Attachment E



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. 18-019

- 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.
- 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.
- 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.
- 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 structuremounted 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) <u>Site Visit</u>: 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.
- 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:

- 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) <u>Board of Supervisors</u>: 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.
- 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-foottall 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 Commissioner Diehl, seconded by Commissioner Duflock, by the following vote:

AYES: Ambriz, Diehl, Duflock, Gonzalez, Mendoza, Padilla, Roberts, Wizard

NOES:

ABSENT: Getzelman, Vandevere

ABSTAIN:

Jacqueline R. Onciano, Planning Commission 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 MAY 2 4 2018

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

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 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.

Print Date: 5/9/2018 4:03:34PM Page 1 of 1

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

TOWER INFORMATION

TOWER MANUFACTURER / DWG#: ROHN / DWG #UNKNOWN

TOWER HEIGHT / TYPE: 80 FT SELF-SUPPORT TOWER

TOWER LOCATION: LATITUDE 36° 35′ 9.86″ (36.586072)
DATUM: NAD 1983 LONGITUDE -121° 55′ 18.84″ (-121.9219)

FCC REGISTRATION: 1215564

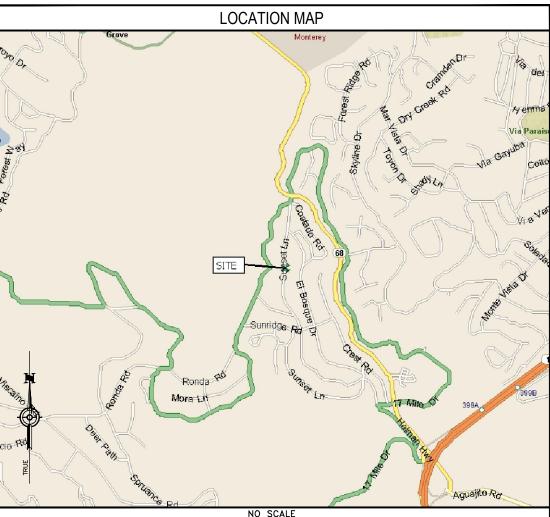
PROJECT CONTACTS

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 MFADOWS ROAD, SUITE 70

5885 MEADOWS ROAD, SUITE 700 6800 LAKE OSWEGO, OR 97035 OVERL

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



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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





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

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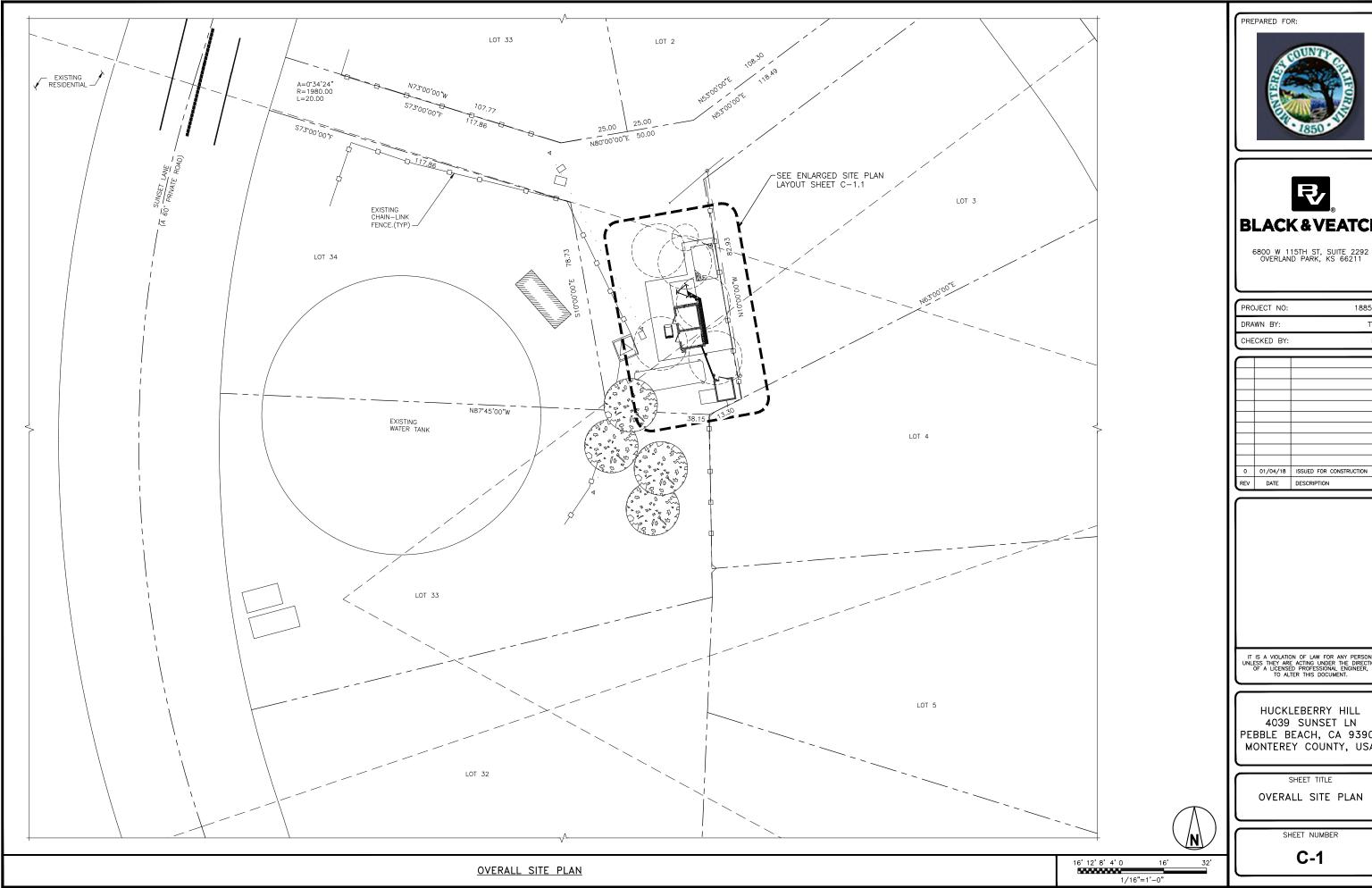
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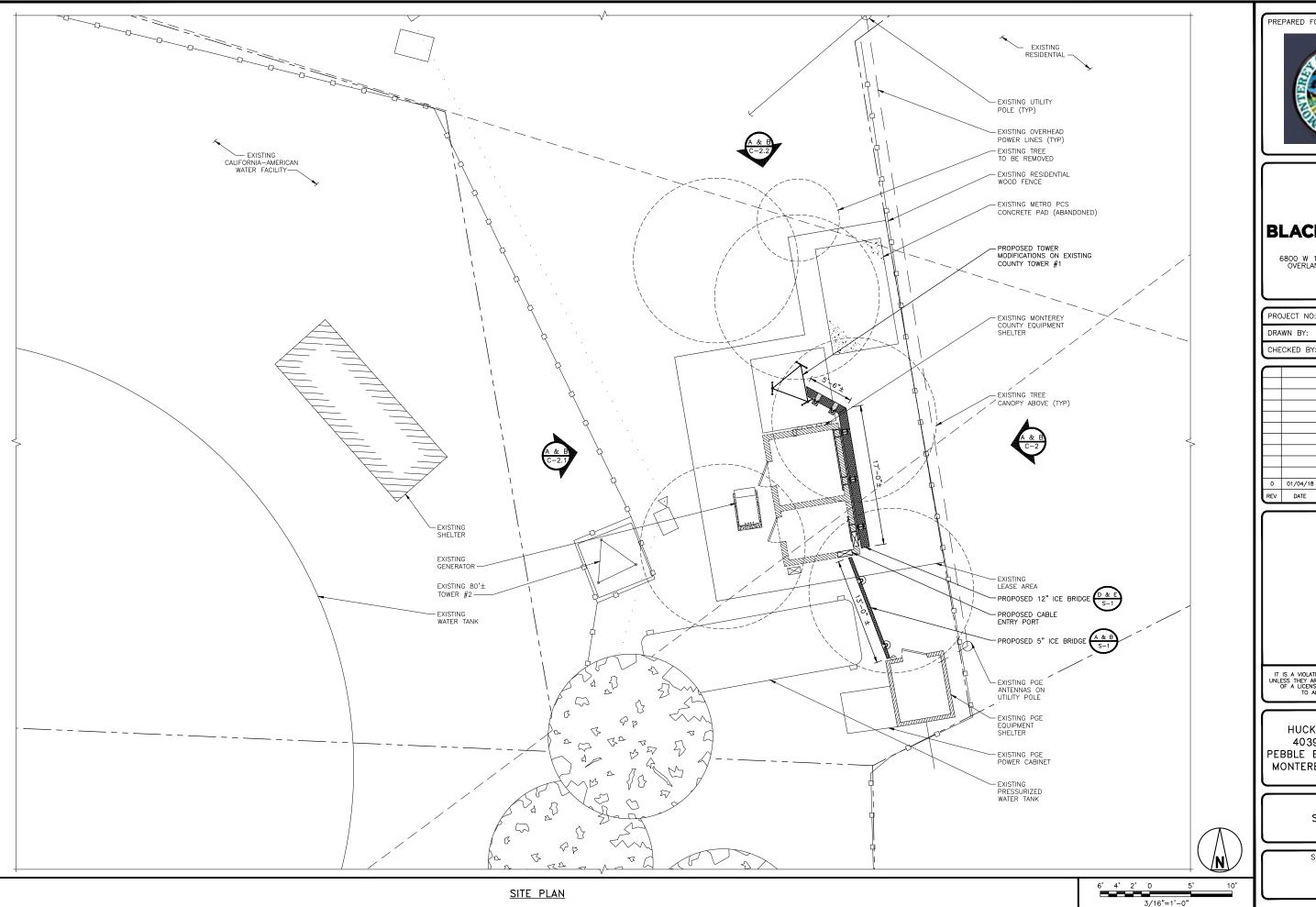
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HUCKLEBERRY HILL 4039 SUNSET LN PEBBLE BEACH, CA 93908 MONTEREY COUNTY, USA

OVERALL SITE PLAN







PROJECT NO: 188528
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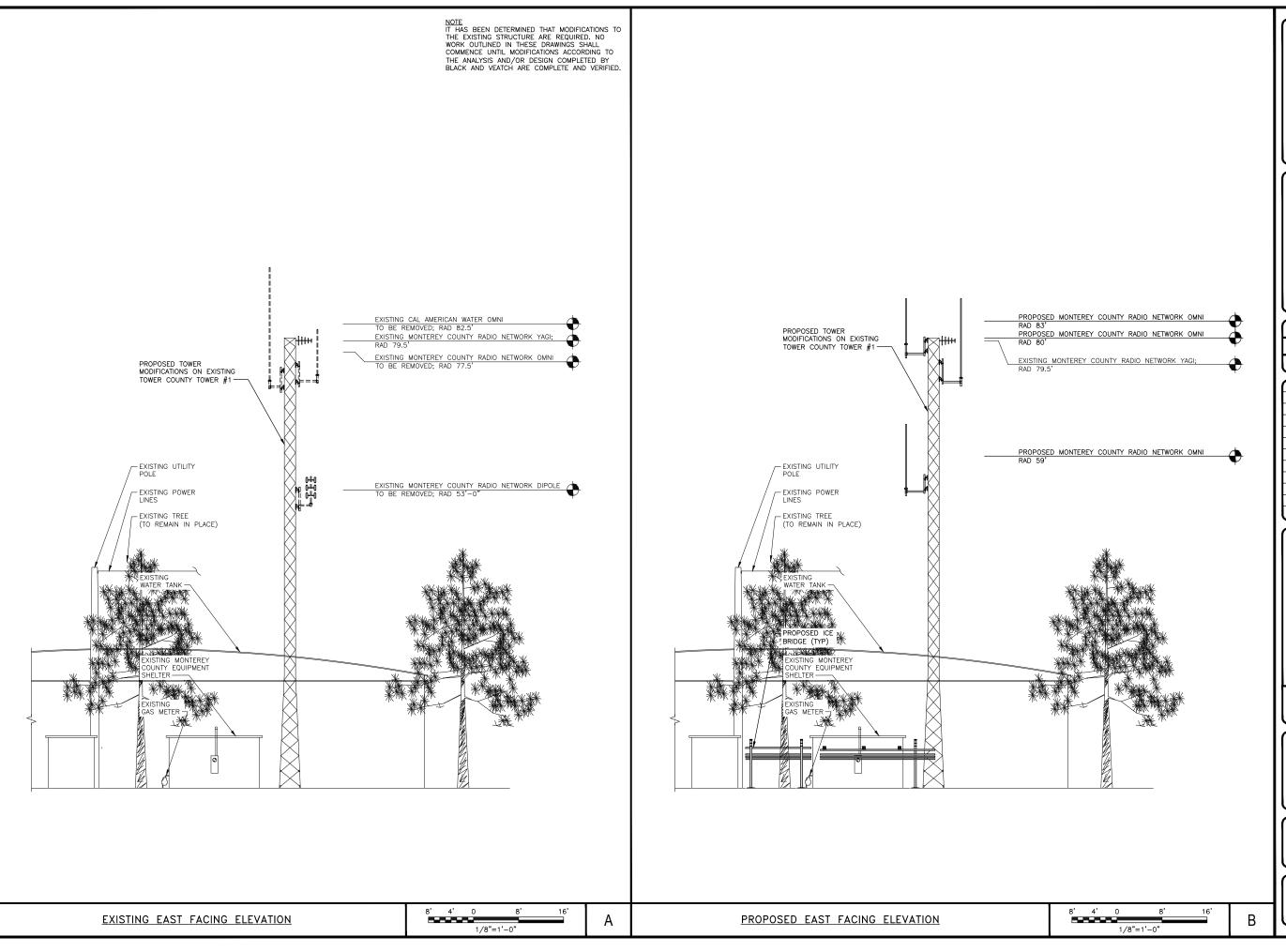
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SITE PLAN

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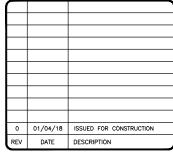
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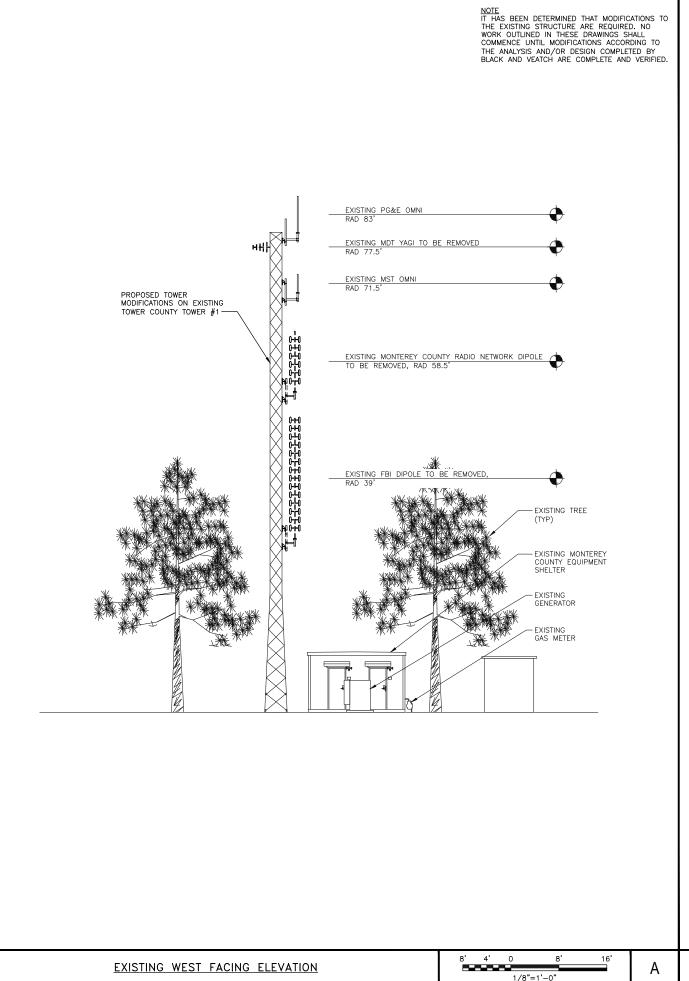
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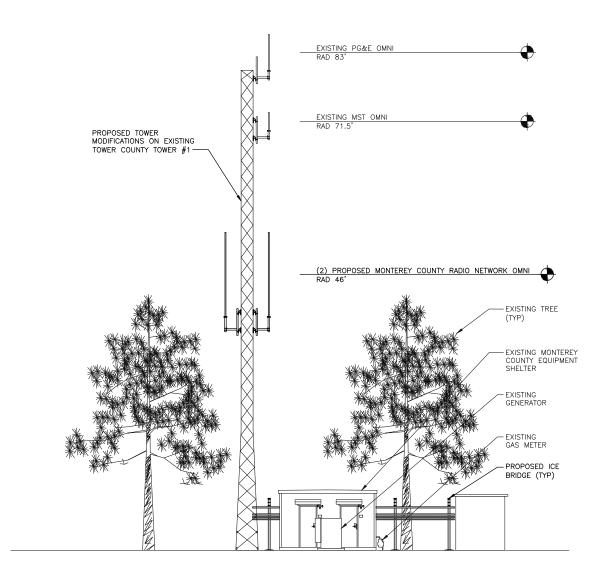
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SITE ELEVATIONS

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C-2









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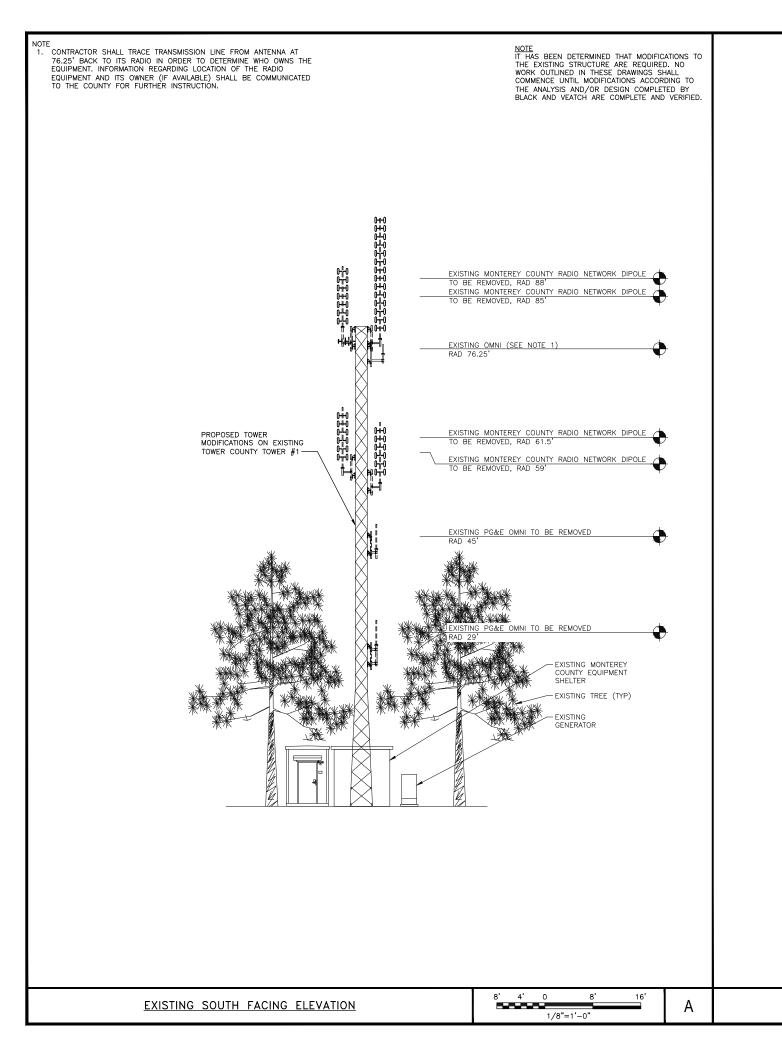
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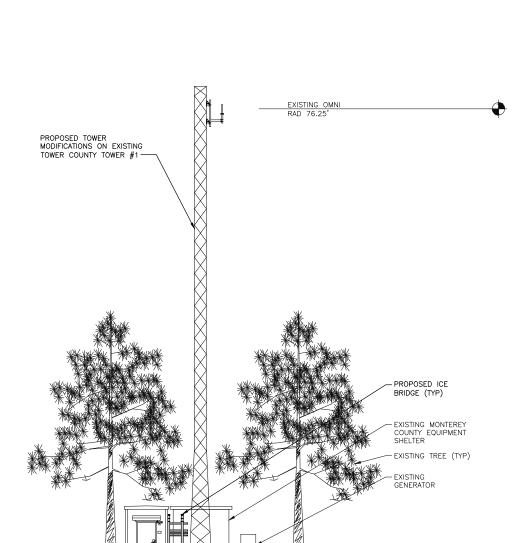
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8' 16'
A PROPOSED WEST FACING ELEVATION

8' 4' 0 8' 16' 1/8"=1'-0"









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

SHEET TITLE

SITE ELEVATIONS

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C-2.2

PROPOSED SOUTH FACING ELEVATION

8' 4' 0 8' 16' 1/8"=1'-0"

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