 Project violates the Flagging and Staking Practice in Del Monte Forest

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

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

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

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

STAKING AND/OR FLAGGING CRITERIA

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

4. PHOTO DOCUMENTATION

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

Jameson Halpern, Attorney at Law
 4067 Sunset Lane,
 Pebble Beach, CA, 93953 California
 State Bar License Number 236665

PBC PROJECT compared to PLN180035 PROJECT

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

Page 42 of 55

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

AT&T CARMEL VALLEY PROJECT compared to PLN180035 PROJECT

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

MPCC PROJECT compared to PLN180035 PROJECT

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

MPCC PROJECT compared to PLN180035 PROJECT

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

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

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

JAMESON RICHARD HALPERN, ESQUIRE
PRESIDENT, HUCKLEBERRY HILL NEIGHBORHOOD ASSOCIATION

CALIFORNIA STATE BAR LICENSE #236665

831-625-6530

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

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

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

Jameson Halpern, Attorney at Law
4067 Sunset Lane,
Pebble Beach, CA, 93953 California
State Bar License Number 236665

Planning

Pescadero Watershed: None

Del Monte Forest Sub-Planning Area:

HUCKLEBERRY HILL

Subdivision: DEL MONTE FOREST SUBDIVISION
#2

2nd Unit Restricted Area: None

LCP Land Use: Residential - Density as indicated

FORA Land Use: None

Castroville Community Plan:

None

Special Treatment Area: None

Coastal Zone: Yes

Toro B-8 Zone: None

Visual Sensitivity: Highly Sensitive

Wine Corridor: None

Rural Center: None

Community Area: None

Biology

Monterey Spineflower Critical Habitat: None

Snowy Plover Critical Habitat: None

Environmental Impact Reports:

None

CDFG Natural Community:

None

Western Arroyo Toad Critical Habitat: None

San Joaquin Kit Fox Distribution: None

Library Reports

Archaeological Reports: None

Biology Reports: None

Geology Reports: None

Historic Reports: None

Forestry Reports: None

Drainage Reports: None

Soil Reports: None

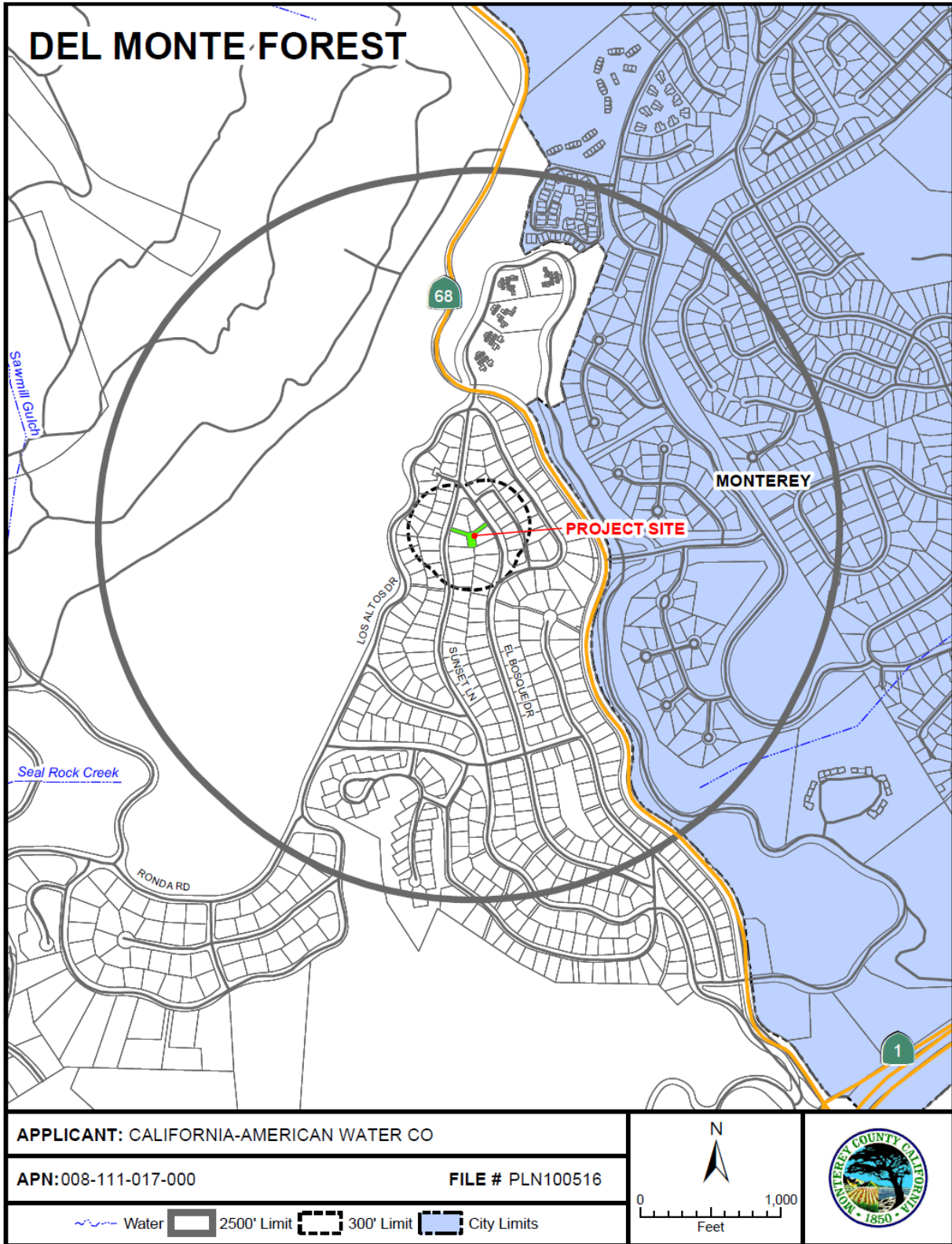
Others

Urbanized Area 2010: None

TAMC Development Fee Area: Peninsula-South Coast

Traffic Fee Impact Area: None

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HUCKLEBERRY HILL TOWER SITE MAP

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

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

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

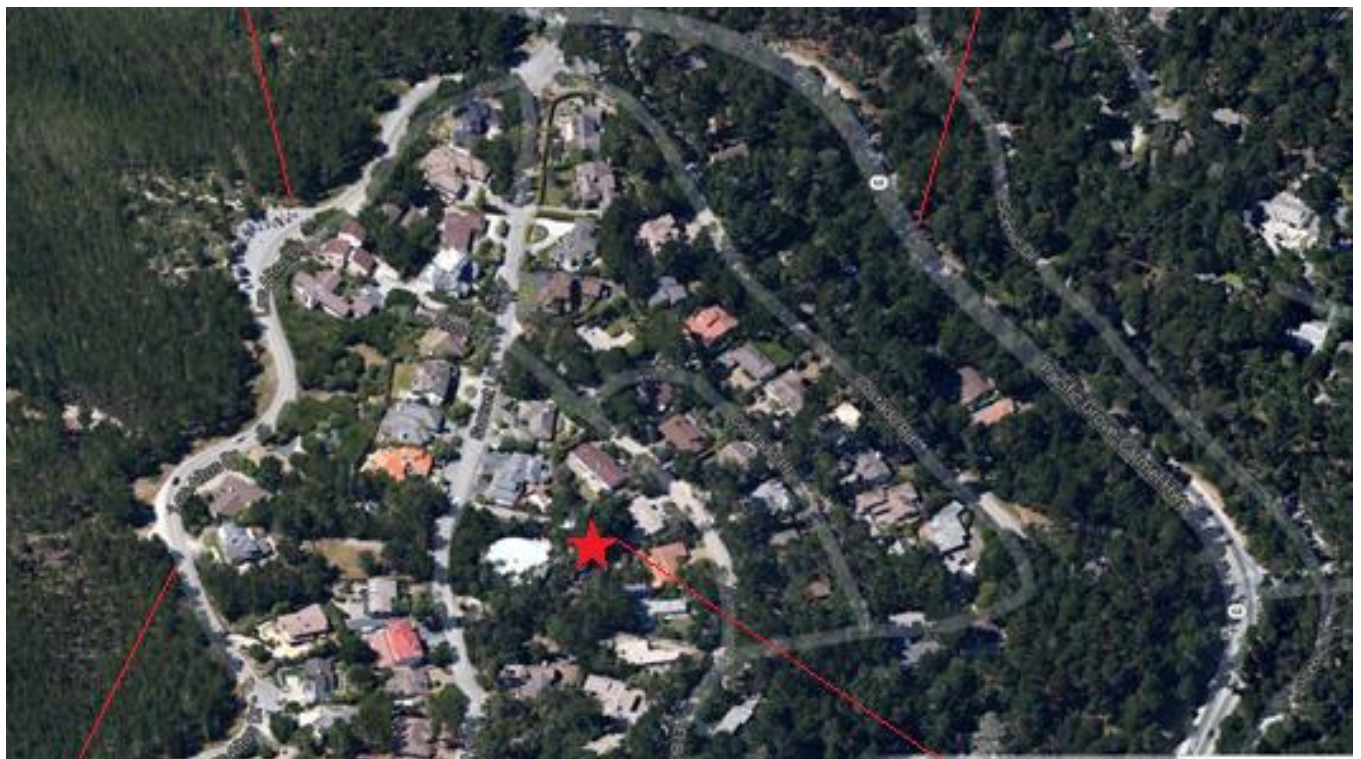
Adjacent to Scenic Vista Huckleberry Hill Outlook Two.

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

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

OUTLOOK TWO SCENIC VISTA

HIGHWAY 68 SCENIC CORRIDOR



17 MILE DRIVE SCENIC CORRIDOR

HUCKLEBERRY HILL (PLN180035) TOWER SITE

Exhibit D

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Huckleberry Hill Communications Tower – Monterey County

RESPONSE TO JAMESON HALPERN, ESQUIRE

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. Revision G of the standard represents a significant update which provides the telecommunications industry with critical guidance regarding minimum load requirements and design criteria. Other elements of this project include the repair/remediation of rust and the implementation of other structural maintenance to the site.

With respect to visual impact of the project: the number of existing RF antennas will be reduced from sixteen (16) to nine (9); this is achieved by the implementation of in-shelter filtering equipment that enables multiple RF channels to use a single antenna while remaining compliant with existing FCC operational licenses for the site/systems. In addition to the reduction in the number of antennas on the tower, the size of individual RF antennas will be smaller due to improvements in technology. Tower height will not increase; the number of antennas exceeding tower height will be fewer by two (2) and they will be shorter than the existing antennas above tower height by 11 feet or more.

Specific responses to Mr. Halpern's request for information are set forth below. Surface areas listed are estimates and are intended to describe the visual impact posed by the tower and appurtenances. Values listed are not intended to be used for design or technical analysis purposes.

Tower, Antenna, and Foundation Heights:

The tower height and foundation dimensions will remain unchanged. Soil anchors will be installed within the footprint of the existing foundation and driven straight down into the soil to increase the stability of the tower. The number of antennas exceeding the 80-foot elevation of the tower will be reduced from five to three. Additionally, the degree to which the antennas exceed tower height will be reduced. The highest antenna height will be reduced from 18-feet above the top of tower to 7-feet above the top of tower.

Existing Tower Height: 80'-0"

Existing Highest Antenna Height: 98'-0"

Existing Quantity of Antennas Above Tower Height: Five (5) [92', 81.5', 86', 98', 90']

Final Tower Height: 80'-0" (No change)

Final Highest Antenna Height: 87'-0"

Final Quantity of Antennas Above Tower Height: Three (3) [87', 87', 86']

Existing Foundation Height: At grade 0'-0" (No Change)

Existing Foundation Dimensions Footprint: 9' L x 9' W x 3.4' D (No Change)

Final Foundation Soil Anchors: Two (2) connected to each leg. Six (6) total 16' L x 1 ¼" diameter driven through existing foundation and into the soil.

February 28, 2018

Tower and antennas surface areas:

Table 1, below, summarizes the overall results of the project. Information on changes to the surface area of tower steel is set forth in Table 2. Detailed information, by antenna, regarding the tower/antenna surface area changes, antenna tip height, and antenna projection above the tower is set forth in Table 3.

Tower steel changes will increase surface area; they are limited to the lower forty feet of the tower. Antenna and cable changes will reduce surface area. Antennas exceeding tower height will be fewer by 2 and will be 11 feet shorter or more than current antennas. Together, these changes result in a net reduction of surface area and height, which translates to less visual impact than the current installation.

Table 1: Summary of Changes to Visual Obstructions (Surface Areas)

Net Tower Steel Surface Area Change (0' - 40') (sq. ft)	+9.448
Net Antenna Surface Area Change (sq. ft)	-50.98
Net Cable Surface Area Change (sq. ft)	-39.007
Net Surface Area Change (Tower Steel, Antennas, and Cables) (sq. ft)	-80.539

Table 2: Tower Steel Surface Area

Tower Section	Tower Retrofit Notes	Tower Steel Surface Area Change (sq. ft.)
60' - 80'	No Change to Members	0
40' - 60'	No Change to Members	0
20' - 40'	Replace existing 7/16" Diameter Solid Rod Diagonal Members with Equal Angle L1 1/2"x1" 1/2"x1/4" Diagonal Members	+6.948
0' - 20'	Weld (attach) New half pipe to existing legs (3) total HSS 2.875"Diameter 1/4" thick	+2.5
	Net Total: Tower Steel Surface Area Change (sq. ft.)	9.448

Table 3: Antenna and Cabling Surface Areas

Antenna Number	Antenna Notes	Existing Antenna Surface Area (sq. ft)	Surface Area Change (sq. ft)	Tip Height (ft)	Height Above Tower (ft)	Cable Notes	Existing Cable Surface Area (sq. ft)	Cable Surface Area Change (sq. ft)
1	Remove	2.62	-2.62	33	0	Remove	1.28	-1.28
2	Remove	15.71	-15.71	49	0	Remove	1.536	-1.536
3	Remove	0.98	-0.98	46.5	0	Remove	2.464	-2.464
4	Remove	2.36	-2.36	55	0	Remove	2.944	-2.944
5	Remove	7.86	-7.86	63.5	0	Remove	3.104	-3.104
6	Remove	7.86	-7.86	64	0	Remove	3.136	-3.136
7	Remove	7.86	-7.86	66.5	0	Remove	3.296	-3.296
8	No Change	0.98	0	73	0	No Change	4.16	0
9	To Remain	0.195	0	77	0	Changed 7/8" to 1/2" coax	4.512	-3.5955
10	Remove	6.54	-6.54	92	12	Remove	4.32	-4.32
11	Remove	2.62	-2.62	81.5	1.5	Remove	4.384	-4.384
12	Remove	0.4	-0.4	78	0	Remove	4.64	-4.64
13	To Remain	0.4	0	80	0	Changed 7/8" to 1/2" coax	4.768	-3.7995
14	To Remain	1.96	0	86	6	Changed 7/8" to 1/2" coax	4.8	-3.825
15	Remove	6.54	-6.54	98	18	Remove	8.395	-8.395
16	Remove	3.27	-3.27	90	10	Remove	4.8	-4.8
17	Planned	2.7	+2.7	65	0	Add 1/2" coax	3.136	+3.136
18	Planned	1.64	+1.64	87	7	Add 1/2" coax	4.736	+4.736
19A	Planned	3.1	+3.1	87	7	Add 1/2" coax	4.416	+4.416
20A	Planned	3.1	+3.1	53	0	Add 1/2" coax	2.112	+2.112
20B	Planned	3.1	+3.1	53	0	Add 1/2" coax	2.112	+2.112
Net Total: Antenna Surface Area Change (Sq. Ft.)			-50.98				Net Total: Cable Surface Area Change (Sq. Ft.)	-39.007

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Exhibit E

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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

March 14, 2018

Jameson Halpern
4067 Sunset Lane
Pebble Beach CA 93953

Subject: Administrative Processes and Appeal Authorities for consideration of PLN180035

Dear Mr. Halpern,

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

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

Appropriate Authority

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

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

Appeals

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

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

Conclusion

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

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

Sincerely,

Craig W. Spencer, Supervising Planner
Resource Management Agency – Planning Division
Phone: (831) 755-5233
Email: spencerc@co.monterey.ca.us