



Monterey County Board of Supervisors

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Salinas, CA 93901
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Board Order

Resolution No. 18-214

Upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried unanimously, the Board of Supervisors hereby:

Conducted a public hearing to consider an appeal by Jameson Halpern on behalf of the Huckleberry Hill Neighborhood Association from the Planning Commission's approval of an application by the County of Monterey Information Technology;

- a. Found 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;
- b. Denied the appeal of the Planning Commission's decision to approve the application by the County of Monterey Information Technology Department for 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; and
- c. Approved the 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.

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

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

PASSED AND ADOPTED on this 17th day of July 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams

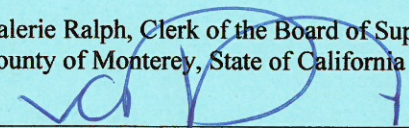
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 81 for the meeting July 17, 2018.

Dated: August 6, 2018
File ID: RES 18-092

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Valerie Ralph, Clerk of the Board

**Before the Board of Supervisors 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. 18-214

**Resolution by the Monterey County Board of
Supervisors:**

- 1) Denying the Appeal filed by Jameson Halpern from the Planning Commission's decision approving the application by the County of Monterey Information Technology Department for a Design Approval to reinforce an existing wireless communication tower, replace 16 structure mounted antennas with 9 structure mounted antennas, and construct an ice bridge.
- 2) 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
- 3) 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, 4041
Sunset Lane, Pebble Beach, Del Monte Forest
Land Use Plan Area (APN: 008-111-017-000)]

The appeal of the application (PLN180035) by the County of Monterey Information Technology Department came on for public hearing before the Monterey County Board of Supervisors on June 17, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as 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 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. This project is not related to a previously considered project known as the Next Generation Emergency Network (NGEN)(PLN100516).
- 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) Ridgeline Development: The project is not visible from a common public viewing area and is not located on the crest of a hill and therefore

is not considered “ridgeline development.” The site is relatively flat and located amongst an improved site and surrounding neighborhood visible only from private roads within the Del Monte Forest. The site is not located in the area mapped in Figure 3 of the Del Monte Forest Land Use Plan as visible from public view areas and would does not involve construction of a new structure. 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, height, location, or mass of the existing structure.

- h) Response to communications: Letters from Jameson Halpern on behalf of the Huckleberry Hill Neighborhood Association, dated February 20, 2018 and March 12, 2018, were received and responded to as part of the staff report and resolution for the Planning Commission hearing on May 9, 2018. On May 17, 2018, an appeal of the Planning Commission’s decision to approve the project was submitted by Jameson Halpern. The appeal letter, dated March 14, 2014, requested that the Board of Supervisors revoke the Planning Commission approval and deny the Design Approval. A summary of contentions and responses to those contentions are provided in Finding 6 of this resolution.
- i) The subject Design Approval did not warrant referral to the Del Monte Forest Land Use Advisory Committee for review and recommendation based on the Board adopted guidelines. However, the project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review following receipt of written objections to the project and prior to the Planning Commission hearing. On May 8, the Del Monte Forest Land Use Advisory Committee unanimously recommended approval of the project. One neighbor to the site was present at the hearing. The neighbor expressed concerns about potential harmful effects to people residing near the tower from radio frequency electromagnetic energy exposure. Staff has considered the public comment and verified that the project will remain well under the Federal Communications Commission (FCC) recommended Maximum Permissible Exposure limits for field strength and power density. The LUAC meeting was noticed to all property owners and tenants within 300 feet of the site and notice was posted at the meeting location and at 1441 Shilling Place, Salinas more than 72 hours in advance of the meeting.
- j) 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 reviewed 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 reduced, 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) The project will remain well under the Federal Communications Commission (FCC) recommended Maximum Permissible Exposure limits for field strength and power density.
 - d) Staff conducted a site inspection on April 24, 2018 to verify that the site is suitable for this use.
 - e) 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
 - g) No adverse environmental effects were identified during staff review of the development application or during the site visits conducted by RMA – Planning.
 - h) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from other in the exempt class. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, or unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact
6. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board finds that there is no substantial evidence to support the

contentions and makes the following specific findings in regard to the Appellant's contentions:

EVIDENCE:

Contention 1 – Hearing Not Fair.

At this time no independent or neutral government authority has ever reviewed PLN180035. The Planning Commission allowed ample time to make its argument in favor of approval in contrast permitted only three minutes to Jameson Halpern. At a hearing in 2012, one of the District 5 Planning Commissioners admitted he had not read the MND for PLN100516 and never received a copy of the MND. Monterey County failed to provide sufficient notice of the 3 May 201 DMFLUAC Hearing for PLN180035.

Response:

The project has been publicly noticed four separate times. First, pursuant to the requirements of Section 20.44.050 of the Coastal Implementation Plan, Part 1 (Title 20 Coastal Zoning Ordinance), notice of the Chief of Planning to consider approving a Design Approval was provided to all residents and property owners within 300 feet of the project site 10 days in advance of approval. Second, notice of consideration of the project at the Del Monte Forest Land Use Advisory Committee was provided 72 hours in advance of the meeting and by mailing notice to all residents and property owners within 300 feet of the site, by posting notice at 1441 Shilling Place in Salinas, and by posting notice at the meeting LUAC meeting. Third, a duly noticed Planning Commission hearing was held on May 9, 2018. Notice of the hearing was published in the Monterey County Weekly, posted on the Monterey County RMA-Planning website, sent to property owners and residents within 300 feet of the site, sent directly via email to Mr. Halpern, and three notices were posted at the project site. Finally, the Board will be considering the project at another duly noticed public hearing.

Mr. Halpern was not present at the Del Monte Forest Land Use Advisory Committee hearing. Mr. Halpern was also not present at Planning Commission hearing. He therefore was not limited in his presentation, as contended in his appeal. Mr. Halpern's written objections were submitted into the record for consideration during the Planning Commission hearing on this project. The RMA had no prior knowledge of the application, has no direct involvement in the project, and would not benefit from the project. The applicant for this project is the Monterey County Information Technology Department. Staff has presented a professional recommendation on the project based on review of the project against the applicable laws. The appeal does not allege or provide any evidence of bias or animus on the part of the Planning Commission, nor does it contend that the Planning Commission's decision was arbitrary.

Contention 2 – Lack of Substantial Evidence and Contrary to Law

The County of Monterey failed to make the findings required by the

Monterey County Local Coastal Program (LCP and Monterey County Coastal Zoning Ordinance (CZO) 20.64.310(A) and CZ) 20.64.310(C)(5). PLN180035 lacks a report from an installer showing all locations where an unimpaired signal can be received. PLN180035 lacks a visual simulation. PLN180035 lacks a photographic study as viewed from the nearest residential neighbors, Highway 68, 17 Mile Drive and Huckleberry Hill Outlook. The County of Monterey failed to obtain a report from the Monterey County Airport Land Use Commission as required by CZO 20.64.310. The County failed to consider the inclusion of a Fiberglass Tree disguise and Tree Screen as conditions for approval of PLN180035.

Response:

The project is located in the Del Monte Forest Land Use Plan area and is subject to the certified Local Coastal Program. The project was reviewed for consistency with:

- The Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance)
- The 1982 General Plan ("General Plan")
- The Del Monte Forest Land Use Plan ("LUP"); and
- The Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area ("CIP").

The project was found by the Planning Commission to be consistent with the above referenced regulations. The site is zoned Medium Density Residential, 4 units per acre, with a Design Control Overlay, in the Coastal Zone [MDR/4-D (CZ)] and the proposed project includes improvements to an existing wireless communication facility.

Coastal Zoning Ordinance: Pursuant to Section 20.12.050.AA [Uses allowed (in the MDR zone) subject to a Coastal Development Permit in each case] and Section 20.64.310.B and C (Regulations for Wireless Communications Facilities), wireless communications facilities are an allowed use on the property. As mentioned previously, the project does not involve construction or location of a new structure or facility. As such, the project was found to qualify for an exemption from a Coastal Development Permit pursuant to Section 20.70.120.B of the Coastal Zoning Ordinance as a minor modification to an existing facility. None of the exceptions to the exemptions apply.

A Design Approval was required for the proposed modifications to the tower and antenna's pursuant to Section 20.44 of the Coastal Zoning Ordinance (D-district). Because the project would reduce the number and size of the antenna's attached to the tower, includes painting the tower to help blend the tower with the surrounding trees, and does not change the height, mass,

or location of the tower, the project was found to be consistent with the purpose and regulations contained in Chapter 20.44 of the Coastal Zoning Ordinance.

The project was also reviewed for consistency with specific policies of Chapter 20.64.310 (Regulations for Wireless Communications Facilities). Policies specific to location and design of "new" towers are not applicable to the project because the tower is already located and exists on the site. The project would simply reinforce the existing tower to improve structural stability consistent with current code and design standards, remove 16 antennas attached to the tower and attach 9 new antennas to the tower, and construct an "ice bridge" to support cables running from the antennas to the existing equipment shelter.

Pursuant to section 20.64.310.I the Chief of Planning is the appropriate authority to approve minor alterations to existing facilities; although the project has been appealed to the Planning Commission and Board of Supervisors. Replacement of the antennas attached to the tower are exempt from the requirements of Section 20.64.310 pursuant to subsection D.1. Policies applicable to minor alterations to existing facilities including painting and implementation of technologies to minimize visual clutter have been incorporated in the project (20.64.310.H.3).

Included in the numerous claims of inconsistencies with the Coastal Zoning Ordinance is a contention that the project constitutes ridgeline development. The project is not visible from a common public viewing area and is not located on the crest of a hill and therefore is not considered "ridgeline development." The site is relatively flat and located amongst an improved site and surrounding neighborhood visible only from private roads within the Del Monte Forest. The site is not located in the area mapped in Figure 3 of the Del Monte Forest Land Use Plan as visible from public view areas and does not involve construction of a new structure. Further, the height of the tower will not change as a result of the project.

The project is consistent with the Coastal Zoning Ordinance. The project involves an allowed use, the use will not be intensified beyond existing conditions under this permit, separate reviews and approvals would be required for any future modifications or improvements to the tower and antennas, and the project would improve structural stability of an existing tower and reduce massing of antennas attached to the existing tower. County IT has confirmed that there are no current plans for additions in services or additional antenna at the site. Future expansion of antenna's or modifications to the tower would, at a minimum, require a Design Approval (similar to the currently

proposed modifications).

LUP and CIP: As proposed, the project can be found consistent with the Del Monte Forest Land Use Plan and Coastal Implementation Plan, Part 5. The project includes improvements and minor modifications to an existing wireless communication facility that would reduce visual impacts from existing conditions, does not impact habitat, public access, or other significant coastal resources protected by the LUP or CIP. The project is not located with an area mapped in Figure 3 of the Del Monte Forest Land Use Plan as visually sensitive and is not visible from common public viewing areas or designated viewing areas in the Del Monte Forest area.

California Environmental Quality Act (CEQA): The project has been reviewed pursuant to the CEQA. The project can be categorically exempt from environmental review pursuant to Section 15301 of the CEQA guidelines which exempt minor alterations to existing public or private facilities involving negligible or no expansion of use beyond that existing at the time of permit consideration. No unusual circumstances which would preclude the application of the exemption exist.

Title 7 of the California Government Code (Planning and Zoning Law): It is unclear from the appeal contentions how the project would violate Planning and Zoning Law. The project is a minor discretionary permit that has been adequately processed and considered in compliance with adopted and applicable planning and zoning laws.

1982 General Plan. The 1982 General Plan was adopted as part of the County's certified Local Coastal Program so that General Plan policies apply where the LUP, CIP, and Coastal Zoning Ordinances are silent. The 1982 General Plan contains no policies that would directly or indirectly prohibit the proposed project. The appeal references general policies of the 1982 General plan that encourage protection of scenic qualities and ridgelines. Visual resources are addressed in the LUP. The project, as proposed, would improve visual conditions and the project does not constitute "ridgeline development" as described above.

California Coastal Act: It is unclear from the appeal contentions how the project would violate the Coastal Act. The project is subject to the County's certified LCP pursuant to the Coastal Act which includes the LUP, CIP, Coastal Zoning Ordinance, and General Plan, all of which are addressed above. The project will not conflict with coastal resource protection policies and will minimize visual clutter from existing conditions. In addition, the project will not impact coastal access.

Adequate findings with evidence, supporting the determination that the project is consistent with the applicable laws and regulations were made by the Planning Commission. After review of the project, and in light of the appeal contentions, staff still finds that the project is consistent with the applicable laws and regulation.

Contention 3 – Improper Location

Huckleberry Hill Neighborhood [is] and Inappropriate Location for Industrial [Wireless Communication Facilities]

Response: The project does not include locating a new wireless communication facility. The facility has existed in this location since the mid 1970's and the project includes structurally reinforcing the existing facility and reducing the number of antennas attached to the tower. Neither the existing facility, nor the proposed facility would be visible from a public view area. The communication facility is an allowed use on the site (see also Response to Contention 2).

Contention 4 – Failure to Stake and Flag

Monterey County violated the LCP and County Flagging and Staking Regulations

Response: 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, height, 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.

Contention 5 – Violation of Del Monte Forest WCF Tower Development Standards

The County of Monterey established development standards for WCF Towers in the Del Monte Forrest when the County issued conditions for approval in the permits for the 2005 Pebble Beach Company (PBC) WCF Project and the 2013 Monterey Peninsula Country Club (MPCC) WCF Project...the Project has no disguise at all and has only a sparse group of trees that would sit well below the top of the WCF Tower.

Response: The County Code requires appropriate siting and design of new development. Many other projects in the vicinity are cited in the appeal 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, includes reduction in the number of structure-mounted antennas and construction of an ice bridge that is under the tree canopy screened from view by existing vegetation. The tower would be painted to help disguise the existing structure. 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. Nothing in the applicable laws or regulations require removal of the existing tower and replacement of the tower with a fiberglass tree disguise.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and the record as a whole, the Monterey County Board of Supervisors does hereby:

1. Deny the appeal filed by Jameson Halpern from the Planning Commission's decision approving the application of the County of Monterey Information Technology Department for a Design Approval to reinforce an existing wireless communication tower, replace 16 structure mounted antennas with 9 structure mounted antennas, and construct an ice bridge.
2. Find 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
3. 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 ice bridge attaching the bottom of the tower to the existing antenna equipment shelter at the site.

This project is approved in general conformance the attached plans, and subject to one condition, all being attached hereto and incorporated herein by reference.

Upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

PASSED AND ADOPTED on this 17th day of July 2018, by the following vote, to wit:

AYES: Supervisors Salinas, Phillips, Parker, Adams and Alejo

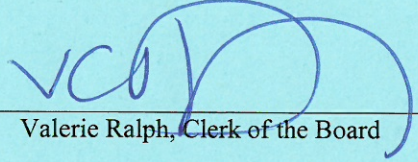
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 81 for the meeting July 17, 2018.

Dated: August 6, 2018
File ID: RES 18-092

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Valerie Ralph, Clerk of the Board